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VANDEBURGH COUNTY DRAINAGE BOARD
JANUARY 1, 1975

The reorganizational meeting of the Vanderburgh County Drainage Board was held on this 1st day of January, 1975 at 9:50 a.m.

The approval of the minutes for the meeting of December 31st, 1974 was deferred until the next meeting.

Mr. Thomas Ossenberg stepped down after serving as President of the Drainage Board for the past year.

Mr. Ossenberg moved that Mr. Bob Schaad be nominated as President of the Drainage Board for 1975.....Commissioner Willner seconded the motion.....so ordered.

Commissioner Schaad moved that Mr. Ossenberg be nominated as Vice President of the Drainage Board for 1975.....Commissioner Willner seconded the motion.....so ordered.

MEETING ADJOURNED 9:55 a.m.

PRESENT:

DRAINAGE BOARD

Thomas Ossenberg
Robert Willner
Bob Schaad

COUNTY AUDITOR




Curt John

COUNTY SURVEYOR

Dick Nussmeyer

COUNTY ATTORNEYS

Thomas Swain




VANDERBURGH COUNTY DRAINAGE BOARD

Secretary: B.Nance

VANDEBURGH COUNTY DRAINAGE BOARD
JANUARY 6, 1975

A meeting of the Vanderburgh County Drainage Board was held on this 6th day of January 1975 at 11:05 a.m. with President Bob Schaad presiding.

The minutes of the December 31st, 1974 meeting were approved as engrossed by the Auditor and also the minutes of January 1st, 1975 meeting were approved in the same manner and the reading of them dispensed with.

RE: CLAIMS

The following claim was presented to the Drainage Board for approval;

EDWARD H. STEINKAMP/UNION TWSP. DITCH ASSOCIATION..... for cleaning of legal drains:
Kamp Ditch.....11,160 L.F.....\$781.20
Barnett Ditch...8,355 L.F..... 585.06
Total Due.....\$1,366.26
Inspected and passed Jan., 2nd, 1975

Commissioner Ossenberg moved the above claim be approved for payment.....seconded by Commissioner Willner.....so ordered.

RE: UNION TOWNSHIP DITCH ASSOCIATION

Mr. Ludwick said he had received a call this morning from Mr. Ed Steinkamp for an extension of time to finish the two remaining ditches they had to clean. He asked for at least a two week extension if possible due to weather conditions. Commissioner Ossenberg moved the extension be granted.....seconded by Commissioner Willner.....so ordered.

MEETING ADJOURNED AT 11:08 a.m.

PRESENT:

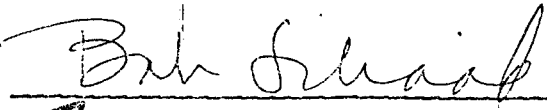
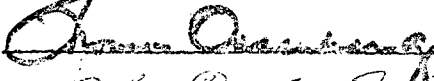
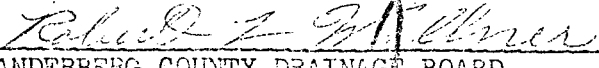
DRAINAGE BOARD
Bob Schaad
Thomas Ossenberg
Robert Willner

COUNTY AUDITOR
Curt John

COUNTY SURVEYOR
Dick Nussmeyer

COUNTY ATTORNEYS
Bill Stephens
Thomas Swain

SECRETARY: B. Nance




VANDERBURGH COUNTY DRAINAGE BOARD

3.

VANDERBURGH COUNTY DRAINAGE BOARD
JANUARY 13, 1975

A meeting of the Vanderburgh County Drainage Board was held on this 13th day of January 1975, at 12:18p.m. with President Bob Schaad presiding.

The minutes of the January 6th, 1975 meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: CLAIMS

The following claim was presented to the Drainage Board for approval:

EUGENE REXING.....for cleaning of legal drains:

Singer Ditch.....2,450 L.F.....	\$245.00
Pond Flat Lat. "D".....4,579 L.F.....	549.48
Inspected & passed Jan. 3rd, 1975	Total \$ 794.48

Commissioner Ossenberg moved the above claim be approved for payment.....
seconded by Commissioner Willner.....so ordered.

RE: HARPER DITCH:

Mr Dick Nussmeyer stated that there would have to be some additional right-of-ways gotten on some Parcels to complete their work. He stated there were five parcels and he did not anticipate any trouble from Future Foundation or any other sources. Mr Ossenberg asked if they were all ready and recieved a positive reply. It was suggested he get it all together for presentation next week at the next Drainage Board meeting.

MEETING ADJOURNED AT 12:20 p.m.

PRESENT:

DRAINAGE BOARD

Bob Schaad
Thomas Ossenberg
Robert Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Dick Nussmeyer

COUNTY ATTORNEYS

Bill Stephens
Thomas Swain

SECRETARY: B. Nance

Bob Schaad
Thomas L. Ossenberg
Robert Willner

VANDERBURGH COUNTY DRAINAGE BOARD
JANUARY 20, 1975

A meeting of the Vanderburgh County Drainage Board was held on this 20th day of January 1975 at 11:29 a.m. with President Bob Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of same dispensed with.

RE: CLAIMS

The following claims were presented to the Drainage Board for approval:

MANFRED STAHL.....for the cleaning of Schlensker Ditch
4,000 L.F.....\$320.00
Inspected and passed Jan.15,1975

Commissioner Thomas Ossenberrg moved the above claim be approved upon recommendation of the Surveyor.....seconded by Commissioner Willner..... so ordered.

MERL HOEFLING.....for the cleaning of Hoeftling Ditch.
55571 L.F.....\$389.87
Inspected and passed Jan.9,1975

Commissioner Thomas Ossenberrg moved the above claim be approved upon recommendation of the Surveyor.....seconded by Commissioner Willner.....so ordered.

RE:HARPER DITCH

Mr Dick Nussmeyer presented a set of alignment plans on Harper Ditch, from Division Steet North to Hirsch Ditch. He stated that we now have completed right of way on all parcels. There are a total of 8 easements needed.

Southern Indiana Gas & Electric Co. has a 100ft easement that runs from Division to Hirsch Ditch on which we will be using the same easement, with the approval of the owners of New Harper Ditch.

The City has agreed to pay part of this project on Harper Ditch, we will be saving the City approximately \$100,000.00 with the new alignment of Harper Ditch.

Motion was made by Thomas Ossenberrg to appoint Mr Bob Goff as right-of-way buyer for the Drainage Board.....seconded by Commissioner Willner.....so ordered.

The question was asked whether the Utility easements were overhead or underground for Transmission lines? Mr. Nussmeyer replied overhead only.

Application was made in 1971 to HUD for East Side Drainage Reconstruction, which consisted of Crawford Brandis, and all other tributaries or any legal drain in that area, such as Crawford Brandis Ext., Nurrenbern, Kelly, Stockfleth, Harper etc. The first application was denied, thus it was turned over to Mr. Robert Bowman (head of COG), to evaluate and make a report to the Drainage Board as to whether the original application could be revised and re-submitted.

RE: DRAINAGE MEETING

Mr Roger Klassy was to find a place for a Public meeting for all ditch owners and any other interested parties concerning East-Side Drainage problems.

There was an informal meeting January 13, 1975 at 1:30p.m. to 3:30p.m. in room 307. Those represented at this meeting were the County Drainage Board, Soil Conservation, Bldg. Commissioner, Surveyors office, Roger Klassy and several other Contractors and interested parties. This meeting was for concentrated study and discussions on several Drainage related problems. At this meeting Mr. Bob Schaad had reserved the Council Chambers as a possible meeting place for the above mentioned meeting. However Mr. Klassy stated that he had also tentatively engaged space at Old National Bank and Union Federal Bank Bldg. at the Mall. Mr. Schaad asked him to relinquish the Council Chambers and to select the Union Federal as a definite place for the meeting. This meeting will be held February 18, 1975 at 1:30 p.m. Its purpose is for general discussions and opinions of the citizens with the Drainage Board, Contractors, and all other interested parties. It is hopeful that this meeting will be well attended.

MEETING ADJOURNED AT 11:45 a.m.

PRESENT:

DRAINAGE BOARD

Bob schaad

Thomas Ossenberg

Robert Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Dick Nussmeyer

COUNTY ATTORNEYS

Bill Stevens

Thomas Swain

Bob Schaad

Thomas L. Ossenberg

VANDERBURGH COUNTY DRAINAGE BOARD

SECRETARY: B. Nance

VANDERBURGH COUNTY DRAINAGE BOARD

January 27, 1975

A meeting of the Vanderburgh County Drainage Board was held on this 27th day of January 1975 at 11:10 a.m. in the Commissioners Hearing room, with President Bob Scaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: PUBLIC MEETING

Mr Roger Klassy approached the Board with a request for 300 envelopes, so he could start addressing the invitations for the public meeting that is to be held on February 18th at 1:30 p.m. in the Washington Room of Union Federal Bldg. at Washington Square.

He stated the purpose of this meeting was for general discussion and to get the opinions of private citizens, with the Drainage Board and all other interested parties.

He stated that he could use his Stationery, however he didn't think it would be impressive enough to get people to the meeting and Mr. Pugh felt that the notices would be more meaningful if they were submitted by the Drainage Board.

Mr Schaad questioned the fact that since this was not an official Drainage Board meeting should they send official notices and also since there was very little correspondence for the Drainage Board proper he doubted if there were that many envelopes on hand. Mr Schaad also stated that even tho it was not an official meeting the Drainage Board secretary volunteered to attend the meeting and take notes for future reference.

Mr Wm Stephens asked what the purpose of this meeting was. Mr Nussmeyer explained that the meeting will concern primarily Crawford Brandis, and Crawford Brandis Ext. This involves from five to seven miles of ditch, which are both legal drains and there is the possibility of these drains being re-routed and in view of their present financing, he doesn't see any recourse except to go on a three to five year program.

Commissioner Schaad stated on the re-constructions that Tom Pugh had suggested maybe selling Bonds because there would possibly be some grading as far as the land owners were concerned out there and it might be necessary to do this, however they do not actually have a solution to it yet.

Mr Stephens said there is some question as to whether the Drainage Board can expend funds from their budget to notify these other property owners who are not at present connected with the legal drains. Mr Klassy replied that these people were all connected to the legal drains but that it would affect their assessments.

County Attorney Stephens said that he thought, in this case it would be OK but he thought the statute provides for the means to notify. He stated that it would have to be done in accordance with the statute.

Mr Klassy then stated that they had a Special drainage Board meeting a week ago at the request of Tom Pugh and at that time, the Developers in general, had a Moratorium against building in the N.E. area of Outer Lincoln Ave and Burkhardt Rd. which affects an area they are presently working in. He said Mr. Pugh asked him to call the meeting to notify the people that would be affected. He said it was decided to not only attack the Crawford Brandis & Extention, but also the Stockfleth Ditch and Nurrenbern Ditch so they could alleviate this problem all at once, so it was agreed that the notices be mailed.

Mr. Stephens stated it was sort of the cart before the horse situation, that Mr. Klassy should first get a list of signatures and present them to the Drainage Board and they will then instruct that there are some engineering plans.

Mr Klassy said that they needed this meeting in order to convey to the people that are now being assessed as to what the intended ideas are and what it may cost. He said they need to get at least 10% of the land owners and 25% of the persons on the assessment to sign the petition thus his reason for getting the people together to procure the needed signatures.

Attorney Stephens understood the problem however it remained that the Drainage Board could not send out notices, at this stage, under their names. They can be present at the meetings and contribute in an informal manner, but not send formal notices as such. The suggestion was made that a properly worded letter from Mr. Klassy would be sufficient and solve their problem. Mr Klassy replied he most assuredly was interested in a solution to the problem that had been created for him in the Crawford Brandis area.

After further discussion it was decided and announced by Bob Scaad that it will not be a regular called Drainage Board meeting, that it would be informal, however the Drainage Board Secretary has offered to take minutes for her information on the pro-

There was no objection to this from anyone and Mr. Klassy stated he appreciated her offer as the discussions may prove valuable in the solution of said problems.

MEETING ADJOURNED AT 11:30 a.m.

PRESENT:

DRAINAGE BOARD

Bob Schaad
Thomas Ossenberg

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Dick Nussmeyer

COUNTY ATTORNEYS

William Stephens
Thomas Swain

Bob Schaad
Thomas Ossenberg

SECRETARY: B. Nance

8.

VANDERBURGH COUNTY DRAINAGE
FEBRUARY 3, 1975

A meeting of the Vanderburgh County Drainage Board was held on this 3rd day of February, 1975 at 11:15 a.m. with President Scaad presiding.

Mr. Scaad very graciously waited before starting the Drainage Board meeting, allowing the secretaries ample time to exchange tapes and positions at the front desk. This was greatly appreciated.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: PUBLIC MEETING

Announcement and verification of the public meeting to be held February 18th at 1:30 p.m. in the Washington room of the Union Federal Bldg. at the Washington Mall. The purpose of this meeting is to discuss drainage problems with private citizens. It was also stated that even though it was not an official Drainage Board meeting, the secretary Mrs Beverly Nance had volunteered to attend the meeting and to take notes for future reference. Mr. Scaad expressed his appreciation to her and it was stated that Mr. Roger Klassy is presently sending out invitations to many citizens in the area and all other interested parties.

RE: LETTER.....THOMAS PUGH

The following letter was read by President Scaad, from the U.S. Dept. of Agriculture, Soil Conservation Service.

Dear President Scaad,

We recently discussed the possibility of using the Four Rivers Resource Conservation and Development Project as a source of funds for drainage in the area of Division and Burkhardt Road.

My Area Conservationist Jim Goettl was discouraged that our program would have any potential in that situation (from the RC&D Handbook in the section entitled Land Drainage Measures, 102.5 (e), I find this paragraph:

"Ineligible for RC&D financial assistance are drainage measures associated with new construction in areas where the future land use is planned for housing, public roads, parking lots, institutional, commercial, or industrial uses. Also ineligible for financial assistance are Federal lands and land where the primary purpose is to bring land into agricultural production.")

For reasons stated in the above paragraph I feel it would be of no benefit to pursue the RC&D approach further.

Sincerely_____
THOMAS L. PUGH
District Conservationist

As per above letter it was stated there was no source of revenue for drainage, the above letter was ordered received and filed.

RE: LETTER.....INSURANCE

A letter read by Mr. Scaad from the American States Insurance Co. requesting a signed release on the Eagle Slough labor and construction bond. After discussion on who and what was covered by this insurance and verification from Mr. Dick Nussmeyer that the work was complete, a motion for signed release was made by Commissioner Ossenberg.....seconded by Commissioner Willner.....so ordered.

9.
MEETING ADJOURNED AT 11:19 a.m.

PRESENT

DRAINAGE BOARD

Bob Schaad
Thomas Ossenberg
Robert Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Dick Nussmeyer

COUNTY ATTORNEYS

Thomas Swain
William Stephens

Bob Schaad

Thomas L. Ossenberg

Robert Willner

VANDERBURGH COUNTY DRAINAGE BOARD MEMBERS

SECRETARY: B.Nance

10.

VANDERBURGH COUNTY DRAINAGE
FEBRUARY 18, 1975

A meeting of the Vanderburgh County Drainage Board was held on this 18th day of February, 1975 at 11:55a.m. with President Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of same dispensed with.

RE: PUBLIC MEETING.

A notification was again given about the Public meeting to be held this afternoon at Washington Mall. This is a meeting for purpose of dicussing drainage problems with private citizens and getting their views as well as enlightening them on procedures necessary to eliminate some of their drainage problems.

RE: PETITION FOR PUBLIC MEETING.

Mr Roger Klassy submitted for viewing the petition that he is going to present at the meeting this afternoon. He stated that he had agreed to have his attorney prepare the petition at his expence to start the ball rolling so to speak on definite action from the private citizens on the drainage problems. He stated that it generally affects the Northeast area of the city. He said the petition is complete up to a point, since the boundary line is not exact as they have no records on it, also that they are using the assesment rolls for maintenance purposes to ascertain as to who is involved.

After further discussion about the petition and meeting the Drainage meeting was adjourned at 12:05 p.m.

PRESENT

DRAINAGE BOARD

Bob Schaad

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Dick Nussemeyer

COUNTY ATTORNEYS

Wm Stephens

Bob Schaad
Thomas L. Osenberg
Robert D. Williams
VANDERBURGH COUNTY DRAINAGE BOARD

SECRETARY: B. Nance

PUBLIC MEETING FOR DRAINAGE PROBLEMS
FEBRUARY 18, 1975

A public meeting for private citizens and all other interested parties was held on this 18th day of February, 1975 in the Washinton Room in the Union Federal Bldg. at Washington Mall at 1:30 p.m.

RE: INTRODUCTION

Mr. Tom Pugh called the meeting to order and introduced Mr. Leland Schnepfer who is the Chairman of Vanderburgh County Soil & Water Conservation District. The meeting was basically conducted by Mr. Schnepfer who began by explaining to the people that up until now several groups and offices had worked on the soil and water and drainage problems without too much success and he said we are here today to discuss with you people involved and try to arrive at some conclusion to some of these drainage problems, and also subject your help and opinions in solving same. We have worked closely in past years with the Drainage Board and the County Commissioners, and just in the past year the Soil Conservation people have been able to work with urban people also on these problems. He said there are several persons here to share with you their observations and views in an effort to better understand what we are all faced with. He then introduced Mr. Bill Mitchner, Soil Erosion Technician for the City and County.

RE: MR. BILL MITCHNER

Mr. Mitchner stated that the City, County & Federal Government are responsible for the health, safety and welfare of the people. For this we have environmental protection agencies with rules such as the Building Commission with electrical and plumbing codes, along with the Flood Control Act. We have had many complaints on the east side, such as flooding garages, flooding basements & even homes with sump pumps running day and night. These are the types of complaints we are getting constantly. The area we are speaking of is bounded primarily by Boonville Hwy on the North, Fuquay road on the east, down over to Green River Rd. We are hoping to come up with an idea that will help all of these people, hoping that someone will come up with a solution to the problems involved.

Leland Schnepfer then introduced our three Commissioners who were attending, Bob Schaad President of the Drainage Board, also Thomas Ossenberg and Robert Willner. He explained that these men were interested in our problems and wanted to help, however they were limited without actual requests etc. from the people. He then said Tom Pugh who is District Conservationist for the U.S. Dept. of Agriculture, Soil Conservation Service was here to show us some maps & slides related to the problems existing.

RE: SLIDES & MAPS THOMAS PUGH

Mr. Pugh began with a welcome and appreciation for the nice turn out, stating he always showed slides & maps wherever he went as he felt they made the problems more explainable. For four years he stated the Soil Conservation District has made efforts to stop building and industry in dangerous problem areas. The reason we are doing this is that we have an Urban Assignment from Congress to help urban people with soil and water problems the same as county farmers. At first we didn't know what to do with the assignment, then we wrote about it, read about it and talked about it, and as the problems came to us we solved some of them and some of them we could not solve. For example like a home I can think of that was built down in the hollow, lower than the road on the down stream side in a flood plain. Built Tri-level that is one level 4ft. below road, with a culvert under the road headed right for the front door. I said now look we have to stop this and they said "look you can't stop a man on his own property and with his own money doing whatever he wants to. Mr. Pugh said he replied Yes but we have a voter here and a resident, a constituent of our government whose house has flooded four times in eight months. The government has an obligation to this family and to other people to protect them from building and not allow them to build in such dangerous areas. I had an engineer and a judge tell me that what I was proposing was unconstitutional. I said then tell me why right over here behind ABC store, Mr. Floyd Long has come to the area planning commissioner year after year about our four apartments with a petition. There is a small group of citizens who say we are not socially compatible with their neighborhood. They have beat him time and again. But the point is if we can stop him from building those four apts. as a government responsibility on perfectly good land, suitable for any kind of building then we can stop people from building in dangerous areas.

Another instance where a home was built above a road drain but lower than the road with their front picture window was level with the low point of the road, so that when 150 acres of water drained down through there the bridge & drain would not take the water and their whole house was flooded four times the first year. Our County Commissioners were forced with letting them drown in it or build a new bridge, and that bridge cost you & me \$22,000. So our story that the soil conservation board has backed us on is that the government has this responsibility for the health and safety of persons for building.

Like in the situation in Lauderdale, in the Lauderdale-sub-division a situation existed.

Heretofore if you came in and got a building permit from Mr. Mitchner, it cost you from \$65 to \$100.00 so what did you get, well you got inspection for heating, electrical, and plumbing to see if they were safe but did it mean it was out of the flood plain? or did it mean that it was a safe place to build or that it was out of the Pigeon Creek flood plain or did it have the Sanitary sewers inspected to see if first quality materials were used or that it was properly built so it would have good drainage, No No No. So we have these problems all over the County. Now with the new building code it presents a 5 point proposal to include drainage. They asked us to sit on it until we got formal backing for it so we got the support of the Chamber of Commerce, Vanderburgh Farm Bureau, League of Women Voters, and many others. They nominated a drafting committee for that code amendment and at this point the contractors began to realize it was to their benefit too, they had said before they didn't want this new code. Now the Commissioner can say to anyone objecting look there are alot of people wanting this and we cannot back down now, we need to work together on this thing. So in the future your building permit will be a guarantee that there will be no drainage problems either. the contractors even put up their own money for attorneys to make up this new code. This prevents serious drainage problems but does not completely eliminate them.

Showing Maps he pointed out that big problems start out towards Chandler, come on down West of Chandler to the Erie Canal, entering Pigeon Creek, it has a real wide flood plain. At Stevenson Station the old Canal was built to float boats on, so now after this Canal has bankrupted Indiana twice in the 1840's and 1850's the water still flows eastward in Pigeon Creek 3 miles then back 4 miles. It now travels 7 miles around to get where God had it going in two miles in the first place. We never had sense enough to restore God's drainage plan to it's original specifications. Water stays in Warrick county many more hours than it should. We have had this type of problems all along. On across the Creek on the North side & near the county line, Blue Grass Creek which drains down from Elberfeld. After a big storm water comes piling down into Pigeon Creek from the North, at Millersburg road at the gun club there is wide p nding areas. After a very small storm in 1961 most of this was under water. The water backed across Green River road up North of Day school. John Cook lives here in the woods. At that time Leland and some of the fellows who live here were coming across in boats, stranded for two or three weeks by flood waters. This was the from the 1961 Creek water, and Pigeon Creek headwater not from the Ohio river at all.

Now here is --shown on the map---Crawford Brandis Ditch near Burkhardt road and going South. He pointed out other places & named persons living in different areas to orient the people on where he was pointing on map. Boesche Ditch swings to the East across Old Boonville Hwy just north of Lawrence's & Olmstead road, water backed up during that 1961 storm clear up to Boonville Hwy. He then pointed out Boesche Lateral & that part of Crawford Brandis where they join together and go to Pigeon Creek.

He then showed a picture to demonstrate that there is a very narrow restriction in the flood way below Green River Road. Water can only come through here as fast as this little neck of creek will let it, so how long it is going to take that big amount of water east of Green River Rd. to pass through this point. Remember that the Blue Grass system from the North and the Crawford Bradis system from the South comes in within $\frac{1}{2}$ mile of each other and they pile that water up to maximum elevation the 1st day after a storm and that maximum elevation comes on down through here and therein lies the problem. Crawford Brandis at Green River Rd. was shown on map and he told about the restrictions just after a small 2inch storm. On the North side of the creek up towards Daylight, in the N.W. part of the county we photographed this area and took a look down there also. Now we are building out into soils just like this here at Outer Lincoln Ave, where a flash flood make running off of water almost impossible because the land is so flat that it cannot run off.

One of the options some cities are doing to eliminate this problem is called a Planned Unit Dept. There will be big lake built in which to store this water from 30 acres that are being developed here. The water from this developement will run into this lake and then run off later into drainage systems down stream. This system is used several places with much success.

Now take all the asphalt at Washington Square if there had been some system of relief for drainage there it could have avoided many problems. In Chicago all big buildings have enough space in their basements to store all the storm water from the roofs for a 24 hour period. other larger cities they are doing the same. So you see you either have to store storm water or we have to make facilities to take care of it.

He then went on to maps on his board to point out and show to the people with explanation. The maps shown were soil survey maps. The Yellow areas are acceptable for building but the septic tanks don't work too well there and they need a public sewage system. There are a few purple areas that are considered severe building areas because of flood water, it is the valley floor and the floods really roll down into this area. These few red areas in this part of town you see here are quite steep, like out Stringtown Rd. & these areas. The ridge that is green on the map like near Newburgh road shows that this is good soil and the water should percolate quite well down through the soil, however we do have sewers in that area.

When you look at all the acceptable soil for building on the East side you will see that 70 or 80% of has already been developed. The developers are coming on down into this Blue area which means, clustering soil type, like bed area. This is identified by the maddy

This type soil is also very flat and very slow to run water off of, in fact there is much surface water ponding. Now development has come on out from Burkhardt Rd., Outer Lincoln, & Newburgh Rd. The land south of Plaza School is about full. Near Harrison High School the area is blue, the drainage problems are very bad. The school systems have spent a lot of money on back water traps. The school was built at the bottom of a hill and water comes at ten miles an hour down storm sewers into a severe flat surface from Harpor Ditch into two miles an hour sewers. Mr. Pugh mentioned that his son drowned a car out right behind the school and it really cost him some money.

Division St. which is now a state highway used to be even with the sides of the road but the law requires now all State hwy's are built elevated $3\frac{1}{2}$ ft. this is to assure that they are flood free. Water comes out of the hills from Newburgh Rd. on to Division St. and it can't get through there except at Burkhardt Rd. Culvert & Nurrenbern Ditch culvert. Now what can't get through, builds up & builds up and then covers the road or highway. It does not take too big a storm to do this.

Now the question is what are we going to do about it? The Building Commissioners have advised the County Commissioners that he would like a Moratorium on all Building Permits in this lake bed area east of Green River Rd., until these drainage problems are solved. How do we go about solving them? Three of the County Commissioner and Surveyors office have a Drainage Board, and they can be petitioned to carry out Drainage work. They now assess you a small amount for minor work done, but there is no dredging done or any widening of ditches to provide flood control.

Let's follow the water from Newburgh Rd. in east of Plaza drive, down Nurrenbern Ditch, down Lincoln, it crosses Division St., it crosses Oak Grove Rd. and it hits Kelly Ditch way out here at the County line. Remember the Canal that was built to float boats on, well there is an outlet under the highway at the County line. I was working with Gilbert Mosby one day & the water was coming from the North through the culvert and flowing West, not three feet away from the farmers field right over here was a pile outlet & that water was flowing East, that is how flat the land is the water can flow either way. When the flood water come flowing in there, then the water flows 3 ways. It overflows the road northward then into the Boesche Ditch system, it flows Westward into the Crawford Brandis system and East into Warrick County down past Stevensons station clear down to Castle Gardens. Now from that point it flows West to the lumber yard & then Northward 3 miles up into Pigeon Creek, then here comes the Blue Grass Creek water directly opposite, so the two waters come together there and they build up to great heights & they backwater clear under the Hwy. here and back along the Kelly Ditch & up to Stockfleth & up to Crawford Brandis where it was flooded that day.

The flood elevation east of Green River Rd. is 379.5, in 1961 the Corps of Engineers finally let us use the 1961 storm as a 100 year event. that our building will have to go by under the Flood Insurance Act. Floor level will have to be 2ft. above the 100 year event according to the Flood Control Act in order for this community to be eligible for flood insurance. That is not covered with our building code, this is completely separate.

So from here down to the creek it is 3 mile to home 4 over - 5 - 6 - 7 mile at Newburgh Road and it is 4 mile back down to this point so our water travels 11 miles up and around to to get back down here behind the Childrens Phyciatric Center.

When I worked in Kankakee Watershead as a surveyor, the dutch had settled that country and they drained it just like they did in Holland! They trapped water before it got all the way to the bottom or lower pocket of the slope. They trapped it about half way up the slope. They made a new ditch cross-country into the Kankakee River at a lower elevation.

In this case we would be outletting water into the back water from Pigion Creek, that would be $1\frac{1}{2}$ foot lower than it is up here. We would have a lot more fall because we would be starting out $3\frac{1}{2}$ foot higher than the water shed and we are ending up $2\frac{1}{2}$ foot lower than the creek bed. But the only way this can be done is for the people to petition the Drainage Board for a new drain. There has been a petition prepared that will be explained to you a little later on. But look what this does. This will cut nearly 3000 acres of water away from this area that floods so badly. 2500 acres less water will be going down Crawford Brandis. This water will be going down thru the city of Evansville before the Blue Grass water gets with it. Picture a trough. As it is now the water from Warrick County is coming down the trough, see. At this point we are pouring in two big jugs of water into it at the same time. Now what I'd like to see is one big jug going in up here at the top and this other one way down here. And I'd like to have it so this jug of water down here is almost gone before the other one gets to it. Then that water won't be so high at this junction and it will help flooding thru the city because the water is strung out and dump this water below those natural restrictions behind the day school!

Then everyone says "Well then, why doesn't the county do something?" There is no program that allows them to just go out and build a new ditch, because under Indiana Law there is no place for them to collect the money from the advalorem tax against all the people in the county for this, the benefit of the water shed. The money has to come from those who benefit by it, and that would be all the people who drain thru this ditch system.

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We would like to see the laterals extended from Stockfleth and the lateral cleaned. Also the Crawford Brandies cleaned up, also the Nurrenbern cleaned up. This would require a lot of work, some bridges, and the whole bit. But the only way the commissioners and Surveyors can progress is this thing is at the request of the people. I believe it is 10% of the people with 25% of assessed valuation had to be petitioned.

RE: FLOOD MAPS

He then explained some flood maps as to the 100 year level in our county. We have 50 or 60 years of proof that the 1961 storm was the worst storm in 100 years. One day 6.4 inches of rain fell in 24 hours. The rain poured for four days and either the last three days or the first three days created a 100 year storm. Wanting to check our figures we knew there was a stream gage at Oak Hill road where we can measure accurately the run off. It was only discharging a 58 year storm, but we thought this was a pretty good rate. A 50 year event and a 58 year discharge. Actually what we've got is a little narrow channel coming through there to outlet that great big lake of water, when that water is that high we have nearly 10,000 acres of water stored east of Greenriver Road. That is better than the Monroe Reservoir, if you stop and thank about it. The water can only come through that narrow restriction at a certain pace or stage. So that is why we only get a 58 year level of discharge pass, now measure it by how many days did it do that.

Over on the Wabash when the flood comes down and it peaks the next day it drops a lot, and the Ohio River also drops considerably in three days. But Pigion Creek comes to its crest and stays there four or five days. Therefore the total discharge over that five day period they agreed was a 100 year event. But its not just what the creek is doing it is also how the water is getting off your land and out from under your houses etc.

I've asked Bud Thomas, representing the Area Planning Commission, to explain some of the problems they have in area planning when some of these petitions for redevelopment come through.

RE: MR. BUD THOMAS

To start off with, with the flooding we are having in this area, most of the really good land is used up or basically it is. New people are building in the edge of the flood plain and as they build on more streets, more houses, etc. it is causing more run off into the flood area and making water even higher. That is where we are getting water backing up into houses. So when people come in and want to rezone an area for building that is going to mean more asphalt, more run off and these people say "more water in our houses!" Consequently rezoning in this area is at a stand-still, more or less right now. The economic advancement of the whole east area is at a standstill, except for farm land in that area. It can't be development for any type of commercial, residential or any type of use beside farm land.

We have a drainage ordinance now, we have to build two foot above 100 year flood level. There is no way you can meet that ordinance now. We are going to have figure some way to get the water out before we can ever be above this level.

RE BOB BOWMAN CITY DIRECTOR OF REGIONAL COUNCIL OF GOVERNMENTS FOR S. W. IND. AND KY.

The question he tries to answer is. Is there any federal funding available? He looks at things from several county areas not just one. He stated he wasn't too familiar with the Evansville area as such but was very familiar with this type of soil and these types of drainage and flood problems that are characteristic of the Ohio River Valley. Essentially you have charged the Regional planning commission and the Area wide planning Commission with the responsibility to somehow advise the governmental offices on decision making based on the economic approach and the best approach to solving your problems. In addition to the zonal and comprehensive planning that goes on at local level, the Regional Council of Government is doing the same for a six county area, five in Indiana and one in Kentucky. The idea being, that those local governments that participate in that Council of Government can understand that problems of other areas with the same problems. By working with them these past eight months there is evidence of some better understanding and give and take situations. For instance Mr. Schaad presented a drainage ordinance to the council and advised the other counties that if Vanderburgh County did adopt this ordinance it would create pressure on the part of other counties in terms of development. What does that do? Mr Schaad was trying to say if we tighten up, the people are going to come to your counties. That maybe a blessing at first in the terms of property tax and improvement. And, I might add, just a speculation is a corner-stone of this United States economic base, but it is, also the potential cancer to break it all down. Thus we have some up with rather sophisticated controls in terms of zoning, sub-division regulations, and building codes etc. because not all people are bad but those who do want to take advantage of the system require that such controls are necessary. From the regional council's standpoint when we look at this area, the transportation staff of Council of Governments has gone to a rather elaborate process on how to solve the transportation problems; and at the same time asking for improvements that would cost less at the local level than would originally be required. He discussed further points about I 64 and related highways in and around Evansville, stating that the only access or areas to be seriously considered are East or North.

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when developments are stopped. After several other comments he further stated one alternative is that you clean all the ditches, Tom Pugh explained that adequately, you are moving five miles east and after cleaning these ditches then more development is allowed you are back to the same problems. He said the next alternative is to build a new system where you can collect the water and dump it spasmodically away from affected areas. Obviously this cost money, --where do we get this money? -- either by taxing the people, maybe some federal money, but this must be matched with local money. You must realize that Evansville is not the only area faced with problems and all areas must be considered when it comes to federal funds, this is judged by need and so forth. He explained the breakdown of federal funds for all counties compared to just one. His total explanation boiled down to the fact that although funds could be applied for and they would be it is very unlikely that Vanderburgh County would get any or very little to correct our drainage problems. We have a classic problem but no classic solution. He closed by saying if we put a Moratorium on development now then you can expect that you will have to pay money for utilities to go beyond that area so you don't get out of it by putting your head in the sand or you don't get out of it by making minimal improvements now. You are going to have to go all the way if you are going to solve your problems. So I'm sure you can all see if I 64 comes on thru here from the east this area will bust wide open and then you will be forced to solve drainage problem immediately and maybe at a much larger cost than if you did it now.

RE: PRIVATE CITIZENS

Several land owners at this time spoke of their unhappiness on the damming of Erie Canal and voiced their opinions as to some of the things that have and have not been done properly for them as individuals. Mr. Tom Pugh and Mr. Leland Schnepfer discussed these problems with them briefly but ended up by saying "You need to get together and let the officials know what you want, and this board of commissioners is trying to help solve your problems, and for the first time all the building commissioners and area planning commissioners and drainage board commissioners are working together, to serve the people best.

Mr. Pugh cited a classic case off Roger Klassy in regards to a piece of property he sold and the agreement they had to make with the building commission, so they could build on this land and it would be safe and wouldn't hurt the other people around. But they at that time told Roger Klassy that before he could sell or develop the other twenty areas he had the drainage problems to be solved. Mr. Klassy asked how this could be done and he was told that first they have an informal meeting with the County Commissioners some Monday afternoon and developers and land owners to see if there is a group of people willing to work for it and if there weren't at least a half dozen willing to start it then there is no reason even to pursue the matter further.

So Mr. Klassy got this meeting up and after much discussion at this meeting it was decided that this public meeting was the next step.

But then my contention all along has been that you people have the right to petition your Drainage Board to do whatever you want to do in form of drainage. However there are laws set down as guide lines. It was suggested at that meeting that Roger might go ahead and have his attorney prepare a petition for your consideration today, to see whether it is acceptable or not. The only thing I have to say to you is that, if this Moratorium sticks and there is no further building out there the land has been selling for \$5,000 an acre is now only worth about \$1,200. You have a lot of land around the county selling for agriculture at \$1,200 an acre so that would be its value. But if we can all get together and solve this problem perhaps the development can continue. It's no small thing and it's no inexpensive thing and I didn't hear Mr. Bowman make any promises that Uncle Sam was going to bail us out with any of the money. I would like you Roger Klassey to sort of read the petition or tell us the highlights of it.

RE: PETITION ROGER KLASSEY

This petition was prepared by Jack Schroeder the attorney. He offered to let Mr. Stephens the County Commissioners' attorney read the petition but Mr. Stephens declined on the assumption that Roger was more familiar with its contents and it was a petition Mr. Klassy was asking the people to sign to present to the Drainage Board.

Mr. Klassy began by saying the petition itself must present a united front between the developer and the farmer. The developer initially and the farmer in years to come so that he can appreciate market values. Basically it is simple. Basically it requires that we secure at least 10% of the property owners by acreage or 25% of the property owners by assessed valuation. You can withdraw from the petition anytime you so desire. You can remonstrate against property development should you decide the benefits do not exceed the cost. At this point we are not aware of what the cost might be. It could be a figure from \$10 to \$100 an acre. We are not sure what the boundary lines are. The petition has included the names on the assessment rolls for the general maintenance purposes which is inaccurate. We must once we ascertain the boundary lines survey research the County Assessors office to see who, in fact, is within this area. Then again it behoves us at this particular time to join the farmer and the developer together to give the county Drainage Board power to act for us to see what the problem is and how much it will cost.

A farmer asked about cleaning out Pigeon Creek. It was directed over to Mr. Pugh who said:

16. The corps of engineers had this scheduled however this would not solve the drainage problems.

Getting back to the petition Roger closed by saying he is putting up the front money so to speak, to get this thing started, Having it drawn up properly etc. In the from of this petition, however, it will need a lot of leg work and co-operation from you people to contact your neighbors and friends to secure the signatures on this petition. So it you should so desire to sign it today it was ready to be signed. Mr. Klassy then thanked them.

A question was asked by a property owner "Just what are we petitioning the Drainage Board to do with this Petition? Mr. Leland Schnepfer answered him by saying simply to survey the problem and ascertain who is involved, what should be done and what work and how much money if any it is going to cost you and I. It includes six ditches: Crawford Brandis, Crawford Brandis Extention, Stockfleth, Nurrenbern, Boesche, and Harper.

Mr. Schnepfer also asked if everyone had signed the tablet being passed around for attendance so they would know who had been informed of the matter.

Lawrence Stahl talked about the old canal and how it was not deep enough and both he and his father before him had said let the water go down into the Stockwell woods. He still says that is the only solution. How we also would like to know, how the people are going] to be assessed. According to acreage or development? Is he to be assessed by acreage plus value and the problem he is causing, or is he going to pay the same amount as the fellow with 80 acres between him and the ditch?

Mr. Schnepfer answered: "The assesment will be by acreage plus value and by closness to the ditch. Someone farthur away who has to tile over to the ditch, he has the cost of the outlet over to the ditch, therefore by Indiana Law I deserve to pay if this is me but you guys who are right over there on it don't have to. The run off factor will enter into it some also.

RE GREG HAMP

Mr. Greg Hamp was asked to express to the people present a conversation he had had with Mr. Schnepfer the other day. Mr. Hamp explained his position as a business man like for example when the new area of Woolco - Sears etc out on Greenriver Road and Morgan was being planned and built it took \$200,000.00 worth of fill to have all these building three foot above flood level. Now this was pro-rated or devided among all those business involved but they are all glad it was done. Now like you farmers and urban people here are fringing all these new developing areas and if not for yourself but for your children and your childrens' children who will inheret your land you want the best market value for your land. Now we have to put these Drainage Problems in capable hands and the petition seems ideal for this. The County Drainage Board is willing to help you and we all need to get together on this thing because we haven't had this kind of co-operation before. It will be a plus for everyone concerned.

Mr. Leland Schnepfer was asked to get a group together like a Steering Commettee to keep in touch with officials and translate to the people. It was decided that the people did want a Steering Commettee and they were chosen on a volunteer basis and are as follows: Irvin Stahl, Raymond Unfried, Wilbur Buente, Roger Klassey, Tom Hirsch, Mildred Kordynski, August Vaal, Lawrence Stahl, Gilbert Mosky, and Mike Ludwick. This commettee is represeted by farmers, urban property owners, a contractor, a representative form the County Surveyors Office and someone on each of the six ditches involved.

RE: DRAINAGE BOARD MR BOB SCHAAD

Mr. Bob Schaad intoduced his board and explained to the people that they were willing to help but the building codes needed to be changed etc. to divert some of the past problems. He cited a case he personally investagated where the home owner had come directly to the County Commissioner and complained about water and flooding. One case of a small home didn't require much to help but amother home owner in a \$50,000 home had water after a big running right into his front door. He should never have been allowed to build there as he in the first place, but now it took \$15,000 to \$20,000 to divert the water around him, so these are the kind of things we are trying to avoid in the future. However we cannot do anything with out your action as individuals such as this type of petition etc. We feel this is a good thing and we are interested in helping you if you want us to.

RE: SURVEYORS OFFICE MIKE LUDWICK

After some questions form individuals about if some of the ditches could be cleaned out now? While this petition is being worked on? Mike Ludwick from the County Surveyors Office had prepared a few answers in case these questions come up. He said some of these ditches had not been dredged or cleaned in over five years. However, he said, according to a plan figured and studied recently they could start this spring and work thru the summer combining some of these ditches and clean and dredged Crawford Brandis and C. B. Ext. The state highway dept. was contacted and they won't do anything about their culverts and outlets until these ditches are cleaned and some of them deepened and widened.

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Just as an adverage estimate this work would be charged to you as follows: Pro-rated over a three year period at about \$67.16 per person, or over a five year period at about \$13.40 per person per year. Now this will help the immediate situation but in less than five years when more development takes place it will be like a wasted cost to you. This is what we are taking into consideration with this petition, to help you people. I might add if you will call me personally at my office I will discuss any of these matters futhur with you. Thank You.

The meeting was adjourned at 4:30 P. M.

Secretary--Beverly A. Nance

18.

VANDERBURGH COUNTY DRAINAGE

MARCH 3, 1975

A meeting of the Vanderburgh County Drainage Board was held on this 3rd. day of March, 1975, at 2:10 p.m. with President Bob Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: UNION DITCH ASSOCIATION

Mr. Ludwick said that he received a call from the Union Township Ditch Association last week and found that they had one ditch they didn't get to this year at all so the assessment on Helfrich Happe Ditch will have to be dropped this year, since they didn't do anything on it. He also said they had one other Ditch they were supposed to be working on which was the Cypress Dale Maddox Ditch and it was finished except for 1100 feet, that they drag lined it and they saw the men working on it but they didn't get a chance to inspect it and it is now about 10 or 15 feet under water and the men want to be paid for the work they did. He said that he has run into a problem since the assessments are in the next couple of weeks and the Auditor's office will have them in their hands and he asked the County Attorney's advice on this. He said the men could come to the meeting and testify as to the work they have completed.

County Attorney Swain said to assess them for the full amount, as if the job had been completed.

Commissioner Willner said the question is, can they be paid for what work they say they have done without an inspection.

County Attorney Swain said it would set a dangerous precedent to do this.

Commissioner Willner said that if the water goes down next week, it can be inspected and the men can be paid for the work they have done.

County Attorney Swain said this is correct.

RE: PROBLEM OF OBSTRUCTION IN DRAIN

Mr. Ludwick said there is a mutual drain that goes down between two farms and it runs into a legal drain and before it hits the legal drain, a farmer has placed an obstruction in this mutual drain and it floods about ten acres of another man's farm and he wants to know what he can do about it.

County Attorney Swain said he would have to look at the statute, that it seems to him that there is a definition of a mutual drain.

Mr. Ludwick said there is but it has nothing to do with a legal drain itself but the man was trying to get the county to help him out and maybe force the man to remove the obstruction.

RE: CLAIMS

A claim was received from Mr. Stephens for Attorney fees for the first quarter of 1975 in the amount of \$500.00.

Commissioner Ossenbergh moved that this claim be approved. Commissioner Willner seconded the motion. So ordered.

A claim was received from Mr. Swain for Attorney fees for the first quarter of 1975 in the amount of \$500.00.

Commissioner Ossenbergh moved that this claim be approved. Commissioner Willner seconded the motion. So ordered.

Commissioner Schaad asked Mr. Ludwick if he had heard anything more on how Tom Pugh is coming along with the project that they had a meeting on, in the Washington Room at the Union Federal Building at Washington Square.

Mr. Ludwick said they have appointed a committee but they haven't met as yet.

Commissioner Schaad said that even though it wasn't an official meeting, the Drainage Board Secretary was kind enough to go out there and take minutes so they would have a record as to what went on so they wouldn't forget it. He asked if the secretary had typed up the minutes on that meeting.

Mr. Ludwick said that she was working on them at the present time. He also said that the petition that was signed, is actually null and void since he only has six signatures on it but that doesn't mean that they won't be working on the problem out there because it has been dropped in their laps in more ways than one.

The meeting adjourned at 2:20 p.m.

PRESENT

DRAINAGE BOARD

Robert Schaad
Thomas Ossenberg
Robert L. Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Dick Nussmeyer

COUNTY ATTORNEYS

William Stephens
Thomas Swain

Secretary: B. Nance
by M. Meeks

Robert Schaad

Thomas L. Ossenberg

Robert L. Willner

VANDEBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE
MARCH 10, 1975

A meeting of the Vanderburgh County Drainage Board was held on this 10th day of March, 1975 at 11:10 a.m. with President Bob Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: HARPER DITCH

Mr. John Carroll appearing as attorney for Mr. Greg Kempf asked for approval for changing a portion of Harper Ditch. He showed a detailed map to the Commissioners and stated, as you know Harper Ditch runs North from Division St. on the half quarter section line, it runs straight North on the half section line, approximately 13,020 feet, on the fourth quarter section plus about two hundred feet. Now at that point it turns to the West then to the North West and then crosses Green River Road. My understanding is that you have a proposal that will extend that ditch all the way to Boonville Highway, in the mean-time however, we would like to request the right to change the ditch from its present location through the property immediately North of Sears Warehouse building so that it follows the property line, instead of coming at a diagonal across that property we would go North to the property line and then connect up to the original drain at station 19.00 as you can see on your drawing. We would propose if permission is given to do so we (meaning the property owner) would relocate the ditch in the new location, grant the easement for the new location and vacate the present ditch location so it can be filled in. Mr. Nussmeyer has seen our plans and discussed this with us, perhaps he would like to comment on the matter. Mr. Nussmeyer said he certainly had no objections to it, and it really wasn't hardly enough to talk about only about 200 ft. He did say however that he thought it was a good idea because we already have S.I.G. & E.'s easement through there, we are merely asking to accept it, we will never build on that easement, as long as they have the right of way. Mr. Ossenberg asked if they had not given us an O.K. already? Mr. Nussmeyer replied that they had given us a verbal O.K. but did not buy the land or deed, so that means we have to deal with two, we have to get their permission and the property owners.

Mr. Wm Stephens asked who owns this property we are speaking of and they said several, however Mr. Carroll said Greg Kempf owns the property on which the changes would be made.

Mr. Schaad imposed the question that we may be criticized if this was approved and it increased the maintenance or assessment on all the people on that ditch basically for the benefit of just one man. Mike Ludwig says the assessment will not change because Mr. Kempf has agreed to pay thirty or fifty percent whichever route the county takes anyway, on the new ditch and now he is coming back and agreeing to bear the total cost of this situation. Mr. Schaad said he was referring to maintenance because this ditch would be longer with this change so there would be more maintenance to be prorated among all the property owners for the benefit of one man.

Mr. Carroll stated this was just making good economic use of good land. He said they would all benefit in the long run because Greg Kempf is paying all of the cost of the construction which they would eventually have to share in anyway, but they also will have better drainage on the whole ditch.

Thomas Ossenberg made a motion that it be approved, Mr. Willner stated that although he had no real objection to it, anytime you make a 90 degree angle on water you have problems. He said he would like to see a more detailed map or plans before approval from him. He was told it is almost a 90 degree angle now and it was just going to be extended a little further down so it would not change the angle much. However Commissioner Willner said he would still like to see the plans as to materials to be used etc. because he thinks it is important. Mr. Carroll then asked for preliminary approval to the relocation of the ditch in the manner in which we have described and upon the final completion that you will vacate the existing ditch as it comes across the triangle. It was agreed by all the Commissioners and Tom Ossenberg included this in his motion, it was seconded by Mr. Willner.....so ordered.

RE: 1975 DITCH ASSESSMENTS

Mike Ludwick presented the completed assessments for 1975 for all ditches, with the exception of Hirsch, Eagle Slough, and Holfrich Happs. There are no assessments on these ditches mentioned for maintenance. Commissioner Ossenberg moved they be approved and given to the drainage secretary for billing.....seconded by Commissioner Willner.so ordered.

Mike said he will come back in the next couple weeks with Cypress-Dale Maddox if it passes in Union Township. Also when asked about the water down there in Union Township he said it was still up.

RE: UPPER PIGEON CREEK

Mr. Curt John, Auditor told the Commissioners that two years ago we had a billing on Upper Pigeon Creek, but last year we did not receive an assessment roll, consequently we did not bill the property owners. Mr. Lewis Volpe then Auditor made this decision and the drainage secretary abided by it. Mr. John pointed out that the Gibson County Surveyor does the assessing on this ditch, only a small portion of it goes through Vanderburgh County, the rest in Gibson and some in Warrick. In January this year Mr. Harry G. Morrison, County Surveyor for Gibson County called the Auditors office to say these people should have been billed last year the same as the year before. Curt John talked with the State Board of Accounts and Cap Hudson and they said we could bill the people for both years this time around. He said he was bringing it to the attention of the Drainage Board to see if they felt we should double the assessment this year or break it down into some percentage or some way. He mentioned that even doubled not any of them would be huge amounts. Mr. William Stephens said he also had checked into this matter and the Statute says that we should continue to bill the same year after year unless otherwise notified of a change in assessments. He felt we should double the amounts this year but attach a note of explanation with each billing. It was agreed by all present that there should be better communications between thier office and ours on several matters such as transfers, cut-outs, etc. The secretary said she had just received an assessment roll from Mr. Morrison for this year but found in checking them out there were several changes in ownership and also cut-outs that he had not sent the correct assessments on. The maintenance and billing for same was discussed briefly to the effect that we had no way of knowing if they actually did any maintenance or not or when they did. It was put in the form of a motion by Commissioner Willner....seconded by Tom Ossenberg.....so ordered, that we do bill them with double assessments with a note of explanation and continue to do so, changing assessments only if we are notified by them.

MEETING ADJOURNED AT 11:25 a.m.

PRESENT:DRAINAGE BOARD

Bob Schaad
Tom Ossenberg
Robert Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Dick Nussmeyer

COUNTY ATTORNEYS

William Stephens

Bob Schaad
Tom Ossenberg
Robert Willner
VANDERBURGH COUNTY DRAINAGE BOARD

SECRETARY: B. Nance

VANDERBURGH COUNTY DRAINAGE
MARCH, 18, 1975

A meeting of the Vanderburgh County Drainage Board was held on this 18th day of March, 1975 at 11:35 a.m. with President Bob Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: CLAIM

The following claim was presented to the Drainage Board for approval:

UNION TWP. DITCH ASSN.....for the cleaning of Cypress Dale Maddox
22,887 LF X 0.12.....\$2,746.44
Inspected and passed 3-11-75

Thomas Ossenberg moved the above claim be approved upon recommendation of the Surveyorseconded by Robert Willner.....so ordered.

RE: STEERING COMMITTEE...ROGER KLASSY

I am presently serving on the Steering Committee affecting Crawford Brandis Ditch and as a result of the meeting held Feb. 18th at Washington Mall. The majority of the committee are here also, we are here to modify the petition given to you or the one presented at the public meeting.

Basically or originally the petition asked that the Drainage Board consider a new ditch, consolidating several ditches. It was however incomplete, sort of a guide line because of indefinite boundaries and incomplete names of all owners of land on these ditches. I would like to re-submit that petition with a blank piece of paper attached as Exhibit A. Basically what we would like to do is utilize the system that we now have, because it is there, and we would like to amplify the Crawford-Brandis, the Nurrenbern, the Kelly into one common ditch district, don't you see. Bringing all the folks into this district from the standpoint of service enjoyed from the ditches and the assessment to be charged to all of us. Some of us feel we are overcharged and some of us feel we are undercharged. I for one have maintained for a long time that I am undercharged for instance, we originally owned forty acres of land, we then developed twenty acres, we now pay \$10.90 for ditch maintenance which is inaccurate because we have developed on half of this tract better known as Plaza Meadows, section B, yielding fifty lots. The minimum that can be charged is \$3.00 per lot so in affect a cut-but should be made here, he then showed a map to the board, now \$5.00 and some odd cents should be passed into Sec. A & B yielding fifty lots, which would in affect give the Commission at \$3.00 per lot an additional \$150.00. My assessment would be reduced to \$5.50 which is again ridiculous because you can't even process or bill for that small amount. Some people have less land and are paying more. So basically we'd like to form a new district, consolidating all five ditches, with a new assessment and also we would like to restore what we have. This petition asks for rerouting, we would like for you to seriously consider rerouting, this committee is made up of ten members. From the Surveyors office we have Mike Ludwick, sort of as our leader we have Thomas Pugh from the Soil Conservation Office, now it is his opinion that we have a new route to intercept the water further south from all four ditches at that point, looking West toward the Harper ditch. But basically what we would like to do is see the present system consolidated, utilized, and amplified so that it will in fact carry the water and then attack the rerouting, if this is feasible along other routes. We would like to see the Canal opened between the Hirsch ditch and those points West under Stockwell Road. We would like to see the Harper ditch reopened from Oakgrove Rd. cutting across to the North-West under certain industrial and commercial areas in that particular portion of that corner formed by Oakgrove Rd. and Stockwell Rd. We have members here today that have lived in that area for many years and would like to point out what has happened in the past, where the water was going and where it is now not going. If there are any questions I'll be glad to answer them if not I will turn the meeting over to Mr. Tom Hirsch, who has comments to make concerning the Canal and other areas we are thinking about.

Mr. Bob Schaad interposed at this point that he did not think as far as the Drainage Board was concerned it was just a matter of solving the problem. We are in favor of the best and the most economical way to solve it. Then it comes without saying, it's not with saying we would like to go this way or that, we could care less how, we would like to solve the problem. We will just have to listen to Professional advice on the matter and go from there being sure everyone is in accord.

Roger Klassy replied, you do need the property owners backing submitted to you in the form of a petition. I feel those people have certainly with good intent, like last week we with Mr. Pugh traveled the whole area looking at bottlenecks and things of this sort. If there are no further questions I will again turn the meeting over to Mr. Hirsch.

RE: MR. THOMAS HIRSCH

I have looked over this situation and this petition carefully and we did travel and look over all this area and we feel we should open up the ditches we have already. It would take an awfully lot of money to make a whole new ditch, we have alot of ditches now that are bottlonecked and we are proposing to open these ditches up. The Hirsch ditch that runs along the Canal is bottlonecked so bad down there it has been cut off and diverted into the Harper ditch that is way too small a culvert which is 30 inches. We would like to see that opened up all the way through the Canal. Part of it was already opened up last summer. If we can get that opened plumb up there to let the water out of the Crawford Brandis which is a whole lot closer to the Creek like we talked about out at the other meeting. We would like to see those ditches cleaned out to see how feasible it would be and how much money we've got etc.

Mr. Schaad said at this time it seems as if the steering committee is pretty much in accord with the approach to this matter of fixing up the present ditches.

Mr. Hirsch replied yes they are all pretty much interested in cleaning up the present system, replacing culverts and where the ditches are filled in where you don't have any water way on the sides, to see that they are opened up in accordance with our present ditch laws. Use them, because as for buying new property etc. for a new ditch well we just don't have that kind of money right now.

Mr. Schaad said yes, if the problems could be solved another way with the agreement of the property owners, the Engineers, the County Surveyor, and the Drainage Board is for that.

Mr. Hirsch replied we need to see how feasible it is to open all these ditches up the way they need to be, it's going to take time and a lot of work, we know it is not going to happen too quick but we need to get at least the mouth of these ditches open up soon. It will help the developers too, the farmers and the developers are all in the same boat, everyone who benefits by it must work together, which we are now. We want it to be a Community project, at first we thought when we first heard about it that it was just to help one or two developers but this way we will all benefit by it. We all have water and drainage problems.

Mr. Schaad asked if anyone else wanted to comment.

RE: MRS. RAY UNFRIED

Mrs. Unfried stated that she was a precinct committee woman out in K-2 and she would like to say that she fully agrees with Tom Pugh. She says everyone is saying we don't need a big new ditch, what we need is existing ditches cleaned out, why they ever let those lumber companies not have ditches or have them without tile under them is something she will never understand. They have driveways with out any signs of tiles under them. Now it drains from my property on Division, that main ditch that comes down Burkhardt Rd., goes over to the Canal ditch, then goes down where it is all bottlonecked at those lumber companies. It certainly should never have been allowed, it should have been outlawed right in the very beginning because it had really caused a lot of trouble.

Commissioner Schaad reminded her that this was back before this Board's time.

She continued however by saying it accumulates each year and all piles up. We need work on the present ditches now. Most of these other people agree with me.

RE: MR. IRWIN STAHL

He began by stating that he lived out Lincoln Ave. next to the county line. He lives on the S.E. corner of this district of drainage on which he stated all have drainage problems. We have problems from the South side of Lincoln as well as the North side. We do appreciate the new sewer that was put in at Fuquay Rd. and Lincoln Ave. intersection. This large sewer replaced the old horse and buggy bricks we had there and it is remarkable how it is moving water. But of course it only moves the water to the drains and when we have surplus rain or water as Mr. Hirsch says these ditches have not been completely dredged and cleaned in over twenty years and you take them ditches that haven't been dredged in that length of time those ditches are filled with muck or muddy water, they are nothing but problems certainly no help. Then again we have to realize, we have figures to prove eleven inches of rain in four days we have elevations and know different levels of water between Green River Rd. Bridge and Oak Hill Rd. Bridge, which is one and one half feet difference in eleven inches of rain in four days. We bring our Crawford Brandis ditch in as of now East of the Blue Grass and then there is another small creek comes in there just West of Blue Grass coming in from the North, now we all know Blue Grass goes up into Gibson County, and we get a lot of water shed there, now if we took our water in which taking down the Canal as Mr. Hirsch stated and we got this water down below Vogel Rd. and we take it down through the swag there of Boonville Highway and take it over to the creek we will lose a lot of mileage a lot of water flow. Besides the point that is really necessary to be estimated at we are dropping in at a foot and on half lower level and we all know moving water at a foot and a half level is going to get away alot quicker. Now we've got a big

24. 3.
bottleneck down there. So that's why I recommend and I think I speak for all the committee, we know we have to get the water in lower and this creek is actually bound up somewhere and not letting the water get through there. We have to get this Canal opened up, where the lumber companies have closed them. Why it was done I don't know. But I do know it was open originally years ago because my father saw it and he would be close to a hundred years old if he were living today. He told us that the water went through there quick and fine but now it has to go to the Crawford Brandis and take the creek east of Blue Grass. If we get this taken to the West we would have a lot better situation and we would save a mighty lot of money.

RE: GILBERT MOSBY

I represent Kelly ditch and look if any of you have driven up the highway after a one and one half inch rain, you can see that it needs work done on it. So that is why I feel it definitely needs the work done that we have been talking about here today.

RE: MILDRED HARDYNSKI

I own property in the area of Burkhardt Rd. at the conjunction of Crawford Brandis and Boesche ditch, and I am in favor of opening the Canal because if the water from East and South is drained to the low place where we have farms on N. Burkhardt Rd., then we will be drowned, now we have had a big fill of water as it is for over six weeks and if they don't open the Canal so water can by-pass us then we will be worse off than we are at the present time. So I feel this Canal or at least part of it must be opened, because if they clean out the Crawford Brandis and these other ditches we will get more and more water. This property has been in my family for over three generations and I have lived there and seen some of these things take place and I know they need help.

RE: LAWRENCE STAHL

I have lived in this area of Crawford Brandis and the Canal all my life and all these ditches that come from the South in to the Canal were all plenty deep, before this housing development behind Plaza school began. Like the Nurrenbern ditch there was never any muddy water or clay water in that ditch and it always flowed hard. Now with all these housing developments going up the ditch is filling up and mud and dredge is filling the ditches. I used to help clean Nurrenbern ditch and it was about seven and one half feet deep. When it rained the water got right away quick, there was never any water standing in the ditch. Today the Canal is closed with all kinds of rubbish and those water lillies and we can't see why the Canal was ever closed. Way back there we heard stories that people couldn't get their teams across the Canal but my dad walked that Canal from Perry township to his brothers and sisters house up at Stevens Station. My father said it was a big deep wide Canal at that time. But the situation that comes all the way from the Warrick County line down the Canal is flooding that area from Telephone Rd. to the County line, all other ditches are filled with sediments and muck. If we can get that water down the Canal about four miles like Tom said about two and one half feet of additional fall, if you can take that water on half the distance to get it to the creek besides getting it down the creek about four miles further it would be a big help to us. But when we surveyed the situation down around Stockwell Rd. it is alarming what's happened there, from the standpoint of the water getting away at all. If there was a written petition to close the Canal then I don't see why it cannot be opened now. I understand that Warrick County has opened the Canal up there around Stevenson Station down to Castle Garden. Now if we can just do the same.

Mr. Scaad complimented everyone on the amount of work already done, like getting together with good accord to try to solve their own problems and it seems like you are all working well together and the atmosphere seems real good and that is wonderful.

RE: TOM PUGH

It is our hope that we can continue to work together and keep things in the right perspective and the people will stay in harmony and ask their government to help do it, and when you decide what should be done without them it is kinda hard to sell sometimes. I still like my cross county ditch idea but they don't want it and since they have to pay for it so goes that. Mike Ludwick found a set of plans for the Hirsch ditch in their office that apparently had been prepared for the city. Now the City has done some of this work as a part of their Green River Rd. project and they have done his work as far down as to about the Rudolph Asphalt plant and at this point they had planned about ninety feet of four foot culvert which was not done, and I don't know if they still plan doing it or not. But rather than putting it in the location that they had planned, this group and I find it would be much better to open the Canal bed in both East and West from Stockwell Rd. so when this culvert is put in place it can flow directly Westward along the RR., a new bridge under Stockwell Rd. primarily because the Harper ditch bridge has no ways near enough capacity to handle the volume of water that it would be required to, then too the Stockwell Rd. bridge comes under there on the South side of the old Toe Path which is being used by Wesselmans park as an access road. Parallel to the Railroad down through there.

Remember there is an old cyclone fence gate there and where that ditch comes back under there is just a little old boiler under that Toe Path. Well by our proposal of reopening the soil bed at that point we would not have to mess with that old boiler either or have to get it out of there. I'm just really happy with the enthusiasm of these people & their willingness to stand up here and speak and I think in summary what they are asking from you is your blessings to go ahead and prepare a legal document or petition along these concepts for your consideration.

Mr. Schaad then said I assume then that it is o.k. with you too, Dick Nussmeyer? I would like to hear your input on the matter now. It has all been conversation up to now but when it comes to engineering what has been done and just how feasible it is.

Mr. Nussmeyer said he felt it could be done O.K. He had sort of looked the situation over and of course it would have to be studied in more detail, but generally what the people were asking sounded fairly feasible to him.

Mr. Schaad said now you realize it would mean reassessing all of these people in that entire area and engineering on the whole thing. How about the petition itself is concerned, wouldn't it have to be legally drawn up and spelled out in detail? Is everyone here in accord?

The question was asked by Wilbur Buente, in reassessing are you just going to take in the water shed or everyone in that area or what.

Tom Pugh answered him by saying, the steering committee last Thursday all agreed that the present assessment sheets are very inadequate and the entire water shed of the Nurrenbern, Kelly, Crawford Brandis, the Stockfleth ditches should all be incorporated into one project. Then it could all be put in proportion to the actual situation as it is today. The old apportionments for this assessment is simply based on the old program and we all know that it is not fair at all today. There is land down there by Gilbert Mosby that has not been assessed anywhere. I'm sure there are other places too. They are planning to up-date it to include the entire drainage area including the part up to the ridge on Lincoln Avenue.

Mr. Schaad emphasized that everyone who benefits by the drainage whether in the City, or County or where ever should be included in the assessment.

After further discussion about who should and who should not be assessed and the minimum amount to be charged it was decided and announced by Mr. Schaad that the next step is to get the petition drawn up correctly and presented to the Drainage Board, he said they would wait for that realizing it may take some time but it is started now and he again thanked everyone for coming to the meeting and their interest in same.

MEETING ADJOURNED AT 12:05p.m.

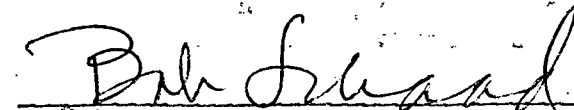
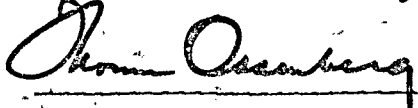

PRESENT:

DRAINAGE BOARD
Bob Schaad
Thomas Ossenberg
Robert Willner

COUNTY AUDITOR
Curt John

COUNTY SURVEYOR
Dick Nussmeyer

COUNTY ATTORNEYS
Thomas Swain
Bill Stephens




VANDERBURGH COUNTY DRAINAGE BOARD

SECRETARY: Beverly Nance

26.
VANDERBURGH COUNTY DRAINAGE
MARCH 24, 1975

A meeting of the Vanderburgh County Drainage Board was held on this 24th day of March, 1975 at 11:15 a.m. with President Bob Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of same dispensed with. This was in form of a motion made by Thomas Ossenberg. seconded by Commissioner Willner.....so ordered.

RE: HARPER DITCH

Mr. John Carroll appearing as attorney for Mr. Greg Kemp, presented a legal and formal petition for the relocation of a small portion of Harper Ditch. He mentioned the fact that he had appeared two weeks ago with this same proposal in verbal form and after discussion with Dick Nussemeyer and the Drainage Board he had received preliminary approval of the Commissioners to proceed. As recorded in the minutes of March 10th, Mr. Willner had asked for a more detailed drawing which is attached to the petition presented today. After pointing out on the map where they proposed to relocate the ditch, Mr. Schaad asked Mike Ludwig if he understood all this and it was to be done with Mr. Nussemeyers approval. Mike Ludwig answered by saying Mr. Kemp is paying entirely for this move and he does understand that since Harper Ditch was under mind right now anyhow if they do proceed with Harper Ditch Mr. Kemp would be included in the watershed and any sharing of assesment etc. What he needs now from us is that we will vacate the land he moves the ditch from so he can use it for other purposes. As it is now destroys it as a building site and he would like to use it for same. They will follow specifications from us as required and we will be in close touch as the work progresses.

Commissioner Thomas Ossenberg moved that the petition be approved.....Mr. Schaad seconded it after it was passed by Commissioner Willner..... so ordered. Mr. Carroll presented a copy of the petition and map to the Drainage secretary to be filed with these minutes.

MEETING ADJOURNED AT 11:25 a.m.

PRESENT:

DRAINAGE BOARD

Bob Schaad
Thoams Ossenberg
Robert Willner

COUNTY AUDITOR

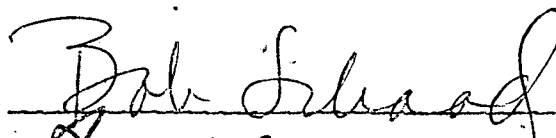
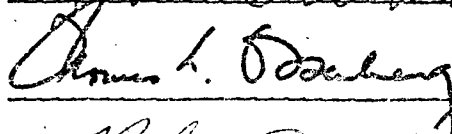

Curt John

COUNTY SURVEYOR

Dick Nussemeyer

COUNTY ATTORNEYS

Thomas Swain




VANDERBURGH COUNTY DRAINAGE BOARD

SECRETARY: Beverly Nance

PETITION TO RELOCATE A PORTION OF HARPER DITCH

TO: The Drainage Board of Vanderburgh County

GREGORY G. KEMPF and EDWINA L. KEMPF respectfully show as follows:

1. They are the owners of the following described real estate situated in Vanderburgh County, Indiana, to-wit:

Part of the West Half of the Southwest Quarter of Section 24, Township 6 South, Range 10 West, Vanderburgh County, Indiana, described as follows:

Beginning at a point in said half-quarter section which is located by commencing at the southwest corner of the southwest quarter of Section 24, Township 6 South, Range 10 West; thence north along the west line of said quarter section a distance of 1660.0 feet to the center of Virginia Street; thence South 89 degrees 10 minutes 00 seconds East along the centerline of Virginia Street a distance of 200.0 feet to said point of beginning of this description; thence South 89 degrees 10 minutes 00 seconds East along Virginia Street a distance of 1145.96 feet to the east line of the West Half of said Quarter Section; thence South 0 degrees 30 minutes 34 seconds East along said east line a distance of 406.32 feet; thence North 89 degrees 10 minutes 00 seconds West a distance of 1149.58 feet to a point 200.0 feet East of the west line thereof; thence north and parallel with said west line a distance of 406.30 feet to the point of beginning, and containing 10.706 acres, more or less.

A 30 foot easement reserved off the north side for proposed Virginia Street right-of-way.

A 50 foot easement reserved off the east side for a Southern Indiana Gas and Electric Company easement.

2. Located on said real estate is a portion of Harper Ditch, a legal drain, which runs on a diagonal through the northeast portion of the real estate owned by such petitioners, the centerline thereof being as follows:

Part of the West Half of the Southwest Quarter of Section 24, Township 6 South, Range 10 West, described as follows:

Beginning at a point on the East line of said Half Quarter Section a distance of 1306.7 feet North of the Southeast corner thereof; thence Northwesterly along a curve to the left having a radius of 100 feet for a distance of 101.9 feet; thence North 77 degrees 49 minutes 43 seconds West a distance of 126.42 feet; thence Northwesterly along a curve to the right having a radius of 200 feet for a distance of 106.3 feet; thence North 47 degrees 22 minutes 18 seconds West a distance of 65.2 feet; thence North 57 degrees 04 minutes 30 seconds West a distance of 145.34 feet; thence North 43 degrees 53 minutes West a distance of 115.16 feet to a point on the North line of the Grantors property, which is 538.5 feet West of the Northeast corner thereof.

3. It is to the best interest of drainage area served by Harper Ditch and for the full utilization of petitioners' property that said Harper Ditch be relocated on petitioners' property by relocating a part thereof, such part to be relocated being from:

A point on the East line of the West Half of the Southwest Quarter of Section 24, 1306.7 feet North of the Southeast corner thereof to a point on the North line of the Grantor's property, 538.5 feet West of the Northeast corner thereof.

4. That your petitioners will reconstruct such relocated legal drain according to plans and specifications approved by the Vanderburgh County Surveyor and will pay the entire cost of such relocation. Further, your petitioners will dedicate the necessary land therefor, being described as follows:

An easement 20 feet in width, the centerline being described as follows:

Part of the West Half of the Southwest Quarter of Section 24, Township 6 South, Range 10 West, described as follows:

Beginning at a point on the East line of said Half Quarter Section a distance of 1306.7 feet North of the Southeast corner thereof; thence Northwesterly along a corner to the left having a radius of 100 feet for a distance of 37.3 feet; thence Northwesterly along a curve to the right having a radius of 100 feet for a distance of 64.3 feet, more or less, to a point 40 feet West of the East line of said Half Quarter Section; thence North 0 degrees 30 minutes 34 seconds West and parallel with said East line a distance of 148.6 feet; thence Northwesterly along a curve to the left having a radius of 100 feet for a distance of 154.7 feet to a point 20 feet South of the North line of the Grantor; thence North 89 degrees 10 minutes West and parallel with the North line of the Grantor a distance of 340.8 feet; thence Northwesterly along a curve to the right having a radius of 100 feet for a distance of 64.3 feet to a point on the North line of the lands of Grantor a distance of 538.5 feet West of the Northeast corner thereof.

for drainage ditch purposes and upon the relocation of such drainage ditch, your petitioners pray that the Drainage Board vacate the easement presently existing for drainage ditch purposes described as follows:

Part of the West Half of the Southwest Quarter of Section 24, Township 6 South, Range 10 West, described as follows:

Beginning at a point on the East line of said Half Quarter Section a distance of 1306.7 feet North of the Southeast corner thereof; thence Northwesterly along a curve to the left having a radius of 100 feet for a distance of 101.9

feet; thence North 77 degrees 49 minutes 43 seconds West a distance of 126.42 feet; thence Northwesterly along a curve to the right having a radius of 200 feet for a distance of 106.3 feet; thence North 47 degrees 22 minutes 18 seconds West a distance of 65.2 feet; thence North 57 degrees 04 minutes 30 seconds West a distance of 145.34 feet; thence North 43 degrees 53 minutes West a distance of 115.16 feet to a point on the North line of the Grantors property, which is 538.5 feet West of the Northeast corner thereof.

5. Attached hereto and made a part hereof is a plat showing the proposed new location of the ditch over and upon the lands of these petitioners.

6. That no other persons are affected by the relocation of such legal drain, by reason of which no notice is necessary for the approval of this petition.

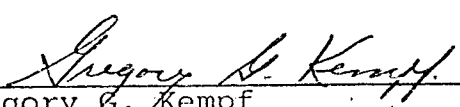
7. The abandonment of such portion of the legal drain will not be detrimental to the public welfare.

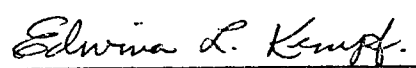
WHEREFORE, your petitioners pray that this petition be approved, that upon the relocation of such drainage ditch in the manner above set out, the Drainage Board of Vanderburgh County vacate that portion of the drain described as follows:

Part of the West Half of the Southwest Quarter of Section 24, Township 6 South, Range 10 West, described as follows:

Beginning at a point on the East line of said Half Quarter Section a distance of 1306.7 feet North of the Southeast corner thereof; thence Northwesterly along a curve to the left having a radius of 100 feet for a distance of 101.9 feet; thence North 77 degrees 49 minutes 43 seconds West a distance of 126.42 feet; thence Northwesterly along a curve to the right having a radius of 200 feet for a distance of 106.3 feet; thence North 47 degrees 22 minutes 18 seconds West a distance of 65.2 feet; thence North 57 degrees 04 minutes 30 seconds West a distance of 145.34 feet; thence North 43 degrees 53 minutes West a distance of 115.16 feet to a point on the North line of the Grantors property, which is 538.5 feet West of the Northeast corner thereof.

Respectfully submitted,


Gregory G. Kempf


Edwina L. Kempf

John L. Carroll
Johnson, Carroll and Griffith
Attorneys at Law
2230 West Franklin Street
Evansville, Indiana 47712
Telephone: 425-4466 (26-1)

Attorney for Petitioners

Receipt 1/17/65
23-1964 DATE

VANDEBURGH COUNTY DRAINAGE

APRIL 21, 1975

31

A meeting of the Vanderburgh County Drainage Board was held on this 21st day of April, 1975, at 12:10 p.m. with President Bob Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: DITCH BIDDING

Mr. Mike Ludwig presented to the Board the notice for the bidders on maintenance of the Legal Drains for this year. He stated that we are not letting out contracts this year on Crawford Brandis, Crawford Brandis Extension, Kelly, Hirsch, Aiken, and Aiken Extension, or Eagle Slough until a later date.

We are trying to come up with a contract instead of regular plans on Crawford Brandis for this year, hoping we can eliminate some of the drainage problems on the East side, it will take some time so if you receive some calls, you will know we are working on it, it is something we cannot do in a week. We have to run something like 55 miles of meandering ditches, cross sections, pipe sizes and the whole thing.

Commissioner Willner asked Mike at this time if they were going to do anything on Eagle Slough at all, you are not going to do that period since it was just reconstructed are you? Mike replied the maintenance like we sow grass and so forth, we just checked it out and the water is down enough where we could take a good look at it and there will be no maintenance required on the main part of the ditch, but under the old 41 Bridge, the one that the State left us, we have a brush pile, the Piers caught all the logs and when the water stayed up so long this time and went out slow, the logs just sank instead of going out like they ordinarily do. So we have a big pile of brush to be cleaned out but we will put that in a separate little Contract and it shouldn't cost too much.

Now another problem we have there with some of the Contractors, like last year they hang over until 1974 on getting some of the ditches in which this causes a lot of trouble. The Contractors are waiting real late so they don't have to do a lot of maintenance to them. I think we should change the times at least put it on paper and we can work it out in the fields, but I think we should come out a little bit stronger. I revised the Spec's and I stated certain things in those Specifications, the dates last year that they could proceed after August 15th and had November 15th as the completion date. I want to change these dates and I am throwing it out for your suggestions. I feel that they could start the 1st of August and should have the Contracts completed by the end of October at the latest.

Mr. Schaad asked if he thought it would affect the bids, Mike replied he did not know what affect on the bidding it would have but he felt it necessary to do something. We have had problems in the past and I have taken care of them, but I might not be able to this year, something else might happen and I want to get something on paper to back myself. Let's say August or maybe even July 15th and let them have until October 31st. Sam Biggerstaff always before sat any date he wanted to.

Mr. Schaad asked if it had anything to do with getting the crop in, in the fall and Mike replied that the first frost is when you have to get the corn and other crops in, but that doesn't happen until maybe the latter part of October and this way it should not get into any of their farming operations. But they have been waiting too long to get done like around Christmas and you can't inspect ditches in the snow etc. and I don't want to give money away. Mr. Schaad asked again if they were not allowed to do this work at their convenience did Mike think it would affect their bids. Commissioner Willner said that what he was indicating is that they don't have to mow ditches in November and they are getting paid for it. Mike said he would like the time cut back even if they had to allow extension time on some ditches but he feels the majority should have them done by the end of October. He asked for the Commissioners opinion of this.

Mr. Schaad said if that is Mike's recommendation then it should be put in a motion. So Commissioner Willner moved that the dates be changed to August 1st. and completion date to be October 31st. It will say in the Specifications when they may start.....
Seconded by Commissioner Ossenberrg.....so ordered.

Mike Ludwig stated he has written these Specifications and I have made some changes and I will take it upon myself to send to each of the bidders a complete set of Spec's, to anyone who bid last year, plus the documents they need to fill out, also telling them that I will help them fill out their papers as I did last year. It is form 96 as usual. He asked that he be allowed to add a paragraph stating that the Drainage board would look closely at and would reject any that were not in line with or were higher than those in the past. Any Contractor that does receive award of a bid and does not clean the ditch properly will be banned from bidding on any ditches in the future. I feel that this should be added if it is legal and you approve.

It was suggested that the word banned, be omitted and be substituted with the following, the Commissioner would look favorably to rejection if they had not completed the work right. Mike agreed but stated the bids were getting way out of line for the amount of work being done and what they were paid for. The people are paying these prices and the ditches are not being dredged. We would like to get a dredging program on the three year plan and we are going to try a few this summer and see if the people agree, I hope they do or we are up the creek without a paddle.

Mr. Schaad requested that the following be typed into the minutes:

BAEHL.....	6,797 feet
BOESCHE EXTENTION.....	3,742 "
BARRS CREEK.....	20,668 "
BUENTE UPPER BIG CREEK.....	20,195 "
BUENTE UPPER BIG CREEK LATERAL A.....	3,666 "
HARPER DITCH.....	3,800 "
HENRY.....	3,179 "
HOEFLING.....	5,571 "
KEIL.....	3,012 "
KNEER.....	3,036 "
MAASBERG.....	2,206 "
MAIDLOW.....	11,475 "
LOWER BIG CREEK.....	7,501 "
NURRENBERN.....	10,054 "
POND FLAT.....	29,351 "
POND FLAT LATERAL A.....	5,311 "
POND FLAT LATERAL B.....	2,797 "
POND FLAT LATERAL C.....	9,036 "
POND FLAT LATERAL D.....	4,579 "
POND FLAT LATERAL E.....	3,616 "
RUSHER CREEK.....	4,444 "
SCHLENSKER.....	4,000 "
SINGER.....	2,450 "
SÖNNTAG-STEVENS.....	13,204 "
STOCKFLETH.....	6,296 "
WALLENMEYER.....	8,355 "
BARNETT.....	3,358 "
CYPRESS DALE MADDOX.....	23,667 "
HELFRICH HAPPE.....	12,698 "
KEMP.....	11,160 "
EDMOND.....	15,395 "

Bids will be received at the Vanderburgh County Auditor's Office until (9:30 a.m. Monday May 5th. 1975 at which time and place all bids will be publicly read aloud.

Mr. Schaad asked for a motion that Mike be able to advertise, as July 15th being the day the contractors can start and October 31st be completion date. Mr. Ossenberg made the motionBob Willner seconded the motion.....so ordered.

MEETING ADJOURNED AT 12:20 p.m.

PRESENT:

DRAINAGE BOARD
 Bob Schaad
 Robert Willner
 Thomas Ossenberg

COUNTY AUDITOR
 Curt John

COUNTY SURVEYOR
 Mike Ludwick

COUNTY ATTORNEYS
 William Stevens
 Thomas Swain

Bob Schaad
Thomas Ossenberg
Robert F. Willner
 VANDERBURGH COUNTY DRAINAGE BOARD MEMBERS

SECRETARY: B. Nance

33.
VANDERBURGH COUNTY DRAINAGE BOARD

ROOM 325 ADMINISTRATION BLDG.

CIVIC CENTER COMPLEX

EVANSVILLE, INDIANA 47708

April 22, 1975

Dear Sir:

Enclosed you will find the Specifications and the proper Bid forms that will help you in submitting bids for the Annual Periodic Maintenance of Legal Drains in Vanderburgh County.

If I can help you with any questions that you may have or can assist you with filling out the Bid forms, please feel free to come to our office, Room 325, Civic-Center Bldg, or call 426-5210.

Sincerely,

Kenneth M. Ludwick

Kenneth M. Ludwick
Deputy County Surveyor

SPECIFICATIONS

For

Cleaning of All Legal Drains in Vanderburgh County

April 21, 1975

Cleaning of the Legal Drains may be done as follows:

1. Cleaned by the cutting of vegetation and undergrowth from the bottom of ditch and/or burning the vegetation and undergrowth from the banks. All material in the ditch flow line must be removed and in no case shall loose vegetation or undergrowth be left within the area between the tops of the banks. A distance of 5' either side of bank.
2. Cleaning by Spraying once in May or June and again in July or August. If the ditch needs cutting and burning on part or all of its length, this price shall be included in the Bid Price. Soil Sterilants may be placed in the bottom of the ditch. No Spray with soil Sterilants shall be used on the side slope of these ditches.

Additional Specifications for Cleaning of the Legal Drains are as follows:

1. All trees of eight (8) inch diameter or less and all debris in the area between the tops of the banks shall be removed and disposed of. The Cost of the removal and disposal shall be included in the Bid Price.
2. Trees with a diameter greater than eight (8) inches and within the area between the tops of the banks will be removed at the direction of the Engineer for a negotiated price separate from the contract for cleaning of the Legal Drain.
3. Alternate Bids will be received for not burning and for the removal of cut material from the site for the following ditches which are within the four (4) mile limit stated in the Burning Ordinance of the City of Evansville:

City Ditches----

Aiken, Aiken Extension, Barnett, Boesche Extension, Crawford Brandeis, Crawford Brandeis Extension, Cypress-Dale Maddox, Edmond, Harper, Helfrich-Happe, Henry, Hirsch, Kamp, Keil, Kelly, Kolb, Nurrenbern, Sonntag-Stevens, Stockfleth and Eagle Slough.

These ditches may be cut and/or burned if a variance is obtained from the Smoke Abatement Commissioner prior to cleaning the ditches.

Any Contractor who receives a Variance is responsible for any fine issued for not burning properly.

Burning is permitted between 8:00 A.M. and 4:00 P.M.

The County Drainage Board will look very close at this year's Bids, and reject any and all that are high and not in line with Bids received in the past.

Any Contractor who receives award of a ditch and does not clean the ditch properly, the Drainage Board will seriously consider any future Bids submitted by this Contractor.

Work Days:

You may proceed after July 15, 1975 and have ditch or ditches cleaned by October 31, 1975.

NOTICE TO BIDDERS

35.

Sealed Proposals or Bids for Annual Periodic Maintenance of each of the following Drains:

Extension - 3,742 feet, Barrs Creek - 20,668 feet, Baehl - 6,797 feet, Boesche - 20,195 feet, Buente Upper Big Creek Lateral "A" 3,666 feet, Harper Ditch - 3,800 feet, Henry - 3,179 feet, Hoefling - 5,571 feet, Keil 3,012 feet, Kneer - 3,036 feet, Maasberg - 2,206 feet, Maidlow - 11,475 feet, Lower Big Creek - 7,501 feet, Nurrenbern - 10,054 feet, Pond Flat - 29,351 feet, Pond Flat Lateral "A" - 5,311 feet, Pond Flat Lateral "B" 2,797 feet, Pond Flat Lateral "C" - 9,036 feet, Pond Flat Lateral "D" 4,579 feet, Pond Flat Lateral "E" - 3,616 feet, Rusher Creek - 4,444 feet, Schlensker - 4,000 feet, Singer - 2,450 feet, Sonntag-Stevens - 13,204 feet, Stockfleth - 6,296 feet, Wallenmeyer - 8,355 feet, Barnett - 8,358 feet, Cypress-Dale Maddox - 23,887 feet, Helfrich-Happe - 12,698 feet, Kemp - 11,160 feet, and Edmond - 15,395 feet.

Will be received at the Office of the Vanderburgh County Auditor until 9:30 A.M. Legal Time, as prescribed by the Acts of the Indiana Legislature in Chapter 172, Year 1957 on Monday the 5th day of May 1975, at which time and place all Bids will be publicly read aloud.

Any Bid received after the designated time, for any reason, will be returned unopened. Bids shall be delivered in sealed envelopes bearing the name and address of the Bidder indicating the Project and the branch of Work. Bids shall be submitted on Bid form 96, all properly executed, signed and sealed, properly notarized and seal affixed. Each Bid shall be accompanied by (enclosed in the same envelope) a Bid Bond, Certified check, Cashier's check, or Bank Money Order in an amount of Five Percent (5%) of the total Bid submitted.

Upon receipt of Bids and determining the lowest and/or best Bidder or within Thirty (30) days from the date set to receive Bids the Drainage Board will return the Securities of all except the lowest and best Bidder on each Legal Drain.

The Vanderburgh County Drainage Board reserves the right to reject any and/or all Bids and to waive any informality in Bidding. All Ditch maintenance must be completed by Oct. 31st, 1975.

Dated this 2nd day of April, 1975

VANDERBURGH COUNTY DRAINAGE BOARD

Bob Schaad
Bob Schaad - President

Thomas L. Ossenberg
Thomas Ossenberg - Vice-President

Robert L. Willner
Robert L. Willner - Member

ATTEST:

Curt John
Curt John - Auditor

Certified

36.
VANDERBURG COUNTY DRAINAGE
MAY 5, 1975

A meeting of the Vanderburgh County Drainage Board was held on this 5th day of May, 1975 at 11:37 a.m. with President Bob Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: OPENING OF BIDS FOR MAINTENANCE OF LEGAL DRAINS:

The following bids were opened and read aloud by county attorney Thomas Swain;

UNION TOWNSHIP DITCH ASSOCIATION:

Kamp Ditch.....	11,160 ft.....	07¢ per ft.....	\$781.20
Barnett Ditch....	8,358 ft.....	07¢ per ft.....	\$585.06
Cypress Dale Maddox...	23,887 ft.....	07¢ per ft.....	\$1,672.09
Edmond Ditch.....	15,395 ft.....	07¢ per ft.....	\$1,077.65
Helfrich Happe.....	12,698.....	30¢ per ft.....	\$3,809.40

There was a Cashiers Check in the amount of \$396.27 enclosed.

RALPH REXING:

Pond Flat "A" Lateral.....	5,311 ft.....	10¢ per ft.....	\$531.10
Pond Flat "B" Lateral.....	2,797 ft.....	10¢ per ft.....	\$279.70

Cash in the amount of \$41.00 was enclosed.

CEDEL MAASBERG:

Maasberg Ditch.....	2,206 ft.....	07¢ per ft.....	\$154.42
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Cash in the amount of \$8.00 was enclosed.

NORMAN E. MESSEL

Keil Ditch.....	3,012 ft.....	13¢ per ft.....	\$391.56
Sonntag Stevens.....	13,204.....	09¢ per ft.....	\$1,188.36

A personal check for \$80.00 was enclosed.

EDWARD SCHMITT:

Henry Ditch.....	3,179 ft.....	13¢ per ft.....	\$413.27.
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A Cashiers Check in the amount of \$21.00 was enclosed.

ALBERT SCHMITT:

Boesche Extension.....	3,742 ft.....	12½¢ per ft.....	\$467.75.
Maasberg.....	2,206.....	03¾¢ per ft.....	\$82.72.
Baehl Ditch.....	6,797.....	08¢ per ft.....	\$543.76

Alternate Bid if not allowed to burn:

Boesche Extention.....	3,742 ft.....	additional 10¢ per ft.
Maasberg.....	2,206 ft.....	additional 10¢ per ft.
Baehl.....	6,797 ft.....	additional 10¢ per ft.

A Money Order in the amount of \$54.71 was enclosed.

JOSEPH SCHMITT:

Hoefling Ditch.....	5,571 ft.....	06½¢ per ft.....	\$376.04
Keil Ditch.....	3,012 ft.....	10¢ per ft.....	\$301.20
Sonntag Stevens.....	13,204 ft.....	08¢ per ft.....	\$1,056.32

Alternate Bid if not allowed to burn:

Hoefling.....	5,571.....	additional 10¢ per ft.
Keil.....	3,012.....	additional 10¢ per ft.
Sonntag Stevens...	13,204.....	additional 10¢ per ft.

A Money Order in the amount of \$64.89 was enclosed

JOSEPH SCHMITT: CONT.

Kneer Ditch.....3,036 ft.....08½¢ per ft.....\$258.06
 Nurrenbern.....1,0054 ft.....06½¢ per ft.....\$678.64
 Harper Ditch.....3,800 ft.....09½¢ per ft.....\$361.00

Alternate Bid if not allowed to burn;

Kneer.....3,036 ft.additional 10¢ per ft.
 Nurrenbern...10,054 ft.....additional 10¢ per ft.
 Harper.....3,800 ft.....additional 10¢ per ft.

A Money Order in the amount of \$86.68 was enclosed.

LEO C. PAUL :

Baehl Ditch.....6,797 ft.....09¢ pr ft.....\$611.73
 Barr"s Creek.....20,668 ft.....13½¢ per ft.\$2,790.18
 Wallenmeyer.....8,355 ft.....09¢ per ft.....\$751.95
 Harper Ditch.....3,800 ft.....09¢ per ft.....\$342.00

Alternate Bid for Hauling off.....04¢ per ft.\$152.00

Nurrenbern.....10,054 ft.....08¢ per ft.....\$804.32
 Alternap Bid for Hauling off04¢ per ft.....\$402.16

Stockfleth.....6,296 ft.....09¢ per ft.....\$566.64
 Alternate Bid for hauling off.....04¢ per ft.....\$251.84

A Cashiers Check for \$333.64 was enclosed.

DARRYL SCHMITT:

Stockfleth Ditch.....6,296 ft.....06½¢ per ft.....\$399.17
 Schlensker Ditch.....4,000 ft.....07¢ per ft.....\$280.00
 Henry Ditch.....3,179 ft.....08½¢ per ft.....\$270.22

Alternate Bid if not allowed to burn;

Stockfleth.....6,296 ft.....additional 10¢ per ft.
 Schlensker4,000 ft.....additional 10¢ per ft.
 Henry Ditch.....3,179 ft.....additional 10¢ per ft.

A Cashiers Check in the amount of \$53.53 was enclosed.

MANFRED STAHL:

Schlensker Ditch.....4,000 ft.....08¢ per ft.....\$320.00
 Boesche Ditch.....3,742 ft.....13¢ per ft.....\$486.46

A Money Order in the amount of \$50.00 was enclosed.

GEORGE SEIB:

Henry Ditch.....3,179 ft.....12¢ per ft.....\$389.10
 Harper Ditch.....3,800 ft.....10¢ per ft.....\$380.00
 Nurrenbern.....10,054 ft.....06½¢ per ft.....\$653.51
 Stockfleth.....6,296 ft.....06½¢ per ft.....\$409.24
 Buente Upper Big Creek".A" Lateral.....3,666 ft.....\$439.98

A Cashiers Check in the amount of \$113.59 was enclosed.

EUGENE REXING:

Pond Flat "D" Lateral.....4,579 ft.....13¢ per ft.....\$604.42
 Singer Ditch.....2,450 ft.....11¢ per ft.....\$269.50

Cash in the amount of \$44.00 was enclosed

ARMSTRONG SCOTT DITCH ASSOCIATION:

Lower Big Creek.....7,501 ft.....08¢ per ft.....\$600.00
 Pond Flat Ditch.....29,351 ft.....08¢ per ft.....\$2,340.00
 Pond Flat "E" Lateral.....3,616 ft.....12¢ per ft.....\$433.92
 Pond Flat "C" Lateral.....9,036 ft.....12¢ per Ft.....\$1,084.32
 Rusher Creek.....4,444 ft.....12¢ per ft.....\$533.28
 Buente Upper Big Creek.....20,195 ft.....12¢ per ft.....\$2,423.40

A Cashiers Check in the amount of \$370.75 was enclosed

JOSEPH SEIB:

Maidlow Ditch.....11,475 ft.....15¢per.ft.....\$1,721.25

A Cashiers Check in the amount of \$86.00 was enclosed.

RUSSELL STRATMAN:

Baehl.....6,797 ft.....09½¢ per ft.....\$645.72
 Hoeffling.....5,571 ft.....09¢ per ft.....\$501.39
 Kneer Ditch....3,036.....10¢ per ft.....\$303.60
 Maasberg.....2,206 ft.....08½¢ per ft.....\$187.51

A Personal check in the amount of \$81.91 was enclosed.

LEO BITTNER:

Wallenmeyer.....8,355.....08¢ per ft.....\$668.40

A personal check in the amount of \$33.42 was enclosed

Commissioner Thomas Ossenber moved that the bids all be taken under advisement and Mike ludwick will report back to the Commissioners on the lowest bidders..... seconded by Commissioner Willner.....so ordered.

RE:BOND MONEY FROM EAGLE SLOUGH:

Curt John Auditor brought to the attention of the Commissioners that we had approximately \$91,000.00 from the Construction of Eagle Slough and we could either retire the Bonds or invest the money elsewhere for interest. It was discussed breifly and Mr. Schaad suggested that Mr. John, Mike Ludwick, and Thomas Swain get together and look into the best possible dispersment of the money. They said they would have a meeting and report back to the Commissioners.

MEETING ADJOURNED AT 11:50 a.m.

PRESENT:
DRAINAGE BOARD

Bob Schaad
 Thomas Ossenber
 Robert Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Mike Ludwick

COUNTY ATTORNEYS

Thomas Swain

Bob Schaad
Tom Ossenber
Robert Willner
 VANDERBURGH COUNTY DRAINAGE BOARD

SECRETARY: B. Nance

SURVEYOR'S OFFICE
VANDERBURGH COUNTY
ROOM 325 ADMINISTRATION BUILDING
CIVIC CENTER COMPLEX
EVANSVILLE, INDIANA 47708

Baehl Ditch

Leo Paul	6,797 L. F.	\$.09 per ft.	\$611.73
Russell Stratman	6,797 L. F.	.095 per ft.	645.72
Albert Schmitt	6,797 L. F.	.08 per ft.	543.76

Leo Paul	20,668 L. F.	.135 per ft.	\$2,790.18
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Barnett

Union Twnsp. Ditch Assn.	8,358 L. F.	.07 per ft.	\$585.06
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Boesche

Alfred Stahl	3,742 L. F.	.13 per ft.	\$486.46
Albert Schmitt	3,742 L. F.	.125 per ft.	467.75

Buente Upper Big Creek

Armstrong-Scott Ditch Assn.	20,195 L. F.	.12 per ft.	\$2,423.40
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Buente Upper Big Creek Lateral A

George Seib	3,666 L. F.	.12 per ft.	\$439.98
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Cypress-Dale Maddox

Union Twnsp. Ditch Assn.	23,887 L. F.	.07 per ft.	\$1,672.09
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Harper Ditch

Leo C. Paul	3,800 L. F.	.09 per ft.	\$342.00
George Seib	3,800 L. F.	.10 per ft.	380.00
Joseph Schmitt	3,800 L. F.	.095 per ft.	361.00

Helfrich-Happe

Union Twnsp. Ditch Assn.	12,698 L. F.	.30 per ft.	\$3,809.40
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Hoefling

Russell Stratman	5,571 L. F.	.09 per ft.	\$501.39
Joseph Schmitt	5,571 L. F.	.0675 per ft.	376.04

RICHARD NUSSMEYER, SURVEYOR

40.

SURVEYOR'S OFFICE
VANDERBURGH COUNTY
ROOM 325 ADMINISTRATION BUILDING
CIVIC CENTER COMPLEX
EVANSVILLE, INDIANA 47708

Henry Ditch

Edward Schmitt	3,179 L. F.	\$.13 per ft.	\$413.27
Darryl W. Schmitt	3,179 L. F.	.085 per ft.	270.22
George Seib	3,179 L. F.	.12 per ft.	389.10

Kamp Ditch

Union Twnsp. Ditch Assn.	11,160 L. F.	.07 per ft.	\$781.20
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Keil

Joseph Schmitt	3,012 L. F.	.10 per ft.	\$301.20
Norman E. Messel	3,012 L. F.	.13 per ft.	391.56

Kneer Ditch

Joseph Schmitt	3,036 L. F.	.085 per ft.	\$258.06
Russell Stratman	3,036 L. F.	.10 per ft.	303.60

Maasberg

Russell Stratman	2,206 L. F.	.085 per ft.	\$187.51
Cedel Maasberg	2,206 L. F.	.07 per ft.	154.42
Albert Schmitt	2,206 L. F.	.0375 per ft.	82.72

Edmond

Union Twnsp. Ditch Assn.	15,395 L. F.	.07 per ft.	\$1,077.65
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Maidlow

Joseph Seib	11,475 L. F.	.15 per ft.	\$1,721.25
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Lower Big Creek

Armstrong-Scott Ditch Assn.	7,501 L. F.	.08 per ft.	\$600.00
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Nurrenbern

Joseph Schmitt	10,054 L. F.	.0675 per ft.	\$678.64
George Seib	10,054 L. F.	.065 per ft.	653.51
Leo Paul	10,054 L. F.	.08 per ft.	804.32

41

SURVEYOR'S OFFICE
VANDERBURGH COUNTY
ROOM 325 ADMINISTRATION BUILDING
CIVIC CENTER COMPLEX
EVANSVILLE, INDIANA 47708

Pond Flat Main

Armstrong-Scott Ditch Assn. 29,351 L. F. \$.08 per ft. (\$2,340.00)

Pond Flat A Lateral

Ralph Rexing 5,311 L. F. .10 per ft. (\$531.10)

Pond Flat B Lateral

Ralph Rexing 2,797 L. F. .10 per ft. (\$279.70)

Pond Flat C Lateral

Armstrong-Scott Ditch Assn. 9,036 L. F. .12 per ft. (\$1,084.32)

Pond Flat D Lateral

Eugene Rexing 4,579 L. F. .13 per ft. (\$604.42)

Pond Flat E Lateral

Armstrong-Scott Ditch Assn. 3,616 L. F. .12 per ft. (\$433.92)

Rusher

Armstrong-Scott Ditch Assn. 4,444 L. F. .12 per ft. (\$533.28)

Sonntag-Stevens

Norman E. Messel 13,204 L. F. .09 per ft. \$1,188.36
Joseph Schmitt 13,204 L. F. .08 per ft. 1,056.32

Singer

Eugene Rexing 2,450 L. F. .11 per ft. (\$269.50)

Schlensker Ditch

Alfred Stahl 4,000 L. F. .08 per ft. \$320.00
Darryl W. Schmitt 4,000 L. F. .07 per ft. 280.00

Stockfleth

George Seib 6,296 L. F. .065 per ft. \$409.24
Darryl W. Schmitt 6,296 L. F. .0675 per ft. 421.83
Leo C. Paul 6,296 L. F. .09 per ft. 566.64

42.

SURVEYOR'S OFFICE
VANDERBURGH COUNTY
ROOM 325 ADMINISTRATION BUILDING
CIVIC CENTER COMPLEX
EVANSVILLE, INDIANA 47708

Wallenmeyer

Leo Bittner
Leo Paul

8,355 L. F.
8,355 L. F.

\$.08 per ft.
.09 per ft.

\$668.40
751.95

43.

VANDERBURGH COUNTY DRAINAGE
MAY 12, 1975

A meeting of the Vanderburgh County Drainage Board was held on this 12th day of May, 1975 at 11:05 a.m. with President Bob Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: HAROLD PETERS

Mr. Harold Peters asked permission to speak to the Commissioners before they made their decisions on the Bids. He stated that he had cleaned Keil and Sonntag-Stevens Ditches for quite a few years. He said the Spring was more expensive than the Fall, because he uses insecticides and he sprays the ditches instead of mowing them. What I've done out there he told the Commissioners is I put a drag line in and opened them up first, Mike Ludwick suggested last year that I keep them sprayed in preference to mowing them. I use spray that is available a bit more reasonable to me through Seed-Kem, of course from time to time we do experiment with new products and the one I tried last year did not work so well. I won't use it anymore and I would like for you gentlemen to keep this in mind when you are granting Bids. I feel and I have been told by others that I do a very good job on the ditches, my bid may be a little higher than some of the others but for the kind of job I do I think should be taken into consideration. I know that inferior spraying from anyone does not do the job as I found out last year, but I did want you gentlemen to consider all of this when you are granting Bids.

Mr. Schaad thanked Mr. Peters for his explanation and stated that they tried to consider all factors and be fair in their choices.

RE: BIDS MIKE LUDWICK

Mr. Mike Ludwick passed out sheets to each of the Commissioners, (per attached copy) with the Bids for 1975 maintenance in alphabetical and ditch order. He informed them that the lowest bidder's bids were either circled or marked in red so they could easily identify them. The Bids as such were reviewed and discussed among the Commissioners and Mike and the attorney.

It was brought to the attention of the Commissioners by our attorney Wm Stephens that some of the bidders had attached alternate bids and these persons were presenting a condition to the Commissioners that made these Bids invalid. He further explained that if they were the low bidders originally and suppose they were not allowed to burn as they so stipulated on their bids the additional amount may cause these bids to be higher than some others on the same ditch.

This was discussed and Mike explained that the reason these men did this as such was because in the past years Mike was able to secure burning permits in advance from the Smoke Abatement Commission and this was no longer the case. Now the ruling is that everyone who wanted to burn had to first clean the ditches and pile the debris on the banks and go through an on the spot inspection before the permit was granted. Now suppose at this inspection they had something like a tire or anything the Smoke Abatement did not want burned, then the permit would be refused. This would then cause the bidder to have to haul off all of the debris and this involves more labor and more expense.

It was further discussed as to the alternatives, such as re-advertising, or talking to the bidders individually, or going through the whole process again etc.

The final decision by Mr. Schaad was to have Mike Ludwick hold the Bids as is, and to check with the Smoke Abatement Commission office to see how feasible getting the burning permits was to be, so we could accept the lowest bidder without any alternate bids allowed. Commissioner Willner made a motion to the effect of accepting bids without any alternates, and eliminating two bids under special discussion, he later withdrew this motion without it being acted upon for the other solution to be worked out as Mr. Schaad had indicated. Mike is to report on his findings next week at the Drainage Board meeting.

RE: HELFRICH HAPPE DITCH

There was notice made that the Union Township Ditch Association was the only bidder on Helfrich Happe and that their bid was considerably higher than last year, in fact over the 10% limit. If this contract was allowed it would require legal hearings etc. It was stated that it could be done if they secured signatures of 50% of the land owners, this would eliminate the legal hearings etc. Mike was asked to contact the Union TWP Ditch Association and report back on this next week also.

Commissioner Willner moved that they take the Bids under advisement until the reports were heard next week.....seconded by Thomas Ossenberg.....so ordered.

44
MEETIN ADJOURNED 11:47 a.m.

PRESENT:

DRAINAGE BOARD

COUNTY AUDITOR

COUNTY SURVEYOR

COUNTY ATTORNEYS

Bob Scaad
Thomas Ossenberg
Robert Willner

Curt John

Miko Ludwick

William Stephens

Bob Scaad

Thomas L. Ossenberg

Robert Willner

VANDERBURGH COUNTY DRAINAGE BOARD

SECRETARY: B. Nance

45.

VANDEBURGH COUNTY DRAINAGE
MAY 19, 1975

A meeting of the Vanderburgh County Drainage Board was held on this 19th day of May, 1975 at 11:17 a.m. with President Bob Scaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: SMOKE ABATEMENT REPORT

Mr. Mike Ludwick reported that after last meeting he had asked Mr. Jesse Crooks to intervene for him in the matter of burning permits. He asked if the permits could be handled as in previous years or how difficult would it be to obtain burning permits for the ditch burning this year. He was told that they would still be required to make on the spot inspections while the ditches were being cleaned before permits were granted, however he certainly did not anticipate any difficulty for any of the contractors in getting their permits. So in view of this Mike felt the Commissioners could go ahead and award the bids that were the lowest bidders without worrying about the alternate bids as such.

RE: HAROLD PETERS

Mr. Harold Peters asked if he could be heard at this point and being granted permission, he began by stating he would like to object to the statement Mike has just made. He said he also talked with the man from the Smoke Abatement Office and he was told there was no possible way that he could say that the contractors would definitely get their permits, he said he would positively go out and make on the spot inspections and if there was any sign of fire hazards present there would be no permit issued. Mr. Peters said he would like to point out like he was just talking to a man in the back of the room from S.I.G.&S. Co. that there is at least one place he knows of where there are a number of poles so near the ditches that if for any reason the burning got out of hand, poof all the poles could catch on fire and who would be responsible for all that damage. He also stated that one could not in this day and age compete with a box of matches as to chemicals etc. Like you can go out this year to a ditch in good condition and you can mow them fairly easy but what about next year, they grow fast and it will take alot more chemicals next year to get it down to mowing size. I spray twice and sometimes three times a year and it takes expensive equipment, at this time he showed the Commissioners some pictures of his equipment stating, here is \$20,000 worth of equipment and I am not just talking about how cheap you can get the job done but how well you can get it done. I also am not just thinking of this year but the next and the next. For instance out there behind Whirlpool they are using Butane gas and they have areas staked off away from the building but what if someone goes out there and tries to burn that ditch, WOW you would really be in trouble there. Now I'm not trying to be difficult with you Mike he stated but I realize you are trying to get the job done as reasonable as possible but I am trying to tell you how it can best be done and would like you gentlemen to take all of this into consideration as you are awarding these bids. He thanked them for the opportunity to speak and for their consideration.

Mike Ludwick stated that the Drainage board had the right to set their own standards and to award the bids to whomever they pleased for whatever reasons.

Mr. Scaad asked if these ditches had been burned before and Mike replied yes for 6 or 7 years. Mr. Scaad then asked now they will understand that if they do not get a permit they will still do the job for the original bid without the alternate bid? Mike stated he would so in form them.

Mr. Stephens mentioned to that after being better informed he realizes that perhaps the alternate bids were given within what was asked for in the specs, thus we will have to accept all bids with or without alternates stating which way it will be.

Mike Ludwick said there had never been a problem of great size before because of burning permits and he did not feel the Commissioners could completely exclude a bid on the assumption that they may not get a burning permit.

Mr. Scaad asked for some comment or discussion from the other Commissioners. It was discussed and decided upon that they would go ahead and grant the bids to the lowest bidders but no alternate bids would be granted. This was made and passed in the form of a motion.

HELFRICH HAPPE DITCH

Mr. Mike Ludwick said he would like to report to the Commissioners that he contacted Mr. Ed. Steinkamp about the 30¢ bid on Helfrich Happe ditch as they were the only bidders and to eliminate legal hearings etc. he asked him to contact the property owners on this ditch and to secure their signatures on a permit to pay this amount for work on this ditch. Mr. Ludwick presented the permit with the signatures of the majority of the property owners.

He stated that he had checked this list against the assessment shoots and he did have more than 50% of the land owners signatures, thus eliminating the over 10% problem. He said Mr. Steinkamp told him they had let a contract for the work to be done in the latter part of September and they made their own specs and everything and it required nothing from us after they were awarded a bid.

Mr. Willner made a motion that the Union Township Association be awarded the bid for Holfrich Happe ...in the amount of \$3,809.40.....seconded by Thomas Ossenbergl
.....so ordered.

AWARDING OF BIDS

The following bids were awarded and each voted on in the form of a motion each bid being acted upon separately;

BAEHL DITCH.....ALBERT SCHMITT.....08¢pr. ft.....\$ 543.76.

Motion made by Commissioner Willner.....seconded by Tom Ossenbergl.....so ordered.

BARR'S CREEK.....LEO PAUL.....135¢ per ft.....\$ 2,790.18.

Motion made by Commissioner Willner.....seconded by Tom Ossenbergl.....so ordered.

BARNETTUNION TWSP. DITCH ASSN.....07¢ per ft.....\$ 585.06.

Motion was made by Commissioner Willner.....seconded by Comm. Ossenbergl.....so ordered.

BOESCHE EXT.....ALBERT SCHMITT.....125¢ per ft.....\$ 467.75.

Motion was made by Commissioner Willner.....seconded by Comm. Ossenbergl.....so ordered.

BUENTE UPPER BIG CREEK.....ARMSTRONG-SCOTT DITCH ASSN....12¢ per ft.....\$ 2,423.40.

Motion was made by Comm. Willner.....seconded by Commissioner Ossenbergl.....so ordered.

BUENTE UPPER BIG CREEK LATERAL A.....GEORGE SEIB.....12¢ per ft.....\$ 439.98

Motion was made by Comm. Willner.....seconded by Commissioner Ossenbergl.....so ordered.

CYPRESS DALE MADDOX.....UNION TWSP. DITCH ASSN.....07¢ per ft.....\$ 1,672.09.

Motion was made by Commissioner Willner.....seconded by Comm. Ossenbergl.....so ordered.

HARPER DITCH.....LEO C. PAUL.....09¢ per ft.\$342.00

Motion was made by Comm. Willner.....seconded by Comm. Ossenbergl.....so ordered.

HOEFLING.....JOSEPH SCHMITT.....0675¢ per ft.....\$76.04

Motion was made by Comm. Willner.....seconded by Comm. Ossenbergl.....so ordered.

HENRY DITCH.....DARRYL W. SCHMITT.....085¢ per ft.....\$270.22

Motion was made by Comm. Willner.....seconded by Comm. Ossenbergl.....so ordered.

KAMP DITCH.....UNION TWSP. ASSN.....07¢ per ft.....\$ 781.20.

Motion was made by Comm. Willner.....seconded by Comm. Ossenbergl.....so ordered.

KEIL DITCH.....NORMAN E. MESSERL.....13¢ per ft.....\$ 391.56.

Motion made by Comm. Willner.....seconded by Comm. Ossenbergl.....so ordered.
This ditch was awarded to a higher bidder because of the use of chemicals and care.

KNEER DITCH.....JOSEPH SCHMITT.....085¢ per ft.....\$ 258.06.

Motion was made by Commissioner Willner.....seconded by Commissioner Ossenberg..so ordered.

MAASBERG.....ALBERT SCHMITT.....0375 per ft.....\$ 82.72.

Motion was made by Comm. Willner.....seconded by.....Comm. Ossenberg.....so ordered.

EDMOND.....UNION TWSP. ASSN.....07¢ per ft.....\$1,077.65

Motion was made by Comm. Willner.....seconded by Comm. Ossenberg.....so ordered.

MAIDLOW.....JOSEPH SEIB.....15¢ per ft.....\$1,721.25

Motion was made by Comm. Willner.....seconded by Comm. Ossenberg.....so ordered.

LOWER BIG CREEK.....ARMSTRONG-SCOTT DITCH ASSN.....08¢ per ft....so ordered.

Motion was made by Comm. Willner.....seconded by Comm. Ossenberg.....so ordered.

NURRENBERN.....GEORGE SEIB.....065¢ per ft.....\$ 653.51.

Motion was made by Comm. Willner.....seconded by Comm. Ossenberg.....so ordered.

POND FLAT MAINARMSTRONG-SCOTT DITCH ASSN.....08¢ per ft.....\$2,340.00

Motion was made by Comm. Willner.....seconded by Comm. Ossenberg.....so ordered.

POND FLAT A LATERAL.....RALPH REXING.....10¢ per ft.....\$531.10

Motion was made by Comm. Willner.....seconded by Comm. Ossenberg.....so ordered.

POND FLAT B LATERAL.....RALPH REXING.....10¢ per ft.....\$279.70.

Motion was made by Comm. Willner.....seconded by Comm. Ossenberg.....so ordered.

POND FLAT C LATERAL.....ARMSTRONG-SCOTT DITCH ASSN.....12¢ per ft.....\$1,084.32.

Motion was made by Comm. Willner.....seconded by Comm. Ossenberg.....so ordered.

POND FLAT D LATERAL.....EUGENE REXING.....13¢ per ft.....\$604.42.

Motion was made by Comm. Willner.....seconded by Comm. Ossenberg.....so ordered.

POND FLAT E LATERAL.....ARMSTRONG-SCOTT DITCH ASSN.....12¢ per ft.....\$433.92

Motion was made by Comm. Willner.....seconded by Comm. Ossenberg.....so ordered.

RUSHER.....ARMSTRONG-SCOTT DITCH ASSN.....12¢ per ft.....\$ 533.28.

Motion was made by Comm. Willner.....seconded by Comm. Ossenberg.....so ordered.

SONNTAG STEVENS.....NORMAN E. MESSEL09¢ per ft.....\$1,188.36.

Motion was made by Comm. Willner.....seconded by Comm. Ossenberg.....so ordered.
Higher bid awarded because of type of work done on ditch.

SINGER.....EUGENE REXING.....11¢ per ft.....\$269.50.

Motion made by Comm. Willner.....seconded by Comm. Ossenberg.....so ordered.

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4.
SCHLENSKER DITCH.....DARRYL W. SCHMITT.....07¢ per ft.....\$280.00.

Motion was made by Comm. Willner.....seconded by Comm. Ossenborg.....so ordered.

STOCKFLETH DITCH.....GEORGE SEIB.....065¢ per ft.....\$ 409.24.

Motion was made by Comm. Willner.....seconded by Comm. Ossenborg.....so ordered.

WALLENMEYER.....LEO BITTNER..... 08¢ per ft.....\$668.40.

Motion was made by Commissioner Willner.....seconded by Commissioner Ossenborg...so ordered.

RE: WHIRLPOOL REQUEST

Mike Ludwick presented a request from Whirlpool Corporation that the Drainage Board allow them to put a pipe in Keil Ditch near their plant on 41 North. As already stated they are putting propane gas tanks on the ground behind their plant that they own out there, so they need to make a road or something to get across the ditch to service these tanks they are building. I figured, Mike stated that it would require a pipe 58 inches by 91 inches elliptical pipe set in concrete. This is equivalent to a 72 inch round pipe, they say nothing will be traveling over this road but a pick up truck but to be on the safe side we should stipulate that they put it in concrete and if it creates a problem, which I feel certain it won't but anyway that if so they remove it. If done properly it will leave a 30 square foot water way which is about what it has now. Now this pipe will cost them about \$980.00 for the pipe alone so they may want to build a wooden bridge instead and that is fine too whichever way they want to go is fine, however they asked me to approach you today for an approval of whatever.

Mr. Scaad asked if we needed to talk with them further giving them the stipulations etc. but Mr. Stevens suggested we give them a temporary licence to do what ever they wish but giving them our stipulations etc.

Commissioner Thomas Ossenborg made a motion that we give Whirlpool Corp. by agreement the permission of the Drainage Board to either put a pipe in or build a structure over Keil ditch near their plant.....seconded by Commissioner Willner.....so ordered.

Mr. Scaad asked Mike to follow through on it and be sure there was complete understanding between them and to give them the requests of the Drainage Board as to size of pipe etc. He said they could report back to the Board as to what and how was being done on the matter.

MEETING ADJOURNED AT 11:47 a.m.

PRESENT:

DRAINAGE BOARD

Bob Scaad
Thomas Ossenborg
Robert Willner

COUNTY AUDITOR


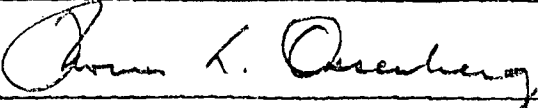

Curt John

COUNTY SURVEYOR

Mike Ludwick

COUNTY ATTORNEYS

William Stephens




VANDERBURGH COUNTY DRAINAGE BOARD

SECRETARY: B. Nance

UNION TOWNSHIP DITCH ASSOCIATION

4/9.

May 1975

We the undersigned being a majority of the land owners along the Happe-Helfrich Ditch in Union Township agree to pay thirty cents (\$.30) per foot to have the ditch dredged and the dirt leveled.

Donald E. Balth

Robert Zimmerman

Robert Bernard

Minnie Zimmerman by Robert C. Zimmerman (P.O. ATT.)

Charles F. Zimmerman

Richard Herbert

Ronald Burdick

Frank Cummings

VANDEBURGH COUNTY DRAINAGE BOARD
JUNE 9, 1975

A meeting of the Vanderburgh County Drainage Board was held on this 9th day of June, 1975 at 10:30 a.m.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: CLAIM

The following claim was presented to the Drainage Board for approval;

THOMAS SWAIN.....Attorney fees for 2nd. quarter.....\$500.00

Commissioner Robert Willner moved that this claim be paid.....seconded by
Commissioner Thomas Ossenberg.....so ordered.

RE: UNITED STATES OF AMERICA TAX ASSESSMENT

Mr. Mike Ludwick presented a copy of a letter sent by the Dept. of the Army in reference to a ditch assessment mailed to them for Spring billing of 1975, in the amount of \$3.00. They stated that the United States of America is immune from assessments by State or local government agencies.

Mr. Ludwick asked for approval from the Drainage Board to delete Code # 10-13-49 on Edmond ditch from the tax assessment rolls, and also from any future maintenance assessments. He said this has been a controversial subject for several years as to who is and who is not exempt from assessment on ditches like the State etc. It was discussed with the State Board of accounts representative and suggested that we accept their letter of explanation and delete them from our rolls.

It was put in the form of a motion by Commissioner Ossenberg.....seconded by
Commissioner Willner.....so ordered.

MEETING ADJOURNED AT 10:35 a.m.

PRESENT

DRAINAGE BOARD

Rob Schaad
Robert Willner
Thomas Ossenberg

COUNTY AUDITOR


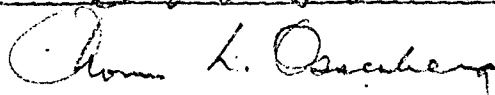

Curt John

COUNTY SURVEYOR

Mike Ludwick

COUNTY ATTORNEYS

Thomas Swain




VANDERBURGH COUNTY DRAINAGE BOARD MEMBERS

SECRETARY: B Nance

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VANDERBURGH COUNTY DRAINAGE BOARD

JUNE 23, 1975

A meeting of the Vanderburgh County Drainage Board was held on this 23rd day of June, 1975, at 11:10 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor, with an amendment made for them to read as June 9, 1975, instead of June 8, 1975, as was erroneously stated.

The reading of the minutes was dispensed with.

RE: PETITION FOR RELOCATION AND RECONSTRUCTION OF PORTION OF HARPER DITCH

Mr. John Carroll appeared, representing Gregory Kempf, who owns property just North and slightly to the West of the new Sears Roebuck & Co. store and the Plaza East Shopping Center.

He said that Mr. Butterfield and Mr. Oswald is here for the Tri State Racket Club. He said that in March of this year, the Board adopted a resolution which permitted the moving of Harper Ditch, whereas, instead of going diagonally through the property, it went around the property and that Mr. Butterfield is in the process of having final approval for a new Racket Club on this property that he is talking about. He said the plan is that the County is going to extend Harper Ditch straight North, to Oak Grove Road, at some time in the future and they have the tentative plans, so basically, what he is talking about is a temporary re-location of the ditch so it essentially follows the property line which is what the Commissioners informally agreed to by a resolution on March 25, 1975.

He said they are now coming back and asking the Commissioners to formalize that in accordance with the drainage statutes. He said he has various petitions he would like for them to act upon and that the essential thing he is asking for today is merely that they set the matter for hearing on July 7, 1975, at which time they will hear any objections, the Surveyor's report and all other things will be in at that time. He said he hoped also to have consent from the Gas Co. as well as a waiver of notice. He said Mr. Butterfield is under a time schedule relating to his construction and there will be notice given in the newspapers, of the fact of this public hearing for July 7th. and notice will also be given to the Baumgart's who own the adjoining property and to Southern Indiana Gas & Electric Co. who has the 100 feet of right of way, extending in a straight North & South direction. He said this is in essence, what they are proposing to do.

He then showed the Commissioners drawings, as to how the ditch will look when re-located.

He said he would like to file a petition which will really do three things.

- (1) to re-locate a portion of Harper Ditch
- (2) To vacate the abandoned portion of Harper Ditch
- (3) Permit the construction of permanent structures within ten feet of the re-located ditch.

Mr. Carroll filed the petition with the Commissioners at this time on behalf of Mr. Kempf, with drawing attached.

He said the statute calls for a number to be assigned on the re-location of a ditch for identification purposes so the number given it was DR-75-1, which identifies this petition.

Commissioner Ossenberg asked how much involvement is with the Southern Indiana Gas & Electric Co.

Mr. Carroll said they are using the 100 foot strip of right of way and hope to have a definitive consent by them, in time for the meeting of July 7th.

Commissioner Ossenberg said the reason he asked is because he has discussed the possibility on the extension North to Oak Grove Road with the Gas Co. and that just this past Saturday, he had a meeting with Mr. Vaughn and it appears that it looks very doubtful.

Mr. Butterfield said they haven't had consent on this portion of the re-location but they are hopeful to get their consent.

Commissioner Ossenberg said it could be that he was talking about the North extension, all the way out but that he talked in terms of having to have 138 feet for an easement.

Mr. Carroll said they have talked to Mr. Nussmeyer and he asked that Mr. Nussmeyer sign the Surveyor's Report as part of today's proceedings and then the adoption of a schedule of assessments and damages, followed by the setting of the matter for a hearing.

He said he believed they wouldn't need to comply with the 30 days if they can get the consent of the Baumgart's and Southern Indiana Gas & Electric Co. to waive the notice but that they do need to comply with the 10 day publication notice.

Commissioner Willner said there would be an x number of feet more to clean in the ditch and asked how this would be paid.

Mr. Ludwick said it depends on what price Harper Ditch is let out on.

County Attorney Swain said the way it is suppose to be done is on the basis of watershed.

Mr. Carroll said the cost will be minimal and that they are going to get a new ditch that is already cleaned out.

Commissioner Schaad said that is where the hearing comes in and that the people can attend to express their opinions.

Mr. Carroll said that he hopes they can get consent from Southern Indiana Gas & Electric Co. , that if they don't, they will have to back up.

Commissioner Ossenberg moved that the Commissioners accept the Petition. Commissioner Willner seconded the motion. So ordered.

Mr. Carroll then asked that the Commissioners execute the order, adopting the schedule and assigning the matter for hearing on July 7th. in line with the proposed order he has for the signatures of the Commissioners.

Commissioner Ossenberg moved to adopt the Schedule and to assign the matter for hearing on July 7th. Commissioner Willner seconded the motion. So ordered.

Mr. Carroll then presented the Notice that a Petition has been filed with the Board for the re-location and re-construction of a portion of Harper Ditch, which will go in the newspaper.

The Commissioners signed the Notice at this time.

County Attorney Swain noted that he neither approved nor disapproved of this procedure.

RE: DITCH CLOSED UP

Commissioner Willner said he was contacted about a ditch behind The Oaks, immediately South of Hillsdale Subdivision, about the owner of the property closing up the ditch in it's entirety. He said it isn't a legal drain and it drains the Rural Youth Center, Hillsdale Subdivision, Highway 41, Scott Township Civic Club grounds, etc. He said he called Mr. Ludwick and asked him to take a look at it and report his findings to the Commissioners today.

Mr. Ludwick said he had a survey crew go out and found that the man has placed better than eight feet of fill in this natural drain, also that on Hillsdale Road, there is a bridge structure which is a certain elevation and this man has filled this ditch to where it is eight feet higher than the elevation of that particular bridge structure, so the water is completely blocked for a distance of about 150 feet and it is about 20 feet across.

He said that it will eventually cause damage to the road and will cause drainage problems with all places concerned.

He said that he wanted to know what they could legally do to get this taken care of.

County Attorney Swain said he would have to check on it and that he would need to know the name of the creek and how far it is from the mouth of the Ohio River.

Commissioner Willner said he thought this bridge was in the State Road right of way and that even parts of the ditch are in it.

Commissioner Schaad said that the county has done work on this bridge, assuming that all the bridges in the county are ours, but it may be in the State Road right of way.

He suggested that Fred Alcott of the Soil & Water Conservation Department be contacted since he may have some input on this matter.

Mr. Ludwick said that he would contact Mr. Alcott.

County Attorney Swain said they would have to give notice to the Indiana Department of Natural Resources.

Commissioner Schaad said he was out there and that something has to be done about it because it is terrible and that it is just a question of who is going to take the action to get it started.

Commissioner Willner said he thought they should also call the State and see if the creek is in the Indiana State right of way.

Mr. Ludwick said he would check into the right of way first, since he wasn't sure about it.

The meeting adjourned at 11:30 a.m.

PRESENT

DRAINAGE BOARD

COUNTY AUDITOR

COUNTY SURVEYOR

COUNTY ATTORNEY

Bob Schaad
Thomas Ossenberg
Robert L. Willner

Curt John

Mike Ludwick

Thomas Swain

Secretary: B. Nance
by M. Meeks

Bob Schaad
Thomas L. Ossenberg
Robert L. Willner
VANDERBURGH COUNTY DRAINAGE BOARD MEMBERS

64.
VANDERBURGH COUNTY DRAINAGE BOARD
JUNE 30, 1975

A meeting of the Vanderburgh County Drainage Board was held on this 30th day of June, 1975, at 11:15 a. m. in the Commissioners Hearing room, with President Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor, and the reading of them dispensed with.

RE: CLAIM- ATTORNEY FEES

The following claim was presented to the Board for approval:

WILLIAM D. STEPHENS..... Attorney fees for 2nd quarter.....\$500.00

Commissioner Willner moved that this claim be paid.....seconded by Commissioner Thomas Ossenberg..... so ordered.

RE: HARPER DITCH

A reconstruction report and petition concerning the changing and rerouting of Harper Ditch was presented to the Drainage Board for study. It will be held for hearing set for July 7th, 1975. This was done in the form of a motion by Commissioner Ossenberg.. seconded by Commissioner Willner.....so ordered.

RE: LITTLE PIGEON CREEK

Commissioner Willner asked about the closed ditch that was discussed last week in the Drainage board meeting. It had been decided at that time to get some advice from our attorneys on the matter and Mr. Mike Ludwick was to contact Mr. Fred Alcott of the Soil & Water Conservation Department. Neither Mike Ludwick or Mr. Swain were able to make the proper contacts this past week so they had no definite report on same. Mr. Tom Swain stated he needed some more information as to the name of the creek and how far it was from the mouth of the Ohio River.

Mike Ludwick said it did seem as though the owner should have had to have some permit or permission to close the ditch up as he had.

After further discussion with the Commissioners it was determined that the Department of Natural Resources would be the most likely to be able to take action on this matter.

Mr. Swain said he would look into the situation, however he was not convinced as to what if anything they would do about it.

Mr Willner asked if he could please impress the urgency of the matter upon the board and Mr Swain and upon receiving a positive reply he stated he would like to go on record as doing so at this time.

Several things will be determined concerning it this week such as to whether it is or is not a Navigable Stream and if it is a legal drain, who owns it, and under whose jurisdiction it actually is. Mr Schaad asked that it be reported on next meeting.

RE: CHAR-MAR- ESTATES

Mr. Sam Biggerstaff presented an unrecorded subdivision platt on Char-Mar-Estates owned by Mr. Charles Koring to the board for inspection and discussion. After a breif discussion it was decided that this was not a Drainage Board matter at this time and asked that it be returned to this board at a later date if it reached the point that it was a Drainage matter and required Drainage Board action.

RE: KOLB DITCH

Mr. Sam Biggerstaff reported that the County had said they would clean the ditch along Covert avenue and when we had cleaned it we still had about a foot of water in it, after checking it out we found that the last 800 feet had been raised and made it uneven and would not drain properly. He stated he talked with Mr. Nussemoyer about it and it was O.K. with him and it was O.K. with Mr. Kolb, so we decided to regrade the last 800 feet of Kolb ditch. Having met with the approval of the Drainage Board it was reported that the last 800 ft. of Kolb Ditch has been regraded to conform with the grading of the other parts of the ditch and to provide adequate drainage along Covert Avenue. It has been

The meeting adjourned at 11:50 a.m.

PRESENT

DRAINAGE BOARD

Bob Schaad
Thomas Ossenberg
Robert L. Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Dick Nussmeyer
Mike Ludwick

COUNTY ATTORNEY

Thomas Swain
Wm. Stephens

Secretary: B. Nance

Bob Schaad
Thomas Ossenberg
Robert L. Willner
VANDERBURGH COUNTY DRAINAGE BOARD MEMBERS

56.
VANDERBURGH COUNTY DRAINAGE BOARD
JULY 7th, 1975

A meeting of the Vanderburgh County Drainage Board was held on this 7th day of July, 1975, at 10:55 a.m. in the Commissioners Hearing room, with President Schaad, presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor, and the reading of them dispensed with.

HAPER DITCH RELOCATION:

Mr. Schaad stated he had gotten a call earlier this week, and had a letter in his office from Mr. Carroll, that they were still working on some details to be completed and ironed out. Consequently the hearing set for today will be continued until July 28, and need not be readvertised. This was done in the form of a motion by Thomas Ossenbergseconded by Robert Willner.....so ordered.

JERRY ASHLEY:

Mr. Jerry Ashley of 2501 Kratzville Rd. presented a map and asked verbally for approval to build a 8000 sq. ft. building on his property on Boonville highway. It is located directly East and adjacent to Crawford Brandeis Ditch. He stated he had the property surveyed and he said he is sixty one feet from the ditch, the law requires that he be seventy five feet, however permission can be gotten from the Board to build closer if it does not present a problem in drainage. There was further discussion as to the fact that Mike Ludwig nor Mr. Nussemeyer had looked at the map and did not foresee any difficulty. Mr. Ashley told them he had talked with the Soil and Water Conservation office and feels he could help the flooding situation out there by building a large sediment pond on his property behind the building he plans to build.

Attorney Wm Stephens stated that he felt his request needed to be put in writing, perhaps a petition, stating just where the building was to be located, exactly what he wanted to do and under what conditions he would do it, also guaranteeing the Drainage Board that if we ever need to get in there for any reason to work on the ditch that they could without problem. Mr. Ashley stated he would prepare such a request or petition himself as he didn't want to hire an attorney, this was fine with the board as long as the information was presented in writing. It was suggested by Mr. Schaad that the Secretary be of any help she could like showing him a similar petition that Greg Kempf had recently presented to the board. Mr. Ashley will do so and present his petition next week at the next Drainage Board meeting.

CRAWFORD BRANDEIS:

Mr. Lawrence Stahl and Mr. Roger Klassy were present to represent the Steering Committee in regard to the realining of and or cleaning of Crawford Brandeis Ditch. They discussed the fact that they were sort of at a standstill awaiting some plans they understood Mike Ludwick was to draw up. There seems to be some question as to the stand the property owners are taking at this point, it seems like someone has suggested to them the proposed plans will not solve their problems. Mr. Klassy said Tom Pugh and Mr. Fred Alcott agrees that the water from the Crawford Brandeis should get up North into the Pigeon Creek before the Blue Grass water gets there. The proposed bypass would cause this to happen, however it apparently has not been determined just what the cost or what labor would be involved.

Mr. Schaad reminded them that the agreement as he understood it was that they would realine the ditch where there were no problems or objections from the land owners and just clean it where there was objections. Mr. Klassy said yes but he felt since it required only 50% of the land owners signatures that if plans were made available and the people talked to by the Steering Committee there would be no objections to speak of. Mr. Nussemeyer stated that the work and time involved in making these plans were possibly too much if it could go no further. Mr. Schaad agreed that it was involving alot of work and time and maybe the people should be talked to first to see where we stand on the matter.

Mr. Klassy stated that several of the committee had met together and he was under the impression that Mike Ludwig had agreed to making these plans and was asking the Board to stand behind the committee in urging the Surveyors office to do so.

Mr. Ludwick stated yes he had discussed this with the committee or at least some of them and had sort of planned to do this thing in three phases and phase one was just about done, however, there were other important thing that had priority over this work, such as the Green River Road project that was requiring their full concentration and would do so for at least two or three weeks more. His office is very very busy at this time as the board was aware of, however he would do what he could as soon as he could.

After further discussion it was suggested that the Steering committee be patient and that they get together with Mike and or Mr. Nussemeyers office and agree as to when and how it was to be handled.

The meeting adjourned at 11:10 a.m.

PRESENT

DRAINAGE BOARD

Bob Schaad
Thomas Ossenberg

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Dick Nussemeyer
Mike Ludwick

COUNTY ATTORNEYS

Wm Stephens
Thomas Swain

Bob Schaad
Thomas L. Ossenberg
Robert F. Williams
VANDERBURGH COUNTY DRAINAGE BOARD MEMBERS

Secretary: B. Nance

58.

VANDERBURGH COUNTY DRAINAGE BOARD
JULY 14, 1975

A meeting of the Vanderburgh County Drainage Board was held on this 14th day of July, 1975 at 11:10 a.m. in the Commissioners Hearing Room, with President Bob Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor, and the reading of them dispensed with.

RE: CLAIM - QUENTIN STAHL

The following claim was presented to the Drainage Board for approval:

QUENTIN STAHL.....cleaning Kolb Ditch.....\$787.32

Commissioner Thomas Ossenberg moved that this claim be paid.....seconded by Commissioner Willner..... so ordered.

RE: JERRY ASHLEY

Mr. Jerry Ashley as per requested last week, presented the Board with a written request for approval to build a commercial building on his property on Highway 62. He enclosed a drawing or plan of same and made mention of the fact that the dimensions on the drawing are from the center line of the ditch not the edge. He said he would at no point be any closer than 50 feet of the edge of the ditch.

There was no objections from Mr. Nussemeyer's office and everything seemed to be in order. Attorney Swain asked if he would be willing to give a written statement, relieving the County of any damages should any future problems arise.

Mr. Ashley said yes he would be glad to and it was decided it be as a NO Harmless Cause.

A motion was made to grant his approval subject to this written statement, by Commissioner Willner.....seconded by Commissioner Ossenberg.....so ordered.

RE: HARPER DITCH

Commissioner Ossenberg asked about the petition from Greg Kemp and Mr. Schaad replied that it had been postponed until July 28th.

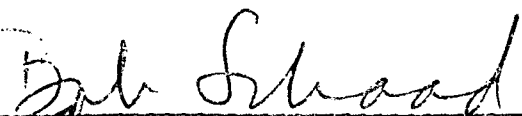


Tom said he was satisfied with the contract and Mr. Schaad said it would be heard July 28th. The secretary is holding an agreement to be signed at that time also.

The meeting was adjourned at 11:18 a.m.

Present

<u>DRAINAGE BOARD</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY SURVEYOR</u>	<u>COUNTY ATTORNEY</u>
Bob Schaad Thomas Ossenberg Robert Willner	Curt John	Dick Nussemeyer Mike Ludwick	Thomas Swain Wm. Stephens

Secretary: B. Nance




VANDERBURGH COUNTY DRAINAGE BOARD MEMBERS

59.

VANDERBURGH COUNTY DRAINAGE BOARD
July 21-1975

A meeting of the Vanderburgh County Drainage Board was held on this 21st day of July, 1975, at 9:30 a.m., with President Bob Schaad presiding.

President Bob Schaad explained that the Drainage Board meeting was before the Commissioner's meeting due to the previous commitment of two attorneys appearing on an important matter to be brought before the Drainage Board.

The minutes of the previous meeting were approved as engrossed by the Auditor, and the reading of them dispensed with.

RE: PETITION - HARPER DITCH

John Carroll attorney appeared for Greg Kempf; approximately three weeks ago, he stated they had presented the board a petition to relocate Harper Ditch. It would have been to a point to Virginia Street, and then it would run along right of way of Virginia Street to a point where it connects with Harper Ditch, that was found to be unfeasible for several reasons; one being that it destroys the right of way for Virginia Street sufficiently that you could not do both. Hence, the plan was revised so that instead of just going to Virginia Street and coming across to intersect the present location, the right of way was brought entirely north about 1,100 feet to the North line of where the Baumgart property is, and then runs west to the point where it intersects with the present alignment on Ditch close to Green River Road. Now the purpose of that will be that it will clean out and make available for future use a very wide segment of the area which would not solve the problems as we had previously contemplated it, but hopefully substantially increasing the tax rate and substantially increasing the area that can be used for residential and for commercial purposes. So what we are coming back to now is to ask that you allow us to file a brand new petition, that you abandon the petition you have now that had been set for a hearing July 28, that you completely disregard that petition and allow us to file this new petition which will take the property to the North line of the Baumgart property which is shown the filing of a new petition by the property owners encompassing all the area! The plan would be that a new ditch, similar in width and depth to the existing Harper Ditch subject to the specifications of the County Surveyors, would be constructed by the property owners entirely at their own expense. So that you will have a brand new, cleaned out ditch all the way from 1100 feet and then 900 feet over to where it connects with the existing ditch so that you would have no maintenance problems and no clean out problems for years to come.

It would be constructed subject to the County Surveyors specifications. So we are asking for the filing of that petition and also that you enter in with an agreement with Southern Indiana Gas and Electric Company and with the property owners that in effect says that if the ditch upon its construction, that if or when its abandoned at a future time, because you have a plan which calls for it to go straight north through Oak Grove Road. That this part would first be filled in and the land put back in a normal position. The rest is just all that the law would contemplate anyway in terms of maintenance, etc.

We have submitted to the County Attorneys the form of the petition which they have reviewed and therefore we ask you that you accept this petition for filing and you agree to enter into the contract aforementioned with Southern Indiana Gas and Electric Company and the property owners.

The purpose of this, of course, is to allow immediately the construction of a Raquet Club down on this lower portion of this property but will open up the area north of that for future commercial and residential expansion and substantially increase the tax base in the County.

We also request that the County Surveyors execute his reconstruction report finding that the entire cost of the reconstruction of the ditch would be borne by the property owners with no benefits or damages to any other persons other than 100% to the existing property owners and that you then set for Public Hearing with notice a meeting two weeks from today, August 4, where the matter can be brought for final determination at a public hearing.

Bob Schaad asked for proper identification DR-175-1 for secretary Mrs. Nance-- the new petition will be DR-175-2, to be readvertised and set for the day of August 4.

He therefore filed the Petition and the Reconstruction Report, order and then notice.

Mr. William Foreman was here to represent the Raquet Club and he(not SIGECO) was asked by Attorney William Stephens whether he could tell the Board whether or not this easement is offered only on the condition that there will be an eventual abandonment of that easement sometime. Mr. Foreman replied it would not ever have to be abandoned but it would be abandoned if the County relocates the ditch. Mr. Stephens said the agreement you submitted contemplates that the County may abandon the ditch and at that time the County would be obliged to fill in the ditch. But if the County decided not to abandon the ditch it's o.k., with SIGECO. Receiving a positive reply, Mr. Stephens stated this is really just on amendments and the other one.

Mr. Carroll filed reconstruction report. Mr. Carroll asked that he hoped to have approval of the Board on the whole deal.

Mr. Stephens stated that there are just a couple changes in acceptance, for example, if anyone of SIGECO gets injured or property is injured

If this is not granted on the condition that it is definitely going to be abandoned, he sees no reason not to sign it. It can be signed now or on August 4 at hearing; whichever the Board desires.

Tom Ossenberg made a motion that it be approved in principle today but not signed.

Commissioner Willner objected as he wanted to do a little more homework on it and suggested that Tom rephrase his motion that the Petition be accepted subject to final hearing on August 4.

Tom Ossenberg restated a motion that we accept this petition subject to final hearing, on August 4. Robert Willner seconded the motion. So ordered.

Mr. Carroll asked at this time (so the records are straight) to show in the minutes that the County Surveyor files his reconstruction report and based on this report the Board adapts the schedule of assessments and damages in accordance with the reconstruction report.

It was put in the form of a motion by Tom Ossenberg that the Board accept and sign these reports today. Robert Willner seconded the motion. So ordered.

Mr. Carroll also presented a form of Order of the Board which is in line with Mr. Ossenberg's motion setting the matter for August 4, 1975, and he asked that it be signed and also the notice which they will put in paper which requires the Board's signature. We also ask that it be signed. It will be DR 175-2.

Tom Ossenberg made a motion that they sign these necessary forms. Commissioner Willner seconded. So ordered.

It was noted that it would be advertised ten days before the hearing. The advertisement would be handled by the attorneys.

RE: CRAWFORD BRANDEIS

Mr. Mike Ludwick and Mr. Nussmeyer presented the reconstruction plans for Crawford Brandeis Ditch to the Board. These are preliminary plans on Crawford Brandeis, at least they are a beginning of having substantial plans to present to the property owners. This was a request of the Steering Committee.

The meeting was adjourned at 9:58 a.m.

The following is a continuation of Drainage Business that was discussed during the Commissioner's meeting due to the fact that the persons appearing were not aware of the change of time for the meeting.

RE: JERRY ASHLEY

Mr. Jerry Ashley presented a letter to the Drainage Board that he felt was sufficient as asked for last week. He had been requested to present something similar to a "Hold Harmless Cause."

Mr. Stephens, county attorney, said that this letter as presented was not acceptable because it did not contain the complete information necessary to make it acceptable for filing.

After further discussions, it was suggested by the Commissioners that Mr. Ashley check with his attorney or someone in his office and get the correct form completed to present to the Board at the meeting next week. Apparently there had been some misunderstanding on Mr. Ashley's part as to just what was required. Mr. Stephens has discussed the matter with Mr. Ashley's attorney, Mike Mitchell, and Mr. Ashley was asked to take it from there.

RE: ROGER KLASSEY

Mr. Klassey appeared before the Board stating he was concerned about the timetable on Crawford-Brandeis Reconstruction. He stated, "If you recall initially or at the offset we were working with the Drainage Laws concerning Ditch Construction; then we jumped to laws concerning reconstruction. As I understand it, the law places the initiative with the Drainage Board to direct the survey, to prepare the plans, ascertain the costs, ascertain the benefits of those affected...then giving the property owners a right to remonstrate or object."

Mr. Schaad reviewed the fact that there had to be steps taken and that Mike Ludwick had presented some preliminary plans this a.m. and they were given to Mr. Stahl so that all the people could be contacted and go from there. The outcome of these people would determine whether the ditch would be reconstructed or just cleaned.

There was further discussion as to how and what steps would be taken when from here. There will be a referral back to the Steering Committee and a report will be made at a later date.

Present

DRAINAGE BOARD

Bob Schaad
Thomas Ossenberg
Robert Willner

Secretary: B. Nance

COUNTY AUDITOR



Curt John

COUNTY SURVEYOR

Dick Nussmeyer
Mike Ludwick

COUNTY ATTORNEY

James Buthod,
Pro-Tem
Wm. Stephens


VANDERBURGH COUNTY DRAINAGE BOARD
MEMBERS

62.
VANDERBURGH COUNTY DRAINAGE
JULY 28, 1975

A meeting of the Vanderburgh County Drainage Board was held on this 28th day of July, 1975, at 10:40 a.m. with President Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with. This was done in the form of a motion made by Thomas Ossenberg,seconded by Commissioner Willner.....so ordered.

RE: JERRY ASHLEY

Mr. Jerry Ashley had requested previously, approval to build within 75 ft. of Crawford Brandies Ditch. He presented this a.m. properly formed and legal papers, since the other papers he had presented were not sufficient. He asked for final approval for his building. Thomas Ossenberg moved that his request be approved.....seconded by Commissioner Willner.....so ordered. The approval was signed.

RE: RAQUET CLUB

Mr. Thomas Ossenberg stated that last week there was a discussion, that was set for a hearing August 4th, 1975 about a contract that the Board was asked to enter into. He said Mr. D.W. Vaughn from S. I. G. & E. Co. was in this week and talked to him, he said he asked Mr. Vaughn if he had discussed the matter and did he agree to the fact that the County Drainage Board had the authority to close that ditch in or at any given time, he said no it was his understanding that the ditch is to be closed and is to be done by Mr. Butterfield and his associates. They are asking in the contract that the Drainage Board fill that ditch & that is not in the agreement.

Mr. Stephens said there was another thing that he questioned in the agreement & that was in connection with any injuries incurred while working on that easement. He said he has written a letter to our Insurance Carrier to see if we have coverage on same and would have their answer in writing next week. He says S.I.G. & E. Co was looking to us to reimburse them for any such expenses.

Mr. Vaughn had also stated that Mr. Butterfield had told he and Mike Ludwick that they would fill in the ditch. After more discussion with the attorney and Commissioners it was decided that Mr. Ossenberg would call Mr. Vaughn and ask him to be here or have a representative here at the hearing August 4th. next week. It will not be able to be settled if everyone concerned is not here to answer questions that will invariably come up.

MEETING ADJOURNED AT 11:07 a.m.

PRESENT:

DRAINAGE BOARD

BOB SCHAAD
THOMAS OSSENBERG
ROBERT WILLNER

COUNTY AUDITOR

CURT JOHN

COUNTY SURVEYOR

MIKE LUDWICK

COUNTY ATTORNEYS

WILLIAM STEPHENS

Bob Schaad

Robert Willner

SECRETARY: B. Nance

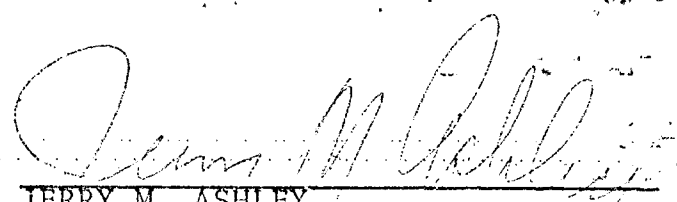
Crawford 7/28/75

INDEMNITY AGREEMENT

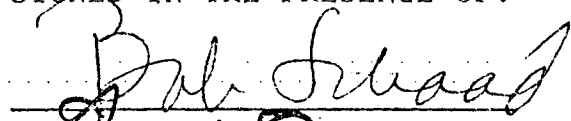
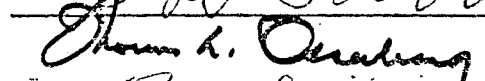
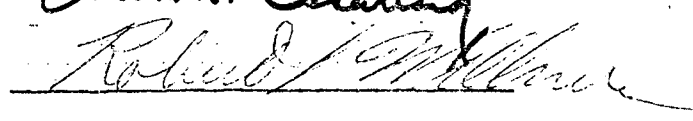
In consideration for the consent to erect a permanent structure on property owned by the undersigned, being located on Boonville Highway, Vanderburgh County, Indiana, the undersigned hereby agrees to hold harmless and indemnify the Drainage Board of Vanderburgh County, Indiana, its members individually, and its successors from any and all claims, known and unknown, arising out of any and all personal injuries and property damage which may hereinafter develop as a result of a flooding of the Crawford-Brandies legal ditch located on and adjacent to the undersigned said property.

This indemnity and hold harmless agreement is being made without being considered as an admission of any liability, now or in the future on any part of the parties.

IN WITNESS WHEREOF, I have hereunto set my hand this 28 day of July, 1975.


JERRY M. ASHLEY

SIGNED IN THE PRESENCE OF:

64.

Received 7/22/77

CONSENT TO ERECT PERMANENT STRUCTURES

Comes now JERRY M. ASHLEY, and having heretofore filed his petition to the Drainage Board of Vanderburgh County for relief from the provisions of IC, 1971, 19-4-6-1 as it relates to Crawford-Brandies Ditch, a legal open drainage ditch in Vanderburgh County, Indiana; and the Board having heretofore examined said petition and being duly advised in the premises, finds that that prayer of such petition was approved and should be reaffirmed.

IT IS, THEREFORE, ORDERED that the Drainage Board of Vanderburgh County, Indiana hereby reaffirms its consent to the construction of permanent structures to a point not nearer than fifty (50) feet from the Eastern boundary line of said Crawford-Brandies Ditch within the following described real estate, situated in Vanderburgh County, Indiana, to-wit:

Part of the West Half of the Southeast Quarter of Section Thirteen (13), Township Six (6) South, Range Ten (10) West, in Vanderburgh County, Indiana, more particularly described as follows:

Beginning at a point in the center of Indiana State Road Number 62, (F Project 793 (1)), which is located by commencing at the Northwest corner of the Southwest Quarter of the Southeast Quarter of said Section and measuring thence South along the West line thereof for a distance of Six hundred eleven and eighty-four hundredths (611.84) feet to the center of said State Road; thence North Seventy-four (74) Degrees and Fifty-one (51) Minutes East along the center of said State Road for a distance of One thousand two hundred seven and seventy-six hundredths (1207.76) feet to the place of beginning of subject real estate; thence from said place of beginning North Two (2) Degrees and Twenty-three (23) Minutes East for a distance of Six hundred fifty-eight and five tenths (658.5) feet; thence North Zero (0) Degrees and Twenty-three (23) Minutes East for a distance of Seven hundred ninety-three and forty-six hundredths (793.46) feet to a point which is One hundred eighty-two (182) feet South of the North line of the Southeast Quarter of said section; thence South Eighty-nine (89) Degrees and Fifty-nine (59) Minutes East and parallel to said North line for a distance of Twenty-nine and eighteen

65.

hundreds (29.18) feet to the center of a ditch; thence North One (1) Degree and Fourteen (14) Minutes East along the center of said ditch for a distance of One hundred eighty-two and two hundredths (182.02) feet to the North line of the Southeast Quarter of said Section; thence South Eighty-nine (89) Degrees and Fifty-nine (59) Minutes East along said North line for a distance of Thirty (30) feet to the Northeast corner of the West half of the Southeast Quarter of said Section; thence South Zero (0) Degrees, Fifty (50) Minutes, and Thirty (30) Seconds East along the East line of said Half Quarter Section for a distance of One thousand six hundred one and twenty hundredths (1601.20) feet to the center of said State Road; thence South Seventy-four (74) Degrees and Fifty-one (51) Minutes West along the center of said State Road for a distance of One hundred twenty-three and sixty-one hundredths (123.61) feet to the place of beginning.

Containing Three (3) Acres, more or less..

said point being within Seventy-five (75) feet of Crawford-Brandies Ditch, a legal open drainage ditch, measured at right angles from the existing top edge of the east bank of said legal open ditch as determined by the surveyor or any duly authorized representative of either the survey or Board. The County shall not be liable for any damage within said fifty (50) foot strip reasonably necessary in the care and maintenance of Crawford-Brandies Ditch.

DATED this 25 day of JULY, 1975.

DRAINAGE BOARD OF VANDERBURGH COUNTY,
INDIANA

B. L. Swaff
COMMISSIONER

Thomas L. Osenberg
COMMISSIONER

Robert D. Williams
COMMISSIONER

PREPARED BY P. MICHAEL MITCHELL, OF THE LAW FIRM OF COX AND MITCHELL, 16 N.W. SIXTH STREET, EVANSVILLE, INDIANA 47708.

66.

VANDERBURGH COUNTY DRAINAGE
AUGUST 4, 1975

A meeting of the Vanderburgh County Drainage Board was held on this 4th day of August, 1975 at 10:35 a.m. with President Bob Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with. This was done in the form of a motion made by Commissioner Willner.....seconded by Bob Schaad.....so ordered.

RE: RELOCATION OF HARPER DITCH

Mr. John Carroll, attorney, appearing for Greg Kempf on the relocation of Harper Ditch, stated this was the time and day fixed by notice for final hearing and approval. He reviewed the facts that instead of the original plan to go diagonally across the property, they expect to extend North on the property line and then come across the section line, in order to make the best economic use of both of these properties. Mr. Carroll further stated that he would like the record to show that he was presenting a Waiver of Notice, from S.I.G. & E. Co. also that public notice was given in the Courier & Press on July 23, 1975. Proof of Publication was presented also. Pursuant to the Statute, notice must be given to the Dept. of Natural Resources and he presented a Affidavit to show that the proper notice was given. Mr. Carroll stated he fully understood that the relocation was subject to the approval of the Dept. of Natural Resources Commission, pursuant to Chapter 318 of Act of 1945, he said that they would deal with this and anything else that might arise. Mr. Carroll then stated that unless there were some objections he would like at this time to ask the Commissioners to approve the relocation as specified.

Mr. Schaad stated he would like to be sure that the agreement with S.I.G. & E. Co. was cleared as to the old ditch being filled in etc. As per Thomas Ossenberg last week there was some question as to who was responsible and when it would be done. Mr. Carroll said it had all been cleared up and was in the agreement before the Commissioners now.

Commissioner Willner also stated that there were a couple questions he would like cleared up before they signed. One being, are you going to relocate Harper Ditch after this move again soon? Is this move a temporary one? Also does it actually state in the agreement in writing that the County will not be expected to fill in the old ditch once it is relocated?

Mr. Carroll stated that the property owners will build the new ditch and fill in the old one at their own exence. With regard to abandonment, the easement and the ditch will be the complete responsibility of the property owners.

Mr. Willner said that he would like to see it in writing in the agreement or some form.

Mr. Carroll said he would be glad to present a letter in behalf of the property owners yet today, stating that they would fill in the ditch and whatever he wanted.

Mr. Willner said he would like to have that letter before complete approval was released.

Mr. Carroll then asked the Commissioners if they would please sign all the necessary papers now and let their secretary Marsha hold them until he brought the letter in this afternoon, as time was a very important factor now.

Commissioner Willner moved that the petition and other necessary papers be approved subject to the letter to be presented by Mr. Carroll.....seconded by Mr. Schaad.....so ordered.

It also should be shown on the record that there were no remonstrators.

Meeting adjourned at 10:45 a.m.

Later today to show on the record Mr. John Carroll presented to the Commissioners the above mentioned letter. He received and gave signed copies to the Drainage Board secretary the following documents. Proof of Publication of Legal Advertisement, Agreement, Legal Notice, Order of the Board, Affidavit, Waiver of Notice, these were filed with the Petition and other pertinent papers concerning the relocation of Harper Ditch.

PRESENT:

DRAINAGE BOARD

COUNTY AUDITOR

COUNTY SURVEYOR

COUNTY ATTORNEYS

Bob Schaad
Robert Willner

Curt John

Dick Nussemyer

Thomas Swain

Bob Schaad

Robert Willner
VANDERBURGH COUNTY DRAINAGE BOARD

SECRETARY: Beverly Nance

VANDEBURGH COUNTY DRAINAGE
AUGUST 18, 1975

A meeting of the Vanderburgh County Drainage Board was held on this 18th day of August, 1975, at 11:00 a.m. with President Bob Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them was dispensed with.

RE: PLANS PRESENTED ON THE CRAWFORD-BRANDIS DITCH SYSTEM

Mr. Ludwick presented plans for the first phase on Crawford-Brandis Ditch System. He said that at the last meeting with Mr. Lukens, of the Area Plan Commission and the Drainage Board, they discussed and completed the set of plans and he was asked to get them out to several contractors and to get a bid if he could, to see what kind of money they were going to have to come up with and he has a contractor who submitted a price of \$48,000.00 and the County's estimate before was \$25,000.00. He said there is something like 70,000 cubic yards of dirt that will have to be moved in this one phase only.

He said that this contractor is one of the smaller contractors and wouldn't have the overhead that the larger contractors would have, so it will cost them the \$48,000.00 or more just to complete the first phase.

He also said that his office is continuing with the second phase, which isn't completed but that they are working on it and it will be from Highway 62, South of Division Street. He said that they will now have to decide how they intend to pay for the project and wondered if the Commissioners planned to sell bonds, since he thought they were now getting into something that is going to be more than the people can afford to pay for.

County Attorney Swain asked Mr. Ludwick if he had allocated it to the land owners by way of the water shed.

Mr. Ludwick said he hadn't done anything yet because the \$48,000 just in the one phase would be more than the 25%.

Mr. Klassy said that at the last Drainage Board meeting, the Commissioners had asked him to contact the people along Crawford Brandis to see who would be interested in re-alignment.

He said that the situation remains about the same, in that the people in the North portion of the phase are basically against both, reconstruction and re-alignment, the reason being that they have a little problem, since they are at the mouth of Pigeon Creek and they are also getting water from the Boesche Ditch System and they feel that by the reconstruction and re-alignment, they will get water more quickly. He explained the plans and said that the shaded areas on the plans are areas that involve the people along the ditch line, who are in favor of re-alignment and that the assent agreements are attached.

He also said that there is a bridge under Hirsch Road, West of Burkhardt Road, coming in from the East where Boesche crossed, which is far too small and of all the farmers he talked to in this area, he thought this was probably the biggest complaint.

After further discussion, Commissioner Schaad said the original thought was to realign where there was no objection and to clean the ditches where there was objection.

Mr. Lukens said that he and Mr. Nelson have discussed this project and they thought they ought to go on a massive plan project to handle the entire problem, to include the use of consulting engineers and the County's engineering staff, even to the point of considering bond issues to get this kind of a job done and now that they were into it, he thought this was the time to get it done and to do it on a massive basis.

Mr. Nelson said they have run into a problem in the Area Plan Commission, in that development is turned away every month and the dollars and cents in tax money mount up and since they can't build, they go somewhere else.

Mr. Nussmeyer said this project should be co-ordinanted with the city.

Commissioner Schaad said if they would get a consulting engineer it would be necessary to work together but he wondered where they were going to get the money to do all this.

Commissioner Ossenberrg asked Mr. Nussmeyer if he could justify any cost by Accumulative Bridge.

Mr. Nussmeyer said he was sure they could, especially that part along Burkhardt Road.

Mr. Nelson said that his understanding was that if the now situation was taken care of, that the people wouldn't object to this project and he asked Mr. Klassy if this was his understanding.

Mr. Klassy said yes, that he has been told this.

Commissioner Schaad said that there is a consensus of opinion then, with what Mr. Klassy has presented here, where there is no objection to re-alignment and he asked if they felt that this would be money well spent to go ahead with this at the beginning and then to work on the overall plan if they can take his suggestions. He said that this is something that will have to be worked out by the engineers and the landowners, that they could continue talking about it and wouldn't conclude anything, that it is a matter of getting together and to agree on the best way to do it and to go ahead with it.

Mr. Klassy said that it seemed to him that the next step would be to hold a hearing.

County Attorney Swain said they wouldn't have anything to hold a hearing on, since they do have to show benefits and damages to each property owner and they have to do it on the rational method in the water shed just like they did in Eagle Slough and until they have this report, they have absolutely nothing to show anybody.

Mr. Nelson asked what they were talking about here as to the time involved.

Mr. Nussmeyer said it would be about another five years.

County Attorney Swain said if they are going to change the alignment of the ditch, then it has to be reconstruction and in reconstruction, every landowner has a right to remonstrate.

Commissioner Schaad said they planned on re-aligning only, that portion of the ditch where there is no objection where the people are concerned and clean the rest of it where the people object to it.

Mr. Ludwick said there would still be people in the water shed that would be paying for the re-alignment.

Mr. Klassy said they could just go back to the original plan then and just clean the ditch.

Commissioner Schaad said they have talked about this long enough and he asked County Attorney Swain what they could do and what his recommendation would be on how they can proceed.

County Attorney Swain said that first, they have to decide how much they want to do and if it would cost more than 25%.

Commissioner Schaad said yes, that just the cleaning of it will be \$48,000.00.

County Attorney Swain said that they then might as well go with re-construction because the procedure is roughly the same.

Commissioner Schaad said it looks like they are going through hearings anyway so they might as well go with the re-alignment as County Attorney Swain had suggested.

There was discussion of how long it would take to get through these hearings and Mr. Nussmeyer said it would take from two to five years.

County Attorney Swain said that before they have the hearings, this thing has to be engineered, laid out and benefits and damages on each individual, also determine the water shed, every owner in the water shed, how much of percentage there will be, etc.

Mr. Nussmeyer asked if there wasn't a possibility that they could use some bridge funds, since there are four or five bridges in the area.

Mr. Nelson asked if there wasn't some discussion earlier about participation of the city and other people, and asked if it would put it under the 25% if they used the bridge fund and the city.

Mr. Nussmeyer said it is possible if these funds could be involved, as this is the only way he can see anything done in a year or two.

Commissioner Schaad asked if the City gave any indication as to what degree they would participate.

Mr. Nelson said that when they said this phase would cost \$30,000.00, they said they would go \$10,000.00.

County Attorney Swain said that the City was assessed for 72% of the cost on Eagle Slough and it is on the tax rate, as such.

It was then discussed as to if they were going to stick with the alignment and get enough money to get under the 25% to avoid the hearings of to stick with Mr. Ludwick's original plan in just cleaning the ditch with no re-alignment.

There was also discussion about the ditch being straightened and Mr. Nussmeyer said that if individuals wanted parts of the ditch straightened out, the individual could pay the extra cost to do it.

Commissioner Schaad said they should take the \$48,000 that Mr. Ludwick mentioned, to clean the ditch and if they can work it out with the individual land owner, they will straighten out the ditch instead of cleaning and in the meantime, he asked Mr. Nussmeyer and Mr. Ludwick to see what they could come up with on the Cumulative Bridge Fund, how much the City and University of Evansville is willing to give and check with the sub-divider and see if the rest of it is less than 25% for the total price, on the cleaning of all of the ditch, from Lincoln Avenue, North, and if it is, then there is no reason why they can't go ahead with it and then see who is going to do it.

All concerned agreed that this is the procedure that will be followed.

The meeting adjourned at 12:00 noon.

PRESENT

DRAINAGE BOARD

Bob Schaad
Thomas Ossenberg
Robert L. Willner

COUNTY AUDITOR

Curt John

COUNTY ATTORNEY

Thomas Swain

Secretary: Janice Decker
by Margie Meeks

Bob Schaad
Thomas Ossenberg
Robert L. Willner
VANDERBURGH COUNTY DRAINAGE BOARD MEMBERS

71.

VANDERBURGH COUNTY DRAINAGE
AUGUST 11, 1975

A meeting of the Vanderburgh County Drainage Board was held on this 11th. day of August, 1975 at 11:40 a.m. with President Bob Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: CLAIM

A claim was submitted for Joseph Schmitt for the maintenance of Hoefling Ditch in the amount of \$376.04.

This ditch was inspected and passed on August 8, 1975.

Commissioner Willner moved the claim be approved for payment. Commissioner Schaad seconded the motion. So ordered.

RE: CRAWFORD BRANDIS DITCH

President Schaad asked Mr. Nussmeyer if he had anything to report on Crawford Brandis and he said no.

President Schaad said in the plans weren't we going to re-align it where there were no objections on the part of the property owners and just clean it where there were objections.

Mike Ludwick said it hasn't been brought up at the committee meeting yet, but they are to meet some time this week.

President Schaad said there is nothing more we can do at the present time but to wait until we hear from the citizens in that area.

RE: MR. ERWIN STAHL

Mr. Erwin Stahl asked permission to speak at this time stating he has a farm out on Lincoln Avenue next to the County line and after that hard rain we had last Sunday he wanted the Commissioners to know what a mess they had. In sixty four years of living out there he never seen water as deep as it was then. He had water in his basement two and a half inches deep.

About ten years ago Lincoln Avenue was raised three or four inches so the water is now being held on the south side of the road. This water comes off of the additions west of Lincoln Ave.

He said he has a drive-way leading to his field which is suppose to be the breaking point of Lincoln Avenue. Last Sunday in the hard rain he went out to see just how this water was flowing and it was going across this black-topped drive heading east instead of west about five and a half inches deep and traveling about three quarters mile an hour. This water was going to the Warrick County ditch, up through Stevenson and on to Castle Gardens to get to Pigeon Creek. The water from Vanderburgh County should be going down the Crawford Brandis or Nurrenbern Ditch instead of backing up like it is doing.

Mr. Stahl presented a sketch to the Commissioners and pointed out some of the land owners out there and showed them how the water is flowing and how it should be flowing.

President Schaad said this really isn't a part of the Legal Drain.

Mr. Ludwick said the Building Commissioner's office has asked the contractors to build some relief ditches out there around the subdivisions, as it is really creating a problem out there.

President Schaad said since this is not a legal drain it should not come under the Drainage Board. The thing for Mr. Stahl to do perhaps is to discuss this problem with Mr. Bill Michener in the Building Commissioners office because he is aware of this and he believes that Bill is the one that did insist this ditch be dug. Mr. Stahl may also want to discuss this with Mr. Crooks.

Mr. Stahl said it does get to be a problem with a legal drain when it gets to one point.

President Schaad thanked Mr. Stahl for appearing today and directed him to meet with Mr. Michener and try to work this out.

MEETING ADJOURNED AT 10:55 a.m.

PRESENT:DRAINAGE BOARD

Bob Schaad
Robert Willner

COUNTY AUDITOR

Curt John

COUNTY ATTORNEY

Thomas Swain

Bob Schaad

Robert L Willner

VANDERBURGH COUNTY DRAINAGE BOARD MEMBERS

SECRETARY: B. Nance

VANDERBURGH COUNTY DRAINAGE

AUGUST 25, 1975

A meeting of the Vanderburgh County Drainage Board was held on this 25th day of August, 1975, at 11:15 a.m. with President Bob Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them was dispensed with.

RE: BILL RECEIVED IN ERROR

Mr. Ludwick said that the County has received a Bill for the legal ad on the Harper Drainage Ditch, which should have gone to the Law Firm of Johnson, Carroll & Griffith, since they are suppose to pay for this.

County Attorney Swain said that Mr. Ludwick should call them and have them make out a check to the Evansville Printing Corporation.

RE: UPDATING OF EXISTING MAPS APPROVED

Mr. Nussmeyer said they have budgeted \$30,000 for the engineering survey in the present Drainage Budget.

He submitted maps and said that they show everything they have, in order, from Pigeon Creek and North of Carpenter Creek, also the portion that they don't have mapped.

He said they have a proposition from R.H. Ludwig & Co. Inc., who did the original maps.

He presented their proposal, at the cost of \$26,800.00, which will cover 21 square miles and would complete the county.

Commissioner Schaad said there has been talk in the Area Plan, that we need to have a study made of the entire drainage problem in all of Vanderburgh County and this would almost be a must if they are going to solve all these problems.

Mr. Nussmeyer said they have asked the City to join in with this, since most of the drainage problems are in the East side of the City.

Mr. Ludwick said that the City has a separate proposal since they didn't want to tie themselves together, that it is with the same company, at the cost of \$29,000.00 to do their part, since there is a section of maps they also need, but they wanted to separate those from the County so they wouldn't get tied up in not having enough funds.

He said the money for the county's part is in this years budget that was asked for last year. He also said they have a file in the Surveyor's office that the company calls a script and they are something similar to a negative and they can go back and update it and all the new additions can be added, whereas if they go to another company, they would have to start from scratch and this company already has some of the work done, so they thought this was the better proposal.

Mr. Nussmeyer said he thought it was a very fair proposition.

Commissioner Ossenbergh moved that the proposal be approved and that they enter into the Contractual Agreement with R.H. Ludwig & Co. Inc. for the updating of the maps. Commissioner Willner seconded the motion. So ordered.

Mr. Ludwick said the purpose of awarding this job now is so the money can be encumbered. He said this will be a winter job for the Engineering Company.

RE: CRAWFORD-BRANDIS DITCH SYSTEM

Mr. Ludwick said they were discussing the plans for the Crawford Brandis Ditch last week and what they have done was to combine the Crawford Brandis and the Crawford Brandis Extension. He said the annual maintenance on both of these would total \$3,289.39 per year and if they were to take this figure and add the 25% onto it, they would come up with \$4,111.73 and they are going to have to go on a five-year program so they take this figure times 5, which gives them \$20,558.65 and this is all they can go, legally, without having hearings. He said this is only on one section of the Crawford Brandis Ditch, as such, and this is from Pigeon Creek to Boonville Highway and he said that if they go into Bridge Funds, etc., they are going to have to go a totally different way for the fund source to complete that job.

Commissioner Schaad said they had been discussing if they could see how much money they can come up with from the Bridge Fund and if it can be justified and that with talking to the City and finding out how much they can come up with and also see how much they can get from the University of Evansville. He asked if the \$48,000 that Mr. Ludwick had come up with, was for Boonville Highway, North to Pigeon Creek.

Mr. Ludwick said this was for only one section.

Mr. Nussmeyer said he would estimate that the remainder of it would be approximately \$75,000 and he is talking about using the old ditch, as is, from Boonville Highway to Lincoln Avenue. He said he would recommend that the County acquire 50 or 60 feet of right of way along Burkhardt Road because it is deteriorating and it is so near the ditch that the ditch will have to be set back. He said there are three bridges on that stretch and he then explained what they could do.

Mr. Willner then asked County Attorney Swain if they put this off for five years, on a legal drain, to hold the money for five years and then pay for the dredging, what he thought about it, since he contemplated trouble.

County Attorney Swain said he didn't think they could do this.

Mr. Ludwick said that Kolb Ditch was done for three years and the Drainage Board approved it.

County Attorney Swain asked if they held the annual maintenance for three years.

Mr. Ludwick said they aren't doing any maintenance at all for three years, after it was dredged.

Commissioner Willner said he would go along with three years but not for five years, since they will then have trees in the ditch and it won't be able to be mowed.

County Attorney Swain said he would have to look at the statute because he didn't think they could hold it for five years.

Commissioner Willner said that if they were holding it for five years and during the fourth year, someone would come up and say their ditch hadn't been mowed and there are trees growing up in it and he demanded that it be mowed, he asked what position would this put the Commissioners in, as he surmised they would be in trouble.

Mr. Ludwick said they wouldn't be in trouble if the people weren't paying an assessment for maintenance, since they would go into this with the idea of telling them that they were going to dredge it and then they weren't going to touch it for five years. He also said that Crawford Brandis doesn't have any trees in it.

Commissioner Schaad said by going the other way, they would have to go through hearings and they are trying to get something done right away and it is just a question of whether they want to gamble or not.

Mr. Nussmeyer said he thought they should dredge the ditch but he thought by doing it on a five year program, they would be taking a gamble.

Mr. Ludwick said it wouldn't work on a three year program.

Commissioner Schaad said the only thing they could do then would be to go through the whole thing and go through the hearings which would take from three to five years and then to see how they would finance it, as well as the engineering work that would have to be done, so they are right back where they started from.

Commissioner Willner said he would go along with the three years.

Commissioner Schaad said they would then be back to the hearings and if they have to do this, then they might as well reconstruct the blamed thing and do it right.

After further discussion on the bonding and the hearings, Mr. Ludwick said he thought they were overlooking one big point and that it will take Attorney Swain time to look through the law, because the Drainage Board can decide how they want to set this thing up, as he reads the law, but it goes beyond his interpretation of the law but he thought they have the power to set it up on the five year basis if the Drainage Board so desires.

County Attorney Swain said that with the exception of Eagle Slough and three or four ditches in Union Township, none of them are done under the Drainage Code.

Mr. Ludwick said this was debatable since there was no information as to how they were figured, in his office, so they don't know if they were right or wrong, as far as using the formula.

County Attorney Swain said that may well be, but that the procedure was followed for Union Township, that the figures might have been faked but as far as records are concerned, he could show them where the Union Township was done under the Drainage Code in 1965, as was Eagle Slough, but no other ditch, as they are still using the allotment system on everything else.

Mr. Ludwick said all they did was to re-apportion the Crawford Brandis and Crawford Brandis Extension, that they took whatever percent of benefit that was figured.

Commissioner Willner said they went through appeals and we aren't doing that now and he thought this was what County Attorney Swain was saying.

County Attorney Swain said that is exactly what he is saying and that they may be wrong but they are legal wrong and the others may be wrong but they are illegal wrong.

Mr. Ludwick said there are two cards that go through the computer and he checked them both out and neither one of them were accurate and he assumed they were right.

County Attorney Swain said this was an engineering function, not a legal function.

Mr. Ludwick said that he should have something in his office to show proof, if asked for it and he has nothing right now to prove anything with.

Commissioner Schaad said the fact remains that they have talked about this for weeks and weeks and they aren't any further along on it now than they were before. He said he thought it was generally agreed from meetings before and when Mr. Klassy and Area Plan was here, that they had to do something and he agreed that it would be nice if the whole thing was engineered and done right and then this was discussed, in that it would take three to five years for hearings, etc, so he thought it was more or less generally agreed that they would just clean them now and that they were going to have to decide what they are going to do.

Commissioner Willner said that was before he knew that it was going to take five years to recoup their money and he was saying that at the end of five years, he doubted very much that there would be any resemblance of a ditch there, that they would then have more problems than they do now.

Mr. Ludwick said those ditches haven't been dredged in about fifteen years and he didn't see that they would have that big of a problem in five years.

Commissioner Willner said they were mowed and taken care of during that time though and he still says that they will be in trouble in five years, since they can't mow or do anything to them. He said that the county could dredge and clean the ditches with the gasoline tax money under the Contractual Services since he knew they have done it at least 10 times.

Commissioner Schaad said the only justification for this would be if it was damaging the county roads.

Commissioner Willner asked if they could set it up for three years and do the whole section and take the rest of the money out of Contractual and the Bridge Fund, under that section. He said he would go along with that.

Commissioner Ossenbarg said he thought this is the only way they are going to get by.

Commissioner Schaad said they could justify that it is damaging Burkhardt Road and they can use gasoline tax money to dredge it, to use contractual money from the Highway Fund and also come up with money from the Cumulative Bridge Fund and of course, get the City, the University of Evansville and to go three years on the assessment.

County Attorney Swain said it is the matter of policy that he doesn't agree with but then, he doesn't set the policy.

Mr. Ludwick said he has no idea how it will work as far as the assessments and getting all this other money involved and that he needs some guidance on it.

Commissioner asked Mr. Ludwick if he has talked to Mr. Nelson on this.

Mr. Ludwick said that Mr. Nelson will get with the City to see how much money the City will give in this participation on the whole thing.

Mr. Nussmeyer said he thought it was poor policy in this respect and he didn't know the answer but if they do this, every other farmer will say, "you did it for them".

County Attorney Swain said it should be assessed to the landowners and it should not be County Highway money.

Commissioner Willner said to put it in the proper text, then, that it should be done right but we aren't going to get it done right, are we?

Commissioner Schaad said not for a long time.

Commissioner Willner said that they should then go the other way and he will go the three years and use the bridge money and contractual money to get the job done.

Commissioner Schaad said that he didn't think it would be stretching the point at all by saying that it was damaging Burkhardt Road, since that is what it is doing.

Commissioner Willner stated that Mr. Nussmeyer said that it takes five years but that all of Union Township was done on a court order in less than that and they are talking about one ditch here. He said he disagreed with the time element and if it couldn't be done in two years, something is wrong.

Mr. Nussmeyer said they could get it done in less time if everything goes allright and they have co-operation.

Commissioner Schaad said that he isn't going to have the co-operation though.

Commissioner Willner said that this, then means, that the people will come in and object and they will be asked what the objection is and the people will say that the cost is too high and the Board will say their objection is overruled and that's all there is to it.

Commissioner Schaad said that to get right down to it, is going to take someone to lay the whole thing out.

Mr. Nussmeyer said there are so many ditches going into the Crawford Brandis, that a hugh project should be made out of it, to get it done right.

County Attorney Swain said he didn't know why the engineering fees couldn't be made a part of the assessment.

Commissioner Schaad said that before they do that, they are going to have to start someplace and it seems to him that they are going to have to have plans drawn and he asked who is going to pay the engineer until they get this thing all done.

Mr. Nussmeyer said they could do the Crawford Brandis and then, next year, they can pick up the other ditches that go into it.

Commissioner Willner said that this is the best idea he has heard all day. The other Commissioners agreed.

Commissioner Schaad asked Mr. Nussmeyer how long it would take to get the engineering done.

Mr. Nussmeyer said they could have it done in 60 days and will go from Division Street to Pigeon Creek.

The Commissioners said that they sure appreciated this and they thought that this was the way to go.

Commissioner Schaad said they will have to get with Mr. Siebeking to see what is in the Highway Account.

Mr. Nussmeyer said he will see how much is in the Accumulative Bridge Fund.

Commissioner Schaad asked Mr. Nussmeyer if he could give an estimate of what the project would cost.

Mr. Nussmeyer said he thought they would stay with the old bids and it would cost approximately \$125,000 to \$150,000 for the whole thing.

Commissioner Schaad said they can raise the peoples assessment to 25% over a three year period which would bring in \$12,000.

The Commissioners figured that they will get \$25,000 from the City & \$5,000 from the University of Evansville.

Commissioner Ossenbergsaid that Mr. Klassy said he thought the Home Builders would help, at least he would, so they figured maybe \$5,000.00, the balance of which is needed is then \$103,000.00 that they will have to come up with from the Cumulative Bridge Fund and Contractual Funds.

Mr. Nussmeyer said they are probably talking about \$75,000 from the Cumulative Bridge Fund and \$28,000 from Contractual, making the total \$150,000.00.

The Commissioners thanked Mr. Nussmeier very much for deciding to do this project.

The Commissioners wished everyone a Happy Holiday.

The meeting adjourned at 11:50 a.m.

PRESENT

DRAINAGE BOARD

Bob Schaad
Thomas Ossenbergsaid
Robert L. Willner.

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Richard Nussmeyer
Mike Ludwick

COUNTY ATTORNEY

Thomas Swain

Secretary: Janice Decker
by Margie Meeks

Bob Schaad
Thomas Ossenbergsaid
Robert L. Willner
VANDERBURGH COUNTY DRAINAGE BOARD MEMBERS

VANDERBURGH COUNTY DRAINAGE
SEPTEMBER 2, 1975

A meeting of the Vanderburgh County Drainage Board was held on this 2nd day of September, 1975; at 10:50 a.m. with President Bob Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them was dispensed with.

RE: CLAIMS

A claim was submitted by Norman Messel on the cleaning of a Ditch in Cloverlawn Subdivision as per Contract on lump sum at the cost of \$115.00...Acct. # 201-2260

Commissioner Ossenberg moved that this claim be approved. Commissioner Willner seconded the motion. So ordered.

A claim was submitted by Darryl Schmitt for cleaning a legal drain in Schlensker Ditch, in the amount of \$280.00.

Commissioner Ossenberg moved that this claim be approved. Commissioner Willner seconded the motion. So ordered.

A claim was submitted by Albert Schmitt for the cleaning of a legal drain, Baehl Ditch, in the amount of \$543.76.

Commissioner Ossenberg moved that this claim be approved. Commissioner Willner seconded the motion. So ordered.

A claim was submitted by Norman E. Nessel for the maintenance of legal drains, Keil Ditch...3,012 X .13 and Sonntag-Stevens Ditch ...13,204 L.F. 0.09, in the amount of \$1,579.92.

Commissioner Ossenberg moved that this claim be approved. Commissioner Willner seconded the motion. So ordered.

RE: CRAWFORD-BRANDIS DITCH SYSTEM

Commissioner Schaad asked Mr. Nussmeyer how the plans for the Crawford-Brandis Ditch System are coming along.

Mr. Nussmeyer said that he didn't anticipate any problems and that Ken Nelson told him that he was going to get with Mr. Lukens and they would contact the city.

Commissioner Schaad said they planned on getting \$25,000 from the City, \$5,000 from the University of Evansville, \$5,000 from the Home Builders and would use \$75,000 from the Cumulative Bridge Fund and \$28,000 from Contractual, to get this job done.

Commissioner Ossenberg said that Jesse Dunville mentioned something about Harper Ditch and he wondered if the part he was referring to was in the City.

Attorney Buthod said that Green River Road, West, in in the City and the East side is in the County.

Mr. Nussmeyer said that he had a complaint of a lot of mosquitos in a ditch out on Pollack Avenue and they asked that it be investigated because of the encephalitis outbreak.

The meeting adjourned at 10:55 a.m.

PRESENT

DRAINAGE BOARD

Bob Schaad
Thomas Ossenberg
Robert L. Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Richard Nussmeyer
Mike Ludwick

COUNTY ATTORNEY

Jim Buthod (Sub)

Secretary: Janice Decker
by Margie Weeks

VANDEBURGH COUNTY DRAINAGE
SEPTEMBER 8, 1975

A meeting of the Vanderburgh County Drainage Board was held on this 8th day of September, 1975, at 10:20 a.m. with President Bob Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of the was dispensed with.

RE: CLAIMS

A claim for Thomas Swain, County Attorney was presented to the Commissioners for approval in the amount of \$500.00.

Commissioner Ossenberg moved the claim be approved, seconded by Commissioner Willner. So ordered.

RE: BUENTE UPPER BIG CREEK A LATERAL

Mr. Mike Ludwick said concerning the construction on Buente Upper Big Creek A Lateral, six (6) big trees have slid into the bank of the Creek. He said the contractors will cut the trees down for \$25.00 each. He said this \$150.00 will be added on the regular maintenance.

Commissioner Willner moved they allow the trees to be cut down, President Schaad seconded the motion, so ordered.

The meeting adjourned at 10:22 a.m.

PRESENT

<u>DRAINAGE BOARD</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY SURVEYOR</u>	<u>COUNTY ATTORNEY</u>
Bob Schaad Thomas Ossenberg Robert Willner	Curt John	Richard Nussmeyer Mike Ludwick	William Stephens

Secretary: Janice Decker
By Jean Wilkey

Bob Schaad
Thomas Ossenberg
Robert L. Willner
VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE
SEPTEMBER 15, 1975

A meeting of the Vanderburgh County Drainage Board was held on this 15th. day of September, 1975, at 10:31 a.m. with President Bob Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them was dispensed with.

RE: CLAIMS

A claim for Darryl M. Schmitt for the cleaning of Henry Ditch in the amount of \$270.22 was presented to the commissioners for approval. Commissioner Willner moved they approve the claim, seconded by Commissioner Ossenberg, so ordered.

A claim for Mr. William Stephens for Third Quarter Attorney Fees in the amount of \$500.00 was presented to the Commissioners. Commissioner Ossenberg moved the claim be allowed, seconded by Commissioner Willner, so ordered.

President Schaad said Tom Thornton called and he tried to fill him in on what they more or less agreed on concerning the Burgdolt Road thing about using some Bridge Funds and some Highway Funds, which he was not aware of. He said he suggested he get with the Surveyor's Office so he could be brought up to date on the thing.

Mr. Nussmeyer said with a lot work they can get the Burgdolt information ready to present to the Area Plan Commission within two (2) weeks.

President Schaad said Area Plan has agreed to take the responsibility to work with everybody on the the thing, so Mr. Nussmeyer will have it ready in a couple of weeks.

The meeting recessed at 10:35 a.m.

PRESENT

DRAINAGE BOARD

Bob Schaad
Thomas Ossenberg
Robert Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Dick Nussmeyer
Mike Ludwick

COUNTY ATTORNEY

William Stephens

Secretary: Janice Decker
By Jean Wilkey

Bob Schaad
Thomas L. Ossenberg
Robert J. Willner
VANDERBURGH COUNTY DRAINAGE BOARD

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VANDERBURGH COUNTY DRAINAGE
SEPTEMBER 22, 1975

A meeting of the Vanderburgh County Drainage Board was held on this 22nd. day of September, 1975, at 11:16 a.m. with President Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them was dispensed with.

RE: CLAIM

A claim for Albert Schmitt for the Cleaning of Legal Drain was presented to the Commissioners for approval. The claim was for cleaning Maasberg Ditch in the amount of \$82.75.

Commissioner Ossenberg moved they approve the claim, seconded by Commissioner Willner, so ordered.

The meeting recessed at 11:17 a.m.

PRESENT

DRAINAGE BOARD

Bob Schaad
Thomas Ossenberg
Robert Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Richard Nussmeyer
Mike Ludwick

COUNTY ATTORNEY

William Stephens

SECRETARY: Janice Decker
By Jean Wilkey

Bob Schaad
Thomas Ossenberg
Robert Willner
VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE
SEPTEMBER 29, 1975

A meeting of the Vanderburgh County Drainage Board was held on this 29th day of September, 1975, at 11:00 a.m. with President Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them was dispensed with.

RE: DRAINAGE PROBLEM AT THE END OF CONLIN AVENUE

Mrs. Mueller said she has received numerous calls at her home, of water standing in a field at the end of Conlin Avenue, at the east end in the county and she didn't think that Industrial Contractors realized the conditions out there. She said it was a woods at one time and that the trees were cut down so water just stands there all the time and the kids try to skate there in the winter time and play in it in the summer time and that it is a health hazard. She wondered if something couldn't be done about it.

Mr. Nussmeyer said it would be possible to take it directly south, down Hoosier Avenue, possibly along the county right of way. He said that it is part of a ponding area that someone has under study and they would have to talk to Mr. Browning about this.

Commissioner Ossenberg asked if Mr. Siebeking couldn't get this done when he isn't busy.

Mr. Nussmeyer said he thought they could work something out. He said it is at the upper end of Raccoon Slough and it goes around to the west of Green River Road to Weinbach Avenue and with all the construction out there, it has stopped the drainage in the original slough and the only chance he sees to get rid of it would be to take it south to Akin Ditch.

Commissioner Willner asked Mr. Nussmeyer to get some idea on the cost and to report back to the Commissioners.

RE: CLAIM

A claim was submitted by Joseph Schmitt for the cleaning of the legal drain in Kneer Ditch in the amount of \$258.06.

Commissioner Willner moved that this claim be approved for payment. Commissioner Ossenberg seconded the motion. So ordered.

The meeting adjourned at 11:07 a.m.

PRESENT

DRAINAGE BOARD

Bob Schaad
Thomas Ossenberg
Robert L. Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Richard Nussmeyer
Mike Ludwick

COUNTY ATTORNEY

Thomas Swain

Secretary: Janice Decker
by Margie Meeks

Bob Schaad
Thomas L. Ossenberg
Robert L. Willner
VANDERBURGH COUNTY DRAINAGE BOARD

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VANDERBURGH COUNTY DRAINAGE
OCTOBER 6, 1975

A meeting of the Vanderburgh County Drainage Board was held on this 6th day of October, 1975, at 11:00 a.m. with President Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: DRAINAGE PROBLEM AT END OF CONLIN AVENUE

President Schaad asked Mike Ludwick if anything had been done on the Conlin problem, he asked how it was progressing. We asked Mr. Nussmeyer to get some idea on the cost and report back to the Commissioners as to what could be done down Hoosier Avenue and to take care of the ponding that they had the complaint on.

Mike replied that it was not a Legal Drain, however if Mr. Brown the owner of the ground there, would dig a ditch along Hoosier Ave. to within 75ft. of the Legal Drain which is Aiken Ditch then the County could probably help them. He stated that we have plans to clean out Aiken and Aiken Extension, so if they will get busy on this ditch Mike thinks the problem could be solved out there.

Mr. Schaad said this will just be kept under surveillance until we get a report from Mr. Nussemeyer at another time.

RE: CRAWFORD BRANDIES DITCH

Mr. Schaad asked Mr. Ken Nelson if he would like to make his presentation at this time. Mr. Nelson spoke stating, this is not really a presentation as such, as you know we have meeting for some time now, the last three or four months on the Crawford Brandies ditch problem. Mr. Roger Klassy has a Steering Committee, and Mike Ludwick has been very involved from the sight of the Design and estimating costs. It was Mr. Lukens feeling as planning Commissioners Chairman, that we get the group back together and see what kind of position we are in now and so rather than burden you all with coming back to a separate meeting, so we felt the best time was here at the Drainage meeting. Mr. Curt Huber is here out of interest in the area and also the fact that the 63 acre tract that he has listed for the University of Evansville, was one of the areas that is severely hampered as far as development is concerned, because of the Drainage problem and it's short comings. As you know the University has expressed an interest in working with the Drainage Board in resolving any type of conflict out there. Mr. Mitchner from the Building Commissioners office is here, Mr. Stahl as a resident out there and is also on the Steering Committee, so we feel Mike could more appropriately tell what has been done.

Mr. Schaad said, I realize you just restated the whole problem which we understand, but I was under the impression that the Area Planning was going to take over and sort of see how much each party involved would be willing to share in the cost of this thing and you were going to come up with an estimated cost from the Engineers office and you were going to follow through on all of it. You were to see how much the University of Evansville is willing to pay, also how much the Builders would pay and how much we could get out of the Highway Fund so we could protect our roads.

Mr. Nelson replied, this is what I am trying to say, Mike has done this work and he has the amounts that would be necessary for the implementation of Phase I.

Mike Ludwick stated, this is old hat, we have mentioned price before, legally with the 25% added to what the people have paid before in the Crawford Brandies & the Crawford Brandies Extension, we only come up with \$20,558.00. Asked to repeat this, he said, the amount of \$20,558.00 is all that you can legally assess these people. So we had a contractor go out and give us an estimate of \$48,000.00 for the section of ditch between Boonville Highway & Pigeon Creek. Now that leaves us \$27,442.00 we have to come up with right off of the bat. He then asked Ken Nelson if he had come up with any definite amount from the City of Evansville as he understood they were supposed to donate X amount of dollars.

Ken Nelson said No, because when I approached the City I told them the figures we were considering were in the neighborhood of \$100,000.00, from our earlier discussion on the total.

Mike stated, now what we have done is we have gone before the County Council and they have appropriated \$125,000.00 for the section of ditch including bridges from Boonville Highway to Division street. That would be a second Phase, now if we the County would put up this amount of money to take care of the drainage, then the people are going to have to put up the other portion of this \$27,000.00 some how, some way. Because we are in a financial situation just as much as some of the people out there involved are. Mr. Nussemeyer asked me to make this statement to you, he said unless this first Phase

which is called Phase I, from Boonville Highway to Pigeon Creek is done, and the money by all these people involved is put in, he is not going to do anything as far as plans for the second Phase. He also mentioned that his reason was that it would just be a waste of time and effort.

Mr. Ton Swain the attorney, asked, where is this \$125,000.00 coming from?

Mike Ludwick said it is coming from the Accumulating Bridge Fund. Mr. Ossenbergh went before the County Council for approval of that.

Ken Nelson said, because the road is being jeopardized along there is the reason. We can justify the whole road out there is being undermined in several places and there are some bridges that need to be replaced too.

Commissioner Willner asked, what is the total price on estimates on that project? Mike replied the total estimate on Phase I is \$48,000.00. We are hoping that the \$125,000.00 will take care of the Phase II, however we don't know that it will.

Ken Nelson said, my reply from the City was that if the total project would be considered, that is Phase I and Phase II, they saw no reason that they could not participate and we were talking at that time in the neighborhood of \$20,000.00.

Mike Ludwick pointed out this is also a 5 year program and not a three, if you go on a three year there is no way that the percentages work. We are combining the Crawford Brandies and the Extension and we are making all of those people on that list pay towards this project.

Bob Schaad stated there is \$20,558.00 which would be 25%, which could be done legally, that is without any hearings. Did I understand you to say that this is just between Boonville Highway and Pigeon Creek and does not take in the second Phase?

That is right, Mike replied, that is the total amount that you can raise by combining those two ditches at 25%.

Reviewing the amounts, that is \$20,558.00 from the residents, and \$125,000.00 out of the Bridge fund, then the city for \$20,000.00. What about the University of Evansville?

Mr. Curt Huber said that tentatively they had pledged \$5,000.00, however that was not a definite figure, just a guide line to go by.

It was asked if there was any figure or amount pledged from the Builders.

Roger Klassy approached the Board to speak and stated, I sure don't understand some of the comments that have been made here today, it comes as real shock to me that Mr. Nussemeyer refused to do the II Phase design. This is where we left it 6 weeks ago with the thought that the II Phase would be designed and estimated cost would be gotten on it and now it seems this has not been done.

Ken Nelson disagreed that we were exactly at the place we were 6 weeks ago. The pledge right here that with the agreement from the Board, that they would go on and do Phase II. Providing that we have the money to start Phase I, which is the \$48,000.00.

Roger replied he certainly did not mean to overlook that gesture as it was most significant, but he would like to make one important point. Harvest time is here and we promised these people over weeks of field work as we approached them that we would not do anything except work and then we would get in there this fall and alleviate this high water that was ruining acres and acres of crops over the winter time and spring planting and nothing has been done and even if I would pledge for the Builders and even underwrite it myself, or if you give me some figures I will work on it, However I feel that we are still months away from the exact figures whether we have the money or not and we still do not have the plans. He asked Ken Nelson, what are we talking about here just \$2,000.00 with the commitment of \$20,000 and \$5,000, I will commit the \$2,000 but I am saying let's get these designs completed and the figures in front of us to work with.

Mike Ludwick said he agreed with Dick in a sense, that to do Phase II before we were sure of Phase I would be a waste of time and effort.

Roger Klassy said that Mr. Nussemeyer must have changed his mind soon after the last meeting 6 weeks ago, because at that time Mike you were instructed to complete that plan, the thing is why isn't it done and if not why weren't we informed of it?

After some severe discussion between Roger Klassy and Tom Swain attorney, about the Drainage Code and it's importance and reference to this work Mike said, plans on Phase I are completed and whether plans on Phase II are completed or not is immaterial. We can get the Phase II plans out in a week or two weeks, that is no problem, but the big problem is getting the money together and the people behind it. As Tom says we are going about it the wrong way to begin with, now we can settle this thing, if we get the plans made in a couple of weeks we still haven't gotten to the root of the problem, the people

along with doing this thing as the Drainage Code requires is the problem. Either way we go, we do a lot of work in the winter time and possibly if the weather is right we could get this job done by spring, but we have to have the money first of all. He asked has anyone talked with these people like Mrs. Hardynski and the others?

Roger Klassy again intervened with the statement, Mike you and I talked back in January about doing Crawford Brandies and the Extension in 1975 and then catching the Nurrenbern, the Stockfleth, and the Kelly in 1976. Now here we are and we still don't have plans or anything concrete to go on.

Mr. Schaad again stated the fact that there is no point in doing Phase I without Phase II or if we did Phase I it would help some people but it is not going to alleviate the big problem south of there.

Roger stated, that if something is not done Mrs. Hardynski is going to get hot and go to court with this thing. As for you asking if anyone had talked to her or these people, yes we have talked with them and as we have told you a dozen times what these people all want is the Erie Canal opened back up. Now if we can do that let's do it or if we can't let's say so, and get together with them and have some hearings to see if we cannot convince them that the water slips through there faster before the Blue Grass comes through and that is what Tom Pugh insisted would happen, maybe at least we can get some constituent plans.

Mike made it plain that he was perfectly willing to meet with anyone anytime, anyplace, he said just to set up the meetings and he will go out there.

Roger asked then do we have to do Phase I and Phase II together?

It was established that Mike did have the plans, costs, etc. on Phase I but Mr. Nussemeyer does have the say and he said unless the agreement was gotten on Phase I then forget the whole thing because you are not accomplishing anything with either of them separately.

Ken Nelson asked, now are we in agreement with going on with Phase I and then next week or two weeks Mike will have figures on Phase II. The Planning Commission is working in a position of coordination only, we have no legal grounds, right now we are in the middle of several groups and they are all lined up waiting for us to say come on we are going with you. They are waiting for us to take the first step with them so Mr. Schaad can't you show us you are going to go with us?

Bob Schaad stated, we have not really had a formal presentation on any of this, really what we need if that is the case. We'll go on with Phase I and come up with a plan & estimated costs, then decide how much money we have and who is going to pay what money, then go ahead with this thing.

Ken said O.K. fine now when do you want to do this, what do you want, do you want letters committing the money, or just what, that is what I am asking now.

President Schaad said yes, whatever we need in a formal presentation so we have a record for our minutes. Not what each thinks they might get in estimates or what ever but something actually committed to be put in our records and minutes.

Mike said, this \$48,000.00 is not actually what it would cost either, this is just one contractors estimate.

There were discussions among several persons present as to how different bids could be etc., Kolb Ditch was cited as a good example, where they got the job done for \$5,000.00 yet some of the estimates from the contractors were \$40,000.00. It was pointed out that several estimates should be gotten.

Roger then said come up with some figure and divide it so everyone involved is paying their proper amount. So some are not paying too much and some too little.

Mike said no one is paying too much, they all want maximum services but paying for it is another story. The whole assessment would have to be redone.

It was reviewed again what money had been verbally pledged and Mr. Curt Huber stepped forward to say, he could not say the \$5,000.00 from the University was an actual commitment, however he would do his best to get it validated. He said they were asking the question also as to if everyone was paying their fair share. Ken Nelson said that he had attended a meeting before with a figure of \$30,000.00 and U. of E. had been asked what they felt is their fair share and they had said \$5,000.00 so he felt with the new figure of \$48,000.00 there was no question that they would not still pledge at least the \$5,000.00 mentioned by Mr. Huber.

There was another discussion as to what was most important to do now. Mr. Stahl said something better be done quick as these people had to pay Taxes the same as everyone else and the need was NOW.

Commissioner Thomas Ossenberg reviewed from previous minutes and tried to evaluate the situation. I think at the particular time I talked about the Accumulating Bridge Fund, I asked Mr. Nussemeyer if we could justify that, and yes we can on Phase II. We have gone in front of the County Council for \$125,000.00 and we did get that approved, O.K. I also come up with the assessment and what it's input would be, what the input from U. of E. would be, Roger said the Builders would come up with something and I also said that we could possibly justify some money out of the Highway Fund, because this obviously is going to destroy the road and we all agreed to that, but true I still haven't come up to concrete figures. Tentatively I have heard \$20,000.00 from the City of Evansville, I heard \$5,000 tentatively from the U. of E., Roger Klassy has pledged \$2,000.00, and \$125,000.00 from the Bridge Fund, and as I see it we are no further along than we were.

Bob Schaad said but this is all Phase II and as we said before there is no point in doing Phase II until we do Phase I and where is all the water going?

Ken Nelson asked, with this money committed, couldn't you just do Phase I & Phase II concurrently and it is just a contractual thing, of the men contractually beginning Phase I and then on Phase II at a later date. Phase I and II was just something we did as a method of splitting it up. Can't we call the whole thing Phase I?

Mike stated it was much better to split it up and get better bids from small contractors rather than have some big contractor come in and rob us.

Because of the nature of the funds it was explained by President Schaad that the amount of \$20,558.00 was for both Phases and we did not really have the money for Phase I. We were talking about five year funds and we couldn't go back and charge these people any maintenance or anything on those ditches for five years. Consequently you cannot use all that money on Phase I. He also stated that Mr. Swain had explained that the State Law was very definite on the fact that you could not have a contract with out appropriated funds now. So as we explained before we could probably justify Phase II but it is useless without Phase I solved.

Commissioner Ossenberg asked if we could justify Highway Funds in Phase I then put up our money as front money and then the assessment come back and pay the County Highway. After further discussion with Tom Swain, Mr. Schaad said he did not feel that we could do this, due to the fact that Phase I was really right out through the open field so to speak and not involving county roads or right away.

Commissioner Ossenberg then asked if we could ask for a Bond Issue for Phase I and let the assessment pay off the Bond. It was replied that yes this could be done and if we went that route perhaps we should put both Phases into the Bond Issue but let separate contracts as Mike had suggested earlier.

Bob Schaad asked Mike if we could have plans on both I and II and definite estimates on both deals within two weeks and let's approach the Bond Issue angle. It was reviewed what is needed for a Bond Issue and it was pointed out that it could take several years for all the procedures necessary. Eagle Slough was cited as an example.

Mike Ludwick also again pointed out that the assessments as such were obsolete and it all needed to be re-done and this took time and man power. He said he was willing to do whatever necessary but he wanted it understood that it was a big long drawn out procedure. He then tried to explain briefly some of the steps that were necessary.

Article Three was discussed as to time and assessment etc. and Roger Klassy asked Mr. Swain to please re-read Article Three and let the Steering Committee know what they should do.

Tom Swain said the Bond Issue could be set for any amount and any time it just could not be less than five years.

It was discussed if money could be presently used out of the General Fund and repaid by whatever way at a later time.

President Schaad suggested that the same persons that were here today to come back next Tuesday, in the meantime everyone do some home work on this thing and see if we can get any answers on this Article Three and be able to proceed.

It was then discussed as to whether this project would be considered maintenance or reconstruction. Pro's and con's on each was discussed, and Ken Nelson said it did not matter what it was called what we needed now was the most expedient way to get this job done.

Ken Nelson mentioned that he had asked Danny Kollker to come to this meeting so he could better understand how everyone felt and what the problem was because it would sooner or later have the County Council involved and couldn't some of the home work with the Council be done while the other was.

President Schaad replied he certainly did appreciate Danny attending this meeting and this Drainage bit was a very sticky problem, but as far as a liason man between the Drainage Board and the County Council he felt Dave Edwards, who is the Executive Assistant to the County Council, would be the appropriate one to fill the County Council in on what we are doing.

There was further discussions with Mike, Mr. Schaad, Roger, and Ken, about how effective just working on the main artery so to speak would be on the drainage problems that occur on branches off of the main artery. First hand views as examples were given and discussed. It was mentioned that probably no one action would solve every problem for everyone but each in its turn would help.

Commissioner Ossenberg intervened again to say if there is a Shall Bill and we go in front of the County Council they must appropriate this money, that is the front money to get Phase I and Phase II going. It was established that this could get the project started and maybe the Bond Issue to follow. This was debative only to the fact that it may not be able to be done exactly like this, however Mr. Ossenberg said he just wanted to get this project started.

Dave Edwards stood and said, may I make a suggestion that before you adjourn this meeting? Getting a positive reply he stated, would someone please sum up all this, so we will know exactly what is going to happen so we can avoid coming back with all this saying 6 weeks ago and you said and he said.

Commissioner Schaad stated, what I hope to accomplish if we can have engineering plans and estimated costs on both Phase I and Phase II, we can go before the Council and ask for the money for the engineering or what ever else it takes to finish the job and even to pay for it and then go through the Bond Issue way of paying for it.

Ken Nelson asked but does that mean we can let the bids and then go through this rigorous process of Bond Issue to pay this money back?

This would be a legal thing said Mr. Schaad, however I don't think the Council will give the money to do the engineering and contract work and then pay it back out of Bond Issue.

Tom Swain then asked what bids are you talking about? Ken said, the guys who are going to do the contractual work. Tom said No, you must go through the procedures first before you let any contracts. Ken asked, even if you are paying for it out of the General Fund? Tom Swain replied, you are not paying for it out of the General Fund, you are advancing the money out of the General Fund, but those people have a right to determine whether they have benefits or damages from it no matter how you pay for it.

Mr. Schaad stated, we can't tell these people in the water shed that they have to do this or that, they have the right to determine for themselves if they are going to benefit or be hurt by it and they have every right to be heard.

Several possibilities were discussed with Tom Swain by Ken Nelson and Bob Schaad, however they could not arrive at any definite avenue to follow without some research.

Mike Ludwick explained the process of assessment as to combining the percentage on both ditches to be sure they understood it as it was.

Commissioner Ossenberg said at this point, I still go back to the fact that if there is a Shall Bill for engineering and as I understand it the Drainage Board can ask the County Council, I don't know if it can mandate the County Council, but it probably could by a court order, that the front money be put up to do Phase I, construction as well as engineering. That is what I am thinking can be done and then let the assessments pay the General Fund back. A Shall Bill is a mandate type bill. If we can come up with the cost in two weeks then go in front of the Council and if they turn us down then we have the right to mandate. They are going to get their money back.

President Schaad finalized by saying, are we in agreement Mike that in two weeks we can have engineering plans and estimates on both Phases so we can go before the Council and then take whatever action is necessary. We will meet here two weeks from today and try to solve this thing.

The meeting adjourned at 12:15 a.m.

PRESENTDRAINAGE BOARD

Bob Schaad
Thomas Ossenberg
Robert Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Mike Ludwick

COUNTY ATTORNEYS

Thomas Swain

Secretary: Beverly Nance

Bob Schaad

Thomas L. Ossenberg

Robert Willner
VANDERBURGH COUNTY DRAINAGE BOARD

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VANDERBURGH COUNTY DRAINAGE
OCTOBER 14, 1975

A meeting of the Vanderburgh County Drainage Board was held on the 14th day of October, 1975 at 10:35 a.m. with President Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of same dispensed with.

RE: CLAIM

The following claim was presented to the Drainage Board for approval:

ALBERT E. SCHMITT.....for cleaning of Boesche Ditch.
Inspected and passed October 9, 1975.....\$467.75.

Commissioner Thomas Ossenberrg moved the above claim be approved upon recommendation of the Surveyor.....seconded by Commissioner Willner.....so ordered.

RE: DAVID EDWARDS

Mr. David Edwards, Executive Assistant to the County Council was asked if he had some thing to present to the Board and he stated, in going over the minutes of the Drainage Board, he found there were some outstanding items. Due to the fact that he was asked to brief in the Council, he had read all the previous minutes for 1975, and one of the outstanding items was a report that they had made on Eagle Slough in the amount of \$91,000. He stated he saw nothing in the minutes in the way of a report covering that. He said he would appreciate knowing what happened on it, he said he knew from the Commissioners meeting of the previous week that \$50,000 of it was to be invested by the Treasurer, with their authority, however that left the amount of \$41,000 unaccounted for.

President Schaad asked if anyone knew what the status of this money was at this time. Mike Ludwick, assistant surveyor, said no he did not know exactly, it was in the Bond Issue and they had talked about it however it was his understanding that it could not be used for any other purpose, He said he thought Mr. Curt John, Auditor, could explain it better than he could.

Mr. Curt John explained that these funds are left over unexpended, it is just that we have collected \$91,000 in advance on a Bond Issue. It was set up over a five year period for individuals and ten years for the city. We can either retire the bonds early, with the banks permission, or we can invest that amount and make interest on it. We are paying 6% interest right now, and retiring them as they come due, however we cannot use this money for some other purpose.

There was discussion among the Commissioners and Mr. John as the amount mentioned in the Council meeting that Mr. Tilford was to invest and the end results of that money. Being some question as to the details of the matter, President Schaad requested that it be held over until next week for answers.

MEETING ADJOURNED AT 10:45 a.m.

PRESENT

DRAINAGE BOARD

Bob Schaad
Thomas Ossenberrg
Robert Willner

COUNTY AUDITOR


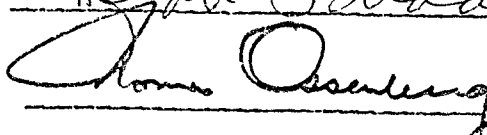

Curt John

COUNTY SURVEYOR

Mike Ludwick

COUNTY ATTORNEYS

Thomas Swain




VANDERBURGH COUNTY DRAINAGE BOARD

SECRETARY: Beverly Nance

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VANDERBURGH COUNTY DRAINAGE
OCTOBER 20, 1975

A meeting of the Vanderburgh County Drainage Board was held on this 20th day of October, 1975 at 10:45 a.m. with President Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: EAGLE SLOUGH FUNDS

President Schaad asked if anyone had any information on the \$91,000.00 from Eagle Slough. He stated that it was brought to the attention of the Drainage Board last week, that the amount of \$50,000.00 had been designated to be invested with larger sums of money by the County Treasurer, Frank Tilford. That leaves \$41,000.00 in question that was to be checked out and reported on this week.

Curt John, County Auditor stated that the \$50,000.00 was invested in order that we would receive a higher rate of interest on our money, that is higher than we are paying on it. After being asked about the other \$41,000.00 Mr. John replied that right now it would be hard to invest the other \$41,000.00 since the Treasurer has already invested the portion of it with approximately close to \$2,000,000.00 and the amount of interest you would receive on \$41,000.00 alone wouldn't be worth it.

The possibility of using the \$41,000.00 to retire bonds was suggested by President Schaad. Mr. John replied it was a possibility, however it would have to be cleared with the banks. After further discussion with the Commissioners and Mr. John it was decided that Mr. John would direct Mr. Tilford, County Treasurer, that on the next big investment to include the \$41,000.00 so that all of the total sum would then be invested. Mr. John pointed out that shortly, when the collections started coming in, Mr. Tilford would possibly make another large investment until settlement time.

There was a motion made by Commissioner Willner that the \$41,000.00 be invested.....
.....seconded by Commissioner Ossenbergsso ordered.

RE: BARRS CREEK

Mr. Mike Ludwick, Assistant Surveyor, stated he had a request from Mr. Leo Paul who is the contractor cleaning Barrs Creek. There are twelve big trees in the bottom of this creek and he is asking for an additional \$200.00 for removing them. Mr. Ludwick said he had had this checked out and some of the trees were over a foot in diameter and over 30 feet long, they have to cut them up to remove them and also either haul them off or burn them. The Surveyors office recommends that he be allowed this appropriation of funds to get those trees out of there.

There was a motion made by Commissioner Willner that this sum of \$200.00 be allowed....
seconded by Commissioner Ossenbergsso ordered.

RE: CRAWFORD BRANDIES

Mr. Mike Ludwick presented to the Drainage Board, plans both for Phase I and for Phase II of the Crawford Brandies and the Crawford Brandies Extension, as had been requested of him previously. It was stated that he needed some legal advice on several matters, one of them being that there are seven ditches in this physical water shed, covering 7,500 acres, and in going over the water shed maps and the people who pay assessments, he found that some of these people pay on two ditches and some do not. If a complete new set of assessment rolls were made, should not all the ditches be considered and everyone just have one assessment? He further stated that the water shed area of those seven ditches is the S.E. portion of Vanderburgh County lying in general East of Green River Road, the North boundary would be Pigeon Creek, south to Lincoln Avenue to and including part of Warrick County. For Crawford Brandies and the Extension combined the estimated cost is \$320,000.00, which would include two new structures, one at Division St. and one at Oak Grove Rd., including the purchase of right-of-way.

He said, as you know the Drainage Code Law says that you must have 75 feet on either side of the existing center line of any ditch, it also says right of entry. Mr. Jack Schroeder, attorney at law is of the opinion that if you wanted to dig a ditch 150 feet wide you could do so, now this is just one attorney's opinion as opposed to another, we need accurate correct answers to that question.

Mr. Ludwick further stated, if you read the Drainage Code Law, I think you can move the ditch anywhere you want it and you should be covered, it does not have to stay in the old boundary lines. In that part along Burkhardt Rd. it was stated that the Crawford Brandies was being moved forty feet from the existing center line of Burkhardt to the east, that would be the center line of the new ditch.

The Crawford Brandies runs on the east side of the road so it all has to go to the east, we cannot go across the road with anything. He stated that puts us in a situation where he was sure no property owner would be willing to give up 40 or 50 foot frontage on a road. The Drainage Code says different so you are going to run into buying a lot of right-of-way and at about \$2,000.00 an acre or more, but of course that is included in that estimate of \$320,000.00.

Another problem ditch that flows right into the Crawford Brandies is the Kelly Ditch. We are estimating \$60,000.00 for that ditch, the estimate for the next is Nurrenbern ditch at \$60,000.00 then the Stockfleth Ditch at \$50,000.00, the Boesche at \$50,000.00, this makes a grand total of \$540,000.00

Mr. Ludwick also stated that he needed some clarification from the County Attorneys on Bond Issues and the proper way to go about them. Mike stated that his staff had gone to the assessors office and copied their books and ran every piece of ground and every easement within that water shed area. They have the code numbers but not all the names and addresses. By counting everyone who has paid in the past etc., they came up with only 648 parcels, this shows them that the present rolls are not too far out of line as they had suspected, of course that does not include the city of Evansville, there are still a few people to be added. It was suggested that the board take a figure of \$600,000.00, divide that by the number of parcels and you come up with \$911.88 per tax code, over a five year program that persons assessment bill would be \$182.37, over a ten year plan it would be \$91.18. You also will have to have a maintenance program in addition to this, you are talking of 51,560 Linear feet of meandering ditch or drain to maintain. The records show that a safe figure to use would be 15¢ per Linear foot, o.k. you take that times the 51,560 L.FT. that is \$7,734.00, divide that by 658 parcels would amount to \$11.75 in addition to the reconstruction bill that those persons would receive. In the Drainage Code however, it gives the Board the right to set the rate if they so choose. There is a formula they say you can use but it does not say you have to use it, it is all figured up on a 100% basis. You can equalize it in some manner or you can go by the amount of property a man owns. He then used an example of Mr. Hirsch, a case in point, he was set up acreage wise, their bill would be in the neighborhood of \$20,000.00, there will be other bills in this same neighborhood of money and quite frankly I don't believe the people will pay it, Mike said. It was stated that someone needed to come up with, whether the County wants to get involved to the extent of putting in an additional appropriation to reduce peoples assessments. We definitely need an attorneys opinion on how it can be best done.

Once that list is made up of transfers and cut-outs, it will be kept up to date, they are out of date at the moment.

Mr. Ludwick then presented the plans to the Board and explained them to the Commissioners. They represent 6% of \$600,000.00, that is \$36,000.00 worth of plans that our office turned out in two weeks. We can do the work involved in this project but the Board must realize one important thing, that we have done 25 bridges in the last 2½ yrs.. It will be slow going. The Board has the option or power to appoint anyone they want, or going along with us at a much slower pace.

Mike Ludwick was asked how many persons were employed in his office, to which he replied there are 13 persons total, that is about ½ of what it used to be. He was asked how many additional employees it would take to get this job done adequately. It was stated that there would have to be a registered, licenced, certified Engineer, this is required by the code, however his salary could come out of the General Fund, however Mike said we may be able to do it all but it will take time. The plans are here but they are worthless because we did not get together and go through the legal proceedings necessary, that is still to be done. It was pointed out that these plans on the Crawford Brandies and the Extension are a typical cross section of what the ditch will be, station to station, it is a graduated ditch that goes from a 10ft. bottom to a 4 ft. bottom on a slope. Roger Klassy was invited to look at the plans on the Commissioners desk and Mike Ludwick offered to make copies for anyone requesting them.

President Schaad stated that the most important angle of this is to see how we are going to finance this project. Using the figure of about \$600,000.00, trying to see some of the answers, it was asked if we could use some Highway money and then float a Bond on the balance. It was asked how the Bonds would be advertised etc., also are there any Federal funds available it was asked.

Several avenues dealing with the monies were discussed. President Schaad reviewed the money that had been offered at a previous meeting etc. Mr. Ludwick pointed out that these people who had pledged previously would still be billed in addition to what they had pledged. Someone also will have to sell these people with flooded streets etc. on the idea that they may have to pay perhaps a \$1000.00 assessment.

President Schaad looked at the minutes of the previous meeting to see exact amounts mentioned from the Highway Fund etc. Mike mentioned the fact that the previous estimate was low because at that time they were only thinking of cleaning or dredging the ditches not taking care of any structures or private drives or right of way. He stated if this thing was going to be done right it would have additional cost.

If we go the Bond Issue route as such, they will still need to be retired out of the assessments.

President Bob Schaad asked how much we could legally charge to County Highway Fund, Mike replied to him that it had a lot to do with how far from each end of the bridges they used. It has been done before by stretching the approach to the bridges at both ends of same.

It was then reviewed and discussed as to Bond Issue again, as to both assessments, maintenance and reconstruction and also the probable peoples reaction to same. Pledges were also reviewed.

Commissioner Willner said he would like to get a gathering of the people in that watershed afore mentioned and to tell them what the proposal is and see if they could not get their cooperation on this basis. Everyone else present agreed, however Mike Ludwick said he wanted to be sure they understood that there were 648 parcels, not people now, if we follow the Drainage Code step by step, we should send out notices that we are going to do this work. There will have to be some hard facts to put before these people and not guess work.

It was discussed whether it should be done by parcel or acres between the Commissioners. Mr. Ludwick discussed the law comparable to \$3.00 minimum assessment per lot that is supposed to be charged, as to the fairness of it, for example someone who has only one lot but has a \$100,000.00 home on it compared to the farmer who has just farmland. Mike felt that the \$3.00 minimum is low, and since the board can set any rate they so desire, it should perhaps be more equal, at least this seems to be the cry of the people he has dealt with. The people just cannot understand why they pay more or less than their neighbor right next door. It was suggested again that it be made more equally fair.

RE: BOB BOWMAN

Bob Bowman, City Director Of Regional Council Of Governments for S.W. Ind. & Ky., who had been asked to come into our meeting by Commissioner Ossenberg rose to speak. The situation was briefly reviewed for him by Commissioner Ossenberg as Mr. Bowman had attended the Public meeting in February and was familiar generally with the problem. He was asked if there was anything he knew of in Federal Funding of monies that might help alleviate this problem that we cannot afford.

Mr. Bowman stated there are some possibilities as I see it, as you know back in the fall of 1974, the Housing and Community Development Act was passed by Congress. At such time we were notified that four counties in the State of Indiana, Vanderburgh, Gibson, Warrick, and Posey would be eligible for what ever monies that were available to the Evansville and Metropolitan Statistical area for cities and towns and counties outside the city of Evansville. At that time about \$234,000.00 had been identified by computer print out, being the amount assigned to that area. Also that Act provides for an area wide application which is separate from that jurisdiction I just defined, whereby monies may be allocated to joint jurisdictions. I assume this Drainage problem is also part of Warrick County, getting an affirmative answer, he continued, in response to that if you remember, as a second alternative we submitted an application under your signature, and the signature of Mr. Haussmeier from Warrick County, and we received a notification that it did not carry a high enough priority which I explored after you submitted that letter to our office. We were able to get that clarified that it was not submitted for the \$234,000.00 but was submitted for the area wide monies. In either case Urban Counties throughout the U.S. upset the whole formula basis and it turned out that the \$234,000.00 did not become available, only \$160,000.00 was available after Congress made an emergency appropriation of approximately fifty four million dollars. That satisfied this year as Vanderburgh County and Mt. Vernon and Tennyson competed for that \$160,000.00. It turned out that there would be no money available for joint jurisdictions.

Congress this year anticipating the problems, has put in two million dollars, meaning that not only will the four counties be competing for a certain amount, but there should be money available in area wide applications. The rumors we are getting now are that approximately \$800,000.00 will be earmarked for the four counties on the S.M.S.A. Indiana remainder, which means that Vanderburgh, Posey, Gibson, Warrick will be competing for this amount. The application process will begin around February 1, 1976 to be completed by March 16, 1976.

Everyone has to present a pre-application and they will be notified of what money is available for them, depending on the quality of their application. I see two routes, the magnitude of this project obviously requires a great deal of money, which I feel makes it possible for you to submit two applications again and try to get the money through a joint application plus the Vanderburgh County application for the \$800,000.00. Population enters into the picture also, I believe \$300,000.00 is the limit to Vanderburgh County but there is no limit to the area wide money. Mr. Bowman further stated that all the problems and all the jurisdictions involved should be laid out very specifically and he suggested that we begin now building a case, because application time is coming up very shortly. He reminded them that this was 100% money.

I know of no other sources where Federal money is available for drainage problems at this time he stated. He said, as he remembers the application criteria, if the application is written properly it stands a very good chance of being a number one priority. The problem we run into is that the Dept. of Urban Development is trying hard to help the unemployed, the low income, and the housing problem, so whatever the application is, it is going to have to somehow answer those goals that HUD wants you to meet. He stated that if properly done this project stands a very good chance of meeting these goals.

Attorney Thomas Swain asked if it would be of any benefit to show that we are using local funds also, trying to help ourselves to a degree.

Mr. Bowman replied, yes he felt they would like to see that this is not just to get 100% of the monies available, it also shows that the community is behind this project also. There is one kicker however and that is when you get involved with HUD applications, there is a tremendous amount of paper work, they have many rules and regulations. You also will be audited, not only your statistics, but they will audit your books like the Federal Government has in the past.

County Attorney Swain asked, suppose we went ahead under the Drainage Code and got an assessment, could the Federal process continue on and be used to retire bonds?

Mr. Bowman suggested that there be a trip to HUD to talk to Mr. Armstrong, who is the Area Director for Indiana for the Dept. of Public Housing and Urban Development, and get his views as to what the best approach would be. We have a serious problem here and all the information we can get will be helpful.

Mr. William Stephens, County Attorney, asked Mr. Bowman if he saw any disadvantages if we came up with a plan of our own prior to the time of applying for these Federal Funds. He asked would there be a possibility that they would take the attitude that we did not need the funds, that we could make it on our own.

Mr. Bowman replied that this was the reason for his suggesting the meeting with Mr. Armstrong, to see what he suggested on the matter. He then discussed the possibilities of a one-two-three year program, it's pros and cons etc.

Mr. Mike Ludwick intervened that we had always been turned down on Federal Funding before. It was stated that it is different now and Mr. Bowman explained the differences to the Board and to Mike.

President Bob Schaad suggested that it definitely be pursued, he suggested that Roger Klassy, Mike Ludwick, Fred Alcott and himself go with Mr. Bowman to see Mr. Armstrong.

It was discussed as to how we could set our case so it did show high priority, realizing that it could not be just a maintenance problem but a way of solving the whole problem. It was reviewed as to just what would be needed from whom.

It was decided that Mr. Bowman would set up this meeting with Mr. Armstrong and the persons who are to accompany him would be, President Schaad, Mike Ludwick, or Mr. Nussemeyer, Fred Alcott, and they would ask Mr. Virgil Gehrhardt, Commissioner from Warrick County. Commissioner Schaad stated he hoped this could be arranged yet this week and a report made back to the Drainage Board meeting soon, as to whether Federal Funds would be available to us, and if so how to pursue them.

Commissioner Ossenberg after a request for same, made a motion to approve travel expenses for the group afore mentioned for the meeting with Mr. Armstrong..... seconded by Commissioner Willner..... so ordered.

It was suggested that Roger Klassy start proceedings on setting up a public meeting with the people involved, so the situation to date could be discussed with them, also hopefully getting some commitments or agreements as to their financial part in this project.

After further discussion with Mr. Mike Ludwick and the Commissioners, Mr. Schaad said he would report back next meeting as to what progress had been made and continue from there.

9/4.

5.

MEETING ADJOURNED AT 11:45 a.m.

PRESENT

DRAINAGE BOARD

Bob Schaad

Thomas Ossenberg

Robert Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Mike Ludwick, Ass't.

COUNTY ATTORNEYS

Thomas Swain

William Stephens

Bob Schaad

Thomas L. Ossenberg

Robert Willner

VANDERBURGH COUNTY DRAINAGE BOARD

SECRETARY: Beverly Nance

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OCTOBER 27, 1975 "

A meeting of the Vanderburgh County Drainage Board was held on this 27th day of October, 1975, at 11:30 a.m., with President Bob Schead presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor, and the reading of them dispensed with.

RE: CLAIM

The following claim was presented to the Drainage Board for approval:

ARMSTRONG SCOTT DITCH ASSOCIATION..... for the cleaning of Rusher Creek
Inspected and passed Oct.22,1975.....\$ 533.28

..... for the cleaning of Pond Flat "C".
Inspected and passed Oct.22, 1975..... 1,084.32

"" for the cleaning of Pond Flat "E"
Inspected and passed Oct.22, 1975..... 433.92

Total amount due.....\$2,051.52

Commissioner Willner moved that the above claim be approved as recommended by the Surveyor.
..... seconded by Commissioner Ossenberrg..... so ordered.

RE: BOB BOWMAN

BOB BOWMAN, City Director of Regional Council of Governments for S.W. Ind. & Ky., was asked by President Schaad to please give a report on the meeting they attended last Tuesday. It was attended in Indianapolis Ind. by Mike Ludwick, Mr. Bowman, Mr. Schaad, and Mr. Gehrhardt from Warriick County.

Mr. Bowman stated, on Tuesday we were to meet with Mr. Armstrong, however he was confined at home ill so we met with the Deputy Director Choice Edwards. We discussed our case, showing him maps and photos, what we were trying to find out is what the possibility would be of tapping the area-wide funding which is set forth in the Act as a possibility for joint jurisdictional approaches to solving problems. The first response as to area-wide, was that they did not know the amount of money that would become available. They have estimated it approximately 20 million dollars, but they indicated that it would be a nation wide account. It would be satisfying about five different subjects. One such subject was any inequities within the Act, provided to those entitlement cities and towns, which previously had Urban Renewal NBP, or other such projects. To either close out existing projects as to increase the funding level so they could proceed with projects they had on the drafting board before the Act was passed. Another account is the inequities as to the amount of funding they were expecting, versus the amount they received. So essentially what HUD was saying is that this money would have to be spread across the board and they did not know what would be left over after they satisfied certain commitments, they had already made. Generally they discouraged this approach simply because it would be a nation wide competition for what ever money remained in this account.

They did say that there was a possibility, so that may be an application but no guarantee. They did however look at the information, and Mr. Bowman felt they were impressed with the problem, they also felt that it would be in keeping with the criteria set forth in the Act, however they did say that it would have to be as closely tied with the spirit of the act as possible, which is to solve low income or moderate income housing problems. We were able to insure them that this was a high growth area, proposed for a high growth area, consequently it would not be all of one income, so therefore we felt we could qualify an application. In addition to the drainage, we pointed out I-61, along the Vanderburgh, Warrick County line, and they were in agreement that this would generate quite a bit of growth in the area and aggravate the existing problems.

They are not aware as I said before of just how much money will be available in the four counties. They too have been informed that there should be right at \$800,000 , but before they make any commitments or advise us on how to proceed, they want to see the amounts. Within a couple or three weeks they think they will know what those amounts are. The Non-Metro, the Metro, and the entitlement amounts.

They were impressed by the project, but they reserved any opinion until such a time that they were sure of the money amounts. The application period is still February 1st until March 15th, so that provides us with enough time. They should act on the applications within 45 days from the time they receive them.

Mr. Bowman stated that this year there is going to be a change in the procedure. Last year they had what they called a pre-application and then a final application, the problem with that was that some groups made pre-applications and were informed this was just to get a picture of their situation, then anyone could submit a final application. That situation as such is now changed, the new regulations are that everyone must submit a pre-application before they are allowed to submit a final one, also after the pre-application there is a review and they will make some assignments to projects for certain sums of money. It does make a more rational approach to it.

President Bob Schaad said they projected something like \$837,000.00 for the four counties. These four counties are in competition with each other for the money. Last year there were about thirty applications and they decide which has the highest priority and that is why we lost out last year, because our priority was not high enough in their opinion.

It was then asked, how long after the application, if accepted, was the actual funding to be. Mr. Bowman said that there is no set time limit, however about 75 days after the application is received, you should receive some written response, or at least let you know if it is feasible or not. Already Vanderburgh, Mt. Vernon, and Tennyson have received favorable notification, the final notification of who gets funding should come within the next two or three weeks. These were the applications submitted before March 15th, 1974. The actual funding date becomes whenever HUD gets around to it.

Commissioner Willner asked if Mr. Bowman was then suggesting that we must make a pre-application first and then they will tell us whether it is favorable or not before we would submit a final application.

President Schaad was under the impression that we had to get turned down by the E.P.A. first of all. Mr. Bowman said no, we are not sure of that yet, he was assuming there was a E.P.A. account to fund such a project, Mr. Bowman stated he wanted clarification of that because he believes that you have to go through a rather elaborate process before you submit to those funds and they are planning funds and not implementation funds.

President Schaad said, it was also discussed about us using local funds with the other and it seemed well received.

Commissioner Willner stated that it seems that the best route at this point is that we wait the two weeks to see what amount is available and proceed from there.

President Schaad agreed and also made an elaborate point of thanking Mr. Bowman for his most helpful input in this matter, stressing how many people knew him and what an insight Mr. Bowman had to many avenues. He stated that he hoped he would continue to assist us as we progressed on the matter, he instructed him to turn his expenses for the trip into the Commissioners, as it had already been approved that they should come out of our funds.

MEETING ADJOURNED AT 11:42 a.m.

PRESENT

DRAINAGE BOARD

Bob Schaad
Thomas Ossenberg
Robert Willner

COUNTY AUDITOR

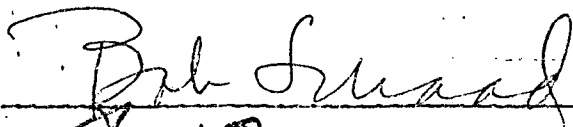
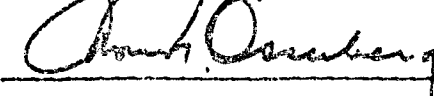

Curt John

COUNTY SURVEYOR

Mike Ludwick

COUNTY ATTORNEYS

William Stephens




VANDERBURGH COUNTY DRAINAGE BOARD

SECRETARY: B. Nance

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VANDERBURGH COUNTY DRAINAGE
NOVEMBER 3, 1975

A meeting of the Vanderburgh County Drainage Board was held on this 3rd day of November, 1975, at 10:50 a.m., with President Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor, and the reading of them dispensed with.

RE: CLAIMS

The following claims were presented to the Drainage Board for approval:

LEO C. PAUL..... for cleaning of Barrs Creek .
Inspected and passed October 31, 1975.....\$2,790.16

Commissioner Thomas Ossenberg moved that the above claim be approved upon recommendation of the Surveyor..... seconded by Robert Willner..... so ordered.

UNION TOWNSHIP DITCH ASSOCIATION..... for cleaning of legal drains.
Barnett Ditch.....8,358 L.F. X 0.07.....\$585.06
Kamp Ditch.....11,160 L.F. X 0.07..... 781.20
Total Due\$1,366.26
Inspected and passed October 24, 1975

Commissioner Robert Willner moved that the claim be approved upon recommendation of the Surveyor.....seconded by Commissioner Ossenberg.....so ordered.

Commissioner Schaad mentioned that Mr. Bowman was still working on the situation of Federal funding and we would be informed along as to progress etc., however there was nothing to report today.

MEETING ADJOURNED AT 11:00 a.m.

PRESENT:

<u>DRAINAGE BOARD</u>	<u>COUNTY AUDITOR</u>
Bob Schaad	Curt John
Thomas Ossenberg	
Robert Willner	

<u>COUNTY SURVEYOR</u>	<u>COUNTY ATTORNEYS</u>
Dick Nussmeyer	Wm Stephens
	Thomas Swain

Bob Schaad
Thomas L. Ossenberg
Robert Willner
VANDERBURGH COUNTY DRAINAGE BOARD

SECRETARY: B. Nance

VANDERBURGH COUNTY DRAINAGE
NOVEMBER 17, 1975

A meeting of the Vanderburgh County Drainage Board was held on this 17th day of November, 1975, at 11:20 a.m. with President Bob Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor, and the reading of them dispensed with.

RE: CLAIM

The following claim was presented to the Drainage Board for approval:

LEO C. PAUL.....for cleaning of Legal Drain, Harper Ditch.
3,800 L.F. x 0.09 per ft.....\$342.00
Inspected and passed November 7, 1975.

Commissioner Thomas Ossenberg moved that the claim be approved upon recommendation of the Surveyor.....seconded by Commissioner Willner.....so ordered.

RE: DISCUSSIONS OF DRAINAGE PROBLEMS:

Commissioner Schaad stated that the Commissioners have talked about the whole drainage problems on the East side, the Crawford Brandies, and everything else that they have been discussing for so long. Mr. Roger Klassy and everyone else interested in the problems had been in on all this through the Citizens meeting.

He said that himself, Mr. Mike Ludwick, Mr. Bowman, and Commissioner Gerhardt from Warrick County, went to Indianapolis to talk to the HUD people, regarding the possibility of A-95 being considered for some of the money they are to get next year, that according to Mr. Bowman, there is somewhere in the neighborhood of \$837,000.00. He said that Mr. Bowman had a thought that there was a Secretary's Fund but the Commissioners were advised to forget that because there was so much competition for it.

He said they had talked to a Mr. Choice Edwards, who was in charge of the meeting, but that he called someone else in to discuss this thing with them. He further stated that if there was \$837,000.00 for next year, that maybe on the local level a decision could be made as to which has the highest priority, since they would know which project was the most urgent.

Mr. Schaad said that Mr. Gehrhardt was in favor of this and Mr. Bowman requested that Commissioner Schaad present it to the Council Meeting of the Governments, last Wednesday night, at which time it was approved that the Commissioners handle it on the local level.

It was said that the Mayor from Mt. Vernon had said, "rather than have some bureaucrat from Indianapolis Indiana decide whether he is going to get some or not, he would rather have his throat, so to speak, by friends, or Elected officials on the County level."

Commissioner Schaad said that the four counties that will be competing for this money, is Warrick, Perry, Vanderburgh, and Gibson, and although Henderson County and Pike County are in on it, they don't share in this particular money. He said that this money is for outside the City of Evansville.

It was also approved by the whole body and the Commissioners were told that if the A-95 were to be passed locally, met the criteria, and qualified under the HUD guide, that they would just be approved, stamped and sent back approved, but the way it is now since so many more go up there and only some of them are approved and they make the determination as to who gets it and who does not, so they thought they would have a better chance this way.

Mr. Schaad said it was decided that Mr. Bowman and his staff would come up with some sort of a rating plan as to how they are going to establish priority, and Mr. Bowman thought his staff could come up with such a plan rather easily. It was said that someone had suggested they just use the rating that HUD, in Indianapolis uses, but they did not like this plan so thought they better come up with a plan of their own, taking into consideration the number of people that benefits by it and what kind of people etc.

Mr. Schaad stated that Mr. Bowman thought they could make an application that would qualify on this drainage thing and maybe if we put some money into it at the local level and then get the rest of the money from this A-95 review, that it might work, so he wanted to report this and say that as it stands right now, Bob Bowman is going to write up the rating system and then come back for the Council of Governments. He said he thought the A-95 must be in by February and that the exact amount of money hasn't been set yet.

It was also stated that they don't know what the other counties have in mind for their project, but by discussing it and coming up with a preliminary application, reviewing it and talking it out and working it out with the other counties.

He said there will probably be some political overtones in this thing but that everyone has agreed that it should work and they are willing to try and the other thing they have to decide is who is going to vote it and they were thinking that maybe everyone in the Council of Governments review and vote on them since it is on the local level.

Commissioner Ossenberg asked Mr. Nussmeyer if he had any ball park figure on the cost of the drainage out there. Mr. Nussmeyer said he thought they came up with approximately \$250,000.00 on the Crawford Brandies.

Commissioner Schaad said he was thinking the overall figure was, \$600,000.00, that they started out with Phases I and II, then they didn't see any sense in doing just Phase I, because if they did this, the water could not go anyplace and it would not accomplish any purpose just to do Phase II, so they thought they should consider doing the whole thing from the Levee to Pigeon Creek North.

The discussion closed with the statement that the Drainage Problems, and the matter of A-95 review will be discussed and reported on again soon.

MEETING ADJOURNED AT 11:35 a.m.

PRESENT

DRAINAGE BOARD

Bob Schaad
Robert Willner
Thomas Ossenberg

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Mike Ludwick(ass't)
Dick Nussmeyer

COUNTY ATTORNEYS

William Stephens
Thomas Swain

Bob Schaad
Thomas L. Ossenberg
Robert Willner
VANDERBURGH COUNTY DRAINAGE BOARD

SECRETARY: B. Nance

VANDERBURGH COUNTY DRAINAGE
DECEMBER 1, 1975

A meeting of the Vanderburgh County Drainage Board was held on this 1st day of December, 1975, at 10:35 a.m. with President Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: CLAIMS

The following claims were presented to the Drainage Board for approval:

ARMSTRONG-SCOTT DITCH ASSOCIATION.....for cleaning of legal drain, POND FLAT MAIN
29,351 L.F. X \$0.08.....\$2,348.08
plus \$50.00 for tree removal... 50.00

LOWER BIG CREEK.....
7,501 L.F. X \$0.08.....\$ 600.08
plus \$75.00 for tree removal.... 75.00
Total Due \$3,073.16

Inspected and passed Nov.21,1975

Commissioner Ossenbergs moved the above claim be approved upon recommendation of the Surveyor.....seconded by Commissioner Willner.....so ordered.

UNION TOWNSHIP DITCH ASSOCIATION.....for cleaning of legal drain, Helfich Happe
12,698 L.F. X \$0.30..... \$3,809.40
Inspected and passed Nov.19,1975

Thoams Ossenbergs moved the above claim be approved upon recommendation of the Surveyor..
.....seconded by Robert Willner.....so ordered.

Thomas Swain.....attorney fees for 4th quarter.....\$500.00
William Stephens.....attorney fees for 4th quarter.....\$500.00

Commissioner Ossenbergs moved the above claims be approved.....seconded by Commissioner Willner..... so ordered.

R.H. LUDWIG & CO., INC.....for contract dated August 25, 1975.
Countour Maps of Vanderburgh County
25% completed.....\$6,700.00
Patent Estimates promised in April, 1976

Discussion: It was asked how they could be checked on as to progress, since this claim stated only 25% completed. Mike Ludwick from the Surveyor's office, said that the contract was set up that way before the Commissioners signed it. He stated he had seen some Microfilm and knew they had reflowed the area. Commissioner Willner said we are bound by contract then to pay them now as requested. It was noted that there is no specific way to check the progress on this particular work.

Commissioner Willner moved the claim be approved upon recommendation of the Surveyors office.....seconded by Commissioner Ossenbergs.....so ordered.

Mike Ludwick presented a request from Armstrong-Scott Ditch Association, to remove twelve trees from Buente Upper Big Creek, he said they went out and inspected it, tagged the tree they want a price of \$200.00 which is not out of line. Mr. Ludwick stated it was his recommendation that this contract be awarded to them, also this includes cutting and hauling away.

Commissioner Willner moved that the contract be awarded to Armstrong-Scott Ditch Association upon recommendation of the Surveyor.....seconded by Commissioner Ossenbergs..... so ordered.

RE:TOM HIRSCH and GILBERT MOSBY

Mr. Ludwick introduced the two gentlemen and told the Commissioners they would like to speak to them. Mr. Tom Hirsch asked if there had been any progress on the east side drainage problems, like the Kelly and Crawford Brandies ditches? They stated they were both very concerned as were others out around them.

President Schaad replied to him by way of explanation of the overall picture at this time.

Mr. Scaad said the biggest problem at this time is the financing. He reviewed what had been done thus far, there have been several meetings, however if the burden of financing would be accessed to the people it would be tremendous. We have been trying to come up with some ideas or plans to alleviate some of this money problem. There was a group went to Indianapolis Indiana, to discuss and investigate the HUD situation, he explained that if we could qualify for a HUD application we may be able to secure some of the \$835,000.00 that is available for four counties and we hope to get a part of it. If we can qualify under the HUD criteria we will be in a good position.

Mike Ludwick and Mr. Nussemeyer have done some engineering, while the city has engaged an engineering firm out of Indianapolis, called Steeg, to do some drainage studies on the east side of Evansville. We don't know at this point what information they have come up with, however Jesse Dunville, Executive Director of Public Works, is in Indianapolis today investigating some of their studies, and we will hear from that later.

There is a great deal of research and study involved and it all takes time and effort. We have sort of had an agreement that we would process the A-95 on a local level. We are trying to get whatever help we can, to keep it from being such a burden on you individuals who live on and around these ditches.

Mr. Gilbert Mosby intervened to say he doesn't think it would take near the amount of money they are talking about to get done what had to be done now. He further stated that if the Crawford Brandies could be opened up to the railroad, the others aren't in too bad a shape yet but I am talking about doing first things first.

Mr. Schaad said, yes he understood their problem but they need to do the whole over all plan, do it all and do it right, if you never get started you will never end the thing.

Mr. Mosby said yes but meanwhile we are losing lots of money and crops, while this is taking so long to be accomplished.

It was pointed out that it should have most assuredly should have been done ten years ago, but it wasn't and what we are trying to do now is what should have been done then, if things were different we would not have these problems now but facts are facts.

Mr Tom Hirsch said but those ditches should at least be dredged, couldn't this be done?

Mr. Schaad said anything done now would have to be assessed back to you people.

Mr. Hirsch said most of the people want the ditches at least dredged now, especially the main artery, the Crawford Brandies, it would help alot.

President Schaad asked Mike Ludwick if we could do some of this now, & Mike replied we could do the main artery, using highway funds etc. If we do Crawford Brandies now it would be fine but you have no idea what the contractors would charge or bid and you may be getting into a problem there.

Tom Hirsch said, well we can't do anything without some estimates, and what are we going to tell these people who are losing crops?

President Schaad then explained that he realized this was all taking much time, but the Drainage Board is not ignoring the situation at all but doing all they can as they see best to get the job done the most effective way in the least time.

After further discussion, Mr. Mosby and Mr. Hirsch said they understood the situation much better now and they thanked the board for their time and explanation. They said their sole purpose in coming had been accomplished that they wanted information and got it.

RE: HAROLD PETERS

Mr. Harold Peters, one of the Ditch Bidders, presented a letter to the Drainage Board that he had received from Mr. Beach of the Environmental Protection Agency, explaining why the ditches could not be burned. Mr. Schaad read the letter out loud, he read three main reasons why the burning permit was denied and further explanation of what could and what could not be done.

Mr. Peters asked why when Mike makes out the specifications for bidders, he let us know earlier what is expected of us so we can compete fairly. He stated he just could not compete spraying with burning because of the price of chemicals etc.

It was discussed to the fact that all the reasons presented in the letter were safety measures and not environmental. It was suggested that Mr. Peters return to his office and talk to a Mr. Staff about it, claiming that their jurisdiction was supposed to be strictly environmental and he did not have the right to impose all these restrictions for safety measures only. Mr. Peters felt it would be more effective if a member of the Drainage Board would do this and so Mr. Schaad said if he would leave the letter with him he would talk to them.

Mike Ludwick sighted a case in point, where burning of a ditch caught a cornfield on fire, causing quite a bit of damage. He said he used to go down to the office and get a blanket permit for all ditches with no problem at all, however last year they refused him, telling him each individual had to get his own permit.

Mr. Peters again discussed the comparison prices of chemicals versus burning or mowing. They discussed that chemicals had been approved, however there were restrictions on which chemicals could be used also.

After further discussion Commissioner Wilner made a motion that all ditches within the four mile limit be sprayed or burned, but with the understanding that the bidder has to get his own burning permit prior to bidding on the ditch. Those outside the four mile limit could be done whatever way the bidder chose if the price was right. He also included in the motion that Mike Ludwick notify all persons who normally bid on ditches by letter, letting them all know in plenty of time what the specifications were and allowing them ample time to get permits etc.....Commissioner Ossenberg seconded the motion.....so ordered.

MEETING ADJOURNED AT 11:24 a.m.

PRESENT

DRAINAGE BOARD

Robert Schaad
Thomas Ossenberg
Robert Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Mike Ludwick (dpty)

COUNTY ATTORNEYS

William Stephens
Thomas Swain

Robert Schaad
Thomas Ossenberg
Robert Willner
VANDERBURGH COUNTY DRAINAGE BOARD MEMBERS

SECRETARY: B. Nance

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VANDERBURGH COUNTY DRAINAGE
DECEMBER 8, 1975

A meeting of the Vanderburgh County Drainage Board was held on this 8th day of December, 1975, at 10:48 a.m. with President Robert Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: CLAIMS

The following claims were presented to the Drainage Board for approval:

LEO C. PAUL..... for the removal of 12 trees out of Barr's Creek as per contract.
Inspected and passed Dec. 5, 1975.....\$200.00.

Commissioner Ossenberg moved the above claim be approved upon recommendation of the Surveyor.....seconded by Commissioner Willner.....so ordered.

LEO BITTNER..... for cleaning of Wallenmeyer Ditch.
8,355 L.F. X \$0.08.....\$668.40
Inspected and passed Dec. 5, 1975

Commissioner Willner moved the above claim be approved upon recommendation of the Surveyor.....seconded by Commissioner Ossenberg.....so ordered.

RE: DITCH SPECIFICATIONS

Mr. Mike Ludwick spoke to the Board saying, if you remember last week we got into a discussion of cleaning ditches in the city, spraying them etc. I have been doing some work on this and I feel we will be getting into some serious problems. The ditches in the city have never been sprayed before, so with the chemicals they allow now, it would take years of spraying before it took the proper effect. I personally do not think it would be a good idea, Mike stated, he said he felt in advance of asking each bidder to go to the Environmental Protection Agency, for a letter of approval or denial to burn in these ditches, we should ask someone from that office under the Air Pollution Control, Mr. Frank Beach is the manager, and Mr. William Staff is Executive Director, to go out and check all the ditches and be prepared to give a yes or no answer on burning before they bid. He stated he was afraid if they had to spray they would go much higher on their bids and there was no way to actually check on them to know if they did or did not spray.

President Schaad asked wasn't it decided before that the ditches were in no condition to be sprayed? Perhaps they could be cleaned out and cut low to be ready to spray next year. Don't you think we could present a list of all the ditches and get a blanket permission to burn?

Mike Ludwick replied, no I tried that last year and they said they would not give advance permission and they would not go out to inspect any ditches until they were cleaned out and all the debris laid out beside the ditches so they could see what was and was not burnable under their standards.

Last year because of this we got into alternate bids, so we awarded to the lowest bidder because the Commissioners did not ask for alternate bids if they could not burn. Mike said he felt we were going to "open a can of worms" so to speak by getting into this sort of thing.

Mr. Ludwick said he would do some more work on this, and with the Board's permission, he would present each of them a copy of the specifications to let them read them and make any changes or suggestions they wished.

Mr. Schaad asked Mike if he had any recommendations on the situation now as to what they should do. It was established that they had to do something on the matter.

Mike replied, well I will tell you now that my recommendation would certainly not be to spray, because he personally did not think it would work, the bidders wouldn't even have to go downstairs and ask permission for anything they could just wait until November, to let the grass dry, go out and do a little cutting and that would be the end of it. He stated he would do some more work on the specs and bring them back in next week for the Board's approval.

Mr. Schaad said it would probably be a good idea to have someone from the Environmental Protection Agency come into our meeting to discuss this situation. It was suggested that Mr. William Staff be invited to our meeting next Monday, the Commissioners secretary was asked to invite him for our next meeting.

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MEETING ADJOURNED AT 11:10 a.m.

PRESENT

DRAINAGE BOARD

Bob Schaad
Robert Willner
Thomas Ossenberg

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Mike Ludwick(ass't)

COUNTY ATTORNEYS

Thomas Swain
William Stephens

Bob Schaad

Thomas L. Ossenberg

Robert Willner

VANDERBURGH COUNTY DRAINAGE BOARD MEMBERS

SECRETARY: B. Nance

VANDERBURGH COUNTY DRAINAGE
DECEMBER 15, 1975

A meeting of the Vanderburgh County Drainage Board was held on this 15th day of December, at 10:50 a.m., with President Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: CLAIMS

The following claims were presented to the Drainage Board for approval:

UNION TOWNSHIP DITCH ASSOCIATION.....for the cleaning of Edmond Ditch.
15,395 L.F. X \$0.07.....\$1,077.65
Passed and inspected Dec. 12, 1975

Commissioner Thomas Ossenberg moved the above claim be approved upon recommendation of the Surveyor.....seconded by Commissioner Willner.....so ordered.

GEORGE SEIB.....for cleaning Buente Upper Big Creek Lateral "A".
3,666 L.F. X \$0.12.....\$439.92
Plus removal of Trees.....150.00
Total \$589.92

Passed and Inspected December 12, 1975

Commissioner Willner moved that the above claim be approved upon recommendation of the Surveyor.....seconded by Commissioner Ossenberg.....so ordered.

JOSEPH SEIB.....for cleaning of Maidlow Ditch.
11,475 L.F. X \$0.15.....\$1,721.25
Passed and inspected Dec. 11, 1975

Commissioner Ossenberg moved the above claim be approved upon the recommendation of the Surveyor.....seconded by Commissioner Willner....so ordered.

RALPH E. REXING.....for cleaning of Pond Flat "A" Lateral.
5,311 L.F. X \$0.10.....\$531.10
Pond Flat "B" Lateral
2,797 L.F. X \$0.10.....\$279.70
Total \$810.80
Passed and inspected December 9, 1975

Commissioner Thomas Ossenberg moved the above claim be approved upon the recommendation of the Surveyor.....seconded by Commissioner Willner.....so ordered.

RE: DITCH SPECIFICATIONS

Mr. Schaad asked Mike Ludwick, of the Surveyors office, if he had any new information on the spraying or burning of the ditches and had he anything else on the specs. Mr. Ludwick stated he had not had the opportunity this past week to make the few changes he intended to make on the specs, however he felt as to the burning permits, the ditch bidders did not seem to run into any difficulty by asking to be inspected when the ditches were cut down and they did receive burning permits. He stated that those who bid on the ditches to spray like Mr. Peters, fine but as to getting too involved in the issuing of permits for the others that we should continue as is until there was a problem so to speak.

Mr. Schaad asked if he still felt it was necessary to have Mr. William Staff from the Environmental Protection Agency come in to discuss it as they had decided last week? Mr. Ludwick said no, for right now anyway let's leave things as they are and I will present the specs to you when I have completed them.

MEETING ADJOURNED 10:59 a.m.

PRESENT

DRAINAGE BOARD
Bob Schaad
Robert Willner
Thomas Ossenberg

COUNTY AUDITOR
Curt John

COUNTY SURVEYOR
Dick Nussmeyer
Mike Ludwick(ass't)

COUNTY ATTORNEYS
William Stephens
Thomas Swain

Secretary: B.Nance

VANDERBURGH COUNTY DRAINAGE
DECEMBER 21, 1975

A meeting of the Vanderburgh County Drainage Board was held on this 21st day of December, 1975, at 11:00 a.m. with President Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: CLAIM

The following claim was presented to the Drainage Board for approval:

R. H. LUDWIG & CO., INC.....	as per contract for Topo maps.
	31% as per contract 31.00 X (26,800) = \$8,308.00
Previous Billing.....	\$6,700.00
Billing this statement.....	<u>1,608.00</u>
	\$8,308.00
Paid to date.....	\$6,700.00
Amount due.....	\$1,608.00

Commissioner Thomas Ossenberrg moved that the above claim be approved upon recommendation of the Surveyor.....seconded by Robert Willner.....so ordered.

RE: FEDERAL FUNDING FOR DITCHES

Mr. Dick Nussmeyer stated to the board that some gentlemen were here from the Henry B. Steeg Engineering, that they were looking for some input for various cities and counties, for the applications for Federal funds.

Mr. Schaad explained for a matter of record, that the preliminary application that must be made was a rather complicated one and since there did not seem to be anyone familiar enough or qualified to make this proper application, he felt maybe someone from Steeg Engineering could prepare this for us. He mentioned the other person the most familiar was Bob Bowman and he could not prepare it for us, he also stated the importance of the preliminary application, just to be considered for the funds. The amount of around \$837,000.00 was again named as the available sum to be applied into. There have been several meetings before, plus a trip to Indianapolis to better understand what would be required of us and if we are eligible.

Mr. Nussemeyer said they did not make any mention of any drainage South of Lincoln Ave. He felt the Board should know that they are perhaps confused or mislead on what we were asking for, it was originally decided that all East side drainage problems from the levee, North to Pigeon Creek, included in this application. Mr. Nussmeyer said they did not have the same veivs on the matter, they talked about South of Lincoln only with regard to a new pumping station etc.

Mr Schaad stated his appreciation to Mr. Nussmeyer for making them aware of the misunderstanding or lack of understanding, he was surprised they did not have it clear. President Schaad said he would talk to Jesse Dunville again, he did not know how the city got in on the matter. He again thanked Mr. Nussmeyer and wished everyone a very Merry Christmas and Happy New Year.

MEETING ADJOURNED AT 11:10 a.m.

PRESENT

DRAINAGE BOARD
Bob Schaad
Robert Willner

COUNTY AUDITOR
Curt John

COUNTY SURVEYOR
Dick Nussmeyer
Mike Ludwick (ass't)

COUNTY ATTORNEY
William Stephens
Paul E. Wendel

Secretary; Beverly Nance

Bob Schaad
Chas. L. Owsen

VANDERBURGH COUNTY DRAINAGE

DECEMBER 29, 1975

A meeting of the Vanderburgh County Drainage Board was held on this, 29th day of December, 1975, at 9:55 a.m. with President Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: CLAIMS

The following claims were presented to the Board for approval:

Eugene C. Rexing..... for cleaning of Singer ditch and Pond Flat "D" Lateral.

2,450 L.F. X \$0.11.....	\$269.50
4,579 L.F. X \$0.13.....	604.42
Total due.....	\$873.92

Passed and Inspected December 23, 1975

Commissioner Thomas Ossenberg moved that the above claim be approved upon recommendation of the Surveyor.....seconded by Commissioner Schaad.....so ordered.

George Seib..... for cleaning of Stockfleth and Nurrenbern ditches.

6,296 L.F. X \$0.065.....	\$409.24
10,054 L.F. X 0.065.....	653.51
Total Due.....	\$1062.75

Passed and Inspected December 24, 1975

Commissioner Ossenberg moved the above claim be approved upon recommendation of the Surveyor.....seconded by Commissioner Schaad.....so ordered.

EAGLE SLOUGH

Mr. Mike Ludwick, assistant surveyor, reported that he had a conversation with Mr. Don Wathen, an area farmer in Knight township, about Eagle Slough. He has asked me to check with Browning-Ferris Industries, if you remember correctly, we let them install two pipes on Lodge Avenue, now those pipes have washed loose and are further down in the ditch and causing some blockage. He asked that we get ahold of them and ask them to remove those pipe. After further discussion it was decided that Mr. Ludwick would contact the contractor and get the pipes removed, thus eliminating the problem.

Mr. Wathen also asked Mike Ludwick to present a question to the Board for him. He wanted to know if they had any objections to him putting gates on some triple pipes that were under Water works road, right at Inland Marina, this is to hold back the water from the Ohio River. When the river rises up to about 34 feet it will flood Eagle Slough and the water backs up on them, so he wants to put gates on them.

Mr. Wathen did mention to Mike about getting some support from the Drainage Board on putting some permanent gates on these pipes. It was discussed as to where this water would go and what effect it would have on other areas such as flooding etc. Mr. Ludwick said he was only reporting to the Board his conversation with Mr. Wathen and that Mr. Wathen would be in himself after the first of the year to discuss some things with them. This report was put on record for future reference when Mr. Wathen comes to the Commissioners meeting.

RE: CYPRESS DALE MADDOX

Mr. Mike Ludwick reported that only one ditch was not completed, this is Cypress Dale Maddox, being cleaned by the Union Township Association, he stated that the Surveyors office had inspected it twice now and each time asked them to do certain things to

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get it to pass proper inspection. It may carry over to the first of the year, however the money to pay for it is already in the revolving fund and no action needs to be taken on it, he just wanted to make a report.

RE: MR. WILLIAM STEPHENS

Mr. Stephens who is leaving as county attorney to become Judge, having been released in the Commissioners meeting, was wished God Speed and good wishes for his future. Heartfelt thanks for his past cooperation etc. was extended from the Commissioners. Mr. Stephens thanked them for their kind words and for all their past courtesies.

President Schaad wished all others a VERY HAPPY NEW YEAR.

MEETING ADJOURNED AT 10:10 a.m.

PRESENT

DRAINAGE BOARD

Bob Schaad
Thomas Ossenberg

COUNTY AUDITOR

Curt. John

COUNTY SURVEYOR

Dick Nussmeyer
Mike Ludwick

COUNTY ATTORNEYS

Thomas Swain
William Stephens

Secretary: Beverly Nance

Bob Schaad
Thomas L. Ossenberg

VANDERBURGH COUNTY DRAINAGE
JANUARY 1, 1976

A meeting of the Vanderburgh County Drainage Board was held on this 1st. day of January, 1976, at 9:10 a.m., with President Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: REORGANIZATION

President Bob Schaad stepped down and turned the gavel over to Thomas Ossenberg for nominations for President of the Drainage Board for 1976. Commissioner Schaad nominated Commissioner Thomas Ossenberg for President.....Mr. Ossenberg seconded..... so ordered.

The gavel was then returned to Commissioner Schaad for nominations for Vice President. Commissioner Ossenberg nominated Commissioner Bob Schaad for Vice President..... Mr. Schaad seconded the motion.....so ordered.

Congratulations were exchanged with those present and a Happy New Year extended to all.

MEETING ADJOURNED AT 9:16 a.m.

PRESENT

DRAINAGE BOARD

Thomas Ossenberg
Robert Schaad

COUNTY AUDITOR

Curt John

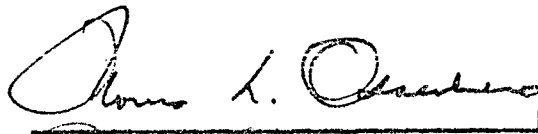
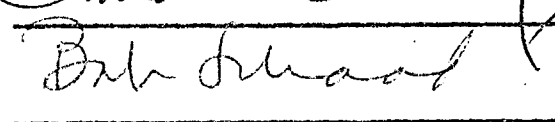
COUNTY SURVEYOR

Dick Nussemeyer

COUNTY ATTORNEY

Thomas Swain
Paul Wendel

SECRETARY: Beverly Nance

VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE

JANUARY 5, 1976

A meeting of the Vanderburgh County Drainage Board was held on this 5th day of January, 1976 at 11:00 a.m. with President Thomas Ossenberg presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: CLAIM

The following claim was presented to the Board for approval:

R. H. LUDWIG & CO. INC.....as per contract for Topo maps.
100% complete.....\$12,596.00
Less 5% Retainage.....629.80
\$11,966.20

Previous billings.....8,308.00

Amount Due this statement.....\$ 3,658.20

Commissioner Schaad moved that the above claim be approved upon recommendation of the Surveyor.....seconded by Commissioner Ossenberg.....so ordered.

RE: S.I.G.E.CO. EASEMENT

County Surveyor Dick Nussmeyer stated he had met on Friday with Ed. Joiner and others from S.I.E.G.CO., they want us to confine this primarily to the East side, at least twenty foot of their easement. We should go ahead and develop it, we will get with the city, because there is no use dumping this water in there, unless they can get rid of it down in the city. We will also need to get an agreement with them on the ditch up on the North.

Mike Ludwick said when we met Friday, they gave us twenty feet on the East of one hundred foot right of way.

There was a brief discussion about how they wanted the situation and Mr. Nussmeyer stated that they would have to steepen the slopes, because they suggested that we make the ditch not so wide at the top and deeper.

Mike Ludwick said S.I.G.E.Co. also wants twenty five foot on either side of their poles rip-rapped, and anything they do to that transmission line they want reimbursed for.

Mr. Schaad asked if this was a permanent easement or what?

Mr. Nussmeyer said we have to get permission from them to use the easement, we are dealing with three persons so to speak, the original property owners, S.I.G.E.Co, and the county.

President Ossenberg asked Mr. Nussmeyer to work on it whichever way necessary to resolve the situation.

MEETING ADJOURNED AT 11:07 a.m.

PRESENT

DRAINAGE BOARD

COUNTY AUDITOR

COUNTY SURVEYOR

COUNTY ATTORNEYS

Thomas Ossenberg
Bob Schaad

Curt John

Dick Nussmeyer
Mike Ludwick

Thomas Swain
Paul Wendel

SECRETARY: Beverly Nance

Thomas L. Ossenberg
Bob Schaad

R. H. LUDWIG & CO., INC.

Civil Engineers

400 Jackson Park Drive

SEYMOUR, INDIANA 47274

Phone: 812-522-6464

Received
Meeting 1/5/76

Explanation of claim

December 30, 1975

Richard Hussmeyer
County Surveyors Office
Vanderburgh County
Evansville, IN 47708

Estimate 3

	A % TOTAL PROJECT	B % COMP. TO DATE	C A x B
Photography	10	100	10.00
Ground Control	40	80	32.00
Compilation of Manuscript	25	20	5.00
Drafting	25	0	-0-

Total Completed To Date 47.00

47.00 x (\$26,800.00) = \$12,596.00

Less 5% Retainage 629.80

11,966.20

November 25, 1975, Billing 6,700.00

December 11, 1975, Billing 1,608.00

Total Previous Billing 8,308.00

Amount Due This Statement \$ 3,658.20

Yours truly,

R. H. Ludwig
P.E. No. 8405

RHL/lp

VANDERBURGH COUNTY DRAINAGE

JANUARY 12, 1976

A meeting of the Vanderburgh County Drainage Board was held on this 12th day of January, 1976, at 10:44 a.m. with President Thomas Ossenberg presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: CLAIM

The following claim was presented to the Board for approval:

UNION TOWNSHIP DITCH ASSOCIATION.....For cleaning of Cypress Dale Maddox

23,000 L.F. X \$0.07.....\$1610.00
Inspected and passed December 5, 1976

There was 887 L.F. X \$0.07 = \$62.09 subtracted for work which they did not complete.

Commissioner Schaad moved that the above claim be approved upon recommendation of the Surveyor.....seconded by Commissioner Willner.....so ordered.

RE: HARPER DITCH

Mr. Dick Nussmeyer reported to the Commissioners that they were doing some work on Harper ditch, some discussions with Southern Indiana Gas and Electric Company and he just wanted to report that the work was progressing.

MEETING ADJOURNED AT 10:50 a.m.

PRESENTDRAINAGE BOARD

Thomas Ossenberg
Robert Schaad
Robert Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Dick Nussmeyer
Mike Ludwick

COUNTY ATTORNEYS

Thomas Swain
Paul Wendel

Thomas L. Ossenberg

Robert Schaad

Robert Willner

VANDERBURGH COUNTY DRAINAGE BOARD

Secretary: Beverly Nance

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VANDERBURGH COUNTY DRAINAGE
JANUARY 26, 1976

A meeting of the Vanderburgh County Drainage Board was held on this 26th day of January, 1976, at 10:56 a.m. with President Thomas Ossenberrg presiding.

The minutes of the January 12th, 1976 meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: R.H. LUDWIG & CO. INC.

Mr. Mike Ludwick presented a letter of proposal from the R.H. Ludwig Co. for completing sheets 230, 238, and 239, of mapping. Mike explained that sometime ago they had engaged this company to do around \$26,000.00 worth of Topo Maps and it was discovered that there are three sections or sheets that were not included in the original agreement. He also stated that he had received a phone call from the company last week stating that if we were interested in getting this work done while they were working on this area they would complete all three sheets for us at the cost of \$1,000.00; this is one third of the normal price of the usual \$1,000.00 per sheet.

After further discussion the motion was made by Commissioner Ossenberrg that we do have the maps made at the discount price.....seconded by Commissioner Willner.....so ordered.

RE: BURKHARDT ADDITION

Mr. Ludwick approached the Commissioners with a survey map of Burkhardt Addition and explained to the Board the following, sometime back Mr. George Peacock came into the Auditor's office and the Surveyor's office with a complaint about the amount of drainage maintenance he was being charged. Mr. Peacock was one of the original developers, the land had originally belonged to Henry Walker now deceased, however as Mr. Peacock sold several lots to individuals to build on they failed to record the deeds, thus the assessors office, nor the Auditors office had any records of the transfers or cut-outs of this property. It is on the Crawford Brandies Extension Ditch, and according to the Drainage rules we can assess each lot with a \$3.00 minimum assessment.

Mike stated that he and the Drainage secretary had searched all the records after Mr. Peacock's visit and have pretty well updated and brought the records on Burkhardt Addition up to date. Since his visit also several of the buyers have come in and recorded their deeds. Mr. Ludwick said for clarification of the records he was asking the Drainage Boards permission to add about 27 names to the assessment rolls, although these people will not be assessed this year as we did not let a contract on the Crawford Brandies, however he would like to add them to the rolls so they can be properly billed whenever.

There was some question as to whether Mike should automatically go ahead and make any of this type changes or not.

It was finally decided that everyone who has recorded a deed in Burkhardt addition be billed according to regular Drainage codes and the rest of the lots be assessed to George Peacock until such a time as he sells them and deeds are recorded.

Commissioner Willner asked if these lots were not built on, could they be through proper action be changed back to acreage. It was replied that yes they could, through proper procedures however it was not likely.

MEETING ADJOURNED AT 11:05 a.m.

PRESENT

DRAINAGE BOARD

Thomas Ossenberg
Robert Willner
Robert Schaad

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Dick Nussemyer
Mike Ludwick (ass't)

COUNTY ATTORNEYS

Thomas Swain
Paul Wendel

Thomas Ossenberg

Bob Schaad

Robert Willner

SECRETARY: B. Nance

VANDERBURGH COUNTY DRAINAGE BOARD

R. H. LUDWIG & CO., INC.

*Civil Engineers*400 Jackson Park Drive
SEYMOUR, INDIANA 47274

Phone 812-522-6464

January 16, 1976

Vanderburgh County Surveyor
Surveyors Office
Evansville, Indiana 47708

Att: Mr. Mike Ludwick

Dear Mr. Ludwick:

We would like to offer the following proposal for completing sheets 230, 238, and 239, as per our phone conversation on January 15, 1976.

Our Price \$1,000.00

Thanking you sincerely for the opportunity to offer this proposal.

Yours truly,



R. H. Ludwig

RHL/lp

77-1000
1/24/76

VANDERBURGH COUNTY DRAINAGE

FEBRUARY 10, 1976

A meeting of the Vanderburgh County Drainage Board was held on this 10th day of February, 1976, at 10:15 a.m. with President Thomas Ossenberg presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: CLAIMS

The following claims were presented to the Drainage Board for approval:

ARMSTRONG DITCH ASSOCIATION.....for the cleaning of Buente Upper Big Creek, a legal drain.
20,195 LF. X \$0.12.....\$242.34
Tree Removal..... 20.00
Total \$262.34
Passed and Inspected Dec. 20, 1975

Commissioner Schaad moved that the above claim be approved upon recommendation of the Surveyor.....seconded by Commissioner Willner.....so ordered.

R.H. LUDWIG & CO..... as per contract for Topo Maps.

This Billing.....\$5,386.80
Less 5% Retainage..... 269.34
Amount due.....\$5,117.46

Commissioner moved that the above claim be approved upon recommendation of the Surveyor.....seconded by Commissioner Schaad..... so ordered.

MEETING ADJOURNED AT 10:25 a.m.

PRESENT:

DRAINAGE BOARD

Thomas Ossenberg
Robert Willner
Bob Schaad

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Richard Nussmeyer
Mike Ludwick (dpty)

COUNTY ATTORNEYS

Thomas Swain
Paul Wendel

Thomas L. Ossenberg

Bob Schaad

Robert Willner

VANDERBURGH COUNTY DRAINAGE BOARD

SECRETARY: B. Nance

VANDERBURGH COUNTY DRAINAGE

MARCH 1, 1976

A meeting of the Vanderburgh County Drainage Board was held on the 1st day of March, 1976, at 11:18 a.m. with President Thomas Ossenberg presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: ASSESSMENTS: PERIODIC MAINTENANCE OF LEGAL DRAINS

Mr. Mike Ludwick, from the County Surveyor's office presented the assessments for the maintenance of legal drains in Vanderburgh County. These assessments were prepared in the Surveyor's office, and are now ready for the approval of the Vanderburgh County Drainage Board. After receiving final approval from the Drainage Board they will be sent to the County Auditor's office so that billing may be completed.

Assessments were presented on the following legal drains:

Baehl Ditch	Pond Flat "B" Lateral
Maidlow Ditch	Pond Flat "E" Lateral
Lower Big Creek	Kneer Ditch
Pond Flat "A" Lateral	Maasberg Ditch
Boesche Ditch	Rusher Creek
Nurrienbern Ditch	Hoeftling Ditch
Stockfleth Ditch	Harper Ditch
Schlensker Ditch	Edmond Ditch
Sonntag-Stevens Ditch	Barnett Ditch
Henry Ditch	Buente Upper Big Creek "A" Lateral
Kamp Ditch	Buente Upper Big Creek
Singer Ditch	Cypress-Dale Maddox
Helfrich-Happe Ditch	Pond Flat "Main"
Wallenmeyer Ditch	Pond Flat "C" Lateral
Keil Ditch	Pond Flat "D" Lateral
	Barrs Creek

There are a total of thirty one ditches.

Commissioner Schaad moved that the assessments be approved as presented on the above legal drains. Commissioner Willner seconded the motion. So ordered.

Commissioner Willner asked Mr. Ludwick if they settled the argument on the burning of ditches?

Mr. Ludwick said he doesn't want to get deeply involved in this, but he will be back next Monday with a recommendation. He said there are only two ditches they will have problems with, those being Keil and Sonntag-Stevens Ditches. He said he doesn't feel the Drainage Board should get involved as it is the contractors job to get a permit to burn. He will present the Drainage Board with "Notice to Bidders" at next Monday's meeting, as it will be completed and ready to be advertised for the cleaning of the Legal Drains for 1976.

RE: LETTER FROM BIAGI-HANNAN AND ASSOCIATES, INC.

Commissioner Ossenberg said he received a reply from Biagi-Hannan and Associates, Inc. on the request for flap gates on Eagle Slough. He said this was first brought up in the County Commissioners meeting on February 10, 1976, when Mr. Jerry Krietzer and Mr. Albert Mueller appeared before them and ask that something be done.

Mr. Nussmeyer, County Surveyor said he has looked into this and it looks to him like it would be a \$50,000.00 or \$60,000.00 job. There would be three gates at a cost of \$11,500.00 each plus consultant and construction costs. He said we would also have to clear with the Corps of Engineers and the Levee Authority.

Commissioner Schaad said it would be nice to have, but thats a large cost to benefit so few people.

County Attorney Tom Swain said they do not take the position that the work we did on Eagle Slough or Inland Marina causes their problem.

Mr. Ludwick said this is true.

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2.
Commissioner Schaad said we would be willing to put these gates up if the people want them and they also want to pay for them.

Mr. Swain said the problem is that there is \$50,000.00 left over in Eagle Slough.

Commissioner Schaad said then what is going to happen to that money.

Mike Ludwick said he has been studying the Drainage Code Laws very carefully and he feels the \$50,000.00 left in the Eagle Slough Account could be used for any other ditches, even though it is a bond issue.

Mr. Swain said not when you read our Ordinance with the banks, as they say that money stays within Eagle Slough, as part of their security. He said there was two separate funds set up, one for reconstruction and one for maintenance and we're stuck with that.

Mr. Ludwick said yes, he realizes there was two funds, but he still believes we can use this in other ditches.

Commissioner Schaad moved that a copy of the letter from Biagi-Hannan be sent to the gentlemen who appeared before the Commissioners and brought this matter up originally. Commissioner Willner seconded the motion. So ordered.

There being no further business, meeting adjourned at 11:30 a.m.

PRESENT:

DRAINAGE BOARD

Thomas Ossenberg
Robert Willner
Bob Schaad

COUNTY AUDITOR


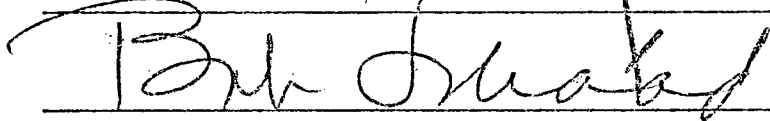
Curt John

COUNTY SURVEYOR

Richard Nussmeyer
Mike Ludwick (Dep)

COUNTY ATTORNEYS

Thomas Swain
Paul Wendel

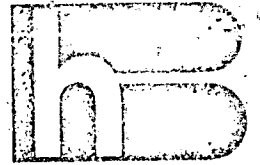
VANDEBURGH COUNTY DRAINAGE BOARD

SECRETARY: B. NANCE
BY: J. Decker

Biagi-Hannan and Associates, Inc.

CONSULTING ENGINEERS

300 N.W. Second Street • Evansville, Indiana 47708 • Telephone (812) 423-4407



Achille D. Biagi, P.E.
President
Will R. Chance
Executive Vice President
Robert F. Titzer, P.E.
Vice President of Industrial Engineering
James Q. Moyley, P.E., L.S.
Chief Civil Engineer
Gary W. Reiter, P.E.
Chief Electrical Engineer
J. Keith London, P.E.
Chief Mechanical Engineer

February 20, 1976

Mr. Robert Schaad, President
Board of County Commissioners
c/o Room 325 Civic Center
Evansville, Indiana 47708

Reference: Flap Gates On Eagle Ditch Culverts

Gentlemen:

At the request of Deputy County Surveyor Mr. Mike Ludwig we have checked the status of the three 96 inch culverts under Shawnee Drive at Eagle Ditch in relation to proposed flap gate additions.

These pipes and the headwall structures were constructed by the Corps of Engineers in conjunction with the levee construction in 1940. At this point along the levee the right-of-way extends 350 feet on the river-side of the center of the levee which is 95 feet beyond the center of the pipe structures.

Any work that is proposed within this right-of-way must be submitted to the Evansville-Vanderburgh Levee Authority District on a permit request form (copy enclosed). If the proposal is approved by the local authority it is then presented to the Louisville District Corps of Engineers for review and approval. Upon approval by the Corps the permittee may begin construction in accordance with the provisions of the permit. On construction of the type proposed construction drawings or sketches would have to be included with the permit request form.

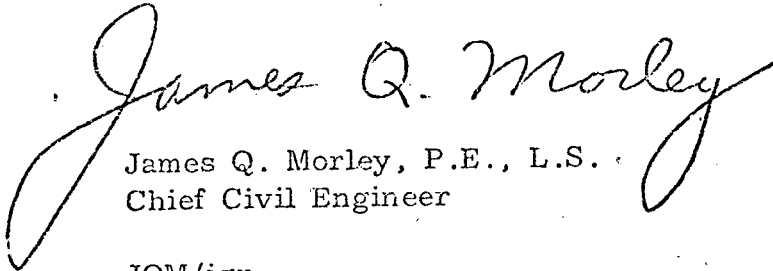
At Mike's request we checked the flap gate cost and received a quotation of \$11,500 each for the gates. Installation costs would then have to be added to arrive at the total construction costs.

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Mr. Robert Schaad
February 20, 1976
Page Two

If you have any questions, please call.

Yours truly,

BIAGI-HANNAN AND ASSOCIATES, INC.


James Q. Morley, P.E., L.S.
Chief Civil Engineer

JQM/jgn

Enc.

cc: Evansville/Vanderburgh Levee Authority District
Art Walling
Ron Steinkamp
John Vessozo
Mike Ludwig

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VANDERBURGH COUNTY DRAINAGE
MARCH 8, 1976

A meeting of the Vanderburgh County Drainage Board was held on the 8th day of March, 1976, at 10:55 a.m. with President Thomas Ossenberg presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: NOTICE TO BIDDERS

Mr. Nussmeyer presented the following notice to bidders for sealed proposals or bids for annual periodic maintenance of each of the following Drains:

Baehl Ditch6,797 LF.
Boesche Ditch.....3,742 LF.
Barrs Creek.....20,668 LF.
Buente Upper Big Creek.....20,195 LF.
Buente Upper Big Creek A Lateral.....3,666 LF..
Harper Ditch.....4,002 LF.
Henry Ditch.....3,179 LF.
Hoeftling Ditch.....5,571 LF.
Keil Ditch.....3,012 LF.
Kneer Ditch.....3,036 LF.
Maasberg Ditch.....2,206 LF.
Maidlow Ditch.....11,475 LF.
Lower Big Creek.....7,501 LF.
Nurrenbern Ditch....10,054 LF.
Pond Flat Main Ditch.....29,351 LF.
Pond Flat Lateral A.....5,311 LF.
Pond Flat Lateral B.....2,797 LF.
Pond Flat Lateral C....9,036 LF.
Pond Flat Lateral D...4,579 LF.
Pond Flat Lateral E....3,616 LF.
Rusher Creek....4,444 LF.
Schlensker Ditch.....4,000 LF.
Singer Ditch.....2,459 LF.
Sonntag-Stevens Ditch.....13,204 LF.
Stockfleth Ditch.....6,296 LF.
Wallenmeyer Ditch.....8,355 LF.
Barnett Ditch.....8,358 LF.
Cypress-Dale Maddox Ditch.....23,887 LF.
Helfrich-Happe Ditch.....12,698 LF.
Kamp Ditch.....11,160 LF.
Edmond Ditch.....15,395 LF.

Mr. Nussmeyer said the following ditches will not be advertised now, but that he will come in later for them to possibly be advertised.

Eagle Slough
Aiken
Aiken Extension
Crawford-Brandeis

Crawford-Brandeis Estension
Kelly
Hirsch
Kolb

Commissioner Schaad moved that the ditches, as stated above be advertised on March 18th and 25th. in the Courier and Press with bids to be opened on March 29, 1976.

Commissioner Ossenberg seconded the motion. So ordered.

RE: CLAIMS:

Mr. Nussmeyer presented the following blue claims to the Drainage Board for approval for payment.

THOMAS M. SWAIN.....First quarter....Drainage Board Attorney Fee....1976,
in the amount of \$500.00.

PAUL E. WENDEL.....First quarter...Drainage Board Attorney Fee....1976,
in the amount of \$500.00

Commissioner Schaad moved the two above claims for the attorneys be approved.
Commissioner Ossenberg seconded the motion. So ordered.

CLAIMS....CONTINUED

R.H. LUDWIG AND CO., INC....As per contract for topo map, in the amount of \$2,902.44.

Commissioner Schaad moved the above claim be approved. Commissioner Ossenberg seconded the motion. So ordered.

There being no further business meeting adjourned at 11:00 a.m.

PRESENT:DRAINAGE BOARD

Thomas Ossenberg
Bob Schaad

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Richard Nussmeyer
Mike Ludwick (Dep)

COUNTY ATTORNEYS

Thomas Swain
Paul Wendel

Thomas H. Ossenberg

Bob Schaad

Robert D. Miller

VANDERBURGH COUNTY DRAINAGE BOARD

SECRETARY: B. NANCE
BY: J. Decker

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VANDERBURGH COUNTY DRAINAGE
MARCH 15, 1976

A meeting of the Vanderburgh County Drainage Board was held on the 15th. day of March, 1976, at 11:00 a.m. with President Thomas Ossenberg presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: LETTER FROM INLAND CONTAINER

Commissioner Ossenberg received a letter from Bob Slade of Inland Container Corporation, which reads follows:

Dear Tom:

We have had reason lately to take a long look at the ditch that runs from East to West across the North end of our Inland property. Erosion has taken a rather fearful toll in the years that we have been in the Lynch Road plant. I believe the ditches known as the dedication ditch of property belongs to Vanderburgh County. Could this ditch be inspected and checked with the possibility considered for expenditure of riprapping or some other feasible approach to stop erosion and deterioration. We would appreciate very much any thoughts or suggestions you may have on this request. If someone involved in drainage work would like to visit Inland, we would certainly be pleased to walk over the property with him and discuss.

Yours Sincerely, Bob Slade

Commissioner Ossenberg said he turned this letter over to Mr. Nussmeyer and Mr. Ludwick and they found this to be Keil Ditch which runs East to West.

Mr. Nussmeyer said there are several problems here, that he realizes they have an erosion problem and the only suggestion he would have if it would be feasible, to bring those slopes back and seed it properly, that there is a case of the sanitary sewer in the ditch on Hitch Peters Road and there is a building west of Hitch Peters on Bergdolt Road built on a ditch and some pipes in back of Whirlpool that aren't quite adequate and there are any number of problems out there.

Commissioner Ossenberg asked if they could do this under an assessment.

Mr. Nussmeyer said they could probably lay those slopes back on an assessment but said he hasn't had any particulars on any drainage problems out there.

Mr. Ludwick said this has just happened recently and that the airport is involved in it, that they just opened up some ditches out there that were closed down for years. He said the Penn Central Railroad is also involved in this as well as the Southern Indiana Gas & Electric Company. He said that the Drainage Law states that you can't go back to an individual to ask for money to relieve the situation and that there are so many people involved in it that they will have to take a better look at it to see what they can come up with to relieve the situation. He said that Harold Peters sprays the ditches and that evidently he sprayed too good last year, that he even sprayed the grass at the side of the banks. He explained that they would have to look at the size of the sewage pipes and write letters back to the Railroad Company to change the sizes and put additional pipe in there and it will take some time to put it together.

Mr. Nussmeyer said they will personally make an inspection of the problem and he will contact Mr. Slade.

Commissioner Ossenberg asked if there was anything in the meantime that Mr. Siebeking could help them with.

Mr. Ludwick said the box culvert is undermining it and he don't think the City will lower the line and they may have to replace the culvert.

Commissioner Ossenberg said they can work together on it and report back to the Commissioners

He asked Mr. Siebeking to work with them also.

There being no further business, the meeting adjourned at 11:15 a.m.

PRESENT

DRAINAGE BOARD

Thomas Ossenberg
Bob Schaad
Robert L. Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Richard Nussmeyer
Mike Ludwick (Dep)

COUNTY ATTORNEYS

Thomas Swain
Paul Wendel

Bob Schaad

Robert L. Willner

VANDEBURGH COUNTY DRAINAGE BOARD

SECRETARY: B. NANCE
by M. Meeks

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VANDERBURGH COUNTY DRAINAGE
MARCH 29, 1976

A meeting of the Vanderburgh County Drainage Board was held on the 29th. day of March 1976, at 11:00 a.m. with Vice President Bob Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: OPENING OF BIDS FOR ANNUAL MAINTENANCE OF LEGAL DRAINS:

At this time County Attorney Thomas Swain was authorized to open the following bids for the annual maintenance of legal drains. He opened and read them aloud, as follows:

ELDON MAASBERG: Maasberg Ditch.....\$88.24
Kneer Ditch.....\$242.88
\$20.00 in cash accompanied the above bid.

JOSEPH SCHMITT: Baehl.....08¢ per ft. (If not permitted to burn add to the following on the base bid)
Henry.....12½ ¢ per ft.
Maasberg.....05¢ per ft.
Stockfleth.....06¼ per ft. Henry.....10¢
Boesche.....12¢ per ft. Stockfleth...10¢
Harper.....08½¢ per ft. Boesche Ext..10¢
Hoeftling.....06½¢ per ft. Harper.....10¢
Kneer.....08½¢ per ft. Nurrenbern...10¢
Nurrenbern.....06½¢ per ft. A money order in the amount of
Schlensker.....07¢ per ft. \$188.13 accompanied the above bid.

JOSEPH SEIB: Maidlow Ditch.....11,475 X 0.15=\$1,721.25
A personal check in the amount of \$86.00 accompanied the bid.

GEORGE SEIB: Baehl...6,797 X .10=\$679.70
Buente Upper Big Creek Lateral "A"...3,666 X 0.15=\$549.90
Henry....3,179 X 0.10=\$317.90
Keil....3,012 X 0.10=\$301.20
Stockfleth.....6,296 X 0.10= \$629.60
Harper....4,002 X 0.10= \$400.20
Nurrenbern....10,054 X 0.10= \$1,005.40

A personal check in the amount of \$194.00 accompanied the above bid.

NORMAN MESSEL: Keil.....3,012X .16= \$481.92
Sonntag Stevens.....13,204 X .11= \$1,452.44
A certified check in the amount of \$96.72 accompanied the above bid.

UNION TOWNSHIP DITCH ASSOCIATION, INC.

Barnett.....8,358 X .24= \$2,005.92
Cypress Dale-Maddox.....23,887 X .19= \$4,538.53
Edmond Ditch...15,395 X .08= \$1,231.60
Kamp Ditch.....11,160 X .08= \$892.80
Happe-Helfrich....12,698 X .08= \$1,015.84

A cashiers check in the amount of \$484.23 accompanied the above bid.

BIG CREEK DRAINAGE ASSOCIATION, INC.

Lower Big Creek.....10¢ per foot.....\$750.10
Pond Flat Main Ditch.....10¢ per foot...\$2,935.10
Pond Flat Lateral C.....12¢ per foot....\$1,084.32
Pond Flat Lateral E.....12¢ per foot....\$433.92
Rusher Creek.....12¢ per foot....\$533.28
Buente Upper Big Creek.....10¢ per foot....\$2,019.50

A cashier's check in the amount of \$387.81 accompanied the above bid.

LEO N. BITTNER: Wallenmeyer Ditch...\$568.40

A personal check in the amount of \$34.40 accompanied the above bid.

LEO C. PAUL: Baehl.....\$611.73
 Barris Creek.....\$2,893.52
 Stockfleth.....\$566.64
 Harper.....\$400.20
 Nurrenbern\$1,005.40
 Wallenmeyer.....\$793.73

A cashier's check in the amount of \$313.56 accompanied the above bid.

RALPH REXING: Pond Flat Lateral A.....\$531.10
 Pond Flat Lateral B.....\$279.70

Cash in the amount of \$41.00 accompanied the above bid.

EUGENE REXING: Pond Flat Lateral D.....\$641.06
 Singer Ditch....\$367.50

Cash in the amount of \$50.00 accompanied the above bid.

MERL HOEFLING: Hoeftling Ditch....5,571 X 0.06= \$334.26

Cash in the amount of \$16.71 accompanied the above bid.

Commissioner Willner moved that all of the bids be deferred for one week so that Dick Nussmeyer can determine low bids. Commissioner Schaad seconded the motion. So ordered.

There being no further business the meeting adjourned at 11:20 a.m.

PRESENT:

DRAINAGE BOARD

Bob Schaad
 Robert L. Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Richard Nussmeyer
 Mike Ludwick (Dep)

COUNTY ATTORNEYS

Thomas Swain
 Paul Wendel

Thomas L. Schaad

Bob Schaad

Robert L. Willner

Vanderburgh County Drainage Board

SECRETARY: B. NANCE
 by J. Decker

VANDERBURGH COUNTY DRAINAGE
APRIL 5, 1976

A meeting of the Vanderburgh County Drainage Board was held on the 5th day of April 1976, at 10:50 a.m. with President Tom Ossenbergs presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: AWARDING OF BIDS FOR ANNUAL MAINTENANCE OF LEGAL DRAINS:

Mike Ludwick from the County Surveyors office supplied each of the County Commissioners with a list of the bids they received on the maintenance of legal drains for 1976. They had marked on this list the bidders they recommended be awarded the bid on that particular ditch. At this time Mr. Ludwick read off all of the bids received.

Commissioner Schaad moved that the following bids be awarded to the bidder stated.

BAEHL DITCH...6,797 LF...Joseph Schmitt-LF X 0.08=\$543.76
BOESCHE DITCH...3,742 LF...Joseph Schmitt-LF X 0.12=\$449.04
BARRS CREEK...20,668 LF...Leo Paul-LF X 0.14=\$2,893.52
BUENTE UPPER BIG CREEK...20,195 LF...Big Creek Drainage Association-LF X 0.10=\$2,019.50
BUENTE UPPER BIG CREEK A LATERAL...3,666 LF...George Seib-LF X 0.15=\$549.90
HARPER DITCH-4,002 LF...Joseph Schmitt-LF X .085=\$340.17
HENRY DITCH...3,179 LF...George Seib-LF X 0.10=\$317.90
HOEFLING DITCH...5,571 LF...Merl Hoeftling-LF X 0.06=\$334.26
KEIL DITCH...3,012 LF...George Seib-LF X 0.10=\$301.20
KNEER DITCH...3,036 LF...Eldon Maasberg-LF X 0.08=\$242.88
MAASBERG DITCH...2,206 LF...Eldon Maasberg-LF X 0.04=\$88.24
MAIDLOW DITCH...11,475 LF...Joseph Seib-LF X 0.15=\$1,721.25
LOWER BIG CREEK...7,501 LF...Big Creek Drainage Assn.-LF X 0.10=\$750.10
MURRENBERN DITCH...10,054 LF...Joseph Schmitt-LF X 0.065=\$653.51
POND FLAT MATN...29,351 LF...Big Creek Drainage Assn.-LF X 0.10=\$2,935.10
POND FLAT LAT."A"...5,311 LF...Ralph Rexing-LF X 0.10=\$531.10
POND FLAT LAT."B"...2,797 LF...Ralph Rexing-LF X 0.10=\$279.70
POND FLAT LAT."C"...9,636 LF...Big Creek Drainage Assn.-LF X 0.12=\$1,084.32
POND FLAT LAT."D"...4,579 LF...Eugene Rexing-LF X 0.14=\$641.06
POND FLAT LAT."D"...3,616 LF...Big Creek Drainage Assn.-LF X 0.12=\$433.92
RUSHER CREEK...4,444 LF...Big Creek Drainage Assn.-LF X 0.12=\$533.28
SCHLENSKER DITCH...4,000 LF...Joseph Schmitt-LF X 0.07=\$280.00
SINGER DITCH...2,450 LF...Eugene Rexing-LF X 0.15=\$367.50
SONNTAG-STEVENSON DITCH...13,204 LF...Norman E. Messel-LF X 0.11=\$1,452.44
STOCKFLETH DITCH...6,296 LF...Joseph Schmitt-LF X 0.625=\$393.50
WALLENMEYER DITCH...8,355 LF...Leo Paul-LF X 0.095=\$793.73
Mr. Leo Bittner had the low bid on Wallenmeyer Ditch, but his non-collusion affidavit was not notarized, nor made out properly.
County attorney Tom Swain recommended that Mr. Bittner's bid be rejected, even though it is low and that the board award the bid on Wallenmeyer Ditch to Mr. Leo Paul.
BARNETT DITCH...8,358 LF...Union Township Ditch Assn.-LF X .24=\$2,005.92
CYPRESS-DALE MADDIX...23,887 LF...Union Twp.Ditch Assn.-LF X 0.19=\$4,538.53
HELFRICH-HAPPE DITCH...12,698 LF...Union Twp.Ditch Assn.-LF X 0.8=\$1,015.84
KAMP DITCH...11,160 LF...Union Twp.Ditch Assn.-LF X 0.08=\$892.80
EDMOND DITCH...15,395 LF...Union Twp. Ditch Assn.-LF X 0.08=\$1,231.60

Commissioner Willner seconded the motion on the above bids. So ordered.

RE: CLAIM:

The following claim was presented to the Drainage Board for approval of payment:

R.H.LUDWIG & CO.INC...As per contract for Topo Maps....\$1,909.50

Commissioner Schaad moved that the above claim be approved. Commissioner Willner seconded the motion. So ordered.

There being no further business the meeting adjourned at 11:05 a.m.

PRESENT:

DRAINAGE BOARD

Thomas Ossenberg
Bob Schaad
Robert Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Richard Nussmeyer
Mike Ludwick (Dep)

COUNTY ATTORNEYS

Thomas Swain
Paul Wendel

Thomas Ossenberg

Bob Schaad

Robert Willner

VANDEBURGH COUNTY DRAINAGE BOARD

SECRETARY: B. NANCE

BY: J. Decker

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VANDERBURGH COUNTY DRAINAGE
APRIL 12, 1976

A meeting of the Vanderburgh County Drainage Board was held on the 12th. day of April, 1976, at 10:15 a.m. with President Tom Ossenberg presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: DRAINAGE PROBLEM BY INLAND CONTAINER

Mr. Ludwick said that Mr. Robert Slade has written the Commissioners three or four letters in the past couple of months concerning a ditch in the back of Inland Container property on Lynch Road and it is the Sonntag-Stevens Ditch. He said that he and Mr. Seibeking had a meeting with Mr. Slade and explained some of the problems they have with legal drains and how they attempt to take care of them and they told Mr. Slade at this meeting, that they would refer this matter to the Drainage Board for a decision from them as to what they can do.

The following letter was received by the Commissioners from Mr. Slade of Inland Container:

Dear Tom:

We were most appreciative that Mike Ludwick and Jack Siebeking visited with us on Wednesday, March 24, 1976.

And that some preliminary evaluatory work had been done prior to our meeting with them.

We had a very interesting discussion and I felt that I learned much about the total dimension of the problem of which the drainage ditches are just a part.

Mike said that some work would be recommended for Inland to the Drainage Board through which the ditch banks would be sloped on a 2 to 1 basis and some seeding accomplished. We would be most appreciative.

I am enclosing some shots that we took this week. Two are on our property and one is taken from Peters Road looking west along the ditch adjacent to the Peerless Pottery Inc. Plastics Plant. I am sure these will give the Board a good idea of the problem. There is some identification written on the back of each.

Again Tom, many thanks. Kindest personal regards.

Most Sincerely, Robert B. Slade
Plant General Manager

Pictures were enclosed showing what is happening to the ditch banks.

Mr. Ludwick said their proposal to the Drainage Board is that they hire a contractor to go out and shape the pitch banks up on a 2 to 1 slope and seed the sides of the banks.

He said he asked Mr. John, last week, to check with the State Board of Accounts to see if they do have a ditch that the Drainage Improvement Fund established since 1965.

He said it should have been done since he ran across a report to Mr. Volpe, stating that there should be a General Drainage Improvement Fund established for Vanderburgh County and it was supposed to have been implemented several years ago and the funds are available if they let us use them to do projects on legal drains.

Mr. John said he would call the State Board of Accounts this morning.

Mr. Ludwick said that he would like to call several contractors and let them walk this area behind Inland Container and get three separate bids, just to see what it would cost, but said he didn't think it should cost over \$1,500 to do this repair work that needs to be done in this particular area. He also said they cannot use reconstruction money for this work, so with the approval of the Commissioners he would like for contractors to look at the problem. He said if this is a General Fund as the card stated, they have \$60,000 that they could be using to get a start on some of the ditch work that needs to be done.

Commissioner Schaad moved that Mr. Ludwick be permitted to get some contractors to give estimates on what the cost will be to get the job done.

Commissioner Willner said he thought it was a matter of priorities, that they have been hassling with the east side drainage for years and haven't done anything and although they have a request from the Federal Government for funds, he thought if they have the money, these ditches should be done first.

Commissioner Ossenbergsaid he agreed with this but that right now, all they are interested in is to get a cost figure, also that he would like to see them being able to use the \$60,000 for a lot of this work but he didn't know if it could possibly be used in the east side.

Commissioner Willner seconded the motion that was made by Commissioner Schaad. So ordered.

The meeting adjourned at 10:25 a.m.

PRESENT

DRAINAGE BOARD

Thomas Ossenbergs
Bob Schaad
Robert L. Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Richard Nussmeyer
Mike Ludwick (Dep.)

COUNTY ATTORNEYS

Thomas Suxin
Paul Wendel

Secretary: B. Nance
By M. Meeks

Thomas L. Ossenbergs

Bob Schaad

Robert L. Willner

VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE

APRIL 26, 1976

A meeting of the Vanderburgh County Drainage Board was held on this 26th day of April, 1976 at 11:20 a.m. with President Tom Ossenberg presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: CLAIM

The following claim was presented to the board for approval:

T. W. SWAIN..... Attorney Fees for Month of April.....\$166.66

Final Payment of Fees

Having been appointed Judge of the Superior Court, by the Governor of the State of Indiana he will no longer be County Attorney Leaving this position April 30, 1976

RE: EDWIN RAGON SMITH JR.

Attorney Smith of 951 St. James Blvd. will replace Mr. Swain as County Attorney assuming his duties May 5, 1976.

On the Agenda, as Under Appointments and Employment changes, the Board of County Commissioners appointed Mr. Smith as attorney for the Drainage Board for the sum of ~~\$25.00~~ per meeting *500 per quarter*.

MEETING ADJOURNED AT 11:30 a.m.
PRESENT

DRAINAGE BOARD

COUNTY AUDITOR

COUNTY SURVEYOR

COUNTY ATTORNEYS

Thomas Ossenberg
Bob Schaad
Robert Willner

Curt John

Dick Nussmeyer
Mike Ludwick

Thomas Swain
Paul Wendel

SECRETARY: Beverly Nance

Thomas L. Ossenberg
Robert Willner

VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE
MAY 3, 1976

A meeting of the Vanderburgh County Drainage Board was held on this 3rd day of May, 1976 at 9:25 a.m. with President Thomas Ossenbergh presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor, with one change; the amount of \$500.00 per quarter for the county attorney, rather than \$25.00 per meeting. The reading of them was dispensed with.

RE: CLAIM

The following claim was presented to the board for approval:

R. H. LUDWIG & CO., INC.....	as per contract for Topo Maps. Final billing.
Total.....	\$26,130.00
Less 5 %	1,306.50
Balance.....	24,823.50
Previous Payments.....	21,895.60
Amount Due.....	2,927.90

Commissioner Willner moved the above claim be approved as recommended by the Surveyor..
..... seconded by Commissioner Ossenbergh..... so ordered.

RE: S.I.G. & E. Co.

Mr. Mike Ludwick stated that he had a call last week from a Mr. Sam Purcell of S.I.G.&E. Co. about our project on the relocation of Harper Ditch. He stated a gas line under our proposed relocation, if done by their employees would cost the sum of \$3,000.00 but if a contract was let out on it the sum would be \$6,500.00. Mike said we have to acquire the right of way or the permission to use the right of way on the easement that S.I.G. & E. Co. now has. This expense would be to lower or encase the gas line.

I would like the attorneys opinion on a new ditch location, or relocation, I think the law states that any Utility that may be in the new alignment of a proposed ditch would have to bear the cost of any land or all expenses related to that particular line that may be in the way.

Attorney Wendel stated that he would have to check into this and let him know.

Mr. Ludwick then continued to say that at that time it would have to be up to the Commissioners if they wanted to foot the bill to get the permission to use the 100 ft. easement or not.

Mr. Nussmeyer stated we will probably get into a bartering position with this thing.

Mr. Ludwick said, Yes that is what we are getting into, they will probably tell us that if we pay the cost of moving, raising, or lowering, encasing, or whatever the case may be, they will then give us permission to use the easement.

This is the Harper Ditch, running North from Division to Morgan Ave. at Hwy. 62. They have had the plans now for about six months, waiting on their permission whether we can use the easement or not.

The amounts of money afore mentioned were repeated to Mr. Ossenbergh and the particulars involving these amounts. After further discussion it was decided that there would be a halt to the parcel buying etc. until this thing was completely settled and the Drainage Board could make a decision.

President Ossenbergh stated that by next Monday at the Drainage Board meeting all the information would be gathered and the decisions could be made at that time.

MEETING ADJOURNED AT 9:35 a.m.

PRESENT

DRAINAGE BOARD

COUNTY AUDITOR

COUNTY SURVEYOR

COUNTY ATTORNEYS

Thomas Ossenberg
Bob Schaad
Robert Willner

Dick Nussmeyer
Mike Ludwick

E. R. Smith Jr.
Paul Wendel

Thomas L. Ossenberg

SECRETARY: Beverly Nance

Robert D. Willner

VANDERBURGH COUNTY DRAINAGE BOARD

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VANDEBURGH COUNTY DRAINAGE

MAY 10, 1976

A meeting of the Vanderburgh County Drainage Board was held on this 10th day of May, 1976 at 10:55 a.m. with President Thomas Ossenberg presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor, and the reading of them dispensed with.

S.I.G. & E.CO.

Mr. Mike Ludwick stated that in his report of a bill from S.I.G. & E.CO. he had made an error in the exact figures. He called the secretary and had her put the correct amounts of \$3,000.00 if they did the work or \$8,500.00 if a contract was let. President Ossenberg reviewed the situation for Commissioner Schaad who had not been present the past week.

Mr. Ludwick stated the gas line has to be lowered to get below our ditch grade. What the whole thing amounts to, he said, is that we have to use their 100 foot easement, from Division St., north thru to Boonville Highway. They have limited us to 20 feet, of the 100 foot easement on the east side, so we have to get their permission first to even use this easement, then we have to go back to some eight property owners and buy the use of this easement also. Now we have done part of this last year, we bought a couple of parcels and then told the right of way buyer to stop until we got all of this straightened out.

DRAINAGE CODE LAW:

County Attorney Paul Wendel read the statute that provides the following; if you are relocating a Legal Drain, and there is any pipe line of a utility company that would interfere, the Drainage Board can require the utility company to remove it at their expense. That is what is legal on the matter and you can handle it any way you want.

Mr. Nussmeyer stated that if we force them like this they can in turn impose some requirements on us for the right of way. It can be a horse-trading sort of thing and come to a stand off fight, so we would like to bargain with them peaceably if possible. It was asserted that S.I.G. & E. CO. did own the right of way, that is they own the right to use that easement. Mr. Nussmeyer said, yes we can legally force it as we did on Green River road, when the city made their improvements.

Commissioner Ossenberg stated that at this time we do one of two things, we either act on it according to law or stand still on it.

Mike Ludwick said there will be other stipulations they will require of us, however we may use this paragraph of the law to bargain with them. If they want us to foot the bill so to speak, then we can ask that they not come in with all those stipulations about the rip-rap and their poles etc. This might work out in the final analysis to help us. He stated he would get back with Mr. Sam Purcell and ask where do we go from here and get a definite answer on it in the next couple weeks.

SONNTAG-STEVENS DITCH:

Mike Ludwig asked if the Board remembered Bob Slade had come in a couple months ago to tell them of the problems they were having with the Sonntag-Stevens ditch out behind Inland Container. We went out to check the ditch and they do have an erosion problem. The Drainage Law says that the County Surveyor can use \$500.00 per ditch to take care of any minor maintenance problems. Curt John the County Auditor checked this out and verified it.

We are getting several calls on some of the legal drains with problems and since this is the law and with \$500.00 we can help them. We are going to start and spend this amount on some of them we have now.

I have contacted Bobby Staub, he said, about Sonntag Stevens and we are going to let a contract for 1700 feet in length, and we will go into both sides of that ditch and put it back on a two to one slope. He will do this for \$500.00 and no other contractor would do it for this amount I am sure.

The County Garage will provide the trucks and Bob Slade has given his permission for the trucks to go across his property so that is why the contractor has agreed to do this so reasonably cheap. This is providing the Highway Dept. will remove the dirt so it does not have to be spread on Inland Container's ground, because that would cause a drainage problem greater than the one they already have.

Commissioner Ossenberg asked if we could use the highway trucks for this legally, the reply was yes, since we can use that dirt other places on county roads and as they maintain other ditches they can use excess dirt also.

Mike Ludwick asked that he be given permission to let a contract or more contracts for annual maintenance on Eagle Slough, and for the dredging of Aiken and Aiken Ext. using the \$500.00 per ditch. He asked that any others they see fit or necessary to maintain they be allowed to do. He stated he would run a legal ad on Eagle slough, mentioning that they did need the Commissioners approval to use the County trucks etc.

BOND ISSUE:

It was asked by President Ossenberg if there was a possibility, now that we had lost out on H.U.D. funds, that we think about floating a Bond Issue for the total east side drainage problem?

It was explained that not only in addition to being a great amount of work etc. for the attorneys, there were some other things to consider also, such as this issue would fall entirely on the property owners in the water shed. This means the amounts for individuals to pay would vary greatly, the whole assesement would be measured by acreage. It was reviewed that on the Eagle Slough Bond Issue, the city of Evansville paid for 75% of the \$200,000.00 issue, 10% was paid by the Levee Dept. also the County paid a small percentage leaving a proportionally small percentage for the property owners to pay. In this case the total amount would have to be paid by the property owners involved with very high assesements involved.

It was immediately decided that this would certainly be prohibitive, and the thought would be entertained no furthur if the afore mentioned situation was the case.

Commissioner Schaad asked if any phase of the east side drainage could be done in the near future. After some discussion on this subject it was tabled for the time being.

MEETING ADJOURNED AT 11:10 a.m.

PRESENT

DRAINAGE BOARD

Thomas Ossenberg
Bob Schaad
Robert Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Dick Nussmeyer
Mike Ludwick

COUNTY ATTORNEYS

Ed. Smith
Paul Wendel

SECRETARY: Beverly Nance

Thomas L. Ossenberg
Bob Schaad
Robert Willner
VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE
MAY 17, 1976

A meeting of the Vanderburgh County Drainage Board was held on this 17th day of May, 1976, at 11:45 a.m., with President Thomas Ossenberg presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor, and the reading of them dispensed with.

Mr. NOAL STEVENS:

Mr. Mike Ludwick presented a request to the Board that he had received from a Mr. Stevens of R. R. #3 Kansas Road, stating he was just east of Green River Road. The request is for permission to install a small entrance to his property over Henry Ditch, which is a legal drain, stating the present structure has caved in and he would like to put a pipe in there for better draiange too. It has been checked out and it has been suggested that he not put a pipe in there, so he contacted a contractor who said he could install a small bridge in there for him, as that is what was there before. He stated that the bridge would have four colums and a concrete floor, with reinforcements and footings which would be much more substancial and beneficial. He now needs the permission of the Commissioners to proceed with it.

Mike Ludwick stated this would all be at Mr. Stevens expense, that he had personally recommended the bridge rather than the pipe.

Commissioner Willner made a motion that Mr. Stevens be given permission to proceed with the brige at his own expense.....seconded by Commissioner Schaad.....so ordered.

MEETING ADJOURNED AT 11:50 a.m.

PRESENT

<u>DRAINAGE BOARD</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY SURVEYOR</u>	<u>COUNTY ATTORNEYS</u>
Thomas Ossenberg Bob Schaad Robert Willner	Curt John	Dick Nussmeyer Mike Ludwick	Paul Wendel Ed. Smith

SECRETARY: Beverly Nance

Thomas Ossenberg

Bob Schaad

Robert Willner

VANDERBURGH COUNTY DRAINAGE BOARD

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VANDERBURGH COUNTY DRAINAGE
JUNE 7, 1976

A meeting of the Vanderburgh County Drainage Board was held on this 7th day of June, 1976, at 10:55 a.m. with President Thomas Ossenberg presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them was dispensed with.

A claim was submitted by R. H. Ludwig & Co. Inc. for topo maps as per contract, in the amount of \$636.50.

Mr. Ludwick said that the maps were finished and that there is a letter attached to the claim that states, all the drawings are completed and will be sent under separate cover.

He said they haven't received them as yet, also that this is not the final estimate and that it is estimate #8.

Commissioner Schaad moved that the claim be allowed. Commissioner Willner seconded the motion. So ordered.

RE: LETTER REQUESTING PLANNED IMPROVEMENTS ON DRAINAGE

The following letter was received by the Drainage Board last week, from Biagi-Hannan and Associates, Inc.:

Gentlemen:

Mr. Kenneth Jacobs appeared at a meeting of the Evansville-Vanderburgh Levee Authority District to request assistance in eliminating or reducing flooding problems on approximately 40 acres he owns at the corner of Division Street and Long Road so that the property could be developed.

We have examined this area for the Levee Board and found that it lies at approximate elevation 390, which is some 7 feet higher than the 1937 flood. At this elevation, there is no way that a levee along a creek or ditch could reduce the flooding problems.

The Levee Board is concerned with flood protection for the residents of Vanderburgh County, but this responsibility is generally limited to levees although there are a series of ditches in Union Township that have been maintained by the Levee Authority.

The area in question appears to drain to the Crawford-Brandeis Ditch then Pigeon Creek, which the Levee Board assumes is under the jurisdiction of the Drainage Board. The Levee Board asks for a verification of this jurisdiction and for any information you may have for planned improvements to the drainage in this area.

Yours truly, Biagi-Hannan & Associates, Inc.
James Q. Morley, P.E., L.S.
Chief Civil Engineer

Mr. Ludwick said that Mr. Morley came to the Surveyor's office during the past week and explained that they want the Drainage Board to make a public statement in answer to this letter, as to why the Drainage Board isn't doing anything about the drainage on the East side of Evansville.

He said, in his opinion, this is something that the Commissioners should, very carefully, think out and do some research on the matter before they reply to this letter.

He said he could write a letter and give the Board ten to fifteen points of interest which should be incorporated in the final response, but that he didn't want to take the responsibility of answering the letter because he didn't think they would like his answer, also that it isn't his decision to make.

He said that Mr. Jacobs owns some ground on the corner of Division and Long Road and part of it is under water, also that on this particular piece of property, the Building Commissioners office has instructed several builders to install new drains or ditches.

He said this helps the situation for awhile but until the artery is cleaned out, they are going to have this type of problem since it is an area that floods quite often.

He said they are building brand new houses out there where the water is standing.

Commissioner Ossenberg said he can't possibly see how the Commissioners can continue to allow builders to go in there to build anymore, that it is going to get worse and the Crawford-Brandeis can't take the water now.

Mr. Ludwick said that some of the things that he would answer Biagi-Hannan include the fact that anyone can draw a set of plans but that this isn't the problem, that the problem is financing the project and that they have gone into this before. He said that the Drainage Code states that if a legal drain doesn't function, that it should be abandoned and it gives several reasons why it should be and that some of the things they should consider in answering this letter is change in land use, that the Drainage Code states that he who changes the use of the land must get the permission of the Drainage Board and he said that no one has ever come before the Drainage Board to ask their permission to drain that subdivision into Crawford-Brandeis, so there is a lot that needs to go into this letter before the Commissioners put their neck on the line, to answer it and make it a part of the record as far as the Levee Authority is concerned.

He said he didn't think the answer would be to stop all building, also he didn't think they could get away with that, but he did say that if the Commissioners wanted him to, he would write a letter with about ten to fifteen things that the Commissioners should look at before it is finalized to answer them.

Commissioner Ossenberg said he didn't want to deny the building industry the right to make a living but by the same token, he is sick and tired of sitting here and watching builders go out there and creating problems and then wanting the County to bail them out.

He said that somewhere down the line, there are going to have to be tougher regulations and he didn't know if it would have to start with the Indiana General Assembly or where, but he is sick and tired of people calling him up and telling him that a builder has done something and then it is put on Vanderburgh County's back.

He said there is a real problem out there, that he saw Mr. Klassy's field out there that was completely flooded and he also was told that a contractor said he was going to build a sewer all the way to the Ohio River.

Mr. Ludwick said he thought this had something to do with Henry Steeg & Associates doing the work for the City in that area, as far as the pumping stations along that same route.

Commissioner Ossenberg said, for example, out on Fuquay Road where there is a pumping station and when it covers up, these people get raw sewage coming back on them. He said that many of the people that live out there today would not be there if they had known about the problem and he thinks they are not being told the truth by the builders and somewhere, there must be some control on it. He said the problem is that they are building ditches to go into Crawford-Brandeis which is overloaded presently, so they compound a problem each time.

Mr. Mitchener of the Building Commissioner's office said they started here awhile back to restrict all building out there and then, first thing they knew, someone said they couldn't restrict building so they released them with the permission of the Commissioners and let them build.

Commissioner Ossenberg said he thought building out there was restricted.

Commissioner Schaad said that it is just one of those things and they have tried to get some federal monies to do it, unsuccessfully, and they have had the advice of the Building Commissioners office, that it would just be a financial burden on the people in the watershed, that it would be prohibitive and if they attempted to do it at the taxpayers expense, they couldn't afford it. He said that unless they clean it out so that water can get into the creek, it is going to stay there, unless they can come up with some money from elsewhere, or if it is done by a bond issue, it will have to be done by the people that are going to benefit by it.

Mr. Ludwick said that 7500 acres drain into the area, five and one-half miles long and 500 people who pay now and perhaps 1,000 more should be added to the list and still doesn't pay for it.

Mr. Mitchener said that he and Bob Bowman were talking about this matter and that Mr. Bowman said that if we had some actual figures, he thought there was money that could be made available, that what we took to Indianapolis, wasn't sufficient.

Mr. Ludwick said there is money set aside on certain things in the bridge fund for this very purpose, of cleaning Crawford-Brandeis out, but the other day, the State Board of Accounts questioned a certain account they had and asked him to justify an expenditure for the Green River Road project, on a bridge and he couldn't justify the amount of money they asked for, so from now on, he supposed they would get more involved in looking at the applications and asking questions, also that they couldn't justify the use of this money on a road or the bridge itself because they will get caught doing this, that anything that is done will have to be justified. He said their meeting is June 14th and they would like a letter from the Drainage Board next Monday for their meeting.

Commissioner Ossenberg said that Mr. Ludwick can get a letter to the Commissioners next Monday so they can see it since their meeting is Monday afternoon.

Commissioner Willner said that he didn't think they need to put a moratorium on building; that what they need to do is to admit to themselves that there is some property in Vanderburgh County that should not be changed from Agricultural.

Commissioner Ossenberg said he agrees with that but this thing happened before that.

Commissioner Willner said yes but we still have some coming and some are being passed every day and they aren't really looking at the water situation.

Commissioner Schaad said they should be, that before they can get a rezoning now, it goes first to Fred Alcott and the Commissioners and that everyone is involved in it and they just don't recommend approval for that reason.

Mr. Ludwick said they are getting into the change of land use and anyone that wants to discharge more water into a legal drain should be coming before this board and ask permission to begin with and this has never been done.

Commissioner Ossenberg said he is beginning to think it would be good to bring the contractors before the Commissioners so they can get this straightened out for once and for all.

Mr. Mitchener said he would tell Mr. Crooks what has been discussed and he thought the word should come from the Commissioners about the meeting, also they will get the contractors in here again, which is Chandler, Jacobs, Klassy and Edwards, also Mr. Alcott.

Mr. Ludwick said they should have some type of answer or plan of action, because calling all of them together is just going to aggravate an already serious situation.

Commissioner Ossenberg said they are going to have to do something to alleviate the situation.

Commissioner Schaad said there is a question of where the money is going to come from, that he knew where it could come from but they would object because they don't want to pay for it, that they want somebody else to do it and no money is available and in the meantime, there are complaints so they could just shut the whole thing down. He said that when they bought the land to develop it, they should have known what they were buying, that they made a mistake in buying and they are passing the mistake on to someone else.

He said that a good example is what happened just this morning, that Mr. Siebeking was saying about Mr. Bussing out there, that he was just as nice as he could be and doing anything for the Commissioners to accept it and now that they have accepted it, the streets are falling apart, that they weren't built properly and he didn't know who was doing the inspecting at that time, but that it is another Melody Hills.

Commissioner Willner said that the Area Plan Commission passed two the other night just exactly the same way.

Mr. Mitchener said it doesn't do any good to try to tell them about it.

Commissioner Schaad said he thought that maybe what should be done, is that the Drainage Board needs to appear before the Area Plan Commission, that they should be told they better take some heed as far as the drainage and other problems are because it is getting people into more and more trouble by passing the petitions and not living up to their responsibilities, that maybe they are just doing their

job superficially and maybe they need to appear before them.

Commissioner Ossenbergh said he thought it was part of the control on streets right now because the extension of O'Hara Drive that Wendel Lensing wanted to build in Melody Hills, that when he first built Melody Hills, there isn't a drain tile or nothing and it was concrete layed over clay and that is going to cost this county millions of dollars before they are done out there. He said that on the O'Hara Drive extension, there isn't a crack in the street because Mr. Nussmeyer told the judge that he was going to lay six inches of rock in there, so many feet of concrete and that he was going to put drainage every so many feet and this is why that street is holding up and these are codes that are going to have to be written and he hopes they are in there.

Mr. Ludwick said they weren't in the subdivision ordinance, itself.

Commissioner Ossenbergh said that something should be instituted and these things be put into the building code.

Mr. Mitchener said they see these things when they go in and one is going in now that he isn't happy about but they don't have anything to do with it and that one, Mr. Klassy is putting in.

Mr. Ludwick said his office checked his plans and he has part of the street built so they are stuck with the grades that will drain his planned street so those grades couldn't be changed now.

He said this should be stopped in the beginning from the Building Commissioners office, also that there is a set-up in the code that there should be a charge for inspection and an inspector to be on every street that is poured or blacktopped. He said that when they are on construction jobs, they don't have time to send someone out on the street and have them stay out there all day, that they don't have the employees to do it.

He said the Building Commissioners office has the means to get the money back on a permit basis that will enable them to hire personnel, that this is in the code but has never been used.

Commissioner Schaad said they should get the Area Plan Commission, Tom Ossenbergh as President of the Drainage Board, the Building Commissioners office, Mr. Ludwick, the builders and others that are concerned in this and get together to get this thing settled.

Commissioner Ossenbergh said they were going to have to have a spirit of co-operation with those builders out there or some way, they are going to have to put some tougher specifications on them.

Mr. Mitchener said the builders are doing what he asks them to do now and the only requirement he has is for them to build the houses 24 inches above flood level.

Commissioner Schaad said if they could solve the drainage end of it and do what is necessary, they could then go ahead with their normal building out there to meet the specifications and get the streets up and make it all drain into the creek but until this is done, he just don't know what they are going to do.

Mr. Mitchener suggested that the Commissioners issue a letter to the builders and to the Plan Commission, that they come in before the Commissioners, Mr. Ludwick, Mr. Alcott and others concerned, also Bob Bowman to be included. He said if the Commissioners want to meet with Mr. Bowman, since he has some idea as to where they might get the money for this project, that he will do so.

Commissioner Ossenbergh said this should be done first and he thought the Commissioners would draft a letter to everyone and have them in front of the Commissioners, hopefully within the next three weeks and he asked Mr. Mitchener to set up a meeting for next Monday with Mr. Bowman and he is thinking about having the builders and everyone in on June 28th.

He said that he would talk to Mr. Crooks and he asked Mr. Ludwick to draft the letter with points of interest that should be included in the letter from the Commissioners, to Biagi-Hannan.

The meeting adjourned at 11:30 a.m.

PRESENTDRAINAGE BOARDCOUNTY AUDITORCOUNTY SURVEYORCOUNTY ATTORNEYS

Thomas Ossenberg

Curt John

Mike Ludwick

Ed Smith Jr.

Bob Schaad

Paul Wendel

Robert L. Willner

Secretary: Beverly Nance

by M. Meeks

Thomas L. Ossenberg

Curt John

Robert L. Willner

VANDERBURGH COUNTY DRAINAGE BOARD

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VANDEBURGH COUNTY DRAINAGE
JUNE 14, 1976

A meeting of the Vanderburgh County Drainage Board was held on this 14th day of June, 1976, at 10:45 a.m. with President Ossenberg presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them was dispensed with.

President Ossenberg said they received the following letter last Monday:

Gentlemen:

Mr. Kenneth Jacobs appeared at a meeting of the Evansville-Vanderburgh Levee Authority District to request assistance in eliminating or reducing flooding problems on approximately forty (40) acres he owns at the corner of Division Street and Long Road so that the property can be developed.

We have examined this area for the Levee Board and found that it lies at approximately elevation 390, which is some 7 feet higher than the 1937 flood. At this elevation, there is no way that a levee along a creek or ditch could reduce the flooding problems.

The Levee Board is concerned with flood protection for the residents of Vanderburgh County, but this responsibility is generally limited to levees although there are a series of ditches in Union Township that have been maintained by the Levee Authority.

The area in question appears to drain to the Crawford-Brandis Ditch then Pigeon Creek, which the Levee Board assumes is under the jurisdiction of the Drainage Board. The Levee Board asks for a verification of this jurisdiction and for any information you may have for planned improvements to the drainage in this area.

The letter was signed by Biagi-Hannan & Associates, Inc.

President Ossenberg said at that time a discussion was held and they ordered Mike Ludwick to draft a letter, which he did and they went over the letter this morning. He said they are hand delivering this letter to the Levee Authority today. The letter reads as follows:

Vanderburgh County Levee Authority District
Civic-Center Complex
Evansville, Indiana 47708,

Attn.: Mr. Art Walling:

Mr. Kenneth Jacobs, the owner of property on the corner of Division Street and Long Road has requested information about eliminating or reducing flooding problems in this area and on the East side generally.

The County Drainage Board had authority of all legal drains in Vanderburgh County of which there are thirty nine (39). We are well aware of the problems that exist on the East side of Evansville in an area bounded by Green River Road north to Pigeon Creek, South to Lincoln Ave., East to Warrick County containing approximately 7,500 acres. Within this area there are six (6) legal drains which meander five and one-half (5 1/2) miles and empty into Pigeon Creek.

Many plans have been formulated to correct this problem but have always foundered in the past for the lack of funds to support such a reconstruction program. The landowners involved would have to bear the cost of any project that the Drainage Board would initiate.

It has been estimated that a total reconstruction project would cost approximately \$1,000,000.00 or about \$2,000.00 per assessment, which we feel would be far too much money for some people to pay.

The County Drainage Board has attempted to secure funds from the Department of H.U.D. The application filed in 1972, as well as the one in 1976 was turned down.

At this time the Vanderburgh County Drainage Board has not made a final determination on how to come up with the large amount of monies needed so that the cost to each individual property owner will not exceed more than he can afford to pay.

Several meetings are being planned by the Drainage Board to discuss with property owners, developers, and farmers as to feasible solutions to eliminate some of the problems that are being experienced on the East Side of Evansville, Indiana.

President Ossenberg said he would have to have a motion to send this letter to the Levee Authority and by the same token, last week Bill Mitchner was in this meeting and there was the possibility that Bob Bowman had come up with a new solution to H.U.D. Unfortunately Mr. Bowman went on vacation and he is not back yet. President Ossenberg said they had planned to have the Builders come in after they had talked to Mr. Bowman, but since Mr. Bowman is on vacation and they can't talk to him now they will have to delay it.

President Ossenberg said he did talk to Jesse Crook and what building is being involved now that is actually occurring will have to go ahead, but in Mr. Crook's opinion that with the consenses of this board he has stopped, until the drainage is taken care of. He said he feels at this time they will have to wait until they talk to Mr. Bowman as to what funds he has in mind.

RE: HARPER DITCH

President Ossenberg asked if anything further had been done on Harper Ditch.

Mr. Ludwick said nothing further had been done and Mr. Ossenberg asked how they were going to expand this shopping center because Harper Ditch will back up and flood it.

Mr. Ludwick said every time it rains they have a real mess out there.

President Ossenberg said he received a call from Jack Culley that they had water to their front door.

President Ossenberg asked for a motion to send this letter to the Levee Authority, Commissioner Schaad so moved, seconded by President Ossenberg, so ordered.

Jesse Crook asked if they could shut down the building out there and President Ossenberg said he didn't feel they could at this particular time. He said he feels they should meet with the builders and see if they can get some cooperation from them.

Mr. Crooks suggests that each one come before the drainage board, and President Ossenberg said he thought that was a good idea.

Commissioner Schaad this new law on drainage, don't the natural resources get into this when you want to build anything near a legal drain and Mr. Crook said no.

President Ossenberg said when you want to clean a legal you have to get approval from Natural Resources Department.

Commissioner Schaad said he thinks it would be a good idea for the County Attorney to look into this law and see what they can come up with.

President Ossenberg said he does not know what the answer is but he does think it is a good idea that anyone wanting to build out there to come before the drainage board.

Commissioner Schaad said they know they have a drainage problem on the East Side and doing nothing will not solve it.

President Ossenberg said Mr. Jacob's letter to them where he can meet the code and build the home above the streets are going to be flooded.

Commissioner Willner said they have had the builders in along with the City and Evansville College. He said they all told them how much money they would give.

President Ossenberg said wasn't the builders going to get involved with Evansville College for so much money if they could come up and do the whole East Side area.

Commissioner Willner asked for the two gentlemen to come out to the Armstrong Ditch Association and see how they handle the problem, East Side is not the only one who has drainage problems. He said he would like to show them a drag line that is involved in an operation all the time. He said they don't wait for the drainage board to get their money for them, they just use that portion of it. They get the job done very easily.

President Ossenberg said the constant building on the east side is compounding the problem, and some where along the way they have got to put a halt to it.

Commissioner Willner said some of that land must be left for agriculture, he said there is some land that can be developed and built on but there is some that shouldn't.

President Ossenberg said this is a perfect example, Mr. Jacobs land is now agriculture, but he wants to develop it and go residential.

Commissioner Schaad said until the drainage problem is solved he doesn't see how that can be granted.

Commissioner Willner asked if Mr. Nussmeyer has done anything about this and President Ossenberg said Mr. Nussmeyer has been in Barnes Hospital for the past three (3) weeks. He had quite a serious operation.

Commissioner Willner said it is not the drainage board's responsibility to take care of anything except legal drains.

President Ossenberg said it is the drainage board's responsibility to make drains to drain into the legal drains.

Mr. Ludwick said anyone who builds a house, parking lot or anything should ask the drainage board for permission. The law says they should ask but it is not the law that they have to ask. He said the drainage board can turn them down.

Commissioner Schaad said how do they make the decision as to who can build and who cannot.

President Ossenberg said there are a lot of farmers losing acreage because of this drainage problem.

Mr. Ludwick said if you go by the law, all the drains on the east side should be vacated because they were constructed back in the early 1900's and with all the building that has been going on nothing has been changed as far as the drains are concerned.

Commissioner Schaad asked Commissioner Willner what would be his solution to this problem.

Commissioner Willner said he thinks they should have some direction, and he thinks the engineer should lay down a plan on cleaning those ditches, he said when they talk \$100,000.00 they are talking about hiring somebody to go in there and put a lot of equipment in get the job done in thirty (30) days or something like that. He said go the other way and put in a drag line with one man and let him start at one end and clean that ditch no matter how long it takes. He said they have to start somewhere and they don't have the money to go the other way.

President Ossenberg said this is a good idea, but there are some section in Crawford-Brandis along Burkhardt Road that can't be done this way.

President Ossenberg ask how much would a dredge machine cost, and Commissioner Willner said they bought a used one, he said he is not sure of the cost but figures around \$10,000.00.

Commissioner Schaad said it has to be started, and if they had done this ten years ago the problem would have been solved by now.

Commissioner Schaad said they should start at Pigeon Creek and work backwards. Mr. Mitchner and Mr. Ludwick agreed.

Commissioner Schaad said he doesn't feel they can make a decision as to who can build and who cannot build, but he feels the area plan commission can leave this property agriculture until they get this drainage problem solved.

Commissioner Willner asked how many dollars does all legal drains in all of Vanderburgh County generate each year.

Mr. Ludwick said about \$30,000.00 unless you let contracts, and when you let contracts you lose that amount of money.

President Ossenberg said if they go to a bond issue, then they should consider buying about 3 of these machines and keep a continous operation all over the county.

President Ossenberg said they could deliberate the point all day long, but he would have to have some facts and information on this.

Commissioner Schaad asked if they could hire the Armstrong Ditch Association to do the east side.

Mr. Ludwick said they had to let it out on bids.

Commissioner Willner asked how much a foot would they be charged. He said if they owned one peice of equipment and rented another they could probably get it done. He said he thinks the first thing they should do is get the County Attorney on this and see if they can legally do this.

President Ossenberg asked Mr. Ludwick if he had the plans and he said yes, but there was a lot more work that has to be done on them.

Commissioner Willner said what he would like to do is take all the legal drains in east side and form a Water Conservation District. He feels this would give the legal basis to own and operate equipment.

Commissioner Willner wants to know what is the percentage they can raise the assessments legally.

Mr. Ludwick said on reconstruction they can do what they want to do. On maintenance they can raise it only 25%.

President Ossenberg said he was going to call Fred Alcott and see about forming this Water Conservation District, and in the meantime he asked the County Attorney's to check this out.

Mr. Crooks asked if they should continue to issue building permits like they have in the past.

Commissioner Schaad asked if he was going to still talk to Mr. Bowman about Federal money and President Ossenberg said yes, just as soon as he gets back from vacation.

The meeting adjourned at 11:40 a.m.

PRESENT

DRAINAGE BOARD

Thomas Ossenberg
Bob Schaad
Robert Willner

COUNTY AUDITOR

Alice McBride, Deputy

COUNTY SURVEYOR

Mike Ludwig

ATTORNEYS

Paul Wendel
Ed Smith, Jr.

Secretary: Beverly Nance
By Jean Wilkey

Thomas Ossenberg

Bob Schaad

Robert Willner
VANDERBURGH COUNTY DRAINAGE BOARD

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VANDERBURGH COUNTY DRAINAGE
JUNE 21, 1976

A meeting of the Vanderburgh County Drainage Board was held on this 21st day of June, 1976, at 10:25 a.m. with President Ossenberg presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them was dispensed with.

PRESIDENT OSSENBERG

If you will recall last week we had quite a discussion about the East side Drainage Problem and about the serious consideration of forming a Water Conservation District for the East side and also the possibility of the bond issue to maintain the ditches on a continuity type program and it was discussed and we had asked County Attorney Ed Smith to look into the matter to see if, in fact, we can form such a group. At the same time it was suggested that I contact Fred Alcott, which I have, and he has some information forthcoming with this.

It was discussed last week and the week before last in the Drainage Board Meeting with Mr. Mitchner that he discuss with Bob Bowman the possibility of obtaining federal money for the serious East side Drainage Problem. First of all may I ask you what you found in your research.

REPORT OF COUNTY ATTORNEY ED SMITH

Mr President, in general terms here we have found in the Statute that in regard to creation of Drainage Districts you go in with a petition of 20% of property owners and 20% of the affected land. The petition is presented in Circuit or Superior Court and pretty well follows normal notice procedure. All the interested parties involved are served with summons. Non-residents are served by publication. Certain time is given for everybody to appear and object or remonstrate. He read part of the statute. In order to defeat such a petition you have 20% of your property owners and two-thirds (2/3) of the affected property to effectively stop such a petition. After this the Court appoints three commissioners, they in turn meet once each year and determine the cost for the year's operation. They determine the complete budget. By law they are given the authority to make assessments for the affected property that would be affected by this particular drain or ditch. They are assessed then and added to the tax rolls to defray the cost.

BOB SCHAAD

Mr. Schaad asked if the same general drainage laws apply and still exist whether you have a drainage district or not. As far as assessments are concerned, a mild assessment can be had, it is sort of who is running the show.

ED SMITH

If the affected area is in an incorporated area, the City Council would have the authority to assign or delegate authority to sign a petition. They would have regular court proceedings, hearings, etc. In fact, it is very much like rezoning.

RE: WATER CONSERVATION DISTRICT

FRED ALCOTT: Gentlemen, by your request I ran down as much information as I could on a Conservation District itself.

I contacted some of our people and I also contacted Clint Morgan of Indianapolis who is from the Indiana Department of Natural Resources. He sent me a copy of the Indiana Conservancy Act. I did make a breakdown of what it would take to implement a conservancy area in this district that we are talking about on the East side.

Basically what I found out was that the district could include any boundaries such as part of the city, part of the county, may be part of Warrick County, whatever boundaries the local government could agree upon where the problems exist.

Basically that would be the boundary and then representatives of the different areas would serve on the District Board itself. Then the free holders in the area, like say we had a thousand free holders, we would have to have 30% sign a petition. If you have 1,000 to 5,000, you would have 15% and then if you have 5,000 to 25,000 people in the area, which I think would be getting into the category we are talking about, a 10% or 750 minimum. Anything over 25,000 people, you would have to have 5% or a minimum of 2500 freeholders sign the petition.

As far as the City is concerned, when the City signs as a result of a resolution or the City Council, each free holder is considered to have signed such as the mayor could possibly sign. Anyone objecting could file an objection and his signature would be considered removed.

To set up the Conservancy District you would need either three or five directors, depending on how many people were in the district. You could go as many as seven directors and it has a breakdown on how many years they serve, 1-3 years that they serve. Basically, as far as organizing the district itself from the beginning, such as setting the boundaries of the district, getting a legal description and on into a petition, getting the petition signed and on through the hearings and finally coming to the appointing of the directors itself is about one year. It would take a minimum of one year to establish this.

Basically, I would say from experience that I have had with conservancy districts, this would be everything working well. . .

I have had a suggestion from Mr. Morgan when I talked to him that he would be glad to come down and meet and explain the Indiana Conservancy Act and explain some of the pitfalls of it, some of the taxation as you know the Conservancy District has quite a bit of power, such as with intimate domain. The ability to levy taxes and so forth. He will talk to any group that is interested in it and answer any questions they may ask.

Now from the Soil Conservation viewpoint. I would say that this Conservancy Water District is one alternative for the serious East side Drainage Problem that you would like to look hard at. I still feel some of the other possibilities should be looked at also of which I am sure you are doing. That in a nut shell is basically the highlights of the Water Conservancy Act.

Tom Ossenberg stated, in other words as I gather it would really rely on the size of the district.

Mr. Alcott replied, it could be set up any way that would be agreeable with the City, the County Commissioners and also the Warrick County Commissioners. You could really set the boundaries up as you wish, there would not be any limits such as watershed per se, such as in Pigeon Creek. I'd say one great advantage of the Conservancy District is that the taxation would be with the people who benefited most if the boundaries were so set.

Commissioner Schaad interposed, actually the people running it would be the people most interested or benefit the most from it, wouldn't you think.

Mr. Alcott replied, on the Board you would have people represented by the District, proportionally according to the area in the District. There would be a balance of representation there. Another advantage of the Conservative District is that they would be representing their own people. I feel, however, there are some disadvantages to this, such as the high cost for attorney fees, taxation, etc., but at least the people being benefited are the people who would be taxed.

There was a lengthy discussion on the pros and cons of same. President Ossenberrg asked who would set up the boundaries originally and who would choose the board.

Mr. Alcott replied, the Steering Committee, this Steering Committee basically could become members of the Board if they so desired or they may not.

Bob Schaad said, they would have to go through the same procedures of getting bids and so forth, wouldn't they? It looks to me like it would be simpler to just do as Bob Willner suggested last week, just get a dragline and go in there and start to work. Mr. Alcott replied, yes this is something to look at because with the District both Counties have to be ready to go at the same time. One of the problems you have as I view your East side problem is that you have two or maybe three units of government involved in this thing. This is sometimes very difficult, especially when the City and County are both involved. However, the main goal of the Water District would be to solve the whole problem out there, not just part of it.

Commissioner Schaad said it would also be a continuing body where otherwise there is a change of personnel as there is a change in politics.

Mr. Alcott said, now they are elected but they are elected from their own district and may have a bit of political over shadow.

Attorney Smith stated, there seems to be a slight discrepancy between two laws on the same subject. The Drainage Board as is seems to be relatively uncomplicated and perhaps a bit simpler and less costly. He briefly discussed as to who would be affected and the determination of who would be the property owners and who would be considered free-holders. This would almost be an engineering problem to determine.

Fred Alcott said the Conservative District would be all inclusive of all of the ditches that we are talking about here.

Tom Ossenberrg said, the District can encompass any number of ditches, is that right?

Mr. Alcott replied, yes, like Warrick County who would certainly want to be included in this District. The originality would have to come from the Commissioners of Vanderburgh and Warrick County and then carried out by a Steering Committee.

C. Kent Robuck, an interested attorney from Boonville, spoke and said, as I see it the Drainage Board does appoint the Steering Committee. I personally know because some of my family has property out there, that there are many existing problems left from former administrations like the Erie Canal. I understand that it is a federal law that they can't do what they are doing out there right now, and as taxpayers I am sure my family would not want to be taxed to eliminate someone else's problems existing like those are, and I think you may be opening a can of worms, so to speak.

Fred Alcott stated, to answer one question here, there is in a Conservative District a special benefit clause that you would reach at a certain time. For example, take the Mann ditch, and say there has to be a lot of extra construction and so forth to get that ditch problem solved. The Conservative District has the power to set up a special taxation for those receiving extra benefits. However, this

does solve a little of the question like Ken just brought up, it does get a bit sticky but at least it is a fair way of handling it. There is always going to be opposition of some sort. He again repeated Mr. Morgan's offer to come down and discuss at length some of these questions the Board might have.

RE: DITCH ASSOCIATION

Commissioner Bob Willner asked this question of Mr. Alcott. In your experience with Scott-Armstrong Ditch Association, if there is one descending member can he tie up a whole project?

Fred Alcott replied, I have never seen it happen, but yes, I guess it could. He talked further about persons on one ditch might feel that they weren't getting as much work done as another and this created problems. It has to be handled very cautiously but if there is harmony it can certainly be handled well.

Commissioner Schaad said the fact that no matter what you have you have to start at the outlet and work back because there is no other way to solve the problem.

Bob Willner said, let me rephrase my question. Suppose the association decided to dredge a ditch like, say, Buente Upper Big Creek, this year and everyone but one member said o.k., this person said, I want to wait until next year, what happens then.

Mr. Alcott said, I really can't answer that factually, but I feel the majority would rule.

Attorney Smith said, as I understand it the authority is placed with the three Commissioners and they have the power to make the determination as to what is to be done and when.

Commissioner Willner said, let me back up a bit, it just doesn't work that way. There is no statute for the Ditch Association. Let's talk about the Association who has nothing to do with the Drainage Board. It's actions rely solely on its members.

He was told that it would be according to their individual bi-laws and how they were constructed.

Mr. Alcott stated, the Association works rather well when the majority feel that it is getting some benefits. He cited his own situation of living far out on the East side on a hill with no drainage problems, but his water does drain into one of the legal drains, so they have the right to access him for his boundaries that go into that drain and rightly so. In the Associations however, I feel this is difficult to handle.

RE: WATER DISTRICT

Kent Robuck stated that a couple of persons or more had approached him and indicated they would like to serve on the Advisory or Steering Committee and perhaps in being directors if they do form a water district. He mentioned the names of Roger Klassy, Curt Huber, Mosby and some others. He stated this would give you a variety of individuals from several fields such as realtors, contractors, and so forth.

President Ossenberg said, it's all according to how many directors you can have. It was then determined it could be seven or twenty-seven. Only the number of Commissioners was determined. He also mentioned that Warrick County would have to be allowed ample representation also. President Ossenberg suggested that Fred Alcott get with the attorney and clarify both of these acts so we can discuss them further at a later date.

RE: BOB BOWMAN

Mr. Bob Bowman with C.O.G. was asked to speak and ask this question first. If such a Conservative District were set up, would this help you in your cause? Mr. Bowman said, I think so and I will try to tell you why. As you know Vanderburgh County and Warrick County submitted a joint application to the housing and urban development for housing and community development monies. In the minutes it states that Mr. Mitchner said that there is federal money available. The act is an ongoing act and each year there is money allocated as Mr. Schaad is well aware of. He remembers, I am sure, the meeting in which he and Mr. Gerhardt and myself attending last year in Indianapolis to discuss this drainage problem with the deputy of the district of the State of Indiana, Mr. Choice Edwards. They indicated to us that if we were to wait the application at the local level and submit the appropriate total amount as was allocated by H.U.D. to this region, we could determine our own destiny. Both applications and the drainage problem rated very high but the problem was H.U.D. did not have a dollar figure and still does not have, which meant that the rating system that the elected officials within the Counsel of Government regions came up with became null and void because the deadline for the applications had passed. Therefore, we had to submit all the applications. The preliminary screening had notified Vanderburgh and Warrick County that they did not feel that their applications were of meritorious consideration, which meant then that the regional rating system was not used and H.U.D. went on and used their own because there was not a dollar figure arrived at.

The problem is that Congress still has not resolved the urban county problem. Last year we were told they had resolved it and would put the necessary monies into the urban areas to counteract the urban county depletion. Apparently that has still not taken place. We talked with Secretary Carbas Hills when she was in town and she said our hands are tied because Congress will not act. We are wondering if this is going to continue to happen, and to show you what happens is the original formula of some \$800,000, for this urbanized area, the amount that they actually arrived at is \$260,000. I dare say in two years we have lost in the vicinity of \$700,000 just on the urban county, and this has happened clear across the country. The application itself, the time period came down awfully quick, the drainage problem has been here for a long time and I think there was a misunderstanding between the engineering group that put together some figures as to what that application had to be. He stated what still has not been done and needs to be done is a written plan that shows not only how you are going to solve your drainage problem but in addition to that the whole long range thing as to what you are going to do to insure that the system you are putting in now is going to be capable of handling future development all the way out there in the far future. Because what H.U.D. will not do, is find a maintenance program that will solve today's program then be back in the same old ballgame again tomorrow when there was nothing done administratively to prevent these problems from happening again and again.

He then explained what data needed to be collected for a proper application. He told the Commissioners that they, the elected officials, have to be on top of all this, and constantly be in touch with it. I think someone will have to come up with a hard core plan broken down in stages that everyone can be agreeable with and that somebody will have to stage this thing and then submit applications for each individual stage. However, he said, he wouldn't depend on that source. But don't take the attitude that "well, we just didn't get the money this time so we'll probably never get it", because about the first time you do that Congress will come along and act on it and there is a boo-ku of money and you have missed the boat. That is one of the discouraging factors about federal applications. Everybody thinks everybody else is getting the money they should have gotten,

but when you really track it down you see how many applications they filed before they got their money. They may have applied many times before their's was acted upon. But I think in this Drainage District it has to come from the local level and there has to be a definite commitment here, but once that commitment is taken then you can begin using the federal money if it is available to expedite it and reduce the cost.

Bob Schaad and Mr. Bowman exchanged some views as to the philosophy of government and so forth.

Kent Robuck said, if we set up a master plan then we have set up a priority. However, you just submit one little piece at a time as the funds become available. Each year when the funds become available, you submit number two or three of master plan one.

Commissioner Schaad stated, we did that in three phases before and we discussed the reasons with Bob Bowman for the way the other application was handled. It was mentioned the value of federal agencies to not be ignored.

Kent Robuck said, another item you have to think about, too, is in transportation needs and I-64 is going to create a drainage problem that will have to be included in this plan also.

President Ossenberg said then, Mr. Bowman we know the federal agencies will work with us but will you endorse this water district idea because of the value of work involved for government aid? If we do form this district would it present a strong arm in this situation?

RE: H.U.D.

Bob Bowman again explained H.U.D. pretty thoroughly and gave examples of other places using H.U.D. as an answer to their problems, emphasizing again that the person writing the application has to be very careful. You gentlemen deal day by day with administrative problems and political ones, however, your department heads or your resources are not in that constant contact. So there has to be some strong relationships there so a strong application can be written. Right now it is just shooting air balls hoping that federal assistance would be available.

President Ossenberg said as I see it the first thing we need to do is set up a district.

Bob Bowman made the statement that Henderson County is using their H.C.D.A. for Canoe Creek, so it is an eligible activity but that application has to be written and when it is written it is committing you to a whole lot more things other than drainage.

Commissioner Willner asked Fred Alcott if this water district would be also able to put in Holding Ponds if such a thing was desirable, in other places other than legal drains.

RE: POWERS OF A DISTRICT BOARD

Mr. Alcott said, yes they would have the power to do many things. Let me read you some of the things that they could do.

- A. Levy taxes on real property within district
- B. Make assessments for exceptional benefits
- C. Issue bonds and short and long term notes
- D. Incur debts and liabilities
- E. Power of eminent domain - within and without district
- F. Make fair value payments to property taken under eminent domain
- G. Institute any type of civil legal proceedings
- H. Purchase or rent property
- I. Sell services or property

- J. Make contracts or agreements for construction, maintenance or operation of district plan
- K. Receive and disburse funds
- L. Lease land

M. Do construction and maintenance outside district if beneficial to district

N. Be a member of the Indiana Conservancy District Association

So if they felt this Holding Pond you mentioned was needed, yes, they can do it. I've worked with a Conservative District in the last three years very close and they are a very powerful group.

It can also be disbanded if the public feels they are too powerful by the same process as it was set up. The public still has a say and it can petition for a disbandment the same as they can for forming a district. So yes, Bob, to answer your question they can do whatever they feel necessary to get the job done.

Kent Robuck asked, can the County crowd the City to comply with drainage problems that exist. Like out on the East side storm sewers and so forth. When the City is in the same water shed, what can the County do to force the City to do their share. What if anything. Under State Law is there to force the City in compliance of these laws?

Fred Alcott stated that this is a question only an attorney can answer.

Bob Bowman again expressed his views reviewing some of the past problems and so forth with petitions, and cooperation of bodies of government and so forth.

Fred Alcott gave a for instance, where the county and city had a problem on a road as to whether or not the road had to be raised. The County Commissioners were the ones who had the final say as to whether or not to raise the road.

RE: MIKE LUDWICK

Mike Ludwick was asked by Tom Ossenberg if he had anything to add to this; I think I would probably go along with the Water District as such, however, the Drainage code gives you as the Board a way to settle any problem. It is a matter of people presenting petitions, in fact, as was the case on the Crawford Brandies, there just wasn't anything to it. It cost the petitioners attorney fees, there is a lot of work that has to go into a petition, it has to be properly filled out then it is submitted to the board, then to the surveyors office to see if they can follow through on it. Even the petitioners follow through on this and it is a step by step process that must be taken one step at a time. Someone must proceed with these things all the way through. He asked the attorney if he did not agree with this?

Attorney Smith replied, Yes, Mike, I do and I'm just wondering if a close study of the Drainage Code as might be a feasible way to solve this. It does have all the conditions for the Drainage Board to act without the added water district or whatever.

Mike Ludwick said if we could just go through a hearing one time and the people involved would understand that they had to pay the taxes, etc.

Attorney Smith replied, the Drainage Board as such has all the authority needed to make any decisions, to prepare for any work to be done, to let contracts, and to assess the people who will benefit. Just right now in thinking out loud I was just wondering if this might not be the answer without going into any other procedure.

President Ossenberg said when you are speaking of a Bond you are speaking of those persons who do benefit. Then there is the problem of paying off that bond and you are getting into quite a tax problem.

Commissioner Schaad added this all seemed well and good but they always came up with the fact that the cost was prohibitive. Even if you float a bond issue you have to come up with so much money for each individual that it is more than they can pay, like maybe a thousand dollars an acre. You can only do so much like it used to be 10% and now you can only go up to 25% greater than your last assessment for maintenance of the ditch. But that certainly is not going to generate enough money to get the job done. We were hoping for some Federal Funds to be able to take care of the whole East side drainage problem because it has to begin at the beginning and go all the way or you are defeating your purpose. There just is not enough money without some assistance from somewhere to get the job done, the people just can't or aren't going to pay it. The cost is prohibitive for the average land owner.

Attorney Smith read the statute and there was further discussion about the 25% as to when it could be more, etc.

Mike Ludwick said he thought reconstruction of a drain would take the ceiling off of the 25% amount, that there would be no ceiling in that case. He also brought to the attention of the Board that there was a General Ditch Improvement fund in the Auditor's office at the present time there was a surplus in it. He stated the contracts we let this year amounted to about \$35,000.00 and the amount in the fund is about \$70,000.00, he asked if the attorneys could find out if we couldn't use that surplus amount for reconstruction and then go to the County Council and ask for X amount of dollars to be placed in the account making it available for Crawford Brandies. He stated the law reads that the County Council shall appropriate, then we could get the project started and there would be no limit to what they could give the Drainage Board. This money could be put to good use now instead of just laying in the fund.

There was discussions back and forth as to whether this money would be enough to start and President Ossenberg asked the attorneys to look into the matter as to whether the funds could be used or not.

Commissioner Schaad said his suggestion would be just to go on and start as previously suggested and take a drag line and dig the ditches deeper and start at the beginning and just continue as long as the money lasts. Do it within our seventy feet.

Mr. Bowman said, yes, just as soon as you drop that drag line the Environmental Protection Agency can come in and stop you for lack of a permit. He was told by Mr. Alcott that recently just within the last two weeks they had modified that Act, and given permission for work on Crawford Brandies Ditch. They have eased their specifications.

The Commissioners discussed several possibilities and decided to rent a drag line and at least get started with action rather than talk.

President Ossenberg asked Mike Ludwick if we could not use the \$125,000 in the Bridge Fund off of Crawford Brandies.

Mr. Ludwick said, yes, the funds were there. However, for reasons which did not need explaining he did not think we should use that money now.

After more discussion President Ossenberg said he was going to pursue the Water District situation further and asked Fred Alcott to make himself available to meet with the Warrick County Commissioners and see if they favor pursuing this also.

Mr. Alcott said yes he would and would also ask Mr. Morgan to make himself available for information and discussion.

President Ossenbergh stated that since a smooth forming of a district would take approximately a year they could start on it now, however, in the mean time the other Commissioners had expressed their desire to begin now on the drag line.

There was much discussion as to just how to proceed with the drag line and the differences between reconstruction and maintenance. It was determined that bringing a ditch back to its original depth and line was or could be considered maintenance.

Attorney Smith quoted more of the Statute as to the usage of drainage funds.

President Ossenbergh asked that Attorney Smith and Curt John get with the State Board of Accounts and look into the releasing of the general fund and for what purposes it may be used. He then asked Mr. Alcott if he could find out from the Ditch Association approximately how much per foot it cost to dredge with a drag line. Also if the property owners were not being charged this footage in addition to their regular maintenance assessment. Before we go any further we better research the law a bit and see if it will come under services rendered and general maintenance work or do we have to go to bids and advertising and so forth. We will await the answers from Attorney Smith and State Board of Accounts and the researching on this law to be reported back here next week.

Aside from this Commissioner Schaad has a letter from Uncle Charlie's Meats which I feel has nothing to do with the Drainage Board. This is a typical example of some of the things we have come across in the past.

RE: LETTER FROM UNCLE CHARLIE'S MEATS

Commissioner Schaad read letter which is attached to minutes and he stated since this is not a legal drain we don't really have any jurisdiction over it. It's responsibilities may belong to the Corps of Engineers. The problem was created by the Leve Department. It all relates back to the fact that the developer should initially take care of his own drainage problems.

It was suggested that there may be other problems that were caused by work done by the Corps of Engineers.

Mr. Jesse Crooks reviewed his knowledge of Water District and drainage control in Chicago, Illinois.

President Ossenbergh asked if he could write to Cook County or wherever and maybe get some information that would be of value as a guideline for us in forming a district. President Ossenbergh concluded the meeting by repeating his request to Attorney Smith and others for information to be referred to next week.

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The meeting adjourned at 11:45 a.m.

PRESENT

DRAINAGE BOARD

Thomas Ossenberg
Bob Schaad
Robert Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR & ATTORNEYS

Mike Ludwick
Paul Wendel
Ed Smith, Jr.

Secretary: Beverly Nance

Thomas L. Ossenberg

Bob Schaad

Robert Willner

VANDEBURGH COUNTY DRAINAGE BOARD

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VANDERBURGH COUNTY DRAINAGE

JUNE 28, 1976

A meeting of the Vanderburgh County Drainage Board was held on this 28th day of June, 1976, at 10:15 a.m. with President Thomas Ossenberg presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: CHECK FROM CITY FOR ASSESSMENTS

Commissioner Schaad made a motion for President Ossenberg and Commissioners to endorse check made to Ditch Drainage Board for assessments owed by City, seconded by Commissioner Willner, President Ossenberg so ordered.

RE: CLAIMS

The following claims were presented to the Drainage Board for approval:

R. H. LUDWIG & CO.....as per contract for Topo Maps
Approved June 28, 1976.....\$ 2,340.00

Commissioner Schaad moved the above claim be approved upon recommendation of the Surveyor, seconded by Commissioner Willner, so ordered.

RE: SECURING BIDS FOR DREDGING OF LEGAL DRAINS

Mike Ludwick read a letter of June 25, 1976, addressed to the Vanderburgh County Drainage Board as follows:

Vanderburgh County Drainage Board
Civic Center Complex
Evansville, Indiana 47708

Gentlemen:

The County Surveyor's Office will make the following recommendations to the Drainage Board. We shall, within the next week, prepare a Legal Ad for the purpose of securing bids for the dredging of the Crawford Brandeis Ditch and the Crawford Brandeis Extension.

I have been informed by a contractor that his firm would do the Project for the amount of \$48,750.00.

The Kelly Ditch would cost \$7,600.00. Nurrenbern at a cost of \$6,355.20.
The Stockfleth at a cost of \$3,790.80. The Boesche at a cost of \$2,245.20.
The total cost to dredge all six (6) ditches would amount to \$68,741.20.

According to records on file in the Auditor's Office there are 523 Ditch assessment holders on the above named ditches. In my opinion all ditches should be combined to reduce the cost to each ditch assessment holder. The cost should be \$131.43 per tax code. Divide this amount by five (5) which would come to \$26.28 per year.

After this work is completed then we would also have to maintain these ditches. The cost for all six (6) ditches would be \$5,731.89 per year. All ditch assessment holders would then pay \$10.95 per annual maintenance.

The area involved contains 7,500 acres of ground. The watershed area is bounded on the West by Green River Road, North to Pigeon Creek, East to Warrick County line and on the South to Lincoln Avenue. If this work was accomplished it would eliminate the problem for a number of years if and only if, the Area Plan Commission and other government bodies were to take a firm stand on giving approval of new Sub-divisions and other development until a workable system is devised to properly drain not only the proposed Project site but also how

this Project may effect the entire watershed. This may be accomplished by appointing a Citizens Committee made up of builders, developers, farmers, attorneys, members of the Building Commissions staff, the Area Plan, County Surveyor's Office to really become involved and come up with a new Drainage Ordinance to be added to the Sub-division Code, one that would take the necessary steps to control and eliminate the problems that we, now, have on the East side of Evansville.

After we take Bids on the various Projects we should have a 90 Day limit on acceptance, which would give us time to draft a letter to all ditch assessment holders explaining to them the need for their cooperation in helping us by giving us a return answer by letter whether or not they want the County Drainage Board to let contracts and if the costs, as I have outlined, would be in line with their ability to pay. In this way, the Drainage Board would know that the people would be in favor or not in favor of this program.

If the decision were mine, this would be how I would attempt to solve the problem.

Respectfully,

Kenneth M. Ludwick
Deputy County Surveyor

Ed Smith said that he would recommend in favor of Mike's proposal and legally he saw no reason why it couldn't be done.

Mike Ludwick said that some of the ditches have not been cleaned out for 20-40 years in some cases. The ditches are not designed to handle the development that has transpired over those 20-40 years and we need to take a better and hard look at this Sub-division Ordinance as it now stands. We are letting the developer make decisions that maybe a government body should be making. We don't have the control over it like we should have and I just think we should be a committee going as soon as we get this started, if the Board agrees, and use the people that we now have to come up with an idea of how it should be done.

President Ossenbergs asked if the State Board of Accounts could release an advancement to the General Fund.

Mike Ludwick said it could be a 5 year period or Board could make a decision.

Curt John brought up that on Eagle Slough, they did it over a 10 year period for the City.

President Ossenbergs asked that if there is money that can be released in the General Fund of the Drainage Board in lieu of putting a substantial tax increase each year, can that money be used?

Ed Smith said that the money is there and can be used for the Project right now but it has to be reimbursed.

Mike Ludwick explained that they have \$88,000.00 and they are obligated for \$35,000.00 of that to pay for contracts that were let just this past spring. So if you take the figure he mentioned \$68,741.20, they will still be \$15,000.00 short and He sees no reason not to go before the County Council and ask for \$15,000.00. The drainage law says that the County Council shall appropriate, this would be paid back on the assessment basis. They would be getting it back so there is no reason that the County Council should not go along with it, that is if they have the money.

Curt John said, on the 5-10 year basis that you are talking about, it would be good to go with the 5 instead of the 10. You would recoup the money sooner.

Mike Ludwick remarked that it is going to take some selling and he would probably get a lot of flack. The farmers and developers may not like it we've got to do something about it and the only way is for everybody to get together on the thing. By combining and making it cheaper for every individual, we won't have the complaint anymore that so and so is not paying what he should and I'm paying more than I should pay. You equalize it, it is cheap it is a one-time deal, one time only. One year, if the person can afford to pay the \$131.00, if not, reduce that amount over a 5 year period.

We have let contracts for 4 of those particular ditches so we'd have to go to a contractor and ask him if we go this route that he not clean the ditches this year and that is \$2,000.00 of the \$35,000.00 that we are talking about so that leaves us with \$12,000.00 to ask the County Council about. This is just simply dredging that I'm talking about.

Fred Alcott asked if this includes seed or pipes.

Mike Ludwick replied that this does not include seed or pipes. Also there is some question about whether the County has the right to use the 75 feet on either side of the ditch. As the law states, the County has the right to use that 75 foot either side of that ditch to spread the spoil from the ditch. If a person has crops with that 75 feet, it is his own loss if we go in there. To get around that, they should start in September or October and we'll put 120 working days on all ditches involved. The contractor I talked to said he could be finished by April 1977 with all dredging. So we know a figure and I think I can assure the Board and the figure that was mentioned in that letter would be the same and/or less when we get it out on a competitive bid. We will not break it down ditch by ditch. The Crawford Brandeis and Extension as one contract and put the rest together on one contract.

We are going to get into a problem in the Sub-divisions, the flooded streets, etc. The people are going to ask me if after this work is done, will the streets not flood anymore. The answer I'm going to tell them is yes, they are still going to flood but the water is going to get away quicker and that is the whole idea behind this.

We should have some kind of definite drainage code attached to the Sub-division Ordinance and get other engineers and people involved that are familiar with these types of problems.

I have prepared the proposal and the legal ad and I would like the County Attorneys to look over the proposal end of it because I want to more or less, when we let a contract, I want that contractor after he looks at the plans etc, to be tied down to what he sees in the Specs.

I think we should advertise it July 8th, 15th, and take bids on the 26th and hold the bids for 90 days. In that time frame, write the 523 letters, set up 2 public hearings (or whatever the law states) and just go through the process once.

The order on which the ditches should be done:

Crawford Brandeis.
Extension
Kelly
Nurrenbern
Stockfleth
Boesche

Fred Alcott stated that he would like to go on record to say that he thought what Mike had presented was a good proposal. I would like to say if at all possible to seed the ditch to keep it from eroding which wasn't in the plans.

Commissioner Schaad asked how much might the seeding increase the cost.

Fred Alcott replied possibly \$5,000 - \$10,000 if fertilized, etc. and he felt it would be money well spent.

Mike Ludwick said he thought he could work that out by \$500.00 they could spend each year on each ditch.

President Ossenberg discussed the fact that if they seeded they would have to go to the County Council and ask for more than \$15,000, possibly \$25,000.

Commissioner Schaad said that I think it is a good idea but, of course, we've tried before to do it in the right manner and there was just not enough money and the people just couldn't afford it but if we should go ahead with this and it is agreeable with the people and we spend the money, would it be wasted if we were able to come up with the federal funds to do it the way it should be done?

Mike Ludwick said it would be worth it just getting the water away from the Sub-divisions a little faster.

Jesse Crooks said it would reduce the problem. I don't see any other immediate solution. We are requiring subdividers to put drainage in but I do think the ordinance requirements are a little weak.

Commissioner Willner asked if the price was \$26.28 per tax code.

Mike Ludwick's reply was affirmative. He also said that is what they would have to pay period per year, if we went on 5 year program. The maintenance would be \$10.79 in addition to the \$36.28.

Discussion continued regarding collecting for maintenance or reducing ditch assessment.

Commissioner Willner asked if it would hold up if 51% of the people agree with the proposal and 49% of the people object.

Mike Ludwick replied that if 20% of the people owned 51% of the land and were in agreement, yes it would certainly hold up. The majority rules.

Ed Smith said that we need 51% of the land and 20% of the people to make it stick.

President Ossenberg asked for a motion to advertise for bids, Commissioner Schaad so moved, seconded by Commissioner Willner, so ordered.

The meeting adjourned at 1:35 a.m.

PRESENT

DRAINAGE BOARD

Thomas Ossenberg
Bob Schaad
Robert Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Mike Ludwick

COUNTY ATTORNEYS

Ed Smith, Jr.
Paul Wendel

Secretary: Connie Skinner

Thomas L. Ossenberg

Bob Schaad

Robert Willner

VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE

JULY 6, 1976

A meeting of the Vanderburgh County Drainage Board was held on this 6th day of July, 1976, at 10:30 a.m. with President Thomas Ossenberg, presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: CLAIMS

The following claims were presented to the Drainage Board for approval:

EDWIN SMITH.....Drainage Board Attorney, attorney fees
for months of May and June..... \$333.34

PAUL E. WENDEL.....Drainage Board Attorney, attorney fees
for months of April, May and June..... \$500.00

Commissioner Schaad moved the above claims be approved, seconded by Commissioner Willner, so ordered.

RE: FLOODING ON DIVISION STREET

Mr. Alfred Euler brought some pictures looking upstream on Division Street and looking downstream on the Crawford Brandeis which were showing flooding. He discussed the flooding problem. He said that he and the neighbors got up the money 15-20 years ago and had the ditch dredged but they found out that the water doesn't drain into the Crawford Brandeis, it drains into Division Street. He has seen the water flow upstream out of the Crawford Brandeis up Division Street. He said he thought if some small culverts were put in and tunnel under Division Street, at least that would relieve some of the pressure. If it was dug through to the bottom of the ditch, there would be plenty of fall because on the other side of the ditch there is no water. It is just waiting for water to come through.

Mike Ludwick made the comment that they have had the problem before and the state said if we would open up the ditch and give the water someplace to go, they would do something.

Commissioner Schaad said we could put in a larger culvert or whatever is necessary to take care of the water.

President Ossenberg asked Mr. Euler if he would be available to meet with the state man. They are going to try to set up the meeting and look at the problem hopefully sometime this week.

RE: CRAWFORD BRANDEIS AND EXTENSION

Mike Ludwick said last week the Board gave him permission to advertise for the Crawford Brandeis and Extension. It will be advertised the 8th, 15th and the bids opened the 19th. This is a dredging operation from Lincoln Avenue all the way to the creek. He also said that within the next week or two he would have the plans on all the other ditches. This is no new bridge structures or anything else.....just dredging the existing ditches.

Commissioner Schaad asked Mike if the ditch could be conceivably straightened out within the 75 ft. right-of-way on either side of the ditch.

Mike said the Drainage Law states that you can use 75 ft. either side of a legal drain. If you want to make a realignment of that drain within that 75 ft., you could. If we can straighten it within that 75ft. right-of-way as the law states, we shouldn't have a problem.

Mr. Lawrence Stahl was asked his opinion regarding the matter. He replied as far as his opinion, if it was through his property he would be glad it would be straightened because it would only be of advantage to the farm operator. He also said if we could stay within that 75 ft. right-of-way, we could get a lot of the crooks out of the ditch.

Commissioner Schaad made a motion to sign the specifications, seconded by Willner, so ordered.

RE: POSSIBLE CITIZENS COMMITTEE

Mike Ludwick said we talked about forming a Citizens Committee to go back and look at the Sub-division Ordinance or maybe to give us a direction we should basically take even on this drainage problem on the east side.

Mike named some people he would like to see on the committee and there was some discussion regarding other possible members to the committee.

President Ossenberg told Mike to put it down in writing and to bring it to the meeting and we'll officially name them at the next meeting.

The meeting adjourned at 11:05 a.m.

PRESENT:

DRAINAGE BOARD

Thomas Ossenberg
Bob Schaad
Robert Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Mike Ludwick

COUNTY ATTORNEYS

Ed Smith, Jr.
Paul Wendel

Secretary: Connie Skinner

Thomas H. Ossenberg
Bob Schaad
Robert Willner

VANDEBURGH COUNTY DRAINAGE BOARD

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VANDERBURGH COUNTY DRAINAGE

JULY 12, 1976

A meeting of the Vanderburgh County Drainage Board was held on this 12th day of July, 1976, at 10:20 a.m. with President Thomas Ossenbergs presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: DRAINAGE PROBLEMS ON THE EAST SIDE

Kent Robuck representing some of the landowners on Green River Road came before the Drainage Board and thanked them for finally starting to move on the drainage problem.

He said Big G and Complete Lumber Co. had been allowed to fill in the old canal in front of their property and now there is no ditch. Because of this, the water is fighting its way into the Crawford Brandeis which is increasing the flow of the Crawford Brandeis and causing the flooding on Oak Grove Road. He said the people would like to see, if it is within the power of the Commissioners, to instruct Big G and Complete Lumber to open that ditch because it is illegal to block a natural ditch.

Hester Unfried, Precinct Committeeman for Knight-2, has polled the people in her district and she said they want the names of the people paying taxes for the ditches, those that have paid and those who should pay. She also talked about the drainage problem on Burkhardt Road between Lincoln and Division.

President Ossenbergs told Mrs. Unfried that they met with Al Euler last Thursday morning regarding the culvert at Burkhardt. He said that Al very nicely pointed out what was wrong and that the Vincennes office is going to send a representative down here either this week or next. He said we're going to try to push two culverts under that road with the state's help, clean out the ditches along Division Street and carry the water that way rather than bring it down to Division and Burkhardt.

In talking about the Crawford Brandeis and the Crawford Brandeis Extension, President Ossenbergs said that we're trying to get everyone, in this particular case, to pay. Hopefully, we're going to ask the contractors to put in a share of money and even lower the assessment on the year. However, before we can do this we have to have a public hearing. He explained if we have 51% of the majority of those people in favor then the Commissioners can go on but if we have 49%, we have to abandon the project. The people are going to make the decision whether they want that relief.

Hester Unfried said that they all want it but they want everyone to pay. There is a lot of them not paying now.

President Ossenbergs said this time every property owner benefiting from the Crawford Brandeis and the Crawford Brandeis Extension will pay. It is going to be put on their taxes. He explained that if you don't go to the mouth of Pigeon Creek, you're never successfully going to take care of that drainage. We intend to do it all.

Hester Unfried asked if the canal along Boonville Highway was going to be opened up.

President Ossenbergs said that Arthur Karch brought that up many years ago and that Arthur told him that the state permitted them to do that. This is something we might possibly have to work out with the state.

Ken Robuck then read Article VI, General Division, Page 43, Section 602, in the Drainage Code book regarding obstruction of a drain.

President Ossenberg told Mr. Robuck that he understood what he was getting at but what President Ossenberg was originally saying was what Arthur Karch told him years ago that the state permitted those people to fill that ditch (canal) and put burms on it where there could be no natural drainage and it started in Warrick County.

There was some discussion as to whether or not the canal was a legal drain. Mike Ludwick said it was not.

Kent Robuck said if you don't have the money in a drainage improvement fund or you've never created it, then I suggest you get around to issuing bonds.

President Ossenberg asked Kent if he was talking about total reconstruction.

Kent replied that he was talking about construction or reconstruction and that is maintenance too.

If the County Council doesn't have the money and we go to bonds, you realize who pays off that bond issue, don't you, replied President Ossenberg.

Kent Robuck said yes, the landowners, etc. but it could be set up for 5 - 10 year periods, so the people could afford it.

Mike Ludwick then said that the whole purpose of these legal drains will be that we're going to dredge the ditches as they are in the same alignment as they have been for the last 25 years to facilitate the drainage on the east side. It is a simple plan and it should improve the drainage on the east side by about 70%.

Mike then named the individuals for the Citizens Committee to help work out drainage problems. They are as follows:

Jack Schroeder	-	Attorney
James Morley	-	Engineer with Biagi-Hannan
Richard Eifler	-	City Engineer
Jerry Schmitt	-	Engineer with Feigel Construction
Jesse Crooks	-	Building Commissioner
Fred Alcott	-	Soil Conservation Dept.
Ken Nelson	-	Former Director of Area Plan Commission
Curt Huber	-	Realtor and Developer
Roger Klassy	-	Realtor and Developer
Lawrence Stahl	-	Retired area farmer
Tom Hirsch	-	Farmer
Gilbert Mosbey	-	Farmer
Dick Nussmeyer	-	County Surveyor
possibly Jeff Wilson	-	Area Plan Commission

Later during the meeting two other members were named to this committee. They are:

Don Folz	-	Area farmer
Kent Robuck	-	Represents local farmers & landowners

There was a tentative meeting set for Tuesday, July 27th, at 7:00 p.m. in the County Commissioners Hearing Room.

Don Folz then addressed the Board regarding the ditch in front of Big G and Complete. He said the ditch was shut up years ago by a couple of farmers. Since then they've come up the ditch under Green River Road and dredged it as far as Kight Lumber but no further. He said in his opinion they had the same amount of culvert space that they could put under a drive to get into Kight, Big G and Complete and finish the ditch out. To do it right, your best bet would be to cut the ditch open in front of Big G, etc., plug the Brandeis ditch up and go ahead and dredge it out. "If it takes bonds, do it."

There was further discussion between Don Folz, Kent Robuck and Mike Ludwick.

Mike Ludwick again explained that the original way they were going to do the ditch was the best feasible way from the engineering point of view.

Don Folz agreed that the ditches definitely needed to be dredged, but he also thought that the ditch in front of Big G needed to be opened up. He thought that would solve a big problem.

Commissioner Willner said to facilitate this thing that they have been advised by Robuck, Folz, Unfried, Euler and the Soil Conservation Service that the canal needs to be opened and I will move that we put it on our list and proceed.

Commissioner Schaad said with the input of this Citizens Committee together with the engineers on it and it is their opinion that its right then I agree. If the Committee goes along with it and the engineers say you've got a good point and say do it, then we'll do it. That's why we've got this Citizens Committee.

Meeting adjourned at 11:45 a.m.

PRESENT:

DRAINAGE BOARD

Thomas Ossenberg
Bob Schaad
Robert Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Mike Ludwick

COUNTY ATTORNEYS

Ed Smith, Jr.
Paul Wendel

Secretary: Connie Skinner

Thomas Ossenberg
Bob Schaad
Robert Willner

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VANDERBURGH COUNTY DRAINAGE

JULY 19, 1976

A meeting of the Vanderburgh County Drainage Board was held on this 19th day of July, 1976, at 11:15 a.m. with President Thomas Ossenbergh presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

Commissioner Schaad moved that the County Attorney be permitted to open the bids for the dredging of the Crawford Brandeis and the Crawford Brandeis Extension, seconded by Commissioner Willner, so ordered.

RE: CRAWFORD BRANDEIS AND CRAWFORD BRANDEIS EXTENSION AND EAST SIDE DRAINAGE PROBLEMS

Mike Ludwick said that he contacted all of the members that were appointed to the Citizens Committee and they would all try to be at the meeting on July 27th, at 7:00 p.m.

Mike made mention that he was in the process of sending out 700 letters regarding the Crawford Brandeis and Extension which should be completed by the end of this week and mailed. He said he thought we would have a program established before the 27th. He said that when he goes into the meeting (July 27th) he wants to have alternatives; Plan A will cost so much, Plan B, Plan C, etc. and it will be pretty much cut and dried. He said they will be able to look at it, maybe make suggestions and we could go from there. He thought the biggest problem we might have is getting the public hearing in line. He said we still have to let 4 more ditches that we originally talked about: Nurrenbern, Kelly, Stockfleth, and Boesche. He thought he would have those ready in a couple of weeks and would get the exact price for this project so that when we go into public hearing, we will supposedly have the answer or alternatives whichever way the people want to go on it.

Commissioner Schaad asked Mike if having the old canal opened would be a possible alternative. Mike replied possibly. Mike also said he was doing some research on the old canal and he would present a little history to the people as to what exactly happened in 1882.

Commissioner Willner said in regards to the minutes of the last meeting, Mrs. Hester Unfried said that the people in her precinct want to know if everyone is paying ditch assessments. He did some research on the subject and he said out of 26 parcels, only 8 were paying, which he thought was pretty ridiculous. He said he didn't blame those people for being upset and he thought the Drainage Board was going to have to alleviate the situation before getting into this drainage problem. He said that he saw no reason not to put those people that were in the water shed on the tax rolls immediately.

Mike Ludwick said they haven't let contracts on Crawford Brandeis or the Crawford Brandeis Extension for the last 2 years and said they wouldn't let any contracts on any of the east side drainage until they come up with a program that will alleviate the problem. The list was placed in the Auditor's Office in 1965 when the law went into effect and Mike said he doesn't think anyone from the State Board of Accounts, etc., ever sat down with the Auditor's Office, the Treasurer's Office and really went into the drainage laws and how they are supposed to keep track of all the code numbers, the cut outs etc. He said the only way that you can add people to the assessment rolls (as stated by the drainage laws) is by cut out and transfer and that has been done. He went on further to say that the only way to go back and redo a water shed area is if you have a reconstruction program. Mike said he would not arbitrarily add anyone unless it was by cut out or by transfer. He said they are reworking the water shed, they have everybody within that boundary on the new list and they will be put on the new assessment roll. Also on this new program they are combining 5 legal drains into 1 unit which will help the people out in more ways than one, because there are some people that pay 2 ditch assessments by being in the same unit. If this new program goes through, everyone on the east side will pay.

RE: RECEIVING OF BIDS FOR THE CRAWFORD BRANDEIS AND CRAWFORD BRANDEIS EXTENSION

Bids were received and opened for the dredging of the Crawford Brandeis and the Crawford Brandeis Extension from the following bidders in the amounts stated.

QUENTINE STAHL.....\$ 51,944.00
 FLOYD STAUB AND SONS.....\$ 31,902.36
 KOESTER CONTRACTING CORPORATION (Poseyville).....\$ 76,679.52
 CHAMNESS DRAINAGE COMPANY (Griffin, Ind.).....\$102,903.50

Mike Ludwick said the County Surveyor's Office would hold the bids for 90 days. Mike thought the bids were very good and also that it would convince the people on the east side that it won't cost them a fortune.

Commissioner moved that it be referred to the Surveyor's Office, seconded by Commissioner Willner, so ordered.

President Ossenberg asked Mike if the state had been in touch with him at all.

Mike replied that he had received several phone calls but said that the state would meet with the Drainage Board privately and will go over some of the problems that we have or could run into on this project. Then the state will tell us what they can do and when. Mike said all that we need to do is write a letter to set up a time to meet with them.

RE: DRAINAGE PROBLEM ALONG LINCOLN AVENUE

Irvin Stahl said that they have a problem along the Lincoln Avenue road ditch on the south side. Mr. Jack Siebeking has even seen the condition. Mr. Lance (who rents the Fuquay property) said he was going to do something but has done nothing to date. He said that the condition they have is that the dirt is washing and making a reef right in front of a sewer and choking the ditch. He also said that Jack had suggested to Mr. Lance putting in a long tile and sodding the ditch.

Jack Siebeking said that we really don't have any legal ground to stand on. He said that they suggested to Mr. Lance what they thought he should do to stop the washing but they cannot legally make him do anything. He said the condition was not damaging the road.

There was further discussion regarding this matter.

The meeting adjourned at 11:45 a.m.

PRESENT:

DRAINAGE BOARD

Thomas Ossenberg
 Bob Schaad
 Robert Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Mike Ludwick

COUNTY ATTORNEYS

Ed Smith, Jr.
 Paul Wendel

Secretary: Connie Skinner

Thomas Ossenberg
Bob Schaad
Robert Willner

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TUESDAY, JULY 20, 1976

Assessments for drainage work coming

By CHUCK LEACH

Property owners in an East Side area being earmarked for drainage improvements will be notified in the near future that they will be paying a drainage assessment, if they do not already pay one.

Deputy County Surveyor Mike Ludwick said the amount of the assessment for each property owner would not be known until a decision is made on the scope of the project.

Ludwick said the drainage area — the area in which assessments will be levied — is bounded generally by Lincoln Avenue on the south, Pigeon Creek on the north, Green River Road on the west, and the Warrick County line on the east.

Ludwick said his office is preparing approximately 700 letters to send to property owners in the area.

He said the letters will notify residents that they will be paying the assessment in the future, and that public hearings on the drainage project will be held in the near future.

Meeting next Tuesday

Under Indiana law, general tax funds cannot be used for ditch improvements, but assessments on property owners in affected areas can be used.

Ludwick said a meeting of a steering committee appointed by the County Commissioners to study the drainage problems has been scheduled for 7 p.m. on July 27.

He said that although the meeting is open to the public, this will not be the public hearing on the project.

At that steering committee meeting, he said, he will present several alternative plans for dealing with the problem.

In addition, Ludwick said that by asking for bids on cleaning and widening ditches in the area, county officials can have an idea of the cost.

Bids were received Monday on the Crawford Brandeis Ditch and Extension, with a low bid of \$51,944 submitted by Quentin Stahl.

This project involves 5½ miles of ditch work. Ludwick said the county now has a better idea of cost. He said the county will be receiving bids on four other ditches.

He said that once this information is received, the county can proceed with the public hearings.

Bids taken under advisement

The bids on Crawford Brandeis were taken under advisement for 90 days to allow time for the steering committee meeting and the public hearings.

Earlier Monday at the County Commissioners meeting, Commissioner Robert Willner said he had checked one area on the East Side and found that in an area with 26 parcels of land, only eight property owners were paying assessments.

Willner said the situation was "ridiculous" and that all property owners in the area should be put on the assessment rolls immediately.

Ludwick replied that all would be put on the assessment rolls as a part of the drainage project being discussed.

The area has had problems for years with flooding and standing water during heavy rain periods. The commissioners' concern about the problem was increased recently when plans were announced for a \$15 million expansion in the Plaza East Shopping Center area.

VANDERBURGH COUNTY DRAINAGE

JULY 26, 1976

A meeting of the Vanderburgh County Drainage Board was held on this 26th day of July, 1976, at 10:45 a.m. with President Thomas Ossenberg presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: SECURING BIDS FOR DREDGING OF LEGAL DRAINS

Mike Ludwick said he had the legal notice prepared for the Kelly, Nurrenbern, Stockfleth, and Boesche ditches to be dredged. He said the bids would be handled in the same manner as the bids for the Crawford Brandeis and the Crawford Brandeis Extension. The bids will be taken and be held for 90 days.

Commissioner Schaad moved that we advertise for bids and that they be opened at 9:30 a.m. on August 9th, Commissioner Willner seconded, so ordered.

It will be advertised July 29, and August 5, and the bids will be opened August 9.

RE: EAST SIDE DRAINAGE

Jeff Wilson said he had 2 subdivisions and a set of apartment plans with concern to drainage on the east side. He said they were approved by the Planning Commission.

There was some discussion and the Commissioners suggested that he get with Fred Alcott and Sam Biggerstaff and get their opinions.

President Ossenberg asked that it be deferred for one week, Commissioner Schaad so moved, Commissioner Willner seconded, so ordered.

The meeting adjourned at 11:10 a.m.

PRESENT:

DRAINAGE BOARD

Thomas Ossenberg
Bob Schaad
Robert Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Dick Nussmeyer
Mike Ludwick

COUNTY ATTORNEYS

Ed Smith, Jr.
Paul Wendel

Secretary: Connie Skinner

Thomas Ossenberg
Bob Ludwick
Robert Willner

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SPECIAL DRAINAGE BOARD MEETING

JULY 27, 1976

A special meeting of the Drainage Board was held on this 27th day of July, 1976, at 7:00 p.m.

Commissioner Ossenb rg explained that the purpose of this meeting is to have all the members of the Citizens Committee to meet so they can name a chairman and to decide how they want to pursue the problem of drainage on the east side. He said this is an open meeting and that at a future time, there will be two (2) public hearings held as required by law.

Mr. Ludwick said that he and the Commissioners would go over the problems they have on the east side with the Committee to see if they can go back into the subdivision ordinance to see if mistakes have been made on it and if they can be corrected. He said they will also look into the problems and discuss the dredging of the ditches as they exist but that the City, State and Railroads are involved in all this and it will take time to get to everyone that is involved in order to see what the cost will be and then there will be the problem of how it will be financed and after finding out how much each resident will have to pay, they will have to find out if the people want to accept the price or the plans or if they don't want to accept it.

Mike Ludwick said he was authorized at Monday's meeting to advertise for bids on the Kelly, Nurrenbern, Stockfleth and the Boesche ditches and on August 9th, they will have the bids and the prices and they can then put this package together and they then can come back in a public hearing and say that the six (6) ditches on the east side will cost an X number of dollars, they will have the amount that each person will pay and it will be known so at the public hearing, the people can say whether they want the projects or not because it will be up to them as to whether they will accept the price and the plans.

Mike asked Mr. Jesse Crooks if he had any input as to what plan of action he thought this committee should take.

Mr. Crooks said it was his suggestion that what they really ought to do would be to develop two or three alternatives and the cost figure for each of those and then they would have to decide which of the projects they wanted to pursue and they would have to keep in mind which would be the easiest, less costly, and the best way to handle the drainage and to go from there.

Mr. Ludwick then introduced the Committee as follows:

Jack Schroeder	- Attorney
James Morley	- Engineer with Biagi-Hannan
Richard Eifler	- City Engineer
Jerry Schmitt	- Engineer with Feigel Construction Co.
Jesse Crooks	- Building Commissioner
Fred Alcott	- Soil Conservation Agent
Ken Nelson	- Former Director of Area Plan Commission
Curt Huber	- Realtor & Developer
Roger Klassy	- Realtor & Developer
Lawrence Stahl	- Retired farmer
Tom Hirsch	- Farmer
Gilbert Mosbey	- Farmer
Dick Nussmeyer	- County Surveyor
Jeff Wilson	- Area Plan Commission
Don Folz	- Area Farmer
Kent Robuck	- Interested Citizen

Mr. Ken Nelson and Mr. Curt Huber were absent from this meeting.

Mr. Ludwick said he thought the Committee to be group cross-section of the community that includes people that are involved in drainage, construction work and in farming.

He said he hoped this committee could come up with some of the problems they are having. He also said that the City just had a report from Henry B. Steeg & Associates, that they have been working on this for more than two (2) years and they may use it as a guideline since it covers all the ditches on the east side including the Harper and the Hirsch ditch and tells about diversion channels, overflows, new alignments for the Crawford Brandeis, etc. and that it has a price tag of about \$3,000,000. It is something they feel could be a corrective step and will take care of the drainage in Vanderburgh County and the City of Evansville for a number of years to come if it is followed but it is a step by step process and he thought if they just go one step at a time, and all he has said is that they should dredge the ditches on the east side of Vanderburgh County and that is all since this is the first step. Some of the ditches haven't been dredged for 20, 30 or 40 years. He thought the cost will be about \$68,000 to get ten (10) miles of ditches dredged and he said they should go from this point on, also that it is going to be a community effort and some people on the Committee may not even agree to that but it is a step in the right direction; that they are trying to correct perhaps 80 years of growth and maybe 80 years of mistakes and that they shouldn't get too involved in the 80 years past but to go from day one and start all over again. He thought if every member of the committee would work to this end, he was sure they could get some of the problems settled.

Mr. Kent Robuck said that he was concerned about Pigeon Creek, that the City has made study after study on it and they never get any farther.

Mr. Richard Eifler said that the report on it has probably been accepted unofficially because on certain portions of it, they are already implementing the groundwork to get the funding on to proceed with the plans but he didn't know if there was any formal acceptance of it or not. He said it was a three-parter and they are already working on the first part so he supposed the City is going in that direction but he didn't recall anything in there that deals directly with Pigeon Creek though.

After further comments by Mr. Robuck, Mr. Ludwick asked that everyone stick to the point, that this is one thing the committee shouldn't get into, that they are talking about the six (6) ditches, that maybe Mr. Morley who is with Biagi-Hannan and works with the Corp of Engineers very closely, could give some insight on what the Corp plans, if anything and what their time limits have been and how long it has taken us on the levee over the years so Mr. Morley might be able to answer some of the questions they have.

Mr. Morley said that on the levee section, another project is probably scheduled for next summer but no plans are under way for any dredging or any other activity in Pigeon Creek in conjunction with the levee construction.

He said that one thing that enters into this is that the Ohio River floods are high enough that while some flooding problems do exist because Pigeon Creek is choked off down at the mouth, they essentially must consider that it doesn't matter how much they clean out Pigeon Creek, if the Ohio River rises to the elevation of 380, that affects a long way up through it and it doesn't matter what is in that creek so therefore, the dredging at the lower end of Pigeon Creek is no panacea for a cleaned out ditch on the east side.

Mr. Don Folz said he thought what they were talking about was strictly surface drainage on the east side since they have no problems up above the railroad tracks, so to speak, on overflow or backup water and what they are concerned with is that the Committee are faced with one heck of a big problem and he asked if they intended to dredge the existing Brandeis Ditch or if they were intending to move it over a little and possibly take trees down in the field and go to Burkhardt Road since if they don't do this, the Committee will be faced, one year from now, with the problem of rebuilding Burkhardt Road. He said one person was killed out there and he would hate to see any more people killed on that road.

Mr. Ludwick said they have the plans for the reconstruction of Burkhardt Road in his office which has been there for two (2) years and that decision will be made when some people get together and talk about the problems.

He said they will use bridge funds for certain portions of this road where they can and right now, the decision hasn't been made since the people involved haven't been talked to yet so no decision has been made as yet.

Mr. Roger Klassy asked how they are going beyond the present assessments to absorb the cost.

Mr. Ludwick said they have been turned down by HUD once in 1972 and again in 1975. One reason being that in order to qualify for these funds, it had to be low income houses and some of the homes out there are not low income. He said they know that the overall cost to take care of the entire east side drainage problem will be more than the property owners can pay so government is going to have to step in somehow and pay certain portions of those costs, that the question is just how they are going to do it.

He said that for one thing, Whirlpool sued the County and won their court suit so that is \$1,000,000 that the County Council will have to pay back in some manner, so how can the County come up with an "X" number of dollars, also there are only certain ways they can spend money, for instance, bridge fund money is another source if they use it legally so it can only be used on bridges. Gas tax money is 2¢ per gallon that the County gets and it goes into the County Highway Garage so if one of these ditches crosses a County road and the pipe under that structure needs to be changed, they will use the County Garage or the Bridge Fund where they can, otherwise they will have to go for federal funding so they don't know where they can get the money to totally take care of the problems on the east side.

He said his suggestion is simple, it is direct and to the point, which is dredging first as the first step and then the committee can get together and decide what the other steps or phases will be, how long it will take, and if it can be funded and when they get everyone involved, State Hwy, City and Railroad Co., that some of them don't move fast at all and if they think the County is bad, they should get involved with the Railroad Co., or even the State Hwy. to some extent. It is going to take time to totally take care of the drainage problems on the east side.

Mr. Folz asked about the 7th ditch that he has discussed with Commissioner Schaad and he hasn't heard the answer yet tonight which is about getting the canal cleaned out.

Mr. Ludwick said he didn't want to get into that.

Mr. Folz said the reason he is bringing it up is because they are all sitting here for one reason tonight and that is to get the east side water problem taken care of and if the canal isn't opened, there is a whole row of people right here and nothing will get done because they will petition against any drainage whatsoever unless someone with authority tells him that the canal will be opened first and then they can allow the Brandeis ditch to be done because these people aren't going to take the water anymore that they have been taking.

Mr. Ludwick said he didn't want to get into this but said that the old canal, in 1882, was abandoned in the City of Evansville and wasn't built to drain. It never did drain, it didn't go anywhere, it was an open channel that was fed by certain ditches which were the Stockfleth, the Nurrenbern and several other ditches and these ditches went into the canal to keep it at a proper elevation and what happened in 1901 was that a group of people petitioned that the Kelly Ditch be made since they had a channel there so Kelly Ditch was made a part of the drainage system in Vanderburgh County, so was the Hirsch ditch made a part of the system, made from the Old Erie Canal bed but four (4) years later, they

realized they had made a mistake so then some people petitioned that the Crawford Brandeis Extension be made a part of the County drainage system, that this was the last ditch made on the east side (this is in all the records). They made it because they realized they made a mistake in letting the Kelly and the Hirsch ditches be put in the Old Erie Canal which didn't drain and it went north. He said the Hirsch ditch starts at Oak Grove Road as it exists and goes all the way to Stockwell Road.

Mr. Robuck said he wasn't tryint to disrupt things but looking where the old Hirsch ditch is, on the map, which runs all the way to Stockwell Road, he can see some obvious problems they will create in that they will be asking businesse to pay some money, instead of just the farmers and homewoners and there isn't a doubt in his mind that the culverts will carry the water that is on Green River Road and Boonville Highway but where the asphalt company and Hesmers Foods are, they have problems now in getting their water down to Harper Ditch and into the old canal to get down to the Creek so they will be stepping on some businessmen's toes and it seems to him that they don't want to pick on anyone but the farmers and the residents.

Mr. Nussmeyer said they are suggesting a 4 or 5 foot pipe for the canal, from where the Crawford Brandeis goes north from the highway, through the area, west to the Hirsch ditch and involved with this, there will be a lot of work that must be done with the City and Mr. Robuck is trying to shove 2 of those ditches through a 4 foot culvert.

Mr. Folz said they have a culvert going under State Hwy 66 and they are trying to drain the whole area here into one hole which is a perfect dam and it doesn't go any place, it just lays there. He said what they are saying just doesn't add up, also that in one place there is a little circle and the water coming one way heads off the water coming down to it and he didn't know what the solution would be, so they do have a problem because all the water is being dumped into these peoples properties.

He said they should give him a concrete plan and he knows it, even though he is on the Committee, that they are going to do something with the canal and he can assure them that he can get support from the people below them to let them dredge this thing out and up until that point, nix, they won't get started because there are people that don't like to see this dirt all go to Pigeon Creek and fill it up and that is what it has been doing for years. They are taking all the water above and pushing it all down on them and it isn't fair so if the Committee can come up with a concrete idea that they can get the canal opened up, he is for it 100%.

Mr. Ludwick said that for 70 years the water has been going that way and when they have a new ditch that is wider and deeper than what is there now...

Mrs. Hordynski, who lives on Burkhardt Road, said she would like to know what they intend to do after they complete Phase I, because when they clean all those ditches and bring all this surface water back to the area of Burkhardt Road and Hirsch Road, what are they going to do. She said that last winter they had all the water they could stand so she wanted to know what they are going to do with that water when it comes back there.

Mr. Ludwick said the water wouldn't stop there because they plan to go all the way to Pigeon Creek.

Mrs. Hordynski said the water backs up from Pigeon Creek.

Mr. Ludwick said that it isn't surface water then, that it is flood water.

Mr. Folz said it is surface water, that the Commissioners have put up a nice new beautiful Burkhardt Road with a nice new ditch underneath it and this past spring it lacked one foot of coming over the top.

Mr. Folz said it seem so simple to him to get the canal opened to take 90% of the water away and he will be glad to take the other 10%.

Mr. Ludwick said it won't take 90% of the water, that the City of Evansville just spent over \$1,000,000 through the topics program on Green River Road and Boonville Highway.

Mr. Folz said that to him, this doesn't make any sense because he is asking all these farmers to take another 2-3 inches of their top soil every year, down the ditch so when the engineer shot in Green River Road why couldn't it have been done then. He suggested they include the canal and get it open. He said there is water blockage all along it and they are in trouble even with it going the way it is and until they open it up and let the south side of the railroad track drain down along side of it, they aren't going to get very much water out of the upper end.

Mr. Ludwick said one step at a time, and that Mr. Folz is talking about money that he is going to have to pay.

Mr. Folz said he would have to pay it anyhow, and that Mike is saying they are going to come along side of Burkhardt Road and dig that ditch out deeper and in 2 years they will come back and resurface the road again and this just doesn't make sense, they should do it now.

Mrs. Hordynski said she still wanted to know what they will do with the water because they can't see the ditch in the winter. She said they were born and raised in that neighborhood and lived there all their lives and can see just what is happening and they are going to drown the people back in that corner.

Mr. Ludwick said this is Pigeon Creek and it is going to flood anyway.

Mr. Folz said that the other side of Burkhardt Road wan't Pigeon Creek this last go round.

Mr. Ludwick said this will be the purpose of the committee.

Commissioner Willner said he thought that they originally intended for this committee to come back and tell the County Drainage Board and the Surveyor's Office what they wanted and he sees no point in belittling the issue tonight. He said he would stay here all night, but he thought they appointed this committee to recommend, including the canal, to them, so let's let them meet and come back and tell the Drainage Board what they want.

Mr. Lawrence Stahl said that Pigeon Creek is a problem in the situation on Burkhardt Road and if they open the Brandeis Ditch to Pigeon Creek, that water will get away and when Pigeon Creek is up, it won't get away. He said everyone knows that and in 1961 when they had all the water in the flat area the river was not up and this is what he wanted the City Engineers to know, that Pigeon Creek is a problem throughout the east side area.

He said it has been mentioned several times that they are planning a green belt along Green River Road or Pigeon Creek and he would like to know what a green belt is and if they mena to leave that brush or green timber on Pigeon Creek as it is or do they intend to do something with Pigeon Creek and open it up. If they are planning on leaving the brush on Pigeon Creek that is there at the present time, they would have flooding all the time.

Commissioner Ossenberg said that would be the Corp of Engineers and the Levee Department.

Mr. Stahl said he knew it had been mentioned several times but as far as the Crawford Brandeis Ditch, it is a county ditch that has drained the east side

all these years and it needs to be opened. If it is opened to the specifications that Mr. Ludwick has planned, he doesn't see that the people will be flooded down there because it will go to the Creek and if the Creek doesn't take it when the river is up, they are going to have flooding anyway and to listen to the negative side of this thing all the time, he is interested in doing something for the rural people all the way up to Lincoln Avenue because they are all his friends and he has lived in this area for 65 years and he is a lot older than most of these people that know so much about the drainage on the east side.

Commissioner Ossenbergh again said that this meeting was called for the purpose of the committee to meet and he would suggest that the Committee set a time that they will get together and start working on the problems and hopefully the 7th ditch could be included.

He said that he knows the problems because this past Sunday, he and the County Surveyor were out walking these ditches and he can see that Stockwell Road is a serious problem since there are four foot culverts in there and there is no way that the drainage and elevation is bad.

He said Mr. Nussmeyer asked him to talk to the Mayor and he thinks he will but that he will hold off until this committee meets, that there are some problems in Stockwell Woods that the culvert should be cut out of there and then they will deal with the railroad and he thought this to be a time consuming deal but as long as he is on the Drainage Board and he is sure the other Commissioners feel the same way, that if it is at all possible and feasible that they can go in and open that canal, he could see where that canal would be a great asset to the drainage problems of the east side but first is first and he would like for the committee to meet and after they have met, to make their recommendations and then come back to the Drainage Board and they will take it from there.

Mr. Robuck asked County Attorney, Ed Smith, if the County didn't still have the right of way of domain even when it comes to drainage and Mr. Smith said they did so. Mr. Robuck said he then didn't see any problem with the railroad.

Commissioner Ossenbergh said that having dealt with the railroads, he will say that some of them are easy to work with and some of them are very, very tough to work with but to keep from belaboring this any further, that the purpose of this meeting is for the committee to meet and for them to decide when they want to meet, to set up, organize and to go from there and then come back to the Drainage Board.

Commissioner Schaad said the only comment he has goes back to when Mr. Folz appeared before and with the block of people here, they have said again and again that unless the canal is opened, they won't listen but he also had stated that if the engineer with this committee can prove to him and this group of people that it is not necessary to open the canal, he would go along with it, if this group of engineers can prove that it isn't necessary, or if it can be done at less cost another way or whatever, that Mr. Folz said he would cooperate and go along with it so he thought this needed to be pursued since since he thought this to be the stumbling block right here tonight so the committee is going to have to come up with some answers about the canal and then they will have full cooperation but if this doesn't happen, they won't get any place.

Mr. Stahl said he thought at the present time, they should go ahead with the Crawford Brandeis, if they don't, some of the farmers are going to have their crops drowned out.

Mr. Folz said that Mr. Stahl isn't including the people that are on the lower end that get his water and he can't make that statement.

Mr. Stahl said that if they open the Crawford Brandeis Ditch they will all get rid of that water.

Mr. Fols asked why they should take his water when it could go off another way.

Mr. Stahl said his water couldn't go the other way.

Mr. George Peacock asked how they intended to shove anymore water under the Hirsch Road Bridge and if they could, he would go along with them.

Commissioner Ossenberrg said maybe they can't but this is what the Committee is going to have to look into and come back and tell them.

Mr. Ludwick said that part of the realignment of the Crawford Brandeis might include a new bridge at Hirsch Road and where they have the funds they can use them and if they get into a situation like that, he thought the Commissioners would go along with it but that is going to be a job for the Committee to look at it all the way through but it is one step at a time.

He said the letters went out today and he spent the biggest part of the day on the phone trying to explain the situation to the people who did call and some of them never had paid an assessment at all and didn't even know what the Crawford Brandeis ditch was or any of it and after talking to the person about the community effort that will have to be put forth, she agreed that she would be at the public hearing, whatever the cost is, because she thought it to be good community action, even though he told her that it wouldn't help her problem because she lives in a low-lying area that will flood anyway but it will help to get rid of her water quicker and he said there are a lot of people who feel this way and then there are those that will fight anything and the funny thing about it is that it goes back 70 or 80 years and people argued the same way then as they are doing now.

He suggested that the Chairman of the Committee be appointed tonight.

Mr. Roger Klassy nominated Mr. Stahl as chairman who declined because of his health.

Mr. Klassy withdrew Mr. Stahl's name at his request and then nominated Mr. Hirsch who said he couldn't do a good job since he didn't have enough time and asked that his name be withdrawn.

Mr. Klassy then said he thought it rather interesting that they haven't heard from Mr. Alcott this evening.

Commissioner Ossenberrg said that Mr. Alcott is on the Committee and will probably lend his expertise at committee hearings since he has spoke to the Drainage Board several times and he said Mr. Alcott has expressed to the Board that he thinks this is the way to go, that it isn't 100% correction but as Fred said, it is the best and fastest way they can see doing it without forming a district and said that he has been trying to get in touch with the County Commissioners in Warrick County to encompass them into this district but they are still talking about 1½ or 2 years away on that so consequently, Mr. Alcott could lend his expertise at the hearing.

Mr. Alcott said that it wasn't that he didn't want to do his part but he felt that at this point and time, the Committee was being set up to function and he will have comments after it has been established and that he is looking forward to actively working with the Committee.

Mr. Jim Morely said that it seems to him, prior to any Committee action, they need some sort of philosophy defined in order to guide them because on any storm run-off system, open ditches and sewers are designed for a certain size rainfall and in order to determine this, they have to start off with some

assumptions and the question he has is, if it is the Drainage Board's feeling that this committee should assume a certain percentage of growth on the east side or if it is their feeling that what the committee should be trying to do is to solve the run-off problems for, let's say, a ten year interval rain storm under the conditions as they now exist and it will be their philosophy in the future to fight further, the development of these flat areas.

Commissioner Ossenbergsaid that his standing right now is that he would hate to stop development in the east side but he isn't interested in compounding the problem as it now exists.

Mr. Eifler said he thought this should be part of the Committee's function to determine the policies in light of the recent developments as far as drainage laws and ordinances that have been developed around the country so he thought this should be something the Committee should look into and give the Board a recommendation on.

Commissioner Ossenbergsaid he was about to say that he wondered if there is something they are lacking that they have done in enforcements of the zoning codes for example, or is it something in Area Plan, that they include Fred Alcott on everything they do and they are holding up as of yesterday, the approval of plat plans on subdivisions in the east side of Evansville and frankly, they know that one of them can never be built with the complete reconstruction of Mann Ditch, they know exactly what it does, that it will flood the minute they get a one inch rain and it is a flood prone type of situation and the soil will just not take it but this is what they expect the Committee to do.

He wondered if there was something they failed to do, maybe in the building code or if there is something else on proper drainage to the legal drains.

Mr. Morley said he wanted to bring out that someone has to bring this out, that someone must set down this philosophy and it must be understood by everyone that the committee may project upon a certain percentage of growth or something because they have got to project on something.

Commissioner Ossenbergsaid he will go along with Mr. Morley on this and he would say that if the Committee comes back and says that they have projected a certain percentage of growth in this particular area, that is where they should stay and stand still and that is it and this is what he would expect from this Committee.

Mr. Morley said this type of decision has to be made, otherwise any calculations on the size of a culvert don't mean anything.

Commissioner Schaad said that he and Mr. Crooks flew over the entire area and they could see acres of blacktop and if they are going to compound it and have more, if the east side drainage can't be taken care of because of the flat lay of the land, he doesn't see how they can provide for more expansion unless they can solve the problem and if it can't be solved, building would just have to be stopped.

Commissioner Ossenbergsaid that moratorium on building would be the last thing he would want to do but if it comes to that point that is what will have to be done.

Mr. Robuck noted that Mr. Walling and Curt Huber had requested that land on Green River Road be rezoned for a shopping center which was approved and nothing was taken into consideration on flow of traffic, drainage, etc. and on that same day, Ted Ziemer requested land to be rezoned for Industrial Contractors which was approved but a study was made on all these things and he thinks they need to get together and a code needs to be set up by the County, where these zonings are granted to be sure all these things are taken into consideration so they can carry the additional water without having to redo the roads in 5 - 10 years from now.

Mr. Crooks said that these things are checked and discussed and the drainage problems are looked into on every rezoning petition by the Area Plan Comm. and is entered into summary before they make a decision on it.

Commissioner Ossenberg said to get back to the plat plan for the east side, of yesterday, it was brought in front of them showing a 3 acre holding pond and he said this could be 3 acres and be one foot deep and they didn't give approval, also they requested that Area Plan, from now on, furnish the County Engineer, those plans, not on Friday before the Monday meeting, but at least a week ahead of time so they can be studied by the Engineer.

Mr. Klassy then withdrew Mr. Hirsch's name as chairman at his request and then he nominated Mr. Ken Nelson as chairman.

Mr. Ludwick said that Mr. Nelson is working about 5 different jobs for various governmental agencies or helping out but Mr. Nelson isn't here and he wouldn't answer for him.

Commissioner Schaad said if Ken Nelson is appointed as chairman and then he doesn't accept it, this meeting is for naught.

Mr. Klassy withdrew his nomination of Mr. Nelson.

Commissioner Willner said that he would like to see someone outside of government to be chairman since he sees government every day and hears their views and would like to see some outside input.

Mr. Ludwick nominated Mr. James Morley of Biagi-Hannan as Chairman of the Citizens Committee.

Mr. Eifler seconded the nomination.

Commissioner Ossenberg asked Mr. Morley if he would accept the position as Chairman and said that Mr. Morley is outside of government and has the expertise and that is what they need.

Mr. Morley said he would accept the position but he would need a lot of help.

The other Commissioners agreed that everyone wanted to get these problems solved and they assured Mr. Morley that he would get the help he needs.

Mr. Crooks moved that the nominations be closed, Mr. Klassy seconded the motion, so ordered.

Mr. Polz said that Mrs. Hordynski wasn't on the Committee but that she has asked if she could possibly be considered so he nominated Mr. Hordynski as recording secretary.

Commissioner Schaad stated that this was an excellent idea but that Mr. Ludwick had said that the County Auditor, Curt John, has offered the services of personnel from his office to take the minutes so if she wanted to be secretary in name and have someone help her that would be fine.

Mrs. Hordynski said she would prefer not to be the secretary but that she would like to be on the Committee since there is no one from her direct neighborhood that is on the Committee.

Commissioner Ossenberg told Mrs. Hordynski that she has just been appointed to the Committee.

It was agreed by acclamation that Mr. John furnish the recording secretary from his office.

Commissioner Ossenberg told Mr. Morley that the next move would be to get the Committee together and that he was sure Mr. Morley would get all the help he needed.

Mr. Alcott said he had been thinking what the Committee could do to move things along the best way they could and he asked if it were possible to supply the committee with a possible date on completion of the first phase of work and to report back or has that already been set up.

Commissioner Ossenberg said they took the bids under advisement of which Quentin Stahl got the bid on the Crawford Brandeis and the Crawford Brandeis Extension and those bids are held for 90 days and before they can ever award any bids, they would have to have approval so they must have 2 public hearings so he would say 60 days.

Mr. Stahl said he thought they should have it done in 30 days.

Commissioner Ossenberg said that if they can get it done in 30 days, fine but that the drainage board would prefer that it be done in 60 days but this is up to the Committee and the sooner the better.

Mr. Ludwick said this will pose a problem because the people that are calling in now are calling in reference to what they read in the paper on the idea that he simply stated before the drainage board which was that they simply directly dredge the ditches and it is getting more involved now and from this day forward until the people get those letters, his phone is going to ring off the hook and in talking to these people he is going to have to tell them what idea they are talking about.

Commissioner Schaad told Mr. Ludwick to just tell the people that it is in Committee.

Commissioner Ossenberg told Mr. Ludwick that the Committee must come back and if they say go phase I and he has 51% of the property owners, he is telling the people essentially what that says and this is all he needs to tell them.

Mr. Ludwick said these property owners don't need to be notified by registered mail, that they just need to attend the public hearings.

Mr. Morley said he would like to set next Tuesday, August 3, 1976, as the first regular meeting of the Committee but before the meeting he needs to meet with the members tonight after this meeting to make some assignments of information that needs to be brought to the first meeting since they need to know who the property owners are that happen to own these affected culverts or ditches that are plugged and who they are going to have to acquire right-of-way from and he thought that the people of these areas could be responsible for putting together some of this information and maybe bringing some pictures showing conditions of bridges or culverts and he would like to get this at the first meeting.

Commissioner Schaad suggested that after Commissioner Ossenberg adjourns this meeting, that Mr. Morley meet with the Committee members and make the assignments and make plans for their meeting. He said they need to have their meetings some place where they have the maps and tables to lay them on.

Mr. Nussmeyer, the County Surveyor, suggested that the Committee meet in his office since everything they need is down there.

The meeting adjourned at 8:30 p.m.

PRESENT:

DRAINAGE BOARD

Thomas Ossenberg
Bob Schaad
Robert Willner

COUNTY AUDITOR

Alice McBride
(Deputy)

COUNTY SURVEYOR

Dick Nussmeyer
Mike Ludwick

COUNTY ATTORNEYS

Ed Smith, Jr.

CITIZENS COMMITTEE

James Morley
Jack Schroeder
Richard Eifler
Jerry Schmitt

Jesse Crooks
Fred Alcott
Roger Klassy
Lawrence Stahl

Tom Hirsch
Gilbert Mosbey
Jeff Wilson
Don Folz

Kent Robuck

Absent: Ken Nelson
Curt Huber

Secretary: Connie Skinner

Thomas Ossenberg

Bob Schaad

Robert Willner

VANDERBURGH COUNTY DRAINAGE
BOARD

VANDEBURGH COUNTY DRAINAGE

AUGUST 2, 1976

A meeting of the Vanderburgh County Drainage Board was held on this 2nd day of August, 1976, at 11:50 a.m., with President Thomas Ossenberg presiding.

The minutes of the previous meeting and the minutes of the special meeting (held July 27th) were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: EAST SIDE DRAINAGE

There was some discussion regarding storm sewers and drainage of Carriage House and Valley Downs.

This matter was deferred until next week.

The meeting adjourned at 12:00 Noon.

PRESENT:

DRAINAGE BOARD

Thomas Ossenberg
Bob Schaad
Robert Willner

COUNTY AUDITOR

Curt John

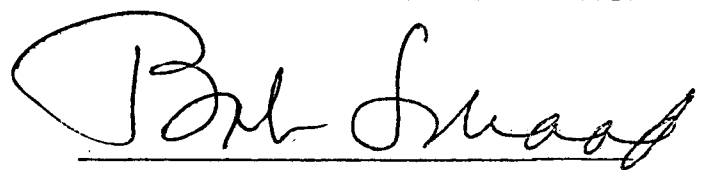
COUNTY SURVEYOR

Dick Nussmeyer
Mike Ludwick

COUNTY ATTORNEYS

Ed Smith, Jr.
Paul Wendel

Secretary: Connie Skinner





VANDEBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE

AUGUST 9, 1976

A meeting of the Vanderburgh County Drainage Board was held on this 9th day of August, 1976, at 11:00 a.m. with Vice President Bob Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: OPENING OF BIDS

Commissioner Schaad asked for permission for the County Attorneys to open the bids.

Commissioner Willner so moved. The motion was seconded by Commissioner Schaad. So ordered.

RE: CLAIMS

Mike Ludwick presented an estimate from Floyd I. Staub, Inc. for work that the County asked them to do on the Sonntag Stevens Ditch. That work has been completed and the amount is \$352.00.

Commissioner Willner made a motion that the claim be approved. The motion was seconded by Commissioner Schaad. So ordered.

RE: EAGLE SLOUGH

Mr. Ivan Wathen asked if and when there is going to be any maintenance done on the Eagle Slough. He also wondered if it would be sprayed. He said if it was sprayed this year the County could save themselves a lot of money but if they let it go another year it is really going to be a big job.

Mr. Mike Ludwick said they had been holding off on it but they would take another look at it and will let a contract on it this year.

RE: BIDS FOR DREDGING KELLY, NURRENBERN, STOCKFLETH, & BOESCHE DITCHES

The following bids were opened by the County Attorney and read as follows:

O'BRIEN ENGINEERING.....\$123,283.20

G. J. RODE & SONS..... 43,806.90

FLOYD I. STAUB, INC..... 20,053.06

KOESTER CONTRACTING..... 53,397.60

Mike Ludwick said that upon the County Attorney's (Smith) advice we let a maintenance contract on several of those ditches that we just let out a dredging contract on. The contractor came to the office last week and he said as far as wanting to take care of the situation on the east side he was glad that they were going to do something but we should have known about it a year or so ago. So what are we going to do in a situation like this? He has a bond downstairs right now for the ditches he bid on in a lump sum amount. We'll have to give him his bond back, plus interest?

Commissioner Schaad said if he had a cashiers check, cash as his bond. The Deputy Auditor, Alice McBride said we would return the unused portion on his check.

Mr. Ludwick said he is one of the oldest bidders or contractors that we've got. He goes back quite a number of years and he does good work.

Commissioner Schaad said he didn't like to be in a position where we are reneging on a bid. He bid it in good faith. We accepted it in good faith. And now for some reason we don't want the work done I think he is entitled something for it.

County Attorney said if he is telling us he won't do the work after August 15th and the work isn't supposed to start until after the 15th anyway then he has an anticipatory breach of contract on his part.

Commissioner Willner moved that Mike talk with the contract and then come back with a claim. Commissioner Schaad seconded the motion. So ordered.

The meeting adjourned at 11:20 a.m.

PRESENT

<u>COUNTY COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY SURVEYOR</u>	<u>COUNTY ATTORNEYS</u>
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Bob Schaad	Alice McBride	Dick Nussmeyer	Ed Smith, Jr.
Robert L. Willner	(Deputy)	Mike Ludwick	Paul Wendel

Secretary: Connie Skinner

Bob Schaad

Robert L. Willner

VANDERBURGH COUNTY DRAINAGE
AUGUST 16, 1976

A meeting of the Vanderburgh County Drainage Board was held on this 16th day of August, 1976, at 11:30 a.m. with Vice President Bob Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: KYLE DITCH - HAROLD PETERS

If you go out and look at the Kyle Ditch today you will find grass in the bottom of the ditch about knee high. I would like to take you gentlemen out there and show you what is going on so when it comes up again next year and the people start bidding on that ditch you don't let that grass grow up like that because it is going to make a fill.

The airport is talking about putting water down the Kyle Ditch. It is not our problem on that side of the boundary line to take care of the airport water.

Mike Ludwick said that he thought Engineering Associates were involved with that and also Fred Alcott was involved with that too. They have been for years wanting to close up all the drains on the airport property. They will have to come before the Drainage Board so the plans can be submitted.

RE: CULVERT ON GREEN RIVER ROAD

Commissioner Willner said a property owner on Green River Road that 3-4 weeks ago when we had heavy rains one of the culverts washed out on Green River Road and we had water standing over the top of the road. I would like Mike Ludwick and Commissioner Schaad to go out with me there this afternoon to take a look at it. The meeting was set for 2:30 p.m. It was also agreed that they would drive by Kyle Ditch on the way.

The meeting adjourned at 11:40 a.m.

PRESENT

COUNTY COMMISSIONERS

Bob Schaad
Robert L. Willner

COUNTY AUDITOR

Curt John

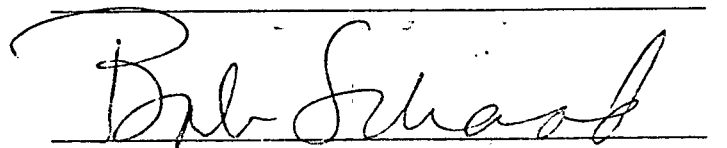

COUNTY SURVEYOR

Mike Ludwick

COUNTY ATTORNEYS

Ed Smith, Jr.
Paul Wendel

Secretary: Connie Skinner

VANDERBURGH COUNTY DRAINAGE BOARD

SPECIAL CITIZENS COMMITTEE MEETING
CONCERNING DRAINAGE MATTERS
AUGUST 17, 1976

A meeting of the Special Citizens Committee was held this 17th day of August, 1976, at 7:00 p.m. in the County Surveyor's Office. Fred Alcott was Chairman of the meeting.

Mr. Alcott said he would like to make a report that Jim Morley was going to make concerning some data regarding the legal abstract on the railroad right-of-way which he quoted:

In consideration of construction of said railway and for the purposes thereof the following real estate in Vanderburgh County and in the State of Indiana, to witness:

A strip of land in the southern part of the West $\frac{1}{2}$ of the South West $\frac{1}{4}$ of Section 13, Township 6 South, Range 10 W in the Vincennes land district, said strip embracing the bed and banks and right-of-way of the Wabash and Erie Canal supposed to be 100 feet in width or thereabouts reserving the right to drain said land along said side of said railroad.

NOTE: The Lake Erie, Evansville and Southwestern Railroad Company is now a part of the Southern Railway Company.

Another abstract read:

The said 100 feet including the basin, bank bed and toe path of the Wabash and Erie Canal as the same passes through said parcels of land the same being conveyed for the purpose of said railroad only. It is hereby agreed and understood that the drainage of the said grantors shall not be interfered with by the said grantee herein.

NOTE: The Lake Erie, Evansville and Southwestern Railway Company is now a part of the Southern Railway Company.

He then said these were two abstract that Edward Nieten as President of the Vanderburgh Abstract Corporation signed. Basically what Jim Morley related to me at that time was that there is 100 foot strip allowed for on the Wabash-Erie Canal which now is part of the Southern Railway Company.

Someone said a comment was made last week by Jim Morley that the Southern Railroad had granted anybody permission to fill that in that wanted to.

Next was a report from a committee that met last night (Monday, 8-16-76) that considered some costs on some alternative plans. These are estimates only.

Jesse Crooks made some comments regarding the proposed drainage plan that Mike Ludwick submitted which is intended to be an engineering study to determine what Mike thought was a plausible engineering design for dredging that ditch.

1. He said we feel the side slopes should be a minimum of 2 to 1 or $2\frac{1}{2}$ to 1 at the very least to keep from eroding the sidewalls in order to maintain the banks, to mow it and to keep it from all filling back up before you can get it open.
2. The construction must include seeding to reduce erosion. He said that they felt that the Pollution Control Department would demand that this be seeded.
3. It appears that some culverts should be further investigated. In this particular case, maybe Peacock Lane and Hirsch Road.

A further comment was made that the structures were probably adequate now

but once you clean the ditch the flow will increase and the volume will probably double and when it does the structures are going to be inadequate. Oak Grove Road (where Crawford Brandeis crosses underneath) could be a problem. Spot checks were done and visions of some possible problems once the ditches were cleaned.

Mike Ludwick then made the comment that we had planned to replace certain structures. One is the Oak Grove Road structure. Two is the Peacock Lane, if it is necessary. Third, if the Hirsch Road bridge is necessary and these will be handled by the Bridge Fund and not part of this contract when we award it. He said that the County Commissioners have already stated that if those structures are a problem the County Garage will take care of any problem that they can using gas tax money and the bridge fund will take care of those bridges on those 2 locations if they have to.

Then certain maps were passed out with the watershed areas shaded in various colors so they could be easily distinguished.

Mr. Jesse Crooks then told of the proposals:

Proposal No. 1: To get rid of the water as quickly as possible by running everything to the west down Boonville Highway and dumping it into Pigeon Creek and taking off at Stockwell Road.

Jesse said going under Morgan Avenue you will need a 10' x 26½' bridge. At the railroad track you will need an 8' x 31'. At the Stockwell Road you need an 8' x 29½'. And at Green River you will need an 8' x 27½'.

In addition to opening this up south of Old Boonville we are also proposing to still open up Crawford Brandeis and the Boesche north.

The cost of this proposal will run around \$2.3 million.

(Basically this proposal would open the canal to Stockwell Road to divert the water west along 460 as far as Stockwell Road, then north to Pigeon Creek. It would require dredging the Hirsch and Kelly ditches as well as require rebuilding a number of bridges at Green River Road, Morgan Avenue and Stockwell Road.)

Proposal No. 2: Taking Stockfleth ditch, running it west and taking the other ditches and running them all north where they cut a new ditch at the Evansville Day School.

(Basically what this is, is channelling water along a diversion ditch Stockfleth Ditch with the ditch cutting the area of Evansville Day School and crossing farm land.)

The cost of this proposal will run to \$1 million.

Proposal No. 3: Roughly this cost would be \$160,000. This would be putting a pipe in front of Big G (3 pipes).

(Basically this is a proposal to reopen the canal from Stockfleth Ditch to Oak Grove Road as an overflow to divert a portion of the storm water runoff from the Crawford Brandeis Ditch. The plan also calls for 5 foot drainage pipe to be installed under Oak Grove Road and in the area of Big G Lumber on 460.

A question was asked what the 1,320 feet of 48" pipe was and where does it go? Jesse Crooks replied in front of Big G and Complete Lumber and to Oak Grove Road, which will be solid pipe.

Mr. Don Folz then gave his report. He said Mr. Parrish told him that he does not see any obstacle in our way as long as it is up to snuff and sent to Mr. Tatum at Louisville for the engineers to look at. We can open-cut all of their railroad spurs, putting back 12" of gravel or white rock under-

neath the track etc according to their specifications. Mr. Folz said he did not see why we have to think about solid pipe all the way back, because there is only 3 railroad spurs and 2 drives. When we got down to Stockwell Mr. Parrish took me down and showed me the two 8' pipes going underneath the railroad tracks that they just installed not long ago. There is also a big bottleneck on the other side of it. All of this ditch, the Harper Ditch and what is left of the Wabash & Erie Canal is draining into to get into the two 8' pipes. It is a 5' pipe. That has to come through that 5' pipe into those two 8' pipes.

The person Mr. Don Folz talked to was Mr. Parrish who is the District Supervisor from the Railroad Company.

The County Attorney Ed Smith, Jr. was asked his opinion regarding the 2 abstracts that was talked about at the beginning of this meeting. He said that in the second abstract that it looks to him like it was a right-of-way easement grant of 100 feet to the railroad with the condition that they would not interfere with the drainage.

Ed Smith then stated that a legal drain would take a priority over a right-of-way.

A motion was then made by Dick Eifler to recommend proposal number three to the County Drainage Board to help relieve drainage problems in the vicinity of the Crawford Brandeis Ditch and its tributaries. (This proposal consists in combination with dredging the Crawford Brandeis and its tributaries to install a minimum size 5 foot diameter culvert under each of 3 railroad spurs and 2 driveways between the intersection of the Crawford Brandeis and Stockfleth Ditch, extending west to the open portion of the old canal near Oak Grove Road. The motion was seconded by Don Folz. The motion carried, 10 YES votes, -0- NO votes.

A report will be given to the Drainage Board at their meeting on Monday, August 23, 1976, regarding the proposal that the committee has come up with re: the east side drainage problem.

The meeting adjourned at 10:00 p.m.

PRESENT

CITIZENS COMMITTEE

Richard Eifler
Jerry Schmitt
Jesse Crooks
Fried Alcott

Roger Klassy
Lawrence Stahl
Tom Hirsch
Gilbert Mosbey
Ed Smith, Jr.

Don Folz
Kent Robuck
Hester Unfried
Mike Ludwig

Secretary: Connie Skinner

VANDERBURGH COUNTY DRAINAGE BOARD
AUGUST 23, 1976

A meeting of the Vanderburgh County Drainage Board was held on this 26th day of August, 1976, at 11:10 p.m. with President Thomas Ossenberg presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: REPORT FROM CITIZENS COMMITTEE CONCERNING EAST SIDE DRAINAGE PROBLEMS

Jim Morley who was Chairman of the Citizens Committee then said that the work of the committee was not done and that it could not be disbanded. He said they would give the Commissioners what data the committee had to date. He also said that basically the committee did get a chance to review 3 different types or approaches to the problem and the 3 different approaches were to put in structures or to develop structures to take care of the total development of the area, and then considering the dollars that may be available to solve some of the existing problems there now recognizing that further work would need to be done in the future as development might continue in the area.

Fred Alcott then said that the committee has met 2 times in full session. He then read a report from the committee.

Considerations and recommendations from the east side drainage committee to help relieve drainage problems in the vicinity of the Crawford Brandeis Ditch and its tributaries on a short term basis are as follows:

The committee considered three (3) alternatives to help relieve drainage problems as described. NOTE: All proposals are considered in combination with the pending bids to dredge the Crawford Brandeis and its tributaries.

Proposal No. 1 - Consists of diverting of all surface water run-off west into the Hirsch Ditch south of Old Boonville Highway. The estimated cost of this project is in the vicinity of \$2,367,000.00.

Proposal No. 2 - To install a diversion channel from the Crawford Brandeis extending west across Green River Road to Pigeon Creek in the vicinity of the Evansville Day School. The estimated cost of this project is \$988,000.00. Also this proposal did have a consideration of installing an outlet in the vicinity of the Old Canal to run some of the water west also.

Proposal No. 3 - (which the committee recommends) To install a minimum of 5 foot diameter culvert under three (3) railroad spurs, and two (2) driveways between the intersection of the Crawford Brandeis and Stockfleth Ditch extending west to the open portion of the Old Canal near Oak Grove Road. The estimated cost of this total project including the existing bids on the Crawford Brandeis and other tributaries is \$175,000.00.

It must be noted that this recommendation Proposal No. 3 is by no means a total solution to the drainage problems for this area. It will help relieve some of the existing problems. Also it is a practical recommendation that the majority of the committee could agree upon. The above is considered to be an interim program until a complete drainage plan is put into effect. It is further suggested that a plan be completed and implemented to handle the drainage with the further development that is being done.

Also I've been asked to make this statement by a number on the committee that the pending contracts on the ditches, the committee could not agree to go ahead with just the pending contracts unless the old canal was opened.

Commissioner Ossenberg said as he understands it Proposal No. 3 is the recommendation contingent upon the fact that the canal will be opened.

Fred Alcott said that is right.

Commissioner Willner then said if a vote of the Drainage Board for opening the old canal as has been laid out in Proposal No. 3, would that be sufficient for us to start on the other ditches or do we have to do that first.

Fred Alcott said he was not speaking for himself, that he was speaking for the committee, and that he felt it was pretty well understood that to move ahead that the committee would have to see something concrete to the effect that this will be done in combination with the dredging.

Commissioner Willner said he was in total agreement with the committee's recommendation but to work with the railroad and the city is going to take sometime, and he said he felt if we let the project lag now we might be in dire troubles. So I'm saying if a vote of the Drainage Board to accept your proposal and open up the old canal with the pipes you have suggested, if that would be sufficient for them and then we could go ahead and start dredging the Crawford Brandeis and get the other work started I think the total project would go smoother and faster and there would be no waiting. I'd like to see some action.

County Attorney Ed Smith, Jr. said it seemed to him that his question was more the matter of form and mechanics rather than anything else. He said he was at the meeting and Proposal No. 3 was the one that the committee agreed upon almost unanimously so in answer to your question it would seem that if you consider this as one proposal including these various segments that is what you are really considering.

Don Folz then asked if a bid had been let to only dredge first the Crawford Brandeis Extension or what other ditch has been let to start.

Mike Ludwick said no contract has been let yet.

Don Folz said that in lieu of this would it be feasible to ask the committee to allow dredging to start on the Crawford Brandeis Ditch Proper which would start at outer Lincoln Avenue and when we the people representing quite a few landowners on the north end of the deal, when we see that you people have made this vote and have let these bids in proposal no. 3 you will not have any problems.

Commissioner Ossenberg said that he thought what Commissioner Willner was trying to say was is there an objection to starting on the dredging etc., is there a hook-up that the other part even though I'm in favor of the other part too, having dealth with Mr. Tatum of the Southern Railroad for over 2½ years I can appreciate what Bob Willner is saying that is the fact that they are not easy to work with and while we continue to strive, we'll make the total commitment that we will try to continue the lower part of this, Bob is saying is there objection that you start off early even though we, as a board, will give you a commitment that we will not drop this plan but I can foresee a 2 year delay with that railroad.

Kent Robuck said Don Folz has had some verble commitments with the railroad.

Commissioner Ossenberg said Don has had verble commitments with the same individual that we had verble commitments with, Mr. Parrish, and he cannot do a thing. When Roger Zion was in office, we went to the President of the Southern Railroad and they made Mr. Tatum move.

Kent Robuck said that the County Attorney Smith also looked at the deed going back into the 1800's concerning the canal and there was some question as to how that right-of-way read.

Jim Morley then said he tried to review the abstract on sections that he found and it appears that apparently at the time that the railroad was given the right-of-way where the old canal was, they were not given drainage rights along that as a matter of fact there was a condition in having that right-of-way so therefor it needs to be checked very closely, there appears to be no reason you have to ask the railroad anything on drainage down that canal. They specifically excluded the railroad having any control over drainage down that canal.

Attorney Ed Smith, Jr. then said that the entries that he looked at in the old abstract on granting the right-of-way (100 ft.) specifically reserved all drainage rights to the adjacent property and I think that would go with the land regardless in change of ownership, and I feel that would be an enforceable reservation to impose here in case you run into any problems.

Commissioner Willner said that could be a question for the courts to decide and they put a restraining order against us if we tried that.

Mr. Smith then said this is some thing in our favor.

Commissioner Willner said if we didn't work with them they could tie us up for a considerable length of time.

Mr. Smith said you always try to work with the other side.

Mr. Jim Morley said it appears that there is no real problem with the railroad preventing any drainage down that canal. It appears they never had that right to stop the drainage to begin with. The problem would be is if you felt that you wanted to have the railroad pay for putting a pipe down underneath a spur that runs across it. If that situation arises and you go to them, now you are talking 2 years and maybe then they won't do it. If you accept that fact that there needs to be a culvert under a spur and that part of opening that up, then I think you are probably are not going to have any problem with the railroad.

Don Folz asked what the feeling of the Commissioners on opening this canal.

Commissioner Schaad said as far as he was concerned if that is what it takes to get the job done then he can see the feasibility of it. He said he was in favor of it.

Don Folz said when you say dredging, (the Crawford Brandeis and Extension), does it make a difference which end you start on.

Mike Ludwick said they really didn't stipulate anything. He said that starting at the north which you normally do and work backwards.

Mike said what we are really after is a concrete proposal where we know where the money is at and a proposal that everyone understands.

Commissioner Schaad said would it be agreeable based on the Surveyor's Office come back and say they recommend Proposal No. 3 and we adopt it. And then break it down to see where the money is going to come from. Maybe we do have some along Burkhardt Road, maybe we could use some highway money along Burkhardt Road because it is interfering with our road (wash it out) instead of assessing the people out there. Maybe there could be used some bridge funds somewhere else. After this then we could figure how much is going to be assessed to the people in the watershed. But I think we would first have to get Proposal No. 3 approved and recommended by Dick Nussmeyer if he will do it and then start breaking it down as far as financing is concerned to see whether it is feasible or not.

Mr. Folz then said that the word "if" is our only problem. We have tried for years and years and years.

Commissioner Ossenbergsaid can it be declared a legal drain.

Mike Ludwick then said you would have to have public notices and go through legal procedure.

Jim Morley said he thought the committee found that technically the reopening of the canal as a drain is an acceptable method of taking a portion of the water. It is a reasonable request regardless of whether or not the canal was ever originally intended to be a legal ditch or a major drainage canal. It is feasible. The proposal 3 simply says that we accept the fact that Green River Road has been constructed and has a 6 ft. diameter pipe underneath it and that we can take a good portion of the water and move it through the canal.

For a small amount of dollars and it is small in relation to the other plans, we can upgrade that canal to carry as much water as we can put under Green River Road and this will allow that area to drain better now and will allow for some amounts of additional development. It will not be enough to allow the whole 2500 acres to be 100% developed commercial and residential and we have to recognize that because that takes big dollars. The thing that the committee hasn't done yet is come down and told you how much more percentage of that can be developed with this addition before we have to be ready for your big dollars to get the diversion channel on up by Day School or the big bridges across Green River etc. to allow 80% development of this 2500 acres or whatever.

Commissioner Ossenberg said that the City's cooperation is going to be important from Green River Road west to Stockwell Road because we're knocking our head against a stone wall if that isn't the case.

Fred Alcott then read the motion (which was made at the Citizens Committee meeting by Dick Eifler) to recommend the Proposal No. 3 to the County Drainage Board to help relieve drainage problems in the vicinity of the Crawford Brandeis and its tributaries. (And then it goes on with the conditions I stated earlier with the 5-foot pipe)

Roger Klassy said, couldn't we stick with the committee's proposal and talk about financing.

It has taken us 40-50 years just to get to this point, said Mike Ludwick. He went on to say that he tried to say to combine these ditches into one unit reducing the cost to each property. He said this was just a suggestion on his part. If we go by law, the people pay, whether it is \$2 million or \$175,000.

Roger Klassy said lets stick with the proposal from the committee and discuss the idea that you were talking about the other day on the current tax code base. Now that was feasible if it would carry the total load.

Mike Ludwick said that would get us up to Green River Road. He said he would not answer for the City. If I make a recommendation it is going to be for the County and when it gets up to the City someone else is going to have to come along. I think we can go as far as Green River Road. That is going to force an action by the City at that point.

It would be \$125.00 per tax code. A one time deal. Maintenance thereafter would be on a combined basis.

Commissioner Willner moved that we accept the Committee's recommendation on Proposal No. 3. Commissioner Schaad seconded the motion. So ordered.

The next thing to do is work out financing. As I understand it then if we do go along with plan 3 this does include opening the canal, said Commissioner Schaad.

Commissioner Ossenberg said to summarize this thing in detail the only way we're going to go with this thing is Proposal No. 3 is to open up the canal. I think this Board is requesting that the County Surveyor come up with that recommendation. Finances will have to be worked out later but I can't see that we will ever get off the ground if we don't go this way.

Hester Unfried asked why don't they just go ahead and dredge the canal and see how that works.

There was further discussion regarding the matter.

Mr. Lawrence Stahl said at the present time we had excellent bids and that we would probably never get these kind of bids again. He thought the 5 or 6 ditches should go ahead and be cleaned and for us to try to do what we can do get the canal opened. He also said if the ditches could be mowed even this fall it would help so much when we dredge them. He said if we mowed and cleaned them the water could get through there easier and right now it has 2 years growth of weeds and it is so hard to dredge through weeds.

192.

Mike Ludwick said we already have a contractor who has a contract to do the work but we might have to compensate him for not doing the work. He said he thought Mr. Stahl had a point but...

Commissioner Ossenberg said he wouldn't agree with that. He said if we have to compensate the man anyhow and these bids are that low I think that we should go ahead with those weeds.

Commissioner Willner said that when he walked the ditch he wasn't concerned about the weeds in the ditch it was the ones on the side of the ditch that he was concerned about. He said the weeds were 10 ft. high in some places.

Commissioner Ossenberg said the Board has gone on record to adopt Proposal No. 3.

The meeting adjourned at 12:30 p.m.

PRESENT

COUNTY COMMISSIONERS

Tom Ossenberg
Bob Schaad
Robert L. Willner

COUNTY AUDITOR

Curt John


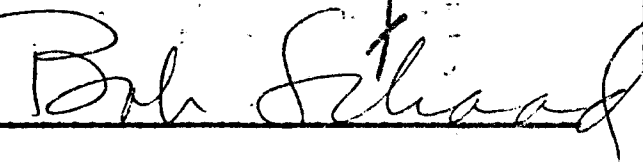

COUNTY SURVEYOR

Mike Ludwick

COUNTY ATTORNEYS

Ed Smith, Jr.
Paul Wendel

Secretary: Connie Skinner

VANDERBURGH COUNTY DRAINAGE BOARD

193.

VANDERBURGH COUNTY DRAINAGE BOARD
AUGUST 30, 1976

A meeting of the Vanderburgh County Drainage Board was held on this 30th day of August, 1976, at 11:30 a.m. with President Tom Ossenberg presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: PUBLIC HEARINGS

Mike Ludwick said this past week County Attorney Ed Smith advised that we go by the book as far as these public hearings are concerned in that we use Article IV under the Drainage Code Law as passed in 1965 and send out a notice using the criteria established in the Code, telling that person that they will be assessed a certain amount, the date of the public hearing, etc. We have set up now that the public hearing will be held October 14, 1976, at 7:00 p.m. in the Vanderburgh Auditorium Gold Room. And we will mail a notice out this week to those individuals involved.

Mike also said that there were some things that he thought that he and the Drainage Board should get together on. A meeting was set up for this afternoon in the Commissioners office at 2:30 p.m. He said it was only a suggestion on his part that we do this on a equal basis, one time deal but I understand there are some people that don't agree with that. If not we are going to go by the book. So I will give the cost either way and when we get to that point, I think when they see the cost involved everyone will be glad to settle for the lesser amount. Some of those assessments will be rather high. It will be in front of you so you can make a decision based on acreage and all the criteria under the drainage law.

Commissioner Schaad said what we are talking about is opening the old canal or putting a culvert in the old canal. Mike Ludwick then said that you have already made a statement that the old canal would be opened. Now we have to see if we can do it or not. There is a lot more involved that just saying that. We have to get with Southern Railroad, telephone, gas and electric, and other individuals involved.

Mike said they did have an estimate of that cost and it is \$100,000 that they are asking us to come up with. The \$72,000 they have to pay. The \$72,000 will be assessed against the property owners.

County Attorney Ed Smith said he checked the act and it only provides for one (1) meeting but I think you have been under the impression that you need two (2). Commissioner Ossenberg then said that he just assumed that two (2) public hearings that is when federal government money is involved. But no federal government money is here so possibly it is just one public hearing. County Attorney Smith said he had read the act and as he reads it, it provides for one (1) hearing based on the 30-40 day notice to all the effective property owners, then 5 days prior to that meeting would be the deadline for any of these owners to object and if they fail to do so it constitutes a waiver.

Kent Robuck said based on what Commissioner Ossenberg said in relation to federal money, I would think it would almost be advisable to go ahead and hold two (2) public hearings in the event that some money should become available through HUD. Commissioner Ossenberg said that may be a wise idea.

Kent Robuck then said that a number of the landowners on the east side wanted him to express their appreciation to the Drainage Board for the cooperation they have received on a partial solution to the east side drainage problem. Also they asked him to draw up a proposal that they would sign which will be the following:

"We the following landowners do recommend Proposal No. 3 concerning the East Side drainage problem as presented by the County Surveyor's Office and the Vanderburgh County Drainage Steering Committee and approved by the County Drainage Board. This consists of dredging the Crawford Brandeis, Crawford Brandeis Extension, Kelly, Nurrenberg, Stockfleth and Boesche and opening the Old Erie Canal and

to install a minimum of 5 foot diameter culvert under three (3) railroad spurs, and two (2) driveways between the intersection of the Crawford Brandeis and Stockfleth Ditch extending west to the open portion of the Old Canal near Oak Grove Road. This work to be partially financed by an equal assessment of all landowners within the watershed on a one time only basis.

We the following landowners also reserve the right to withdraw our support of Proposal No. 3 if contracts for the total project are not let and approved by the County Drainage Board and properly funded.

We further agree to seek injunctive relief in Federal District Court if Proposal No. 3 is not completed in its entirety."

Commissioner Willner asked Kent how many property owner signatures he had. Mr. Robuck replied that before the public hearings, he said he would have better than 3400 acres (that is landowners acreage).

Kent Robuck said he and Mr. Don Folz will contact the property owners personally.

The meeting adjourned at 11:40 a.m.

PRESENT

COUNTY COMMISSIONERS

Tom Ossenber
Bob Schaad
Robert L. Willner

COUNTY AUDITOR

Curt John

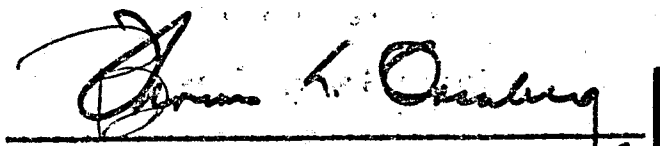
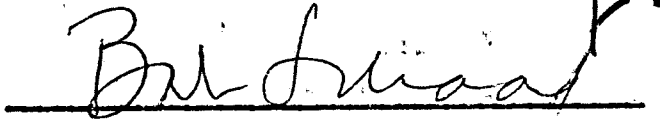

COUNTY SURVEYOR

Dick Nussmeyer
Mike Ludwick

COUNTY ATTORNEYS

Ed Smith, Jr.
Paul Wendel

Secretary: Connie Skinner

VANDERBURGH COUNTY DRAINAGE BOARD

195

VANDERBURGH COUNTY DRAINAGE BOARD
SEPTEMBER 7, 1976

A meeting of the Vanderburgh County Drainage Board was held on this 7th day of September, 1976, at 10:40 a.m. with President Thomas Ossenberg presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: EAGLE SLOUGH - AUTHORIZATION TO ADVERTISE

Mike Ludwick said approximately 2 weeks ago Mr. Wathen, a local farmer in Knight Township, appeared before the Commissioners (Drainage Board) and asked if we were going to let a contract on the maintenance of Eagle Slough. We have been holding off on that because some of the people involved want to spray it and it is too late to spray it so the only other alternative that they would have is to cut it and burn it. We took a look at it and I called several of the people who are involved with the chemicals used to spray it and they say it is too late so it would be more or less a waste of money, but those people in the area still would like to see something done about Eagle Slough as far as the maintenance of it so I have prepared a Notice to Bidders but there are no dates filled in.

Mike Ludwick then submitted a Notice to Bidders for the maintenance of Eagle Slough to see if they can't get a contractor who will cut and burn it, rather than spray it. This would have to be done just like the other contracts by November 15th and completed before the year is out.

He said they would use the standard specifications and we'll tell those people who pick up a bid that it would have to be cut and burned rather than sprayed.

The ads if approved will appear in both newspapers on September 10th and 17th, with bids to be opened on the 20th of September, 1976.

Commissioner Schaad moved that the Auditor be authorized to advertise for bids on specified dates. Commissioner Willner seconded the motion. So ordered.

RE: LETTERS TO PEOPLE REGARDING PUBLIC HEARING

Mike Ludwick said that letters were sent out last week to those people involved with the east side drainage problems referring to a law that states that they have to reply by letter before the date of the public hearing to make it legal or they lose the right to object in person before the Drainage Board or in court.

County Attorney Ed Smith, Jr., said they must file a written objection at least 5 days prior to the public hearing in order to preserve the right to legally object.

Commissioner Willner then said they have to hear those objections and rule on them at that time.

Mike Ludwick then said that of the 553 letters that were first sent to the people, they had 18 responses and if the Commissioners were to make a decision on those 18 responses, there wouldn't be any way. This way it helps you out in making a decision that the people want so maybe we will get a little bit better response from the individuals involved.

The meeting adjourned at 11:50 a.m.

PRESENT

COUNTY COMMISSIONERS

Tom Ossenberg
Bob Schaad
Robert L. Willner

Secretary: Connie Skinner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Dick Nussmeyer
Mike Ludwick

COUNTY ATTORNEYS

Ed Smith, Jr.

Tom L. Ossenberg

Bob Schaad

Robert L. Willner

196.

VANDERBURGH COUNTY DRAINAGE BOARD

SEPTEMBER 20, 1976

A meeting of the Vanderburgh County Drainage Board was held on this 20th day of September, 1976, at 12:05 p.m. with President Tom Ossenbergh presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: BID FOR EAGLE SLOUGH

Mike Ludwick said we did not receive a bid for Eagle Slough. He said he contacted several of the people who normally do our ditch cleaning to see if they could work it in their schedules and of the 2 people who did go down and take a look at it, they could not work it into their schedules because they are farmers and they are getting ready to get their crops in so we will just wait until next year and put it in with all the other drains. I'm sure we will get a bid at that time.

RE: CLAIMS

From Joseph Schmitt for cleaning of County Legal Drains... Stockfleth Ditch \$393.50; Boesche Ditch \$449.04, a claim in the total amount of \$842.54.

Commissioner Schaad moved that the claim be approved. Commissioner Willner seconded the motion. So ordered

From Leo Paul for cleaning of County Legal Drains... Wallenmeyer Ditch in the total amount of \$793.73.

Commissioner Schaad moved that the claim be approved. Commissioner Ossenbergh seconded the motion. So ordered.

The meeting adjourned at 12:10 p.m.

PRESENT

COUNTY COMMISSIONERS

Tom Ossenbergh
Bob Schaad
Robert L. Willner

COUNTY AUDITOR

Curt John

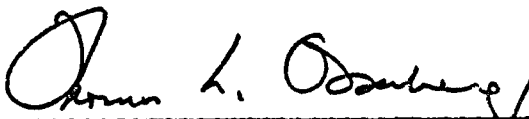
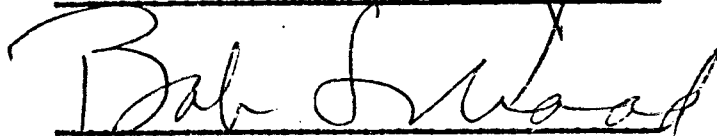

COUNTY SURVEYOR

Dick Nussmeyer
Mike Ludwick

COUNTY ATTORNEYS

Ed Smith, Jr.
Paul Wendel

Secretary: Connie Skinner




VANDERBURGH COUNTY DRAINAGE BOARD

197.

VANDERBURGH COUNTY DRAINAGE BOARD
SEPTEMBER 27, 1976

A meeting of the Vanderburgh County Drainage Board was held on this 27th day of September, 1976, at 11:20 a.m. with President Tom Ossenberg presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: CLAIM

From Joseph Schmitt for the cleaning of legal drain of Harper Ditch in the total amount of \$340.17.

Commissioner Willner moved that the claim be approved. Commissioner Schaad seconded the motion. So ordered.

RE: MEETING OF STEERING COMMITTEE

Mike Ludwick said that the Steering Committee for the East Side Drainage Problems had a meeting in the Surveyor's Office scheduled for 7:00 p.m. on Tuesday evening September 28, 1976. He said the committee would like counsel.

The meeting adjourned at 11:25 a.m.

PRESENT

COUNTY COMMISSIONERS

Tom Ossenberg
Bob Schaad
Robert L. Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Dick Nussmeyer
Mike Ludwick

COUNTY ATTORNEYS

Ed Smith, Jr.
Paul Wendel

Secretary: Connie Skinner

Thomas L. Ossenberg
Bob Schaad
Robert L. Willner

VANDERBURGH COUNTY DRAINAGE BOARD

198.

VANDERBURGH COUNTY DRAINAGE BOARD
OCTOBER 12, 1976

A meeting of the Vanderburgh County Drainage Board was held on this 12th day of October 1976, at 11:20 a.m. with President Tom Ossenberg presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: SPECIAL MEETING:

Mr. Ludwick from the County Surveyor's office said he wants the Commissioners to know the special meeting on the east side drainage problem will be held in the Auditorium on Thursday, October 14, 1976 at 7:00 p.m.

Mr. Ludwick said there is also going to be a meeting tonight in the County Surveyor's office with the Steering Committee. This committee would like to meet with the County Commissioners prior to the meeting Thursday night. The meeting tonight will be at 7:00 p.m.

Mr. Ludwick said concerning the meeting Thursday night he would like to know how the Commissioners would like for it to be set up, as to who is seated where. It was decided the Drainage Board members should be on the stage along with the Steering Committee members and that the County Auditor should also be on stage.

Mr. Ludwick asked if the Commissioners wanted to have any public discussion because if they do then there ought to be a time limit set on the public speaking because that can get rather lengthy.

Mr. Ludwick said he would like to know if the Commissioners are planning on coming to a final decision Thursday night or are we going to hold off until everyone has an opportunity to have their say so in the matter. Of all the letters sent out we have received approximately thirty responses, all objections.

Commissioner Ossenberg said if we follow the format of the Indiana State Highway Commission then these people should have thirty days in which to respond to this official meeting and he feels they should have that opportunity, in writing, to respond before an decision is made, even after the hearing.

Mr. Ludwick said we should limit the discussion to the six ditches on the east side and the old canal and not open it for discussion on too much water, sanitary sewers, etc., because they will want to bring this matter up for discussion.

It was decided that each public speaker, if he wants to be heard, will have a three minute time limit.

Mr. Ludwick asked the County Attorney that on the letters received, since there will be no definite decision reached on Thursday, then should these letters be given to the Auditor's office to be compiled into Exhibit "A" meeting.

Mr. Ed Smith, the County Attorney said these definitely should be made a matter of the minutes.

Mr. Ludwick said there is a process those letters will have to go through, as they will each have to be read and evaluated as to how that certain person determined how he objected, or was in favor of the project, and then the Drainage Board would have to make the final decision.

Mr. Smith said should these letters that were filed pursuant to the statutory five day requirement be publicized every evening.

Mr. Ludwick said that since a decision may not be reached Thursday night then he feels they should be incorporated in an exhibit for a later date so that anyone wishing to review the proceeding that night would have the letter and the Drainage Board's decision regarding that letter. There is going to have to be a step by step process that these things will have to go through, and its going to get involved.

Mr. Ludwick said most people do not understand the laws pertaining to mailing of their objections five days prior to the meeting. He has had several of these letters for a couple of weeks but he still feels these letters should be made a part of the minutes.

Mr. Ludwick said we are going to get into a lot of problems and he doesn't feel these letters should be canceled out because they were received early. He feels we should accept everything received up till the meeting.

Commissioner Schaad said probably a lot of the same people that wrote those letters will be present at the meeting so would it be necessary to read all of the letters.

Mr. Ludwick said we could take each letter and state the name on it and whether or not that person objected or not, and the Drainage Board could review the letter and make its final decision later.

Mr. Ludwick said he would work out a format and get it to the Commisisoners.

RE: CLAIMS:

The following claims were presented to the Drainage Baord for their approval:

JOSEPH SCHMITT....Cleaning of Nurrenber Ditch....10,054 LF X \$.065= \$653.51
Passed and Inspected on October 7, 1976.

Commissioner Willner moved the above claim be approved....seconded by Commissioner Schaad. So ordered.

PAUL E. WENDEL....Drainage Board Attorney Fee for July, August and September..\$500.00.

Commissioners Willner moved the above claim be approved for payment. Commissioner Schaad seconded the motion. So ordered.

EDWIN R. SMITH JR...Drainage Baord Attorney Fee for July, August and September..\$500.00.

Commissioner Schaad moved the above claim be approved for payment. Commissioner Willner seconded the motion. So ordered.

There being no further business meeting adjourned at 11:30 a.m.

PRESENT:

DRAINAGE BOARD

Tom Ossenberg
Bob Schaad
Robert Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Dick Nussmeyer
Mike Ludwick

COUNTY ATTORNEYS

Ed Smith Jr.
Paul Wendel

SECRETARY: JANICE DECKER

Tom Ossenberg

Bob Schaad

Robert Willner
Vanderburgh County Drainage Board

200.

DRAINAGE BOARD MEETING
OCTOBER 14, 1976

A Special Drainage Board meeting was held in the Civic Auditorium on October 14, 1976, at 7:00 p.m. with President Ossenberg presiding. The meeting was open to the public.

President Ossenberg opened the meeting with the following statement:

We, the Vanderburgh County Drainage Board, are here tonight to listen to and to consider any recommendations that you, as property owners, may wish to make regarding the Proposed Plan of dredging of the Crawford Brandeis, Crawford Brandeis Extension, the Kelly, Nurrenbern, Stockfleth and Boesche Ditches which are the ones that effect the east side drainage.

Each person will have a limit of three (3) minutes in which to state his reply to the Plan. We wish to stress, however, that discussions about the Proposed Plan only be recommended. No other subject will be discussed at this particular time.

Any information will be part of a Public Document. This information will aid the Drainage Board in making a final determination. We will give all property owners thirty (30) days in which they may reply by letter to the Vanderburgh County Drainage Board, Room 325, Civic Center Complex, Evansville, Indiana, 47708.

A final decision will be made on or about November 29, 1976, or a thirty day period.

The County Engineering Department will give a report on the Proposed Plan and whatever recommendations that the steering committee has come up with.

At this time President Ossenberg introduced Mr. Mike Ludwick of the County Surveyors Office.

Mr. Ludwick said he is the one that sent the letters to the property owners. He said first of all, he would like to open the meeting with a small prayer, which is as follows:

"God grant me the serenity to accept the things I cannot change, the courage to change the things I can and the wisdom to know the difference".

Mr. Ludwick said they were talking about an area on the east side containing approximately 5400 acres, made up of six ditches, those being, the Kelly, Crawford Brandeis, Crawford Brandeis Extension, Boesche Extension, Nurrenbern and Stockfleth Ditches.

Mr. Ludwick said their plan is simple, and what they are trying to do is, maintain the legal drain system the County now has. He said this is only a step that needs to be taken to correct some of the problems that they have on the east side.

He said most people are unfamiliar with the law concerning this. There are drainage laws that have to be followed. He said the law says that anybody in the water shed area has to pay an assessment for any improvements that are made.

Mr. Ludwick said there have been no petitions ever submitted to the County Engineer's office, Surveyor's or County Drainage Board that went by the law. It is a step-by step process, it costs a lot of money for a petitioner to submit a petition, because the burden is on the individual who feels a need for an improvement on a legal drain. He said they would have to hire a lawyer, that lawyer would have to be paid by the individual, and that lawyer going through the records in the Auditor's office and the Assessor's office checking to see who is in the water shed areas and what lands are effected by that drain. This has never been done.

Mr. Ludwick said Mr. Roger Klassy, two (2) years ago asked the drainage board to look into some improvements that needed to be made on Crawford Brandeis and Crawford Brandeis Extension but that was never followed through with.

The petition itself was out of order, it was not complete or accurate so this is where the County Surveyor's office comes in and what they do then is try to take short cuts in this legal process to bring this matter before the people because it is the people's decision to make.

Mr. Ludwick said the law clearly states that you, as a homeowner in that area have to pay for any and all improvements. Some people do not like the flat fee proposal. He said he is the one responsible for that plan because all problems that come before the County come through his office. He really had the people in mind, because no one likes to pay taxes. He said that system was arrived at by taking the total number of tax codes and he thinks there is a misunderstanding what tax codes are. One of the main things they try to do in any plan is to include all property that is on that watershed on those assessment rolls. So what they have done is go through the records in the Auditor's office and the Assessor's office and the Treasurer's office. Those rolls are and from this day forward will be brought up to date. Everyone who should have been paying and has never paid before will now pay. A certain group of people have been footing the bill. He said if there was someone there for the first time and has never received an assessment and is angry about this letter, they have to realize that someone else has been paying their bill all this time. He said they are obligated if they live in this watershed.

Mr. Ludwick said the biggest complaint they get is people who say they live on top of a hill and they don't have an immediate drainage problem themselves and since they don't he doesn't care anything about his neighbor, so this is what it amounts to, people not caring about people. He said it is all involved and you have to care about each other.

Mr. Ludwick said they arrived at this figure of \$109.00 per tax code. He said a person owning one lot is asking himself why should he pay \$109.00 as opposed to someone who owns 40 or 50 acres. He said the main thrust he tried to make in this thing is to keep the price down to each individual property owner, so that it would not be a burden to anyone as he realizes \$109.00 is a lot of money. However a person owning one lot feels this is unfair.

The reason they are having the problem they are on these legal drains is, because of all the development in the past twenty years as it has made those drains inadequate not being able to handle the flow of water from those lots. A lot owner or a sub-divider has never paid what they should have paid. He said they are now faced with saying they have to go back and re-do and make that lot owner pay what he should have paid all along. Not only lot owners but each parcel of ground. He said they would really be upset if they knew the amounts they would have to pay if they followed the law and they would gladly pay the \$109.00. He said he would give an example. He said he wants to combine these six legal drains into one unit.

He said Stockfleth Ditch... actual benefit one person pays. His percent of that ditch now as by law is \$5.99, divide that by six, because they are combining six legal drains. That percent then becomes 0.9983 which equals \$513.98. He gave several examples similar to the one stated above, so by using these examples, the \$109.00 looks pretty good.

Mr. Ludwick said he goes through this every year at tax time, when contracts have been let and all the ditches have been cleaned. Each individual ditch is based on 100%. You would take all of the percentages and add them up and it equals 100%. We are talking about six ditches, so that is 600%.

Mr. Ludwick said they have the problem again with the lot owners. Some say the \$109.00 is too much money. He said he went downstairs and run the assessed valuation of Land and Improvement. Someone has suggested that a lot owner shouldn't have to pay the \$109.00 and that should be based on assessed valuation. He said he would like to give an example on this: This is one person's lot-1 code-value of land... 31,340.00. The amount of money was \$4,450,000.00 of assessed valuation of everybody's land on the east side, bordered by Newburgh Road, Green River Road, Pigeon Creek and Warrick County. He said you take that 4,000,000.00 figure and divide 73,000.00 and it is 100%. This is less than 1% of the 31,340.00 times that percentage which is \$513.98. He said this is above average, one of the highest assessments. He said in each example it is higher than the \$109.00.

Mr. Ludwick said they have tried to keep the cost down so that this project could get started. He said it has been tried before, studies have been made, plans have been formulated and nothing has ever been done because nobody wants to follow what the law says. This has been the argument for sixty or more years. It goes back to the 1800's when these legal drains were established. He said the county does not own any ground where they can go out and dig a new diversion channel so they have to work with what they have.

He said they have legal drains located along Burkhardt Road, Boonville Highway and various places. He said this is all the county has to do with.

Mr. Ludwick said on an individual basis, if they were to call his office and ask him to do something, they couldn't do it, because they have to have a group of people to say if they can do a project or not. They are limited by law as to what they can do.

He said this a community picture and if anyone has a better plan then he would go along with it if it bettered the community. He said everytime there is a new shopping center built, we go to it and everytime there is a new restaurant built on Green River Road we all go to it. It is supply and demand. But for Evansville to grow we cannot make a rash and maybe stupid judgement on the drainage. He said there is not a problem that cannot be solved if the people involved work at it. He said he could not do it on his own, he has to have the help and the guidance of the people. He said there are other departments involved besides his, such as the Building Commission, Area Plan Commission, etc., so it is these people working together that have to solve the problem.

Mr. Ludwick said he is talking about the first phase or a beginning and it is only a beginning. It will not solve the drainage problems on the east side. It is only a small step but any step that is taken the property owners have to foot the bill, because that is what the law says. He said if he can't have the total picture done he will accept getting the plan started. It is very important that they, as individuals, take that first step.

Mr. Ludwick said they had a steering committee appointed, made up of members like the audience here tonight, to study this problem. He said this is a time when you have disagreements between people, farmers opposed to developers, lot owners opposed to everything in this case, so what they would have to do if they were him is setback and let those people do their thing and take what they could, put it in a sack and shake it up and hope that you come out with something that satisfies the majority of the people involved.

He said they are down to the original proposal.....the \$109.00 assessments. He said each individual will be given ample time to make a reply to what he has talked about. He asked if they could please do it in an orderly fashion. He said they would try to have a question and answer session and maybe he could help them in making their determination, because just getting a letter in the mail, especially since there are laws involved and you don't have law books in your homes that you can refer to, there is a misunderstanding of what the mechanics of what that law is and what it represents and how they have to use it. He said most people didn't know there were laws pertaining to drainage. He said it is standard procedure, its step by step and it tells you what you have to do to reach the benefits.

Mr. Raymond Schmitt.....2618 Colonial Garden Road:

Mr. Schmitt said he had talked to Mr. Ludwick several times on the phone and he had explained it to him pretty well. He said if Mr. Ludwick read his letter personally that he mailed from Palm Springs, California last week, then he knows his opinions and how he feels. He said he is not denying that cleaning is not necessary, it is, but the manner it is approached is what he is concerned about. It is his personal opinion that if you pour water in a funnel and the small end is restricted, you pour long enough and fast enough it will run over, and that is what is going to happen out there if Pigeon Creek is not cleaned is the little lot owner is going to pay \$109.00 to get water poured down him just that much faster. He said as far as the \$109.00 is concerned, that was the easy way out. It strictly is not democratic. He said he thought they were in the United States and not in Russia or China, but this is a commune and the figures he presented appeared to be more of a threat to accept his proposal. He asked how much Warrick County water is also going to be going down these ditches. He said several years ago there was one particular place there that was plugged, no tile, or anything and created more water in one ditch. Now according to the paper the proposal is to reopen that. The people in this watershed are going to be paying double because county funds are going to be used to open that which was closed privately. He said this is one thing that can cause more people to leave the Vanderburgh County area.

Richard Clouse.....Peacock Lane:

Mr. Clouse said that he can't see how this proposal can work without opening Pigeon Creek.

Mrs. Brenner.....Old Boonville Highway:

Mrs. Brenner said she sets right on top of Pigeon Creek. She said she has six acres under water three fourths of the year and she has written Mr. Schaad about it. She has had the Commissioners and other County people out there for four years. They told her one time it was an underground spring. She said she wrote Mr. Schaad that she would like to have cattle grazing back there but unless they had fins, they would never make it.

Betty Meredith.....5200 North Burkhardt Road:

Mrs. Meredith said they are practically at the end of this. If Pigeon Creek is blocked they are like a cesspool of the whole business and her house in the year of 1964 had 19½ inches of water in it. She said all the water comes right down on them. She said she doesn't object to paying the money if she has a guarantee the water will be gone, but she doesn't see this guarantee.

Mrs. Mildred Cordynski....North Burkhardt Road:

Mrs. Cordynski said she has seen this problem for years and if the problem could be solved for \$109.00 that would be fine, she would gladly pay it, but she doesn't think it can be, unless something is done to Pigeon Creek. The area where she lives, the farm land is flooded every winter and if the water is brought from the other side of Division Street, then she had better live in a house boat, because it is going to get in a lot of houses. She said about a year and a half ago it liked one foot bing over the new levee. She thinks something should be done to the creek so that when the water gets down there it will have somewhere to go other than on her property.

Donald Smith....Burkhardt Road:

Mr. Smith said he had a comment to make on the size of this ditch that they are proposing to dredge out. He said the size of that ditch at the present time is bigger now than it has ever been and unless something is done to open the creek and let the water run out, it is going to do no good to open that ditch any further because the water has no where to go when it gets to the end of the ditch. He said the levee that was put in there was put in after the 1961 flood and in 1964 the water came up over the new levee, so unless the creek is opened it is going to take a higher levee to make it so you can get up and down the road.

One of the persons in the audience who failed to identify himself said he lives on the Warrick County-Vanderburgh County line and past years he has had fifty to sixty acres under water out of that creek in his back yard. Last year he had sand bags at his doors to keep the water out of his basement. He said the water gets twelve to fifteen feet deep in his fields. He said this proposal is to spotty for him to go along with.

Mr. Walter Brenner....Peacock Lane:

Mr. Brenner said he knows they expected a large turnout and he would like to say that a lot of people did not receive letters. He said he made a survey on Peacock Lane and only three out of fifteen received letters and he was not one of them. He said this is also the night when Plaza school has an open house and a lot of the people went there.

He said he was not objecting so much to the fact that if this were proposed and would solve the drainage problems that he would have to pay for it, what he objects to is the fact that he would pay the same amount for a little lot he owns as Sears Roebuck would pay for their lot. He would also pay the same amount Woolco would pay and if that is one investment company then he would pay the same as that whole shopping center. He said he resents this and he thinks that if this proposal was ever approved then he would be inclined to try to get enough people to support hiring an attorney to instigate a class action suit because he doesn't believe this kind of a taxation program would be held equitable by the courts.

Another member of the audience who refused to identify himself said that he just bought one and a half acres on the old Boonville Highway and it seems he incurred a long standing debt by virtue of whoever has been cleaning out the ditches for many years and he questions that. He doesn't feel this is fair in that he has not had any of the benefits from living in the watershed and he doesn't feel he

has incurred any liabilities as a result. He said he realizes it is legal but he doesn't feel that it is fair since he will be paying the same amount as the shopping center owner and the large farmer. The farmer may be draining 40 or 50 acres while he is draining one and one half acres and also he lives on a hillside and is not bothered by a water problem.

Mr. Jim Schnerr.....7630 Old Boonville Highway:

Mr. Schnerr said he lived right on top of Old Coal Mine Hill. He said he likes to look at this, as a lot owner. He lives on a hill, one of the highest elevations in Knight Township and being a farmer he knows the need to get rid of water. He needs to pay something because his water goes somewhere just like the rest of the people there. He said he is familiar with all the farms in Knight Township and he knows the problems because he has lived all of his life on the east side of Evansville. He said he thinks Mr. Ludwick has put very little effort in his study and recommendations of tonight. There is certainly a need to get rid of water and he would like to praise Mr. Ludwick for trying to get something started, however, until they solve the Pigeon Creek problem....don't waste anymore tax payers dollars.

Mr. Watson....6517 Old Boonville Highway:

Mr. Watson said he has lived out here all of his life and he has seen the water come up every year and he feels unless they do something about Pigeon Creek they are just wasting time and money.

Mr. George Wunderlick.....6710 Old Boonville Highway:

Mr. Wunderlick said he has two small lots, so he will get two assessments and his ground doesn't accumulate any more water than anyone elses and he doesn't think this is fair.

Mr. Gale Taylor.....508 Kimber Lane:

Mr. Taylor said he has been following this in the newspaper and he understands these ditches haven't been dredged in 40 years. He said he bought the piece of property he owns in 1956 and since that time Stockfleth Ditch has been dredged two times to his knowledge. He said he thinks somebody is forgetting that ditch north of Harrison High School when they blowed the drag line up a few years ago, so whoever put that item in the newspaper was wrong. He asked how they expect to get the water across Division Street and Mr. Ludwick said through the culvert that now exists.

Mr. Taylor asked Mr. Ludwick if the plan is to make larger culverts and Mr. Ludwick said what they are asking the property owners is to agree to a plan, what they didn't tell them is that the county is obligated to spend about \$200,000.00 for bridges and culverts. The County Garage will be utilized where it can be. The City, if they do the proposed work and open up the old canal, is going to have to spend several thousand dollars to complete this. This is part of it and they are asking the property owners to pay only \$73,000.00.

Mr. Ludwick said everyone has a hang-up about Pigeon Creek and now they are talking about the Federal Government, The Corps of Engineers and they are people who move very slow because they have to study everything to death. He said they have written the Corps of Engineers and to his knowledge they have never received a response. He said they have asked the Corps of Engineers to look into Pigeon Creek, but can we wait ten years, he doesn't feel they can as he feels they have to do what they can to get the job done. He said on this Steering Committee that was appointed, there were engineers and land owners. His office drew up a set of plans for each of these ditches and part of the problem is that these ditches do not have the proper depth or width that they need to carry the water away. The Steering Committee looked at the plans and they said that putting these ditches on proper grade and changing the culverts that need changing and that starting at Pigeon Creek and working south, it will work. There is very low ground north of the highway. He said twice a year when the Ohio River reaches flood stage they will have back water but eight times out of ten if these ditches are made proper, the water will flow. He said there was a study done by an out of town engineering firm by the City of Evansville and one of their recommendations was as a first step on any plan is to dredge the ditches they now have. He said there were a lot of recommendations made, one of which was a new diversion channel north of Boonville Highway in, or near, the Day School, at a lower elevation into Pigeon Creek, but that is a step in the future. He said they also recommended that the City should adopt open channels instead of sewers in most cases and part of the problem the City is going to get into is that there are thousands of feet of tile

running along Boonville Highway west of Green River Road... a storm sewer system.

Mr. Ludwick said the whole bottom line of any plan is who is going to pay for it and that's the problem here. If he could do what has to be done and had the money he wouldn't have to ask them, he would just do it, but in this case he has to ask them how much would they be willing to pay.

He said the members of the Steering Committee are as follows:

Mr. Don Folz
Mr. Tommy Hirsch
Mr. Fred Alcott
Mr. Kent Robuck
Mr. Lawrence Stahl
Mr. Jim Morley
Mr. Gil Mosby
Mr. Roger Klassy
Mr. Jerry Schmitt
Mr. Dick Eifler
Mr. Jesse Crooks
Mr. Richard Nussmeyer

Mr. Ludwick said there are several Engineers on this committee and they say the plan will work, but that it is not the final solution... only a beginning.

Mr. Morley of the Steering Committee spoke at this time. He said, as an engineer he volunteered to serve on this committee and he does not live on the east side. He said he was a consulting engineer for the Levee Department, locally, and he is well aware of the problem. He said Pigeon Creek is a serious problem, however, they have flooding on the east side when Pigeon Creek is not up and the reason for this is that the ditches are plugged and the dredging of Pigeon Creek will not eliminate the problem of the local ditches. These are two separate problems and both need to be dealt with. The Committee, which is made up of people who have a pretty wide variety of opinions, at least tried to discuss the pro's and con's of these various alternatives and at the September 27th. meeting they passed a resolution that has been given to the County Drainage Board asking that they forward it on to the Corps of Engineers and join with the Warrick County Drainage Board and request the Corps gets involved in the drainage of Pigeon Creek. He said he did ask the District Engineer if the Corps had any plans for dredging Pigeon Creek and was told they had not received any official request for action on that item. He said the Corps will do nothing without a formal written request.

He said the Committee voted on the assessments and the majority was that the uniform assessment that Mr. Ludwick came up with was probably the most acceptable and the vote was seven to two.

Mr. Fred Alcott of the Soil and Water Conservation office spoke at this time. He read a recommendation that came out of the Committee in August to the Drainage Board.... Dated August 17, 1976.

Considerations and recommendations from the East Side Drainage Committee to help relieve drainage problems in the vicinity of Crawford Brandeis Ditch and its contributors on short term basis are as follows:

The Committee considered three alternatives to solve the drainage problems as described above.

NOTE: All proposals are considered in combination with the pending bids to dredge the Crawford-Brandeis and its contributors, attached is a copy of the three proposals:

1. The first proposal consists of averting all surface water run off west into the Hirsch Ditch south of Old Boonville Highway, the estimated cost of this is in the vicinity of \$2,367,000.00.

2. The second proposal is to install a diversion channel from Crawford-Brandeis extending west across Green River Road to Pigeon Creek in the vicinity of the Evansville Day School. The estimated cost of this project is \$988,000.00.

3. The third proposal is the one the Committee recommends is to install a minimum of five feet in diameter culvert under three railroad speers and two drainways between the intersection of Crawford-Brandeis and Stockfleth Ditch's extending west to the open portion of the old canal near Oak Grove Road. The estimated cost of this project is \$175,000.00.

Mr. Alcott said it must be noted that this recommendation proposal number three is by no means a total solution to the drainage problem in this area. It will help relieve some of the existing problems, also, it is a practical recommendation that the majority of the committee could agree upon.

He said there was disagreement among the committee, but this was the proposal they came up with.

The above is considered to be an interim program until a complete drainage plan is put into effect. It is further suggested that a plan be completed and implemented to handle the drainage with the future development that is being done.

He said the Committee, as they discussed this, felt that this was just a hold the line-type situation and questioned whether this would handle much more development.

He said as he has studied the problem for one and one half years, walking the Crawford-Brandeis and the Harper Ditch's all the way to Pigeon Creek, he has tried to figure out some of the problems and in his opinion as a soil conservationist, that is some of the finest farm land he has seen, as it is a high flood plain and he doesn't feel if they spend \$100,000.00 out there they would solve all the drainage problems because of the nature of the situation.

He said he would like to go on record saying he feels resolution #3 is no final solution to the problem....but it will help.

He said he is on record in Indianapolis as saying that if I-164 went in west of Burkhardt Road they would have more problems because that is a flat plain and any more water there will just add to the problem.

George Schnapp:

Mr. Schnapp said he is twenty nine years old and a farmer and he has lived on the east side all of his life. He said he wants to say thank you, because its about time someone has took enough concern with the east side of Evansville to try to take care of the water problems. He said he attended a state highway commission meeting about a month ago and these people are in a bind over money and can't even maintain the roads they have now, so he feels they have nothing to worry about as far as I-164 is concerned.

Mr. Fred Schnapp:

Mr. Schnapp said he is interested in property that lies in the corner of Division Street and Warrick County line. He said he has heard a lot of comments tonight and he would also like to say thanks for having the guts to get up here and try to do something about the drainage problem on the east side.

Mr. Fred Alcott:

Mr. Alcott said he contacted the Corps of Engineer's and asked them if they could give him the difference in elevation normal pool from the outlet of Crawford-Brandeis into the Pigeon Creek and the outlet of Harper Ditch into Pigeon Creek and after measuring it (about four miles) and it was from two to four feet normal pool and this helped him to come to his decision that if they moved the water west they are going to drag it in at a lower elevation and he feels that eventhough this will not solve the problem it will help.

Mr. Mike Ludwick:

Mr. Ludwick said part of this proposal is a maintenance fee and they combine the ditches and the maintenance fee they would pay would be very low....\$10.00 or lower. If this proposal were to go through, the ditches would have the proper side slopes and would be seeded. They would be properly maintained on a yearly basis as they have normally done in the past.

He said maintenance by law is the cutting and burning of the brush and trees along the bank if there be any. He said for the past two years they have not let a contract for any maintenance on the Crawford-Brandeis Extension area, for this simple reason....why do it because it doesn't work.

He said some of the people were complaining because they did not get a letter on this, but he found that as far as Peacock Subdivision, some of these deeds were never recorded and were still in Mr. Peacock's name, but never the less these people know about the problem and that the newspaper carried the articles.

Mr. Don Folz:

Mr. Folz said he was dissatisfied with the crowd they had tonight. He said Mr. Schaad personally flew over the whole area and Mr. Ossenberg has walked many miles

along Boonville Highway, seen the mess it is in and Mr. Willner started at Pigeon Creek with Mr. Alcott and himself and they proceeded up the ditch and back of Gus Vowels.

He said that he and Mr. Alcott had persued the ditches further along with Herb Marynell of the Evansville Press. He said they had some serious business to do and his first objective was to get the canal opened up. He said they worked very hard and they had a lot of arguments but they finally got it in the minutes. He said their biggest problem is Division Street, which is a natural block in itself. Boonville Highway, which is another natural block plus coming under-neath Boonville Highway and they are getting all the water down Crawford-Brandeis which is adding to the problem of Pigeon Creek.

He said they will not give up, they have things going, Jim Morley has written up several letters to send to the Crops of Engineer's and as long as he sets on the Committee they are going to try to get something done. He said they are restricted and can only make recommendations though. These ditches are our personal things, what they have to pay is Mr. Ludwick's in-put into it. Maybe Mr. Ludwick has not done it the way some thinks he should have, but from the very first Mr. Ludwick's concern has been in trying to do something about the east side drainage problem. He said maybe the \$109.00 is not fair to everyone but he has one acre and he will pay the \$109.00. He said he won't argue if it helps the problem. He said the important thing is to get the canal open because it has been closed for sixty years. He said the Committee has tried to do it right and he feels they have a pretty good plan. Now it is up to the people to say how they want to go with it.

Mr. Ludwick asked if there were any other questions and since there were none, he turned the meeting back to President Tom Ossenberg.

Mr. Tom Ossenberg:

Mr. Ossenberg said before closing he would like to read the following letter he received from the Steering Committee Dated October 14, 1976.

Vanderburgh County Drainage Board
City-County Building
Evansville, Indiana 47708

Gentlemen:

At the East Side Drainage Steering Committee meeting held in the County Surveyor's office on September 27, 1976, the following resolution was adopted for presentation to the Drainage Board.

WHEREAS, the east side of Vanderburgh Count is presently receiving serious flood damages from even moderately heavy rain and,

WHEREAS, the dredging of ditches and enlarging of culverts in that area cannot solve all the drainage problems if there are constrictions in Pigeon Creek which create excessive flood levels within the creek.

NOW, therefore, be it resolved that: The Vanderburgh County Drainage Board join with the Warrick County Drainage Board in requesting that the United States Army Corps of Engineers, prepare a study of the flood capacity of Pigeon Creek along with descriptions of the existing constrictions to flow. Then, after analyzing the source of problems, that the Corps of Engineers proceed with the design plans and construction work to dredge the creek where needed and enlarge all constrictions in Pigeon Creek from its mouth at the Ohio River to the Warrick-Gibson County line.

Mr. Ossenber said they do have a joint Drainage Board that was established in 1973 with Warrick County and they will be in touch with them and they will adopt this resolution at the Drainage Board meeting Monday.

He said he would like to think each of them for coming and every consideration will be taken on about November 29, 1976 and the news media will publish this when the decision is made.

Mr. Ludwick said he received several letters concerning this problem and following is a list of the names and addresses of people who wrote in and stated whether or not they are in favor of the proposal.

Those in favor of the proposal are as follows:

Mr. & Mrs. Ray Unfried
Moore Typesetting Co.
Columbia Properties Association 73/LTD
Ronald J. Libbert
Emil Weber
Southwest Engineering Inc.
Vera Jane Pures Robinson

6222 Division St.
232 W. Louisiana St.
Houston, Texas
510 S. Fuquay Road
R.R. 8 Browning Road
5900 Oak Grove Road
Bethesda, Maryland

Those against the proposal are as follows:

Mr. & Mrs. Walter Burner
D'Clay Switzer
Oran F. Ward
Richard Clouse
Raymond Schmitt
Richard Olmstead
Anna Sirkle
Mrs. Betty Meredith
Leo Baumgardt
Mr. & Mrs. Joseph Houchin
Geraldine Gerhardt
Mildred Hordynski
William Schroner
Mr. & Mrs. Floyd Wilhite
A.F. Smith
Gayle Taylor
Ernest E. Block
Mr. & Mrs. Harold Libbert
Earl D. Stevens
George Peacock
Michael Herrell M.D.
P. A. Tzschoppe
William Hahn
Mrs. Anthony Wendhart
Mr. & Mrs. Albert Lankford
Mary Anne Schnepfer
James & Mary Hall
Thompson & McKinnon Auchincloss Kohlmeyer Inc.
Leona McDevitt
Lowell Schmidt
Elmer Tarnatta
James Klotz
Darol Watson
Mr. & Mrs. Richard Lannert
Edmund Hollander
George Brackett
Marjorie Watson
Sylvia Olmstead

6318 Peacock Lane
5800 Division St.
6623 Chestnut St.
5701 Peacock Lane
2618 Colonial Garden Road
7212 Olmstead Road
5750 Division St.
5200 N. Burkhardt Road
7490 Old Boonville Hwy.
R.R. 2 Evansville
Champaign, Ill.
North Burkhardt Road
8300 Old Boonville Hwy.
7600 Telephone Road
5300 N. Burkhardt Road
508 Kimber Lane
7508 Telephone Road
7220 Old Boonville Hwy.
5701 Lost Bend Lane
6000 Peacock Lane
508 E. Meade Drive
8275 Telephone Road
5901 Lost Bend Lane
3100 Magnolia Lane
7484 Old Boonville Hwy.
4200 N. Green River Road
7312 Old Boonville Hwy.
Executive Inn
6736 Old Boonville Hwy.
7726 Old Boonville Hwy.
2001 N. Green River Road
6501 Old Boonville Hwy.
6517 Old Boonville Hwy.
6523 Old Boonville Hwy.
7349 Old Boonville Hwy.
6204 Old Boonville Hwy.
Elberfeld, Ind.
6400 Olmstead Road

Meeting adjourned at 9:15 p.m.

PRESENT:

DRAINAGE BOARD

Tom Ossenberg
Bob Schaad
Robert Willner

SURVEYOR

Mike Ludwick (Dep.)

COUNTY ATTORNEY

Ed Smith

SECRETARY: Jean Wilkey

Thomas L. Ossenberg

Bob Schaad

Robert Willner

VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
OCTOBER 18, 1976

A meeting of the Vanderburgh County Drainage Board was held on this 18th day of October 1976, at 10:40 a.m. with President Tom Ossenberg presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: RESOLUTION APPROVED:

President Ossenberg said there was a special meeting on the east side drainage problem last Thursday in the Gold Room in the Civic Auditorium. He said the Steering Committee recommended that a Resolution be adopted by the Vanderburgh County Drainage Board, that Resolution being as follows:

RESOLUTION

WHEREAS, the east side of Vanderburgh County is presently receiving serious flood damages from even moderately heavy rains and,

WHEREAS, the dredging of ditches and enlarging of culverts in that area cannot solve all the drainage problems if there are constrictions in Pigeon creek which create excessive flood levels within the creek.

NOW, therefore, be it resolved that: The Vanderburgh County Drainage Board is requesting that the United States Army Corps of Engineers, prepare a study of the flood capacity of Pigeon Creek along with descriptions of the existing constrictions to flow. Then, after analysing the source of problems, that the Corps of Engineers proceed with the design plans and construction work to dredge the creek where needed and enlarge all constrictions in Pigeon Creek from its mouth at the Ohio River to the Warrick-Gibson County line.

Thomas L. Ossenberg, President
Bob Schaad, Vice President
Robert W. Willner, Member

October 18, 1976

Curt John, County Auditor

Commissioner Schaad moved the Vanderburgh County Drainage adopt the above resolution.

Commissioner Willner seconded the motion. So ordered.

President Ossenberg said that since this Drainage Board, with the two Commissioners, Mr. Schaad and Mr. Willner establish a joint Drainage Board in 1974 with Warrick County he is going to ask that they follow it through and pursue this, since they adopted it, and to see that all necessary paper work be forwarded to the Corp of Engineer in Louisville, Kentucky.

Commissioner Schaad said we will to it that this is done.

MEETING ADJOURNED AT 10:45 a.m.

PRESENT:

DRAINAGE BOARD

Tom Ossenberg
Bob Schaad
Robert Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Mike Ludwick (DEP)

COUNTY ATTORNEYS

Ed Smith Jr.
Paul Wendel

SECRETARY: Janice Decker

Tom L. Ossenberg

Bob Schaad

Robert Willner

VANDERBURGH COUNTY DRAINAGE BOARD

2/2,

VANDERBURGH COUNTY DRAINAGE BOARD
NOVEMBER 8, 1976

A meeting of the Vanderburgh County Drainage Board was held on this 8th day of November, 1976, at 10:40 a.m. with President Tom Ossenberg presiding.

The minutes of the special meeting held on October 14, 1976 and the regular meeting held on October 18, 1976 were both approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: JOINT DRAINAGE BOARD WITH WARRICK COUNTY:

President Ossenberg asked the Deputy Surveyor, Mike Ludwick, if he has heard anything from the Warrick County Drainage Board, and he replied no.

Commissioner Schaad said he talked with the Warrick County Surveyor and also with Mr. Jim Marshall, who is the President of the joint Drainage Board and he assured us they would adopt a resolution and that we would have a joint drainage board. The Corps of Engineer's is to make a study of this.

Commissioner Schaad said he personally will follow through on this.

RE: CLAIMS

Mike Ludwick, Deputy Surveyor, presented the following claim to the Drainage Board for approval of payments:

UNION TOWNSHIP DITCH ASSOCIATION....Cleaning of Kamp Ditch.....11,160 LF X \$0.08= \$892.80

Passed and Inspected November 3, 1976.

Commissioner Schaad moved the above claim be approved. Commissioner Willner seconded the motion. So ordered.

Mr. Ludwick said only seven legal drains have been cleaned and passed inspection, to date, so some of these will probably carry over till next year. Some of them will call and ask for an extension of time. We will take them on a one on one basis until December 31st. The deadline for cleaning the legal drains is November 15, 1976.

There being no further business the meeting adjourned at 10:45 a.m.

PRESENT:

DRAINAGE BOARD

Tom Ossenberg
Bob Schaad
Robert Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Mike Ludwick

COUNTY ATTORNEYS

Ed Smith, Jr.
Paul Wendel

SECRETARY: CINDY DECKER

Thomas L. Ossenberg

Bob Schaad

Robert Willner

Vanderburgh County Drainage Board

VANDERBURGH COUNTY DRAINAGE BOARD
NOVEMBER 15, 1976

A meeting of the Vanderburgh County Drainage Board was held on this 15th day of November, 1976, at 11:05 a.m. with President Tom Ossenberg presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: CLAIMS:

Mike Ludwick, Deputy Surveyor, presented the following claim to the Drainage Board for approval of payments:

UNION TOWNSHIP DITCH ASSOCIATION....Cleaning of the Helfrich-Happe Ditch....12,693 LF x \$0.08 = \$1015.84, and the cleaning of the Edmond Ditch....15,395 LF x \$0.08 = \$1231.60...
Total Amount Due.... \$2247.44.

Passed and inspected November 10, 1976.

Commissioner Schaad moved the above claim be approved. Commissioner Willner seconded the motion. So ordered.

RE: EXTENSION OF TIME FOR CLEANING OF LEGAL DRAINS:

Mr. Ludwick said he had several requests from the individual contractors who are cleaning on these legal drains for this year who want an extension of time until December 31. They are the Big Creek Drainage Association for the cleaning of Lower Big Creek, Pond Flat "C" Lateral, Pond Flat "E" Lateral, and Pond Flat Main. Joe Seib and George Seib for the Henry, Keil, and Maidlow Ditches. Ralph Rexing for Pond Flat "A" & "B" Laterals, and the Union Township Ditch Association for the Barnett and the Cypress Dale-Maddox until December 31.

Mr. Ludwick said every year we do grant extensions to those people who request them, and he would recommend the extensions be granted.

Commissioner Schaad moved the extensions be granted as requested. Commissioner Willner seconded the motion. So ordered.

RE: PERFORMANCE BONDS:

Commissioner Willner asked how the board feels about asking the property owners of large tracts of land to comply with the drainage code by putting up a performance bond to take care of the drainage.

Commissioner Schaad said he is wondering if we can legally do this because they have a building code now that they have to live up to.

Commissioner Willner said yes and that includes drainage, and he asked that the County Attorney check into this.

County Attorney, Ed Smith, said in other words you are wanting to know that when the sub-divider or contractor starts, they provide a performance bond as part of their development, the same as street, curbs, guttering, and side walks.

Commissioner Willner said yes, this is correct, and it can be figured right in with their cost of building.

Commissioner Schaad said when you put up a bond wouldn't it have to have a duration of time, and Commissioner Willner said yes there would be.

President Ossenberg said this sounds like a good idea so we will let the County Attorney check it out.

214.
County Attorney, Smith, said last year he was involved in a law suit with an east side developer. This developer had complied with the building code as to how much the buildings had to be above the street level. Well, a year or so ago, this big rain came and even though his houses were alright the water all went on Mr. Klassy's houses that were built flat on the ground. So the developer that complied with the law ended up getting sued. He said perhaps there is something in the present building code, so he will get with Jesse Crooks and study it and report his findings back to the board.

Deputy Surveyor, Mike Ludwick, said the drainage code, as presently written, and the subdivision ordinance, as written, is not and has not ever been followed by anyone, so that should tell you something.

This matter is going to be studied by the County Attorney and will be discussed at a later meeting.

There being no further business the meeting adjourned at 11:15.

PRESENT:

DRAINAGE BOARD

Tom Ossenberg
Bob Schaad
Robert Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Mike Ludwick

COUNTY ATTORNEYS

Ed Smith, Jr.
Paul Wendel

SECRETARY: CINDY DECKER

Thomas L. Ossenberg

Bob Schaad

Robert Willner

Vanderburgh County Drainage Board

VANDEBURGH COUNTY DRAINAGE BOARD

NOVEMBER 22, 1976

A meeting of the Vanderburgh County Drainage Board was held on the 22nd day of November, 1976, at 10:40 a.m. with President Tom Ossenberg presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: CLAIMS:

Mike Ludwick, Deputy Surveyor, presented the following claims to the Drainage Board for approval of payments:

LEO C. PAUL....Cleaning of Barrs Creek....20,668 LF X \$0.14 = 2893.52. Passed and Inspected November 16, 1976.

GEORGE SEIB....Cleaning of Buente Upper Big Creek Lateral "A" 3,666 LF X \$0.15 = 549.90. Passed and Inspected November 16, 1976.

Commissioner Schaad moved the above claims be approved. Commissioner Willner seconded the motion. So ordered.

RE: RESOLUTION....WARRICK COUNTY DRAINAGE BOARD:

President Tom Ossenberg presented to the Drainage Board the following resolution as received from Warrick County:

WHEREAS, certain areas of Warrick County presently receive flood damage resulting from the poor condition of Pigeon Creek and,

WHEREAS, the Warrick County Drainage Board has expended monies for the reconstruction of the Weinsheimer Watershed and that said Watershed is directly dependent upon proper drainage provided by Pigeon Creek, and the Warrick County and Vanderburgh County have jointly established the officially functioning Vanderburgh-Warrick Joint Drainage Board, and that said Joint Board's projects are dependent upon proper drainage provided by Pigeon Creek.

NOW, therefore, be it resolved: The Warrick County Drainage Board joins with the Vanderburgh County Drainage Board in requesting that the United States Army Corps of Engineers, prepare a study of the flood capacity of Pigeon Creek along with descriptions of the existing constrictions to flow. Then, after analyzing the source of problems, that the Corps of Engineers proceed with the design plans and construction work to dredge the creek where needed and enlarge all constrictions in Pigeon Creek from its mouth at the Ohio River to the Warrick-Gibson County line.

Jame H. Marshall, President
Edgar Hauselmire, Vice-President
Virgil Gerhardt, Secretary

November 12, 1976

ATTEST: George Allen Trabits

President Ossenberg entered the motion that this resolution, along with our resolution to them, be attached and sent to the Corp of Engineers. Commissioner Schaad moved that they be sent by registered mail. Commissioner Willner seconded the motion. So ordered.

There being no further business the meeting adjourned at 10:45 a.m.

216.

PRESENT:

DRAINAGE BOARD

Tom Ossenberg
Bob Schaad
Robert Willner

COUNTY AUDITOR

Alice McBride

COUNTY SURVEYOR

Mike Ludwick

COUNTY ATTORNEYS

Ed Smith, Jr.
Paul Wendel

SECRETARY: CINDY DECKER

Thomas L. Ossenberg
Bob Schaad
Robert Willner
Vanderburgh County Drainage Board

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VANDERBURGH COUNTY DRAINAGE BOARD
NOVEMBER 29, 1976

A meeting of the Vanderburgh County Drainage Board was held on the 29th day of November, 1976, at 11:00 a.m. with President Tom Ossenbergh presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: CLAIMS:

Mike Ludwick, Deputy Surveyor, presented the following claim to the Drainage Board for approval of payment:

RALPH REXING....Cleaning of Pond Flat "A"....5,311 LF X \$0.10 = 531.10. Cleaning of Pond Flat "B"....2,797 LF X \$0.10 = 279.70....Total 810.80.

Passed and adjourned November 19, 1976.

Commissioner Schaad moved that this claim be approved. Commissioner Willner seconded the motion. So ordered.

RE: DISCUSSION ON EAST SIDE DRAINAGE:

President Ossenbergh said this was the day the Board was supposed to come forward with some kind of a recommendation on the east side drainage, and he asked for a motion to the effect that the Drainage Board delay this until such a time that they can take it up with the new County Surveyor, since he may have a different idea on it, and he thought the Board should be working with him in connection with this project.

Commissioner Willner asked President Ossenbergh if this also pertained to the public meeting.

President Ossenbergh said the Board had stated at the public meeting that they would have some kind of an answer today, so he suggested that the matter be delayed.

Commissioner Schaad said they have had the hearing and they were supposed to make a decision today as to what they were going to do about proposals, as he understood it, that it was going with Mr. Ludwick's plan on the \$109.00 per tax code, to generate that much money to start the project. He said this wouldn't solve the problems, but would begin the work on it, and he thought this was the proposal they were to act on today.

Commissioner Willner asked if he understood this correctly, in that there would be a class action coming if the Board approved it.

Mr. Ludwick said that several people stated that one way or the other, if they did it there would be a suit, and if they didn't do it there would be a suit.

Commissioner Schaad said they had bids from some people to do the work that would have been financed by Mr. Ludwick's plan and those bids were taken under advisement. He asked how long they could be held.

Mr. Nussmeyer, County Surveyor, said they had 90 days on them.

Mr. Ludwick said the 90 days will be up this week, but that they could call both contractors and ask them if they will hold their bids for a longer period of time. He said, however, that they must be financed, and that he and Mr. John did call up-state and talked to both Gordon McIntyre and Mr. Glenn Statler and found that the options are few since the tax payer, in general, just doesn't want to pay any tax. He said he was trying to get involved with borrowing the money from some other source or fund, so the money could be paid back, and both men said they couldn't do this since we have the drainage laws; that the laws back us up and we should use them.

He said there is a certain amount of money in the Drainage Improvement Fund, but he didn't think there was enough to take care of the \$73,000 contract, and if the east side drainage problem was taken care of it would be different, that it is a whole new ballgame now because they have to come up with the funding for the opening of the old canal, so they may as well do the whole ball of wax, and do it right.

2/8,
Mr. Ludwick also said that when they leave office at the end of the year, all the parcels that are included in the east side drainage will be left, so the mechanics of the system are there, and it shouldn't take too much time to get the mechanics set up to take care of it. He also thought they would be pushed into making a decision now, which may turn out to be a wrong one, and he thought the Board had better consider all avenues before a decision is made.

He said he has talked to the contractors and they may elect to leave their bids with the Commissioners until they can come up with the financing end of the project.

Mr. John, County Auditor, said they had thought of possibly using some cumulative budget money, either on a borrowed basis or else just using it, but the state men flatly stated this couldn't be done. He said they went by way of a Bond Issue; they would go through the standard procedure, which includes public meetings, etc.

Commissioner Schaad said that it seemed to him that when they had the hearing it was on Mr. Ludwick's plan, since he was trying to come up with a simple way to accomplish something to get the project started since nothing had been done out there for so long. He said he thought Mr. Ludwick's intentions were good and he, personally, was leaning very strongly that way since it seemed like a very simple solution and wouldn't cost any one person too much, so they could get the project started, but then when they had the hearing with all the flack they got, especially from a few people who maybe owned more than one parcel and they would be paying three or four times more than maybe a farmer with several hundreds of acres who would be paying only \$109.00, or maybe some big corporation with hundreds of thousands of dollars of assessed valuation property paying only \$109.00, that when he looked at it this way, he could understand how the objectors felt. He believed what the Board promised the people today, would be as to whether they approved the plan or not, and if the Board would be willing to accept the motion that they don't accept the plan, and give the new Drainage Board member, Mr. Brenner, a clean slate to start with and then let him do what he would like to do. He said he would be willing to make such a motion.

Commissioner Willner said he would be willing to second such a motion, but that he was a little confused about the plan.

Commissioner Schaad said he was talking about the way to finance the plan.

Commissioner Willner asked Commissioner Schaad if the other plan they accepted to clean the old canal and the ditches was still acceptable.

Commissioner Schaad said yes, that we couldn't let the contract for that unless we come up with a way to finance it.

Commissioner Willner said if Commissioner Schaad would break the motion down, he would be willing to second it.

Commissioner Schaad said he would like to have everything cleared by the end of the year. He said he didn't know if Mr. Brenner had looked at the plan as far as cleaning out the ditch (the whole canal) and if he wanted to scrap it, that it would be alright, but for now he would go along with the idea that we reject the plan to finance it on \$109.00 per tax code.

Commissioner Schaad said that is his motion.

President Ossenberg said he was going to delay the plan; that he didn't want to go through another public hearing. He said that he, personally, favors the plan; however, at this particular time he isn't sure of it. He said the new County Surveyor is going to have some input in it, that it is his and our responsibility. He said he isn't going to forget about getting the east side drainage straightened out, that it's a promise we made and one that he intends to fulfill.

Commissioner Schaad asked if the financing of the plan is up to the Board.

President Ossenberg said yes it is ours.

Commissioner Schaad said the new administration coming in could recommend some thoughts they have about it. He said he has no strong feelings one way or another.

Mr. Ludwick said we still have the Steering Committee that would help Mr. Brenner if he so elected. He said the system needs to be gone over, and that Mr. Brenner, as the new surveyor, may come up with an answer.

Commissioner Schaad withdrew his motion and made a motion to delay the whole matter.
Commissioner Willner seconded the motion. So ordered.

Mr. Ludwick said he would contact the two contractors and ask if they would delay their bid for 90 days.

The Board agreed that work should be done this coming spring or summer.

Commissioner Willner asked if a meeting could be set up between Mr. Brenner and the Steering Committee for this year.

Mr. Ludwick is going to check into that and set it up.

There being no further business the meeting adjourned at 11:20 a.m.

PRESENT:

DRAINAGE BOARD

COUNTY AUDITOR

COUNTY SURVEYOR

COUNTY ATTORNEYS

Tom Ossenberg
Bob Schaad
Robert Willner

Curt John

Dick Nussmeyer
Mike Ludwick (Dep)

Ed Smith, Jr.
Paul Wendel

SECRETARY: CINDY DECKER

Tom Ossenberg
Bob Schaad
Robert Willner

Vanderburgh County Drainage Board

VANDERBURGH COUNTY DRAINAGE BOARD
DECEMBER 6, 1976

A meeting of the Vanderburgh County Drainage Board was held on the 6th day of December, 1976, at 12:00 noon with President Tom Ossenberg presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: CLAIMS:

Mike Ludwick, Deputy Surveyor, presented the following claim to the Drainage Board for approval of payment:

UNION TOWNSHIP DITCH ASSOCIATION...Cleaning of the Barnett Ditch....8,358 LF X \$0.24 = \$2,005.92.

Passed and inspected December 2, 1976.

Commissioner Willner moved that this claim be approved. Commissioner Schaad seconded the motion. So ordered.

RE: EAST SIDE DRAINAGE:

Mr. Ludwick said he had gotten in touch with the two ditch bidders who have the pending contracts on the east side drainage problem. Mr. Robert Staub of the Floyd I. Staub, Inc. Excavating firm will grant the Drainage Board a delay from January 1, 1977 thru April 1, 1977 at the same prices. Mr. Quentin Stahl, who was the apparent low bidder on the other contract on the Crawford Brandeis Extension and the Crawford Brandeis will also grant the Drainage Board an extension of time for the above mentioned dates with the exception that he wants the contract working days extended from 120 to 250 at the same prices.

Commissioner Schaad asked was Mr. Stahl wanting to start in the fall.

Mr. Ludwick said that he would start in the summer. He said Mr. Stahl is a farmer, he is honest and does good work; he has purchased new equipment, but it would take him longer than it would take a bigger contractor. Mr. Ludwick said there will be a lot of work to it and he feels that Mr. Stahl's bid is too low. He feels, however, if it were extended to 250 days he would do a good job for us. Mr. Ludwick said he would recommend, if he had to make a recommendation, that Mr. Stahl's contract document be changed to grant him the 250 day limit.

Commissioner Schaad said it would be agreeable to him, but there are a lot of contracts yet.

Mr. Ludwick said Mr. Stahl is saying if he extends the contract and gives us a 90 day delay, he will keep his same prices and do the same work involved, if we would extend the time limit. He said if we want the 90 day delay, we should grant him the extension. He said this wouldn't be awarding him the contract.

Mr. Ludwick gave the bids to the Auditor's office.

Commissioner Willner moved it be approved. Commissioner Schaad seconded the motion under the conditions Mr. Ludwick specified. So ordered.

Mr. Ludwick said each of the contractors would send the Board a letter stating they would delay their bid 90 days.

RE: MEETING - STEERING COMMITTEE:

Mr. Ludwick said there is a meeting set up for December 7, at 9:30 a.m. in room 303 with the Steering Committee and Mr. Brenner. He said he would be there, and he invited the Commissioners to come. He said Mr. Brenner, the newly elected County Surveyor, will be introduced to the Steering Committee and ask that they give him the same co-operation that they have given to them. He also said with the granting of the delay maybe Mr. Brenner and the Committee can come up with a more workable plan if necessary, and give Mr. Brenner time to look into the contract and see if he needs to make any changes.

President Ossenberg wished Mr. Ludwick well on behalf of the County Commissioners and the County Drainage Board, as Friday will be his last day.

RE: KEIL DITCH....HAROLD PETERS

Mr. Peters asked if the Keil Ditch had been accepted.

Mr. Ludwick said the ditch will be accepted if the contractor goes back out and takes care of the problems he mentioned to Mr. Peters Friday.

Mr. Peters said he had gone back out there and it looked as if someone had done a little bit, but there are more problems. He said there is a lot of debris in the ditch, a tree is across part of it, and it doesn't look like it had been sprayed. He said if something isn't done, there will be the same trouble as there is on the east side.

Mr. Ludwick said under the circumstances the ditch will be passed when the contractor goes back out and does what they require him to do. He said that ditch was separated from all the rest of them, and the contractor didn't have to spray.

There being no further business the meeting adjourned at 11:20 a.m.

PRESENT:

DRAINAGE BOARD

Tom Ossenberg
Bob Schaad
Robert Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Dick Nussmeyer
Mike Ludwick (Dep)

COUNTY ATTORNEYS

Paul Wendel

SECRETARY: CINDY DECKER

Tom Ossenberg
Bob Schaad
Robert Willner
Vanderburgh County Drainage Board

VANDERBURGH COUNTY DRAINAGE BOARD
DECEMBER 13, 1976

A meeting of the Vanderburgh County Drainage Board was held on the 13th day of December, 1976, at 11:20 a.m. with President Tom Ossenbergh presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: CLAIMS:

Dick Nussmeyer, County Surveyor, presented the following claims to the Drainage Board for approval of payments:

BIG CREEK DRAINAGE ASSOCIATION....Cleaning of Buente Upper Big Creek....20,195 LF X \$0.10 = \$2,019.50. Cleaning of Rusher Creek....4,444 LF X \$0.12 = \$533.28. Cleaning of Pond Flat "E" Lateral....3,616 LF X \$0.12 = \$433.92. Total Amount Due...\$2,986.70. Passed and inspected December 8, 1976.

UNION TOWNSHIP DITCH ASSOCIATION....Cleaning of Cypress Dale Maddox....23,887 LF X \$0.19 = \$4538.53. Passed and inspected December 8, 1976.

JOSEPH E. SEIB.... Cleaning of Maidlow Ditch....11,475 LF X \$0.15 = \$1721.25. Passed and inspected December 10, 1976.

EUGENE REXING....Cleaning of Singer Ditch....2,450 LF X \$0.15 = \$367.50. Cleaning of Pond Flat "D" Lateral....4,579 LF X \$0.14 = \$641.06. Total amount due....\$1,008.56. Passed and inspected December 10, 1976

GEORGE SEIB....Cleaning of Keil Ditch....3,012 LF X \$0.10 = \$301.20. Cleaning of Henry Ditch....3,179 LF X \$0.10 = \$317.90. Total Amount Due....\$619.10. Passed and Inspected December 2, 1976.

Commissioner Schaad moved that the above claims be approved. Commissioner Willner seconded the motion. So ordered.

RE: EAST SIDE DRAINAGE

Mr. Jim Morley, representative of Morley & Associates, Inc., spoke on behalf of the Drainage Steering Committee. He said the committee met last Tuesday, December 7, and studied the situation where they stood. The committee action was discussed and they felt their action at the moment, rather than continuing on with some of the future things they talked about, such as determining ultimately what the drainage ditches on the east side should be able to carry, and discussion of what they needed to back up the first issue they started with, which was the dredging of the ditches, because the project seemed to have bogged down. He said maybe the Steering Committee could get involved with it again and provide some help with it. They reviewed the Drainage Law and felt that as a result of the hearing held in the Vanderburgh Auditorium, that the action taken up to that time had some loopholes in it. He said the committee felt someone could bring suit against that and stop it because there were some things that had been left out of the procedure of seeking funding on the ditches. It was the decision of the committee that they recommend to the Drainage Board that they go back to the 1965 Drainage Act as amended and plug the loopholes, and follow the exact sequence so that we can protect against someone who says they will bring class action suit because the procedure wasn't followed. It is also the recommendation of the committee that this procedure be followed on the 6 ditches and the old canal.

Mr. Morley then presented the following letter to the Drainage Board:

Gentlemen:

The East Side Drainage Steering Committee met at 9:30 a.m. Tuesday, December 7, 1976 to talk with the newly elected Surveyor and to determine the next course of action to be taken by the committee.

After reviewing the progress of the committee it was determined that we should back up to the first issue studied which was the dredging of the Crawford Brandeis and related ditches. The committee previously recommended that the dredging plans prepared by the Surveyors office subsequently prepared an assessment proposal based upon a uniform payment for each property tax code.

The public hearing in October produced a few remonstrators against the dredging project, mainly because it did not contain provisions for opening the Old Canal and cleaning Pigeon Creek. Most of the objections voiced at the hearing concerned the assessment which would have been the same regardless of the size of a parcel or the development on that parcel. One remonstrator threatened a class action suit if that type of assessment was attempted.

Because of these developments, the Committee adopted the following request for presentation to the Drainage Board:

The East Side Drainage Steering Committee recommends that the Vanderburgh County Drainage Board abandon any short-cut attempts at financing the east side dredging project and go back the exact procedures outlined in the 1965 Indiana Drainage Code as amended. Article Three defines the following steps that must be followed.

1. By Board action refer the drains to the County Surveyor for a formal reconstruction report. This report must contain:

- A. A determination of the best and cheapest method of reconstruction.
- B. Maps, plans and specifications of the work.
- C. Cost estimate of construction and periodic maintenance.
- D. List of all affected property owners and the legal description of their land.

2. When the County Surveyor has filed his reconstruction report, the Drainage Board shall:

A. Prepare a schedule of assessments based upon benefits to the land. In determining benefits, the Board may give consideration to:

- a.1 Watershed drained by the improvement.
- a.2 Number of acres in each tract.
- a.3 Ratio of water contributed by each land owner.
- a.4 The land use.
- a.5 Increased land value resulting from improvement.
- a.6 Location of tracts in relation to main trunk of the drain.
- a.7 Reduction of damage from flood.
- a.8 The soil type.
- a.9 Prior assessments for initial construction or reconstruction.
- a.10 Any other fact affecting the improvement.

B. Determine the amount of damages sustained by any owner as a result of the improvement along with an explanation of the injury.

C. Set forth the amount of each owner's assessment for improvements and the amount of assessment for estimated periodic maintenance.

3. When the schedules of benefits, damages and assessments are completed, set a date for a hearing on the reconstruction report and assessment schedule. Notice must be mailed to each owner along with the scheduled amount of the owner's assessment.

4. The owner of land affected by the reconstruction report or assessment schedule must file any written objections not less than five days before the date of hearing.

5. At the hearing the Board shall consider each filed objection, may issue an order permitting additional written evidence, may change or modify the schedules and the Surveyor may change or modify his report.

6. The hearing may be carried to another day but before the final adjournment the Board shall determine whether to proceed with the project or not.

7. If judicial review of the Board's decision is not requested within 20 days, the findings and order become conclusive.

The Drainage Steering Committee further recommends that the request to the County Surveyor for a reconstruction report include the Old Canal as well as the six ditches previously considered.

Respectfully submitted,
James Q. Morley, Chairman
East Side Drainage Steering Committee

President Ossenberg asked if this would require another public hearing.

Mr. Nussmeyer said it would take a petition of the people out there, and be following the law.

Mr. Morley said they don't have to have the petition first. The Drainage Board can start the instruction. He said it can go either by petition of the people or the Drainage Board can make the instruction to the Surveyor to begin. He said most of this has been done; it just needs to be formalized.

Mr. Smith, County Attorney, said what we are planning on doing doesn't require a petition.

Mr. Morley said the first action to take is to formally request that the Surveyor's office provide the Drainage Board with a reconstruction report. This report basically covers a lot of what Mr. Nussmeyer has already done.

He asked Mr. Nussmeyer if it was presented formally as a reconstruction report.

Mr. Nussmeyer said he assumed it was.

Mr. Morley said it is just a matter of checking to see that all the procedures were followed. He said they have the one thing that would need to be changed around, that is the assessment by benefits, which was spelled out in the law. The Steering Committee in its last recommendation, came to the Drainage Board and said to try the approach of a uniform fee per tax code number. He said there were a lot of objections to this, especially from people with small lots, and the threat of a law suit because it didn't follow the law exactly. He said the Steering Committee is now saying it was wrong in its recommendation because it didn't take into consideration all the things it should have.

Mr. Smith said that in order to justify a legal assessment, which is the recommendation, there would have to be a determination that it was equal benefits regardless of the size of the lot.

President Ossenberg asked if the Drainage Law, per say, would exempt us from another public hearing should we go to the land requirement assessment.

Mr. Morley said the Drainage law requires another public hearing, and it also requires us to make the decision of what we are going to do at the hearing before the meeting is adjourned. He said the meeting can be suspended from one day and picked up a week later, but before the meeting is suspended, the decision has to be made and published. After the decision is made the public has 20 days to file a remonstrance legally. He said if they don't file within 20 days then it becomes set and we can go ahead. He also said there is no voice objections in the meeting that can be used as evidence; it has to be submitted in writing.

Mr. Smith said that Mr. Ludwick sent a notice out and advised the people of their rights, but no one filed a remonstrance within the 20 day period.

Commissioner Schaad asked if the total cost isn't over a certain percentage would we still have to have a hearing.

Mr. Smith said this is reconstruction and can't be considered as maintenance.

Commissioner Schaad said this is agreeable to him, but he was worried about the timing, with the switching of officeholders at the beginning of the year.

Mr. Brenner, the newly elected County Surveyor, said it would be requested of the Surveyors Office, and there is no time limit; when the plan is complete, it will be brought to the Board. He said he can just pick up where Mr. Nussmeyer leaves off.

Mr. Morley said the main thing is to go back and iron out any loopholes, formalize it, and hold a hearing, so the project can be started.

Commissioner Schaad moved that the Surveyors Office start all over again in accordance with the request of the Citizen's Advisory Committee.

Commissioner Willner asked what will be done with the Old Canal since it isn't a legal drain.

Mr. Morley said the Old Canal is a legal drain along a partail section. The reconstruction report allows us to extend these, and when the Surveyor brings back the report, if it covers that's the way to go on it, then we would need to take the action of adopting the reconstruction report that we'll either recommend it or not recommend it. He said by that action we would extend it on down to Harper Ditch.

President Ossenberg named the 6 ditches mentioned in the report. They are the following: Crawford Brandeis, Carwford Brandeis Extension, Kelly, Nurrenbern; Boesche Extension, and Stockfleth. The Old Wabash-Erie Canal is also included in this.

Commissioner Schaad made the motion that the Board ask the County Surveyor for a formal reconstruction report, and this report must contain: a) a determination of the best and cheapest method of reconstruction, b) maps, plans, and specifications of the work, c) cost estimate of construction and periodic maintenance, d) list of all affected property owners and a legal description of their land on the ditches listed above. Commissioner Willner seconded the motion. So ordered.

RE: JOINT DRAINAGE RESOLUTION

President Ossenberg said he went before the Southwest Indiana-Kentucky Council of Governments the other night and requested their support in the adoption of the Warrick-Vanderburgh County Drainage Boards to the Corps of Engineers. He has sent letters to Congressman-Elect David Cornwell, Richard Lugar Senator-Elect, and to our present office holders in Washington asking for their support of the the Corps of Engineers to clean from the mouth upward to the Warrick-Gibson County Line of Pigeon Creek. He said that will be presented at the Council of Government next meeting. He feels sure the adoption will be made.

There being no further business the meeting adjourned at 11:40 a.m.

PRESENT:

DRAINAGE BOARD

Tom Ossenberg
Bob Schaad
Robert Willner

COUNTY SURVEYOR

Dick Nussmeyer

COUNTY ATTORNEYS

Ed Smith, Jr.
Paul Wendel

SECRETARY: CINDY DECKER

Tom Ossenberg

Bob Schaad

Robert L. Willner

Vanderburgh County Drainage Board

226,

VANDEBURGH COUNTY DRAINAGE
DECEMBER 20, 1976

A meeting of the Vanderburgh County Drainage Board was held on this 20th day of December, 1976, at 11:30 a.m. with President Tom Ossenberg presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: CLAIMS

The following claims were presented to the Drainage Board for approval:

ELDON R. MAASBERG....Cleaning of legal drains....Kneer Ditch....3036 LF X \$0.08 = \$242.88.
Maasberg Ditch....2,206 LF X \$0.04 = \$88.24. Total Amount Due....\$331.12. Passed and inspected December 8, 1976.

TREASURER OF GIBSON COUNTY....#234 Maintenance assessments for drainage....Collections on Upper Pigeon Creek, Legal drain which has been certified to us by the Surveyor of Gibson County. This is for assessments collected in 1976....Total amount collected....\$191.84.

BIG CREEK DRAINAGE ASSOCIATION....Lower Big Creek....7501 LF X \$0.10 = \$750.00. Has not been approved by Dick Nussmeyer. The Board gave this claim back to Mr. Nussmeyer.

RE: L & N DITCHES....RONALD BURGDORF

Mr. Ronald Burgdorf, a Union Township farmer, asked the Board if there was anything we could do to get the L & N Railroad to clear and dig their ditches from the yards out towards Henderson, Kentucky, which is about 3.8 miles of right-of-way. He said they (farmers in Union Township) have checked through their property deeds and can't find anything that says the L & N is compelled to do it, but some of the older people have said they used to, and they thought there was something in their deeds that said the L & N had to have them dug and kept clear. He said it is creating drainage problems on some of the farms, as well as mosquito problems. He said it is starting to be a trash dump.

Mr. Burgdorf presented some pictures to the Board that he had taken showing the bad condition of the L & N ditches.

He said he and other farmers have talked to the people at the L & N. Mr. Lamb, representing the Railroad, came down and stood on the Dogtown dump and asked what needed to be done, but it didn't look as if anything was going to be done.

President Ossenberg said he didn't think the Board had the power to make them do it, but said he will contact an individual there that has some authority.

RE: KEIL DITCH....HAROLD PETERS

Mr. Peters said he was before the Board two weeks ago about the Keil Ditch. He went out and checked it again, and got the specification on how it was let. He said it wasn't done according to specifications. He said it wasn't sprayed because no chemical reaction showed up. He asked the Board if they would come with him to look at the Keil Ditch after the meeting.

President Ossenberg said he was busy now, but could go some time during the holidays. The rest of the Board and Mr. Brenner said they would go after the meeting adjourned.

President Ossenberg wished everyone a Merry Christmas.

The meeting adjourned at 11:40 a.m.

PRESENT:

DRAINAGE BOARD

Tom Ossenberg
Bob Schaad
Robert Willner

COUNTY AUDITOR


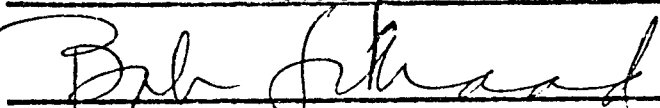

Curt John

COUNTY SURVEYOR

David Guillaum

COUNTY ATTORNEYS

Ed Smith, Jr.
Paul Wendel




Vanderburgh County Drainage Board

SECRETARY: CINDY DECKER

VANDERBURGH COUNTY DRAINAGE
DECEMBER 28, 1976

A meeting of the Vanderburgh County Drainage Board was held on this 28th day of December, 1976, at 10:45 a.m. with President Tom Ossenbergh presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: CLAIMS:

The following claims were presented to the Drainage Board for approval of payments:

BIG CREEK DRAINAGE ASSOCIATION....Cleaning of legal drains....Lower Big Creek....7,501 LF X \$0.10 = \$750.10. Passed and inspected December 16, 1976.

BIG CREEK DRAINAGE ASSOCIATION....Cleaning of legal drains....Pond Flat Lateral "C"....9,036 LF X \$0.12 = \$1084.32. Passed and inspected December 27, 1976.

EDWIN R. SMITH, JR....Drainage Board Attorney fee....Representation of Drainage Board for October, November, and December, 1976....\$500.00.

PAUL WENDEL....Drainage Board Attorney fee....Representation of Drainage Board for October, November, and December, 1976....\$500.00.

Commissioner Schaad moved the above claims be approved. Commissioner Willner seconded the motion. So ordered.

There being no further business the meeting adjourned at 10:50 a.m.

PRESENT:

DRAINAGE BOARD

Tom Ossenbergh
Bob Schaad
Robert Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

COUNTY ATTORNEYS

Ed Smith, Jr.
Paul Wendel

SECRETARY: CINDY DECKER

Tom Ossenbergh
Bob Schaad
Robert Willner
Vanderburgh County Drainage Board

228.

VANDERBURGH COUNTY DRAINAGE
JANUARY 3, 1977

A meeting of the Vanderburgh County Drainage Board was held on this 3rd day of January, 1977, at 11:40 a.m.

Commissioner Ossenberg asked if he could have approval from the Drainage Board meeting of December 28, 1976. Commissioner Schaad moved they be approved and the reading of them be dispensed with. Commissioner Willner seconded the motion. So ordered.

RE: REORGANIZATION:

Commissioner Willner asked if there was a nomination for President.

Commissioner Ossenberg nominated Commissioner Schaad.

Commissioner Willner asked if there were any other nominations.

Commissioner Ossenberg moved the nominations be closed.

Commissioner Schaad seconded the motion that he become president of the Drainage Board.

The Board then had a vote. Mr. Ossenberg: Aye. Mr. Schaad: Aye. Mr. Willner: Aye.

Commissioner Willner turned the proceedings of the Drainage Board over to President Schaad.

Commissioner Ossenberg moved that Robert Willner be named Vice-President. He also moved the nomination be closed. Commissioner Willner seconded the motion. So ordered.

RE: CLAIMS:

The following claim was presented to the Drainage Board for approval of payment:

BIG CREEK DRAINAGE ASSOCIATION....Cleaning of legal drains....Pond Flat "Main"....29,351 LF X \$0.10 = \$2935.10. Passed and inspected December 28, 1976.

Commissioner Ossenberg moved the above claim be approved. Commissioner Willner seconded the motion. So ordered.

RE: KEIL DITCH:

Mr. Brenner, County Surveyor, asked if there was any way the Board could get the Railroad to stop throwing trash in Keil Ditch and get them to clean it up.

President Schaad said he had been out to see Keil Ditch, and the Board wasn't sure if workmen from Whirlpool are throwing the trash in there, or if the railroad employees are doing the littering. He said it seemed to him the Whirlpool employees would be the ones to uncrate a boxcar.

Mr. Brenner said he wasn't sure, but the crates and pallets do have the L&N name on them. He said we could prove the pallets and crates were shipped to the L&N at that location.

President Schaad said there is a lot of junk in the ditch and it is holding back proper drainage of the water, and the debris obviously came from the boxcars.

Mr. Brenner said the Drainage Law gives us authority if we can find out who did the littering. He said we do have a name on the crates and it's the L&N. He said that is a place to start.

President Schaad said just because there is a name on it doesn't mean they are the ones doing it.

Commissioner Willner said it is at least a starting place.

Commissioner Ossenberg suggested a letter be sent to the L&N and Whirlpool asking for a spirit of co-operation.

President Ossenberg asked Paul Wendel, County Attorney, if he would write a letter to the L&N with a copy to Whirlpool telling them of the problem at Keil Ditch, and ask them to get together to see who is responsible and who will clean it up. He said to ask them for a response as early as possible.

Commissioner Ossenberg said he had talked to Mr. Burdorf, a farmer by the Keil Ditch, and he also talked to Bob Moyer of the L&N, who is checking to see if they can clean up the ditch. Commissioner Ossenberg said he had explained to Mr. Moyer that several of the farmers are losing acreage on the blockage. He feels the L&N will help us with what they can.

RE: EAST SIDE DRAINAGE COMMITTEE:

President Schaad asked Mr. Brenner where we stand after the meeting of the East Side Drainage Committee.

Mr. Brenner said he hasn't done anything yet since he just took office today, but he wants to get with the County Attorneys, as we may be going in the wrong direction. He said there is a statute that covers exactly what the problem is. It refers to urban drains. It says when there is a rural drain, and it's satisfactory, it does the job. These did do the job when they were rural, but now shopping centers and subdivisions have been built, and they no longer do the job. The rural drain allows us (the surveyors office) to look at every parcel in there and ask if it's rural or urban, and he can assess each of them at a different rate. He said he will have to come with the recommendation to make these ditches urban; which he will do. He said they will review it.

There being no further business the meeting adjourned at 12:00 noon.

PRESENT:

DRAINAGE BOARD

Bob Schaad
Tom Ossenberg
Bob Willner

COUNTY AUDITOR

Curt John

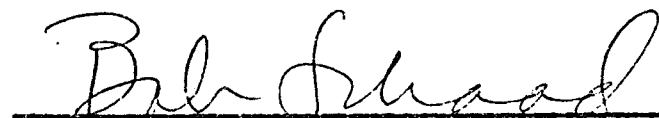
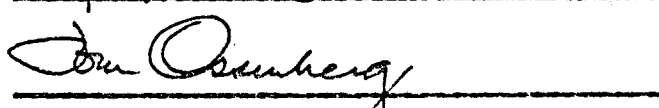
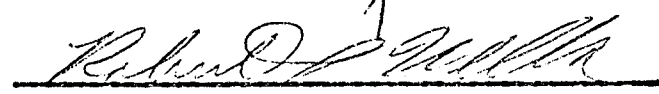
COUNTY SURVEYOR

Bob Brenner

COUNTY ATTORNEYS

Ed Smith, Jr.
Paul Wendel

SECRETARY: CINDY DECKER




Vanderburgh County Drainage Board

VANDERBURGH COUNTY DRAINAGE
JANUARY 17, 1977

A meeting of the Vanderburgh County Drainage Board was held on this 17th day of January, 1977, at 11:20 a.m. with President Bob Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor, and the reading of them dispensed with.

RE: CLAIM:

Mr. Brenner, County Surveyor, presented the following claim to the Drainage Board for approval of payment:

MERL J. HOEFLING....Cleaning of legal drains....Hoeftling Ditch....5,571 LF X 0.06 =334.26.
Passed and inspected December 28, 1976.

Commissioner Ossenberrg moved the above claim be approved. Commissioner Willner seconded the motion. So ordered.

RE: DRAINAGE FUND:

Mr. Brenner said that in the County Drainage Funds there is a \$100.00 fund for blueprinting, etc. He asked how he would go about using it. He said his office has compiled information on the 100 year flood, which was 1961 and 1937, they have covered the sections of the county the flood was in, they have a map from the Area Plan, and wish to combine them. He said to do this he needs to make a copy because he can't take their master.

President Schaad asked Mr. John, County Auditor, what budget this fund is in.

Mr. John said it is under the Drainage Board.

President Schaad said since that is what the funds are for he sees no reason not to use them.

Mr. Brenner said this will cost \$70.00.

Commissioner Ossenberrg moved it be approved. Commissioner Willner seconded the motion. So ordered.

RE: JURISDICTION OVER LEGAL DRAIN:

Mr. Brenner asked if the Drainage Board had anything to do with drainage that is not a legal drain.

Mr. Smith, County Attorney, said unless it is established as a legal drain this Board has no jurisdiction.

RE: RIGHT-OF-WAY FOR CANAL:

Mr. Brenner said he has spent a lot of time trying to find out who has right-of-way for the Canal, and he has come up with several different answers. In 1912 the Courts lost all record of the Canal ownership and just left it there. He said he is looking for some way to force the people to let us go through with the Canal.

Commissioner Ossenberrg said when Big G bought the right-of-way wouldn't that tell us who owns part of that.

Mr. Brenner said the legal opinions go this way: when the Canal went bankrupt the land reverted back to the original property owners. Then about 12 years later they came through with another decision that said the land didn't go to the property owners; it went to the State. The state is the one that sold the right-of-way to the R.R. He said nothing ever happened after that.

Mr. Brenner said there was a Court suit over the old Courthouse, which was part of the Canal, with no decision made.

Mr. Smith said usually when a person or corporation goes bankrupt, any assets or property that it owned stays legally with the assets in that estate and would go through the normal process as to who would be entitled to those assets.

Mr. Brenner said there is a third company that claimed to be the successor of the Canal. They bought the assets and sold them. So there are three different claims to who owned the Canal.

Mr. Brenner said the only thing he successfully found was the Hirsch Ditch, which was found in an old abstract. This came from the property owner to the R.R. When they gave the R.R. right-of-way, they said they must leave it open for drainage.

Mr. Brenner said the Harper Ditch, which was to be an integral part of this to take it to Pigeon Creek, was abandoned by the Drainage Board from Green River Rd. to Stockwell Rd. It was abandoned to the City, and they did nothing with it.

Mr. Brenner said the City has plans for Harper Ditch now. They plan to take Harper Ditch away from where we were going to dump into it. They don't have the money now, but it is a live plan and they intend to do it.

President Schaad said the only thing to do is to have Mr. Smith work with Mr. Brenner and find out what is legally the old Canal and who it belongs to.

RE: KEIL DITCH:

President Schaad asked Mr. Brenner if he had anything to put in the minutes about the trash situation in Keil Ditch.

Mr. Brenner said Whirlpool contacted him and they said they couldn't identify who it belongs to until the snow goes away, and then they will get back to him. He said the L&N said the tracks no longer belong to them, they belong to either Penn Central or Consolidated.

He said Whirlpool said they will clean the ditch if they can identify who it belongs to.

RE: MAINTENANCE CHARGE:

Mr. Brenner said he has been working with the Auditor to find out which ditches are in the hole and which are to the good. There is supposed to be attributable to each ditch a fund, and they are either in the hole or to the good. Each ditch has a certain amount of money for maintenance and at the moment they aren't separated out except every four years. The book allows the Surveyor's Office to collect a maintenance charge, even if they don't do the maintenance that year. He said he can collect up to four years, so if he comes up against a serious dredging problem and he has four years maintenance funds, he could then use them for that.

He said he is going to collect every maintenance charge whether the work was done or not. He said some of the ditches have a large deficit that has never been repaid to the general fund. Each ditch is supposed to repay the fund, but one ditch owed it about \$16,000.

RE: UPDATING OF ASSESSMENTS OF LEGAL DRAINS:

Commissioner Ossenbergh asked Mr. Brenner if he had done anything to update some of the people that are out on the assessment for the Watershed. He said he has gotten several complaints from people on Oakhill Rd. that are paying and their neighbors aren't.

Mr. Brenner said he is working on it and as soon as all the transfers and cut-outs are finished in the Auditor's Office he will get it done.

Commissioner Willner asked if after this was done would there be an update on this same problem.

Mr. Brenner said it will be done every year.

RE: RAISING MINIMUM CHARGE FOR LEGAL DRAINS:

Mr. Brenner said he would like for the Drainage Board to consider raising the minimum charge. We collect \$3.00 as a minimum, and the collection costs are very close to that. Mr. Brenner said it is a minimum \$3.00 charge; it can be higher.

The Board is going to consider this matter.

There being no further business the meeting adjourned at 11:40 a.m.

PRESENT:DRAINAGE BOARD

Bob Schaad
Tom Ossenberg
Bob Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Bob Brenner

COUNTY ATTORNEYS

Ed Smith, Jr.
Paul Wendel

SECRETARY: CINDY DECKER

Bob Schaad

Tom Ossenberg

Robert J. Willner
Vanderburgh County Drainage Board

VANDERBURGH COUNTY DRAINAGE
FEBRUARY 7, 1977

A meeting of the Vanderburgh County Drainage Board was held on this 7th day of February, 1977, at 10:30 a.m. with President Bob Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor, and the reading of them dispensed with.

RE: COMBINING OF DITCHES

Mr. Bob Brenner, County Surveyor, presented to the Board the State Board of Accounts financial report of ditches in 1974 and the Surveyor's cost of maintenance. A copy is on file in the Auditor's Office.

Mr. Brenner said that several times in the past it has come up that some of the ditches need to be combined. He reviewed the assessments, and some people on the upper end of Singer Ditch, for example, would legally have to pay an assessment on five ditches. It is in the upper watershed, as it comes down and their water goes through the other four ditches, they should legally be assessed for it, and they haven't been.

He said if there are violent objections from the farmers we should talk to them, but he is recommending the proposal.

Mr. Brenner said this would take up 29 of the ditches; there are 10 that wouldn't fit with anything.

President Schaad asked how many assessments we have now.

Mr. Brenner said we have 39.

President Schaad asked how many we would have after this was accomplished.

Mr. Brenner said there will be 15.

Mr. Brenner said the Board could still let the contracts buy these ditches because they are usually a good breaking point, but they should be under an association or grouping.

Mr. Brenner read the following from the Drainage Code book: When recommended by the County Surveyor the Board may after notice and hearing to affected land owners, combine legal drains located in the same watershed into a single unit for the purpose of annually assessing the owners benefitted for periodic maintenance. Such notice shall be given to attorney of record in the manner provided.

He said we can do them at one meeting, these are all in the same watershed.

President Schaad asked if they are all on the same assessment, won't it change their assessment.

Mr. Brenner said it could, but if he does it per law, which he will do, it would blow some of them away. Some people in the upper reaches might pay 5 or 6 ditch assessments. He said any way it is done there will be some inequity.

President Schaad said he is concerned as to what is fair.

Mr. Brenner said if there are a great many objections, which must be filed in writing, he will give it up. He said the one that must be done is Crawford-Brandeis. The eastern one is the first step toward making it work. They are in one drain, and it is a critical one.

He has talked to Harold Peters about Aiken, Keil, and Sonntag-Stevens, and he said it was a great idea; that it should be done.

President Schaad said it seems like a good idea, but if there is a public hearing Mr. Brenner will need figures and answers to defend his plan.

Mr. Brenner said each ditch is supposed to have a separate account which is payable back to the general fund, or collectable therefrom. He went through the funds and each ditch has either a plus or a minus. Some of the ditches are in serious trouble such as Harper Ditch which owes \$16,000. He said it is a bill for something in 1972, but he hasn't been able to determine what it was. No attempt has ever been made to collect it. He has put it back on maintenance to start paying the debt off. Mr. Brenner said Eagle Slough is another case like this. They owe \$5,500, and as far back as he can find in the records, since 1968, the bill is there with no explanation for what the money is owed for.

President Schaad said if it hasn't been paid, why isn't someone complaining about it. He said if Harper Ditch is that much in arrears, then those people in that Watershed should have been assessed that much money to make it up.

Mr. John, County Auditor, said the assessment rolls come from the Surveyor's Office, and that's where he's trying to set it up and straighten it out. He said when this was originally set up it was set up under a general ditch fund and it was given something like \$80,000 from the County General fund. Right now we're \$39,000 below that total.

Mr. John said the fund is minus \$39,916.43 and plus \$12,252.26.

Mr. Brenner said the Drainage Code book reads that he is legally allowed to collect in each fund up to four years of the original estimated main fund. He said when he went to assess these he looked back to see what the original estimate was. They had never been estimated. He said he is allowed to add 10% to the original estimate. He said he assumes that his predecessors called the meeting as required to raise the assessment over that.

He said it appears that if the ditch bill came in at \$3,000 they assessed them \$3,000. He said it can't be done that way. If the estimate is \$500 and the bill is \$3,000 a meeting must be called to raise the amount appropriated. He went back and checked through everything since 1965 and found the high assessment for each of the ditches, and assuming it was done right, he will add 10% and go from there.

Commissioner Willner said Aiken paid \$513.34 and Aiken Extension paid \$585.02. The total of the two ditches combined is 1,098.36 and divided by two the total is 549.18. He asked if that is how much each ditch will be paying.

Mr. Brenner said they will be paying the whole \$1098.36 because it will be one ditch. It will be the Aiken-Aiken Extension Ditch.

President Schaad asked if the people on the Aiken Ditch assessment will be paying more and the people on the Aiken Extension Ditch paying less.

Mr. Brenner said this is not necessarily so. Everyone on the Aiken Ditch should be paying on the Aiken Extension, and they have not been doing so.

He then showed the Board a watershed map of the combined ditches (Aiken-Aiken Extension). On the current assessment rolls there are a total of 17 pieces of property assessed for the maintenance of this. There should be 49 people paying on the ditch. He said there are three people that have been assessed and they don't even live in the watershed. He said he has one ditch where one individual has been paying the total assessment for the ditch and there are something like 19 people in the watershed.

President Schaad said if you take all the high assessments and assess that amount of money, what would the money outcome be.

Mr. Brenner said it would come out the same because the amount of money that he can assess would never increase, he would divide it up, or prorate it. The peoples share on the watershed would go down, because of the pick-up of other people. He said these are pick-ups that should have been done in the past. The watersheds are right, and these people live in the watershed.

Mr. Brenner asked if the Levee Authority, State Highway, Federal Highway, and the County were to be assessed.

The Board said these are all to be assessed.

President Schaad asked if all this is added together what kind of revenue would it bring in.

Mr. John said as far as he can tell it would be about \$45,000.

Mr. Brenner said that Harper Ditch for example owes 16,000 dollars. The high assessment is 1,200 dollars. He will up that 10% and collect that amount of money, and since no work was done on Harper it will pay on the debt.

Commissioner Ossenberg said this seems like a good idea. He said that Sonntag-Stevens is a good example, because neighbor after neighbor don't pay a thing, and the guy in the middle gets assessed.

Mr. Brenner said there is no way that the changes can go out with the '77 bills. There is just not enough time. The changes will be on the '78 bills.

Commissioner Willner asked if it could be done if the Board granted Mr. Brenner an extension of time.

Mr. John said the billing date would have to be changed because they have to be in the hands of the taxpayers at least 15 days in advance of the deadline.

Commissioner Willner said he is a little confused about the combining of the ditches. He said if he had some property that drained into Aiken, for example, and he was paying a percentage of \$513, and the two ditches were combined would he be paying 1,098.36.

Mr. Brenner said no. Based on the acreage and what surface he had, he might be paying 2% of the \$513, but when the two ditches were combined he would be paying like 1% of the 1,098.36 because of the pick-up.

The Board said it was agreeable to them for Mr. Brenner to pursue along this line.

The Board said they would let Mr. Brenner come up with a date for the newspaper ad. They did say a meeting in the evening would be best.

Mr. Leo Weiss, from Engineers Associates, said they are going to cover about 3,000 ft. of Sonntag-Stevens Ditch on Lynch Rd. He wanted to know what that did to the drainage law.

Mr. Brenner said whoever wants to pipe a legal drain can do it with the Surveyor's permission. He must approve the drawings first. Mr. Brenner said he has not seen the drawings yet, but the problem with piping a ditch is that when it is done you are limited in size. The size of it can never be increased, so it had better be big enough.

RE: RAISING MINIMUM ASSESSMENT

Mr. Brenner said \$3.00 is not enough to pay for a ditch. Mr. Brenner read the following from the Drainage Code book: A tract of land which is improved or unimproved which is benefitted by the construction reconstruction or maintenance of a legal drain shall be assessed by the Board for construction or reconstruction of such drain, or for the periodic maintenance thereof in the sum not less than \$3.00 per year. He said there will not have to be public hearings for this.

Mr. Brenner said he thought \$5.00 would be a reasonable fee.

President Schaad asked Mr. Brenner how many minimums he had.

Mr. Brenner said around 30%. He said it would raise about \$2,000, but it would not raise it for the County, it would raise it for the ditches.

Commissioner Willner moved the minimum be raised to \$5.00, Commissioner Ossenberg seconded. So ordered.

RE: EAST SIDE DRAINAGE EVALUATION....JAMES MORLEY

Mr. James Morley, from Morley & Associates, Inc, said one of the problems of evaluating the drains on the east side is that it is pretty complicated to calculate the flows. He proposed, in order to hold expenses down to a minimum, that the Surveyor's Office gather data on the six ditches, the Old Canal, Harper ditch, and the proposed diversion channel, and send them to Dr. John Spooner, a specialist in computer analysis of drainage systems, for a complete computer hydraulic analysis. This analysis gives projections of what happens to the drainage system as the population increases, or what happens after a certain type of rainfall, etc.

He said it would give us an idea of what would happen after any given set of circumstances.

Mr. Morley said the steeg report estimates the cost of Harper Ditch and Crawford-Brandeis could be as much as 2 million dollars. A lot of this is on road crossings, the culverts and the bridges, but with that amount of expenditure an error could cost thousands of dollars.

President Schaad said he had talked to Mr. Morley about this, and from what he understood Mr. Brenner's office can supply the information that needs to be fed into the computer.

Mr. Morley said that Mr. Brenner's office has already started on this as far as the bridges.

President Schaad asked Mr. Morley if he had a figure as to how much this will cost.

Mr. Morley said the estimated cost is \$8,900. He said it would give us the back-up we need to evaluate rezonings and to evaluate the size of structures.

President Schaad said he thinks this is on the right track; the only thing is that all the details need to be worked out. He asked Mr. Brenner what he thought of this plan.

Mr. Brenner said the big problem is money. He said when a meeting is called for combining the ditches, we're going to have to bill them something.

President Schaad said he was thinking of maybe some other sources of money. He asked how long it would take to get all of the information together.

Mr. Brenner said he is doing the watershed right now, and his next step is to find out how much is concrete and how much is a reasonable amount.

President Schaad asked if there was any revenue sharing money left. He said, if so, maybe we could use revenue sharing money for this to help carry the burden.

Commissioner Willner asked could the data be gathered and analyzed by this summer.

Mr. Brenner said he has a lot of field information to gather and once his people go back outside, he will lose a lot of his manpower that is working on this.

President Schaad asked if the money could be taken out of the drainage fund. He asked what is the balance in it now.

Mr. Brenner said it started out with \$80,000, we're \$39,000 in the hole and \$12,000 to the good, so there is money in there. He said we cannot spend general funds on individual ditches.

President Schaad said we wouldn't be doing that.

Mr. Brenner said we would be, because we're paying \$9,000 for these 6 ditches, and paying out of the whole fund. He said it can be done, but it must be paid back by those people.

Commissioner Ossenbergsaid the only answer would be revenue sharing, or to talk to soil conservation.

Mr. Brenner said it seems like there would be some type of federal funds for this. The Board is going to check into this matter.

RE: CLEANING OF EAGLE SLOUGH

Mr. Brenner said Eagle Slough has never been cleaned since we rebuilt it. Commissioner Ossenberg said there was one section that came in and wanted it recleaned but the price to do so was exorbitant. Mr. Brenner said he realizes this. There is no estimate on it, but he found somewhere that they expended some money, and that's what he put down as a high estimate. Commissioner Willner said the money was expended when they made us rip-rap under the highway. He said that't the only expenditure we have made on Eagle Slough.

RE: CLEANING OF NON-NAVIGABLE STREAMS

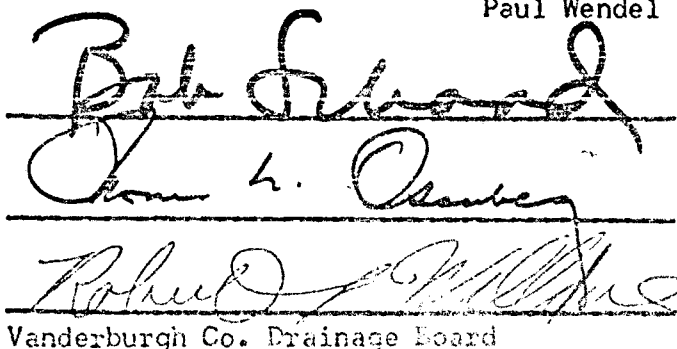
Mr. Brenner said Pigeon and Blue Grass Creek are in serious trouble. He said especially Pigeon Creek. There is a log jam behind K-mart that is growing every day. President Schaad said the Board has written to the Corp of Engineers. Mr. Brenner said that won't do much good because the Corp's average time for a study is 61 months. He said he wrote the Corp the first week he came in and asked them if Pigeon Creek was a navigable stream, and he still does not have an answer from them. He called them and they said the would look at it, but haven't so far. He said if it is non-navigable he has to get a petition from 51% of the people from two definable points, such as the Oakhill bridge and a curve just upstream from the log jam, and if he gets the 51% of the landowners signature, it has to be cleaned. President Schaad asked Mr. Brenner where he would get the money to do it with. Mr. Brenner said from the County Council. The cleaning has got to be done, it's in the city, but the drainage law allows him to use the county highway equipment. Mr. Brenner said he has looked at ways of cleaning it. He has permission to clean it from property owners on both sides. He said they are both losing banks, it's falling in on both sides. The only way the river is going through is under their banks, and it's dropping in large sections. He said the cleaning should be done before the fall. He said it will be a serious problem shortly. He said Warrick County is cleaning Upper Pigeon Creek. He doesn't know where they got the money, but they are doing it. He said this will mean more water faster, and the log jam is like a plug. President Schaad said Virgil Gerhardt would probably know, and he is going to call and ask him. Mr. Brenner said if the log jam is the only thing cleaned, the same problem will be back in a year or so because there are dead trees all along the bank. He said if the log jam is pushed down the creek, it would make it to the Oakhill bridge and it would start again. It will have to be picked out and burned. Mr. Brenner said he is going to send some men out to take pictures of it.

There being no further business, the meeting adjourned at 11:40 a.m.

MEMBERS PRESENT:

<u>DRAINAGE BOARD</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY SURVEYOR</u>	<u>COUNTY ATTORNEYS</u>
Tom Ossenberg	Curt John	Robert Brenner	Ed Smith, Jr.
Bob Schaad			Paul Wendel
Robert Willner			

SECRETARY: CINDY DECKER


Vanderburgh Co. Drainage Board

VANDERBURGH COUNTY DRAINAGE BOARD

MARCH 14, 1977

A meeting of the Vanderburgh County Drainage Board was held on this 14th day of March, 1977 at 11:10 a.m. with President Bob Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor, and the reading of them dispensed with.

RE: MEETING AT ENGINEER ASSOCIATES

President Schaad said a meeting was held on Thursday, March 10 at 7:00, in the Engineer Associates office. Those present were: Leo Weiss, Jesse Crooks, Fred Alcott, with soil and water conservation, Dick Eiffler, Sam Biggerstaff, Paul Wendel, Bob Brenner, Mike Hinton, Keith Lockmueller, Tom Ossenber, Robert Willner, and Bob Schaad.

He said they met for about two hours and discussed the whole east side drainage problem. The outcome of it, summed up, was a willingness of everyone to co-operate and get together and see if Mr. Brenner, County Surveyor, could come up with a first phase of what to do. There were several things discussed as to what should be first. They discussed the Crawford Brandeis going straight into Pigeon Creek, and the possibility of it needing to be cleaned. They talked about the diversion ditch from Crawford Brandeis to get into the creek sooner, and then to open up the old canal and get the water west, and take out some old culverts there that aren't doing any good right now. They also talked about running the water south into the river, where it would divide and some of it would go north and some of it would go south.

President Schaad said he understands that the new shopping center that is proposed for the east side is stymied until the east side drainage problem can be solved.

He said everyone is willing to co-operate and get this thing started even if we have to float a bond issue or however we are going to pay for it.

RE: ADVERTISING OF ANNUAL MAINTENANCE BID

Mr. Brenner said the time has come to put the ditches out for maintenance, the annual maintenance bid, and he thinks we should advertise now. There are several ditches he would like to skip. They are the 6 ditches on the east side, and the Aiken, Aiken Extension, and one we have never cleaned, Eagle Slough.

Mr. Brenner said the maximum that has been spent on Eagle Slough is \$5,000. He is able to raise that 10%, and he doesn't believe we can do the whole thing for that amount. If we go to clean Eagle Slough we can put it out for bids and then have public meetings to get it approved by people that are on the Slough.

Mr. Brenner said he isn't completely sure of what he has to do to put them out for bid.

Commissioner Willner asked Mr. Brenner if it was his recommendation that we clean Eagle Slough.

Mr. Brenner said yes, that trees are getting into it already, and if we don't do it now, we'll have to do major reconstruction again.

Commissioner Willner said he thought when Eagle Slough was set up, maintenance was set up in it. He said the total picture is there, all we have to do is set the assessment. He doesn't think we would have to have public hearings.

Mr. Brenner said Eagle Slough had incurred a debt of \$5000 to the County General Fund, and a bill was put out to collect it. He said it wasn't cleaned last year, but we are allowed to collect up to four years for the fund. If they owe it, we can collect it. The same thing was done with Harper Ditch.

The county attorney is going to check into Eagle Slough and see if public hearings have to be held, or what has to be done.

Commissioner Willner moved that all the ditches except for the 6 on the east side, the Aiken, Aiken Extension, and Eagle Slough be advertised for cleaning. Commissioner Ossenberg seconded. So ordered.

Mr. Brenner said the reason he left out Aiken and Aiken extension is because he plans on putting them out for dredging also.

RE: DREDGING OF PIGEON CREEK

Mr. Brenner said he had some people from the corps of engineers in his office and they discussed the dredging of Pigeon Creek. They have a certain plan where they can spend up to \$2,000,000 without congressional approval. Mr. Brenner said if it was agreeable with the Board the corps would spend up to \$25,000 in studies. He said studies don't do that much good, but we must commit ourselves in order to get their full co-operation.

He said this is not a stripping of Pigeon Creek; just a dredging of the existing canal. The trees and things would still be left.

President Schaad asked if this was entirely through Vanderburgh County.

Mr. Brenner said that is right.

President Schaad asked if other than the right-of-way, it was all federal money.

Mr. Brenner said yes. We would come in if bridges were affected or for a right-of-way, or anything like that.

President Schaad asked if the Board had to initiate a request that the study be made.

Mr. Brenner said yes, and it will have to be signed by the mayor. He will do it and bring it for the Board to sign.

Commissioner Willner moved that the study be made. Commissioner Ossenberg seconded. So ordered.

RE: ADVERTISING TO COMBINE 6 EAST SIDE DITCHES

Mr. Brenner said he would like to advertise to combine the six ditches on the east side. This is one of the first moves that needs to be made to make this a viable project. A meeting was scheduled for later this evening with the Armstrong Ditch Association to discuss it with them.

He said we should go ahead and have a meeting with the east side. It has to be advertised 10 days in advance. He suggested that it be held two weeks from today at the regular drainage meeting.

Commissioner Ossenberg so moved. Commissioner Willner seconded. So ordered.

RE: DITCH BID...FLOYD STAUB

Mr. Brenner said he got a call from Mr. Staub and he said their bid to dredge the east side ditches would be void March 15th. He said they are no closer to doing it now than they were when he first took office. He thought the first thing he should do was find out who should be paying the assessments. When he started on it he thought it would be a relatively minor project, but they are still working on it. Everyone that lives in the watershed should pay on a ditch. There are approximately 3,000 people paying now, and when he gets done, it could be greater than 6,000.

President Schaad said they would just have to let the bids expire, and readvertise later.

Mr. Brenner said we would have to pay more money then.

Commissioner Ossenberg said there would be more people paying then.

President Schaad asked if there was any way to go ahead without the assessment, and get the money from somewhere.

Mr. Brenner said the money could be taken out of the general fund. He said the fund is specifically to loan money to different ditches to do their maintenance, and the ditches are to pay it back.

Mr. John, County Auditor, said the money could be taken out of the County general fund, but the drainage general fund is made up of money that was already loaned to them by the county general fund, which was never paid back.

President Schaad asked if we could go ahead and get the money from the drainage general fund, and let Mr. Staub go ahead and do the cleaning then determine later who is going to be assessed for the work.

Mr. Brenner said he is recommending that we go ahead and do it that way because if we let the bids expire it will cost more later. Mr. Brenner said Mr. Staub and Mr. Quentin Stahl both have bids in for this.

Commissioner Ossenberg moved that we go ahead. Commissioner Willner seconded. So ordered.

RE: OFFICIAL AUDIT OF EACH DITCH

Mr. Brenner said he asked the state board of accounts to bring up exactly what each ditch owes. The last official audit of each ditch was in 1974.

He said if Harper Ditch is still \$15,000 in the hole we are going to have to do something to collect it. That is the ditch the city is wanting to close off at GreenRiver Rd. We abandoned Harper Ditch to the city all except for about a mile left to us. Mr. Brenner said this debt was on there before we gave it to them, and it seems to him that the city should owe some of the debt. He said we can't bill the city because the portion that we gave away is the downstream portion.

The Board is going to ask Capp if there is any way to make the city pay a portion of this debt.

RE: SIGNING THE CONTRACTS

The contracts for Mr. Staub and Mr. Stahl had not been signed by the board yet.

Commissioner Ossenberg moved that subject to the Board's approval, Marsha, secretary to the Commissioners, stamp their names to the contract. Commissioner Willner seconded. So ordered.

There being no further business the meeting adjourned at 11:35 a.m.

PRESENT:

DRAINAGE BOARD

Tom Ossenberg
Bob Schaad
Robert Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEYS

Ed Smith, Jr.
Paul Wendel

SECRETARY: CINDY DECKER

Bob Schaad
Tom Ossenberg
Robert Willner
Vanderburgh County Drainage Board

241.

VANDERBURGH COUNTY DRAINAGE BOARD
MARCH 28, 1977

A meeting of the Vanderburgh County Drainage Board was held on this 28th day of March, 1977 at 11:45 a.m. with President Bob Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor, and the reading of them dispensed with.

RE: CLAIM

President Schaad presented the following claim to the Board for approval of payment: PAUL WENDEL....Representation of Drainage Board for January, February, and March, 1977, Total....\$500.00.

Commissioner Ossenberrg moved the above claim be approved. Commissioner Willner seconded. So ordered.

RE: APPROVAL OF COMBINING OF LEGAL DRAINS:

Mr. Bob Brenner, County Surveyor, said we have two legally advertised meetings today. One is for the purpose of combining Aiken and Aiken Extension. He said we should proceed with that first. He said it has been advertised properly. Since no one showed up for or against it the ditch will now be known as just Aiken Ditch.

The other meeting that was advertised was to combine Crawford Brandeis, Crawford Brandeis Extension, Boesche, Stockfleth, Kelly, and Murrenbern Ditches. No one was at the meeting for or against this proposal either. The Board recommended that this be called the East Side Ditch.

Commissioner Ossenberrg moved that the combining of the ditches and the names be approved. Commissioner Willner seconded. So ordered.

RE: DREDGING OF CRAWFORD BRANDEIS

Mr. Brenner said the dredging of Crawford Brandeis has already begun.

President Schaad asked Mr. Brenner how we were on the money on this. He asked if it was going to be over the 10%.

Mr. Brenner said that it will be over the 10%.

President Schaad asked how we are going to pay for it.

Mr. Brenner said the general fund will pay for it, and we will collect the money to pay it back. He said it will take a while to collect it, but it had to be done this way. He said once he has the whole area laid out, and can determine how much water comes from each parcel of land, he's going to change the percents and then go in with a new Surveyor's recommendation for maintenance and it will pay for the whole thing.

RE: DREDGING OF AIKEN

Mr. Brenner said now that Aiken Ditch is one he would like for it to be dredged. He said we haven't done anything and the money has been collected. He said it will cost from \$500 to \$1,000. The maintenance fund will definitely pay for it.

He said he would like to go ahead and bid Aiken. He said it would be a contract with sealed bids.

Commissioner Ossenberrg moved it be approved. Commissioner Willner seconded. So ordered.

RE: SPRAYING OF DITCHES....HAROLD PETERS

Mr. Harold Peters said he was before the Board last year about the way Keil Ditch was cleaned. He said it wasn't sprayed.

Mr. Peters said he has been reading the specifications, and read the following: Two of the legal drains that the EPA office will not allow burning are the Sonntag Stevens and the Keil; these ditches will have to be sprayed. He said it doesn't say what they are to be sprayed with.

President Schaad suggested that Mr. Brenner get together with Mr. Peters and write the specs according to the job as it should be done.

Mr. Brenner said that at Mr. Peters suggestion he had talked to Mr. Jack Wade to see what kind of chemical to spray the ditches with. He said Mr. Wade told him he could legally spray the ditches with chemicals that would get into the water and contaminate the water supply. Mr. Brenner said Mr. Wade didn't know what to tell him.

Commissioner Willner said he understands that before a person can spray, he must be certified.

Mr. Brenner said this is correct.

Mr. Peters said all he would have to do is hire a certified man. He said he would be personally held responsible though.

President Schaad said he is still wondering about how the specs are going to be written on how and what to spray.

Commissioner Ossenberg said maybe Mr. Bill Staff with EPA would know.

Mr. Brenner said he had talked to him and all he could do was to cite bad examples of what had happened in certain cases. He couldn't come up with a good answer.

President Schaad said that whoever is hired should know what kind of sprays they can and should use since he would be certified.

RE: CLEANING OF UNDERPASS

Mr. Brenner said he did send a letter to the State telling them to clean out the underpass where Nurrenbern goes across Boonville Highway. He said if they don't act we can do it and bill them.

There being no further business the meeting adjourned at 12:03.

PRESENT:

DRAINAGE BOARD

Tom Ossenberg
Bob Schaad
Robert Willner

COUNTY AUDITOR

Curt John



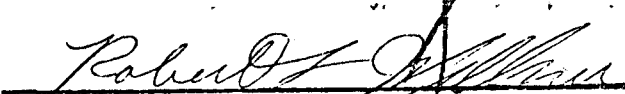
COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEYS

Ed Smith, Jr.
Paul Wendel

SECRETARY: Cindy Decker




Vanderburgh County Drainage Board

VANDERBURGH COUNTY DRAINAGE BOARD
APRIL 4, 1977

A meeting of the Vanderburgh County Drainage Board was held on this 4th day of April, 1977-at 11:10 a.m. with President Bob Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor, and the reading of them dispensed with.

RE: ALFRED EULER

Mr. Alfred Euler said he had some questions he would like to ask the Drainage Board. He said the Crawford Brandeis Ditch runs on one side of his property for about 1/3 of a mile. He asked what will happen when the ditch is cleaned. He wanted to know if the county will haul away the dirt and debris that is cleaned out of the ditch.

Mr. Bob Brenner, County Surveyor, said that the county will spread the dirt and haul away the debris. He said the dirt won't be spread on Mr. Euler's yard.

Mr. Euler asked Mr. Brenner if he had any plans to change the culvert on Burkhardt Road.

Mr. Brenner said yes, he intends to enlarge it.

Mr. Euler said there are four property owners on 64 acres of land where the upper end of the ditch is filled up and the water is going over every tile that ever emptied into the ditch. He said this is state, but asked was there anything the county can do. He said they have all tried to get the state to do something about the situation, but haven't been able to get any response.

Mr. Brenner said he has written to the state about it also, but they didn't answer his letter either.

President Schaad said the only thing that can be done is to keep the pressure on the state.

Mr. Euler said after a meeting he attended in the Civic Center he thought that things were going to improve on the ditch billings. He said he got a bill which he thought was to replenish the revolving fund after the county has paid to have the ditches cleaned, and there has been no work done on it, but he got a bill anyway. He also asked who exactly was getting assessed.

Mr. Brenner explained that the Crawford Brandeis and the Crawford Brandeis Extension owe the ditch fund \$2200, so even though the ditches weren't cleaned, this money will be applied to the previous debt. He said he collected as much money as he legally could, and this will be applied to the dredging operation.

Mr. Euler asked who is now on the assessment roll for Crawford Brandeis.

Mr. Brenner said due to the lack of time to change the assessments, the bills went out to the same people that they have always gone to. He said he is now in the process of adding everyone in the watershed into the assessment rolls.

RE: ELDON MAASBERG...MAASBERG DITCH

Mr. Eldon Maasberg asked Mr. Brenner how much Maasberg Ditch is in the hole.

Mr. Brenner said it is \$154 in the red.

Mr. Maasberg said he didn't understand how this could be.

Mr. Brenner said he is reading this from the state audit of 1974. He said there is no way he can tell where or how this debt occurred. He said this year he sent out the assessments as they were made up by the previous administration. Mr. Brenner said he didn't bill on what it costs to clean the ditches. He billed on the maximum he was allowed. He said after this year Maasberg won't be in the hole. He said after this he will just collect the amount it costs to clean it.

RE: DISCUSSION OF STRAIGHTENING DITCHES

Commissioner Willner said now that we have let the contract for the dredging of Crawford Brandeis, when we come to someone that owns property on both sides of the ditch, and there is a curve in it and both property owners want to straighten it out, who would they see.

Mr. Brenner said he will be glad to talk to anyone.

Commissioner Willner asked if straightening the ditch would add anything to the contract.

Mr. Brenner said he would have the specifications drawn, but he will be happy to work with anyone on this matter.

RE: OPENING OF BIDS....FOR MAINTENANCE OF LEGAL DRAINS

Commissioner Willner moved that the bids be opened by the county attorney, Paul Wendel. Commissioner Ossenbergs seconded. So ordered.

The following bids were opened and read aloud by county attorney, Paul Wendel:

ELDON MAASBERG:

Maasberg Ditch.....2,206 ft.....05¢ per ft.....\$110.30
Kneer Ditch.....3,036 ft.....08¢ per ft.....\$242.88

There was a money order in the amount of \$18.00 enclosed.

RALPH REXING:

Pond Flat 'A' Lateral Ditch.....5,311 ft.....10¢ per ft.....\$531.10
Pond Flat 'B' Lateral Ditch.....2,797 ft.....10¢ per ft.....\$279.70

A personal check for \$45.00 was enclosed.

PAUL SEIB:

Buente Upper Big Creek 'A' Lateral.....3,666 ft.....15¢ per ft.....\$549.90
Baehl Ditch.....6,890 ft.....20¢ per ft.....\$1,378.00

There was a cashier's check in the amount of \$96.39 enclosed.

GEORGE SEIB:

Henry Ditch.....3,179 ft.....10¢ per ft.....\$317.90
Maidlow Ditch.....11,475 ft.....15¢ per ft.....\$1,721.25

There was a cashier's check in the amount of \$101.95 enclosed.

LEO C. PAUL:

Baehl Ditch.....6,797 ft.....10¢ per ft.....\$679.70
Barr's Creek.....20,668 ft.....14¢ per ft.....\$2,996.86
Harper Ditch.....4,002 ft.....11¢ per ft.....\$440.22
Wallenmeyer Ditch.....8,355 ft.....10¢ per ft.....\$835.50

There was a cashier's check in the amount of \$247.61 enclosed.

NORMAN E. MESSEL:

Keil Ditch.....3,012 ft.....19.1¢ per ft.....\$577.92
Sonntag Stevens Ditch.....13,204 ft.....12.1¢ per ft.....\$1,604.44

There was a 100% performance bond enclosed for the amount of \$2,182.36.

BIG CREEK DRAINAGE ASSOCIATION:

Buente Upper Big Creek.....	20,195 ft.....	15¢ per ft =	3,029.25
Pond Flat Main.....	29,351 ft.....	12¢ per ft =	3,522.12
Lower Big Creek.....	7,501 ft.....	10¢ per ft =	750.10
Rusher Creek.....	4,444 ft.....	12¢ per ft =	533.28
Pond Flat 'C' Lateral.....	9,036 ft.....	12¢ per ft =	1,084.32
Pond Flat 'E' Lateral.....	3,616 ft.....	12¢ per ft =	433.92

A cashier's check in the amount of \$467.65 was enclosed.

UNION TOWNSHIP DITCH ASSOCIATION, INC.:

Barnett Ditch.....	8,358 ft.....	09¢ per ft.....	\$752.22
Cypress Dale-Maddox.....	23,887 ft.....	09¢ per ft.....	\$2,149.83
Edmond Ditch.....	15,395 ft.....	10.5¢ per ft.....	\$1,616.48
Kamp Ditch.....	11,160 ft.....	30¢ per ft.....	\$3,348.00
Helfrich-Happe.....	12,698 ft.....	09¢ per ft.....	\$1,142.82

There was a cashier's check in the amount of 450.47 enclosed.

Commissioner Willner moved that the bids be taken under advisement until next week.
Commissioner Ossenberg seconded. So ordered.

There being no further business the meeting adjourned at 11:55 a.m.

PRESENT:

DRAINAGE BOARD

Bob Schaad
Tom Ossenberg
Robert Willner

COUNTY AUDITOR

Curt John

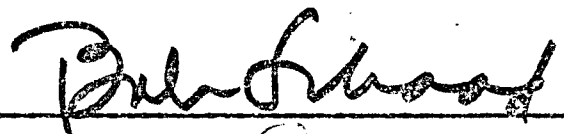

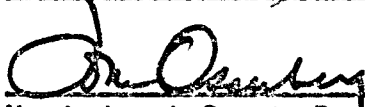
COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEYS

Ed Smith, Jr.
Paul Wendel

SECRETARY: Cindy Decker




Vanderburgh County Drainage Board

VANDERBURGH COUNTY DRAINAGE BOARD
APRIL 11, 1977

A meeting of the Vanderburgh County Drainage Board was held on this 11th day of April, 1977 at 10:55 a.m. with President Bob Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: CLAIM

President Schaad presented the following claim to the Drainage Board for Approval of payment:

EDWIN SMITH....legal services for January, February, March, 1977....500.00.

Commissioner Ossenberg moved it be approved. Commissioner Willner Seconded. So ordered.

RE: AWARDING OF BIDS FOR ANNUAL MAINTENANCE OF LEGAL DRAINS:

Bob Brenner, County Surveyor, was present and stated that the following bids be awarded to the bidders as stated:

MAASBERG DITCH....Eldon Maasberg.....2,206 LF X 0.05 = \$110.30.
KNEER DITCH....Eldon Maasberg....3,036 LF X 0.08 = \$242.88
POND FLAT LAT. "A"....Ralph Rexing....5,311 LF X 0.10 = \$531.10
POND FLAT LAT. "B"....Ralph Rexing....2,797 LF X 0.10 = \$279.70
BUENTE UPPER BIG CREEK A LATERAL....Paul Seib....3,666 LF X 0.15 = \$549.90
HENRY DITCH....George Seib....3,179 LF X 0.10 = \$317.90
MAIDLW DITCH....George Seib....11,475 LF X 0.15 = \$1,721.25
BAEHL DITCH....Leo C. Paul....6,797 LF X 0.10 = \$679.70
BARR'S CREEK....Leo C. Paul....20,668 LF X 0.14 $\frac{1}{2}$ = \$2,996.86
WALIENMEYER DITCH....Leo C. Paul....8,355 LF X 0.10 = \$835.50

Mr. Brenner recommended that the Board hold off on awarding a bid for Harper Ditch for now. This is the ditch that is in discussion with the city.

Mr. Brenner said that we can't award the contract to Norman E. Messel for Keil Ditch because it is too much money. It is above the 10% legal maximum. He said Mr. Messel stated that he would lower his bid.

Mr. Paul Wendel, County Attorney, said Mr. Messel can't lower his bid.

Commissioner Ossenberg moved that the bid on Keil Ditch be rejected. Commissioner Willner seconded the motion. So ordered.

SONNTAG STEVENS DITCH....Norman E. Messel....13,204 LF X 0.12.1 = \$1,604.44
BUENTE UPPER BIG CREEK....Big Creek Drainage Association....20,194 LF X 0.15 = \$3,029.25
POND FLAT MAIN....Big Creek Drainage Association....29,351 LF X 0.12 = \$3,522.12
LOWER BIG CREEK....Big Creek Drainage Association....7,501 LF X 0.10 = \$750.10
RUSHER CREEK....Big Creek Drainage Association....4,444 LF X 0.12 = \$533.28
POND FLAT LAT. "C"....Big Creek Drainage Association....9,036 LF X 0.12 = \$1,084.32
POND FLAT LAT. "E"....Big Creek Drainage Association....3,616 LF X 0.12 = \$433.92

Mr. Brenner said we can't award the contract for Kamp Ditch to the Union Township Ditch Association. The legal maximum we are allowed to give on it is about \$1,500.

Commissioner Ossenberg moved that the bid on Kamp Ditch be rejected. Commissioner Willner seconded the motion. So ordered.

BARNETT DITCH....Union Township Ditch Association....8,358 LF X 0.09 = \$752.22
CYPRESS DALE-MADDOX....Union Township Ditch Association....23,887 LF X 0.09 = \$2,149.83
EDMOND DITCH....Union Township Ditch Association....15,395 LF X 0.10.5 = \$1,616.48
HELFRICH-HAPPE....Union Township Ditch Association....12,698 LF X 0.09 = \$1,142.82

Commissioner Willner moved that the above bids be awarded to the bidders as stated. Commissioner Ossenberg seconded the motion. So ordered.

RE: CONRAIL....CLEANING OF KEIL DITCH

Mr. Brenner said that conrail has cleaned Keil Ditch behind Whirlpool as they were asked to do.

RE: LOG JAM....PIGEON CREEK

Mr. Brenner said the County Council approved an appropriation of \$5,600 for the log jam in Pigeon Creek.

RE: EAST SIDE DRAINAGE

Mr. Brenner said it appears when his predecessor let the bids he didn't consider right-of-way. He said there is 75 ft. from the top for access, but right-of-way has to be purchased for the ditch. He said right-of-way was moved to wherever Mr. Nussmeyer thought it should go. Mr. Brenner said they are taking farm land in places, and are negotiating with them, but it's possible that there will be additional costs.

President Schaad asked Mr. Brenner which ditch he is referring to.

Mr. Brenner said the Crawford Brandeis specifically.

Mr. Brenner said Mr. Nussmeyer had the right idea. He said he has been working with the Hirst family and they have worked out a good solution. He said along Burkhardt Rd. there is a one foot shoulder off of the road and we couldn't legally move the ditch over into their farm land without buying it. Mr. Brenner said they have given up some and so have we. He said there are about 128 trees that will have to be removed to put the ditch through there. He said if we have to buy right-of-way, we'll just have to do it.

Commissioner Willner asked Mr. Brenner was this the only instance he was talking about.

Mr. Brenner said he hasn't even gotten to the other ditches yet. He said this was supposed to be a simple survey, and it has now turned into negotiations.

RE: OPENING THE OLD CANAL

Mr. Brenner said the canal has been filled in for several years, and as near as he can find from talking to people out there, it drained down into the overflow, or what is now called Harper Ditch and into the Creek. He said if it did indeed do that, no one had the right to block the outflow of a legal drain. He said he can quote precisely how to go about notifying the people to open the property along the canal. He read the following from the Drainage Code Book: When any legal drain is obstructed or damaged by logs, trees, brush, unauthorized structure, excavating, or filling, or any other manner, the Surveyor shall immediately remove said obstruction and repair such damage. He said it goes on to say it's to be charged to the property that filled it in.

Commissioner Willner said that law suits will start.

Mr. Brenner said this may be so. He said that he will have to go out and take depositions from the people that were there when the canal did flow. He said it is true that it did flow from Kelly thru to Hirsch Ditch. If it didn't, there would never have been a reason to have Hirsch Ditch because there is nothing coming in to it. Mr. Brenner said he thinks we should take action to serve notice on the people to open the Canal back up.

President Schaad said if the Surveyor has that right, he doesn't need permission from the Drainage Board.

Mr. Brenner said no, but he does need the backing of the Board. He said in the research he has done, he believes the right-of-way still belongs to the railroad.

Commissioner Willner said the Board has already taken action on it. He said all three of the commissioners agreed to open it.

RE: EAST SIDE DRAINAGE SYSTEM

Mr. Brenner said he thinks we should and are required to designate that system as an urban drain. He said all the other drain are rural drains. The law says this allows us to assess property at different rates. He said farm land will be assessed different than urban property. It requires the Board to state which is urban property and which is rural. He said this is the only fair way. He read the following: The drain shall be designated an urban drain when it will not without construction or reconstruction provide proper drainage for urban land when it appears after practical construction, reconstruction, the proper drainage for urban lands can be provided when any one or more of the following factors is present. He said a reasonable portion of the land within the watershed has been converted from rural to urban, or when it appears there is pending a change from rural to urban which is still going on.

Commissioner Willner asked how to assess an urban drain.

Mr. Brenner said that first each parcel in the watershed must be designated as either urban or rural. The urban will be assessed at a higher rate than the rural.

President Schaad asked what all is included in the urban drain.

Mr. Brenner said the east side drainage system.

Commissioner Ossenberrg moved that the county attorneys draw up a resolution to that affect. Commissioner Willner seconded the motion. So ordered.

Mr. Brenner said after that we are required to notify each parcel of land whether they are urban or rural.

RE: BOESCHE DITCH....LAWRENCE STAHL

Mr. Lawrence Stahl said that Boesche ditch doesn't go to the county line. He said it comes up into the Robert Schmitt place through part of his boys place. He said they have never been able to get Warrick county to do anything with the upper end of that ditch in Vanderburgh County. He said they went ahead and cleaned the upper part from his line, which is the Vanderburgh-Warrick County line, over into Warrick County. He said there is about 3/4 of a mile of Boesche Ditch that is in Vanderburgh County, but it is a Warrick County Ditch. He said Warrick County won't do a thing with it.

President Schaad explained to Mr. Stahl that there is a joint Warrick-Vanderburgh County Drainage Board. He said it might be best to have a meeting and get together with the two commissioners from Warrick County and get into this thing then.

Mr. Brenner said when it is declared an urban drain one of the requirements is that every parcel in the watershed must be assessed. He said part of our watershed will now be Warrick County.

Mr. Stahl said he and some others have cleaned that ditch three different times with drag line down to his farm and paid for it themselves.

Commissioner Willner said he didn't see how Warrick County could have a legal drain that comes into Vanderburgh. He said he doesn't see how they can do anything about it. He asked Mr. Stahl did he pay a ditch assessment into Warrick County.

Mr. Stahl said he has paid assessments before.

President Schaad said it would be best to let Mr. Brenner check into this and then they can have a joint meeting with Warrick County and try to get something started on this.

RE: ALFRED EULER

Mr. Euler said Mr. Holtz, from the Surveyor's Office, was out at his place. Mr. Euler said Mr. Holtz told him he wanted to start cleaning the ditch at the top because of the water down on the lower part where it comes out of the creek. Mr. Euler said he didn't see any necessity in that. He said they could start at Morgan Ave. and have a wide place there to start.

Mr. Euler said every time the Crawford Brandeis south of Division Street is improved it makes it worse for him. He said there is a known quantity of culvert there that never gets any bigger, and yet they are getting more water down there all the time. He said the water comes rushing down there and can't get through the culvert, so it overflows into his field.

Mr. Euler showed the Board some pictures he had taken on the bad condition of the ditch and the culvert.

Mr. Euler said another thing that Mr. Holtz told him that after the culvert the ditch would veer to the east. He said he doesn't understand this at all. He said he and his son, who is a consulting engineer, looked at the plans and according to the plans it was supposed to be a 4 ft. bottom and a 6 ft top, and across the road it was supposed to be 6' and 9'. He said right where Mr. Holtz told him it was going to veer east, that part of the ditch is as wide as 15 ft. at the top and about 7 ft. at the bottom in places. He said he asked Mr. Holtz how far into his field it would have to go, he pointed down in the Hirsch's field, which is about $\frac{1}{4}$ of a mile away. He asked why there aren't any stakes along there.

Mr. Brenner said it will be staked. He said if it had been staked when they let the contract, the stakes would have been long gone by now.

Mr. Euler asked if the center line of the road corresponds with the center line of the right-of-way. He said his father-in-law, who owned it 80 years ago, said when the road was first rockd there was a line, and there were a lot of trees along the line then, so they moved it over east. He said the right-of-way should be established. He said his attorney told him it would probably be easy to establish because there is probably a cornerstone or something right there at that point.

President Schaad asked Mr. Euler which road he is talking about.

Mr. Euler said it is Burkhardt Road.

Mr. Brenner said they are planning on putting a shoulder on the road. Mr. Brenner said he can establish where Burkhardt Rd. is, but the right-of-way of the ditch can be anywhere.

RE: HARPER DITCH....JIM MORLEY

Mr. Jim Morley, from Morley & Associates, said last Wednesday he was hired by the Board of Public Works to begin the design of changes for Harper Ditch. He said he was also asked to be coordinator between the City government and the County government on the ditches. He said Harper is a particular problem because it exists as a legal drain on east side of GreenRiver Road and as nothing, other than a part of the city, on the west side. He said since that part has been abandoned as a legal drain it isn't possible for the Drainage Board to make the changes that we need and want to make on the east side of GreenRiver Road.

Mr. Morley said there was an error in the paper on the fact that it said he was hired by the city and county. He said that isn't true at all; the Board of Public Works is paying for his design services to make the computations for all of this. He said that as soon as he gets the data back and the decision is made as to which way it is going to go, the city and county will have to work jointly on it. He said when it comes to construction it should probably be a joint contract, and he asked that he receive the Board's full cooperation on this. He said he had already talked to Mr. Brenner on this and he told him that whatever he had that could help him would be at his disposal.

President Schaad said that Mr. Morley would receive full cooperation from the Drainage Board.

Mr. Morley said the city is interested mainly in Harper Ditch, not in necessarily all the other ditches that exist as legal drains, so he is not authorized to do that work. He will have to do an overview of at least part of it because he will have to consider the old canal approach into the area at Stockwell Rd. and crossing under it.

Mr. Morley said these are the steps he is going to be going through: He is now doing a survey of the area, photographing each of the culverts, getting the land owners, the size of the channel, the slope of the land, defining the boundries, and as soon as he gets all that data together he will send it to Wisconsin where Dr. John Spooner will run it through computer analysis and model the rainfalls. He said they will model the rainfalls as it exists now and as it will exist if and when the shopping center is completed and other commercial developments happen. He said as soon as this comes back to him, which should be in about 45 days, he will come back before the Board with charts and all the floe computations and the cost estimate, and the recommendations of what should be done to the part of Harper that lies in our jurisdiction.

Mr. Morley said if land owners get in touch with any members of the Board pushing for relocation of Harper straight north along the SIGECO easement to please give him their name or at least tell him exactly what they said and want to enable him to gather all the input on this he can get.

Mr. Morley said that now would be a good time to do a design floe on the other ditches. He said for the Board to consider this.

President Schaad said with Mr. Brenner being our new surveyor the Board will need to consult with him and get his advise on the whole thing as to whether he can do it himself, or whether he feels it needs to be done.

RE: SONNTAG STEVENS....CONTRACT TO CLEAR TREE

Mr. Brenner said there is a tree in Sonntag Stevens Ditch. He said it is about 4 ft. in diameter and will be quite a job to get out. He asked that the Board let a contract to Mr. Harold Peters to get the tree out. He said he had talked to Mr. Staub, who wanted \$250.00 to do it. Mr. Peters said he would do it for \$190.00.

Commissioner Ossenberg moved that Mr. Peters start clearing the tree. Commissioner Willner seconded the motion. So ordered.

There being no further business the meeting adjourned at 11:50 a.m.

PRESENT:

DRAINAGE BOARD

Bob Schaad
Tom Ossenberg
Robert Willner

COUNTY AUDITOR

Curt John

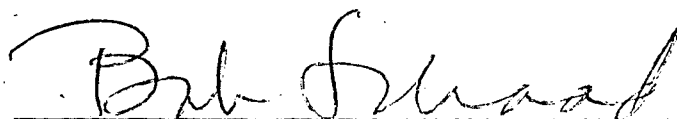
COUNTY SURVEYOR


Robert Brenner

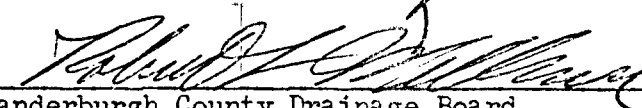
COUNTY ATTORNEYS

Ed Smith, Jr.
Paul Wendel

SECRETARY: Cindy Decker







Vanderburgh County Drainage Board

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VANDERBURGH COUNTY DRAINAGE BOARD
MAY 9, 1977

A meeting of the Vanderburgh County Drainage Board was held on this 9th day of May, 1977 at 11:40 a.m. with President Bob Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: CLEANING OF NURRENBURN....HIGHWAY 66:

Mr. Bob Brenner, County Surveyor, said that he has been trying to get the State of Indiana to clean the culvert on Highway 66 where Nurrenburn Ditch crosses it, but he said he is getting nowhere with them. He said he will probably have to let a contract to clean it and bill them.

Mr. Paul Wendel, County Attorney asked if the State would pay the bill.

Mr. Brenner said it will go on their drainage bill and they will have to pay it. He said he is going to tell them one more time to clean it, and if they don't he will go ahead with it.

RE: BIDS FOR ANNUAL MAINTENANCE OF LEGAL DRAINS:

Mr. Brenner presented the following solicited bids to the Board for approval:

KEIL DITCH....Norman Messel....3,012 LF X 0.18.5 = \$560.00.

Commissioner Willner moved it be approved. Commissioner Ossenberg seconded the motion. So ordered.

SINGER DITCH....Eugene Rexing....2,450 LF X 0.13 = \$367.50

POND FLAT "D" LATERAL....Eugene Rexing....4,579 LF X 0.14 = \$641.06

Commissioner Willner moved the above bids be approved. Commissioner Ossenberg seconded the motion. So ordered.

HOEFLING DITCH....Merl J. Hoefling....5,571 LF X 0.06 = \$334.26.

Cash in the amount of 33.43 was enclosed.

Commissioner Willner moved this claim be approved. Commissioner Ossenberg seconded the motion. So ordered.

RE: RESOLUTION DECLARING EAST SIDE URBAN DRAIN:

The commissioners signed a formal resolution designating the east side as an urban drain. A copy of this resolution is available in the Auditor's Office.

RE: LEGAL NOTICE ON KAMP DITCH:

Mr. Brenner read the following notice that was sent out on April 21, 1977 on Kamp Ditch:

Please be advised that a bid has been let on the dredging of Kamp Ditch, which exceeds the annual maintenance charge bid of \$1,563.54. The annual maintenance charge will be raised to \$3,348.00. This does not mean your maintenance charge will be raised to \$3,348.00. This does not mean your maintenance charge will be raised in the future.

A meeting of the Drainage Board will be held May 9th, 1977 at 10:00 A.M., at which time remonstrators may be heard.

There were no remonstrators present.

RE: SURVEY....WABASH-ERIE CANAL:

Mr. Brenner said the survey on the Wabash-Erie Canal has been completed and he plans to move ahead with it. He said they have approval from the people who own the right-of-way. He said he has everything except under the railroad. If it comes to it, he has the legal right to increase the size of their culvert and bill them for at least half of it. He said he is still trying to negotiate with them.

President Schaad asked Mr. Brenner how he is coming along with Jim Morley in working out the problems on the whole east side drainage.

Mr. Brenner said he hasn't talked to him and he hasn't seen him.

RE: ANNUAL MAINTNEANCE....EAGLE SLOUGH:

Mr. Brenner said he has bid all the ditches except Eagle Slough. He recommended that this would be a good project for the people on poor relief to work on. He said he has advertised Eagle Slough and tried to get people to bid on it and he has had no luck; no one wants to clean it. He said it has to be done, that it has been three years since it was last cleaned.

There being no further business the meeting adjourned at 11:50 a.m.

PRESENT:DRAINAGE BOARD

Bob Schaad
Tom Ossenberg
Robert Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEYS

Ed Smith, Jr.
Paul Wendel

Secretary: Cindy Decker

Bob Schaad
Tom Ossenberg
Robert Willner
Vanderburgh County Drainage Board

VANDERBURGH COUNTY DRAINAGE BOARD
MAY 23, 1977

A meeting of the Vanderburgh County Drainage Board was held on this 23rd day of May, 1977 at 10:40 a.m. with President Bob Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: HIRSCH DITCH:

President Schaad said one of the purposes of the meeting today is to make official and have in the minutes some action that the Drainage Board approved to expedite the advertising of the work to be done. He read the following: In the matter of Combining Hirsch Ditch, a legal drain with the Eastside urban drainage system, in Vanderburgh County, Indiana.

Notice is hereby given in compliance with section 406, Indiana Drainage Code of 1965, as amended, that a meeting will be held June 6, 1977, at 10:30 a.m. in the Vanderburgh County Commissioners Chamber, to review the recommendation of the Vanderburgh County Surveyor to combine Hirsch Ditch, a legal drain, with the Eastside Urban Drainage System. He said the commissioners approved this to be stamped with their names to expedite it. It will be run in the Courier and Press on May 24 along with the advertisement to extend the maintenance of Hirsch Ditch upstream 1500 ft. to its junction with the Eastside Urban Drainage System.

Commissioner Willner moved the above be approved. Commissioner Ossenberg seconded the motion. So ordered.

RE: EAGLE SLOUGH:

President Schaad read the following letter from Tockman, Flynn & Probert: This firm represents Mr. and Mrs. Curtis B. Huff who own real estate adjoining the Eagle Slough located at 3328 Weinbach Avenue in the City of Evansville. Mr. and Mrs. Huff, as have many others, have been paying yearly assessments for the maintenance of Eagle Slough. However, this ditch is being improperly maintained in and around the Weinbach area in that a considerable amount of rubbish and debris has been allowed to accumulate around the bridge in this area. Mr. and Mrs. Huff would respectfully request that maintenance be concentrated in this area to clear up this condition.

Commissioner Ossenberg moved that this matter be referred to Mr. Bob Brenner, County surveyor. Commissioner Willner seconded the motion. So ordered.

Commissioner Willner said that we didn't get any bids to clean Eagle Slough. He asked if the Board was going to contract it, or what.

Paul Wendel, County Attorney asked if Mr. Brenner's office could do the work.

Commissioner Willner asked Mr. Brenner what the statutes say if we get no bids on Eagle Slough.

Mr. Brenner said it doesn't say. It is just assumed that we will get bids on it. He said it would be of interest to look into summer help to do it. Then to bill for it.

President Schaad asked if it could be done that way.

Mr. Brenner said that it could be done.

President Schaad asked Mr. Brenner how he would get the money.

Mr. Brenner said he could get it from the General Fund.

Curt John, County Auditor, said it would have to be set up in the salary ordinance. He said Mr. Brenner could just tell them a lump sum he was going to use.

President Schaad asked if there would have to be an hourly rate set.

Mr. Brenner said it would have to be minimum wage. He said he has had quite a bit of experience with summer employment with kids in high school and college.

Commissioner Willner moved that the board give Mr. Brenner permission to get the job done. Commissioner Ossenbergh seconded the motion. So ordered.

RE: JIM MORLEY....EAST SIDE DRAINAGE:

President Schaad asked Mr. Brenner if he had heard anything from Jim Morley.

Mr. Brenner said yes that they have been working together. He said Mr. Morley has surveyed in the city from GreenRiver Road down. The Surveyor's office has exchanged what they have with him.

Mr. Brenner said there is one area where no one claims a street. He contacted the Evansville Industrial Foundation, and there is a street that comes off of Morgan across the southern tracks right in front of Complete Lumber. He said we need a culvert out there, and no one will claim that they own it.

Commissioner Willner said that it belongs to Complete; they built it with the Board's permission.

Mr. Brenner said the Complete told him that it belonged to the Evansville Industrial Foundation.

Commissioner Ossenbergh told Mr. Brenner to contact Norm Wagner at Southern Indiana Gas and Electric and he could tell him who owned it.

Mr. Brenner said he had contacted them and they didn't know.

President Schaad asked how big a culvert he was going to have to put in there.

Mr. Brenner said it would take 87 X 103 inches.

There being no further business the meeting adjourned at 10:55 a.m.

PRESENT:

DRAINAGE BOARD

Bob Schaad
Tom Ossenbergh
Robert Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEYS

Ed Smith, Jr.
Paul Wendel

Secretary: Cindy Decker

Robert Willner
Vanderburgh County Drainage Board

Tom Ossenbergh

VANDERBURGH COUNTY DRAINAGE BOARD
JUNE 6, 1977

A meeting of the Vanderburgh County Drainage Board was held on this 6th day of June, 1977 at 10:10 a.m. with Vice-President Robert Willner presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: CLAIMS:

Mr. Bob Brenner, County Surveyor, presented the following claims to the Drainage Board for approval of payments:

EVANSVILLE COURIER....Legal advertising....Hirsch Ditch....\$4.30.

EVANSVILLE PRESS....Legal advertising....Hirsch Ditch....\$4.30.

EVANSVILLE COURIER....Legal advertising....Hirsch Ditch....\$4.76.

EVANSVILLE PRESS....Legal advertising....Hirsch Ditch....\$4.76.

HAROLD PETERS....Removal of tree at Sonntag-Stevens Ditch the first part of May, 1977... \$190.00.

Commissioner Ossenberrg moved that the above claims be approved. Commissioner Willner seconded the motion. So ordered.

RE: PUBLIC MEETING....HIRSCH DITCH:

Mr. Brenner said that today is when we were to have the public meetings on Hirsch Ditch. The first meeting was for the extension of the maintenance of Hirsch Ditch 1500 ft. to its junction with the East Side Urban Drain.

There was no remonstrators present.

The second meeting was to combine Hirsch Ditch with the East Side Urban Drain. Mr. Brenner said Hirsch Ditch is also known as the Wabash Erie Canal. He said we may have had maintenance on it before, but now we do for certain. He said this will complete the loop from the city limit all the way to the Warrick County Line.

Commissioner Willner said we are assuming now that the old Erie Canal is a public drain.

Mr. Brenner said it is a public drain.

Commissioner Ossenberrg moved that these be approved. Commissioner Willner seconded the motion. So ordered.

RE:

Mr. Brenner said Kelly Ditch starts at Warrick County and extends all the way to Green-River Road. Boesche does the same thing. He said there are people in Warrick County that dump into the Urban Drain. He said we need to have a joint board on both ditches.

Commissioner Willner said we do have a joint board with Warrick County and it is for all of the dtiches.

Commissioner Ossenberrg said the Commissioners have changed since it was formed, and the joint board may have to be reactivated.

Mr. Brenner said the state law says that all property in the watershed must pay for the Urban Drain. He said on Kelly Ditch this will take in a tremendous part of Warrick County water. They should pay on it. He asked if we let their surveyor tell us who pays on it, or how is it worked.

Commissioner Willner suggested that Mr. Brenner get with the Warrick County Surveyor and discuss this.

Mr. Brenner asked how a meeting would be set up.

Commissioner Ossenberg said that Commissioners Schaad and Willner are the two that are on the joint board. He said that one of them would have to get in touch with the Warrick Commissioners and set up a meeting.

Mr. Brenner said what we need is for them to come up with their people that are in the watershed in Warrick County of the East Side Urban Drain. He said it touches at two points, which are at the Kelly and Boesche.

Commissioner Willner said for Mr. Brenner to get in touch with their surveyor, and he will talk to President Schaad and see what to do.

There being no further business the meeting adjourned at 10:20 a.m.

PRESENT:

DRAINAGE BOARD

Robert Willner
Tom Ossenberg

Secretary: Cindy Decker

COUNTY AUDITOR

Alice McBride
(Deputy Aud.)

COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEYS

Ed Smith, Jr.
Paul Wendel

Bob Schaad
Tom Ossenberg
Robert Willner
Vanderburgh County Drainage Board

VANDERBURGH COUNTY DRAINAGE BOARD
June 27, 1977

A meeting of the Vanderburgh County Drainage Board was held on this 27th day of June, 1977 at 11:30 a.m. with President Bob Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: BID TO DRAIN KELLY, NURRENBERN, STOCKFLETH, & BOESCH DITCHES....FLOYD STAUB:

Mr. Robert Brenner, County Surveyor, presented a bid to the Commissioners for their signatures. The bid had been allowed, but Mr. Brenner had to get Mr. Floyd Staub to come in and sign the bid. The bid is to drain Kelly, Nurrenbern, Stockfleth, and Boesche Ditches for the amount of \$20,053.06.

Commissioner Ossenberrg moved that the Board sign the contract. Commissioner Willner seconded the motion. So ordered.

RE: LETTERS STATING EITHER URBAN OR RURAL DRAIN:

Mr. Brenner said there is a requirement for an Urban Drain that each property in the drainage area be assessed. He said his office, using the Assessor's Office and the Engineer's Hand Book, has come up with a hard surface area, roofing and driveways, and the property will be designated Urban if over 1/15 of the area is covered by driveways, roof, and things like that.

Mr. Brenner said his office has established a figure for assessing the drains. Rural, in the old drains, paid \$2.00 an acre. Under this it will take the rural down to \$1.50 an acre, and the urban will pay 15 times that amount. In other words urban will pay \$22.50 an acre. He said this is based on a figure out of the Engineer's Hand Book, and that they could pay as high as 20 times, but the 15 will work fine for us.

Mr. Brenner said he still doesn't have the names of the people; all he has is the tax code, and he has every tax code on the map. He said we will have to have a joint board with Warrick County. We pick up about 100 acres in Boesche, and according to his map, we would pick up a couple sections in Kelly. He said his office went out and looked at the Kelly Ditch and the flow has been reversed. We no longer get anything from Warrick County.

Mr. Brenner said we still have our \$5.00 minimum, but if a person is classified Rural there is no way they could be under the minimum. He said the ditches started out \$3,700 in debt this year and he collected right at \$8,000, so the 6 ditches should have a plus balance. He said based on this the \$1.50 an acre would bring in \$16,700 a year. Including the minimums, it would bring it up to 17,691 dollars. He said it won't take us long to retire the debt from the contract that was just signed.

President Schaad asked over what period of time it would take.

Mr. Brenner said in four or five years.

Mr. Brenner said we now have to send a letter to each individual tax code stating whether they have been designated urban or rural. He said the total acreage in the thing is 4100 acres. Five Hundred of it has been designated Urban.

President Schaad asked Mr. Brenner how he came up with the number 15.

Mr. Brenner said that it could be anywhere from 10 to 20, so he just averaged it and went with 15. He said we will receive a lot a phone calls from people stating that their property isn't urban.

Commissioner Ossenberrg moved it be approved. Commissioner Willner seconded the motion. So ordered.

President Schaad asked Mr. Brenner when he wanted to have a meeting with Warrick County.

Mr. Brenner said any time it could be set up.

Commissioner Ossenberg told Mr. Brenner that he should maybe try to get ahold of Virgil Gerhart because Warrick County has a whole new set of Commissioners.

RE: REQUEST FROM SAM BIGGERSTAFF:

President Schaad read the following request from Sam Biggerstaff: This is in regards to Carrolton Court subdivision, Jacobs property. Attached is a proposed subdivision plan for 33 lots, average size approximately 120 by 110. The property to the west and south has been developed and the area is served with both city sewer and city water. The Area Plan Commission suggested we get your approval to empty out water into the Nurrenbern Ditch and the ditch along the south side of Highway 66. This plat contains approximately 12 acres. We will appreciate your comments on this work.

Mr. Brenner said we don't have much to do with the ditch along Highway 66. He said it is state.

Mr. Brenner said he went last week after a relatively moderate rain and took pictures of the culverts on Burkhardt Road, and they were within 6 inches from the top. He said there is one culvert on Burkhardt and one on either side of Fuquay, and all three of them are plugged. He said if the state doesn't clean them, we will do it and bill them.

President Schaad said they should be notified and tell them they have a certain length of time to clean them, and if they don't do it, to go ahead.

President Schaad asked Mr. Brenner what his thoughts were on letting this subdivision drain into Nurrenbern.

Mr. Brenner said there isn't much we can say if we are going to let them develop in that area, but there is more water than we can stand at the moment. He said when we get the canal open we can handle it.

Commissioner Ossenberg said that this 12 acres that the subdivision is to be built on floods very badly. He said there is sometimes 3 and 4 feet of water in there.

Mr. Brenner said he is concerned about the subdivisions. He said they come through so fast and we don't even get called.

Commissioner Willner said while the subject was open he thinks we need to ask Area Plan to revamp and get the Commissioners approval on subdivisions.

Commissioner Ossenberg said he thinks this is a good idea because there are so many new subdivisions coming all the time.

Commissioner Willner asked if this should come before the Drainage Board or the County Commissioners.

Commissioner Ossenberg said it would come before both.

Commissioner Willner moved that the Board ask Area Plan to redraw their articles of approval to include the County Drainage Board on all industrial and commercial subdivisions. Commissioner Ossenberg seconded the motion. So ordered.

Mr. Paul Wendel, County Attorney, is going to draw up a letter asking them to do this.

Commissioner Ossenberg suggested to Mr. Brenner that he go out today to look at the property where the new subdivision is supposed to go up and look at the culvert situation on Nurrenbern Ditch.

Commissioner Willner moved that this go back to Mr. Brenner and he come before the Board when he has studied it with a recommendation. Commissioner Ossenberg seconded the motion. So ordered.

RE: CANTRELL CRADDOCK....SONNTAG-STEVENS

President Schaad had a note from Margie Meeks, secretary to the County Commissioners, that stated that Mr. Cantrell Craddock was to appear before the board today to protest a ditch assessment on Sonntag-Stevens Ditch.

Mr. Brenner said that Mr. Craddock had told him it wasn't fair that he has to pay an assessment on Sonntag-Stevens and his neighbors don't have to. He said he took the watershed map out and Mr. Craddock's property is indeed in the watershed and convinced him that he should pay.

President Schaad said to let the record show that Mr. Craddock didn't appear.

There being no further business the meeting adjourned at 11:50 am.

MEMBERS PRESENT:

DRAINAGE BOARD

Bob Schaad
Robert Willner
Tom Ossenberg

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEYS

Paul Wendel

Secretary: Cindy Decker

Bob Schaad
Robert Willner
Tom Ossenberg
Vanderburgh County Drainage Board

260.

VANDERBURGH COUNTY DRAINAGE BOARD
JULY 5, 1977

A meeting of the Vanderburgh County Drainage Board was held on this 5th day of July, 1977 at 11:15 a.m. with President Bob Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: CLAIMS:

President Schaad presented the following claims to the Drainage Board for approval of payment:

EDWIN R. SMITH....Representation of Drainage Board for April, May, and June, 1977....\$500.00

PAUL WENDEL....Representation of Drainage Board for April, May, and June, 1977....\$500.00

RE: CORRECTION OF JUNE 27TH MINUTES:

President Schaad said that Paul Wendel, County Attorney, had just called to his attention that in the minutes of the June 27th meeting Commissioner Willner moved that Area Plans redraw their articles of approval to include the County Drainage Board on all Industrial and residential subdivisions. President Schaad asked Commissioner Willner if he didn't mean all commercial and industrial subdivisions.

Commissioner Willner said that is what he meant.

Commissioner Ossenberrg moved that the minutes of the June 27th meeting be corrected. Commissioner Willner seconded the motion. So ordered.

RE: MR. BEANTY:

Mr. Beanty said that about 9 or 10 years ago he had a petition to have a ditch on his property made into a legal drain. This ditch drains into Maidlow Ditch. He said Maidlow ditch is allotted just up to his line. He said his ditch is larger than Maidlow Ditch. He said he thought now might be the time to have this made into a legal ditch.

President Schaad asked Mr. Brenner if he had found the petition for this ditch to be made into a legal drain.

Mr. Brenner, County Surveyor, said there was no action taken on it; it just laid there.

Mr. Brenner said he thinks he has something that will affect Mr. Beanty though. He said we are assessing everyone in the watershed that puts water into a ditch. If we do that, we should clean any finger that needs cleaning. He said once you say this is the Maidlow watershed, we can clean any finger that needs it.

President Schaad asked if it would have to be declared a legal drain.

Mr. Brenner asked Mr. Beanty if he is assessed for the Maidlow Ditch.

Mr. Beanty said that he is assessed for it.

Commissioner Willner said the county spent \$1100 to clean about 300 yards of a ditch about 4 years ago, and now no one has taken care of it and we will have to go back in and clean it again.

President Schaad asked if this is a part of the legal drain.

Commissioner Willner said it is not, and we are using bridge money just to protect the road.

Mr. Brenner said once to spend money on a ditch you can set up a maintenance area and collect on it. Mr. Brenner said it can be done any time, even if the money was spent in the past.

Mr. Brenner said on Mr. Beanty's ditch, we can just extend the maintenance area of Maidlow ditch like we did with Hirsch Ditch. He said he thinks all the fingers of these ditches should be made legal drains.

President Schaad asked Mr. Brenner if he had enough information on this matter to advertise for a public hearing.

Mr. Brenner said that he does.

Commissioner Willner moved that Mr. Brenner advertise for this. Commissioner Ossenberg seconded the motion. So ordered.

RE: CARROLTON COURT SUBDIVISION:

Mr. Brenner said he has studied the site where the Carrolton Court subdivision is to be built. He said it is on a hill and does not flood. He said that it will definitely cause problems to the people who do flood now though. He said if we open the old canal, at the rate the subdivisions are developing, we will be behind; we will be worse off than we are now with no flow out the canal.

Commissioner Willner moved that Carrolton Court Subdivision be approved on the preliminary plan pending an overall review of the whole area. Commissioner Ossenberg seconded the motion. So ordered.

RE: STATE CULVERTS ALONG HIGHWAY 66:

Mr. Brenner said he went out to the four state owned culverts along highway 66 after about a 3/4 of an inch rain. He said he can't imagine how they would look after a heavy rain. He said he is going to clean the ditches and then bill them for it.

RE: CRAWFORD BRANDEIS....MR. SCHMITT:

Mr. Brenner said his office had laid out where they wanted to go with the Crawford Brandeis, and a Mr. Schmitt has created some problems with them. He said he tried to arbitrate with Mr. Schmitt, but he just wouldn't do it. He said we are to pay him damages. He said they will be eliminating an 800 foot horseshoe across his farm and filling it in. He is getting more back than what he started with.

RE: GREENBRIAR HILLS SUBDIVISION....MR. JIM MORLEY:

Mr. Brenner showed the Board a preliminary plan for a subdivision from Mr. Morley. He said that we can't really tell anything from it now because it doesn't have any drainage plan or anything. All they want is our approval that it go into our ditch.

Commissioner Ossenberg says from what he can see it would just compound the problem.

Mr. Brenner said to wait and see what they are going to do with it before a final decision is made. He said it will have to come before the Board for their approval anyway.

Mr. Brenner said the Greenbriar Hills subdivision will create no problem. We have no legal drains out there at all, and he recommended that the Board accept this one.

Commissioner Ossenberg moved that it be approved. Commissioner Willner seconded the motion. So ordered.

RE: FUNDS FOR PART-TIME HELP....BOB BRENNER:

Mr. Brenner said he is to go before the County Council today to request funds for part-time employees for the cleaning of Eagle Slough. He said it could also be used for the other ditches.

RE: PIGEON CREEK:

Commissioner Ossenberg asked Mr. Brenner how Pigeon Creek is coming.

Mr. Brenner said it is a real mess. He said the work is being done on it, but the equipment is too small for this sort of job. He said it is going to take forever.

Mr. Brenner said after the work is done on Pigeon Creek we should attempt to collect from the city. He said we should offer to split and if they don't want to split, try to collect it all.

There being no further business the meeting adjourned at 11:35 a.m.

MEMBERS PRESENT:

DRAINAGE BOARD

Bob Schaad
Robert Willner
Tom Ossenberg

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEYS

Paul Wendel

Secretary: Cindy Decker

Bob Schaad

Robert Willner

Tom Ossenberg

Vanderburgh County Drainage Board

VANDEBURGH COUNTY DRAINAGE BOARD
JULY 11, 1977

A meeting of the Vanderburgh County Drainage Board was held on this 11th day of July, 1977 at 10:45 a.m. with President Bob Schaad presiding.

The minutes of the July 5th meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: CARROLTON COURT:

Mr. Bob Brenner, County Surveyor, said the only thing he has to bring before the Board is the Carrolton Court, Jamestown Subdivision, Section A. He said the only question he would have on this subdivision is whether we wish to continue with the road ditches. He said 99% of them divert the water to the road.

President Schaad said that maybe we should assess everyone in the county .05¢ to take care of all drainage in the county, whether it is a legal drain or not. He said it would be like the accumulative bridge fund except it would be the accumulative drainage fund.

Mr. Brenner said the farmers and any drainage association are against it. He said it would be more responsibility also.

President Schaad said in other words it is bad enough the way it is, and this would only make matters worse.

Commissioner Ossenberg asked Charles Osterholt, Executive Director of the Area Plan Commission if he had anything further on this subdivision.

Mr. Osterholt said no that he just needed to know the Board's action on the subdivision reviews.

Mr. Brenner said everything that is permitted on the East side will create a bigger problem because it will create more run-off. He said let them build anything they want as long as it doesn't increase the run-off. He said he doesn't see any other solution.

Mr. Osterholt said he doesn't think the drainage problem will ever be solved, but it would certainly relieve it.

Mr. Brenner said with all the new subdivisions going up that this year after the canal is opened and every ditch is dredged, he will be further behind than he was when he started.

Commissioner Willner moved that Carrolton Court Subdivision be approved with the stipulation that the people take care of their own drainage, and the run-off is no more than it was prior to when the subdivision was built. He moved it be this way with all the new subdivisions in the East Side Urban Drainage system. Commissioner Ossenberg seconded the motion. So ordered.

RE: NURRENBERN DITCH:

Louis Stephen, County Highway Engineer, said there is an area on Kirkwood that is ponding because the ditch that runs over to Nurrenbern can't handle the water. He said the area is by Lincoln and Fuquay. He said the problem will be helped since Nurrenbern is to be dredged up all the way.

There being no further business the meeting adjourned at 10:55 a.m.

MEMBERS PRESENT:

DRAINAGE BOARD

Bob Schaad
Robert Willner
Tom Ossenberg

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEYS

Ed Smith, Jr.
Paul Wendel

Secretary: Cindy Decker

Bob Schaad
Robert Willner
Tom Ossenberg

Vanderburgh County Drainage Board

VANDERBURGH COUNTY DRAINAGE BOARD
JULY 25 1977

A meeting of the Vanderburgh County Drainage Board was held on this 25th. day of July, 1977 at 10:45 a.m. with President Bob Schaad presiding.

The minutes of the July 11th meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: REVIEW OF SUBDIVISION PLANS:

Commissioner Schaad said that on June 27, 1977, the motion was made and seconded that the Board ask Area Plan to re-draw their articles of approval to include the County Drainage Board on all industrial and residential subdivisions and County Attorney Paul Wendel said he would send Area Plan a letter requesting them to do this.

Mr. Wendel said the Area Plan has final approval of the subdivisions, so we need some input with them, as the Drainage Board, the same as they do with the Commissioners.

Mr. Jeff Wilson of the Area Plan Commission submitted plans for five subdivisions that will go before the Area Plan Subdivision Review Committee, for the Commissioners input.

They are as follows:

1. Evansville Industrial Foundation Subdivision, off Oak Grove Road, East of Kight Lumber Co.

Commissioner Willner moved that the Commissioners request they have a ponding area in this subdivision.

Commissioner Ossenberg seconded the motion. So ordered.

Mr. Wilson asked if they are recommending a ponding area for each lot or one for the whole subdivision and Commissioner Willner said the Commissioners would leave this up to him.

2. Walling Subdivision on the West side of town.

Commissioner Willner moved that the Commissioners recommend approval.

Commissioner Ossenberg seconded the motion. So ordered.

3. Lincolnwood Subdivision.

Commissioner Willner moved that the Commissioners recommend approval.

Commissioner Ossenberg seconded the motion. So ordered.

4. Ray Poliakoff Subdivision.

Commissioner Ossenberg moved that the Commissioners recommend approval.

Commissioner Willner seconded the motion. So ordered.

5. Capital Elms Subdivision.

Commissioner Ossenberg moved that the Commissioners recommend approval.

Commissioner Willner seconded the motion. So ordered.

Mr. Wilson said that the Area Plan will have their Subdivision Review Committee meeting on Wednesday at 1:30 p.m. and if the Commissioners want to attend this meeting, they are welcome.

Commissioner Willner said this is a step in the right direction.

Commissioner Ossenberg said he appreciates the Area Plan bringing the Subdivision plans to the Commissioners and he asked Mr. Wilson to please see that Mr. Brenner gets the plans, in the future, before the Commissioners get them.

RE: COMMENT ON DITCHES

Mr. Don Folz appeared and said he wanted to commend everyone on the ditch he is now getting through his property, which is the Crawford-Brandeis Extension, that it is better than they have ever had out there and he really appreciates it.

He said they have also changed the channel at Pigeon Creek, that someone has been doing

some thinking here, also he would like to see, if at all possible, the continuation of the cleaning of the regular roadside ditches on the rest of Green River Road, north of the highway and on Burkhardt Road, particularly from MacDonald Hopeland, north, that both sides of the road really could stand a good ditch cleaning by the county crews, if at all possible.

He said he would also like to see some happenings now on the Wabash Erie Canal, in getting it started and also some cleaning of the ditches on Nurrenbern Road and a few others up there that need it.

Commissioner Ossenberg said that according to Mr. Brenner, everyone out there is apparently cooperating so it is a question now of co-ordinating with the City. He also asked if anything has been done as yet on the log jam at Pigeon Creek and Mr. Brenner said they are working on it but it is going pretty slow.

There being no further business the meeting adjourned at 11:05 a.m.

MEMBERS PRESENT:

DRAINAGE BOARD

Bob Schaad
Robert Willner
Tom Ossenberg

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEYS

Ed Smith Jr.
Paul Wendel

SECRETARY: Cindy Decker
BY: Margie Meeks

Bob Schaad
Robert Willner
Tom Ossenberg
Vanderburgh County Drainage Board

266.

VANDERBURGH COUNTY DRAINAGE BOARD
AUGUST 1, 1977

A meeting of the Vanderburgh County Drainage Board was held on this 1st day of August, 1977 at 11:10 a.m. with President Bob Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: CLAIM:

The following claim was submitted to the Drainage Board for approval of payment:

QUINTEN STAHL, INC....General Ditch Improvement, Crawford Brandeis and Extension....10% progress payment....\$5,194.40.

Commissioner Ossenberg moved that the above claim be approved. Commissioner Willner seconded the motion. So ordered.

RE: SUBDIVISION....JIM MORLEY:

Mr. Jim Morley, of Morley and Associates, said after he met with the commissioners Thursday he got the information he needed to complete the report on Harper Ditch on Friday of last week. He said he isn't here to present the formal Harper Ditch study today, but he does have all the information. Mr. Morley showed the commissioners a plan he had drawn of the area in question.

Mr. Morley said when there is a large drainage basin and are thinking about how to keep the peak floods from getting bigger, the thing to do is to make sure that the people in the lower end have some means of keeping their run-off down. He said by the channel you don't want them to keep it down. He said he sees no reason to ask the people in the Evansville Industrial Foundation Subdivision to have ponding since they are right next to the old canal.

Commissioner Ossenberg said prior to this meeting we had agreed that the ponding was to go into the parking lot.

Mr. Morley said it will not help the over all situation that much, but neither will it hurt. He said he suggested to Mr. Brenner that this subdivision should allow for drainage from south to north (surface drainage) because today that is the way the land falls. He said it is much more efficient to have a surface drainage swell with 4 to 1 slopes where you plant bluegrass on it and mow it; it's a nice wide area and can store and carry water if you need it off of the project.

He said as far as he can tell all it needs is surface drainage easements across both sides of the project, which is to the east and to the west.

President Schaad asked Mr. Morley where he thought these easements should go.

Mr. Morley said across the back of each lot. He said there should be at least a thirty (30) foot easement across the back of the lots.

Commissioner Ossenberg said evidently from what he gathered this morning that is not being considered because they were talking about the water draining into the creek.

Mr. Morley said that is 400 feet of flat ground and he doesn't see how that can work.

President Schaad said that in other words Mr. Morley thinks it would be better to forget about the ponding in the parking lot, and instead put a 30 foot easement across the back of the lots running east and west of the project.

Commissioner Willner said he will go along with that, but the builder is required to put the parking lot in there, and he will be required by covenant to put the ponding in there.

Commissioner Willner asked Mr. Morley would the end of that ditch be piped into Harper Ditch or leave it open.

Mr. Morley said it would have to be piped into Harper.

Commissioner Ossenberg said he thinks that someone should contact the Evansville Industrial Foundation and Sam Biggerstaff on this matter.

Mr. Morley said it would actually be better to get a 40 foot easement instead of a 30 foot.

Commissioner Ossenberg moved that we get a 40 foot right-of-way on the east and a 40 foot right-of-way on the west. Commissioner Willner seconded the motion. So ordered.

Plaza East Subdivision:

Mr. Morley said this is by Division and it drains into Harper Ditch. He said what he found out from his study on Harper Ditch was that when Greenriver Road was constructed the structure under Greenriver on Harper Ditch is more than adequate. It is actually oversized a little. The problem in this area is the Harper Ditch channel itself, in that it is not large enough to carry all of the flow. This is at the upper reach. He said any retention that can be done in this area will aid the flow in Harper Ditch if it goes on its present route, or if it is ever relocated.

Commissioner Ossenberg asked how we were going to hold the water for the Plaza East Sub.

Mr. Morley said the only way to hold it is to reserve off of those lots a certain percentage of it not to be paved and form some sort of swell or holding area. He said if you want to store water on a parking lot you want it to be in small areas, because if it is big areas the water starts to get deep.

Commissioner Ossenberg said he doesn't care how it is done, just as long as it helps the drainage situation.

Commissioner Ossenberg moved that this be approved subject to covenant and approval at the Area Plan, subject to approval of the County Engineer and the County Drainage Board with satisfactory holding or swells or whatever as long as there is no greater run-off than there was before. Commissioner Willner seconded the motion. So ordered.

RE: CHARLES OSTERHOLT:

Mr. Osterholt said he had a couple of questions to ask the Board. He asked have all the drains in the county been classified in an overall classification.

Mr. Bob Brenner said there is one urban drain and the rest are all rural.

Mr. Osterholt asked could he have a copy of this classification.

Mr. Brenner said a copy could be picked up in his office.

Mr. Osterholt asked if there is an overall plan for drainage in the county.

Mr. Brenner said there are no funds for this type of thing.

RE: FRED ALCOTT

Mr. Fred Alcott, soil conservation officer, said that he is going to be transferred in a couple of weeks and he would like to thank the commissioners for their cooperation they have given him.

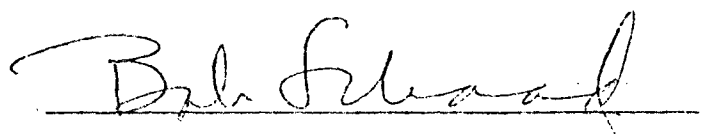
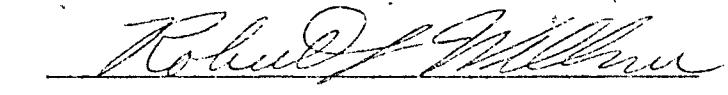
President Schaad said he wants to thank Mr. Alcott on behalf of the Drainage Board and the County Commissioners for all the help he has been, and wished him well.

There being no further business the meeting adjourned at 11:40 a.m.

MEMBERS PRESENT:

<u>DRAINAGE BOARD</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY SURVEYOR</u>	<u>COUNTY ATTORNEYS</u>
Bob Schaad Robert Willner Thomas Ossenberg	Curt John	Robert Brenner	Ed Smith, Jr. Paul Wendel

Secretary: Cindy Decker

268.

VANDERBURGH COUNTY DRAINAGE BOARD
AUGUST 22, 1977

A meeting of the Vanderburgh County Drainage Board was held this 22nd day of August, 1977 at 11:35 with President Bob Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: MAXIMUM MAINTENANCE CHARGE:

Mr. Bob Brenner, County Surveyor, said the Surveyor was to have made a list of the annual maximum maintenance charge for each ditch. He went back in past records and determined what was the maximum that has been spent or charged for each ditch. It is as follows:

<u>DITCH</u>	<u>ASSESSMENT</u>
Aiken	1,098.36
Baehl	546.14
Barnett	1,170.13 * 443
Barr's Creek	2,902.03 *1,888
Buente Upper Big Creek	3,046.99 *2,750
Buente Upper Big Creek "A" Lat.	760.12
Cypress Dale-Maddox	3,344.75
Eagle Slough	5,155.34
Eastside Urban Drainage System	9,300.83
Edmond	2,157.63
Harper	1,220.56 *14,649
Henry	519.10
Helfrich-Happe	3,755.25
Hoefling	392.53
Kamp	3,348.00 *1,756
Keil	511.92 *1,427
Kneer	305.69 * 176
Kolb	984.68
Lower Big Creek	794.26 * 494
Maidlow	1,907.07
Maasberg	264.72
Pond Flat Main	3,655.50
Pond Flat "A" Lat.	640.89
Pond Flat "B" Lat.	297.37 * 207
Pond Flat "C" Lat.	1,148.06 * 208
Pond Flat "D" Lat.	606.76 * 616
Pond Flat "E" Lat.	435.50 * 135
Upper Pigeon Creek	252.62
Rusher	543.51 * 432
Schlensker	602.40
Singer	367.50
Sonntag-Stevens	1,625.33
Wallenmeyer	1,005.35 * 611

Commissioner Willner asked Mr. Brenner if he knew which ditches will still be in the red next year, and the amount.

These amounts are typed in red with an asterisk.

Mr. Brenner said we could probably increase some of the maintenance charges just to get the ditch out of the red. He said we could advertise and do them all at one public meeting.

RE: EASTSIDE URBAN DRAINAGE SYSTEM:

Mr. Brenner said he has completed who will be assessed on the eastside. He had a list with the names on it, and a list with the amounts on it. There are 4,344.5 acres in the eastside drainage system, 501.7 will be assessed urban at \$22.50 an acre, and 3,843 acres will be assessed rural at \$1.50 an acre. He said it is his proposal that we go for an annual maintenance on the eastside of \$17,039.21.

Mr. Brenner said once he submits this to the Board, we need to send out a letter notifying the people that their property is urban, this is the amount, and to hold a public meeting.

RE: WABASH-ERIE CANAL

Mr. Brenner said since we are going to have to have a public meeting for the eastside system, we might as well have the meeting on the Wabash Erie Canal at the same time. He said it can be held at the regular Drainage Board Meeting four(4) weeks from today.

Commissioner Willner said for Mr. Brenner to proceed with the advertisement, and with sending the letters to the people on the eastside.

Mr. Brenner said he has to go before the County Council to ask for \$100,000 additional to the General Fund to pay for the Canal. He said there is no reason that we cannot give them the full \$100,000 back. They fronted us \$70,000, and he said if this is done correctly, we can pay back the full \$170,000. He said right now the ditches (at the end of the year) will owe us \$25,000 and we have a plus of \$35,000, so the general fund should have about \$80,000 at the end of the year. Contracts have been let for \$70,000.


Commissioner Willner moved that Council Call be approved and the advertising for additional funds be approved. Commissioner Schaad seconded the motion. So ordered.

There being no further business the meeting adjourned at 11:50 a.m.

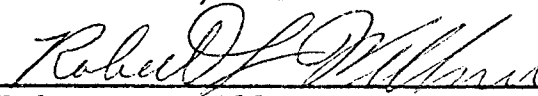
MEMBERS PRESENT:

<u>DRAINAGE BOARD</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY SURVEYOR</u>	<u>COUNTY ATTORNEYS</u>
Bob Schaad Robert Willner	Curt John	Robert Brenner	Ed Smith, Jr. Paul Wendel

Secretary: Cindy Decker



Bob Schaad, President



Robert L. Willner, Vice President

Thomas L. Ossenberg, Member

VANDERBURGH COUNTY DRAINAGE BOARD
AUGUST 29, 1977

A meeting of the Vanderburgh County Drainage Board was held on this 29th day of August, 1977 at 11:10 a.m. with President Bob Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: DITCH TO BE DECLARED A LEGAL DRAIN

Mr. Louis Steven showed the Commissioners a map of the area east and west of Old State Road from Eissler and Evergreen to Darmstadt and Campground Roads. There are 218 acres north of Sunrise and 170 acres south. Mr. Steven said this area should be declared a legal drain.

President Schaad said the procedure here is that we can initiate the petition to make this area a legal drain, it will have to be advertised, and public meetings will have to be held. He said it will almost have to be from Little Pigeon Creek going west.

Mr. Steven said we will have to assign a name or a number to this drain until it is made a legal drain. He said this determination doesn't have to be made right now. He said it may already have a name on the U.S.G.S. Topo map.

President Schaad said the first step would be to say we want to initiate the petition to make it into a legal drain and then to authorize Mr. Steven and Mr. Brenner to draw it up, and then come back before the Board.

Commissioner Willner said this is alright, but he initiated one from Hillsdale with a petition and he wants to know what action is going to be taken on this one. He said if we are going to do one, we might as well do them all.

Commissioner Ossenberg said for us to do them.

Mr. Brenner said the Board has already said to go ahead with the Hillsdale area.

Commissioner Ossenberg moved that we initiate the petition and Mr. Brenner draw it up. Commissioner Willner seconded the motion. So ordered.

Commissioner Willner asked Mr. Steven if we are going to put another bridge in for this area.

Mr. Steven said he would like to do a little studying on that. He said there is a three span bridge there and it will look odd to have a two span bridge that close to it. We should go in there for a little channel work and maybe take the 48" out of there and open that ditch back up.

Commissioner Ossenberg asked if the legal drain starts at old State Road and ends at Little Pigeon Creek.

Mr. Steven said the legal drain will start at the upper ends.

Commissioner Willner said he would not be for that. He said it is just asking for problems. He said there will be houses in the right of way of the legal drain.

President Schaad said he agrees with Commissioner Willner; the houses are so close together we couldn't get a 75 foot right of way on either side of it.

Commissioner Willner said he doesn't mind taking the road or even 50 feet from the road, but he doesn't want to go up in the subdivision.

Mr. Steven said that is the part that is causing the problem now.

Commissioner Willner said in some places it runs within 3 or 4 feet of the foundation of the houses. He said what will happen when the foundation starts washing out; we can't expect these people to maintain the foundations of the house.

Mr. Steven said if the ditch does break down the ditch would have to be relocated.

President Schaad said for Mr. Steven and Mr. Brenner to go ahead and draw up a preliminary plan of this area, and we will discuss it then.

RE: SUBDIVISIONS

Mr. Bob Brenner, County Surveyor, submitted plans for eight (8) subdivisions that will go before the Area Plan Subdivision Review Committee, for the Drainage Board input.

The are as follows:

1. Browning Road Estates.

Commissioner Ossenber moved that the Commissioners recommend approval. Commissioner Willner seconded the motion. So ordered.

2. Jamestown Sec. "K" of Carrolton Court.

Mr. Brenner said this doesn't have full drainage plans on it, and it is really hard to tell anything from these plans.

Commissioner Ossenber moved that this be referred to Mr. Brenner's office, and he look at the drainage plans, and it will be subject to his approval. Commissioner Willner seconded the motion. So ordered.

3. Meisler Estates.

Commissioner Ossenber moved that the Commissioners recommend approval. Commissioner Willner seconded the motion. So ordered.

4. Brookshire Estates.

Commissioner Ossenber moved that this be referred to Mr. Brenner's office, and the drainage plans be submitted for his approval before the Board will act on it. Commissioner Willner seconded the motion. So ordered.

5. Oak Hill Terrace No. 2.

Commissioner Ossenber moved that the Commissioners recommend approval. Commissioner Willner seconded the motion. So ordered.

6. Gehlhausen & Broerman Subdivision.

Commissioner Ossenber moved that this be referred to Mr. Brenner's office, and the drainage plans be submitted for his approval before the Board will act on it. Commissioner Willner seconded the motion. So ordered.

7. Replat of Kirkwood No. 2, Lots 21-62.

Mr. Charles Osterholt, from the Area Plan Commission, said this is a replat and he isn't sure if this even needs to be brought before the Board.

Commissioner Willner moved that the drainage plans be submitted to Mr. Brenner for his approval before the Board acts on it. Commissioner Ossenber seconded the motion. So ordered.

8. Westhaven Hills No. 2, Sec. "D".

Commissioner Ossenber moved that the drainage plans be submitted to Mr. Brenner for his approval before the Board acts on it. Commissioner Willner seconded the motion. So ordered.

RE: CLAIM

A claim was submitted by Quinten Stahl, Inc. for 20% progress payment on Crawford Brandeis and Crawford Brandeis Extension in the amount of \$10,388.80.

Commissioner Ossenber moved the claim be approved. Commissioner Willner seconded the motion. So ordered.

There being no further business the meeting adjourned at 11:40 a.m.

MEMBERS PRESENT:

DRAINAGE BOARD

Bob Schaad
Robert Willner
Tom Ossenberg

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEYS

Ed Smith, Jr.
Paul Wendel

Secretary: Cindy Decker

Bob Schaad

Robert Willner

Tom Ossenberg

VANDEBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
SEPTEMBER 6, 1977

A meeting of the Vanderburgh County Drainage Board was held on this 6th day of September, 1977, at 11:40 a.m. with President Bob Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them was dispensed with.

The original minutes of the Drainage Board meeting of July 11th were also signed at this time.

RE: HILLSDALE DRAINAGE PROBLEM

Commissioner Schaad said that the Hillsdale drainage problem was discussed last week and Miss Decker researched the minutes to see if she could find where the Commissioners petitioned Hillsdale Ditch to be a legal drain, but she couldn't find anything in the minutes of the Drainage Board to indicate the approval of the engineering or what can be done to make that area a legal drain, so he thought this should be made a part of the minutes.

Commissioner Willner said there is a petition but he understands it doesn't have sufficient names on it, so what the Drainage Board needs to do is to make a motion, and;

Commissioner Willner moved that the Drainage Board initiate the Hillsdale Creek into a legal drain. Commissioner Ossenberg seconded the motion. So ordered.

Mr. Brenner said that the Commissioners initiated the petition in the Commissioners meeting, that this is why they couldn't find it in the Drainage Board minutes.

Commissioner Schaad said he sees the problem, that it isn't a legal drain and not under the Drainage Board's jurisdiction. He then asked that this be researched in the Commissioners minutes.

RE: MAIDLOW EXTENSION

Commissioner Schaad said that Mr. Buente was in on the Maidlow Extension and he said he believed this belongs in the Drainage Board. He asked Mr. Brenner if it doesn't.

Mr. Brenner said this is the same as the other case, that he dug out the petition and it is the same way, that it wasn't adequate, that it would take an attorney to petition, according to the Indiana State Law.

Commissioner Schaad asked that this matter also be researched in the Commissioners minutes, since if it isn't, it needs to be made a part of the Commissioners minutes to make it official.

RE: EAGLE SLOUGH

Mr. Brenner said, in regard to the periodic maintenance of Eagle Slough, he has talked to the Commissioners and to the farmers, that he delayed it a week, and he has a bid from William Heppler of R.R. 7, Evansville, to spray Eagle Slough for 3½¢ per foot, giving us a total bid of \$1,051.40 and he submitted a check for 5% of the amount.

He recommended that this bid be accepted.

Commissioner Schaad said he understands that this is to be done by plane and he doesn't ever remember the Commissioners having any experience of doing it this way. He said he just wonders how high the plane flies and if there is any danger of having damages, since they may have a lawsuit.

Mr. Brenner said he has done a lot of talking to the people along the ditch and the biggest one is Ivan Wathen and he said he really didn't care if it killed some of his crops, since it is time anyway for them to be harvested, but he wants the ditch sprayed.

Commissioner Schaad asked if Mr. Heppler supplies a bond and Mr. Brenner said he does supply a bond and he is insured.

Mr. Brenner said they do have experience in spraying ditches, that they do contract with the Big Creek Drainage to spray the ditches and they go out and hire Mr. Heppler to spray them by air.

Commissioner Ossenbergh moved that the bid of Mr. Heppler be accepted for the maintenance of Eagle Slough. Commissioner Willner seconded the motion. So ordered.

RE: REQUEST

Mr. Brenner said he has a request from a Thomas J. Burmeister of 7619 Huckleberry Lane, that it appears there was a subdivision approved which was Village Acres Subdivision.

Mr. Stephen said there was a lake that they eliminated and they made a swale and ran it right down our right of way, that they are going to give us for a road some day, if the road ever goes through. He said they provided another swale back around the properties, so Mr. Burmeister wants permission to put it back in the easement and run it along his property line.

Commissioner Schaad said this wasn't a legal drain and Mr. Brenner said "no" but the Commissioners did approve the drainage on it.

Commissioner Willner moved that Mr. Burmeister be permitted to bring it back to his property line, as requested. Commissioner Ossenbergh seconded the motion. So ordered.

RE: MAINTENANCE CHARGES BEING RAISED

Mr. Brenner said they discussed about raising maintenance charges and he has a list of them that he would like to raise and that he will go through the legal procedure to do it, if he has the Commissioners approval.

They are as follows:

<u>Ditch</u>	<u>Amt. of Debt at Years End</u>	<u>Assessment</u>	<u>Requested Raise</u>
Keil	\$1,400.00	\$511.92	\$1,200.00
Kneer	\$ 176.00	\$305.69	\$ 600.00
Lower Big Creek	\$ 500.00	\$794.26	\$1,200.00
Pond Flat. B	\$ 200.00	\$297.37	\$ 500.00
Pond Flat. C	\$ 200.00	\$1,148.06	\$1,400.00
Rusher Creek	\$ 430.00	\$543.51	\$1,000.00
Wallenmeyer	\$ 610.00	\$1,005.35	\$1,500.00

Mr. Brenner said this will pay off the debt, that the only ones they will be in debt for will be Kamp Ditch which has already been raised.

He said that something must be done on Harper Ditch, that it is \$14,000 in debt and collects \$1,220.56 and it takes about that to do it.

He said somehow, he thought they got snookered, that they only have something like 300 acres left in it, that at one time they had 1500 acres but the City took 1200 and at some time they spent better than \$15,000 on Harper Ditch and then we abandoned Harper to the City and the little section that was left was stuck with the debt and he can't see for the life of him, that this is right, at least this is what he thinks happened, since he can't find any record of what they did to spend that much money. He said that there is no way, with annual assessments, that he is ever going to pay that off.

Commissioner Schaad said if he is following Mr. Brenner correctly, what he is telling him is that with the little section that is left, they can't expect them to make up the deficit to pay the whole thing off.

He explained the problem to the County Attorneys and asked them if they can go back on those people, even though they are no longer in the watershed, or legally, no longer in the Harper Drain, and collect the money.

County Attorney Wendel said he didn't think so and asked why they didn't charge the city.

Mr. Brenner said the City assumed their responsibility, that this is a problem and they need to do something with it.

Commissioner Schaad said if they want to resolve it, they might as well have the County Attorney's to look into it, to see what can be done.

County Attorney Smith said that he will get with Mr. Brenner on this matter.

Commissioner Willner moved the assessments be raised on these ditches to the amounts requested, other than Harper Ditch, which they will leave as is until the Commissioners get the County Attorney's opinion. Commissioner Ossenberg seconded the motion. So ordered.

There being no further business, the meeting adjourned at 11:55 a.m.

PRESENT

DRAINAGE BOARD

Bob Schaad
Tom Ossenberg

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEYS

Ed Smith, Jr.
Paul Wendel

Secretary: Cindy Decker
by
Margie Meeks

Bob Schaad

Tom Ossenberg

Robert Willner

VANDERBURGH COUNTY DRAINAGE BOARD

VANDEBURGH COUNTY DRAINAGE BOARD
SEPTEMBER 26, 1977

A meeting of the Vanderburgh County Drainage Board was held on this 26th. day of September, 1977, at 11:45 a.m. with President Bob Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them was dispensed with.

RE: CLAIM

A claim for Quentin L. Stahl in the amount of \$5,194.00 for the Crawford Brandies Extension Ditch was presented for payment. This was for 10% progress payment.

Commissioner Ossenberg moved the claim be approved.
Commissioner Willner seconded the motion. So ordered.

RE: REVIEW OF SUBDIVISION PLANS

The following plans for subdivisions were presented to the drainage board for their input before they go before the Area Plan Subdivision Review Committee.

1. Brookshire Estates.....47-S-77

Mr. Charles Osterholt said that Mr. Biggerstaff is the engineer and he did send us calculations showing that his retention basin will hold the run off from this area.

Commissioner Schaad asked if they see any problems with it.

Mr. Bob Brenner, County Surveyor, said there is one thing we should do on retention basins, on that piece of property, you should have a deed restriction that it remain that way, because you will have problems if they sell it and the new owner wants to fill it in and build a house on it.

Commissioner Ossenberg asked if there would be anything to prohibit us from specifically state that a deed restriction be put in.

Mr. Osterholt said no.

Commissioner Ossenberg moved that Brookshire Estates be approved and specifically, a deed restriction, to cover that retention basin, as shown on the map.

Commissioner Willner seconded the motion. So ordered.

2. Jamestown..Section K of Carrolton Court

Mr. Brenner said that Mr. Biggerstaff is the engineer and he did submit engineering to us, we have reviewed it and approved it. The water has been designed to go through Nurrenbern Ditch and if the ditch is full then he showed the area in which it will flow.

Mr. Brenner said it is a good plan and he is really happy with what we are getting.

Commissioner Ossenberg moved that Jamestown Court...Section K, be approved, with specifically a deed restriction on lots #7,8,9,10,11 and 12, in accordance with the plans.

Commissioner Willner seconded the motion. So ordered.

Mr. Sam Biggerstaff is to be sent a copy of these minutes.

3. Gehlhausen and Broerman Subdivision.....45-S-77

Mr. Brenner said this subdivision is on Fuquay Road. This includes a city project, which we are a part of, we contributed some money on the drainage. We did have a little problem with a gentleman as he was reluctant to let them go across his

property and dredge this thing out.

Mr. Brenner said when they were talking to another lady out there about going across her property she mentioned to them that it use to have a name.

He said he got with Mr. Dick Eiffler on this and they went back and searched some old records and in 1892 this was a legal drain. It has never been abandoned and it is Robertson Ditch.

Commissioner Ossenberg said yes, he believes it has been abandoned. He discussed this once with Mr. McCoy, when Sam Biggerstaff was the Surveyor, because they were having trouble out there and it seems as though Sam got it abandoned for Mr. McCoy, so that the water wouldn't run over on his farm land.

Mr. Stephen said how in the world can you abandon a Legal Drain. He said this was a Commissioners Court Ordered Ditch.

Commissioner Ossenberg said that on this Robertson Ditch, Mr. Biggerstaff permitted Mr. McCoy to build a dam in the ditch and the water was then starting to run toward Taylor Avenue and Fuquay Road on that corner. Mr. Jim Shaw lives on that corner and water was coming in his basement.

Mr. Brenner said this Robertson Ditch was assessed in 1912, as they have record of it. Now we find we have a subdivision going right over the top of a legal drain. We have an easement across his subdivision of 150'.

Commissioner Schaad said he thinks this should be checked out before we take any more action on it. Can we just deny it here and let them worry about it.

Mr. Brenner said he wouldn't think we should deny it because we can give them, at the present time, he would guess, these lots, #2, 3, 16 and 17 have a band of 75' on either side of them.

Mr. Stephen said you can give them permission to get closer than 75', if you desire, but you must specify what kind of distance on either side of it that you want. We could let them get within 20' of the ditch. We are also going to have problems on lots #17 and 18.

Commissioner Schaad said it looks to him like we are going to have to have hearings on this, if we plan on going as proposed, because we will probably have objections.

Commissioner Willner asked how much water drains down there in a given time.

Mr. Brenner said there is a 36" pipe there, so that is a lot of water and that is a critical area.

Mr. Brenner said they have no record showing where it has been abandoned and it is a court ordered legal drain.

Commissioner Willner said since this is Sam's and he is the one that says it has been abandoned, then let him show us proof of it.

Commissioner Ossenberg said Mr. McCoy is the one that said Mr. Biggerstaff had it abandoned. In the mean time we will have to leave it as is.

Mr. Brenner said we can divert it, but in order to do that you must have public hearings for all property owners that will be affected. We are going to have to tell the City which way to go.

Commissioner Schaad said as he sees it, it is going to stay where it is, unless, if they want to do it the other way, then we will have to have hearings on it and see if we can get it diverted.

Commissioner Ossenberg said he would move that we reject the plans for the reasons stated in the discussion, and leave it as it is.

Commissioner Willner seconded the motion. So ordered.

4. Poliskoff-Sharkey Subdivision...34-S-77

Mr. Brenner said this is Sam Biggerstaff's again and it is out off of Pollack Avenue. He said this is in a marginal area and should have drainage plans submitted

with it because of the problems we have on the east side.

There was no action taken on this because there were no drainage plans submitted.

5. McCullough Subdivision.....46-S-77

Mr. Brenner said he received this just today and he does not know anything about it, but there are no drainage plans with it. This is off of Diefenbach Road.

There was no action taken on this because there were no drainage plans submitted.

6. Bohannon Estates #3.....49-S-77

No action taken on this because of no drainage plans being submitted, and there are problems out there.

7. Gabense Estates.....50-S-77

Mr. Brenner said this is out near the St. Wendel-St. Joe Roads. He said Little Creek runs through it.

Commissioner Schoad said this was just received by the Area Plan Commission and Mr. Brenner hasn't had a chance to see it yet, so it was referred to the County Surveyor for reviewing and will come back to the commissioners next Monday.

RE: COPY OF LEGAL ADVERTISEMENT..OLD WABASH-ERIE CANAL

The following legal advertisement was presented to the Drainage Board. It was advertised in the Courier and Press on September 19, 1977.

TO WHOM IT MAY CONCERN:

As per the 1963 Indiana Drainage Code (as amended in 1969) and Other Laws on Drainage, notices were sent to the following persons and said notices were returned and undelivered; Scotty C. and Sandra L. Calvert, Geneva Voyles, Clarence J. and Eloise W. Fehr, Bogan Enterprises Inc., William L. and Diane Bosecker, Sammie B. and Joan M. Baker, Irvin C. Schneider, Mildred E. Hordynske, Harold J. and Dorothy E. Wegel, Oil Service Company.

In the matter of the Old Wabash-Erie Canal (Hirsch Ditch) shall be reconstructed from its junction with the Crawford-Brandeis to Green River Road. The estimated cost of this project is \$100,000.00. The reconstruction report of the Surveyor and schedules of damages and benefits as determined by the Drainage Board have been filed and are available for inspection in the office of the Vanderburgh County Surveyor.

Notice is hereby given that a meeting will be held at 11:00 a.m., October 3, 1977, Room 307, Civic Center.

Commissioner Schoad said the above copy of Notice of publication is for the record.

RE: LETTER.....MATTHEWS AND SHAW...ATTORNEYS

Commissioner Schoad said the Drainage Board received the following letter:

RE: EASTSIDE URBAN DRAINAGE SYSTEM:

Gentlemen:

I am in receipt of your greetings, a copy of which is enclosed. Never before have I publicly complained about the cost or quality of governmental services, and certainly believe that every homeowner should pay his fair share for such services. However, I find that my total cost for the Eastside Urban Drainage System seems somewhat out of proportion considering the entire land area.

1. I could not locate the Hirsch or Kelly drains on the topographic maps which I was using, however, the remaining five drains affect at least 11 sections of land, each section containing 640 acres.

2. My property, which is Tax Code 4-95-28 according to your letter, is a 116X116 foot lot, which equals 13,456 square feet, or almost .31 of an acre of land.

3. If the maintenance charge is \$22.50 per acre for urban land, .31 of an acre should cost me \$6.98 per year, not \$8.78.

4. If I am being assessed .05% of the total cost of the improvements that would mean I am paying for 1/20 of 1% of the improvement, or 1/2000 of the total cost.

5. Multiplying .31 of an acre of land by 2000 landowners would mean the 620 acres of land divided into .31 acre lots would pay for this project.

6. The 11 sections of land each containing 640 acres, referred to in Paragraph 1, would comprise 7,040 acres of total area.

7. The improvements on my .31 acre lot probably do not cover more than 1/4 of the total square footage, thusly, I seriously doubt that an acre of this urban land with three houses on it would generate any more run off of water into the ditch system than does an acre of rural ground when you consider that most of your rural ground has field tile to take water absorbed into the ground away, which water ultimately ends up in the ditch system.

8. Because of this, it would seem to me that a charge for urban land of 15 times that for rural land is certainly excessive and possibly discriminatory. I realize that the farmers have much more land than the city dwellers, however, the farmers also add much more water to the drainage system than do the city dwellers.

As stated above, I'm not objecting to this project at all, since I'm fully aware of the drainage problems on the east side of Evansville. However, I am simply objecting to the basis of allocation of the costs of this project, and desire that this letter serve as my objection notice.

Thank you very much,

Toby D. Shaw

Commissioner Schaad said he feels this complaint should be checked out and if his assessment is figured wrong then it should be corrected.

Mr. Brenner said he would check it.

RE: PROBLEM...EVERGREEN ACRES

Mr. Stephen said he and Jack Siebeking were out and looked at this lake that we have had complaints on in Evergreen Acres. They looked at the land up further, that is being developed, and what has happened in the past, is going to happen more often, from now on, because the water is going to get down there. The outlet of the lake, which maintains a certain level cannot take all of the water and the storage capacity isn't great enough and it has gone over the dam. This happens to be the same ditch that the one from Bluejay and Sunrise Drive runs into and we were going to make part of this a legal drain.

Commissioner Schaad said he is wondering if we should do this or if it should be a petition.

Mr. Stephen said the property owners would like to get together a petition.

Commissioner Schaad said to let them go ahead and get their petition and then present it to the Drainage Board with the plans on how to do it.

Mr. Brenner said why should you accept this because if you do you will never be able to spray it because the over spray will kill their gardens, flowers and lawns. You will not be able to get in there with equipment.

Commissioner Schaad moved that Mr. Stephen check into it to see about making this a legal drain.
 Commissioner Willner seconded the motion. So ordered.

There being no further business meeting adjourned at 11:45 a.m.

PRESENT:

DRAINAGE BOARD

Bob Schaad
 Tom Ossenberg
 Robert Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEY

Edwin Smith, Jr.

Secretary: Cindy Decker
 By: Janice Decker

Bob Schaad

Robert Willner

Tom Ossenberg

VANDERBURGH COUNTY DRAINAGE BOARD

28/

DRAINAGE BOARD
PUBLIC HEARING
OCTOBER 3, 1977

A public hearing for the Drainage Board concerning the opening of Wabash-Erie Canal was held in the Commissioners Hearing Room on October 3, 1977 at 11:20 a.m. with President Schaad presiding.

Mr. Brenner said the committee appointed by the Drainage Board to survey the East Side Drainage problem recommended that they open the old Wabash-Erie Canal. He said the Surveyors Office has thus proceeded and they have a plan to do it. The law requires them to send letters to the people who are affected and will have to pay the bill, then advertise the meeting and notify the Department of Natural Resources of the State of Indiana, which they did and they had no comment. Then they hold the legal meeting, first they will take the Written objections and then they will hear what the people who have come today has to say, he said the Drainage Board sits as judge to decide if this project is done or not. The Surveyors office recommends it as a good project that will help the east side drainage area but they just present an engineering proposal.

Mr. Brenner said they do not have to reach a decision today, they will listen to what the people have to say and then they can decide what to do.

Mr. Brenner said out of 800 people they have received complaints from only six different people.

President Schaad said normally when they have hearings they ask if there is anyone there to speak for the project, and he feels they should hear the people who are in favor of the project and then hear the objections.

Mr. Brenner said he would like to explain just what they propose to do before anyone speaks. He said there have been five things that have been built over the old canal, three railroads; Oak Grove Road and the entrance of Big G Lumber Co. He said this just sort of happened over the years, they propose to go in with a pipe 87X136 elliptical pipe, it has an effective area of about the same as a 9'4" pipe. He said it will take 50% of the water down the canal and into the creek and this shortens the route by about eight miles. He said they have to get the water in the creek before Warrick County does. He said they either do this or they go up on the other side of Morgan Avenue with a diversion canal and the cost there will be five times as high. The cost they have ask the people to pay is \$100,000.00, and they believe the project will cost \$165,000.00, some of the money has to come from the people who have put the things across the ditch, the railroads and the lumber yard and the bridge fund. He said there is 22,000 yards of dirt and 570 feet of pipe, the reason there is so much pipe is the railroads don't just cross the canal, they run along side of it. He said it sometimes takes 160 feet to get under the railroad tracks.

President Schaad said as long as he has been on the Drainage Board this canal has been discussed.

Mr. Brenner said this will take it to Green River Road and the Bridge Fund will have to put a new culvert under Green River Road and the City will take it from there.

Commissioner Ossenberg said he has heard so much about the Wabash-Erie Canal, now he would like to hear the feelings of the people.

RE: EARL GRIMM

Mr. Grimm said he would like to see the canal open so they can get better drainage on the east side.

RE: MRS. HORDENSKI

Mrs. Hordenski said she represents the people back in the corner of North Burkhardt and Hirsch. She said she is in favor of getting the canal open but the amount she is being assessed is too much.

Mr. Brenner said they would take each one individually to see if the assessment is too high and then they will go back and investigate it again.

RE: ARTHUR BRIAN

Mr. Brian said his neighbor raised his property about 6 foot higher than his and now the water all drains on his property and his place looks like a swamp and he has no ditch out front at all.

President Schaad asked Mr. Brenner if this had anything to do with the Wabash-Erie Canal and Mr. Brenner said it was a general drain problem and that should go before the County Commissioners.

RE: RICHARD CLOUSE

Mr. Clouse said he would be in favor of opening the canal if he could get one question answered. He said he is not clear if there will be anymore water run north of Morgan Avenue, in the Crawford Brandis Ditch.

Mr. Brenner said there would be about one half or less except all the new construction. If it stayed just like it is today they would get half the water they are getting now or less, but they keep building on the other end.

Mr. Clouse said he would like to know where the water begins its flow into the canal.

Mr. Brenner said it starts at the head waters of Nurrenbern, Stockfleth, Kelly, which is the Warrick County line.

Mr. Brenner said the City will pay about \$5,500.00, their property is all assessed urban so they pay \$22.00 per acre for every acre of City that drains into it.

President Schaad said they do appreciate the comments and he would like a showing of hands of those for the opening of the Wabash-Erie Canal. There were about 11 or 12 who raised their hands.

RE: PHILLIP SCHOPPE

Mr. Schoppe said he owned the Beacon Corner at 2000 N. Burkhardt on 6336 New Boonville Highway. He said he is in favor of the project overall with reservations that if it is stopped at Green River Road as they said they City would pick it up later, how much later. Unless that water can get to Stockwell Road they are going to have more water than they have now. He said any drive-way he has put in, he had to put in adequate water handling facilities whether there was any water going through or not. If the code calls for 12 inch and a couple of recent insulations then that is what he has to put it. He said any time he had to put in a drive-way he had to cover the cost personally, so why does the taxpayers need to cover the cost for other individuals whether it be business firms or railroads.

Commissioner Ossenbergh said he agrees there is a bottleneck at Stockwell Road, however they would never undertake opening the canal until the City is ready, because if they opened that canal they would bury the west side of Green River Road.

Commissioner Ossenbergh said the City has hired an outside engineering firm that is studying the entire drainage area on the east side, they know they have problems west of Green River Road and with them opening the canal they would have even greater problems. He said they would have to work together with the City.

Commissioner Ossenbergh said he would like to bring to the attention of the audience that for the first time in a long time this Board of County Commissioners have taken control through the Area Plan Commission, that anything built in the east side, this covers the whole county but in particular the east side, but if there is a drainage problem before a final sub-division plat regardless of what goes on there, they have the final say and they are just not being passed unless there are adequate drainage plans with them, so he thinks future development such as Mr. Brenner brought up, will not be unless there are proper drainage facilities. He said they review every one of the sub-division plats and now they have some control over them.

Mr. Brenner said they do expect the railroad to pay something, but it will probably take a suit to collect it.

RE: E.R. CHANDLER

Mr. Chandler said he has written a lot of letter to the County Commissioners for the problem he has which drains about 250 acres, and it includes a number of other sub-divisions besides Plaza Terra. He said since 1968 there has been a ditch running on Bonnie View Drive going north then turning to the west to Burkhardt Road, during that period of time the County Commissioners have always cleaned this ditch and sometime during the years of 1971 or 1972 the city has put a pipe that drains water from Dr. Weiss Sub-division, which is west on outer Lincoln Avenue into a catch basin which is now on the formerly Evansville University property and which is now being developed by Mr. Hatfield. He said the water runs from Lincoln Avenue to this point, it runs from Plaza Terra to this point, and then it goes through the pipe to Cherry Street which is located in Plaza Terra, there the ditch begins and runs approximately 600 feet north and approximately 500 west and goes into the Crawford Brandis Ditch. About 2 or 3 years ago Mr. Klassy came to him and ask about opening up a ditch on the north end of his property which is partly on his and partly on the Catholic Diocese Property, that ditch was opened up and they had a meeting with about 350 people and that lets the water run westward and empty into the first ditch he talked about and eventually into Burkhardt Road and the Crawford Ditch.

Mr. Chandler said before he purchased the property someone allotted him an allotment in the Crawford Brandis Ditch. He said his property doesn't even border on the Crawford Brandis Ditch, this effects the following people: The Catholic Diocese Property, Roger Klassey, the Miller Property, Mr. Paul Hatfield and Associates, and Mr. Lawrence Lantz which has a culvert which crosses Burkhardt Road so it goes in to the Crawford Brandis Ditch. He said he is for cleaning all ditches and for a plan but what he is assessed with will not help him bit or any of the people in his sub-division or Mr. Klassy's sub-division and not all the people in Mr. Hatfield's sub-division, that makes about 250 acres. He proposes to the County Commissioners for all the people in the east area that they make this into a legal ditch which he understands by law they can do and they would pay their share of the assessment that would take care of this situation that is real critical. He said they are in need of cleaning this fall before the heavy winter rains otherwise there is going to be a bottleneck in the Hatfield sub-division on Plaza Terra and Mr. Klassy's subdivision.

President Schaad said all of Mr. Chandler's comments will be turned over to Mr. Brenner.

Mr. Chandler said he has written Mr. Brenner a letter explaining this situation.

Mr. Brenner told the audience that each of them received an assessment and there are two parts to the assessment. There is the annual maintenance charge and they have been assessed as urban or rural. The basis that was made on if 1/15th if your property was roof, blacktop, concrete or sheds, they were assessed urban, if less than 1/15th then they were rural. He said if they would like to come forward and state their complaints each one will be looked at on that basis to see if they do fall into that category, what they did was take the assessors records of what he had measured. If they have a complaint like the six that wrote them, they went out and measured them to determine if what the assessor had was true, and they will do that to each and every one of theirs to. So if they would like to come forward and state their name and if they have their tax code number it would help.

Mr. Brenner explained how they reached this figure for the assessments. He said they used a .03 as a minimum, they figured how much acreage there actually was and counting the rural as one acre and urban as 15 acres, because they will pay that much and then they had the total amount each one would pay, and they just figured a percent.

RE: RICHARD CLOUSE

Mr. Clouse said he lives at 5701 Peacock Lane and his telephone number is 476-8821, he said his suggestion on this is that before everyone is finally billed for this they should know just what the water shed area is.

RE: MARY ANN SNEPPER

Mrs. Snepper said her farm is at the corner of Green River and Hirsch Roads. She said her husband built a W ditch to run their water directly in to the north of Pigeon Creek. She said she talked to Mr. Brenner's office this morning and the survey crew is going to come out and look at it.

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 RE: WILLIAM SCHNUR

Mr. Schnur said his property is at the corner of Telephone and Epworth Roads in Warrick County which is 1/2 mile east of the County-Line. He said they are assessed on the old property and the Weinshimer water shed in Warrick County and their water does flow east through that water shed so he feels he shouldn't be assessed in this one going west.

RE: MRS CHARLES EUBLER

Mrs. Eubler said she lives at 7496 Old Boonville Hwy. and she said she has three letters, she said she has two lots and a lake and she wondered which is the lake as they are assessed the same. She said she wonders how they come about that. The tax code numbers for Mrs. Eubler are 5-40-16, 5-40-20, 5-40-7 and 5-40-12.

RE: MANFRED STAHL

Mr. Stahl said he had a question about the opening of the canal; he wants to know if it is true that when they put these pipes do they intend to bore it rather than dig it out. He said the figure seems awful high for the short area they are talking about, is it the cost of the pipe and Mr. Brenner said the pipe is terrible high. He said if they could just go across the railroad it would only be 40 or 50 feet, they ended up putting 160 feet together because the railroad is over the creek that much.

Mr. Stahl said he is in favor of opening the canal but he thinks the assessments are way to high. He said if the railroads and the lumber company are to pay their fair share, then their share should be much higher because when this is completed there is going to be a lot more permits issued so that houses and business can be opened up over there and the lumber companies will benefit from that and the railroads will benefit some because a lot of lumber is moved in by rail.

RE: TOM HIRSCH

Mr. Hirsch said he is a Vanderburgh County farmer and he lives at 220 N. Burkhardt, his main complaint is the financeing of this thing, he thinks it is a little bit steep and he hopes they can get back to the ones who help fill it up. He said he had \$3500.00 worth of ditch bills there and he cannot afford it. He said they do want the canal open but they should look around and try to find someone to help pay for it.

RE: AGNES SCHOPPE

Mrs. Schoppe said she lives at 8275 Telephone Road and her phone number is 476-6422. She said she need an address change on one of letters, they have is listed as 8225, and they are at 8275. She said she has three letters that she knows is correct but she has one that she knows nothing about and doesn't know where it belongs, and she is three short.

Mrs. Schoppe said she feels like these lumber companies put those things in there and they should be one to pay for it, when she put in a sewer, she had to pay for it.

Mrs. Schoppe said tax code numbers 5-45-8, 5-45-7 and 5-45-32 belong to her, but code 6-10-11 does not belong to her and codes 6-17-4 and 6-17-5 are missing, she said they have two in their childrens name they do not have and they live at 7100 Old Boonville Highway.

RE: LAWRENCE STAHL

Mr. Stahl said as a member of the steering committee they were told that the easement that was found where the State turned this property over to the railroad company. The thing that gets him is the canal easement says that the railroad company had agreed to keep the canal open for the area drainage. That was not done. He said his feeling is that the City wants to take all that farmland and if they take this property, let them pay for it. He said he feels these assessments are to high. He asked Mr. Brenner if the culverts they are intending to use are they those three coronered ones and Mr. Brenner said they are oliptical shaped.

Dan Kares said the cost for the City to open the canal is \$32,000.00. The \$5,500.00 they were talking about earlier is their annual maintenance.

RE: BART RATHGABER

Mr. Rathgaber said he lives at 7716 Old Boonville Highway and he has a question, he asked if they are annexed then who are all of these ditches going to belong to.

Mr. Brenner said the City can petition the County to abandon the ditches.

Mr. Rathgaber said if they fall under the city then why not wait and let the city pay for it.

Mr. Brenner said they can't wait that long to get this done on the east side.

Mr. Rathgaber said he understands the city is going to pay \$32,000.00 on opening the canal, what he wants to know is if the city is paying \$32,000.00 plus on the \$100,000.00 or the \$160,000.00.

Mr. Brenner said of the \$100,000.00.

Dan Kares said the Southern Railroad is assessed for \$3300.00, Vanderburgh County is assessed for \$5800.00, the State highway is assessed for \$400.00 and Southern Indiana Gas and Electric Company has several properties and they are broken down.

Mr. Rathgaber said they talk about Southern Railroad paying \$3300.00, they have farmers there that will pay that much. He said the farmers are not the ones that tore up the canal. He said if there is an agreement that the railroad agreed to keep the canal open will they check into it and Mr. Brenner said he seen it and it refers to the Hirsch Ditch.

RE: MRS PATE

Mrs. Pate said her code number is 5-45-2, she said they have a personal problem on Burkhardt between the Old and the New Boonville Highway. They feel their assessment is high but they would gladly pay it if they would drain their property.

RE: MILDRED HORDENSKI

Mrs. Hordenski said she lives at 4910 N. Burkhardt and she wants to know if they do this are they going to do the whole thing and is the city going to do their part at the same time.

President Schaad said the city has hired an engineer and is working with Mr. Brenner to get it done.

Mrs. Hordenski said she feels that if the city is going to take them in then wait and let them pay for it.

RE: WRITTEN OBJECTIONS

Mr. Kares said they received six written objections, even though they did not receive any objections to the canal. The letters are as follows:

Vanderburgh County Drainage Board
Room 305 Administration Bldg.
Civic Center Complex

Dear Sir:

My real estate located at 614 N. Burkhardt Road, Tax Code 6-57-26 had been designated as Urban and I feel that it should be designated as Rural. I am dissatisfied with the change and request a new check of my property.

Elvis H. Payne, Sr.

Mr. Kares, of the County Surveyor's office sent the following reply:

Elvis H. Payne, Sr.
614 N. Burkhardt Road
Evansville, Indiana 47711

RE: Drainage Assessment on Tax Code 6-57-26

Dear Mr. Payne:

I am writing in reply to your letter of September 11, 1977. I have rechecked our figures on your property and have found them to be correct. I think an explanation of the formula used for determining rural and urban land will help you understand why your land has been designated urban.

In your case, you have 5,650 square feet of fast drainage area (that is roofs, blacktop, concrete, etc.) this figure is from the Assessor's tax records. The square feet is then multiplied by 15 and converted to acres. In your case, this equals 1.95 acres. We list your property as 0.91 acres. If the computed area is larger than actual area, the land is designated as urban. If your property contained 2 acres with the same amount of hard surface area, you would be rural.

Yours truly,

Danny Kares,
Vanderburgh County Surveyor's Office

The second objection is as follows:

Robert Brenner
Vanderburgh County Surveyor
Vanderburgh County Drainage Board

Gentlemen:

In reference to your letters dated August 26, 1977 concerning drainage assessments.
Tax Code 6-39-5, Louise Hirsch Lant (\$44.67 and \$247.76)
Tax Code 6041-13, Mathilda Hirsch Pugh (\$18.00 and \$99.83)

If you will observe the elevation of the above acreage, you will realize that only 50% of the surface water presently drains towards the Crawford Brandis Extension. The other 50% runs towards Green River Road ditches. Therefore we request a 50% reduction in all drainage assessments.

Sincerely,

Kent Roebuck, for
Louise Hirsch Lant
Mathilda Hirsch Pugh

The following reply was sent to Mr. Roebuck:

Kent Roebuck
1304 Mayfair Drive
Boonville, Indiana 47601

RE: Drainage Complaint of Property Tax Codes 6-39-5 & 6-41-13

Dear Mr. Roebuck:

I am sending this reply to your letter of 9-28-77 which concerned the amount of land taxed for maintenance of legal drains. I have checked the two properties that you mentioned on our drainage map. You are correct in your statement that only half the land drains to the legal drain. This has already been taken into account for the drainage assessment.

Tax Code 6-39-5	Louise Hirsch Lant
	Taxed \$1.50/acre on 29.78 acres = \$44.67
	total acres = 48

Tax Code 6-41-13	Mathilda Hirsch Pugh
	Taxed \$1.59/acre on 12.00 acres = \$18.00
	total acres = 38

The acreage taxed is not exactly half of the total property because the drainage maps were made from contour maps which show the actual area draining to the legal drain.

Yours truly,

Danny Kares,
Vanderburgh County Surveyor's Office

The third objection is as follows:

Board of County Commissioners
Room 325 Administration Bldg.
Evansville, Indiana 47708

RE: Eastside Urban Drainage System

Gentlemen:

I am in receipt of your greetings, a copy of which is enclosed. Never before have I publicly complained about the cost of quality of governmental services, and certainly believe that every homeowner should pay his fair share for such services. However, I find that my total cost for the Eastside Urban Drainage System seems somewhat out of proportion considering the entire land area.

1. I could not locate the Hirsch or Kelly drains on the topographical maps which I was using, however, the remaining five drains affect at least 11 sections of land, each section containing 640 acres.

2. My property, which is Tax Code 4-95-28 according to your letter, is a 116 X 116 foot lot, which equals 13,456 square feet, or almost .31 of an acre of land.

3. If the maintenance charge is \$22.50 per acre for urban land, .31 of an acre should cost me \$6.98 per year, not \$8.78.

4. If I am being assessed .05% of the total cost of the improvement, that would mean I am paying for 1/20 of 1% of the improvement, or 1/2000 of the total cost.

5. Multiplying .31 of an acre of land by 2000 landowners would mean that 620 acres of land divided into .31 acre lots would pay for this project.

6. The 11 sections of land each containing 640 acres, referred to in Paragraph 1, would comprise 7,040 acres of total area.

7. The improvements of my .31 acre lot probably do not cover more than 1/4 of the total square footage, thusly, I seriously doubt that an acre of this urban land with three houses on it would generate any more run off of water into the ditch system than does an acre of rural ground when you consider that most of your rural ground has field tile to take water absorbed into the ground away, which water ultimately ends up in the ditch system.

8. Because of this, it would seem to me that a charge for urban land of 15 times that for rural land is certainly excessive and possibly discriminatory. I realize that the farmers have much more land than the city dwellers, however, the farmers also add much more water to the drainage system than do the city dwellers.

As stated above, I'm not objecting to this project at all, since I am fully aware of the drainage problems on the east side of Evansville. However, I am simply objecting to the basis of allocation of the costs of this project, and desire that this letter serve as my objection notice.

Thank you very much.

Sincerely,

Toby D. Shaw

The fourth objection is as follows:

Vanderburgh County Surveyor
City County Building
Evansville, Indiana 47708

Dear Sir:

I am writing this letter for my Mother, Mrs Eulalia Highman of 610 N. Burkhardt Road, Evansville, Indiana. Due to her advanced age she is unable to take care of her business properly.

This is in regard to the Drainage Board assessment for real estate tax code 6-57-13. According to the Drainage Board letter of August 25, 1977 it has been classed as Urban. I am protesting this classification as I believe it should be classified as Rural.

The lot size is 85.15 X 545.85 or 46,479 square feet.
The house covers 1,589 square feet or 69x16
The driveway covers 1,104 square feet or 69x16
The shed covers 320 square feet or 16x20

This is a total coverage of 3,013 square feet, in order to be 1/15th or over to qualify for urban it would have to be 46,479 divided by 15 or 3,098 square feet.

If you need any more information please contact me after 4:00 p.m. at 476-3196. I discussed this matter with you by phone and you suggested that I send you the above information.

Sincerely yours,

Lester Highman

The fifth objection is as follows:

Mr. Robert Brenner, County Surveyor
Room 325 Adm. Building
Civic Center Complex
Evansville, Indiana 47708

Dear Mr. Brenner:

In accordance with a letter dated August 26, 1977 from the Vanderburgh County Drainage Board, the property at 6800 Old Boonville Highway is rated "urban" instead of rural.

When I called your office and talked with Mr. John West, he said that we may have over nine to ten percent covered by buildings, patios, etc. All property to the east, west and north of us is farm land.

We have around 2 1/2 acres; our buildings, patio and surfaced drive covers about 6,738 square feet, thus making about six percent of the total acreage.

Please check into this as there could be an error somewhere.

Yours truly,

Harvey Simmelink

The sixth letter of objection is as follows:

Vanderburgh County Drainage Board
Room 325 Administration Bldg.
Civic Center Complex
Evansville, Indiana 47708

RE: Tax codes 5-102-25, 26, 27
4-99-4, 5

Dear Sirs:

Copies of the charges and assessments against my property are attached.

I would appreciate a detailed explanation of the basis for assessment in ratio to the square footage of property owned. What is the amount of the total improvement? How are the annual maintenance figures calculated? Is the .03% an arbitrary figure?

Tax Code No. 5-102-27 is designated as "urban" in your letter. It has always been my understanding that the property is located in the county. Please check this out.

If you have any questions or need additional information from me, please call me at 464-9188.

Thank you,

Paul J. Carnes

The following reply was sent to Mr. Carnes:

Paul J. Carnes
2017 N. Bedford
Evansville, Indiana 47711

Dear Mr. Carnes:

In reply to your letter of September 1, 1977, the .03% is the minimum amount charged for ditch reconstruction.

Concerning the rural or urban tax code, if 1/15 of the total area of the lot is covered by impermeable (e.i. building and drive) the lot is classified urban and a factor is applied depending upon the coverage.

Sincerely,

Robert W. Brenner
Vanderburgh County Surveyor

President Schaad said since there were no others to talk he would ask for a motion to recess until next Monday, October 10, 1977, so that Mr. Brenner can go over the objections and they can reach a decision.

Commissioner Ossenbergh moved they recess until next Monday, seconded by Commissioner Willner. So ordered.

The meeting recessed at 12:10 p.m.

Present

DRAINAGE BOARD

Bob Schaad
Robert Willner
Thomas Ossenbergh

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEYS

Paul Wendel
Ed Smith, Jr.

Secretary: Jean Wilkey

Bob Schaad
Robert Willner
Thomas Ossenbergh
VANDERSBURGH COUNTY DRAINAGE BOARD

VANDEBURGH COUNTY DRAINAGE BOARD
OCTOBER 10, 1977

A meeting of the Vanderburgh County Drainage Board was held on the 10th. day of October, 1977, at 11:55 a.m. with President Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and the reading of them was dispensed with.

RE: E.R. CHANDLER

Mr. Chandler appeared with his attorney, Mr. Joseph Vochum. Mr. Vochum said if they understand the facts these ditches will not be cleaned.

Commissioner ask Mr. Vochum if he could show him on his map just where he lives.

Mr. Vochum said he lives on East Cherry Street. He said they would like this to made a legal drain.

Mr. Brenner said they would have to file a petition.

Mr. Vochum said there are about 284 acres involved, the Hatfield Sub-division, the Klassy Sub-division and Mr. Chandler's Sub-division.

Mr. Brenner said this can be done and it would be a lateral of the East Side Drain.

Commissioner Willner said he thinks it should be done but, he is not sure it should be done at this time. He said they have loaded the Surveyor down.

Mr. Brenner said he would do it when he has time.

Commissioner Willner said they still have petitions from eight years and until they are taken care of they should hold off.

Mr. Brenner said they will take all people in the watershed and assess them.

Mr. Chandler said he would certainly appreciate it if the Commissioners would petition it and do it, and he doesn't think they would have any objections.

Mr. Brenner said they would have to have a public hearing just like the one on opening the Wabash-Erie Canal, and a certain percentage of the property owners must approve it.

Mr. Vochum said the reason he wrote the letter was because of the Burns Statute which states:

"Any owner of land affected by a mutual drain may file a written request for the Board of County Commissioners to make the mutual drain a legal drain and subject to provisions of the act."

President Schaad said Mr. Brenner has agreed to contact the three developers and see if they can get some cooperation between them and start the petition.

RE: CHUCK OSTERHOLT

Mr. Osterholt said he agrees with Mr. Gerling in terms of them people trespassing on Mr. Newcombs property.

He said the water in Lauderdale sub-division is still high after a rain two weeks ago. He showed pictures to the Commissioners.

He said Judge Lynn has directed Mr. Newcomb to resubmit his sub-division planning and that is where they stand right now. Part of that resubmission will include

coming to the Drainage Board for drainage approval for the plans.

Commissioner Ossenberg said he would like to point out for the benefit of the Commissioners that on the sub-division where the Robertson Ditch and the Area Plan meeting, they held that for another 30 days so they could get it clarified.

RE: ROBERT BRENNER

Mr. Brenner said he wants to schedule and advertise the legal hearing on Hillsdale-Oak Ditch. He said they have figured how much acreage each one of them has, they will make an estimate of how much of a cost and will set a fee on a per acre basis.

Mr. Brenner said they must advertise 10 days prior to the meeting and he must send a letter.

Commissioner Ossenberg moved that Mr. Brenner send the letter, seconded by Commissioner Willner. So ordered.

Mr. Brenner said he would take care of the advertising.

Commissioner Ossenberg moved they authorize the advertising on the Hillsdale-Oak Ditch. The motion was seconded by Commissioner Willner, so ordered.

The meeting adjourned at 12:10 p.m.

PRESENT

COUNTY COMMISSIONERS

Bob Schaad
Thomas Ossenberg
Robert Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Robert Brenner

ATTORNEY'S

Paul Wendel
Ed Smith, Jr.

SECRETARY: Jean Wilkey

Bob Schaad
Thomas Ossenberg
Robert Willner
VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD

OCTOBER 17, 1977

A meeting of the Vanderburgh County Drainage Board was held on the 17th. day of October, 1977, at 11:45 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting that was held on October 10th., 1977, were approved as engrossed by the Auditor, as well as the minutes of the special meeting that was also held on October 10th. 1977, which concerned the opening of the Wabash-Erie Canal.

The reading of the minutes from both meetings were dispensed with.

RE: MR. ALFRED EILER

Mr. Eiler appeared and said there is a rumor out that they are going to apply for a legal drain on his South boundary and he wanted to know if he would be notified, if it comes up for hearing.

Mr. Brenner said there would have to be hearings on it and he would be notified by letter and he asked Mr. Eiler if this was the one that Mr. Chandler spoke about last week.

Mr. Eiler said that it is, that Mr. Chandler called him about it and he told him that he was certainly opposed to it and he also told Mr. Chandler to ask his attorney about what he calls the "75 foot law" and he seemed to be unaware of the provisions of it.

He said with him, it is 75 feet on one side and he wondered if anyone thought about the fact, that the law is, for every mile of legal drain, 20 acres is tied up, so that the owners of the ground get almost no benefit of that ground because they can't build on it and theoretically, they are supposed to get permission to raise crops on it and if the crop is planted and the decision is made to clean the ditch, they have no alternative but to take the loss and this can happen, since on the Stockfleth Ditch, North of Division Street, they went right through the soybean field and did nothing about it.

He said there is another thing to think about, that a very knowledgeable person on ditches, in Vanderburgh County, told him that he didn't think the law would stand up in court at all, for the legal drain that existed before the law was made, because the people that are affected have never had due process, since it is in the constitution that they can't take anything from a person without due process and he was told that this would affect all the legal drains if it was taken to Court.

Mr. Brenner said it has been to Court several times.

Mr. Eiler said the last time he was here, he asked the Commissioners if there could be a truck, as before, to take the dirt, bottles, and debris; instead of having them dumped on his front lawn, which he works hard on to keep it looking nice and Commissioner Schaad had interceded for him, so he supposed that would still be in effect.

He said he also asked Mr. Brenner if he was going to tear out the culvert that was there and Mr. Brenner said "yes", and then he asked Mr. Brenner if the County would replace it and Mr. Brenner told him "yes", but when a man came out and talked with him, he said this wasn't so, that the County would only install it, that he would have to buy the culvert, so he would like to say that the culvert that is in there is bigger than the one the state has in the ditch at the front and he presumed they had civil engineers, also, that determine the size of those culverts and he didn't see why his should be torn up and he should be forced to pay for it, that when the state tore out the one in front, they replaced it.

He said that the box culvert at his property is 57 inches wide at the bottom and the specifications for that ditch called for a 4-foot bottom.

Commissioner Schaad said Mr. Eiler is referring to a box culvert at the corner of the State Highway where all the problem exists and the culvert is filled up most of the time because the water can't get away on the South side, but it is smaller than his.

Mr. Brenner asked then, what Ditch they were talking about and Commissioner Schaad said they were talking about the Crawford Brandeis Ditch.

Commissioner Ossenberrg said the culvert they are talking about is located at Burkhardt Road and Division Street, that Mr. Eiler's home is there and this is the one that Mr. Brenner has been writing the state about.

Commissioner Schaad said he didn't think it should be a problem, that if for some reason, they have to tear it out to make the ditch larger, it shouldn't be at Mr. Eiler's expense.

Mr. Brenner said that it is Mr. Eiler's expense, by law.

Mr. Eiler asked why then, does the state replace them and not charge anyone for it.

Mr. Brenner said they have nothing to do with legal drains, that Mr. Eiler can consult his attorney, but this is where he is having trouble with the Railroad, across the canal, and if he wants to go to a bigger ditch and cross a legal drain, it is his expense. He said they will probably have to go to court with the Railroad Company, since they will have to remove the railroad tracks and put a culvert under it.

Commissioner Schaad said it so happens this is a law of County Road Right of Way and at the same time, being a legal drain.

Mr. Brenner said it has nothing to do with this, that a legal drain takes precedent over the County Road Right of Way and everything else.

He asked Mr. Brenner to look into it, to see if the culvert needs to be increased any larger or not and get back with Mr. Eiler on it.

Mr. Eiler said the biggest bomb of all was that he found out that it has always been billed as a ditch cleaning project, but it was gradually fed into him, that it is going to be a Ditch Relocation and a Road Widening Project, both, and of course, that would take a lot more ground and then, they got into an argument with a Mr. Holtz who works for the County, that they met three times and Mr. Holtz said that was a 30-foot right of way on his side and he said it wasn't, but if it is, he wanted proof of it and wanted to know when it was widened, and he supposed that Mr. Holtz gave up but that he didn't.

He submitted a letter that was written by Mr. Biggerstaff, stating that it was made a 30-foot road from Old Newburgh Road to Millersburgh Road in 1869 and then in 1913, from Old Newburgh Road to Slaughter Avenue, its 20-feet on each side of the center line and on the other side of Slaughter Avenue, it is only a 30-foot road yet. He said he thought Mr. Biggerstaff to know a great deal about the roads and that he got the abstract, which shows nothing about it being widened and on the other hand, there are five pages on the State Road, in the abstract, that show all the legal things the Commissioners and others had to do to change it.

He also stated that his Father-in-Law always said that due to the fact there was a row of catalpa trees on the West side, that the road was off the center line, that it doesn't correspond with the section line, and he told this to Mr. Holtz, and he said that it is on the other side a little bit and when he came home from Lawndale last Friday, there was a transit set up at the corner of Lincoln and Burkhardt Road and the engineer was there, and he could see that it was off of the center line of the road, and he asked the man if he had the transit over the center of the road and was told that it was, and then he asked if it was supposed to be the same down at Division Street, and he said it was, so he went and got his rule and found that it was 53 inches off the center line, so they have the 53 inches, the width of the road and the 6-feet that they want to widen it, that he understands it should be widened, since it is dangerous the way it is, but they add that all together, and he didn't even believe that 30-feet right of way would be sufficient on that side. He said he doesn't object to it, but there would be hearings and they would have to go to Court and he would have to be paid for it.

Commissioner Schaad said if they get much closer, Mr. Eiler will have to sell his house.

Mr. Eiler said this is correct and that the road is going to be so lopsided on his side and they might wonder how much it is worth and why he is getting so worked up about it, so he read from the newspaper of May 5th. as follows:

"They accepted an easement for sanitary sewer right of way on Lincoln Avenue, West of Burkhardt Road, from Lawrence L. Lant to allow area residents to install their own sewer which later will be turned over to the City. It must pass the Lant property. Chandler said the easement will cost \$2,000 while the sewer will cost the residents \$10,000 to \$12,000. He said it would serve about 100 acres of prime development land."

Mr. Eiler said that next year Mr. Lant can raise his soybeans or corn on that ground the same as ever, but whatever goes into this ditch, they are through with forever and all they will have will be the privilege of paying taxes, so they can see that it isn't peanuts that is being discussed here.

Commissioner Schaad said that since Mr. Brenner isn't familiar, he and Mr. Willner have been out there several times, on this problem, and he thought Mr. Brenner should get familiar with it also, because Mr. Eiler does have a problem, that it is close to his property and Mr. Brenner should check the things he is talking about here and apparently, he has been in discussion with the engineer out there, but it needs to be verified and they should all get together on it.

Mr. Brenner said what they are trying to do is to get the ditch away from Burkhardt Road.

Mr. Eiler said he didn't blame him for that but he can't expect him to turn over valuable ground with no recompense for it, that he is talking about at least 10 to 15 feet, also, when that survey was made, he talked to Mr. Holtz and he asked if they could cut tree limbs off so they could work and take it out and also move a dogwood tree and he said it was okay, and it's kept close to the road he supposed, for two reasons, that he has two very valuable 20-foot high evergreens that they would have damages on, and the other thing is that the Gas Company has one pole and they surveyed with veer off to the East after it passed that pole, and the Gas Company knows exactly what the right of way is, that they got an easement from him to put it there because they knew it was only a 40-foot right of way and he knew they couldn't make the Gas Company move it, so they waited until they got past that and then they were going to veer over.

Mr. Brenner said that Mr. Eiler is discussing just the road right of way which could be 30-foot and they still have 75-feet from the top of the ditch.

Commissioner Schaad said this would take Mr. Eiler's whole house and Mr. Brenner said this is correct and this is why he doesn't want another legal drain out there and he doesn't blame him either, and they are suppose to have a variance and so forth, to build within 75-feet of the ditch.

Mr. Eiler said the abstract on the land goes back to Martin Van Buren and the house was built 80 or 81 years ago.

Commissioner Schaad said he didn't know when it became a legal drain but Mr. Eiler may have a point and he thinks it needs to be researched, so he should get with Mr. Brenner on it, also that everything Mr. Eiler has said will be in the minutes of this meeting.

RE: LAUDERDALE SUBDIVISION

Mr. Eiler submitted plans of the Lauderdale Subdivision and said that the Area Plan Commission objected to the drainage and the reason he is here is in the interest of acquiring right of way for Mr. Newcomb and Mr. Newcomb won't move on it until this plan is approved, that this is Mr. Biggerstaff's plan on it and it shows that we have a sewer line in the Lauderdale Subdivision to Fuquay Road and then runs South on Fuquay Road down to Pollack Avenue to Kolb Ditch.

Mr. Brenner said that Mann Ditch used to run to Warrick County and the ditch in Warrick County is so bad, that there is no place for it to go, that they don't maintain it, so the water stands and this is the project they paid \$26,000 for on road crossings.

Mr. Eifler said the plan is to reverse the flow in Mann Ditch to the pipe structure.

Mr. Brenner said they are going to bring Elna Kay's water through here, that Elna Kay has problems right now and this will help.

Commissioner Ossenberg asked if this isn't subject to his getting this plat approved, and if this isn't in a legal suit right now in the Courts.

Mr. Eifler said this is correct and it don't have to be resolved before they do anything.

Mr. Osterholt said that Judge Lynn has pretty much told Mr. Newcomb that he would lose the case because of the technical aspects of the case and all Mr. Newcomb wants to do is to get the property subdivided and in order to do that, Judge Lynn has ordered him to re-submit a final plat because the Area Plan Commission's denial was based on inadequate drainage and they needed to submit a drainage plan with it, so they can go ahead and have a hearing on the final plat again with recommendations in terms of how the Drainage Board reviews this drainage.

He said when it was presented to the Area Plan Commission, they didn't submit a drainage plan and the plat was denied and this is what they submitted to the Area Plan after the Area Plan had denied it, and what he has done is just reversed the ditch, so this will satisfy the drainage requirement.

Mr. Eifler said when they built the sewer out there, they sized it to pick up all the area to the County line, so the sewer is large enough to pick up all that drainage.

Mr. Osterholt recommended that the Drainage Board approve it now since they do have a drainage plan.

Commissioner Ossenberrg moved that the plan be approved, on the recommendation of Mr. Osterholt. Commissioner Schaad seconded the motion. So ordered.

Commissioner Ossenberrg said he thought there was more entailed in the law suit than that since he thought the I-164 was involved in it.

Mr. Osterholt said it was but they dropped that portion as well as the damages they had asked for.

RE: MARYLAND STREET BRIDGE

Commissioner Ossenberrg said they had talked about the drainage awhile ago on the Maryland Street Bridge and he asked if there was any possibility with it being closed as of today and getting it started, if that is a priority that they can get that track approval from L & N Railroad Co. along with it, since he can't see any sense in doing a bridge and coming across that track as rough as it is.

Mr. Eifler said they are trying to see if they can find some monies to repair the tracks.

Commissioner Ossenberrg asked Mr. Eifler if he has to do this or if it is the responsibility of the Railroad Company.

Mr. Eifler said they work in conjunction with the Railroad in doing these things and it is in the mill trying to get the order out, that they have plenty of time but they will have to worry about the weather.

Commissioner Schaad said this is another case of the spirit of the County and the City working hand in hand for the improvement of the roads and bridges of Vanderburgh County.

The meeting adjourned at 12:00 noon.

PRESENT

DRAINAGE BOARD

Bob Schaad
Tom Ossenberrg

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEYS

Ed Smith, Jr.
Paul Wendel

Secretary: Margie Meeks

Bob Schaad

Tom Ossenberrg

Paul Wendel

VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD

OCTOBER 24, 1977

A meeting of the Vanderburgh County Drainage Board was held on the 24th day of October, 1977, at 11:00 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous Drainage Board meeting were approved as engrossed by the Auditor, with the deletion of the paragraph on the Maryland St. Bridge, since it should have been read on the Commissioners minutes and not the Drainage Board. The reading of the minutes was dispensed with. Commissioner Schaad welcomed Brenda Hempfling, who will be the new Drainage Board secretary.

RE: CLAIMS

A claim was submitted by Leo E. Paul for the cleaning of Baehl Ditch, in the amount of \$679.70.

Mr. Brenner said they walked this ditch and the work was outstanding, the best job he had ever seen. Commissioner Willner moved that the claim be approved. Commissioner Ossenberg second the motion. So ordered.

Mr. Brenner has another 10% progress payment to me made to Quentin L. Stahel for his dredging of the East Side drainage system, his proportion is the Brandeis Extension. This will bring a balance still due on the contract of \$31,000.00. The amount of the claim is \$5,194.40. Commissioner Ossenberg moved that the claim be approved. Commissioner Willner second the motion. So ordered.

Mr. Brenner said that he has two here for a Norman Messel. I can not really remember whether we approved it or not.

One is for Keil Ditch in the amount of \$560.00. Could you approved it if Mr. John would check it out. Commissioner Willner moved that this be approved subject to Mr. John's approval.

The other one is to Norman Messel for the cleaning of the Sonntag-Stevens Ditch, \$1,604.44. Commissioner Willner moved that the claim be approved. Commissioner Ossenberg second the motion. So ordered.

RE: PUBLIC MEETINGS

Mr. Brenner said now the Vanderburgh County Drainage Board has advertise that a public meeting be held October 24, 1977 at 11:00 a.m. It is to consider raising the annual maintance charge on Keil Ditch a legal drain in Vanderburgh County. The maintance charge shall be increased from \$511.92 to \$1,200.00. Commissioner Ossenberg moved that the claim be approved. Commissioner Willner second the motion. So ordered.

Mr. Brenner said he has a public notice of a legal meeting to be held at 11:05 a.m. to consider Kneer raising the annual maintance charge of Kneer Ditch. The maintance charge to be increased from \$305.69 to \$600.00. Commissioner Willner moved that the claim be approved. Commissioner Ossenberg second the motion. So ordered. Commissioner Willner asked if they were notify by the news media. Mr. Brenner said yes.

At 11:10 a.m. Mr. Brenner said we were to have a public hearing on Lower Big Creek, a legal drain in Vanderburgh County. The maintance charge is to be increased from \$794.26 to \$1,200.00. Commissioner Willner moved that the claim be approved. Commissioner Ossenberg second the motion. So ordered.

At 11:15 a.m. Mr. Brenner said he had another public meeting was to be held to raise the maintance charge on Pond Flat Lateral "B", a legal drain in Vanderburgh County. The maintance charge to be increased from \$297.37 to \$500.00. Commissioner Willner moved that the claim be approved. Commissioner Ossenberg second the motion. So ordered.

Mr. Brenner said another public meeting was to be held at 11:20 a.m. to raised the annual maintance charge on Pond Flat Lateral "C", a legal drain in Vanderburgh County. The maintance charge was to be increased from \$1,148.06 to \$1,400.00. Commissioner Willner moved that the claim be approved. Commissioner Ossenberg second the motion. So ordered.

Mr. Brenner said another public meeting was to be held at 11:25 a.m. to consider raising the annual maintenance charge of Rusher Ditch, a legal drain in Vanderburgh County. This maintenance charge shall be increased from \$543.51 to \$1,000.00. Commissioner Willner moved that the claim be approved. Commissioner Ossenberg second the motion. So ordered.

Mr. Brenner said he had another public meeting that was to be held at 11:30 a.m. to consider raising the annual maintenance charge of Wallenmeyer Ditch, a legal drain in Vanderburgh County. The maintenance charge shall be increased from \$1,005.35 to \$1,500.00. Commissioner Willner moved that the claim be approved. Commissioner Ossenberg second the motion. So ordered. There were no remonstrators on any of the above.

RE: AREA PLAN

Mr. Schaad said they received a memorandum from the Area Plan Commission that we were going to look at the following sub division. As for as drainage was concern, University Heights #3 a preliminary, Gelhausen and Burman preliminary, Gabensee Areas, Omicrom Industrial Part and McCullough Sub Division. Mr. Brenner said he received them too late and doesn't have any comment or opinion on them and there is no big hurry on them anyway. They will be considered at the next meeting.

RE: MR. EILER

Mr. Brenner wanted to know if they remembered Mr. Eiler who appeared in front of the drainage board. I went out and investigate into it. There is no reason the ditch changes from a 6-foot bottom to a 4-foot bottom he has a 54 inch culvert. The state covered he said was smaller than his is 10 foot in diameter. Mr. Schaad said it might be all filled up. Mr. Brenner said we will clean it out, but I'm still working on him. We will move the ditch and have about a 8 foot shoulder on the side of the road.

RE: PIGEON CREEK

Mr. Brenner said that he had one complaint from a Mr. Powell, he will let us go into the Pigeon Creek to divert a new angle in the Pigeon Creek. When I was out there the contractor agreed he should not cover up his trees, so the guy could come in and haul out the lumber. Then he went and buried him. We will have a claim for the damages.

Mr. Schaad wants to know what the latest is on Pigeon Creek. Mr. Brenner said a gentleman came to see him and he signed for the bond, I cannot remember his name. The fellow they work for out at the zoo. He said within two weeks he will do it himself, he will take them out of the picture and will clean it himself. Mr. Brenner said they have removed approximately 20% of the debris.

RE: APPROPRIATION FOR DITCH FUND....COUNTY COUNCIL

Mr. Brenner said he submitted the letter, we are on the agenda asking the County Council to appropriate another \$100,000.00 for the general ditch improvement fund. It is just front money and it will be paid back.

The meeting adjourned at 11:35 a.m.

PRESENT

DRAINAGE BOARD

Bob Schaad
Robert Willner
Thomas Ossenberg

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEYS

Paul Wendel
Ed Smith, Jr.

Secretary: Brenda Hempfling

Bob Schaad
Robert Willner
Thomas Ossenberg
VANDERBURGH COUNTY DRAINAGE BOARD

298.
VANDERBURGH COUNTY DRAINAGE BOARD
OCTOBER 31, 1977

A meeting of the Vanderburgh County Drainage Board was held on the 31st day of October, 1977 at 11:30 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and dispensed with the reading.

RE: AREA PLAN

Mr. Brenner gave a report on the following sub divisions.

Gabensee Acre:

The only thing on this is the right of way. They want a 40 ft. right of way on St. Joe and St. Wendell Road instead of a 30 ft. as the plan shows. The drainage has all been taken care of as far as the Drainage Board is concern. The others will be red flagged. Commissioner Willner moved that it be approved. Commissioner Ossenberg second the motion. So order.

Omicrom Industrial Part:

There are no problems. We dug a ditch between Baumgart Road and Highway 41 north, south of Mt. Pleasant Road. Commissioner Willner moved that it be approved. Commissioner Ossenberg second the motion. So order.

University Heights #3:

They would like to have a drainage plan and erosion control plan on what they are going to do. Commissioner Willner moved that it be approved. Commissioner Ossenberg second the motion. So order.

Gelhausen and Burman:

Commissioner Ossenberg asked if Sam Biggerstaff ever came back with anything on this? Mr. Brenner said no. Commissioner Ossenberg had it deferred in the Area Plan Commission at his request because I told him about the Robinson Ditch. These lots would be effective if a legal drain had not been abandoned. Mr. Mc Coy told me it has been abandoned and you can not have abandoned that drain. Mr. Brenner said it would lock out lots 1, 2, & 18. But then decided on a 36 inch pipe under the road. They would lose lot 2 and with a special permit given on lots 1 & 18 to build both a legal drain. Commissioner Ossenberg moved that it be approved. Commissioner Willner second the motion. So order.

Mc Cullough sub division at Diefenbach Road. There are six (6) - 2 acre lots. No drainage problems. The only problem is that we would have to drive across the dam to get to the sight. Commissioner Willner moved that it be approved. Commissioner Ossenberg second the motion. So order.

RE: HILLSIDE DRAIN

Mr. Brenner has a petition given by the board of County Commission to establish Hillside as a legal drain. The drainage board has received a request from the County Commissioners to establish it. On October 28, 1977 Mr. Brenner made a personal inspection and found the approval practical and improved public health. Mr. Brenner said he shall file a preliminary report setting forth his finding whether its practical, which he is doing. Whether it will improve public health, which it did. Mr. Brenner said it will not be an expensive project. There are 801 acres in the water shed. After Mr. Brenner found these 3 things set forth infirmative which he did. We shall make a written report to the board setting forth the boundry of the additional area of land. Then within 7 days I have to mail a copy to all the people in the water shed to set a public hearing. Commissioner Willner moved that it be approved. Commissioner Ossenberg second the motion. So order.

Mr. Brenner said one legal notice has to be advertise within 10 days of the meeting. Commissioner Willner moved that it be approved. Commissioner Ossenberg second the motion. So order.

RE: GREENRIVER ROAD HOUSING DEVELOPMENT

Mr. Steven talked about Greenriver Road where Riverside Drive extended will junction with Greenriver Road with a housing development by Mr. Neville. Commissioner Willner said this should be brought up at the Commissioners meeting.

Meeting adjourned a 11:52 a.m.

PRESENT

DRAINAGE BOARD

Bob Schaad
Robert Willner
Thomas Ossenberg

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEY

Paul Wendel
Ed Smith, Jr.

Secretary: Brenda Hempfling

Robert D. L. Willner
Thomas L. Ossenberg
7 X
VANDERBURGH COUNTY DRAINAGE BOARD

300.

VANDERBURGH COUNTY DRAINAGE BOARD
NOVEMBER 7, 1977

A meeting of the Vanderburgh County Drainage Board was held on the 7th day of November, 1977 at 11:00 a.m. in the Commissioners Hearing Room with Vice President Willner presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and dispensed with the reading.

RE: GREENRIVER ROAD HOUSING DEVELOPMENT

Mr. Brenner has a project that was referred to us by the Planning Commission of the zoning of Tembers Apartments on Greenriver Road. The drainage all comes in to a large ravine and runs directly into Pigeon Creek, its on no legal drain. The water runs away from Greenriver Road. Commissioner Ossenberg moved that this be approved. Commissioner Willner second the motion. So order.

RE: AREA PLAN

Commissioner Ossenberg filled Mr. Brenner in on the sub divisions.

Gabensee Acres wanted a 40 ft. right of way, but no one showed up so this will be deferred to the December meeting.

University Heights #3. We have Mr. Lutterbach out on this and they are to come to Mr. Brenner. I told Mr. Lutterbach we are having trouble with University Heights #2 and have not seen a drainage plan or erosion control plan on University Heights #3. Mr. Lutterbach said that he will get with Mr. Brenner and this will be deferred till the December meeting.

Gelhausen and Burman was passed on the condition of the one we so stated. Mr. Biggerstaff is to get with Mr. Brenner to see about this legal drain through Robinson Ditch. They did pass it that they would lose lot 2 on a preliminary. He will get in touch with Mr. Brenner on the balance of it. Mr. Brenner said that he thought they should put a 36 inch pipe in the entire ditch and wouldn't need a 75 ft. right of way.

Meeting adjourned at 11:09 a.m.

PRESENT

DRAINAGE BOARD

COUNTY AUDITOR

COUNTY SURVEYOR

COUNTY ATTORNEY

Robert Willner
Thomas Ossenberg

Curt John

Robert Brenner

Paul Wendel
Ed Smith, Jr.

Secretary: Brenda Hempfling

Robert Willner
Ed Smith, Jr.
VANDERBURGH COUNTY DRAINAGE BOARD

301.

VANDERBURGH COUNTY DRAINAGE BOARD
NOVEMBER 21, 1977

A meeting of the Vanderburgh County Drainage Board was held on the 21st day of November, 1977 at 12:15 p.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and dispensed with the reading.

RE: DRAINAGE ON KIRKWOOD DRIVE

Georgia Beliles of 426 Kirkwood Drive and a neighbor at 520 Kirkwood Drive came before the drainage board to complain about the water standing in their backyards. Mr. Brenner said that this was a sub division proved in 1968, they withdrew the sub division and there was to be a church built behind these houses and the drainage goes into Murrenbern Ditch. The Commissioners explains to them that when Ron Grimm comes to the Drainage Board for the approval of his sub divisions that the drainage would have to be fixed before the go ahead on the building of other buildings. If Mr. Grimm would not approve of this then the Commissioners will not give the go ahead. Commissioner Ossenber moved that this be approved. Commissioner Willner second the motion. So ordered.

RE: UNIVERSITY HEIGHTS #3

Louie Steven came before the drainage board to ask them to approve the drainage of University Heights #3, but President Schaad said that they should clear up the problem with University #2 before going any further. Commissioner Ossenber denied the approval of the drainage of University Heights #3. Commissioner Willner second the motion. So ordered.

RE: DAVE GUILLAUM

The cleaning of Hoeffling Ditch in the amount of \$334.00. Commissioner Ossenber moved that it be approved. Commissioner Willner second the motion. So ordered.

The drainage board has set a meeting for the purpose of Hillsdale Drainage petition for December 19, 1977 at 10:30 a.m.

Mr. Guillaum wanted to know if there was a petition drawn up for the people for a legal drain. Mr. Schaad said yes there was.

RE: PRESIDENT SCHAAD

Mr. Schaad said Gabensee Acres has been deferred to the December meeting. Also there will be a meeting next Monday November 28, at 8:00 a.m. for the City and Jim Morley to talk about the east side.

Meeting adjourned at 12:46 p.m.

PRESENT

DRAINAGE BOARD

Bob Schaad
Robert Willner
Thomas Ossenber

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

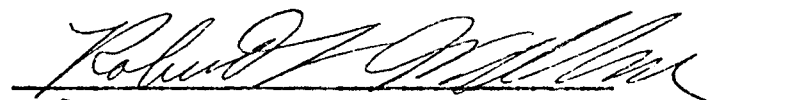
Robert Brenner

COUNTY ATTORNEY

Ed Smith, Jr.

Secretary: Brenda Hempfling







VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD

NOVEMBER 28, 1977

A special meeting of the Vanderburgh County Drainage Board was held on the 28th day of November, 1977 at 8:32 a.m. in the Commissioners Hearing Room with President Schaad presiding.

Mr. Schaad received a letter from Charles Gullledge who said he wanted to have a meeting with the city and our people to discuss the Harper/Hirsch Ditch and the pay of Jim Morley.

RE: HARPER/HIRSCH DITCH

Jim Morley came before the board to discuss Harper/Hirsch Ditch. The main reason was Harper Ditch and what can be done to control and take care of the drainage coming off of the general area. So it was necessary to back Harper Ditch all the way up to Division St. This was done by making cross sections of the ditch. Once we made all of the field measurements we developed the elevations. Going through this we're okay in considering Harper Ditch alone, until we get down to the point at the old canal. Then we went back to the diverting part of the 26 hundred acres on out past Harper Ditch, made calculation on the 26 hundred acres and ran that into it. Then we found out if their proposals were feasible down at the end of Stockwell Rd. What we found was the two didn't make much difference once we open up a pipe size necessary to remove the constriction at Stockwell Rd. The delay of the flood crest coming down the old canal from the 26 hundred acres, because it's flat ground and further away, didn't get there until the Harper Ditch flood crest has already gone through the structure. So once you put in the pipes you need at Stockwell Rd. and Vogel Rd, there's no reason not to go ahead and divert the flow of the 26 hundred acres drainage into the old canal because your structures will be down by the time the flow will be there. We took a look at every proposal we found that has been done. The proposals by Ohio Valley by picking up Harper running it straight onto Trailer Brothers. Also the proposal of the county by taking Harper Ditch and running straight north and dump it into the old canal on the eastside of Greenriver Rd. After we analyzed all of those, we tried to apply some cost figures to them and felt the solution that we proposed here is the most economical solution of all the plans considered. It calls for dealing with Harper Ditch beginning at Vogel Rd. A new structure is needed because the pipe isn't big enough. Then because of W.J.E. and Central Beverage has been closed a great deal of Harper Ditch. This would be a more expensive way to go, so we proposed where Harper Ditch hit Vogel Rd. to put a new pipe under it and dig a new ditch straight north to the old canal then the flow will go down the old canal and hit a major constriction at Rudolph Dr. The pipe now is a 48 inch, the bottom happens to be a foot higher than the pipe up at Greenriver Rd., which is a half mile up stream. Really should be several feet lower for the old canal to drain. A new pipe should be put there and instead of turning back south, put a pipe diagonally underneath the intersection at Stockwell Rd. and the railroad at the same time then both roads will be open. At that point it will go down to Pigeon Creek and carry the flow but could use some cleaning. The proposal that we got from Mr. Brenner's office is opening the old canal east of Greenriver Rd. at the same time that a pipe at Rudolph Drive is not replaced, so the flow line can be obtain or this project would be dead. The grade line that he has establish for that opening the old canal are based upon the fact that the other end gets opened also, so that if they don't go together it won't help. The other parts of the reports just are comments, these are the improvements that we are talking about. The overland flow provides some advantages that aren't there with culverts; that is storage in over land flow and use these drainage ditches with the flat side slopes. In going that route something needs to be set up, there are some other open drainage ditches in Evansville that most of the people really complain about and so many of them can't be maintain even if you go out and try. It seems that maybe the city should take a real hard look at the idea of sloping the banks and then obtaining some legal control on the open drains swells. The legal drain or the county responsibility on Harper stopped back at Greenriver but as we went through these we dug out those pipes that were half filled with rocks that kids have put there. There is no regular program or vehical of going down these natural open drains to inspect the culverts. Whatever you do, some look needs to be done and set up a systematic maintance approach to inspecting these open ditches. A little time spent could do a lot of good.

Mr. Schaad asked Mr. Brenner if he had any comment and he said no, what Jim Morley said is true, if the city doesn't do their half nothing will happen. Then Mr. Schaad said from the county's end of it as far as a legal drain goes do you have any cost of it? To come up with the money its going to take a bond issue. Jim Morley said the real problem is the old canal, but Mr. Schaad said thats been taken care of. Mr. Morley said unless the city wants to take it back and develop as a legal drain west of Greenriver, then there is nothing we can do. Mr. Schaad said thats one of the reasons we are waiting for to see what the city is going to do. There's no point in opening up the canal if the water can't get any place. Mr. Brenner said we can take it under Greenriver Rd. to the bridge, but still have to run the pipe under the railroad. Someone asked if the county could have a legal drain in the city and Mr. Brenner said yes, but its been the city's to abandon them. Jim Morley said outside the city limits that everyone pays upon their ownership of property but when you hit city limits you never assess anyone who lives within the city, you send a single bill to the city of Evansville so therefore as long as you were paying the bill you would want to make the decisions. Also a legal drain you don't have much way of getting funds other than the assessment route. If its the city end of it there is always a possibility to get funds on a project like this and if it was a legal drain you couldn't do that. It would be set up to go to assessments. So there's advantages either way. The legal drain gives a certainly a more clearly way of how it can be done but needs funds to do it.

Mr. Schaad says for the benfit of Charles Gullledge and Paul Kinney some time ago we tried to get money through HUD but weren't able to. On a legal drain we assess the people on the acreage they have and the people pays their share of maintance or reconstructions and you can't go over 10% of what it was last year without having a hearing. We thought that the only thing we could do was go for a bond issue and let them advertise a bond over a ten year period. But we're here today just as far as the old canal is concern. There's no point in starting it if the city doesn't open their end of it and let the water get to the creek.

Mr. Ossenberg asked that at Stockwell Rd. on the Rudolph property that there is a Hirsch with about a 3 foot pipe, Jim Morley told him it was a 4 foot pipe. Then Mr. Ossenberg said it takes an (S) and goes into 2-four foot pipe and then into a box culvert at the railroad. Your proposal is just to divert this and go underneath this. Jim Morley said there is a railroad spur swinging off to the south in front of Rudolph, recommending putting a pipe under that and then diagonally underneath the intersection of Stockwell and southern railroad. That needs some channeling on the railroad on northwest side. Mr. Ossenberg asked if the box culvert is necessary right now and Jim Morley said yes it carrys the flow of Central Beverage and W.J.E. There are some sewers in Stockwell Industrial Park and drainage on the eastside of Stockwell Rd. would go into it. Mr. Ossenberg said in 1973 the city came to us to abandon it so we did at Greenriver Rd. because there was talk that they were going to pipe all the way to Stockwell Rd. We thought this all the time but we have said all along in our public hearings in regard to the canal is the concern of a lot of people on what happens west of Greenriver Rd. Our only answer is to put a culvert under Greenriver through bridge fund, but what the city does down below is something else.

Paul Kinney asked Jim Morley about north of Morgan Ave. Jim Morley says the channel is small and is right where the creek is it won't handle it, but the creek bank isn't all that high and it spreads out. There is really nothing to worry about from that point on north.

R.C. Eifler says all of the drainage from Harper will be running straight north to the old canal east of Greenriver but Jim Morley said no. It bypasses the culvert by Greenriver and if you run it north to the old canal you will have to put a bigger pipe under Greenriver at Morgan to carry the flow. So what I did say in the report was the best way to handle Harper Ditch flow is to take Harper north along Hebron Ave., thats west of Greenriver Rd. The other part of taking it north to the old canal on the eastside of Greenriver Rd. It is not to release Harper Ditch but to provide drainage for those developments.

Paul Kinney said if we diverted Harper Ditch north to the old canal and cut off alot of drainage from the 26 hundred acres under Greenriver Rd. are the requirements that you have put in there for the city to do west of Greenriver Rd. Jim Morley said no, if Harper Ditch on the eastside be cut north to the

old canal then the pipe under Vogel Rd. You still will have to have a new one as General Growth goes end. It would still be cheaper to dig a ditch north to the old canal along Hebron than try to replace pipes. You could down size the pipes if the county would open Harper on the eastside of Greenriver Rd. north. Then in return you would have to put in a bigger pipe at Greenriver Rd. then meet up at Hebron Ave as far as the flow goes.

Mr. Schaad said it's a matter of working together and the time table and who's paying for what. Paul Kinney says we have 3 engineers involved to resolve their differences and get back with us and in the mean time we can begin our ground work with the council. Mr. Schaad agrees. Paul Kinney says we should resolve Jim's bill because I'm not sure if the city has paid the half of that yet or not. Someone said they received half of the payment.

Mr. Ossenberg said there was no agreement made for the county to pay half of Jim Morleys bill. Paul Kinney says it was an agreement. Mr. Schaad said that's why we need minutes of the meetings. So he said that the 3 engineers need to get together and set a meeting. Paul Kinney says a dead line should be set; so next Monday December the 5th at 8:00 a.m. we will have another meeting

Questions was brought up about total price of Morley's bill-- \$10,100.00 plus.

Meeting recessed at 9:20 a.m.

Secretary: Brenda Hempfling

Members present:

DRAINAGE BOARD

Bob Schaad
Thomas Ossenberg

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEY

Ed Smith, Jr.

BOARD OF PUBLIC WORKS

Charles Gullledge
Paul Kinney
R.C. Eifler

BUILDING COMMISSION

Jessel Crooks

SOIL CONSERVATION SERVICE

Duane Drockelman

MORLEY AND ASSOCIATES, INC.

Jim Morley

Bob Schaad
Paul Kinney
Thomas Ossenberg

VANDERBURGH COUNTY DRAINAGE BOARD

305,

VANDERBURGH COUNTY DRAINAGE BOARD

DECEMBER 5, 1977

A special meeting of the Vanderburgh County Drainage Board was held on the 5th day of December, 1977 at 8:28 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and dispensed with the reading.

Mr. Schaad said we left it opened that the three engineers get together. I don't think the differences were all that great and see if they could come up with their differences and get back with us at this meeting today.

RE: HARPER/HIRSCH DITCH

Jim Morley said we got together the next morning and reviewed all of the data in here. What possibilities there were of changing the route, whether this was the best location as far as any of us in the meeting were concern. We came up and this was the best. Then we took the cost estimate as broken down and went down through it and tried to discuss possibility of funding and sharing of the dollars involved in the projects. We came up with a proposal that since a good proportion of this or approximately \$215,000 out of the project involved bridge or culvert work. If we could tap the bridge fund to do that work, which I think it should come from. Taking total package here and breaking it down. Opening the Old Canal and opening Harper Ditch work together a total of \$590,000.

Mr. Schaad asked if that was the total cost and Jim Morley said yes the entire project. Jim Morley said he understood that Louis Stephen had ran into some extra pipes because of some length of railroad spurs. At the preliminary stage that's the total picture. Then the bridge fund proportion for the structure of Vogel Road, Stockwell Road and the new structure at Greenriver Road is \$215,000. Subtracting that from the \$590,000 we have a remaining of \$375,000 to carry out the project. Of this amount if we divide it right along the line of Greenriver Road the amount of work outside of Greenriver Road is about \$140,000.

Mr. Schaad asked if he was talking about east or west of Greenriver Road now? Jim Morley said East of Greenriver Road but that includes the opening of the Old Canal between Greenriver and Hebron Ave. That does have a little section of the Old Canal in it. That comes up with a cost of \$140,000. Then we take what lies within the city, we have a cost of \$235,000, but we have a very provable trade there if General Growth would go ahead. We have a proposal that we could provide for them or another developer in that area to take the dirt that would be excavated along the Old Canal because they will need fill dirt. We could give them the dirt free or even charge them because they will have to haul it, not enough high ground on their property to finish that development and we could say here's the borrow pit you can have it from here. That would decrease the cost within the city by \$95,000. Leaving the amount of work to be done within the city limits at \$140,000, almost an even split. We also discussed this route one proposal which was taking Harper Ditch north to the Old Canal at Greenriver Road and after reviewing all the flow figures, we all agree that opening that ditch stands on its own merit for draining that area and does not need to be tied into Harper Ditch. There needs to be a drain up in through there, but it really stands on its own merits. It's needed because that area is flat and excepting any flow in Harper won't help anything it will make us go to a bigger pipe size at Greenriver Road. So while we agree that this route a drainage ditch should be opened up along there. We don't see any reason to tie it into Harper Ditch, if we actually result in spending a little bit more money tying it into Harper Ditch, but we do recommend it should be done for drainage of that area.

Mr. Schaad asks about his figures to see if they were correct. You're taking the \$590,000 that is taken out of the bridge fund which leaves \$375,000 then the city share is \$235,000, which leaves \$140,000 for us. Jim Morley said yes, but is the opening of the canal already funded right. Mr. Brenner asked if he could speak on that. I had Bob Bernard come in from the trustee of Union Township and I was looking up something for drains and found that the general assembly in 1976 did it to us. You know how the railroad was to

pay for their crossing and they wouldn't even answer my letters. The Public Law 88 of 1976 says: The railroad company with the right-of-way that is crossed by the construction of a legal drain, or is affected by the altering or enlarging, of an existing crossing bears no expense other than the public highways bear. Mr. Brenner is specifying that if it's an enlarging existing culvert that they will bear half. Ed Smith says the benefits don't have to be equal in proportions. Mr. Brenner said you still lose. Also the whole is set upon acreage now and the assess is Urban because it runs off over there.

Mr. Schaad asked what is the amount of money we have in the opening of the Old Canal fund? Mr. Brenner said \$100,000, then Mr. Schaad said taking \$100,000 out of there we still got \$40,000 to come up with. Mr. Brenner said maybe a little bit more somewhere around \$65,000. Pipe cost more than 130 dollars a foot and we need 570 feet. The way to attack is there is nothing to stop us to have it changed back the other way. I doubt if the legislator would like the heat of having passed a bill like this, which takes out all records of the railroad.

Mr. Ossenberg said the only thing that he could see that you could tie them in with a public highway and a railroad crossing. Then they would have to share their one half. Mr. Brenner said we would end up going through a public hearing and the whole bit, or we could reduce the size of the pipe. Jim Morley wants to know if they go over the \$100,000 that you have asked for, would you have to go back and have another public hearing to get the other amount? Mr. Brenner said yes it would be like starting brand new, sending out letter of notification. Jim Morley said because you have increased the price, I didn't realize that you were playing with a \$140,000 to begin with and counting on the railroad for a pretty big amount. Mr. Brenner said he was prepared to sue them. Mr. Ossenberg said up to this amendment they would have to bourne half of that price. Let me get back with this, after hearing this it really shocked my winds. Has anyone consulted with General Growth Development Engineers? Jim Morley said no, especially with this deal with last Tuesday. We think that its a good deal for them and want that dirt because it is not our ditch, there is no ditch along Hebron Ave. Somebody will have to acquire the land, that would be the citys job to divide that strip of land about 50 additional feet along Hebron Ave there is a strip up to the Old Canal and then make it available to them.

Mr. Ossenberg said that he got involved into this thing because of Citizen Realty and they were bringing in General Growth engineers to see me and it finally ended up with Sam Biggerstaff and all of them. Their main reason was to take Harper Ditch and they were going to bear some of the cost of this. They were wanting to take Harper Ditch on the east side of Greenriver Road where it has been abandon and pick up there and bring that ditch along Greenriver Road. I understood at that time that they were willing to bear the cost of that. There were some doubt even though we have worked some right-of-way through the Evansville Industrial Foundation, we will still know S.I.G.&E. the right-of-way there which they purchase. Whether I could obtain the necessary footage there, I don't know if I can or not. First they said I could have the eastern half 20 feet, but thats not enough and then we bargain to get 30 feet, but I don't know if thats enough now. Then Mr. Ossenberg asked Mr. Brenner if he thought that was enough and Mr. Brenner said very doubtful. Jim Morley said the key thing here though is that General Growth probably is assuming they have to put in a bigger pipe than is already there along Greenriver Road. And by the time we have gone through and balanced all of these flows we found that they were hitting at different time such that General Growth didn't need any bigger pipe coming through their development than what they had to match up with that Mr. Eifler had designed along Greenriver Road anyway. Their assumption was probably that here is a pipe coming down Greenriver Road and here is a 20 by 5 foot box culvert coming under Greenriver Road, then they probably figured that they would have to jump up a pipe size and after we figured they wouldn't have too.

Mr. Brenner wanted to know how you worked out under Greenriver Road? Jim Morley said we are taking 320 acreage under Greenriver Road and Mr. Brenner said roughly 10% of the water. Jim Morley said its not worth doing to General Growth. If General Growth would have looked at the pipe along Greenriver Road and saw that 20 by 5 foot box culvert and said they would really need a pipe under their property, which turns out not to be the case, the two flows balances up. They don't need any bigger pipe than what they already have. Mr. Schaad wanted to know if General Growth is aware of what we are

doing here. Mr. Eifler said through talking with Sam Biggerstaff I know they are anticipating piping across their property from Greenriver Road over to where the ditch presently intersects Vogel Road. They are prepared to do that in some way. Jim Morley said it wasn't until we done this study that these two didn't match up to really increase the pipe size. So they probably don't know this. Mr. Schaad wants to know in dollars what would that benefit General Growth if they were aware of this? Jim Morley said their stretch is a quarter of a mile and probably anticipated a 20% increase in pipe size by looking at the 2 flows, so I would say \$40,000 to \$50,000.

Mr. Schaad said the next step would be to all get together with their engineers and Sam Biggerstaff. Jim Morley said I think they should be informed with this but its really for you and the board of works to discuss first. Mr. Schaad said he agreed but Mr. Gullledge needs to take this to Paul Kinney for the development that came up this morning which had came before and get with General Growth without readvertising. Mr. Brenner said that it will come up again before we can get into anything. Mr. Ossenberg said he wondered if there are pre-legislative hearing that they attend before they go into session, so we could talk to them. I know that they are dropping bills in the hopper now and I wonder if they can drop repeals in the hopper also. I can get a hold of Server and Harris today. Mr. Brenner said somehow we're going to have to do something.

Mr. Schaad asked if there is anything else to be discuss now? Mr. Brenner said off of our ditch projects will be 22,000 yards. Mr. Morley said thats one thing that needs to be brought to life is that this dirt is being picked up out here, and all of those areas out there will have to be raised. It's so flat thats there are no slopes to the land, therefore you take the 100 year flood level if they build east of Greenriver Road or anywhere in that flat land they have to elevate 2 feet above it and when they do everybody out there will have to bring in dirt.

Mr. Schaad said that Mr. Gullledge should get together with Paul Kinney and their engineers and set another meeting next Monday at 8:00 a.m. Mr. Gullledge asked what engineers and Mr. Schaad said you and Sam Biggerstaff. Jim Morley asked if Sam was their engineer and Mr. Ossenberg said they had three engineers in here, but I don't know how they got Sam but he has been their voicer along with Joe Wallace, the only thing that they arguement was the Harper Ditch. They wanted to bear the cost of extending Harper Ditch over to Greenriver Road and new developments came along now. So I think I could call Joe Wallace and tell him that I need General Growth engineers down here next Monday morning. Mr. Schaad said in the mean time they should be appraised of this. Jim Morley said Sam Biggerstaff has a copy of this study and someone in their company needs to know this. Mr. Ossenberg said he will get with someone of that company. Mr. Gullledge asked if you want to do this at the next meeting, but Mr. Ossenberg said he didn't know if we can do anything that quick we need to let General Growth look over these plans. So Mr. Ossenberg said he was just going to get a hold of Joe Wallace and let him get a hold of whoever needs to be here as soon as they can.

Mr. Schaad said if everyone can make it we will meet here next Monday the 12th at 8:00 a.m.

Recess at 9:00 a.m.

PresentDRAINAGE BOARD

Bob Schaad
 Thomas Ossenberg
 Robert Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEY

Ed Smith, Jr.

BOARD OF PUBLIC WORKS

Charles Gullledge
 R.C. Eifler

BUILDING COMMISSION

Jessel Crooks

SOIL CONSERVATION SERVICE

Duane Drockelman

MORLEY AND ASSOCIATES, INC.

Jim Morley

COUNTY HIGHWAY ENGINEER

Louis Stephen

Secretary: Brenda Hempfling

Bob Schaad

Robert Willner
 VANDERBURGH COUNTY DRAINAGE BOARD

309.

VANDERBURGH COUNTY DRAINAGE BOARD MEETING
DECEMBER 5, 1977

A meeting of the Vanderburgh County Drainage Board was held on the 5th day of December, 1977 at 11:05 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of November 21st meeting were approved as engrossed by the Auditor and dispensed with the reading.

RE: CLAIMS

Mr. Schaad had a claim from Ralph Rexing on 1977 Maintenance of Lateral "A" Pond Flat Base Line Road. 5,311 feet at 10¢ per foot a total of \$531.10. It has been approved by Dan Hartman. Commissioner Ossenberg moved that it be approved. Commissioner Willner second the approval. So ordered.

RE: PROJECT ON GREENRIVER ROAD

Dave Guillaum spoke for Mr. Brenner on this thing about Mr. Roebuck and his mothers property. He wants to construct a drainage ditch on the eastside of Greenriver Road for about 1200 feet north of the project. This ditch will cross his mothers land and flow into the Pigeon Creek. Mr. Schaad asked if that would be an extension or improvement for a legal drain. Dave Guillaum said it begins with a culvert. Commissioner Ossenberg said he didn't think it was a legal drain. He is asking us if he could use the countys right of way. Chuck Osterholt said he had a rezoning coming up. Commissioner Ossenberg asked what the rezoning was for. Chuck Osterholt said to pipe out to Greenriver Road because the side ditches are to shadowed. Mr. Schaad said the only thing he could see would be for them to come back with a drainage plan along with the petition. Commissioner Ossenberg asked when it comes up for rezoning and Chuck Osterholt said the first reading is on the third Monday of this month. Mr. Brenner said he would have to see more detail so Mr. Schaad asked if they wanted to dispense with it. Commissioner Ossenberg moved that this be denied. Commissioner Willner second the denied. So ordered.

RE: BRIDGE TO BE REPLACED

Dave Guillaum talked about a private bridge and he said the ^{rip-rap} ~~pick-rack~~ and the walls are falling in and if it is a private bridge what does he want us to do? Mr. Schaad said it is because of the people that cleaned the ditch caused it. Mr. Brenner said his bridge is restriction for the legal drain. I didn't bring up I thought we could live with it, but his bridge should be replaced. Mr. Schaad said due to the carelessness of the contractor who cleaned his ditch he hurt his bridge. Mr. Brenner said by the bridger being wider and the ditch being wider I doubt if the man has a permit for the bridge. Mr. Schaad asked if it may be moved that Mr. Brenner answer his letter in accordance to what he is telling us. Commissioner Willner moved that this be approved. Commissioner Ossenberg second the motion. So ordered.

RE: SUB DIVISIONS

Mr. Brenner talked about Lloyd Wirth property south of Lynch Road and west of Oakhill. He said according to this it dosen't show anything different. There are no problems of what I can see. Commissioner Ossenberg moved that it be approved. Commissioner Willner second the motion. So ordered.

RE: GABENSEE

Commissioner Ossenberg asked if they had Gabensee and they didn't show up at the last meeting. Didn't we request to get some right of way on Gabensee? Mr. Schaad said the drainage board hasn't taken any action either. Commissioner Ossenberg said it is a preliminary also we wanted a 40 foot right of way off of the road. Louis Stephen asked if that was out on St. Joe Road and they said yes. Then he said the re-did it as a 30 foot, but Commissioner Ossenberg said we asked for 40 foot right of way. Also they were to come back for the December meeting but still haven't shown.

RE: GELHAUSEN AND BROERMAN

Commissioner Ossenberg read the report from the minutes. Sam Biggerstaff

310.
stated this land fronts on Fuquary Road and runs west off of Fuquary Road with lots facing this street on the north and south. He stated there is a legal drain called the Robinson Ditch and the drain board said Lot # 2 should be kept as an outlet and special consideration should be given to buildings on Lots 1 and 18 with a 36 in. pipe to be installed beneath the street. Also stated they accept the recognition of the drainage board, except they want to go back to them for a preliminary approval for a final plat. Commissioner Ossenberrg asked Mr. Brenner if they ever came to him and Mr. Brenner said he came with another plan and this time it is getting better. This time he wants to pipe along lots but we still have the same problem. I can not approve this, if they would just do what we want them to do. Mr. Brenner also said that this area would soon be the city. Commissioner Ossenberrg said he was going to hold Sam Biggerstaff to his word, that he would come back to the drainage board. Commissioner Ossenberrg denied the approval. Commissioner Willner second the denied. So ordered.

RE: UNIVERSITY HEIGHTS # 3

Commissioner Ossenberrg asked if University Height # 3 was coming for a final. Louis Stephen said they had the same print from the 21st meeting. You turned it down not because of drainage but because of Sam Biggerstaff and his people haven't done anything with #2. They want a statement saying the drainage is okay, which it probably is. Mr. Schaad said you want to let him do something about #2 first, let him pay for some of this first. Commissioner Ossenberrg asked where the drainage plan was for University Heights #3 are. They said they were going to come back and so something about #2 and #3, but all that I've saw was on #2. Louis Stephen said they haven't brought anything to him. Mr. Schaad said no action was necessary.

RE: KIRKWOOD SUB DIVISION

Mr. Brenner talked to Sam Biggerstaff he couldn't believe it was turned down but believes it now. Commissioner Ossenberrg said the two ladies called me on the phone and said Larry Deistch must have gotten wind of what was going on so he sent a man out with a shovel and he dug 4 feet 2 feet deep then went to the corner and dug 2 feet one way and 2 feet the other, now the water is just standing there. Mr. Brenner said we need to talk to the Building Commissioner, and I will go out and look at it. Commissioner Ossenberrg made the motion of approval. Commissioner Willner second the motion. So ordered.

RE: JIM BISESI

Mr. Brenner said he got a letter from Jim Bisesi and he owns a carriage house on Greenriver Road and says the project is flooded and must stop occupancy. He is requesting county to clean the ditch and approval is needed. Commissioner Ossenberrg said he didn't think we even gave them permission to build out there. Mr. Brenner said he would go out and look at it and if it is jammed can I have permission to clean it out. Commissioner Ossenberrg moved that this be approved. Commissioner Willner second the approval. So ordered.

Meeting adjourned at 11:25 a.m.

Members present

DRAINAGE BOARD

Bob Schaad
Robert Willner
Thomas Ossenberrg

COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEY

Ed Smith, Jr.
Paul Wendel

Secretary: Brenda Hempling

Bob Schaad

Robert Willner

311.

VANDERBURGH COUNTY DRAINAGE BOARD.
DECEMBER 12, 1977

A special meeting of the Drainage Board was held on the 12th day of December 1977 at 8:40 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of December 5th meeting were approved as engrossed by the Auditor and dispensed with the reading.

RE: HARPER/HIRSCH DITCH

John Quinn, Jr. who is from General Growth Engineers for Eastland Park construction showed the Drainage Board their layout of construction. Mr Quinn said they plan on starting to build in 1978 and follow up in the spring of 1979. He assured the Drainage Board that their pipes would survive the 100 year flood.

Mr. Brenner said the only problem with the Harper/Hirsch Ditch is that they are still \$15,000.00 in debt.

Commissioner Willner said that he would like to see a complete layout of the project before the go ahead.

Mr. Schaad asked that Mr. Elifer would get with the Board of Works and report the things that have been discussed. Then we will plan on another meeting later on.

Meeting recess at 9:30 a.m.

Present

<u>Drainage Board</u>	<u>County Auditor</u>	<u>County Surveyor</u>	<u>County Attorney</u>
Bob Schaad Robert Willner	Curt John	Robert Brenner	Paul Wendel

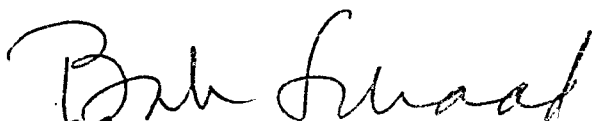


<u>Board of Public Works</u>	<u>Building Commission</u>	<u>Soil Conservation Service</u>
Charles Gullledge R.C. Eifler	Jessel Crooks	Duane Drockelman

<u>Morley and Associates, Inc.</u>	<u>County Highway Engineer</u>
Jim Morley	Louis Stephen

General Growth Development Corporation

John D. Quinn, Jr.
Lloyd H. Olund

Secretary: Brenda Hempfling




VANDERBURGH COUNTY DRAINAGE BOARD

312.
VANDERBURGH COUNTY DRAINAGE BOARD.
DECEMBER 12, 1977

A meeting of the Vanderburgh County Drainage Board was held on the 12th day of December at 9:30 in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and dispensed with the reading.

Commissioner Willner pointed out to President Schaad that in the minutes of December 12th needs to be corrected. The letter from Jim Bisi should read the Carriage House Apartments.

RE: CLAIMS

Mr. Schaad read the following claims:

Quentin Stahl-Crawford Brandeis and Extension Dredging, a 10% payment is now due a total of \$51,944.00. Commissioner Willner moved that this be approved. President Schaad second the approval. So ordered.

Leo C. Paul-1977 maintenance of Barr's Creek, 20,668 lineal feet at 14 $\frac{1}{2}$ ¢ per foot a total of \$2,996.86. Commissioner Willner moved that this be approved. President Schaad second the approval. So ordered.

> Big Creek Drainage in care of John Bittner for the 1977 maintenance of Buente Upper Big Creek, 20,194 lineal feet at 15¢ per foot at total of \$3,029.10. Commissioner Willner moved that this be approved. President Schaad second the approval. So ordered.

> George Seib-1977 maintenance of Maidlow Ditch, 11,475 lineal feet at 15¢ per foot a total of \$1,721.00. Commissioner Willner moved that this be approved. President Schaad second the approval. So ordered.

Paul Seib-1977 maintenance of Buente Upper Big Creek "A" Lateral, 3,666 lineal feet at 15¢ per foot a total of \$549.90. Commissioner Willner moved that this be approved. President Schaad second the approval. So ordered.

> Big Creek in care of John Bittner for 1977 maintenance of Lower Big Creek, 7,501 lineal feet at 10¢ per foot a total of \$750.10. Commissioner Willner moved that this be approved. President Schaad second the approval. So ordered.

> George Seib-1977 maintenance of Henery Ditch, 3,179 lineal feet at 10¢ per foot a total of \$317.90. Commissioner Willner moved that this be approved. President Schaad second the approval. So ordered.

> Big Creek Drainage-1977 maintenance of Pond Flat Main, 29,351 lineal feet at 12¢ per foot a total of \$3,522.00. Commissioner Willner moved that this be approved. President Schaad second the approval. So ordered.

Ralph Rexing-1977 maintenance of Lateral "B" Pond Flat, Base Line Road. 2,797 feet at 10¢ per foot a total of \$279.70. Commissioner Willner moved that this be approved. President Schaad second the approval. So ordered.

> Big Creek Drainage-1977 maintenance of Pond Flat Lateral "C", 9,036 lineal feet at 12¢ per foot a total of \$1,084.32. Commissioner Willner moved that this be approved. President Schaad second the approval. So ordered.

Eugene Rexing-1977 maintenance of Pond Flat "D" Lateral, 4,579 lineal feet at 14¢ per foot a total of \$641.06. Commissioner Willner moved that this be approved. President Schaad second the approval. So ordered.

Big Creek Drainage-1977 maintenance of Pond Flat Lateral "E", 3,616 lineal feet at 12¢ per foot a total of \$433.92. Commissioner Willner moved that this be approved. President Schaad second the approval. So ordered.

Big Creek Drainage-1977 Periodic maintenance of Rusher Ditch (creek), 4,444 lineal feet at 12¢ per foot a total of \$533.28. Commissioner Willner moved that this be approved. President Schaad second the approval. So ordered.

Eugene Rexing-1977 maintenance of Singer Ditch, 2,450 lineal feet at 13¢ per foot a total of \$318.50. Commissioner Willner moved that this be approved. President Schaad second the approval. So ordered.

Leo C. Paul-1977 maintenance of Wallenmeyer Ditch, 8,355 lineal feet at 10¢ per foot a total of \$835.50. Commissioner Willner moved that this be approved. President Schaad second the approval. So ordered.

Paul Wendel Attorney fees for October, November, and December, 1977 for representing Drainage Board a total of \$500.00. Commissioner Willner moved that this be approved. President Schaad second the approval. So ordered.

Ed Smith, Jr. Attorney fees for October, November, and December, 1977 for representing Drainage Board a total of \$500.00. Commissioner Willner moved that this be approved. President Schaad second the approval. So ordered.

RE: HARPER DITCH

Bob Brenner said that severe flooding occurred in the northeast corner of Greenriver Road and Division because of a clogged ditch. He said that 1400 feet of the ditch east of Greenriver needs to be dredged. The commissioners will take bids on the project later.

RE: STATE SENATE BILL "17"

Bob Brenner ask the commissioners if it would be alright for him to ask local state legislators to work against a proposed bill which would result in all persons along a county ditch being assessed the cost of replacing a bridge or culvert when ditches are improved. Presently the individual property owner pays for the replacement of a bridge or culvert. Mr. Schaad gave him approval to write letters to them.

Meeting adjourned at 9:45 a.m.

Present

DRAINAGE BOARD

Bob Schaad
Robert Willner

COUNTY AUDITOR

Curt John

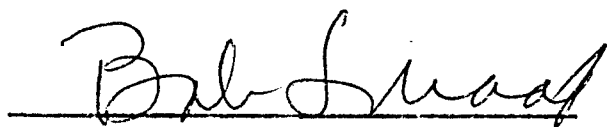
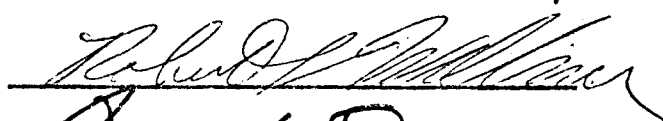
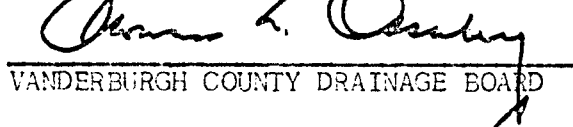
COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEY

Ed Smith, Jr.
Paul Wendel

Secretary: Brenda Hempfling




VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
DECEMBER 19, 1977

A special meeting of the Vanderburgh County Drainage Board was held on the 19th day of December, 1977 at 11:00 a.m. in the Commissioners Hearing Room with President Schaad presiding.

This meeting is called to consider the petition of Hillsdale Drain.

Mr. Brenner showed us an affidavit from Mr. Smith which showed that letters were sent out and a legal notice was published in the paper. We are here today to hear remonstrators or things in the affirmative to the drain. There will have to be another meeting and notices mailed out. Today we will just hear petition for anyone who wants to speak for or against the drain. Then as the Drainage Board wishes we will modified our plan. Then the plan we have layed out would probably be optimum, this will take in the fingers that effect the main stream.

Mr. Schaad asked if anyone would like to speak in favor of this, the ones in favor of making part of this a legal drain in Hillsdale area.

Mrs. Kastner asked what a legal drain was. Mr. Schaad said a legal drain is when you have drainage problems and the people in the area in the watershed pays for the maintenance of that drain. Mrs. Kastner said she thought there was some kind of a fund they could use. But she had nothing to enlighten the board with. Jim Ellis asked if there isn't state road money or gasoline tax money, which is provided to clean ditch other than by a legal drain. Mr. Brenner said its against the law if its not on a right-of-way of the road. Mr. Schaad said if we have a county road where the payment ends there is allways some right-of-way and the ditch along this belongs to the county then we can use Highway funds to open ditches to drain the road. Mr. Schaad said gasoline tax can only be use to maintain county roads. Mrs. Kastner asked who owns the property where the ditches are? Mr. Brenner said the ditches belongs to the people where it goes across. Mrs. Kastner said it's their ditch but our property. Mr. Schaad told her it's everybody problem, you need your neighbor to drain your water off. It is a community effort that this whole thing is about.

Mr. Brenner showed a map and said the real problem area is down along Radio Ave and Campbell Road where the flooding occurs. To be fair to these people if they want the ditch to be clean, the people at the top pay to have it clean at the bottom. Nothing can ever be fair. Mrs. Kastner asked how much that this would cost? Mr. Brenner said there is 800 acres draining across there and I would think a dollar an acre a year. Mr. Schaad said even this maintenance program is constructed and if next year the maintenance would cost more than 10% of last year we would have to have another hearing. Mr. Brenner said that if you are incorporated into the city, the city would take them over and maintain them. They would assume our right-of-way and its their responsibility. Mrs. Kastner said there was a bridge on Campbell Road and not big enough to carry the water and what could you do about this bridge? Mr. Schaad said its a county road and we can use bridge funds for that.

Mr. Rudolph asked when will we know how much this would cost? Mr. Brenner said you will get a notice and all that happens this time is it will be deffered to the surveyor for a final report and then I'm demanded for the price. Mr. Ossenberg just reminded everyone that they were just going to clean the ditch not reconstruct it.

Mr. Schaad asked to hear from the people that are not in favor of this.

Mr. Ed Johnson representing Mr. Wm. Wittekindt Jr. & Sr. who owns 130 acres which is located near Browning Road. Taking this 150 foot swamp through their land will result in a lot of damages. Mr. Brenner asked are you against a drain that does not go on your property. Mr. Wittekindt said not really, I just don't want a legal drain on our property. Mr. Brenner said they would stop at their property line.

Mr. Brenner made the approval. Commissioner Willner second the approval. So ordered.

Mr. Schaad said it will be deferred back to Mr. Brenner for a final report.

Commissioner Willner made the approval that this be deferred to Mr. Brenner.
Commissioner Ossenbergl second the approval. So ordered.

Meeting adjourned at 11:30 a.m.

People Present:

Mrs. Kastner
Jim Ellis
Larry Rudolph
Wm. J. Wittekindt, Jr.
Wm. J. Wittekindt, Sr.

Members Present:

DRAINAGE BOARD

COUNTY SURVEYOR

COUNTY ATTORNEY

Bob Schaad
Robert Willner
Thomas Ossenbergl

Robert Brenner

Ed Smith, Jr.

Secretary: Brenda Hempfling

Bob Schaad
Robert Willner
Tom Ossenbergl
VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
DECEMBER 19, 1977

A meeting of the Vanderburgh County Drainage Board was held on the 19th day of December, 1977 at 11:32 a.m. in the Commissioners Hearing Room with President Schaad presiding.

Both minutes of the 12th were approved as engrossed by the Auditor and dispensed with the readings.

RE: GABENSEE

Commissioner Ossenberg said that Gabensee has been deferred for 30 days due to the 30 to 40 foot right-of-way. They will come back to the Area Plan at the next meeting and were told that we want a 40 foot right-of-way.

RE: GELHAUSEN SUB DIVISION

Sam Biggerstaff talked about Robinson Ditch on Fuquary Road to Angel Mounds. He said they would like to put a 36 inch pipe down stream and put a man hole there with a pipe with an elbow end section. The owners of these lots can assume maintenance of the ditch on each side if suitable to the Drainage Board. Mr. Schaad said that it would not be a legal drain then. Sam Biggerstaff said yes, it would still be a legal drain, we would just write on the plat that the owners here would have to maintain the drains for their own expense, it is a part of a legal drain. Mr. Smith said that its a legal drain now and you want to divert it around, changing the location of the legal drain. Mr. Schaad asked if you can legally ask the people to maintain a legal drain. Then there was talk about if they could abandon a legal drain. Mr. Brenner said that we will have to have a public hearing to do this. Commissioner Ossenberg said the whole thing is the ditch at Taylor and Fuquary Road. The city put a drain tile there and now it is caving in. They or somebody abandoned Robinson Ditch and now it is backing into the peoples homes.

Mr. Brenner said it would effect only lot #2, then Sam Biggerstaff said that we would leave lot #2 out of the sub division all together. Mr. Smith gave his okay to this, with a 75 ft. easement. Chuck Osterholt said that you should put this down on the plat in writting.

Commissioner Ossenberg made the approval of ^{COMMITTEE} submitting lot #2. Commissioner Willner second the approval. So ordered.

RE: KENT ROEBUCK

Mr. Schaad said on the first reading was approved in the Commissioners Meeting subject to the drainage Board and the Area Transportation approval. Mr. Roebuck said he wanted an easement west fo Greenriver Road. Louis Stephen said he would think they should ask for 8 feet off of Greenriver Road. Mr. Schaad said that it would be 30 ft. easement with 8 feet off of Greenriver Road.

Commissioner Ossenberg made the approval. Commissioner Willner second the approval. So ordered.

RE: APARTMENTS-SPRING VALLEY ROAD

Mr. Osterholt wanted to check to see if the Drainage Board had approved the Timbers Apartments. Mr. Schaad ask Brenda Hempfling to check back through the minutes to see if it was approved.

On November 7, 1977 this was approved by Commissioner Ossenberg and second by Commissioner Willner.

RE: CLAIMS

President Schaad read the following claims:

Union Township Ditch Assn.
1977 Maintenance of Kamp Ditch 11,160 lateral feet at 30¢ per foot. A total of \$3,348.00. Commissioner Ossenberg moved that this be approved. Commissioner Willner second the approval. So ordered.

Union Township Ditch Assn.

1977 maintenance of Barnett Ditch 8,358 lateral feet at 9¢ per foot. A total of \$752.22. Commissioner Ossenberg moved that this be approved. Commissioner Willner second the approval. So ordered.

Union Township Ditch Assn.

1977 maintenance of Edmond Ditch 15,395 lateral feet at 10.5¢ per foot. A total of \$1,616.48. Commissioner Ossenberg moved that this be approved. Commissioner Willner second the approval. So ordered.

Union Township Ditch Assn.

1977 maintenance of Helfrich-Happe Ditch 12,698 lateral feet at 9¢ per foot. A total of \$1,142.82. Commissioner Ossenberg moved that this be approved. Commissioner Willner second the approval. So ordered.

Union Township Ditch Assn.

1977 maintenance of Cypress-Dale-Maddox Ditch 23,887 lateral feet at 9¢ per foot. A total of \$2,149.83. Commissioner Ossenberg moved that this be approved. Commissioner Willner second the approval. So ordered.

Meeting adjourned at 12:22 a.m.

Members Present

DRAINAGE BOARD

Bob Schaad
Robert Willner
Thomas Ossenberg

COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEY

Ed Smith, Jr.

Secretary: Brenda Hempfling

Bob Schaad
Robert Willner
Tom Ossenberg
VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
DECEMBER 27, 1977

A meeting of the Vanderburgh County Drainage Board was held on the 27th day of December, 1977 at 10:20 a.m. in the Commissioner Hearing Room with President Schaad presiding.

Commissioner Ossenberg pointed out in the minutes of December 19, 1977 under Gelhausen Sub Division should read omitting Lot #2 instead of submitting Lot #2.

The minutes of the two previous meeting were approved as engrossed by the Auditor and dispensed with the readings.

RE: PRELIMINARYS

Kuester's Sub Division: Commissioner Ossenberg subjected this to approval. Commissioner Willner second the approval. So ordered.

Kuhlenschmidt Property: Commissioner Ossenberg said that this should be taken under advisory. Commissioner Willner second that this should be taken under advisory. So ordered.

William Robinson Sub Division: Commissioner Ossenberg said that this should be taken under advisory. Commissioner Willner second that this should be taken under advisory. So ordered.

RE: HARPER DITCH

Greg Kempf came before the drainage board about the Harper Ditch. Mr. Schaad referred him to talk to Mr. Brenner and then they would get back with the Drainage Board.

RE: LAW SUIT

Mr. Schaad read a letter from Mr. Klaus who sent a notice of law suit to the Drainage Board for damaging his bridge. Mr. Schaad made the motion that this be given to the County Attorney Mr. Ed Smith, Jr. and told Dave Guillaum that he should go and check it out also take pictures and report back to the Drainage Board.

Meeting adjourned at 10:45 a.m.

MEMBERS PRESENT

DRAINAGE BOARD

Bob Schaad
Robert Willner
Thomas Ossenberg

COUNTY AUDITOR

Alice McBride
(Deputy Aud.)

COUNTY ATTORNEY

Ed Smith, Jr.

Secretary: Brenda Hempfling

Bob Schaad
Robert Willner
Tom Ossenberg
VANDERBURGH COUNTY DRAINAGE BOARD

319.

VANDERBURGH COUNTY DRAINAGE BOARD
JANUARY 3, 1978

A meeting of the Vanderburgh County Drainage Board was held on this 3rd day of January, 1978 at 10:30 a.m. in the Commissioner Hearing Room with President Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and dispensed with the readings.

RE: CLAIMS

Mr. Schaad read the following claims:

Eldon Maasberg for 1977 maintenance of the Maasberg Ditch, 2,206 lateral feet at 5¢ per foot a total of \$110.30.

Commissioner Ossenberg made the motion that this be approved. Commissioner Willner second the motion. So ordered.

Eldon Maasberg for 1977 maintenance of the Kneer Ditch, 3,036 lateral feet at 8¢ per foot a total of \$242.83.

Commissioner Ossenberg made the motion that this be approved. Commissioner Willner second the motion. So ordered.

RE: OFFICER'S

Commissioner Ossenberg made the motion that the officer's remain the same as they were in 1977. Commissioner Willner second the motion. So ordered.

RE: HARPER DITCH

Mr. Brenner said that he had gotten with Mr. Kempf and he has agree to contribute \$2,000.00 toward the moving of the ditch to the place where it is suppose to be as in the agreement. Mr. Kempf agreed that the ditch could never have been built right to be in the condition that it is now. Mr. Brenner said that it was dug 1 year ago by Ryan Construction. Mr. Brenner said that he recommend that we accept his \$2,000.00 and we are laying out the engineering now.

Mr. Brenner said he was going to try to get ahold of Mr. Bessise out of Indianapolis to donate something to this. We will take Harper Ditch all the way to Division St. Then we will ask the state to enlarge the culvert at Division St. for the drainage law.

Commissioner Ossenberg made the motion to accept the \$2,000.00 and preside to build. Commissioner Willner second the approval. So ordered.

RE: MR. KLAUSS

Mr. Brenner said they went out and measured his bridge and it has a 150 square foot of opening on either side of the bridge, we have 224 feet, it is indeed a restriction. The bridge was built in 1969. By the state law he has to get a written approval from the Surveyor to put a structure over a legal drain. Mr. Brenner said it is his duty to send him a letter to tell him to remove his bridge.

Commissioner Ossenberg made the motion that this be given to Mr. Smith the attorney of the Drainage Board. Commissioner Willner second the motion. So ordered.

RE: PRELIMINARYS

Robinson Ditch on Kuebler Road has no problems. Commissioner Ossenberg made the motion that this be approved. President Schaad second this approval. So ordered.

Kuhenschmidt Property: Mr. Schaad said we will do nothing until more detail. Mr. Brenner said he will write a letter to the Natural Resources expressing our disapproval, then said the Drainage board still has the right to say that this is in poor design. Commissioner Willner made the motion that the letter be sent out. Commissioner Ossenberg second the motion. So ordered.

Commissioner Willner made the disapproval of this project. Commissioner Ossenberg second the disapproval. So ordered.

Mr. Brenner said the ordinance has to be revised. Commissioner Ossenberg said this should be in the Commissioners Meeting.

Meeting adjourned at 10:50 a.m.

PRESENT

DRAINAGE BOARD.

Bob Schaad
Thomas Ossenberg
Robert Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEYS

Ed Smith, Jr.

Secretary: Brenda Hempfling

Bob Schaad
Robert O. Willner
Thomas L. Ossenberg
VANDERBURGH COUNTY DRAINAGE BOARD

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VANDERBURGH COUNTY DRAINAGE BOARD
JANUARY 9, 1978

A meeting of the Vanderburgh County Drainage Board was held on the 9th day of January, 1978 at 10:20 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and dispensed with the reading.

RE: HARPER DITCH

Commissioner Schaad asked Mr. Brenner if the details had been worked out with Mr. Kempf on the Harper Ditch as yet and Mr. Brenner said another organization claims it is costing them \$10,000 per month because the ditch is causing a problem and he asked if they would like to participate so they would not have to go through the bidding process but they did not want to pay any share of it, that they would just like to clean the ditch out so he told them to go ahead.

He said the man represents the company that owns Carriage House and that he told him they paid \$300.00 for a drainage assessment last year and he did not want to pay anymore. He said they have finished the engineering and that he would go ahead and prepare the advertising for the dredging of at least 1300 feet from their outlet down, that they have finished the survey on the upper end and they will go ahead and bid his because the engineering is done and they will then come back and do the upper end.

RE: MR. EULER

Mr. Euler said he was here 12 weeks ago on the Crawford Brandeis Ditch and at that time Commissioner Schaad recommended that Mr. Brenner contact him about the complaints and he heard that Mr. Brenner said that the 150 feet was county property.

Mr. Euler then said if that is the case, all but 3 feet of his house is on county property, that Mr. Brenner seems to have different ideas about what the rights are according to the law, from those of his Attorney and it looks like there is going to have to be some adjustment made between the two views. He said what they seem to be doing instead of ditch cleaning, is filling the ditches up and then they move over several feet and dig the ditch on the other ground which has nothing to do with the right-of-way.

He said that according to his Attorney a ditch cleaning is a ditch cleaning and it must be that would be required for them to go on to this new ditch.

He then said it may seem that he is getting all stirred up about a very small matter aside from the fact that there would be thousands of dollars in the right-of-way that would be required for them to go on to this new ditch. He said, in going back in time, about 25 years ago Slaughter Ave. or Division St. was made a state highway with a concrete surface and in doing so, he found that it turned out to be a dam with an inadequate spillway and the only spillway between the Nurrenbern Ditch and the Stockfleth Ditch was the culvert in front of his house but it was so inadequate that his crops were always being flooded so his family and the man that formed the ground sued the State of Indiana and they did everything they could to keep it from going to trial and they finally settled out of court for \$15,000 that paid for some of the damage but it did not help the situation any. He said that Mr. Brenner wants to make it a bigger ditch and if this happens, it will be disastrous for him because not only are they getting more water than they ever did and the water from the subdivisions takes over the ditch and does not let any of his water enter until the other water drains out of the ditch and it just would not do for more water to come down faster, that it would make matters worse.

Commissioner Schaad said the Commissioners realize the situation and they realize how close his house is to the legal drain and he understood that 75 feet on either side of the center of the ditch is right-of-way and although it doesn't belong to either of them, the county has legal right to get the water to drain.

Mr. Euler said that if Mr. Brenner has his way, his house will be well within the legal drain and his Attorney told him that every time that ditch is cleaned it could be moved over several feet, so there must be some balances made.

Commissioner Schaad said the only thing he can see for them to do is for his Attorney to get with the County Attorneys and see what Mr. Brenner's plans are and if they do not agree with them the courts are just going to have to decide. Then Commissioner Schaad asked Mr. Brenner how far along he is on the plans and Mr. Brenner said that he went to Indianapolis 2 weeks ago and this was one of the things he went to talk about and they said when it was established as a legal drain in 1965, whatever the top bank was then, they have 75 feet from there, also that there have been numerous law suits on the same thing and they have never lost one before. He said if they moved outside the 75 foot, they would have to revise the legal drain.

Commissioner Schaad asked Mr. Euler who his Attorney is and Mr. Euler said it is Bill Stephens. Commissioner Schaad said the only suggestion he has, is for Mr. Stephens to contact the County Attorneys, since if they do not agree on the plans, it will take some legal action to get it straightened out.

Mr. Euler's house was built 80 years ago and Commissioner Schaad said the house was there when that legal drain was established, but Mr. Brenner said this does not have anything to do with the problem and this is the last piece of property on the project for approval.

Commissioner Willner said that what they are doing is to make the ditch wider so it will take more water, that this is the reason for dredging it.

Mr. Euler said it is obvious that they are trying to get it to carry more water and if this is done, it will come down there and it can not pass through the culvert because it is too small, that the state has acknowledged that it is a boo boo on their part.

Commissioner Schaad asked Mr. Brenner if the state does not build the culvert bigger, if the County can build it bigger and bill the state. Mr. Brenner said this is what the law states.

Commissioner Schaad said it has been kicked around long enough and it is going to have to be resolved. Mr. Brenner said part of the problem is that the ditch is stopped up. The Commissioners agreed that the Attorneys get together and pursue it.

Commissioner Ossenberg said he thought the culvert under the road is the main problem and he did not think it would carry the water if it was cleaned out, and he thought it was just a fluke on the part of the state and should be much bigger and maybe combined with the County Attorneys and his Attorney, that they sue the State of Indiana or something, if it come to that, since they have been pleaded with before.

The Commissioners agreed that Mr. Euler have his Attorney contact the County Attorneys and they will go from there.

Meeting adjourned at 10:35 a.m.

Present

DRAINAGE BOARD

Bob Schaad
Robert Willner
Thomas Ossenberg

COUNTY AUDITOR

Gurt John

COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEY

Paul Wendel
Ed Smith, Jr.

Secretary: Brenda Hempfling

Bob Schaad
Robert Willner
Thomas Ossenberg
VANDERBURGH COUNTY DRAINAGE BOARD

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VANDERBURGH COUNTY DRAINAGE BOARD.
JANUARY 16, 1978

A meeting of the Vanderburgh County Drainage Board was held on the 16th day of January, 1978 at 11:55 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and dispensed with the reading.

RE: CLAIMS

President Schaad read three claims for Quentin Stahl for Crawford Brandeis Extension and a 10% payment is now due on all of these, each \$5,194.00. Commissioner Ossenberg made the motion to approve these. Commissioner Willner second the motion. So ordered.

RE: HARPER DITCH

Dave Guillaum showed the Commissioners some plans he had on the Harper Ditch. One of the things that this concerns is the drainage for the Carriage House Apartments. He also said he thought that Greg Kempf was going to put up \$2,000.00. He would like an approval for this so we can get started on this and get the bids.

Commissioner Ossenberg asked what they wanted approval for. Dave Guillaum said so they could start phase one. Then Commissioner Ossenberg asked how much this was going to cost. Louie Stephen said he figures the \$2,000.00 would cover it. Dave Guillaum said he would notify three bidders for the deal.

Commissioner Ossenberg made the motion of approval that three bidders should be notified. Commissioner Willner second the motion. President Schaad said that this should run under \$4,000.00. So ordered.

RE: MR. EULER

Mr. Euler came before the Drainage Board with a letter from his attorney, which the Commissioners hadn't received yet. President Schaad read the letter to the Drainage Board and said they should receive theirs soon.

The letter was expressing his views on this project, he said that he should be paid for the damages of his property and if not it should be stopped. He thought the surveying was done poorly, but Dave Guillaum said it was just a rough check. Mr. Euler is complaining about the damages that would be done to his property. Dave Guillaum asked him if he was aware that we would come onto his property? Mr. Euler said they were informed of a ditch cleaning. Dave Guillaum then told him it was a relocation, but Mr. Euler didn't agree with him. He said he wish that they would come out and look at what kind of damages would be done if they came onto his property. Mr. Euler thought that this would be done from the road.

Mr. Schaad said it gets down to the 75 foot either side of the easement. Dave Guillaum said you can do anything within that 75 foot easement. Mr. Schaad then said its either stop the action or a law suit. Mr. Brenner said that they should get ahold of the state because they have had situations before. Mr. Schaad said we need advise from our attorney. Paul Wendel said whenever there is a deeping or widening of an open ditch or changing the course of a drain or major change of a system, then notice has to be sent out to all land owners effected.

Mr. Euler said he wants them to work from the road not his yard because of the damages to his yard. Dave Guillaum said really there should be a shoulder on the road and everyone agreed.

Mr. Schaad said we will just try and see if we can't work something out. Mr. Brenner said if you are willing to except the attorneys opinion then we are willing to forget it. We checked with the state and we can do a maintenance job within the 75 feet and you said before it would be done maintenance other than a reconstruction. We will do whatever you tell us to do.

Commissioner Willner said Mr. Brenner said that we are dredging and Mr. Euler said it's reconstruction.

Mr. Brenner said that we are classifying this as a maintenance job and it is being paid out of maintenance. Mr. Schaad asked Mr. Euler if he is willing to sit down and talk things out and Mr. Euler said yes.

Quentin Stahl said he is ready to start to work and needs to know when he will be able to start. Mr. Schaad asked if he could do this from the road side? Quentin Stahl said yes, but he has a special machine just for this job, and would prefer to do it from his yard.

Dave Hirsch said his family has a mile of this ditch and he asks for the Commissioners to go out and look at this. He said it was reconstruction and it will destroy 10 acres of his land. He said the ditch should be shut up and then redredged. Then again he suggests they come out and look at this, then we will try to work with you.

Quentin Stahl said on a project this size did anyone come and say that this was not a good job. If the ditch is not deep enough then we will have to widen it.

Dave Guiallum said everyone is probably upset because of the appearance, but after we are finish we do clean things up. Mr. Schaad said if Bill Stevens would get with our attorneys and get with Mr. Brenner and see if this can get resolved in some way. When the weather gets better we will go out and look at this.

RE: UNIVERISITY HEIGHT #3

Louie Stephen said Mr. Easley wants a letter to tell him if he can start on Univerisity Height #3. Commissioner Ossenbergh said something has to be done with #2 first.

Meeting adjourned at 12:35 p.m.

Present

DRAINAGE BOARD

Bob Schaad
Robert Willner
Thomas Ossenbergh

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEY

Paul Wendel
Ed Smith, Jr.

Secretary: Brenda Hempfling

Bob Schaad
Robert Willner
Thomas Ossenbergh
VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD

JANUARY, 23, 1978

A meeting of the Vanderburgh County Drainage Board was held on the 23rd day of January, 1978 at 10:30 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and dispensed with the reading.

RE: LETTER FROM WHIRLPOOL

President Schaad read letters dated November 8, 1977 and January 12, 1978 that were addressed to Mr. Brenner and subject to the Site Drainage at the Whirlpool Warehouse Area, located at St. George Road. These letters were concerning the drainage out there. Their civil engineering work is being handled by Three I Engineering in Evansville and Mr. Richard Roe is the one they have contacted there.

President Schaad said that he has never received anything dealing with this and asked if anyone else has. Louis Stephen said he has seen both of these and has talked with Mr. Roe but nothing has been done because they do not know who will be paying for what. The water flows into the Sonntag-Stevens Ditch but does not know if this is part of that drain.

Commissioner Willner said first lets decide if this is a part of the legal drain, but nothing was decided. Commissioner Ossenberrg said that early last year we had trouble with Sonntag-Stevens Ditch, but we do not know if the Railroad or Whirlpool cleaned it before, but if it was Whirlpool I think we should do something to incorporate with them.

President Schaad told Louis Stephens to relay this to Mr. Brenner and have him get with them and then come back to us.

RE: HARPER DITCH

Dave Guillaum said he has contacted three bidders on this, but we are going to hold off till we see what kind of a cleaning job will get done. Louis Stephen said people from the Carriage House has hired someone to clean this out and now they need relief. Dave Guillaum said we will wait and see how this does and if it does not work we can always go with the bidders.

RE: UNIVERSITY HEIGHTS #3

Louis Stephen said that University Heights #3 plans would have been approved but because of problems with University Heights #2 things are being held off. He said he has gotten with Mr. Lutterbach and he will furnish the pipe for the county to put in to cover the ditch. Louis Stephen said that Mr. Lutterbach has written a note saying this and I have attached this to the plans, so when the weather gets better we will be able to start.

President Schaad said he has been getting calls from people in University Heights #2 on problems with their sewers, but we did not put them in and it is not our problem.

Louis Stephen said that the drainage plans on #3 are ready and that is what they want to be approved.

Commissioner Ossenberrg made the motion to approve University Heights #3 and they should take care of the drainage in University Heights #2. Commissioner Willner second the motion. So ordered.

Louis Stephen said he will write a letter to the Planning Commission that they should look over the sewage plan out there.

RE: PRELIMINARIES

Mullens Estate off of St. George Rd. Dave Guillaum said the only problem they came across was that they need some dimension on the street and new pipe to handle the water.

Commissioner Ossenberg denied the motion until they get back with Dave Guillaum. Commissioner Willner second this denied. So ordered.

Birch Industrial Park. Dave Guillaum said he sees no drainage problem and Jim Morley said the critical thing is what they are using the land for so they make good drainage there. I can not give you the grade on the road yet and I see no evacuation problems.

Commissioner Willner made the motion to approve this. Commissioner Ossenberg second the motion. So ordered.

Eastside Industrial Park. Jim Morley said this is the Old Boonville Highway. The plans are to go into the city sewer plan and the only difference between this now and what was done in the rezoning is the road way has been moved over and now we can handle more than the 100 year flood. It will handle about two times as much and everything else is the same.

Commissioner Willner made the motion to approve this. Commissioner Ossenberg second the approval. So ordered.

Meeting adjourned at 11:10 a.m.

Members present

DRAINAGE BOARD

Bob Schaad
Thomas Ossenberg
Robert Willner

COUNTY AUDITOR

Curt John

COUNTY ATTORNEY

Ed Smith, Jr.
Paul Wendel

Secretary: Brenda Hempfling

Bob Schaad

Robert Willner

Thomas Ossenberg

VANDERBURGH COUNTY DRAINAGE BOARD

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VANDERBURGH COUNTY DRAINAGE BOARD

JANUARY 30, 1978

A meeting of the Vanderburgh County Drainage Board was held on the 30th day of January, 1978 at 11:10 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and dispensed with the reading.

RE: SUB DIVISION.....REZONING

Mr. Berry came before the Drainage Board with the layout for the Boehne Camp Village Apartments with Wayne Johnson as the petitioner. Louie Stephen explain to the Drainage Board that there is still drainage pipe needed and Mr. Berry said his client will provide the pipe of any size that is needed.

President Schaad said shouldn't all of this be in the layout now for approval. Mr. Berry said they will certainly put it into the plans. President Schaad asked Louie Stephens if he thought these were suitable and he said yes.

Commissioner Willner made the motion to approve this with the exception that they put in the pipe that is needed. Commissioner Ossenber second the motion. So ordered.

RE: PRELIMINARIES

Mullens Estate Sub Division off of St. George Road. Louie Stephen said this was turned down last week because of a 15 inch pipe that was still needed, but now they have done that.

Commissioner Ossenber said that he is now receiving calls on drainage out there now. Louie Stephen said it definitely needs to be work out there.

Commissioner Willner made the motion to approved this. Commissioner Ossenber second the motion. So ordered.

RE: LETTERS FROM WHIRLPOOL

President Schaad said he still has never received anything on this, but Louie Stephen said he had two fellows come in from the Three I Engineering. I told them to petition those laterals before it could be excepted a part of the legal drain. He took two petitions to be signed. President Schaad asked what ditch this would affect. Louie Stephen said first it would be the Keil but also a laternal off of the Stephens Ditch. The only legal way the county can spend money on this is to declare this a legal drain. President Schaad said now they know what is to be done.

RE: HARPER DITCH

Louie Stephen said the Carriage House has hired their own people to do something on this and we are just going to wait and see what they do.

Meeting adjourned at 11:30 a.m.

Members Present

DRAINAGE BOARD

Bob Schaad
Thomas Ossenber
Robert Willner

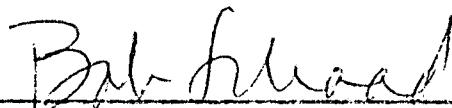
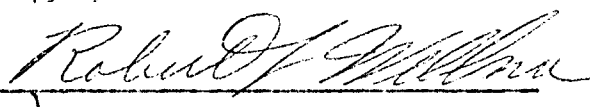

COUNTY AUDITOR

Curt John

COUNTY ATTORNEY

Ed Smith, Jr.
Paul Wendel

Secretary: Brenda Hempfling




VANDERBURGH COUNTY DRAINAGE BOARD

VANDEBURGH COUNTY DRAINAGE BOARD
FEBRUARY 21, 1978

A meeting of the Vanderburgh County Drainage Board was held on Tuesday, February 21st, 1978, at 11:30 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the Drainage Board meeting that was held on February 6th. were approved as engrossed by the Auditor and the reading of them was dispensed with.

RE: COMMENTS ON CLAIMS

Mr. Guillaum said he had some claims to submit to the Commissioners this morning on the Boesche, Stockfleth, Kelly and Nurrenbern Ditches, but after thinking about it, he hasn't taken a good look at two of them that are supposed to be 90% complete, so he is going to hold them until next week.

RE: CRAWFORD BRANDEIS DITCH

Commissioner Willner asked Mr. Guillaum if they have continued with the cleaning of the Crawford Brandeis Ditch.

Mr. Guillaum said this has been temporarily halted, that the last he heard was that Mr. Eiler's Attorney, Bill Stephens and the County Attorney were to go out to look at the work when the weather permitted.

Commissioner Willner said he drove out there and it looked to him like a heck of a good job, even though it isn't level nor completed, and he wondered if the County attorney couldn't get with Mr. Eiler and they could settle their differences some way, through his attorney, that he, personally, didn't even know what Mr. Eiler wants.

County Attorney Wendel said the legal question is to whether moving that ditch about ten feet or whatever it was, as to whether that is actually reconstruction which doesn't fall under that category, that a seventy-five foot easement is for maintenance and not for reconstruction, that this is the question.

Commissioner Willner moved that County Attorney Wendel talk to Attorney Bill Stephens and Mr. Eiler to see if they can't come to some agreement, since the Commissioners hate to see the project bogged down. Commissioner Schaad seconded the motion. So ordered.

RE: PRELIMINARY PLATS

The following plats of Preliminary Subdivisions were submitted to the Drainage Board by Mr. Stephen for recommendations:

CHAL INDUSTRIAL PARK

Mr. Stephen said he checked the calculation concerning the ponding area to keep from creating additional damage elsewhere and explained how they plan to do this.

Mr. Morley said that the problem with this site is that it is so flat that it does pond water and that Locust Creek is subject to head water flooding upstream rather than any problems due to the inundation of Little Pigeon Creek, so they took elevations in this area, and worked with Mr. Crooks as well as talking with Mr. Siebeking, the Farm Bureau and other people in the area, and they then went back and established the minimum floor elevation, which is two feet above the 100 year storm, and the ponding will be in the large drainage swails, he said, also that they will store everything from their site within their property boundaries prior to discharging, that is, all the run-off from the 100-year storm, before it goes to Locust Creek.

He said the tile is to dry it out after the water has receded, also that the size of the opening is a 21 inch pipe.

Commissioner Willner moved; on recommendation of Mr. Stephen, that the plat of the Chal Industrial Park be approved. Commissioner Schaad seconded the motion. So ordered.

SUMMER HILL SUBDIVISION

Mr. Morley said this subdivision is located three-quarters of a mile east of Banner Truck & Trailer Sales, Inc., at Kansas and Seib and S.R. 57. He said the access is off S.R. 57, down the road about three quarters of a mile and that Boonville-New Harmony Road intersects on up the road.

Mr. Stephen said there is a little problem here but they said it would be taken care of, but his concern here was, that if people who build intend to do anything to increase the run-off, it will be on other people, so they will have to find a way to bring the drainage back down to the road, which they say they intend to do.

Commissioner Willner said they will have to keep it away from S.R. 57 and Boonville-New Harmony Road because that is under water half the time anyhow.

Mr. Morley said he didn't think the drainage would be increased greatly since the area is so heavily wooded, and that they just wanted to turn in the preliminary on the whole property, but that he doesn't want to sell any of the other lots of land unless he absolutely has to, also that he is thinking about putting in a pond, that this is on the final plat, and he is going with four lots.

Commissioner Willner moved that the plat of the Summer Hill Subdivision be approved. Commissioner Schaad seconded the motion. So ordered.

EMPIRE DEVELOPMENT, INC.

Commissioner Schaad said this is located on the Southwest of St. Joe and Mill Road.

Mr. Stephen said he was going to object to the dumping of all the water directly into the creek, since there is quite a bit of acreage, and Mr. Biggerstaff suggested that maybe there should be a way of taking some of the water across to the North side of Mill Road.

He said he thought about 80% goes directly into the creek.

Commissioner Willner said they cut part of the hill down, that they cut 10 or 12 feet off of it, so he isn't too sure that all the water won't go that way.

Mr. Stephen said that with this information, they should probably have the Engineering Company to check it out.

The Commissioners agreed that Mr. Stephen ask for more details on the drainage plans, as to how many feet they are cutting off the top of the hill, and to come back next week, since they need more information.

KUHLENSCHMIDT PROPERTY

Commissioner Willner said this is located on Oak Hill Road, that it scares him and he doesn't like the whole project.

Commissioner Schaad agreed, but said that it hasn't been subdivided.

Commissioner Willner said that it doesn't come before the Board for subdivision though.

Mr. Stephen said they should have an ordinance whereby all lots in a subdivision have to be serviced by a road or a street in the subdivision, and under those conditions, they have to service those lots and they don't have to let them have outlets.

Commissioner Schaad said all they are acting on here is the drainage end of it, and he asked Mr. Stephen what about the drainage.

Mr. Stephen said that if they have permission, they could go ahead and work the elevation of an area back there, that he thought the drainage was okay.

Commissioner Willner moved that it be approved, on recommendation of Mr. Stephen, as far as the drainage is concerned. Commissioner Schaad seconded the motion.

So ordered.

ANDRECHT'S SUBDIVISION

Mr. Stephen said this subdivision is located on Williams Road between Middle Mt. Vernon Road and Hogue Road.

Mr. Stephen said the only thing he can see here is that he wonders how they can use these lots and what they are going to do in reshaping it, because they have water coming both ways and it doesn't show how they are going to handle it.

Commissioner Willner moved that this subdivision be sent back for more detail, since they must have a drainage plan. Commissioner Schaad seconded the motion. So ordered.

RE: QUESTION OF DRAINAGE APPROVAL ON REZONING PETITION

Commissioner Schaad asked if the drainage plan had been approved on the Rezoning Petition, VC-92-77, of Wayne Johnson that is located on Boehne Camp Road.

Mr. Osterholt said the drainage was approved but that the Drainage Board put some conditions on it, as to how they would handle the drainage under Boehne Camp.

The meeting adjourned at 12:00 noon.

PRESENT

DRAINAGE BOARD

Bob Schaad
Robert L. Willner

COUNTY AUDITOR

Curt John

COUNTY ATTORNEY

Paul Wendel

Secretary: Brenda Hempfling
by Margie Meeks

Bob Schaad
Robert L. Willner
Jim Osterholt
VANDERBURGH COUNTY DRAINAGE BOARD

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VANDERBURGH COUNTY DRAINAGE BOARD
MARCH 6, 1978

The meeting of the Vanderburgh County Drainage Board was held on Monday, March 6th, 1978, at 11:55 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the Drainage Board meeting that was held on February 21st. were approved as engrossed by the Auditor and the reading of them was dispensed with.

RE: LOCUST CREEK INDUSTRIAL PARK

Mr. Nicholson of Engineer Associates submitted plans for the Locust Creek Industrial Park in order to explain the drainage plans for the Commissioners approval.

Mr. Stephen said the proposed tubes will suffice for ten years and for a change of run-off, they got very close to what he did for 100 years run-off, so he thought the difference between them would take care of it.

Mr. Nicholson said he thinks the difference should be retained so they will have controlled run-off, that the retention is something they will have to work out, that they are going to cut 14 to 15 feet off the top of the hill which will change the elevation and make a difference in the water run-off.

Commissioner Willner moved that the drainage plans be approved for the Locust Creek Industrial Park, subject to final approval by the County Engineer. Commissioner Schaad seconded the motion. So ordered.

Commissioner Schaad said that before the April meeting of the Area Plan Commission, they will come back with their final plans for the approval of the County Commissioners.

Mr. Nicholson said he is almost finished and will be back before the Commissioners, next week, with the final plans.

RE: CLAIM

Mr. Guillaum submitted a claim from Floyd I. Staub for the County Ditch Contracts #234.0-015, for Kelly Ditch at 90% in the amount of \$5,950.80, Nurrenbern Ditch at 80% in the amount of \$4,745.48, Stockfleth Ditch at 80% in the amount of \$2,476.65 and the Boesche Ditch at 80% in the amount of \$2,664.30, making the total of the claim to be \$15,837.23.

He said that Mr. Staub turned in a bill a couple of weeks ago and he was reluctant to pay it at that time because he hadn't really gone out and checked it, but he has checked it since then and he isn't paying all that Mr. Staub turned in, that he is just paying a percentage, as stated above, since some work still needs to be done on them.

Commissioner Willner moved that this claim be approved. Commissioner Schaad seconded the motion. So ordered.

RE: BURKHARDT ROAD

Commissioner Schaad wondered if they should try to tentatively set up plans for next Monday, to check the problem out on Burkhardt Road.

Mr. Guillaum said that would be a bad day for him, since that is when all the CETA people will be coming in.

Commissioner Schaad said the work on Burkhardt Road has been stopped until they can look at it and they want to get started on it again.

He said he hasn't heard anything from County Attorney Wendel who was suppose to get with Attorney Bill Stephens to see if they could work something out, so they need to call Mr. Wendel to see if anything has been accomplished.

Mr. Guillaum suggested that they go out there on Monday, March 20th. and the Commissioners agreed, so this date was tentatively set as when they will go out and look at the problem out on Burkhardt Road.

The meeting adjourned at 12:00 noon

PRESENT

DRAINAGE BOARD

Bob Schaad

Thomas Ossenberrg

Robert L. Willner

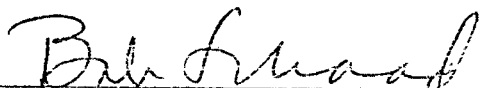
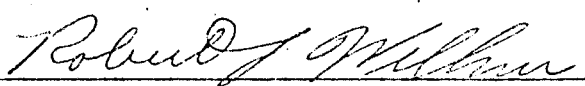

COUNTY AUDITOR

Curt John

COUNTY ATTORNEY

Ed Smith, Jr.

Secretary: Brenda Hempfling
by Margie Mceeks




VANDERBURGH COUNTY DRAINAGE BOARD

VANDEBURGH COUNTY DRAINAGE BOARD
MARCH 13, 1978

The meeting of the Vanderburgh County Drainage Board was held on Monday, March 13th, 1978, at 11:35 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the Drainage Board meeting that was held on March 6th. were approved as engrossed by the Auditor and the reading of them was dispensed with.

RE: BURKHARDT ROAD

Commissioner Schaad said that Mr. Guillaum is going to set up a meeting next week to go out with the Hirsch brothers and Mr. Eiler to check the problem on Burkhardt Road. He also said he talked to Paul Wendel who had contacted Bill Stephens and maybe this can be resolved next week too, that perhaps if they can work from the road rather than from his property, since he will go along with this, and he wants to know exactly how far the stakes will be moved over from the top of the ditch, as it is now, that he would like it to be staked and he would also like to know if he can get in and out of his driveway while the construction is taking place. He said he has talked to Mr. Guillaum about this, and if they can get these questions answered, they can hopefully resolve Mr. Eiler's problem next week also.

RE: LOCUST CREEK INDUSTRIAL PARK

Mr. Stephen said they have a drainage problem in the Locust Creek Industrial Park.

Mr. Nicholson presented the plans and said that the water comes down along the south side of Mill Road and turns down the west side of St. Joe, to the present Locust Creek where it crosses, that logically, in the subdivision drainage design, it should go the same route and according to the calculations they came up with, the size of the pipes along the west side of St. Joe, as proposed under the new project, are inadequate to size for any improvement at all on that side, that this is the way they feel about it and this is what they came up with.

He said they have been offered the possibility of two other solutions, drainage retention ponds somewhere within the drainage system on the property, but this doesn't prove feasible because if they put one in at one location, it wouldn't take care of enough of the drainage and if they put one in near the intersection, it would have to be pumped out since they couldn't get enough retention there to do the job, so they have removed this possibility.

He said the other possibility was to bring a pipe across and take some of the drainage North of Mill Road and come across St. Joe and then on to Locust Creek, and they feel that the size of the pipe would be inadequate for the area that it is taking care of now, based on the ten year storm calculation, etc. and coming on across St. Joe they would have two other structures, that one is under the County Garage's drive and the other is under the I.C. Railroad plus the Fiberfil drive, and he feels that they are inadequate now.

He said they are sort of stymied right at that point as to just what to do.

Mr. Stephen said this will be a new structure but won't be large enough, which Mr. Nicholson has pointed out, that probably according to Mr. Petrie and Mr. Roberts calculations, they put in something they thought was adequate for the existing ten years but they weren't aware of this at that time.

He said that they are going to cut some of the hill down and in doing so, will change the elevation and make a difference in the water run-off, but when developed, won't help that much. that they have to increase the ditch size going south or increase the structures in the ditch, or a combination of both.

Commissioner Schaad said they were talking about the median cut, that if the median cut could be included now and they could have proof that this project has been started, then the federal government will stand 70% of it, that he thinks they are talking about \$14,000.00; but if they can't resolve this thing now and it can't be in the original plans, then of course, it will have to be at someone else's expense, that is, the median cut, and this is why they are trying to push it, to get this thing going.

Mr. Nicholson said they are also trying to push it and that he has a letter, dated March 6th. from Chem Farm, on their approval on the crossing.

Commissioner Ossenberg said that Chem Farm had previously told Mr. Willner that he did not agree to this, that basically, he probably would, but hadn't at that time, so they couldn't go on the basis of something said verbally, also, that in a heavy storm, the head water from Locust Creek, brushes over to Uncle Charlie's, other businesses and all through that area, even to the point where the County was involved in a law suit, thru Uncle Charlie's, which they resolved out of court, because of the contamination of their meats, which greatly concerned the Commissioners.

He stated that what he is saying, is that they have to have some kind of drainage plan or the federal government isn't going to buy this thing.

Mr. Stephen said his only suggestion would be to dike it, but if they did this, they would have to elevate other areas to get the buildings up high enough, also, if they want to make them larger, they would have to deepen the ditch, that they can't just put bigger structures in there without doing that, because it would then stick up to the point to where it wouldn't be doing any good anyway.

Commissioner Schaad asked what the difference in the elevation was between the two points and Mr. Stephen said it is .3% which is the design grade on the ditch now.

Mr. Nicholson said they haven't been able to really study the plans to see why it was done that way or if the ditch could be extended on down to the creek on the west side, that it should be done that way.

Mr. Stephen said the only thing he can see, is that they were trying to keep this ditch thoroughly shallow, since there is a sixteen inch pressure gas line there to feed the substation, so they may have designed the ditch so as not to remove very much earth from the top of the gas line. He asked if there was too much of a hill to have gone straight on down to the creek without taking it across.

Mr. Nicholson said there is a drive that goes down and curves along the creek on the west side, that there is presently a pipe under that but they are building a dike there.

The Commissioners discussed what could be done and Commissioner Willner suggested that they send it to the engineer in Indianapolis and ask him to work on it and see what he can come up with.

Commissioner Schaad said he didn't want to hold this thing up, as far as the state is concerned, in getting this approved.

He asked Mr. Nicholson if he had talked with Mr. Petrie or Mr. Cantwell and if he could satisfy them that this project is going ahead, but said they couldn't until this has been approved.

Mr. Nicholson said he talked to Mr. Cantwell and after he had gotten all this together which is a complete history of it since Empire got involved, that he received letters including a letter from the Plan Commission, from Chem Farm and a report from Transportation, and after he got all this together, he talked to Mr. Cantwell and told him that they were now involved in this problem and that they wanted to get everything up to him for the approval of the driveway cut, and Mr. Cantwell suggested that he call the man with the State Highway Department who would approve this for the Department. He said he told Mr. Cantwell that he had formulated a letter that he would send him with all this information, and he said that rather than doing that, he should present it to the Commissioners, because the letter should come from the Commissioners, that what he would send up there would be helpful but the request or approval should come to him from the Commissioners, themselves, in the form of a letter, with any other back-up he might give them.

Mr. Osterholt said he thought the question now is the engineering resolving the drainage problem, that the essence of the drainage plan had two alternatives and they have to come up with a resolution as to which alternative they are going to choose, that the plan is here but they haven't decided which alternative to use.

Commissioner Schaad said it is included as to which two plans could be used, and whose cost is it going to be.

Mr. Osterholt suggested that the Commissioners go ahead with tentative approval, based on what has been said, and get preliminary approval of the plat and expect the engineering to take place between the preliminary approval and the final approval, to insure that the County gets what it needs, that this is all he has to offer in terms of getting the project moving.

Mr. Lochmueller said he is sure that when the contract is let, the State isn't satisfied, that he didn't think they should tell us how to design it, but unfortunately they are, and what else can they do.

He said that Jim Hilton is an engineer and this didn't come out of his policy but it came out of the Division of State Aid and they seem very strong on that, that they don't want cuts and they don't want to spend an x amount of dollars for a cut out in the middle of a corn field that is never going to be developed, and he can see their point, or they think that the developer should put the cut in.

Commissioner Schaad said the reason for the urgency in trying to get this done is because of the 70% being paid by the federal government, but if they can't solve the drainage problem to go ahead with it, they will probably go back and do it over and someone else will have to pay for it.

Mr. Lochmueller said that time is short and he is going to call Mr. Cantwell, that as soon as they acquire the right of way, the state would go for the bid letting and at that time or well before that, this is going to have to be resolved.

Mr. Nicholson said the only thing he could suggest is that the drainage plan be approved subject to further engineering and that the Plan Commission do the same thing on a preliminary approval, subject to engineering being completed and final approval not be given until the engineering is completed.

Mr. Lochmueller said he thought the Commissioners could attempt it with what they now have, even though they were asking for a building permit, but it doesn't mean it will be approved, and if this is all they have, they might as well try it.

Mr. Nicholson said he had asked Mr. Hansen to write a letter which includes the time from when they originally got involved in this and the various approvals they have had to date so far, as to what has been done out there. He said they have had a contractor out there and machinery, so they have been working.

Commissioner Willner moved that the Commissioners give tentative approval on the drainage plans, subject to the pipe size on the Northeast corner or the increasing of the structures on St. Joe. Commissioner Schaad seconded the motion. So ordered.

Commissioner Willner then moved that the Commissioners give Area Plan tentative approval of the preliminary plat and hold the building permits until the drainage has been resolved. Commissioner Ossenberg seconded the motion.

Commissioner Ossenberg wondered if it wouldn't be advantageous to Mr. Nicholson and to Empire if Mr. Nicholson took these plans to Guy Cantwell. Mr. Nicholson said he agreed, as did the other Commissioners.

Commissioner Schaad said if Mr. Nicholson is going to drive, it would be well for Mr. Stephen to go with him, so he would be in on all of it, so there won't be any lack of communication.

Mr. Nicholson said this would be a good idea, and he would take all of the information with him.

RE: PETITION FROM E. R. CHANDLER CONSTRUCTION CO.

Mr. Guillaum said he has a petition signed by the residents, on drainage out around Burkhardt Road, that was talked about last week, where the residents want a ditch declared a legal drain. He said at the time they looked at it, he didn't feel that there was any problem because of the tributaries, etc.

Commissioner Ossenberg said this is Ernie Chandler's Division around Carrolton Court and this is a petition from E.R. Chandler Construction Company. He said they will have to advertise and have a public hearing, and all the people in the water shed that will be assessed will have to be notified.

Commissioner Schaad told Mr. Guillaum that they would have to set a date for the public hearing when he is ready, also that he should make an appointment with Mr. Cantwell so he will be there, that he is very co-operative and that he will do anything he can to help.

The meeting adjourned at 12:50 p.m.

PRESENT

DRAINAGE BOARD

Bob Schaad
Thomas Ossenberg
Robert L. Willner

COUNTY AUDITOR
Curt John

COUNTY ATTORNEY
Ed Smith, Jr.

Secretary: Brenda Hempfling
by Ma'zie Meeks

Bob Schaad
Robert L. Willner
Thomas Ossenberg

VANDERBURGH COUNTY DRAINAGE BOARD

MARCH 20, 1978

A meeting of the Vanderburgh County Drainage Board was held on this 20th day of March, 1978 at 12.20 p.m. with President Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor, and the reading of them dispensed with.

RE: OPENING OF BIDS.....FOR MAINTENANCE OF LEGAL DRAINS:

The following bids were opened and read by President Schaad.

NORMAN NESSEL:

Keil Ditch.....	3,012 ft.....	20¢ per ft.....	\$538.00
Sonntag Stevens Ditch.....	13,204 ft.....	12.7¢ per ft.....	\$1,684.66
Extension Sonntag Stevens Ditch.....			\$120.00

A personal Check for \$119.63 was enclosed.

GEORGE SEIB:

Maidlow Ditch.....	11,475 ft.....	15¢ per ft.....	\$1,721.25
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A personal check for \$86.06 was enclosed.

PAUL SEIB:

Buente Upper Big Creek "A" Lateral.....	3,666 ft.....	17¢ per ft.....	\$623.22
Kolb Ditch.....	7,703 ft.....	10¢ per ft.....	\$770.30
Henry Ditch.....	3,179 ft.....	10¢ per ft.....	\$317.90

A personal check for \$85.55 was enclosed.

JOSEPH SEIB:

Baehl Ditch.....	6,890 ft.....	7.5¢ per ft.....	\$516.75
Keil Ditch.....	3,012 ft.....	10¢ per ft.....	\$301.20

A personal check for \$40.90 was enclosed.

ELDON MAASBERG:

Maasberg Ditch.....	2,206 ft.....	5¢ per ft.....	\$110.30
Kneer Ditch.....	3,036 ft.....	8¢ per ft.....	\$242.88

A money order of \$18.00 was enclosed.

UNION TOWNSHIP DITCH ASSOCIATION, INC.:

Barnett Ditch.....	8,358 ft.....	09¢ per ft.....	\$752.22
Cypress Dale-Maddox.....	23,887 ft.....	09¢ per ft.....	\$2,149.83
Kamp Ditch.....	11,160 ft.....	09¢ per ft.....	\$1,004.40
Helfrich-Happe.....	12,698 ft.....	09¢ per ft.....	\$1,142.82
Edmund Ditch.....	15,395 ft.....	29¢ per ft.....	\$4,463.55
		(to be dug)	

There was a cashier's check in the amount of \$475.64 enclosed.

RALPH REXING:

Pond Flat "A" Lateral Ditch.....	5,311 ft.....	10¢ per ft.....	\$531.10
Pond Flat "B" Lateral Ditch.....	2,797 ft.....	10¢ per ft.....	\$279.70

There was \$46.00 in cash enclosed.

LEO C. PAUL:

Baehl Ditch.....	6,890 ft.....	10 $\frac{1}{2}$ ¢ per ft.....	\$723.45
Barr's Creek.....	20,668 ft.....	15¢ per ft.....	\$3,100.20
Wallenmeyer Ditch.....	8,355 ft.....	11¢ per ft.....	\$919.05

There was a cashier's check in the amount of \$237.14 enclosed.

WILLIAM HEPLER:

Eagle Slough.....	30,040 ft.....	4¢ per ft.....	\$1,201.60
Kolb Ditch.....	7,703 ft.....	4¢ per ft.....	\$308.12

A personal Check for \$76.00 was enclosed.

BIG CREEK DRAINAGE ASSOCIATION:

Buente Upper Big Creek.....	20,195 ft.....	15¢ per ft.....	\$3,029.25
Pond Flat Main.....	29,351 ft.....	12¢ per ft.....	\$3,522.12
Lower Big Creek.....	7,501 ft.....	10¢ per ft.....	\$750.10
Rusher Creek.....	4,444 ft.....	12¢ per ft.....	\$533.28
Pond Flat "C" Lateral.....	9,036 ft.....	12¢ per ft.....	\$1,084.32
Pond Flat "E" Lateral.....	3,616 ft.....	12¢ per ft.....	\$433.92

There was a cashier's check in the amount of \$467.65 enclosed.

President Schaad said that these will be taken under advisement until the next meeting and referred to the County Surveyor.

RE: LOCUST HILL INDUSTRIAL PARK:

Mr. Stephen said that they went and did some calculations that they will have enough storage area in the ditch and they will take a 12 inch pipe for the overflow for the 10 year flood period.

Mr. Nicholson said they reversed the flow of the ditch with this so it will drain itself out. Since we talked to you last we have carried the slope on back and then come to the bottom of the ditch.

Commissioner Ossenberrg asked if the Corp of Engineers could do anything with this? Mr. Stephen said really the **only** thing he could see to do would be to make this a legal drain.

President Schaad said we need to get started with something because the problem is there. Also Schaad said that Mr. Stephen should check with the Engineers to see if they can help us.

Commissioner Willner made the motion that this be approved. Commissioner Ossenberrg second the motion.

Commissioner Willner made the approval of the Locust Creek Industrial Park drainage plan for the development. Commissioner Ossenberrg second the approval. So ordered.

Mr. Nicholson asked if you could form a letter to the State Highway Department. President Schaad asked what all they would need.

Mr. Stephen said the permit that you just signed and the history of the group project. President Schaad said to call and ask them what all they would want and then type up the papers to them.

RE: BURKHARDT ROAD:

The Commissioner's decided that they would meet with Mr. Eiler after the meeting today and Commissioner Ossenberrg said that he would meet with Tom Hurst Tuesday morning, then they will get back with this.

Meeting recessed at 12:41 p.m.

PRESENT

DRAINAGE BOARD

Bob Schaad
Thomas Ossenberg
Robert Willner

COUNTY AUDITOR

Curt John

COUNTY ATTORNEY

Paul Wendel

Secretary: Brenda Hempfling

Bob Schaad

Robert Willner

Tom Ossenberg
Vanderburgh County Drainage Board

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VANDERBURGH COUNTY DRAINAGE BOARD
MARCH 27, 1978

A meeting of the Vanderburgh County Drainage Board was held on this 27th day of March, 1978 at 11:37 a.m. with President Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor, and the reading of them dispensed with.

RE: BURKHARDT ROAD

President Schaad said that Dave Guillaum, Commissioner Willner, and his self went out to meet with Mr. Eiler after the meeting last week. President Schaad said Mr. Eiler wanted even though we have agreed to work from the road, which would mean closing of Burkhardt Road. We have the stakes where it would be into his yard, he also wanted to know the access to and from his property.

Dave Guillaum said he has talked with Quentin Stahl and he would like to get the stumps out as soon as possible. I told him after talking to the Hirsch family that I would leave that up to them to notify us when they wanted us to get onto their yard. Dave Guillaum said we also had a good spot for the stumps but now we have to find another place for them.

President Schaad said he hasn't heard any more from Bill Stevens, he was to get in touch with his attorney.

President Schaad said that we should stop all activity with the moving of the stumps. Commissioner Willner made the motion that this be approved. Commissioner Ossenberg second the motion. So ordered.

Commissioner Willner made the motion that the Surveyor's Office hire a tree surgeon for the two pines trees in front of the old abandon house. Commissioner Ossenberg second the motion. So ordered.

Commissioner Ossenberg said they also said that we would do something about some of the tile. Dave Guillaum said that Quentin Stahl has a tile in there temporary which will have to be taken out. Dave Guillaum also asked County Attorney Paul Wendel that Quentin Stahl has his equipment on their property and he wants to move it off and the Hirsch family said that he can not move it off their property because of the damages it has done. Paul Wendel said he is allowed to move his equipment.

Mr. Brenner said at the other end of the ditch we have a problem with Quentin Stahl before we pay him. When we did the straighting job, we agreed to savage some of the ash for this farmer, and then Quentin Stahl buried it. Somebody will pay the farmer for his trees. If it is us we will take it out of Quentin Stahl's pay.

RE: CLAIMS

President Schaad presented the following claims to the Board for approval of payment:

PAUL WENDEL...Representation of Drainage Board for January, February, and March, 1978,
TOTAL.... \$500.00.

EDWIN SMITH, JR....Representation of Drainage Board for January, February, and March, 1978,
TOTAL.... \$500.00.

Commissioner Willner made the motion that these be approved. Commissioner Ossenberg second the motion. So ordered.

RE: NURRENBERN DITCH

Walter Kaufmann R.R. 4 Box 706, Newburgh, Indiana came before the Drainage Board about Nurrenbern Ditch. When they cleaned the ditch they were to put the dirt onto my land, but they never did level it out. Dave Guillaum said that it will be done.

Then Mr. Kaufmann showed some pictures of the ditch and the Commissioners told him that they were the states ditch to clean.

President Schaad said that Paul Wendel should write to the Vincennes office and tell them to clean this ditch with in 30 days or we will clean it and bill them for it.

RE: ADVERTISING OF ASSESSMENTS

Dave Guillaum asked if he could schedule a meeting to advertise the assessments. President Schaad asked if he wanted to set a time and when. Mr. Brenner said three weeks, April 17, 1978.

Commissioner Willner made the motion that this be approved. Commissioner Ossenberg seconded the motion. So ordered.

RE: AWARDING OF BIDS FOR ANNUAL MAINTENANCE OF LEGAL DRAINS:

Dave Guillaum stated that the following bids be awarded to the bidders as stated:

EAGLE SLOUGH William Hepler.....30,040 LF X .04 = \$1,201.60
 KOLB DITCH William Hepler.....7,703 LF X .04 = \$308.12
 BAHL DITCH Joseph Seib.....6,890 LF X 7.5 = \$516.75
 KEIL DITCH Joseph Seib.....3,012 LF X .10 = \$301.20
 WALLENMEYER DITCH Leo C. Paul.....8,355 LF X .11 = \$919.05
 BUENTE UPPER BIG CREEK Big Creek Drainage Association..20,195 LF X .15 = \$3,029.25
 POND FLAT MAIN Big Creek Drainage Association..29,351 LF X .12 = \$3,522.12
 LOWER BIG CREEK Big Creek Drainage Association...7,501 LF X .10 = \$750.10
 RUSHER CREEK Big Creek Drainage Association...4,444 LF X .12 = \$533.28
 POND FLAT "C" LATERAL Big Creek Drainage Association...9,036 LF X .12 = \$1,084.32
 POND FLAT "E" LATERAL Big Creek Drainage Association...3,616 LF X .12 = \$433.92
 BARNETT DITCH Union Township Ditch Association...8,358 LF X .09 = \$752.22
 CYPRESS DALE MADDOX Union Township Ditch Association..23,887 LF X .09 = \$2,149.83
 KAMP DITCH Union Township Ditch Association..11,160 LF X .09 = \$1,004.40
 HELFRICH HAPPE Union Township Ditch Association..12,698 LF X .09 = \$1,142.82
 POND FLAT "A" LATERAL Ralph Rexing.....5,311 LF X .10 = \$531.10
 POND FLAT "B" LATERAL Ralph Rexing.....2,797 LF X .10 = \$279.70
 MAIDLOW DITCH George Seib.....11,475 LF X .15 = \$1,721.25
 BUENTE UPPER BIG CREEK "A" LATERAL Paul Seib.....3,666 LF X .17 = \$623.22
 HENRY DITCH Paul Seib.....3,179 LF X .10 = \$317.90
 MAASBERG DITCH Eldon Maasberg.....2,206 LF X .05 = \$110.30
 KNEER DITCH Eldon Maasberg.....3,036 LF X .08 = \$242.88

Commissioner Ossenberg moved that the above bids be awarded to the bidders as stated. Commissioner Willner seconded the motion. So ordered.

Dave Guillaum said in the past we have had problems of ditches being cleaned out, so this time we went with a different contractor.

Commissioner Ossenberg asked what happened to Sonntag-Stevens. Dave Guillaum said the price was too high.

Dave Guillaum said we didn't get a bid on the Hoefling Ditch but someone came in after the dead line, so I felt he could still turn a bid in on it.

RE: EASTSIDE DRAINAGE

President Schaad said the city asked us to get together with them on the eastside drainage problem. We had three meetings with the drainage board and invited the board of works to attend. We told them that the next move was up to them. President Schaad said he talked to Charles Gullledge who is getting no place. So Paul Wendel will write the city a letter.

RE: WARRICK COUNTY

President Schaad said that Warrick County is planning a drainage ditch which will dump into Pigeon Creek. Mr. Brenner said he talked to the surveyor up there and invited him to the meeting today but he didn't show up. Also Pigeon Creek needs to become a legal drain. President Schaad said we will need to check into something.

Meeting adjourned at 12:21 p.m.

PRESENT

DRAINAGE BOARD
 Bob Schaad
 Tom Ossenberg
 Robert Willner

COUNTY AUDITOR
 Curt John

COUNTY SURVEYOR
 Robert Brenner

COUNTY ATTORNEY
 Paul Wendel

Secretary: Brenda Hempfling

Bob Schaad
Robert Brenner
Tom Ossenberg
 Vanderburgh County Drainage Board

VANDERBURGH COUNTY DRAINAGE BOARD
APRIL 3, 1978

A meeting of the Vanderburgh County Drainage Board was held on the 3rd day of April, 1978 at 11:15 a.m. with President Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor, and the reading of them dispensed with.

RE: ANDRECHT'S SUBDIVISION:

Louis Stephens brought this subdivision before the drainage board, and he said that this has come before but turned down. President Schaad said that it has not gone to preliminary yet.

Louis Stephens said that they have provided drainage easement through the lots sufficient.

Commissioner Willner made the motion that this be approved. Commissioner Ossenberg second the motion. So ordered.

RE: EASTSIDE DRAINAGE:

Dave Guillaume said he met with the Board of Public Works and discussed the agreement that we had in plan. I also wrote a letter to Paul Kinney and told him that it wasn't much sense in beginning the county portions if the city doesn't do their share of this first.

Dave Guillaume said that he got a letter from Richard Eifler and he said that their feelings were the same. But I felt I needed something in writing.

President Schaad said that we should send copies of the letters to the Mayor and tell him that we are waiting for them to do something and see if he can speed things up.

Commissioner Willner made the motion that a letter written. Commissioner Ossenberg second the motion. So ordered.

RE: WARRICK COUNTY:

Dave Guillaume said he talked with the surveyor from Warrick County and he showed me plans on the Wassmer Phase II which covers around 7,000 acres. Dave Guillaume said it is part of the Kelly Ditch that he had some comments on, but I didn't agree. He said the Corp was responsible for this, but Bob Brenner said no they were not.

Louis Stephens wanted to know what they are going to do. Dave Guillaume said they are going to clean everything out making it go into Pigeon Creek quicker. Louis Stephens said he didn't think that this would bother us if the eastside drainage plan gets through.

President Schaad said that we should also add to the letter to the Mayor what Warrick County is doing.

RE: LATE BID:

Dave Guillaume said he received a late bid from Merl Hoefling on the Hoefling Ditch. Since we didn't receive any other bid I think we should approve this. Attorney Paul Wendel said that he didn't even sign this.

Commissioner Willner made the motion that this be approved with him signing it. Commissioner Ossenberg second the motion. So ordered.

Meeting adjourned at 11:21 a.m.

PRESENTDRAINAGE BOARD

Bob Schaad
Thomas Ossenberger
Robert Willner

COUNTY AUDITOR

Curt John

DEPUTY SURVEYOR

Dave Guillaum

COUNTY ATTORNEY

Paul Wendel

Secretary: Brenda Hempfling

Bob Schaad

Robert Willner

Th Ossenberger

VANDERBURGH COUNTY DRAINAGE BOARD

342,
VANDERBURGH COUNTY DRAINAGE BOARD
APRIL 17, 1978

A meeting of the Vanderburgh County Drainage Board was held on the 17th day of April, 1978 at 12:00 p.m. in the Commissioner Hearing Room with President Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor and dispensed with the readings.

RE: RAISING ANNUAL MAINTENANCE

Mr. Brenner read the following maintenance fee on these ditches:

Baehl Ditch from \$546.14 to \$1,000.00
Barr's Creek from \$2,902.03 to \$4,000.00
Buente Upper Big Creek from \$3,046.99 to \$4,000.00
Edmond Ditch from \$2,157.63 to \$4,500.00
Hoeftling Ditch from \$392.53 to \$500.00
Pond Flat Main from \$3,655.50 to \$5,000.00
Pond Flat "E" from \$435.50 to \$600.00
Sonntag-Stevens from \$1,625.33 to \$2,000.00

Mr. Siebeking asked how much increase on Edmond Ditch will that mean per foot on maintenance. Mr. Brenner said the only reason that we are doing this is because we couldn't do the cleaning at the 23rd, and now it will cover this, then go back down.

There was no one here to oppose the assessments. Commissioner Willner made the motion that these be approved. Commissioner Ossenberrg seconded the motion. So ordered.

RE: LETTER FROM ROBERT BERNARD

Dave Guillaum recieved a letter from Mr. Bernard wanting to have a final payment on Edmond Ditch, but because of the river being up their work has yet to be done. They said as soon as the weather permits they can start to work.

President Schaad said you can not pay until the cleaning is done. Mr. Siebeking said to declared cleaning, all that needs to be done is cleaning a few sprouts at the bottom of the ditch and we have not been able to get in.

President Schaad said when they can get in there to clean it out, then we can inspect it and then pay him for it. There is no time limit on the cleaning.

RE: LATE BID.....HOEFLING DITCH

Dave Guillaum said he received a late bid on Hoeftling from Merl Hoeftling in the amount of \$361.41, since we did not receive one from anyone else.

President Schaad said that we will except this informal bid, since we did not receive one from someone else.

Commissioner Willner made the motion that this bid be accepted. Commissioner Ossenberrg seconded the motion. So ordered.

RE: LETTER FROM CHARLES MARTIN

President Schaad said he received a letter from Charles Martin regarding a suit by the Hirsch Brothers. They say it is for five million dollars.

Commissioner Willner made the motion that this be taken under advisory with Attorney Ed Smith. Commissioner Ossenberrg seconded the motion. So ordered.

Then President Schaad said he got a call from Victor Baumgart and I sent Bob Brenner out to see them. Mr. Brenner said its on private property. President Schaad said then we will forget it.

RE: LETTER TO THE MAYOR

President Schaad said he talked with the Mayor this morning regarding the East-side Drainage problem. The mayor asked if we were just waiting for the city to do something, and I said yes. The Mayor said he would see what he could do.

RE: PRELIMINARIES

Louie Stephens brought the following preliminaries before the drainage board for approval.

Larry J. Blesh Subdivision located on Kleitz Road between Kramer and Mesker Park.

Schnee Subdivision located on Motz Road west of St. Wendel.

GeeJay located at New Harmony Road west of St. Joe Road and east of Vienna Road.

Meadow Villiage Subdivision on Allen Road east of St. Joe Ave.

Colonial Subdivision located at Newburgh Road and Fuquay Road.

All of these were disapproved because more drainage information is needed.

George Marx Property located by Upper Mt. Vernon.

Commissioner Willner made the motion that this be approved. Commissioner Ossenberg seconded the motion. So ordered.

Melloy Subdivision located at Burdette Road and Covert.

This was disapproved because more drainage information is needed.

Peter Hillenbrand Subdivision located at Peerless Road and Eichoff Road and North of Houge Rd.

Commissioner Ossenberg made the motion that this be approved. President Schaad seconded the motion. So ordered.

Meeting adjourned at 12:30 p.m.

PRESENT

DRAINAGE BOARD

COUNTY AUDITOR

COUNTY SURVEYOR

COUNTY ATTORNEY

Bob Schaad
Thomas Ossenberg
Robert Willner

Curt John

Robert Brenner

Ed Smith, Jr
Paul Wendel

Secretary: Brenda Hempfling

VANDERBURGH COUNTY DRAINAGE BOARD

344.

VANDERBURGH COUNTY DRAINAGE BOARD
APRIL 17, 1978

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Commissioner Ossenberg made the motion that this be approved. President Schaad seconded the motion. So ordered.

Meeting adjourned at 12:30 p.m.

PRESENT

DRAINAGE BOARD

Bob Schaad
Thomas Ossenberg
Robert Willner

COUNTY AUDITOR

Curt John


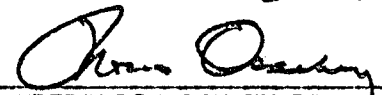
COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEY

Ed Smith, Jr
Paul Wendel.

Secretary: Brenda Hempfling



VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
MAY 1, 1978

A meeting of the Vanderburgh County Drainage Board was held on the 1st day of May, 1978 at 10:50 a.m. in the Commissioner Hearing Room with Commissioner Willner presiding.

The minutes of the previous meeting were approved as engrossed by the Auditor, and the reading of them dispensed with.

RE: PLAZA PARK AND EXTENSION OF CRAWFORD BRANDIS:

Louis Stephen said that he went out and looked at this situation and there is not any easement for drainage. The only thing that I recommend to the man who wrote the letter is to legalize that drain.

- Commissioner Willner said we have a copy of the letter that was sent to Dr. Parvin R. Raibley saying that we are not responsible for this and let it stand as submitted.

RE: HEARINGS ON DITCH ASSESTMENTS:

Commissioner Willner said that Mr. McCoy will have a hearing next Monday May 8th, at 11:00 a.m. on Aiken Ditch tax code 6-93-6 and Eagle Slough 6-27-3, 6-33-6, and 6-93-6.

Mr. & Mrs. Arthur Kuper wrote a letter to the Commissioners for a ditch bill that they recieve in the amount of \$5.00 on Barr's Creek. They said that they have never heard or seen this ditch and wanted to know why they were billed.

Commissioner Willner referred this to Dave Guillaum and the Surveyor's office. Dave Guillaum said that he would go out and check all of these out in person instead of just looking on the map. Dave also said that we are \$39,879 in debt after bill in 1977 and this year we should be around \$26,000 in debt which leaves \$13,000

Commissioner Ossenberg said the people of Melody Hills now are paying for sewers rate and now they are being assessed on the ditch also. Commissioner Ossenberg wanted to know if this is a double assessment. Louis Stephens said no because the sewers will take care of their sanitary waste and the ditch will take care of the storm water. But they will take in consideration that they are paying on the sewers also.

Commissioner Ossenberg was just wanting to know if the City of Evansville had the right to bill these people and is this water being legality draining into the Sonntag-Stevens ditch.

Dave Guillaum said its a billing for two different waters, and we have had a lot of questions on these and we are now checking into it.

Commissioner Willner recieved another letter from Louise A. Winiger for Cypress-Dale and Edmond tax code 10-16-2.

Agnes Daugherty says her water does not drain into the Edmond Ditch on code 10-20-4.

Clarence F. Wininger on Cypress-Dale for an increase from \$68.09 in 1977 to \$106.84 in 1978 and they want to know why.

Gerald Ashby 5722 Pollack has been paying on Eagle Slough and now they are not paying on anything.

Carl Elpers R 7 on Maidlow Ditch and Buente Upper Big Creek.

These were all given to Dave Guillaum and he said he will go out and look at all of these.

Curt John said that Mr. Bernard the president of the Union Ditch Association and he has been in my office because their are several people who's property looks like it drains into a ditch and it doesn't. Dave Guillaum said he will go down and check these out.

RE: MR. & MRS. POWELL-5700 N. BURKHARDT RD.:

These people recieve a bill for \$36.44 and \$5.42 on Pigeon Creek and they would like for someone to come out and look at this. They also would like them to look at the ditch below their house and see what they did down there with their land. Dave Guillaum said he would go out and check this.

RE: WALLENMEYER DITCH:

Dave Guillaum said that they have contacted a number of contractors on this ditch along Baseline Road but only heard from Farewell Construction Company for \$2100. They would come in and take the ditch from Highway 65 to Wallenmeyer Road and check with the farmers to see if they would want the dirt.

Commissioner Willner asked Dave Guillaum what the balance of Wallenmeyer Ditch was and he said they were \$738.00 in the red.

Commissioner Willner asked if they thought about letting the County Garage doing the south of it and letting the Surveyor's office doing the other half. Dave Guillaum said we could go either way.

Commissioner Ossenberg made the motion that this be approved of letting the County Garage and the County Surveyor doing this. Commissioner Willner seconded the motion. So ordered.

Meeting adjourned at 11:20 a.m.

PRESENT

<u>DRAINAGE BOARD</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY SURVEYOR</u>	<u>COUNTY ATTORNEY</u>
Thomas Ossenberg	Curt John	Dave Guillaum	Ed Smith, Jr.
Robert Willner			Paul Wendel

Robert Willner

John Ossenberg

VANDEBURGH COUNTY DRAINAGE BOARD

Secretary: Brenda Hempfling

248,
VANDERBURGH COUNTY DRAINAGE BOARD
MAY 8, 1978

A meeting of the Vanderburgh County Drainage Board was held on the 8th. day of May, 1978, at 11:55 a.m. in the Commissioners Hearing Room with Commissioner Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them was dispensed with.

Commissioner Schaad said he has a memorandum before him, that a Mr. W. E. Lloyd of 3401 Fickas Road asked to be on the agenda, regarding Eagle Slough but he isn't in the room at present.

RE: COMPLAINTS ON DITCH ASSESSMENTS

Mr. Edward Steinkamp appeared and said that he represents the Union Township Ditch Association and the tax payers on these ditches.

He said they are representing the taxpayers on the five Union Township Ditches and are here to object that the Surveyor has re-apportioned the ditches and has made obvious mistakes in the acres drained into each ditch, also the cost to the taxpayer on some of these ditches are so excessive that they are higher than the property tax on the whole farm.

He said they started paying these ditch assessments back in 1971 or 1972 after the prior group of Surveyor's re-allotted the acreages to the proper ditches to the satisfaction of the Union Township property owners and they are requesting here today that the formula used to figure acres and percentages the past several years be retained this year because they more fairly represented the correct acres being drained to the ditches being paid by the proper person.

He said they would also like a logical explanation as to why the new bills were so excessively high on certain ditches, mainly like Happe-Helfrich Ditch, since their Association bid for maintenance was \$1,100.00 last year and that should have been on this spring's taxes and their collection amount will be \$3,700.00 which is \$2,500.00 more than they bid the ditch in for, to be mowed.

He said they realize that their bills should be higher the year after they have been dredged, but they are only dredged ever five or six years, that they have spoken to the Surveyor's and they have admitted that there are errors in their figuring, so they are here today to make sure that the proper action is taken, that when they pay their ditch assessment they want to know that it is for the proper acres going to the proper ditch at a fair amount.

Mr. Guillaum said that he talked with Ed last week and there were some problems, that they have had problems in a number of areas, that one thing that comes to mind is, there was an area east of the railroad track that has been deleted and taken off the bills, that it was a mistake, that there has been several of these and they are in the process of correcting them.

He said there is a list of problems, that they have on a number of these, basically due to the fact that when the present employees came in they didn't have all the information as far as to who drained into what watershed and this type of thing, that basically all they could do was to take the maps and lay out the drainage areas and try to determine from the topographical maps which people were involved with which watershed, that for a good percent of people that were involved, this is the only method they had and it worked out pretty well, that in a number of cases, particularly the people that were on a border, were getting a couple of bills, and he thought this to be another problem they had, and in some cases they did make mistakes, that there is no doubt about it.

He said that right now they have a full crew out, full time, that is going to different parts of the County and trying to physically look at the drainage area, that this is the only sure-fire way of determining what they have and who is in what watershed, that he did, however, make direction to them to take a look at Union Township right away rather than other areas they were looking at, so they are attempting to uncover whatever problems or mistakes that were made in the billing as soon as possible, that where corrections are warranted and needed, they are going to be taking care of that too.

He said that as far as the acreage, apparently Ed had some information that they could not locate, that showed acreage and corrections that he supposed, four or five years ago, that it looked like they may have gone through the same thing that they are going through right now, that the maps that they have of the watersheds weren't changed and in some cases they can see where there were double-billings by being put on two watersheds in error and he had a two-page letter that showed where individuals were removed from watershed A and put on watershed B, so if they had any of this information, they may have been able to update it a little better than they did.

Mr. Guillaum said that the only thing he can say is that where they do find errors and uncover anything on the billings that is wrong, they will attempt to correct them as fast as they can, that they have a crew, full time right now, that is in the process of doing this and whatever problems they find, the billings will be changed, and if a refund is necessary on a given individual, they will go with a refund.

Commissioner Schaad said he thought the best thing to do would be that after Dave gets his new surveys made, that the corrections be made before he makes any changes, that he should sit down with Ed and his group and go over it with them to be sure they concur and to see if they have any more input into it before he makes any changes officially.

Mr. Guillaum said they intend to do this, in fact they have two or three people from Union Township who are familiar with drainage in that area that they are going to be working with and physically going out to look at the drainage.

Commissioner Schaad said that it should also be explained that the reason for the cost on some of them is because they have been in the hole for sometime, that maybe this should have been done when they sent out the billing.

A gentleman from Union Township said that Happe-Helfrich wasn't in the red, that as Ed had said, their bid was approximately \$1,100.00 and the collection amount will be \$3,700.00, so Commissioner Schaad asked if there was an explanation for this.

Mr. Guillaum said he didn't know about this particular one, but he thought this would cover a number of questions, that a lot of times the actual mowing cost or spring cost of the ditch don't necessarily reflect the amount of money that the ditch has been assessed for, particularly if there are any plans in the future for any dredging, or if dredging, etc. was done in the past, in other words, it isn't necessarily a direct relationship between the cost of mowing a ditch and the assessment on the ditch.

Commissioner Schaad said if the count was zero on the first day and they don't plan any changes or they aren't in the red, this may be true.

Mr. Steinkamp said they dug this same ditch two or three years ago and at that time it was probably \$3,000.00 for the dredging part, so evidently, they sent a bill this year according to like they wanted to get enough money in their fund to be able to cover any expense as that, that it would cover the dredging in the future and they would have the money on hand to pay for it, but it is too much to ask the people to pay that much at one time, when it will be five years from now before they dig it again, like one person has a bill for \$1,500.00 just on this one ditch to pay, and he asked if they are going to continue doing this every year and how big a fund are they going to establish in these ditch funds, that they need an explanation.

Mr. Guillaum said that it would probably have been good to actually put the acreage on the bills, since the bills just show the given amount that they owe for a particular ditch, that he isn't up on this in some cases since he didn't get in on the billing, that he just got in on it when the heat came in on it, but if they put the acreage on the bills, they could have seen that they weren't getting billed for any more total acreage than they were billed for in the past, that it is just the whole question as to where the watershed lines were divided out, that this may have been done the same way in the past, but then they went out and changed them but they didn't upgrade the map and this is what they are going to do right now when the teams go out, that they are going to bring the map up to date, so that in the future they can look at the map and definitely see which watershed a person is in.

Commissioner Ossenberrg said he doesn't know where the lines are drawn but he can't totally agree with the formula, that he had a gentleman come to see him that is west of and on the south side of Old Henderson Road and considerably west of Dogtown and his water drains into the Ohio River and he was billed for the Cypress-Dale, and all along there, he was the only person that received a bill.

Mr. Bernard, the President of the Union Ditch Association, said that through getting together and through their Association, they have had more than one person that has been billed and there is no way their water can get into this particular ditch, that he is sure that the Surveyor did the best job he could do with what he had to work with and they can't tell by looking at those maps, and if they are going out into the field, this is fine, that they will then know what they are talking about.

Mr. Steinkamp said they went over the list while they were writing and everyone knows who farms what and how many acres there are on each farm, and there are so many mistakes being made and they can pick through on other people's ground even and they know that it isn't right and each time they take an acre away from one ditch and put it on another ditch, that is going to change the formula for everyone's bill.

He asked if they should go ahead and pay these ditch assessments with them being wrong or just let them get delinquent and wait until they get them right, since they are due on May 10th.

County Attorney Wendel said it depends on the State Board of Accounts, so Mr. John said he will check with them, but his guess is that they will say that the people who know that their bill is wrong, they could let it go delinquent because they will get it written off anyway, but if they think it is wrong and it ends up that it is right, they will end up owing a delinquency.

Mr. Bernard asked why they couldn't be re-billed using the old formula until they get it straightened out.

Mr. Guillaum said that since he talked to Mr. Steinkamp they did concentrate a little more on Union Township than they did on the others and they found a few problem areas and they have taken them to the Auditor and tried to contact a number of the individuals by phone but if they couldn't contact them, they will either call them again or contact them by letter, but if they have paid their bill and it was in error, they will get a refund, or if not, it would be best for them to void the bill, that if there are any people that have been overpaid and they uncover it, they will get the over-payment back.

Commissioner Schaad said that if anyone knows of someone such as the older people who have been over-billed and over-paid their assessment, they should give Mr. Guillaum their name and let him check it because there are old people out there who may get their bill and they don't understand it and go ahead and pay it.

Mr. Steinkamp said that if they have one thing in a ditch that is wrong, that's going to change the formula for the whole ditch, that they will have to re-work the whole ditch.

One gentleman said that he has four bills and three of them are wrong and one of them is a double bill.

Mr. Steinkamp said that if they use last year's formula and re-bill it, that the formula they were using before may not have been correct but it was close enough that most landowners were satisfied.

Mr. Guillaum said that one problem in the past though is that a number of the ditches have gone in the red, but it was said that none of them are in the red except Kamp Ditch and this was because it was dredged last fall and it was \$1,700.00 in the red but it won't be after this week, that no other ditches in Union Township are in the red.

Mr. Steinkamp said they had a few other questions, that they formed this Association five or six years ago to bid these ditches in, that they have been bidding them in every year and there is usually one ditch out of the five that is due for digging each year and that ditch is going to be higher, so they put their bids in about a month ago, that Mr. Bernard is the President of the Association this year, and he was saying that a performance bond will be required on the ones that are over \$2,000.00 but they never had to do this in the past, so he wondered if they had to do it now.

Mr. Guillaum asked County Attorney Wendel if this wasn't the legal procedure, and Mr. Wendel said it is but it was overlooked in the past.

Mr. Steinkamp said it is their ditch, their money and they do the work and everything and everyone wants it dug, so why would they have to put up a performance bond for something they know they are going to pay, that they have to borrow money and pay interest on it, that they are robbing Peter to pay Paul.

Commissioner Schaad asked if everybody that is billed is a part of the Association, and he was told that every landowner that is billed is a member of the Association in Union Township.

Commissioner Schaad said he sees what they are saying but he doesn't see how they can get around the law, that they could just add the cost of the performance bond to their bid.

Mr. Steinkamp said this is what they will have to do but the cost will have to be absorbed amongst the taxpayers, but if it is the law as far as the bid is concerned, that they don't have to borrow the full amount, that they can just get an Insurance bond for that amount.

One gentleman said what they are saying is that they have been doing this for five or six years and the bond has been waived the other years and he asked why they can't waive it this year.

County Attorney Wendel said he would have to check on this.

Commissioner Schaad said that if it can be waived legally, they will waive it as far as he is concerned, so he asked Mr. Wendel to check it out and see if it is possible for the Commissioners to waive the supplying of a performance bond.

Mr. John said that he called the State Board of Accounts but they were out to lunch, but he thinks he knows what they can do, that he will check it out with Glenn Statler this afternoon, but he thinks if they work it out with the Treasurer, they could go ahead and void the present ones with a new assessment coming down from the Surveyor and then mail them out and give them fifteen days to pay it, since the law requires that they have at least a fifteen day notice on their tax bills before the due date, because currently the Treasurer doesn't plan on making a settlement in June on the ditches, that he is going to wait until fall & turn it all over then, so he wouldn't see any problem and he thinks they can do it this way.

Commissioner Schaad then asked if letters should go out to all those people, and Mr. John said yes, and for all those who have paid, they would just compare it to their new assessment and if have a refund due, they will get it back, but he can't see making a refund now and then letting them pay us again.

Commissioner Schaad asked Mr. John if he could take care of this from his office, and Mr. John said he would have to get with Mr. Guillaum on it, that he actually has nothing to do with the assessments or actually, the billing, right now.

Commissioner Ossenberg said this is okay with him, but that Commissioner Schaad was on vacation last week, and they had a bunch of these all over town and he is still wanting some answers on how people in Melody Hills are paying a storm sewer tax to the City on water use and a sanitary tax and then come up and be taxed for a ditch, that this is double taxation and there are other people that were at the meeting that Commissioner Willner conducted, that none of their water runs into these particular ditches, etc. and he wants the answers on these.

Commissioner Schaad asked how these were resolved last week.

Commissioner Ossenberg said they were referred to the Surveyor's office, for them to bring back an answer on them this week.

Mr. Guillaum said he doesn't know how many problems they have had in the past week, and he has attempted to try to give them an answer on it, but it has been a week-long thing, one right after the other, that they sent out 9,000 bills so he is sure they have made mistakes, also that they have uncovered a number of people who have been overlooked in the past for one reason or another and one of the best cases on the Harper Ditch, even though it won't apply to anyone here, that they picked up 653 acres more that should have been re-assessed to the City, so that will drastically change the assessments for all the people along that ditch system.

Commissioner Schaad said the business at hand right now is Union Township and he would like to get it resolved.

Commissioner Ossenberg said his feeling on Union Township is that the people are in here and appealing to the Drainage Board and the Drainage Board should take it under consideration, at Curt John's suggestion.

He so moved that this be done. Commissioner Willner seconded the motion. So ordered.

Commissioner Schaad said that Dave will then get together with Mr. John and there will be letters going out telling the people not to pay these ditch bills until the new assessments come out, and they will then be given fifteen days to pay it, and he supposed they should also send the people a letter that have already paid, telling them that there will be a new assessment and they will be either be billed for the difference or be refunded over-payment, whichever the case may be.

He also said that the County Attorney will check to see if the bond can be waived. He thanked those present for coming and told them they will do their best to get it straightened out.

Mr. Guillaum said that he would get on it as fast as he can, that it will just take awhile.
He said he has a list of people that will be going out, and the crew is down at the office checking a number of them, so it will probably take a week or more to get it done.

RE: HAROLD MCCOY

Mr. Harold McCoy who lives on Fuquay Road appeared and said that he probably has the same problem they have been discussing, but he has two places involved, one where he lives that went into the Kolb Ditch but to his knowledge has never come under Eagle Slough, to his knowledge in no way, that they put in a storm sewer and brought the direction of the water from the traction line toward the new sewer and that water goes out and on in to the Ohio River, that there is one bill he has for that drainage and to his thinking it should come off.

He said he has two other bills for Eagle Slough, one for 40½ acres and the other one 65½ acres, that he paid a \$800.00 or \$900.00 assessment when they re-dredged this ditch and expect to pay something on it, but that bill went from \$16.00 to \$18.00 and for this year it is \$40.00 and there has been no work done on the ditch that he knows of, so he doesn't know whether an excess amount on it, other than the fact that they are trying to build up a fund, that this is the only explanation he can give for it.

He said he also has a bill on the 65½ acres from the Aiken Ditch, that he talked to Sam Biggerstaff about it, who ran levels on it and said that there is no water going into the Aiken Ditch, that there is a ponding area along the levee there that has a little tile running out of it but he has never seen any water going through the tile nor under the levee, and with the exception of the water that is ponded, it is supposed to go out the roadside ditch, along Lynn-Becker Road and on down into the river he thought, that he doesn't object to the bills on the 40½ acres or on the 65½ acres but he does object to the one that goes into the Aiken Ditch and he objects to the one that goes into the new sewer.

He said he called the Surveyor's office and they said they would take it off if he would come before the Drainage Board, also that he thought Commissioner Ossenberg to be aware of the amount of assistance he has given in getting the roadside ditch kept clean but people come out on Lynn-Becker road and dump everything and it is a dump, that he has cleaned out the ditch and hauled it at his own expense, that he has seen a County truck out there every day but he has never seen anything in it, coming or going, so he doesn't know where they go or what they do out there but he has seen it go by, that he has tried to keep Fuquay Road presentable, that he isn't complaining about who is running the clean up or anything but they are paying taxes to keep it clean and he thinks it should be cleaned up, that it is affecting his income and his production and rains are coming on to him when it should be going down to the ditch and it should be opened on both sides and all that junk taken away from there and he didn't know how they were going to keep them from dumping and he is asking that something be done about it, but as far as the acreage on Fuquay Road, he was listening to what was said about Brookshire Estates and he understands they want to bring that water down, across and into that ditch, that he doesn't know what their plan is but that water from Newburgh Road comes down the roadside ditch and one administration went out there and deepened all the ditches on Fuquay Road and put in a 30 or 36 inch tile, opened the ditch without putting any water on him and then when they put in that sewer, instead of diverting that water from the pump station and putting in something big enough to handle the water that comes down Fuquay Road and over into the sewer, they left that as it was and now he can take that and the rest of the water, he supposed, that something should be done. He said he just wanted to bring this to the Commissioners attention.

Mr. Guillaum asked Mr. McCoy, in regard to Eagle Slough, if he checked his mail today.

Mr. McCoy said that he hadn't, since the mail doesn't come until 2:00 p.m.

Mr. Guillaum said he should check, that more than likely he will get a letter, that they discovered a number that were billed for Eagle Slough that weren't in that watershed and he probably would get one today.

As to Aiken Ditch, he stated that he couldn't say definitely on this because there were several people that received billings on it, and he couldn't give him a specific answer without looking at his code number and without pulling out the watershed map.

Commissioner Schaad asked Mr. Guillaum to go down with Mr. McCoy and check his bill.

Commissioner Ossenberg said knowing Mr. McCoy's situation as he knows it, where he is located, he can't see how he can be put in Aiken Ditch.

Commissioner Schaad said they should go down and check these bills out and if Mr. McCoy is right he should get it off, and as to his other complaints, maybe Mr. Guillaum

could have someone meet him out there and see what he is talking about as to the ditches and come back with a recommendation. He said they would take care of the trash, that Mr. Siebeking will have to get him men out there and clean it up, and as to the other bills, as they come up, Dave can bring them up and the only thing he can say is that they will resolve them one at a time.

Mr. Guillaum said that Mr. Steinkamp had a second set of papers that was sent out about 1971 or 1972, that apparently they ran into what he is running into right now but yet he didn't have any of this information in there, that they couldn't even find a thing that would show a bridge that had been deleted and corrected by a field inspection, so the only plan they had was to take the watershed areas on the topo map, that theoretically, everything in a certain watershed will drain into a given ditch but by looking at a map they don't know where each tributary and stream is and where each section of land is going to run, so in effect, they did the best they could with the information they had, and they sent out 9,000 bills so he thought it to be expected for a number of people to be billed incorrectly.

Commissioner Schaad said they will just have to try to solve them when they come to them. He thanked Mr. McCoy for being here.

RE: WALLENMEYER DITCH

Mr. Guillaum said they have discussed Wallenmeyer Ditch along Baseline Road before but they never did come to any conclusion on the thing, that apparently they do have an area where they could haul the dirt to, that it didn't appear to them in checking out there, that they could put the dirt on any farm land nearby, but Mr. Willner said they may find something out there, at any rate, Fairway Construction was the only one that gave them a figure, that he contacted five small contractors that do excavating and he got a price of \$2,100.00 which would include digging the ditch from the beginning to the corner where they have the problem and hauling the dirt. He said he would like the Commissioners feelings on this.

Commissioner Willner said he thought they settled this, that the County was going to do the roadside and Mr. Guillaum was going to take a backhoe and do the inside. He said this was decided last week and is in the minutes.

Mr. Guillaum asked if this was the way they wanted to go then.

Commissioner Ossenberg told Dave he thought they agreed to do it because he was talking about \$2,100.00 and he is \$738.00 in the red right now on the ditch fund and they didn't want to go through this thing again.

Commissioner Schaad read the minutes of last week where the motion was made that the County Highway Department and the County Surveyor do this work, so he said this is what they will do, and Mr. Guillaum said they then go this route.

Mr. Guillaum said the stumps were due to be removed from the job site out there but with the bad weather and muddy conditions they decided to put that off but nevertheless he contacted Quentin Stahl and Mr. Siebeking, so with his trucks, they will probably be taking them out of there toward the end of the week if they get good weather, that he did find a dumpsite for them.

RE: WILLIAMS DITCH PROBLEM

Mr. Guillaum said that last week, Raymond Warrens, the Federal Judge in the federal building contacted him in regards to a new development in Warrick County, and as he understands it, the water eventually comes in to Vanderburgh County, that it is the Williams Ditch and he is really concerned, that right now when they get any rain, the ditch runs practically full and when they get this additional water which they are going to be dumping right into the Williams Ditch, it is going to be flooding his back-yard and everything else.

He said that Judge Warrens lives in Warrick County but the ditch comes into Vanderburgh County and it could also be in the system that he brought in on a map about a month ago, showing the three phases of improvement that they are going to be doing in Warrick County, but the thing the Judge is worried about is that the run-off is going to be greater and it will be quite a bit more than he wants, but this would be up to the Drainage Board, so he would like a joint meeting with Warrick County to try to discourage them from going on with this project due to the additional water that will be going into this ditch.

Commissioner Schaad said there is a joint Drainage Board between Warrick County and Vanderburgh County that exists now but they haven't had a meeting for a long time because the officers are in Warrick County that would call a meeting, so the only

thing to do is to have them call a meeting.

Commissioner Ossenberg said that Board has changed now though.

Commissioner Schaad said he supposed whoever took their place would be in there, that we have no reason to call a meeting, so let them call it.

Mr. Guillaum said he would give the Judge this information and if he wants to pursue it he will have to contact Warrick County Drainage Board.

RE: BAUMGART & HEINLEIN DITCH

Mr. Stephen said that the ditch at Baumgart and Heinlein used to be in a certain location, that they filled this one in and put in a new bridge and cut a new ditch and installed a tubing and he was thinking in terms of trying to get to a certain point with the water, that he and Jack went out there and they have problems because they put a two-inch tube in there and there only has to be nine inches of water and he wondered why they had so much water going down Baumgart.

He explained the way the water runs out there and said he recommended it be ducted and the only thing they can do is to put a flapper on it, so he is now proposing to put a 41 inch pipe under the road on the North side of Heinlein, but this won't do any good unless they stop this water when it gets up in the ditch, so one way to do that would be to put a flapper on it and if the County will furnish the tube they are willing to get started and he thought the man said it was Industrial Contractors who will install the tube if we furnish it, that this is really the only way to go because the ditch is of pretty good size.

Commissioner Schaad moved that they put a flapper on it, that the County supply the tile and let them put it in. Commissioner Willner seconded the motion. So ordered.

RE: DRAINAGE PROBLEM

Mr. Stephen said there is a problem that the Commissioners can do nothing about, that it isn't a legal drain but he told the people he would bring it to the Commissioners. He said out on the west side Mr. Steiner has built something to try to keep this water confined and in the past he has put posts in concrete, lined it with steel on the back side and filled it back but one of the posts has come loose and the dirt is sinking and he wanted to know if we could help.

Commissioner Schaad said he didn't see how the Commissioners could help since it isn't a legal drain and it isn't on the County Highway.

Mr. Stephen said he told the man that the only thing he could do would be to take all that out and slope the ditch back and lay it down and put riprap around it, which would be a solution.

Commissioner Schaad said there is no way the Commissioners can help him.

Commissioner Ossenberg said Mr. Steiner called him, that they have a meeting on May 17th at I.S.U.E. and wants a Commissioner there but that is his mothers 78th birthday so he is going to take her out, so he won't be able to make it.

The meeting adjourned at 1:00 p.m.

PRESENT.

DRAINAGE BOARD

COUNTY AUDITOR

COUNTY SURVEYOR

COUNTY ATTORNEY

Bob Schaad
Tom Ossenberg
Robert L. Willner

Curt John

Dave Guillaum

Paul Wendel

Secretary: Brenda Hempfling
by
Margie Meeks

Bob Schaad

Robert L. Willner

Dr. Ossenberg

VANDERBURGH COUNTY DRAINAGE BOARD

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VANDERBURGH COUNTY DRAINAGE BOARD
MAY 15, 1978

A meeting of the Vanderburgh County Drainage Board was held on the 15th day of May 1978, at 12:04 p.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them was dispensed with.

RE: COMPLAINTS ON DITCH ASSESSMENTS

President Schaad recieved letters from different people with problems on their ditch bills and these were all given to Dave Guillaum and he will check into this and get back with them.

Dave Guillaum said that he really didn't have anything to go on, we couldn't find any kind of old records. One thing that we are going to do this year is to update all of the maps. President Schaad said he is glad that someone is getting started in this and hope that they keep this filed away somewhere.

Mr. W. E. Loyd of 3401 Fickas Road regarding Eagle Slough tax code 4-39-4. He said that he thought that his bill was to high, the surveyor's have found that they assess him for 89 acres instead of 78 acres so that lowered it from \$54.79 to \$47.58. Mr. Lloyd still feels like he is paying too much since his neighbors bills didn't raise. So he wants his bill down to \$31.91 what he payed last year. He said that one half of his water goes into the ditch and the other half goes elsewhere and also he found out that the spray wasn't any good so why should we pay on something that didn't even work.

President Schaad asked who sprayed the Eagle Slough and Dave Guillaum said it was the Green Grasshopper and it was inspected. President Schaad referred this to Dave and he will check into it and get back with Mr. Lloyd.

Miller Haag came before the drainage board to complain about his land south of the levee. He said that he has a log and it says that there should be right-of-way along the ditch so you can drive down it and now it doesn't. They also put some rock along the ditch and now the kids have come and torn them all down. Mr. Haag said that he pays on this ditch and would like something done to it. Something needs to be done with the dumping also, the plane may work but when the crops are out they will not be able to spray and that is when they need the road along the ditch.

President Schaad asked if the surveyor's office was aware of this and Bob Brenner said that this is the one that we advertised twice and then went with the Green Grass Hopper.

Commissioner Willner asked Bob Brenner how much the Green Grass Hopper charges? Bob Brenner said they charge 2¢ per foot when the others charge 14¢ per foot. Then Commissioner Willner asked if we could go and spray twice a year, Mr. Brenner said that is what we are planning to do.

President Schaad said we need to stay on this and see if we can't also get a contractor to cement the rocks.

Commissioner Willner made the motion to get bids from the contractors to cement the rocks. Commissioner Ossenber seconded the motion. So ordered.

RE: KENT POWELL

Dave Guillaum said that he met with Kent Powell concerning his trees. He said he wanted \$1,000.00 but I told him we could only go \$500.00. He said he would agree to sign a release if we would cut some bleeders into the ditch. Mr. Powell was promised that his trees would be savaged and they were not. My inspector said they were there when all of this was going on and told them they were to save the trees, but they kept on going.

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Commissioner Willner asked if the contractor was willing to pay for this and Dave Guillaum said that is where we are going to start from. Commissioner Willner said to do that first and if they don't agree then we will not pay them.

RE: WALLENMEYER DITCH

Dave Guillaum said that we have discussed this with either going with a contractor or with the county garage, since we have a theory that if we have a road side that we can go with the county. President Schaad said that we have discussed this and the county will do this. Commissioner Ossenbergsaid that he will talk with Jack Siebking and tell him what is going on.

RE: MELDOY HILLS

Commissioner Ossenbergsaid if they were working on this and Dave Guillaum said they will get on it as soon as possible. Commissioner Ossenbergsaid was just wondering if the surveyor's knew that the south side of Twickingham was billed and the north side wasn't. Bob Brenner said that this could be possible because of a break off but they will check into this.

RE: BOND ISSUEING

President Schaad said that Paul Wandel was to check into this and see if the Union Township needed a bond or not and Ed Smith, Jr. said that they would need one.

Meeting adjourned at 12:46 p.m.

PRESENT

DRAINAGE BOARD

Bob Schaad
Thomas Ossenbergsaid
Robert Willner

Secretary; Brenda Hempfling

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Bob Brenner

COUNTY ATTORNEY

Ed Smith, Jr.

Bob Schaad
Robert Willner
Thomas L. Ossenbergsaid
VANDERBURGH COUNTY DRAINAGE BOARD

VANDEBURGH COUNTY DRAINAGE BOARD

MAY 22, 1978

A meeting of the Vanderburgh County Drainage Board was held on the 22nd day of May 1978, at 11:20 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: BOND ISSUING:

President Schaad said that Attorney Paul Wendel said that a performance bond will be required for Union Township since this is over \$2,000.00.

RE: KENT POWELL:

Dave Guillaum said that Paul Wendel has written up a legal document for Mr. Powell to sign saying what we are going to be doing. President Schaad asked if it was still cutting bleeders into the ditch and paying \$500.00, and Dave said yes.

RE: TWICKINGHAM BILLS:

Dave Guillaum said that he checked into this and there is a section that wasn't in the watershed which the north side of the road is billed and the south side is not billed. Dave said that we made a map check and a field check also.

RE: FICKAS ROAD:

Dave Guillaum said that we have contacted several contractors for putting a pipe off of Fickas Road but because of the rain we will have to hold off and get to it as soon as possible.

RE: CORRECTIONS:

Dave Guillaum gave Alice McBride some corrections and the others were given to the Auditors office.

RE: SUB DIVISIONS:

Charles Osterholt said that these sub divisions have been misplaced, but he was wanting to know if they could go ahead and advertise so these can be placed on the agenda for Area Plan Commission.

Commissioner Willner made the motion that this be approved. Commissioner Cossenberger seconded the motion. So ordered.

RE: BILLING THE CITY:

Bob Brenner said he was approached by a assistance City Attorney and they wish us to bill each person separately, But Bob Brenner said they think that they can collect from each property owners but they don't, the city agreed to take over the ditch bills.

Bob Brenner asked Paul Wendel if he could get this guy to come to our next meeting and Paul said he will check with him.

Meeting adjourned at 11:32 a.m.

PRESENT

DRAINAGE BOARD

Bob Schaad
Thomas Ossenberger
Robert Willner

COUNTY AUDITOR

Alice McBride
(Deputy Auditor)

COUNTY SURVEYOR

Bob Brenner

COUNTY ATTORNEY

Ed Smith, Jr.
Paul Wendel

Secretary: Brenda Hempfling

Bob Schaad

Robert Willner

Tom Ossenberger

358.
VANDERBURGH COUNTY DRAINAGE BOARD
MAY 30, 1978

A meeting of the Vanderburgh County Drainage Board was held on the 30th day of May 1978, at 11:02 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting were approved as amended. Twickingham bills should have read that the south side of the road is billed and the north side is not.

RE: PROTEST ON BILL:

President Schaad read the following letter from Clay G. Russell.

5-25-78

County Treasurer
Vanderburgh County

Sir:

The enclosed \$5.00 is paid under protest.

To my knowledge there is no ditch in my area that has been improved nor has any work been done on any drainage system. The only ditch that I know of in this area is on railroad or Whirlpool property and as far as I am concerned they can clean their own ditch.

Request I be advised of the location of the "ditch" this assessment is based on, the State Statute authorizing this type of assessment and the amount of money spent during this last year on drainage improvement.

If you can not do this then please refund my \$5.00.

As a tax payer I believe I have the right to know why I am being assessed and that the money is being spent for the purpose for which it is assessed.

Sincerely,
Clay G. Russell
2240 Ridgcrest Dr.
City 47711

President Schaad referred this to Dave Guillaum and he said he will take care of this.

RE: BILLING THE CITY:

President Schaad said that at our last meeting we asked for someone from the City to come to our meeting and the Assistance City Attorney Steven Krohn is here to express his side of this.

Steven Krohn said he stated what he felt was the city position from a legal stand in a letter to Paul Wendel. I feel the city can pay these assessments if they so desire but I haven't found anything which says they should. Also these bills should show who's property it is, so they know what they are paying for.

Bob Brenner said they have been paying these since 1965. Steven Krohn said that may have been a series of several mistakes and they don't want to keep paying for this if they shouldn't be.

President Schaad said where ever there is a legal drain in the city limits in the past those individuals have not been billed, the city has always taken care of this and now the city wants to have the people billed separately.

Commissioner Willner asked that you are no longer going to pay the original ones or the original ones but not the new ones. Steven Krohn said that we are definitely not going to pay, I am just saying from my stand point that I don't see any reason why we should pay these except for the ones that the city do own.

Bob Brenner said the only new area is the K-2 Pumping Station and the other ones have been billed for 12 years. Steven Krohn said the bills may be paid but I don't know for sure. Bob Brenner said there were a lot of legal drains that were in the city but we abandoned those. President Schaad said why not abandon all of them and let the city take care of the upkeep. Bob Brenner said the only ones that are being billed are the ones on the upper end of the ditch.

President Schaad said at this point we won't be able to accomplish anything this morning except to hear Steven Krohn side of this. I would like to refer this to Ed Smith and let him get together with the city. Bob Brenner said we have to hear if the city is going to pay for these first before we have an argument. Steven Krohn said all he can do is check with Bob Cook first and then get back with Bob Brenner.

President Schaad then said if the city says that they will not pay them, then we will have Ed Smith and Steven Krohn get together.

Commissioner Willer then asked wasn't the ditch bills due by the 10th of May and if they were not paid then a penalty put on and Bob Brenner said yes.

RE: KENT POWELL:

Dave Guillaum said last week we discussed the release for some trees that had been damaged along Burkhardt Road. I met with Kent Powell and his mother Ruth Powell the owners of the property. They signed the release and it was notarized.

President Schaad said that we are paying them \$500.00 and Dave Guillaum also said cutting four bleeders into a area which is holding back water on their property. These bleeders will be put in the specification of the engineers on the job or myself.

President Schaad said we do have the release and it is signed by Ruth I and Kenneth Ray Powell and is filed with our minutes.

Dave Guillaum said that he has a blue claim to Ruth I and Kenneth Ray Powell for tree damage to 60 12'-18" diam. ash trees in the amount of \$500.00.

Commissioner Ossenberg made the motion that these be approved. Commissioner Willner seconded the motion. So ordered.

RE: SUB DIVISIONS:

Schnee Sub Division; Andy Easley is the engineer.

Louis Stevens said that this doesn't show anything different and it was turned down before because of the drainage.

Andy Easley said he has some adjustments for the drainage. President Schaad asked if Louie has seen these and Louie said no. Andy Easley said he didn't know when they needed them. President Schaad asked if they could resolve these quickly. Charles Osterholt said they still have till next month before they come before the Area Plan. So President Schaad referred this to Louis Stevens and be brought back next week.

GeeJay Estates; Andy Easley is the engineer.

Louie Stevens said that this one was turned down because of the drainage. Andy Easley said that a preliminary plat is taken from the county maps and we did find out that the ditch is on the mans property plus we have some adjustments for this one also. President Schaad says this needs to be put on the plat. Andy Easley said on a preliminary plat the sub dividers don't even go through with this and don't invest any more than what they have too. President Schaad said this is something new we are now checking into before it goes to the Area Plan. We will give this one back to Andy Easley to put where the drainage goes and let Louie Stevens check it and get back with us next week.

Shady Hills #5; located at Blue Jay and Sunrise on Old State Road. Louie Stevens said that he already has a petition on this from the people who lives in Blue Jay and Sunrise. There is a 30 ft. easement and there needs to be a 75 ft. easement plus this is already a flood area.

President Schaad asked Louie to get together with them and come back next week with it.

Spring Street Industrial Park Sub Division;
Louie Stevens said this one already has your signature on dated back in 1976 and there is drainage problems on this. President Schaad said back then we didn't check the drainage that closely. I think the engineers should be told what we are doing now and bring this back next week.

Brown Wood Estates; located south of Schlensker Road between Browning Road and McCutchan Road.
Louie Stevens said again this one shows us where the drainage is now, but they will have to put a bigger pipe in. Andy Easley said that this is the property owners problem, maybe you should have something written on what they would be allowed to build. President Schaad said yes this needs to be done.

Commissioner Willner made the motion that this should be put in writing. Commissioner Ossenberg seconded the motion. So ordered.

Jamestown Section K of Carrollton Court.
Commissioner Ossenberg asked who the engineer is and Louie Stevens said Ernie Chandler and this is located by Park Plaza Drive. Charles Osterholt said the problem is what are they going to do with the drainage. We haven't recieved any street plans which should have been submitted and this has already gone through.

President Schaad said nothing can be done now but we should be aware of this from now on.

Burhardt Industrial Park;
Louie Stevens said that these people don't even want a county road to go through. President Schaad said that this one will come up again so lets just wait till then.

RE: PETITION:

Louie Stevens gave this petition to Bob Brenner from the people of Blue Jay and Sunrise.

Meeting adjourned at 11:50 a.m.

PRESENT

DRAINAGE BOARD
Bob Schaad
Thomas Ossenberg
Robert Willner

COUNTY AUDITOR
Curt John

COUNTY SURVEYOR
Bob Brenner

COUNTY ATTORNEY
Ed Smith, Jr.
Paul Wendel

Secretary: Brenda Hempfling

Bob Schaad
Robert Willner
Thomas Ossenberg
VANDERBURGH COUNTY DRAINAGE BOARD

36/

VANDERBURGH COUNTY DRAINAGE BOARD
JUNE 5, 1978

A meeting of the Vanderburgh County Drainage Board was held on the 5th day of June 1978, at 11:03 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: BLUE CLAIMS:

President Schaad said we have a claim from National Cash Register for \$595.00 for programing the computer to handle the ditch billing. Curt John said its not really the computer, but the bookkeeping department is going on the computer system and that means getting rid of the 395 but keeping the 399 which they transferred the ditch bills to that one. President Schaad said the \$595.00 will come out of the Drainage Board Fund, but Curt John said it will come out of the County General Fund and then into the Drainage Board Fund so we can pay them.

Commissioner Ossenberg made the motion to advertise and go before the Council, so we can pay them. Commissioner Willner seconded the motion. So ordered.

Dave Guillaum said a week or two ago I discussed a couple of farmers that did some leveling on Boesche Extention. I contacted them and took what the contractor had bid then broke that down as two 1/3 in the leveling and 2/3 in the excavation and did roughly 1500 ft. So I have a blue claim for Manfred and Al Stahl for \$270.00 which will come out of Quentin Stahl's pay which everyone agreed to.

Commissioner Willner made the motion that this be approved. Commissioner Ossenberg seconded the motion. So ordered.

Dave Guillaum said that he got a call from Quentin Stahl today and I contacted two other contractors for the rip-rap and dirt work on the pipe that Mr. Lloyd was complaining about. The price that he gave me was \$120.00, which I went over with him about what he would have to do and he still said \$120.00. They have already moved some dirt over the pipe and all he would have to do is to put the rip-rap along the side.

Commissioner Ossenberg made the motion that this be approved. Commissioner Willner seconded the motion. So ordered.

RE: PROTEST

Dave Guillaum said that he contacted Clay Russell about the billing which he was billed for and after I explained this to him he understood everything.

RE: BILLING THE CITY:

Bob Brenner said he got a call from Bob Cook and he ask us to tell them what acreage the city was billed for and I sent a letter out this morning.

RE: WARRICK COUNTY:

President Schaad read a letter from Warrick County Drainage Board:

Dear Sir:

This is to notify you the proper steps according to the law were not taken by Vanderburgh County for assessing the people in Warrick County on Boesche Ditch.

Warrick County Drainage

Dave Guillaum said that this letter needs more explanation. President Schaad referred this to Bob Brenner.

RE: PROTEST:

President Schaad read a letter from Larry L. Hunter.

We recieved our general drainage improvement tax statement on April 24, 1978. I wrote a letter to the board protesting our assessment on April 28, 1978 requesting a hearing on the board before the May 10th deadline. We have not yet have a response from the board. We havetalked to persons from the treasurer office and surveyor's office. They returned our bills on May 25, 1978 having assure us with no pealty. We are re-admitting the full assessment in the amount of \$238.08 but still under protest. Our position that it is unfair and perhaps illegal to increase the assessment over 500 per cent over prior grossement to those involved.

May we please have an answer as soon as posible.

Larry L. Hunter

President Schaad said that there is a check attached made out to the County Treasurer and bills attached.

President Schaad made the motion that this be turned over to Bob Brenner. Commissioner Willner seconded the motion. So ordered.

Dave Guillaum said he recalled this and we did check the watersheds that were involved and also notified him on it and the bills are in order. President Schaad said what he is criticizing is he should have been notified. I think you should tell him when the ads were in the paper.

RE: CLARIFICATION ON NEW SUB DIVISION:

Jack Dutton 2917 Carlton Lane out in Capitol Elms. He said there is a new sub division going up behind his property which is Lake Valley. We have a drainage problem now and Carlton Lane has been ever since I have lived there which was 15 years. The drainage system now is just a ditch which runs into a lake. Now they are digging a new ditch and I was just wondering if it will be tiled or will it be an opened drain.

Commissioner Ossenbergsaid this is in the city and this has already been approved, so my advice is to get with the Area Plan Commission. President Schaad referred him to Charles Osterholt.

RE: SUB DIVISIONS:

GeeJay Estates located out beyond St. Joe road and New Harmony Road, Old 460 south of New State Road 66 and just east of the intersection at Vienna Road. Louie Stevens said this one they wanted to know what they were going to do with this water and now it is in the 40 ft. right-of-way, he has now put a swale into the ditch. President Schaad asked Louie Stevens if he understood how he was going to do all of this and he said yes.

Commissioner Ossenbergsaid made the motion that this be approved. Commissioner Willner seconded the motion. So ordered.

Schnee Sub Division north of Motz Road just west of the intersection of St. Wendell Road. Louie Stevens said he wasn't very happy with this one at all. One of the things that we would be interested in is if they wanted this to be a county road then we would have to maintain it. President Schaad said now they will say no, but when the houses go up the people will want to know who maintains it. Andy Easley said there is only one culvert that you don't agree with but we will put it to the County satisfaction.

Commissioner Willner made the motion that the plat be approved subject to the change of the culvert size. Commissioner Ossenbergsaid seconded the motion. So ordered.

Mac's Sub Division; Dick McGraw is the developer and this is located between Martins Lane and Fuquay Road, north of Washington.

Dick McGraw said everything has been developed on all sides except the east and Sam Biggerstaff is working on that. I've got a tenative plan but do to the fact that I haven't been able to get with Sam Biggerstaff, nothing has been done.

President Schaad said then we can not do anything on this. Dick McGraw said the only thing we could do is let the water flow in the direction that it wants to flow.

Commissioner Ossenberg said there is no way I could vote on this because Sam Eignerstaff is having enough trouble now out there because of the drainage. President Schaad said there is nothing we can do on this now.

Spring Street Industrial Sub Division:

Louie Stevens said everything is okay on this. Charles Osterholt said he talked to Jesse Crooks and the drainage is off of his property. Commissioner Ossenberg ask didn't this run into the Keil Ditch and Louie Stevens said yes it runs with the railroad tracks to Whirlpool and then south along the tracks to Keil Ditch. So until this is clean the area is going to be hard to drain. Louie Stevens said that everything was signed back in 1976.

Commissioner Willner ask if Louie thought that the developer would be willing to dredge this. Louie Stevens said he wasn't for sure but this would be nice but they would have to go on somebody's land.

President Schaad asked if this wasn't a preliminary and Louie said yes.

Commissioner Ossenberg disapproved this because of the drainage. Commissioner Willner seconded this disapproval. So ordered.

Shady Hills #5 located east of Old State Road.

Jesse Crooks said the land is low and we have problems on Old State already. Andy Easley asked if the bridge was adequate and Jesse Crooks said no. Then Andy said he thought that bridge was a new one but they said it was about 10 years old. Andy said the ditch is approximately equal to the bridge opening and Jesse said it still runs over the bridge.

Commissioner Willner made the motion to disapprove this. Commissioner Ossenberg seconded the disapproval. So ordered.

Andy Easley said the developer has to go the the Natural Resources to get what? Louie Stevens said to get his alliviation and release to fill in.

Brown Wood Estates located south of Schlesker Road between Browning Road and McCutchan Road. President Schaad said on this one last week we decided that something needs to be put in writting on what they will be allowed to build. Louie Stevens said nothing has been done yet.

Commissioner Willner made the motion to deny this one. Commissioner Ossenberg seconded the denial. So ordered.

Meeting adjourned at 11:55 a.m.

PRESENT

DRAINAGE BOARD

Bob Schaad
Thomas Ossenberg
Robert Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Bob Brenner

COUNTY ATTORNEY

Ed Smith, Jr.
Paul Wendel

Secretary: Brenda Hempfling

Bob Schaad
Robert Willner
Thomas Ossenberg
VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
JUNE 19, 1978

A meeting of the Vanderburgh County Drainage Board was held on the 19th day of June 1978, at 11:46 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the June 5th meeting was approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: WARRICK COUNTY:

President Schaad asked if anything has been done with the letter from Warrick County Drainage Board dealing with the legal steps in billing. Bob Brenner said nothing has been done yet.

RE: LETTER IN PROTEST:

President Schaad asked if anything has been done with the letter that we received from Larry Hunter. Bob Brenner talked with Larry Hunter and explained to him about his bills.

RE: BLUE CLAIM:

Dave Guillaum said he had a blue claim for the Green Grasshopper for spraying Eagle Slough. This claim is for 30040 ft. at 4¢ per ft. a total of \$1,201.60.

Commissioner Ossenberg made the motion that this be approved. Commissioner Willner seconded the motion. So ordered.

Dave Guillaum also said that he would like to get the Green Grasshopper to spray once more before the summer is over.

RE: DRAINAGE AROUND WHIRLPOOL AREA:

Dave Guillaum said he didn't know if he has said anything about the drainage around Whirlpool and the warehouses. We have gotten a number of letters on this and right now I see that it is not our problem. They do have a drainage problem but the only solution will be to declare a number of the ditches that drain into the Keil Ditch also a legal drain, so for now I will leave this up to you in what to do. President Schaad said it will be whether the people want to petition this or we can petition it and send out notices and have a hearing. This is a problem and it needs to be solved, plus the people that are being affected by this should be advised to get a petition up.

Dave Guillaum said I believe that these people have been informed of this and nothing has been done yet, and right now we are just getting letters on who is to clean these ditches. President Schaad said they are not a legal drain so it is not our responsibility to clean these.

RE: SUB DIVISIONS:

Benjamin Buente located at Mount Pleasant Road and 41, south west corner.

Louie Stephens said that Sam Biggerstaff has some information that shows 390 as a floor elevation and the Building Commissioners says that the floor elevation should be 393 at the present time. Right now with the elevation the road will tend to go under water. Sam Biggerstaff said it is a 100 year flood elevation. The drainage to the ditch now has a little problem. Commissioner Willner asked if they intend to bring dirt in to the building sites. Sam Biggerstaff said they will bring the dirt from the back of the lots. Commissioner Willner said it would be nice if you got the dirt from the ditch and cleaned that out also. Sam Biggerstaff said there is a nice tree line along the ditch now so maybe we would just dredge the ditch.

President Schaad said these were at Area Plan but brought back to us because the drainage plans were not shown to us, so we will do that now and then it can go back to Area Plan for the next meeting.

President Schaad asked Louie Stephens if he knew enough about this to approve the drainage for this and Louie said as far as the excessing ground goes yes, but the effect downstream will be another problem. Sam Biggerstaff said they can fix the water that comes off now because we will need the fill in dirt.

Commissioner Willner made the motion that this be approved subject to the detention bases. Commissioner Ossenberg seconded the motion. So ordered.

Commissioner Ossenberg told Louie Stephens that he wanted to go out there when he does.

Forrest E. Raily located at Kimber Lane, north of Division Street.

President Schaad said this should go back to Area Plan since they have changed the plans and then come back to us.

Commissioner Ossenberg made the motion that this be deferred till Louie and Sam can get together. Commissioner Willner seconded the motion to defer this. So ordered.

Inwood Place located at the intersection of Weaver and Christ Road northwest corner.

They all said that this was in the city, so this was scratched.

Charmer Estate located east of State Road 65 between Mill Road.

President Schaad asked for a motion that this be referred back to the engineers because they really didn't show us any plans

Commissioner Ossenberg made the motion that this be taken back to the engineers. Commissioner Willner seconded the motion that this be taken back. So ordered.

Stucki Investments located north of Wimberg ave between the railroad tracks and Happe Road.

Louie Stephens said that from what he can see the drainage plans they show will be okay.

Commissioner Willner made the motion that this be approved. Commissioner Ossenberg seconded the approval. So ordered.

Malibu Park Sub No. 2 located on Old State north of Oakhill and east of State Road 57.

Louie Stephens said that on here they show that the drainage will come down the streets and sees that this is okay.

Commissioner Ossenberg made the motion that this be approved. Commissioner Willner seconded the approval. So ordered

Meeting adjourned at 12:37 p.m.

PRESENT

<u>DRAINAGE BOARD</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY SURVEYOR</u>	<u>COUNTY ATTORNEY</u>
Bob Schaad	Curt John	Bob Brenner	Ed Smith, Jr.
Thomas Ossenberg			Paul Wendel
Robert Willner			

Secretary: Brenda Hempfling

Bob Schaad
Robert Willner
Thomas Ossenberg
VANDERBURGH COUNTY DRAINAGE BOARD

366.
- VANDERBURGH COUNTY DRAINAGE BOARD
JUNE 26, 1978

A meeting of the Vanderburgh County Drainage Board was held on the 26th day of June 1978, at 11:30 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: PETITION: EVERGREEN AND LATERAL "1" & "2":

Bob Brenner said he got a petition from some people but it didn't meet the requirements that we need. So I wrote a letter to show them what they needed to have for a petition.

TO WHOM IT MAY CONCERN:

The Petition to classify Evergreen and Lateral "1" and "2" as legal drains did not meet the needed requirements of the Indiana State laws pertaining to drainage in sections 19-4-2-2.

I have also attached a copy of what should be on the petition, I will return this letter to the top name on the list of petitioners. President Schaad said maybe you should send a copy of this to all of the people that signed.

Commissioner Willner made the motion that this be approved. Commissioner Ossenberrg seconded the approval. So ordered.

RE: TO TAKE OVER A PRIVATE DRAIN:

Bob Brenner said that he found in the Drainage Law Book where a private drain between property owners can be taken over by the county. We have had this one on Mr. Buente since 1969. I called him and typed a letter for him to sign that will meet the requirements to request that the drainage board take over the drain. All of the people on the drain where it crosses should sign the request and then the land is assessed into a legal drain and then we can take it over.

Commissioner Willner said the ditch is landscaped and planted and this would be natural for us to take it over. Bob Brenner said if you all agree with this, then I will go out and see if it meets our requirements for draining and if it does then next week we will except it for a legal drain.

Commissioner Willner made the motion that this be approved. Commissioner Ossenberrg seconded the approval. So ordered.

RE: SUB DIVISIONS:

Brown Wood Estates located east of Browning Road on Schlesker Road. Charles Osterholt said he has contacted the people and they have agreed to put the size of the pipe to handle the water and this will also be written on the final plat in case the property is sold. Louie Stephens said that this will be a 60 inch pipe.

Commissioner Willner made the motion that this be approved plus showing what size pipe there should be. Commissioner Ossenberrg seconded the approval. So ordered.

RE: CLAIMS:

President Schaad read the following claims for Paul Wendel and Ed Smith, Jr. for attorney fees for representation of Drainage Board for April, May, and June 1978 in the amount of \$500.00 each.

Commissioner Ossenberrg made the motion that this be approved. Commissioner Willner seconded the motion. So ordered.

Meeting adjourned at 11:41 a.m.

PRESENT

DRAINAGE BOARD

Bob Schaad
Thomas Ossenberg
Robert Willner

COUNTY SURVEYOR

Bob Brenner

COUNTY ATTORNEY

Ed Smith, Jr.
Paul Wendel

Secretary: Brenda Hempfling

Bob Schaad

Robert Willner

Thomas Ossenberg

VALDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD

JULY 3, 1978

A meeting of the Vanderburgh County Drainage Board was held on the 3rd day of July 1978, at 11:21 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the June 26th meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: WARRICK COUNTY:

Dave Guillaum said that he sent a letter about a week ago with regard to the letter from Warrick County that we received saying that we were out of order in procedure. I got with them on the phone and the only thing that we needed to do was that the individuals in Warrick Drainage system be delated from theirs and included in our billing.

WARRICK COUNTY DRAINAGE BOARD
COURT HOUSE
BOONVILLE, INDIANA 47601

Gentlemen:

Per my discussion with Mike Feldbush of June 20, 1978. This letter is a request to waive the assessment rights of the following Warrick residents to Vanderburgh County Ditch assessment.

- 1) Scotty C. Calvert
- 2) Marilyn Dismore
- 3) Lloyd Guillaume
- 4) John Kissel
- 5) Meadow Lark Farms Inc.
- 6) George Schnur
- 7) Alan L. Stahl
- 8) Manford K. Stahl
- 9) Bernard Wagner

Sincerely,

Dave Guillaum
(Deputy Surveyor)
Vanderburgh County

RE: TAKE OVER A PRIVATE DRAIN:

Bob Brenner said that he contacted Mr. Chandler for the extension of the Crawford-Brandis and I believe that we will be able to incorporate Mr. Chandler into our system like we are doing for Mr. Buente.

President Schaad asked if we needed a petition of all the people that will be assessed. Bob Brenner said that there would only be three people that would need to sign the petition. We only need the people that would be damaged. Bob also said that this ditch will have to be in before we can except it. Mr. Chandler said he will call me back on this.

President Schaad asked if this will be run at the same time that Mr. Buente's will? Bob Brenner said no, that Mr. Buente's will be ready next Monday and this one wouldn't.

RE: SUB DIVISIONS:

Char-Mar Estates- located at State Road 65 east, just south of Mill Road. Louie Stephens said that they have changed the sizes of the pipe but I don't know the size of the pipe yet.

Commissioner Ossenbergh made the motion subject to the pipe size of Louie Stephens approval and then approved. Commissioner Willner seconded the motion to approve this. So ordered.

Old State Section 324:

Louie Stephens said that his drains fairly well into the new ditch. President Schaad asked if this meets his approval and Louie said yes.

Commissioner Willner made the motion that this be approved. Commissioner Ossenberg seconded the approval. So ordered.

Charles Osterholt then said that where the ditch runs through the sub division and goes into the Little Pigeon Creek, and we already have problems here. The point I'm trying to make is Guthrie May has reconstructed this ditch and there is still work to be done. This has been up before for Industrial Park and Commercial type property, and I just think that this will be a problem. Louie Stephens said that this needs to become a legal drain so we can maintain it.

Commissioner Ossenberg said that he was going to withdraw his second, until something is done. Charles Osterholt said that this will be platted but they won't have any permits to build because of the drainage. Commissioner Willner also withdrew his motion.

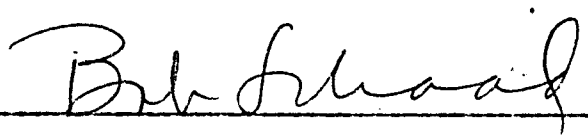
Commissioner Ossenberg made the motion that this be denied. Commissioner Willner seconded the motion for the denial. So ordered.


Meeting adjourned at 11:43 a.m.


Members present

<u>DRAINAGE BOARD</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY SURVEYOR</u>	<u>COUNTY ATTORNEY</u>
Bob Schaad	Curt John	Bob Brenner	Ed Smith, Jr.
Robert Willner			Paul Wendel
Thomas Ossenberg			

Secretary: Brenda Hempfling







VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
JULY 10, 1978

A meeting of the Vanderburgh County Drainage Board was held on the 10th day of July 1978, at 11:35 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: SUB DIVISIONS:

Louie Stephens said that Sam Biggerstaff wanted to have an audience with the Commissioners on Old State 3 and 4.

Sam Biggerstaff said that the sub division was approved but it was agricultural. This means only 20 percent of the lots could be used for buildings and a R-1 zoning means you can build on 30 percent of the land. So we would like to go with an R-1 zoning now.

These plans were brought up here in July of 1976 and on the plans there is a ditch with a big easement, we have cleaned them out and we think we have done everything for good drainage. Now we think the Guthrie and Citizen's Realty could do something in cleaning of the ditch. In going through this I found that there have been some farm crossing that has cause a few problems and Mr. Hamilton has built a concrete block by the ditch to make a pond area on the golf course. This is on Vanderburgh County property and I beleive you should do something about this and Bob Brenner said that we lease this out to them and yes we can make them do something about it.

President Schaad said how could we do anything unless we made this into a legal drain. If it was cleaned out by anyone then it would be who would maintain the ditch then. And with this concrete block, yes, this should be checked into so the water can flow throughly.

President Schaad then said that this comes up next week and we did reject this last week and I told Area Plan the reason why and I thought in the future if it was declared a legal drain maybe that would solve the problem. So this was turned down last week by the drainage board but the Area Plan did approved the plat, then do you want to go ahead and give them their R-1 zoning next week?

Commissioners Ossenbergh moved that this be approved, but I am going to stay on this untill something is done.. Commissioner Willner seconded the approval. So ordered.

County Manor Sub Division located east of New Harmony Way, just south of Wimberg Ave. between Harmony Way and Mesker Park Drive. Louie Stephens said that this is in the city and I took it back to them but they thought that you should go ahead and look at them. There is no drainage plans on these.

President Schaad said that Area Plan will have to get with the City and get some kind of plans before we can look at these.

Meeting adjourned at 11:59 a.m.

MEMBERS PRESENT

DRAINAGE BOARD

Bob Schaad
Thomas Ossenbergh
Robert Willner

COUNTY AUDITOR

Curt John

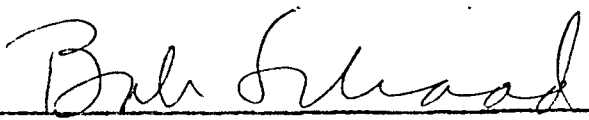
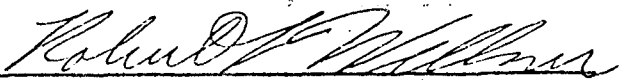

COUNTY SURVEYOR

Bob Brenner

COUNTY ATTORNEY

Ed Smith, Jr.
Paul Wendel

Secretary: Brenda Hempfling




VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
JULY 17, 1978

A meeting of the Vanderburgh County Drainage Board was held on the 17th day of July 1978, at 1:49 p.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting were amended as following; Commissioner Willner seconded the approval for the R-1 zoning of Old State 3 and 4 but going back through the tape he did not.

RE: KIMBER LANE:

Sam Biggerstaff said we were asked to provide a tension bases and we have now done that, so I would like to leave these plans with Louie Stephens and let him go over them for the drainage. President Schaad said they had received a letter on the rezoning on Kimber Lane blocks 500, 600 and 700 and also a letter asking us to withhold this till August 7, 1978. President Schaad asked Louie Stephens if he would look at the plans and then come back to us next week with the drainage and he said yes.

Mr. Thomas Hirsch said he came here on behalf of the Kimber Lane project which joins east of his property and was wondering where they plan on for the drainage? President Schaad said that he referred him to Louie Stephens and to look over the plans with him and if then you don't agree with the drainage then you would have to come back next week to reject.

RE: CLAIM:

Dave Guillaum read the following claim for Floyd Staub in the amount of \$2,862.83 for the work which began in 1977. We have gone out and inspected each of the ditches.

Commissioner Ossenber moved that this be approved. Commissioner Willner seconded the approval. So ordered.

RE: CRAWFORD-BRANDIS:

Dave Guillaum said he has received some letters complaining on some of the spoils that were left out on Crawford-Brandis and I have contacted Quentin Stahl and he said he would go out there and level them off.

RE: CHAL CORPORATION - INDIAN WOODS:

Louie Stephens said that he beleives that the drainage is alright on the plans and they also want to change from an R-1 to a PUD.

Commissioner Ossenber moved that this be approved. President Schaad seconded the motion. So ordered.

RE: TAKING OVER A PRIVATE DRAIN:

Bob Brenner said that the Surveyor's Office has recommended that we accept the Buente's extension to the Maidlow Ditch and it is 1330 feet. The only thing with this is that Mr. Buente would have to maintain this ditch the rest of the year and then we could take it over next year.

Commissioner Ossenber moved that this be approved. Commissioner Willner seconded the motion. So ordered.

Meeting adjourned at 2:00 p.m.

MEMBERS PRESENT

<u>DRAINAGE BOARD</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY SURVEYOR</u>	<u>COUNTY ATTORNEY</u>
Bob Schaad	Curt John	Bob Brenner	Ed Smith, Jr.
Thomas Ossenberg			Paul Wendel
Robert Willner			

Secretary: Brenda Hempfling

Bob Schaad

Robert Willner

Tom Ossenberg

VANDERBURGH COUNTY DRAINAGE BOARD

JULY 24, 1978

A meeting of the Vanderburgh County Drainage Board was held on the 24th day of July 1978, at 12:33 p.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: KIMBER LANE:

Louie Stephen said that on this someone has made a mistake and no plot or location plans were given so I plotted them. After now talking with Sam Biggerstaff I wish I would have told him to come today and explain to us how the drainage would flow. On this the elevations didn't match to ours but he said he did go out in the field to take them.

Louie Stephen said that he was going to send it back to Sam Biggerstaff to re-analyze their elevation because what they are showing on the plans are wrong. Charles Osterholt said there are even questions on the pipe sizes.

Commissioner Ossenberg moved that the drainage plans as submitted be denied. Commissioner Willner seconded the denial. So ordered.

People present to object the drainage plans were:

Tom Hirsch-220 N. Burkhardt Road - his property is to the east of the project.

Gayle Taylor-508 Kimber Lane - his property is to the west of the project.

Margaret Biscuit-4322 Mellow Brook Lane in Newburgh but owns property at 4000 N. Burkhardt Road and if they have this her back lot will flood.

Larry Hirsch-724 N. Burkhardt Road - his property is to the east of the project.

RE: LOW ON FUNDS:

President Schaad asked Bob Brenner if he could put an increase in next year Drainage Board salary account from \$3,000 to \$5,000 and Bob Brenner said he would write a letter to the Auditor's office to transfer some fund to take care of these salary accounts for the balance of the year since they are running short.

Meeting adjourned at 12:45 p.m.

MEMBERS PRESENTDRAINAGE BOARD

Bob Schaad
Thomas Ossenberg
Robert Willner

COUNTY AUDITOR

Curt John



COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEY

Ed Smith, Jr.
Paul Wendel

Secretary: Brenda Hempfling

VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
JULY 31, 1978

A meeting of the Vanderburgh County Drainage Board was held on the 31st. day of July, 1978, at 11:04 a.m., in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the meeting of July 24th. were not approved due to some corrections that have to be made. These minutes will be presented for approval at the August 7, 1978 meeting.

RE: COMPLAINT FROM MR. DON FOLZ:

Mr. Don Folz, who lives out on Green River Road, was present and ask to be heard by the Vanderburgh County Drainage Board. He said he has some complaints about the East-side Drainage and also he would like to see the Committee they once had, to be re-inactivated. This Committee once helped the Drainage Board to make some plans of certain things that had to be done, and this committee needs to be re-inactivated. First we need to start from Pigeon Creek and go up the Crawford Brandis Extension. This ditch has been just recently dredged and the person that did the dredging did a pretty good job, with the exception of the spoils. When you dig a ditch, you put the spoil on the low side of the ditch, and evedently, this person did not know this, because he put the spoil on the low and the high side, so now we have a problem with wash-outs. There is a bridge in the middle of this, which is adequate. The person that dug the ditch, dug it too wide and he does want that fixed. He said he is not prepared for any type of law suit, at this time, but he does want it fixed. He does not know if this is the responsibility of the Drainage Board or not, but if it isn't, then perhaps they can put the spark where it belongs. Mr. Klauss, who is present today, has a law suit, and if all of the Commissioners could see the problem he has out there, they would understand why he does have one. Mr. Folz, said on up to Boonville Highway and to the Old Canal we also have a problem. The Canal right now has two to three feet of water in it and also slime, mosquitos, rats (musk rats) and it is still blocked at the entrance of Stockwell Woods. He realizes this is the city's problem, but then it is our problem also. He is going to wait a month from now and by that time he will have enough people backing us, to see about getting the old Canal opened up. On our old drainage committee, we presented a proposal #3, which the Drainage Board adopted and that did include opening up the old Canal, from Hirsch Ditch and across Big G Lumber, Complete Lumber and Kight Lumber Company's, to the now existing Crawford Brandis Extension. To his knowlege, this has not had any bids let on it, and he is wondering when it is going to be done, He said there is also a big mess up along Burkhardt Road, where there is a project going on that he knows all about. He said he has no gripes on the ditches that Mr. Staub dug but he is wondering when they are going to re-seed this Crawford-Brandis Extension. They want the weeds to be cut. He said he realizes the people out there are going to have to pay for this, but they want it done. If it has already been done, then it has all washed away. He said the new land-fill is between Ruston Lane and on the left, it borders the railroad track and there is an L Section tract, which is proposed for this land-fill. If this land-fill goes through it is built right on the mouth of the Blue Grass Creek, which is in a flood plain and it will go right down to Pigeon Creek.

Commissioner Ossenbergsaid it will never be approved, because the Department of Natural Resources will put a stop to it.

He said he would certainly be for the re-inactivating of the Committee they once had. He said on the Canal.....we are ready to go. The thing about it is to try to get the City to do their part, because if we open that Canal now, we will have problems. He said that Mr. Brenner, the County Surveyor, has agreed that we will probably have to put in new pipe, because there is an undersized pipe at Green River Road and Morgan Avenue.

Commissioner Schaad said he certainly appreciates averything that the committee did to help out but there is no point in us doing anything more until the City does their part. He said we have met with the City and they have been in our meetings and yet nothing has happened. He has talked with the Board of Works president and he can get no response.

Mr. Folz said that over a year ago, Mr. Morley from Engineer's Associates came up with a plan that seemed very feasible and it was not expensive. He wants to see the east side grow, but lets get the right kind of drainage in there, that it may be done properly.

Commissioner Ossenberg said that is another reason that he is for re-inactivating the Committee, because he feels that citizen participation can have more power than government working with government, therefore he would move that the Commissioners re-activate the committee and ask that all that served on it before, serve on it again.

Commissioner Willner said to his knowledge, it was never de-activated.

Mr. Folz said no, we are still in force.

He said he would like to mention another problem with the flashing light at Burkhardt Road and Boonville Highway. This light flashes caution on Boonville Highway and red on Burkhardt Road. A State Trooper called the State and tried to get this light fixed, but nothing has ever been done about it. There is also a new industrial tract right in the corner, going up, and he would like to see something halted on this until we can get the drainage cleared up, because we need to get this drainage opened up.

Commissioner Schaad said as far as the light is concerned, we have no authority on that. He did however, ask Mr. Dave Guillaum what has been done with the State to get that culvert put in and to increase the size of it.

Mr. Guillaum was present and stated they have written letters on it, sent photographs of the problem, described the problem, and as of today we have heard nothing on it.

Commissioner Ossenberg said that eventhough we have not heard from them on this, he believes that Mr. Brenner said we could go ahead and build and bill them for it.

Mr. Guillaum said on the spoils, in areas we do have some spoils left. Mr. Quentin Stahl has been trying to get back in there and level them out, but the ground has been wet, and as soon as the ground and weather permits, he will get this done. Further up the road, we come into the Hirsch property and he is aware there are areas we do have wash-outs, but it is his understanding, that due to the fact we are in a law suit, we are holding up on this.

Mr. Folz said there is a bridge that comes beside his Aunt's home and it crosses the ditch, which is washing out on both sides and he wants that fixed, as it needs to be rip-rapped.

Commissioner Willner asked if this bridge belongs to the county?

Mr. Guillaum said no, it is a private bridge and he feels that perhaps this is part of the problem. He is wondering that if when these bridges were put in were there any kind of permits issued to do it, because you must have the County Commissioner's permission to build a bridge over a legal drain.

Mr. Folz said he does not know if such a permit was received, but that he would check into it and see what he could find.

Mr. Guillaum said on the seeding, we have done 40% of the seeding out there and the other 60% has not been done because of the pending law suit.

Mr. Folz said he attended a big rally on annexation and it was brought up that time about opening the old Crawford-Brandis Extension and the City Engineer told them that is was not the City's responsibility, but rather the responsibility of the County.

Commissioner Schaad said perhaps the Committee should meet with the Board of Works.

Mr. Klauss said on the industrial tract that is going up on Morgan Avenue and Burkhardt, does the Drainage Board have to issue a permit before they can build on it.

Commissioner Ossenberg said the Area Plan Commission can hold the building up until the drainage problems are solved by the Drainage Board.

Commissioner Willner said all of the property owners out there will have to help us solve these problems and Mr. Folz said he understands this and he is sure they will do all they can to help.

Commissioner Schaad asked Mr. Guillaum to go out and check out what Mr. Folz has discussed with us and see about the seeding.

We also will request that the Board of Works be at our next Drainage Board meeting and he would also like to see the Committee present to discuss the problems.

RE: KIMBER LANE:

Mr. Louis Stephen was present and presented a map of Kimber Lane to the Drainage Board. He explained and pointed out to the Board how the land is tilted, how it should be, and how the water is flowing. He said they must bring the flow of water to a certain point because that is the only place we have an easement to get to the ditch. He said there are three cross sections, and he pointed these three out to the Board, explaining where they are at. He also pointed out the location and elevation of the sewer.

Mr. Sam Biggerstaff was present and stated that this will very easily take care of a fifty year storm.

Commissioner Schaad said these plans were presented to the Drainage Board last week but were denied because there were certain questions that could not be answered and Mr. Biggerstaff could not be present last week. He asked Mr. Jesse Crook, Building Commissioner, if these plans meet with his specifications and Mr. Crook replied it will work.

Commissioner Willner moved that the drainage plans for Kimber Lane be approved. Commissioner Ossenbergh seconded the motion. So ordered.

There being no further business the meeting adjourned at 11:45 a.m.

MEMBERS PRESENT:

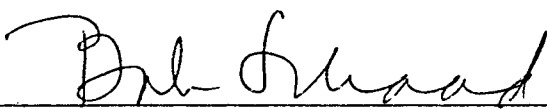
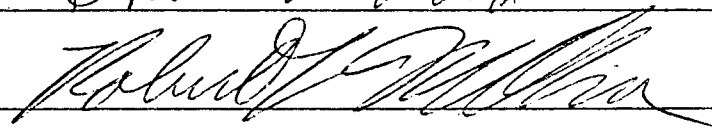
Bob Schaad
Thomas Ossenbergh
Robert Willner

COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEYS

Edwin Smith, Jr.
Paul Wendel

VANDEBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
AUGUST 14, 1978

A meeting of the Vanderburgh County Drainage Board was held on the 14th. day of August, 1978, at 10:57 a.m., in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the meeting of August 7, 1978, were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: SUBDIVISIONS:

Mr. Louis Stephen, County Highway Engineer was present and presented the following sub-divisions to the Drainage Board for their approval on the drainage.

Helmuth Court Sub-Division: Located on the southeast side of town and in the City..

Mr. Stephen said on this sub-division he finds nothing on it and also, it is located entirely in the city. He said he does not know if the board wants to review it because there is nothing on it for drainage.

President Schaad asked if anyone knows whether or not there is a storm sewer out there.

Mr. Sam Biggerstaff was present and stated this is located east of Green River Road and the water flows across Pollack Avenue and into the Aiken Ditch.

President Schaad said this would have to go back to the engineers and Mr. Charles Osterholt, from the Area Plan Commission said that he would let us know that happens on this and that he would bring it back before the board next week.

West Haven Hills #2: Located west of Red Bank Road, going west on West Haven Drive, to the end.

Mr. Stephen explained to the board where this is located and showed how the drainage would flow. He said he thinks they are figuring on relocating the 45' right-of-way to the back of the lots. The roads are already in and were probably put in before the ordinance was approved and at a steeper grade than we would permit now. He would think they will have to relocate the sewer and move it further down the road, because everything is draining down to this certain point.

Mr. Jack Siebeking was present and stated that out in that area they have their own sewage treatment plant and the people living out there pay for that service.

President Schaad said he is wondering if we have enough information on this to make a decision today. He said the engineers really don't show what they are going to do and if we approve this now, then later we could run into more problems, like we did out at University Heights.

He doesn't see how they can approve this until they come up with the drainage plans.

RE: SOUTHERN RAILROAD.....EASTSIDE DRAINAGE PROJECT:

President Schaad said he is wondering if anything has been heard from the Southern Railroad. He understands that the City Council did approve the City's portion of the money for the Eastside drainage solution.

County Attorney, Paul Wendel said he will need to get with Mr. Bob Brenner, the County Surveyor and get the time table of when the work will be done.

Commissioner Willner said he recalls that some time ago the railroad agreed, that when the ditch was cleaned, that they (the railroad) would take care of the culverts.

Mr. Brenner said, no, that was the Highway that said they would take care of them.

President Schaad said that Paul Wendel and Bob Brenner should get together and let's get this thing moving as it looks like all signals are go. He asked if the plans were all complete.

Bob Brenner said they are ready with the exception they will have to revise under the tracks.

RE: LAW SUIT WITH MR. RICK CLOUSE:

Mr. Edwin Smith, the County Attorney, said that Mr. Rick Clouse was present today to discuss what should be done about the law suit on the bridges on his property. Mr. Clouse contends that the ditch was dug wider then it should have been when it was cleaned.

He said that he went out and looked at it and he understands that the bridge is on a private lane, so therefore he personally feels we could do nothing legally about it. This is a private bridge on a private lane, over a legal drain and he cannot see where we would be liable for this. Perhaps we should bring in Mr. Quentin Stahl on this matter, since he is the one that dug the ditch.

President Schaad said there was another matter brought up on this and that was, did they actually have permission to build this bridge over the legal drain, or not.

Mr. Smith said he didn't think there was any record of any such permit being issued. He did, however, believe that Mr. Biggerstaff advised Mr. Clouse on how to build this bridge.

Commissioner Willner said he would not mind spending a little money on this thing to keep it from going to trial, but he wouldn't know where we could take the money from. If we took it out of the ditch fund, then the property owners themselves would be paying for it, and he wouldn't know if that would be legal.

Mr. Smith asked if we have a Judgement Fund that this could be taken from.

Mr. Brenner said we don't have that type of fund for the drainage.

Mr. Stephen said the damage that was done could be included in the cost of construction.

Mr. Brenner said that is the only possible place to get it from.

Commissioner Willner said if we did it that way then Mr. Clouse's neighbors could sue us too, for spending their money on private bridges. We are going to have to settle this once and for all and know what we are doing.

Mr. Smith said we need to know if Mr. Stahl performed the contract incorrectly.

Mr. Dave Guillaum said as far as that particular area with the ditch we could check what we wanted, as for the bottom of the ditch, the side slopes and the banks and we did conform with the specifications.

Mr. Brenner said that Mr. Clouse's bridge was built in 1965 and Mr. Folz's bridge was built long before the legal drain was there. When you accepted the legal drains in 1965, you accepted Mr. Folz's bridge.

President Schaad said there is no need to argue about this because we do want to help in good faith, but it seems we are getting into more problems, so maybe the best thing to do would be to let it go to trial and see what happens, because he doesn't know what else to do to solve the problem.

Commissioner Willner said he would agree with this, but first he would like to know if there is a possible way to get a declaratory judgement instead of going to court.

Mr. Smith said we could get together with Mr. Clouse's attorneys and agree upon an agreed statement of facts and submit that to the court.

County Attorney Paul Wendel said we could each file the motion for a summary judgement and not go to trial on it.

Commissioner Willner moved this matter be referred to the County Attorney's and that they get with Mr. Clouse's attorneys and come up with some sort of a decision. Commissioner Schaad seconded the motion. So ordered.

RE: LAW SUIT WITH HIRSCH PROPERTY

Mr. Smith said that Mr. Don Folz drove him out to look the situation over on the Hirsch property.

He said we need to determine whether Quentin Stahl did or did not do the job according to the contract and whether or not he was within or without the right-of-way. He would think that the Surveyor's office should go out and make the determination whether or not this is inside of the right-of-way.

Mr. Dave Guillaum said they pretty well know what Mr. Stahl did out there. He explained previously that they had a specified shoulder area, a specified front slope, bottom and back slope. Originally they thought in the neighborhood of 30 feet is what they would need, from the center of the road.

Commissioner Willner asked if we have 75' on either side of the legal drain.

Mr. Guillaum said taking all of these factors into account, in areas, we were at the very most, eight feet beyond where we said the back of that slope was going to be.

Mr. Rick Clouse was present and stated that he would like to know when the tree limbs out on Burkhardt Road were going to be cut.

President Schaad said he has instructed Mr. Siebeking to do this.

Mr. Siebeking said he cannot do this, but Hollerbach is going out there and cut the whole tree down because it is dead.

Mr. Guillaum said before we make a general statement on whether we are within or without the right-of-way, it would be best if we would double check.

President Schaad said the Surveyor's office would be instructed to go out and survey this land again.

Mr. Smith said this would be the best thing to do, because we must know what we are defending.

There being no further business the meeting adjourned at 11:16 a.m.

MEMBERS PRESENT:

DRAINAGE BOARD

Bob Schaad
Robert Willner

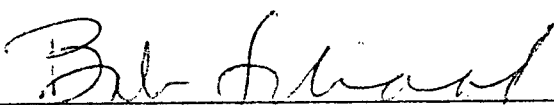
COUNTY SURVEYOR

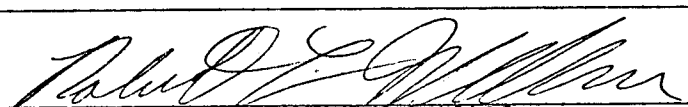
Robert Brenner

COUNTY ATTORNEY'S

Edwin Smith Jr.
Paul Wendel

Secretary: Brenda Hempfling




VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
AUGUST 21, 1978

A meeting of the Vanderburgh County Drainage Board was held on the 21st day of August, 1978, at 11:47 a.m., in the Commissioners Hearing Room with Commissioner Willner presiding, since President Schaad is on vacation.

The minutes of August 14, 1978 was to be held until next week's meeting because President Schaad was not present.

RE: SUBDIVISIONS:

Mr. Louis Stephen, County Highway Engineer was present and presented the following sub-divisions to the Drainage Board for their approval on the drainage.

West Haven Hill # 2: Located Upper Mt. Vernon Road and Red Bank Road.

Mr. Stephen said that this one was brought before the board last week and was to be brought back this week because it needed more information. On this they show the place where the water will flow and they are going to put a pipe on back to the creek, which is fine. They are going to open a swale between the two lots. The water will come down the hill, then they will turn it and bring it in a swale down to another point. This was the only new point.

Commissioner Willner asked if there were some questions on the degree of the slope by the streets.

Mr. Stephen said that certain streets are already in and are paved, concreted, and they are steep.

Commissioner Willner said that we have not accepted those for maintenance yet.

Mr. Stephen said yes, along with Magnolia. These streets have been in for 2 or 3 years. So what they are doing is going to the down hill side of the street right before the break and will make another break on the other side. So there will only be one new street to be put in.

Commissioner Willner said that this would only be a 5 foot drop. Then he asked if Mr. Stephen recommends this to be passed and Mr. Stephen said yes.

Commissioner Ossenberrg made the motion that this be approved. Commissioner Willner seconded the motion. So ordered.

Brookshire Estates # 2:

Mr. Stephen said this morning Sam Biggerstaff brought the calculations of the size of the lake to me. If they have a storm this will fill up and when there is a big storm it will over flow into the streets and go down to the ditch. Then Jesse Crooks asked if Gum Street was to be brought through there, there would have to be a structure put in across this ditch, then this may be increased and taken on up this way.

Commissioner Willner asked if there would be an easement on either side of Lot 20?

Mr. Stephen said yes it will discharge here and will pick up the streets in a right flow.

Mr. Brenner asked if he was going to bring the water in.

Mr. Stephen said yes, it will all be coming down here and then it picks up and after it passes the amount of retention it will flow down stream.

Commissioner Willner said it will have to be a double one.

Mr. Stephen said it will be over the top, also the spill way will not be piped but will have to be open plus it will be paved so it will hold the water.

Mr. Stephen said if the requirement will have to retain the increase of runoff, which is what they say it will pass.

Commissioner Willner said with the recommendations to pave from the lake to the streets.

Mr. Stephen said yes they would have to pave the spill way.

Mr. Brenner said then the run off would be the same as it was before it was built.

Commissioner Ossenbergh made the motion that this be approved with Mr. Stephen's suggestion incorporated. Commissioner Willner seconded the approval. So ordered.

RE: LITTLE PIGEON CREEK:

Mr. Stephen said he had a letter from the Corp of Engineers considering Little Pigeon Creek. First we will have to maintain it with them looking over our shoulder from now on if you go with the Corp. of Engineers. You will have to get money to do this and set the area up for the maintenance. Since Little Pigeon is a contributory off of Pigeon Creek, they will work on the tributary of Little Pigeon. So my question is "what about the tributaries to Little Pigeon", which you are very much interested in because of Hillsdale and Blue Jay Sunrise Sub-Divisions that runs pass Old State. Now by my interpretation you would not get any work on that because they would only go with the one tributary.

Commissioner Willner said then the people would be paying on two or more ditches.

Mr. Brenner said that the law says it is alright for them to pay on more than one.

Mr. Stephen said maybe if you don't want to get tied up with the Corp. of Engineers then maybe you would want to declare the whole area as a legal drain and build a reconstruction of it in which the people would be paying on this.

Commissioner Willner asked where does Pigeon Creek end and start with Little Pigeon?

Mr. Stephen said Pigeon Creek itself continues on.

Commissioner Willner asked how far would they be cleaning it, all the way through Vanderburgh County.

Mr. Stephen said that we wouldn't be doing anything to Pigeon Creek, just Little Pigeon which is a tributary to Pigeon Creek and they would go all the way up. It would be determined in the Engineering specifications where they would stop on Little Pigeon.

Commissioner Ossenbergh said some way and some how we will have to clean Little Pigeon. Either we will have to go with the Corp. Of Engineers or we will have to do it ourself.

Commissioner Willner said it is totally within the city and in their annexation program.

Mr. Stephen said all he wants to question you is that you will have to maintain Little Pigeon to the Corp. of Engineers standard from now on and they will inspect it and then write letters to tell you what they want to be done. I do not know if this is a good or bad way of going, it is just something for you to think about.

RE: MR. DON FOLZ:

Mr. Folz was present and came before the board with a few complaints after reading last weeks minutes. Ed Smith and I went out and looked at the bridges on my property and Rick Clouse's bridge and I believe that you have decided to do something for Rick Clouse. The biggest thing is a statement in the paper which said if the Mayor and the City of Evansville adopts Ruston Lane property for the lanfill they said that Blue Grass Creek would be dredged and cleaned. Blue Grass Creek either half or more than half lies in Warrick County and I was wordering if this will cause a problem to our green fields. No doubt in my mind that this needs to be cleaned out but if we open Blue Grass Creek up there then Pigeon Creek will catch heck.

Mr. Folz also wants to know if the City Council approved the money for the City.

Commissioner Willner said the money is available and I had heard that it could be used this year. I was at that meeting and someone asked if we had a water problem would they clean the creek and the Mayor said yes if they had a water problem. I do not know how he intends to do this, they were talking about diverting the water around the landfill site.

Mr. Folz said that their water comes along way down the Blue Grass Creek, which no one has given it a thought. Instead of walking Crawford-Brandis Ditch we should have went the other way to see where we get the water. Opening up the Old Canal is not an answer the eastside drainage problem as Pigeon Creek needs something done there too. Since the city has done their part and if we can get the Old Wabash Erie straightened out then that would be super. I also want to know how far does Little Pigeon go?

Commissioner Willner said he really doesn't know the definition of Little Pigeon, but it runs on the west side.

Commissioner Ossenbergh said it runs where North Kentucky Bridge on Highway 41 on the west side.

Commissioner Willner said no one seems to know how far north it runs.

With no further business the meeting adjourned at 12:07 p.m.

MEMBERS PRESENT

DRAINAGE BOARD

Thomas Ossenbergh
Robert Willner

COUNTY AUDITOR

Curt John



COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEYS

Edwin Smith, Jr.
Paul Wendel

Secretary: Brenda Hempfling



VANDERBURGH COUNTY DRAINAGE BOARD

VANDEBURGH COUNTY DRAINAGE BOARD
SEPTEMBER, 11, 1978

A meeting of the Vanderburgh County Drainage Board was held on the 11th day of September, 1978 at 12:00 p.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meetings of August 14 and 21st, 1978 were approved as written and engrossed by the County Auditor, with the reading of them dispensed with.

RE: KLAUSS.....LAW SUIT:

Dave Guillaum was present and brought up that he has spoken with Dick Nussmeyer about the Klauss structure over the Crawford Brandis and he said no way did he give permission or approval for a structure over that. Dick did say that maybe they approached him about information that they were going to put a structure over the Crawford-Brandis but no engineering specification or any information for approval for a bridge over Crawford-Brandis.

Commissioner Willner asked if Dick Nussmeyer was the County Surveyor at the time the bridge was built.

Bob Brenner said yes and it should have reflected in the minutes, I checked back and there was nothing.

Bob Brenner also said that they did complete the survey of the Crawford-Brandis along the Hirsch property and I gave the information to the County Attorney, Ed Smith, Jr.

Ed Smith said that he would check into it.

President Schaad asked whether Paul Wendel and Bob Brenner have gotten together with the eastside drainage problem of whether the city has notified us if the money is available yet.

Bob Brenner said that he has made some contact with the Southern Railroad. They sent a set of specifications for pipe lines instead of culverts, so we call them back and they are at least responding to us now. I have not heard anything from the city and we are pushing the Southern Railroad if that is possible.

Commissioner Ossenberrg asked who Bob Brenner was talking with at the Railroad.

Bob Brenner said that he has been talking with a guy named Marcus.

President Schaad said that they have read in the paper that the \$170,000 was approved but there has been no official notice from the city. Then President Schaad asked what the procedure would be.

Bob Brenner said if and when the city wants to do it, then they will tell us what they need from the bridge fund and then it would have to be approved by the Drainage Board and then it would have to go before council.

President Schaad said that we have heard that the council has approved the money so do we go on that bases or will we have to wait till someone tells us.

Bob Brenner said that the money has been approved, he said he checked it out himself. The city will need to tell us what they will need from us also.

President Schaad asked if we were going to do the project.

Bob Brenner said we will do the engineering work where it crosses under Stockwell Road. It needs to be co-ordinated together.

President Schaad said we need to get with Dick Eifler and lets get this going since the money has been approved.

Bob Brenner said I really haven't been pushing the city because I am not really wanting to go with the Railroad yet. The one thing is that the bridge fund can go under Stockwell Road but they want us to go under the railroad tracks and we have no prevision to take a water way under a track.

President Schaad said then I will get with Jim Morley and see if he can get this going for us.

RE: SUB DIVISIONS:

KEY CONSTRUCTION COMPANY: located on St. Joe Ave. just north of Lexington, north of Kauai Industrial Park and south of Plumbers and Steamers Fitters 136. Louie Stephen was present and said they show no type of drainage plans on this. It shows a large storm drain that goes over to the creek even though the land drains north of Locust Creek.

President Schaad said to just send this back to Sam Biggerstaff until he gets more drainage plans.

Louie Stephen said also he wanted to point out that it looks like Sam Biggerstaff is figuring on the way to drain the water down the street, but the new street will be 2ft higher.

Commissioner Ossenberg said he came in with the rezoning and at that time he said that he would match the streets up and have a median in the middle. Now either Sam has to bring the road one way or the other because this is not going to happen, he guaranteed that this would be this way in the rezoning.

President Schaad said to take this back to Sam Biggerstaff and tell him that we want a drainage plan and only a drainage plan.

KENYON PLACE: located on Newburgh Road east of Martin and west of Fuquay Road on the north side of the road. Louie Stephen said that on this one they show the slope and will bring the water down to the ditch where there is a culvert which the water will transfer across. He is holding the 40 ft. right-of-way.

Bob Brenner said that this is in the Eastside Urban Drainage even though this is a small one.

Louie Stephen said that it is a good possibility that the water will end up in Brookshire.

Commissioner Ossenberg made the motion that this be denied and that Louie Stephen goes out and look to see where the water will drain. Commissioner Willner seconded the denial. So ordered.

BUSSING AND CHATMAN: located north of Pollack between Fuquay Road and Greenriver and south of the extension of Covert. Louie Stephen said he talked with Dick Eifler on this and the water will be picked up by the storm sewer of the cities and will probably will not be put in until Covert Ave. is in. There is a ditch down there which they are going to run into a pond at Indian Woods. They do not show any restrictions on the plat.

Bob Brenner said they will need a 75 ft right-of-way from the top of the legal drain which will wipe alot of the lots out.

Louie Stephen said they are going to widen out Kolb Ditch for the retention.

President Schaad said they still need a 75 ft. right-of-way on either side of the ditch.

Charles Osterholt also brought up that they are talking about building apartments. Then he asked if they have to show the 75 ft. right- of-way on the plat.

President Schaad said yes on the plat it should show the 75 ft. right- of-way.

Commissioner Ossenberg made the motion that this be approved subject to the 75 ft easement on either side of Kolb Ditch as a legal drain. Commissioner Willner seconded the motion. So ordered.

Commissioner Willner asked what size pipe will they need.

Bob Brenner said the size of the pipe also needs to be approved by the drainage board.

President Schaad said Louie Stephen should check to see what size pipe they will need also.

384.

Bob Brenner said you also need to approve the retention pond, you just can not go in and cut into a legal drain.

President Schaad then asked if they thought they had enough information to approve this plat.

Commissioner Ossenberg made the motion to withdraw his approval. Commissioner Willner withdrew his seconded. So ordered.

Meeting adjourned at 12:22 p.m.

PRESENT:

DRAINAGE BOARD

Bob Schaad
Thomas Ossenberg
Robert Willner

COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEY

Ed Smith, Jr.

SECRETARY: BRENDA HEMPFLING

Bob Schaad

Robert Willner

Tom Ossenberg
VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
SEPTEMBER 18, 1978

A meeting of the Vanderburgh County Drainage Board was held on the 18th day of September, 1978 at 11:35 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of September 11, 1978 were approved as written and engrossed by the County Auditor, with the reading of them dispensed with.

RE: SUB DIVISIONS:

Louie Stephen said that he went and check out Kenyon Place the Sub Division on Newburgh Road and they are going to send a revised plan. The water will run down the north side of Newburgh Road then it will come to a private drive which does not have a culvert under it, so the water has to run back out into the road which will go into a big catch basin and this will go south. So the way they show it, it will not run into the pond at Brockshire, but will run more water down the edge. So he will have to re-pipe this into the culvert which he will have a change in the plot and this will come back to us.

RE: EASTSIDE DRAINAGE:

President Schaad said last week he brought up the problem on the eastside and we are just not getting anywhere fast. Bob Brenner said that he hasn't been pushing the city because he is not ready to go with the railroad yet. In the mean time I did call Jim Morley who is doing the engineering for the city and he said that he would see what he could do. President Schaad then asked if anyone has heard from Jim Morley.

Dave Guillaum said that he hasn't heard anything on this yet.

President Schaad said he thought that he would get in contact with the County and then with the City.

Louie Stephen said that Jim Morley did get with him and he recommended that whatever the railroad has approved of it by digging through by hand. He said Trailer Construction does this so Jim Morley has talked to them and they said that they will have to install the plates as they go. The first thing is to go this route to lower the elvation so you have some flow.

President Schaad said we will have to just wait and see what will hapoen but I wish something could come out of this.

RE: DRAINAGE.....WILSON SQUARE:

Commissioner Ossenberg said that he called this meeting because of calls he recieved from people because of this last rain that we had last week. I went out and looked at this on Wilson Square out in Carrollton Court area and I didn't stop because this guy who called me had water in his living room. We have a petition out on this area already. Bob Brenner was also getting calls on this but I told him that we couldn't send the highway people out there. Bob Brenner told me the way that Sam Eiggerstaff use to do it was to take it out of the bride fund but thats against the law, so I told him to talk with Jesse Crooks to see if the people could go back on their contractor and Jesse Crooks said no not at this time. This is E. R. Chandlers Sub Division which has a petition before us now to declare this a legal drain and Jesse Crooks said the only way we can get this moving is for the County Drainage Board take it upon themself to establish this a legal drain. I cannot blame the people because they are suppose to have natural flow ditches as they develop to Crawford Brandis and this rain was less than a foot. Something has to be done on this.

Louie Stephen said just the upper portion can then be declared in need of reconstruction and then bill the property owners effected for the full cost of reconstruction.

President Schaad said that this petition has been going on for a long time so what has been happening to it.

Dave Guillaum said last week we got this out again and the layout they sent us was not completely to the property owners, so we are trying to get the property owners who would be involved in it. One way to handle it would be to declare this a legal drain and at the same time decare it in need of construction.

President Schaad asked for a motion to declare it a legal drain and then advertise it.

Louie Stephen said you will have to advertise and hold a legal meeting, you can hold a meeting for reconstruction as well as establishing of a legal drain.

President Schaad asked how much time is needed for advertising in the paper? Also don't the people have to be notified by writting who will be in the watershed.

Louie Stephen said they have to notify 30 to 40 days and the people have to be notified 10 days before the meeting.

Dave Guillaum said first we have to figure out what people will be involved.

Commissioner Ossenbergr made the motion that this be approved.

President Schaad said how soon will you be ready for this.

Dave Guillaum said the notices will be out by this week.

Louie Stephen said they have to be notified by 30 days and not more than 40 days.

Dave Guillaum said they will do like they did before by using a form letter and putting their names on them.

President Schaad said the hearing will be on the 6th of November at 11:00 a.m. in the Commissioners Hearing Room 307, and the ad in the paper 10 days before the 6th of November which will be the 27th of October.

Commissioner Willner said that the contractor couldn't be liable, how old is the Sub Division?

Commissioner Ossenbergr said this is about 7 or 8 years old.

Commissioner Willner wanted to know why we can't put action before the builder.

Commissioner Ossenbergr said that we can't go back on them after 2 years. Also Commissioner Willner didn't second the motion and Commissioner Willner said no he didn't.

Commissioner Willner said he didn't know much about this and they said that they didn't have enough signatures on the petitions.

Bob Brenner said the petition will not qualify because they didn't have enough names and it would take them 6 months. The best thing would be for the Commissioners to declare this a legal drain. These people are already being billed on the East-side Urban Drainage.

Commissioner Ossenbergr made the motion that this be approved to declare this a legal drain. Commissioner Willner seconded the motion to approve this a legal drain. So ordered.

RE: AREA PLAN:

Charles Osterholt said they have to advertise the sub divisions by this week.

President Schaad said can't we still get to then by next Monday if they advertise now.

Charles Osterholt said that they will be advertise and if we get a negative on one of then they could still go to Area Plan.

President Schaad said then if the Drainage Board denies one of them then it goes to Area Plan without drainage.

Meeting adjourned at 12:05 p.m.

MEMBERS PRESENT:

DRAINAGE BOARD

Bob Schaad
Thomas Dessenberg
Robert Willner

COUNTY AUDITOR

Curt John

COUNTY SHERIFF

Robert Brenner

COUNTY ATTORNEY

Ed Smith, Jr.
Paul Wendell

SECRETARY: BRENDA HEMPELING

Bob Schaad
Robert Willner
John O'Quinn
VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
SEPTEMBER 25, 1978

A meeting of the Vanderburgh County Drainage Board was held on the 25th day of September, 1978 at 11:30 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of **them dispensed with.**

RE: EMPLOYMENT CHANGES:

DRAINAGE BOARD

EDWIN SMITH, JR.
PAUL WENDEL

COUNTY ATTORNEY
COUNTY ATTORNEY

\$83.33 per pay
\$83.33 per pay

RE: PETITION.....MR. CHANDLER:

Bob Brenner said that he has reviewed the petitions submitted by Mr. Chandler containing names of some people for the Extension of the Eastside Urban Drain and its my recommendation that we refuse it because it is incomplete and it does not comply with the Indiana Code. I recommend that we send it back to him with that disposition.

Commissioner Ossenberg made the motion that this petition of Mr. Chandler's be denied. Commissioner Willner seconded the denial. So ordered

RE: PETITION.....COUNTY COMMISSIONERS:

Bob Brenner said we have a petition submitted by the County Commissioners which is in order. I have already look this over and will approve it and would like to advertise for a public hearing. Ed Smith, Jr. will be the attorney for this petition.

President Schaad said that we have a petition from the Vanderburgh County Drainage Board to declare certain ditches on the eastside to be legal drains. We would like to submit this to Bob Brenner, County Surveyor for recommendations of approval and for the legal steps of advertising.

Commissioner Willner made the motion that this be approved. Commissioner Ossenberg seconded the approval. So ordered.

Bob Brenner said that he has reviewed this and it has meet the Indiana Code and I recommend at the earliest possible date to **hold** a public hearing, this will also be a part of the Eastside Urban Drain.

President Schaad said that we will need to identity this in our minutes of this property and Bob Brenner said that he will give a map for identifaction.

Commissioner Ossenberg said that a legal description and when to advertise in the **paper** will be approved. Commissioner Willner seconded the approval. So ordered.

President Schaad asked Bob Brenner if he has established a date to advertise?

Bob Brenner said he will have to submit a letter to Ed Smith, the attorney for the petitioners and then I have 5 days to proceed. I would also like to have permission to go **ahead** and advertise and send letters out for the Hillsdale Drain.

Commissioner Willner made the motion to advertise and send out letters for the Hillsdale Drain. Commissioner Ossenberg seconded the motion for approval. So ordered.

Commissioner Willner asked on the Eastside do we have significant right-of-way?

Bob Brenner said that we don't have any right-of-way, we have listed the people that will have to give us the right-of-way.

Commissioner Willner then asked if there were any structures within the 75 ft. either side of the ditch.

Bob Brenner said yes he is sure there is, also a good portion runs along Mr. Eiler's property.

President Schaad said then the Commissioners Hearing Room will be the place of the hearing on a Monday and will tie in with the Drainage Board.

RE: CITY:

Bob Brenner said the City wants to do about 700 feet of Aiken Ditch in conjunction with Indian Hills. We wish to grant the city permission to clean out a section to facilitate getting water from Indian Hills to the pumping station (Aiken Ditch). We will draw the specification, stake it and they will dig it with no cost to us.

Commissioner Ossenberg made the motion to except the City's offer. Commissioner Willner seconded the approval. So ordered.

RE: BILL LLOYD.....EAGLE SLOUGH:

Commissioner Ossenberg asked Bob Brenner if he remembered when Bill Lloyd came in back in May about Eagle Slough

Bob Brenner asked if this was about the bridge falling in.

Commissioner Ossenberg said that Bill Lloyd said that he has never heard anything from anybody or that no one has come out to look at this.

Bob Brenner said that we went out there and the water ran us out, we could have slide right over this and we will get back with it again.

RE: SUE DIVISIONS:

KENYON PLACE located on Newburgh Road east of Martin and west of Fuquay Road on the north side.

Louie Stephen said that this was denied because the Commissioners wanted to know where the water would drain. Now he is going to pipe the water under the street.

President Schaad said that now it seems like it's going to be like the thing that we've got out in Melleoy Hills where the drain is underground. There they want the county to dig up the road for the drain.

Commissioner Willner said that we will need a maintance agreement in writting.

Commissioner Ossenberg asked where the water would drain?

Louie Stephen said the water will drain south along Covert to a reveal and will be pick up by the new storm sewer down at Covert.

Commissioner Ossenberg then said it will either go into Kolb Ditch or the new storm drain and this will have to hit the eastside. I would like for you to bring this back and even though the water will drain south I still would like to know where it will go.

President Schaad asked Charles Osterholt if this one was on the agenda for Area Plan Commission this week.

Charles Osterholt said no, it will be on next weeks agenda.

President Schaad then said to bring this back again next week.

BUSSING AND CHETMAN located north of Pollack between Fuquay Road and Greenriver and south of the extension of Covert, just west of Chickasaw Park.

Louie Stephen said he made some red notes for the comments which are going to be 75 foot right-of-way for the legal ditch, the structures here and gave the calculations for the lake. Then Sam Biggerstaff told me that they haven't gotten into the final design or found out how they will limit the flow to 90 cubic feet per second. This is the present flow rate off of the land.

Sam Biggerstaff said what we will do since there is a 90 cubic feet per second coming out of the head waters now and with our improvements we will have 150 cubic feet per second. We don't know how we are going to retain this, but we have gotten 2 or 3 ways to do it and will probably go the inexpensive way. We will retain the extra 60 feet in a period of 10 hours or however it comes out.

290.

Commissioner Ossenberrg said on the final plat, you will have it fully developed.

Sam Biggerstaff said we will provide you the extra 60 cubic feet per second then have more work to be done on the other things, but we will come back with them.

Commissioner Ossenberrg made the motion that this be approved. Commissioner Willner seconded the approval. So ordered.

Copy of the map attached.

KEY CONSTRUCTION located on outer St. Joe just north of Kauai Industrial Park on the eastside of St. Joe Ave.

Louie Stephen said that this one was turned down because they didn't have drainage plans. As far as the drainage goes this is the problem, the right-of-way is between two property lines and the street is in the middle. There is a 36 in. pipe that runs across. They are going to run a small pipe down to the 36 in. pipe and the other pipe will flow north. They have elevated the road 2 to 2 1/2 feet in front of this place. So Sam Biggerstaff will have to drop or evaluate slightly and tilt his land back and forth so they will make a swale either side to get this into the ditch. In that case they will have a permanent drainage easement of a little corner down on each side here so he will need another structure. This may have to be enlarged down to the creek.

Sam Biggerstaff said this is about 15 acres of ground which this sub-division is situated within. On the south side of the Kauai Industrial Park, east side of Kauai Industrial Park and to the north of St. Joe Industrial Park, so we are land lot. There is a ditch that runs along the IC Railroad, but we cannot get into it. In the design of this road they have raised the grain 2 1/2 feet on a average across this 500 feet. We are going to have to put in 2 1/2 feet of dirt from the set back line back 100 feet, which would be the minimum size of an industrial building. I've counted this and there is 13 hundred cubic feet of dirt per acre, per foot. At this rate it will take 97 hundred cubic yards of dirt to fill the front of this ground to the set back line to match the new grade of proposed St. Joe Ave. I called Staub and this dirt will cost \$4.00 a yard to put in, so this adds up to the expense of the owner of \$38,880.00, to provide fill to match the fill that is being placed on St. Joe Ave. The other thing that we've talked about is the fact with no provision for drainage off of the road. To the south they are going into a 36 in. storm sewer that was built by Robert Myers about 15 or 20 years ago to drain his sub-division and the property to the north of it. According to these plans our property begins at station 4700 and they begin at station 4000 and they pick up 12, 15, 18, and 24 in. pipe to bring into the 36 in. pipe that they are **draining** additional water into, which will kill our use of it, thats why we propose to split half into the 36 in. pipe. Then to the west side they have proposed 15, 18, and 24 in. pipes into Locust Creek, those are the ones I think should be increased a size larger, then we can put half of our north water into those and the south half into the 36 in. pipe. But I don't think the owners should be responsible for the cost of that because this is already costing them \$38,880.00 to match the highway ground. I'm not speaking for the owners, this is just what I've gone through and what we have found out on this drainage. The drainage is something that the county is providing, maybe not enough but is like a sub-divider. A **lot** of looking into should be done with this 36 in. pipe **that** goes into Pigeon Creek.

Bob Brenner said that these pipes that Sam Biggerstaff wants, we have never argued with anyone to put in bigger pipes.

Commissioner Willner asked if Louie Stephen could come back next week with a plan.

President Schaad asked how far are they talking about to get down here.

Sam Biggerstaff said about 1670 feet of pipe which is already there, but the size would have to be changed. I would like to do this if this is alright with Louie Stephen, I would go through our sub-division and compute our run-off and give you our figures and you can see what size you would want to make it bigger, but I'm sure a 15 in. pipe is not big enough.

President Schaad said to take this back to see what size pipe should be there and maybe what the cost would be and also the engineering change and then the county could come up with the additional cost for just the pipe.

Charles Osterholt said that he doesn't know if there is any problem with the interior drainage design of the sub-division, so could you approve this for drainage.

Sam Biggerstaff said the engineering drainage goes up and down and we will drain the lots to the rear. The streets will have inlets which will also drain north and south.

Commissioner Ossenberrg made the motion that the drainage be approved on this. Commissioner Willner seconded the approval. So ordered.

RE: LETTER.....R. STEVEN KROHN:

President Schaad read the following letter dated Sept. 7, 1978.

Dear Mr. Guillaum:

I am writing concerning the east-west drain which flows into Crawford Brandis ditch midway between Outer Lincoln and Division Streets. My wife and I own the home at 324 Greenfield Road, approximately 70 feet to the south of that drain.

It is my understanding that the County Drainage Board has or will vote to make this a legal drain.

It is critical that such action be taken since our home, along with others in the area, is subjected to an unsightly and unhealthy overflow of drainage water during any period of sustained rain. It is also critical, however, that when this drain is dredged the foliage, particularly on the south side, be preserved. This is important because several homes are situated so that the drain is in full view; if the foliage is removed, nothing will be left but the unsightly drain between those homes and the farm to the north.

Additionally, since Crawford Brandis, even where recently dredged north of Division, is again overgrown with weeds, I believe it is even more important when it is remembered that a number of small children live in the area and the open drain presents a very serious hazard.

I consider this letter notice of those hazards and notice of the nearby property owners' interests in the trees to the south side of that drain. Your cooperation is greatly appreciated.

Yours very truly,

R. Steven Krohn

CC: Vanderburgh County Drainage Board

President Schaad said that this will be apart of our hearing when we have it.

Meeting adjourned at 12:18

MEMBERS PRESENT:

DRAINAGE BOARD

Bob Schaad
Thomas Cessenberg
Robert Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

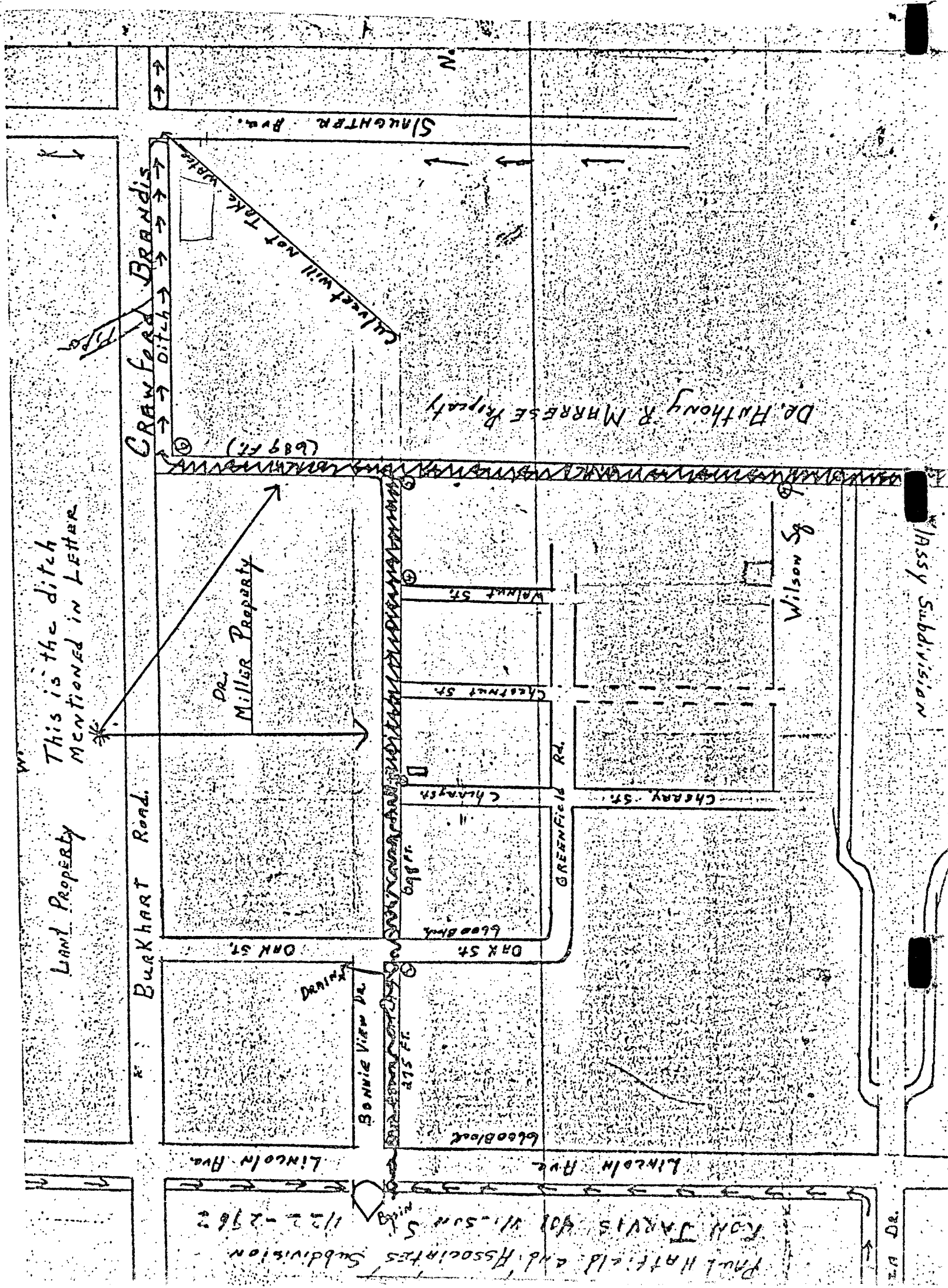
Robert Brenner

COUNTY ATTORNEY

Ed Smith, Jr.
Paul Wendell

SECRETARY: BRENDA HEMPFLING

Bob Schaad
Robert F. Willner
Tom Cessenberg
VANDERBURGH COUNTY DRAINAGE BOARD



VANDERBURGH COUNTY DRAINAGE BOARD
JANUARY 2, 1979

The meeting of the Vanderburgh County Drainage Board was held on the 2nd day of January, 1979 at 10:30 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting, December 26, 1978 was approved as engrossed by the Auditor and the reading of them was dispensed with.

RE: REORGANIZATION:

The meeting was then turned over to Commissioner Willner to act as Chairman for the reorganizational meeting.

Commissioner Ossenberg moved that the Drainage Board officers remain the same for 1979 as they were for 1978, and those being, Bob Schaad for President; and Robert Willner for Vice-President. The motion was seconded by Commissioner Schaad. The vote was unanimous in the affirmative, the motion carried.

RE: LETTER OF RESIGNATION:

President Schaad said he was just handed a letter dated January 2, 1979 which reads as follows:

TO: Mr. Bob Schaad, President
Board of County Commissioners of
Vanderburgh County
Room 305
Civic Center Complex
Evansville, Indiana 47708

Dear Mr. Schaad:

You are hereby notified that I am herewith submitting my resignation as a Vanderburgh County Commissioner and as a member of the Vanderburgh County Drainage Board of and from the Board of Commissioners of Vanderburgh County, Indiana, said resignation shall be effective and take place following the regular meeting of said Commissioners and the Vanderburgh County Drainage Board held on January 2, 1979 and at the hour of 11:00 a.m., prevailing time, January 2, 1979.

Thomas L. Ossenberg, Member
Board of Commissioners of Vanderburgh
County, Indiana

President Schaad said he supposed they had no choice but to accept the resignation of Commissioner Ossenberg.

Commissioner Willner said he never worries about a guy who can better himself but he hates to see Mr. Ossenberg go.

President Schaad and Commissioner Willner wished Mr. Ossenberg good luck and said it had been a pleasure working with him.

Mr. Ossenberg said he has a few suggestions of wisdom that the other Commissioners may accept or not accept, not necessarily in priority but his suggestions are as follows:

1. He said he hopes they will continue to pursue the elevation of Highway 41 and that they work closely with the E.U.T.S. and the State and hopefully get it expedited to facilitate that elevation as soon as possible.
2. To continue the excellent bridge program which was started in 1973.
3. To put pressure on the state legislature to close the schools on election days and have them make up days for the two days that the schools would be closed for election, that this would occur three of every four years,

to utilize the schools as precinct polling places, and further, he would hope that they streamline and consolidate precincts down to 125 or a reduction of 42 precincts since with the schools being closed it is possible to vote six (6) or eight (8) precincts in one school. He said this will eliminate a lot of election boards and therefore save money, so it would be quite a savings to Vanderburgh County.

4. He said he hopes the Commissioners would see fit to keep on as retainer, both the Independent Insurance Consultant for Health Insurance plus the Liability Insurance that will be coming in here this month to start the Liability Study. He said he thinks it is money well spent and they have the expertise in this field and such people would more than save Vanderburgh County a lot of money, such as Mr. Davenport, who is in a position to where he can check with Blue Cross/Blue Shield and give us a monthly report.
5. At long last, to continue working toward a problem that apparently appears to be headed for success, that being the serious east side drainage problem that has plagued the Commissioner for years, open the canal, and he said he is glad to see that the City of Evansville is now co-operating with the Commissioners.
6. He said he would like to see pressure on the General Assembly for more monies to highway garages for maintenance.
7. He said he would like to see the Commissioners give serious consideration to the extension of Lynch Road to Green River Road using the bridge funds as the 30% share, and the extension of Covert Avenue to the Warrick County Line.

Mr. Ossenberg said it has been a pleasure being a County Commissioner and a member of the Drainage Board and certainly a pleasure working with the other two Commissioners, plus all the people involved with the Commissioners Office, that he can assure them that he will continue to work with all the local offices in his new position.

Mr. Ossenberg said he has nine years as a City Councilman, six years as a County Commissioner in County Government, he said he has five years with C.O.G. and five years with the policy board for the E.U.T.S. and not one time in all those years has he seen a congressional liason attend one of those meetings, and that he would like to be included on the roster of the Southwestern Indiana County Commissioners and County Association Government meetings, that he intends to be intouch with the Indiana Cities and Towns, that he will continue working with C.O.G. and he is going to continue to sit in the E.U.T.S. meetings as a citizen.

Mr. Ossenberg said it has been a pleasure and he is going to miss it, but he looks for brighter things and he wants to thank everyone.

President Schaad told Mr. Ossenberg that he wishes him well and that anytime the Commissioners can help or work with him in any way, he shouldn't hesitate to call on them.

With no further business the meeting adjourned at 10:40 a.m.

MEMBERS PRESENT

DRAINAGE BOARD
 Bob Schaad
 Robert Willner
 Thomas Ossenberg

COUNTY AUDITOR
 Curt John

COUNTY SURVEYOR
 Robert Brenner

COUNTY ATTORNEY
 Ed Smith, Jr.
 Paul Wendel

Secretary: Brenda Hempfling

Bob Schaad
Robert Willner

VANDERBURGH COUNTY DRAINAGE BOARD

VANDEBURGH COUNTY DRAINAGE BOARD
JANUARY 8, 1979

The meeting of the Vanderburgh County Drainage Board was held on the 8th day of January, 1979 at 11:15 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting, January 2, 1979 was approved as engrossed by the Auditor and the reading of them was dispensed with.

RE: CLAIM:

Dave Guillaum brought the following claim before the drainage board for approval.

Merl Hoefling R.R. 7 Box 347 G on account of appropriation for annual maintenance on Hoefling Ditch in the amount of \$361.41.

Commissioner Willner made the motion to approve the claim. President Schaad seconded the approval. So ordered.

RE: MAILING CHECKS:

Commissioner Willner asked if they sent the checks to the people for cleaning the ditches or do they have to come and pick them up?

Brenda Hempfling said that the Bookkeeping Department brought the checks to me and asked me to find the addresses of them and mail them out. So the checks went out Friday, January 5, 1979.

RE: RE-ADVERTISE FOR 1979.....CLEANING OF DITCHES:

Bob Brenner said that the advertising would be the same as last year except we are going to have Eagle Slough and Kolb Ditches sprayed twice a year. Also we have taken Aiken Ditch off because we have an agreement with the city that they would clean it and Schlensker Ditch because everyone says that their water doesn't drain into this ditch anymore and I agree with all of them, they have diverted their water elsewhere.

VANDEBURGH COUNTY DRAINAGE
JANUARY 8, 1979

NOTICE TO BIDDERS 1979

SEALED PROPOSALS OR BIDS FOR ANNUAL PERIODIC MAINTENANCE OF EACH OF THE FOLLOWING LEGAL DRAINS:

1. Baehl Ditch	6,890	L.F.
2. Barnett Ditch	8,359	L.F.
3. Barr's Creek	20,668	L.F.
4. Buente Upper Big Creek	20,195	L.F.
5. Buente Lateral "A"	3,666	L.F.
6. Cypress Dale Maddox Ditch	23,887	L.F.
7. Eagle Slough (Spray)	30,040	L.F.
8. Edmund Ditch	15,395	L.F.
9. Henry Ditch	3,179	L.F.
10. Helfrich Happe Ditch	12,698	L.F.
11. Hoefling Ditch	5,571	L.F.
12. Kamp Ditch	11,160	L.F.
13. Keil Ditch	3,012	L.F.
14. Kneer Ditch	3,036	L.F.
15. Kolb Ditch (Spray)	7,703	L.F.
16. Lower Big Creek	7,501	L.F.
17. Maidlow Ditch	11,475	L.F.
18. Maasberg Ditch	2,206	L.F.
19. Pond Flat Main Ditch	29,351	L.F.
20. Pond Flat Lateral "A" Ditch	5,311	L.F.
21. Pond Flat Lateral "B" Ditch	2,797	L.F.
22. Pond Flat Lateral "C" Ditch	9,036	L.F.
23. Pond Flat Lateral "D" Ditch	4,579	L.F.
24. Pond Flat Lateral "E" Ditch	3,616	L.F.
25. Rusher Ditch	4,444	L.F.
26. Singer Ditch	2,450	L.F.
27. Sonntag Stevens Ditch	13,204	L.F.
28. Wallenmeyer Ditch	8,355	L.F.

Will be received at the office of the Vanderburgh County Auditor until 9:30 a.m. Legal Time, as prescribed by the Acts of the Indiana Legislature in Chapter 172, Year 1957 on the 13th day of March 1979, at which time and place the Bids will be publicly read aloud.

Any Bid received after the designated time, for any reason, will be returned unopened.

Bids shall be delivered in sealed envelopes bearing the name and address of the bidder indicating the Project and the branch of work.

Bids shall be submitted on Bid Form 96, all properly executed, signed and sealed, properly notarized and seal affixed.

Each Bid shall be accompanied by (enclosed in the same envelope) a Bid Bond, Cashier's Check, or Bank Money Order in an amount of five per Cent (5%) of the total Bid submitted.

Upon receipt of Bids and determining the lowest and/or best bidder or within thirty (30) days from the date set to receive Bids, the Drainage Board will return the Securities of all except the lowest and best Bidder on each Legal Drain.

The Vanderburgh County Drainage Board reserves the right to reject and/or all Bids and to waive any informality in bidding.

All Ditch maintenance must be completed by the 15th day of November, 1979.

Dated this 8th day of January, 1979

VANDERBURGH COUNTY DRAINAGE BOARD

BOB SCHAAD, PRESIDENT
ROBERT WILLNER, VICE PRESIDENT

ATTEST:

CURT, JOHN, VANDERBURGH COUNTY AUDITOR

CERTIFIED BY:

ROBERT BRENNER, VANDERBURGH COUNTY SURVEYOR

COURIER AND PRESS: JANUARY 19, 1979

President Schaad asked if he could have a motion to advertise the annual maintenance of these legal drains.

Commissioner Willner made the motion to advertise the following ditches. President Schaad seconded the motion. So ordered.

RE: HIRSCH DITCH IMPROVEMENT:

Bob Brenner said this is the joint venture with the city and county and I would like for the Commissioners to okay the plans which have been approved by Jim Morley who has been working with the city on this. These plans also gives the right for us to go under the Southern Railroad.

Commissioner Willner moved they the plans for the Ditch Improvements be signed. President Schaad seconded the approval. So ordered.

RE: LETTER FROM E. R. CHANDLER:

President Schaad read the following letter from E. R. Chandler:
January 1, 1979

Board of County Commissioners
Administration Bldg. - Room 305
Civic Center Complex
Evansville, IN 47708

Attention: Mr. Robert Schaad
Mr. Tom Ossenberr
Mr. Robert Willner
Mr. Robert Brenner, County Surveyor

Gentlemen:

In accordance with the acceptance of the petitions by the County Commissioners for the ditches as per the petitions for the extension of the Crawford-Brandis Ditch on December 18, 1978, we would like to point out the following:

1. Mr. Lial Gresham, 6601 E. Chestnut, explained to the Commissioners that silt and mud had raised the elevation of the corrugated pipe which drains East Chestnut Street at this point by approximately 2 feet and therefore, the drain from this street could not work properly due to this added silt and mud. He also explained that the ditch elevation which follows this pipe northward had also raised approximately 2 feet.
2. Mr. Tom Ossenberrg advised that the people responsible in the Hatfield Sub-Division would be notified so the pipe could be flushed out and the street could drain as it has in the past.
3. Mr. George Green, 6600 E. Cherry also explained to the County Commissioners that due to the raised elevation in the ditch that 6600 E. Cherry does not drain as it has in the past.
4. Mr. E. R. Chandler discussed the east west ditch, lots 55 through 60 Plaza Terra Sub-Division, with Mr. Robert Brenner after this meeting and explained that when this ditch is cleaned, it would be realigned so as to adhere to the easement in accordance with Section C, recorded Plat Plan, Plaza Terra Sub-Division.
5. We hereby sincerely request that the Commissioners and Mr. Brenner take the necessary steps to take care of this situation at the earliest possible moment.

Thanking you for your kind consideration, we are

Yours very truly,

E. R. CHANDLER CONSTRUCTION CO.

E. R. CHANDLER

ERC:rec

cc: Mr. Robert Brenner
Mr. Lial Gresham
Mr. George Green
File

With no further business the meeting adjourned at 11:25 a.m.

MEMBERS PRESENT

<u>DRAINAGE BOARD</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY SURVEYOR</u>	<u>COUNTY ATTORNEY</u>
Bob Schaad Robert Willner	Alice McBride (Deputy)	Robert Brenner	Ed Smith, Jr. Paul Wendell

Secretary: Brenda Hempfling

Bob Schaad
Robert Willner

VANDEBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
JANUARY 29, 1979

The meeting of the Vanderburgh County Drainage Board was held on the 29th day of January, 1979 at 10:55 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting, December 18, 1978 were approved as engrossed by the Auditor and the reading of them dispensed with.

President Schaad introduced Cathie Day as the new Drainage Board secretary.

RE: CLAIM:

Dave Guillaum brought before the drainage board the following claim for approval. President Schaad read the following:

Haynie Travel Service, Inc. 564 S. Green River Road on account of appropriation for airline ticket to Atlanta for Mr. R. Brenner in the amount of \$111.00 .

Commissioner Willner moved the claim be approved.

President Schaad seconded the approval. So ordered.

Dave Guillaum determined in Atlanta that a meeting with the Louisville officials would have to be scheduled, but foresee's no problems.

Bob Brenner suggested to waive their fee of \$100,000.00 . After talking with the city engineer and looking up their fee, which was the amount of \$6,600.00, Mr. Brenner concluded this would be a one time shot.

President Schaad questioned which railroad was involved.

Dave Guillaum answered Southern Railroad on the East Side Urban Drainage.

Bob Brenner suggested to make them a counter offer with a reduction of \$2,500.00.

Dave Guillaum replied that there needed to be a determination of how much the contractor would pay per hour, and that it should be put into writing before work was undertaken.

Commissioner Willner asked that all the information be put clearly into the contract.

RE: CLAIM:

Dave Guillaum questioned the board about the claim concerning Paul Seib on account of appropriation for the removal of trees on Buente Upper Big Creek "A" Lateral, in the amount of \$175.00. Auditor Curt John said he would check to see if the claim had been signed, and later confirmed that it had been.

RE: SUB DIVISION:

Tanglewood Hills Sub Division, located on Booneville-New Harmony Road, west of St. Joe Avenue on the north side of the road.

Louie Stevens brought before the drainage board the map for the above sub division and explained to them the flow of drainage.

After consideration, President Schaad said he would not approve the sub division.

Commissioner Willner asked to see better plans.

Charles Osterholt, Director of Area Plan Commission, proposed to get revised plans.

President Schaad said to hold off, but suggested to come back the following Monday with better plans for consideration again.

RE: LAWSUIT.....HIRSCH SUIT VS. VANDERBURGH COUNTY

Attorney Ed Smith, Jr. took the following suit before the judge: Hirsch Suit VS. Vanderburgh County, located on Burkardt Road, concerning the 75 ft. right of way. Attorney Smith explained that the judge over ruled the case, and basically they were back where they started. Attorney Smith proposed to file a complaint for Declaratory Judgement, which means it would go back to court and it would be established that there was an issue between the two parties and a court decision is needed if it is or is not constitutional. Attorney Smith concluded that Hirsch was established as a legal ditch, and that it would hold up in court.

Commissioner Willner made the motion to approve the complaint for Declaratory Judgement.

President Schaad seconded the motion. So ordered.

With no further business the meeting adjourned at 11:15 a.m.

MEMBERS PRESENT

DRAINAGE BOARD

Bob Schaad
Robert Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEY

Ed Smith, Jr.
Paul Wendell

Secretary: Cathie Day

Bob Schaad

Robert H. Willner
VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
FEBRUARY 5, 1979

The meeting of the Vanderburgh County Drainage Board was held on the 5th day of February, 1979 at 11:40 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting, January 29, 1979 were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: HIRSCH SUIT VS. VANDERBURGH COUNTY:

Bob Brenner approached the Drainage Board with the concern of his name personally being added to the law suit.

Attorney Ed Smith, Jr. explained that there were many questions we didn't know the answers to, because no case has been decided as of yet. Of them is what if any authority does the surveyor have to relocate a bridge within the 75 foot right of way, and does the take in footage extend the right of way by that amount. The Declaratory Judgement that is on file asks for a declaration by the court asking the constitutionality of the Drainage Board act and the power or rights of the surveyor pertaining to the 75 foot provision. After an early determination at the trial level, regardless of ruling, the suit will be taken to Court of Appeals to see exactly where we stand.

Commissioner Willner made the motion to file something to remove Bob Brenner personally from the suit.

Commissioner Davies seconded the motion. So ordered.

Bob Brenner also expressed concern regarding the trial being venued to Warrick County, explaining that the Hirsch's were large land owners there and had real power.

RE: SUB DIVISION:

Tanglewood Hills Sub Division, located on Booneville-New Harmony Road, west of St. Joe Avenue on the north side of the road.

Louie Stevens presented to the Drainage Board the map of the sub division.

Steven Thompson explained that he contacted the lady who owns the adjoining property, and reached a verbal agreement with her son, although no letter was signed. Mr. Thompson showed the letter to the Drainage Board, asking their suggestions on it.

President Schaad explained that the Commissioners only authority on this was the approval of drainage flow.

Commissioner Willner suggested installing a lake or a retention pond.

Charles Osterholt, Director of Area Plan Commission, suggested in order to meet the March 30th time limitation, to present the drainage plan Wednesday night at the Area Plan meeting with the proposed retention pond.

Commissioner Willner moved to approve the plan subject to the retention pond being placed on plat.

President Schaad seconded the motion. So ordered.

RE: ANNUAL ASSESSMENT OF DITCHES:

Bob Brenner, Surveyor of Vanderburgh County, presented to the Drainage Board the annual assessment of ditches for 1979. Mr. Brenner also related to the board the problem with Harper ditch. As of January 1, 1978 Harper ditch was \$14,631.00 in debt, because of an engineering contract. In 1972 HUD funds were to be received for the Harper ditch along Green River Road, but later found that the East side did not qualify because not enough poor people lived along this road. Therefore losing \$25,000.00 in engineering. The project was written up as Harper-Hirsch ditch, and the money was first

taken out of the Bridge Fund, until the State Board of Accounts said this was not allowed. The remaining debt of \$1,303.00 was assigned to the individual Harper ditch. What makes the debt pressing now is that the whole of Harper is in the annexation area, and when the city takes it over the county will not be repaid. The city took in the portion of Harper along the lower end, which the people no longer pay on and the people in the upper end will assume the entire debt. This was to be a joint project between the City of Evansville and the County Commissioners, but the county is being left with the whole tab. Mr. Brenner then recommended to collect the maximum assessment of \$1,300.00.

President Schaad suggested to turn the problem over to the County Drainage Attorney to come up with a solution.

Commissioner Willner moved to collect the maximum assessment of \$1,300.00.

Commissioner Davies seconded the motion. So ordered.

Mr. Brenner then read the following assessments:

East Side Urban
\$1.50/rural acre
\$22.50/urban acre

Harper
\$1,342.62

Aiken
No assessment

Baehl
\$1,100.00

Barnett
\$4,400.00

Barr's Creek
\$3,192.93

Buente Upper Big Creek
\$3,351.68

Buente Upper Big Creek "A" Lateral
No assessment

Cypress Dale
Mr. Brenner explained that they cleaned their ditch, and the assessment would be 65% of regular assessment, approximately \$2,500.00.

Eagle Slough
\$5,155.34

Edmond
\$3,600.00

Henry
\$519.10

Helfrich-Happe
No assessment

Hoefling
\$550.00

Kamp
\$1,000.00

Keil
\$1,212.00

Kneer
\$300.00

Kolb
No assessment

Lower Big Creek
\$1,000.00

Maasberg
No assessment

Maidlow
\$1,907.07

Pond Flat Main
\$5,000.00

Pond Flat "A" Lateral
\$500.00

Pond Flat "B" Lateral
\$500.00

Pond Flat "C" Lateral
\$1,100.00

Pond Flat "D" Lateral
\$667.44

Pond Flat "E" Lateral
\$660.00

Upper Pigeon
\$370.93 (no vote)

Rusher
\$1,000.00

Schlensker
Everyone along this ditch modified their property to divert water away from ditch to avoid assessment. Mr. Brenner advises to tactfully abandon by not cleaning. No assessment.

Singer
\$296.46

Sonntag-Stevens
This ditch is continually in the red because Penn Central does not pay assessment. The county is withheld from seizing property by a court order. To get the ditch out of the red, the assessment is raised on Penn Central and everyone else. Assessment of \$2,200.00

Wallenmeyer
\$1,515.00

Bob Brenner reports another ditch in Warrick County, Weinsheimer, will be added and he is preparing an assessment on it.

Commissioner Willner moved the assessments be approved for 1979.

Commissioner Davies seconded the motion. So ordered.

RE: BUJEY DRIVE

President Schaad explained that the residents on BuJey Drive, off Old State Road, continually had problems with their drainage. He made the suggestion to establish them as legal drains.

Bob Brenner replied in order to do this a survey would have to be done, with cross sections every 100 feet. This would be low priority, with ditches

and roads first, and he could not see how he could possibly get to it.

Dave Guillaum said one problem that could not be solved was a combination of houses with an elevation of at least one foot below the road. One suggestion though, is to clean the pipe that carries the water across the road.

President Schaad commented that this would only solve the problem temporarily.

Bob Brenner suggested to purchase a pump or of some type for hydrolically cleaning the ditches.

Commissioner Willner commented if enough signatures were obtained, it could be established as a legal drain.

President Schaad said the problem would take years to correct, and for now there was no solution.

With no further business the meeting adjourned at 12:30 p.m.

MEMBERS PRESENT

DRAINAGE BOARD

Bob Schaad
Robert Willner
Robert Davies

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEY

Ed Smith, Jr.
Paul Wendell

Secretary: Cathie Day

Bob Schaad
Robert Willner
Robert Davies
VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
FEBRUARY 20, 1979

The meeting of the Vanderburgh County Drainage Board was held on the 20th day of February, 1979 at 12:10 p.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting, February 5, 1979 were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: EAST SIDE URBAN DRAINAGE PROJECT

County Attorney Paul Wendell introduced John Staser who explained a resolution the city would like to pass concerning the East Side Drainage Project.

John Staser explained that he was the City Attorney and represented the Board of Public Works. He presented a bond ordinance, presently pending before the city council, for the \$3,000,000.00 drainage project on the East side of Evansville. The Board proposes to build a retention lake, a gate structure and storm pipe. The location is just off Green River Road, south of the Covert Avenue extension. Part of the retention lake and the work to be done will be within the city limits, with the other half being in the county. It is not clear whether the Board of Public Works has jurisdiction over this project or the Vanderburgh County Drainage Board. It appears as both could have. The Board's bond councilman in Indianapolis has requested that a consent is retained from the Drainage Board, permitting the work to be done by the Board of Public Works.

Commissioner Willner moved to approve the project being undertaken by the Board of Public Works.

Commissioner Davies seconded the motion. So ordered.

RE: WEINSHEIMER DITCH

Bob Brenner presented to the Drainage Board a letter received from the Warrick County Surveyor and the joint drainage board concerning Weinsheimer Ditch. Mr. Brenner related to the Board that in 1974 the Vanderburgh County Drainage Board waived their participation in regards to the above ditch. In 1976 a reconstruction fee was to be collected, and in 1977 a maintenance fee was also to be collected, but neither of the two were. Warrick County has agreed that if Vanderburgh County would collect the reconstruction fee now, which would be for 1978, they would yield the fees of the past two years. Mr. Brenner also remarked that some individual fees run as high as \$312.00. An assessment was to be made on the ditch in 1976, and maintenance fees were to be collected in 1977 and 1978, but Warrick County is willing to relinquish the two year maintenance fee if a collection is made this year.

President Schaad commented why they were not assessed previously was that the information from Warrick County was not received by Vanderburgh County until this year.

Commissioner Willner expressed concern for the individuals being assessed, reasoning that people were paying a reconstruction fee on a ditch that they had never made payments on before. The legality of the issue is questioned.

Mr. Brenner explained that the State Law says if you are in a watershed, you must make payments on it. Therefore when Warrick County sends Vanderburgh County a bill, being that we are a member of the joint drainage board, the amount specified has to be paid.

Commissioner Willner commented that he was still concerned about the individuals involved.

Mr. Brenner said that a letter would be sent out to the people explaining the assessment of reconstruction.

President Schaad recommended to have the County Attorney's check out thoroughly that the individuals being assessed had been notified, and the Attorneys are to report back their legal findings.

Commissioner Willner moved to approve the investigation.

Commissioner Davies seconded the motion. So ordered.

With no further business the meeting adjourned at 12:25 p.m.

MEMBERS PRESENT

DRAINAGE BOARD

Bob Schaad
Robert Willner
Robert Davies

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEY

Paul Wendell

Secretary: Cathie Day

Bob Schaad
Cathie Day

VANDEBURGH COUNTY DRAINAGE BOARD

The meeting of the Vanderburgh County Drainage Board was held on the 26th day of February, 1979 at 11:15 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting, February 20, 1979 were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: WEINSHEIMER DITCH

President Schaad reported County Attorney Paul Wendel has not been able to get with the Warrick County Surveyor. When legal findings are reported this matter will be discussed.

RE: LETTER FROM ROBERT KLASSEN

A letter was received by the Vanderburgh County Drainage Board from Robert Klassen dated February 8, 1979. President Schaad explained in this letter Mr. Klassen stated that he owned ground on both sides of Sonntag-Stevens ditch, and was requesting permission to cross the above ditch for additional parking space. President Schaad returned Mr. Klassen's letter, explaining he had referred the matter to Louie Steven.

Louie Steven proposed to call Mr. Klassen, requesting that he state the footage needed in a formal request so the Drainage Board could act on it.

RE: CHANDLER EXTENSION

Dave Guillaum introduced Steve Krohn, who expressed concern with the serious drainage problem of the Chandler Extension watershed. Mr. Guillaum proceeded explaining that Chandler Extension was recently declared a legal drain, and preliminary engineering was in progress with bids for improvements being taken as soon as engineering is completed.

Steve Krohn presented to the Drainage Board photographs of his back yard, located at 324 Greenfield Road, taken last summer. Mr. Krohn explained the ditch degenerates as time goes on with an overgrowth of foliage and a build up of silt, the drainage is reduced to near none at all. Water has been standing in the ditch since last fall, making it a breeding ground for mosquitoes and snakes. Mr. Krohn further explained his reason for appearing before the Board was to show this ditch warrants immediate attention.

President Schaad questioned how long it would be before the engineering is completed on this extension.

Dave Guillaum commented that within another week the field information should be completed, but all was pending on the weather.

Commissioner Willner questioned whether this would alleviate Mr. Krohn's problem.

Dave Guillaum replied the actual problem was with the water backing up thru the pipe and onto the street and, in this instance, Mr. Krohn's yard. The complication appears to be in one inlet on the street that is seemingly lower than the high point of the pull line going thru the pipe. A possible solution to this problem would be to install a flap gate.

Commissioner Willner commented that the contractor was responsible for this obvious poor construction, and an option to consider is to take the contractor to civil court.

President Schaad was hopeful once the drain was opened up it may help Mr. Krohn's situation, but if not the only recourse would be to file a civil suit against the contractor.

RE: SUB DIVISION

Louis Steven presented to the Drainage Board the maps of the following sub divisions:

Edgar Willis, located on Mill Road, less than a quarter of a mile west of Mesker Park Drive, on the north side of the road.

President Schaad explained that no drainage plan was submitted.

Elmer Young, located on Baumgart and Mt. Pleasant Roads, on the north west corner.

President Schaad explained that no drainage plan was submitted.

Charles Osterholt, Director of Area Plan, interjected that he realized this was the Drainage Board, but in consideration with drainage is the problem of erosion. This will have an impact on the drainage ditches and an erosion control plan is needed here.

Lant Place, located on Burkhardt Road, between Lincoln and Division Streets.

Charles Osterholt explained this drainage plan was approved by the Board at the December 26, 1978 meeting, but when it reached the sub division review committee it was rejected because the design storm was only 50 year which needed to be 100 year.

Jesse Crooks, Building Commissioner, further explained the design storm was the main reason for rejection, but also added certain provisions were to be made but were not, with the drainage being approved anyway.

President Schaad asked that the minutes of the December 26, 1978 meeting be verified and then corrected.

Commissioner Willner read the following excerpt of the above minutes:

Andy Easley came before the drainage board to present Lant Place which is located between Lincoln Ave. and Division and west of Burkhardt. We are taking the total property which all drains into the Crawford-Brandis. There is about 125 acres and with this we will still have about 50 acres going into the Crawford-Brandis. With the split we will have about 131 feet per second going into the Crawford-Brandis as to 165 feet per second going in now.

Andy Easley then explain that there will be a shopping center, apartments and single family homes.

Bob Brenner said that this wouldn't be up until the canal was opened. But with the canal opening this is a reasonable drainage plan.

Commissioner Willner made the motion that this be approved. President Schaad seconded the approval. So ordered.

Dave Guillaum said that he had heard discussion that if the Crawford-Brandis canal was not opened there was a possibility of going with a temporary holding area. Dave further commented that Bob Brenner would be satisfied with one or the other, opening of canal or holding pond, with either decision the drainage would be satisfactory.

President Schaad replied that the design had changed since the project was started, so therefore approval of the drainage plan is withdrawn, but is open to be reviewed at another time.

Commissioner Willner questioned the number of units or apartments involved, stating that the drainage plan would hinge on that information.

Charles Osterholt explained that a specific number of units was not proposed.

Bob Brenner further corrected the minutes by stating that Andy Easley did not appear, but Andy Hooper did.

President Schaad suggested Dave Guillaum, Louis Steven and Bob Brenner check into the possibility of a retention pond, and report back to the board with a recommendation. Prior to Area Plan taking any action, President Schaad explained that another drainage plan would have to be submitted.

Commissioner Willner made the motion to review another drainage plan at a later date.

Commissioner Davies seconded the motion. So ordered.

With no further business the meeting adjourned at 12:00 p.m.

MEMBERS PRESENT

DRAINAGE BOARD

Bob Schaad
Robert Willner
Robert Davies

Secretary: Cathie Day

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEY

Paul Wendell

Bob Schaad
Robert Willner
Robert Davies
VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
MARCH 5, 1979

409

The meeting of the Vanderburgh County Drainage Board was held on the 5th day of March, 1979 at 11:45 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting, February 26, 1979 were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: WEINSHEIMER DITCH

Bob Brenner urged that the County Attorneys expedite the Weinsheimer Ditch matter because time was running out and the billing had to be done. Reviewing the situation, Mr. Brenner explained that Warrick County agreed to dismiss the 1977 and 1978 maintenance assessments if a collection was made on the reconstruction fee done in 1976.

President Schaad recommended the assessment be collected.

Commissioner Willner moved to approve the collection.

Commissioner Davies seconded the motion. So ordered.

RE: EAST SIDE URBAN/WABASH ERIE CANAL

Bob Brenner related to the Board that he received a telegram from Southern Rail Road's engineering department stating that the drawings were approved and the right of way agreement was forthcoming. Mr. Brenner then stated since all had been approved and the residents were notified, the assessment for reconstruction would be sent out this year.

RE: SUB DIVISION

Lant Place, located on Burkhardt Road, between Lincoln and Division Streets.

Louie Steven presented the map to the Board.

Andy Hooper explained that the plans had been revised for 100 year flood.

Louie Steven commented that he was asked to check over the calculations, concluding some pipe sizes needed to be increased and the final calculations have not as yet been presented.

Andy Hooper explained that in accordance with the revised plans the run-off would be 131 cubic ft./ second which was a reduction from the original plans of 34 cubic ft./ second. Mr. Hooper further related that all calculations were based on 100 year storms, with some adjacent sub divisions based on 2-5 year storms.

Commissioner Davies requested that notations be made on map.

Commissioner Willner made the motion to approve the drainage plan with the changing of the flood plan to 100 year, statement of exact size of culverts, exact calculations of run off and the changing of the ditch right of way subject to the canal being opened.

Commissioner Davies seconded the motion. So ordered.

Jim Morley related to the Board that there was to be a change of ownership of the single family lot development, and he was asked to look at the drainage aspect also. Mr. Morley then presented to the Board sketches of an alternate drainage plan, asking approval of concept stating this route would also be a viable alternative.

Andy Hooper interjected here that these were two totally different design concepts.

President Schaad explained the drainage plans submitted had already been approved, and if there was to be a change in design the plan would have to come back to the Board for further approval.

Charles Osterholt stated that these two plans were radically different approaches and the total concept had been altered significantly, therefore if design is changed the plan would have to come back for preliminary review by the Area Plan Commission.

With no further business the meeting adjourned at 12:15 p.m.

MEMBERS PRESENT

DRAINAGE BOARD

Bob Schaad
Robert Willner
Robert Davies

COUNTY AUDITOR

Alice McBride
(Deputy)

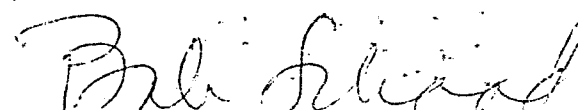

COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEY

Ed Smith, Jr.
Paul Wendel

Secretary: Cathie Day

VANDERBURGH COUNTY DRAINAGE BOARD

411

VANDERBURGH COUNTY DRAINAGE BOARD
March 12, 1979

The meeting of the Vanderburgh County Drainage Board was held on the 12th day of March, 1979 at 11:00 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting, March 5, 1979 were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: POSEY COUNTY

Jesse Crooks related to the Board that he had contacted Posey County officials in regards to their drainage problems. A proposed date of Monday March 19 was set for the Commissioners to meet and discuss the drainage problems. Mr. Crooks suggested meeting at Buslers Service Station at the county line.

President Schaad and Commissioner Davies agreed to meet, explaining that it was a fact finding meeting and a suggestion was made that either Bob Brenner or Dave Guillaum attend to include the drainage end of it.

RE: SUB DIVISIONS

Lant Place, located on Burkhardt Road, between Lincoln and Division Streets.

Louie Stephen presented the map to the Board, explaining this was a whole new concept and that the original plan had been abandoned.

Jim Morley related to the Board as the ditch now exists it is a controlled runoff, and with the project being developed the runoff will not be exceeded with the controls and storage proposed.

President Schaad commented that this was one of the finest plans he had seen and Mr. Morley should be complimented. Commenting on the swales and easements, President Schaad suggested that these be platted on each individual lot so the residents know they can not fill up or build on them, with the maintenance and keeping them open up to the residents themselves.

Jim Morley explained that he had talked to the developer and on every single deed as they are platted it would be typed on the deed the covenant relating to the above, so that it not only is recorded in the Records Office but also on the residents copy also.

Commissioner Davies questioned if the possible widening of Burkhardt Road was taken into account.

Jim Morley explained that it was on the plat, with a 60 ft. right of way being allowed, 30 ft. each side of the center line, with lots being platted after with an additional 20 ft. beyond that, so the total is 50 ft. from center line of Burkhardt Road allowing for a permanent easement to be used for street or public utilities.

Louie Stephen commented that the Crawford-Brandis ditch on the opposite side will cause problems, because it is partially in the 30 ft. of right of way.

Charles Osterholt said looking into the future, the 30 ft. right of way should be sufficient along the lines if it was used for drainage easement, but it may get to the point that

the ownership of easement belongs to the property or lot owner and payment would have to be made.

President Schaad commented that it was questioned whether the project should advance before the Wabash / Erie Canal was cleaned and the Crawford-Brandis ditch extended 180 ft.

Louie Stephen explained the Crawford-Brandis matter pertaining to the project was on the east side of Burkhardt Road, approximately 130 ft., at the actual starting point of the ditch.

Jim Morley commented that the flow down thru this area only requires a 30-36 inch pipe, and any adequate road side ditch could carry it.

President Schaad said that 180 ft. south of the east side of Burkhardt Road should be extended and made part of the legal drain Crawford-Brandis. Adding that since the runoff is taken care of, Mr. Schaad said he saw no reason to delay the project on the account of the opening of the Wabash/ Erie Canal.

Jim Morley explained that even though his calculations were subject to review and correction, he has proven with them and the layout that there is no greater runoff in the ditches than presently, which is based on a 5 year storm, therefore the project meets all criteria for development in this area. In regards to the swales, Mr. Morley suggested to the developer to excavate where the swales are presently, put up a levy and an outfall pipe with slotted drains, and put rye grass over it to stop erosion.

Bob Kinkle introduced himself explaining he was Mr. Evans law partner, and their law firm represents the Home Owners Association, which has been involved in this matter. Mr. Kinkle explained he wanted a covenant to insure maintenance of the swales or detention basins.

Jim Morley commented that a couple of the swales have pipe drains but the remaining ones were open.

Bob Kinkle questioned whether the runoff would be slower.

Jim Morley replied the work was done according to the size and slope of ditch, which would not be subject to change. A few of the upper ones have an orifice in the catch basins that limit those, but this was only a small part of total with the rest of the sloping of the ditches being done in the way originally built.

Bob Kinkle requested a covenant be obtained so that these would be maintained. Mr. Kinkle also questioned the recommendation of the Soil and Water Conservation Department that the project not commence until the Wabash/ Erie Canal was completed.

Louie Stephen explained that the comment was relative to the original plan.

Jim Morley replied that having gone to the extreme of proving that the runoff is limited with this new design, there should be no reason to restrict the start of the project subject to the canal opening.

Bob Kinkle stated that he understood the drainage problem in this area was severe.

Jim Morley explained that this would not worsen the problem.

The area being discussed is the 109 Lot on the preliminary plat of sub division called Lant Place, which does not include the 22.8, 2.76 and 9.52 acreage north and east of Lant Place.

Dave Guillaum said the job would be started in about 3 weeks and could easily be done within 30 working days, with the sketching being done now with advertising coming next.

Jim Morley stated that there would be no additional drainage problems caused by this project.

Commissioner Davies added that it could possibly provide some relief with the cleaning of the ditches there is capability of them holding more water.

Louie Stephen explained that the recommendation from the Soil and Water Conservation Department was in regards to the other design with the runoff draining too fast, whereas with the new design water will be retained.

Jim Morley stated that Area Plan has seen the new plans, viewed last Wednesday night, along with the Soil and Water Conservation Department and nothing has been said in objection to this new design.

Commissioner Davies moved to accept the new design with the provisions that have been made and also acceptance of fact if computations are incorrect to return to the Board for permission.

President Schaad seconded the motion. So ordered.

Bob Kinkle asked if the provisions were as follows; covenant in deeds that swales be maintained and the Crawford-Brandis ditch be extended.

President Schaad replied that was correct and a map of the sub division was given to Mr. Kinkle.

Green River Estates, located on the west side of Green River Road.

Louie Stephen presented the map to the Board.

President Schaad explained this was a preliminary plat and concerned the replotting of Lots 1, 2, 3, 4, 5, 6, 7 and 13, 14 and 15 in Section "A".

Andy Hooper said that the existing ditch will be reopened and widened and the new ditch will cut into this, with the areas being cut being sealed immediately.

Louie Stephen suggested a covenant stating no fencing of the yard area.

Charles Osterholt added to the covenant by stating it should be strictly grass area, prohibiting bushes, trees, fences, etc.

Commissioner Davies made the motion to approve the plan with the stipulated covenant.

President Schaad seconded the motion. So ordered.

West Brook Mobile Home Court, located south of Stucki's Mobile Home Court, east of St. Joe Avenue.

President Schaad explained no plans were submitted to view.

RE: OPENING OF BIDS FOR ANNUAL MAINTENANCE OF LEGAL DRAINS:

The following bids were opened and read by County Attorney Ed Smith, Jr.:

LEO PAUL:

Baehl.....	6,890 ft.....	10.5¢/ft.....	\$ 723.45
Barr's Creek.....	20,668 ft.....	15¢/ft.....	3,100.20
Wallenmeyer.....	8,355 ft.....	11¢/ft.....	919.05

A personal check for \$237.14 was enclosed.

MERLE HOEFLING:

Hoefling.....	5,578 ft.....	7¢/ft.....	390.46
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A personal check for \$19.52 was enclosed.

BIG CREEK DRAINAGE ASSOCIATION:

Buente Upper Big Creek.....	20,195 ft.....	15¢/ft.....	3,029.25
Pond Flat Main.....	29,351 ft.....	12¢/ft.....	3,522.12
Lower Big Creek.....	7,501 ft.....	10¢/ft.....	750.10
Rusher Creek.....	4,444 ft.....	8¢/ft.....	355.52
Pond Flat Lat. "C".....	9,036 ft.....	8¢/ft.....	722.88
Pond Flat Lat. "E".....	3,616 ft.....	8¢/ft.....	289.28

A cashiers check for \$433.46 was enclosed.

PAUL SEIB:

Baehl.....	6,890 ft.....	7.5¢/ft.....	516.75
Henry.....	3,179 ft.....	13¢/ft.....	413.27
Keil.....	3,012 ft.....	13¢/ft.....	391.56
Buente Upper Big Creek "A"			
Lateral.....	3,666 ft.....	25¢/ft.....	916.50

A personal check for \$111.90 was enclosed.

GEORGE SEIB:

Crawford-Brandis.....	13,563 ft.....	8¢/ft.....	1,085.04
Kelly.....	7,600 ft.....	8¢/ft.....	608.00
Kolb.....	7,703 ft.....	8¢/ft.....	616.24
Maidlow.....	12,805 ft.....	16¢/ft.....	2,048.80
Nurrenbern.....	10,054 ft.....	8¢/ft.....	804.32

A personal check for \$258.12 was enclosed.

UNION TOWNSHIP DITCH ASSOCIATION:

Barnett.....	8,358 ft.....	4¢/ft.....	334.32
Cypress Dale Maddox.....	23,887 ft.....	4¢/ft.....	955.48
Kamp.....	11,160 ft.....	4¢/ft.....	446.40
Happe-Helfrich.....	12,698 ft.....	4¢/ft.....	507.92
Edmund.....	15,395 ft.....	15.5¢/ft.....	2,386.23

A cashiers check for \$231.52 was enclosed.

ELDON MASSEBERG:

Knoor.....	3,036 ft.....	8¢/ft.....	242.88
Maasberg.....	2,206 ft.....	5¢/ft.....	110.30

A money order for \$18.00 was enclosed.

NORMAN KESSEL:

Somntag-Stevens.....13,204 ft.....13.4¢/ft.....1,768.89
Somntag-Stevens Extension.....126.00

A cashiers check for \$94.74 was enclosed.

DANIEL J. PAUL:

Nurrenbern.....10,054 ft.....13¢/ft.....1,307.02
Stockfleth.....6,296 ft.....13¢/ft.....818.48

A cashiers check for \$106.28 was enclosed.

RALPH REXING:

Pond Flat Lat. "A".....5,311 ft.531.10
Pond Flat Lat. "B".....2,797 ft.279.70

Enclosed was \$41.00 cash.

WILLIAM HEPLER:

Kolb.....7,703 ft.....04¢/ft.....308.12
Eagle Slough.....30,040 ft.....04¢/ft.....1,201.60

A personal check for \$76.00 was enclosed.

QUENTIN STAHL:

Schlensker.....450.00
Somntag-Stevens.....2,380.00
Stockfleth.....880.00
Keil.....490.00
Harper.....640.00

A cashiers check for \$242.00 was enclosed.

Commissioner Davies made the motion to turn the bids over to Dave Guillaum and for him to come back next Monday with a recommendation.

President Schaad seconded the motion. So ordered.

RE: CLOUSE LAWSUIT:

County Attorney Paul Wendel reported on the trial last Friday concerning the Clouse Lawsuit on Peacock Lane. The Board of County Commissioners judgement was in their favor indicating they are not liable for the damage of the bridge, but the Drainage Board was found liable for \$3,000.00. Mr. Wendel continued by saying that he and Ed Smith, Jr. disagree with the judgement and request concent from the Board to order a transcript of the case to prepare for an appeal.

Commissioner Davies moved to prepare for an appeal.

President Schaad seconded the motion. So ordered.

With no further business the meeting adjourned at 12:00 p.m.

MEMBERS PRESENT

DRAINAGE BOARD

Bob Schaad
Robert Davies

COUNTY AUDITOR

Alice McBride
(Deputy)

COUNTY SURVEYOR

COUNTY ATTORNEY

Ed Smith, Jr.
Paul Wendel

Secretary: Cathie Day

Bob Schaad
Robert Davies

VANDERBURGH COUNTY DRAINAGE BOARD
March 26, 1979

The meeting of the Vanderburgh County Drainage Board was held on the 26th day of March, 1979 at 12:15 p.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting, March 12, 1979 were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: AWARDING OF BIDS FOR ANNUAL MAINTENANCE OF LEGAL DRAINS.

Dave Guillaum awarded the following bids:

LEO PAUL:

✓Barr's Creek.....	\$3,100.20
✓Wallenmeyer.....	919.05

MERLE HOEFLING:

✓Hoefling.....	390.46
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BIG CREEK DRAINAGE ASSOCIATION:

✓Buente Upper Big Creek.....	3,029.25
✓Pond Flat Main.....	3,522.12
✓Lower Big Creek.....	750.10
✓Rusher Creek.....	355.52
✓Pond Flat "C".....	722.88
✓Pond Flat "E".....	289.28

PAUL SEIB:

✓Baehi.....	516.75
✓Henry.....	413.27
✓Keil.....	391.56
✓B.U.B.C. "A" LATERAL.....	760.12

UNION TOWNSHIP DITCH ASSOCIATION:

✓Barnett.....	334.32
✓Cypress Dale Maddox.....	955.48
✓Kamp.....	446.40
✓Happe-Helfrich.....	507.92
✓Edmund.....	2,386.23

ELDON MAASBERG:

✓Kneer.....	242.88
✓Maasberg.....	110.30

NORMAN MESSEL:

✓Sonntag-Stevens.....	1,768.89
✓Sonntag-Stevens Extension.....	126.00

RALPH REXING:

✓Pond Flat "A".....	531.10
✓Pond Flat "B".....	279.70

WILLIAM HEPLER:

✓Kolb.....	308.12
✓Eagle Slough.....	1,201.60

(Spray 2 times)

Bob Brenner explained the legal Drains Pond Flat "D" Lateral and Singer were not bid on, and the bid pertaining to Maidlow was over the annual maintenance fee. Mr. Brenner said that he would find someone to do these and negotiate a price.

Commissioner Willner made the motion to award the bids.

Commissioner Davies seconded the motion. So ordered.

President Schaad moved to return the checks of the rejected bids.

Commissioner Willner seconded the motion. So ordered.

RE: BURKHARDT ROAD

Commissioner Davies questioned the dirt pile on Burkhardt Road between Division Street and Boonville on the east shoulder of the road.

Dave Guillaum explained the contractor, Quentin Stahl, had leveled down part of the dirt pile and he did not get the opportunity to finish and fine grade it because of a law suit filed by the property owner. When the suit is resolved the remaining work will be completed.

Commissioner Davies suggested that the shoulder be cleaned off as soon as possible being that it is on the highway right of way and the east lane of the road is completely lost.

Dave Guillaum explained that the ground was too soft and muddy to continue the work now, but he would call Mr. Stahl to see if he would hasten the work.

John Feigel, of Feigel Construction, suggested cutting bleeders at given intervals.

Dave Guillaum related that it is Mr. Stahl's job to get the shoulders of the road up to our specifications, therefore he should cut the bleeders and a call would be placed to him.

RE: CHANGE IN VALUATION

Dave Guillaum explained to the Board that he went out to the property owned by W. Harold McCoy located on 1721 Fuquay. Mr. McCoy's contention was that he was being billed for water which did not drain into the legal ditch of Aiken. After observing the situation, Mr. Guillaum agreed with Mr. McCoy and requested that he be taken off the legal drain.

Commissioner Willner made the motion Mr. McCoy's assessment be taken off.

Commissioner Davies seconded the motion. So ordered.

RE: SUB DIVISION

Lant Place, located on Burkhardt Road, between Lincoln and Division Streets.

Jim Morley showed a map to the Board explaining that this R-3 area was being petitioned for rezoning. The site plan is:

Williamsburg on the Lake, located on the south west corner of Burkhardt Road and Division Street.

Jim Morley explained that a permanent pool lake was being con-

structed, with storage available in lake as well as in swales. The water would then drain from the lake into Stockfleth ditch and some into Crawford-Brandis north of Division Street, with an outflow of 18 cu. ft./sec. from the lake. The storage volume as is is 107,000 cu. ft., with the lake and swales there is an additional 340,000 cu. ft. of storage, so the total water storage now on the project is 450,000 cu. ft.

Commissioner Davies questioned Section BB, which has a frontage road and ditch at the right of way line.

Jim Morley said the developer Rick Wells moved the road away from this area and around the lake.

Commissioner Davies explained that if Burkhardt Road was expanded it would be in their ditch with no shoulder provided.

Jim Morley related that there is an additional 20 ft. for easement, which is not shown on these drawings.

President Schaad suggested that Mr. Morley make the necessary corrections.

RE: MEETING WITH POSEY COUNTY

President Schaad explained that on March 19, 1979 the officials from Posey County and Vanderburgh County were to meet to discuss forming a joint drainage board. Dave Guillaum and Bob Brenner were to meet also but there was a discrepancy on the location, and they failed to show. President Schaad sent a letter to Mr. Leffel, Posey County Surveyor, asking him to look over the statutes permitting a joint drainage board to be formed. President Schaad also recommended Bob Brenner call Mr. Leffel to set up a meeting.

With no further business the meeting adjourned at 12:55 p.m.

MEMBERS PRESENT

DRAINAGE BOARD

Bob Schaad
Robert Willner
Robert Davies

COUNTY AUDITOR

Curt John

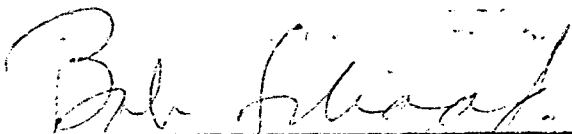
COUNTY SURVEYOR


Robert Brenner

COUNTY ATTORNEY

Ed Smith, Jr.
Paul Wendel

Secretary: Cathie Day





VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD

April 9, 1979

419

The meeting of Vanderburgh County Drainage Board was held on the 9th day of April, 1979 at 11:25 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting, March 26, 1979 were approved as engrossed by the Auditor and the reading of them dispensed with.

President Schaad asked that the record show that Paul Gries of R.R. #1 Box 355 Haubstadt, IN. had called and asked to be on the Board's agenda but did not show.

RE: SUB-DIVISION

Louie Stephen presented the following map to the Board:

Shady Hill #5, located on the east side of Old State Road across from BuJey Drive.

After careful consideration Commissioner Willner moved to disapprove the plan, commenting that in this particular area there were severe drainage problems and this would compound the problem even more so.

President Schaad seconded the motion. So ordered.

Thurman property, located on the west side of Martin Road just south of Ingle Street.

President Schaad said no action would be taken due to lack of detail.

Richard Martin property, located on the west side of Royal Avenue between Monroe and Covert Avenues.

Louie Stephen explained that a storm sewer was being proposed.

No action was taken.

Williamsburg on the Lake, located at Burkhardt and Division Streets.

After looking at the map President Schaad suggested that Louie Stephen get back with Jim Morley on it.

RE: HIRSCH LAWSUIT

County Attorney Ed Smith, Jr. explained that a partial trial had taken place and a period of two weeks was given to check on the records.

Commissioner Willner suggested that the Commissioners, Attorneys and the Surveyor meet later on to discuss the matter.

With no further business the meeting adjourned at 11:45 a.m.

MEMBERS PRESENT

DRAINAGE BOARD

Bob Schaad
Robert Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

COUNTY ATTORNEY

Ed Smith, Jr.
Paul Wendel

Secretary: Cathie Day

B. L. Schindler

Robert J. Williams
VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
April 23, 1979

421

The meeting of the Vanderburgh County Drainage Board was held on the 23rd day of April, 1979 at 12:00 p.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting, April 9, 1979 were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: CLAIM

The following claim was brought before the Board for approval:

Gregory A. Madden, 452 Shamrock Court on account of appropriation for modification and operators training of drain improvement billing system in the amount of \$216.25.

Commissioner Willner moved the claim be approved.

President Schaad seconded the motion. So ordered.

RE: SONNTAG-STEVENSON DRAINAGE PROBLEM

Elmer Nelson of 4220 Oak Hill Road approached the Board with a problem concerning the Sonntag-Stevens drain. Mr. Nelson explained that his property was located at the beginning of Sonntag Stevens drain and the lateral there was standing approximately half full with water. Also, west of Clover Drive is a 200 ft. culvert in which Mr. Nelson saw a child climbing in. Mr. Nelson questioned if it was possible to correct these problems.

Bob Brenner explained that Mr. Nelson's property located along a lateral of the Sonntag-Stevens drain is not cleaned being that it is not a part of the 13,200 ft. of legal drain that is maintained annually. Mr. Brenner further commented that the portion of the ditch Mr. Nelson referred to is private property.

Mr. Nelson also questioned why everyone along this legal drain was not assessed.

Mr. Brenner replied that new maps were drawn up and 630 property owners are now being assessed which should include everyone along this drain now.

Jack Sebeking, Garage Superintendant, said he would go out to this area and take care of the culvert, but he could not do anything to correct the ditch being that it is private property.

RE: LEGAL DRAIN BIDS

Bob Brenner explained that he still had two legal drains that were not bid on, Singer and Pond Flat "D" Lateral. Two legal drains were overbid, Buente Upper Big Creek and Maidlow. Mr. Brenner commented that he had negotiated a deal with George Seib, reducing his bid of \$2,048.80 down to \$1,907.07 on Maidlow.

Commissioner Willner moved to accept the bid on Maidlow.

President Schaad seconded the motion. So ordered.

RE: PROPERTY ALONG BERGDOIT ROAD

Bob Brenner explained that a contract was given to a Mr. Lant regarding the property on Bergdoit Road along the Crawford-Brandis drain. Mr. Brenner said the whole side would be dressed up and seeded.

RE: CHICKASAW DRIVE OFF POLLACK AVENUE

Bob Brenner explained that when Kolb ditch was cleaned approximately three years ago, a pile of spoil was left and he was receiving complaints about it now. Mr. Brenner commented that Mr. Stahl was going to level and clean this particular lot for the fee of \$150.00.

RE: SUB DIVISIONS

Louis Stephens presented the following maps to the Board:

Shady Hill Number 5, located on Old State Road north of Camp Ground Road.

Mike Fitzsimmons presented a new layout with a total easement of 130 ft.

Louis Stephens commented that the lots would have to be elevated above the flood elevation set by Jesse Crooks, and the 130 ft. easement was recommended.

Commissioner Willner questioned if the property owners would maintain the easement and if it could be recorded on each plot.

Charles Osterholt, Director of Area Plan, commented that normally a notice was put on the plats regarding the easement maintainment

President Schaad suggested Mr. Fitzsimmons draw up the plan as such and appear before the Board again for approval.

P.P. & G. Industries, located on the north west corner of U.S. 41 and Inglesfield Road. Louis Stephens, Engineer.

The map and calculations were reviewed by the Board, and Louis Stephens recommended approval.

Commissioner Davies moved the plan be approved.

Commissioner Willner seconded the motion. So ordered.

Williamsburg on the Lake, located on the south west corner of Burkhardt and Division Streets. Morley & Associates, Engineer

The map and calculations were reviewed by the Board.

Commissioner Davies moved the plan be approved.

Commissioner Willner seconded the motion. So ordered.

With no further business the meeting adjourned at 12:50 p.m.

MEMBERS PRESENTDRAINAGE BOARD

Bob Schaad
Robert Willner
Robert Davies

COUNTY AUDITOR

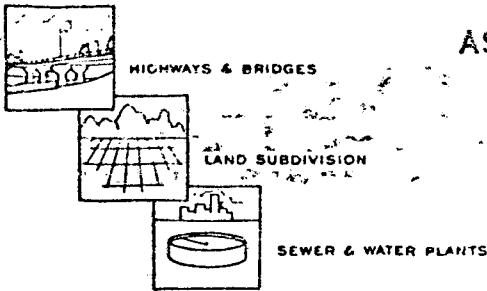
Curt John

COUNTY SURVEYOR

Robert Brenner

Secretary: Cathie Day

Bob Schaad
Robert Willner
Robert Davies
VANDERBURGH COUNTY DRAINAGE BOARD



ASSOCIATED LAND SURVEYORS
AND CIVIL ENGINEERS, INC.

1323 DIVISION ST. TEL. (812) 464-3031
EVANSVILLE, INDIANA 47714

April 18, 1979

Vanderburgh County Drainage Board
Third Floor, Civic Center Complex
Evansville, Indiana 47708

Ref: P.P.G. Site Plan
NW corner U.S. 41 &
Inglefield Road

Gentlemen:

Enclosed are drawings No. 372001, 372002 & 372003, on which is indicated the rough grading plan for this site. Included in this grading plan is a retention basin for which we are asking your approval since this water enters Pond Flat ditch at Base Line Road.

This basin was designed in accordance with the Indiana Soil Conservation guidelines for detention basins and the calculations for this design is also enclosed.

If this meets with your approval we would appreciate your acknowledgement below.

Very truly yours,

Sam Biggerstaff
Sam Biggerstaff

Recommended for Approval

Louis Stephens
Louis Stephens, Engineer

Dated:

April 23, 1979

Vanderburgh County Drainage Board

Robert Schaad
Robert Schaad, President

Robert Davies
Robert Davies, Vice President

Robert Willner
Robert Willner, Member

The meeting of the Vanderburgh County Drainage Board was held on the 30th day of April, 1979 at 12:35 p.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting, April 23, 1979 were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: SUB DIVISIONS

Louis Stephens and Mike Fitzsimmons, presented the following map to the Board:

Shady Hill Number 5, located on Old State Road, north of Camp Ground Road.

Louis Stephens explained that Mr. Fitzsimmons had replatted this sufficiently, with a 65 plus 65 ft. drainage easement along the existing ditch.

Commissioner Willner moved the drainage plans be approved.

Commissioner Davies seconded the motion. So ordered.

With no further business the meeting adjourned at 12:40 p.m.

MEMBERS PRESENT

DRAINAGE BOARD

COUNTY AUDITOR

COUNTY SURVEYOR

Bob Schaad
Robert Willner
Robert Davies

COUNTY ATTORNEY

Ed Smith, Jr.
Paul Wendel

Secretary: Cathie Day

Bob Schaad
Robert Davies
Robert L. Willner
VANDERBURGH COUNTY DRAINAGE BOARD

The meeting of the Vanderburgh County Drainage Board was held on the 7th day of May, 1979 at 12:20 p.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting, April 30, 1979 were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: SUB DIVISIONS

Louis Stephens presented the following map to the Board:

Eastland Estates, located south of Arcadian Acres, between Pollack Avenue and Covert Avenue when extended.

Sam Biggerstaff, engineer, explained that the plan was approved on the whole sub division on September 25, 1978, but a particular area is now being changed.

President Schaad questioned if it would alter the drainage plans if the developement was not completed as presented.

Commissioner Willner also questioned if a detention basin was going to be installed.

Sam Biggerstaff replied yes, but not at this time.

Commissioner Davies commented that if drainage is being altered in this particular section, a new drainage plan should be drawn up and presented again.

Louis Stephens said that there would be no additional drainage problems if the proposed plan was not completed in this particular section.

Commissioner Davies explained that he did not think it was right to approve a piece at a time.

President Schaad commented that legal advice was needed at this point.

Sam Biggerstaff replied that everything that has been done to this point was proposed in the original plan, and in this particular section being discussed details were just being added.

Commissioner Willner questioned certain lots on the plan that were to drain into a detention pond that is not going to be built at this particular time.

Sam Biggerstaff explained that these would drain into Kolb ditch, adding that when the proposed sewer is built by the City, more water will be taken out of Kolb than the whole sub division will put into it.

President Schaad commented that approval was given for the over all drainage plan, but now a particular section of this plan would not be completed as originally stated. The legality of this is in question.

County Attorney, Paul Wendel said that with a project this size this should have been discussed when first presented.

President Schaad explained that this was not decided until recently.

Sam Biggerstaff commented that he had never seen the Board require a retention lake on such a small area.

County Attorney Paul Wendel replied that this was not included in the plan that was presented and approved.

President Schaad asked if Charles Osterholt had any opinions on the matter.

Charles Osterholt, Director of Area Plan, said that there were questions the Attorney's would have to answer, such as if the construction plans are for the total project or just a portion of it. The language in the code should be studied.

President Schaad suggested the County Attorneys take the matter under advisement to see if it could be resolved.

Commissioner Davies made the motion.

Commissioner Willner seconded. So ordered.

RE: LEGAL DRAIN BILLS

Commissioner Willner explained that the bills that were sent out on the legal drains were erroneous, stating that a spring and fall payment was due, when actually the amount is only to be paid once. After checking into the matter, Commissioner Willner found that the Treasurers Office sent the invoices out.

President Schaad commented that no action could be taken on the matter without Lewis Volpe being present.

With no further business the meeting adjourned at 12:45 p.m.

MEMBERS PRESENT

DRAINAGE BOARD

Bob Schaad
Robert Willner
Robert Davies

COUNTY AUDITOR

COUNTY SURVEYOR

COUNTY ATTORNEY

Ed Smith, Jr.
Paul Wendel

Secretary: Cathie Day

Bob Schaad
Robert Davies
Robert Willner
VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD

May 14, 1979

427

The meeting of the Vanderburgh County Drainage Board was held on the 14th day of May, 1979 at 11:35 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting, May 7, 1979 were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: LEGAL DITCH BILLS

The Commissioners discussed the problem of the ditch bills, in that they appear to be double the amount that they should be since the full amount is on each of the two copies instead of half the amount on each copy, the one due in spring and the one due in the fall.

President Schaad said that Mr. Volpe was written a letter asking that he appear at the Drainage Board meeting today.

Bob Brenner said that the County Auditor sends out the ditch bills, so the Commissioners sent for Curt John.

Curt John explained that if the total bill is under \$25.00 it must all be paid by May 10th and if there is any remainder after that it must be paid by November.

Commissioner Davies said if this is true why do they send out two statements.

John West said because it saves the taxpayers money by sending out the spring and fall bill together. It saves on postage and they started doing this last year, so when the people get these bills they think they owe twice of what they really owe.

Curt John said it could be a matter of just revising the forms.

Commissioner Willner asked what forms they used last year to send out the ditch bills.

John West said that last year separate bills were sent out for the spring and for the fall, that they were exactly the same forms but were torn in half and they got one at a time.

Curt John said the everything to do with ditches except for the minutes of the Drainage Board goes through the Treasurers Office and Mr. Volpe was the one that had these forms printed.

President Schaad asked what is going to be done on the ditch bills that have been sent out.

Commissioner Willner asked what will be done about the people who have already paid twice the amount they should have.

Curt John said they will get a refund.

Commissioner Davies said the simple thing to do on these bills would be to put half the amount on the spring bill and half the amount on the fall bill, that this would keep everyone happy and they would then know what they are doing.

John West said the 90% of the people did not understand the billing since most of them have been in the office.

Curt John said he thinks the only thing they would have to change is to put 50% of the bill under the principle on both forms A and B with the total due to the side.

Commissioner Willner asked if they don't normally collect the full amount in the spring so they have it in hand.

Curt John said they try to but they can't legally tell the people to pay the full amount if it is over \$25.00 since they have two installments. When it was first set up, the whole purpose of it was, the two installments and at that time the County advanced over \$80,000 to the ditch fund but the general fund still hasn't been paid back for their advance to the ditch fund, but that was because of this, you don't collect it all at one time, you do have delinquencies and you do have to pay when the work is done and not when you collect for it. Anyone who had paid double the amount they owed, will receive a refund and if anyone calls about their bill to tell them that the A copy shows what they owe for the full year and if it is under \$25.00 they should just pay the amount stated on A copy and they will be paid for the year.

Commissioner Willner said he can understand if he would pay his total year's bill there would be an over-ride but say that he paid his ditch bill in the spring and he paid \$5.00 too much, he asked if this would be corrected in the spring or would it be corrected in the fall.

Curt John said if they overpay in the spring it will be corrected at that time, but they will have to be posted to see who has overpaid, that the money will go in surplus and the people will be notified by mail that they do have a refund due them and that they will need to sign a blue claim.

RE: SPLIT TAX CODES IN DARMSTADT

Bob Brenner said that the City of Darmstadt has incorporated areas that are in the watershed, thereby putting two tax codes on one piece of property and we assess by tax code and now all of a sudden we have two pieces of property, so if they pay the minimum, they pay \$5.00 on each tax code, because they are billed double by being annexed to Darmstadt.

John West said the situation is that some of the people have say one-quarter of an acre of land and the city limits has now split that and they have 12/100 of an acre in the City of Darmstadt and 12/100 of an acre in the County so they are double assessed and there are about 30 or 40 people who are in this category, so they are a little upset and they have asked him to come before the Drainage Board to ask for a waiver on the portion they have that is in Darmstadt.

Commissioner Davies asked if the people that are in the City and in Vanderburgh County do the same thing.

Bob Brenner said the City gets them all, that they don't cut them like that.

Commissioner Davies said if those people are inside the City limits of Darmstadt, let Darmstadt get them, that we should do the same thing with them that the people inside the City limits do here.

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Commissioner Willners said he would think there should be something in the statute that covers this.

Bob Brenner wondered if they could request us to abandon them and that they will assume the responsibility for collecting it, but Darmstadt has to want it. The City, in one of their pitches on annexation, said they would take over the storm sewer and there was a young attorney who said they didn't have to pay this but they eventually did pay the bill.

Commissioner Davies said he thinks it should be handled the same way as the people in Evansville are.

Bob Brenner said we don't have a situation here where the property is cut in half, that it is all in the City of Evansville or all in the County, that if the assessment is in the City, they get the entire bill and the County doesn't get any because they don't have any of the property that is outside of the City.

Commissioner Davies said what he is saying is that because the City of Evansville has assumed the responsibility, this is done, but what he is saying is that Darmstadt should then assume the responsibility.

Bob Brenner said we don't have exactly the same problem though, that they drew the boundaries and then cut them in half. They get two tax bills and don't know what can be done for them.

Commissioner Davies said he knows a man in the East side who pays City taxes, County taxes and Warrick County taxes because the County line went straight through his barn but he tore his barn down so that put a stop to it.

Bob Brenner said another problem is that Mr. Peckinpugh has been over to see the surveyor in Warrick County and they would like to reopen conversation on the Vanderburgh-Warrick County Joint Drainage Board, that they would like to start it up again, that we agreed to collect the money and turn about is fair play.

President Schaad explained that he and Commissioner Willner were both on that Joint Drainage Board and according to his recollection it has never been changed so they need to meet again and get reorganized because the President was a Warrick County Drainage Board member and he is no longer there, so tell them that we will be willing to meet with them and reorganize, also that we are suppose to be paid for those meetings out of the local drainage fund.

Mr. Brenner said they will also be there, that the Commissioners secretary should set it up, that they want to talk about Weimer and Boesche.

John West said he went to a drainage board meeting to discuss a situation with the East sides on drainage now and they have a large portion that is in Warrick County and their belief is that the drainage doesn't benefit their people, that the situation is that their part of the ditch isn't being maintained at all, that it stops at the County line and they were willing to reach a agreement that if we maintain further into Warrick County that they would be glad to let their portion go, that they have to find a waiver and they have not done this yet.

President Schaad asked Mr. Brenner if he would get with the Warrick County Surveyor and bring this to a head as to what the real specifics are if they should have a meeting.

Mr. Brenner said he would do this.

John West said they are willing to cooperate and the man to talk to is the Warrick County Surveyor which is Michael Feltbusch.

Mr. Brenner said that the other thing that will be pertinent to this is that on Wednesday, the Wabash-Erie canal opening will be let on bids, that it is a joint City-County, so the Works Board is bidding it and we are participating with the bridge fund and \$100,000 out of this East Side Urban Drain and it is pertinent that Warrick County help us, that the people there get their share and that is how the \$100,000 was originally assessed and it will be collected in about July or August, that they go out on a special assessment and they have up to five years to pay that bill. The Wabash-Erie Canal project will go from \$600,000 to \$750,000 so it should really help.

President Schaad said he will get in touch with Warrick County and try to set up a meeting then.

RE: THOMAS WALLACE PROPERTY

John West said that Mr. & Mrs. Thomas Wallace asked him to request a waiver from the Board on their ditch bill, that the situation is that they had tax code 9-50-9 and 9-50-13 and they combined it into one tax code and is now 9-50-9, that they did it May 3, 1979 and they have a total of 2 acres, that it is a minimal bill situation, that they had one acre each and they were giving \$5.00 for each one and now with the 2 acres it will still be \$5.00 and he told them he really couldn't do anything since he had no authority to change it until next year and he told them he would bring the matter before the Drainage Board.

Commissioner Willner said that March 1st is the deadline, that this is the assessment date, so it won't be changed until January of 1980.

After checking the statute on ditch bills being billed half in the County and half in Darmstadt, County Attorney Wendel said there is nothing in the statute that covers this and as close as it comes to it is, that it states, a tract of land should not be billed less than \$3.00 and it defines a tract of land as land owned by one person or by several people jointly, so he thinks under the code, they are just talking about one tract of land and he doesn't know how it can be billed twice.

John West said it is double taxed because they have two tax codes, that they changed them all and actually they should have picked them up last year.

Commissioner Willner said they may have to search all the abstracts and asked what if these people get together and sue us and the judge says you will not send these people two bills, what will they do then.

Mr. West said he supposed they would then have to go through all their billing and actually go through all the deeds.

Mr. Brenner said if the Commissioners want to make a command decision they should just tell him to send one bill and he will send one bill and no one will sue the Commissioners over that.

Commissioner Davies said the legal department should tell them what to do and when they tell us what to do, that's what will be done.

Mr. Guillaum said they have the Young property taken care of on Chickasaw on the drainage problem that was discussed earlier and he believes that the owner is satisfied and Mr. Stahl should soon have the whole road done and he is going to seed our side of it.

Commissioner Willner said that on the property in Darmstadt that gets double minimum tax bills on Darmstadt's code numbers, they should just do away with them.

Mr. Brenner said he will be glad to do this.

After further discussion, Commissioner Willner moved that we follow the County Attorney's advice in stopping double billing for the minimum of people who's tract is partly in the town of Darmstadt and part in Vanderburgh County outside the corporate limits of the City, just the ones that are divided with the total under the minimum.

Commissioner Davies seconded the motion. So ordered.

RE: PRELIMINARY PLATS SUBMITTED

The following preliminary subdivisions were submitted to the Drainage Board for recommendation:

Edgar Willis, located north of Mill Road and west of Mesker Park Drive about 800 ft. Sam Biggerstaff, Engineer.

No action taken because of lack of information.

Harmony Manor,

No action taken because this is located in the City.

McCuthchanville Estates, located east of Hwy. 41 and south of Hillsdale about 650 ft.

Mr. Stephen said this is one where ponding could be necessary and it looks like it would be the wrong thing to try to hold this one back, that it should be let go ahead because where you go down and decide where it affects Little Pigeon, that you can look at it two ways and they ended up by deciding that it would be well to not retain it and one whole area floods because it can't get out to Little Pigeon. A check would have to be made to see where they accepted the flood plane line, that they are trying to establish a new legal drain above this and this will come back for the preliminary subdivision street plans.

Mr. Brenner said that until a short time ago the Commissioners never saw a subdivision plan, that Area Plan takes full control of that and when the Commissioners approve this, they are done with it.

Commissioner Willner asked what acre size lots do they have.

Commissioner Davies said it looks like 215 x 200 and the only thing he doesn't like is that there is no ingress.

Mr. Stephen said there is only one for getting in and out.

Commissioner Willner said he doesn't even see a drainage plan here.

President Schaad wondered if we couldn't have an ordinance that says all plans for streets have to be approved as well as the drainage.

County Attorney Wendel said he would have to check the statutes on subdivisions in Area Plan since they were recently changed.

Mr. Stephen said they have lot drainage swails and this is going to be a roadway with side-ditching.

Commissioner Willner said we want to request that they go below the ditch line.

No action was taken due to lack of information on drainage.

Fleener Subdivision, located off of Fleener Road between St. Joe and Darmstadt.

No action was taken because this is in the City of Darmstadt.

Bob Roedel's Subdivision, located at the northeast corner of Heinlein Road and Marx Road.

No action was taken due to lack of information.

Floyd Wazny Subdivision, located west of Oak Hill Road and north of St. George Road and east of Ward Road.

No action was taken due to lack of information.

Burkhardt Road Industrial Park, located east of Burkhardt Road between Old Boonville Hwy. and Oak Grove Road north of State Road 62.

This was referred back to Mr. Stephen to check with Area Plan why it is being presented.

West Haven Hills Subdivision #2, Section E, located off of Red Bank Road north of Upper Mt. Vernon Road.

Mr. Stephen said there is a drainage swail and they have built this up and moved it over to the line and the water all drains down to that, and he checked it and there is a distance of 100 ft. where it raised 157 and it can't be left that way.

President Schaad said we need to call this to Mr. Osterholt's attention, that on the extension of west Haven Hills Subdivision #2-Section E the road grade is too steep, but this isn't drainage.

Mr. Stephen recommended that this be approved for drainage.

Commissioner Davies moved this be approved.

Commissioner Willner seconded the motion. So ordered.

Oak Terrace #3, located between Aspen and Eastbrooke.

After some discussion, President Schaad said this had nothing to do with drainage.

With no further business the meeting adjourned at 12:50 p.m.

MEMBERS PRESENT

DRAINAGE BOARD

Bob Schaad
Robert Willner
Robert Davies

COUNTY ATTORNEY

Ed Smith, Jr.
Paul Wendel

Secretary: Cathie Day
(taken by Margie Meeks)

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Robert Brenner

Bob Schaad
Robert Willner
Robert Davies
Robert L. Willner
VANDERBURGH COUNTY DRAINAGE
BOARD

The meeting of the Vanderburgh County Drainage Board was held on the 21st day of May, 1979 at 1:30 p.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting, May 14, 1979 were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: CLAIMS

Bob Brenner brought the following claim before the Board for approval:

Quentin Stahl, Inc. R.R. #3 Box 191, on account of appropriation for leveling along Kolb ditch at Young property in the amount of \$150.00.

Commissioner Davies moved the claim be approved.

President Schaad seconded the motion. So ordered.

President Schaad asked that the record show the approval of the following claims:

Ruby Effinger, Special Reporter, Vanderburgh Circuit Court on account of appropriation for transcript of evidence and proceedings of trial in Richard A. Clouse and Jo Ellen Clouse v. The Board of Commissioners of Vanderburgh County, IN, and the Vanderburgh County Drainage Board, Vanderburgh Circuit Court, Cause No. 5795 in the amount of \$180.00.

Depositions, Inc. 121 South College Avenue, Bloomington, IN, on account of appropriation for depositions for Richard A. Clouse and Jo Ellen Clouse v. The Board of Commissioners of Vanderburgh County, and the Vanderburgh County Drainage Board, Vanderburgh Circuit Court, Cause No. 5795 in the amount of \$55.60.

RE: CLOUSE LAWSUIT

Bob Brenner reported that he and County Attorney Ed Smith, Jr. appeared in Warrick County Court regarding the \$5,000,000 Clouse lawsuit, and Mr. Brenner is of the opinion that the facts were presented justly. No decision was reached and the suit had been taken under advisement.

RE: SUB DIVISIONS

Louis Stephen presented the following maps to the Board:

Eastland Estates, located south of Arcadian Acres, between Pollack Avenue and Covert Avenue when extended.

President Schaad explained that drainage approval was given on September 25, 1978 for the whole plan, and now approval is being asked for on a small section of that plan.

Charles Osterholt, Director of Area Plan, commented that construction plans had been submitted earlier which include, in reference to the code, streets, sewers, drainage, etc. Now the street and drainage plans are being submitted, and Mr. Biggerstaff is asking approval on construction plans in regards to drainage.

Commissioner Davies questioned the runoff into Kolb ditch, stating that there is no retention.

Bob Brenner added that the runoff in this area had to be proven that it is no greater than when before construction began.

President Schaad told Sam Biggerstaff that if he could come up with a plan that shows the runoff is no greater than when started the plan could be approved.

Sam Biggerstaff asked that a letter be sent to that affect.

No action was taken due to lack of information on drainage plan.

Edgar Willis, located north of Mill Road and west of Mesker Park Drive about 800 ft. Sam Biggerstaff, engineer.

No action was taken due to lack of information.

Floyd Wazny, located west of Oak Hill Road and north of St. George Road and east of Ward Road. Sam Biggerstaff, engineer.

Louis Stephen recommended a deed restriction to keep people from filling up ditch behind their lots.

Sam Biggerstaff stated that the final plat will contain the restriction of trees, shrubs, etc. on easement.

Commissioner Willner made the motion to approve the plan with the above notation included on the final plat.

Commissioner Davies seconded the motion. So ordered.

With no further business the meeting adjourned at 2:05 p.m.

MEMBERS PRESENT

DRAINAGE BOARD

Bob Schaad
Robert Willner
Robert Davies

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEY

Ed Smith, Jr.

Secretary: Cathie Day

Bob Schaad
Robert Willner
Robert Davies
VANDERBURGH COUNTY DRAINAGE BOARD

The meeting of the Vanderburgh County Drainage Board was held on the 29th day of May, 1979 at 11:45 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting, May 21, 1979 were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: CLAIM

Mr. Brenner submitted a claim from the Green Grasshopper Flying Service Inc. for spring spraying Eagle Slough with herbicide as per contract at the cost of \$1,201.60 and for spring spraying Kolb ditch with herbicide as per contract at the cost of \$308.12, or a total of \$1,509.72, which Mr. Brenner has approved.

Commissioner Willner moved that the claim in the amount of \$1,509.72 be approved.

Commissioner Davies seconded the motion. So ordered.

Commissioner Willner asked if this still figures at about 2¢ per foot.

Mr. Brenner said the price has not raised a penny, that this is half the full amount since they are sprayed in the spring and again in the fall, that the results are excellent but one little area on Kolb ditch near Chickasaw is going to have to be done by hand.

Commissioner Willner asked if there is any possibility of doing other ditches the same way.

Mr. Brenner said the other ones that could be done this way are in the Armstrong and Union townships, but they do not think very highly of it, but it has been highly successful, that they could not get a bid on either the Kolb ditch or on Eagle Slough, that no one would do it by hand.

RE: JOINT DRAINAGE BOARD MEETING TO BE HELD

President Schaad announced that there will be a Joint Drainage Board meeting of Warrick County and Vanderburgh County this afternoon at 3:00 p.m. and Mr. John should be notified so he can have someone take minutes on it.

RE: RECONSTRUCTION OF EAST SIDE DRAIN

Mr. Brenner said we have previously had meetings on the reconstruction on the East Side Urban drain and the bid price is in. He said we have appropriated \$100,000 and the City has agreed to participate in it with us, that the pipe under the Big G driveway will cost \$12,480.00, the three railroad track sidings that go into Big G, Complete and Kight Lumber companies will cost \$49,856.00, the dredging of the ditch all the way to Green River Road, which is the county's share, will cost \$64,500.00, the seeding will cost \$8,750.00, the asphalt at Big G will cost \$3,225.00 and the bedding of the pipes will cost \$27,000.00, so the total of all this is \$165,811.00. He said the City has agreed to pay \$65,811.00 and this had nothing to do with their assessment on the East Side Urban Drain which will be about \$30,000.00

President Schaad asked Mr. Brenner if he has anything in writing on this.

Mr. Brenner said no but there will be a contract to come to the Drainage Board the same as it did to the County Commissioners and that they agreed to pay \$100,000.00 from the East Side Urban Drain and if the Drainage Board tells him to implement the assessment plan, which they already had the hearings on for the reconstruction, and he will send out the bills some time in June. He said this does not go across any private property, that it goes across an easement of the Southern Railroad of which we have agreed to give them a certain amount of money which is part of the contract for the easement, so what he needs is a motion to sign the contract with the City to pay \$100,000.00 on the County portion of the ditch.

Commissioner Willner said the first thing he needs to determine is, at a \$100,000.00 figure, what are we going to be talking about per acre.

Mr. Brenner said he doesn't remember but he thinks the minimum assessment was something like \$22.00 and they didn't have much objection because this is one that they want and he thinks the Hirsch ditch was something like \$500.00, but he does have a complete list of assessments in his office if he cares to see them.

Commissioner Davies moved that the contract be signed with the City, to pay \$100,000.00 on the County portion of the ditch.

Commissioner Willner seconded the motion. So ordered.

RE: SUB DIVISIONS

Edgar Willis, located north of Mill Road and west of Mesker Park Drive.

Mr. Stephen said that Mr. Biggerstaff would like to get the drainage approval on this. Mr. Stephen said these are all one acre lots and recommends approval.

Commissioner Davies moved that the drainage plans be approved.

Commissioner Willner seconded the motion. So ordered.

Burkhardt Industrial Park, located north of S.R. 62 and east of Burkhardt Road.

Mr. Stephen explained that Mr. Biggerstaff wanted the changes that have been made in the Burkhardt Industrial Park to be presented to the Commissioners. Mr. Biggerstaff explained the biggest concept is that they are putting some swails in to bring the water to the ditch, also if the lots are built on for the parking areas, they will butt up to each other in which case they will pipe it.

Commissioner Willner moved that the changes be approved as presented.

Commissioner Davies seconded the motion. So ordered.

With no further business the meeting adjourned at 12:00 p.m.

MEMBERS PRESENT

DRAINAGE BOARD

Bob Schaad
Robert Willner
Robert Davies

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEY

Ed Smith, Jr.
Paul Wendel

Bob Schaad
Robert Davies
Robert Willner
VANDERBURGH COUNTY DRAINAGE BOARD

Secretary: Cathie Day
(taken by Margie Meeks)

RE: EAST SIDE URBAN DRAIN

Bob Brenner explained that there were ten property owners on Boesche Extension that goes into Warrick County that were billed direct in 1978, and payments have not been received as of yet. Mr. Brenner further stated that since it is an urban drain, we are directed by the code to assess the entire watershed, including the owners mentioned above.

Mike Fendrich, Warrick County Surveyor, said that he had received complaints from these people in this area that no maintenance was being done on their portion of the ditch.

President Schaad questioned how many feet this involved.

Bob Brenner replied approximately 1500 ft.

Mike Fendrich asked for a statement from the Vanderburgh County officials stating why no maintenance was being done on this lateral.

Bob Brenner said that it could be cleaned and the cost added on to the total assessment.

President Schaad suggested if it was agreeable, to get the Joint Drainage Board to let a contract on this lateral and have it added on to the entire assessment.

Commissioner Willner asked what price range this would be in.

Mike Fendrich answered less than \$1500.00

President Schaad told Mr. Fendrich to take the suggestion back to the other two Commissioners in Warrick County, and if they agreed something would be worked out to have this portion cleaned.

With no further business the meeting adjourned at 3:40 p.m.

MEMBERS PRESENT

VANDERBURGH COUNTY DRAINAGE BOARD

Bob Schaad
Robert Willner
Robert Davies

WARRICK COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY SURVEYOR

Robert Brenner

WARRICK COUNTY SURVEYOR

Mike Fendrich

Secretary: Cathie Day
(taken by Brenda Hempfling)

VANDERBURGH COUNTY DRAINAGE BOARD
July 30, 1979

The meeting of the Vanderburgh County Drainage Board was held on the 30th. day of July, 1979 at 12:00 p.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting, May 29, 1979 were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: PROBLEM WITH PIGEON CREEK

Mr. Fehd introduced himself to the Board, and had a complaint regarding people filling in Pigeon Creek and was wondering if the County was planning on cleaning the Creek in the near future.

Mr. Brenner explained that Pigeon Creek was defined as a navigable stream, and not a legal drain in Vanderburgh County.

Commissioner Schaad said that the County had no jurisdiction over the Creek, and that the Corp of Engineers might be the one to contact.

Mr. Brenner stated that Pigeon Creek in Warrick County was defined as a legal drain, but the Creek in Vanderburgh County to U.S. Hwy. 41 was defined as a navigable stream and that it was the Corp of Engineers responsibility and a letter should be written so they could get the money appropriated.

Commissioner Schaad suggested that Mr. Fehd write the legislators asking them to get the money appropriated since it is the federal governments responsibility. Also, Commissioner Schaad added that the Commissioners would be happy to back Mr. Fehd and help out if possible.

RE: RECONSTRUCTION OF CRAWFORD-BRANDIS & CHANDLER EXTENSIONS

Mr. Guillaum reported to the Board that the surveying crew had staked out Mr. Eiler's property from Division Street down to the Chandler Extension to try to figure out approximately what will be needed to satisfy the amount of water that will be put down there. Mr. Guillaum continued by saying that it would take about 15 ft. from the west side of his property, and a big problem is the shrubbery and trees in this area and Mr. Eiler stated that the County did not have enough money to purchase this from him.

Mr. Brenner stated that this was not yet considered a legal drain, and if it was to be made into one that the County would be responsible for all the problems revolving around this.

Jim Morley stated that the main problem here is with Mr. Hatfield's development, Plaza Meadows II sub-division, being that the erosion control plan does not work as it was intended to. Mr. Morley continued by saying that on this flat of a slope, that as long as silt is still flowing into the ditch the one-tenth percent slope will not work. Once all the building is completed and is sodded and have a good turf and are not carrying anymore sediment deposits, the cleaning will be minimal, but until this time when silt continues to come off the hill and deposit in the slope there will be problems. The mistake was made when Plaza Meadows was allowed to have the building permit without having a legal outlet for that drain to Burkhardt Road. An option would be to clean it as a roadside ditch, but it goes through the private property of Miller and Eiler residences, and there was never an easement obtained.

Mr. Brenner added that Cherry and Chestnut Streets have sewers that drain here also, and along with the water from Mr. Hatfield's development, the water from the ditch is forced up onto the street.

Mr. Morley said that the County needs a legal easement for the drain, so these private individuals cannot stop it. Mr. Morley added that Mr. Hatfield is not the only one at fault, but also the individual home owners that purchased lots from him, and if the drainage code was enforced here, the County Surveyor could mail anyone a letter who was causing silt in a legal drain with the people having ten days to respond, and if there is no response in this ten days the County Surveyor shall clean the area and put the cost on the individual(s) tax bill the following year. The only problem applying this is that all the silt is being deposited in the Chandler Extension, which is not yet a legal drain.

RECONSTRUCTION OF CRAWFORD-BRANDIS & CHANDLER EXTENSIONS CONTINUED

Mr. Morley concluded by saying that the County is powerless until this is made into a legal drain.

Mr. Brenner suggested that this be considered a reconstruction project, and to start from scratch from Division Street down to this junction. This way the Commissioners would decide the damage done to Mr. Eiler's property and arrive at a dollar and cent fair appraisal for him, in which he has the option to accept it or appeal. Notices would have to be sent to the residents the watershed would involve and a first hearing would be held on the reconstruction. When damages are settled with Mr. Eiler, the second hearing would be held and then Chandler Extension could be cleaned without having to cross private property. Then if silt continues, the letter Mr. Morley referred to could be sent, regarding the cleaning of the east/west cross ditch between the Eiler and Miller property.

Mr. Morley suggested that it would be helpful if the County Attorneys could prepare a checklist of time schedules, dates of public hearings, etc., so the drainage code could be followed right down the line.

County Attorney Smith said that he would work with Mr. Brenner to make sure that the statutory procedures were followed.

Commissioner Davies moved that this matter be referred to the Surveyor, regarding the section of Crawford-Brandis ditch from Division Street south to the east/west cross ditch, for reconstruction and also that the County Attorneys prepare a checklist following the Indiana Drainage Code of 1965.

Commissioner Willner seconded the motion. So ordered.

RE: BU JAY DRIVE PETITION

Mr. Brenner reported to the Board that he had received a petition from the residents on Bu Jay Drive, stating that they wanted legal drains in this area. The petition contained some 30 odd signatures with names and addresses, but no legal description, no general route of drain and no cost damages. Mr. Brenner has since told them that this was an unsatisfactory petition, and advised the Board against making this a legal drain but suggested cleaning it.

Louis Stephen said that cleaning the ditch would alleviate their problems for awhile, but the main problem is with a pipe that was installed that cannot handle the flow of water in this area.

Commissioner Willner suggested that if we had to get on private property, that a written agreement should be obtained first.

Commissioner Schaad asked that Mr. Stephen get with Mr. Brenner to get plans drawn up to clean this ditch.

RE: SUB-DIVISION

Mr. Stephen presented to the Board the map of the following sub-division:

McCuthchan Estates, located east of Hwy. 41, 642 ft. south of Hillsdale Road extending another 1,968 ft.

Mr. Stephen commented that this plan had been here before and the recommendations that were made have been taken care of, and approval is recommended on this drainage plan.

Commissioner Willner moved that the drainage plan be accepted. Commissioner Davies seconded the motion. So ordered.

With no further business the meeting adjourned at 12:50 p.m.

PRESENT

DRAINAGE BOARD

Bob Schaad
Robert Willner
Robert Davies

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEY

Ed Smith, Jr.
Paul Wendel

Secretary: Cathie Day

Bob Filand

Robert J. Davis

Robert D. Miller

VANDERBURGH COUNTY DRAINAGE BOARD

VANDEBURGH COUNTY DRAINAGE BOARD
August 13, 1979

The meeting of the Vanderburgh County Drainage Board was held on the 13th. day of August, 1979 at 10:55 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting, July 30, 1979 were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: PROBLEM ON HOING ROAD

Dave Guillaum reported to the Board that he had received a call from Mr. & Mrs. Seybold who live on Hoing Road regarding some drainage problems in this area. The main problem is across from the Seybold property on the other side of the road, the owner had re-routed the ditch to where there are approximately five 90 degree turns that the ditch now makes, and when the water does get across Hoing Road it backs up in this ditch because of these angles. Some ditch work could be done on the Seybold side down to a pipe structure that crosses the road, but the big problem is on the other side.

Mrs. Seybold commented that their ditch had been cleaned twice, but this did not solve their problems.

Commissioner Schaad said that the County could only go along the County Road right of way to clean these ditches, unless of course it is a legal drain, which this is not and being that it is in the city limits of Darmstadt, it is not the County's road anymore. Commissioner Schaad continued by saying that the only involvement the County would have in this matter is if the residents along this area would petition the Drainage Board to make this a legal drain, and if this course of action is taken, Commissioner Schaad suggested that Mrs. Seybold obtain legal advice on how to prepare the petition.

Mrs. Seybold said she would do this.

RE: RECONSTRUCTION OF CRAWFORD-BRANDIS

County Attorney Ed Smith reported that he was going to meet with Bob Brenner today to start on the checklist for the reconstruction of the Crawford-Brandis ditch.

RE: BU JAY DRIVE PETITION

Louis Stephen reported to the Board that he had given the petition from the residents on Bu Jay Drive to Bob Brenner.

Commissioner Willner said that Mr. Brenner suggested taking the Surveyor's backhoe out to Bu Jay Drive to clean this ditch, but written permission has to be obtained yet to enter onto the private property. Commissioner Willner continued by saying that he would get with the residents regarding this matter, and report back to the Board.

RE: SUB DIVISIONS

Mr. Stephen presented to the Board the maps of the following sub divisions:

Weiss Sub Division, Fred Kuester, located on the north side of St. Wendell Road, between St. Joe and Buente Roads.

Commissioner Schaad said that no action would be taken due to insufficient plans.

Hidden Hills, located one mile east on the south side of Orchard Road, north east of Highway 65.

Commissioner Schaad said that no action would be taken due to insufficient plans.

RE: LAWSUIT ON BEHALF OF ESTATE OF DALLAS HUGHES

Dave Guillaum reported to the Board that shortly before Mr. Hughes died that he and Mr. Hughes and Mr. Riddle got together on the job site to discuss just where the high point was to where the ground was to be raised. Mr. Riddle supposedly worked out the right of way agreement with Mr. Hughes, but during the course of the meeting there was not a complete agreement on to where this high point was located.

LAW SUIT ON BEHALF OF ESTATE OF DALLAS HUGHES CONTINUED

Commissioner Schaad asked if an agreement was made with Mr. Hughes that the County would raise the ground to this undecided high point.

Mr. Guillaum replied yes to the given high point, but that is where the question is because a decision was not reached.

Commissioner Schaad commented that the court would have to settle the matter.

With no further business the meeting adjourned at 11:30 a.m.

PRESENT

<u>DRAINAGE BOARD</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY SURVEYOR</u>	<u>COUNTY ATTORNEY</u>
Bob Schaad Robert Willner Robert Davies	Curt John	Dave Guillaum (Chief Deputy)	Ed Smith, Jr.
Secretary: Cathie Day			

Bob Schaad
Robert Davies

VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
August 27, 1979

The meeting of the Vanderburgh County Drainage Board was held on the 27th. day of August, 1979 at 11:45 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting, August 13, 1979 were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: RECONSTRUCTION OF OLD CRAWFORD-BRANDIS DITCH

Mr. Brenner presented engineer drawings to the Board on the reconstruction of the section of East Side Urban Drain that is considered the old Crawford-Brandis ditch. Mr. Brenner explained that this problem was previously referred to the Surveyor, and now a report is to be made on the reconstruction. The limits of the reconstruction would begin at the culvert under Division Street 1464 feet south along the east side of Burkhardt Road. From this ditch east 1450 feet. From this line north 650 feet. The entire footage shall be dredged in compliance with plans and specifications on file with the County Surveyor's Office. This dredging will increase the waterway capacity thus improving the drainage systems. Mr. Brenner said included in the report is the name and address of each owner and the legal description of land of each owner as shown on their tax duplicates that will be affected by this proposed improvement. Also included in the report are described roads and highways owned by the County, either by name or number. The estimated amount for maintenance is \$6,000.00, and the Board needs to prepare a list of assessments, with Mr. Brenner suggesting determining the amounts owed by acreage with a minimum amount set. Also a determination of damages needs to be agreed on with Mr. Eiler, since the County had to take an additional 8 ft. strip of land and three large trees.

Commissioner Schaad questioned if the box culvert under Division Street at Burkhardt Road could handle the additional water flow. The following letter was sent to Mr. VanNielen, District Engineer:

Mr. Nicholas VanNielen, P.E.
District Engineer
Indiana State Highway Commission
Vincennes District Office
P.O. Box 376
Vincennes, Indiana 47591

Re: Box Culvert under Division Street at Burkhardt Road, Evansville

Dear Mr. VanNielen:

Some while ago the State Highway Department indicated that they would increase the size of the box culvert under Division Street at Burkhardt Road. The Crawford-Brandis Ditch north of Division Street has been dredged and the box culvert in its present size is a bottleneck. Perhaps we need two the same size under Division Street.

We would appreciate your checking into this immediately and perhaps contact Bob Brenner our County Surveyor who is familiar with this project.

Very truly yours,

Bob Schaad, President
Vanderburgh County Drainage Board

With no further business the meeting adjourned at 12:05 p.m.

PRESENT

DRAINAGE BOARD

COUNTY AUDITOR

COUNTY SURVEYOR

COUNTY ATTORNEY

Bob Schaad
Robert Davies

Bob Brenner

Paul Wendel

Secretary: Cathie Day

Bob Schaad

Robert Davies

VANDERBURGH COUNTY DRAINAGE BOARD

September 4, 1979

443

The meeting of the Vanderburgh County Drainage Board was held on the 4th. day of September, 1979 at 10:40 a.m. in the Commissioners Hearing Room with President. Schaad presiding.

The minutes of the previous meeting, August 27, 1979 were amended and approved as engrossed by the Auditor and the reading of them dispensed with.

RE: RECONSTRUCTION OF OLD CRAWFORD-BRANDIS DITCH

Dave Guillaum presented to the Board a form letter to be sent to the property owners along the reconstruction area that would drain into the watershed.

Roger Klassy reported to the Board that he had talked to Larry Stallings, Ernie Chandler's son-in-law, and was hoping to gain possession across the Chandler Tract, and also Dr. Miller had given him permission to come onto his property as long as the farmer was not interfered with until the crops were harvested. Mr. Klassy also said that he had agreed to pay for East-West line, but the form letter Mr. Guillaum has made up infers that they will be charged.

Commissioner Schaad commented that the letter would have to be modified, with the above information being added and clarified.

Mr. Guillaum said that the estimated reconstruction cost of \$6,000.00 does include the following: reconstruction beginning at the culvert under Division Street 1464 feet south along the east side of Burkhardt Road. From this ditch east 1450 feet. From this line south 650 feet.

Commissioner Schaad questioned the amount of damage to the Eiler property.

Mr. Guillaum replied that it would be zero, adding that he checked into the possibilities of getting the water across the Eiler property, and one idea is to place rip rap into a wire basket and then up right it for a retaining affect. If this method is used it would probably cost about half price, and the trees on Mr. Eiler's property could possibly be saved.

County Attorney Ed Smith added the following to the cover letter: Cost of the work performed of the Chandler Extension west line of recorded plat of Plaza Meadows to Burkhardt Road being adjacent to 1450 feet to be assumed and paid for by Roger Klassy pursuant to his agreement with Dr. Milton Miller and E.R. Chandler heirs.

Mr. Brenner filed a schedule of damages and assessments, with the damages being zero for Mr. Eiler's property being that they are staying within the ditch right of way. Mr. Brenner added that now a date has to be set for a public hearing after the revised cover letter is approved.

Mr. Klassy asked the Board for a letter of approval to proceed with that section that he has agreed to cut, and a set of the final plans and cover letter.

Commissioner Willner replied that a letter of approval cannot be given since it is not yet a legal drain.

The Drainage Board then asked Roger Klassy to dredge the East-West line footage according to the plans drawn up by the Surveyor's Office complying with the construction work according to the specifications, with Mr. Klassy obtaining the consent of the property owners.

Jim Morley added that the property owners had five days within the date set for the hearing to remonstrate by a written letter. Mr. Morley suggested that this be added to the cover letter.

Commissioner Schaad agreed with Mr. Morley and asked Mr. Brenner to get with Ed Smith and Mr. Morley to write a revised letter and bring it back next week.

RE: SUB DIVISIONS

Louis Stephen presented the following maps to the Board with approval recommended on both of them:

Hidden Hills, located one mile east on the south side of Orchard Road, north east of Highway 65.

RE: SUB DIVISIONS CONTINUED

Commissioner Willner moved that this drainage plan be approved. Commissioner Davies seconded the motion. So ordered.

Weiss Sub Division, located on the north side of St. Wendel Road, between St. Joe and Buente Roads.

Commissioner Willner moved that this drainage plan be approved. Commissioner Davies seconded the motion. So ordered.

With no further business the meeting adjourned at 11:45 a.m.

PRESENTDRAINAGE BOARDCOUNTY AUDITORCOUNTY SURVEYORCOUNTY ATTORNEY

Bob Schaad
Robert Davies
Robert Willner

Robert Brenner

Ed Smith, Jr.
Paul Wendel

Secretary: Cathie Day

Bob Schaad

Robert Davies

Robert Willner

VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
SEPTEMBER 10, 1979

The meeting of the Vanderburgh County Drainage Board was held on the 10th. day of September, 1979 at 11:00 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting, September 4, 1979, were approved as engrossed by the Auditor and the reading of them was dispensed with.

RE: RECONSTRUCTION OF THE OLD CRAWFORD-BRANDIES DITCH

Mr. Guillaum said last week, pertaining to the reconstruction of the ditch, Mr. Smith came by the office and they took the letter they brought in last week and tried to go over the thing again and tried to add the points that they had talked about in there and there were a couple of extra paragraphs they felt were necessary to be added to be perfectly legal with this thing.

President Schaad said at the top it will have a date and tax code number so there will be no argument as to what piece of property they are talking about.

It also says regarding the matter of reconstruction of Crawford-Brandies Ditch your real estate tax code is located in the Crawford-Brandies watershed in the East Side Urban Drainage System, the Crawford-Brandies Ditch shall be constructed beginning in the culvert under Division Street 1464 feet south along the east side of Burkhardt Road from this ditch east 1450 feet from the south 650 feet, the entire footage shall be dredged in compliance with plans and specs on file in the Vanderburgh County Surveyor's Office. Also on file is a schedule of damages and benefits of each property owner. This dredging will increase the water weight capacity thus increasing the drainage systems, the cost of the work performed upon that portion of Chandler Extension west from the west line of replat of Plaza Meadows to Burkhardt Road beginning at a distance of approximately 1450 feet to be assumed and paid for by Roger Klassy pursuant to agreement with E.R. Chandler heirs and Dr. Milton J. Miller. Who are effect property owners of said work.

The cost of the remaining improvement is estimated at \$6,000.00, your property is estimated at Blank acres of the 342.29 total acres involved. The estimated assessment of your property is blank. The minimum charge is \$5.00. The cost for annual maintenance for this improvement is estimated at \$900.00.

A public hearing will be held at blank, 1979 in room 307 in the Civic Center Complex, a written appeal must be made five (5) days prior to the public hearing.

Mr. Smith said on the following page is the statutory provision for appeals.

President said the appeal is as follows: 1965 Indiana Drainage Code, amended to 1978. 19-4-3-4 Grounds for objection to final reports are scheduled to assessments: A.) Not less than five (5) days before the date of hearing, before the board any corner of land effected by the reconstruction, may file a written objection with the board to the report or schedule or both. The objection may be for any or all the following causes: 1.) The cost, damages and expenses of proposed improvements will exceed the benefits which will result to the owner of all land benefits. 2.) That the rejectory is the owner of land that is assessed and benefits is set and 3.) that the objectory is the owner of the land damaged by the improvement and the board can so find or that the damage is assessed to the land is inadequate.

The Commissioners discussed among themselves other aspects of this statute.

Mr. Smith said he had a question on the clarity of the language, it seems confusing to him and Mr. Brenner said what they should do is add to it "See Attached Map" and the Commissioners agreed that this should be added.

Mr. Guillaum said the next thing they have to decide which date they are going to have their hearing and Mr. Smith said they have to advertise in the newspaper ten 10 days before the hearing. (One Notice)

Mr. Guillaum said they can get it ready to go out by the end of the week.

President Schaad asked when they come down to the end and make this reconstruction, will this be the only description they will have and Mr. Guillaum said the contractor will have a set of specs, and they will also have charts at the hearing.

The Commissioners set October 22, 1979 as the date of the hearing.

Commissioner Davies moved they set the hearing for 1:30p.m. in the Commissioners Hearing Room, Room 307, and advertise on October 5, which is off of rezonings.

The motion was seconded by Commissioner Willner. So ordered.

Mr. Guillaum said one other thing he wants to bring to their attention is he did try to pin down more specific the price on materials, he could not get any thing in writing in the way of a quote, but he went back to his original figures of approximately half of the concrete, or in the vicinity of \$50.00 a yard in place, so what looks like 120 feet by three feet by eight feet it comes to approximately \$5,055.00, but that is kind of a ballpark figure.

The meeting adjourned at 11:15 a.m.

PRESENT

DRAINAGE BOARD

COUNTY AUDITOR

COUNTY SURVEYOR

COUNTY ATTORNEY

Bob Schaad
Robert Davies
Robert Willner

Robert Brenner

Ed Smith

Secretary: Cathie Day
By: Jean Wilkey

Bob Schaad
Robert Brenner
Robert Willner
VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD

September 17, 1979

The meeting of the Vanderburgh County Drainage Board was held on the 17th day of September, 1979 at 11:00 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting, September 10, 1979 were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: LETTER FROM STATE HIGHWAY COMMISSION

Commissioner Schaad read the following letter from the State Highway Commission:

Re: Box culvert under Division Street (SR 66) at Burkhardt Road, Evansville Indiana

Dear Mr. Schaad:

An inspection has been made of the above referenced box culvert by our Evansville Sub-District Area Coordinator, Mr. Barry Rollman, P.E., and it is our opinion that this box is adequate to handle the surface runoff as designed when originally constructed and as the drainage network in the area exists today. Also, we have searched our files here at the District Office and are unable to find any correspondence relative to our increasing the size of this structure as mentioned in your letter of August, 27, 1979, or any person with knowledge of it.

We contacted Mr. Brenner's Office and talked to his deputy, (Mr. Brenner was not in) who informed us that the County is considering changing the drainage network south of SR 66 and divert some of the water from the Nurrenburg Ditch Water Shed into the Crawford Brandies Ditch.

To the best of our knowledge, there is no current plan by the State Highway Commission to enlarge or replace this reference box culvert. If replacement is necessary, we would suggest that your County Surveyor submit the design computations and considerations (area, runoff coefficient, concentration time, etc.) to this office. We will forward them to our Planning & Design Division in Indianapolis for consideration and possible inclusion in any future modernization of Division Street or SR 66 in this area.

Sincerely,

Rex King, P.E.

Acting District Engineer

Mr. Brenner said that he would obtain the information and send it to them.

RE: HIRSCH LAWSUIT

Attorney Smith reported that the Court had ruled inverse condemnation on the Hirsch lawsuit. Since the ditch had to be relocated 20 feet over on the Hirsch property, the County must pay for the 20 ft. strip. The Court appointed three appraisers to assess the damages, they are Bobby Joe Miller, Paul Hatfield and Walter Day.

Commissioner Schaad suggested for the County to get an appraiser and negotiate the price out of court to hurry this along.

Mr. Brenner said that a legal description of this 20 ft. strip of land the County is purchasing is needed. Mr. Brenner also suggested that the County hire Dan Riddle to do the appraising, since he was used before and there will be other projects other than this one he will be needed on.

Commissioner Davies moved that Mr. Brenner contact Mr. Riddle in regards to the appraisals needed. Commissioner Willner seconded the motion. So ordered.

RE: EILER PROPERTY

Mr. Guillaum reported that he had talked to Mrs. Eiler, and he is afraid that an agreement is not going to be reached on the acreage needed to do the reconstruction. Mrs. Eiler said that if any property was going to be taken, that they would feel as if they were damaged. Mr. Guillaum said that if a gambien was used, the trees could be saved but approximately 5-10 ft. of their yard

RE: EILER PROPERTY CONTINUED

would be needed.

Commissioner Schaad hoped that this problem could be resolved, but if not, it would come out in the public hearings being that that is what they are for.

With no further business the meeting adjourned at 11:30 a.m.

PRESENTDRAINAGE BOARD

Bob Schaad
Robert Davies
Robert Willner

Secretary: Cathie Day

COUNTY AUDITORCOUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEYS

Ed Smith, Jr.
Paul Wendel

Bob Schaad

Robert Willner

VANDERBURGH COUNTY DRAINAGE BOARD

STATE OF INDIANA)
COUNTY OF WARRICK)
IN THE WARRICK CIRCUIT COURT
1979 TERM
CAUSE NO: C-79-76

REINILDIS HIRSCH,
THE CITIZENS NATIONAL BANK,
OF EVANSVILLE, INDIANA,
TRUSTEE UNDER THE LAST
WILL AND TESTAMENT OF WILLIAM
S. HIRSCH

FILED

SEP 11 1979

Virginia Strahle
Clerk, Warrick Circuit Court

VS.

COUNTY OF VANDERBURGH, SURVEYOR
ROBERT BRENNER, SURVEYOR OF
VANDERBURGH COUNTY, VANDERBURGH
COUNTY DRAINAGE BOARD

ORDER OF APPROPRIATION AND
APPOINTING APPRAISERS

Comes now all of the plaintiffs herein by their attorney, Charles L. Martin, and comes also all of the defendants herein, by their attorneys, Edwin R. Smith, Jr. and Paul Wendell, and comes also the State of Indiana by its Attorney General, Theodore L. Sendak, and the parties now show to the Court that this cause of action was originally filed in the Vanderburgh Superior Court of Vanderburgh County, State of Indiana; that the plaintiffs herein subsequently moved for a change of venue from the County and that pursuant to agreement between the parties hereto, this case has been venued to the Circuit Court of Warrick, State of Indiana; and that certain issues and motions are before this Court at this time, which are as follows:

1. The defendant filed its motion for Summary Judgment on plaintiff's complaint which was in two (2) pleading paragraphs on September 28, 1978, to which motion the plaintiffs filed an answer on October 26, 1978, and the Superior Court of Vanderburgh County, Indiana, on December 27, 1978, overruled defendant's motion for summary judgment to said complaint which then included pleading paragraphs I and II; and the defendant, County of Vanderburgh, Indiana, has now moved this Court to reconsider its motion for summary judgment.

2. The plaintiffs on January 17, 1979, filed their Petition for Appointment of Appraisers before the Vanderburgh Superior Court in this cause of action; that defendant, County of Vanderburgh, Indiana, on January 18, 1979, filed its objections to pleading paragraph II of plaintiff's complaint in inverse condemnation; subsequently the plaintiffs herein moved to withdraw their petition for appointment of appraisers, which motion was duly granted by the Superior Court of Vanderburgh County, State of Indiana; the plaintiffs have now moved to reinstate their petition for appointment of appraisers filed on January 17, 1979, and have said petition for appointment of appraisers filed on January 17, 1979, reconsidered by this Court.

3. The plaintiffs in this cause of action by way of answer to defendant's aforesaid motion for summary judgment and as a part thereof on October 26, 1978, filed a pleading challenging the constitutionality of Burns Indiana Statute-Annotated IC 19-4-6-1 and sent notice to the Attorney General of the State of Indiana of the challenging of the constitutionality of such statute; that the Superior Court of Vanderburgh County, State of Indiana, specifically on December 27, 1978, refrained from ruling upon the constitutionality of said statute.

4. That evidence was presented to this Court on April 4, 1979, and May 16, 1979, on the issue of whether this Court should find that the County of Vanderburgh as alleged in pleading paragraph II of plaintiff's complaint herein had taken real estate owned by the plaintiffs herein, for which the plaintiffs herein would be entitled to maintain a cause of action in inverse condemnation against the defendant, County of Vanderburgh, Indiana.

And the Court having considered aforesaid motions and having heard evidence on the issues of said motion herein and having had said matter under advisement, now finds as follows:

1. That the Court has jurisdiction of the subject matter and of the parties.

2. That the Motion for Summary Judgment filed by the defendant, County of Vanderburgh, Indiana, is now reconsidered by the Court and is denied.

3. That the petition for appointment of appraisers filed by the plaintiffs herein on January 17, 1979, is now reinstated by this Court as filed on January 17, 1979; is now reconsidered by this Court and is now denied.

4. That Burns Indiana Statute Annotated IC 19-4-6-1 is now found by this Court to be constitutional.

5. That based upon the evidence presented to this Court on April 4, 1979 and May 16, 1979, under the issues raised by pleading paragraph II of plaintiff's complaint herein, this Court finds as follows:

a. That the plaintiff Reinildis Hirsch is now and was at all times mentioned in pleading paragraph II of plaintiff's complaint filed herein, the owner of the following described real estate located in the County of Vanderburgh, State of Indiana:

Lots 1, 2 and 3 of Semonin's Subdivision of the North Half of Section 19, Township 6 South, Range 9 West, according to the recorded plat thereof in Plat Record F Pages 142 and 143 in the Office of the Recorder of Vanderburgh County, Indiana

b. That the plaintiff, the Citizens National Bank of Evansville, Indiana, as Trustee under the Last Will and Testament of William S. Hirsch, is now and was at all times mentioned in pleading paragraph II of plaintiff's complaint herein, the owner of the following described real estate located in Vanderburgh County, State of Indiana:

Part of the Southwest Quarter of Section 19, Township 6 South, Range 9 West, described as follows: Beginning at the Southwest corner of said fractional section; running thence east along the south line thereof 108 rods; thence north at right angles 160 rods to the north line of said quarter section; thence west 108 rods to the west line of said quarter section; thence south to the place of beginning and containing 103 acres more or less.

c. That the above mentioned real estate owned by Citizens National Bank of Evansville, Indiana, as Trustee under the Last Will and Testament of William S. Hirsch lies adjacent to and with road frontage of 160 rods along Burkhardt Road, a paved public road in the County of Vanderburgh, State of Indiana, and which runs in a north south direction and also the above mentioned real estate owned by Reinildis Hirsch lies adjacent to the aforesaid Burkhardt Road with Road frontage of 160 rods along Burkhardt Road and north of and adjacent to the real estate owned by the Citizens National Bank as Trustee under the Last Will and Testament of William S. Hirsch and that running along side the aforesaid Burkhardt Road adjacent to and east of the aforesaid Burkhardt Road and across the real estate described herein owned by Reinildis Hirsch and by the Citizens National Bank of Evansville, Indiana, as Trustee under the Last Will and Testament of William S. Hirsch, is a certain public ditch known as the Brandis and Crawford Ditch which runs in a north south direction across the entire west end of all the real estate described herein and for a distance of 320 rods across all of the real estate owned by the plaintiffs hereto.

d. That during the months of November and December of 1977 and January, February and March of 1978, the defendant, the County of Vanderburgh through its agents, servants, employees or sub-contractors caused the aforesaid Brandis and Crawford Ditch to be excavated across real estate owned by the plaintiffs herein which has resulted in the aforesaid Brandis and Crawford Ditch being moved to the east of its former location across the real estate hereinabove described owned by the plaintiffs herein.

e. That the defendant, County of Vanderburgh, Indiana, by and through the defendant, Vanderburgh County Drainage Board performed the aforesaid excavation and relocation of said drainage ditch under and pursuant to the Indiana Drainage Code of 1965 -

periodic maintenance - as provided by Burns Indiana Statutes
Annotated IC 19-4-4-1 thru 19-4-4-8.

f. That upon the evidence presented in this cause of action, the Court finds that the Brandis and Crawford Ditch, as hereinabove mentioned was widened, deepened, and moved to the east which widening, deepening and relocation should have been treated as reconstruction under the Indiana Drainage Code of 1965 pursuant to Burns Indiana Statutes Annotated IC 19-4-3-1 thru 19-4-3-7, which sections of said Drainage Code provide for compensation to the landowner for damages caused to said landowner by such reconstruction; and the Court finds that the Indiana Drainage Code of 1965 does not provide any remedy for a landowner whose real estate is taken or damaged pursuant to the periodic maintenance part of said statute when in fact, the County Drainage Board should have proceeded under the reconstruction portion of the Indiana Drainage Code of 1965; and that the only relief for such taking of real estate and damage to residue remaining to the landowners in this cause of action, being the plaintiffs in this cause of action is by way of inverse condemnation against the defendant, County of Vanderburgh, Indiana.

g. That no part of the aforesaid Brandis and Crawford Ditch as it exists and is located after the excavation and relocation of said ditch as hereinabove setforth, is within any County Road Right-of-Way of the County of Vanderburgh, State of Indiana; and that the excavation and relocation of the aforesaid Brandis and Crawford Ditch has resulted in the top of the east bank of the aforesaid ditch being moved 20 feet to the east along the entire length of said ditch, along the west side of real estate owned by plaintiffs herein.

h. That the above taking and appropriating of the above strip of real estate, which is 320 rods north and south by 20 feet east and west has been by the defendant, County of Vanderburgh, State of Indiana, which is a political sub-division of the State of Indiana and which under the laws of the State

of Indiana has the power of eminent domain; that the above taking and appropriating of said real estate has been without just compensation; that the plaintiffs herein should be compensated for the above taking and appropriating; that the remainder of the real estate owned by the plaintiffs herein lying east of the real estate taken by the defendants herein, may or may not have been damaged by the aforesaid taking by the defendant, County of Vanderburgh, State of Indiana, and the value of the remaining real estate of the plaintiffs herein, lying east of the aforesaid 20 foot strip may or may not have been lessened by the aforesaid taking, all of which shall hereafter be determined according to law, and that the aforesaid 20 foot strip taken by defendant, County of Vanderburgh is located in Vanderburgh County, Indiana and is more particularly described as follows:

Part of Lot 1 of Semonin Subdivision of the north half of Section 19, Township 6 South, Range 9 West according to the recorded plat thereof in Plat Record F Pages 142 and 143 in the Office of the Recorder of Vanderburgh County, Indiana, described as follows: Beginning at a point 30 feet east of the southwest corner of the aforesaid corner of the aforesaid Lot No. 1; thence running east along the south line of the aforesaid Lot No. 1 20 feet; thence running north 160 rods more or less to the north boundary of said Lot No. 1; thence running west 20 feet more or less to a point 30 feet of the northwest corner of the aforesaid Lot No. 1; thence running south 160 feet more or less to the place of beginning.

Part of the southwest quarter of Section 19, Township 6 South, Range 9 West, described as follows: Beginning at a point 30 feet east of the southwest corner of said fractional section; thence running east along the south line of said fractional section 20 feet; thence running north at right angles 160 rods to the north line of said quarter quarter section; thence running west 20 feet more or less to a point 30 feet east of the west line of said fractional section; thence running south 160 rods more or less to the place of beginning.

1. That pursuant to Burns Indiana Statute IC 4-4-16.5-1 et seq., Charles L. Martin as attorney for the plaintiffs herein caused to be mailed on April 10, 1978, by certified mail to the County Commissioners of Vanderburgh County, Indiana, the defendants herein, a certain notice notifying the aforesaid County Commissioners of the claim being made by the plaintiffs herein, which notice dated April 10, 1978, was received by the aforesaid Commissioners of Vanderburgh County, Indiana on April 12, 1978, a copy of which notice is attached herein, by reference made a part hereof, and labeled as "Exhibit A" hereof.

j. That Bobby Joe Miller, Paul Hatfield and ~~XXXXXX~~ Walter Day ~~XXXXXX~~, three (3) disinterested free-holders of Vanderburgh County, Indiana, shall be and they are hereby appointed as appraisers to assess the damages which the plaintiffs have sustained by virtue of the aforesaid taking and the appropriating by the defendant, County of Vanderburgh State of Indiana, and the amount which the plaintiffs should be compensated from the aforesaid County of Vanderburgh, Indiana, because of the aforesaid appropriation of said real estate.

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED AND DECREED by the Court that the defendant, County of Vanderburgh, State of Indiana, has taken and appropriated from the plaintiffs in this cause of action a strip of land 20 feet in width and 320 rods in length running along the entire west end of real estate owned by plaintiffs herein, in Vanderburgh County, State of Indiana; that the real estate owned by the respective plaintiffs herein out of which the aforesaid 20 foot strip was taken by the defendant, County of Vanderburgh, Indiana, is as hereinabove described and is located in the County of Vanderburgh, State of Indiana; that the real estate taken and appropriated by the County of Vanderburgh, State of Indiana, is a 20 foot strip as hereinabove described and located in the County of Vanderburgh, State of Indiana; that the defendant, County of Vanderburgh, State of Indiana, has not compensated in any way the plaintiffs in this cause of action before said taking; and that Bobby Joe Miller, Paul Hatfield and ~~XXXXXX~~ Walter Day ~~XXXXXX~~, three (3) disinterested freeholders of Vanderburgh County, State of Indiana, shall be and are hereby appointed as appraisers to assess the damages which the plaintiffs have sustained and to assess the amount of compensation that the defendant, County of Vanderburgh, State of Indiana, should pay to the plaintiffs because of the appropriation of said real estate; that said appraisers be and each of them are

3 P.M.

hereby ordered to appear before this Court at ~~9 A.M.~~ on the 15
day of October, 1979, to be sworn and receive their in-
structions; and the Clerk of this Court is hereby ordered to notify
said appraisers to appear herein on said date and to provide said
appraisers with a copy of this Order.

All of which is ordered this 11 day of September, 1979.


JUDGE, DONALD G. HENDRICKSON
Warrick Circuit Court

Prepared by:
Charles L. Martin
Attorney for Plaintiffs
125 South 2nd Street
Boonville, Indiana 47601
897-3650

VANDERBURGH COUNTY DRAINAGE BOARD

September 24, 1979

The meeting of the Vanderburgh County Drainage Board was held on the 24th. day of September, 1979 at 11:30 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting, September 17, 1979 were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: STATE HIGHWAY COMMISSION

Mr. Brenner reported that no response could be made to the State Highway Commission until we know exactly what will be downstream of the box culvert under Division Street at Burkhardt Road. That information will be known after the public hearings are completed.

RE: EILER PROPERTY

Mr. Guillaum reported that he had talked to Mr. Eiler personally, and that he was very pleased with the proposed use of the gambien and the saving of the trees. However, any property that is taken he expects to be reimbursed for it.

Mr. Brenner commented that he is going to be doing a survey, measuring from the top bank of the ditch every 10 feet as it exists presently.

RE: LETTER FROM FLOYD I. STAUB, INC.

Commissioner Schaad read the following letter from Floyd Staub, Inc.:

September 19, 1979

Dear Mr. Schaad:

SUBJECT: REQUESTING PIPE INSTALLATION FOR CROSSING A LEGAL DRAIN DITCH AS SHOWN ON SKETCH ENCLOSED FOR THE SIGNAL DELIVERY SERVICE, INC., PROPERTY.

The Signal Delivery Service, Inc., recently purchased the original Anderson Guard Rail plant and property located on Hitch Peters Road.

The property is divided at the West end by the Sonntag-Stevens Ditch. Mr. Louis Stephens of the Vanderburgh County Surveyor's Office specified a pipe with an opening of 64 square feet. With the permission of the Vanderburgh County Drainage Board, our intention is to install a pipe to County specifications.

We are awaiting approval from the Drainage Board to start this project.

Very truly yours,
Floyd I. Staub, Inc.
Anthony J. Muller
Estimator

Commissioner Schaad said that the plans were attached, but have evidently been misplaced.

Mr. Stephen reported that Lynch Road has a 90 and 60 inch diameter pipe converging on the Astro property, and that this area Mr. Muller is talking about is downstream from that pipe a few hundred feet. Mr. Stephen said that he has added the square footage of the two pipes, and told Mr. Muller they have to have as much pipe area thru his pipe as the two that come off of Lynch Road. In other words, he must have identical size in one pipe as there is in the two mentioned above.

Commissioner Willner questioned how much cover there will be on top.

Mr. Stephen did not know since he had not seen the drawings, but said there is a possibility of going with an oval pipe.

Mr. Brenner commented that the State Law says that the Surveyor's approval

RE: LETTER FROM FLOYD I. STAUB, INC. CONTINUED

has to be obtained for these plans, and since they are not available he suggests holding up on this until next week.

Commissioner Schaad agreed and asked Mr. Stephen to contact Mr. Muller for another set of design plans.

RE: SUB DIVISIONS

Mr. Stephen presented the following maps to the Board:

Oak Terrace #3, located between Aspen and Eastbrooke Drives.

After some discussion of the plan, Mr. Stephen commented that a portion of this ditch cuts through another persons property, and he suggests that a deed restriction is obtained stating an agreement between the two property owners to keep the ditch open and clean.

Mr. Osterholt said he would check to see if a deed restriction can be obtained.

Commissioner Schaad asked him to report back next week.

Colonial Garden Center, located at 8001 Lincoln Avenue.

Mr. Stephen commented that this property has not been zoned properly for years, and that it is presently zoned agricultural.

Mr. Brenner said that this property has traditionally been billed by Warrick County, but as of this year it has been added to the East Side Urban Drain. Mr. Brenner suggests a requirement be made that Jim McCarty (owner) participate in the reconstruction cost of this ditch. Mr. McCarty did not get the proper notice on the reconstruction being that he was not added into the ditch until this year.

Commissioner Willner moved that this plan be approved with the stipulation that Mr. McCarty abides by the reconstruction cost of the East Side Urban Ditch (opening of the Wabash/Erie Canal).

Commissioner Schaad seconded the motion. So ordered.

Mr. Brenner added that he would be billed as rural acreage.

Section BB, VC-12-79, Petitioner... Larry E. Dunigan, located 1000 feet west of Highway 41, and north of Petersburg Road, across from Hamiltons Golf Course. Sam Biggerstaff, Engineer.

After discussing the plan, Mr. Stephen commented that it was a good design but a portion of the ditch crosses over onto the adjoining property owners land, Mr. Effinger.

Commissioner Willner suggested a stipulation that he clean the ditch from the north property line to the County Roadway, with the consent of Mr. Effinger.

Commissioner Schaad said to hold this plan up until consent is obtained from Mr. Effinger.

With no further business the meeting adjourned at 12:05 p.m.

PRESENT

DRAINAGE BOARD

COUNTY AUDITOR

COUNTY SURVEYOR

COUNTY ATTORNEYS

Bob Schaad

Curt John

Robert Brenner

Paul Wendel

Robert Willner

Secretary: Cathie Day

Bob Schaad
VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
October 2, 1979

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The meeting of the Vanderburgh County Drainage Board was held on the 2nd. day of October, 1979 at 11:40 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting, September 24, 1979 were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: CLAIM

Mr. Guillaum submitted the following claim for approval from Norman Messel:

The annual maintenance of Sonntag-Stevens ditch in the amount of \$1,768.89, and the extension in the amount of \$126.00, bringing the total amount to \$1,894.89.

Commissioner Davies moved that the claim be approved. Commissioner Willner seconded the motion. So ordered.

RE: RECONSTRUCTION OF EAST SIDE URBAN

Mr. Brenner explained that he had hired a new man, Rob Matthews, to do the billing on the \$100,000 reconstruction of the East Side Urban ditch. Mr. Brenner also stated that he had talked with the Treasurer and Auditor about setting up a new account number for the Wabash/Erie Canal.

RE: SUB DIVISIONS

Section BB, VC-12-79, Petitioner... Larry E. Dunigan, located 1000 feet west of Highway 41, and north of Petersburg Road, across from Hamiltons Golf Course. Sam Biggerstaff, Engineer.

After a lengthy discussion during the Commissioners meeting regarding this property, Commissioner Willner moved that these plans be approved. Commissioner Davies seconded the motion. So ordered.

Evansville Industrial Foundation, located at Highway 57 and Kansas Road, on the north east corner.

Mr. Morley explained after inspection of the area it was determined that a retention basin was not needed.

Mr. Stephen recommended approval on the drainage plans.

Commissioner Willner moved that the drainage plans be approved. Commissioner Davies seconded the motion. So ordered.

RE: LETTER TO FLOYD STAUB

Mr. Stephen reported to the Board that he wrote a letter to Floyd Staub recommending the pipe size needed along Lynch Road, which was a total of 111 square feet.

With no further business the meeting adjourned at 12:15 p.m.

PRESENT

DRAINAGE BOARD

Bob Schaad
Robert Davies
Robert Willner

COUNTY AUDITOR

Secretary: Cathie Day

COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEYS

Ed Smith, Jr.
Paul Wendel

Bob Schaad

SPECIAL DRAINAGE BOARD MEETING
OCTOBER 22, 1979

A Public Hearing was held by the Vanderburgh County Drainage Board on Monday, October 22nd, 1979, at 1:30 p.m. in the matter of the Reconstruction of the Crawford Brandeis Ditch of the East Side Urban Drainage System.

Commissioner Schaad first read the ad that appeared in both newspapers on October 8th, 1979, which reads as follows:

TO WHOM IT MAY CONCERN

As per the 1965 Indiana Drainage Code (as amended through 1979) and other laws on drainage, notice is being made that the reconstruction report of the County Surveyor and the schedules of damages and assessments made by the Drainage Board have been filed and are available for public inspection in the office of the Vanderburgh County Surveyor, and that a hearing will be held before the Drainage Board on said report and schedules, on Monday, October 22, 1979 at 1:30 p.m. in Room 307 in the Civic Center Complex.

The Vanderburgh County Drainage Board

Commissioner Schaad said this is the reason we are here today. He asked if there was anyone present who objects to this and if there are any remonstrators who are against the reconstruction project. He said that three letters have been received by the Drainage Board in regard to the reconstruction.

RE: LETTER #1 FROM MR. DAVID G. GUY

(Dated September 25, 1979)

The following letter was received from David Guy of 430 Wilson Square of Evansville:

SUBJECT: Tax Code No. 5-102-11

Re: Appeal Charges for Reconstruction of Crawford-Brandeis Ditch

I wish to appeal the minimum maintenance charge of \$5.00 assessed to my property 5-102-11. According to your letter of September 6, 1979, I own 0.23 acres of the 342.29 total acres involved. My calculation indicates that the minimum charge is in line for the \$6000 initial improvement $.07\% \times \$6000 = \4.2 . However, it is out of line with the maintenance charge of \$900. This would suggest to me that considerable amount of monies are being generated by these properties in excess of the \$900 assessed. If logic would prevail, the minimum charge of \$5.00 with a \$6000 initial charge would indicate that land drained by the Crawford-Brandeis Ditch is largely made up of lots of similar size. Thus the \$5.00 minimum charge x the 1488 lots that are included in the 342.29 acres nets a total of \$7441/year. This is \$6500 in excess of the amount of money needed to maintain the ditch and surely is out of proportion for the cost needed to assess the residents individually per year. The reason I assume it is out of line for the cost of assessing the people per year is because if this were not the case, then the minimum charge for the assessment for the \$6000 grant would have to be extensively larger. Even if the lots are not all .023 acres but are largely farm, I protest that the maintenance charges are unduly assessed to those residential lots which contribute little or no silt and soil runoff requiring extensive dredging in the future years. Thus I appeal the assessment, the minimum assessment for annual maintenance of \$5.00.

Respectfully yours, David G. Guy
430 Wilson Square
Evansville, In. 47715

Mr. Brenner said the Commissioners are authorized by law to establish a minimum cost and they have established a minimum of \$5.00, and this particular ditch does not require additional maintenance charges, that it will just fit right into the Crawford-Brandeis, that there will be no additional charges, that they are paying \$5.00 now and they will still be paying \$5.00.

RE: LETTER #2 FROM JULIA AND ALFRED EULER

(Dated October 4th, 1979)

The following letter was received from Julia and Alfred Euler of 6401 Division St. of Evansville:

We would like to be on the agenda of the 1:30 p.m. October 23 meeting of your board to discuss the following. To prevent the looks of our yard being turned into that of a disaster area similar to that across the road.

Second to discuss the placing of two of our tax codes in the drainage area of the Chandler Extension. On these two I believe some progress has been made toward an amicable settlement.

Third would be the matter of amount of square feet involved in area between a line 20 feet east of section line and eastern boundary of contemplated new ditch. The footage expressed in fractions of an acre times value of an acre in immediate area. All we want is just compensation.

Yours truly, July 8 Alfred Euler
6401 Division St.
Evansville, Ind.

Mr. Brenner said as to the first part he believes that Mr. Euler will agree to what they plan to do across his yard, as to the second part, what he is contesting is that part of his land, instead of draining thusly toward Crawford-Brandeis, some of it would go one way and come down the Euler Ditch, that it is so flat that it is almost impossible to say, that he wanted Mr. Euler to come here to voice that, so the only thing he can do is to send a survey crew out and determine exactly how much does go into it, that this is what he is talking about, that he has talked to Mr. Euler and they can work it out, but the only way to do it is to send a survey crew out.

He said as to the third part, the question is how much and what is a fair and equitable price, that they must work out a deal as to what it will cost us, that the Drainage Board is allowed to raise or lower the assessment, if it is \$10.00 per square foot we aren't going to do it because you won't have a good ditch, and it will be too deep up along the road.

Mr. Guillaum said when he talked to Mr. Euler he has some astronomical figures and he had made them comparative to the land that had been bought for a drainage project in another area so he had no comparison and felt that the land purchased on his property should be in line with that of the other project.

Mr. Brenner said he feels we are going to be in court again fighting it out and he is of the opinion right now to just forget about it, to leave this out, then the only cost will be the Bayou Extension, that this is already paid for and we already have the contract let on it.

Commissioner Davies asked Mr. Brenner how he would clean it out, if he would just clean it out from the road or what.

Mr. Brenner said he could get on his property but what he would have to do is that maybe every ten feet they established a distance from the section line from the road and they just lay it out, that the banks are just straight up and down. He said at the price Mr. Euler is asking they just can't afford to do it, that they will be paying for it ten years from now.

Commissioner Schaad said if we appeal it, maybe the appraisers will establish a value on it.

County Attorney Smith said this is possible.

He said they are talking about 42,560 square feet.

Mr. Brenner said that the man is ready to do the Chandler Extension as soon as we tell him what to do, but the banks will be too steep and the roads are going to fall into the ditch, but the Commissioners want to buy the right of way for the road anyway since they want to widen it.

He said they should get below it, that they agreed to keep the ditch at what it is now in one area, that this was agreed to at a previous hearing.

Commissioner Schaad said that even though all of this is reconstruction, we can prove that we didn't get further up on the ground than we are now, but later on if the road does need widened it is going to have to be moved over anyway.

Mr. Brenner said he thought they should negotiate to buy the right of way. After further discussion, he said that Mr. Euler wants \$30,000 for his piece of ground which is more than they are going to pay for the rest of the job.

Mr. Guillaum said he doesn't want to say that Mr. Euler has done his homework but he did have trial cases he showed him where other counties have lost some deals like this.

Mr. Brenner said he recommends that we revise the plans, go with Bonnieview and the Chandler-Extension and that we deepen Crawford-Brandeis as it exists, that we have 75 feet as right of entry.

Commissioner Davies asked Mr. Klassy how deep is it going to be when he hits Crawford-Brandeis above the existing elevation on Burkhardt Road.

Mr. Klassy said it will be about 18 inches under the present floor.

Mr. Brenner said there is nothing there, and at best, you can't tell it is running, that the whole thing is so flat.

He said it has a concrete floor when you get to Division Street, that this is what starts you off.

Mr. Klassy said, in the agreements prepared by his attorney between himself and the Chandler heirs and Dr. Miller they referred to, in Dr. Miller's case, the plan and that leg off of East Burkhardt shows an 8-foot bottom and we have agreed to stay within the confines of the Chandler Ditch which was assumed to be within the 7-foot easement which was dedicated in Section C, so what is Dr. Miller going to say when we cut an 8-foot bottom and it bottlenecks back down along to Burkhardt with no more than we have now, but perhaps a little deeper, and if he picks up this plan and this is what we referred to, that it shows a 10-foot bottom on Burkhardt.

Commissioner Schaad asked Mr. Brenner if they would follow his projection, how wide would the bottom be along Burkhardt Road.

Mr. Brenner said they shrunk it down to 6 feet.

Mr. Guillaum asked if they can even get a 6-foot bottom with the side slopes practically vertically, that he doesn't think they can even do that.

Mr. Brenner said they show 8 feet on the Chandler Extension plans.

Commissioner Willner said we are talking about Mr. Euler wanting an X number of dollars for damages and he asked how about the benefits.

Mr. Brenner said we are talking about Dr. Miller now and once he didn't protest, and he hasn't sent in any written protest.

Mr. Klassy said this is true but even though he hasn't seen the plan we refer to it and as far as he knows it hasn't changed.

Mr. Brenner said the only place we have had any objection was with Mr. Euler, that he scares him and he will admit to that.

One gentleman said that maybe he don't understand what the discussion is, that he really isn't sure, but it sounds like they are letting one fellow bully them into doing something that isn't in the interest of all the people in the area, that he isn't an engineer but to change the ditch doesn't sound to him that it will last very long, particularly when they know that Burkhardt Road will have to be widened anyway, why not do it right the first time, that Mr. Euler who owns the property is entitled to damages one way or another and at a hearing before this body he can present his evidence for what his damages are.

Mr. Brenner said that he was to have been here and Mr. Euler didn't show up, that this is the hearing right now.

Mr. Matthews said then, that if Mr. Euler isn't here, that whatever he does will have to be taken up with the Circuit or Superior Court, but ultimately the decision on how much money he is going to get is going to be that of court-appointed appraisers, but he doesn't think they can ignore all the persons in the area simply because of it. He said he knows that in the City, the fact that someone was making a demand which was for more than he was entitled to, they couldn't stop it and the work was carried out.

Mr. Brenner said they first condemned it before they did the work, but we didn't, and that is what is backwards about this one.

Mr. Matthews said that by simply digging straight down and leaving the road as it is, it looks like they are coming up with a band aid or something that needs major surgery, he hates to see this body do something like that when they know it might not last the fall and certainly not last the spring, that this is a serious problem.

Mr. Brenner said it is almost impossible to do this without Mr. Euler being here, that we are throwing it all one way and there is nothing coming back.

Commissioner Willner asked why even touch that ditch, why not widen Burkhardt Road to the West rather than to the East.

Commissioner Schaad said this doesn't have anything to do with drainage, and he asked if they could do Burkhardt Road in-house or if they would have to get Jim Morley or someone else.

Mr. Brenner said that Mr. Stephen is going to have all he can handle using the Surveyor's organization with St. Joe Avenue.

He said we need Mr. Euler here to agree with the extension which he has done before, so we have no problem here, that we just need him to say it is okay. He said we have no objections on Bonnie View and he sees no reason we couldn't go ahead and let a contract on that.

Commissioner Willner asked, if we change the plans would we have to have another public hearing.

Mr. Brenner said we are allowed to change our plans and he then read that they may change or modify schedules of damage and assessments and the Surveyor may change and modify his report.

He said they have already set the assessments.

Commissioner Willner asked if there were any benefits to Mr. Euler at all, that we have figured his damages.

Mr. Brenner said he doesn't think Mr. Euler has any benefits, since he is being drained right now, that he doesn't flood.

He said that the contract on Crawford Brandeis has already been let, that he let it on the big contract where they cleaned all the way down and they stopped, that he still has \$5,000 of the guy's money held up.

Commissioner Davies said, say that we do what Mr. Brenner suggests and we just dig out the bottom of Crawford-Brandeis on Burkhardt Road and not touch the sides and then if we come out to the Chandler Extension that Mr. Klassy is doing, and we come out on Bonnie View and cut that one back and we get soldered up again from someone, then can we go back again?

Mr. Brenner said yes, that we can go back and we can put it on their tax bill, and this is what the City is a little upset about, because they are responsible for drainage, that he might put it on the City.

He said he knows we will be getting into bad weather and this is why he recommends they go ahead with the positive action on it and the Drainage Board should tell him to go ahead and revise the plans on the Crawford-Brandeis and just clean the bottom out.

RE: LETTER #3 FROM THE CITY OF EVANSVILLE (Dated October 16, 1979)

The following letter was received by the Drainage Board from the City of Evansville:

REMONSTRANCE

Comes now the City of Evansville, Indiana, and files its Remonstrance in the matter of the Reconstruction of the Crawford Brandeis Ditch and as grounds for remonstrance alleges and says as follows:

1. That the costs, damages and expenses of the proposed improvement will exceed the benefits which will result to the owners of all lands benefited.
2. That the City of Evansville is the owner of lands assessed as benefited and the benefits assessed against the lands are excessive.
3. That the City of Evansville is the owners of lands damaged by the improvement, and that the Board failed to so find the damages assessed to the objector's lands.
4. That the proposed assessment against the objector is a violation of the objector's constitutional rights under the Constitution of the State of Indiana, and a violation of the objector's rights under the laws of the State of Indiana.

WHEREFORE, the objector respectfully requests that the Vanderburgh County Drainage Board set aside the estimated assessment for the objector's property and all other proper relief.

Respectfully Submitted:

City of Evansville, John Staser
City Attorney

Mr. Brenner said the people are assessed on the land for all City water that drains

through the land, that these people are assessed \$5.00 per year, that the City pays for everybody, that the City is responsible for storm sewers once they take them over, that this is one thing that was never brought out in annexation, that when they take this area over they become responsible for all legal drains, that you guys stop paying and the City starts paying and where these guys have limited power the City is remanded to go in there and get the water out of there, it would be a different ball game.

Commissioner Willner said we first have to deal with these three objections.

Mr. Brenner said it must be done in writing so he imagines it can be done in the minutes.

He said as to the letter from Mr. Guy which was the first letter read, it is totally answered in that his assessment for the total maintenance assessment for the total Crawford East Side Urban Drain, will not be increased, that it was \$5.00 and will continue to be \$5.00.

He recommended that Mr. Guy's remonstrance be denied.

Commissioner Willner moved that Mr. David Guy's remonstrance be denied.

Commissioner Davies seconded the motion. So ordered.

Mr. Brenner said at this meeting we have to reply to these letters in writing.

Mr. Brenner said in answer to the letter of Mr. & Mrs. Alfred Euler, he recommends that we respond in the positive, to the amount of water that drains through the Crawford Brandeis, that it must be determined by the survey crew as to how much water flows North and how much flows West, that this is a question of fact, that we would agree on this and he asked if this doesn't seem reasonable.

Commissioner Willner said what we understand is that we can't make a determination on this today.

Mr. Brenner said that we can, that this is just a question of fact.

Commissioner Willner said, in other words, we are going to approve his remonstrance, partly.

Mr. Brenner said there is a question, that you flat cannot tell without surveying his property as to which way the water runs, that they have been out to look at it and it looks flat to him, so they can't say.

Mr. Guillaum said he thinks that with the survey crew they would probably have to run the entire grid over that area to really determine just where the water is going.

Mr. Brenner asked Mr. West how much land we have him assessed for.

Mr. West said on the two parcels of property he has 2.20 acres at the corner and 17.8 acres for the fill.

Mr. Brenner said we agree that half of the flow is North so he recommends that his assessment be cut in half, that this can't be far off, so we will agree that half should flow North and half should flow West.

Commissioner Willner asked Mr. Brenner if he is saying that it flows North and doesn't get into the Crawford Brandeis Ditch at all.

Mr. Brenner said it doesn't get into the reconstruction area at all.

Commissioner Willner moved that Mr. & Mrs. Euler's assessment be cut in half. Commissioner Davies seconded the motion. So ordered.

Mr. Brenner said that Euler argues how much square footage we are taking from his property but we aren't going to take any, that we will go out and pin the ditch, that they will put railroad stakes and spikes there to show where it was, that they will take some measurements and our work will be confined to cutting the grass on the side slopes and dip out the bottom, that they will revise the engineers report, that for this shot, that's what it's got to be.

Commissioner Willner asked if this will be done with regular maintenance money.

Mr. Brenner said no, that the money for this is already there.

Commissioner Schaad said he will just call two local engineering firms, Jim Morley and Engineer Associates and they can both start on the road project in the morning, so we will more or less know where they are going and what will have to be done

later overall on the project, the widening of the road and maybe a pipe or whatever and if right of way does have to be purchased, then we can do it out of this and let the federal government pay 75%.

Mr. Brenner said the total amount of dredging Bonnie View cannot exceed \$1,000, that it is impossible, so all the assessments will go down and we won't know exactly what the assessments of this reconstruction will be on ditches, which is not unusual, but they will all go down.

Commissioner Willner moved that the Drainage Board agrees that half of Mr. Euler's will not go into the reconstruction, that we will not take any additional land and the existing top of the bank will remain, that they have directed the Surveyor to revise his report to stay within the existing top bank. Commissioner Davies seconded the motion. So ordered.

Mr. Brenner said they will walk the bank with Mr. Euler and they will stake it with railroad spikes on this project.

Mr. Guillaum said he and Quentin Stahl looked at this and they won't be able to do the work from the road.

Mr. Brenner said this is okay, that we have a 75 foot right of way and can run right through.

Mr. Guillaum said they will probably use his dragline to get in there and they may have to go through his front yard since there is no way to get to it.

Mr. Brenner said they can't go in the front yard, that they will have to do it from the road.

Mr. Guillaum said they can do it from the road but to bear in mind what it is going to do to the road.

Commissioner Willner said we do have the 75 feet and can do it from his yard if we want to, but we don't want to.

Commissioner Schaad asked how much of an area we are talking about, and Mr. Brenner said they are talking about 200 feet.

Commissioner Schaad said he wouldn't worry about that too much then, that it can be repaved if necessary.

Commissioner Willner moved that the objection of the City of Evansville be overruled, that it be denied. Commissioner Davies seconded the motion. So ordered.

Mr. Brenner said the letter from the City isn't very specific.

The Commissioners agreed that the City just doesn't want to pay for it.

County Attorney Smith said the purpose for this hearing is to get evidence and if they want to file evidence they should have had a representative present today at the meeting.

Mr. Brenner said if they didn't file that, they have no recourse, that we did find that out.

County Attorney Smith said they can either continue this hearing until another date and notify the parties to submit additional evidence or they can go ahead and decide what to do today.

Mr. Brenner said we really don't have any choice, that the weather tells us we have to go.

He said that Mr. Euler did appear before and agreed that if we did not take the 75 feet off his property and stayed at the existing top bank, he had no objection. He said they must find either pro or con for this, that the main thing they wish to find includes that the Chandler Extension and the Bonnie View Extension are found and declared a legal drain, an extension arm of the East Side Urban Drainage System.

County Attorney Smith said he thinks now that the Drainage Board has to make a finding as to whether the benefits exceed the damages or if the damages exceeds the benefits, that if they find that the cost advantages would exceed the benefits for this project, then they can reject it, and if they find that the benefits will outweigh the cost of the damages, then they can approve it, but it seems to him that since certain changes will be made, it appears they will have to have an adjourned meeting until they finalize this into a package because that has to be

published and file-marked by the Order of the Board and all, approving that the project is finally established.

Mr. Brenner said he read it but he gets different interpretations of it.

County Attorney Smith said it reads, "Prior to final adjournment of the hearing the Board shall determine and find, in writing, whether the cost damages and expenses of the improvements will be less than the benefits which will result. If the Board finds that this question results in the negative, it shall dismiss the proceedings. If the Board finds the question results in the affirmative, it shall adopt the reconstruction according to the Surveyor and schedule damages and assessments including annual assessments for periodic maintenance as re-filed or as amended and they can order it, declaring the proposed improvements established. The findings and Order of the Board shall be file marked and a public announcement made at the hearing, and the Board shall cause one notice to be published immediately in the newspaper of general circulation, which notice shall identify the proceedings and state the findings and by Order of the Board and then file in the office of the County Surveyor." He said they then have 20 days for judicial appeal, so the Board has to make it's findings as to what the proposed improvements are and establish it, in other words, they have to issue an order declaring the proposed improvement established and that they agree upon what the final project will involve, including any changes to be made.

He asked Mr. Brenner if he has the cost benefits and damages on file.

Mr. Brenner explained that he had said no one will be damaged.

County Attorney Smith said then, there must be findings by Order of the Board and it must be file-marked after the changes are made.

Commissioner Schaad suggested that we just recess this hearing, and then after Mr. Brenner has made the changes and has it all prepared, he can come back next Monday, and we can then take action on it.

County Attorney Smith said the Board needs to get this into the final package since the final plans needs to be filed and published.

Commissioner Schaad asked Mr. Brenner if he wants authorization from the Commissioners to go ahead and proceed with the bidding on Bonnie View, and Mr. Brenner said yes, that he wants to go ahead and do this.

Commissioner Davies so moved that Mr. Brenner proceed with Bonnie View. Commissioner Willner seconded the motion. So ordered.

Mr. Guillaum said in order to speed up the bidding procedure on this, that in certain cases they have had emergency projects where they have notified a few people as to the type work, rather than to go through advertising.

Commissioner Schaad said they can't consider this an emergency since it has been hanging fire for a long time.

Mr. Brenner said it isn't that bad and they don't have to advertise it three times.

Commissioner Schaad said we will then recess until next Monday, at which time we will make a final decision, and he asked Mr. Guillaum to call Mr. Euler so he can be present, and in the meantime, Mr. Brenner can talk to Dr. Miller.

Mr. Brenner suggested they delete the improvement of the Crawford-Brandeis since he can go in and do that as a maintenance project by staying within the boundary of the ditch.

Commissioner Schaad said the only thing he is concerned about is that we have advertised this as reconstruction.

County Attorney Smith suggested that we go ahead with it the way it is.

Mr. Brenner wondered how long we are talking about in getting him out on Crawford-Brandeis, and said it shouldn't take more than a week.

Commissioner Davies said it may only take a week to do the job but he thinks it should be stipulated, since if we have a week of rain we are in trouble, that there is no way they can dig a ditch in the mud.

Mr. Guillaum said let's talk about one other point here, that on the 120 or 150 feet past the culvert they are going with the gradall and he asked if they should go through Mr. Linzy of the Highway Department.

Me. Brenner said he will take care of that.

Commissioner Schaad said we can recess and reconvene at 11:00 a.m. Monday, October 29th.

Mr. Brenner said he will have everything prepared for the Board at that time.

Mr. Klassy asked Mr. Brenner if he instructed him to stay off of Mr. Euler's bank.

Mr. Brenner said this is correct.

The meeting recessed at 3:30 p.m. and will resume at 11:00 a.m. on October 29th. 1979.

PRESENT

DRAINAGE BOARD

Bob Schaad
Robert Davies
Robert L. Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

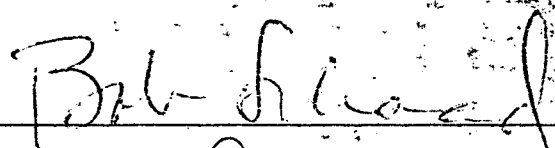
Robert Brenner


COUNTY ATTORNEY

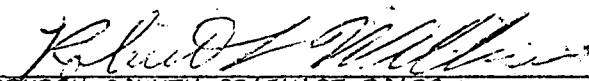
Ed Smith, Jr.

Others that were present were Dave Guillaum, John West, Jesse Crooks, Roger Klassy and Bob Matthews.

Secretary Margie Meeks for Cathie Day.







VANDERBURGH COUNTY DRAINAGE BOARD

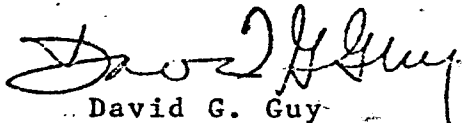
September 25, 1979.

Vanderburgh County Drainage Board
Room 325, Administration Building
Civic Center Complex
Evansville, IN 47708

SUBJECT: Tax Code No. 5-102-11
Re: Appeal Charges for Reconstruction of
Crawford-Brandeis Ditch

I wish to appeal the minimum maintenance charge of \$5.00 assessed to my property 5-102-11. According to your letter of September 6, 1979, I own 0.23 acres of the 342.29 total acres involved. My calculation indicates that the minimum charge is in line for the \$6000 initial improvement $.07\% \times \$6000 = \4.2 . However, it is out of line with the maintenance charge of \$900. This would suggest to me that considerable amount of monies are being generated by these properties in excess of the \$900 assessed. If logic would prevail, the minimum charge of \$5.00 with a \$6000 initial charge would indicate that land drained by the Crawford-Brandeis Ditch is largely made up of lots of similar size. Thus the \$5.00 minimum charge \times the 1488 lots that are included in the 342.29 acres nets a total of \$7441/year. This is \$6500 in excess of the amount of money needed to maintain the ditch and surely is out of proportion for the cost needed to assess the residents individually per year. The reason I assume it is out of line for the cost of assessing the people per year is because if this were not the case, then the minimum charge for the assessment for the \$6000 grant would have to be extensively larger. Even if the lots are not all .023 acres but are largely farm, I protest that the maintenance charges are unduly assessed to those residential lots which contribute little or no silt and soil runoff requiring extensive dredging in the future years. Thus I appeal the assessment, the minimum assessment for annual maintenance of \$5.00.

Respectfully yours,



David G. Guy
430 Wilson Square
Evansville, IN 47715

VANDERBURGH COUNTY
FILED

OCT 16 1979

STATE OF INDIANA)
COUNTY OF VANDERBURGH) SS:

Curt John

IN THE MATTER OF THE RECONSTRUCTION)
OF CRAWFORD BRANDEIS DITCH)
CITY OF EVANSVILLE, REMONSTRATOR)

BEFORE THE VANDERBURGH COUNTY
DRAINAGE BOARD
NO. 1979- _____

REMONSTRANCE

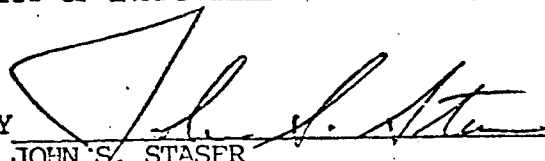
Comes now the City of Evansville, Indiana, and files its Remonstrance in the above matter and as grounds for remonstrance alleges and says as follows:

1. That the costs, damages and expenses of the proposed improvement will exceed the benefits which will result to the owners of all lands benefited.
2. That the City of Evansville is the owner of lands assessed as benefited and the benefits assessed against the lands are excessive.
3. That the City of Evansville is the owners of lands damaged by the improvement, and that the Board failed to so find the damages assessed to the objector's lands.
4. That the proposed assessment against the objector is a violation of the objector's constitutional rights under the Constitution of the State of Indiana, and a violation of the objector's rights under the laws of the State of Indiana.

WHEREFORE, the objector respectfully requests that the Vanderburgh County Drainage Board set aside the estimated assessment for the objector's property and all other proper relief.

RESPECTFULLY SUBMITTED:

CITY OF EVANSVILLE

BY 
JOHN S. STASER
CITY ATTORNEY

522 MAIN STREET
EVANSVILLE, INDIANA 47708
PHONE: 812/423-4216

Oct 4, 1979,
Members of Drainage Bd.
Gentlemen,

We would like to be on the agenda of the 1:30 P.M. Oct 23 meeting of your board to discuss the following. To prevent the looks of our yard being turned into that of a disaster area similar to that across the road. Second to discuss the placing of two of our tax codes in the drainage area of the Charter extension. On these two I believe some progress has been made toward an amicable settlement.

Third would be the matter of amount of square feet involved in area between a line 26 feet east of section line and eastern boundary of contemplated new ditch. The footage expressed in fractions of an acre times value of an acre in immediate area.

All we want is just compensation.

Yours Truly

Julius Euler Alfred Euler

6401 Division,
Evansville
Ind.

VANDERBURGH COUNTY DRAINAGE BOARD
OCTOBER 29, 1979

The meeting of the Vanderburgh County Drainage Board was held on the 29th. day of October, 1979 at 11:00 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meetings, October 22 and October 1, 1979 were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: PUBLIC HEARING CONTINUED

Commissioner Schaad explained that the Public Hearing regarding the matter of the reconstruction of the Crawford-Brandeis Ditch of the East Side Urban Drainage System was being continued. The following letter was read from the County Surveyor:

Oct. 26, 1979

RE: In the Matter of the Reconstruction of the Crawford-Brandeis Ditch

The Vanderburgh County Surveyor finds the following;

1. That the costs, and damages, and expenses of the proposed improvement will not exceed the benefits which will result to the owners of all lands benefited.
2. That the general drainage for the properties affected will be improved.
3. That the objections of the remonstrators have been reviewed, considered and responded to accordingly.

Respectfully submitted,
Robert W. Brenner
Vanderburgh County Surveyor

Mr. Brenner read the following letters regarding the three remonstrators:

Oct. 22, 1979

RE: In the Matter of the Reconstruction of the Crawford-Brandeis Ditch

David G. Guy
Tax Code #5-102-11

In response to Mr. Guy's objection to the minimum assessment for the proposed annual maintenance of their reconstruction, the rate is established by the Vanderburgh County Drainage Board in accordance with section #19-4-6-11 of the 1965 Indiana Drainage Code (as amended through 1979) for minimum annual assessments. This is in the amount of \$5.00 per lot or tract of land which is benefited by the construction, reconstruction or maintenance of a legal drain.

Respectfully submitted,
Robert W. Brenner

Oct. 22, 1979

RE: In the Matter of the Reconstruction of the Crawford-Brandeis

City of Evansville, Remonstrator

The Vanderburgh County Surveyor finds the following:

1. That the costs, damages, and expenses of the proposed improvement will not exceed the benefits which will result to the owners of all lands benefited.
2. That the City of Evansville is the owner of lands assessed as benefited and the benefits assessed against the lands and are not excessive.
3. That the City of Evansville is not the owner of lands damaged by the improvement, and that the Board rightfully did not find damages assessed to the objector's land.

RE: PUBLIC HEARING CONTINUED

4. That the proposed assessment against the objector is not a violation of the objector's constitutional rights under the constitution of the State of Indiana, and a violation of the objector's rights under the laws of the State of Indiana as per the 1965 Indiana Drainage Code (as amended through 1979.)

Respectfully submitted,
Robert W. Brenner

Oct. 22, 1979

RE: In the Matter of the Reconstruction of the Crawford-Brandeis Ditch

Julia Euler and Alfred Euler
Tax Code #6-21-1 and #6-21-26, Remonstrators

The Vanderburgh County Surveyor states that the reconstruction of the Crawford-Brandeis Ditch will not go beyond the existing banks, therefore, there will not be a need of additional lands purchased from the above properties. The equipment used to clean out the ditch will stay out of the above residents' yard on tax code #6-21-1.

Further the Vanderburgh County Surveyor has determined that the proposed assessments of the above two properties shall be cut in half.

Respectfully submitted,
Robert W. Brenner

Mr. Alfred Euler introduced himself to the Board stating that his property does not drain into that ditch, and when the Chandler Extension was first dug, he paid for all of it except for \$100.00.

Mr. Brenner then announced that the total cost of the project was now to be lowered to \$1,000.00, and he suggests that Mr. Euler's assessments in regards to the improvements be dropped, with the understanding that on the Chandler Extension a line will be established for a 75 ft. right of way. Mr. Brenner further explained that the property that his home sits on will be cleaned from the road, but the rest of the ditch will be cleaned from his property.

Mr. Euler said that this was agreeable.

Mr. Brenner then recommended to the Board approval of the project and the deleting of Mr. Euler's assessment in exchange for the continued use of the right of way along the Chandler Extension.

Commissioner Willner made the motion. Commissioner Davies seconded the motion. So ordered.

Mr. Euler questioned if any plans were in progress to widen the state culvert.

Mr. Brenner replied that a Federal Project was coming soon to correct that problem.

Mr. Brenner then read the following from the Indiana Drainage Code Book:

Prior to final adjournment the Board shall determine and find in writing where the cost and damages and expenses of the improvement will be less than the benefits. If the Board finds this question results in the negative, the proceedings shall be dismissed. If the Board finds the question results in the affirmative, it shall adopt the reconstruction report of the Surveyor and schedule of damages and assessments including annual assessment for periodic maintenance as originally filed or amended into its findings. Issuing an order declaring the proposed improvements established.

Commissioner Davies moved that Attorney Wendel draw up the order. Commissioner Willner seconded the motion. So ordered.

Mr. Brenner then reported that advertising could now be proceeded with, adding that the total cost of the project would be amended to \$1,000.00.

Commissioner Willner moved that permission be granted for the amending of the project and advertising. Commissioner Davies seconded the motion. So ordered.

RE: PUBLIC HEARING CONTINUED

Commissioner Willner questioned if the County would just be doing the section that had to be done from the road.

Mr. Brenner replied yes with Mr. Euler being present, and the work done to his satisfaction. Past this point, the contractor will do the remaining work.

Commissioner Schaad suggested that Mr. Brenner keep track of the time that the County Highway puts into the project so the amount can be figured into the assessments.

With no further business the meeting adjourned at 11:30 a.m.

PRESENT

DRAINAGE BOARD

Bob Schaad
Robert Davies
Robert Willner

Secretary: Cathie Day

COUNTY AUDITOR

COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEYS

Paul Wendel

Bob Schaad
Robert Davies
Robert Willner
VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
November 5, 1979

The meeting of the Vanderburgh County Drainage Board was held on the 5th. day of November, 1979 at 10:35 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting, October 29, 1979 were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: IMPROVEMENT ON AIKEN DITCH

Mr. Brenner explained to the Board that the City has been working on a plan to improve Aiken Ditch, and the City has asked the County to come up with \$1,995.00, with the City agreeing to pay the balance. Mr. Brenner said that the property owner has agreed to an easement for the width of the ditch. There is a balance of \$1,200.00 in the maintenance account, with an additional \$500.00 that was collected this year. Mr. Brenner concluded by saying that it is a very good improvement and he recommends approval on the appropriation of \$1,995.00.

Mr. Guillaum presented to the Commissioners the two lowest bid proposals, stating that Deig Brothers will be doing the work for \$3,578.25. The second lowest bidder was Floyd Staub at \$3,617.00.

Commissioner Davies moved that the County pay \$1,995.00 on the Aiken Ditch improvement. Commissioner Willner seconded the motion. So ordered.

RE: SUB DIVISIONS

Mr. Stephen presented to the Board the drainage plans of the following sub divisions:

Western Hills Sub Division #2

Commissioner Schaad said that this was located in the City, and no action would be taken.

Carriage House II, located off Green River Road on Carriage Drive, being approximately half way between Division Street and Morgan Avenue.

Mr. Osterholt commented that the zoning was passed contingent upon drainage plan approval, being that it directly affects Harper Ditch.

After discussion of the plans, Mr. Stephen recommended approval.

Commissioner Willner moved that the drainage plans be approved. Commissioner Davies seconded the motion. So ordered.

With no further business the meeting adjourned at 10:45 a.m.

PRESENT

DRAINAGE BOARD

Bob Schaad
Robert Davies
Robert Willner

Secretary: Cathie Day

COUNTY AUDITOR

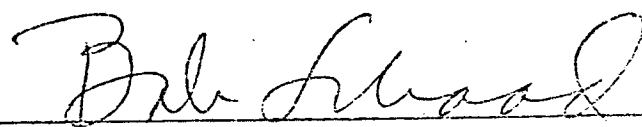
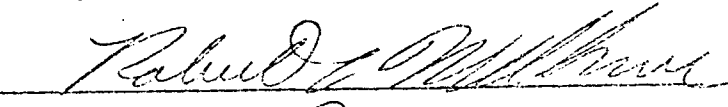

Curt John

COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEYS

Ed Smith, Jr.




VANDERBURGH COUNTY DRAINAGE BOARD

The meeting of the Vanderburgh County Drainage Board was held on the 19th. day of November, 1979 at 11:50 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting, November 5, 1979 were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: BIDS ON BONNIE VIEW EXTENSION

Commissioner Schaad read the following bids for the reconstruction of the Bonnie View Extension:

Quentin Stahl, Inc. \$1,600.00

Floyd I. Staub \$1,025.00

Mr. Guillaum said that the engineers estimate on the job was \$950.00, and he recommended approval on Mr. Staub's bid.

Commissioner Willner moved that Mr. Staub's bid be accepted. Commissioner Davies seconded the motion. So ordered.

KE: CLAIMS FOR ADVERTISING

Mr. Guillaum presented to the Board the following claims from the Evansville Printing Corporation for the advertising of the following:

1. Re: Reconstruction and Seeding of Bonnie View (Courier) \$9.98
2. Re: Reconstruction and Seeding of Bonnie View (Press) \$9.98
3. Re: Crawford-Brandeis Ditch (Courier) \$4.45
4. Re: Crawford-Brandeis Ditch (Press) \$4.45

Commissioner Willner moved that the claims be approved. Commissioner Davies seconded the motion. So ordered.

With no further business the meeting adjourned at 12:00 p.m.

PRESENT

DRAINAGE BOARD

Bob Schaad
Robert Davies
Robert Willner

Secretary: Cathie Day

COUNTY AUDITOR

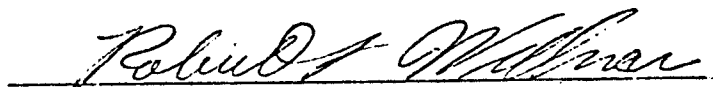
COUNTY SURVEYOR

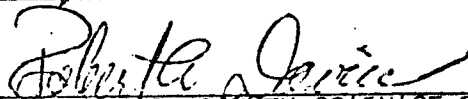
Dave Guillaum
(Chief Deputy)

COUNTY ATTORNEYS

Ed Smith, Jr.







VANDERBURGH COUNTY DRAINAGE BOARD

475-A
VANDERBURGH COUNTY DRAINAGE BOARD
December 3, 1979

The meeting of the Vanderburgh County Drainage Board was held on the 3rd. day of December, 1979 at 12:00 p.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting, November 19, 1979 were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: CLAIMS FOR ANNUAL DITCH MAINTENANCE

Mr. Brenner presented to the Board three claims for annual ditch maintenance:

1. Ralph Rexing	Pond Flat "B" Lateral	\$ 279.70
2. Leo C. Paul	Barr's Creek	\$3,100.20
3. Leo C. Paul	Wallenmeyer	\$ 919.05

Mr. Brenner said that the ditch inspection was completed, and the above three were the only ones approved.

Commissioner Davies moved that the claims be approved. Commissioner Willner seconded the motion. So ordered.

RE: CLAIM FOR RECONSTRUCTION

A claim was presented for the Vanderburgh County Highway Department for the ditching on Burkhardt Road at Division Street for the reconstruction of Crawford-Brandeis ditch. The claim was for the amount of \$340.64 and read as follows:

1 operator	8 hrs. @ \$5.67
1 truck driver	8 hrs. @ \$5.28
2 laborers	8 hrs. ea. @ \$5.19
gradeall	8 hrs. @ \$20.00
truck	8 hrs. @ \$1.25

Commissioner Davies moved that the claim be approved. Commissioner Willner seconded the motion. So ordered.

RE: HARPER DITCH PROBLEMS

Mr. Brenner reported to the Board that there were some serious problems with Harper Ditch, and that a reconstruction was needed to correct the problems. The ditch is silted in so badly that the ditch itself barely exists, and some complaints were received from Executive Park East because of flooding in their parking lot.

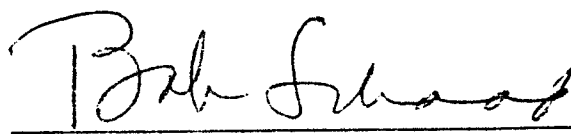
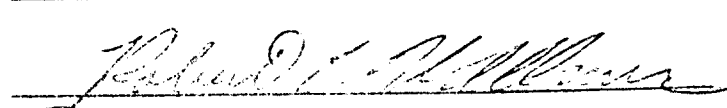

Commissioner Willner moved that legal procedures be started for the reconstruction of the extreme upper end of Harper Ditch. Commissioner Davies seconded the motion. So ordered.

With no further business the meeting adjourned at 12:10 p.m.

PRESENT

<u>DRAINAGE BOARD</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY SURVEYOR</u>	<u>COUNTY ATTORNEYS</u>
Bob Schaad Robert Davies Robert Willner		Robert Brenner	Ed Smith, Jr.

Secretary: Cathie Day




VANDERBURGH COUNTY DRAINAGE BOARD

The meeting of the Vanderburgh County Drainage Board was held on the 17th. day of December, 1979 at 11:55 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting, December 3, 1979 were approved as engrossed by the Auditor and the reading of them dispensed with.

RE: CLAIMS

The following claims were presented to the Board with Mr. Brenner's approval:

Eldon Maasberg

- | | |
|---|-----------|
| 1. Annual Maintenance of Maasberg Ditch | \$ 110.30 |
| 2. Annual Maintenance of Kneer Ditch | \$ 242.88 |

Merle Hoefling

- | | |
|---|-----------|
| 1. Annual Maintenance of Hoefling Ditch | \$ 390.46 |
|---|-----------|

Paul Seib

- | | |
|--------------------------------------|-----------|
| 1. Annual Maintenance of Baehl Ditch | \$ 516.75 |
| 2. Annual Maintenance of Henry Ditch | \$ 413.27 |

George Seib

- | | |
|---|-----------|
| 1. Annual Maintenance of Buente Upper Big Creek "A" | \$ 760.12 |
|---|-----------|

Floyd I. Staub

- | | |
|--|-----------|
| 1. Reconstruction of Bonnie View Extension | \$1025.00 |
|--|-----------|

Commissioner Davies moved the claims be approved. Commissioner Willner seconded the motion. So ordered.

RE: HARPER DITCH REPORT

Commissioner Davies reported that he had talked with the City in regards to the Harper Ditch improvement, and they expect to have the pipe in along the Ditch in February, 1980. Also, the box culvert under Stockwell Road is completed.

RE: MR. BRENNER

Mr. Brenner reported to the Board that the reconstruction bills on Bonnie View Extension have gone out, and that he is now preparing the assessments on the joint project with the City on the reconstruction of the Harper-Hirsch Ditch. Also, Mr. Brenner reported that there are two ditches that are still in the red, one being Harper in which there is no way out. Mr. Brenner said that Engineer Associates were paid \$25,000.00 for engineering that was never done. A large portion of the ditch was annexed into the City, and the people remaining along this legal drain were left to pay the debt. The maximum assessment of \$1,300.00 has been collected every year, but it all goes toward the debt and not maintenance. Mr. Brenner suggested if the payment could be made out of the general ditch fund instead of the individual Harper account.

Commissioner Schaad asked that Ed Smith and Mr. Brenner review the problem together to see if the County could some way relieve this ditch.

With no further business the meeting adjourned at 12:10 p.m.

PRESENT

DRAINAGE BOARD

Bob Schaad
Robert Davies
Robert Willner

COUNTY AUDITOR

Alice McBride
(Chief Deputy)

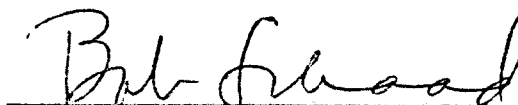
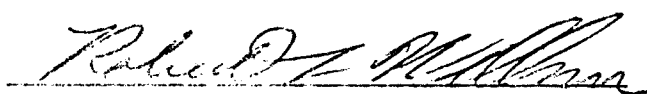
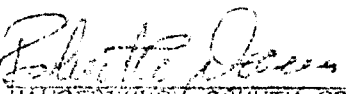
COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEYS

Ed Smith, Jr.

Secretary: Cathie Day




VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD

JANUARY 2, 1980

The reorganizational meeting of the Vanderburgh County Drainage Board was held on January 2, 1980 in the Commissioners Hearing Room at 10:35 a.m.

The minutes of the previous meeting which was held on December 17, 1979 was approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: REORGANIZATION:

Commissioner Schaad stepped down as chairman and asked Commissioner Davies to take over as temporary chairman for the reorganizational meeting, so they can hold the election of officers for the year of 1980.

Mr. Willner nominated Mr. Schaad as President of the Vanderburgh County Drainage Board for the year of 1980. The motion was seconded by Mr. Davies. The vote was unanimous in the affirmative, the motion carried.

Mr. Schaad nominated Mr. Willner as Vice-President of the Vanderburgh County Drainage Board for the year 1980. The motion was seconded by Mr. Davies. The vote was unanimous in the affirmative, the motion carried.

MEETING ADJORNED AT 10:40 a.m.

PRESENT

DRAINAGE BOARD
Bob Schaad
Robert Willner
Robert Davies

COUNTY AUDITOR
Curt John

COUNTY SURVEYOR
Dave Guillaum
(Deputy)

County Attorneys
Ed. Smith, Jr.

Secretary: Mary Lee Methena
by: Margie Meeks

Bob Schaad

Robert Willner

Robert Davies

VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD

JANUARY 2, 1980

The reorganizational meeting of the Vanderburgh County Drainage Board was held on January 2, 1980 in the Commissioners Hearing Room at 10:35 a.m.

The minutes of the previous meeting which was held on December 17, 1979 was approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: REORGANIZATION:

Commissioner Schaad stepped down as chairman and asked Commissioner Davies to take over as temporary chairman for the reorganizational meeting, so they can hold the election of officers for the year of 1980.

Mr. Willner nominated Mr. Schaad as President of the Vanderburgh County Drainage Board for the year of 1980. The motion was seconded by Mr. Davies. The vote was unanimous in the affirmative, the motion carried.

Mr. Schaad nominated Mr. Willner as Vice-President of the Vanderburgh County Drainage Board for the year 1980. The motion was seconded by Mr. Davies. The vote was unanimous in the affirmative, the motion carried.

MEETING ADJORNED AT 10:40 a.m.

PRESENT

DRAINAGE BOARD
Bob Schaad
Robert Willner
Robert Davies

COUNTY AUDITOR
Curt John

COUNTY SURVEYOR
Dave Guillaume
(Deputy)

County Attorneys
Ed. Smith, Jr.

Secretary: Mary Lee Methena
by: Margie Meeks

Bob Schaad

Robert Willner

Robert Davies

VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
JANUARY 7, 1980

The meeting of the Vanderburgh County Drainage Board was held on Monday, January 14, 1980 at 11:05 a.m. in the Commissioners Hearing Room with President Bob Schaad presiding.

The minutes of the previous meeting which was held on January 7, 1980 was approved as engrossed by the County Auditor and the reading of them was dispensed with.

RE: CLAIM

Mr. Brenner submitted a claim from Quentin Stahl for final payment of the Crawford-Brandeis Construction in the amount of \$5,194.40 and recommended that this claim not be paid.

He said he isn't happy with it along Burkhardt Road and Mr. Stahl has promised to come back and do it again.

Commissioner Willner moved that this claim from Quentin Stahl be held up until the work has been done satisfactorily, and on Mr. Brenner's recommendation, to pay it later. Commissioner Davies seconded the motion. So ordered.

RE: PROBLEM ON BURKHARDT ROAD AND OAK GROVE ROAD

Mr. Don Folz, who lives at 4003 Green River Road, appeared and said he has a couple of items that concerns a few of the people along Oak Grove Road and the Burkhardt Road area, as to where did all the dirt come from that was mounded up along side of Oak Grove Road.

He said that we had about a two-inch rainfall about a month ago and the whole area flooded, and since then he found that the dirt went to a plot of land on Wedeking Avenue along side of the radio tower, and what has happened is that Mr. Richardson has built the area up and it will flood out unless something is done very quickly. He said there was some talk of coming under Burkhardt Road with a culvert and put a ditch along side Wedeking Avenue and this might help that side, but now since he has built that up, it isn't going to help the neighbors on the other side and it is forming a kind of a dam there.

He said that Mr. Woodward who is with him this morning has a business building there and that will tend to flood into this area, so he is afraid that it is going to cause them all a heartache out there, so he thought the Commissioners should know about it. He asked if something can be done about this problem, and he then explained that someone gave Mr. Richardson some free dirt from along side the old canal.

Mr. Brenner said he asked the City Engineer why they did that since that dirt belonged to the County and no one gave them permission to take it.

Mr. Woodward appeared and said he owns the property on the North side of the property that Mr. Richardson bought, that Mr. Richardson who owns Hoprich, built the property there and he got this dirt free and had it hauled in and he worked out there for about a month.

He said they have had a problem out there and they were promised at least two years ago that there would be a culvert put under Burkhardt Road and a ditch cut along Wedeking Avenue, all the way back to the ditch, but this hasn't been done, and now Mr. Richardson has built this property up at least two feet, so when it rains, one of the houses out there will have water in it because there is no way for it go get away.

Commissioner Willner asked who hauled the dirt to his property.

Commissioner Davies said that Staub hauled it to Mr. Richardson's property but he didn't know who loaded the dirt on Staub's trucks, and already, we have the County Attorney's after him.

Mr. Stephen said that Mans loaded that dirt to get rid of it so he would have a place to put more dirt.

County Attorney Smith said he would like to clear one thing up, not necessarily about the removal of the dirt, but as far as what Mr. Richardson does on his property, that this is a civil matter and he hopes the County won't get involved in it.

Commissioner Schaad said he is only interested in knowing how the dirt got to where it did without getting the Commissioners permission to take it, since we have other places for it.

Mr. Folz said he went before the last Area Plan Commission meeting and he was told by Mr. Ziemer, the attorney for the bank that represents Mr. Richardson, that Mr. Richardson would run a ditch on the North and South side of the five acres he bought to relieve that water problem. He asked if anyone here knows anything about that.

Mr. Stephen said this has been their engineer's recommendation, that they have to provide a drainage swail on the North side to take care of the water that is coming down there, as well as to move the dirt from the right of way so that we can put in a drainage swail.

Mr. Folz said he is also under the impression that a ditch can't run across the top of a sanitary sewer, and he asked if this is true.

Mr. Brenner said the sanitary sewer should be below the ditch.

Commissioner Willner said, as a matter of information, the rezoning of Mr. Richardson was postponed by the Area Plan Commission for one month because there are some questions to the fact that if the towers would create electrical currents they could cause the acetylene tanks to explode, and there are other questions on it also.

After further discussion, Commissioner Davies moved that this matter be referred to County Attorney Smith. Commissioner Willner seconded the motion. So ordered.

Mr. Folz said that Mr. Richardson is going ahead with it if his rezoning petition is approved, but his problem is what Mr. Richardson has created out there. He also said that it has been struck by lightning twenty-two times during the past year, that they had an engineer out there and this was the reason the rezoning was postponed, that he took a voltage meter on the West side of the property and he picked up 30 volts of radiation electricity off of those towers and he said that he guaranteed that if anyone put a acetylene plant out there that it would blow up. He said now Mr. Richardson has hauled all that dirt out there and he is causing everyone out there problems, and he told them he wasn't going to put an acetylene plant out there.

Mr. Woodward said that the County cleaned out the front of that not long ago, in front of Pate's property over to Wedeking to help the drainage and now Mr. Richardson has leveled it up two feet and has made a dam there, so if he have a big rain and no ditches are put in out there, we are going to have a real problem.

Mr. Stephen said he told Mr. Richardson, when he first started this, that he can't dam water on somebody else, that he has to provide drainage.

Mr. Folz said his concern was, where in the devil did that dirt go.

Commissioner Schaad said this is also what the Commissioners would like to know, and we are going to run it down.

Mr. Folz asked, if we are going to have to go through civil procedure to take care of that, what is the disposition of the culvert under Burkhardt Road and the ditch from Burkhardt Road to the other ditch.

Mr. Stephen said his recommendation for putting that still stands, but we haven't done any work on it, that it would normally be done by the County crew. He said to eliminate the problem he wants to try to provide a conductor along Wedeking and put a bigger pipe in at the ditch and put a larger pipe under Burkhardt Road.

Commissioner Schaad asked if the engineering has been done on it, and Mr. Stephen said that it has been done.

Commissioner Schaad said we need to get together with Mr. Linzy then. He asked if Mr. Linzy said he was going to do it.

Mr. Stephen said that Mr. Linzy would be the one to do it, that it was his recommendation a year or so ago that Mr. Linzy do this.

Commissioner Schaad said we just need to do it then, and he told Mr. Stephen to bring it in and get Mr. Linzy outlined on things so the Commissioners can give him the authorization to go ahead with it.

RE: PROBLEM ON BURKHARDT ROAD & HIRSCH ROAD

Mr. Folz said another problem is on Hirsch Road at Burkhardt Road, that sometime ago Mr. Brenner said he intends to put a new bridge across there, and this really needs to be done since Hirsch Road is awfully bad, also where Hirsch Road deadends into Burkhardt Road, he wondered if there could be a retainer or barricade of some sort put along there before someone runs off of there and gets killed, since there is about a 20 foot drop off on the other side.

RE: PROBLEM AT PIGEON CREEK

Mr. Folz said there is a problem at Pigeon Creek by Hirsch Road at the West end, across from Green River Road, where he thinks the Gas Company has cut down trees to clear their right of way and has left the trees lay there, so the water from the last several rains has seeped in there and has taken some of the debris into Pigeon Creek, which we don't need, so they haven't cleaned it.

RE: PROBLEM ON COLONIAL GARDEN ROAD

Mr. Folz said that a lady called him several weeks ago and complained that there is a lot of debris along Colonial Garden Road and there have been several narrow misses of children being hit while waiting for the school bus by trucks that service the Eagles Country Club. He said this needs to be looked into, but he isn't sure if this is on County right-of-way or not, but it does need to be cleaned.

RE: PROBLEM AT CRAWFORD EXTENSION

Mr. Folz said that several farmers have brought to his attention the problem of the Crawford Extension Ditch which we dredged and cleaned previously, but hasn't been cleaned since then, that there are weeds and debris in there and it is filling up the ditch, so if it doesn't get cleaned out it is going to be worse and we will be back several years doing the same thing all over again.

RE: DRAINAGE PROBLEM

Mr. Folz said he doesn't know if he is in the right place to bring this up on not, but part of that ground in the Burkhardt - Hirsch Road area he has farmed, and the farmer told him, when they put the sewer in along that ditch back there and he granted right of way to the City for the sewer, that they didn't grade it off to the level that it was and there is water laying on his property because of it. He asked if he is in the right place to complain about this.

Commissioner Davies said the place to go on this problem would be the Sewer Department in the Board of Works, that he should see Mark Lowe who is now the head of this department.

The meeting adjourned at 11:20 a.m.

PRESENT

<u>DRAINAGE BOARD</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY SURVEYOR</u>	<u>COUNTY ATTORNEY'S</u>
Bob Schaad Robert L. Willner Robert Davies	Curt John	Bob Brenner	Ed Smith, Jr. Paul Wendel

Acting Secretary: Margie Meeks

Bob Schaad
Robert L. Willner
Robert Davies

VANDERBURGH COUNTY DRAINAGE BOARD
JANUARY 14, 1980

The meeting of the Vanderburgh County Drainage Board was held on Monday, January 14, 1980, at 11:05 a.m. in the Commissioners Hearing Room.

The minutes of the previous meeting which was held on January 7, 1980, was approved as engrossed by the County Auditor and the reading of them was dispensed with.

RE: CLAIMS

A Claim was submitted by the Union Township Ditch Association for annual maintenance of the Barnett Ditch for 1979 in the amount of \$334.32 which has been approved by Mr. Brenner.

Commissioner Willner moved that this claim be approved. Commissioner Davies seconded the motion. So ordered.

A Claim was submitted by the Union Township Ditch Association for annual maintenance of the Cypress Dale-Maddox Ditch for 1979 in the amount of \$955.48 which has been approved by Mr. Brenner.

Commissioner Willner moved that this claim be approved. Commissioner Davies seconded the motion. So ordered.

A Claim was submitted by the Union Township Ditch Association for annual maintenance of the Kamp Ditch for 1979 in the amount of \$446.40 which has been approved by Mr. Brenner.

Commissioner Willner moved that this claim be approved. Commissioner Davies seconded the motion. So ordered.

A Claim was submitted by the Union Township Ditch Association for annual maintenance of the Edmond Ditch for 1979 in the amount of \$2,386.23 which has been approved by Mr. Brenner.

Commissioner Willner moved that this claim be approved. Commissioner Davies seconded the motion. So ordered.

A Claim was submitted by the Union Township Ditch Association for the annual maintenance of the Helfrich-Happe Ditch for 1979 in the amount of \$507.92 which has been approved by Mr. Brenner.

Commissioner Willner moved that this claim be approved. Commissioner Davies seconded the motion. So ordered.

A Claim was submitted by the Big Creek Drainage Association for the annual maintenance of Rusher Creek for 1979 in the amount of \$355.52 which has been approved by Mr. Brenner.

Commissioner Willner moved that this claim be approved. Commissioner Davies seconded the motion. So ordered.

A Claim was submitted by the Big Creek Drainage Association for the annual maintenance of Buente Upper Big Creek for 1979 in the amount of \$3,029.25 which has been approved by Mr. Brenner.

Commissioner Willner moved that this claim be approved. Commissioner Davies seconded the motion. So ordered.

A Claim was submitted by the Big Creek Drainage Association for the annual maintenance of Pond Flat Lateral E for 1979 in the amount of \$289.28 which has been approved by Mr. Brenner.

Commissioner Willner moved that this claim be approved. Commissioner Davies seconded the motion. So ordered.

A Claim was submitted by the Big Creek Drainage Association for the annual maintenance of Pond Flat Lateral C for 1979 in the amount of \$722.88 which has been approved by Mr. Brenner.

Commissioner Willner moved that this claim be approved. Commissioner Davies seconded the motion. So ordered.

A Claim was submitted by George Seib for the annual maintenance of the Maidlow Ditch for 1979 in the amount of \$1,907.07 which has been approved by Mr. Brenner.

Commissioner Willner moved that this claim be approved. Commissioner Davies seconded the motion. So ordered.

A Claim was submitted by the Big Creek Drainage Association for annual maintenance of Pond Flat Main for 1979 in the amount of \$3,522.12 which has been approved by Mr. Brenner.

Commissioner Willner moved that this claim be approved. Commissioner Davies seconded the motion. So ordered.

RE: OAK GROVE ROAD...WEDEKING AVENUE

County Attorney Smith said that the Commissioner's had asked him to look into the matter of the dirt removal on Oak Grove Road, that he wrote a letter to Frank Richardson, a copy of which he sent to the Commissioner's, requesting information. He said he has received a reply from Mr. Richardson which reads as follows:

January 11, 1980

Dear Ed:

In answer to your letter of January 7, 1980, the authorization to me for the removal of the dirt piled along Oak Grove Road was obtained from John Mans who was the successful bidder of the Hirsch Ditch Project. It was necessary for this dirt to be removed so the dirt removed in the dredging of the ditch could be piled in it's place, according to Mr. Mans. The purpose of the Hirsch Ditch Project was to obtain better drainage for the East side. Mr. Mans indicated there would be more dirt available should the County desire it. Regarding the landowners concern, pertaining to the drainage on Wedeking Avenue, I have assured all, that once the ground has dried we will grade the property properly, adding ground swails to both, the North and South side of Wedeking as directed by John Morley of Morley & Associates, the engineers who are advising us. We assured all landowners that we would not create any more drainage problems than existed prior to our filling in. It is commonly known that the area North of our property was low and retained ponded water for long periods after light rains, and again, we will do everything possible once the ground is workable, and will attempt to attain the elevation recommended by Morley & Associates.

Signed, Frank Richardson

Commissioner Schaad asked Mr. Guillaum if he has any comment on this matter.

Commissioner Willner said he did talk to John Mans and he said it was necessary for him to get that dirt removed so he could get his equipment in, so he took that responsibility, but from there on, even the hauling, was absolutely not his responsibility and he did so indicate to Mr. Richardson that when the dirt left that site, he was not responsible for it, that he also indicated to Mr. Richardson that what he was doing, as far as tearing up the road, was not proper and that is as far as his responsibility is going. He said he told Mr. Mans that this was perfectly alright with us, that our problem then isn't with him, that it is with Mr. Richardson.

Commissioner Schaad said the other thing though is that the ground could have been used elsewhere, to the County's benefit.

He said that maybe we should have County Attorney Smith to write him a letter and tell him that in the future, if they have any dirt, to let us know, since we may have use for it elsewhere in the County to where it will benefit most of our citizens.

County Attorney Smith suggested that the letter be sent to both parties, Mr. Richardson and Mr. Mans.

Mr. Guillaum asked what the result was on the bill that the County turned in as far as repairing the roads.

County Attorney Smith said that someone got with Mr. Richardson on that.

Commissioner Schaad said there was a bill submitted, wasn't there.

Commissioner Davies said we submitted a bill but there has been nothing done up to the present time, because we don't know what else he is going to do, that he may tear up more.

Commissioner Willner said we did ascertain that there needs to be a ditch along Wedeking Avenue, and he asked if the County is going to do this.

Commissioner Davies said he thinks we have always planned the ditch along Wedeking Avenue.

Mr. Stephen said he has drawings for it, that he would suggest, if Mr. Linzy is going to do it, that we go in there and put the tubes in, also the elevation, then as soon as he moved the dirt, then we can go ahead and finish the ditch. He said he thinks that Mr. Linzy will have time to do some of this work if we don't get some bad weather, that he could get the two pipes in, one at the ditch and one at Burkhart Road.

Commissioner Schaad said the ditch is along side of Wedeking Avenue and he asked if it wouldn't go into Hirsch Ditch.

Mr. Guillaum said this is correct.

Commissioner Schaad then asked if it is their intention to make it part of the legal drain or if they are going to leave it a highway project.

Commissioner Willner said he would think that it would be a highway project.

Commissioner Schaad said that since it is part of the legal drain, it could conceivably be made an arm or wing, or an extension of that ditch, and we could have maintenance on it since it does enter into a legal drain, that this is what they did on the other one.

He said what they should do then, after the construction is pretty much along, is for them to pursue it and make it a finger of the drain, that they can then do it by assessment, to which the other Commissioners agreed.

RE: CHAPEL HILLS DRAINAGE PLANS

Mr. Stephen submitted the First Addition of Chapel Hill Drainage Plans. He said this is located off Eichoff Road just North of Hogue Road, and he explained the drainage plans, but said that they haven't done anything about ponding it and slowing it down.

Commissioner Schaad asked if it isn't the Commissioner's rule, that when they do this, that the run-off shouldn't be any faster than it was before.

Mr. Stephen said this is correct, and he hasn't provided any storage area, that there is no ponding for retention at either of the locations.

Commissioner Schaad said this isn't his property either, is it.

Mr. Stephen said apparently not, that the Gas Company has right-of-way there and the L & N bends around there.

Commissioner Schaad said our whole idea of this thing is that when they design their drainage plans, water should not run off any faster than it did before the development was built.

Mr. Stephen said this is correct, that retention should be put in two areas.

Commissioner Schaad said the developer should be told that the policy of the Drainage Board is that the run-off shouldn't be any greater after the subdivision is built than it was before it was built, and that he hasn't addressed himself to this.

Mr. Osterholt said he may not choose to do it with a retention pond, that he may do it some other way such as swails or something like that.

Mr. Stephen said he didn't think he could do it with swails since it is too steep.

Mr. Osterholt said someone quoted some information on the subdivision and it doesn't have sanitary sewers but he thinks it will be connected into where the University Heights subdivision goes in, that the other information on it is that the roadways look okay and the grade of it looked like it was less than 2%.

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He said that the fall for drainage will be over into the University Heights subdivision.

After further discussion, he said the point he was trying to make is that the last plan he knew of was that the City was going to extend the sewer out there and he doesn't know when they decided not to.

County Attorney Smith said originally the City was going to do this and then they were told that the City wasn't going to do it.

County Attorney Wendel said someone walked off with our pump station, that this is what took him so long.

Commissioner Schaad said he doesn't know how they can even build that subdivision out there since they can't tap into the University Heights sewer system, that this is defunct and from what he understands, the citizens are doing it.

Commissioner Willner said unless the developer wants to finish the sewer.

County Attorney Smith said the developer doesn't own it, that it is a separately owned corporation.

Commissioner Davies said the developer there can run it and pay just half the tap in fees.

The meeting adjourned at 11:20 a.m.

PRESENT

DRAINAGE BOARD

Bob Schaad
Robert L. Willner
Robert Davies

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Dave Guillaum
(Deputy Surveyor)

COUNTY ATTORNEY'S

Ed Smith, Jr.
Paul Wendel

Acting Secretary: Margie Meeks

Bob Schaad
Robert L. Willner
Robert Davies
VANDERBURGH COUNTY DRAINAGE BOARD

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COUNTY COMMISSIONERS MEETING
JANUARY 21, 1980

The meeting of the County Commissioners was held on Monday, January 21, 1980, at 9:30 a.m. in the Commissioners Hearing Room with President Davies presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them was dispensed with.

RE: AUTHORIZED TO OPEN BIDS

The County Attorneys were authorized to proceed with the opening of bids that were received today for the two dump trucks that are needed by the County Highway Department.

RE: LETTER FROM SURVEYOR'S OFFICE.....MONTIES TO BE ENCUMBERED

A letter was received from Mr. Brenner, the County Surveyor, requesting that the following accounts be encumbered:

Acct. # 3846.....	\$225,000.00	Acct. # 4529.....	\$ 3,500.00
Acct. # 3859	\$ 60,000.00	Acct. # 4536.....	\$184,000.00
Acct. # 3860	\$ 50,000.00	Acct. # 4537.....	\$ 35,000.00
Acct. # 3861.....	\$ 30,000.00	Acct. # 4725.....	\$ 50,000.00
Acct. # 3862	\$ 23,463.40	Acct. # 4726.....	\$110,000.00
Acct. # 3863	\$ 30,038.64	Acct. # 4727.....	\$ 25,000.00
		Acct. # 4728.....	\$ 35,000.00

Mr. Guillaum said that Mr. Brenner went through the budget book to get these figures and in some instances the money had been left over from the completed bridge projects, and he intends for this money to revert back to the bridge account. He said it is kind of doubtful whether or not there is actually a balance of this full amount, since some of the projects have been completed, but this was the most up to date information they have on it.

Commissioner Schaad said that if a bridge has been completed and there is still some money in that account, there is no point in encumbering that money, that it must go back into the bridge account, but if there are some jobs hanging fire that haven't been completed, that it different, but of course, you can't encumber money unless there has been a contract let or a purchase order placed.

Commissioner Davies said we will just hold off on this matter until the Commissioners can talk to Mr. Brenner.

RE: EMPLOYMENT CHANGES.....APPOINTMENTS

BURDETTE PARK

Debra Jacobi	P.O. Box 981	Rink Cashier	\$4.00 Hr.	E66: 1/5/80
COUNTY AUDITOR				
Mary Lee Methena		Part-time	\$25.00 Day	E66: 1/14/80

COUNTY HIGHWAY DEPARTMENT

Arthur Hobbs	1528 Audubon Dr.	Laborer	\$5.73 Hr.	E66: 1/21/80
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COUNTY SURVEYOR

Ken Jackson	830 E. Blackford Ave.	Laborer	\$5.71 Hr.	E66: 1/21/80
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COUNTY TREASURER

Vi Schmahlenberger	1325 Fountain Ave.	Part-time	\$25.00 Day	E66: 1/2/80
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JOINT DEPARTMENT OF LEGAL SERVICES

Brenda Heck	4208 E. Riverside	Intern	\$40.00 Day	E66: 1/9/80
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SHERIFF'S DEPARTMENT

Delwin C. Cato	817 Hercules	Civil Process	\$3,300.00 Yr.	E66: 1/7/80
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VANDEBURGH COUNTY COOPERATIVE EXTENSION SERVICE

Elaine Schmitt	Rte. 1, Haubstadt, In.	4-H Assistant	\$100.00 Pay	E66: 1/21/80
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(*) Note: See Page -11-

APPOINTMENTS.....CON'T.VANDEBURGH COUNTY ELECTION BOARD

Susan K. Kirk 8302 Spry Road Supervisor \$4.01 Hr. Eff: 1/2/80

VOTERS REGISTRATION OFFICE

Robert Hertzberger 629 S. Red Bank Rd. Board Member \$13,899.00 Yr. Eff: 1/18/80

RE: EMPLOYMENT CHANGES.....RELEASESBURDETTE PARK

Angela Allen 916 S.E. Second Rink Cashier \$4.00 Hr. Eff: 12/23/79

COUNTY AUDITOR

Mary Lee Methena Drainage Board Clerk \$8,080.00 Yr. Eff: 1/14/80

COUNTY SURVEYOR

David Mosby 1631 S. Redbank Rd. Rodman \$11,659.00 Yr. Eff: 1/21/80

VOTERS REGISTRATION OFFICE

Mabel Lurker 528 Parkland Board Member \$13,899.00 Yr. Eff: 1/11/80

RE: MONTHLY REPORT.....COUNTY TREASURER

The County Treasurer's Report was submitted for the month of October, 1979.
Report received and filed.

RE: F. WESLEY BOWERS..... BOONVILLE-NEW HARMONY AND BENDER ROAD OVERPASSES

Mr. Bowers said there may have been a misunderstanding about when he would be able to report back, since when he was here previously he had said he would try to get back in two weeks, because the mail can't even get to and from Washington D.C. in less time than that.

He said he spoke to the Southern Railway people last Friday after County Attorney Smith spoke to him and asked him to be at the meeting, and that they said they were putting the proposed draft of the agreement in the mail on Friday, but it hasn't arrived as yet, so he would like to present it to Mr. Smith and discuss the preliminary matters with him and maybe set up the date of two weeks from now for him to again appear before the Board, after Mr. Smith has had a chance to review the proposed agreement and to discuss it with the Commissioners, to which the Commissioners agreed.

RE: CERTIFICATES OF INSURANCE

A Certificate of Insurance was submitted by Luken's & Sons Insurance Agency on insured, Conren, Inc. Great Scot Supermarkets, Ind. of Terre Haute, Ind. for rental of the Vanderburgh County Auditorium on February 5, 1980.

A Certificate of Insurance was received from Jesse F. Stock, Insurance, Inc. on insured, Michael Vandever '79 Committee, for use of the Vanderburgh County Auditorium for holding the Inaugural Ball on January 11, 1980.

A Certificate of Insurance was submitted by James L. Will Insurance Agency, Inc. on insured, Laborers Internatio Union of North America for their meeting in the Gold Room of the Auditorium on February 1, 1980.

A Certificate of Insurance was submitted by the Rollins Burdick Hunter Insurance Co. on insured, Southern Indiana Gas & Electric Co. for the use of the Vanderburgh County Auditorium on February 14, 1980.

All Certificates of Insurance received and filed.

RE: OPENING OF BIDS ON DUMP TRUCKS (2)

There were three bids received for the dump trucks that are needed by the County Highway Department. They are as follows:

Kenny Kent Chevrolet.....\$25,719.92 for two dump trucks
Alvey Scott Motors.....\$31,101.92 for two dump trucks
Key Motors Corp.....\$30,339.70 for two dump trucks

Commissioner Davies said there is a notation on the bid of Key Motors, that in case we want a diesel engine we have to add \$3,700.00.

Commissioner Schaad moved that these bids be taken under advisement, referred to Mr. Linzy and the Purchasing Department for study and recommendation. Commissioner Willner seconded the motion. So ordered.

RE: CHECK RECEIVED

A Check was received from the Marine Office of America Corporation, by the Board of Commissioners of Vanderburgh County, in the amount of \$150.00, Producer, Torian Agency, Insurance Company, The Continental, in payment for the theft of the Bucket from the Backhoe of the County Surveyor.

Commissioner Schaad moved that this check be accepted and endorsed. Commissioner Willner seconded the motion.

Mr. Guillaum explained that the price he got the bucket for was \$250.00 and they had a \$100.00 deductible clause, so this is the reason for the \$150.00, but this was a very good price for a used bucket, since a new one would cost around \$800.00.

Commissioner Willner asked if we got a \$100.00 deductible, why don't they pay us for a new bucket then.

Mr. Guillaum said this could be a possibility, but if they want to get technical, they had a used bucket on it before but this one is larger than the one that was on there and the old one had a lot of wear and tear on it.

The vote was then taken and was unanimous in the affirmative, so the motion carried.

RE: MONIES TO BE ENCUMBERED.....CONTINUED

Commissioner Davies asked Mr. Brenner what these accounts are on the list of monies that are to be encumbered and if it is mainly on bridges.

Mr. Brenner said these monies are on bridges, that he and Mr. John deal in account numbers and he didn't know that the list would be presented to the Commissioners.

Commissioner Davies said he would appreciate it if Mr. Brenner would put a brief explanation by each one of these bridges, so this matter was referred back to Mr. Brenner.

RE: LETTER FROM DAVID M. GRIFFITH & ASSOCIATES, LTD.

The following letter was received by the Commissioners from Robert J. Hart, Vice President of David M. Griffith & Associates, Ltd., dated January 10, 1980, in reference to the Continuation of Indirect Cost Reimbursement for 1980:

As you know, our Firm (in conjunction with the Association of Indiana Counties, Inc.) prepared a cost allocation plan in 1979 for helping your County recover the administrative costs of Federally sponsored programs. This plan enabled you to be reimbursed for administrative costs in such programs as welfare, child support, and CETA.

This program will continue to yield additional reimbursements for every year that a plan is filed. However, to insure a continuing flow of recoveries, you must update your plan in 1980 with 1979 financial results. Otherwise you will not be eligible to claim these costs in the future.

In cooperation with the Association of Indiana Counties, we are prepared to assist each of you in updating your plan this next year. You will be pleased to learn that we have decided to maintain our fees at the same level as last year - in spite of the impact of inflation on our costs. The following are our fees (based upon the latest population figures available for your County).

<u>County Population</u>	<u>Fee</u>
Over 500,000	\$13,600
100,000 to 499,999	10,200
50,000 to 99,999	6,800
25,000 to 49,999	5,500
Under 25,000	3,500

Payment of our fees may be made from indirect cost reimbursements received in 1980. Of course, payment is still contingent upon counties recovering costs in excess of our fees.

We would appreciate your prompt return of our enclosed contract for continuing services. Please indicate the earliest date that we might begin work on your plan. We very much appreciate working with you again this year.

Robert J. Hart

Commissioner Davies said he thinks we have done this every year with this company and always before, they have paid for their own services and then refunded money to us, however, if they don't receive as much money as their cost figure, we have to pay them, and at this particular time we have nothing budgeted for 1980.

The Commissioners agreed that this matter first be discussed with Mr. John before this particular contract is initiated, and then they will have to go before council.

RE: TELEPHONE REQUEST.....SUPERIOR COURT

A Telephone Request was received from William Deems, Court Administrator of the Superior Court, listing type of service and/or equipment as follows:

To relocate two phones, one line - 5176 - from Superior Court Volunteer Services Office at the Landmark Building, Suite 200, 111 N.W. 4th. Street, Evansville, Indiana to their new office at 7th. & Vine Street in the Youth Service Bureau, 203 N.W. 7th. Street. Discontinue answering service and line 5387. Wants call forwarding feature. The estimated installation cost is \$54.30. Date of Request is January 18, 1980, which has been approved by Judge Terry Dietsch.

Commissioner Schaad moved that this request be approved. Commissioner Willner seconded the motion. So ordered.

RE: REQUEST TO TRAVEL.....DRUG AND ALCOHOL DEFERRAL SERVICES

The following letter of request was received by the Commissioners from the Drug and Alcohol Deferral Services, dated January 15, 1980:

Gentlemen:

On Friday, January 18, 1980, Mr. William Campbell will be going to Indianapolis for the day and will meet with Division of Addiction Services, Indiana Department of Mental Health regarding annual program certification.

Should you have any questions, please feel free to call.

Sincerely, Dianna B. Raltes
Office Manager

Commissioner Schaad moved that this request be approved. Commissioner Willner seconded the motion. So ordered.

RE: REZONING PETITION.....VC-19-79.....THIRD READING

Petitioner and Owner of Record.....H. W. Grady of 5301 St. Joseph Avenue.

Premises affected are situated on the East side of St. Joseph Avenue, formed by the intersection of Mill Road and St. Joseph Avenue, more commonly known as 5301 St. Joseph Avenue.

The requested change is from A to M-2

The present existing land use is a commercial sign shop and has been so prior to 1961. The proposed land use is for a Sign Shop and Auto Body Repair and Paint Shop.

The Area Plan Commission approved this petition with 12 affirmative votes.

Mr. Grady said the reason for requesting this rezoning is because the building, as planned, requires an M-2 zoning for a body repair shop, that part of it will be a body repair shop that does require the rezoning from what it is now and has been for many years, to an M-2.

He said it is a sign painting shop at the present time and it has been there since 1961, also that three surrounding sides are zoned M-2 already.

Commissioner Schaad said it has also been agreed that when we get to the second phase of the St. Joe widening there wouldn't be any problem in supplying the right of way.

Commissioner Davies said we are going to increase the right of way and he thinks this should be part of the Ordinance, in fact, Mr. Grady thought it was a good idea that we get sufficient right of way to widen the road, that he found this out by reading the minutes of the last meeting.

Mr. Grady said this is understandable.

Commissioner Davies said we would increase it an additional 20 feet then, 10 feet on each side, to make it 50 feet from the center line of the road for the right of way.

Mr. Grady said there are 30 feet, additional, to what is there now that has been sold, which means there is actually about 45 feet from the center of the road so it is possible that 5 or 6 more feet is all that is needed on each side.

Commissioner Davies asked Mr. Grady if he is aware of the 95 foot thoroughfare setback requirement.

Mr. Grady said he is aware of this and that the present buildings conform to the 95 feet.

Commissioner Davies asked County Attorney Wendel if we can put into the motion that this ordinance will ride with the knowledge that additional footage would be required.

County Attorney Wendel said to make this a condition of the ordinance approval.

Commissioner Davies said this could be as much as 20 feet, but he isn't familiar with it.

Commissioner Schaad said he thinks we should know what we are talking about before we have Mr. Grady to commit himself.

After further discussion, Mr. Osterholt suggested that the Commissioners go ahead and approve the rezoning today and not sign the ordinance and put on his legal description what they determine that distance ought to be and include in it the distance from the center line on St. Joe Avenue, and this would take care of it.

Commissioner Willner said what if Mr. Grady doesn't agree with this.

Mr. Osterholt said if the ordinance isn't signed, it will have to come back for further consideration.

Mr. Grady said everyone in the field is very agreeable about it at this time, and the present buildings are a little over 100 feet from the center of the road, and it is planned that the new building will at the same distance from the center of the road.

There were no remonstrators present.

Commissioner Willner then moved that Ordinance VC-19-79 be approved on third reading with the stipulation that the Ordinance isn't signed until the measurements for the right of way are in. Commissioner Schaad seconded the motion. The vote being unanimous in the affirmative, the motion carried.

RE: REZONING PETITION.....VC20-79.....FIRST READING

Petitioner and Owner of Record.....Allen E. & Mary E. Hite of 6009 N. Green River Road.

Premises affected are situated on the east side of New Green River Road, formed by the intersection of New Green River Road and Bassett Avenue, more commonly known as 6009 N. Green River Road.

The requested change is from A to C-1B.

The present existing land use is residential and the proposed land use is for Sales and Service for six wheeled all-terrain vehicles.

Mr. Hite said he will live on this land and he wants to sell and service these six wheeled all-terrain vehicles, that he has a big garage there and he doesn't think this will cause a problem for anyone.

Commissioner Davies asked if the lot is 224 feet deep from the center of Green River Road.

Mr. Hite said this is correct and he believes there is a 60 foot easement there.

There were no remonstrators present.

Commissioner Schaad moved that Ordinance VC-20-79 be approved on first reading and referred to the Area Plan Commission. Commissioner Willner seconded the motion. The vote being unanimous in the affirmative, the motion carried.

Commissioner Davies explained that this Ordinance will now go to the Area Plan Commission, which meets on the first Wednesday of the month for their action on it, after which it will return to the Commissioners on the third Tuesday of February, since Monday will be Washington's birthday and the offices will be closed.

RE: DUPLICATE DEED SUBMITTED

County Attorney Smith submitted a duplicate Quit Claim Deed that has been requested by 3-M Construction Company since the original deed was lost and they failed to have the deed recorded.

This was on a parcel of County owned surplus property that was sold to 3-M Construction on July 17, 1978, tax code 27-17-14, Jacobsville L. 4, Blk 3, located at 1013 Mary Street.

County Attorney Smith explained that Mr. Ossenberg who was a County Commissioner at that time, had already signed his copy of the deed, so it is now being submitted for the signatures of County Commissioner Schaad and Commissioner Willner, as well as being attested to by County Auditor John, so it can be picked up by Mr. John Short for 3-M Construction, so he can now have it recorded.

RE: CUTS IN

Commissioner Davies said he has a curb cut for Green River Road, that it came before the Evansville Urban Transportation Policy Committee last Tuesday for their recommendation which was that this particular curb cut be allowed, that it isn't supposed to set any type of precedent, that it was just an emergency type of curb cut because there could be a possibility that the people could be land-locked and we would be swapping one curb cut for another curb cut.

Mr. Biggerstaff said the bank property of the First Federal Savings & Loan is just North of the property of Joe & Olivia Hirsch, that the property lines are shown on the map and there is no access to Green River Road except for a driveway that is covered up right at that point.

He said at the present time this is Carriage Drive and there are some 300 units there at this time, and he explained about the traffic light and Islands as planned, so they plan to make a dual entrance for both pieces of property and eliminate another entrance. He said they will put in an extra lane so there will be four lanes instead of three, which will let the people move over to the extra lane to make a left turn. He said this is basically the proposition and he has an agreement where the Hirsch's live, that part of the construction will curb across their present driveway, so he presented an agreement from them that they will eliminate the present exit that they have.

Commissioner Davies said that at the meeting they made a recommendation that the property owners on the one side get together and try to formulate some long range planning, and he hears that Mr. Osterholt already has something going on it.

Mr. Biggerstaff said that Huber & Meyer are to work with Mr. Osterholt on it.

Commissioner Davies said the road isn't very wide back further, therefore we have problems of attaching ourselves to that particular drive, so Mr. Biggerstaff is going to work on the point of seeing if he can get some curb cuts from those people for additional curb cuts along that drive.

He said they are trying to get a road so they don't have a number of curb cuts along that road, and the one they are contemplating is about a city block and it would be about in the center of the Vogel Road cut that doesn't go on through, but it looks like the path that should be done to where Vogel Road will continue on East and hit Burkhardt Road, so the distances there are 324 feet and 376 feet, so it is fairly close to the center of those particular roads.

He said that County Attorney Wendel is looking at the agreement, that he understands a house has to come down, and he asked how much time are they are asking for.

Mr. Biggerstaff said they are asking for 9 months for her to get out of the house so it can be torn down and that is pending on what we do here.

Commissioner Davies said that the de-acceleration zone will be borne by the property owners and the reinstatement of the curb and gutter along the curb cut now will be torn out and reinstated. He asked if this is correct.

Mr. Biggerstaff said that everything on this plat that is new construction will be done by the developer and also the storm drain.

Commissioner Willner said if they dedicate it to the County, then we would have control over it after it is built, and if they do not dedicate it, we would never be able to close it if we so wanted to, and he asked Mr. Biggerstaff if they are willing to dedicate it.

Mr. Biggerstaff said they would have to talk to the owner about that, and they don't know exactly where the street is going to end up, but they could dedicate the entrance to the County, that they can write a legal description and dedicate the curb cut to the County.

Commissioner Willner said this would be agreeable, that they could then close it when a local road goes through there.

He asked if a dedication was put with the agreement, would it make it meaningful.

County Attorney Wendel said that with the agreement, as written, the present owner has an option to change their minds and the people who purchase it aren't obligated to anything.

Mr. Rheinhardt of Huber Realtors appeared and said he wants to state, on this agreement, that the people who hold the option, Harold Roberts and Harold Jacobs, have already entered into an agreement which is also recorded to sell part of the property that is described here, so they will have to exercise their option to purchase it.

Commissioner Schaad said it doesn't say that in the agreement.

Mr. Rheinhardt said he can supply the references for the County's records.

Commissioner Davies said he thinks what they need to do is for them to get their people together so as to satisfy the County Attorney's.

County Attorney Wendel said he isn't satisfied with the wording in the agreement.

Mr. Rheinhardt asked County Attorney Wendel if he will change the wording to where it will be acceptable.

County Attorney Wendel said he will need the other material in order to do this.

The Commissioners agreed that this had better wait until the County Attorney's get it straightened out before we do anything.

RE: REQUEST OF EXTENSION ON LEAVE OF ABSENCE

A letter of request was received from Jerry E. Linzy, Superintendent of the County Highway Department, in regard to the Leave of Absence of Thomas O. Blocker, a truck driver, that ended February, 1980. He asked that Mr. Blocker's Leave of Absence be extended through February 7th, 1980.

Commissioner Schaad moved that this request be approved. Commissioner Willner seconded the motion. So ordered.

RE: AUTUMN WINDS SUBDIVISION

Mr. Howard said that last week everything came as a complete surprise to him, in reference to the Amended Building Code Ordinance being passed, and he expected to see Mr. Stephen this morning, that he hasn't heard from him.

Commissioner Davies said that Mr. Stephen had to meet some engineers out on the job this morning, on the sewers.

Mr. Howard said he has some input that he would like to add, that as the Commissioners know, Mt. Pleasant Road is the only through shot from Darmstadt, clear down to Hwy. 41, and from Darmstadt to 57, and since this road has been there better than a year, and Larch Lane comes in off of Evergreen Acres, and there is a lot of traffic coming through here, that some years back, he gave the County permission to lower a bank so there would be better vision, which they did, so this has become the traffic's route, and it is busy.

He said in the face of this, this street is being used by the taxpayers as their regular route to and from work, and he thought this might have some bearing on the Commissioners decision in accepting these streets.

He said that at the present time the Gas Company is putting all underground insulation

for electricity and telephones.

He then explained where houses are being built in the subdivision of which there are 14 houses with people living in them.

Commissioner Davies said that Mr. Stephen went out and looked at them and that Mr. Howard doesn't have the 50% as yet but that he is getting close to it.

Mr. Howard said that the U.S. Mail is being delivered out there daily and that the storm sewers have been inspected and approved.

Commissioner Schaad said that there are a lot of people using the roads out there and when the lots are built upon, mud comes off them onto the road and the Commissioners are picking up the liability.

Commissioner Davies said there are 14 houses, including the one they are now building, out of the 43 lots that have been sold.

Mr. Howard said he plans on combining two lots into one which will make about a 3 acre lot, because of the cul de sac, that there is an engineering problem, so he thought he would just put those two lots together and sell it as one lot. He also said he is going to be in contact with the owners and whatever contractor they have, he is going to instruct them to put in their agreement on building, that they will maintain the roads during construction, since he wasn't aware that this is in the ordinance.

Commissioner Davies said they should all go out and take a look at it.

RE: CLAIM FOR REFUND

A Claim for Refund was submitted by the Building Commission for reimbursement of \$10.00 the cost of Zoning Use Permit #79-752 issued to Mark Bitter and Rick Turpen. Since customer had only one check which was written to the Building Commission to cover both the zoning and building permits. Building Commission gave cash to Zoning for their permit. Check bounced. Effort to locate customers have failed. Reports indicate the Warrick County Sheriff is looking for Rick Turpen, the writer of the check. We are cancelling all permits. Money is to be returned to the Building Commission.

Commissioner Schaad moved that this claim for refund be approved. Commissioner Willner seconded the motion. So ordered.

A Claim was submitted by Szabo Food Service for meals served to the deputies from November 1, 1979 through November 15, 1979 in the amount of \$508.30, for meals served to the inmates from November 1, 1979, through November 15, 1979 in the amount of \$6,916.45, for meals served to the Deputies from December 16, 1979 through December 31, 1979, in the amount of \$469.20, and for meals served the Inmates from December 16, 1979, through December 31, 1979, in the amount of \$5,411.10, or a total of \$13,305.05, which has been approved by Sheriff DeGroot.

Commissioner Schaad moved that this claim be approved. Commissioner Willner seconded the motion. So ordered.

A Claim was submitted by Szabo Food Service for meals served to the Inmates from December 1, 1979 through December 15, 1979, in the amount of \$5,880.30, for meals served the Deputies from December 1, through December 15, 1979, in the amount of \$433.50, or a total of \$6,313.80, which has been approved by Sheriff DeGroot.

Commissioner Schaad moved that this claim be approved. Commissioner Willner seconded the motion. So ordered.

A Claim was submitted by Szabo Food Service for meals served to the Inmates from November 16, 1979, through November 30, 1979, in the amount of \$6,664.00, and for meals served the Deputies from November 16, 1979, through November 30, 1979, in the amount of \$468.35, or a total of \$7,132.35, which has been approved by Sheriff DeGroot.

Commissioner Schaad moved that this claim be approved. Commissioner Willner seconded the motion. So ordered.

A Claim was submitted by David L. Fox, Real Estate Deputy of Pigeon Township, for lodging and mileage in attending the annual conference of County and Township Assessors in Indianapolis, Indiana on January 7, 8, & 9th. 1980, in the amount of \$113.76.

Commissioner Willner moved that this claim be approved. Commissioner Schaad seconded the motion. So ordered.

A Claim was submitted by Robert T. Dorsey, the Pigeon Township Assessor, for lodging and mileage in attending the annual conference of County and Township Assessors in Indianapolis, Indiana on January 7, 8 & 9th. 1980, in the amount of \$113.76.

Commissioner Willner moved that this claim be approved. Commissioner Schaad seconded the motion. So ordered.

A Claim was submitted by Key Construction Company for the extra work done for installation of salt bin at the County Garage, for labor involved to remove existing concrete where posts for bin are installed, and for rental of equipment, in the amount of \$400.00, which has been approved by Herman Hotz.

Commissioner Schaad moved that this claim be approved. Commissioner Willner seconded the motion. So ordered.

A Claim was submitted by Lukens & Sons Insurance, Inc. for Public Official Bond of Sheriff James DeGroote which is in effect until 1/1/81, in the amount of \$75.00.

Commissioner Willner moved that this claim be approved. Commissioner Schaad seconded the motion. So ordered.

A Claim was submitted by Depositions, Inc. for copy of deposition of Timothy Eugene Fleener that was prepared for County Attorney Wendel, representing the Vanderburgh County Commissioners in the case of Vanderburgh County Jail Inmates, et al, vs. James A. DeGroote, et al, Cause No. EV79-66C, Recorded 1/10/80, in the amount of \$90.10.

A Claim was submitted by Depositions, Inc. for copy of deposition of Timothy Eugene Fleener that was taken by Attorney David L. Jones, representing the Vanderburgh County Council in the case of Vanderburgh County Jail Inmates, et al, vs. James A. DeGroote et al, Cause No. EV79-66C, Recorded 1/10/80, in the amount of \$223.30.

Commissioner Willner moved that both these claims be approved. Commissioner Schaad seconded the motion. So ordered.

A Claim was submitted by Brink's, Inc. for services rendered to the Treasurer of Vanderburgh County for the month of January, 1980, as per contract, in the amount of \$253.20.

Commissioner Willner moved that this claim be approved. Commissioner Schaad seconded the motion. So ordered.

A Claim was submitted by the Deputy Controller for City General Fund, for reimbursement for County share which is 42% for Weights & Measures Department, for May of 1979, in the amount of \$1,203.12, for June of 1979 in the amount of \$936.79, for July of 1979 in the amount of \$689.91, for August of 1979 in the amount of \$1,115.73 and for September of 1979, in the amount of \$680.13, or a total of \$4,625.68.

Commissioner Willner moved that this claim be approved. Commissioner Schaad seconded the motion. So ordered.

RE: MR. CROOKS

Commissioner Schaad said that Mr. Crooks won't be here today, since his mother passed away last Saturday and the funeral is today.

RE: ABSENTEE REPORT

Mr. Linzy submitted the Absentee Report on the employees at the County Highway Garage for the past week which ended January 18, 1980. Report received and filed.

RE: MR. GUILLAUM

MARYLAND STREET BRIDGE.....PROPOSALS RECEIVED

Mr. Guillaum said that of the four companies he notified as to the price proposals needed for the repair of the Maryland Street Bridge, he received only two, one from G. H. Allen in the amount of \$4,950.00 and one from Southwest Engineering in the amount of \$6,700.00.

He said that what needs to be done on the Maryland Street Bridge over Pigeon Creek has

been gone over thoroughly with the contractors involved, so they know just exactly what we are talking about.

He said it has been like pulling teeth in getting anyone interested at all, to do the work, so with the bids received, he would recommend that we go with the lower bid and get the work done, that they can get it done right away.

Commissioner Schaad moved that the contract be awarded to G.H. Allen and get with it. Commissioner Willner seconded the motion. So ordered.

Commissioner Willner asked if we have a contract with them.

Mr. Guillaum said he will write one up, or whatever it would take, but he doesn't think we will have to have anything elaborate.

Commissioner Schaad said we do need a contract though, indicating Liability Insurance, etc.

Commissioner Willner said until that time we cannot afford to bid, really then, until the contract has been prepared

RE: WORK COMPLETED ON OHIO STREET BRIDGE

Mr. Guillaum asked County Attorney Smith if we couldn't get something written out in the way of a release to Evansville Barge Company, for the work they did on Ohio Street, that they did repair the bridge, and we need something to the effect that it was done satisfactorily and now has been taken care of.

County Attorney Smith said if they have a copy of their contract, he can just write down there that it has been accepted on such and such a date, and that should do it.

RE: GUARDRAIL DAMAGE ON PFEIFFER ROAD

Mr. Guillaum said he has written a letter in regard to the accident on Pfeiffer Road in which the guardrail was damaged, as to the vehicle that was involved and the amount of the damage.

He said the guardrail was repaired by his crew.

County Attorney Smith asked Mr. Guillaum if he wants him to make a claim on this.

Mr. Guillaum said this is correct.

Commissioner Schaad moved that a claim be filed against the person for the guardrail damage. Commissioner Willner seconded the motion. So ordered.

Commissioner Schaad asked who hit the bridge.

County Attorney Smith said it was a man whose name is Benny Frazier, that he damaged the guardrail on December 29, 1979.

RE: RIGHTS OF WAY.....MILLERSBURG ROAD

Mr. Guillaum said we have the rights of way on Millersburg Road re-written, that he has contacted Bob Goff and he supposedly has gotten together with the people again, so as soon as we can get the information from him, we have the plans ready to go.

County Attorney Wendel said he thinks there are two of them and he would suggest that we get Certificates of Ownership on these, to make sure we are dealing with the right people.

He told Mr. Guillaum that there are some never forms that he came up with, that he didn't keep any copies,

Mr. Guillaum said that Charlie Davis has put this all together and he has all the forms on it.

Commissioner Schaad moved that County Attorney Wendel have permission to order a Certificate of Title for each of the two rights of way. Commissioner Willner seconded the motion. So ordered.

RE: CONSTRUCTION ENGINEERING.....ST. JOE AVENUE

Commissioner Schaad said he talked to Mr. Lochmueller and also to Nick VanNeelen on Friday, and the Construction Engineering Contract has been approved by the state and it is over at the feds, and Mr. Lochmueller is going to call Carverrol again.

Mr. Lockmueller said he just called and talked with Dave Carverrol, that he has given his review and it's with Tom Johnson who is their contract man, and he asked when it would leave their office and he said the earliest would be this Wednesday, and no later than Friday.

He said the review has been made, that it will then go back to the state and then it will be mailed down to us, at which time we will sign it and then it will go back to the state, and then Engineer Associates can get started.

RE: COMMENT ON HIRSCH CASE

County Attorney Smith said, in regard to the Hirsch Case, the Court appointed appraisers, as the Commissioners know, came up with a damage opinion in the amount of \$6,800.00 and reported this to the court, and now he has written a letter to the attorney for the Hirsch's, offering to pay that amount of money.

He said it affects the amount of interest or attorney fees down the road that we might be obligated for, depending upon our efforts to settle, based upon the award of the court appointed appraisers, so this does become a factor.

He said he isn't sure that it is necessary, but he knows that it is in federal court, and it certainly wouldn't hurt us and it might save us on interest when the jury does come back with an award, as to whether or not we have deposited the money into court, so he would recommend that we have the Auditor issue a check payable to the Warrick County Circuit Court in the amount of \$6,800.00 and put that on deposit with the court for the benefit of the landowner based upon the Court appointed appraisers, that he thinks this would be the thing to do.

Commissioner Willner asked if we would take that money from the Surveyor's Ditch Fund.

County Attorney Smith said he supposes it would come under judgements.

Commissioner Schaad wondered if it wouldn't come under Bridge Funds.

Commissioner Willner said that Fees & Judgements are out of the Commissioners budget but this is a drainage matter and he doesn't see where the Commissioners can handle it.

County Attorney Smith said the County was a party to the law suit too, so he thinks it could be taken from the Commissioners budget, that they could just say this is an inverse condemnation and the law isn't really clear on some of these areas, but in an ordinary imminent domain proceedings, we would deposit the money in the court for the benefit of the landowner and then litigate later on down the road as to what amount, if any, that he is entitled to, in the meantime he thinks this would stop the interest accruing on the total award, if we do tender the money in.

Commissioner Willner asked if after the jury decides then, and the money would come out of the ditch maintenance fund, it would then be reimbursed back to the County then.

County Attorney Smith said he isn't sure of the mechanics of it.

Commissioner Schaad asked if maybe the property owners should pay for it.

Commissioner Willner said he would think so, that this was the problem, wasn't it?

Commissioner Schaad said yes, but maybe they can say it was because of the negligence of the County Surveyor or someone else, and why should they be penalized for it, and to put it over a wider base of all the taxpayers in the County rather than just the people on that ditch, but he doesn't know.

County Attorney Smith said if we proceeded under the drainage code, of course, then the procedure is all outlined, but the procedure didn't follow the reconstruction provision of the code, so consequently, it is in the nature of an inverse condemnation award or judgement like in the Joeckel case.

Commissioner Willner moved that we deposit the \$6,800.00 from the Fees & Judgement Account, of the Commissioner's budget.

Commissioner Schaad said he wondered if they have this much in their budget to do it.

Commissioner Schaad seconded the motion.

Commissioner Schaad said if we don't have the money we will just have to go before Council.

County Attorney Smith said he thinks we had better start making a record of it.

Commissioner Davies asked if we want to do this under the Commissioners or under the Drainage Board.

Commissioner Schaad said we don't have an account set up under the Drainage Board.

Commissioner Davies said if we have to go before Council, maybe we will get one set up.

Commissioner Willner said they do have a Ditch Account in the General Fund.

Commissioner Schaad said he thinks maybe we had better talk to Mr. John about it to see how he would suggest to do it.

The vote was then taken and was unanimous in the affirmative, the motion carried.

The Commissioners agreed that this be taken care of however Mr. John decides to do it.

RE: MR. OSTERHOLT

Mr. Osterholt said he received a letter from the Federal Emergency Management Agency on this Federal Flood Insurance situation, and what he would like to do is to give the Commissioners a copy of proposed changes to the Subdivision Ordinance and he would like to request that County Attorney Smith help him finish out this ordinance for amendment sometime this week.

He said we need to take action before February 1st. in order to stay in compliance with the federal insurance requirements, that it is basically just some language changes, that it is no great change to the code.

Commissioner Davies said that what Mr. Osterholt is saying then, is that we can go ahead and pass the code as is and make these amendments at a later date.

Mr. Osterholt said we need to make the amendments as to the federal flood insurance language before February 1st. and then we want to take a look at the entire Subdivision Ordinance to make further amendments.

He said, as to the Zoning Ordinance, he would like, if we could, to take some affirmative action on it before the First of February to get it in the records, so that we can send that up to the people in Chicago to show them that we have an ordinance that is in compliance with federal flood insurance requirements.

Commissioner Davies told Mr. Osterholt that the amendments he proposes then, for the mobile home people, can be made at a later time.

Mr. Osterholt said, yes if we keep the ordinance the way it is and pass the resolution about hardship and emergency and then if there are further amendments of the zoning code, we could make those after February 1st.

Commissioner Davies said he will bring this up at the next meeting then and get both of them taken care of.

He asked Mr. Osterholt if he has been in touch with the home builders on the Subdivision Ordinance, as to federal flood insurance requirements.

Mr. Osterholt said he has been in touch with them on the subdivision ordinance but on the further amendments of the subdivision ordinance he hasn't been in contact with them on.

Commissioner Davies said it would be agreeable with them then, that we go ahead with this so we can get our flood insurance.

Mr. Osterholt said this is correct.

Commissioner Davies said we will take care of both of them next Monday.

RE: COMMENT ON LEASE WITH E.A.R.C.

Commissioner Davies asked County Attorney Smith if he has researched the contract we have with EARC.

County Attorney Smith said yes, and it really isn't very clear, that there are two leases, one dated 1961 between the County and EARC which provided that the lessee would have the sole responsibility of maintaining the premises, then in 1974 there was another lease executed which changed that and it reads that they would maintain the interior and minor repairs and we, the lessor, would have to maintain it as far as capital improvements were concerned.

He asked if anyone knows the reason for the two leases.

Commissioner Willner said it seemed to him that it had to do with a statute or a federal law, that this rings a bell but he isn't positive about it.

Commissioner Davies said he doesn't see anything wrong with the County taking care of the major capital improvements but he doesn't think that repairs on the roof, and such as that, are major capital improvements.

County Attorney Smith then read the second lease, in part, as follows:

OBLIGATIONS:

The Lessee agrees that it will, solely at the Lessee's cost and expense, keep and maintain the interior of said leased premises in good order and repair, and shall be completely responsible for all minor repairs, during the tenancy herein created, and for any and all expenses connected with the operation and maintenance of the premises herein demised, including but not by way of limitation, all costs and expenses of heat, power, light, water, custodial services and general maintenance. However, it is specifically understood that Lessor has the obligation to repair or maintain the leased premises by major capital improvements. Lessee will, upon the termination of this lease agreement, return the said leased premises and the improvements thereon situate, unto the Lessor in good order and repair, damage by fire, the elements, other unavoidable casualty, and ordinary wear and tear excepted. Lessee shall not suffer or commit any waste in and about said premises, but shall keep the said premises together with the fixtures therein and appurtenances thereto in a clean and sanitary condition and in good repair, all at Lessee's sole expense.

Commissioner Davies asked how long is the lease of 1974 in effect.

County Attorney Smith said the term of the second lease commenced on the 1st day of May, 1974 and expires on the 31st day of April, 1994. He said the first lease was executed in 1961 and was to expire on October 31st. in the year of 2060, that this one was written for 99 years.

The Commissioners agreed that this should be researched, as to why the second lease was executed.

County Attorney Smith said he will talk to Tom Jones and check this out, and then report back to the Commissioners as to his findings.

RE: POOR RELIEF

Lois Drew.....713 Ridgeway Ave.Pigeon Township.....H. A. Eickhoff, Investigator

Ms. Drew had applied for rent but was denied by the Pigeon Township because she is living over and above her income.

Ms. Drew failed to appear today, so the Commissioners could take no action at this time.

Lannie Holt.....706 John Street.....Pigeon Township.....M. Sallee, Investigator

This case was withdrawn, so no action was taken.

RE: COMMENT ON DATA PROCESSING

Commissioner Schaad said it should be noted that the Commissioners did talk again with Walt Lowe regarding Data Processing, that Vicki Bailey was in on it too, that he understands they had a couple of meetings with the committee, but it seems that not much has happened, that we did suggest to Ms. Bailey that maybe she or the Mayor should contact private businesses such as Mead Johnson's, Alcoa, Whirlpool and International Steel and see if they would perhaps loan someone from their Data Processing Department to help look at what we have in the way of Data Processing equipment in the County and in the City as far as schools, the County, the City, Water Department, etc., and to give the committee some guidance as to the right step to take in an unbiased way, so we hope to hear something from that pretty soon, and he thinks we need to get this thing off center, because we are talking about buying micro-filming and a lot of other things and he thinks before we do any more buying of any kind of data processing equipment, micro-film equipment, or any other kind of machinery or equipment to run this County, that we need to get this worked so we can perhaps centralize it all. He said he thinks this need to go on record.

RE: COMMENT ON PURCHASING DEPARTMENT

Commissioner Willner said the Commissioners met last Monday afternoon with the Purchasing Board to interview an applicant and his position was taken under advisement and we do have another one at 1:30 p.m. today, that it was the consensus of opinion that if we did not hire a director for the Purchasing Department within a reasonable length of time, being this Monday, that we would hire one for temporary assignment to assure us that we have a director for that department.

Commissioner Schaad said that Walt Lowe is presently the Acting Director of the Purchasing Department and he thinks that one of the things that needs to be done is for the guidelines that were typed up for the Purchasing Department back in April or May to be updated, because it still says that anything of \$5,000 needs to be bid, but this has been raised to \$10,000, also, there have been changes on Services, since some services no longer need a purchase order, so we do need new guidelines for the new Director of Purchasing to go by, and he thinks this needs to be done very quickly.

He said he has talked to County Attorney Wendel about making these changes and prepare new guidelines, and he doesn't think it will take too long to do it.

RE: CONTRACT SUBMITTED FOR MARYLAND STREET BRIDGE

Mr. Guillaum submitted the contract he had prepared in favor of G. H. Allen for repairs on the Maryland Street Bridge.

Commissioner Davies said that he would like for the County Attorney's to look at the contract to see that it meets with their approval, and he thinks the Commissioners can then sign it next week.

RE: FIRST AVENUE BRIDGE

Commissioner Davies asked how are we doing on the First Avenue Bridge.

Mr. Guillaum said the last thing Mr. Hartman told him was that he was waiting on information from the City.

Commissioner Davies said he checked this out the first week in December and he thought they had received this information, and he doesn't know why we are waiting so much on that information, since if it wasn't inside the city limits we would still have to get the same information.

Mr. Guillaum said sometimes he reaches the same point.

Commissioner Davies asked Mr. Guillaum to check with Mr. Hartman again.

RE: CUTS IN

Mr. Stephen submitted the following applications for cuts:

Evansville Ind. Water Department to cut into 6000-6100 Short Selzer Road to install water service.

Indiana Bell Telephone Co. to cut into Inglefield Road.

Evansville Sewage Works Board to cut into Short Maxwell Avenue.

The meeting recessed at 11:30 a.m.

PRESENTCOUNTY COMMISSIONERS

Robert Davies

Bob Schaad

Robert L. Willner

COUNTY ATTORNEYS

Ed Smith, Jr.

Paul Wendel

COUNTY COMMISSIONERS MEETING
JANUARY 28, 1980

The meeting of the County Commissioners was held on Monday, January 28, 1980, at 9:30 a.m. in the Commissioners Hearing Room with President Davies presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them was dispensed with.

RE: INTRODUCTION OF NEW PURCHASING AGENT

President Davies introduced Mr. Tom Fallwell, the new Purchasing Agent for the Joint Department of Purchasing.

RE: FUNDS TO BE ENCUMBERED FROM GERMAN TOWNSHIP

A letter was received from Mr. Gary Wagner, the German Township Assessor, requesting that the following account be encumbered:

Account #112-213...Travel.....\$77.10
Account #112-214...Utilities.....\$48.80

Commissioner Willner moved the above funds be encumbered. Commissioner Schaad seconded the motion. So ordered.

RE: EMPLOYMENT CHANGES.....APPOINTMENTS

DRUG AND ALCOHOL DEFERRAL SERVICE:

Sherri L. Delaney...1720 Irvington Ave....Secretary....\$8,500.00.....Eff: 1/7/80

RE: PUBLIC HEARING: ORDINANCE RELATING TO DEFENSE AND INDEMNIFICATION OF POLICE OFFICERS, ETC.

President Davies said he is not for sure who prepared this instrument but that it is presented to us by the Sheriff's Department and he read the following portion from the ordinance:

"The ~~County~~ County Commissioners are of the opinion that it is equitable to insure defense and indemnify the County Police Officers, officers officials, agencies and employees while acting in the line of duty".

It also says that the county supports and protects its own officials and employees. The County Commissioners acts sort of as a Judge, as it is stated in Section IV that the County Commissioners must make the decision if this person was acting in the line of duty as authorized by the law.

Commissioner Willner asked if this ordinance is pertaining strictly to police officers?

President Davies said in viewing this, there is some doubt in his mind as to just who all it does include and he personally would like to see it cover all elected officials and board members, etc.

County Attorney Smith said he did not prepare this particular ordinance, therefore he does not know exactly what it contains.

President Davies said since this is the first reading, he would recommend that our County Attorneys review it, come back to us with it at a later date, at which time, any changes or corrections can be made before formal action is taken on it.

RE: AWARDDING OF BIDS FOR TRUCKS FOR COUNTY HIGHWAY DEPARTMENT

Mr. Tom Fallwell, Purchasing Agent for the county was present and stated we received bids on two trucks for the Highway Department from the following and in the amounts stated:

Kenny Kent Chevrolet.....\$25,719.92
Key Ford.....\$30,389.70
Alvey-Scott Motors.....\$31,101.92

Mr. Fallwell said each of the bids have the bid bond attached and the prices include a trade-in allowance.

Mr. Fallwell said the Key Ford bid is somewhat higher, but that is his recommendation.

Commissioner Willner said that Jerry Linzy prefers the Key Ford bid because their Ford trucks have gallium beds which is a better grade of material.

Commissioner Schaad moved that we accept the bid of Key Motors in the total amount of \$30,389.70 for two (2) trucks for the County Highway.

Commissioner Willner seconded the motion. The vote was taken and was unanimous in the affirmative, therefore motion carried.

Mr. Fallwell said he would get the contract to the Commissioners for their signature later on in the day.

RE: MONTHLY REPORTS

The monthly report of the Clerk of Circuit Court was submitted for the month of December, 1979. Report received and filed.

The monthly report of the Bureau of Traffic Engineering was submitted for both the months of November and December, 1979. Reports received and filed.

RE: CERTIFICATES OF INSURANCE

A Certificate of Insurance was submitted by Bugs Bunny, Sports Spectacular on insured Doorway Promotions, Inc. 4000 Parnell Ave. P.O. Box 5157, Fort Wayne, Indiana 46805 for rental of the Vanderburgh Auditorium on January 23, 24, 25, 26 and 27, 1980.

A Certificate of Insurance was submitted by Artist Consultants on insured, the act of John Cash. Additional Insured: Vanderburgh Auditorium and Convention Center, lessor, but solely as respects to premises rented or leased to the named insured for the purpose of promoting a musical concert, on February 2, 1980.

Certificates were ordered received and filed.

RE: LETTER RECEIVED FROM BLUE CROSS/BLUE SHIELD

The following letter was received from Blue Cross/Blue Shield:

Dear Mr. Ossenberg:

Account Number: 01-23160

Enclosed is your new Schedule of Monthly Membership Fees, Form 1001.8, effective January 1, 1980. This document should be inserted into your existing Master Policy.

We join our Sales Representative, David Stumpf, in expressing our appreciation for the opportunity to serve your organization.

Sincerely,
Donald J. VanDyke
Vice President
Customer Administration Division

President Davies said the cost for a Member is \$31.70 and the cost for a Member and Dependents is \$88.00.

RE: NOTICE OF CLAIMS FROM ATTORNEYS PHILLIPS AND LONG

President Davies said the Commissioners have received two claims from the office of attorneys Phillips and Long, in Boonville, Indiana. These claims are similar to each other and are as follows:

RE: Claim of Eloise Gemlich, Personal Representative of the Estate of Chris Gemlich, Deceased; Claim for Wrongful Death

and

RE: Claim of Mrs. Eloise Gemlich, wife of Chris Gemlich, deceased; Claim for Wrongful Death

Commissioner Schaad moved that both of the above claims be referred to County Attorney Smith.

Commissioner Willner seconded the motion. So ordered.

RE: REQUEST FOR TRAVEL...DRUG AND ALCOHOL DEFERRAL SERVICES

The following letter of request was received by the Commissioners from the Drug and Alcohol Deferral Services, dated January 23, 1980.

Gentlemen:

On Thursday, January 24, 1980, Mr. William Campbell will be going to Indianapolis for the day. He has been requested by the Indiana Department of Mental Health to testify at a congressional hearing.

Should you have any questions, please feel free to call.

Sincerely,
Dianna B. Ralvey
Office Manager

Commissioner Schaad moved this request be approved. Commissioner Willner seconded the motion. So ordered.

RE: SUBDIVISION AND ZONING ORDINANCES

Mr. Charles Osterholt was present from the Area Plan Commission and stated that first he would like to take the Subdivision Ordinance. He got together with Mr. Paul Wendel last week and drew up an Ordinance amending an Ordinance providing for the control of the Subdivision of land and the approval of plats and replats of land within the jurisdiction of the Area Plan Commission of Evansville and Vanderburgh County, Indiana.

He said simply what this ordinance does is include language for the purpose of meeting the Federal Flood Insurance requirements. He said he would like for this to be adopted today so that we can meet their February 1st deadline.

President Davies asked if there were any remonstrators...there were none.

Commissioner Schaad moved the Ordinance be approved, as presented. Commissioner Willner seconded the motion. The vote was taken and was unanimous in the affirmative, therefore motion carried.

Mr. Osterholt said another item he has is that the Area Plan adopted a Zoning Code on November 7, 1979 and since that time it has been under review. At this time he would like for the Commissioners to act in the affirmative on it so that he can show it is effective as of this date. It is also to meet the Federal Flood Insurance requirements. There has been a public hearing on it and it has had a considerable amount of review.

Commissioner Schaad said a copy of this Zoning Code was sent to Mr. Ed Johnson and he is wondering if we have heard anything further from him.

Mr. Osterholt said he has heard nothing from him, so far.

There were no remonstrators present.

Commissioner Willner said there was some input at the public hearing and he wants to know if these changes were made.

Mr. Osterholt said Mr. James Morley had several problems and the Code has been adjusted and is now acceptable.

Mr. Richard Rheinhardt was present and he stated that he has a question about the M-2 verses the M-3 zoning, in the new ordinance. The old ordinance had an M-2 and the new one shows an M-3 as the most permissive industrial zoning. What does the land that is presently zoned M-2 become?

Mr. Osterholt said the change would be made only upon request and would be taken on a case by case basis.

Commissioner Schaad moved the Zoning Ordinance be approved, as presented. Commissioner Willner seconded the motion. The vote was taken and was unanimous in the affirmative. Motion carried.

Mr. Osterholt said he now has a Resolution establishing standards to be used on issuance of temporary use permits for mobile homes. He said what this allows is for those people with an emergency or hardship situation to continue using their mobile homes and also if there are any new emergencies or hardship cases, that we can provide for them.

There were no remonstrators present.

Commissioner Schaad moved the Resolution be approved. Commissioner Willner seconded the motion with the understanding that it can be changed. The vote was taken and carried unanimously in the affirmative.

RE: CLAIMS

A Claim was submitted by the County Treasurer, Mr. Lewis Volpe, for an authorized trip to Indianapolis to testify before Senate Finance Committee on S.B. #451, in the amount of \$53.44.

Commissioner Schaad moved this claim be approved. Commissioner Willner seconded the motion. So ordered.

A Claim was submitted by Mr. Jerome R. Zeller, from the Knight Township Assessor's office for the attendance of the Annual Assessor's Conference on January 7, 8 & 9, 1980, in the amount of \$116.00

Commissioner Schaad moved this claim be approved. Commissioner Willner seconded the motion. So ordered.

A Claim was submitted by H. Jane Nicholson, Knight Township Assessor for the attendance of the Annual Assessor's Conference held on January 7, 8 & 9, 1980, in the amount of \$114.72.

Commissioner Schaad moved this claim be approved. Commissioner Willner seconded the motion. So ordered.

A Claim was submitted by Monarch Insurance Agency, Inc. for continuation of Highway Engineer bond for Louis H. Stephen #10 067 908 of the Indiana Insurance Company in the amount of \$5,000.00 from February 14, 1980 to February 14, 1981, in the total amount of \$20.00.

Commissioner Schaad moved this claim be approved. Commissioner Willner seconded the motion. So ordered.

A Claim was submitted by Sieco, Inc. for preliminary engineering (Phase I) and construction engineering (Phases II & III) services provided in conjunction with the pavement marking demonstration program as per attached invoice # M-010340, in the total amount of \$539.50.

Commissioner Schaad moved this claim be approved. Commissioner Willner seconded the motion. So ordered.

A Claim was submitted by Mr. Thomas Quarles, for janitorial work at Sweetser Recreation Center, 736 Cross Street, Ward 4, Precinct 12, November 1979 General Election. Note: Because this was my first time to work at the polls, I was not familiar with the procedure on Election Day, and my name was not turned in as it should have been. This claim is for the amount of \$15.00.

Commissioner Schaad moved this claim be approved. Commissioner Willner seconded the motion. So ordered.

RE: MR. HOTZ

Mr. Hotz said since we do now have a Purchasing Agent, he does have one bid for the dryer at Hillcrest Home and he is expecting another one from a manufacturer in Louisville, and he is wondering what he should do with them.

President Davies instructed Mr. Hotz to give these bids to the new Purchasing Agent.

President Davies said there is a large safe that was in the Treasurers office and is now in the Health Department and they are now wanting to get rid of it. There was a notation that Morningside Church might be interested in taking it. First of all he would think we would have to declare it surplus and secondly we should notify all city and county

offices to see if any one of them would be interested in it, if not, we can advertise and take bids on it or auction it off.

Mr. Hotz said he believes it was declared surplus when Mr. Volpe wanted to get rid of it. He said he would get a letter to the City and also all County offices and notify them of this sale, along with a description of it.

Mr. Hotz said also, on some of the buildings we have leased, the time is running out on them, and he feels the leases should be reviewed by our Legal Department.

President Davies said for him to get these leases to our County Attorney and he would go over them with him.

RE: MR. LINZY

Mr. Linzy submitted the Absentee Report on the employees at the County Highway Garage for the past week which ended January 25, 1980.
Report received and filed.

Mr. Linzy said he now has a set of Specifications for an 8 to 12 Ton Tandem Roller.

Commissioner Schaad moved that Mr. Linzy be allowed to submit this request to the Purchasing Department to advertise for bids.

Commissioner Willner seconded the motion. So ordered.

Mr. Linzy said they have out at the Highway Department, a 1974 Chevrolet car, that was brought out there from the Coroner's office, and he would like to make a recommendation as to what can be done with it.

The car is in good shape and needs no repairs, therefore he would like to see his Road Inspector, Mr. Ritter, be able to use it to do his inspections, rather than him have to continue using his own personal pick-up truck.

He said he has a plate that can be transferred onto this car, through the Auditor's office, if the Commissioners will allow this.

Commissioner Schaad moved this request be granted. Commissioner Willner seconded the motion. So ordered.

RE: MR. GUILLAUM

Mr. Guillaum submitted a Bridge and Guardrail Repair-Weekly Report for the week of January 21, 1980 through January 25, 1980.
Report received and filed.

Mr. Guillaum said on Millersburg Road, he has the understanding the right of way forms have been signed and returned to Paul Wendel.

Mr. Wendel said this is true and he is in the process of getting the Certificate of Title for each of the two rights of way.

President Davies said we should wait for these rights of way, and then we will advertise for bids.

Mr. Guillaum said we do have a contractor on Middle Mt. Vernon Road. He started on it last week. There is one section of the abutment that looks kind of rough right now, but he is going to look at it today, along with the contractor, and try to decide what to do with it.

Commissioner Willner asked about the City removing their water lines.

Mr. Guillaum said he has brought this matter up to the new administration and he is certain that yes, they are. Mr. Richard Eiffler is well aware of the situation.

Mr. Guillaum said on the encumbrances that he submitted last week, the Surveyor's secretary has re-typed them, to show the particular name of each account number and he will see that it gets to the Commissioner's office.

RE: MR. LOCHMUELLER...ST. JOE AVENUE

Mr. Lochmuller said on the St. Joe Avenue project he would like to say that just this morning he talked with Mr. Dave Carverrol who told him that action was taken on this contract either Tuesday or Wednesday. It will go back to the state and then down to us. Mr. Carverrol is going to contact us again on this.

RE: BURKHARDT ROAD

Mr. Lochmueller said he is talking about a curb cut on Burkhardt Road, on the S.W. corner of Burkhardt and Division Street, where some apartments are going to go up. He said is doing the Annual Element, he is going to need some help. He needs to know how much money we have in the R&S account, the Cumulative Bridge account and how much we have already committed ourselves to in other projects. He will get back to the Auditor's office and gather this information, because he wants to present the Annual Element to the Commissioners next week.

Mr. Lochmueller said he does have a detailed project list and he would like to get with the Commissioners later in the day to review it.

Commissioner Schaad said just the other day he wanted to know what the balance in the Cumulative Bridge Fund is, and he still does not have an answer. He feels like the Commissioners are going to have to sit down with Mr. John, County Auditor and figure out the balance in the Bridge Fund, after all of the encumbrances, etc. There are a lot of bridges that have been completed and there may be some small balances left and that is money lying there idle and maybe we can transfer these monies to someplace where it is needed, or put it back into the General Fund. We need to know how much money was appropriated for various projects and how much has been spent.

President Davies said he will see that a written request gets to the Auditor pertaining to this matter.

RE: MISS BAILEY

Miss Bailey said she will be meeting with the Mayor and his assistant on Thursday at 2:00 p.m. to discuss the Data Processing Committee.

Secondly, Miss Bailey reported that she and the County Recorder, Mrs. Moss, has looked at Bell and Howell's micro filming equipment and now they would like to look and some of the other county's operation before a final decision is made. Indianapolis has a centralized micro filming operation and that is one of the places they would like to look at. She has learned that Jesse Crooks is also interested in micro filming, therefore she is going to get with him to discuss this.

Commissioner Schaad asked about micro filming and data processing.

Miss Bailey said micro filming can be inter-faced with data processing.

Commissioner Schaad said maybe we should hold up on this micro filming until we get the data processing problems solved, once and for all. He personally, would like to see one central system for everything.

Miss Bailey said last of all, on January 23rd she met with representatives of the Manpower office and this past week she has been meeting with the Federal Auditor's that are here to audit southwestern Indiana Manpower's books, and there were approximately twenty seven employees in which they couldn't account for their time schedules. She worked with them in finding these so that the county would not have to reimburse them for those expenses, so that matter has been taken care of.

She said that Vanderburgh County, in Title II-D, has been appropriated some \$80,000.00 and some \$16,000.00 must be spent for training, therefore they need some type of suggestions from the County Commissioners on a program to train.

In Title VI, we have some \$43,400.00 and some \$17,200.00 has not been spent, therefore we should look into that and use the money or else we will stand to lose it.

Commissioner Schaad said he thinks the Prosecutor could use some of these people.

Miss Bailey said the Prosecutor has already received three participants but she will check and see if he needs any more, but we do need to be thinking about a training program. They have not given her a deadline as to when this money must be spent.

President Davies said he would like to know how much we have in each Title, as he is leaving for Indianapolis and he would like to have this to take with him.

Miss Bailey said she would see that he gets this information later today.

RE: E.A.R.C. LEASE

President Davies asked Mr. Smith, Attorney, if he has had time to check into the lease situation, whereas Mr. Tom Jones had two leases, one dated 1969 and the other one dated 1974, in regards to the maintenance of the building.

Mr. Smith said the older lease was for a different tract of land, that the 1974 lease is the only one pertaining to the E.A.R.C. building and it imposes on us the responsibility for capital improvements, which includes the roof.

RE: GUARDRAIL DAMAGE ON PFEIFFER ROAD

Attorney Smith said he has sent a letter to Mr. Benny Frazier pertaining to damage his car did to guardrail on Pfeiffer Road and as of today, he has not heard from him.

RE: DAVID GRIFFITH AND ASSOCIATES

President Davies said he would like to get with the County Auditor Curt John to see what account they should request money in to pay David Griffith and Associates for services rendered to the county again this year. They must appear before County Council with a request before the contract can be signed for this year.

RE: HIRSCH CASE COMMENT

President Davies said he needs to discuss this matter with Mr. John, as it is the County Attorney's opinion that we should take the \$6,800.00 that the court appointed appraisers came up with, as just damages for the Hirsch's and deposit that amount with the Warrick County Circuit Court, and we have some various possibilities where that money can come from.

RE: CURB CUT

President Davies said this is a curb cut request on Green River Road just south of Vogel Road and North of Carriage Drive. Actually we are talking about swapping one curb cut for another, because they will not make the first cut, if we allow this one. At the present time this property is land locked and it will still be land locked when Vogel Road is built, unless these people dedicate some rights of way for Vogel Road.

Attorney Smith said in reading over this instrument submitted by Sam Biggerstaff to the County Commissioners it states the Option to Buy is presently held by Harold Jacobs and Harold Robertson. At the request of Harold Jacobs and Harold Robertson, pursuant to the recommendation made by the Evansville Urban Transportation Study Policy Committee at their Meeting on January 15, 1980, I Olivia Hirsch, do hereby and herein express my present intention that in the event the Option to Buy the said tract of land is exercised, and the obligations of optionees thereunder are fully performed, and in the event optionees thereunder will agree to accept a so-restricted deed, and the Vanderburgh County Commissioners have granted a commercial curb cut at the South boundary of such property for ingress and egress from North Green River Road, I will place in the deed conveying said tract of land to the optionees a restrictive covenant requiring said optionees, its successors and assigns to construct a matching curbing; closing the present residential curb cut at 1201 N. Green River Road, within nine (9) months after the date of either (1) delivery of deed, or (2) the completion of construction of said commercial curb cut, provided, however, that such construction closing residential cut shall in no event be done prior to the date upon which I surrender use and possession of the dwelling premises upon such property under the terms of such option.

Mr. Smith said he wants to know if the Jacob's agree with what the Hirsch's agree to, as far as the commercial part is concerned.

Mr. Biggerstaff replied yes, they do.

President Davies said you still have several curb cuts along there and that is why we want to swap you one cut for another, because this isn't going to be a precedent so you realtors are going to have to get together and see how you are going to do it, because we aren't going to give a curb cut every hundred feet.

Mr. Dick Rheinhardt of Huber Realtors was present and stated that all of the property owners between Vogel Road and Carriage Drive agree that there will be only one curb cut in that 600' span.

President Davies said he is not putting the blame on Mr. Rheinhardt, he is just saying we need planned development.

Commissioner Schaad said in the far future this may become a public road, no longer a private road, and when and if that happens, and the area is all developed, he would like to see it closed.

Mr. Biggerstaff said they feel that they have provided ample room, that we will not congest the traffic on Green River Road, if anything, we will lessen it, for now, and many years to come.

Mr. Lochmueller asked if we have access to that private Drive?

Mr. Biggerstaff said we are working on that right now and he showed Mr. Lochmueller on the plans submitted how they propose to do it. They will allow only seven curb cuts, and one could be for a frontage road and that is what we intend for it to be.

Commissioner Willner moved this requested curb cut be approved with the condition that the new curb cut right of way will be extended to the east property line of First Federal's and that 22' will also be dedicated by the Hirsch's.

Commissioner Schaad seconded the motion.

The vote was taken and it was unanimously approved with three affirmative votes.

Commissioner Schaad said to show the submitted maps a part of the minutes.

RE: CHANGING OF VOTING PRECINCTS

President Davies said there are some voting precincts that need to be changed and divided either by State Senatorial Jurisdictional lines or Township lines or State Representative lines. They are as follows:

We need to divide 1-13 into two parts, along Covert Avenue, with 1-13-A on the North and 1-13-B on the South. The problem with this was State Senate District line.

We need to divide 3-1 into two parts along Columbia Street, with 3-1 on the North and 3-20 on the South. The problem with this was State Representative lines.

We need to divide 3-8 into three parts as follows- divide along Willow Road with the Eastern part becoming 3-8 and divide the Eastern part along Rotherwood Ave. and Michigan Street with the Western part becoming 3-18 and the Eastern part becoming 3-13. The problem with this was Township lines and State District lines.

We need to divide 3-12 along Morgan Avenue with 3-12 on the North side and 3-19 on the South side. The problem with this was the Township lines.

Attorney Wendel said he would get this all typed up, see that it gets to Mr. Jim Morley and also see that it gets advertised.

RE: BURKHARDT ROAD.....JIM MORLEY

Mr. Jim Morley was present and stated that he has an application to have a road cut entrance on Burkhardt Road, one single entrance for the Gene Glick project, which is the Williamsburg on the Lake Apartments and they are showing acceleration and de-acceleration lanes at a 14' widening.

Mr. Morley presented the plans to the Commissioners and explained to them the area that he was talking about.

President Davies said they are doing their acceleration and de-acceleration on the west side of the easement.

Mr. Morley said the current right of way line is 20' and there was a discussion about an additional 10' of widening to allow for anything in the future and the ditch has already been re-located all the way to Division Street.

He said are you, the Commissioners, suggesting that what they ought to do is put in 26' widening lane now.

President Davies said that what he means is when this is widened you are still going to construct acceleration and de-acceleration zones and he feels they should be notified of this fact.

Mr. Morley said it looks to him like they should hold up on this right now, go ahead and build their roadway out, and when they work on Burkhardt Road then complete their exceleration and de-exceleration at that time.

Commissioner Willner said he would rather let them do it now, according to our specification and then us put the de-exceleration lanes in. That is how we did it on St. Joe, out where the old land fill use to be.

Commissioner Schaad said we have the money, so why don't we get started on Burkhardt Road, like he has mentioned before.

Commissioner Willner said we don't have the money for construction.

Commissioner Schaad said no, but we do for the engineering, and we have to start somewhere, and he feels like we should get started on it or we'll never get it done.

Commissioner Willner said that suits him, if the Legislature will give us more money for it, but if we are going to have to take the money we already have and build it, then he is against that.

President Davies said we are going to let them go ahead and put the exceleration and de-exceleration in, according to the engineering of the widening of Burkhardt Road, and then when it comes time for us to widen Burkhardt Road, then we will build that exceleration and de-exceleration zone, with the idea that whatever they put in there, will stay.

Mr. Morley said assuming that the roadway doesn't change too much, we should match the grade real well.

Mrs. Alice Jackson was in the audience and she asked how wide Burkhardt will be.

President Davies said they have not started the engineering on it yet, but it is going to be four lanes.

Mrs. Jackson said then what happens to the big ditch that runs along side of Burkhardt.

President Davies said it will have to be covered or else it will have to be moved further east.

Mrs. Jackson said she lives out in that area and she wants to know if the drainage is going to be re-routed.

President Davies said the plans are not made up yet, therefore he cannot answer these questions, but there will have to be a new ditch or a culvert.

Commissioner Willner said his suggestion would be to widen the road to the west, because he is not going to go along with putting in culverts.

Mrs. Jackson said if this is going to be done she doesn't understand why they just spent a handsome amount of money to dredge that ditch, instead of re-routing it then.

President Davies said people were sitting out there with water in their houses and we did not know how long this Burkhardt project would be in the making and we simply had to give those people some relief.

Commissioner Willner moved that we allow the curb cut for the Gene B. Glick Company of Indianapolis, Indiana for the Williamsburg on the Lake Apartments and that their exceleration and de-exceleration portion of that road cut be built to the standards of the widening specifications of Burkhardt Road and at the time that Burkhardt is widened, the county would do the exceleration and de-exceleration lines into said property. Commissioner Schaad seconded the motion. So ordered.

RE: SIGNING OF CONTRACT.....MARYLAND STREET BRIDGE

Mr. Dave Guillaum presented the Commissioners with a contract for the Maryland Street Bridge project, requesting their approval and signing of it. The contractor on this project is G.H. Allen, Inc. and the bid price is \$4,950.00

Commissioner Schaad moved they sign the contract for the repair of the Maryland Street Bridge.

Commissioner Willner seconded the motion. So ordered.

RE: BRIEF DISCUSSION OF PURCHASING GUIDELINES

Attorney Wendel said he believes he has the guidelines all ready but that he would like to go over them before they are presented to the Board for approval. One thing that he wasn't too sure about is how much something should be before we seek formal bids.

Commissioner Schaad said he feels we should hold the level at \$1,000.00.

Attorney Wendel said another question is do we want the Purchasing Department to be able to take care of the leases or do the Commissioners handle them.

President Davies said he feels the Commissioners should continue to take care of the leases.

Commissioner Willner said he feels the same way.

Attorney Wendel said he will have this all ready for formal approval as soon as possible.

There being no further business the meeting recessed at 11:45 a.m.

VANDEBURGH COUNTY DRAINAGE BOARD
FEBRUARY 4, 1980

The meeting of the Vanderburgh County Drainage Board was held on Monday, February 4, 1980 at 10:40 a.m. in the Commissioners Hearing Room with President Bob Schaad presiding.

The minutes of the previous meeting which was held on January 14, 1980 was approved as engrossed by the County Auditor and reading of them dispensed with.

RE: CLAIM

Mr. Brenner submitted a claim from Paul Seib for the maintenance of Keil Ditch in the amount of \$391.56. This claim has been approved by Mr. Brenner. Commissioner Willner moved that this claim be approved, and was seconded by Commissioner Davies. So ordered.

A Claim was submitted by Ralph R. Rexing for the Annual Maintenance on Pond Flat "A". This was maintenance for the year 1979 in the amount of \$531.10. Commissioner Willner moved that this claim be approved, and was seconded by Commissioner Davies. So ordered.

A Claim for Annual Maintenance on the Kolb Ditch in the amount of \$308.12. This was approved by Mr. Brenner. Commissioner Willner moved that this claim be approved, and was seconded by Commissioner Davies. So ordered.

A Claim was filed by William Hepler again for the maintenance on Eagle Slough in the amount of \$1,201.60. This claim has been approved by Mr. Brenner. Commissioner Willner moved that this claim be approved, and was seconded by Commissioner Davies. So ordered.

A Claim was filed by Big Creek Drainage Association for Annual Maintenance of Lower Big Creek for 1979 in the amount of \$750.10 and was approved by Mr. Brenner. Commissioner Schaad moved that the claim be approved, and was seconded by Commissioner Willner. So ordered.

A Claim was filed by Quentin Stahl, Inc., in the amount of \$5,194.40. This is the balance on Quentin Stahl. We had to have him come back out there and do some additional work which he did and everything is O.K. now. This is for Quentin Stahl on the work done on Crawford-Brandis Ditch and this is the final payment in the amount of \$5,194.40. Commissioner Schaad moved that this claim be approved for payment and was seconded by Commissioner Davies. So ordered.

Commissioner Willner asked Mr. Guillaum a question on William Hepler's bill as to whether all the ditches had been done by flying spray. Mr. Guillaum replied that it had been done by flying spray and this was the third year to use this method. Commissioner Willner asked Mr. Guillaum if we aren't doing it ten times cheaper than any other way. Mr. Guillaum replied to the affirmative. He stated the problem that you have is when you get into the populated areas where you really shouldn't spray, but by and large, the areas that he has been spraying as far as the return on your weeds and this type of thing, the weeds do come back. Rob Matthews has been out checking these pretty well and Mr. Guillaum stated that he had checked it out too. He stated it gets results, but you still have some growth that comes back in. Commissioner Willner asked Mr. Guillaum if we couldn't put more ditches together so that we could do more spraying by air. Mr. Guillaum said he was wondering what we would do if we hit crops. Commissioner Willner said we would be sued. Mr. Guillaum agreed with Commissioner Willner that flying spray is the best way to handle it. Commissioner Willner said the reason we did Eagle Slough was because it is hard to get in there and have anybody bid on it, but now that we have an experience there, I wonder if we shouldn't go with that experience. I am wondering if we shouldn't look at that experience and see what we can do about the financial savings. Mr. Guillaum stated that Mr. Higgs has had more bottom area to do too, which is really giving you more protection according to the distribution of spray. Actually he can get the plane down lower in a bottom ditch and you won't have to over-spray. Commissioner Davies said if you have calm air, you are in great shape. Commissioner Willner stated that a few years ago there was a complaint about the spraying because it ruined a few bushels of tomatoes, but they never did pursue it, did they? Mr. Guillaum said no. He also said we didn't pay anything but we did have somebody that was complaining about it. Commissioner Davies inquired about our own liability. Say we are paying this man to spray this ditch and what if his plane has an accident. What happens? Mr. Guillaum said we contract him. Commissioner Davies inquired if he has insurance that he gives to us, in other words, do we have a Certificate of Insurance with him? Mr. Guillaum said that right now he doesn't believe that we do, but I'm sure we could get one and that would be a good thing to have.

Commissioner Willner asked if we had ask for a Bond or something, and wanted to know what we do ask. Mr. Guillaum said they put up a cash bond usually. It is a performance bond. Commissioner Willner stated that actually the Drainage Code calls for that to be done, but the people doing the work say it costs them more to get that bond than the job is worth and they are not going to do it. Mr. Guillaum said all they have to have is a Cashier's Check made out to Vanderburgh County which is 5% of the contract. If they don't get the contract, the check is mailed right back to them, and if they do get the contract, we hold the check until the job is done. It is a performance contract, it is not a liability contract. That is similar to a bridge contract. If somebody comes out and runs through a barracade and goes down in the creek and gets crippled up, the contractor would definitely be liable for certain parts and Indiana would be liable too. Commissioner Davies said that next year we should really take a look at that.

Commissioner Davies wanted to know if that road had been cleaned up on Wedeking Avenue where we are supposed to bill that man for putting that back. Commissioner Willner said he was sure the bill has been made, but we held it off because we thought there may be more damage done and that they haven't finished out there. Mr. Guillaum said they are still hauling dirt. Commissioner Willner said that Staub hauled the dirt in but Mr. Manns had the dirt. Mr. Guillaum believed that it was another contractor that hauled the dirt in. Commissioner Davies said it stated in the previous minutes that Johnny Manns did motor the dirt in so that he would have place to put more dirt and it was hauled by Staub.

Mr. Guillaum said that Hirsch Road would be another job that we would like to get going if we can, before you get to Burkhart. It looks on paper right now that there will be quite a bit of dirt needed, and if that would be the case, if possibly we have any dirt left over instead of trying to buy more dirt, it would be just down Burkhart Road.

Commissioner Willner stated he talked to Johnny Manns about the letter we submitted to him and he says that 90% of the time, he has dirt available for anybody that wants to haul it and right now he has plenty and to tell the county to come and get it. He didn't say where, but if the county does want dirt at some time, the first place to call is Johnny Manns because he has it available, and it is available now. He is just letting the county know that he has the dirt available for when we need it.

Attorney Wendel stated we have the P.O. on file versus the Board of Commissioners and the Drainage Board damage on Crawford-Brandis Ditch Extention. That is where this bridge was not authorized but was in the right of way when the Surveyors went out to work on the ditch. Testimony was that part of the equipment hit it and did damage. Most of the damage came from the course of the water. So it hit the bridge in a different place and washed out the bank and etc. The Court of Appeals has ruled that the original judgment states that the Commissioners are not liable is still valid. The Court of Appeals has ruled against the Drainage Board and saying that we have to pay \$3,000.00 damages for two reasons. First of all, even though the statutes state that within the right of way we have to do our work, were not viable from structures outside the right of way we are liable for. Props and inside of right of way, we are not liable for, but the Court of Appeals has said even though a bridge is there without our consent, if we do any damage to it, we are liable for what damage we caused. It also had the second reason for being liable, and that is the testimony by one of the bridge inspectors, Paul Mindrup from the Surveyor's Office. He said that the way the plans were originally drawn out, there was no way that they could have been performed without moving the bridge. The Court of Appeals said that even though we tried to accommodate the Clouses and work around it so that we wouldn't have to tear down the bridge, we are still liable if we cause any damage, so the Drainage Board owes \$3,000.00. What funds this could be taken from, I don't know, but I imagine it will be taken from the Ditch Fund. Commissioner Davies wanted to know if we have to pay the \$3,000.00 or can we repair the bridge ourselves. Attorney Wendel stated they have a valid judgment against us for \$3,000.00. If they would agree with us to repairing it and taking care of it, they can release their judgment and everything would be all right. Mr. Guillaum stated that he probably has done a lot of that work himself and he probably kept track of the materials he put in it and the time he put in it. Also, we will probably wind up paying for the work he has already done. Mr. Guillaum said he thought we could certainly do the work for less money than that he thought. Commissioner Davies wanted to know if the contractor had hit the bridge and caused some damage to it along with ours. Mr. Guillaum said that apparently that was not the problem. The problem was the change in the course of the water. Mr. Clouse claimed that Quentin Stahl hit the retaining wall area and Quentin said he didn't. He stated that my inspector was out there and said if it occurred, he did not see it. He also stated that as far as the money is concerned, all Mr. Clouse is talking about is rip-rapping the ground to bring it back to good or better than he had had before and I think that \$3,000.00 is a little bit steep on that. We have a crew out to do that type of repair everyday.

Commissioner Willner asked Attorney Smith if he would suggest that we pay the \$3,000.00. Attorney Smith replied in the affirmative and also that we get the statute ammended so that there is no liability for damage on the bridge rights. Commissioner Willner asked Attorney Smith if he thought they should take that amount of money out of that particular ditch fund? Attorney Smith said he is really not sure that Curt John will have to check that out. Commissioner Willner asked that this be researched and give an opinion next week.

Commissioner Davies mentioned the fact that the Drainage Board will not meet on Monday, but will meet Tuesday of next week since we will be closed Monday due to Lincoln's Birthday.

There being no further business to come before the board, the meeting adjourned at 11:10 A.M.

PRESENT

DRAINAGE BOARD

Bob Schaad
Robert L. Willner
Robert Davies

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Dave Guillaum
(Deputy Surveyor)

COUNTY ATTORNEY'S

Ed Smith, Jr.
Paul Wendel

Secretary: Hilda P. McDonald

Bob Schaad

Robert L. Willner

Robert Davies

VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
FEBRUARY 12, 1980

The meeting of the Vanderburgh County Drainage Board was held on Monday, February 12, 1980 at 10:35 a.m. in the Commissioners Hearing Room with President Bob Schaad presiding.

The minutes of the previous meeting which was held on February 4, 1980 was approved as engrossed by the County Auditor and reading of them dispensed with.

RE: CLAIM

An Invoice #79-1333 dated November 27, 1979 was submitted by Deig Bros. Lumber & Construction Co., Inc., in the amount of \$1,995.00 to grade out Akin Ditch. They did this in conjunction with the City and the County. The county's portion is \$1,995.00. They completed it and it has been inspected and approved by Mr. Brenner for payment. Commissioner Willner moved that this claim be approved, and was seconded by Commissioner Davies. So ordered.

Commissioner Schaad read a letter from Mr. James McCarty, President of the Colonial Garden Center located at 8001 Lincoln Avenue which was addressed to the Drainage Board, dated November 30, 1979. The letter discussed the problem of the drainage. It stated that last summer we met to discuss the problem with the surface drainage in the area of our nursery. Those in attendance at that meeting were: Drainage Board Members, Mr. James Morley, Mr. Roy Foster, Mr. Chuck Ocos, my son and I. It was concluded that action was to take place in the summer and fall months which included that the county would clean areas downstream from the location to insure flow through of water. Foster Construction Company would complete the drainage sewer inlet at the Northeast corner of our property on Lincoln Avenue and clean out their portion of the ditch, such as remove trees and clean the ditch west of our property. We would clean out under the culvert with our personnel, and to my knowledge, this has not been fully accomplished. The recent rains again of this week, highlighted the concern for the past ten years about drainage in the area of our Landscape Nursery. The letter further stated they would appreciate hearing from the Drainage Board as to what has been done to accomplish the activities promised in the meeting earlier this year. It stated they did not mean to be too persistent, but as of great economic concern to their small business, it is quite important that they know how we can accomplish these projects. Commissioner Schaad stated that he thought that we had accomplished what we were supposed to do along the ditch and they could clean their culvert.

Mr. Dave Guillaum, Deputy Surveyor said after that meeting, they went out there and took shots all the way down from his culvert to the next pipe. We discovered it was over-dug. There is nothing that can be done actually but to put dirt back in. The only thing that is plugging the water is his pipe. He has eight to ten inches of mud in that pipe on his driveway and it will be that way until he cleans it out. The other part west of him, it is true that water is standing in the ditch. Mr. Guillaum further stated that Roy over-dug it. He dug it in some places a foot too deep and it won't go through the culvert underneath Lincoln on the east. The only thing that can be done now to improve anything at all, is for him to clean out his culvert. That is the one thing that has not been done yet.

Commissioner Schaad suggested that Mr. Guillaum get together with Mr. James Morley, Representative of Morley & Associates, and call on Mr. McCarty and just tell him we have done everything we were supposed to do, but that he just hasn't cleaned his pipe. He further stated that he personally thought that we had completed everything that we were supposed to do. Mr. Guillaum further stated that he thought the problem was really depending on Mr. McCarty to clean out the pipe and get rid of the mud. Mr. Guillaum said that Fosters on the east side of Mr. McCarty can't drain until Mr. McCarty cleans the culvert out. Commissioner Schaad stated the Highway Department did what they were supposed to do, and Mr. Foster did what he was supposed to do.

Commissioner Davies suggested that Mr. Guillaum go out there and let Mr. McCarty show him what he is talking about.

Mr. Morley said that Mr. McCarty has a lot of little things growing. He doesn't know if they are flowers or weeds that are growing on his property in that ditch and it chokes it down.

Commissioner Schaad said he would like for Mr. Guillaum to go out there and see what Mr. McCarty is talking about and then report back later.

RE: RE-ZONING PETITION

Mr. Morley mentioned the Re-Zoning Hearing at the Plan Commission the other day where Frank Richardson or Citizens National Bank is seeking re-zoning of that property out on Wedeking Avenue by W.G.B.F. Tower location. Mr. Morley then presented the plans showing the re-zoning. Mr. Morley said prior to the meeting, people met out there and they talked about drainage and Mr. Stevens said what he wanted to do was to pick up a lot of Burkhart Road drainage where they are having problems up there and run it down to Wedeking. So he wanted to set up for a three foot diameter pipe and a big ditch coming down along Burkhart. Mr. Morley said after the meeting, they went out and took some shots of this ditch and pointed out same on the plans. Mr. Stevens drew the profile in there and Mr. Morley said he came back and made it deeper because he couldn't get a three foot diameter pipe in there. This area doesn't drain properly, it just sits there. They have a pipe in there but it is plugged up and the water just sits there, but then it always has.

Commissioner Davies asked if we didn't already have a ditch there.

Mr. Morley said yes that we did have and that there was a pipe down there. So the part that I am showing is that the ditch is about four feet deep here and it is pretty wide. It is about fourteen feet wide. Also, we would have to cut a ditch all the way down the back side here too, which will only be three and a half feet. Mr. Stevens is going to take the main drainage and bring it down the front ditch where it can be maintained. The only difference Mr. Morley stated between his plan and Mr. Stevens' plan is that he went deeper in this one area.

Commissioner Schaad stated that he thought Mr. Stevens would not object to that, I am sure. He also asked if in Mr. Morley's plan that would stop the drainage problem and Mr. Morley said, "yes". Mr. Morley said that the county would put in the three foot pipe in this location and that, where ever Richardsons decide to come in from the drive entrance, he will be responsible for construction and installing a three foot diameter pipe.

Commissioner Davies asked Mr. Morley if what is happening now is that the water is coming across Burkhart, flowing over the top of it, and Mr. Morley agreed. Commissioner Davies said that we need to get right-of-way from Richardson to do the proper work on the ditch and Mr. Morley agreed. He said that we do have a sixty foot of right-of-way. Mr. Morley said to do this work you would actually shift the body of the roadway, but as of right now we are O.K. But if we would ever go twenty-four feet wide, we would have a bigger side ditch here and a small one here and pointed it out on the plans. Commissioner Davies asked Mr. Morley if we would have to re-construct that road. Mr. Morley said no not now. He said there is room for the roadway and the ditch in the sixty foot right-of-way.

Commissioner Schaad asked Mr. Morley if he approved the drainage plan and Mr. Morley said that he did approve the drainage plan. He also went on to say that in order to identify it, what should we call it. Do you think it should be called Drainage Plans for Frank Richardson? They all agreed. The property is Lots 1, 2, 3 and 4. It is west of Burkhart Road, north of Wedeking and between Burkhart and Fairfield Drive. That identifies the property that we are talking about. It is (SMYRNA) Sub-division where Lots 1, 2, 3 and 4 are located at 6030 Wedeking Avenue. Commissioner Davies stated he would entertain a motion to approve the drainage plan, and was seconded by Commissioner Schaad. So ordered.

Commissioner Davies mentioned the fact that the Drainage Board will not meet on Monday, but will meet Tuesday of next week since we will be closed Monday due to Washington's Birthday.

There being no further business to come before the board, the meeting adjourned at 10:50 A.M.

PRESENT

DRAINAGE BOARD

Bob Schaad
Robert L. Willner
Robert Davies

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Dave Guillaume
(Deputy Surveyor)

COUNTY ATTORNEY'S

Ed Smith, Jr.

Secretary: Hilda P. McDonald

Bob Schaad

Robert L. Willner

Robert Davies

VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
MARCH 3, 1980

The meeting of the Vanderburgh County Drainage Board was held on Monday, March 3, 1980 at 11:05 a.m. in the Commissioners Hearing Room with President Bob Schaad presiding.

The minutes of the previous meeting which was held on February 12, 1980 was approved as engrossed by the County Auditor and reading of them dispensed with.

RE: AIKEN DITCH IMPROVEMENT

Mr. Dave Guillaum, Deputy Surveyor stated that he would bring up one item that he brought up in the other meeting. This was again regarding the Aiken Ditch. The price the contractor gave for the improvements we wanted, the City and the County together is \$850.00. The county's portion would be \$425.00. He further said the slopes are pretty rough and it definitely needs some seeding if we are going to do any good on the sides of the ditch at all. He said that the sides had been washed out and it needs shaping up.

Commissioner Davies wanted to know if this cost would be charged to the Aiken Ditch Assessment, and Mr. Guillaum answered in the affirmative.

Commissioner Schaad moved that this expense be approved, and was seconded by Commissioner Willner. So ordered.

RE: BRANDEIS BID

Mr. Fallwell, Purchasing Agent presented the file on the Brandeis Bid in the amount of \$28,771.00.

Commissioner Davies stated we accepted the bid in the amount of \$28,896.00 less the optional seed, so it would be \$28,771.00 that we really accepted.

Mr. Fallwell said, "that is correct".

Commissioner Davies asked Mr. Fallwell what the time of delivery was on this bid.

Mr. Fallwell stated that it was (10) weeks.

Commissioner Schaad moved to approve the Bid on Brandeis Ditch, and was seconded by Commissioner Davies. So ordered.

RE: CHAPPELL HILL FIRST ADDITION

Mr. Louis Stephens presented the plans on the above, Chappell Hill First Addition, which is located east of Eikhoff Road and north of Hogue Road. He stated that there would have to be a ponding of water for a rapid run-off of water. He also stated that the water is running off the property at this point, but it wouldn't have a very far distance to go before it is running off on someone else's property. However, the same person owns both pieces of property.

Commissioner Davies and Mr. Stephens checked the measurements on the plans and discovered that there would be a 50 foot drop as this property is located on a hill.

Commissioner Willner stated that he thought something like this should go before a board for a Zoning Ordinance.

Mr. Charles Osterholt pointed to an area in the plans and said that it would have to be choked at this one point to pond some water for later on.

Commissioner Willner wanted to know if we should ask for that now.

Commissioner Davies stated he thought something ought to be on record so that it won't be missed later on.

Mr. Osterholt said this development is moving very slowly at this point. However, the holding pond will be needed eventually, but there is no road right here right now. The only other thing he could do would be to build a dam down there on the property.

Commissioner Schaad made a motion to approve the holding pond, and get the approval from Mr. Stephens to accept. Mr. Stephens agreed to this.

Mr. Osterholt wanted to know if we should ask for a whole new design for the ponding area.

Commissioner Davies thought that this is what we are going to have to do. He said we would have to go back and have a new design for a holding pond then the commissioners would approve it.

Mr. Osterholt wanted to know if you really want to do that, or approve it subject to the holding pond.

Commissioner Willner made the motion that it be approved subject to a holding pond of a sufficient size to meet the County Engineer's specifications, and was seconded by Commissioner Davies. So ordered.

Mr. Stephens presented a plan for a sub-division to be located in the Spring Valley and Green River Road area north of Theatre Drive. He also presented a letter dated January 24, 1980 from a Mr. Costner. There are no concrete plans for this area at this time, he just wanted to inform the Drainage Board of what might happen in the future.

Commissioner Davies said this involves two lots, Area 1 and Area 2 and the drainage off this goes down to an area that he pointed to and goes through a ravine. Then to carry this water through, a 42 inch pipe would be installed.

Mr. Osterholt stated this is an important area north of Theatre Drive for the development of apartments.

Commissioner Davies said that the water coming under the road and the water coming along the one point on the plan that tends to concentrate and head down the ravine that he indicated on the plan, would take care of the drainage at this point.

Mr. Osterholt said he thought Mr. Costner was getting his property ready for development. He further said that some of the zoning is commercial in this particular area.

Commissioner Davies said the thing that bothers him is that we don't know what exactly they are going to do with this area. And if they come in and want to plat this "pot luck", we have to have some access roads to relieve this sub-division.

Mr. Stephens said there are only two ways into the sub-division now. They are Spring Valley and one other one.

Commissioner Willner said that the question he had is that if we over-size the pipe for now and in ten years it is not adequate, what happens?

Commissioner Davies said, "it's our baby" as we have already approved it. He also said, at least we know that somebody is thinking about doing something out there and to be alert.

RE: EASTLAND ESTATES

The above is located between Pollack and Covert Avenues.

Commissioner Davies said they had approved the drainage on this at one time, and now it comes back for a different plot plan, is that right?

Mr. Stephens said that is right.

Commissioner Davies said they have cut out one holding pond already that he could see.

Mr. Guillaum said he could give a little background on it. He said what they are doing is going to smaller lot sizes and instead of retention in the lakes which Louie will explain, there will be a new drainage west. They will have the same amount of drainage on its way out as they had in the lakes. He also said the second part of the development as he understands it is to improve the lake in this particular area and re-zone for apartments. They did re-work their roadways as you can see compared to the last drawing. They want to phase their development from Pollack Avenue to north, rather than vice-versa.

Commissioner Davies wanted to know if the only thing we are talking about here is drainage, isn't that right.

Mr. Guillaum answered in the affirmative.

Commissioner Davies commented that the developer is showing drainage swales behind the lots, and he is showing storm sewers for the streets. However, they don't show a plan on how they are going to get the water out of the swales.

At this point, Mr. Richard Eiffler from the City Engineering office stated there would be restricted outlets and these would go into the restricted pipes into the regular stormsewer system with the drainage in the street.

Commissioner Davies said that none of that really shows up yet on the plans.

Mr. Eiffler said that is correct, but there would be a system of swales in the back area of all those lots which would empty into the storm system which would in turn empty into Kolb Ditch. He also said new plans are under way and will be completed in the near future on the swales for the drainage in this area.

Commissioner Davies wanted to know if the board wanted to hold up on this at this time.

Commissioner Willner said he thought so as there might be some other questions about deciding this.

Commissioner Davies asked Mr. Eiffler if what he was saying is now that they are using the swales, they are doing away with the holding pond. That the swales will act the same way as a holding pond.

Mr. Eiffler said that instead of putting the capacities in one pond, you are spreading it out over the sub-division to benefit the drainage.

Commissioner Davies said the main thing they are interested in is that we will not have problems further down stream of flooding those other sub-divisions. He further said that if the swales is proven wrong, then a retention lake could be built in the apartment part of the sub-division.

Mr. Eiffler said he felt that the swales would take care of the drainage and there would not be a problem.

Commissioner Davies made the comment that when the property owner buys the land, he doesn't like that swale out in front of his place, so he takes it upon himself to fill it in.

Mr. Eiffler said that comes under the Building Commissioner's office.

Commissioner Davies said that what he has seen of the swale system and the way it really works out, he would give the preliminary approval for it. He said that's the motion on my part, and was seconded by Commissioner Willner.

RE: WHISPERING HILLS SUB-DIVISION

Mr. Stephens presented the plans for the above mentioned sub-division.

Commissioner Davies said that Mr. Osterholt had a plan where the division had been re-plotted in the one area. Commissioner Davies said he thought that they needed additional information on this area of where the water will go.

There being no further business to come before the board, the meeting adjourned at 11:45 A.M.

PRESENT

DRAINAGE BOARD

Bob Schaad
Robert Willner
Robert Davies

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Dave Guillaum
Louie Stephens
(Deputy Surveyor)

COUNTY ATTORNEY'S

Ed Smith, Jr.
Paul Wendel

Secretary: Hilda P. McDonald

Bob Schaad

Robert Willner

Robert Willner
VANDERBURGH COUNTY DRAINAGE BOARD

4/4/80

Sealed proposal or bids for the annual periodic maintenance of each of the following legal drains:

Aiken Ditch, 2,228 L.F.; Beehl Ditch, 6,890 L.F.; Barnett Ditch, 8,358 L.F.; Barr's Creek, 20,868 L.F.; Buente-Upper Big Creek, 20,195 L.F.; Buente Lateral "A", 3,686 L.F.; Cyvress Dale-Maddox, 23,887 L.F.; Eagle Slough, 30,040 L.F.; Edmond Ditch, 15,395 L.F.; Hellrich-Hoppe Ditch, 12,698 L.F.; Henry Ditch, 3,179 L.F.; Hoefling Ditch, 5,571 L.F.; Kamp Ditch, 11,160 L.F.; Kiet Ditch, 3,012 L.F.; Kneer Ditch, 3,036 L.F.; Kolb Ditch, 7,703 L.F.; Lower Big Creek, 7,501 L.F.; Moatsberg Ditch, 2,206 L.F.; Mouldow Ditch, 12,805 L.F.; Pond Flat Main Ditch, 26,351 L.F.; Pond Flat Lateral "A" Ditch, 5,311 L.F.; Pond Flat Lateral "B" Ditch, 2,797 L.F.; Pond Flat Lateral "C" Ditch, 9,656 L.F.; Pond Flat Lateral "D" Ditch, 4,579 L.F.; Pond Flat Lateral "E" Ditch, 3,616 L.F.; Rusher Ditch, 4,444 L.F.; Singer Ditch, 2,450 L.F.; Suntop-Stevens Ditch, 13,204 L.F.; Wallenmeyer Ditch, 8,355 L.F.

Will be received at the office of the Vanderburgh County Auditor until 9:30 A.M. legal time, as prescribed by the Acts of the Indiana Legislature in Chapter 1957 on the 17th day of March, 1980. At the March 17th Vanderburgh County Drainage Board meeting the bids will be opened and read aloud.

Any Bid received after the designated time, for any reason will be returned unopened. Bids shall

• LEGALS 2

be delivered in sealed envelopes bearing the name and address of the bidder indicating the project and the branch of work.

Bids shall be submitted on Bid form 96, all properly executed, signed and sealed, properly notarized and seal affixed. Each bid shall be accompanied by (enclosed in the same envelope) a bid bond, Cashier's Check or Bank Money Order in an amount of Five Per Cent (5%) of the total Bid submitted.

Upon receipt of Bids and determining the lowest and/or best bidder or within thirty (30) days from the date set to receive Bids, the Drainage Board will return the Securities of all except the lowest and best Bidder on each Legal Drain.

The Vanderburgh County Drainage Board reserves the right to reject any and/or all Bids and to waive any informality in bidding. All Ditch maintenance must be completed by the 15th of November, 1980.

Dated this 4th day of March, 1980.

Vanderburgh County Drainage Board
Bob Schoad, President
Robert L. Wilmer, Vice President
Bob Davies, Member
Attest:
Curt John
Auditor, Vanderburgh County
Certified by:
Robert W. Brenner
Surveyor, Vanderburgh County
(Courier & Press: Mar. 6, 7, 13 & 14, 1980)

VANDERBURGH COUNTY DRAINAGE BOARD
MARCH 17, 1980

The meeting of the Vanderburgh County Drainage Board was held on Monday, February 17, 1980 at 11:30 a.m. in the Commissioners Hearing Room with President Bob Schaad presiding.

The minutes of the previous meeting which was held on March 3, 1980 was approved as engrossed by the County Auditor and reading of them dispensed with.

RE: CLAIM

County Surveyor, Robert Brenner presented a claim from the Evansville Courier in the amount of \$20.52 to advertise the Maintenance on Legal Drains. Commissioner Willner moved that this claim be approved, and was seconded by Commissioner Davies. So ordered.

County Surveyor, Robert Brenner presented a claim from the Evansville Press in the amount of \$20.57 to advertise the Maintenance on Legal Drains. Commissioner Willner moved that this claim be approved, and was seconded by Commissioner Davies. So ordered.

A Claim was submitted by the Upper Pigeon Creek Drainage System to go to Gibson County. It is Vanderburgh County's share for the joint operation of the Drainage Board for 1979 in the amount of \$810.76. Commissioner Willner moved that this claim be approved, and was seconded by Commissioner Davies. So ordered.

County Surveyor, Robert Brenner stated that the Green Grasshopper Flying Service would not bid Kolb Ditch again. We were aerial spraying that area. They got too much hassle from the people. He also had to go to Indianapolis three times for a six or seven hundred dollar claim. So they thought it was not worth it to bid on it.

Commissioner Davies asked Mr. Brenner if we could get somebody else to bid that ditch. Maybe like sometime in the spring.

Mr. Brenner stated that if Mr. Hepler won't do it, then nobody will do it.

RE: EVERGREEN ACRES DEVELOPMENT

This development is concerning Section R. This section is where the treatment plant used to sit. Mr. Morley of Morley & Associates stated it is quiet ground and low. There is also a question because of those dams up-stream. There are two or three ponds up-stream. Mr. Morley stated that the flood plain calculations show that the stream is big enough, and they have a 48" pipe and they decided they want to build there. There would be no basements in all that low ground, and they can build it up. This is a 48" pipe existing here, but we can put in a bigger one here and indicated the area on the plan. It will take a little extra money to develop those lots according to Mr. Morley.

Commissioner Willner stated they are putting a new bridge on Oxford Road, so that should help.

Mr. Morley stated the water goes down in that area pretty fast because there is a pretty good slope. He also stated the ditch is about five feet deep or so right along the edge. The land in there is 4-10 and 4-09, and then they would have to build the first floor five feet above the surrounding soil elevation, which would then put them at 4-15 or something like 12 ft. above the bottom of the creek.

Commissioner Davies wanted to know if this would affect anybody along down stream.

Mr. Morley said there is only one person and the house is pretty low. It is an old house. A real old run down house.

Commissioner Davies wanted to know if it ever gets inundated with water.

Mr. Morley stated that if that creek ever gets out of its bank, it probably does. He further stated that Evergreen Acres is a big development. It's right on the creek. Most of the developed area is right behind it. Mr. Morley pointed out the flood height on the plan.

Commissioner Schaad asked for a motion to approve the drainage plans on Evergreen Acres, Section R.

Commissioner Willner moved to accept the drainage plan, and was seconded by Commissioner Davies. So ordered.

RE: EFFINGER SUB-DIVISION

The above sub-division is located south of Heinlein Road and east of the Burch Industrial Park.

Commissioner Davies wanted to know if there is a gap between this. Such as if somebody else owns something between Burch and this property right here.

Mr. Morley stated that it is family property. He said there were two homes out there on the six acres of ground and they wanted to sell one lot off of there. They approached the Planning Commission about it, and submitted a legal description on a sub-division waiver to the Plan Commission and stated that since there was already two lots on the six acres, they wanted them to come back and just make it a plat. Mr. Morley said there are two houses there and these people want to make three new homes out there.

Mr. Morley further stated that he did not show much of a drainage plan on these plans. Mr. Morley wanted to know if a drainage plan was necessary.

Commissioner Davies stated that it was necessary.

Mr. Morley said the only thing to do on a home like that, if you have to have a formal drainage from the property is to simply run it down along the property line to Heinlein Road.

Mr. Morley said you have a situation here where the drainage goes across the field as it always has. And if you are going to do anything other than that is to simply cut a ditch along there, and you're done.

Commissioner Davies stated that it looked to him that the only way is to come along the property line.

Commissioner Schaad said he thought the plan ought to indicate that, so that when it gets to the Area Plan Commission, they will want to know if it has drainage approval.

Commissioner Schaad also stated he thought that Mr. Morley should draw up another plan to show drainage approval. That way we would have something to go on.

Commissioner Schaad wanted to know what to do about the Ditch Bids.

Commissioner Davies said he thought they should be read to get them into the record.

Commissioner Willner said he thought that is what should be done.

Commissioner Schaad stated it was moved and seconded that the bids be opened.

RE: OPENING OF BIDS FOR ANNUAL MAINTENANCE OF LEGAL DRAINS:AIKEN DITCH

George & Paul Seib	\$ 503.36
George E. Koch	320.32

BUENTE UPPER BIG CREEK LATERAL "A"

George & Paul Seib	733.20
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SONNTAG - STEVENS

George & Paul Seib	1,716.52
George E. Koch	1,848.56

BAEHL DITCH

Paul Seib	585.65
Daniel J. Paul	757.90
George E. Koch	964.60

HENRY DITCH

Paul Seib	413.27
George E. Koch	445.06

RE: OPENING OF BIDS FOR ANNUAL MAINTENANCE OF LEGAL DRAINS (Cont.):KEIL DITCH

Paul Seib	\$ 391.56
George E. Koch	421.68

MAIDLOW DITCH

George Seib	1,920.75
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KNEER DITCH

George E. Koch	242.88
Eldon Maasberg	303.60

MAASBERG DITCH

Eldon Maasberg	154.42
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SONNTAG - STEVENS EXTENSION

Norman Messel	1,987.33
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BARR'S CREEK & WALLENMEYER DITCH

Leo C. Paul	4,309.48
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KAMP, HAPPE-HELFRICH, EDMOND, BARNETT, CYPRESS-DALE-MADDOX DITCHES

Union Township Ditch Association	4,401.60
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BUENTE UPPER BIG CREEK
 LOWER BIG CREEK
 POND FLAT MAIN
 POND FLAT LATERAL "C"
 POND FLAT LATERAL "E"
RUSHER CREEK

Big Creek Drainage Association	8,232.15
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POND FLAT LATERAL "A" and "B"

Ralph R. Rexing	10¢ Per Foot Each Ditch
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HOEFLING DITCH

Merl Hoeftling	557.10
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Commissioner Davies stated that he thought there were some irregularities in the "Bids", but we can waive those after you look at them, Bob, so can I have a motion that all these bids be turned over to the Surveyors.

Commissioner Willner made the motion that the bids be accepted, and was seconded by Commissioner Schaad. So ordered.

County Surveyor Brenner stated that some of the bids were missing as we did not receive a bid on Eagle Slough or on Kolb Ditch.

There being no further business to come before the board, the meeting adjourned at 12:00 noon.

PRESENT

<u>DRAINAGE BOARD</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY SURVEYOR</u>	<u>COUNTY ATTORNEY'S</u>
Bob Schaad Robert Willner Robert Davies	Curt John	Robert Brenner Dave Guillaum Rob Matthews	Ed Smith, Jr. Paul Wendel

Secretary: Hilda P. McDonald

Bob Schaad
Robert Willner
Robert Davies
 VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
MARCH 25, 1980

The meeting of the Vanderburgh County Drainage Board was held on Tuesday, March 25, 1980 at 10:40 a.m. in the Commissioners Hearing Room with President Bob Schaad presiding.

The minutes of the previous meeting which was held on March 17, 1980 was approved as engrossed by the County Auditor and reading of them dispensed with.

RE: CLAIM

Mr. Dave Guillaum of the County Surveyor's office submitted a claim from Deig Pros. Construction Company in the amount of \$425.00 for the seeding of Aiken Ditch. This was done in conjunction with the City of Evansville and this is the County's portion to be paid. Commissioner Willner moved that this claim be approved, and was seconded by Commissioner Davies. So ordered.

RE: AWARDING OF BIDS FOR ANNUAL MAINTENANCE OF LEGAL DRAINS

Commissioner Willner made the motion to waive any irregularities on the Ditch Bids, and was seconded by Commissioner Davies. So ordered.

Commissioner Willner made the statement that we had people to bid on the ditches this time that we did not know.

Mr. Guillaum said that the only person that was new on turning a bid in on the ditches was George E. Koch.

Commissioner Willner asked Mr. Guillaum if he knew anything about Mr. Koch.

Mr. Guillaum stated that everything that he has heard about Mr. Koch would make him believe that he would be a satisfactory bidder.

Commissioner Willner asked if Mr. Koch was a resident of Vanderburgh County.

Mr. Guillaum replied in the affirmative.

GEORGE E. KOCH

Aiken Ditch	14¢ per ft.....	\$ 320.32
Kneer Ditch	08¢ per ft.....	242.88

PAUL SEIB

Baehl Ditch	8½¢ per ft.....	585.65
Henry Ditch	13¢ per ft.....	413.27
Keil Ditch	13¢ per ft.....	391.56

UNION TOWNSHIP DITCH ASSOCIATION

Barnett Ditch (Dredging)	30¢ per ft.....	2,507.40
Kamp Ditch	03¢ per ft.....	
Happe-Helfrich	03¢ per ft.....	
Edmond Ditch	03¢ per ft.....	
Cypress-Dale-Maddox	03¢ per ft.....	4,401.60

GEORGE & PAUL SEIB

Buente Upper Big Creek Lateral "A"	20¢ per ft.....	733.20
Sonntag-Stevens	13¢ per ft.....	1,716.52

GEORGE SEIB

Maidlow Ditch	15¢ per ft.....	1,920.75
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ELDON MAASBERG

Maasberg Ditch	07¢ per ft.....	154.42
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LEO C. PAUL

Burr's Creek	16¢ per ft.....	
Mallenmeyer Ditch	12¢ per ft.....	4,309.48

BIG CREEK DRAINAGE ASSOCIATION

Buente Upper Big Creek.....	15¢ per ft.....	
Lower Big Creek	12¢ per ft.....	
Pond Flat Main	10¢ per ft.....	
Pond Flat Lateral "C"	08¢ per ft.....	
Pond Flat Lateral "E"	08¢ per ft.....	
Rusher Creek	08¢ per ft.....	8,232.15

RALPH REXING

Pond Flat Lateral "A"	10¢ per ft.....	531.10
Pond Flat Lateral "B"	10¢ per ft.....	297.70

MERL HOEFLING

Hoefling Ditch	10¢ per ft.....	557.10
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RE: DITCH BID ON EAGLE SLOUGH PERIODIC MAINTENANCE

A Bid for Annual Maintenance of Eagle Slough was submitted by William Hepler. The method of maintenance is to aerial spray the 30,040 feet of Eagle Slough with brush killer "Weedone 170 & Broad Leaf Killer 2-4-D). The ditch is to be sprayed two times a year at .05¢ per foot during 1980. The ditch will be sprayed in the Spring and in the Fall. The cost of each spraying is \$1,502.00 with an annual cost of \$3,004.00.

Commissioner Davies wanted to know if we did not have an original bid on Eagle Slough.

County Surveyor Brenner stated that we didn't, and if we don't have bids on all the ditches, it is his job to go out and find people to submit bids for the maintenance on all the ditches. This is even after the bids are in. Mr. Brenner stated that he has four or five more ditches that he has to find somebody to handle the maintenance.

Commissioner Willner made the motion that the bid on Eagle Slough be awarded to William Hepler for spraying twice at .05¢ per foot for spraying in the amount of \$3,004.00 and that we waive any irregularities, and was seconded by Commissioner Davies. So ordered.

Commissioner Davies moved that the secretary in the Commissioner's Office stamp the Commissioner's names on the bids to show acceptance of the bids, and was seconded by Commissioner Willner. So ordered.

There being no further business to come before the board, the meeting adjourned at 11:00 A.M.

PRESENTDRAINAGE BOARD

Bob Schaad
Robert Willner
Robert Davies

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Robert Brenner
Dave Guillaum

COUNTY ATTORNEY'S

Ed Smith, Jr.
Paul Wendel

Secretary: Hilda P. McDonald

Bob Schaad
Robert L Willner

VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
MARCH 31, 1980

The meeting of the Vanderburgh County Drainage Board was held on Monday, March 31, 1980 at 10:30 a.m. in the Commissioners Hearing Room with President Bob Schaad presiding.

The minutes of the previous meeting which was held on March 25, 1980 was approved as engrossed by the County Auditor and reading of them dispensed with.

RE: WHISPERING HILLS SECTION "B"

Mr. Louie Stephen from the Highway Department stated that there wasn't any action taken last week because we didn't have a complete drainage outline of it.

Commissioner Schaad stated the Whispering Hills Section "B" Sub-division is located just north of St. Wendell Road between St. Joe and St. Wendell.

Mr. Stephen said the thing that he was concerned with is how are they going to handle the run-off. He said he knew that most of it goes into a lake. After they pass the break, and indicated the point on the map and said he is taking the water down through a 12" pipe which is 36' long. He also said that some place in this vicinity, this may not be in the right place. He further explained that the water ponds at this point and is taken underground on down and dumped out. The same thing happens at this point right here and indicated the point on the plan. Then he further said that as we come right over here, it is dropped down and brought through and into Out Lot #1 which isn't going to be developed and is owned by the same person. All this is going into his Out Lot and he didn't think it necessary to pond at this time. Mr. Stephen said that if this person does develop this area later on, he might have to start providing a ponding area to keep the run-off from running onto someone else.

A Representative from Engineering Associates stated that as far as the Out Lot is concerned, there would be no more than one house and because of the spring, it would be under the present sewers that have gone through and etc., where we could get drainage and something other than septic tanks.

Mr. Stephen said that Whispering Hills Drive is running along the ridge, and he indicated this point on the plan. He said there is about two acres that come down along this area and flow through an area that he indicated on the plan.

The Representative from Engineering Associates said that Whispering Hills Drive is black top from St. Wendell Road all the way back to the intersection of Rush Ridge.

Commissioner Schaad asked Mr. Stephen if all this looked all right to him.

Mr. Stephen replied in the affirmative..

Commissioner Willner moved that this drainage plan be approved, and was seconded by Commissioner Schaad. So ordered.

RE: DRAINAGE STUDY ON TIMBER LANE

Commissioner Willner wanted to know if it is across from the Executive Manor Apartments.

Mr. Stephen replied that it is.

Commissioner Willner wanted to know if the office building that they re-zoned was off of Timber Lane.

Mr. Stephen said yes and the drainage was not approved, and the people have now come to the 15" Storm Sewer and they are going to bring it back up to the street drainage. He also said the zoning was held up on this because they had no drainage out.

Commissioner Schaad wanted to know if it was subject to the drainage.

The Representative of Engineering & Associates said yes that it was subject to drainage being approved.

Commissioner Schaad wanted to know if Engineering Associates would approve it now, and he replied yes.

Commissioner Willner made the motion to approve the drainage, and was seconded by Commissioner Schaad. So ordered.

RE: PRELIMINARY PLAT ON EVERGREEN ACRES

Mr. Stephen said, if you remember, I was questioning the size within it. It didn't have a size of a pipe.

Commissioner Schaad said he thought they still don't have.

Mr. Stephen said this is a Plat only, and said he doesn't have the one showing it.

Commissioner Schaad wanted to know who was the Engineer on this.

Mr. Stephen replied that it was Mr. Morley of Morley & Associates, also. He also said they didn't have to have this pipe sized at all and pointed to an area on the plan and said that it looked o.k. He said the water would go to the ditch out of the middle.

Commissioner Schaad wanted to know if that was o.k.

Mr. Stephen replied in the affirmative.

Commissioner Schaad said this is on Evergreen Acres, Pine Place Road.

Commissioner Willner moved that this be approved, and was seconded by Commissioner Schaad. So ordered.

Dave Guillaum said we received one other Drainage Bid that came into the Auditor's Office from George Koch for ditches that weren't bid the last time.

Commissioner Schaad wanted to know if these were bids that we received no bid before?

Dave Guillaum said that is correct, and named the ditches as Kolb, Singer and Pond Flat Lateral "D".

Commissioner Schaad said that Bid Bond money had already been submitted by Mr. Koch on the ditches he bid on previous to now.

Kolb Ditch.....	7,703 ft.....	7.91¢ ft.....	\$ 610.00
Singer Ditch.....	2,450 ft.....	11.4¢ ft.....	279.30
Pond Flat Lateral "D"....	4,579 ft.....	13.8¢ ft.....	631.90
			<u>\$ 1,521.20</u>

Commissioner Schaad asked for a motion that the bids be referred to Dave Guillaum and be brought back at the next meeting for a recommendation.

Commissioner Willner seconded the motion on the bids. So ordered.

There being no further business to come before the board, the meeting adjourned at 10:40 A.M.

PRESENT

<u>DRAINAGE BOARD</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY SURVEYOR</u>	<u>COUNTY ATTORNEY'S</u>
Bob Schaad	Curt John	Robert Brenner	Paul Wendel
Robert Willner		Dave Guillaum	

Secretary: Hilda P. McDonald

Bob Schaad
Robert Willner

VANDERBILT COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
APRIL 14, 1980

The meeting of the Vanderburgh County Drainage Board was held on Monday, April 14, 1980 at 10:35 a.m. in the Commissioners Hearing Room with President Bob Schaad presiding.

The minutes of the previous meeting which was held on March 31, 1980 was approved as engrossed by the County Auditor and reading of them dispensed with.

Dave Guillaum of the Surveyor's Office mentioned that he had a couple of short items. He went on to say that this is regarding what was discussed a few weeks ago, the Bids after examination, it appears that George Koch who had the two bids of \$610.00 on Kolb Ditch and \$631.90 on Pond Flat, both are under the assessment on that.

Also, Paul Seib on the Singer Ditch in the amount of \$171.50 is under, so it would be our recommendation to go ahead and make these awards on these three ditches.

Commissioner Willner moved that the above ditch bids be awarded as read, and was seconded by Commissioner Davies. So ordered.

Mr. Guillaum also stated that he had one other item which concerns the Maidlow Ditch. He further stated that he just got the information on this ditch himself this morning and is a little bit vague on it. Particularly on the lineal feet involved, but this is a petition put together by the landowners that benefit from the area around the Maidlow Ditch, and they are petitioning for an extension of it.

Commissioner Schaad asked Mr. Guillaum if he had had any contact with anyone yet to find out just exactly what it is that they are wanting.

Mr. Guillaum replied that the petition came in just this morning.

Commissioner Schaad said he thought it best just to contact the people and see what it was that they are wanting.

Mr. Guillaum said that he thought what they are talking about is just an extension.

Mr. Brenner said, remember when we extended the Maidlow, this is probably a further extension up the creek further south.

Mr. Guillaum said that it goes from Mr. Vincent's property on the south, and the exact dimensions aren't on there, but those are all the property owners involved.

Mr. Brenner suggested that Mr. Guillaum refer this to a surveyor. They can't prove that it is not a valid petition at this time.

Commissioner Schaad asked for a motion to refer it back so the surveyor can get it in legal form and come back.

Commissioner Davies made the motion to refer the petition back, and was seconded by Commissioner Willner. So ordered.

Mr. Brenner stated that the next item concerned the Sonntag-Stevens Ditch. There were three bidders involved. He stated that Mr. Messel had been doing the ditch work for several years.

Mr. Messel stated he wasn't sure how long. He further said that he was involved when Mr. Peters was doing it, and he had been with him for about nine years and this is the sixth year that he himself has been on the ditch.

Mr. Brenner asked Bob Matthews of the Surveyor's Office to tell him a little about the status of the Sonntag-Stevens Ditch. Do you have any problems with it?

Rob Matthews replied that he didn't have any complaints. He further said that about the first day the ditches could be checked on, and Mr. Messel had it done, he was kind enough to come and pick us up and took us out there. I would say that he did the work on the ditch very well. He said, "I had no complaints at all".

John West of the Surveyor's Office said that he had inspected the ditch for two years and he did not have any complaints.

Mr. Brenner went on to say that the maintenance on the ditch may even be the best in the county.

Mr. Brenner further said that out of three bidders, they were all very close, and Mr. Messel was the high bidder. All three bids were within the limits, and the one person that obtained the bid is Paul Seib. However, we have had a history of trouble with Mr. Seib. He said that Paul and his brother were banned from bidding at one time. He further said that they came in and bid a bunch of ditches and I researched the Law and it is within your prerogative not to award the contract to the low bidder, even though we've said we've awarded the contract, it also says in the Law that you must have signed the contract within five (5) days which has not been done. So it is still wide open. I can show you the Law, but believe me, it does leave it strictly up to you. You can throw out any bidder you want to.

Commissioner Schaad said he thought the Minutes do indicate it was awarded to Mr. Seib.

Mr. Brenner stated that the Minutes do indicate this. He further said that the Law indicates that within (5) days the successful bidder should enter into a contract with the county which he has not done. So it is still wide open.

Mr. Messel said the reason he doesn't want to see the ditch go is because he farms the ground on both sides of it, and he did more than is required by the specifications set up. Also, there is going to be a problem of access, there are several lateral ditches that come into this and there is no way you can cross. You will have to go out and around long distances in other property that do farm and there's houses along the north part of it. He also said that he thought it would be a problem for Mr. Seib to maintain it in the manner it has been maintained.

Mr. Messel went on to say that he wasn't aware that he did not receive a rejected or an accepted notification, so he called last week and found out that the bids had been acted on.

Mr. Messel said that the Keil Ditch that we did for years and he did get that away, was in a sad condition the one year that he did it and you had problems with him last year on it.

Attorney Smith said that he was ready to give an opinion on this.

Commissioner Davies asked Attorney Smith what his opinion was on this.

Attorney Smith said that there are really two questions here. In the first place whether or not you are bound to award the contract to the lowest bidder, and other than the drainage code here, you have an option. You can either award it to the lowest bidder or the bidder who in your opinion is the most qualified. So you do have that discretion. He said that Mr. Brenner is right that we are not locked in on the lowest bid.

Attorney Smith said the second question here really he supposed is, did we award that property to Mr. Seib?

Commissioner Schaad said that if he remembered correctly upon the recommendation of the Surveyor's Office, we awarded the contracts for those various ditches, and that was one of them and Mr. Seib was the low bidder. And the bid, in our Minutes, does indicate that Mr. Seib was awarded the bid on that ditch. But, whether anything was legally signed, but we did agree to do it in our meeting, and the girl used our signature stamp and signed the contract or not, this is the point I don't know. And also about the five days.

Attorney Smith said that's the second question, or the second phase of it. That following the awarding of it, did the successful bidder within five days release the contract. The Law requires that.

Mr. Brenner said that he has never seen a contract.

Attorney Smith further stated that it says that within five days, after the acceptance, the successful bidder then shall, it's mandatory enter into a contract with the Board and, etc. Also, in the event that he fails to do this, then he forfeits the deposit.

Mr. Brenner said that he did call the second bidder, Mr. Koch and explained it to him and he has no further interest in it and he has withdrawn his bid, so it's down to the two.

Mr. Brenner went on to say there is also a problem whether Mr. Seib on this ditch can adequately do it. He has a 75 foot right-of-way to get in to do it. There are numerous cross ditches and railroads that he must drive around to get to it. That is not in the 75 foot right-of-way. You can walk it, but you will never get through with a tractor or anything else.

Mr. Brenner asked Mr. Messel if he was in the mood to let Mr. Seib drive across his property.

Mr. Messel said, "no". He also said that if the first time had Mr. Seib taken the Keil Ditch and had done it properly, I wouldn't be so against it. I have maintained these ditches each year with figuring on having the ditch the following year, so I put more time and effort and material in than what would probably be necessary for one year. He further said that if it is not maintained like that, and a man comes in and does it for just a couple of years then walk away from it, it will be a problem again. He also said it is something that you have to stay with, and that you can't do it for just a couple of years and let it slide for two or three years because if you do, then you will have to start all over again.

Mr. Brenner said that with Mr. Seib on the Keil Ditch, we went back three or four times and continued on the inspection to make him do other things, but by the time he was paid, the ditch was in adequate condition, and I'm sure that if he can get in there, this time, it will be adequate. He further said that he is just using the Keil Ditch for an example.

Commissioner Davies wanted to know if it was the Maidlow Ditch that they were talking about.

Mr. Brenner said, "no sir", it is the Sonntag-Stevens Ditch.

Commissioner Davies said if we knew we were going to have all these problems, why did we recommend him to start with.

Mr. Brenner said that Mr. Seib was the low bidder as far as he was concerned, and the ditch will be done, but now this man says that he won't let him on his property, then we will have a lawsuit. Mr. Brenner then explained the problems Mr. Seib would have gaining access to the area to maintain the ditch due to the cross ditches and the railroad and tries to clean it up, he can't get out. So Mr. Messel is not going to let Mr. Seib drive up his property and the same way with the ditch.

Attorney Smith asked Mr. Brenner if he was making himself vulnerable by making an exception here without doing the same thing on all the other contracts. He further said that this is a question that they will have to consider. He also referred to the five day contract.

Mr. Brenner said the County has never entered into any contract with a ditch to his knowledge.

Commissioner Willner asked Mr. Brenner if he called the successful bidder on the phone or sent him something through the mail, is that not a contract?

Mr. Brenner said that it was not.

Mr. Matthews said that he drops them all notes saying that the Vanderburgh County Drainage Board has accepted your bids for the following ditches.

Commissioner Willner said, which is a contract.

Attorney Smith said that what is supposed to be done is, that within five days after your acceptance of this then the following section of Code which Mr. Brenner sights sets out about three or four divisions that are to be incorporated into a contract. Which apparently has never been done.

Mr. Brenner suggested that they better start doing that as we have no valid contract for ditches at this time.

Commissioner Willner wanted to know if Mr. Seib has been contacted.

Mr. Matthews said that he talked to him last week. He called and asked about it, and I suggested that Mr. Seib talk to Mr. Messel about it and access to the property. I don't know whether he did or not, but they were going to get together. He said he would call him and talk to him about gaining entrance to the property.

Commissioner Davies asked Mr. Messel if Mr. Seib had ever called him and talked to him about this.

Mr. Messel said that he had never been contacted by Mr. Seib.

Commissioner Davies said that if Mr. Seib comes up here and says, "what the heck is going on"? Then he gets an attorney, then we are in trouble. Commissioner Davies said that he hated to reject all the bids because of this.

Attorney Smith said that if we do a "blanket rejection", under law, then we would be all right.

Mr. Brenner said that you are not required to advertise anything for ditches under \$2,000.00.

Commissioner Davies inquired again if they have (5) days to sign a contract. Also, whose responsibility is it to draw up the contract.

Mr. Brenner said he thought it would be the Auditor or the Drainage Board.

Commissioner Willner suggested we have the Surveyor contact Mr. Seib and ask him to report to the Surveyor's Office at a specific time with his plans for obtaining right-of-way to the ditch and how he is going to perform. And if he does not contact the Surveyor within five days or before next Monday, the Surveyor will come back to the Drainage Board and let us know what his plans are, and if they are not sufficient, then change contractors.

Commissioner Schaad wanted to know if someone would put that in the form of a motion.

Commissioner Willner made the motion to the agreement on Sonntag-Stevens Ditch regarding Mr. Seib, and was seconded by Commissioner Davies. So ordered.

Mr. Brenner said that he would like to make a suggestion, also. Obviously, we are not in direct compliance. We need a contract that specifies exactly what shall be, who the person is to work for and, etc. He further stated that he is not enforcing the (5) days, but we obviously should get a contract signed. At this time, all we have is the bid.

Attorney Smith stated that obviously, we need to prepare a contract and, however they want to handle the mechanics of it is all right.

Commissioner Davies said he thought that a motion should be made to draw up contracts on all the bids.

Commissioner Willner suggested that a Blank Contract be drawn up and mimeograph it and make it available to the Surveyor's Office.

Commissioner Willner made the motion to draw up a Blank Contract to be used on all the ditches, and was seconded by Commissioner Davies. So ordered.

Attorney Smith asked if the board wanted a contract prepared.

Commissioner Davies said, "yes, please". So ordered.

Commissioner Schaad wanted to know if they wanted to send a contract to everyone of the people that bid the ditches this year with the exception of this one.

Commissioner Willner answered in the affirmative.

Commissioner Willner made the motion to send a contract to the people involved with the one exception, and was seconded by Commissioner Davies. So ordered.

Dave Guillaum mentioned the fact that Sam Biggerstaff brought it to his attention that the Hirsch Ditch at Green River Road, the pipes themselves there are running into some problems, as far as the mud and the accumulation in the ditches. Also, with the contractor and everyone out there now, this might be a good time to get something done one way or another as far as getting them cleaned out. He said there is a pretty sizeable accumulation of mud in the pipes.

Commissioner Schaad wanted to know which ditch this is.

Dave Guillaum said it is where Hirsch crosses Green River Road. He further stated that Johnny Manz has the improvement.

Commissioner Davies wanted to know who has the contract for the ditch itself. He said he knew this was the ditch that goes in back of Culley's place and he said that he had asked a number of times that we go ahead and clean it out and it still hasn't been cleaned out.

Mr. Guillaum said he didn't think it was anybody's contract underneath the road.

Mr. Brenner said Hirsch Ditch is the one that runs parallel to Morgan Avenue and is a small section of ditch. Then it goes north up Morgan Avenue to Crawford-Brandeis.

Mr. Brenner then mentioned the East Side Urban Ditch and said that about 80% of it can be aerial sprayed. We talked about it for other ditches and he said he had Rob go out and walk it. One section is under power lines and this is an extension of the East Side. He said he would like to advertise this one for spraying. He further said this is just off Burkhart Road.

Commissioner Davies checked with Mr. Brenner on the location of the ditch and which ditch is in question now.

Mr. Brenner said Harper Ditch and further said Harper Ditch is something like \$13,000 in debt and no money for maintenance and the only way it can be cleaned is by reconstruction.

Commissioner Davies asked Mr. Brenner which ditch it is that he wants sprayed.

Mr. Brenner said it is East Side Urban that runs through the whole area. What it would be is North and South of Morgan Avenue. He further said that they had walked it and Mr. Hepler has flown it with the airplane and this bid will be over \$2,000. And his current bid is 5,000 foot. We haven't done this for two years because we dredged the complete ditch. He further said that he would like to recommend that we spray it once.

Commissioner Schaad asked for a motion to advertise to spray this section of the ditch.

Commissioner Davies made the motion to advertise the spraying of the ditch, and was seconded by Commissioner Willner. So ordered.

Commissioner Willner asked Sam Biggerstaff to explain the interest of Crawford-Brandeis Ditch to the old canal.

Mr. Biggerstaff said according to the plans, they are going to build a concrete wall on the south side of the railroad trestle and Crawford-Brandeis Ditch. They will use a 12" pipe, and just looking at all the area that drains down there, it is his personal opinion that it should be concrete rip-rap with a spill-way, maybe 3' high and when it gets high in the Hirsch Ditch, it will fall over and go north into Crawford-Brandeis. He also said another reason is that if you build that wall up there, the railroad company is going to discontinue that pipe and you will never have an outlet for the water. He further said this is his personal observation. He also said that Johnny Manz also has a question on it too, so you might want to talk to John and see what he has to say about this.

Commissioner Willner said Johnny Manz did contact him and he told Johnny that he would bring it up at the meeting. He does feel it is a definite problem and that the City did draw the plans.

Mr. Brenner said that when it started out, it was to be a low wall and he thought they were going to try to divert 40 or 50% of the water along Morgan Avenue. He further said Mr. Morley of Morley & Associates did the sizing, and based upon this, they said they could take all the water down. Also, in the agreement of the railroad right-of-way, the railroad wanted it closed. This is what we donated to the railroad to get the whole ditch.

Mr. Biggerstaff commented that the development of the property out there is going to create a problem.

Commissioner Davies asked Mr. Brenner if what he means is that we can't put the spill-way in.

Mr. Brenner said he doesn't believe that we can.

Commissioner Willner wanted to know if all the water would be going west and none of it could get into Crawford-Brandeis and go north even with the over-flow.

Commissioner Willner said that he thought that what they ought to do is ask for a meeting between the Surveyor, the Contractor and the City.

Commissioner Davies did say that he thought the Surveyor's Office, the City and Jim Morley and whoever else is involved should get together and work it out.

Commissioner Willner moved that they ask the Surveyor to set up a meeting between the City Engineering Department and the County along with Jim Morley for next Monday, and was seconded by Commissioner Davies. So ordered.

A man by the name of Mr. Ralph Effinger attended the meeting and he wanted to know if there is a siphon hose or a pipe going on Petersburg Road. Also, he wanted to know if we had any contact with Mr. Hamilton on the flat cars that are laying across Little Pigeon.

Commissioner Davies said that they did write him a letter and ask him to come back and talk with Engineering about what he was going to do to change it. He then wanted to know if this would fall with the Department of Natural Resources.

Louie Stephen from the Highway Department said that Mr. Hamilton was supposed to get back with them to tell them what he was going to do, but he didn't think that he had ever done that.

Commissioner Davies suggested that Mr. Stephen look it up and then write him a letter and jog his memory and ask what Mr. Hamilton has done about it. Then he wanted to know if this was agreeable.

Mr. Effinger went on to say this siphon will not be done when he needs it for the crops. I will have to take care of that myself, he said. He further said that if we are getting the bids up, he would appreciate this being included. He also said he appreciated that it has gotten along this far. He also said that he would like to work with Mr. Hamilton and get that done too at the same time.

Commissioner Schaad asked Mr. Stephen if he would follow through on this project and try to push it a little bit and write all the people involved.

Mr. Stephen said that he would.

RE: HATFIELD SUB-DIVISION

Mr. Stephen presented the plan for the above mentioned sub-division which is located on the North West corner of Lincoln and Warrick County Line.

Mr. Biggerstaff said he had been reading the notes that Mr. Kaufmann had sent to the Drainage Board.

Commissioner Davies said that he had tried to get back to Mr. Kaufmann several times, but his line was busy. He said Mr. Kaufmann also had pictures.

Mr. Biggerstaff said that in 1970, he was here when they widened Lincoln Avenue and they cleaned out the ditch in which Mr. Ervin Stahl's property is now owned by Mr. Foster, I guess. He then indicated on the plan where the Stahl property was located. He then said that Mr. Stahl had a series of pipe under the road and he wanted any overflow from the east to come into the ditch, the Nurrenbern Ditch. And we had to put them back the way they were. He further said they really should of not been put back, but at that time, there was no choice. Mr. Biggerstaff further stated that he thought that this was the trap that Mr. Kaufmann is talking about because the water couldn't get out, particularly if this ditch wasn't cleaned down to this point and indicated it on the plan.

Then Mr. Biggerstaff went on to say that at the time, a pipe was put under Lincoln Avenue and there was a 4' brick sewer that went down north on Long Road which wasn't big enough, but the County did not have the money to spend at that time to correct that.

Then, in 1972, we put a pipe in that was 7½' x 5', a reinforced concrete pipe. That pipe should handle all this water Mr. Kaufmann is talking about said Mr. Biggerstaff if this ditch was clean along the south side of Lincoln Avenue.

Mr. Biggerstaff said basically he thought that is what Mr. Kaufmann is talking about because Mr. Stahl had the trap to his which he thinks might still be there. Then he said there was only a 4' brick sewer which is not enough to handle the water, but it should be enough now.

Mr. Biggerstaff went on to say that this is 45 acres of ground in this particular area, of Kirkwood Sub-Division as shown on the plan and this street. The street was designed to drain to the marr, and then was to drain by pipe closed open ditches west to the Nurrenbern Ditch. The street was built and it does drain north, but somebody has too small a pipe to build a ditch up, and this is why these people in this area are having their problem. Mr. Biggerstaff said they had met with the people out there and explained to them, but you see on the map, at the end of Kirkwood Drive, we show pick-up. He then indicated two more pick-up points. He then said they want to take that water and bring it into this point primarily because there is six acres of lake at this point, and about the minimum amount of ground that it takes is 10 acres per acre of lake, so we are shy. He also said we need all the water we can get to come into here and indicated the point. He further said we should have about 75 or 80 acres of water draining in here. He also said they hope to pick up ground water like they did across the street when the lake was built at Mr. Foster's, and there is a 5 or 6 acre lake there, for picking up ground water.

Mr. Biggerstaff further said they had made the street grade at various places lower than the surrounding ground. He said that this was a 392 contour, and this is a 390 and indicated it on the map. He also said the low spots are 89 and we do have 90, but they will try to keep it as close to 90 as they can to let the water come on in and go into those lakes.

Mr. Biggerstaff said they have a pipe and indicated its location on the map, they graded three foot off the bottom of the ditch and dropped it three inches, so that anytime the ditch gets three foot of water, it will drain into this point and he indicated same on the map.

Mr. Biggerstaff said he thought they were trying to handle the water in a pretty good manner. Then he said that against the farmer here and pointed it out, there are four pickups to the north with what water we can get that will go into those lakes.

Commissioner Davies asked Mr. Biggerstaff if the elevations that he shows on the Condominiums is the first floor elevation.

Mr. Biggerstaff said that it is. And he stated that he has asked Jesse Crooks to go over and check those for him.

Mr. Biggerstaff went on to say the road is at 390 at this point, and the bottom of the ditch is 386, so they want to take about two or three feet of water and bring it in at this point and indicated so on the map. He then said the lake level here would never be over 387 because if it is, it will go back out. He then said there may be a problem with the highway because it is pretty flat.

Mr. Stephen said if the water is up like that, what happens if you get more water than you want.

Mr. Biggerstaff said they need a minimum of 60 acres of ground coming in at this point, but they could use 80 acres of ground for these lakes because they are going to be permanent lakes to drain in and out.

Mr. Stephen wanted to know if we are going to get too much water.

Mr. Biggerstaff said he didn't think they would get too much water because it will go from lake to lake. And then change the contour to 389 to handle this.

Mr. Stephen said he thought they really needed to know what the water stands at.

Commissioner Davies said that on the one side of the ditch, there is a pylon coming up that probably belongs to Texas Gas, and you can get the measurement off the water from the bottom of the pylon. He said he is calling it a pylon, but really it is just a post, but it's on the east side of the road and you can tell by the pictures where it is on the pylon.

Mr. Stephen said that they really need to know what that water stands at.

Commissioner Willner said to put a valve on it and you don't have to worry about anything.

Mr. Stephen said yes, you could almost go with a flap gate.

Mr. Biggerstaff said we could put a valve in it because we want the water to come in. He also said that if this is going to be a condominium development whereby they will have maintenance men there, everything could be maintained. You would have somebody to operate that valve at all times. It wouldn't be like a sub-division where you have individual owners and you wouldn't know who is going to do it.

Mr. Biggerstaff said with this plan, we will be taking a lot of water out.

Commissioner Schaad asked if we could have a motion to approve the drainage plan on this.

Commissioner Willner said subject to a gate valve on the lake side of the outlet.

Commissioner Davies said, Sam, what we need on this is what you have here and call it a Site Development Plan. Then if the condominium thing fails, then he can put apartments or whatever he wants to.

Commissioner Willner moved that the drainage plan be approved with acceptance to the drawing with the exception of the gate valve for the outlet to the lake, inside the outlet, and was seconded by Commissioner Davies. So ordered.

There being no further business to come before the board, the meeting adjourned at 11:35 A.M.

PRESENT

DRAINAGE BOARD

Bob Schaad
Robert Willner
Robert Davies

COUNTY AUDITOR

Curt John

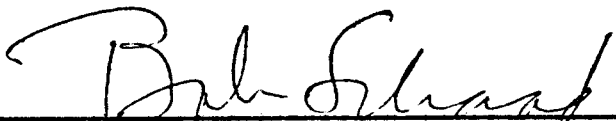


COUNTY SURVEYOR

Robert Brenner
Dave Guillaum
Rob Matthews

COUNTY ATTORNEY'S

Ed Smith, Jr.
Paul Wendel

Secretary: Hilda P. McDonald

VANDEBURGH COUNTY DRAINAGE BOARD

4/15/80

**VANDERBURGH COUNTY
DRAINAGE BOARD**
Room 325 Administration Bldg.
Civic Center Complex
Evansville, Indiana 47708

Sealed proposals or bids for the
spraying of each of the following
legal drains:

Boesche Ditch	3,742 L.F.
Crawford-Brandels	13,563 L.F.
Kelly Ditch	7,600 L.F.
Nurrenbern Ditch	10,054 L.F.
Stockfleth Ditch	6,296 L.F.

Will be received at the office of
the Vanderburgh County Auditor
until 9:30 A.M. legal time, as pre-
scribed by the Acts of Indiana Leg-
islature in Chapter 1957 on the 5th
day of May, 1980. At the May 5th
Vanderburgh County Drainage
Board meeting the bids will be
opened and read aloud.

Any Bid received after the des-
ignated time, for any reason will
be returned unopened. Bids shall
be delivered in sealed envelopes
bearing the name and address of
the Bidder indicating the project
and the branch of work.

Bids shall be submitted on Bid
form 96, all properly executed
notarized and seal affixed. Each
bid shall be accompanied by
(enclosed in the same envelope) a
bid bond, Cashier's Check or Bank
Money Order in an amount of Five
Per Cent (5%) of the total Bid sub-
mitted.

Upon receipt of Bids and deter-
mining the lowest and/or best bid-
der or within thirty (30) days from
the date set to receive bids, the
Drainage Board will return the
Securities of all except the lowest
and best Bidder on each Legal
Drain.

The Vanderburgh County Drain-
age Board reserves the right to
reject any and/or all Bids and to
waive any informality in bidding.

All Ditch maintenance must be
completed by the 15th of Novem-
ber, 1980.

Dated this 15th day of April,
1980.

**VANDERBURGH COUNTY
DRAINAGE BOARD**
BOB SCHAAD,
President
ROBERT L. WILLNER
Vice President
BOB DAVIES
Member

Attest:
CURT JOHN
Vanderburgh County Auditor
ROBERT W. BRENNER
Vanderburgh County Surveyor
(Courier & Press: April 18, 19, 25 &
26, 1980)

VANDERBURGH COUNTY DRAINAGE BOARD
APRIL 21, 1980

The meeting of the Vanderburgh County Drainage Board was held on Monday, April 21, 1980 at 11:55 a.m. in the Commissioners Hearing Room with President Bob Schaad presiding.

The minutes of the previous meeting which was held on April 14, 1980 was approved as engrossed by the County Auditor and reading of them dispensed with.

Mr. Brenner, County Surveyor said that he has two action items. One of them being the Maidlow Ditch Mutual Drain Extension. I would like to point out that it is for a distance of 2700 feet, he said. Where the petition got the people that they needed to sign the parcels came from our office. We find that someone has signed for each parcel that borders upon this mutual drain. He further went on to say that whether that is the legal signature for it, he can't attest to that. Like if someone signed for an estate, he has their signatures on the petition. It says, personal representative for the estate and, etc. He said someone has signed for each position on the petition.

He also went on to say the drain does not conform to county specifications. He further went on to say that it would be up to the surveyors to tell what the county specifications are before the board can accept the petition.

Mr. Brenner went on to say that they will spend no money on the ditch until it is a good legal drain and will adequately serve the area. When these people bring it up to that standard, we will take it if the hearing says so.

Commissioner Schaad wanted to know if they can't go ahead and declare it a legal drain, and by reconstruction build it to conform.

Mr. Brenner said, "no sir".

Mr. Brenner said they must build it and there should be no reason for the rest of the people to pay on it. They should not have to pay if it is not up to standard.

Mr. Brenner then said the other item was on the Overflow of the Hirsch Ditch to the north where they had only put a 12" pipe in it. We did have a meeting he said with Mr. Morley, Mr. Biggerstaff and Dick Eiffler, and the plans have been revised to include a 4' rip-rap with concrete in its structure and get an 86" high pipe so there will be a substantial amount of water, as there is an overflow.

Then Mr. Brenner said that Rob Matthews wanted to speak about Mr. Seib.

Mr. Rob Matthews said that he has spoken to Mr. Seib a couple times in the past week and said that he had instructed Mr. Seib to furnish the Drainage Board with plans on how he intends to go about cleaning Sonntag-Stevens Ditch.

Mr. Matthews further stated that he has a letter from Mr. Seib on how he intends cleaning Sonntag-Stevens Ditch, and then he went on to read the letter which is as follows:

TO: Vanderburgh County Drainage Board
FROM: George & Paul Seib
TOPIC: Maintenance of "Sonntag-Stevens" Ditch

Dear Sirs:

We intend to clean this ditch by mowing what we can with a tractor and mower. We intend to stay within our 75 foot right of way or mow the rest of the ditch by hand. We do not plan on destroying any crops. We are farmers and we know what concern of crops means to the owner of the land along the ditch. If these means of maintenance do not abide by your specifications, we would be glad to give up our bid and let you, the Drainage Board award the ditch to Mr. Norman Messel at our bid price of 13.5¢ a foot. At your decision, please contact us.

Thank You,

Paul & George Seib

Phone: 963-3024

Commissioner Schaad wanted to know if they could agree for them not to do it by hand. In other words, he said that if what they meant was if they couldn't do it by machinery, they could do it by hand. Also, how is he going to get to the property to mow it, like in other words, walk down the ditch and do it with a sickle.

Commissioner Schaad then asked Mr. Brenner what his recommendation was on this.

Mr. Brenner then said Mr. Seib has laid a plan out on how he intends to do the work.

Commissioner Schaad then wanted to know if we had signed a contract with Mr. Seib.

Mr. Brenner said we just have the Bid.

Commissioner Schaad then wanted to know if we are going to start giving or issuing contracts.

Mr. Brenner replied in the affirmative.

Ed Smith, Attorney then presented a copy of a Contract that he had drawn up and said that we can use this as our standard from now on. He also said to make this part of the Minutes.

Mr. Brenner said for the year, we have obviously extended the (5) day limit, but the contractors must sign a contract to do the work in 1980.

Mr. Brenner then said Mr. Seib does have the contract on Sonntag-Stevens.

Commissioner Willner asked if Mr. Seib's performance in the past has been sufficient.

Mr. Brenner said Mr. Seib has passed.

Commissioner Willner moved to accept Mr. Seib for this work, and was seconded by Commissioner Davies. So ordered.

RE: VICKERY DRILLING COMPANY REZONING

The above mentioned property is located at 2526 Burkhardt Road south of Old Boonville Highway on the west side.

Mr. Louie Stephen presented the plan and went on to explain the drainage. He then went on and explained how the drainage would be handled down the side and indicated same on the plan, allowing the rest of the water to drain as it has in the past.

Commissioner Davies said that there is a line across the plan and wanted to know what it was for.

Mr. Stephen said that it connects with this line right here and indicated same on the plan.

Commissioner Schaad wanted to know if the plan looked all right to Mr. Stephen.

Mr. Stephen replied that it did.

Commissioner Davies wanted to know if they were just approving the drainage on the plan.

Mr. Stephen said, "yes sir".

Commissioner Schaad moved to accept the drainage plan, and was seconded by Commissioner Davies. So ordered.

The rezoning number on the above is VC 5-80

RE: WEST HAVEN GUN CLUB REZONING

Mr. Louie Stephen presented the plan and said that he didn't see that there was much of any change.

Commissioner Schaad wanted to know if there was any changing of the structures.

Mr. Stephen said that there wasn't.

Mr. Stephen went on to say that everything will just about remain the same.

Mr. Charles Osterholt of the Area Plan Commission said these people would have to come back in with a drainage plan, signed that has been accepted by the properties.

The rezoning number on the above is VC 4-80.

Commissioner Schaad said that no action was taken on the drainage on the West Haven Gun Club property.

Commissioner Schaad said he thought this ought to have some identification of the property. Should this be called the West Haven Gun Club or what?

Commissioner Davies stated the petition came through this morning and it is in the name of Ying Bung Mok & Lynn C. Mok.

Commissioner Schaad and Attorney Wendel went back to the petition of the people on Maidlow Ditch.

Commissioner Schaad said he thought for this to be legal, the people should have legal counsel and for the people to be contacted and told they should have legal counsel and told the petition is incorrect at this time.

Commissioner Schaad further said that after they have legal counsel, they should come back and have a legal petition so the board can consider it.

Commissioner Willner moved that the above petition should be handled in this manner, and was seconded by Commissioner Davies. So ordered.

There being no further business to come before the board, the meeting adjourned at 12:15 P.M.

PRESENT

DRAINAGE BOARD

Bob Schaad
Robert Willner
Robert Davies

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Robert Brenner
Rob Matthews

COUNTY ATTORNEY'S

Ed Smith, Jr.
Paul Wendel

Secretary: Hilda P. McDonald

Bob Schaad

Robert Willner

Robert Davies

VANDEBURGH COUNTY DRAINAGE BOARD

DRAINAGE IMPROVEMENT CONTRACT

This contract by and between The Vanderburgh County Drainage Board, hereinafter referred to as Board, and _____, hereinafter referred to as Contractor;

WITNESSETH:

That pursuant to IC 19-4-7-7 the parties do hereby and in consideration of the mutual covenant and promises contained herein, agree as follows:

1. The Contractor agrees to perform the work under the supervision of the Vanderburgh County Surveyor and in accordance with the plans, specifications and profiles adopted by the Board;
2. No claim for payment under this contract will be approved by the Board until the work for which the claim is presented has been approved by the Vanderburgh County Surveyor;
3. The work specified in this contract must be completed by the _____ day of _____, 19____;
4. The contract price which the Board shall pay to the Contractor for the work specified herein is in the amount of _____ Dollars (\$_____) provided however, that Fifteen percent (15%) of the Contract price shall be withheld by the Board for a period of Sixty (60) days after the completion of the work for the purpose of securing payment of materialmen, laborers and sub-contractors;
5. A claim for work performed under this contract may be presented to the Board upon completion of the work and subject to the above stated conditions;
6. The Contractor shall not sub-contract any part of the work specified in this contract without first obtaining the written consent of the Board.

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WITNESS our hands and seals this ____ day of _____, 1980.

The Vanderburgh County Drainage Board

BY: _____
President

ATTEST:

Vanderburgh County Auditor

Contractor

VANDERBURGH COUNTY DRAINAGE BOARD
MAY 5, 1980

The meeting of the Vanderburgh County Drainage Board was held on Monday, May 5, 1980, at 11:55 a.m. in the Commissioners Hearing Room with President Bob Schaad presiding.

The minutes of the previous meeting which was held on April 21, 1980 was approved as engrossed by the County Auditor and the reading of them was dispensed with.

RE: BIDS ON SPRAYING OF DITCHES

President Schaad said they have two (2) bids on the spraying of certain ditches in the County, and he is giving them to the County Attorney's to see if they are in order.

RE: BOB BRENNER

Mr. Brenner said he would like to speak on the opening of the old canal, he said they are out past Greenriver Road and into the County. He said they are promised with another law suit by Complete Lumber Company. He said in the original plans they extended the pipe another 20 feet, where it goes under Oak Road. Southern Railroad claims they own the right-of-way. He said he staked out Complete's property when they got into this before and according to his abstract and deed, he does not own it. He said they have hired an attorney and are going to sue.

Mr. Brenner said a couple of years ago there was no problem here, but since then they have went from a wholesale type outlet to retail and he wants the space for a parking lot. He has blacktopped it and pushed all the way to the railroad, and now they are going to dig up his parking lot.

Mr. Brenner asked if there was any way they could contact their attorney's and find out what the basis of his claim is.

Commissioner Willner moved that the County Attorney contact the Attorney's for Complete Lumber Company, seconded by Commissioner Davies. So ordered.

Mr. Brenner said they should move with as much haste as possible because they are going to be there this week.

RE: DAVID GUILLAUM

Mr. Guillaum said they have plans for an apartment complex for Carriage Hills. He said the drainage plans were approved but they are building within 75 feet of a legal drain.

Mr. Brenner said when they approved the drainage plans, the ditch was not shown on the plans.

Mr. Guillaum said this is also true of Eastland Estates, they are built within 40 feet of the right-of-way of Kolb Ditch.

President Schaad said the County Attorney should write a letter to the contractors and advise them of this.

Commissioner Willner so moved, seconded by Commissioner Davies. So ordered.

Mr. Osterholt of the Area Plan Commission asked the Commissioners if they take this into consideration when they approve the plans and Commissioner Davies said when it goes before them and those legal drains are not shown on the plans, they would have no way of knowing if they are legal drains or not.

RE: BIDS ON SPRAYING

President Schaad said they have received two (2) bid on the spraying of legal drains. He said the first bid is from Chemi-Trol Chemical Co. and it doesn't have a total figure. He said it is set on 32 acres, 20 gallon per acre at \$1.40 per gallon.

President Schaad said the second bid is from William Hepler of the Green Grass-Hopper Flying Service in the amount of \$2,534.50.

In figuring up the bid of Chemi-Trol bid it averages out to about \$8,000.00.

Mr. Brenner said they will do this spraying in the spring and they may have to do it again in the fall.

Commissioner Davies moved they accept the bid of Mr. Hepler, seconded by Commissioner Willner. So ordered.

There being no further business to come before the board, the meeting adjourned at 12:10 p.m.

PRESENT

DRAINAGE BOARD

Bob Schaad
Bob Davies
Robert Willner

COUNTY AUDITOR

Alice McBride

COUNTY SURVEYOR

Robert Brenner
David Guillaum

COUNTY ATTORNEY

Ed Smith
Paul Wendel

Jean Wilkey, Secretary

Bob Schaad

Robert D. Willner

Ed Smith

VANDEBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
May 19, 1980

The meeting of the Vanderburgh County Drainage Board was held on Monday, May 19, 1980, at 12:45 p.m. in the Commissioners Hearing Room with President Bob Schaad presiding.

The minutes of the previous meeting which was held on May 5, 1980, was approved as engrossed by the County Auditor and the reading of them was dispensed with.

RE: SPRAYING OF EAST SIDE URBAN

Appearing before the board was Mr. Alfred Euler, bringing with him, a can of "ORTHO-WEED BEGONE". After reading the warnings on the container, he expressed his fear that the spray the county uses might be stronger, therefore causing damage to surrounding grass. He especially seemed concerned about 20 blue spruce trees he has growing within forty feet of the ditch.

Mr. Brenner assured Mr. Euler that the spray, 2-4-D, used by the county, is quite harmless. Mr. Schaad then asked Mr. Brenner if we have sprayed that ditch before. Mr. Brenner's answer being negative.

Mr. Euler also had with him, and quoted some passages from, Indiana Code 19-4-6-1, saying this is a general provision and does not provide for extensive damage caused by spraying.

Mr. Brenner then presented legal proof that this coverage does exist, again assuring Mr. Euler that the spray used by the county is not harmful to grass. Mr. Brenner also stated we had sent out some 304 letters in order to alert people that this is what we intended to do, referring to the spraying.

Mr. Willner made the statement that there are some 200 tomatoe plants now growing within 20 feet of such a sprayed area, with no damage whatsoever to the plants.

In response to a misconception of Mr. Euler, Mr. Schaad replied that there is nothing in the statute that says any property owner has to come before the drainage board in order to plant corn or crops within this 75 feet. What we say is "That if we do spray and damage his crop within 75 feet, he can hold us liable."

Mr. Euler assured the board that he does not object to the spraying. He then went on to tell the Board about some friends of his that had previously had a problem. It seems that they were ill advised by a third party who told them they would need an attorney to appear before the board.

The Board unanimously informed Mr. Euler, assuring him that any time he or any of his friends have any problem of this nature, they can simply appear before the board at anytime and the board will be glad to help them.

Mr. Schaad further said that any citizen at any time is welcome to come here and talk, that this pertains to either the County Commissioners or the Drainage Board. He stressed that they do not need an attorney.

Mr. Brenner noted that there are other areas out there that we need to spray. Four people had called him saying they had gardens planted up to the edge of the ditch and were afraid that their gardens might be wiped out. Mr. Brenner said that Mr. Hirsch also called, agreeing that this ditch does need maintaining. Mr. Brenner continued, saying that his office has tried to advertise for bids, but with no results.

Mr. Willner asked Mr. Brenner if Mr. Hirsch would bid on this. Mr. Brenner replied "No, Mr. Hirsch doesn't want to bid."

540

540

Mr. Brenner emphasized that we have spent about (\$70,000) seventy thousand dollars on digging this out and feels that it is urgent this be sprayed now.

Discussion was held as to the method of spraying. Mr. Willner said we have two options; to either go ahead and spray the ditch with the airplane or hire college or high school students on an hourly basis.

Mr. Euler said he didn't object to the spraying, in fact, he said that he would spray the 200 to 300 feet of the ditch by Division Street personally. When asked about his feelings on the airplane spraying, Mr. Euler replied, "I'd rather have it, if you pay the damages, if any occur."

Commissioner Schaad suggested they spray up to the last 200 feet and Mr. Euler would do the last 200 feet himself. Mr. Davies and Mr. Willner agreed.

Mr. Euler wholeheartedly agreed to this decision.

There being no further business to come before the board, the meeting was adjourned at 1:30 p.m..

PRESENT

Bob Schaad
Bob Davies
Robert Willner

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Robert Brenner
David Guillaum
Rob Mathews

COUNTY ATTORNEY

Ed Smith
Paul Wendel

Secretary: Liz Collins

Bob Schaad

Robert Willner

Robert Davies

VANDERBURGH COUNTY DRAINAGE BOARD

541

VANDERBURGH COUNTY DRAINAGE BOARD
June 2, 1980

The meeting of the Vanderburgh County Drainage Board was held on Monday, June 2, 1980 at 11:00 a.m. in the Commissioners Hearing Room with President Bob Schaad presiding.

President Schaad called the meeting to order, then asked for a motion on the minutes of the last meeting, which was held on May 19, 1980.

Attorney Ed Smith made the motion the minutes be approved as written. So ordered.

RE: STOCKFLETH DITCH

Mr. Walter Sirkle, of E. Division St., appeared before the board to claim damages to his crops in the amount of \$400.00. He contended that the County had dredged this ditch "some time back" and damaged some of his crops while they were mowing.

It was noted later in the meeting, that apartments are located across the road from Mr. Sirkle's ditch. Dirt from the spoil bank had been spread out on Mr. Sirkle's side of the ditch.

Upon questioning by Mr. Schaad, it was learned that Mr. Sirkle had planted some crops within the 75 ft. ditch right-of-way. Mr. Schaad noted that there is a right-of-way on either side of the ditch so that we can get in and work on legal drains with cleaners or dredgers or whatever has to be done to maintain that ditch.

Attorney Smith stated that the statute is pretty clear on that, noting that if you put crops within the 75 ft. right-of-way, you do so at your own risk.

Mr. Sirkle asked if this dredging couldn't be done when the crops aren't in.

Both Commissioner Davies and Schaad agreed, but felt it would depend on weather conditions. Mr. Davies added that he has been here almost eight years and couldn't ever remember seeing crop damage in a case like this, further telling Mr. Sirkle that we wouldn't ever discriminate against him. Further, that to his knowledge, we have never paid any crop damage within 75 ft. of a legal drain.

President Schaad told Mr. Sirkle that the time to do something about this is the time that it is being done. Mr. Sirkle replied that he had called the Surveyor's office, but it didn't do any good. When asked who he had talked to, Mr. Sirkle replied he didn't know. Mr. Schaad then asked Mr. Brenner if this had been called to his attention before. This incident seems to have occurred before Mr. Brenner had taken office.

Commissioner Willner commended Mr. Sirkle for the way he had plowed, leaving a green area. Mr. Willner then asked Mr. Sirkle if he had any damages outside the 75 foot right-of-way, explaining that when an airplane sprays and gets out of the lines, if this does cause some damage, we would pay for that damage, but not in the 75 ft..

Mr. Sirkle replied that there wasn't any other damage.

After informing Mr. Sirkle of the laws regulating access to legal drains, the being no further business to come before the board, the meeting was adjourned at 11:15.

PRESENT

DRAINAGE BOARD

Bob Schaad
Robert Willner
Robert Davies

COUNTY AUDITOR

Curt John

COUNTY SURVEYOR

Bob Brenner
Rob Mathews

COUNTY ATTORNEYS

Ed Smith Jr.
Paul Wendel

Secretary: Liz Collins

Bob Schaad
Robert Willner
Robert Davies

VANDERBURGH COUNTY DRAINAGE BOARD
JUNE 16, 1980

The meeting of the Vanderburgh County Drainage Board was held on Monday, June 16, 1980, at 12:00 noon in the Commissioners Hearing Room with President Bob Schaad presiding.

The minutes of the previous meeting which was held on June 3rd. 1980 were approved as engrossed by the County Auditor and the reading of them was dispensed with.

RE: DRAINAGE PLAN SUBMITTED BY R. L. JEFFRIES TRUCKING CO.

Mr. Stephen said that Jeffries Trucking Company is out on Highway 57 North and there is a development that is going on out there and they are wanting to develop some ground and are wanting to drain the water off.

Commissioner Schaad asked if this has all been rezoned and Commissioner Willner said it was rezoned a long time ago and if he remembers correctly the County was out there and cleaned the ditch on Seib Road.

Mr. Stephen said they didn't clean it like Jeffries would like to have it done, that they would like it done so it can be mowed through, so they are willing to re-do the ditch and they are wanting to put a bridge across it, but they will then have to bring it back in and pick up our side ditch and convert it along there. He said this is acceptable if the Commissioners want to approve it.

Commissioner Willner said, in other words, they want to put the ditch back on their property and not on the side road.

Mr. Stephen said this is correct and they will maintain it, that they want the approval for doing this, and the permit to go ahead on this is being held up by Area Plan until this is approved, so he recommends approval of this drainage plan.

Commissioner Davies said they are going to do it at no cost to us and they are going to maintain it.

Commissioner Willner said he is wondering what is going to happen when they dump all that water down on Kansas Road though.

Mr. Stephen said there is a culvert under Hwy. 57 and there is also another culvert in the area.

Commissioner Willner said he wonders if the culvert is big enough to handle all of the water or if it will run over the top of the road, that he is afraid that there will be a problem.

Mr. Stephen said if anything floods, it will be more apt to run over Seib Road though.

Commissioner Willner said if the culvert runs under the highway he wonders what we are going to do about Sunbeam Plastics since they are right there too, and he understands it isn't big enough right now, that they were going to do something back in there to alleviate that too, but they were also going to put a 90 degree angle in it and this tells him that this isn't good either.

Mr. Stephen said he thinks another drainage plan was approved for the Industrial Park out there and that dumps it right through the same one at Sunbeam Plastics again. He said that is a 12 foot sanitary sewer they were going to put in, so we might have a monster on our hands with all this going on.

Commissioner Willner said this is correct, that he is really worried about this section, that he doesn't know how to explain it but there is a problem and he thinks it should be resolved right now.

Commissioner Schaad said it seems to him that Area Plan had better get R. L. Jeffries, Sunbeam Plastics and all those people together and solve their mutual problems.

Commissioner Willner said he agrees, that he thinks what they are doing is a step in the right direction but he thinks we have to involve more than just the one area.

Commissioner Schaad said they are taking care of their problem without regard to somebody else's, that Sunbeam Plastics had better get into it too.

Mr. Stephen asked if Ferlick Creek is a legal drain.

Commissioner Willner said he thinks it is.

Mr. Stephen said that this Ferlick Creek down in this area.

Commissioner Willner said but they changed that without a permit from the Drainage Board.

Mr. Stephen said he thought we talked about this once before but he thought the Commissioners went ahead and approved it some time ago.

Commissioner Willner said he doesn't remember an overall drainage plan down in there but it needs it bad.

Commissioner Schaad said he thinks that we need someone down here from Area Plan so Ms. Rappee will be down so they will be totally aware of what we are talking about.

After Ms. Rappee entered the meeting room, Commissioner Schaad explained to her that this is R. L. Jeffries Trucking Company out on Hwy. 57 North and Kansas Road and the Commissioners understand that the Area Plan Commission is holding this matter up until the drainage plans have been approved by the Drainage Board, and that what they want to do is to move the drainage off the road and onto their property with a nice swail to where they can mow it and they want to build and maintain it themselves which is all fine, but Commissioner Willner brought up the fact that there are other problems in the area, that this may solve their problem but it may create problems for someone else, so the Commissioners think that before anything is approved that maybe the Area Plan should get R. L. Jeffries, Sunbeam Plastics, Industrial Foundation, Mr. Stephen and anyone else that might be affected by it and get together in order to solve all the problems, since if they okay this one and create problems for others, it would be no good.

Mr. Stephen said just to let Ms. Rappee know, that back away they were wanting to get a road in to a substation and that made a crossing across Ferlick Creek and he told them how big it would have to be, that they wanted to get a crossing down there to get to a substation that the Gas Company was building to serve Sunbeam Plastics.

Commissioner Schaad said that the Gas Company should then be in on this too.

Mr. Stephen said the upper part is being developed and that pipe might not be large enough.

Commissioner Willner said they had better check on Ferlick Creek then.

Commissioner Willner said that Banner also has truck lines out there.

Ms. Rappee said she thinks they are leasing from R. L. Jeffries.

Commissioner Schaad said they should all get together and try to solve this since there is no point in approving this piece-meal and creating another problem someplace else.

Ms. Rappee said that she will set up the meeting and that she will get with Mr. Osterholt on it in terms of holding this up, since it does need to be resolved.

Commissioner Schaad said they should get with Mr. Stephen since he is familiar with it and he, himself, will be on vacation and won't be back for three weeks.

It was then agreed that Ms. Rappee set up a meeting with all those people that are involved in this matter so they can all get together in order to solve these problems.

RE: DRAINAGE PLAN SUBMITTED BY SAM BIGGERSTAFF AND APPROVED

Mr. Stephen said he has the drainage plan from Sam Biggerstaff, between Theater Drive and Spring Valley along Green River Road and he would like the Commissioners approval of it.

He said this is on the West side of the road and is for Robert C. Costner, and he wants to put in some pipes so he can get across the ravine, so he recommends it's approval.

Commissioner Willner asked Mr. Stephen if he is sure that the pipes are large enough, and Mr. Stephen said they are.

Commissioner Willner moved that this drainage plan be approved. Commissioner Schaad seconded the motion. So ordered.

RE: EASTLAND ESTATES

Mr. Stephen said that Mr. Biggerstaff asked him what happened to Eastland Estates, that back in March there was some discussion about this concerning the drainage, about the swail behind the houses, and Mr. Eifler was here since he had an interest in the design of it, and the Commissioners gave their preliminary approval, that this is as far as we got, so we really didn't give them an okay drainage-wise on it.

Commissioner Davies said if all we gave them was preliminary approval, that's all they have.

Commissioner Schaad said that until the final plans come through, this is all they could do.

Mr. Stephen said he will then give Sam this information.

Commissioner Davies said they were still showing the ponding area in the apartment section.

Commissioner Schaad told Mr. Stephen to tell Sam that we need to see his final drainage plans and the Commissioners will consider them and either approve or disapprove them.

There being no further business, the meeting adjourned at 12:20 p.m.

PRESENTDRAINAGE BOARD

Bob Schaad
Robert Davies
Robert L. Willner

COUNTY SURVEYOR

Dave Guillaum

COUNTY ATTORNEYS

Ed Smith, Jr.
Paul Wendel

Secretary: Margie Meeks

Robert L. Willner
Robert A. Davies
DRAINAGE BOARD

545

VANDERBURGH COUNTY DRAINAGE BOARD

JUNE 23, 1980

The meeting of the Vanderburgh County Drainage Board was held on Monday, June 23, 1980 at 11:10 a.m. in the Commissioners Hearing Room with Vice President Willner presiding.

The minutes of the previous meeting which was held on June 16, 1980 were approved as engrossed by the County Auditor and the reading of them was dispensed with.

RE: R. L. JEFFRIES TRUCKING COMPANY.....DRAINAGE PROBLEM

Commissioner Willner said that R. L. Jeffries Trucking Company is located at the corner of Kansas Road and Highway 57, that they have a drainage problem there and a new trucking company is wanting to build on the corner there.

Mr. Stephen said the drainage problem is in conjunction with the Kansas Road Industrial Park and the creek downstream from that is taking some of the water and he had Mr. Braun of the Gas Company to stay over because he didn't know anything about it and at one time, off Heddon Road, P & H was to have come back to a substation they have on the south side of Sunbeam Plastics and they wanted to cross the creek with a bridge, that they sized the pipe for them last year but he didn't know if it had ever been installed, but said what ever the Commissioners decide to do with this area this year may have an effect on other areas.

Commissioner Willner said if his memory serves him right they were to ask for a meeting of the property owners involved and their engineers, to see if they can come up with a solution for the total problem.

Mr. Osterholt said he did contact Mr. Biggerstaff and he has worked on Jeffries Trucking Company and they have maps on the whole basin area, but he hasn't contacted the property owners as yet, that they might be able to solve the problems without having to do this.

Mr. Stephen said he went out to look at this problem, that Kansas Road is built up across the highway at the bridge and what has happened is that there is an opening under it that dumps water under this bridge and the ground is flex. He said that with very little trouble they can dig an enlargement and there is also a field entrance that possibly could be enlarged and they could divert all of this water over to the main channel rather than going to the little creek.

Mr. Morley said that when the drainage presentation was made at the time of the rezoning, they looked at this and measured the bridges that increased in size needed to develop this and found it to be 35 cubic feet per second additional capacity which was required, and right now it has a capacity of 993 cubic feet per second, but he found no problems and the bridges are now adequate.

Mr. Stephen said one drain is not adequate.

Mr. Morley said this is true but it doesn't do any good to hold back water ponded on the lower half of the basin, that all the ponding is done on the upper half. He said both projects fall on the break line and the only thing to do, in his opinion, would be to investigate the culvert sizes and make sure they are adequate.

Commissioner Davies said it looks to him like the trucking companies have gone to a lot of expense to save us money, as far as he is concerned, by helping to work out the problem.

Commissioner Willner said that even before the ditch was cleaned out the water ran over Seib Road.

Mr. Stephen said it is a pretty well defined ditch, that they may need to clean out the debris and it may need a larger pipe. He said there is also a driveway that may need to be enlarged, if not, they may divert the water into the man's field.

Mr. Morley said he feels it does need a larger pipe.

Mr. Stephen said they are concerned about what is happening to Sunbeam Plastics on the other side, and he asked if Sunbeam Plastics has complained, but said they may have a problem.

Commissioner Willner said he didn't think so, that they put a dog leg in the creek and he isn't sure it's a good deal but Ferlick Creek, at that particular place, isn't a legal drain.

Mr. Stephen said it is a branch of Ferlick Creek and actually the cross section is much better from there on down than it is above there.

Commissioner Willner said this is what he is saying, that when the ditch gets cleaned or developed, they may really have a problem when the water rushes down there.

Commissioner Davies said he thinks what Commissioner Willner is saying is that the water is just going to come pouring down there then, and they will have to look for Mr. Morley to see if he can't do something to hold that water back for awhile.

Mr. Morley said the only change is to 536 cubic feet per second so he can't see that it is that much of a difference.

Mr. Stephen said if that gives a problem, it could be relieved by taking the water across Hwy. 57 and using all of it down one way by putting in a larger pipe and that would help on the other side.

After further discussion, Mr. Biggerstaff said that in 1965 when they made the new drainage code, they said that the drainage board would then designate which drains would be legal drains, that none of the rest of them are legal drains anymore.

Mr. Osterholt said that his only reason for wondering about the legal drains is because if any portion of this is set up as a legal drain, he questions whether there are any maintenance problems or not. He said they have gone back on some old ones and have done some work on them, that there are 39 legal drains.

Mr. Biggerstaff said that the Drainage Board had the drains listed in their minutes of the ones they call legal drains.

Commissioner Willner said that the shortest avenue is to run the water west instead of east.

Mr. Stephen said this is true, that you can dump it on the outside of 57 and keep all the water on the west side over there, and you can then get it to the main channel quicker.

The Commissioners agreed that this would be the best way to go, and Commissioner Davies said they would have to increase the size of that pipe under there then.

Mr. Stephen said it wouldn't be too much of an expense to do that, and all it takes is the diverting of the channel from one side to the other.

Mr. Morley said he can't see where Sunbeam Plastics would have any problem, and he asked if there is any particular thing they are concerned about.

Commissioner Willner said a farmer called him and said they had problems below Sunbeam Plastics.

Commissioner Davies said the Gas Company was to have put in a substation there.

Mr. Stephen said he thought it was already there, that they ran a new line down along there.

Commissioner Willner asked Mr. Biggerstaff to take this back to Peyronnin and see if they will agree to change of plans, and he asked Mr. Stephen to size that pipe for them, the one across Seib Road and the driveway just west of there.

Commissioner Davies said to tell them that we will put in a larger pipe across Seib Road.

It was agreed that after Mr. Biggerstaff talks to Peyronnin, that he will report back to Mr. Stephen so he can report back to the Commissioners at the next Drainage Board meeting.

Commissioner Davies said it looks like they did one heck of a job trying to do everything they could do to alleviate that problem and he thinks they should be commended.

Mr. Osterholt said he couldn't find any record of that Highway 57 - Kansas Road subdivision drainage plan being approved, and it will come up at the next Area Plan Commission meeting.

Mr. Brenner said this is the Industrial Park, that we agreed to put a new bridge in there at the same time, on Kansas Road.

Mr. Morley said "no", that the bridge came up at the time of the rezoning, but there is nothing in the minutes on the approval of the drainage plan, so we need something on record to take to the Plan Commission meeting so we can say there is an approved drainage plan, so we don't get held up.

Mr. Osterholt said he thinks it was in the rezoning hearing and we never got it into the drainage board.

Mr. Morley said the drainage plan ran through and they determined that retention basins were not necessary for the development of this Industrial Park, that the existing bridge and channels beyond the project were of adequate size to take the additional 36 cubic feet per second flow with no changes, that he sized the structures within the Park and presented the calculations as to what they were going to be, and then made a commitment that a temporary sediment basin could be constructed and would be a phase of the operation in the existing drainage swail.

Commissioner Willner asked Mr. Stephen if he agrees with this and asked him for a recommendation.

Mr. Stephen said he would recommend that the drainage plans be approved.

Commissioner Davies then moved that the drainage plans for the Evansville Industrial Foundation, S.R. 57 - Kansas Road Industrial Park be approved. Commissioner Willner seconded the motion. So ordered.

Mr. Biggerstaff said the same goes for R. L. Jeffries Trucking Company, since he doesn't think it has ever been approved.

Commissioner Davies moved that the Jeffries drainage be approved subject to their willingness to do the extreme southern end so the water will flow to the west and that the County will then take it under Seib Road and go west from Seib Road to Ferlick Creek. Commissioner Willner seconded the motion. So ordered.

RE: EASTLAND ESTATES

Mr. Stephen said the Commissioners gave preliminary approval to the overall plat, depending on them making swails behind some of the houses, that this was done in March.

Mr. Biggerstaff said these are drainage swails, that they didn't try to restrict the water, that they just tried to slow it down and make it take the long route around. He then presented maps of the area and explained what they plan to do.

Mr. Stephen said they plan to take the water down and dump it into the new lake in Indian Village, and he recommended that the drainage plans for Section A be approved.

Commissioner Davies moved, on the recommendation of the County Highway Engineer, that the drainage plans for Section A of Eastland Estates be approved. Commissioner Willner seconded the motion. So ordered.

RE: PROBLEM AT COMPLETE LUMBER COMPANY

Mr. Brenner said one thing he has to discuss is the problem at Complete Lumber Company that came up in the Commissioners meeting this morning.

Commissioner Davies said the Commissioners haven't heard anything about it until this morning.

County Attorney Smith said we were hoping to prevent a law suit against the County on this, that he doesn't know if we are going to be able to or not, that apparently Complete Lumber Company doesn't have legal title to the property where the ditch is being cut, and they pretty well established that it was originally the Southern Railway's right of way, and Steve is claiming that they have it by adverse concession, and probably the only way we are going to head anything off is to spend money and he doesn't want to do this.

Mr. Brenner said they did send out the legal notices on the reconstruction and everything and they had a hearing and he asked them if there were any comments they cared

to make, and he explained to them what we intended to do.

Commissioner Willner said we had people here at the hearing but no one from Complete Lumber Company showed up, and he wondered if we should now send them a letter, stating our position, or should we just let it go by.

Commissioner Davies said he didn't think we should do anything until somebody clobbers us now.

Mr. Brenner asked if the Commissioners understand that they are being assessed for the part in front of their place.

Commissioner Davies said this sounds reasonable, since everyone else is.

Mr. Brenner said it will get Mr. Nussmeyer too, that there is a different attorney to represent him.

County Attorney Smith said they can't establish legal title to it and he sees no way to avoid litigation.

Mr. Brenner said that the railroad did give us an easement across their property, for the reconstruction.

Commissioner Willner said to let the record so state that this problem has been discussed but that we haven't received any formal complaint on it.

Mr. Brenner asked if it would be remiss to go out and talk to him about him buying the pipe and putting it in, since this is what he is going to end up doing.

Commissioner Willner said we had a discussion this morning about another entrance.

Commissioner Davies said they want it in front of Frank Richardson's, that he keeps saying that Mr. Woolsey wants it, but Mr. Woolsey says that Frank is the one that really needs it.

He said they would have to do several things in order to do this, that they would first have to get permission for a curb cut on the highway with deceleration lanes and a blister, then they would have to cross the ditch which would be a bridge structure, then they would have to get permission from the railroad to cross it and then fill it in.

Commissioner Willner asked what the legal description of that ditch now.

Mr. Brenner said it is part of the East Side Urban Drain and this is the connection between the Old Hirsch Ditch and the Old Wabash Erie Canal.

There being no further business, the meeting adjourned at 12:00 noon.

PRESENT

DRAINAGE BOARD

Robert Willner
Robert Davies

COUNTY SURVEYOR

Bob Brenner
Rob Matthews

COUNTY ATTORNEYS

Ed Smith, Jr.
Paul Wendel

SECRETARY: Kathy Lowe

Robert Willner

Robert Davies

VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE
July 28, 1980

The meeting of the Vanderburgh County Drainage Board was held on Monday, July 28 1980 at 11:20 a.m. in the Commissioners Hearing Room with President Bob Schaad presiding.

The Minutes of the previous meeting which was held on July 21, 1980 were approved as engrossed by the County Auditor and the reading of them was dispensed with.

RE: SHANNON HILL SUB-DIVISION

Mr. Stephen said that Shannon Hill Sub-Division is on Boonville - New Harmony Road, South of Boonville - New Harmony Road and west of I 65. He really doesn't know quite what they are trying to do out there, at first they were going to plot it all. Now they are making part of it an Out Dock. Mr. Stephen is explaining the details by looking over the maps with the Commissioners.

It was stated by President Schaad that the owner and developer of Shannon Hill Sub is Dan Mc Fadden and the engineer is Andy Easley.

Mr. Stephen said that this is all preliminary.

President Schaad said that he did not see enough here to make any kind of decision at this time, wait until they come up with a complete-drainage plan..... until then take no action.

RE: SONNTAG STEVENS

Mr. Dave Guillaum said that he didn't know if any certain decision had been made concerning Sonntag Stevens and Flair Plastics, also that the contractors are possibly getting anxious. He also said that they weren't going to get into much engineering, he said they felt that would be too much of an expense in itself and that the drainage situation is satisfactory for now. What they wanted to do is put a couple of bends out there.

President Schaad said that he talked to Mr. Peters again and he told him that plans were going to have to be drawn up on what he wanted to be done. Also that Mr. Peters would have to bear the cost of the project, and that he feels that the plans should be drawn up and brought before the board as soon as possible.

Commissioner Davies asked Mr. Guillaum if the ditch in back of Executive Park East has been cleaned out. Mr. Guillaum said that he would check on this.

RE: POND FLAT B LATERAL

Commissioner Willner said that the ditch is blocked by fallen trees and that the owners refused to clean it out. So being that it is a legal drain it is up to the county to have it cleaned. He asked Mr. Guillaum to go look at it and get some pictures and report back to the board.

Commissioner Davies ask who owns the land.

Commissioner Willner said that Southern Indiana Gas and Electric Co. owns it and that they don't care about it.

President Schaad said that this was true. So now it was up to the board to clean it.

RE: COMPLETE LUMBER

President Schaad asked if they have heard any more from Complete Lumber.

Mr. Guillaum said that he hasn't heard any more.

President Schaad asked if they ever found out who owned the property.

Commissioner Willner said that no one has found out, but the board has agreed to pipe it.

President Schaad asked who was going to pay for it.

Commissioner Willner said that at first they were going to put up a cash bond,

But now it is just a bond, as it was agreed that the property owner would pay for it.

The meeting adjourned at 11:45.

MEMBERS PRESENT:

COUNTY COMMISSIONERS

Bob Schaad
Robert Davies
Robert Willner

SURVEYORS OFFICE

David Guillaume
Louis Stephen

COUNTY ATTORNEYS

Paul Wendel
Ed Smith, Jr.

SECRETARY: Kathy Lowe

Bob Schaad

Robert Willner

Robert Davies

VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE
JULY 21, 1980

The meeting of the Vanderburgh County Drainage Board was held on Monday, July 21, 1980 at 11:10 a.m. in the Commissioners Hearing Room with President Bob Schaad presiding.

The Minutes of the previous meeting which was held on July 14, 1980 were approved as engrossed by the County Auditor and the reading of them was dispensed with.

RE: SONNTAG-STEVENS DITCHFLAIR PLASTICS

Mr. Dave Guillaum showed the Commissioners a map of some property owners that are requesting the ditch be moved from the west side of their property to the east side.

He said they are cleaning out the ditch now on the Lynch Road Project.

President Schaad said he received a call from a Mr. Peters who owns Flair Plastics, and Mr. Peters said the ditch is quite horizontal, and when they get through cleaning it it is going to be much larger and he has no room to expand.

President Schaad said he was out there with Leo Weiss, and if there is no objection with the Surveyors Office and the Engineers, whatever change there that can be done is alright with him, but that Mr. Peters would have to stand the expense, from what this was going to cost to do it his way. President Schaad said Mr. Peters was going to talk to Dieg Brothers and see if he could get some figures.

President Schaad said he told him he would expect an official letter stating what he wants to do along with some figures and plans.

President Schaad said as of this time he has heard no more about it.

Mr. Matthews said they want to re-dig the ditch, and when he looked at the specs. and the cubic feet and they charge \$4.00 a cubic yard to move the ditch, so it would cost around \$36,000.00.

Mr. Guillaum said if they turn the ditch a certain way the county would wind up with a poor drainage situation.

President Schaad said he told him it would not fly unless the Surveyors Office and the Engineer approved it.

President Schaad these people are friends of his and he would have no trouble getting a right-of-way. He also said he can't see the county spending all this money to clean it out and then move it.

President Schaad said the next move will have to be up to Mr. Peters.

RE: HARPER DITCH

Mr. Matthews said concerning reconstruction of Harper Ditch out by East Plaza Shopping Center, he said they are drawing up the plans now, and they have went out and talked to the people in the neighborhood to get their input as to what they would like to see done out there as for as cuts for the Raquet Club and adding cuts due west on Green River Road. He said they are having a little problem with apartments out there building within 35 feet of the ditch, but it looks like they will be ready to start hearings in about a month on the reconstruction.

The meeting adjourned at 11:20 a.m.

MEMBERS PRESENTCOUNTY COMMISSIONERS

Bob Schaad
Robert Willner

SURVEYORS OFFICE

Dave Guillaum
Rob Matthews

COUNTY ATTORNEYS

Paul Wendel
Ed Smith, Jr.

SECRETARY: Kathy Lowe

Bob Schaad
Robert Willner

VANDERBURGH COUNTY DRAINAGE BOARD

553

VANDERBURGH COUNTY DRAINAGE
JULY 14, 1980

The meeting of the Vanderburgh County Drainage Board was held on Monday, July 14, 1980 at 11:55 a.m. in the Commissioners Hearing Room with President Bob Schaad presiding.

The Minutes of the previous meeting which was held on June 23, 1980 were approved as engrossed by the County Auditor and the reading of them was dispensed with.

RE: MEMORANDUM OF AGREEMENT.....COMPLETE LUMBER COMPANY

Mr. Steve Krohn, the attorney representing the Complete Lumber Company Inc. presented the Memorandum of Agreement: This Memorandum of Agreement by and among Complete Lumber Company Inc., an Indiana Corporation, (hereinafter "Complete"), the City of Evansville, Indiana acting by and through its Board of Public Works (hereinafter "Works"), the County Board of Commissioners of the County of Vanderburgh, Indiana (hereinafter "Commissioners"), and the Vanderburgh County Drainage Board (hereinafter "Drainage Board").

W I T N E S S E T H T H A T :

WHEREAS, on May 29, 1979, Works, Commissioners, and Drainage Board entered into an agreement (hereinafter "Hearst Agreement"), a copy of which is attached as Exhibit "A", under which agreement the Hearst Ditch and a portion of Harper Ditch would be constructed, reconstructed or improved; based upon, inter alia, the alleged rights granted by a license granted by Southern Railway, a copy of which is attached as Exhibit "B"; and

WHEREAS, work has begun under that contract and much of such work has been completed and will soon be east of Oak Grove Road Extension and on property allegedly owned by Complete; and

WHEREAS, a portion of that Ditch, both as drawn and as proposed to be constructed, will go through the existing parking lot of Complete located at 5611 Boonville Highway; and

WHEREAS, disputes have arisen and Complete has filed a lawsuit captioned Complete Lumber, Inc. V. City of Evansville and the Board of County Commissioners of Vanderburgh County, Vanderburgh Superior Court Cause No. 80-CIV-1662, and in order to avoid certain of the delays, expenses, hardships and significant potential damages for Works, Commissioners and Drainage Board that might be associated with litigating the project before it proceeded to completion, the parties have entered into an agreement whereby the hereinabove referenced Harper-Hearst Drainage Ditch project will proceed subject to certain changes,

NOW, THEREFORE, the parties agree as follows:

1. Change Order: Under the provisions of the Hearst Agreement, Works, Commissioners and Drainage Board will approve a change order whereby the contractor will extend the covered portion of the Harper-Hearst Drainage Ditch project for an additional One Hundred (100) feet in front of and on the alleged property of Complete and restore that parking area and existing sign to its condition as of the date of this Agreement, and Works, Commissioners and Drainage Board will share the cost as set forth in the Hearst Agreement.
2. Litigation: The litigation begun in the above referenced Vanderburgh County Superior Court cause of action will continue but the pleadings will be amended to reflect that Complete no longer seeks an injunction against the City of Evansville or Works or the Commissioners, but will seek declaratory relief and damages against the City of Evansville, Works, Commissioners, and Drainage Board. Nothing contained herein shall prevent any party from bringing into the action additional parties, particularly Southern Railroad which may or may not be a necessary party to the litigation.

3. Judgment for Complete: If the judgment in the above suit is that Complete is the owner of all or part of the real estate through which the ditch will pass and that Works or Commissioners or Drainage Board or any combination thereof is responsible to Complete for any damages, including the cost of the above referenced change order, then Complete shall be entitled to the damages that the court may award provided, however, that such award will be diminished by, or Works, Commissioners and Drainage Board will be given credit for, the payment for the above change order thereby limiting additional damages to Complete to damages for the taking of any of Complete's property to the east of the termination point of the covered Harper-Hearst Drainage project to the easternmost boundary line of Complete's property, approximately One Hundred (100) feet more or less. If damages awarded are less than the cost of the change order, Complete will pay the difference as provided in Paragraph 4.

4. Judgment Against Complete: In the event that judgment in the above lawsuit is against Complete and in favor of Works, Commissioners and Drainage Board and to the effect that Complete is not entitled to any damages and that the land taken was not Complete's land, then Complete shall reimburse Works, Commissioners and Drainage Board for the expenses involved in the above change order and the parties stipulate that such expense will be no more than \$30,000.00. In order to assure Works, Commissioners and Drainage Board that such payment will be made, Complete will provide a surety bond for the above stipulated amount from a bonding company acceptable to Works, Commissioners and Drainage Board, and to the effect that upon a finding as above described against Complete and in favor of Works, Commissioners and Drainage Board, said sum will be paid to Works, Commissioners and Drainage Board within Thirty (30) days after the judgment becomes final.

5. Bond Premium: The parties agree that in the event that judgment is awarded in favor of Complete, additional damages payable by Works, Commissioners and Drainage Board will include the premium paid by Complete for the surety bond hereinabove referenced.

6. Culvert Available: The parties agree that work shall not be commenced on the property to the east of the Oak Grove Road Extension and to the north of the building in which Complete is situated until such time as the necessary culvert is available for completion of the change order as hereinabove referenced, so that the property in front of the building occupied by Complete will not be disturbed until such time as the culvert is available and can be installed in connection with the reconstruction or construction of the ditch.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the dates shown. (See attached copy)

Commissioner Davies moved that the Drainage Board approve the above agreement, seconded by Commissioner Willner. So ordered.

RE: KOLB DITCH

Commissioner Davies said that Kolb Ditch needs to be cleaned, and since the people out there pay for it, it should be taken care of.

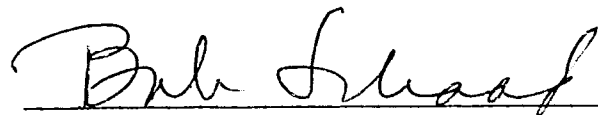
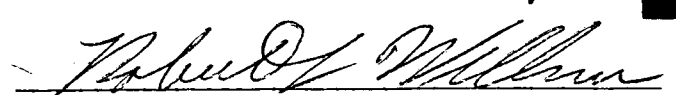
The meeting recessed at 12:00 noon.

PRESENT:
COUNTY COMMISSIONERS
 Bob Schaad
 Robert Davies
 Bob Willner

COUNTY AUDITOR
 Curt John

COUNTY ATTORNEY'S
 Paul Wendel
 Ed Smith, Jr.

SECRETARY: KATHY LOWE

VANDERBURGH COUNTY DRAINAGE BOARD

MEMORANDUM OF AGREEMENT

THIS MEMORANDUM OF AGREEMENT by and among Complete Lumber, Inc., an Indiana corporation, (hereinafter "Complete"), the City of Evansville, Indiana, acting by and through its Board of Public Works (hereinafter "Works"), the County Board of Commissioners of the County of Vanderburgh, Indiana (hereinafter "Commissioners"), and the Vanderburgh County Drainage Board (hereinafter "Drainage Board"),

W I T N E S S E T H T H A T:

WHEREAS, on May 29, 1979, Works, Commissioners, and Drainage Board entered into an agreement (hereinafter "Hearst Agreement"), a copy of which is attached as Exhibit "A", under which agreement the Hearst Ditch and a portion of Harper Ditch would be constructed, reconstructed or improved; based upon, inter alia, the alleged rights granted by a license granted by Southern Railway, a copy of which is attached as Exhibit "B"; and

WHEREAS, work has begun under that contract and much of such work has been completed and will soon be east of Oak Grove Road Extension and on property allegedly owned by Complete; and

WHEREAS, a portion of that Ditch, both as drawn and as proposed to be constructed, will go through the existing parking lot of Complete located at 5611 Boonville Highway; and

WHEREAS, disputes have arisen and Complete has filed a lawsuit captioned Complete Lumber, Inc. v. City of Evansville and The Board of County Commissioners of Vanderburgh County, Vanderburgh Superior Court Cause No. 80-CIV-1662, and in order to avoid certain of the delays, expenses, hardships and significant potential damages for Works, Commissioners and Drainage Board that might be associated with litigating the project before it proceeded to completion, the parties have entered into an agreement whereby the hereinabove referenced Harper-Hearst Drainage Ditch project will proceed subject to certain changes.

NOW, THEREFORE, the parties agree as follows:

1. Change Order: Under the provisions of the Hearst Agreement, Works, Commissioners and Drainage Board will approve a change order whereby the contractor will extend the covered portion of the Harper-Hearst Drainage Ditch project for an additional One Hundred (100) feet in front of and on the alleged property of Complete and restore that parking area and existing sign to its condition as of the date of this Agreement, and Works, Commissioners and Drainage Board will share the cost as set forth in the Hearst Agreement.

2. Litigation: The litigation begun in the above referenced Vanderburgh County Superior Court cause of action will continue but the pleadings will be amended to reflect that Complete no longer seeks an injunction against the City of Evansville or Works or the Commissioners, but will seek declaratory relief and damages against the City of Evansville, Works, Commissioners, and Drainage Board. Nothing contained herein shall prevent any party from bringing into the action additional parties, particularly Southern Railroad which may or may not be a necessary party to the litigation.

3. Judgment for Complete: If the judgment in the above suit is that Complete is the owner of all or part of the real estate through which the ditch will pass and that Works or Commissioners or Drainage Board or any combination thereof is responsible to Complete for any damages, including the cost of the above referenced change order, then Complete shall be entitled to the damages that the court may award provided, however, that such award will be diminished by, or Works, Commissioners and Drainage Board will be given credit for, the payment for the above change order thereby limiting additional damages to Complete to damages for the taking of any of Complete's property to the east of the termination point of the covered Harper-Hearst Drainage project to the easternmost boundary line of Complete's property, approximately One Hundred (100) feet more or less. If damages awarded are less than the cost of the change order, Complete will pay the difference as provided in Paragraph 4.

4. Judgment Against Complete: In the event that judgment in the above lawsuit is against Complete and in favor of Works, Commissioners and Drainage Board and to the effect that Complete is not entitled to any damages and that the land taken was not Complete's land, then Complete shall reimburse Works, Commissioners and Drainage Board for the expenses involved in the above change order and the parties stipulate that such expense will be no more than \$ 30,000.⁰⁰. In order to assure Works, Commissioners and Drainage Board that such payment will be made, Complete will provide a surety bond for the above stipulated amount from a bonding company acceptable to Works, Commissioners and Drainage Board, and to the effect that upon a finding as above described against Complete and in favor of Works, Commissioners and Drainage Board, said sum will be paid to Works, Commissioners and Drainage Board within Thirty (30) days after the judgment becomes final.

5. Bond Premium: The parties agree that in the event that judgment is awarded in favor of Complete, additional damages payable by Works, Commissioners and Drainage Board will include the premium paid by Complete for the surety bond hereinabove referenced.

6. Culvert Available: The parties agree that work shall not be commenced on the property to the east of the Oak Grove Road Extension and to the north of the building in which Complete is situated until such time as the necessary culvert is available for completion of the change order as hereinabove referenced, so that the property in front of the building occupied by Complete will not be disturbed until such time as the culvert is available and can be installed in connection with the reconstruction or construction of the ditch.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the dates shown.

COMPLETE LUMBER, INC.

By [Signature]
Larry T. Stevens, President
Date: July 11, 1980

(CORPORATE SEAL)

ATTEST:

[Signature]
Peggy J. Stevens, Secretary
Date: July 11, 1980

CITY OF EVANSVILLE, ACTING BY AND
THROUGH ITS BOARD OF PUBLIC WORKS

By *Robert L. Davis*
President
Date: July 9, 1980

Al Supinski
Vice President
Date: July 9, 1980

Stephen E. Jones
Member
Date: July 9, 1980

ATTEST:

Paul R. Owen
Executive Director
Date: July 9, 1980

BOARD OF COMMISSIONERS OF
THE COUNTY OF VANDERBURGH

By *Robert L. Davis*
President
Date: July 14, 1980

Bob Schaad
Vice President
Date: July 14, 1980

(814) *Robert L. Williams*
~~*Robert L. Williams*~~
Member
Date: July 14, 1980

ATTEST:

Curt John
Curt John, Vanderburgh County
Auditor
Date: July 14, 1980

VANDERBURGH COUNTY DRAINAGE BOARD

By *Bob Schaad*
President
Date: July 14, 1980

Robert L. Williams
Vice President
Date: July 14, 1980

Robert L. Davis
Member
Date: July 14, 1980

ATTEST:

Curt John
Curt John, Vanderburgh County
Auditor
Date: July 14, 1980

VANDEBURGH COUNTY DRAINAGE MEETING
AUGUST 4, 1980

The meeting of the Vanderburgh County Drainage Board was held on Monday, August 4th, 1980 at 11:25 a.m. in the Commissioners Hearing Room with President Bob Schaad presiding.

The minutes of the previous meeting which was held on July 28th, 1980 were approved as engrossed by the County Auditor and the reading of them was dispensed with.

RE: AUTHORIZED TO OPEN BIDS

The County Attorney's were authorized to proceed with the opening of the bids that were received today for the cleaning of Harper Ditch.

RE: STONEHAVEN ESTATESDRAINAGE PLANS (SHANNON HILL SUBDIVISION)

Mr. Stephen said there has been a name change on the Shannon Hill Subdivision, that it is now Stonehaven Estates, that Dan Mc Fadden is the owner and developer and that Andy Easley is the engineer. He said this subdivision is located South of Boonville-New Harmony Road and west of I-65, and that the pipe sizes and an easement has now been shown for drainage for it to follow it's natural course, that the existing 36 inch pipe and the existing 24 inch pipe is sufficient but there is a 15 inch pipe which will be increased in size to an 18 inch reinforced concrete pipe and there is another 15 inch pipe that is sufficient in size.

Commissioner Willner moved, on the recommendation of Mr. Stephen, that the Drainage Plans for Stonehaven Estates be approved. Commissioner Davies seconded the motion. So ordered.

Commissioner Willner asked Mr. Stephen if this is going to be a partial deal again.

Mr. Stephen said it looks like it will be, that it is Section A with an out lot and Section B for future construction.

Commissioner Willner asked at what point is he going to construct the lake, or if it is already there.

Mr. Stephen said the lake is already there.

RE: CLAIM

A Claim was submitted by the Board of Public Works for the County's portion of the Harper Ditch Project, \$178,778.40 for the Hirsch Ditch and \$26,480.00 for extending the pipe on Green River Road, making the total of the claim to be \$205,258.40, which has been approved by Mr. Guillaum for Mr. Brenner. This is to be paid from the Cumulative Bridge Fund.

Mr. Brenner said this also includes the work that was done under the bridges at Stockwell Road, Oak Grove Road, Green River Road and under Big G.

Commissioner Willner moved that this claim be approved. Commissioner Davies seconded the motion. So ordered.

RE: POND FLAT B LATERAL

Mr. Guillaum said there was some discussion last week on the log jam in the Pond Flat B Lateral Ditch, and after making an investigation by getting out the map on the ditch and also the legal description of the drain in terms of where it starts and where it terminates, it appears that the log jam isn't actually in the legal drain itself.

Mr. Matthews said it is in the watershed and not in the legal drain, that the legal drain stops at Highway 41 and the log jam is on the East side of Highway 41.

Commissioner Willner said that originally he talked to the farmer, that he didn't think it was on the legal drain but the farmer called the Surveyor's office and was told that it was on the legal drain, so this is why he asked about it.

Mr. Matthews said it is a jungle along the portion of that ditch and they really need to get in there with bulldozers and clean it out. He said someone went through there and cut down all the trees and they are just lying there in the ditch.

Commissioner Willner said he will get in touch with him then.

RE: SONNTAG STEVENS DITCH

Mr. Guillaum said that the Sonntag Stevens Ditch was also discussed last week but he doesn't know if they decided anything on it or not.

Commissioner Willner said that Mr. Guillaum was going to check to see if the ditch in back of Executive Park East needs to be cleaned out. He said this part of the Sonntag Stevens is dead for the moment, that it has to do with Flair Plastics, and he asked if something else has come up on it other than the change they wanted to make.

Mr. Brenner said he doesn't know but one thing is that there are 1500 feet on the plans for Lynch Road and they show them going ahead and rebidding 1500 feet of the ditch with no hearings, no nothing, that it is very similar to the problem out on the Hirsch Ditch, that it is in the road project as being federally funded and he didn't even know it was being done.

Mr. Matthews said the people have been in the office raising heck and they didn't even know about the reconstruction.

Commissioner Schaad said, but the point of it is, that there were ads and hearings held and anyone that wanted to look at the plans could, that they had the opportunity, but that doesn't have anything to do with the legal drain hearings as far as reconstruction is concerned, but it might have called someone's attention to it because we all knew that the Lynch Road Project was going forward.

Mr. Brenner said the first thing he knew about it was when they called him up and said they were digging the thing.

Commissioner Schaad said the Lynch Road Project was engineered some long time ago and there were hearings and anyone had the right to come in and ask what is being done, that the federal government and state just won't let you go ahead with the project without the formality having gone through, but of course, as to the reconstruction, it is at no cost to the people in the watershed but never-the-less that had nothing to do with it really, he supposed.

Mr. Brenner said there will be some damages awarded to the people though.

Commissioner Schaad said he thinks the right of way was purchased from the property owners where the work is being done on the road where the concrete pipe will be put in.

Mr. Brenner said after they finish with the pipe it takes off across the field for 1500 feet.

Commissioner Schaad said, but the ditch is there now.

Mr. Brenner said, "yes" but they are going to widen it and he doesn't suppose we can do anything about it at the moment, that we will just have to sit and wait. He said there is something else on that project, that they are putting in a free-flow pipe and there is a problem with the material they have put in there, that it is falling off and he has been able to find two other locations in Logansport and Indianapolis where it is falling off in the ground and once it's in the ground, that's \$400,000.00 shot.

Commissioner Schaad said when it was first called to his attention, he went out with the construction engineers and saw what he is talking about, and the asphalt was actually falling completely away from the top in big chunks and it came off clean, that it didn't even bond to the galvanized pipe at all. He said he talked to the engineer and even called Mr. Van Nielen on it and they finally agreed to take it back, and in the meantime he said there must be some state specifications, that the state approved this type of material to be bid on rather than concrete or in lieu of concrete, that there must be some specifications written and the engineer said he wants to let the new pipe lay out there in the hot sun for several weeks to see what it is going to do before they put it in but they can't really hold it up.

He said he would like a letter from the state saying that this pipe does meet specifications before we put it in the ground, that as Mr. Brenner has said, it is coming off in other places, and is already in the ground.

Mr. Brenner said this is correct, that Indianapolis wouldn't accept it from the contractor so it is still in limbo.

Commissioner Davies said the state recognizes that method of putting this pipe in or it wouldn't be in the state specifications, that if something isn't right, they usually replace it, but it is his understanding that it is inspected before it leaves the plant.

He asked if this isn't correct.

Mr. Brenner said that the object that Mr. Schaad looked at also had state inspection with acceptance on it which means nothing.

Commissioner Davies said he assumes that it either meets their specifications or it doesn't, and if it doesn't, then something else has to be done.

Mr. Brenner said the Drainage Board was forewarned that it has a problem, since if the asphalt falls off the pipe, the Drainage Board is stuck with the pipe, because it is still a legal drain.

Commissioner Davies said what he is saying is that if the state recognizes that pipe, they must have specifications on it and the people either comes up with the specifications so it works, or it won't be accepted by the state.

Mr. Brenner said our best shot is to hope it falls off before we take it.

Commissioner Schaad said he is going to talk to the engineer about it again, because they are bickering and he has no authority to hold the job up, so if it is delivered on the project and meets the specifications, then put it in tomorrow morning.

Mr. Brenner said the joints are leaking also.

Commissioner Schaad said they wanted a cadilloc joint on there but they were trying to substitute with and o-ring joint which isn't working and he understands that the specifications calls for the cadilloc joints.

Commissioner Davies said we have trouble with joints on concrete pipe too, that they lost a whole section of it on Covert Avenue.

RE: OPENING OF BIDS.....HARPER DITCH CLEANING

The following bids were received today for the Harper Ditch cleaning, from Green River Road to Division Street.

Dar ET Farms.....	\$701.90
George Koch & Sons, Inc.....	\$891.00

County Attorney Wendel said both bids are defective because one has no non-collusion affidavit and the other one says he has a check on file with another bid, and they aren't really bidding on the same thing.

Mr. Matthews said that it is George Koch who has a check on file, that he had submitted a check for six or seven drains and was only awarded four so he has access money on file, but he would have to check to see if it is ample.

Mr. Brenner said these are informal bids anyway.

Commissioner Willner moved that these bids be taken under advisement and referred to the Surveyor's office for study and recommendation. Commissioner Davies seconded the motion. So ordered.

RE: KOLB DITCH

Mr. Brenner said they have been spraying Kolb Ditch aerially, that they have a contract with Mr. Koch for it's maintenance but the section between the two bridges has filled in and needs to be cleaned badly, that it is approximately 200 feet, and that they could go in and do it as a reconstruction.

Commissioner Schaad asked if it would be reconstruction of the ditch if it is just filled in, or would it just be the cleaning out of the ditch.

Mr. Brenner said he has the money in the maintenance fund and the judge over there said that every time you dig anything, it is reconstruction.

County Attorney Smith said not necessarily, that he thinks it is just a matter of what they are actually doing, that if they move it something like 20 feet, that would be reconstruction, but if you are cleaning it out and it stays in the same place, it would be maintenance.

Mr. Brenner asked if they think he could do this and stay within the same banks, legally.

County Attorney Smith said if he stays in the same banks it would be periodic maintenance, in his opinion.

Mr. Brenner said he has a contract for clearing weeds, so what he will do is to take however feet needed off of this contract to do it.

Commissioner Willner moved that the Kolb Ditch be cleaned. Commissioner Davies seconded the motion. So ordered.

RE: BARRS CREEK

Mr. Matthews said there is a log jam on Barrs Creek, that he talked to Leo Paul who does the annual maintenance and he asked him what he would charge to move the log jam, and he said he would charge \$75.00 to haul all the logs out, cut them up and burn them.

He said this seems reasonable to him and that they have the money to do it in their maintenance account.

Commissioner Willner moved that this work be done at the cost of \$75.00. Commissioner Davies seconded the motion. So ordered.

There being no further business, the meeting adjourned at 11:50 a.m.

PRESENT

COUNTY COMMISSIONERS

Bob Schaad
Robert Davies
Robert L. Willner

SURVEYORS OFFICE

Bob Brenner
Dave Guillaum
Rob Matthews

COUNTY ATTORNEYS

Ed Smith, Jr.
Paul Wendel

Secretary:

Margie Meeks for Kathy Lowe

Bob Schaad
Robert L. Willner
Robert Davies
VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE MEETING
August 11, 1980

The meeting of the Vanderburgh County Drainage Board was held on Monday August 11th. 1980 at 11:40 a.m. in the Commissioners Hearing Room with President Bob Schaad presiding.

The minutes of the previous meeting which was held on August 4th. 1980 were approved as engrossed by the County Auditor and the reading of them were dispensed with.

RE: MR. STEPHEN

Mr. Stephen said he received a letter from Mr. Fred Blumenaur.

President Schaad read the letter, it reads as follows;

The City Of Evansville Sewer Department is requesting premission to construct a twelve (12") inch sanitary sewer adjoining, and in, Kolb Ditch through Chicksaw Park Subdivision.

Mr. Stephen said Chicksaw runs north off of Pollack Avenue near Angel Mounds. He said Kolb Ditch runs through the area, and they are going to clean the area where the ditch can drain out and the city is going to install a sanitary sewer in a lower area.

Mr. Stephen showed the Commissioners how the water flows on the maps he has placed before them.

Commissioner Willner asked if there is an easement back to the ditch and Mr. Stephen said yes, there was an easement. Commissioner Willner said the county did not have the easement and President Schaad said they have 75 feet on either side and Commissioner Willner said they have no construction easement, only an easement to clean the ditch.

President Schaad said if the city has to go out of the 75 feet, then they will have to talk to the homeowners of the property.

Mr. Stephen said apparently they will not be on any other property, because there is an area that was not platted and nobody owns it.

Commissioner Willner moved that they approve the request, Commissioner Davies second..... So Ordered.

There being no futher business, the meeting adjourned at 11:50 a.m.

Present

COUNTY COMMISSIONERS

Bob Schaad
Robert Davies
Robert L. Willner

SURVEYORS OFFICE

Bob Brenner
Dave Guillaum

COUNTY ATTORNEYS

Ed Smith, Jr.

Secretary:

Kathy Lowe

Bob Schaad
Robert Willner
Robert Davies



CITY OF EVANSVILLE

BOARD OF PUBLIC WORKS

ROOM 321 ADMINISTRATION BUILDING
CIVIC CENTER COMPLEX
EVANSVILLE, INDIANA 47708
(812) 426-5468

BOARD OF PUBLIC WORKS

JOHN J. VEZZOSO, PRESIDENT
RICHARD W. SHYMANSKI, VICE PRESIDENT
STEPHEN E. IMES, MEMBER
MARK R. OWEN, EXECUTIVE DIRECTOR

MICHAEL D. VANDEVEER, MAYOR

Aug. 8, 1980

Vanderburgh County Drainage Board
Vanderburgh County, IN.

Gentlemen:

The City of Evansville Sewer Department is requesting permission to construct a twelve (12") inch sanitary sewer adjoining, and in, Kolb Ditch through Chicksaw Park Subdivision.

Sincerely,

Fred A. Blumenauer

565

VANDERBURGH COUNTY DRAINAGE BOARD
AUGUST 18, 1980

The meeting of the Vanderburgh County Drainage Board was held on Monday, August 18, 1980 at 11:10 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting which was held on August 11, 1980 were approved as engrossed by the County Auditor and the reading of them was dispensed with.

RE: HARPER DITCH

Mr. Dick Eiffler of the City Engineer's Office was at the meeting to discuss with the Commissioners just what the city is doing concerning Harper Ditch.

Mr. Brenner said the engineering work has been completed on the Harper Ditch project, but property owners who might be affected by the work must be notified before work can be started.

President Schaad said the work will tie in with a joint city-county project to improve the Harper-Hirsch Ditch and reopen along Division Street a portion of the old Wabash and Erie Canal. He said all of the dredging is aimed at providing faster runoff of storm water to Pigeon Creek.

Mr. Guillaum said the work on Harper Ditch will cover about 4,000 feet. The ditch runs east from Division Street across Green River Road.

Mr. Brenner said he feels the best way to do this is by re-construction, and to do that they must advertise for a public hearing.

Commissioner Willner moved they advertise to hold the public meeting. The motion was seconded by Commissioner Davies, so ordered.

The date of the public hearing will be as follows:

RE: KOLB DITCH.....BIDS

Mr. Guillaum said the following bids were presented for consideration for the Dredging and spreading spoil on Kolb Ditch:

Floyd I. Staub, Inc.	Dredging.....\$.76 per lineal foot
	Seeding.....\$.50 per square yard

Deig Bros.	Dredging.....\$1.70 per foot
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Barnett, Donald R.	Dredging.....\$.60 per running foot
	Seeding.....\$.20 per square yard

Mr. Guillaum said his main concern is the dredging and his recommendation is to let the bid to Donald R. Barnett.

Commissioner Willner moved the let the bid to Donald R. Barnett, seconded by Commissioner Davies. So ordered.

There being no further business, the meeting adjourned at 11:17 a.m.

PRESENT

COUNTY COMMISSIONERS

Bob Schaad
Robert Davies
Robert Willner

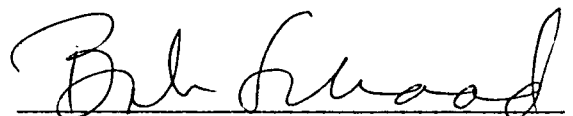
SECRETARY: Kathy Lowe


SURVEYOR'S OFFICE

Bob Brenner
Dave Guillaum

COUNTY ATTORNEY'S

Paul Wendel
Ed Smith, Jr.






VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE
SEPTEMBER 2, 1980

The meeting of the Vanderburgh County Drainage Board was held on Tuesday, September 2, 1980 at 11:15 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting which was held on August 18, 1980 were approved as engrossed by the County Auditor and the reading of them was dispensed with.

RE: CLAIMS

Mr. Brenner said he has two (2) claims to present to the Commissioners for approval, the claims are as follows:

City of Evansville for 90% Eastside Urban Drain (Harper-Hirsch Project) in the amount of \$90,000.00.

Leo Paul for Log Jam Clean in Baars Creek in the amount of \$75.00.

Commissioner Davies moved they approve the above claims, seconded by Commissioner Willner. So ordered.

RE: DITCH BILLS

Mr. Brenner said they need to go before the County Council to appropriate money for Ditch Bills. He said this would normally be the Treasurer's job, but they have designed a new bill to fit the new system and the cost for about three years of bills will be \$2,000.00.

Commissioner Willner moved they give permission for the Surveyor to go before the Council to have this money appropriated. The motion was seconded by Commissioner Davies. So ordered.

RE: HARPER DITCH

President Schaad asked Mr. Brenner about the date for the public hearing on Harper Ditch.

Mr. Brenner said he still does not have a date because when checking the ditch law he found he has to have an assessment and the cost.

President Schaad said they would delay this until Mr. Brenner is ready.

RE: COMPUTER PROGRAMMING

Mr. Brenner said that the representative from NCR, who has the new computer system has said due to an oversight, the ditches were left off of the computers and they want \$9,000.00 to program the writing of the ditch bills. He said this feature is needed that when they make a transaction on the real estate it will automatically pick up the ditch.

Mr. Brenner said \$9,000.00 is a lot of money and he said he would suggest that they explore someone else to program the computer.

Commissioner Davies said why don't they do it with our existing computer.

Mrs. McBride said it will be on our present system, but they have to set up a new program.

Mrs. McBride said she would see if she could get the man from NCR to come in and talk with the Commissioners and explain just what has to be done.

President Schaad said he would like to see Vicki Bailey or someone to go to Ft. Wayne and examine their system as their situation is similar to ours.

President Schaad said they were going to meet with Bill Taylor, President of the County Council later in the day and see what can be done about this.

RE: SÖNNTAG-STEVENs

Mr. Brenner said from Lynch Road to the R.R. crossing, 200 feet is dug out very wide and a big culbert under Lynch Road. He said at the R.R. east of Hitch Peters there is two six footers which is 56 sq. ft. and under Hitch Peters is a 7X7.9 and under Garrison is 1 six footer.

Mr. Brenner showed the Commissioners on the maps that he had. He said this farm land is being flooded and something needs to be done about it.

President Schaad asked if it was possible to put a change order through on this. He said he would work on it.

Mr. Brenner said he would not put another 6 footer in there because double pipes cause log jams.

President Schaad said he would check with Mr. Stephen and see if a change order can be put through.

Mr. Brenner said if there can't be he would like to know because he did promise they would do something.

The meeting recessed at 11:35 a.m.

PRESENT

COUNTY COMMISSIONERS

Bob Schaad
Bob Davies
Robert Willner

COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEYS

Paul Wendel
Ed Smith, Jr.

Secretary: Kathy Lowe

Bob Schaad

Robert Willner

Robert Brenner
VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE
SEPTEMBER 15, 1980

The meeting of the Vanderburgh County Drainage Board was held on Monday, September 15, 1980 at 11:35 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting which was held on September 2, 1980 were approved as engrossed by the County Auditor and the reading of them was dispensed with.

RE: PROGRAMMING THE COMPUTER FOR DITCH BILLING

President Schaad said in previous minutes they said N.C.R wanted \$9,000.00 to program the present computer for the tax billing of ditches.

He said Mrs. McBride told him that Bob Fortune has agreed to do it at no cost.

Mr. Brenner said they will still have to go before the Council for \$2,000.00 for the ditch bills themselves. He said they would get on the October Council Call.

RE: CLAIM

Mr. Guillaum said he has a claim for Dar-Et Farms for Harper Ditch Cleaning in the amount of \$701.90.

Commissioner Willner moved the above claim be approved, seconded by Commissioner Davies. So ordered.

RE: DAVE GUILLAUM

Mr. Guillaum said his only other comment is that there has been some discussion on the culvert on Garrison Road and they do have plans for enlarging that so it can handle the water a little better.

RE: LOUIE STEPHEN

Mr. Stephen said when they were dredging Sonntag-Stephen Ditch on Lynch Road they went through the property of Class A Leasing, and prior to this they have been talking about getting across that ditch to some of their property for parking. He said last year he sized some tube for them, then when the ditch cleaning came up they tried to get it relocated, but they found it was going to cost them so much, and there would be no participation by the government that they went ahead and let the ditch just be cleaned, but they still want to get across to their property. He said they want approval to put a tube in that ditch which would be a 108 inch diameter pipe, and they will get P & H to do the job for them.

President Schaad asked if he had a request from them in writing and Mr. Stephen said he did not.

President Schaad said he thinks they need the request in writing, as it would make it all legal and official.

Mr. Steven asked if there was any objections to putting that size pipe in and the Commissioners said they had no objections.

President Schaad said they need an official request along with drawings from them before they can take any official action.

Commissioner Willner asked Mr. Wendel if there can be some conditions put on this that if this pipe ever got too small for the water, that they would put a larger one in it.

Mr. Wendel said there probably should be some restrictions on it, or they might expect that to be Drainage Board expenses from now on and Commissioner Willner said that is what he is afraid of.

President Schaad told Mr. Steven that maybe he had better have their attorney contact Mr. Wendel and reach some kind of an agreement.

Commissioner Davies suggested that they should have something in writing that they accept those conditions so that in ten years or so they don't come back and say the Drainage Board did not have the authority to put those restrictions on, but if it is on record as accepting it then they have no complaints.

Mr. Stephen said he would have their attorney contact Mr. Wendel.

Mr. Stephen said he met with SCS on Church Road on that ditch that goes under there.

President Schaad asked if that was on the west side and Mr. Stephen said yes and President Schaad said there were no legal drains on the west side.

Mr. Stephen asked even it is not a legal drain do they still have to give their approval and Commissioner Willner said no, not if it is on private property.

There being no further business the meeting recessed at 11:50 a.m.

PRESENT

VANDERBURGH COUNTY DRAINAGE BOARD

Bob Schaad
Robert Davies
Robert Willner

COUNTY SURVEYOR

Robert Brenner
Louie Stephen

COUNTY ATTORNEY

Paul Wendel
Ed Smith, Jr.

SECRETARY: Kathy Lowe

Bob Schaad

Robert Willner

Robert Davies
VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
SEPTEMBER 29, 1980

The meeting of the Vanderburgh County Drainage Board was held on Monday, September 29, 1980 at 10:40 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting which was held on September 15, 1980 were approved as engrossed by the County Auditor and the reading of them was dispensed with.

RE: LOUIE STEPHEN.....AGRI-STEEL SUB-DIVISION

Mr. Stephen said he has maps on the Agri-Steel Industrial Sub-Division out on Highway 57 just south of Ruston Lane.

Commissioner Davies said this was a Sub-Division for Industrialization.

Mr. Stephen explained the construction on this sub-division.

President Schaad said what they were doing is approving the drainage plans.

Commissioner Davies asked who has supported the curb cut.

Mr. Stephen said Agri-Steel has to deal with the State for curb cuts.

President Schaad said they were only there to consider the drainage plans, as they are the County Drainage Board.

Mr. Stephen went on to explain the water flow on the drainage maps, and he said the water is flowing toward the highway.

President Schaad said he does not understand what they want them to approve because what they are wanting approved does not show on the maps.

President Schaad said the only thing they can do is to ask the Area Plan Commission, since it has been agreed verbally that if they approve it, then they have to come back before the Drainage Board with a complete set of drainage plans. He said it goes before the Area Plan Commission Wednesday.

Commissioner Davies so moved, seconded by Commissioner Willner. So ordered.

RE: HARPER DITCH RECONSTRUCTION

Mr. Brenner said Harper Ditch reconstruction is growing, he said they have come up with an assessment as to what it will cost the property owners and they have determined that they will have to declare it an Urban Drain. He said this will be explained in his report. He said he is not asking the Drainage Board to do anything, he just wants this a part of the record.

There being no further business the meeting recessed at 10:45 a.m.

PRESENT

VANDERBURGH COUNTY DRAINAGE BOARD

Bob Schaad
Robert Davies
Robert Willner

COUNTY SURVEYOR

Robert Brenner
Louie Stephen
David Guillaum

COUNTY ATTORNEY

Paul Wendel
Ed Smith, Jr.

SECRETARY: Kathy Lowe

Bob Schaad

Robert Willner

Robert Davies

VANDERBURGH COUNTY DRAINAGE BOARD

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VANDERBURGH COUNTY DRAINAGE
OCTOBER 20, 1980

The meeting of the Vanderburgh County Drainage Board was held on Monday, October 20, 1980 at 10:50 a.m. in the Commissioners Hearing Room with President Schaad presiding.

The minutes of the previous meeting which was held on September 29, 1980 were approved as engrossed by the County Auditor and the reading of them was dispensed with.

RE: STEVENS DITCH

Mr. Stephen said that he has a request that he brought before the Commissioners verbally about putting a pipe in Stevens Ditch for Class A Leasing.

President Schaad said this is a request from Custom Engineering, Inc. He said this request is from Robert C. Klassen. The request is as follows:

County Engineer Office
Civic Center Complex
Evansville, IN.

Att: Louis Stephen

Dear Mr. Stephen:

Enclosed, please find the culvert we propose to install in the Stevens Ditch.

Mr. Parker Buchman of P & H Construction designed this and if approved, P & H Construction would install this culvert.

As you know, the widening of Stevens Ditch has reduced our parking area approximately 50% and we need to cross this ditch to get to the ground we own for additional parking.

Please present the enclosed sketches to the Drainage Board for their approval and if additional information is needed, do not hesitate to let me know.

Sincerely,

Robert C. Klassen
Custom Engineering, Inc.

Mr. Stephen said this is the one he brought before them about 3 weeks ago, where they wanted to put a pipe in the ditch to get across to their land, he said the Commissioners asked for drawings and plans which are attached. He said the drawing is of a 40 ft pipe and 100 ft 8 in. in diameter.

Commissioner Davies asked if this was a private drive and President Schaad said yes, this is a private drive over a legal drain.

Commissioner Willner moved it be approved with the stipulation that the engineer stipulate the length and the side slope with rip rap included on the upper ends.

The motion was seconded by Commissioner Davies. So ordered.

The meeting adjourned at 10:55.

PRESENT

VANDERBURGH COUNTY DRAINAGE BOARD

Bob Schaad
Robert Davies
Robert Willner

COUNTY SURVEYOR

Robert Brenner
Louie Stephen
David Guillaum

COUNTY ATTORNEY

Paul Wendel
Ed Smith, Jr.

SECRETARY: Kathy Lowe

Bob Schaad
Robert Davies
Robert Willner
VANDERBURGH COUNTY DRAINAGE

573



ENGINEERING, INC.

TELEPHONE 424-3879
1900 LYNCH ROAD
EVANSVILLE, INDIANA 47711

October 10, 1980

County Engineer Office
Civic Center Complex
Evansville, IN

Att: Louis Stephen

Dear Mr. Steven:


Enclosed, please find the culvert we propose to install in the Stevens Ditch.

Mr. Parker Buckman of P & H Construction designed this and if approved, P & H Construction would install this culvert.

As you know, the widening of Stevens Ditch has reduced our parking area approximately 50% and we need to cross this ditch to get to the ground we own for additional parking.

Please present the enclosed sketches to the Drainage Board for their approval and if additional information is needed, do not hesitate to let me know.

Sincerely


Robert C. Klassen
Custom Engineering, Inc.

enclosure

RCK/psg

DRAINAGE BOARD APPROVAL GRANTED
WITH REVISIONS NOTED ON 10/20/80


H. N. A.

Custom Engineering, Inc.

Bob Klassen--424-3879

Pipe End

20'0" Roadway

N.W.
18"

Flow

SLOPE = 1 TO 10

TOO STEEP
USE 2 TO 1

6'

46'0" - 108" 1/4" 3 X 1 Corr.

Scale 1" = 5'0" Horizontal

574

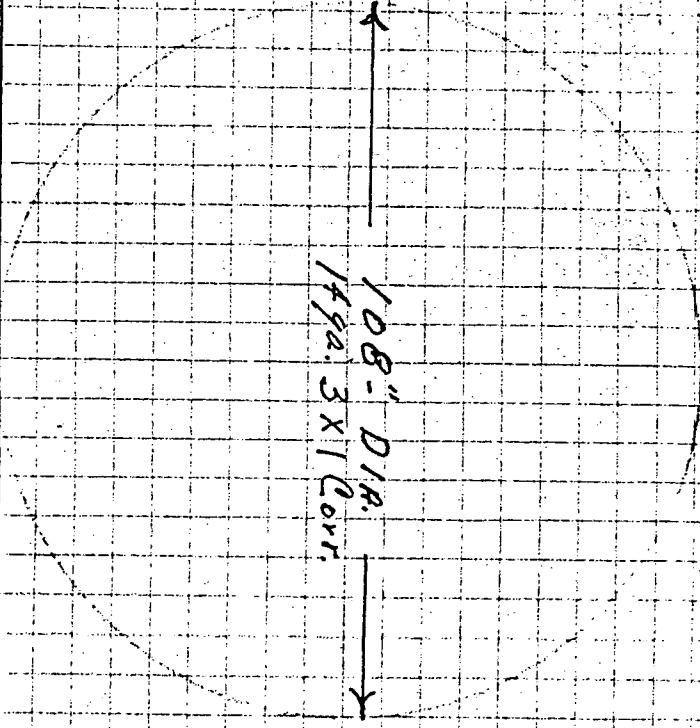
575

Top of Roadway

18" MIN

108" DIA.
1492.3 X 1200

Waterway Area = 63.65 sq. ft.



VANDERBURGH COUNTY DRAINAGE BOARD
NOVEMBER 10, 1980

The Vanderburgh County Drainage Board met in session this 10th day of November, 1980 at 10:45 a.m. with President Schaad presiding.

The minutes of the previous meeting which was held on October 20, 1980, were approved as engrossed by the County Auditor and the reading of them was dispensed with.

RE: CLAIMS ON DITCHES

Mr. Guillaum said he has a number of claims on ditches where the cleaning contracts have been completed and inspected, the claims are as follows:

A claim for George Seib for Maidlow Ditch in the amount of \$1,920.75.

A Claim for George Seib for Buente Upper Big Creek "A" Lateral in the amount of \$733.20.

A claim for George Seib for Sonntag-Stevens Ditch in the amount of \$1,716.52.

A claim for Paul Seib for Keil Ditch in the amount of \$391.56.

A claim for Paul Seib for Henry Ditch in the amount of \$413.27.

A claim for Paul Seib for Baehl Ditch in the amount of \$585.65.

A claim for Paul Seib for Singer Ditch in the amount of \$171.50.

A claim for City of Evansville for 10% retainage for Eastside Urban Drain, reconstruction of Wabash & Erie Canal, in the amount of \$10,000.00.

A claim for Green Grasshopper Flying Service, Inc. for spraying Eagle Slough, as by contract. It is for 30,040 feet @ .05 per foot.

Commissioner Willner moved the above claims be approved, seconded by Commissioner Davies. So ordered.

RE: DAVE GUILLAUM

Mr. Guillaum said Mr. Messel contacted them last week and he has two trees that have fell into Sonntag-Stevens Ditch and now they are in the flow line of the ditch and they are about 14 inches in diameter. Mr. Guillaum said Mr. Messel told them if they would be interested in getting them taken out of there, for \$60.00 each he would cut them up and remove them out of the ditch.

President Schaad asked if Mr. Guillaum & his crew could do it and Mr. Guillaum said they have run into problems before when trying to do this.

Commissioner Davies and Commissioner Willner both agreed that Mr. Messel should do it.

Commissioner Willner moved they let Mr. Messel take care of these trees, seconded by Commissioner Davies. So ordered.

The meeting recessed at 10:55 a.m.

MEMBERS PRESENT

COUNTY DRAINAGE BOARD

Bob Schaad
Robert Davies
Robert Willner

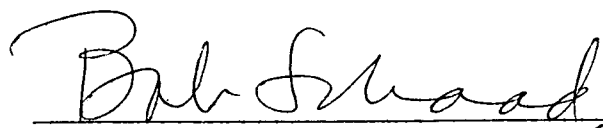
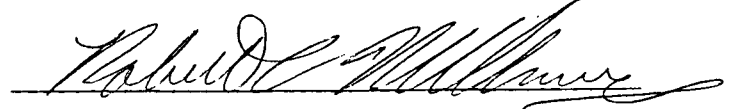

Secretary: Kathy Lowe

COUNTY SURVEYOR

David Guillaum

COUNTY ATTORNEY

Paul Wendel
Ed. Smith, Jr.




VANDERBURGH COUNTY DRAINAGE BOARD

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VANDERBURGH COUNTY DRAINAGE BOARD
DECEMBER 1, 1980

The Vanderburgh County Drainage Board met in session this 1st day of December, 1980 at 10:30 a.m. with President Schaad presiding.

The minutes of the previous meeting which was held on November 10, 1980, were approved as engrossed by the County Auditor and the reading of them was dispensed with.

RE: CLAIMS

Mr. Guillaum said he has several claims to submit to the Drainage Board for their approval.

A claim was submitted by Paul Seib for the cleaning of Singer Ditch in the amount of \$171.50.

A claim was submitted by Ralph Rexing for the cleaning of Pond Flat A Lateral in the amount of \$531.10.

A claim was submitted by Ralph Rexing for the cleaning of Pond Flat B Lateral in the amount of \$297.70.

A claim was submitted by the Big Creek Drainage Association for the cleaning of the Pond Flat C Lateral Ditch in the amount of \$722.88.

A claim was submitted by Leo Paul for the cleaning of Wallenmeyer Ditch in the amount of \$1,002.60.

A claim was submitted by the Big Creek Drainage Association for the cleaning of Pond Flat E Lateral in the amount of \$289.28.

A claim was submitted by the Big Creek Drainage Association for the cleaning of Rusher Ditch on the amount of \$355.52.

A claim was submitted by the Big Creek Drainage Association for the cleaning of the Lower Big Creek in the amount of \$900.12.

A claim was submitted by George Koch for the cleaning of Aiken Ditch in the amount of \$320.32.

Commissioner Willner moved the above claims be approved, seconded by Commissioner Davies, So ordered.

RE: WHITE PINES SUBDIVISION

Mr. Stephen submitted Drainage Plans for White Pines sub. and said this is located on Old Boonville Hwy. North of Telephone Road on the West side of the road. He said that drainage-wise it is an orchard and they are dividing about 8 acres into about 2 acre lots, and that if they change the drainage pattern he has a drainage easement to pick the water up and carry it off. They don't expect any changes in the land for land usage, so about all they can do is to leave it like it is because it will take a lot of dirt to change it.

Commissioner Willner moved that the Drainage plans for White Pines Sub-division be approved on the recommendation of Mr. Stephen. Commissioner Davies seconded. So ordered.

RE: HULSE SUBDIVISION

Mr. Stephen said the Hulse Sub-division is located on Heckel Road which is located between Heckel Road and Heerdink Ave. West of Heerdink Lane.

He said this may come along with a letter later on that they got his ideas and incorporated them in order to provide drainage, but these lots are already built on and they drain east, that it is very flat in there and doesn't drain well, so they are going to crown it and there is some dirt to be generated by septic fields that will have to be in there. He said they are putting a swail from the center line & they are dumping the water in this area so it will go down into the creek and they are sloping it both ways in order to drain it.

Commissioner Willner moved that the drainage plans for Hulse Sub-division be approved on the recommendation of Mr. Stephen, Commissioner Davies seconded. So ordered.

The meeting recessed at 10:45 a.m.

MEMBERS PRESENT

COUNTY DRAINAGE BOARD

Bob Schaad
Robert Davies
Robert Willner

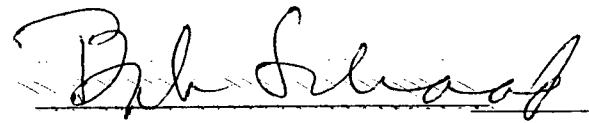
COUNTY SURVEYOR

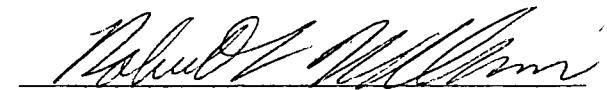
Dave Guillaum
Louis Stephen

COUNTY ATTORNEY

Paul Wendel
Ed Smith, Jr.

Secretary: Kathy Lowe







VANDERBURGH COUNTY DRAINAGE BOARD

577

VANDERBURGH COUNTY DRAINAGE BOARD
DECEMBER 8, 1980

The Vanderburgh County Drainage Board met in session this 8th day of December, 1980 at 11:00 a.m. with President Schaad presiding.

The minutes of the previous meeting which was held on December 1, 1980, were approved as engrossed by the County Auditor and the reading of them was dispensed with.

RE: LOUIE STEPHEN..... PRELIMINARY PLATS

Mr. Stephen said he has three preliminary plats for the Commissioners to review.

He said he wants nothing done on them, he just wants the Commissioners to know he has them done.

He said the first is Bob Schultz Sub-division which is in the City.

President Schaad said this is at Green River Road and Cass Avenue, he said they do not act on this because it is in the City.

Mr. Stephen said the second is Sky-Vil terrace, which is also in the City. He said this is west of the Airport and South of St. George Road.

Mr. Stephen said the last one is County Lake Estates, part A. This is located on Deffenbach Road just north of Little Schaeffer Road.

Mr. Stephen explained to the Commissioners by using the plats that this takes care of itself into two lakes, and there is an old farm road that they are dedicating 60 foot of right-of-way.

Mr. Stephen said they are going to develop an area to the north of a lane now existing.

Mr. Stephen showed the Commissioners how this would drain into a fairly deep ravine on the maps he had.

Mr. Stephen said he recommended this plat be approved.

Commissioner Davis moved it be approved, seconded by Commissioner Willner. So ordered.

RE: DAVE GUILLAUM.....CLAIMS

Mr. Guillaum said he had a number of ditches that have been inspected the past week and they are as follows:

A claim for George Koch for Annual Maintenance for Pond Flat Lateral D, in the amount of \$631.90. It has been approved by the Surveyors Office.

A claim for Union Township Ditch Association for Barnett Ditch in the amount of \$2,507.40.

A claim for Merle Hoeftling for Annual Maintenance for Hoeftling Ditch in the amount of \$557.10.

A claim for George E. Koch for Annual Maintenance for Aiken Ditch in the amount of \$320.32.

A claim for Union Township Ditch Association for Cypress-Dale-Maddox in the amount of \$716.61.

A claim for Union Township Ditch association for Helfrich-Happe in the amount of \$380.94.

A claim for Norman E. Messel for removal of two trees on Sonntag Stevens in the amount of 120.00

A claim for Leo Paul for Annual Maintenance for Barr's Creek in the amount of \$3306.88.

Commissioner Davies moved the above claims be approved, seconded by Commissioner Willner. So ordered.

The meeting adjourned at 11:10 a.m.

MEMBERS PRESENT

VANDEBURGH COUNTY DRAINAGE BOARD

Bob Schaad
Robert Davies
Robert Willner

COUNTY SURVEYOR

Louie Stephen
Dave Guillaum

COUNTY ATTORNEY

Paul Wendel
Ed Smith, Jr.

SECRETARY: Kathy Lowe

Bob Schaad
Robert Davies
Robert Willner
VANDEBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE MEETING
DECEMBER 15, 1980

The meeting of the Vanderburgh County Drainage Board was held on Monday, December 15, 1980 at 11:30 a.m. in the Commissioners Hearing Room with President Bob Schaad Presiding.

The minutes of the previous meeting which was held on December 8, 1980 were approved as engrossed by the County Auditor and the reading of them was dispensed with.

RE: BOB BRENNER.....CLAIMS

Mr. Brenner said he has four ditches that have been inspected the past week and they are as follows:

A Claim for Union Township Ditch Association for Edmond Ditch in the amount of \$461.85.

A Claim for Union Township Ditch Association for Kamp Ditch in the amount of \$334.80.

A Claim for Big Creek Drainage Association for Pond Flat Main in the amount of \$2935.10.

A Claim for George Koch for Kolb Ditch in the amount of \$610.00.

Commissioner Davies moved the above claims be approved, seconded by Commissioner Willner. So ordered.

RE: JESSE CROOKS

Mr. Crooks said he has issued a building permit in the East Side Urban Drainage area to a local Corp. to build a bank--now a neighbor wants him to issue a permit to them but he is reluctant to do so because of the drainage problems out there so he wanted to bring this to the Commissioners attention to see if something can be done.

Commissioner Davies said that they are aware of the problem but they don't know when it will be solved.

Commissioner Willner asked if Mr. Brenner & Mr. Crooks would go out and take a look at this problem and see what can be done about it.

Mr. Brenner said that he and Mr. Crooks would go out there and see what they can find out about it.

Commissioner Willner Suggested that Mr. Crooks be instructed to issue no more permits in that area.

President Schaad said he doesn't think the Commissioners have that authority.

Commissioner Willner suggested they have someone from the Soil and Water Conservation go with them to look the situation over.

There being no further business, the meeting adjourned at 11:45 a.m.

MEMBERS PRESENT

VANDERBURGH COUNTY DRAINAGE BOARD

Bob Schaad
Robert Davies
Robert Willner

COUNTY SURVEYOR

Bob Brenner

COUNTY ATTORNEY

Ed Smith, Jr.

SECRETARY: Kathy Lowe

R. B. Borries
Robert Willner
Shirley Jean Cox
VANDERBURGH COUNTY DRAINAGE BOARD

COUNTY DRAINAGE BOARD
JANUARY 12, 1981

The Vanderburgh County Drainage Board met in session this 12th day of January, 1981 at 5:25 p.m. in the Commissioners Hearing Room with President Borries presiding.

The minutes of the previous meeting which was held on January 5th, 1981 were approved and the reading of them was dispensed with.

RE: MR. LOUIE STEPHEN

Mr. Stephen said he has the drainage plan for McCollough Sub-Division, he said the Commissioners have seen this before but it may have been under a different name at that time.

Commissioner Willner said this is between Koring and Upper Mt. Vernon Roads.

Mr. Stephen said when they looked at it before he had questions about it but now he sees there is a break in it and the water flow is taken care of.

Mr. Stephen said he recommends approval of it.

Commissioner Cox asked if this is the gentleman that has applied to appear before the Area Plan on Country Lake Estates.

Mr. Stephen said this is true and Area Plan is holding it up until he gets drainage approval.

Mr. Stephen explained to the Commissioners on the maps just how this property is divided up and that they are all single family dwellings.

Commissioner Cox asked if there was city sewers out there and Mr. Stephen said yes, they have city water and sanitary sewers.

Commissioner Cox moved they approve the drainage plans submitted the them be approved. The motion was seconded by Commissioner Willner. So ordered.

RE: ROBERT BRENNER...CLAIM

Mr. Brenner said they let a contract to Donald Barnett for dredging of Kolb Ditch, and he has finished the dredging and he is recommending a 75% payment which is \$1,147.50. He said Mr. Barnett still has to spread the dirt.

Mr. Brenner said they have been threatened with a law suit on this also. this is where a gentleman built a fence all the way out to the ditch and they couldn't get the equipment by and they do have right-of-entry across anyone's property. He said they ask him to move it and he threatened to shoot them, he said they took the sheriff with them and removed the fence and finished the ditch, so now he is going to sue.

Commissioner Willner moved the above claim be approved, seconded by Commissioner Cox. So ordered.

Mr. Brenner said the County Drainage Board referred to the Surveyor's Office the reconstruction of Harper Ditch and they were to determine whether it should be declared an urban drain. He said it is their recommendation that it should be declared an urban drain and the report is hereby presented, he said they have a construction plan estimate completed and they would now recommend they schedule a meeting and they will send out a notice and it is his recommendation that they do it on February 23rd. He said they will take it back and send a letter of notification and take care of the advertising on it.

Mr. Brenner said this ditch runs from Division to Green River and then across Stockwell as a city ditch. He said there are two (2) gas lines and a major power line that run across the ditch, but they have worked it out with the Electric Company and their attorney did agree with them that anything on a legal drain, they would take care of. He said approximately \$11,000.00 of the total \$34,000.00 cost is engineering costs that were spent by the county in 1974 and never collected.

Commissioner Cox asked Mr. Brenner if the people out there are aware of this and Mr. Brenner said they will be, they will send out letters to them.

Mr. Brenner said all they have to do is accept the report as filed so they can hold a public hearing on it to determine whether this ditch should be declared an urban ditch and if the reconstruction should proceed.

Commissioner Willner moved they accept the report as submitted, seconded by Commissioner Cox. So ordered.

Commissioner Willner moved they set a meeting up for February 23, which is a regular Commissioners meeting for the hearing of reconstruction of Harper Ditch, he said the time will be 5:00 p.m. The meeting was seconded by Commissioner Cox and passed unanimously.

The meeting recessed at 5:40 p.m.

MEMBERS PRESENT

COUNTY COMMISSIONERS

Robert Willner
Richard Borries
Shirley Cox

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEYS

David Jones

COUNTY SURVEYOR

Robert Brenner

SECRETARY: Kathy Lowe

Richard Borries
Robert Willner
Shirley Cox
VANDERBURGH COUNTY DRAINAGE BOARD

VANDEBURGH COUNTY DRAINAGE BOARD
FEBRUARY 2, 1981

The Vanderburgh County Drainage Board met in session this 2nd day of February, 1981 at 4:35 p.m. in the Commissioners Hearing Room with President Borries presiding.

The minutes of the previous meeting which was held on December 12th was approved as engrossed by the County Auditor and the reading of them was dispensed with.

RE: LOUIE STEPHEN...SONTAGG DITCH

Mr. Stephen said he has a drainage plan for the corner of Tanglewood and Bergdolt Roads. He said the Commissioners were wanting to know more of what is going on out there so that when the rezoning comes back before them they will know what is going on.

He said they intend to have the inlet in the parking area, he said there will be four (4) inlets that will drain into a ditch and they intend to reverse the direction of water flow. He said they are planning to put in pipe and regrade the ditch so it will change directions.

Mr. Stephen showed the Commissioners in detail just how this water will flow on the plans he has presented to them.

Mr. Stephen said they want to re-route the water to drain to the west.

Mr. Stephen said in a letter from Sam Biggerstaff which he read the last statement which said, even if the County doesn't like it they should do it anyway.

Mr. Stephen said the 24in pipe is too small travels down under the road it becomes 30 in. because it continues on behind the houses and it outlets to an open ditch.

Mr. Stephen said at the present time there is a swall that picks up the water that comes around the sub-station and carries it to an open ditch. He said the water jumps the ditch at times and runs down the street and floods the houses in that area.

Mr. Brenner said that one of the pipes he talked about is a sanitary sewer. He said he talked to the City about it and they said they had experienced flooding in the sewer.

Commissioner Cox asked Mr. Brenner when he talked to them and he said about two weeks ago.

Mr. Brenner said the City was to go out there and dig it up and check it. He said the water from Oak Hill Road appears to be running down there, then just disappears. He said he has been there and could not detect any water coming out from under the Road, where it should, and they dug in there and couldn't find a pipe so it probably goes into the sanitary sewer.

President Borries said his concern with this plan is that before they know what is going to happen to the water, as Mr. Biggerstaff has indicated, how could the plan be implemented before they know what is going to happen to that particular plot.

Mr. Stephen said what Mr. Biggerstaff is saying is that if this is graded correctly the water will flow without flooding.

Commissioner Cox asked what size pipe they will use and Mr. Stephen said they will replace all 12in and 16in pipe with 21in pipe.

Mr. Stephen said the developers will be doing this but the Commissioners will have to give them permission to do so.

Commissioner Willner said they should ask that no building permit be issued until this is done.

President Borries asked that if this plan were implemented in this fashion before the rezoning took place, who implements it, the various property owners or the County.

Mr. Stephen said this is County right-of-way, and the County wanted to help these people. He said the County could do it if they wanted to.

Mr. Willner said he has talked to the City and they tell him that at the pump station they have put in new motors and they have not had any more problems. He said he is not saying this is true, that is just what they tell him.

Mr. Stephen said he does not really have a recommendation, but he does feel this will work. He said there will be no charge to the County.

Mr. Stephen said that to keep the people from complaining to the Drainage Board or the Commissioners is that they better insist that they pipe the whole lot, which is 85 feet.

Commissioner Willner asked Mr. Stephen what would be the approximate cost of this and Mr. Stephen said to do this should not cost more than \$1,000.00.

President Borries said that assuming that even if the rezoning is not approved, the county could do this at a cost of \$1,000.00.

Mr. Stephen said the cost of the pipe and moving the dirt are the only expenses there are on this.

Mr. Stephen said if the rezoning is approved, the developer will incur all expenses.

Commissioner Willner moved that the drainage plan be accepted as submitted with the stipulation that a complete and final plan being submitted. The motion was seconded by Commissioner Cox and passed unanimously.

Commissioner Willner asked if the residents in that area have had a chance to look at these plans as they have today.

Mr. Stephen said when the developer came before them he said he would set up a meeting with them and explain to them just how it would work.

Commissioner Willner asked Mr. Stephen to relay this message to him when he inquires as to whether they accepted this plan. Mr. Stephen said he would give Mr. Biggerstaff a call and inform him as to what happened at this meeting.

There being no further business the meeting recessed at 5:10 p.m.

MEMBERS PRESENT

<u>COUNTY DRAINAGE BOARD</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY SURVEYOR</u>	<u>COUNTY ATTORNEYS</u>
Richard Borries Robert Willner Shirley Jean Cox	Alice McBride	Robert Brenner Louie Stephen	David Jones David Miller

SECRETARY: Kathy Lowe

Richard Borries
Robert Willner
Shirley Jean Cox

VANDERBURGH COUNTY DRAINAGE BOARD
FEBRUARY 23, 1981

The Vanderburgh County Drainage Board met in session this 23rd day of February, 1981 at 5:50 p.m. in the Commissioners Hearing Room with President Borries presiding.

The minutes of the previous meeting which was held on February 2nd was approved as engrossed by the Auditor and the reading of them was dispensed with.

RE: LOUIE STEPHEN...WEST MEADOW ACRES

Mr. Stephen said between West Terrace Drive and Middle Mt. Vernon Roads, just west of Schutte, there is a drainage ditch. He showed the Commissioners just how this drains on the maps he presented to them.

Mr. Stephen said the high point of the road will not need a pipe under it, because there is an existing one that is draining some of the acreage.

Mr. Stephen said there has been a drainage easement given so that the drainage can be done properly.

Mr. Stephen said it is up to the Commissioners as to whether they should try to retain some of this water.

Commissioner Cox said this is high ground and they have no flooding in that area.

Mr. Stephen said it is his recommendation that the plan be approved.

Commissioner Willner moved it be approved, seconded by Commissioner Cox. So ordered.

RE: LOUIE STEPHEN...CEDAR HILL

Mr. Stephen showed the Commissioners a map concerning drainage in the Hillcrest Country Club Area.

Mr. Stephen said part of the area is developed and they are asking for improvements only on the undeveloped area that faces Darmstadt Road.

President Borries said the only drainage improvement that they are showing on this design is the single culvert under a drive and picks approximately one (1) acre.

Commissioner Cox said this is a private road.

A gentleman was there and said at the Plan Commission review committee meeting, a suggestion was made that a covenant be included with the final plat that the owner of lot one be required to enter Allen to the private road and then exit on to Darmstadt Road. He said on the final plat, that covenant will be included.

Mr. Stephen recommended approval.

Commissioner Cox moved it be approved, seconded by Commissioner Willner. So ordered.

There being no further business, the meeting adjourned at 6:00 p.m.

MEMBERS PRESENT

COUNTY DRAINAGE BOARD

Richard Borries
Robert Willner
Shirley Jean Cox

COUNTY SURVEYOR

Louie Stephen

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David Miller

SECRETARY: Kathy Lowe

Richard Borries
Robert Willner
Shirley Jean Cox
VANDERBURGH COUNTY DRAINAGE BOARD

VANDEBURGH COUNTY DRAINAGE BOARD
PUBLIC HEARING
FEBRUARY 23, 1981

A Public hearing for the reconstruction of Harper Ditch was held on this 23rd day of February, 1981 in the Commissioners Hearing Room, With President Borries presiding.

Mr. Brenner started the meeting by asking the Commissioners to declare this a Urban drain.

Mr. Brenner said that with all the changes that have been done there it is already an urban drain. He would recommend that they designate it as urban. It would give them the flexebility to assess the people out there. To assess the people that are still Rural will be assessed at a rural rate, the people that are urban will be assessed at a urban rate that is a great deal higher. For rural the assessment is \$1.50 per acre and urban is \$22.50 per acre.

Commissioner Willner moved that they declare Harper Ditch an Urban Drain, Seconded by Commissioner Cox.... So ordered.

RE: RECONSTRUCTION OF HARPER DITCH

Mr. Brenner said that he has three written objections. The letters are as follows:

I, Joyce Baumgart Negley of 507 N. Greenriver Rd. Tax Code-6-56-17--.73 Acres wish to object to the assessment of \$103.13 for the reconstruction of Harper Ditch due to the following reasons.

1. That the cost, damages and expense of the proposed improvement will exceed the benefits which will result to the owners of all lands benefited.

I will no longer be living at the 507 Greenriver Road address after this year, as I am selling to Skinner and Broadbent of Indianapolis, In. in Sept. thus, I feel the improvement will of no benefit to me whatsoever.

Joyce Baumgart Negley
507 N. Greenriver Rd.
Evansville, In. 47715

Vand. Co. Drainage Board
Rm. 325 Administration Bldg.
Civic Center Complex
Evansville, Ind. 47708

Re: In the matter of the reconstruction of Harper Ditch

I, Victor J. Baumgart. 425 N. Greenriver Rd., wish to object to the assessment for reconstruction of Harper ditch due to following reasons;

1. That the costs, damages and expenses of the proposed improvement will exceed the benefits which will result to the owners of all lands benefited.

Tax code	6-56-32	2.20 acres	\$20.72
	6-56-31	1.10 acres	10.36
	6-56-13	.73 acres	6.88
	6-56-6	1.10 acres	155.40

Victor J. Baumgart

Vand. Co. Drainage Board
Rm. 325 Administration Bldg.
Civic Center Complex
Evansville, Ind. 47708

Re: In the matter of the reconstruction of Harper Ditch

I, Charlotte L. Baumgart, 425 N. Greenriver Rd., wish to object to the assessment for reconstruction of Harper ditch due to the following reasons:

1. That the costs, damages and expenses of the proposed improvement will exceed the benefits which will result to the owners of all lands benefited.

Tax code 6-56-15 .73 acres \$6.88

The sale of this property will most probably be finalized in the fall of 1981, and I do not feel that I will benefit from this improvement.

Charlotte L. Baumgart

A gentleman by the name of Walter Sirkle was present at the meeting, he is concerned with what they are planning to do with all the trash that will come out of the ditch, he is also concerned with the fact that all the dirt will come off the east side, and how the dirt will be hauled off.

Mr. Brenner said that he didn't know if the dirt can be hauled off on the west side because it is all blacktop.

Commissioner Willner asked if there is any way to haul the trash away. Mr. Brenner said what they can do is haul it away from the east side., and maybe a part of it from the west side.

County Attorney David Miller asked Mr. Sirkle if he will lose any land. Mr. Brenner said that some land would be lost because they will have to take at least eight (8) feet.

Mr. Sirkle said that he is sure that the ditch will be better after the reconstruction.

Commissioner Willner asked Mr. Brenner if there was any way that they can waive his assessment. Mr. Brenner said they can do anything that they want to do.

Commissioner Willner asked Mr. Sirkle what he would be satisfied with, and Mr. Sirkle said that at the moment he did not know what that would be.

Mr. Brenner told the Commissioners that they are free to adjourn the meeting, but they could not terminate it.

County attorney David Miller suggested to the Commissioners that this is not the place to discuss the matter.

Mr. Sirkle asked Mr. Brenner if they will still agree to haul the trash away. Mr. Brenner said that they would if the Commissioners will agree to it.

Commissioner Cox said that she would agree with this, Commissioner Willner and President Borries also agreed.

President Borries said let the record show that the following letter was received from the County Surveyor:

RE: In the matter of the reconstruction of Harper Ditch

Technical analysis by our engineering staff proves all areas will benefit who have been assessed according to the Indiana Drainage code.

The assessment you received is in accordance to a water shed table of your area.

Alice L. Bowling
Vanderburgh County Surveyor's Office

President Borries said that in the matter of the three letters, They are disallowed.

President Borries asked if there was any more to come before the Commissioners about the hearing. Mr. Brenner said that Mr. Jack Kulley would like to say something concerning Harper Ditch, he is very much in favor of the reconstruction. He said that he thinks that it will improve the drainage very much.

There being no further business Commissioner Cox moved that the meeting be adjourned until Monday, March 2nd at 5:00 p.m. in the Commissioners Hearing Room.

The meeting adjourned at 5:50 p.m.

MEMBERS PRESENT

COUNTY DRAINAGE BOARD

Richard Borries
Robert Willner
Shirley Jean Cox

SECRETARY: Kathy Lowe

COUNTY SURVEYOR

Robert Brenner

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David Miller

Richard J Borries
Robert Willner
Shirley Jean Cox
VANDERBURGH COUNTY DRAINAGE BOARD

VANDEBURGH COUNTY DRAINAGE BOARD
PUBLIC HEARING
MARCH 2, 1981

A second Public Hearing for the reconstruction of Harper Ditch was held on this 2nd day of March, 1981 in the Commissioners Hearing Room, with President Borries presiding.

The minutes of the previous meeting which was held on February 23, 1981 were approved as engrossed by the County Auditor and the reading of them was dispensed with.

RE: WALTER SIRKLE

President Borries started the meeting by asking Mr. Sirkle if he can provide an estimate fair to all.

Mr. Sirkle said that he has talked to an appraiser, the appraiser said that the land would be worth at least (2) two dollars a sq. foot.

President Borries said that they were looking back in the minutes to see if they had any action that they were left with last meeting. He said that Mr. Brenner said that they could wave his assessment if they wanted to do that.

Commissioner Willner said that they all agree that he is due a settlement. Now it just that they have to reach an agreement.

Commissioner Cox agreed to that.

Mr. Brenner said that the total improvement is (\$30,000) Thirty thousand dollars.

Commissioner Cox asked Mr. Sirkle that if he had quoted an amount that he thought would be fair.

Mr. Sirkle said that he thought (\$2) two dollars a sq. foot would be fair.

President Borries said that would be about (\$20,000) Twenty thousand dollars.

Commissioner Willner said that he thought that they need an appraiser to go look at the land and than get back to the Commissioners.

Mr. Brenner suggested to the Commissioners to use the appraisers that did the work on the court order.

President Borries asked Mr. Brenner to get the names of the firm that did the other work.

Mr. Brenner said that there were three firms that did the work, he would get their names.

Commissioner Willner moved that they hire an appraisal company, or somebody that is experinced in that area, and to give the board a report in two weeks. Seconded by Commissioner Cox.....So ordered.

There being no futher business, the meeting ^{recessed} ~~adjourned~~ at 5:20 p.m. and will reconvene on Monday March 23rd at 5:00 p.m.

MEMBERS PRESENT

COUNTY DRAINAGE BOARD

Richard Borries
Robert Willner
Shirley Jean Cox

COUNTY SURVEYOR

Bob Brenner

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David Jones

SECRETARY: Kathy Lowe

R. Borries
Robert Willner
Shirley Jean Cox
VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
MARCH 3, 1981

The Vanderburgh County Drainage Board met in session this 2nd day of March, 1981 at 4:40 p.m. in the Commissioners Hearing Room With President Borries presiding.

The minutes of the previous meeting which was held on February 23, 1981 was approved as engrossed by the County Auditor and the reading of them was dispensed with.

RE: CORRECTION IN ASSESSMENTS

President Borries said that there are some people here tonight to see if they can get their assessments changed from Urban to Rural. The changes will be in East Side Urban.

The first gentleman to speak is Jack Nanney.

Mr. Nanney said that he has his assessment and that the Surveyors Office have his house seperate from his ground.

President Borries asked Mr. Nanney if he has gone to the assessors office.

Mr. Nanney said no that he has gone to the Surveyors Office and they told him that the only thing he can do is go before the Commissioners.

President Borries asked Mr. Brenner to speak on this subject.

Mr. Brenner said that according to the assessors office, this house should be assessed with a Urban rate. Mr. Brenner explained that if a house is over 6.7% covered with impervious service it is considered Urban, Mr. Nanney's is 7.7%.

Mr. Nanney showed the Commissioners a map of his property.

Mr. Brenner made a suggestion that if Mr. Nanney can go to the assessors office and see if they will merge the two codes, then they can assess him at a rural rate.

Commissioner Cox made a motion that Mr. Nanney go to the assessors office and see if they can merge the two. Second by Commissioner Willner...So ordered.

The next gentelman to speak is Mr. Kirk.

Mr. Kirk said that his house measured 1,214 sq. feet, he lives on seven-tenths of acre. His neighbors are assessed on a rural rate and he is assessed as urban.

Mr. Brenner said that he can check his property out again, his record shows that Mr. Kirk has .62 A.

The Commissioners referred this problem back to the Surveyors Office to work out an solution.

There being no futher business, the meeting adjourned at 5:05 p.m.

MEMBERS PRESENT

COUNTY DRAINAGE BOARD

Richard Borries
Robert Willner
Shirley Jean Cox

COUNTY SURVEYOR

Bob Brenner

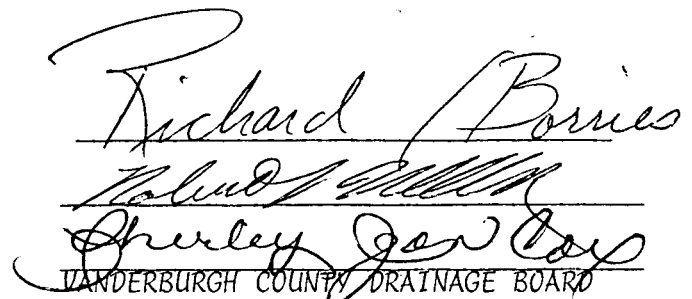
COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David Jones

SECRETARY: Kathy Lowe


VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE
PUBLIC HEARING
MARCH 23, 1981

The public hearing of the Vanderburgh County Drainage Board met in session this 23rd day of March, 1981, with President Borries presiding.

The minutes of the previous public hearing which recessed on March 2nd was approved as engrossed by the county Auditor and the reading of them was dispensed with.

Commissioner Cox said she would like the previous minutes to be corrected to read that the meeting was recessed and not adjourned.

RE: HARPER DITCH

President Borries said the item of business that they need to consider at this time is the matter regarding Mr. Sirkle, concerning Harper Ditch.

President Borries said at the last meeting they said they had checked with Mr. Sirkle to see if they could have an appraisal done in regards to this matter, he said they have had that done. He ask Mr. Sirkle if he has heard anything about this and Mr. Sirkle said he has not heard anything.

At this time President Borries read the following letter which is an opinion of Mr. Victor Funke of Funke Realty who also enclosed a portion of Indiana Acts 1965 that applies to this:

March 11, 1981

The Honorable Robert W. Brenner
County Surveyor
Civic Center
Evansville, Indiana

Dear Mr. Brenner,

In accordance with your request, I have inspected a strip of land along the Harper Ditch that runs north from Division Street and east of Green River Road. The subject is in Section 26, Twonship 6 South, Range 10 West, in Vanderburgh County, Indiana.

The purpose of the appraisal is to establish the damage, if any, to the owners of the Subject Land because the County intends to widen, clean and straighten the Ditch.

In reviewing a protion of the Indiana Statutes, the Acts of 1965, Chapter 305, Article 6, Section 601, gives the County the right of entry over and upon lands within 75 feet of the top of any legal drain. A copy of this Section of the Acts is enclosed.

In as much as the County is not taking title to the Subject land, but only intends to enter the land to widen, clean and improve the drainage, and in as much as the State gives the County the right to enter and clean the Ditch to improve drainage, it is my opinion the owners of the Subject land are not damaged.

Yours truly,

Victor L. Funke, SRA

Mr. Sirkle said this is not right when they want to take about eight (8) or ten (10) feet of dirt. Mr. Sirkle said he has not objected to the cleaning of the ditch, what he is objecting to them taking part of his ground.

President Borries said Mr. Funke says he has inspected it and it says to widen, clean and straighten the ditch.

Mr. Guillaum said Mr. Funke has a set of plans that shows just where they are going to do the constructing and how they are going to do it.

Commissioner Cox asked if Mr. Funke understood that the entire widening was coming off of Mr. Sirkle rather than part off of one side and part off another.

President Borries said what they must do is first of all, ask someone come out and appriase what if any loss would take place and that was the reason Mr. Funke was asked to look at the plans and go out and inspect it and determine if any damage would be done.

President Borries said Mr. Funke felt that Mr. Sirkle would benefit by the the improvement of this and the benefits are going to apply more to him than anyone else.

Mr. Sirkle said he is sure of this but other people are going to benefit from this too and he said he doesn't know why he has to stand it all to help other people.

Mr. Sirkle said the map he has shows they are going to take back eight (8) to ten (10) feet.

President Borries said Mr. Funke has said there was the 75 foot area in which the county intends to use and he couldn't assess any damage that Mr. Sirkle would take.

Mr. Sirkle said he feels eight (8) or ten (10) feet of dirt is permanent damage.

Commissioner Willner said there would be some damage, but what about the benefits.

Commissioner Willner said you put a price on your damage and a price on your benefits, and subtract one from the other.

Mr. Sirkle said he feels that he would have more damage than he will benefits.

Commissioner Cox said she thought they were talking about putting an appraised value on 1/4 acre of land. She asked if they had more than one appraisal and President Borries said one was all they had.

Commissioner Cox said when she was Clerk and a court order came in for appraisals, it was from three (3) appraisers.

Commissioner Willner said the statute says the complaint should be sent to the Drainage Board in writing by a certain date.

Mr. Jones, the county attorney said that is five (5) days before the hearing by the Board.

Commissioner Willner said Mr. Sirkle did not do this, he came to them and they tried to work this out.

Mr. Sirkle said he did not write a letter, but he did call the surveyor's office and was placed on the agenda.

Commissioner Willner said they did put him on the agenda thinking they could work it out. He said he did not make a formal protest and he doesn't know if they should deny the protest or where they should go from there.

Mr. Jones said there is a provision in the statute that says, a failure of any owner to file an objection as herein provided constitutes a waiver of his right to thereafter object either before the board or in a court of law. Mr. Jones said it would be within their descretion whether to enforce that waiver or to go on and do whatever they want.

Commissioner Cox said she feels since they have had Mr. Sirkle up there three (3) times and if they were going to do that, they should have done that at the first meeting and she feels they have led Mr. Sirkle on and she was under the impression that the appraisal was to be on 1/4 of an acre because that is all they have talked about.

Mr. Sirkle said the last time he was there the commissioners told him they would have three appraisers to check it and then notify him as to what he said, and since he did not hear from them that is why he is here today.

Commissioner Willner said he doesn't think they said they would have three (3) appraisals.

Commissioner Willner read from the previous minutes that Commissioner Willner moved they hire an appraisal company or someone that is experienced in that area, and give the board a report in two (2) weeks. Seconded by Commissioner Cox...So ordered.

Commissioner Cox said this is confusing because the previous minutes said, Mr. Br  nner suggested to the Commissioners to use the appraisers that did the work on the court order. She read that President Borries asked Mr. Brenner to get the names of the firm that did the other work. Mr. Brenner said there were three (3) firms that did the work and he would get their names.

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Mr. Jones said he remembers that conversation and there was a law suit somewhere out in that area pertaining to another matter and Mr. Brenner suggested that the appraisers, since they had been in that area, were familiar with the property values and they would be easy to select from for this appraisal and that is about all he recalls.

Commissioner Willner said he was going to move that the remonstrate be denied, and that they try and work with Mr. Sirkle in order to clear up any problems in the future.

Commissioner Willner moved the claim be denied. The motion was seconded by President Borries.

President Borries said he would like to suggest, because it has not been his intention in any way to keep sending Mr. Sirkle back up here, the estimate that Mr. Sirkle gave the board was way out of line, even over and above the cost of the project. He said that was not acceptable either, and they, in good faith hired someone to go out and appraise this, and if Mr. Sirkle would like to talk to Mr. Funke or get another appraisal. Then at that point they would talk to him further, because they are interested in reaching a fair settlement.

Mr. Sirkle asked if there was anything in Mr. Funke's appraisal about taking the dirt and President Borries said there was not, but he did say widen the ditch, so he feels he was aware of that, but if there is some confusion to that extent, then they should contact Mr. Funke or if Mr. Sirkle would like to get his own appraisal, different from what the other one was, because that is more than what the project is going to cost, then they can discuss it at that time.

Mr. Sirkle said he is willing to cut it some, but he feels it is worth something. He said he would also get an appraisal for himself.

President Borries said he would suggest that he also contact Mr. Funke, and if there was any misunderstanding concerning what he appraised, then they need to set aside that confusion as well.

President Borries read the following letter from Grove, Miller & Krohn:

Mr. Richard Borries
Vanderburgh County Commissioner
City-County Building
Evansville, Indiana 47708

RE: Vanderburgh County V. Adler and V. Walter Sirkle

Dear Rick,

This will confirm our recent conversation concerning the above condemnations. As we discussed, since the County was apparently prepared to hire an appraiser of appraisers for the purpose of estimating the value of the .24 acres that the County must take from Walter Sirkle, I suggest that the same appraiser or appraisers be used at the same time to give an opinion as to the value of the property to be taken from Gene and Barbara Adler. This is so because at the first phase of a condemnation trial, we must show a good faith effort to consummate a purchase without the necessity for a trial, and the use of appraisers makes that a much simpler exercise. We have prepared the acquisition offer to be presented to the Adlers, and that can go out as soon as we have a value to attach, and as soon as we have a value to attach to the Walter Sirkle property, that can go out at the same time.

Additionally, as I explained, these offers must be sent certified mail, return receipt requested, thirty (30) days prior to the time a condemnation lawsuit can be filed.

Yours very truly,

R. Steven Krohn

President Borries said Mr. Funke was the appraiser in this case also.

Mr. Guillaum said before Mr. Funke went out he talked with Mr. Brenner as to the areas involved and as far as they know he was familiar with what he was doing.

President Borries told Mr. Sirkle that if he wanted to talk to Mr. Funke and to Mr. Brenner or get an appraisal of his own, they would be glad to sit down and talk to him about this.

The vote on the above motion was as follows:

Commissioner Willner, yes; President Borries, yes; Commissioner Cox, no.

There being no further business for the Public Hearing on Harper Ditch, the meeting adjourned at 5.50 p.m.

MEMBERS PRESENT:

DRAINAGE BOARD

Richard Borries
Robert Willner
Shirley Jean Cox

COUNTY AUDITOR

Barry Heathcotte

COUNTY SURVEYOR

David Guillaum

COUNTY ATTORNEY

Dave Jones

SECRETARY: KATHY LOWE

Richard Borries

Robert Willner

Shirley Jean Cox

VANDERBURGH COUNTY DRAINAGE BOARD

CHAPTER 305

869

of said order may be requested within twenty (20) days after the date of publication of said notice pursuant to the provisions of Article Eight of this act by any member of said association. Upon such order becoming final and conclusive such drain shall be subject to all of the provisions of this act. If the board finds otherwise it shall dismiss the proceeding.

Nothing contained in this act shall be construed to repeal any act heretofore passed by the Indiana General Assembly which authorizes the formation of any association or group for the purpose of maintaining drains in this state, unless such act is specifically repealed by the provisions of Section 1003 of this act.

ARTICLE SIX GENERAL PROVISIONS

SECTION 601. The surveyor, or the board, or any duly authorized representative of either the surveyor or the board, in the performance of any duty required or permitted under the provisions of this act, shall have the right of entry over and upon lands lying within seventy-five (75) feet of any legal drain, the seventy-five (75) feet to be measured at right angles to the center line of any legal tile ditch, and to be measured at right angles from the existing top edge of each bank of a legal open ditch as determined by the surveyor. Spoil bank spreading resulting from an improvement to a legal open ditch may extend beyond said seventy-five (75) foot right of way if in the opinion of the surveyor the same is necessary and provision has been made in the engineers report therefor prior to the hearing thereon. All persons exercising the right given by this section shall use due care to avoid damage to crops, fences, buildings and other structures outside of the right of way, and to crops and approved structures inside the right of way insofar as possible.

The owners of lands over which the right of way runs may use such land in any manner not inconsistent with the proper operation of the drain and the provisions of this act. Permanent structures may not be placed on any right of way unless the written consent of the board is first obtained. Temporary structures may be placed upon or over such right of way without the written consent of the

board, but shall be removed immediately by the landowner when so ordered by the board or by the surveyor. Crops grown on a right of way are at the risk of the landowner, and if necessary in the reconstruction or maintenance of the drain may be damaged or destroyed without liability on the part of the surveyor, the board, or their representatives. Trees, shrubs, and woody vegetation may not be planted in the right of way, except by express written consent of the board, and existing trees and shrubs may be removed by the surveyor if necessary to the proper operation or maintenance of the drain.

SEC. 602. When any legal drain is obstructed or damaged by logs, trees, brush, unauthorized structures, trash or debris, excavating or filling, pasturing livestock, or any other manner, the surveyor shall immediately remove such obstruction and repair such damage. If, however, the obstruction or damage is caused by an owner of land affected by the drain the surveyor shall first mail a notice to such owner by United States mail, return receipt requested, requiring the owner to remove the obstruction and repair the damage, and upon a failure of such owner to so do within ten (10) days after receipt of such notice the surveyor shall perform such work and the cost thereof shall be paid for out of the annual maintenance fund of such drain if one has been established, and if no such fund has been established then out of the general drain improvement fund.

If the obstruction or damage has been caused by the acts or omissions of an owner of land affected by the drain the board may, after a hearing brought on by written notice served on such owner, add an amount, sufficient to pay for such damage to the next annual assessment made against the lands of such owner, and the board shall certify such assessment to the auditor like any other assessment. If the obstruction or damage is caused by the acts or omissions of a person other than the owner of lands affected by the drain, the board may institute suit against such person in any court of competent jurisdiction and shall be entitled to recover the reasonable value of removing the obstruc-

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VANDEBURGH COUNTY DRAINAGE
MARCH 23, 1981

The Vanderburgh County Drainage Board met is session this 23rd day of March, 1981, in the Commissioner Hearing room at 5:50 p.m. with President Borries presiding.

The minutes of the previous meeting, which was held on March 2nd, 1981 was approved as engrossed by the County Auditor and the reading of them was dispensed with.

RE: LOUIE STEPHEN...PLAZA COURT

Mr. Stephen said he has a plat to be approved for drainage in Plaza Court. He said this is the preliminary plat.

Mr. Stephen said the location is on Division Street on the south side, and east of Burkhardt Road.

Mr. Stephen explained this plat by showing the Commissioners the map. He said there is no entrance off of Division Street. He also had a photograph that he showed to the Commissioners.

Mr. Stephen said the area is very flat and he showed them a typical type of swall to contain the water until it will run off.

Mr. Stephen said Jim Morley is the designer of this and he is working with Jesse Crooks to get the elevations of the floors up high enough that they will not be in trouble from the water. He said about all they can do is try to hold the water and build up the lots.

Commissioner Cox said this is about 20 acres and it all drains onto division as of now.

Mr. Morley said right now it doesn't drain very well, most of it soaks in. He said a portion of it, the highest point is just six (6) inches different than the lowest point.

Mr. Morley said he would like to read to them the comments of the Drainage Review Committee made last week pertaining to drainage.

It was the feeling of the sub-division committee that a covenant be placed on the sub-division that no basements be constructed. They wanted to have a covenant that the owner would provide a certified as built plat with an engineers certification that those grades on ditches be completed as designed. They wanted a requirement that all of the drains be completed with the initial part of the development, in other words, as they started in area they must complete all of the drains in that area.

Mr. Morley said this covenant is something new that they have written in that would protect the county.

Mr. Morley said part of the discussion that was brought out was problem that as they get into the design of a sub-division that could create problems, that the preliminary plat that spend so much time on, they spend time reviewing it and the plan commission goes over it very finely and then someone buys a lot and they never look back at the preliminary because it is not in the recorders office, the only thing in the recorders office is the final plat. He said it was suggested at the review committee meeting that they maybe should start putting on the final plat a statement that the drains and covenants that accompany this are recorded in miscellaneous records and they should take the drainage plan, record it in miscellaneous records and reference this on the final plat. He said that way they will tie in some kind of continuous legal commitment on the drainage. He said he thinks this is the direction they need to move in.

Commissioner Cox asked that by making this part of the plat, will this also become a part of that homeowners deed to that property and Mr. Morley said yes this will.

Mr. Morley said his only comment on this plat is that he has done as much as he can on a site that has no slope. He said the drains will be flat, they are covered as much as possible. They have put in pipes in some areas but basically he has to preserve the swalls, after a rain there will be water in the back yards for perhaps twenty four (24) hours until it drains off. If they come in to complain about it they cannot do anything about it. He said it will not flood the homes because they are two (2) foot higher. He said this is what they have on flat ground.

Commissioner Willner asked why he didn't use a lake for storage, and Mr. Morley said it didn't make any difference, they still have flat land. He said there is as much storage in the ditches as there would be in the lake.

Commissioner Willner asked how many acres of this twenty (20) acres is going to be in

swails and Mr. Morley said these swails are going to wind up being about twenty (20) feet wide only 1 1/2 feet deep.

Mr. Stephen said he recommends it be approved.

Commissioner Willner moved it be approved, seconded by Commissioner Cox with the specific covenant. So ordered.

RE: LOUIE STEPHEN

Mr. Stephen said he has another plat which is in the city, but the record should say that it came before them and they took no action.

Commissioner Cox so moved, seconded by Commissioner Willner. So ordered.

RE: LOUIE STEPHEN

Mr. Stephen said he has plans for Baehl Road, on the south side. He said it is three (3) lots. He showed the Commissioners just how the water flows on the map he had. He said there is an existing thirty (30) inch pipe at one point and the additional run-off is not sufficient to warrant retaining this water.

Mr. Stephen said he recommends this be approved.

Commissioner Willner moved it be approved, seconded by Commissioner Cox. So ordered.

RE: REMONSTRATORS...WABASH ERIE CANAL

President Borries said there were several remonstrators there to complain about the bills they received concerning the Wabash Erie Canal. The remonstrators are as follows:

The first remonstrator was Mr. Lester Golden and he said he has a farm out behind the Eagles which has been assessed but there is no way this farm can drain it to the canal.

Mr. Golden said he pays for the dredging of Crawford Brandies ditch, which is right. He said he talked to the surveyor about it before and he was trying to find out more about it. He said the people on the other side of Hyw. 62 are benefiting from this and he said there has never been any water where he is. He said if the river backs up it won't matter if they build ten (10) canals.

Commissioner Willner asked Mr. Golden where his water runs when it rains and Mr. Golden said it drains into Pigeon Creek. Mr. Golden said there is no way this property can drain into the canal unless it is pumped.

Mr. Guillaum said Mr. Golden was in a week ago and they located on the map just where his property was and from the elevation determine just where the water was going. He said it appeared from the map that it was in that water shed. He said he would leave the final decision up to the surveyor, but from everything they could determine it was in that water shed. He said if they can be proved wrong, they would be happy to go out and look at it.

Mr. Golden said he can get a surveyor to come in but he thinks they have better surveyors than that.

Commissioner Willner told Mr. Golden if he can prove that his water does run into Pigeon Creek and not to the Wabash Erie Canal, then he has no problem.

President Borries asked Mr. Golden to give the names of the people who live in that area and if he is out there he can look at that property too and see if there have been any errors.

The next remonstrator is Ervin Coon of 3028 Colonial Gardens Road who said this assessment is to enlarge or to dig a ditch along Oak Grove which is the Wabash Erie Canal. He said he lives south of the Crawford Brandies Ditch which goes in to the canal, he said they dammed a portion of it up so the Crawford Brandies Ditch will not pick up any water level above three (3) foot. He said they are downstream. He said they were never informed that anything was going to be done and when they got these tax statements last month they said we had all been sent a letter back in 1977 that this work was going to be done and they were going to be charged for it and apparently they were supposed to voice their opinions then. He said no one that he knows of on Colonial Garden Road received any sort of letter. He said that is part of the reason they are complaining, it is not that they are not wanting to pay their equal share, but is this project really improving or enhancing their property. He said there were some neighbors that did not receive any bill and some that did. He said he is a one (1) acre property

600
owner and his tax was higher then other people with more acreage.

Commissioner Willner said they put a dam approximately three (3) foot high so that Crawford Brandies Ditch is really going to handle less water than it did before.

He said they want the water to run down to the old canal across Boonville Highway and into Pigeon Creek instead of going north to Pigeon Creek at the end of Crawford Brandies. He said by doing this they are cutting off about eight (8) miles that water has to travel.

Mr. Coon said he looked at arial photos which showed water problems in 1960 or 1961, 1971, but none of the areas they live in were flooded, but the reason for it was because the Ohio River was at such a high elevation. He said Pigeon Creek was backing up the Crawford Brandies Ditch. He said since they enlarged the ditch they have not had any water. He said last July when they had the four (4) inch rain the ditch did not even fill up half way.

Commissioner Willner said he does not understand why these people were not notified.

Mr. Guillaum said the list they used for the billing should have been the same list the used for the notification. He said he does not know why they did not receive it.

Mr. Coon said he has always received a bill for \$5.00 for maintenance but this bill is for \$27.73. He said he is just trying to find out what is going on.

Commissioner Willner said they would have Mr. Guillaum check this out and report back at the next meeting.

President Borries said a list of the other remonstrators names were given to Mr. Guillaum.

RE: OPENING OF BIDS...CLEANING OF DITCHES

President Borries said they have several bids to open for the cleaning of ditches.

Mr. Guillaum said the first bid is from the Green Grasshopper Flying Service for the spring and fall spraying of ditches for a total bid of \$3,600.48. The project is Eagle Slough. The non-collusion affidavit is there with a check in the sum of \$181.00.

The second bid was read by David Jones and is received from Ralph Rexing, there is not a check but cash. He said it is not supposed to be submitted with cash. He said the amount of cash is \$41.00 for Pond Flat Lateral A & B. He said for Pond Flat A the amount is \$531.10 and Pond Flat B \$279.00.

The third bid is from the Union Township Ditch Association, Inc. for annual maintenance for Barnett Ditch, Camp Ditch, Edmon Ditch, Cypress Dale-Maddox Ditch, Happe-Helfrich Ditch, in the bid amount of \$16,030.52. He said is is accompanied by a cashiers check in the amount \$801.52. He said the affidavit is proper.

Mr. Jones said the fourth bid is from the Big Creek Drainage Association, Inc. for annual maintenance of Buente Upper Big Creek, Pond Flat Maintenance, Lower Big Creek, Rusher Creek, Pond Plat C Lateral, Pond Flat E Lateral in the total amount of \$10,683.58. He said there is a cashiers check in the amount of \$534.14, the affidavit is proper.

The fifth bid is from Leo C. Paul for cleaning Barrs Creek, Wannenmeyer Ditch, and the total for both ditches is for \$4,351.26, a cashiers check for \$217.56 and the affidavit is proper.

The sixth bid is from G.K.R. Industries, Inc. for the following ditches: Aiken Ditch, Baehl Ditch, Buente Lateral A, Crawford Brandies, Extension East Side Urban, Henry Ditch, Hirsch Ditch, Kiel Ditch, Kneer Ditch, Kolb Ditch, Pond Flat D Lateral, Sonntag-Stevens, Stockfleth Ditch. He said the bid contains a seperate amount for each one, and the total for all is \$11,502.05. He said the affidavit is proper and a cashiers check for \$575.11.

The seventh bid is from Elden Maasberg for the cleaning of Maasberg Ditch, Kneer Ditch in the amount of \$458.02 total for both ditches. He said the cashiers check is for \$25.00.

The eighth bid is from Merle Hemphling for Hemphling Ditch in the amount of \$557.10. He said the cashiers check is for \$75.85.

The ninth bid is from George Seib for Maidlow Ditch in the amount of \$2,048.80. The affidavit was not complete or signed.

The tenth bid is from George Seib for Stockfleth Ditch, but the affidavit is not complete or signed. He said there is a cashiers check for \$263.00.

Commissioner Willner moved they receive and file the bids and refer them to the surveyor's office for computation and come back next week for the recommendations.

The motion was seconded by Commissioner Cox, so ordered.

President Borries asked of there was any further business to come before the Drainage Board and Mr. Guillaum said that Mr. Schmitt did not make it in, he said they thought Mr. Schmitt had a problem on his property, he said they explained it to him out in the hall and they thought they were correct, so they sent a crew out to measure every thing on his property and he was not even close, he was considerably over. So Mr. Schmitt did not approach Rural in any way. He said Mr. Schmitt was convinced although not satisfied.

Commissioner Cox moved the meeting be adjourned, seconded by Commissioner Willner, so ordered.

The meeting adjourned at 6:45 p.m.

MEMBERS PRESENT

DRAINAGE BOARD

Richard Borries
Robert Willner
Shirley Jean Cox

COUNTY AUDITOR

Barry Heathcotte

COUNTY SURVEYOR

David Guillaum

COUNTY ATTORNEY

Dave Jones

SECRETARY: Kathy Lowe

Richard Borries
Robert Willner
Shirley Jean Cox
VANDERBURGH COUNTY DRAINAGE BOARD

VANDEBURGH COUNTY DRAINAGE
MARCH 30, 1981

The Vanderburgh County Drainage Board met this 30th day of March, 1981, in the Commissioners Hearing Room at 4:45 P.M. with President Borries presiding.

The minutes of the previous meeting which was held on March 23, 1981 was approved as engrossed by the County Auditor and the reading of them was dispensed with.

RE: AWARDING OF BIDS OF VANDERBURGH COUNTY LEGAL DRAINS

Mr. David Guillaum of the County Surveyor's office was present and and stated he has the recommendations on the awarding of bids for the maintenance of Vanderburgh County Legal Drains, that there are several ditches they are going to re-advertise because there was some confusion on the amounts of footage to be cleaned. His recommendations were as follows:

- HOEFLING.....Merle Hoefling.....\$557.10
- BARRS CREEK AND WALLENMEYER.....Leo Paul.....\$3,306.88 (Barrs) and \$1,044.38 (Wallenmeyer)
- EAGLE SLOUGH....William Hepler...\$1,800.24 each time, once in the spring and once in the fall
- MAIDLOW....George Seib.....\$2,048.80
- MAASBERG....Eldon Maasberg....\$154.42
- KNEER....Eldon Maasberg....\$3,303.60
- BARNETTE...Union Township Ditch Association....\$334.32
- KAMP....Union Township Ditch Association...\$446.40
- EDMOND..Union Township Ditch Association...\$615.80
- CYPRESS DALE-MADDOX....Union Township Ditch Association...\$9,554.80
- HAPPE-HELFRICH.....Union Township Ditch Association...\$5,079.20
- BUENTE UPPER BIG CREEK...Big Creek Drainage Association...\$3,029.25
- POND FLAT MAIN.....Big Creek Drainage Association...\$4,402.65
- LOWER BIG CREEK.....Big Creek Drainage Association...\$1,200.16
- RUSHER CREEK.....Big Creek Drainage Association...\$533.28
- POND FLAT LATERAL C.....Big Creek Drainage Association...\$1,084.32
- POND FLAT LATERAL E.....Big Creek Drainage Association...\$433.92
- POND FLAT LATERAL A.....Ralph Rexing.....\$531.10
- POND FLAT LATERAL B.....Ralph Rexing.....\$279.70
- AIKEN.....GKR Industries.....\$663.00
- BAEHL.....GKR Industries.....\$620.10
- BUENTE UPPER BIG CREEK.....GKR Industries.....\$720.00
- HENRY...GKR Industries...Mr. Guillaum said they had a combined bid on this so he will have to check it out.
- KEIL....GKR Industries.....\$389.00
- KNEER...GKR Industries.....\$242.86
- KOLB....GKR Industries.....\$1,232.48
- SONNTAG-STEVENs....GKR Industries....\$1,775.00

Mr. Guillaum said as he indicated before they had some confusion on a few of the ditches and they will re-bid them so that it is clear what is wanted.

Commissioner Willner said there was some question last week when the bids were opened as to whether or not some of the bids were in order and he would like to know if those particular bids are deleted.

Mr. Guillaum said no they did not delete them, that the one questioned on George Seib was he did not sign the non-collusion affidavit and also the question of cash being submitted, they have accepted cash for many years now and they feel this is appropriate, that these matters can be waived by this board.

Commissioner Willner moved that the board waive the discrepancies, and that the cash be accepted as bond money and that the bids be awarded to the bidders as recommended by Mr. Guillaum, and that the work proceed.

Commissioner Cox seconded the motion which carried with three affirmative votes.

RE: WABASH ERIE CANAL

Mr. Guillaum said there were some remonstrators present at our meeting last week and we have since then went out to the effected areas and met with these individuals and he showed them that their water did go to the Crawford Brandies Ditch, or the East Side Urban Drain, that this was our thinking in the very beginning and that is why they were included in the overall East Side Urban improvement, that they did gain improvements by the cleaning and the canal itself. For the record, they did dis-agree with him and they did want this known and clear to the board.

Commissioner Cox said Mr. Golden told us last week that he was not in the water shed.

County Surveyor, Bob Brenner said when Mr. Golden first discussed this matter with him he told us that his water drained into Pigeon Creek, which is true, but it goes into the ditch first, and then eventually, all of the water goes into Pigeon Creek. It first goes into the Crawford-Brandies Ditch, that eventhough his water does not physically run through the canal, that it goes north, but there is fifty percent of the water that use to run through his yard now diverted to the canal, so you don't have to put the water through the improvement to pay for it, that a diversion qualifies for an improvement.

Mr. Guillaum said that Mr. Ervin Coon had a two part problem, that he has not followed up yet on one of them and he does not know if this board wants him to. Mr. Coon referred to a group of anonymous people that weren't included in the billing, but he would not give us any specific names, but if this board directs him to do so, he can go through the entire water shed and try to size it up.

Mr. Brenner said we have already done this, that this is where the thing grew from about 300 to about 700 property owners, that we have covered the whole map and someone is paying for it, for every acre of ground out there.

President Borries asked Mr. Brenner where he got his listings to bill the owners.

Mr. Brenner said they made up a map of the water shed, by drawing the high points and what drains which way and then they went to the Assessor's office and broke it up into every parcel in there, which was a tremendous job, but they did this for all thirty nine (39) ditches. Hundreds of people had never received a ditch bill and all of a sudden they got one, they complain they lived on a hill, but the law says if you live in a water shed, you pay a ditch bill. When you get a mixture of city and farm you always have trouble.

Mr. Guillaum said the comment was made that everyone was urban out there, but they weren't.

Mr. Brenner said that \$5.00 would be the minimum on Rural and \$27.00 the minimum on Urban.

Mr. Guillaum said he believes this has been clarified with Mr. Coon, that when he was in the last meeting, he did not understand the rates. It is typed on the bills going out if they are assessed on rural or urban.

RE: REQUEST TO INSTALL CULVERT ON CYPRESS DALE DITCH

Mr. Guillaum said it was brought to his attention last week through a phone call, that a Mr. Orval Ungethum was in the process of installing a pipe in the Cypress-Dale Ditch. He went out and explained to Mr. Ungethum that there are processes one must go through, also that the pipe he was putting in was seriously under sized relative to everything else in there.

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President Borries read the following note received by the board from Mr. Ungethum:

To the Vanderburgh County Drainage Board,

The bridges are bad and I would like to request permission to install culverts in the Edmond and Cypress-Dale ditches about 3/4 mile west of the Seminary Road on the Henry Ungethum farm.

Orval Ungethum

Mr. Guillaum said the bridges he is referring to are really field entrances, that we are aware of only the Cypress Dale, that this information has been turned over to our bridge engineer for sizing, and at this point we did stop Mr. Ungethum because if he puts it in he stands a very good chance of pulling it right back out, so he is holding up on it until we let him know the correct size and give him approval to install them.

RE: CLAIM:

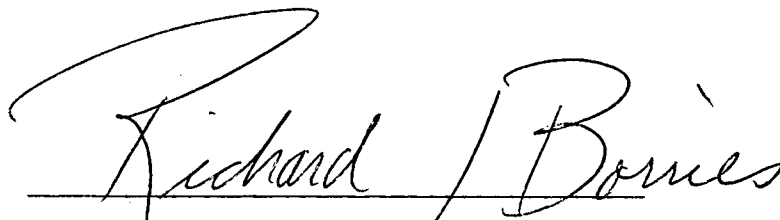

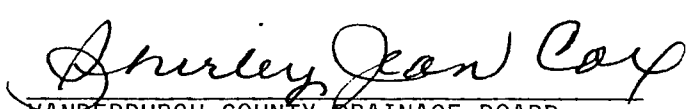
A claim was submitted by Donald R. Barnett for work completed on Kolb Ditch. He checked it out, the spoils have been leveled out and it is acceptable, therefore he would recommend payment, in the amount of \$383.50.

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion, which carried with three affirmative votes.

There being no further business the meeting recessed at 5:00 p.m.

<u>PRESENT:</u>	<u>DRAINAGE BOARD</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY SURVEYOR</u>	<u>COUNTY ATTORNEY</u>
	Richard Borries Robert Willner Shirley Jean Cox	Alice McBride	Robert Brenner David Guillaum	David Miller

SECRETARY: Kathy Lowe
BY: Janice Decker




VANDERBURGH COUNTY DRAINAGE BOARD

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VANDERBURGH COUNTY DRAINAGE
APRIL 13, 1981

The Vanderburgh County Drainage Board met this 13th. day of April, 1981, in the Commissioners Hearing Room at 3:45 p.m. with President Borries presiding.

The minutes of the previous meeting which was held on March 30, 1981 was approved as engrossed by the County Auditor and the reading of them was dispensed with.

RE: OPENING OF BIDS FOR LEGAL DRAIN ANNUAL MAINTENANCE

The County Attorney was authorized to proceed with the opening of bids for the Annual Ditch Maintenance.

County Attorney David Jones said only one bid was received, that being from GKR Industries, Inc. which was for the following ditches.

Crawford Brandies, Ext.....	16¢ per foot.....	\$2,340.48
Nurrenbern.....	07¢ per foot.....	\$ 703.78
Stockfleth Ditch.....	09¢ per foot.....	\$ 566.64
Kelly Ditch.....	05¢ per foot.....	\$ 380.00
Singer Ditch.....	118¢ per foot.....	\$ 290.00

TOTAL BID \$4,280.90

Mr. Jones said the bid is in proper order.

Mr. Bob Brenner, County Surveyor said this company did work for us last year, about half of the bids have been already awarded to them again this year and he would recommend this bid be approved also. He said this is for the southern half of the East Side Urban and since we received no bids for the northern half of it he would like to be authorized to go out and try to get someone to clean them, because we have already advertised for them twice and he can see no sense in advertising for them again. He said the Green Grass-hopper Flying Service will not fly and spray it for us, in fact, he has stopped spraying the Kolb Ditch, because when he gets that close to the city, then he gets sued.

Commissioner Willner moved that the bid of GKR Industries, Inc. be awarded in the prices submitted. Commissioner Cox seconded the motion which carried with three affirmative votes.

Commissioner Cox moved that Mr. Brenner be authorized to solicit for bids, without having to re-advertise them. Commissioner Willner seconded the motion which carried with three affirmative votes. (This is for the northern half of the East Side Urban Drain).

New Subdivisions Received from Area Plan for Drainage Approval

Mr. Al Holtz, Acting County Highway Engineer, was present and submitted several new subdivisions to the Drainage Board for approval on the drainage of them, they were as follows:

CHAPEL HILL SUBDIVISION..B

Commissioner Borries said Mr. Holtz has signed his approval on the Chapel Hill Subdivision drainage.

Mr. Holtz said this is very far out, that it is almost to the Posey County line, that it is sloped very nicely and the drainage goes toward the railroad and he thinks it will make for a very nice subdivision.

The Commissioners all reviewed the drainage plans submitted by Mr. Holtz and could see no problems with them.

Commissioner Willner moved the drainage plans for Chapel Hill Subdivision, Section B, be approved. Commissioner Cox seconded the motion, which carried with three affirmative votes.

HAROLD McCOY SUBDIVISION:

Mr. Holtz submitted the drainage plans for Harold McCoy Subdivision for approval of the Drainage Board.

President Borries said this subdivision is located out by Fuquay Road, and Mr. Holtz has signed his approval on this subdivision drainage plan.

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Mr. Holtz said he has signed his approval, that they do already have the city sewers out there, that this is right across from Peach Blossom Subdivision. There is a ditch out there with a 36" pipe in it and he feels this is sufficient.

Commissioner Willner moved the drainage for Harold McCoy Subdivision be approved. Commissioner Cox seconded the motion which carried with three affirmative votes.

SUMMIT PLACE SUBDIVISION:

President Borries said Mr. Holtz has submitted a map of the Summit Place Subdivision, which is part of the Lanten Place Subdivision, and that Mr. Holtz has signed his name of approval on the drainage. This is in the area of Burkhardt and Lincoln Avenue, also near the new Williamsburg on the Lake. This has not been totally developed as of yet. This subdivision will have private street lights and also a high security wall around it. This is zoned R-3, so evidently it is going to be duplexes.

David Jones, County Attorney said it looks to him like they are condominiums with one car garages, however, it does show some parking slots also.

Mr. Holtz said he believes the drainage is adequate and he recommends approval.

Commissioners Willner moved the drainage plans for Summit Place Subdivision be approved. Commissioner Cox seconded the motion which carried with three affirmative votes.

KIRKWOOD, SECTION B:-

President Borries said Mr. Holtz has submitted the plat plan for the Kirkwood Section B Subdivision and has signed his approval on it. He said this subdivision is also located out by Fuquay Road. He said the lots have all been staked off and they look pretty small.

Commissioner Willner said this is just a plat plan, but there are no drainage plans on it telling us where this will drain and until we have those plans we cannot make a determination on it.

President Borries said there certainly are no drainage plans on this subdivision therefore he gave it back to Mr. Holtz to hold until he receives the drainage plans and then it can come back before this board, but there will be no action taken on this until those drainage plans are submitted to us.

COE AND GREENWOOD SUBDIVISION:

Mr. Holtz submitted the plat plan for the Coe and Greenwood Subdivision and he does not think the drainage will work, the way they have it planned.

Mr. Brenner said you really do not have the drainage plans for this sub either, it shows the contours, but not the drainage plan showing where the water is going to go.

President Borries said since there are not drainage plans for this subdivision there will be no action taken on it today and at this time he referred it back to Mr. Holtz.

RE: LETTER TO MR. ORVILLE UNGETHUM

Mr. Brenner said last week we had a request from Mr. Ungethum to install a pipe in the Cypress-Dale and Edmond Ditches and we told him to hold up on it until it was sized for him and this has now been done and the following letter was sent to him from Mr. David Guillaum, Deputy County Surveyor.

Dear Mr. Ungethum:

Having Studied the watershed area and runoff factors for the two ditches you are planning to place pipes in, we have arrived at the minimum pipe sizes needed:

Cypress Ditch.....6.7' Corrugated Min. 36 Square Feet
Edmond Ditch8.5' Corrugated Min. 58 Square Feet

If you have any questions or need any other information, please feel free to call.

David Guillaum
Deputy County Surveyor

Mr. Brenner said Mr. Ungethum is not very happy, but he does have the sizes, if he wants to continue to install the pipes.

RE: INCREASE OF MAINTENANCE CHARGE ON CYPRESS DALE DITCH

Mr. Brenner said the following letter was sent out to all property owners on the Cypress-Dale Ditch, concerning the increase of maintenance charge.

To Whom it May Concern:

A Public Meeting will be held on Monday, April 27, 1981, at 5:00 p.m., legal time, in Room 307, Civic Center Complex, to consider raising the annual maintenance charge on Cypress-Dale Ditch, a legal drain in Vanderburgh County. The maintenance charge shall be increased from \$3,344.73 to \$9,554.80.

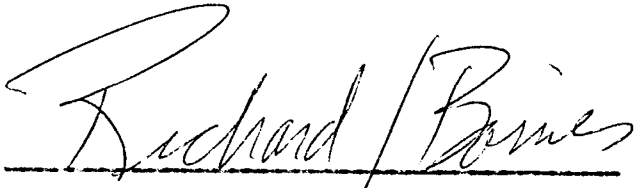
Alice Bowling
Drainage Director


Mr. Brenner said the bid accepted by the Union Township Ditch Association was in the amount of \$9,554.80, and he would recommend the maintenance charge be increased, that this is the only way we can do it, that they are going to dredge the ditch. He said they have also sent the notice to be legally advertised in the newspaper.

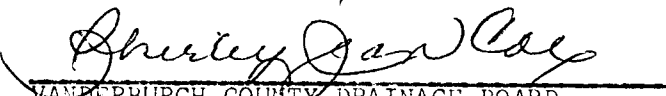
There being no further business Commissioner Cox moved this meeting be recessed, seconded by Commissioner Willner and carried with three affirmative votes.

<u>PRESENT:</u>	<u>DRAINAGE BOARD</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY SURVEYOR</u>	<u>COUNTY ATTORNEY</u>
	Richard Borries Robert Willner Shirley Jean Cox	Alice McBride	Robert Brenner	David Jones

SECRETARY: Kathey Lowe
BY: Janice Decker







VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE
APRIL 27, 1981

The Vanderburgh County Drainage Board met in session this 27th day of April, 1981, in the Commissioners Hearing Room at 5:00 p.m. with President Borries presiding.

The minutes of the previous meeting which was held on April 13, 1981, was approved as engrossed by the County Auditor and the reading of them was dispensed with.

RE: PUBLIC HEARING

President Borries said the item of business that was contained in last weeks meeting was a notice of a public hearing to be held on Monday, April 27, 1981, which is today. He said this meeting is to consider raising the annual maintenance charge on Cypress-Dale Ditch. He said the Maintenance charge shall be increased from \$3,344.73 to \$9,554.80.

Mr. Guillaum said they looked at this ditch and they came to the conclusion that they needed some additional work on the ditch. He said he first wanted to give them the proof of publication so it can be part of the record.

He said they had one letter that they responded to from a Ms. Amelia Koestring, he said he did not know if any of the people were there but her idea on this was mistaken. He said this is a one time deal to appropriate the money to do the dredging of the ditch. He said this will not be an annual thing. He said they responded to her letter to that effect.

President Borries said there were some remonstrators there and they would hear from them at this time.

Louis Carroll Jr. said he farms 52 acres and this would be alright with him if this is just going to be a one time deal because he feels it will be a great improvement.

Fred Todd of R.R. 5 Koring Road was there and asked about bills for last year.

Mr. Guillaum said there were no bills sent out last year and there was nothing done with the ditch last year.

Commissioner Willner said there was also another possible reason and that is, he said they have what they call a county drainage fund and then each ditch has its own fund, the people on Cypress-Dale don't pay for any other ditch because it is a separate fund. He said if that fund goes in the black then they do not send a bill even though they clean it and then when it goes back in the red then they send a bill.

Mr. Guillaum said Mr. Heathcotte has informed him that these bills were being processed but they were never sent out.

Mr. Heathcotte said with all the problems that have been in the the auditor's office the ditch bills were not sent out.

Commissioner Cox said she has a question about this \$3,344.73, is it this the estimate for the regular maintenance before and now they are asking for it to be increased to \$9,554.80 for this year only and next year it will drop back down.

Mr. Guillaum said this was correct, it is just for extra work that needs to be done.

A question was brought up on reconstruction and Commissioner Willner said he can't remember, other than Union Township in the last ten years that they ever reconstructed a ditch until three years ago. He said it is a big problem for the County and the Drainage Board to reconstruct the ditches. He said they always get in trouble with the farmers saying they took a foot of his ground to much and they get law suits, so it really was not done. He said Union Township came along and sued the County Drainage Board to do the ditches in Union Township. He said the Judge mandated them to do it and the program got started. He said they have been trying to do the rest of them as they can.

Commissioner Willner said three years ago they did Crawford-Brandies and then for two years that was not cleaned. He said they took a big chunk of the people's money that drain into Crawford-Brandies.

The question was brought up as to how many bills they would receive in August and Mr. Heathcotte said they would receive two bills. One for 1980 and one for 1981. He said there was so much work in the Auditor's office that they just could not send them out.

Mr. Guillaum said they had the one written complaint and they responded to Ms. Koestring in writing. He said it was the same type of situation where she just did not understand the amount of the increase and she did not know that this was to be for just one year.

President Borries said he would like to read the letter so it can be part of the record. The letter is as follows:

ATTN: Alice Bowling
Drainage Director

Gentlemen:

Received a letter from you regarding the meeting to be held on Monday, April 27th to consider raising the maintenance charge on Cypress-Dale Ditch. You stated it would be increased 35%. Since I reside in Florida the distance prevents me from attending the meeting therefore this letter is written to you. The 35% seems like a huge increase and I would like to know why it has to be increased so much. I would like to know just where this drainage ditch begins and where it is located. I do not know if this drainage ditch helps our land or not. I would also like to know if this increase includes the Maddox and Edmon Ditches. Also just where are the Edmon and Maddox ditches located. I'm assuming any of the above information is free advise and is open to the public from your records. I would like to know how many feet we are charged on the above mentioned ditches. I am very much opposed to such a large increase.

Thank you for any information you can give me on the above mentioned ditches.

Very sincerely,
Ms. Amelia Koestring
504 Dainte Street
Venice, Florida

President Borries said the reply to this is as follows:

April 27, 1981

Dear Ms. Koestring,

There has been an increase in the annual maintenance assessment because of the required dredging of said ditch. This is a one time charge this year and the assessment will drop back down to the previous bills. He said the letter goes on to state the legals of the ditches inquired about.

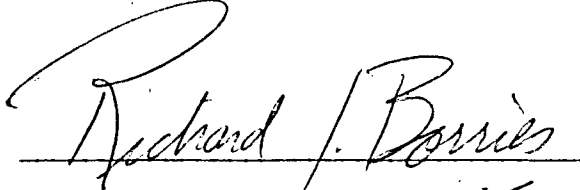
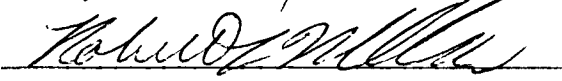

Commissioner Cox moved that the annual maintenance charge on Cypress-Dale Ditch be increased from \$3,344.73 to \$9,554.80 for the year 1981 only. The motion was seconded by Commissioner Willner. So ordered.

The meeting adjourned at 5:20 p.m.

MEMBERS PRESENT:

<u>COUNTY DRAINAGE BOARD</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>	<u>COUNTY SURVEYOR</u>
Richard Borries Robert Willner Shirley Jean Cox	Barry Heathcotte	Dave Jones	Dave Guillaum

SECRETARY: Kathy Lowe




VANDERBURGH COUNTY DRAINAGE BOARD

610

VANDERBURGH COUNTY DRAINAGE
MAY 4, 1981

The Vanderburgh County Drainage Board met in session this 4th day of May, 1981, in the Commissioners Hearing Room at 3:40 p.m. with President Borries presiding.

The minutes of the previous meeting which was held on April 27, 1981, was approved as engrossed by the County Auditor and the reading of them was dispensed with.

RE: KIRKWOOD SUB-DIVISION

President Borries said they have a drainage plan before them to consider. He said this plan is for Kirkwood Sub-Division, which is at the Northeast corner and South side of Lincoln Avenue and Fuquay Road.

Mr. Sam Biggerstaff said they have before them the drainage plan for this sub-division. He said he has colored in blue the method of draining this. He said one of the points of the Plan Commission's report was to develop swails along the back of the lots. He showed the Commissioners on the map just how these inlets were situated. He said they are draining this into a large pipe under Lincoln Ave.

Commissioner Willner asked if these were all open swails with the exception of the pipe under Lincoln Avenue and Mr. Biggerstaff said it is all piped except for the backs of the lots which are open swails. He said there is pipe all along the front.

Commissioner Willner asked Mr. Holtz if he has looked at this and what is his recommendation.

Mr. Biggerstaff said he could not get this ready for the meeting last week, but he did get it to Mr. Holtz right after the meeting.

President Borries said this is a flat area, and they should be sure there would be no dumping or anything of that sort in these swails in the back.

Mr. Biggerstaff said they could make that provision. Mr. Biggerstaff also said that they have discussed this and on the plat, there will be no shrubbery planted. He said they will make an easement of about 15 feet in the back of these lots and they will put on the plat that there will be no shrubbery or fences constructed in these easements.

Mr. Biggerstaff said they will also put on the plat that power lines and etc. be laid on the east side of the easement or the south side, whichever is proper and they will make the easement large enough so that the utility company can put their pole in there and still not interfere with the drainage swail. He said this will be put on the final plat.

Commissioner Willner said if it is agreeable with the rest of the Commissioners, before they pass this, it must be in writing that the drainage swail be unobstructed.

Mr. Biggerstaff said this comes before the Area Plan Commission this Wednesday Night and they can write this on the plat right now.

Commissioner Willner asked how did they get this on each deed and Mr. Biggerstaff said this will be on the sub-division plat, and if they put this on the plat then it will carry on to the deeds.

The County Attorney David Miller agreed this was correct. He said they could also put this in the restrictions. He said it should be written on the plat and put into the covenant.

Commissioner Willner said the developer is Alfred Bauer and ^{Mr. Coy} he sits on the Area Plan Commission so ^{Mr. Coy} he can relay the message that they approved this subject to the easements being free and clear of all obstructions. SJC

Mr. Biggerstaff said that will be on the final plat and on the covenants.

Commissioner Willner moved that Kirkwood Sub-Division #2 be approved as engrossed with this plan and that the drainage approval be subject to the easements being left open of restrictions and forwarded to the final plat.

Mr. Miller said they want the approval subject to a condition and restriction that all drainage easements be left free and clear of any buildings, plants and other obstructions and condition of the placement of those restrictions and conditions on the final plat and in the covenants which are made on the sub-division.

The motion was seconded by Commissioner Cox. So ordered.

There being no further business the meeting adjourned at 3:50 p.m.

MEMBERS PRESENT

COUNTY COMMISSIONERS

Robert Willner
Richard Borries
Shirley Jean Cox

COUNTY SURVEYOR

David Guillaum

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David Miller

SECRETARY: Kathy Lowe

Richard J. Borries
Robert Willner
Shirley Jean Cox
VANDERBURGH COUNTY DRAINAGE BOARD

612

VANDERBURGH COUNTY DRAINAGE BOARD
JULY 6, 1981

The Vanderburgh County Drainage Board met in session this 6th day of July, 1981, in the Commissioners Hearing Room at 3:45 p.m. with President Borries presiding.

The minutes of the previous meeting which was held on May 4, 1981 was approved as engrossed by the County Auditor with a correction shown on page 1 stating that Mrs. Cox is a member of the Area Plan Commission & she can relay messages to that board from the County Commissioners and the Drainage Board.

RE: DAVE GUILLAUM

Mr. Guillaum said that he had one bid that he received a couple of meeting ago, and that he would like to get this bid approved or disapproved, that there hasn't been any other bidders on these ditches.

Commissioner Willner asked Mr. Guillaum what ditches these were.

Attorney Dave Jones said that it was one bid for two ditches.

Mr. Guillaum said that the two ditches are Crawford Brandies and Boesche, and what he wanted to do is rather than taking the total figure that is on the bid, price it on a pre foot base. He said that there is some question as to the feet of the ditch, and then when the job is done they can go out and measure the ditch.

Attorney Dave Jones said that the bid states a per foot price of twenty-five cents (25¢) on both ditches.

Mr. Guillaum said that he is sure that the footage is reasonably correct.

Attorney Dave Jones asked Mr. Guillaum if he was going to contact the bidder to see if he understands this.

Mr. Guillaum said that he does understand.

Attorney Dave Jones said that Mr. Guillaum says that the bidder does understand that but it would be better if they had it in writing.

Mr. Guillaum said that they can do that.

Commissioner Willner moved that the bid be approved on a twenty-five cents pre foot. Seconded by Commissioner Cox...So ordered.

RE: WALTER SIRKLE

Commissioner Cox said that she would just like to ask what ever happen to Mr. Walter Sirkle.

President Borries said that he has not been back, however he had paid for another appraisal. The appraisers are (Mr. Emmerson and Mr. Bud Reed.) He said that Mr. Reed contacted him and said that he would be back in contact with him after he talked to Mr. Sirkle, but he has heard nothing.

Commissioner Cox stated that now the job on Harper Ditch would not be done.

Mr. Guillaum said not until they can get the legal problems settled. He asked Attorney Dave Jones if there was anything that he could do to get them settled.

Attorney Dave Jones said that if he remembers right, Mr. Sirkle's appeal was not done in the right manner, so he dosen't see why they couldn't go ahead with the project.

Commissioner Willner said that even though Mr. Sirkle's appeal was not done correctly that would not protect them from a law suit, and it would not be worth that.

There being no futher business the meeting adjourned at 3:55 p.m.

613
MEMBERS PRESENT

COUNTY COMMISSIONERS

Robert Willner
Richard Borries
Shirley Jean Cox

COUNTY SURVEYOR

David Guillaum

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David Jones

SECRETARY: Kathy Lowe

Richard J. Borries
Robert Willner
Shirley Jean Cox
VANDERBURGH COUNTY DRAINAGE BOARD

614

VANDERBURGH COUNTY DRAINAGE
JULY 13, 1981

The Vanderburgh County Drainage Board met in session this 13th day of July, 1981, in the Commissioners Hearing Room with President Borries presiding.

The minutes of the previous meeting which was held on July 6, 1981 was approved as engrossed by the County Auditor with a correction shown on page 1 stating that the appraiser for Mr. Sirkle was Mr. Emerson "Bud" Reid.

RE: DAVID GUILLAUM...MAIDLOW DITCH

Mr. Guillaum said that a Mr. Marvin Zwahlin has proposed to reconstruct one thousand (1000) feet of the Maidlow Ditch. He said this will achieve two (2) purposes, one, it will give Mr. Zwahlin more acreage, and the other, it will improve the ditch itself by eliminating the curves now in it.

Mr. Guillaum showed the Commissioners and County Attorney David Miller a sketch of the plans. He said that Mr. Zwahlin has contacted the other property owner, and he has agreed to this.

Mr. Guillaum said that the surveyor's office does not like to stop anyone from improving any ditch. He asked the County Attorney if there were any legal invitations that needed to be done.

Mr. Miller said that if Mr. Guillaum could give Mr. Zwahlin a drawing and some shots showing him where it intersects the other property, then he would draw up a brief agreement and have it signed by both property owners stating that they will take full responsibility for the work on the ditch.

Commissioner Cox asked just where this ditch was located.

Commissioner Willner said it was at St. Joe Avenue and Baseline Road.

Commissioner Willner said he has just one thing to add and that is, the ditch has a bridge on it, but he will just move the bridge when he moves the ditch, as he owns the property on both sides of the ditch.

Commissioner Willner moved that the plan be approved subject to the signing of the agreement. Seconded by Commissioner Cox. So ordered.

RE: WALTER SIRKLE...HARPER DITCH

President Borries said he has one item to be discussed with the Commissioners. He said he had a conversation with Mr. Reid, the appraiser for Mr. Sirkle.

President Borries said Mr. Reid will send a report of what his appraisal is, and also in the report he will include his recommendation that Mr. Sirkle consider selling his property because he does not feel at this point the agricultural work will be very long in its continuation, so at this point the county will not engage in the project.

There being no further business the meeting adjourned at 5:00 p.m.

MEMBERS PRESENT

COUNTY COMMISSIONERS

Robert Willner
Richard Borries
Shirley Jean Cox

COUNTY SURVEYOR

David Guillaum

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David Miller

SECRETARY: Kathy Lowe

Richard J. Borries
Robert Willner
Shirley Jean Cox
VANDERBURGH COUNTY DRAINAGE BOARD

615
VANDERBURGH COUNTY DRAINAGE
JULY 27, 1981

The Vanderburgh County Drainage Board met in session this 27th day of July, 1981, in the Commissioners Hearing Room at 3:45 p.m. with president Borries presiding.

The minutes of the previous meeting which was held on July 13, 1981 were approved as engrossed by the County Auditor and the reading of them was dispensed with.

RE: SAM BIGGERSTAFF.....DRAINAGE PLANS ON HARPER DITCH - EASTLAND PLACE

Mr. Biggerstaff and his attorney Mike Mitchell presented maps to the Commissioners.

Mr. Biggerstaff said that these are properties that lie on the east side of Green-river Road and Carriage Drive. He said that they are bringing this to the Commissioners for their approval of the drainage plans.

Mr. Biggerstaff said that what they would like to do is put Harper Ditch in a pipe, and then under a building build a box culvert.

Mr. Biggerstaff said that they would slope the walls so that there will be no interference with the flow of the water, then put a steel grillage across to keep the debri out of the ditch.

Mr. Biggerstaff said that he felt that this would save a lot on maintenance cost.

Mr. Biggerstaff said that this structure will be built for a one hundred (100) year rain. He said that a one hundred (100) year storm is three (3) inches of rain per hour.

Mr. Biggerstaff said that he has gone over the plan with County Surveyor Bob Brenner and David Guillaum.

Mr. Guillaum said the only thing they can see is that they will be eliminating some of the ditch that they would otherwise have to take care of, so they have no objections to it.

Commissioner Willner asked Mr. Biggerstaff where they were going to have the clean-outs.

Mr. Biggerstaff showed the Commissioners on the maps at what point all the cleanouts will be.

Mr. Biggerstaff asked Commissioner Willner if they wanted a manhole and if so they could build one.

Mr. Biggerstaff, the Commissioners and County Attorney David Miller looked over the plans.

County Attorney David Miller said that at a legal stand point it is appropriate.

Commissioner Willner moved that the plans be referred to the County Surveyors office and to County Attorney David Miller for two (2) weeks for their recommendations.

Seconded by Commissioner Cox.....So ordered.

RE: HARPER DITCH

Commissioner Cox said that she did go out and look at Harper Ditch and she said that it did need to be cleaned out and asked if there would be any problems cleaning it out.

Commissioner Cox asked Mr. Guillaum what did cleaning the ditch consist of.

Mr. Guillaum said that it consist of cutting the grass and taking the debri out.

commissioner Willner said that when you take the debris out it is cleaning, but when you bring anything that digs dirt then it is considered a reconstruction.

Mr. Biggerstaff said that he did not think Mr. Walter Sirkle would mind draglining the ditch out.

Mr. Biggerstaff said to ask Mr. Sirkle.

Mr. Briggerstaff said that he thinks Mr. Sirkle just didn't want them to take his land.

President Borries referred the matter to County Attorney David Miller.

RE: GARRISON AVENUE

Mr. Guillaum said there was some question on which account the Garrison Avenue repair money should come out of and after checking he found that it can be taken from Sonntag Stevens ditch fund. The total amount is one thousand five hundred forty-three dollars and twenty nine cents. (1,543.29)

There being no further business the meeting adjourned at 4:15 p.m.

MEMBERS PRESENT

COUNTY COMMISSIONERS

Robert Willner
Richard Borries
Shirley Jean Cox

COUNTY SURVEYOR

David Guillaum

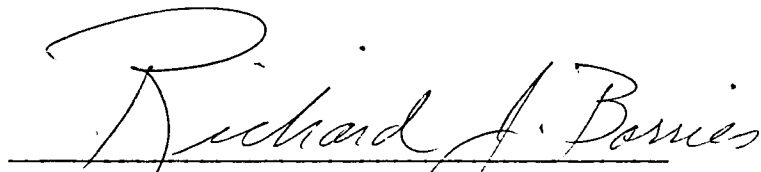


COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David Miller

SECRETARY: Kathy Lowe




VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
AUGUST 31, 1981

The Vanderburgh County Drainage Board met is session this 31st day of August, 1981, in the Commissioners Hearing Room at 4:30 p.m. with President Borries presiding.

The minutes of the previous meeting which was held on July 27, 1981 were approved as engrossed by the County Auditor with the following exceptions:

President Borries said he feels the word Board should be added to the heading of the minutes.

Commissioner Cox said she has a question for clarification for the future, the first item on page one it says...Sam Biggerstaff...Drainage Plans on Harper Ditch and no-where in the context of this transcript does it refer to Eastland Place Development. She says this should be put in for clarification.

RE: ALFRED EULER...CRAWFORD-BRANDIES DITCH:

Mr. Euler said a week ago today he had communication from the man that was supposed to do the cleaning of Crawford-Brandies Ditch and also from Mr. Guillaum about coming in to clean the ditch out. He said they both want to bring a bush-hog in which would damage his soybean crop for 1300 feet along Burkhardt and 600 feet along the south end of his property. He said he objects for two reasons, the damage and he doesn't think the bush-hog will do any good because a bush-hog would just do underneath the tractor itself and would leave the grass and weeds and trees that have accumulated in a years time. He said this should have been done every year but until about six years ago the ditches were cleaned out every year, either by the farmer himself or a contract was let out to clean the ditches. He said they paid for it every year but nothing was done about them.

Mr. Euler said in that time the trees have grown up as high as ten feet high. He said he does not see how they can clean out the walls of the ditch with a bush-hog.

Commissioner Borries asked Mr. Euler if he is sure that this bush-hog doesn't have an arm that reaches out that they can control.

Mr. Euler said he wants to read the following to the commissioners:

By its very terms 19-4-61 allows for a right of entry using due care, under the terms of this act, periodic maintenance, consists of minor repairs pursuant to which there shall be no damage. He said if any of the commissioners wants to look at this he will give it to them.

Commissioner Cox asked what this is and Mr. Euler said this is the opinion of the Attorney General on this law. He said all over the state, officials are reading things into this law that are not there.

President Borries said what Mr. Euler is confussed about is that the law refers to property damage and not referring to crop damage.

Commissioner Cox said it is a legal term and when the court awards damages, they use the term monetary damage.

President Borries asked if this is on the right-of-way and if it is the law does say that any crops growing on a right-of-way are at the risk of the property owner.

President Borries asked if this maintenance could be done after the crops are in if that would hepl solve some of the problem and Mr. Euler said no.

Commissioner Cox said what they know is that Mr. Euler knows that there is a 75foot right-of-way and he understands that, his main concern is that he did not know that the ditch was going to be cleaned at this time since it has not been cleaned for four or five years and he has planted his crops up to four or five feet of the ditch and now he is concerned they are going to be damaged.

Commissioner Cox said the machine they are going to use is like a tractor with an arm that comes out and they can let it down and it will cut trees of rour or five inches in diameter. She said thereshould be no damage except for two tracks going down.

Mr. Euler said he is planted up to six inches from the ditch.

President Borries asked Mr. Euler if he would be willing to look at this piece of equipment so that he can be assured that they will not damage his crops and Mr. Euler said yes he would.

RE: MIKE CECIL...PETITION TO CLEAN HARPER DITCH

Mr. Cecil said he lives at 201 Indian Trail. He said he has a petition that says the following:

We, the undersigned, petition the County Commission to clean out the ditch located behind Normandy Arms Apartments, Woolco and the Tri State Racquet Club starting at the north side of Division Street. This clogged ditch is resulting of the flooding of streets and homes in the Harrison High School vicinity. He said they have talked to the city engineer about this.

Mr. Cecil said everytime they a little rain now it immediately floods this area. He said the big they problem they have coming up now is that school is ready to start again and when the water is in the streets the kids will not drive through the water but instead they drive through their yards.

Mr. Cecil said Mr. Eiffler told him the problem is that a portion of Harper Ditch is stopped up and if the county will clean their part out the city will come in and blow those sewer lines out and dig out the ditch that runs along the church and then the state will come in and dig a ditch from division so they can get to the Harper Ditch, but they will not do anything until the county cleans out the ditch.

President Borries told Mr. Cecil that they have had numerous meetings with the county surveyor about this ditch and a gentleman who owns property north of Division, along this ditch. He said it has become a very complicated situation because of all the rapidly developementing area out there but they had plans to proceed with this. He said there is an individual there who farms the area to the north of that ditch and in order for them to get on the right-of-way, this gentleman had proposed a sum of money regarding some of the property that may be incurred on his land there, is so high that they have not been able to proceed with this project.

Mr. Cecil said this is a terrible problem and Commissioner Cox said she realizes this and it is also a problem for other east side residents along this ditch.

Mr. Clarence W. Jones of 211 Indian Trail was also there to speak on this petition. He said right now they can go out there and shovel dirt off of the street that has washed up there from the last rain.

Commissioner Cox said they are going to have to get something done about this. She said there has not been a law suit initiated and they would have to file for a declaratory judgement.

President Borries said he wants Mr. Cecil and Mr. Jones to know that this is a problem that they have been dealing with and because no action has been taken at this time, it is not because they have been unaware of it. He said there have been some legal problems they are trying to get taken care of. He said they will refer this petition to the county attorney and see what they suggest.

RE: LETTER FROM ROBERT S. MATTHEWS, JR.

President Borries said they received a letter from Robert S. Matthews, Jr. who is the secretary of the G.K.R. Industries regarding Legal Drain Annual Maintenance concerning crops growing on right-of-ways being at the risk of the land owner.

President Borries said he wants to let the record show this letter received and filed.

Commissioner Cox said they are using at least sixty five feet of the county property to grow crops.

Mr. Guillaum said he will contact G.K.R. Industries and tell them where they want them to begin on that ditch.

The meeting adjourned at 5:15 p.m.

MEMBERS PRESENTCOUNTY COMMISSIONERS

Robert Willner
Richard Borries
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY SURVEYOR

David Guillaum

ATTORNEY

SECRETARY: Kathy Lowe

Richard J. Borries
Robert J. Willner
Shirley Jean Cox
VANDERBURGH COUNTY DRAINAGE BOARD

620

VANDERBURGH COUNTY DRAINAGE BOARD
SEPTEMBER 8, 1981

The Vanderburgh County Drainage Board met in session this 8th day of September, 1981, in the Commissioners Hearing Room at 4:50 p.m. with President Borries presiding.

The minutes of the July 27th meeting were approved as amended. The minutes of the previous meeting were approved as engrossed by the County Auditor.

RE: ROBERT BRENNER.... BLUE CLAIMS

Mr. Brenner said that he has two blue claims that he feels need to be approved. The claims are as follows:

Eastside Urban North1/2 Crawford Brandies Ditch in the amount of four thousand one hundred twenty five dollars. (\$4125.00)

Eastside Urban North1/2 Boesche Ditch in the amount of two hundred fifty dollars. (\$250.00).

Commissioner Willner moved that the claims be approved. Seconded by Commissioner Cox... So ordered.

RE: ROBERT BRENNER.....EASTSIDE URBAN.....CRAWFORD BRANDIES EXTENSION

Mr. Brenner said that on the same ditch Mr. Bryant did a great job, but now there are two trees that have fallen in the ditch. They are at least two (2) feet in diameter. Mr. Bryant has offered to haul the trees away for one hundred dollars (100.00) a tree. Mr. Brenner said that this would be a bargain.

Commissioner Willner moved that Mr. Bryant remove the trees. Seconded by Commissioner Cox.... So ordered.

RE: RECONSTRUCTION OF HARPER DITCH

Mr. Brenner said that he has talked with County Attorney David Jones and he decided that they should reconvene the reconstruction meeting on Harper Ditch. The Surveyors office will send out legal notices and advertise the meeting. The meeting will reconvene on October 19, 1981, in the Commissioners Hearing Room. Commissioner Willner moved that the public hearing on the reconstruction of Harper Ditch will reconvene on October 19, 1981. Seconded by Commissioner Cox.... So ordered.

RE: MR. EULER

Commissioner Cox asked if Mr. Euler was satisfied now. Mr. Brenner said that as of now the machine was in repair, so Mr. Euler has not been able to see the machine, as was discussed in last weeks meeting.

There being no further business the meeting adjourned at 5:00 p.m.

MEMBERS PRESENT

COUNTY COMMISSIONERS

Richard Borries
Robert Willner
Shirley Jean Cox

COUNTY AUDITOR

Barry Heathcotte

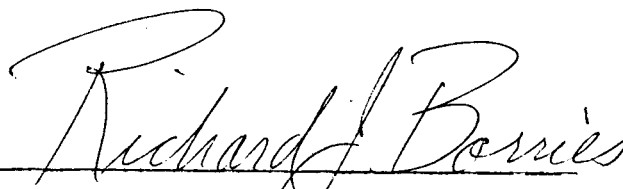
COUNTY SURVEYOR


Robert Brenner
Dave Guillaum

COUNTY ATTORNEY

David Miller

SECRETARY: Kathy Lowe







VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
SEPTEMBER 21, 1981

The Vanderburgh County Drainage Board met in session this 21st. day of September, 1981, in the Commissioners Hearing Room at 8:45 p.m. with President Borries presiding.

The minutes of the previous meeting which was held on September 8th. 1981 were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: DRAINAGE PLANS...SUB-DIVISIONS

President Borries said he has a piece of correspondence from Barbara Cunningham to David South dated September 14, 1981 regarding preliminary plats, he said they are forwarding copies of the preliminary sub-divisions to be put on the Drainage Board agenda. He said he thinks Mr. South may have these and at some future time they will be considering the four (4) plats. Mr. South said these plans have been rejected and new plans are going to be submitted on Thursday.

RE: CLAIMS...DITCH CLEANING

Mr. David Guillaum said he has two (2) claims for ditch cleaning, one is for Kolb Ditch in the amount of \$1,232.48 and the other is for Aiken Ditch in the amount of \$663.00. He said these claims are for G.K.R. Inc. He said these ditches have been checked and found to be satisfactory.

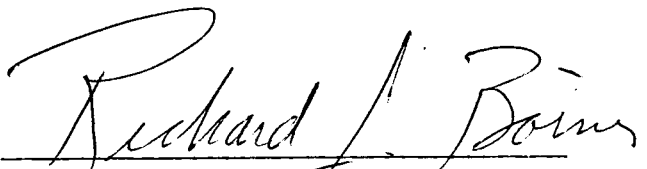

Commissioner Willner moved that Aiken Ditch be approved in the amount of \$663.00 and Kolb Ditch be approved in the amount of \$1,232.48. The motion was seconded by Commissioner Cox. So ordered.

The meeting adjourned at 9:00 p.m.

Members Present:

<u>COUNTY COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY SURVEYOR</u>	<u>COUNTY ATTORNEY</u>
Richard Borries Robert Willner Shirley Jean Cox	Alice McBride	David Guillaum	David Jones

RE: SECRETARY: Kathy Lowe

VANDERBURGH COUNTY DRAINAGE BOARD

VANDEBURGH COUNTY DRAINAGE BOARD
OCTOBER 19, 1981

The Vanderburgh County Drainage Board met in session this 19th, day of october, 1981, in the Commissioners Hearing Room at 9:05 p.m. with President Borries pre- siding.

The minutes of the previous meeting which was held on September 21, 1981 were app- roved as engrossed by the County Auditor and the reading of them were dispensed with.

RE: ROBERT BRENNER

Mr. Brenner said that he has received new plans for the Eastland Place. Which would be the terminous of the County Legal Drain, Harper Ditch.

Mr. Brenner said these plans had been approved with the continuence of seeing these plans.

Mr. Brenner said that the people could pipe the ditch from the edge of their property to Greenriver Road to tie into the under pass. Mr. Brenner recommended concrete pipe with some kind of gasket seal because they are going to cover the pipes with sand which under normal joints that they commonly use now, sand would drift into the pipes.

Mr. Brenner said they have asked for clean outs, also urge the Commissioners that some kind of deed restriction apply to this property. That any maintenance on any of the pipes that drain into the legal drain belong to the developer or to the owner.

Mr. Brenner said that they have come to them now and wish to change the pipe in the drain and under their driveway to galvanize pipe, They appose this. This is no way to do that. Galvanize pipe has a twenty year live, the building has a fifty year live.

Commissioner Willner moved that this be done with concrete pipe, positive joint sealing devices, and maintenance be done by the developer or owner, and make the past stipulation a deed restriction. Also anything under the building must meet the building code.

County Attorney David Miller suggested that all this subject to the approval of the County Attorney.

Commissioner Willner added this stipulation to his motion, seconded by Commissioner Cox.

Roll Call Vote; Ms. Cox, Yes; Mr. Willner, Yes; President Borries, Yes.

There being no futher business the meeting recessed at 9:15 p.m.

Members Present:

COUNTY COMMISSIONERS

Richard Borries
Robert Willner
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

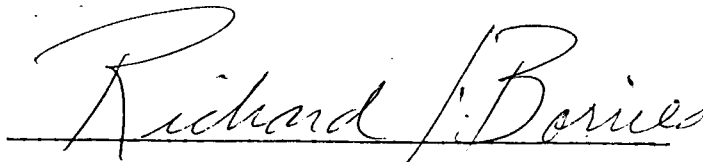
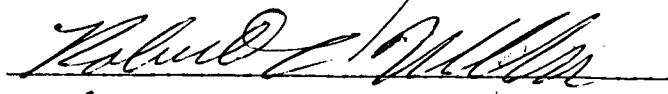

COUNTY SURVEYOR

Robert Brenner
David Guillaum

COUNTY ATTORNEY

David Miller

RE: SECRETARY: Kathy Lowe




VANDERBURGH COUNTY DRAINAGE BOARD

VANDEBURGH COUNTY DRAINAGE BOARD
OCTOBER 19, 1981
PUBLIC HEARING

A Public Hearing for the reconstruction of Harper Ditch was held on this 19th day of October, 1981 in the Commissioners Hearing Room with President Borries presiding.

Commissioner Cox moved the minutes of the previous Public Hearing on Harper Ditch be approved subject to them reading "recessed" instead of "adjourned" as previously stated on the minutes of March 23.

RE: RECONSTRUCTION OF HARPER DITCH

Mr. Brenner said that on February 23rd, he submitted his plans on the reconstruction of Harper Ditch and recommended they be approved.

Mr. Brenner said there were three (3) remonstrators in writing and one in person.

Mr. Brenner told the Commissioners that all the work will be done within the seventy-five (75) foot right-a-way. There is no way to take land from the other property because it has all been blacktopped.

Mr. Brenner said that there was a motion made on the third meeting concerning Mr. Sirkle's claim, the motion was made by Commissioner Willner that the claim be denied, seconded by President Borries. That motion was never voted on. The meeting was then recessed, but another date was never set for another meeting. Later the meeting was set for October 19, 1981 at 9:00 p.m.

Mr. Brenner said that there are some people here to speak.

President Borries said that now the people can speak on this.

The first remonstrator was Mr. Walter Sirkle.

Mr. Sirkle said that he has nothing against the reconstruction, but he can not understand why it all has to be taken from his land, also he feels that if it is all taken from his land he should be allowed something for his land. Mr. Sirkle said that he knows that it will help him some, but it will also help others.

President Borries said to Mr. Sirkle that he finds little to object to him, about what he says, because the drainage board and Mr. Sirkle cannot come to an agreement as to what a settlement should be.

President Borries also said that the drainage board has tried every attempt to try to be fair.

President Borries asked Mr. Brenner what was Mr. Sirkle's reply to the letter that was sent to him at the beginning of the reconstruction hearings.

Mr. Brenner said that there was three letters, but Mr. Sirkle objected by phone and not by letter.

Those in favor of the reconstruction

Mike Cecil

Mr. Cecil said that every time they get just a little bit of rain, when they try to back out of their driveway their floor-boards get wet, the water is so high. Also when you go through the water, for a while you do not have any brakes, but what are you going to do.

Mr. Cecil also said that he lives by Harrison High School, when the kids go out to lunch instead of driving through the water they drive in the yards. When it does rain then they have to worry about water getting into their homes.

Mr. Cecil said that there are some home owners that cannot even get out with their cars at all. What ever can be done would be very much appreciated.

Ferd Elfreich

Mr. Elfreich said that when it rained the 2 1/2 inch rain in July of 1980 he had four (4) feet of water in his basement. He has to sandbag his home and garage when it rains. It has cost Mr. Elfreich thousands of dollars. The problem is

caused by the ditch. What ever they can do would be very much appreciated.

John Roll

Mr. Roll said that they bought their house about a year ago and have gone through several floods. One time he and his wife went out, and when they returned home they had to park in the church parking lot and walk home, then had to walk back to the car to take the babysitter home.

Mr. Roll said that if one person held things up where he came from they would not let that one person influence the officials.

President Borries asked Mr. Brenner that when they advertised the meeting again, did the five (5) day period apply.

Mr. Brenner said that the five (5) day reply still remained from the first meeting.

President Borries said that the first thing to do is to determine that the cost and damages of this would outweigh the damages of not doing it.

Commissioner Willner moved that in the case of Victor J. Baumgart THE VANDERBURGH COUNTY DRAINAGE BOARD, VANDERBURGH COUNTY, INDIANA PURSUANT TO I.C. 19-4-3-1, NOW FINDS THAT THE PROPOSED RECONSTRUCTION OF HARPER DITCH ON THE REAL ESTATE OF VICTOR J. BAUMGART WILL RESULT IN NO DAMAGE TO THE LANDS OF VICTOR J. BAUMGART WITHIN THE MEANING OF I.C. 19-4-3-1 ET SEQ. THIS FINDING SHALL CONSTITUTE THE FINAL DECISION OF THE VANDERBURGH COUNTY DRAINAGE BOARD WITH RESPECT TO THE PRESENCE OR ABSENCE OF DAMAGES TO SAID LAND PURSUANT TO I.C. 19-4-3-1. DATED THIS 19th DAY OF OCTOBER, 1981 IN AN OPEN MEETING.

Also included in Commissioner Willner's motion was the above Resolution with the following names inserted:

Charlotte L. Baumgart

Joyce Baumgart Negley

Walter Sirkle

The above Resolution was passed unanimously in the affirmative for the following persons:

Victor J. Baumgart

Charlotte L. Baumgart

Joyce Baumgart Negley

In the Resolution containing the name of Walter Sirkle the vote was as follows:

Commissioner Willner, Yes; Commissioner Cox, No; President Borries, Yes.

President Borries said that now that after making the Resolution the next step would be to have the Surveyor's Office file mark the plans and make a Public announcement and have them available in the Surveyor's Office.

Commissioner Willner moved that the County Surveyor's Office be directed to proceed. Seconded by Commissioner Cox....So ordered.

Roll call vote, Commissioner Willner, Yes; Commissioner Cox, No; President Borries, Yes.

Mr. Brenner said that there was one more thing that he should say, any person can file suit within twenty days. If they don't the findings of the board are conclusive.

Mr. Brenner also said that even if the ditch is done, the fight must go on, the next thing is the culvert on Division Street. The culvert is too small.

Mr. Mike Cecil said that he has talked to Dick Arden about the culvert and that

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the city would come in and blow the sewers out, if the ditch is cleaned out.

With no further business the Public Hearing adjourned at 9:55 p.m.

MEMBERS PRESENT:

COUNTY COMMISSIONERS

Richard Borries
Robert Willner
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY SURVEYOR

Robert Brenner
David Guillaum

COUNTY ATTORNEY

David Miller

SECRETARY: Kathy Lowe

Richard J. Borries

Robert Willner

Shirley Jean Cox

VANDERBURGH COUNTY DRAINAGE BOARD

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VANDERBURGH COUNTY DRAINAGE BOARD
NOVEMBER 9, 1981

The Vanderburgh County Drainage met in session this 9th day of November, 1981, in the Commissioners Hearing Room with President Borries presiding.

The minutes of the previous meeting which was held on October 19, 1981 were approved as engrossed by the County Auditor and the reading of them was dispensed with.

The minutes of the Public Hearing for the reconstruction of Harper Ditch were also approved as engrossed by the County Auditor and the reading of them was dispensed with. The Public Hearing was held on October 19th., 1981.

RE: BIDS ON RECONSTRUCTION OF HARPER DITCH...ROBERT BRENNER

Mr. Brenner said he has the bids on the reconstruction of Harper Ditch and would like to give them to the County Attorney.

President Borries said at this time he would like to direct the County Attorney to proceed with the opening of the bids and see if they are in order.

Commissioner Willner moved that the bids be opened. The motion was seconded by Commissioner Cox. So ordered.

RE: EASTLAND PLACE...SAM BIGGERSTAFF

President Borries said Mr. Biggerstaff was there to represent the developers of Eastland Place.

Ms. Ann Thomas who is with Mitchell, Stacer and Frank, she said they represent Evansville Associates, a partnership consisting of Robert Skinner and George Broadbent.

Ms. Thomas said they have prepared a document entitled Memorandum of Understanding between the Commissioners, the Surveyor and Evansville Associates. She said it has been signed by Mr. Broadbent on behalf of the partnership. She said it is an agreement whereby the Commissioners will approve the vacation of portions of the ditch and relocation of other portions of the ditch. She said Mr. Biggerstaff and his company have been doing the surveying and engineering studies on the ground and he can elaborate on the requirements. (Copy is Attached)

Mr. Biggerstaff said they have submitted plans for the piping of Harper Ditch, the plans propose to make a more straight alignment of the ditch from the eastern end of Eastland Place to Green River Road. He said they are requesting the choice of using concrete pipe or corrugated metal pipe. He said they have designed the drawings in such a manner that they feel that each pipe they show on their drawings will carry the water and will run off the parking lot and run through Harper Ditch. He said that is their request here this afternoon.

Commissioner Willner asked Mr. Biggerstaff what is the life expectancy of metal pipe.

Mr. Biggerstaff said they get all kinds of answers on all of it. They will tell you 75 to 100 years.

Commissioner Cox asked what is the diameter of the metal pipe as compared to the concrete pipe.

Mr. Biggerstaff said the concrete pipe proposed is 68" by 106", it has area of 40 1/10 square feet.

He said the area of the size of the metal pipe is 75" by 112" which has an area of 46 square feet.

Commissioner Willner asked Mr. Biggerstaff if he could give him a figure of years expectancy of metal pipe over concrete pipe.

Mr. Biggerstaff said he doesn't feel they can give a definite figure, it is all according to what is run through it.

Mr. Biggerstaff said with just surface water the life expectancy should be about the same with either pipe.

President Borries said as Mr. Biggerstaff knows, they are encouraged by development but they have very real concerns in regards to the drainage problems in the area. He said, as an example, they have a 25 year rain, what kind of pipe would he say would be better to withstand this type of hard rain that would propose problems in that area.

Mr. Biggerstaff said he does not think the kind of pipe makes a bit of difference, it is the size of pipe that makes the difference.

Commissioner Cox said another concern they had was the maintenance and the cleaning. She wanted to know how well the metal pipe would withstand the cleaning procedures and equipment that has to go down in there and clean.

Mr. Biggerstaff showed them on the plans just how this pipe would be and how they would go about cleaning it.

Commissioner Cox asked what happened to the 108" diameter they talked about when they first looked at these plans.

Mr. Biggerstaff said they got 68" by 106" down the west side of Green River Road.

Mr. Biggerstaff said it says in the Memorandum of Understanding that Evansville Associates will maintain Harper Ditch and will keep it free from obstruction and will in no way impede the flow of drainage through the Harper Ditch System.

Mr. Biggerstaff also said the county shall have the right, at any reasonable time to check the conditions of the covered Harper Ditch to see that it complies with standards set forth by the State of Indiana and Vanderburgh County.

President Borries explained to Mr. Biggerstaff that they were going through the minutes to see if they can find what size pipe they first discussed.

Commissioner Willner asked Mr. South if he could read from previous minutes and get some clarification on it. He said "Commissioner Willner moved that the plans be referred to the County Surveyor's office and the County Attorney's office for their recommendations, and the attorney was David Miller".

Commissioner Willner said what he wants from Mr. South is his opinion on concrete vs metal pipe.

Mr. South said he had an opportunity to meet with people from the State Highway Research Board and he has verbally through test results that concrete has a longer life span than metal.

Mr. South said the cover of the pipe concerns him, on whether there will be enough cover.

Mr. Biggerstaff said that there is a minimum of 18" cover.

Mr. Biggerstaff said that both pipes will carry the water and he doesn't see that the type of pipe should be such a big question. He said they were there for approval for the pipes that they submitted.

Commissioner Cox said there are a lot of taxpayers and property owners that drain in this major area and their concern is that it be properly maintained and open at all times because it affects many people on the east side.

Commissioner Willner said he is not going to try to second guess what is best, he said he is going to require the best and then if something did happen, then they could say they at least required the best and the strongest they could. He said they tried some corrugated pipe on Lynch Road and they got in trouble with it, but he understands it was a petroleum cover that was the real problem and they had to send it back and it delayed the project. He said he is not willing to take the responsibility of saying they created problems out there. He said he is definitely going with concrete pipe.

Mr. Biggerstaff said they spent a lot of time and effort on this project and he will stand up in court with anybody and tell them that this pipe is sufficient to carry that rainfall for many, many years. He said he wants to make this statement right now because he does not feel they have done it wrong.

Commissioner Willner asked Mr. Brenner if he had any comments.

Mr. Brenner said he received a call from people at the Carriage House and their feeling is the Commissioners are showing favoritism, that they had to build a retention pond whereby they lost space for their buildings.

He said he explained to them that since that time they have completed a \$650,000.00 ditch project and that this drainage will run into that project.

Mr. Biggerstaff said at the Carriage House, that pipe was too small. He said he has watched that ditch close for the past seven or eight years and when the pipe was installed for Eastland Mall, the water that stood in culverts under Green-River Road receded at least two feet with water in the concrete pipe that ran north and south along the west side of Greenriver Road had a standing water of at least three feet.

He said Carriage House put those lakes in as big as they did to get the dirt so they wouldn't have to buy dirt. He said Commissioner Cox knows that the lake is not doing doing to good at Williamsburg.

Commissioner Cox said it is one of the saddist things she has seen out there.

He said they have asked them to do some pipe changes out there even though they did not do the work, because they are depending on the lake and it is not doing the work.

President Borries said the county attorney has a few questions concerning the contract here.

Mr. Jones said under paragraph 4...Plans and Specifications, the second full sentence which is: In the event the owner desires to make any changes in the Specifications and plans, any such changes will be submitted for approval to the county or its designated agent prior to the implementation of such changes. He said it appears to him that the county must consent to the changes, but the way it is written he can also read that it is mandatory, he wants to know if it is meant to say that before changes can be made by the owner, the county must consent to the changes or the changes cannot be put into effect or is it meant to say that if the owner deems the changes necessary, the county must go along with it.

Mr. Jones said he thinks it should be worded to make it clear as to what can be done.

He said he feels it should say changes must be obtained from the county.

Mr. Jones asked Mr Biggerstaff if paragraph 6...Waiver of Assessments meant forever and Mr. Biggerstaff said yes.

Mr. Brenner said he does not feel that the drainage board has the right to waive the assessments.

President Borries said if it is proper for him to forward some of his concerns to David Miller in regarding some clarification on this matter.

President Borries said they are asking Mr. Jones to forward some of his concerns to Mr. Miller before they will approve this.

President Borries asked Mr. Brenner if he had any comments as to the pipe.

Mr. Brenner said the opening to the pipe is the area of greatest concern, to them and to him. He said they have a trash trap over the opening and if they know their ditch they do allow the trash to collect on the trash trap. He said they should specify what size mesh they want on there and they want to keep the kids out. He said if it is small enough to catch leaves they are going to cause a flood.

President Borries said they are having some difficulty here with all the matters that need to be decided here, he said they have some more questions, particularly in regards to county engineer, in regards to plans as built as they can see those. He asked if it is the feeling of the board that they should not act on this tonight as they have questions as to the pipe and the assessments and the maintenance of this ditch and refer the agreement back to the county attorney and also involve the county engineer and the county surveyor to meet with the developers to get some answers for the board.

Commissioner Cox said her main concern is the type of pipe, she said she has seen too many of the metal pipes damaged in the county since the first of the year, and she said she has seen concrete pipes that tear up cars and don't even get a crack in them and she has seen bridges built back in 1883 that are concrete and there is nothing wrong with the bridge other than they are too narrow, and she said she cannot say that about the metal bridges she has looked at.

Commissioner Cox said her other concern is the trap that comes into this. She said this is important enough to the county to make sure that there should be a special section on maintenance, and it shouldn't be covered on the overall general maintenance.

Commissioner Willner said the way he feels about it is they started this meeting out without the Memorandum of Understanding in their hands prior to the meeting and to go through a large document such as this on the spur of the moment. He said he would like a little time to study this along with the attorney's.

President Borries said he would like to thank them for coming and answering some questions for them, but it is the feeling of the board that they will not take any action tonight pending questions and further communication with the attorney's, county engineer and county surveyor. He said pending the answer to some of their questions they will call another meeting. He said they have a drainage board meeting next week and they could act on it then.

RE: BIDS ON HARPER DITCH

Mr. Jones said the first bid for reconstruction work on Harper Ditch is Ray Strattnr Excavating, Inc. in the amount of \$16,530.30. The bid is in order.

The second bid is from John Mann, Inc. He said he has a problem with this one. He said there is a stated amount of \$16,121.65 and there is a memo note attached to the bottom of it that reads as follows: There is an error on the bidding form with double items on mulch seeding. This bid is submitted with all items quoted as required, subtract item #27, mulch seeding in the amount of \$4,800.00 which leaves \$11,321.65.

Mr. Jones said that is not the amount indicated for mulch seeding on the summary form.

Mr. Brenner said mulch seeding is included in the project and the bid of \$16,121.65 should be the correct bid.

Mr. Jones said the third bid is from Floyd I. Staub, Inc. in the amount of \$14,750.86.

Mr. Jones said the fourth bid is from Angel Excavation and Concrete. He said this firm is in Mt. Vernon. He said the bid is for \$10,962.50. Mr. Jones said on this bid there is a contractors statement listing experience, list of equipment, etc. He said the bid is in order.

Mr. Jones said the final bid is from Quinton Stahl, Inc. He said there is a note to see summary, \$27,710.00 or \$13,767.20. He said then there is a stated amount that includes hauling dirt. Mr. Jones said he does not know what his bid is.

Commissioner Cox asked what if they decide to turn over how many feet there is in this Eastland Place are they going to go ahead and clean this out before they start construction.

Mr. Brenner said they stopped at the pipe entrance.

Mr. Brenner said they do not wish to award the bid today because they had a summons come today from Mr. Sirkle and he recommends that they resolve this in some way before the begin construction.

Commissioner Willner asked Mr. Jones if he would read that law suit into the record.

Mr. Jones said it is a Complaint for Judicial Review and Damages filed in the Vanderburgh Superior Court under cause number 81-CIV-2706. Caption: Walter C. Sirkle and Jeanette D. Sirkle VS Vanderburgh County Drainage Board, Robert Willner, Shirley Jean Cox and Richard Borries, the Vanderburgh County Commissioners including the same parties and Vanderburgh County Surveyor who is unnamed.

Mr. Jones said there was a prayer for damages in the amount of \$20,000.00.

Mr. Jones said the summons says the plaintiff suffered damages to the real estate which the board refused to find in the amount of \$20,000.00.

Commissioner Cox said she has a question, when they do start cleaning out this ditch, do they have any control over the contractor, over the mess that they leave on the streets or the roads and on the heavy equipment that comes in there.

Mr. Brenner said they agreed with Mr. Sirkle to haul off all trash.

Commissioner Willner asked the attorney, do they proceed with the reconstruction of Harper Ditch or do they wait for the law suit.

Commissioner Borries said he thinks this suit has to be settled first.

Mr. Brenner said even with the \$20,000.00 he thinks it is below their estimate. He said the estimate to clean it was \$30,000.00.

Mr. Jones said Mr. Sirkle is not asking for them to stop, he is just asking for damages.

He said he can see no reason why they cannot go ahead with the work.

Mr. Brenner asked Mr. Jones if he could find out before they go to court why they say they didn't have proper notice.

Mr. Jones said it is stated in the last paragraph. "Notice was defective among other reasons, that it never specified that the board had never assessed no damages to the man and secondly, it never specified the statutory requirements of the October 19, 1981 meeting.

Mr. Brenner said they are going to have another meeting in a week so let them take them under advisement and look through it as they just got it also.

RE: CLAIMS

Mr. Brenner said he has some claims for approval, the are as follows:

Leo C. Paul for Wallenmeyer Ditch in the amount of \$1,044.38.

Commissioner Willner moved it be approved, seconded by Commissioner Cox. So ordered.

Green Grasshopper Flying Service for the spraying of Eagle Slough in the amount of \$1,802.40.

Commissioner Willner moved it be approved, seconded by Commissioner Cox. So ordered.

RE: ROBERT BRENNER

Mr Brennersaid he has a problem with one of their bidders, he has done a good job on what he has accomplished. A company they call GKR, this is the one that has a tractor with an arm that extends off to the side for mowing the ditches. He said they mowed the bottom of the ditches by hand and completed most of the ditches done in Vanderburgh County, maybe 50% done. He said the specs say they should be done by November 15th. and they cannot make it. He said their tractor is broke down with probably a blown engine and he would like to request them to give them a thirty day extension.

Commissioner Cox moved they allow GKR a thirty day extension. The motion was seconded by Commissioner Willner. So ordered.

Mr. Brenner said on the ditch maintenance, they skipped one ditch intentionally, they discussed it, they were considering the reconstruction of Pond Flat Lateral D. He said they walked the ditch and surveying the damage and it is not severe enough to do a reconstruction, but will require some dredging but they will stay within their boundary. He said he has written up some specs that he would like to advertise for the maintenance of of Pond Flat D.

Commissioner Cox asked where is this ditch and Mr. Brenner said it runs into Pond Flat Main and is in Armstrong Township.

Commissioner Cox moved that the surveyor advertise for bids for ditch cleaning for Pond Flat Lateral D. The motion was seconded by Commissioner Willner. So ordered.

RE: DAVID SOUTH

Mr. South said east of Greenriver Road in the vicinity of Division, they require the developer to retain their water so that no additional water runs on that new development. Is this the correct procedure for the Drainage Board for that part of the county?

Mr. South said the reason for the question is that they know Division is going to be improved and if they have that requirement on the people that build out there, the Highway Commission can be notified that that is the policy and they can allow for it.

President Borries said that may have been a matter that was approved by a prior drainage board. He said that has not been done in 1981 to his knowledge.

Commissioner Willner said Eastland is required to contain their water and they have been doing this for several years now.

Mr. South said if this is the drainage policy, he wants to advise them at Friday's

meeting.

President Borries asked Mr. Brenner if he could find this for them in the minutes for them and report back to them.

Mr. Brenner said he would.

President Borries asked if it is the feeling with this board that they will continue with this policy.

Commissioner Cox said she would think so.

Commissioner Willner said the problem he has is that it has never been a policy to roads and streets.

Mr. Brenner said it does in subdivision roads and streets.

President Borries said it is the feeling of this board that they continue with this policy.

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

RE. MEMBERS PRESENT

<u>COUNTY COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY SURVEYOR</u>	<u>COUNTY ATTORNEY</u>
Richard Borries Robert Willner Shirley Jean Cox	Alice McBride	Robert Brenner	David Jones

RE; Secretary: Kathy Lowe

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING, made and entered into this ____ day of November, 1981, by and between VANDERBURGH COUNTY DRAINAGE BOARD, a municipal corporation organized under the laws of the State of Indiana, and ROBERT BRENNER, the duly elected Vanderburgh County Surveyor, both of whom are sometimes called "County", and EVANSVILLE ASSOCIATES, an Indiana general partnership consisting of ROBERT N. SKINNER and GEORGE P. BROADBENT, which is sometimes called "Owner";

WITNESSETH THAT:

WHEREAS, Owner has purchased or has executed options to purchase certain real estate located in Vanderburgh County, Indiana, which real estate is more particularly described in Exhibit "A", which is attached hereto and made a part hereof; and

WHEREAS, Owner desires to relocate a portion of Harper Ditch, which legal drain is located in the Northwest Quarter and the Southwest Quarter of Section 24, Township 6 South, Range 10 West, in Vanderburgh County, Indiana, and which is more particularly described in Exhibit "B" which is attached hereto and made a part hereof; and the relocated Harper Ditch which is also situated in the Northwest Quarter and the Southwest Quarter of Section 24, Township 6 South, Range 10 West, in Vanderburgh County, Indiana, and which is more particularly described in Exhibit "C", which is attached hereto and made a part hereof, both of which descriptions are indicated on a plot plan which is attached hereto and made a part hereof as Exhibit "D"; and

WHEREAS, Owner further desires to convert the open ditch to a covered ditch, increasing the size of said ditch, changing the course of said ditch, all of which will provide for erosion control and grade stabilization as well as improving the present Harper Ditch drainage system through said property and provided enhanced drainage for the entire Harper Ditch system.

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NOW THEREFORE, in consideration of the covenants and promises hereinafter set forth, it is mutually agreed by the parties as follows:

1. Partial Vacation and Relocation of Harper Ditch.

County grants permission to Owner to relocate a portion of Harper Ditch as described in Exhibit "C", and to file the necessary documentation for the partial vacation of said Harper Ditch in accordance with the provisions of IC 36-9-27-37.

By the execution of this Agreement, the County agrees to approve the Owner's Petition for partial vacation and reconstruction of said Harper Ditch in accordance with the terms of this Agreement and in compliance with IC 36-9-27-34(d), 36-9-27-37, and 36-9-27-49 through 36-9-27-52. That portion of Harper Ditch to be vacated is described in Exhibit "B".

2. General Description of Relocated Ditch. Owner states

that the relocated portion of Harper Ditch will be either a 68 inches by 106 inches reinforced concrete elliptical pipe or a 96 inch round corrugated metal pipe which will flow from the eastern portion of the Owner's property to the western boundry at Green River Road. The enclosed ditch will be covered by improved structures and parking area. Starting at the upper or eastern portion of the ditch, there will be constructed a "trash rack" to catch the debris flowing from the east to the Owner's property. From the trash rack, the pipe will extend a 125 feet at which point there will be a 6 1/2 foot by 12 foot reinforced concrete box culvert, over which a permanent structure will be constructed. The enclosed ditch will continue as shown on Exhibit "D" until it is connected to a junction chamber at Green River Road where Harper Ditch then continues in a westwardly flow.

3. Existing Conditions of Harper Ditch. The parties

acknowledged that the present Harper Ditch across Owner's property is an open ditch which averages approximately 28 feet across the top of the banks and averages approximately 6 feet deep, which ditch is filled with trees, brush and other debris.

4. Plans and Specifications. Owner states that Associated Land Surveyors & Civil Engineers are the consulting engineers for the relocated ditch projection, and that they will furnish all materials and perform or be responsible for the performance of all work indicated in drawings and specifications to be submitted to County for its approval. Owner reserves the right to make any changes, in writing, in the specifications and plans which may be deemed necessary either before or after beginning any work under this Agreement, without invalidating this Agreement; provided, however, if such alterations are deemed necessary, all such changes shall be approved by the County or its designated agent, which approval will not be unreasonably withheld.

5. Maintenance of Ditch. Owner, for themselves and for their grantees, successors and assigns, covenant and agree that they will maintain, repair, and inspect and be responsible for the total upkeep of said Harper Ditch running under the property of the Owner's in perpetuity in such a manner that the said Harper Ditch will be kept free from obstruction and will in no way impede the flow of drainage through the Harper Ditch drainage system.

6. Waiver of Assessments. In consideration of Owner reconstructing and improving said Harper Ditch, County releases Owner of any assessments for the maintenance and improvements and reconstruction of Harper Ditch.

7. Right of Inspection. County shall have the right, at any reasonable time, to check the condition of the covered Harper Ditch to see that it complies with standards set forth by the State of Indiana and Vanderburgh County.

8. Indemnification of County. Owner agrees to indemnify County against any damages that such ditch may cause by reason of the same not being kept in proper repair. County assumes no responsibility for maintenance, upkeep, or repair that may be necessary in connection with said ditch. Owner shall indemnify County and all officers and agents thereof against all damages, costs, or expenses in law or equity that may at any time arise or

result from damage of property or from personal injury received by reason or in the course of performing any work or connection with the relocation and reconstruction of Harper Ditch, which damages or injuries are occasioned by any negligent act or omission to act on the part of Owner or any of their servants, agents or employees, or any subcontractor performing any of the work contemplated by or under this Agreement.

Such indemnification shall include, without limitation, attorneys' fees, court costs and expenses.

9. Waiver of IC 36-9-27-33 Provisions. County waives the right of entry granted in IC 36-9-27-33; provided, however, that County retains the perpetual right of entry to inspect said ditch as contemplated and set forth above. County further grants by this Agreement that Owners may construct permanent structures over said covered ditch, provided, however, that the plans and specifications are first approved by the County, which will not be unreasonably withheld.

10. Notice. Any notices to be given hereunder shall be deemed to be given when (a) actually served on the person to be notified or (b) by United States mail, certified or registered mail, return receipt requested, postage prepaid, to those addresses furnished by the parties to each other, and said parties may change the addresses from time to time by written notice of the new address delivered as above provided.

11. Parties Bound. This Agreement shall be binding upon the parties hereto, their respective successors in interest, assigns, heirs and legal representatives.

12. Applicable Law. This Agreement shall be interpreted under the laws of the State of Indiana.

13. Attorneys' Fees. In the event it becomes necessary for any party to enforce the terms of this Agreement by action in any court of prominent jurisdiction, the prevailing parties entitled to recover reasonable attorneys' fees in addition to any other judgment rendered.

14. Recording Provisions. The parties agree that upon the request of Owner, County will sign a short form of this Agreement for the purpose of recording it with the Vanderburgh County Recorder, which short form shall be prepared at the expense of Owner.

15. Captions. All paragraph headings and captions contained in this Agreement are supplied for the convenience of reference only and shall not limit nor amplify any of the provisions of this Agreement and shall not be used in the construction thereof.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Understanding on the date first written above, at Evansville, Indiana.

VANDERBURGH COUNTY DRAINAGE BOARD

Richard J. Borries
RICHARD BORRIES, President

Robert Willner
ROBERT WILLNER, Vice-President

Shirley Jean Cox
SHIRLEY JEAN COX, Member

ROBERT BRENNER
Vanderburgh County Surveyor

"County"

EVANSVILLE ASSOCIATES

By George P. Broadbent
GEORGE P. BROADBENT
A General Partner

"Owner"

EXHIBIT "A"

Part of the Northwest quarter of Section 24, Township 6 South, Range 10 West and part of the Southwest quarter of Section 24, Township 6 South, Range 10 West, lying in Vanderburgh County, Indiana, and the Replat of Lot 9 in Plaza East Subdivision recorded in Plat Book "L" on page 13 in the office of the Recorder of Vanderburgh County, Indiana.

Beginning at the Southwest corner of the Northwest quarter of said Section 24 (being also the Northwest corner of the Southwest quarter of said Section 24); thence North 00° 00' 20" West along the West line of the said Northwest quarter for 595.84 feet; thence South 89° 57' 01" East for 771.62 feet; thence South 01° 01' 07" West for 594.37 feet to a point on the South line of the said Northwest quarter; thence North 89° 55' 55" East along the said South line for 108.86 feet; thence South 01° 42' 05" East for 993.09 feet to the center line of Virginia Street; thence South 89° 41' 34" West along the center line of said Virginia Street for 611.61 feet; thence South 01° 11' 35" East and along the North line of Lot 9 in Plaza East Subdivision for 406.30 feet to the Southeast corner of said Lot 9; thence South 89° 41' 34" West for 267.00 feet to a point on the West line of the Southwest quarter of said Section 24; thence North 01° 11' 35" West along the West line of the said Southwest quarter for 1402.85 feet to the place of beginning.

EXHIBIT "B"

A part of Harper Ditch in the Northwest Quarter and the Southwest Quarter of Section Twenty-four (24), Township Six (6) South, Range Ten (10) West, in Vanderburgh County, Indiana, the center of said ditch is more particularly described as follows:

Beginning at a point on the East right-of-way of Green River Road, which is located by commencing at the Southwest corner of the Northwest Quarter of said section; thence North 00 degrees, 00 minutes, and 20 seconds West along the West line thereof for 236.81 feet; thence South 60 degrees, 55 minutes, and 42 seconds East for 47.60 feet to the place of beginning: from said place of beginning thence South 40 degrees, 59 minutes, and 02 seconds East for 263.75 feet; thence South 57 degrees, 58 minutes, and 17 seconds East for 55.92 feet; thence South 81 degrees, 09 minutes, and 17 seconds East for 91.43 feet; thence North 89 degrees, 48 minutes, and 14 seconds East for 235.00 feet to the end of the vacated part of Harper Ditch.

EXHIBIT "C"

A part of Harper Ditch to be relocated is located in the Northwest Quarter and the Southwest Quarter of Section Twenty-four (24), Township Six (6) South, Range Ten (10) West, in Vanderburgh County, Indiana, to the center of the relocated ditch, which is more particularly described as follows:

Beginning at a point on the East right-of-way of Green River Road which is located by commencing at the Southwest corner of the Northwest Quarter of said section; thence North 00 degrees, 00 minutes, and 20 seconds West along the West line thereof for 236.81 feet; thence South 60 degrees, 55 minutes, and 42 seconds East for 47.60 feet to the place of beginning; from said place of beginning thence South 66 degrees, 05 minutes, and 03 seconds East for 596.99 feet to a point in said ditch and the end of the relocated part of Harper Ditch.

STONE @ N.E. CORNER
W 1/2 SW 1/4 Sec 24 T10

Harper Ditch

108 82

TOLERANCES		REVISIONS	
PERCENTAGE	NO	DATE	BY
DECIMAL	1		
FRACTIONAL	2		
ANGULAR	3		

ASSOCIATED LAND SURVEYORS' CIVIL ENGINEERS	
1323 DIVISION ST - EVANSVILLE, INDIANA	
HARPER DITCH	
VARIATION	8 RELOCATE
PLAN	1 1/2"
DATE	SEP 25 81

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VANDERBURGH COUNTY DRAINAGE BOARD
NOVEMBER 16, 1981

The Vanderburgh County Drainage Board met in session this 16th day of November, 1981, in the Commissioners Hearing Room with President Borries presiding.

The minutes of the previous meeting which was held on November 9, 1981 were approved as engrossed by the County Auditor and the reading of them were dispensed with.

RE: WALTER KAUFMAN: NURRENBURN DITCH

Mr. Kaufman said that the ditch bills were sent out and he feels that it is the worse mess that he has ever seen. He said that he has pictures to show the Commissioners.

President Borries asked Mr. Kaufman what ditch was he referring to.

Mr. Kaufman said it was the Nurrenburn Ditch.

President Borries asked Mr. Kaufman if the nature of his complaint was that the ditch is not carrying the water flow.

Mr. Kaufman said that he didn't know how the water could flow right because the ditch is full of trash.

Mr. Brenner said that the ditch would be cleaned out on or before December 15th, because they have a contract to that effect. He also said that he cannot do anything until December 15, then if the job is not done right the bidder will not get paid and then they can go from there.

President Borries asked Mr. Kaufman if he was satisfied with that.

Mr. Kaufman said that he will have to see it done before he can say if he is satisfied or not.

Mr. Kaufman said that another thing is that he has been to the Surveyor's Office three times to see the drainage plans for Lakeview Terrace, but he has never got to see them.

Mr. Brenner said that he has never had the plans, they would be over at the Area Plan Commission.

Mr. Kaufman said that the last time he was in the Surveyor's office they sent him to the Commissioners Office and they sent him to Area Plan and they told him that they do not have the plans either.

Commissioner Cox said that the plans should be in the Area Plan Commission Office, and that she serves on the Area Plan Commission, and that she would try to get a copy of the plans for him.

Commissioner Cox asked County Attorney David Miller when the plans were submitted.

County Attorney David Miller said that it was about two years ago that the plans were submitted.

Mr. Brenner said that if it was that long ago, it might be that there are no drainage plans on it.

Commissioner Cox said that she would try to see if she can get that information for Mr. Kaufman.

Mr. Kaufman said the last thing he has to say is that on his ditch bill that he received, he feels that his acreage is wrong on them. He wants to know who he can talk to about them.

President Borries asked David Guillaum from the County Surveyor's Office to check on this and get back to Mr. Kaufman.

Mr. Brenner said that Mr. Kaufman received three different bills, two for annual maintenance and one for the reconstruction of the Wabash Erie Canal, that is why it seems like there are more acreage than he really has, but they will check it out and get back to Mr. Kaufman.

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RE: MEMORANDUM OF UNDERSTANDING.....HARPER DITCH

Mr. Mike Mitchell from Evansville associates said that an understanding has been worked out a couple of times regarding Harper Ditch.

Mr. Mitchell said that by going over the agreement with the Commissioners this afternoon they have done some changes the County Attorney wanted. He thinks that they have covered most of the concerns of the Commissioners also.

Mr. Mitchell said that he feels that they have come to an agreement with all parties involved.

County Attorney David Miller said that he has looked over the contract and from a legal standpoint it is in order assuming that there has been an agreement between all parties involed regarding the use of what is described as a round smooth galvanized steel pipe having an end area of not less that forty (40) square feet. He said that to his understanding there was a disagreement as to go with concrete pipe or galvanize pipe.

Mr. Mitchell said that they have come to an agreement on that.

Mr. Mitchell said that Commissioner's Cox's concern was corrugated vs smooth, they will put in smooth.

Mr. Mitchell also said that he has talked to Mr. Bill Foreman who repersents Mr. Huber and Mr. Maurer who has a section of this property and that they will be filing a formal petition that this agreement is just so that his client can begin the project. He said that they will file a petition pursuant to state statute for review of the council as to a proper vacation and relocation of the ditch including the Maurer portion of it.

County Attorney David Miller asked Mr. David South if Mr. Mitchell properly described the understanding reached in respect to metal pipe in the portion of the ditch which is not located under any building.

Mr. South said that he assumed that he did.

President Borries asked Mr. Brenner if he could comment on that.

Mr. Brenner said that the one thing that they did say was that a forty (40) foot square opening area should be forty-six (46) feet corrugated and forty (40) foot was the smooth or concrete.

Mr. Mitchell asked County Attorney David Miller if he wanted a letter from them or if it can be address in the plans and specs to be submitted for approval from Mr. Brenner.

County Attorney David Miller said that either way will be alright.

Mr. Brenner said that they have already put it in the plans.

President Borries asked Mr. Brenner if his concerns on the openings are satisfied now.

Mr. Brenner said yes they have taken care of all of them.

Mr. Mitchell said that he thought that the trash rack with the new openings were concerning Mr. Brenner also, but that has been taken care of too. (a copy of the amended agreement is attached.)

Commissioner Willner moved that they sign the new amended agreement on the closure of Harper Ditch in the area of Eastland Place. Seconded by Commissioner Cox....So ordered.

Roll call vote, Commissioner Willner, Yes; Commissioner Cox, Yes; President Borries, Yes.

RE: SONNTAG STEVENS

President Borries said that he has received a petition for a new drain for Sonntag Stevens Extension signed by the Commissioners, attested by the County Auditor and wonders if they need to take futher action other than being received and filed.

Mr. Brenner said that now they have to refer it to the County Surveyor and then he will get back to them.

Commissioner Cox ask why they have to refer this to the County Surveyor, or why can't he give them his recommendation now.

Mr. Brenner said that it is standard procedure, he said that he has to give them his recommendation in writting.

Commissioner Willner moved that they accept the petition and refer it to the County Surveyor for action and return with a recommendation. Seconded by Commissioner Cox.... So ordered. (see attached signed copy of petition)

RE: CLAIMS

Mr. Brenner said that he has some claims from Big Creek Drainage Association, and recommends they be approved. The claims are as follows:

Pond Flat C Lat in the amount of one thousand eighty four dollars and thirty two cents. (1,084.32)

Pond Flat Main in the amount of four thousand four hundred two dollars and sixty five cents. (4,402.65)

Pond Flat E Lat in the amount of four hundred thirty three dollars and ninty two cents. (433.92)

Rusher Creek in the amount of five hundred thirty three dollars and thirty eight cents. (533.38)

Buente Upper Big Creek in the amount of three thousand twenty nine dollars and twenty five cents. (3,029.25)

Lower Big Creek in the amount of one thousand two hundred dollars and sixteen cents. (1,200.16)

Commissioner Willner moved that the claims be approved. Seconded by Commissioner Cox.... So ordered.

RE: POND FLAT D LAT.

Mr. Brenner said that they have advertised for the major maintenance on Pond Flat D Lat, and the bids will be opened on November 23rd.

RE: BIDS ON RECONSTRUCTION OF HARPER DITCH

Mr. Brenner said that Angel Construction was the low bid for the reconstruction of Harper Ditch in the amount of ten thousand nine hundred sixty two dollars and fifty cents. (10,962.50) He recommends they accept this bid.

Commissioner Willner said that he had one question, that the law suit now pending is not resolved, would it not be wiser to hold it for a week.

Mr. Brenner said yes, but he thinks they should notify Angel Construction and tell them that they are low bidder and when the law suit is resolved then he will be awarded the contract.

Commissioner Cox asked Mr. Brenner when can he start on the project, because last week County Attorney David Jones said that the law suit can not delay the project as there was no injunction.

Mr. Brenner said that he can start as soon as the Commissioners say he can.

County Attorney David Miller said that the project does not have to be delayed because of the law suit, but the Commissioners have the right to delay it for a week or longer pending the law suit.

Mr. Brenner said that the Commissioners have the right to abort the whole project.

Commissioner Cox said that they could not do that, the ditch needs to be done.

Commissioner Willner said that he is not sure that he would want to go on with the reconstruction if they have to pay eighteen thousand dollars. (18,000.00)

Mr. Brenner said that even with the maintenance collections this year Harper ditch will have a negative balance of nine thousand three hundred dollars (9,300.00),

due to the engineering done in 1972. He also said that Harper ditch has had one minor cleaning in the last ten years.

Commissioner Willner moved that they wait until a later date on approving any bid for the reconstruction of Harper Ditch. Seconded by Commissioner Cox....So ordered.

There being no further business the meeting adjourned at 10:25 p.m.

RE: MEMBERS PRESENT

COUNTY COMMISSIONERS

Richard Borries
Robert Willner
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

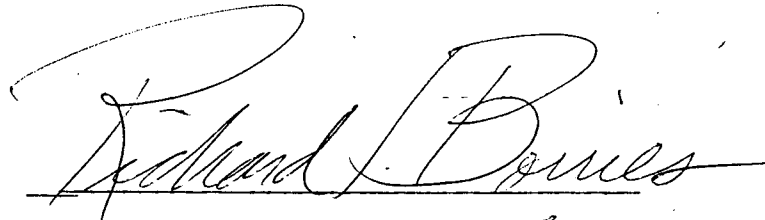
COUNTY SURVEYOR

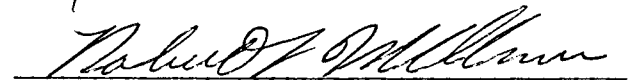
Robert Brenner

COUNTY ATTORNEY

David Miller

RE: Secetary: Kathy Lowe


Richard L. Borries


David Miller


Shirley Jean Cox
VANDERBURGH COUNTY DRAINAGE BOARD

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ROBERT W. BRENNER, SURVEYOR

SURVEYOR'S OFFICE
VANDERBURGH COUNTY
ROOM 325 ADMINISTRATION BUILDING
CIVIC CENTER COMPLEX
EVANSVILLE, INDIANA 47708

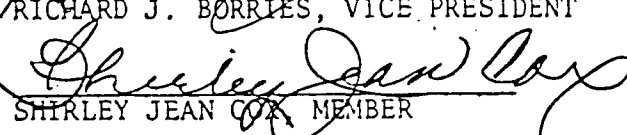
(SONNTAG STEVENS EXTENSION)

PETITION FOR NEW DRAIN

- I. The Vanderburgh County Commissioners acting in body as The County Drainage Board is acting as The Petitioner.
- II. The following individuals are those whose property fronts the proposed improvements and will be directly affected by the improvement:
- | Owner | Code | Address |
|----------------------------------|----------|--------------------|
| 1. Whipple, Lloyd G. & Elizabeth | 2-414- 4 | 4301 Clover |
| 2. Bass, George T. & Violet | 2-414-33 | 3021 Eastbrook |
| 3. Knabel, Francis R. & Carol | 2-414-32 | 3015 Eastbrook |
| 4. Josey, James & Peggy | 2-414-31 | 3009 Eastbrook |
| 5. Rutherford, Shird & Lillian | 2-414-30 | 3001 Eastbrook |
| 6. Wickolick, Gary & Kathy | 2-414-29 | 2915 Eastbrook |
| 7. Woolsey, Marice | 2-414-24 | 2905 Eastbrook |
| 8. Carra, Ruby M. | 2-414-27 | 2901 Eastbrook |
| 9. Smith, Lewis & Sheila | 2-414-26 | 2813 Eastbrook |
| 10. Dockery, Edward & Gayla | 2-414-25 | 2809 Eastbrook |
| 11. Brandenburger, Mildred | 2-171-18 | 4100 Oak Hill Road |
- III. The general route 863' E. from Oak Hill & Eastbrook (see sketch).
- IV. It is the opinion of The Petitioner that the costs, damages and expenses will be less than the benefits.
- V. It The Petitioner's opinion this improvement will benefit a county road (Eastbrook) by eliminating standing water at the road shoulder.
- VI. The County Attorney shall represent the County Commissioners.


ROBERT L. WILLNER, PRESIDENT


RICHARD J. BORRIES, VICE PRESIDENT


SHIRLEY JEAN COX, MEMBER

ATTEST:


ALICE MCBRIDE, COUNTY AUDITOR

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING, made and entered into this _____ day of November, 1981, by and between VANDERBURGH COUNTY DRAINAGE BOARD, a municipal corporation organized under the laws of the State of Indiana, and ROBERT BRENNER, the duly elected Vanderburgh County Surveyor, both of whom are sometimes called "County", and EVANSVILLE ASSOCIATES, an Indiana general partnership consisting of ROBERT N. SKINNER and GEORGE P. BROADBENT, which is sometimes called "Owner";

WITNESSETH THAT:

WHEREAS, Owner has purchased or has executed options to purchase certain real estate located in Vanderburgh County, Indiana, which real estate is more particularly described in Exhibit "A", which is attached hereto and made a part hereof; and

WHEREAS, Owner desires to relocate a portion of Harper Ditch, which legal drain is located in the Northwest Quarter and the Southwest Quarter of Section 24, Township 6 South, Range 10 West, in Vanderburgh County, Indiana, and which is more particularly described in Exhibit "B" which is attached hereto and made a part hereof; and the relocated Harper Ditch which is also situated in the Northwest Quarter and the Southwest Quarter of Section 24, Township 6 South, Range 10 West, in Vanderburgh County, Indiana, and which is more particularly described in Exhibit "C", which is attached hereto and made a part hereof, both of which descriptions are indicated on a plot plan which is attached hereto and made a part hereof as Exhibit "D"; and

WHEREAS, Owner further desires to convert the open ditch to a covered ditch, increasing the size of said ditch, changing the course of said ditch, all of which will provide for erosion control and grade stabilization as well as improving the present Harper Ditch drainage system through said property and provided enhanced drainage for the entire Harper Ditch system.

NOW THEREFORE, in consideration of the covenants and promises hereinafter set forth, it is mutually agreed by the parties as follows:

1. Partial Vacation and Relocation of Harper Ditch.

County grants permission to Owner to relocate a portion of Harper Ditch as described in Exhibit "C", and to file the necessary documentation for the partial vacation of said Harper Ditch in accordance with the provisions of IC 36-9-27-37.

By the execution of this Agreement, the County agrees to approve the Owner's Petition for partial vacation and reconstruction of said Harper Ditch in accordance with the terms of this Agreement and in compliance with IC 36-9-27-34(d), 36-9-27-37, and 36-9-27-49 through 36-9-27-52. That portion of Harper Ditch to be vacated is described in Exhibit "B".

2. General Description of Relocated Ditch. Owner states

that the relocated portion of Harper Ditch will be furnished with a round smooth flow galvanized steel pipe having an end area of not less than 40 square feet, or such other material as may be mutually agreed upon by the parties hereto, which pipe will flow from the eastern portion of the Owner's property to the western boundry at Green River Road. The enclosed ditch will be covered by improved structures and parking area. Starting at the upper or eastern portion of the ditch, there will be constructed a "trash rack" to catch the debris flowing from the east to the Owner's property. From the trash rack, the pipe will extend a 125 feet at which point there will be a 6 1/2 foot by 12 foot reinforced concrete box culvert, over which a permanent structure will be constructed. The enclosed ditch will continue as shown on Exhibit "D" until it is connected to a junction chamber at Green River Road where Harper Ditch then continues in a westwardly flow.

3. Existing Conditions of Harper Ditch. The parties

acknowledged that the present Harper Ditch across Owner's property is an open ditch which averages approximately 28 feet across the

647
top of the banks and averages approximately 6 feet deep, which ditch is filled with trees, brush and other debris.

4. Plans and Specifications. Owner states that Associated Land Surveyors & Civil Engineers are the consulting engineers for the relocated ditch projection, and that they will furnish all materials and perform or be responsible for the performance of all work indicated in drawings and specifications to be submitted to County for its approval. In the event the Owner desires to make any changes in the specifications and plans, any such changes will be submitted for approval to the County or its designated agent prior to the implementation of such changes, which approval will not be unreasonably withheld.

5. Maintenance of Ditch. Owner, for themselves and for their grantees, successors and assigns, covenant and agree that they will maintain, repair, and inspect and be responsible for the total upkeep of said Harper Ditch running under the property of the Owner's in perpetuity in such a manner that the said Harper Ditch will be kept free from obstruction and will in no way impede the flow of drainage through the Harper Ditch drainage system.

6. Waiver of Assessments. In consideration of Owner reconstructing and improving said Harper Ditch, County releases Owner of any assessments for the maintenance and improvements and reconstruction of Harper Ditch to the extent permitted by law.

7. Right of Inspection. County shall have the right, at any reasonable time, to check the condition of the covered Harper Ditch to see that it complies with standards set forth by the State of Indiana and Vanderburgh County.

8. Indemnification of County. Owner agrees to indemnify County against any damages or injuries that may be caused by the relocated portion of the Harper Ditch by virtue of any cause whatsoever. County assumes no responsibility for maintenance, upkeep, or repair that may be necessary in connection with said ditch. Owner shall indemnify County and all officers and agents thereof against all damages, costs, or expenses

in law or equity that may at any time arise or result from damage of property or from personal injury received by reason or in the course of performing any work or connection with the relocation and reconstruction of Harper Ditch, which damages or injuries are occasioned by any negligent act or omission to act on the part of Owner or any of their servants, agents or employees, or any subcontractor performing any of the work contemplated by or under this Agreement. The parties agree that the County and its agents may inspect the relocated ditch at any time, and if the County or its agents determine that maintenance or repair is required, the County will provide ten (10) days written notice to Owner, and in the event that the maintenance or repair is not accomplished within thirty (30) days from receipt of said written notice, or in the event that substantial progress has not been made after the passage of such period of time, then the County or its agents may perform the required maintenance or repair at Owner's sole expense, and Owner agrees to pay for such maintenance or repair within ten (10) days after completion and billing.

9. Permanent Structures. The County hereby agrees that the permanent structures and improved surfaces for parking may be placed over the relocated Harper Ditch, provided, however, that plans and specifications will first be submitted for approval to the County or its agent. The above permission for construction of permanent structures is given in accordance with the provisions of I.C. 36-9-27-33(d). As a result of the fact that such permanent structures will be constructed, the County acknowledges that its statutory right of entry will be restricted by virtue of the existence of such permanent structures and improved surfaces.

10. Notice. Any notices to be given hereunder shall be deemed to be given when (a) actually served on the person to be notified or (b) by United States mail, certified or registered mail, return receipt requested, postage prepaid, to those addresses furnished by the parties to each other, and said parties may change the addresses from time to time by written notice of the new address delivered as above provided.

11. Parties Bound. This Agreement shall be binding upon the parties hereto, their respective successors in interest, assigns, heirs and legal representatives. The County is executing this Agreement based upon the condition that the Owner will obtain merchantable fee simple title to the real estate described in Exhibit "A".

12. Applicable Law. This Agreement shall be interpreted under the laws of the State of Indiana.

13. Attorneys' Fees. In the event it becomes necessary for any party to enforce the terms of this Agreement by action in any court of prominent jurisdiction, the prevailing parties entitled to recover reasonable attorneys' fees in addition to any other judgment rendered.

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15. Captions. All paragraph headings and captions contained in this Agreement are supplied for the convenience of reference only and shall not limit nor amplify any of the provisions of this Agreement and shall not be used in the construction thereof.

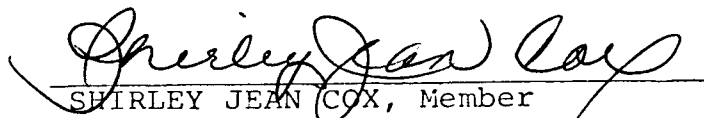
IN WITNESS WHEREOF, the parties have executed this Memorandum of Understanding on the date first written above, at Evansville, Indiana.

VANDERBURGH COUNTY DRAINAGE BOARD


RICHARD BORRIES, President


ROBERT BRENNER
Vanderburgh County Surveyor

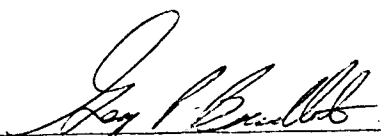

ROBERT WILLNER, Vice-President


SHIRLEY JEAN COX, Member

"County"

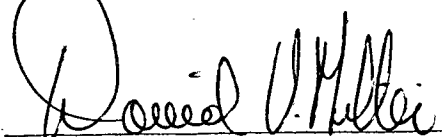
EVANSVILLE ASSOCIATES

By


GEORGE P. BROADBENT
A General Partner

"Owner"

APPROVED AS TO THE CONTENT
AND FORM


County Attorney

THIS INSTRUMENT PREPARED BY P. MICHAEL MITCHELL, ATTORNEY AT LAW,
522 MAIN STREET, EVANSVILLE, INDIANA 47708 (812) 423-4216.

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EXHIBIT "A"

Part of the Northwest quarter of Section 24, Township 6 South, Range 10 West and part of the Southwest quarter of Section 24, Township 6 South, Range 10 West, lying in Vanderburgh County, Indiana, and the Replat of Lot 9 in Plaza East Subdivision recorded in Plat Book "L" on page 13 in the office of the Recorder of Vanderburgh County, Indiana.

Beginning at the Southwest corner of the Northwest quarter of said Section 24 (being also the Northwest corner of the Southwest quarter of said Section 24); thence North $00^{\circ} 00' 20''$ West along the West line of the said Northwest quarter for 595.84 feet; thence South $89^{\circ} 57' 01''$ East for 771.62 feet; thence South $01^{\circ} 01' 07''$ West for 594.37 feet to a point on the South line of the said Northwest quarter; thence North $89^{\circ} 55' 55''$ East along the said South line for 108.86 feet; thence South $01^{\circ} 42' 05''$ East for 993.09 feet to the center line of Virginia Street; thence South $89^{\circ} 41' 34''$ West along the center line of said Virginia Street for 611.61 feet; thence South $01^{\circ} 11' 35''$ East and along the North line of Lot 9 in Plaza East Subdivision for 406.30 feet to the Southeast corner of said Lot 9; thence South $89^{\circ} 41' 34''$ West for 267.00 feet to a point on the West line of the Southwest quarter of said Section 24; thence North $01^{\circ} 11' 35''$ West along the West line of the said Southwest quarter for 1402.85 feet to the place of beginning.

EXHIBIT "B"

A part of Harper Ditch in the Northwest Quarter and the Southwest Quarter of Section Twenty-four (24), Township Six (6) South, Range Ten (10) West, in Vanderburgh County, Indiana, the center of said ditch is more particularly described as follows:

Beginning at a point on the East right-of-way of Green River Road, which is located by commencing at the Southwest corner of the Northwest Quarter of said section; thence North 00 degrees, 00 minutes, and 20 seconds West along the West line thereof for 236.81 feet; thence South 60 degrees, 55 minutes, and 42 seconds East for 47.60 feet to the place of beginning: from said place of beginning thence South 40 degrees, 59 minutes, and 02 seconds East for 263.75 feet; thence South 57 degrees, 58 minutes, and 17 seconds East for 55.92 feet; thence South 81 degrees, 09 minutes, and 17 seconds East for 91.43 feet; thence North 89 degrees, 48 minutes, and 14 seconds East for 235.00 feet to the end of the vacated part of Harper Ditch.

EXHIBIT "C"

A part of Harper Ditch to be relocated is located in the Northwest Quarter and the Southwest Quarter of Section Twenty-four (24), Township Six (6) South, Range Ten (10) West, in Vanderburgh County, Indiana, to the center of the relocated ditch, which is more particularly described as follows:

Beginning at a point on the East right-of-way of Green River Road which is located by commencing at the Southwest corner of the Northwest Quarter of said section; thence North 00 degrees, 00 minutes, and 20 seconds West along the West line thereof for 236.81 feet; thence South 60 degrees, 55 minutes, and 42 seconds East for 47.60 feet to the place of beginning; from said place of beginning thence South 66 degrees, 05 minutes, and 03 seconds East for 596.99 feet to a point in said ditch and the end of the relocated part of Harper Ditch.

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VANDERBURGH COUNTY DRAINAGE BOARD
NOVEMBER 23, 1981

The Vanderburgh County Drainage Board met in session this 23rd day on November, 1981 at 3:45 p.m. in the Commissioners Hearing Room with President Borries presiding.

The minutes of the previous meeting which was held on November 16, 1981 were approved as engrossed by the County Auditor and the reading of them were dispensed with.

RE: DAVID SOUTH....SONNTAG STEVENS

Mr. South said that he has an offer and he would like to get it in the minutes. Mr. South said that they have had a complaint about Bergdolt Road. He said that alot of the property belongs to Southern Indiana Gas & Elec. and they have sent Mr. Ron Jourdon to tell you what they can do.

Mr. Jourdon said that they have agreed to clean out their part of the ditch if the other people will clean out their part. Mr. Jourdon said that there is a problem out there.

Mr. South said that the only part of the ditch left is east of Sonntag Stevens, and that part is not a legal drain.

President Borries asked what will they have to do, let a contract out on the ditch or do they go to the people out there.

Commissioner Cox asked who is suppose to clean the ditch.

Commissioner Willner said that the people are suppose to clean the ditch themselves, because it is not a legal drain.

Commissioner Cox asked if they could send a letter to the people in that area and tell them to help improve the drainage problems that Southern Indiana Gas & Elec. will clean out their protion of the ditch if they will.

Mr. South said that the thing is that the people there don't have the problem, its the people that live downstream are the ones that have the problems.

Commissioner Willner said that because it is not a legal drain, there is nothing that the County can do.

Commissioner Cox said that they have talked about this same problem before, and those people do have alot of problems out there.

Commissioner Cox said also that the people can put alot of pressure on those other people that won't agree to clean the ditch. They are all neighbors out there.

Commissioner Willner asked if they can wait until Southern Indiana Gas & Elec. do their part, and if thats not enough then go to the people.

Mr. South said that they can do a survey to see if that will be enough but he doesn't think that it will do the job.

President Borries said that it comes down to the other people, and even though they don't have any legal rights, they can inform the people that their neighbors have got a problem and that they can help if they are willing to.

Mr. Brenner said that to help they will have to bring in dirt moving equipment and he doesn't think that they will do that.

Mr. South said that the tile upstream is getting very bad also.

Commissioner Cox said that she feels that a letter should be sent to the person that did complain and tell them that if the people out there will not agree to clean the ditch that there is nothing that the County can do.

MR. South said that he hasn't talked to the complaintive himself, but what he suggest is that he go out and look at the problem and then get back to them.

The Commissioners agreed with Mr. South.

RE: BIDS..... POND FLAT D "LAT"

Mr. Brenner said that he has some bids on the maintenance on Pond Flat D "Lat". Commissioner Willner moved that the County Attorney David Jones open the bids. Seconded by Commissioner Cox..... So ordered.

- President Borries said that while the County Attorney opened the bids, they can go to the next item.

RE: WALTER KAUFMAN...LAKESIDE TERRACE

Commissioner Cox said that last week Mr. Kaufman came before them on several items, one was to see if he could get the drainage plans on Lakeside Terrace, but he could not find anything on them.

Commissioner Cox said that she has found the plans, and she will keep on trying to get a hold of Mr. Kaufman to let him know that she has them.

RE: LEO PAUL... BARRS CREEK

Mr. Brenner said that Mr. Paul has completed the ditch and has reported that a tree has fallen into the ditch, and he is willing to remove the tree for one hundred (\$100) dollars.

Commissioner Willner moved that Mr. Paul be allowed to remove the tree. Seconded by Commissioner Cox.... So ordered.

RE: BIDS

County Attorney opened the bids, the are as follows;

Tennyson Construction Inc. from Booneville In. in the sum of three thousand eight hundred fifty dollars (\$3850.00) The bid is in order.

Blankenberger Brothers Inc. from Cynthiana In. in the sum of one thousand eight hundred dollars. (\$1800.00) The bid is in order.

Tapp Excavating Co. Inc. from Henderson, Ky in the sum of six thousand seven hundred seventy seven dollars. (\$6777.00) The bid is in order.

Angel Excavating and Concrete from Mt. Vernon, In. in the sum of six thousand five hundred. (\$6500.00) The bid is in order.

Commissioner Willner moved that they recommend these bids to the County Surveyor for recommendation. Seconded by Commissioner Cox... So ordered.

Mr. Brenner said that he is ready to make a recommendation. He said that is about what they have in the fund at the moment.

Mr. Brenner said that he had a gentleman come to the office today, a Mr. Charlie Fredenberger. He controls about twenty- five percent of the land and he beleives that it should be a more extensive project then it is at the present time.

Mr. Brenner said that what he would like for the Commissioners to do is let him go back to the low bidder and remove all the items except for the bridge, because the bridge need to be removed as soon as possible, and then go ahead with a full reconstruction of the ditch.

Commissioner Cox asked Mr. Brenner if in the specs did it contain the removal of the bridge.

Mr. Brenner said that it did contain the bridge.

Mr. Brenner said that he wants them to go and dredge two feet out on the whole ditch, and to do that it will have to be under reconstruction.

Commissioner Willner told Mr. Brenner to talk to the low bidder and see if he will do the bridge, and then report back to them.

Mr. Brenner said that he will, and he would like the Commissioners to refer the Pond Flat D "Lat" back to the Surveyor for reconstruction, and then they can start sending out the notices.

Commissioner Willner asked Mr. Brenner if it would not be wise to talk to Mr. Blankenberger first.

Mr. Brenner said that it would but this way he can get started on the reconstruction

plans.

Commissioner Cox said that with the reconstruction their assessments will go up.

Mr. Brenner said that he has told Mr. Fredenberger that and he is willing to pay a little more just to get the work done.

Mr. Brenner said that with the reconstruction they will have a public hearing for all the people to come, and give their views.

Commissioner Cox asked Mr. Brenner if he thought that there would be any benifet in mowing the ditch and removing the trees.

Mr. Brenner said no.

Commissioner Willner moved that the Surveyor get in contact with Mr. Blankenberger and see if he can get an agreement with the bridge and start the papers for the reconstruction for Pond Flat D "Lat". Seconded by Commissioner Cox... So ordered.

RE: LETTER FROM WILLIAM MULLEN

County Attorney David Jones said that he received a letter from William Mullen. Mr. Mullen also sent him a plat of an area along Fairfield Drive and he has not been able to get an answer on a question that he had. (the letter is as follows)

Dear Sir:

You have been recommended as the person capable of providing evidence that the county had authority to cut the deep drainage ditch across the land that I am purchasing on contract;(see attached drawings). I had an opinion done before purchasing and it was not revealed then. The records were searched at the Recorder's office and it was not revealed. The County Surveyors Office could not shed any light on the matter even though they engineered the ditch. I believe it was Wayne Pasco and Charley Davis who recommended that I contact you. I have been attempting to resolve this for sometime with only being referred to someone else and no one showing any interest. If a recorded easement does not exist, them at least pipe should be placed in the ditch so I have access and use. Time is becoming important as the decreasing cost of money may hasten the use of this M-2 ground.

Please advise.

Sincerely,
William A. Mullen

Mullen Realty, Inc.

County Attorney said that he sent a letter back to Mr. Mullen. (the letter is as follows)

Dear Mr. Mullen:

In response to your letter of November 16, 1981, I am herwith returning drawing no.212 of a plot plan.

The ditch to which you referred was an existing water channel lying within the County right-of-way and which was cleaned out by authority of the County Drainage Board. With respect to the portion of the ditch which crossed Fairfield Drive and into Crawford Brandeis Ditch, that portionlies within the 75 foot right-of-way from the top bank of a legal drain and authority for same is set forth in the State Drainage Code. While you may wish to check with your private counsel, you are advised that Indiana Code 19-4-6-1 provides that permanent structures may not be placed on any right-of-way within 75 feet of the top bank of a legal drain unless the written consent of the County Drainage Board is first obtained. The proposed building indicated on the enclosed plot plan appears to clearly be within 75 feet of the top bank of the Crawford Brandeis legal drain.

The reason that you have not found anything in the County Recorders Office is that the situation is covered by the aforementioned State Statute.

Very truly yours,

David L. Jones
County Attorney

RE: KLEITZ ROAD BRIDGE

County Attorney David Jones said that he did not know if this subject should go before the Commissioners or the Drainage Board.

Commissioner Willner said that it should go before the County Commissioners but for him to go ahead.

County Attorney said that he was researching on the bridge, while doing this found four State Statute that appears to apply to this.

One is in the new home rule they have recodified a section called public construction it is a chapter on public construction.

County Attorney said that he knows that they have to follow this. He said that then he went into the Basic County Statute and it gives the county authority for intimate domain, thought that will be no problem. Every body must use the intimate domain statute. However he found a case in 1979 that said that they have to give notice under the County unit law, that section only speaks about a petition when 250 free holders come before the Commissioners for improvement on a bridge, the rest of the statute does nothing but speak about procedure by petitioners by the public, not by the board of Commissioners to take any action.

County Attorney David Jones said that he showed it to other Attorneys in his law firm, and it did not make sence to them either. He contacted the senior staff attorney that contacted him about the Parks Board, he could not do anything with it. He then contacted an attorney who is ahead of the Indiana association of Counties, he said that he thinks that case by the court of appeals are wrong, that it was an error of law and he would go ahead and follow the intimate of domain statute.

County Attorney said that he is just telling the Commissioners that that is not the way he likes to do things, but he thinks that is where they are at. One final thing is that he is going to try to contact the two attorneys in that case and see if he can get any thought from them.

President Borries said that Mr. Jones will keep them informed on this.

Mr. Jones said that he hopes to get a checklist to give to the Auditor, the engineer, and to the Surveyor taking all the statute and what he belives is a system to follow.

RE: WALTER SIRKLE... HARPER DITCH

Mr. Brenner asked the Commissioners if they have heard from Mr. Sirkle.

President Borries said that they have not been contacted, and ask Mr. Jones if they have been contacted.

Mr. Jones said no that he has heard nothing.

Mr. Brenner said that he thinks that he should be contacted again.

President Borries said that they will have David Miller do that.

RE: DAVID SOUTH

Mr. South said to follow up on the first subject tonight, he said that there should be something done to prevent anything like that happening again, and he would like to work on this to see if in twenty years from now, someting like this wont have to happen again.

Commissioner Cox said that she thinks that now on some on the plats it saids that nobody can plant anything on the easements any more.

President Borries said that he thinks it is a concern and the people on the Area Plan Commission should be informed on that.

There being no futher business the meeting adjourned at 10:30 p.m.

RE: MEMBERS PRESENT

COUNTY COMMISSIONERS

Richard Borries
Robert Willner
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEY

David Jones

Secetary: Kathy Lowe

Richard S. Borries

Robert Willner

Shirley Jean Cox
VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
NOVEMBER 30, 1981

The Vanderburgh County Drainage Board met in session this 30th day of November, 1981 at 4:35 p.m. in the Commissioners Hearing Room with President Borries presiding.

The minutes of the previous meeting which was held on November 23, 1981 were approved as engrossed by the County Auditor and the reading of them were dispensed with.

RE: JEFF ANGEL.... ANGEL EXCAVATION

Mr. David Guillaum said that Mr. Angel has come before the Commissioners to get their approval to exchange his cashiers check on his bid on the reconstruction of Harper Ditch for a bid bond.

Commissioner Cox asked if Mr. Angel has his bid bond with him now.

Mr. Angel said that he did have it with him now.

Commissioner Cox asked the County Attorney David Jones could take a look at it.

County Attorney David Jones said that if they could strike the words contract buying from the bond then it will be in order.

Mr. Angel said that that would be no problem.

Commissioner Willner moved that the bid bond be approved. Seconded by Commissioner Cox... So ordered.

RE: CLAIMS

Mr. David Guillaum said that he has some claims for the maintenance of some ditches and he recommends they be approved. The claim are as follows.

A claim from George Seib for Maidlow Ditch in the amount of two thousand forty eight dollars and eighty cents. (\$2048.80)

A claim from Ralph Rexing for Pond Flat Lateral A in the amount of five hundred thirty one dollars and ten cents. (\$531.10)

A claim from Ralph Rexing for Pond Flat Lateral B in the amount of two hundred ninety seven dollars and seventy cents. (\$297.70)

A claim from Leo C. Paul for Barrs Creek in the amount of three thousand three hundred six dollars and eighty eight cents. (\$3306.88)

Commissioner Willner moved that the claims be approved. Seconded by Commissioner Cox... So ordered.

RE: POND FLAT LATERAL D

Mr. Guillaum said that he has talked to Mr. Blankenberger and he has agreed to just remove the bridge for six hundred fifty dollars. (\$650.00)

Commissioner Willner asked Mr. Guillaum if that was agreeable to all parties.

Mr. Guillaum said that is was and that does include hauling it off.

Commissioner Willner moved that it be approved that Mr. Blankenberger remove the bridge for six hundred fifty dollars. Seconded by Commissioner Cox.... So ordered.

RE: BILL NICHOLSON... ENGINEERED ASSOCIATES.. PLAZA COURT

Mr. Nicholson said that he represents Cletus Bittner. Mr. Nicholson said that the subdivision has received a primary approval at the last Area Plan Commission meeting.

Mr. Nicholson said that the subdivision is on the corner of Braum Road and Orchard Road.

Mr. Nicholson said that there are three lots that Mr. Bittner intends to give to his children and when he came in to get a building permit they asked if he filed a subdivision for this. He said that this is a private road cul-de-sac that he wants to put in, because of the danger of going out on the road at that point, they want to bring the drive out on Old State Drive.

Mr. Nicholson showed the Commissioners a map on the sub-division. (a map is on file in the Auditor's office)

Commissioner Cox asked if all they have to do is approve the drainage plans.

Mr. South said that that is all they have to do.

Mr. Nicholson said that there are a few changes that have to be done, and that he will do them tonight.

Mr. South said that on behalf of the Highway Engineer it is a private road and it makes it real easy for drainage, because it is a private road there will be no culverts involved. Everything will be down hill, the one thing that they might do is make sure it will qualify and that all houses have a positive drainage away from them and not get them set on the hill sides.

Commissioner Willner said that it may not always be a private road.

Mr. South said that he doesn't think any one will want to make it a public road.

Commissioner Willner said that it has dedicated easements.

Commissioner Cox said that if it has dedicated easements then it is not really a private road.

Commissioner Willner said that if someone wants to dedicate the road in five years they would not have to come before the Commissioners to do so.

Commissioner Cox said that if they want the County to take over they will have to bring it up to their standards.

Commissioner Cox said that she is for the change, that there will be just one opening on the road. It is a private road as far as the County is concerned.

Commissioner Willner moved that the drainage plans be approved with the numbers to correspond with the drawings. Seconded by Commissioner Cox... So ordered.

There being no further business the meeting adjourned at 5:00 p.m.

RE: MEMBERS PRESENT

COUNTY COMMISSIONERS

Richard Borries
Robert Willner
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY SURVEYOR

David Guillaum

COUNTY ATTORNEY

David Jones

Secretary: Kathy Lowe

Richard J. Borries

Robert Willner

Shirley Jean Cox

VANDEBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
FEBRUARY 22, 1982

The Vanderburgh County Drainage Board met in session this 22nd day of February, 1982 at 4:50 p.m. in the Commissioners Hearing Room with President Borries presiding.

The minutes of the previous meeting which was held on November 30, 1981 were approved as engrossed by the County Auditor and the reading of them were dispensed with.

RE: REORGANIZATION

Commissioner Willner moved that President Borries be President of the Drainage Board for the year of 1982. Seconded by Commissioner Cox.... So ordered.

President Borries moved that Commissioner Willner be Vice President for the year of 1982. Seconded by Commissioner Cox.... So ordered.

RE: CLAIMS

Mr. David Guillaum said that he has some claims for the maintenance of some ditches and he recommends they be approved. The claims are as follows.

A claim from G.K.R. Industries, Inc. for Baehl Ditch in the amount of six hundred twenty dollars and ten cents.(\$620.10)

A claim from G.K.R. Industries, Inc. for Buente Upper Big Creek Lateral "A" in the amount of seven hundred twenty dollars. (\$720.00)

A claim from G.K.R. Industries, Inc. for Kneer Ditch in the amount of two hundred forty two dollars and eighty seven cents.(\$242.87)

A claim from G.K.R. Industries, Inc. for Henry Ditch in the amount of four hundred ten dollars.(\$410.00)

A claim from G.K.R. Industries, Inc. for Sonntag-Stevens Ditch in the amount of one thousand eight hundred eighty two dollars and ninety cents.(\$1,882.90)

A claim from G.K.R. Industries, Inc. for Singer Ditch in the amount of two hundred ninety dollars. (\$290.00)

A claim from G.K.R. Industries, Inc. for Keil Ditch in the amount of three hundred eighty. (\$380.00)

A claim from G.K.R. Industries, Inc. for Stockfleth Ditch in the amount of five hundred sixty six dollars and sixty four cents.(\$566.64)

A claim from G.K.R. Industries, Inc. for Kelly Ditch in the amount of three hundred eighty dollars.(\$380.00)

A claim from G.K.R. Industries, Inc. for Crawford Brandies Extension in the amount of two thousand three hundred forty dollars and forty eight cents.(\$2340.48)

A claim from G.K.R. Industries, Inc. for Nurrenbern Ditch in the amount of seven hundred three dollars and seventy eight cents.(\$703.78)

A claim from Uniontownship Ditch Assoc. for Cypress Dale Maddox in the amount of nine thousand five hundred fifty four dollars and eighty cents. (\$9,554.80)

A claim from Uniontownship Ditch Assoc. for Barnett Ditch in the amount of three hundred thirty four dollars and thirty two cents.(\$334.32)

A claim from Uniontownship Ditch Assoc. for Kamp Ditch in the amount of four hundred forty six dollars and forty cents. (\$446.40)

A claim from Uniontownship Ditch Assoc. for Helfrich-Happe Ditch in the amount of five thousand seventy nine dollars and twenty cents.(\$5079.20)

A claim from Uniontownship Ditch Assoc. for Edmond Ditch in the amount of six hundred fifteen dollars and eighty cents.(\$615.80)

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A claim from Merl Hoefling for Hoefling Ditch in the amount of five hundred fifty seven dollars and ten cents.(\$557.10)

A claim from Eldon Maasberg for Maasberg Ditch in the amount of one hundred fifty four dollars and forty two cents.(\$154.42)

A claim from Blankenberger Brothers, Inc. for the removal of a bridge on Pond Flat Lateral "D" Ditch in the amount of six hundred fifty dollars.(\$650.00)

Commissioner Willner moved that the claims be approved. Seconded by Commissioner Cox... So ordered.

RE: CERTIFIED REPORT

President Borries said that he has a certified report of names, addressess and duties it should be received and filed.

RE: LETTER FROM THE CITY OF EVANSVILLE

President Borries said that he has a letter from the City of Evansville, the letter reads as follows:

Attention: Sam Biggerstaff

Subject: Eastland Place - Harper Ditch

Dear Sir:

Your proposal for enclosing Harper Ditch under a building in the Eastland Place Shopping Center development creates these comments:

1. The metal pipe even though coated has an indefinite life and certainly not as long as the building.
2. Control of erosion under the building would be a problem and permit the building to settle.
3. Compaction around the pipe would be very difficult to be sufficiently stable to support the building.
4. Floor loading in the building is never difinite and could easily be overloaded due to shifting of materials causing overloading of the pipe.
5. There was not shown any grating or screen at the inlet end of the pipe. This would need to be of a size to meet children's safety requirements. Also, an access opening would need to be placed on the downstream side of the building.
6. It would be necessary to carry the building floor load on separate footings and span the ditch construction.

As a suggestion it would appear the floor of the store could be made of precaste double tee units and also increase the capacity of the ditch.

Also, since this ditch capacity will be definitely limited by the size of the pipe, consideration needs to be made for 100 year flooding or sufficient storage ahead of the pipe.

Sincerely,
Jesse Crooks
Building Commissioner

Mr. David Guillaum said that Mr. Brenner has met with Mr. Crooks and Mr. Sam Biggersta and there were a few areas that they have gotten worked out, some of the requirements

Commissioner Willner moved that they referr the letter to the Surveyor's office. Seconded by Commissioner Cox... So ordered.

RE: WALTER SIRKLE... HARPER DITCH

President Borries said that he has been in contact with the County Attorney David Miller, and Mr. Sirkle's attorney.

Mr. Sirkle's attorney recommends a settlement of six thousand five hundred dollars. (\$6,500.00)

Commissioner Willner moved that the Commissioners agree to accept the price of six thousand five hundred dollars (\$6,500.00) as settlement for Mr. Walter Sirkle's property. Seconded by Commissioner Cox.... So ordered.

Roll Call vote, Commissioner Willner, yes; Commissioner Cox, yes; President Borries, yes.

Mr. Guillaum said that the bid has been let for the reconstruction of Harper Ditch, but they have been holding up for the legal problems to be worked out.

Mr. Guillaum asked the Commissioners when the problems will be worked out.

Commissioner Willner said that as soon as the Commissioners offer the settlement to Mr. Sirkle and he accepts the offer.

There being no futher business the meeting adjourned at 5:10 p.m.

RE: MEMBERS PRESENT

COUNTY COMMISSIONERS

Richard Borries
Robert Willner
Shriley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY SURVEYOR

David Guillaum

COUNTY ATTORNEY

David Jones

Secretary: Kathy Lowe

Richard J. Borries

Robert Willner

Shriley Jean Cox

VANDEBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
MARCH 8, 1982

The Vanderburgh County Drainage Board met in session this 8th day of March, 1982, at 4:15 p.m. in the Commissioners Hearing Room with President Borries presiding.

The minutes of the previous meeting which was held on February 22, 1982 were approved as engrossed by the County Auditor and the reading of them were dispensed with.

RE: MANN ROAD

Mr. Guillaum said that the only item he has, is to recommend the correspondence regarding the law suit on Mann Road to the County Attorney David Miller, Mr. Miller knows about the suit.

President Borries said that the suit concerns Mann Road vs. the Vanderburgh County Drainage Board and the County Commissioners.

President Borries said that the suit was read in the County Commissioners meeting today.

Commissioner Cox moved that the suit be referred to the County Attorney David Miller. Seconded by Commissioner Willner.... So ordered.

Roll call vote, Commissioner Cox, yes; Commissioner Willner, yes; President Borries, yes.

RE: HARPER DITCH RECONSTRUCTION

President Borries asked Mr. Guillaum that when the weather permits, will they go on with the reconstruction of Harper Ditch.

Mr. Guillaum said that he didn't think that they could go on with the project until Mr. Sirkle was paid.

County Attorney David Miller said that he thought that there would be no problem with Mr. Sirkle, but if there was just have Mr. Sirkle's attorney get in contact with him.

County Attorney David Miller said that they could go on with the work.

Mr. Guillaum said that the bid has been let, and as soon as the weather permits they will go on with the work.

There being no further business the meeting adjourned at 4:20 p.m.

RE: MEMBERS PRESENT

<u>COUNTY COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY SURVEYOR</u>	<u>COUNTY ATTORNEY</u>
Richard Borries Robert Willner Shirley Jean Cox	Alice McBride	David Guillaum	David Miller

Secretary: Kathy Lowe

Richard Borries
Robert Willner
Shirley Jean Cox
VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
MARCH 15, 1982

The Vanderburgh County Drainage Board met in session this 15th day of March, 1982, at 11:20 p.m. in the Commissioners Hearing Room with President Borries presiding.

The minutes of the previous meeting which was held on March 8, 1982 were approved as engrossed by the County Auditor and the reading of them were dispensed with.

RE: MIKE MITCHELL.... HARPER DITCH

Mr. Mike Mitchell said that he has a pition with an order for next weeks meeting at which time the reconstruction and assessment report from the surveyor's office will be done.

Mr. Mitchell said that Mr. Bill Foreman who represents Huber Meyer Trust will be at the meeting. This will be the step toward the thirty(30) days notice for the public hearing.

President Borries asked Mr. Mitchell if they have to sign anything.

Mr. Mitchell said that they have to sign the order, in which he submitted six (6) copies of.

Mr. David Guillaum said that he wanted to make sure that there is an item for the maintenance of the ditch.

Mr. Mitchell said that there will be in the final assessment next week.

Commissioner Willner asked Mr. Linzy if the ditch behind Bujey Drive is a legal drain.

Mr. South said he believes the county Surveyor's people were out there cleaning out the ditch along the road.

Commissioner Willner said the county garage did build a fence around the opening.

Mr. Linzy said yes, but it has since been removed.

There being no further business the meeting adjourned at 11:25 p.m.

RE: MEMBERS PRESENT

COUNTY COMMISSIONERS

Richard Borries
Robert Willner
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride




COUNTY SURVEYOR

David Guillaum

COUNTY ATTORNEY

David Miller

Secetary: Kathy Lowe




VANDERBURGH COUNTY DRAINAGE BOARD

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VANDERBURGH COUNTY DRAINAGE BOARD
MARCH 22, 1982

The Vanderburgh County Drainage Board met in session this 22nd day of March, 1982, at 5:15 p.m. in the Commissioners Hearing Room with President Borries presiding.

The minutes of the previous meeting which was held on March 15, 1982 were approved as engrossed by the County Auditor and the reading of them were dispensed with.

RE: SONNTAG STEVENS

Mr. David Guillaum said that he has two items to go before the Commissioners. The first item is on Sonntag Stevens Ditch.

Mr. Guillaum said that an emergency with some culverts on the ditch being congested. One of them was damaged quite a bit.

Mr. Guillaum said that Gene Messel took it on himself to clean out the culverts, and if he hadn't done it there might have been quite a problem.

Mr. Guillaum said that they have not been out to look at the job as of yet, but he wanted to know if the Drainage Board felt that the job was justified. He said that he felt that what was done was necessary and that Mr. Messel should be paid.

Commissioner Cox asked Mr. Guillaum if he seen the culvert before the cleaning.

Mr. Guillaum said that he saw it in an earlier inspection before the rains, and due to the rains some of the clippings of trees that were not clogging it at that time washed down and did clog it.

Commissioner Cox asked Mr. Guillaum if Mr. Messel notified him that it was clogged.

Mr. Guillaum said that he did call in and he had a concern about it and they were going to look at it but then it rained again, it would have been impossible to get any one else out there to do the job in that short of notice. So Mr. Messel went out and did the work.

Mr. Guillaum said that Mr. Messel worked for five and a half hours (5 1/2) with two people at seven dollars and fifty cents an hour (\$7.50), and the total bill is for eighty-two dollars and fifty cents. (\$82.50)

Commissioner Willner asked Mr. Guillaum to go out and look at the job and then report back to the Drainage Board.

Mr. Guillaum said that he would do that.

Mr. Guillaum said that the next item Mr. Mitchell will present.

RE: MIKE MITCHELL.....HARPER DITCH

Mr. Mike Mitchell presented a letter to the Commissioners, the letter reads as follows;

Vanderburgh County Drainage Board
307 Civic Center Complex
Evansville, Indiana 47708

RE:HARPER DITCH MATTER

Dear Drainage Board Members:

I am hand delivering six copies each of the proposed Order to be filed at today's meeting and the Schedule of Assessments and Damages to be signed and filed also.

Also, three copies of the Notice of Hearing to the property owners are also being hand delivered for your review. We will need to fill in the date, time and place for the public hearing. The state statute requires that the notice to the property owners be mailed not less than thirty and no more than forty days prior to the final public hearing.

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According to my count, the date will be April 26, 1982, which I assume will be an afternoon 2:30 meeting.

We have also prepared the notice for publication which will have to be filed ten days prior to the public hearing date.

If you have any questions before this afternoon's meeting, please don't hesitate to contact myself or Mr. Foreman, or Sam Biggerstaff if the question is of a technical nature. Mr. Brenner has received all copies of the reconstruction report and the detailed drawings from this office. A set was delivered early last week to his office for his opportunity of a thorough review.

Thanking you for your kind attention to this matter.

Very truly yours,

Mitchell and Staser

Mr. Mitchell said that the first thing he wanted to do is give the Commissioners a copy of Mr. and Mrs. Kempfs waiver of notice. He said that Mr. and Mrs. Kampf were out of town, and being that they are buying the property on contract from Mr. Kampf, they need the waiver. The papers were not ready last week when the petitions were presented.

Mr. Mitchell said that the scenario to follow the new drainage code that was passed by the Indiana State Legislation.

Mr. Mitchell said that Mr. Foreman who represents the Maurer-Huber Trust, as well as Sam Biggerstaff who is the consulting engineer on the project are here today.

Mr. Mitchell said that the order that the Commissioners have before them, is an order receiving the petition that has been filed, he said that the Commissioners now make a recommendation to the County Surveyor that he file his reconstruction report based on the petition.

The Commissioners recessed for a brief time.

The Vanderburgh County Drainage Board reconvened. The reconstruction report has been filed. The Commissioners now have filed the assessment of damages and benefit report.

The Commissioners set the public hearing date for April 26, 1982 at 4:30 p.m.

All of the petitions are on file at the Vanderburgh County Auditor's Office.

Commissioner Willner moved that the notice of hearing be approved. Seconded by Commissioner Cox.... So ordered.

Commissioner Cox asked Mr. Mitchell if all the schedule of damages show the sum of zero dollars.

Mr. Mitchell said that they did.

There being no further business the meeting adjourned at 5:35 p.m.

RE: MEMBERS PRESENT

COUNTY COMMISSIONERS

Richard Borries
Robert Willner
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY SURVEYOR

David Guillaum

Secretary: Kathy Lowe

Richard J. Borries
Robert Willner
Shirley Jean Cox
Vanderburgh County Drainage Board

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VANDERBURGH COUNTY DRAINAGE BOARD
APRIL 5, 1982

The Vanderburgh County Drainage Board met in session this 5th day of April, 1982 at 5:40 p.m. in the Commissioners Hearing Room with President Borries presiding.

The minutes of March 22, 1982 were approved with the following correction being made. During the meeting the minutes should have shown the Drainage Board approved the legal advertising for bids for the annual maintenance of legal drains in Vanderburgh County.

RE: OPENING OF ANNUAL MAINTENANCE BIDS

Commissioner Willner moved that the County Attorney David Jones open the bids for the annual maintenance of the legal drains. Seconded by Commissioner Cox... So ordered.

County Attorney David Jones read the bids, the bids are as follows:

A bid from G K R Inc. for Baehl Ditch in the amount of five hundred eighty five dollars and sixty five cents. (\$585.65) The bid is in order.

A bid from G K R Inc. for Aiken Ditch in the amount of eight hundred forty two dollars and forty four cents. (\$842.44) The bid is in order.

A bid from G K R Inc. for Barrs Creek in the amount of three thousand one hundred forty one dollars and fifty four cents. (\$3141.54) The bid is in order.

A bid from G K R Inc. for Cypress-Dale and Maddox Ditch in the amount of nine thousand seventy seven dollars and six cents. (\$9077.06) The bid is in order.

A bid from G K R Inc. for East Side Urban--North Half in the amount of four thousand two hundred eighty six dollars and sixty seven cents. (\$4286.67) The bid is in order.

A bid from Big Creek Drainage Association for the following drains, Lower Big Creek in the amount of one thousand two hundred dollars and sixteen cents. (\$1200.16) Pond Flat Main in the amount of four thousand six hundred ninety six dollars and sixteen cents. (\$4696.16) Pond Flat Lateral C in the amount of one thousand eighty four dollars and thirty two cents. (\$1084.32) Pond Flat Lateral E in the amount of four hundred thirty three dollars and ninety two cents. (\$433.92) Rusher Creek in the amount of five hundred thirty three dollars and twenty eight cents. (\$533.28) Buente Upper Big Creek in the amount of three thousand two hundred thirty one dollars and twenty cents. (\$3231.20) For a total amount of eleven thousand one hundred seventy nine dollars and four cents. (\$11,179.04) The bid is in order.

A bid from Merl Hoefling for Hoefling Ditch in the amount of five hundred fifty seven dollars and ten cents. (\$557.10) The bid is not in order due to it not having a certified or cashiers check and a non-collusion affidavit was not filled out right.

Commissioner Cox said that all Mr. Hoefling would have to do is take it to the bank and have it stamped certified.

A bid from Norman Messel for Keil Ditch in the amount of six hundred ninety two dollars and seventy six cents, (\$692.76), Sonntag Stevens in the amount of one thousand seven hundred and twelve dollars and eighty cents, (\$1712.80), Sonntag Stevens Extension in the amount of two hundred dollars. (\$200.00) The bid is in order.

A bid from Eldon Maasberg for Kneer Ditch in the amount of three hundred three dollars and sixty cents, (\$303.60), Maasberg in the amount of one hundred fifty four dollars and forty two cents. (\$154.42) The bid is in order.

A bid from G K R Inc. for Kolb Ditch in the amount of one thousand two hundred twenty five dollars. (\$1225.00) The bid is in order.

A bid from G K R Inc. for Kneer Ditch in the amount of two hundred sixty seven dollars and seventeen cents. (\$267.17) The bid is in order.

A bid from G K R Inc. for Keil Ditch in the amount of four hundred twenty seven dollars and seventy cents. (\$427.70) The bid is in order.

A bid from G K R Inc. for Henry Ditch in the amount of four hundred seventy six

dollars and eighty five cents. (\$476.85) The bid is in order.

A bid from G K R Inc. for Harper Ditch in the amount of five hundred forty four dollars and twenty seven cents. (\$544.27) The bid is in order.

A bid from G K R Inc. for Happe Ditch in the amount of three thousand six hundred eight dollars and seventy one cents, (\$3608.71) Helfrich Ditch in the amount of one thousand two hundred ninety two dollars and seventy one cents. (\$1292.71) For a total of four thousand nine hundred one dollars and forty two cents. (\$4901.42) The bid is in order.

A bid from G K R Inc. for East Side Urban--South Half which includes Crawford Brandis Ditch in the amount of three thousand four hundred twenty six dollars and eighty four cents. (\$3426.84), Hirsch Ditch in the amount of one thousand six hundred sixty three dollars and twenty cents. (\$1663.20), Kelly Ditch in the amount of nine hundred fifty dollars. (\$950.00), Nurrenberg Ditch in the amount of six hundred ninety five dollars and seventy three cents. (\$695.73), Stockfelth Ditch in the amount of seven hundred seventy four dollars and forty one cents. (\$774.41) For a total amount of seven thousand five hundred ten dollars and eighteen cents. (\$7510.18) The bid is in order.

A bid from G K R Inc. for Maasberg Ditch in the amount of two hundred dollars. (\$200.00) The bid is in order.

A bid from G K R Inc. for Maidlow Ditch in the amount of one thousand eight hundred fifty one dollars. (\$1851.00) The bid is in order.

A bid from G K R Inc. for Rusher Ditch in the amount of five hundred eighteen dollars and seventeen cents. (\$518.17) The bid is in order.

A bid from G K R Inc. for Schlensker Ditch in the amount of one thousand four hundred dollars. (\$1400.00) The bid is in order.

A bid from G K R Inc. for Singer Ditch in the amount of two hundred ninety dollars. (\$290.00) The bid is in order.

A bid from G K R Inc. for Wallenmeyer Ditch in the amount of nine hundred ninety four dollars and twenty four cents. (\$994.24) The bid is in order.

A bid from Union Two Ditch Assn. Inc. for Barnett Ditch in the amount of two hundred fifty dollars and seventy four cents, (\$250.74) Kamp Ditch in the amount of six thousand one hundred thirty eight dollars, (\$6138.00) Edmond Ditch in the amount of one thousand two hundred thirty one dollars and sixty cents, (\$1231.60) Cypress-Dale Maddox in the amount of five thousand sixteen dollars and twenty seven cents, (\$5016.27) Happe-Helfrich Ditch in the amount of two thousand one hundred fifty eight dollars and sixty six cents. (\$2158.66) For a total of fourteen thousand seven hundred ninety five dollars and twenty seven cents. (\$14,795.27) The bid is in order.

A bid from Leo C Paul from Wadesville for Barrs Creek in the amount of three thousand three hundred and six dollars and eighty eight cents, (\$3306.88) and for Wallenmeyer Ditch in the amount of one thousand forty four dollars and thirty eight cents. (\$1044.38) The bid is in order.

A bid from William C. Hepler for the spraying of Eagle Slough in the amount of one thousand eight hundred two dollars and forty cents each time. (1,802.40) The bid is not in order due to it not having a certified check.

A bid from Ralph R. Rexing for Pond Flat "A" in the amount of five hundred thirty one dollars and ten cents, (\$531.10), Pond Flat "B" in the amount of two hundred seventy nine dollars and seventy cents. (\$279.70) Mr. Rexing submitted forty one dollars in cash, (\$41.00) The cash was given to the Auditor. The bid is in order.

A bid from Paul Seib for the following Ditches, Baehl Ditch in the amount of six hundred fifty four dollars and fifty five cents, (\$654.55) Buente Lateral "A" in the amount of seven hundred sixty nine dollars and eighty six cents, (\$769.86) Henry Ditch in the amount of three hundred thirty three dollars and eighty cents, (\$333.80) Kneer Ditch in the amount of two hundred forty two dollars and eighty eight cents, (\$242.88) Maidlow Ditch in the amount of two thousand forty eight dollars and eighty cents, (\$2048.80) Singer Ditch in the amount of one hundred eighty three dollars and seventy five cents. (\$183.75) The bid is not in order due to not having a certified check.

Commissioner Willner moved that the bids be referred to the County Surveyor's office. Seconded by Commissioner Cox.... So ordered.

There being no further business the meeting adjourned at 6:05 p.m.

RE: MEMBERS PRESENT

COUNTY COMMISSIONERS

Richard Borries
Robert Willner
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

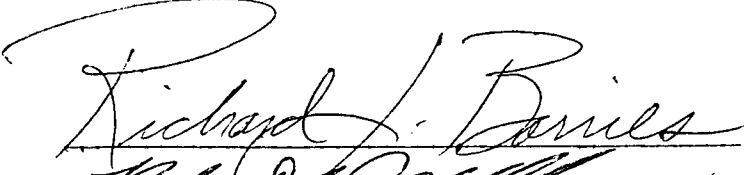
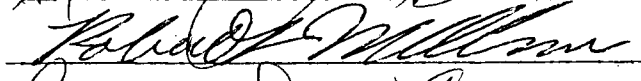
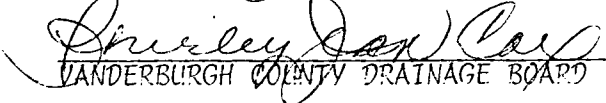
COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEY

David Jones

Secretary: Kathy Lowe




VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
APRIL 12, 1982

The Vanderburgh County Drainage Board met in session this 12th day of April, 1982 at 4:30 p.m. in the County Commissioners Hearing Room with President Borries presiding.

The minutes of the April 5, 1982 meeting were approved as engrossed by the County Auditor and the reading of them were dispensed with.

RE: HARPER DITCH RECONSTRUCTION

Mr. Brenner said that they have been given the go ahead with the reconstruction of Harper Ditch, and Angel Construction has the bid for ten thousand nine hundred sixty two dollars and fifty cents (\$10,962.50)

Mr. Brenner said that they have notified them to go ahead with the project. He said that the right-a-way will cost them sixty five hundred dollars. (\$6500.00) The Attorney fees will cost three hundred seventy six dollars, (\$376.00) which will be paid back to the Drainage Board.

Mr. Brenner said that back in 1972 Harper Ditch was assessed for thirty five thousand dollars (\$35,000.00) for engineering fees and reconstruction of the ditch and it was never done, but the people have been assessed all this time to pay off that debt, the debt now stands at eleven thousand two hundred dollars (\$11,200.00), when they started the new reconstruction they agreed that the debt would be paid off. Mr. Brenner said that they come up with a total of twenty eight thousand five hundred thirty eight dollars (\$28,538.00), the original cost by the Surveyor's Office was thirty four thousand two hundred dollars (\$34,200.00), so every thing is in order because it will cost less than what they thought. Now they would like to go ahead and send out the bills.

Commissioner Cox moved that Mr. Brenner go ahead and send out the bills on Harper Ditch. Seconded by Commissioner Willner.... So ordered.

RE: KNEER DITCH

Mr. Brenner said that last year there was a bid submitted by G K R to clean the Kneer Ditch. Mr. Brenner said that due to an error in the Surveyor's Office and to G K R the wrong ditch was cleaned and the wrong ditch was inspected, he has talked to G K R and they are willing to give the money back, also they would like to remove their bid for the cleaning of the ditch for this year and let Mr. Maasberg clean it.

Mr. Brenner said that G K R submitted a bid for two hundred sixty seven dollars and seventeen cents. Mr. Seib has a bid for two hundred forty two dollars and eighty eight cents (\$242.88), and Mr. Maasberg has a bid for three hundred three dollars and sixty cents. (\$303.60) Mr. Brenner said that all of Mr. Seib's bid have been labeled invalid because he submitted a personal check.

Commissioner Willner moved that the bid go to Mr. Eldon Maasberg for three hundred three dollars and sixty cents. Seconded by Commissioner Cox.... So ordered.

RE: BIDS

Mr. Brenner said that there was another problem, there were several people that submitted bids and they were marked invalid because they did not have the right kind of check. Mr. Brenner said that he thinks that they should be thrown out except those that they were the lone bidder.

Commissioner Willner moved that they wave the invalid bids where they were the lone bidder and give them a chance to correct the bid. Seconded by Commissioner Cox. So ordered.

RE: AWARDING OF THE BIDS

Baehl Ditch, Mr. Brenner said that they had two bidders, but he wishes to throw both bids out and reconstruct it.

Commissioner Cox moved that Mr. Brenner start the reconstruction of Baehl Ditch. Seconded by Commissioner Willner.... So ordered.

Buente Lateral A, Mr. Brenner said that there was only one bid and it was marked invalid but he will check to see if Mr. Seib would still like to do it for seven hundred sixty nine dollars and eighty six cents. (\$769.86)

Commissioner Willner moved that Mr. Seib be awarded the bid. Seconded by Commissioner Cox.... So ordered.

Henry Ditch, Mr. Brenner said that there was one bid from G K R for four hundred seventy six dollars and eighty five cents. (\$476.85)

Commissioner Willner moved the bid be approved. Seconded by Commissioner Cox.... So ordered.

Maidlow, Mr. Brenner said that G K R was the low bid in the amount of one thousand eight hundred fifty one dollars. (\$1851.00)

Commissioner Willner moved that the bid be approved. Seconded by Commissioner Cox.... So ordered.

Singer Ditch, Mr. Brenner said that G K R was the low bid in the amount of two hundred ninety dollars. (\$290.00)

Commissioner Willner moved the bid be approved. Seconded by Commissioner Cox.... So ordered.

Barrs Creek, Mr. Brenner said that G K R was the low bidder, Leo C Paul was second bidder, Mr. Brenner said that G K R plan to go in and spray the ditch and Mr Paul plans to go in and cut the ditch. Mr. Brenner suggest that the bid go to Mr. Paul.

Commissioner Willner moved the bid go to Mr. Paul. Seconded by Commissioner Cox.... So ordered.

Wallenmeyer Ditch, Mr. Brenner said that the same with this ditch as with Barrs Creek, and he suggest that it go to Mr. Paul.

Commissioner Willner moved the bid go to Mr. Paul. Seconded by Commissioner Cox.... So ordered.

Keil Ditch, Mr. Brenner said that G K R is the low bidder in the amount of four hundred twenty seven dollars and seventy cents. (\$427.70)

Commissioner Willner moved the bid be approved. Seconded by Commissioner Cox.... So ordered.

Rusher Creek, Mr. Brenner said that G K R has the low bid for five hundred eighteen dollars and seventeen cents, [\$518.17] Big Creek Ditch Association is the next bidder at five hundred thirty three dollars and twenty eight cents [\$533.28] and he suggest the bid go to Big Creek Ditch Association.

Commissioner Willner moved that the Big Creek Ditch Association be awarded the bid. Seconded by Commissioner Cox.... So ordered.

Maasberg Ditch, Mr. Brenner said that there were two bids and he suggest that the bid go to Eldon Maasberg for one hundred fifty four dollars and forty two cents. (\$154.42)

Commissioner Willner moved the bid go to Eldon Maasberg. Seconded by Commissioner Cox.... So ordered.

Sonntag Stevens, Mr. Brenner said that there was one bid from Gene Messel in the amount of one thousand seven hundred twelve dollars and eighty cents, [\$1712.80]

Commissioner Willner moved the bid be approved. Seconded by Commissioner Cox.... So ordered.

Sonntag Stevens Ext. Mr. Brenner said that this one is also from Gene Messel for two hundred dollars. (\$200.00)

Commissioner Willner moved the bid be approved. Seconded by Commissioner Cox.... So ordered.

Kolb, Mr. Brenner said that G K R was the only bidders at one thousand two hundred twenty five dollars. (\$1225.00)

Commissioner Willner moved the bid be approved. Seconded by Commissioner Cox.... So ordered.

Schlensker Ditch, Mr. Brenner said that G K R has submitted a bid on the ditch but the ditch is no longer being cleaned.

East Side Urban South Half, Mr. Brenner said that G K R was the only bidder for seven thousand five hundred ten dollars and eighteen cents. (\$7510.18)

Commissioner Willner moved the bid be approved. Seconded by Commissioner Cox.... So ordered.

East Side Urban North Half, Mr. Brenner said that G K R was the only bidder for four thousand two hundred eighty six dollars and sixty seven cents. (\$4287.67)

Commissioner Willner moved that the bid be approved. Seconded by Commissioner Cox.... So ordered.

Harper Ditch, Mr. Brenner said that they advertised this ditch because they did not know that the reconstruction would be taking place. He recommends no contract.

Aiken Ditch, Mr. Brenner said that G K R was the lone bidder for eight hundred forty two dollars and forty four cents. (\$842.44)

Commissioner Willner moved the bid be approved. Seconded by Commissioner Cox.... So ordered.

Helfrich-Happe, Union Township Ditch Association has the low bid in the amount of two thousand one hundred fifty eight dollars and sixty six cents. (\$2158.66)

Commissioner Willner moved the bid be approved. Seconded by Commissioner Cox.... So ordered.

Cypress Dale Maddox, Union Township Ditch Association for five thousand sixteen dollars and twenty seven cents. (\$5016.27)

Commissioner Willner moved the bid be approved. Seconded by Commissioner Cox.... So ordered.

Kamp Ditch, Union Township Ditch Association was the only bid for six thousand one hundred thirty eight dollars. (\$6138.00)

Commissioner Willner moved the bid be approved. Seconded by Commissioner Cox.... So ordered.

Edmond Ditch, Union Township Ditch Association was the only bid for one thousand two hundred thirty one dollars and sixty cents. (\$1231.60)

Commissioner Willner moved the bid be approved. Seconded by Commissioner Cox.... So ordered.

Barnett Ditch, Union Township Ditch Association for two hundred fifty dollars and seventy four cents. (\$250.74)

Commissioner Willner moved the bid be approved. Seconded by Commissioner Cox.... So ordered.

Buente Upper Big Creek, Big Creek Ditch Association for three thousand two hundred thirty one dollars and twenty cents. (\$3231.20)

Commissioner Willner moved the bid be approved. Seconded by Commissioner Cox.... So ordered.

Lower Big Creek, Big Creek Ditch Association for one thousand two hundred sixteen dollars. (\$1216.00)

Commissioner Willner moved the bid be approved. Seconded by Commissioner Cox.... So ordered.

Pond Flat Main, Big Creek Ditch Association for four thousand six hundred ninety six dollars and sixteen cents, only bid. (\$4696.16)

Commissioner Willner moved the bid be approved. Seconded by Commissioner Cox.... So ordered.

Pond Flat Lateral A, Ralph Rexing for five hundred thirty one Dollars and ten cents. (\$531.10)

Commissioner Willner moved the bid be approved. Seconded by Commissioner Cox.... So ordered.

Pond Flat Lateral B, Ralph Rexing for two hundred seventy nine dollars and seventy cents. (\$279.70)

Commissioner Willner moved the bid be approved. Seconded by Commissioner Cox.... So ordered.

Pond Flat Lateral C, Big Creek Ditch Association for one thousand eighty four dollars and thirty two cents. (\$1084.32)

Commissioner Willner moved that the bid be approved. Seconded by Commissioner Cox.... So ordered.

Pond Flat Lateral D, Mr. Brenner said that they are working on the reconstruction of that ditch.

Pond Flat Lateral E, Big Creek Ditch Association for one thousand eighty four dollars and thirty two cents. (\$1084.32)

Commissioner Willner moved the bid be approved. Seconded by Commissioner Cox.... So ordered.

Hoeftling Ditch, Merl Hoeftling, bid for five hundred fifty nine dollars and ten cents. (\$559.10)

Commissioner Willner moved the bid be approved. Seconded by Commissioner Cox.... So ordered.

There being no further business the meeting adjourned at 5:00 p.m.

RE MEMBERS PRESENT

COUNTY COMMISSIONERS

Richard Borries
Robert Willner
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEY

David Miller

Secetary. Kathy Lowe

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VANDERBURGH COUNTY DRAINAGE BOARD
APRIL 26, 1982

The Vanderburgh County Drainage Board met in session this 26th. day of April, 1982, at 5:50 p.m. in the Commissioners Hearing Room with President Borries presiding.

The minutes of the previous meeting which was held on April 12, 1982, were approved as engrossed by the County Auditor and the reading of them was dispensed with.

RE: HENRY DITCH

David Guillaum said on the Henry Ditch, they had one of the residents right off of Kansas Road, Wilbur Fehd, who has called in several times. He said he has gone out and looked at it and he has a complaint on trees that are in the ditch itself. He said Mr. Fehd had other complaints too but this was his primary problem.

Mr. Guillaum said they have a contractor out there that has been doing the mowing and this type of thing, cleaning of the ditch. He said this contract is limited to trees under four (4) or six (6) inch diameter, these are all bigger ones. He said if they count the ones on the banks and the sides both there are better than one hundred (100) trees, but just on looking at the ditch the ones that are down in the flow line or on the sides of the banks are the only ones they are concerned with. He said they are looking at about thirty (30) trees to forty (40) trees.

He said he got a rough price of about \$85.00 a tree.

Commissioner Cox asked how was he going to do this, cut them off at the base or try to take them out.

Mr. Guillaum said he doesn't really want the roots taken out because of the erosion factor.

Mr. Guillaum said the trees are collecting quite a bit of debris too. He said there are log jams forming and that is where the complaint from Mr. Fehd is coming from, he is getting out there trying to clean it out all the time, and he wants something done about it.

Commissioner Cox asked if it was a legal drain.

Mr. Guillaum told her it was a legal drain.

Commissioner Cox asked how did those trees get so big, did they just miss doing something.

Mr. Guillaum said in the past they were beyond what was required on a ditch cleaning contract. He said they were big, some as big as a foot in diameter.

Commissioner Cox asked if they would have to get right-of-way from Mr. Fehd if the county crew went in there to do it.

Mr. Guillaum said yes, he thinks they would.

Commissioner Willner asked Mr. Guillaum to contact some other people and see if they can get a better price.

President Borries said they could bid this out if necessary.

Commissioner Cox asked where this was located.

Mr. Guillaum said right off of Kansas Road east of Green River Road, he said the county put in a big pipe there a few years back and this is the Henry Ditch.

Commissioner Cox asked if Mr. Fehd owned all the property along this ditch.

Mr. Guillaum said he owns it on the east side of the ditch. He said the county has the right-of-way of seventy five (75) feet to get in and out for maintenance of that ditch, that is what that right-of-way is for. He said it is to the point where something has to be done. He said these are some big trees.

Commissioner Willner asked if they were big enough for a log that they could sell.

Mr. Guillaum said he did not know, there is a chance that some of them are, he said he doesn't know what their minimum standards would be.

Commissioner Willner said if they can make a log out of them they could probably get a logger in there to pay them for them.

Mr. Guillaum said in the mean time he will see if he can get some other figures on this.

RE: BOB GULICK

Mr. Gulick said he represents Southern Indiana Gas & Electric Company and he isn't sure he should even be here but he wanted to find out before they adjourned.

He said he wanted to know about Harper Ditch Construction, he said he has checked his files and found something in the paper of April 15th. and has been searching ever since trying to find out what was going on. He asked if they have let the contract for Harper Ditch and are they to begin starting their work, that is what he is concerned about. He said he did not want them to run over a gas line or something.

President Borries said they have let the bid.

Mr. Guillaum said the contractor has started on Harper Ditch.

Mr. Gulick said then they should get their crews out there then.

Mr. Guillaum said supposedly before the contractor began he was to notify all that was involved.

Mr. Gulick said they are involved and have not been contacted that he knows of.

Commissioner Willner asked Mr. Gulick if he is the one that is going to be the gentleman that is going to attend their regular meetings.

Mr. Gulick said yes he is.

President Borries told Mr. Gulick welcome to the Drainage Board.

There being no further business the meeting recessed at 6:10 p.m.

MEMBERS PRESENT:

<u>COUNTY DRAINAGE BOARD</u>	<u>COUNTY SURVEYOR</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
Richard Borries	David Guillaum	Alice McBride	David Miller
Robert Willner			
Shirley Jean Cox			

SECRETARY: Kathy Lowe

Richard J. Borries
Robert Willner
Shirley Jean Cox
 HANDBURGH COUNTY DRAINAGE BOARD

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VANDERBURGH COUNTY DRAINAGE BOARD
APRIL 26, 1982
PUBLIC HEARING

The Vanderburgh County Drainage Board met in session this 26th. day of April, 1982, at 5:40 p.m. in the County Commissioners Hearing Room with President Borries presiding.

The minutes of the previous meeting which was held on April 12th., 1982 were approved as engrossed by the County Auditor and the reading of them was dispensed with.

RE: AGREEMENT OF SETTLEMENT

President Borries said they need to make part of the record an Agreement of Settlement and Release concerning the dispute between Walter C. and Jeanette D. Sirkle. He said the dispute has been settled and he needs a motion for the Vanderburgh County Drainage Board to sign this agreement concerning work done on the reconstruction of Harper Ditch, for the sum of \$6,500.00.

Commissioner Willner moved the agreement be signed, seconded by Commissioner Cox. So ordered.

RE: MIKE MITCHELL.....EVANSVILLE ASSOCIATES

Mr. Mike Mitchell said he is representing Mr. Skinner and Mr. Broadbent, who are Evansville Associates. He said Mr. Forman was with him until about 5:00 but he had a prior engagement, he said they worked on this together and he represents the Maurer-Huber Trust Interest. He said the date has been established by published notice but before that he would like to file with them a signed Waiver of Notice of Consent by the City of Evansville, by and through its internal Board of Works signed by Mr. Vezzoso and attested by the City Engineer.

Mr. Mitchell said they have a sewer easement and they were one of the people notified and they just got a consent from them that everything is alright so the Drainage Board would not have any problems with it. He said it is a fifteen (15) foot easement.

President Borries asked Mr. Mitchell if he has seen the objections to the report before the Vanderburgh County Drainage Board regarding the Maurer-Huber Trust. He said they received this in the Commissioners office on the 21st.

President Borries showed Mr. Mitchell the objections and asked him what will this have to do with the signing of the Order of the Board (D.R. 82-1).

Mr. Mitchell said they could go ahead and act on it today and then if they feel they have any objections, they can file a new petition within twenty (20) days.

Mr. David Miller said all they can do at this point is file the legal notice and go ahead and act upon it because the objectors have no one here to represent them and they are not here to explain their objections.

Commissioner Willner said he talked to them and they seem to think they want to file the objection for any future things that might happen and they are to deny their claim and consider it mute.

Mr. Mitchell said he had the proof of publication for their file and it is pursuant to statute in accordance with IC 5-3-1-2b, published in the Evansville Courier and the Evansville Press.

Mr. Mitchell said he has an affidavit of mailing that he has prepared that has repeats, in essence, the notice of hearing that was mailed to the alleged effected owners on the five (5) day return envelope pursuant to statute, also a copy of the notice, a copy of each of the owners, the envelope that was sent and there is attached a letter from the Department of Natural Resources, in essence it says "the members of our staff have reviewed and submitted the material in respect to and since Harper Ditch is less than ten miles in length and the drainage area at the project site is less than one (1) square mile, no permit or approval need be obtained from this department for the proposed relocation and reconstruction of that portion of the ditch".

Mr. Mitchell said that was mailed to them pursuant to the same statute. He said therefore they have complied with the statute and the notice requirements that are set forth in IC 36-9-27-52 in all respects. He said he would ask the Board at this time, noting the objection from First Federal, which is their protection, that they would consider the final order for signature and approval and he would also inform the Drainage Board that the notice also would also be signed by them and according to statute this notice has to be filed and that gives the remonstrators, if any, an additional twenty (20) days to file suit in Circuit Court of Vanderburgh County from the date of publication.

Mr. Mitchell said the County Attorney did review these documents.

President Borries asked for a motion for approval to sign the final order of April 26, 1982.

Mr. Mitchell said his understanding is that the final order will be approved subject to their resubmitting to them noting the three (3) objections in form in the final order. That they have been overruled and the final has been substained and the notice has been published and they will revise those and get them back to them for signatures.

Mr. Miller said to make it binding that those objections are without merit and the order will be corrected to show this.

Commissioner Willner asked how many objections are there so he can make it a part of his motion.

Mr. Miller said the objections are in the Drainage Board file, the first objection being filed by First Federal Savings and Loan Association of Evansville. He said the second objection was filed on behalf of Walter Sirkle, Jeanette Sirkle and Marie Sirkle.

Mr. Miller said there were only two (2) objections instead of the three (3) stated earlier.

Mr. Miller said the motion should say that they find their objections without merit and to approve with that change the order submitted by Mr. Mitchell with the understanding that Mr. Mitchell will correct his orders submitted for signatures.

Commissioner Willner moved that the First Federal Savings and Loan along with Walter, Jeanette and Marie Sirkle find that the objection is groundless and declare no damages.

The motion was seconded by Commissioner Cox. So ordered. Roll call vote as follows: Commissioner Cox, yes; Commissioner Willner, yes; Commissioner Borries, yes.

Commissioner Willner moved that the Order of the Board be approved with the noting of the change of the objections and to forward that for their signature at a later date, and approval of the notice to be published.

The motion was seconded by Commissioner Cox. So ordered. Roll call vote as follows: Commissioner Cox, yes; Commissioner Willner, yes; Commissioner Borries, yes.

There being no further business the Public Hearing Adjourned at 5:50 p m.

MEMBERS PRESENT

VANDERBURGH COUNTY DRAINAGE BOARD

Richard Borries
Robert Willner
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David Miller

SECRETARY: Kathy Lowe

Richard A. Borries
Robert Willner
Shirley Jean Cox
VANDERBURGH COUNTY DRAINAGE BOARD

VANDEBURGH COUNTY DRAINAGE BOARD
MAY 3, 1982

The Vanderburgh County Drainage Board met in session this 3rd. day of May, 1982, at 3:45 p.m. in the Commissioners Hearing Room with President Borries presiding.

The minutes of the Public Hearing and the regular meeting which were held on April 26, 1982 were approved as engrossed by the County Auditor and the reading of them was dispensed with.

President Borries said the Public Hearing was in regard to the Reconstruction of Harper Ditch, that settlement was agreed to and then there was a lengthy discussion from Mr. Mike Mitchell, Evansville Associates, regarding signing the proper forms concerning Harper Ditch. He said there were additional objections, Mr. Mitchell made mention in the minutes that he would correct his petition to say that there were these objections, and he has done so.

RE: DAVID GUILLAUM

Mr. Guillaum said on Henry Ditch that they discussed last week about the trees in the ditch that they need to get out. He said at that time he had one bid on doing it from G.K.R. for \$80.00 to \$85.00 per tree. He said since that period of time they have withdrawn their bid.

Mr. Guillaum said he contacted Woodland Tree Service and they took a look at it and decided no bid, Tri-State Tree Service said the same thing. He said he did get a bid from DAR-ET Farms.

President Borries opened the invitational bid which is as follows:

Robert Willner, President
Vanderburgh County Commissioners
Civic Center Complex
Evansville, Indiana

RE: Henry Ditch-Bid for tree removal

Gentlemen,

We are pleased to bid on the removal of trees along Henry Ditch.

An on site inspection was made to determine the most efficient way of removing the 61 trees 18" in diameter to 48" in diameter along with the approximately 95 trees 8" in diameter to 16" in diameter that are in the channel and on the ditch slopes of the existing ditch.

Our proposal is to furnish all labor, materials, insurance and equipment for the complete removal of all trees along Henry Ditch.

BID:

Total lump sum bid for tree removal on and Along Henry Ditch.....\$4,973.76
(Four thousand nine hundred seventy three and 76/100 dollars)

Sincerely,

DAR-ET FARMS
P.O. Box 741
Evansville, Indiana
Norbert Krohn, President

Witness: Donald Rusher

Commissioner Willner asked how much this is per tree and Commissioner Cox said approximately \$36.00 per tree.

Commissioner Cox said the bid says they are going to remove the trees.

Mr. Guillaum said that Mr. Krohn understands that they do not want the stumps taken out.

Mr. Guillaum said as far as they are concerned, it is much cheaper than the other bid they received.

President Borries interrupted Mr. Guillaum to tell Mr. Montrastele that they have recessed the Commissioners meeting and the secretary has gone, but if he wants to meet with them after the meeting they will meet with him.

Mr. Montrastele said he just wanted to brief them on what he has been doing and try to get on a regular schedule.

Commissioner Cox asked if he could wait until next week.

President Borries asked Mr. Montrastele if he could come back next week as he is going before the County Council.

Mr. Montrastele said he does not go before the council this month.

Henry Ditch President Borries asked what the recommendation is of Mr. Guillaum.

Mr. Guillaum said he feels they should accept this bid.

Commissioner Cox asked if he was licensed and bonded and Mr. Guillaum said yes, they did some other ditch work for them in the past and they had no problems with them.

Commissioner Willner moved they award the bid to DAR-ET FARMS for the tree removal in Henry Ditch in the amount of \$4,973.76.

Commissioner Cox said they are going out of the county again and it looks like there ought to be somebody here in Vanderburgh County that would be interested in doing this.

Mr. Guillaum said he called several and got no response.

Commissioner Cox seconded the motion and it carried with a unanimous roll call vote.

RE: PRESIDENT BORRIES

President Borries said he had one item that Mr. Lewis may be contacting them on, he was supposed to get some information to him.

President Borries said he has had a inquiry that he asked Mr. Lewis to do his work with regarding Sonntag-Stevens ditch, to find out whether or not there was any kind of reconstruction or anything done. He said he knows they let bids in regards to spraying and things of that nature. He said it is in the Bergdolt Road area and they have had continual problems and some of the residents have received bills for ditch maintenance and they were questioning what those were for. They have also said they are bothered by mosquitos. He said Mr. Lewis had checked what had happened and he wanted to call their attention to it.

President Borries said this is an area where they have several complaints and he doesn't know the status of Sonntag-Stevens ditch is and perhaps they would want to look into it.

Mr. Guillaum said the contractor that has it this year is going to spray the entire ditch, and if he hasn't already started he should start with a week or so.

President Borries asked Mr. Guillaum if he sees any need or has he seen the ditch recently where there are any problems regarding the channel in the ditch at all.

Mr. Guillaum said they cleaned it last year, there was a 200 foot section that had not been done before and they did include this in last year with the contract to be cleaned. He said in that area it had not been cleaned for a long time, and they did have an inspector go out and look at it and it was cleaned. He said it has probably started to grow up again but hopefully with this spraying it will take care of it.

President Borries said they had a question if they could take over some kind of maintenance on the ditch.

Mr. Guillaum said if they done that the county would have abandon the ditch.

Commissioner Willner said if they want to take over the maintenance of the ditch all they have to do is bid.

Mr. Guillaum said this is true and he would tell them.

President Borries asked Mr. Guillaum when did they usually advertise for these bids, is it the spring and they approve them in say February or March and Mr. Guillaum said yes this is right.

President Borries said they can incorporate in some way or set up their own association and go that way if they want to.

Commissioner Cox said this would be a lot better than abandoning it because they would have to depend on each property owner to do their part and they don't do it and that is why they are in a mess out on the west side in Johnson Ditch and Carpenter Creek and others and they are a mess.

President Borries said this is the things that they need to know out there and this information will be helpful.

Commissioner Willner said he has had some calls on the ditch running Lynch Road which is Sonntag-Stevens. He said someone left them with the impression that once that portion of that was tiled, that they would not have to clean that ditch. He said he tried to explain that there are other portions that are not tiled and they have to continue to maintain the ditch but that section that is tiled will not be maintenance unless it gets stopped up or something of that nature. He said someone left them with the impression that once Lynch Road was through they would not have to pay a ditch bill anymore.

There being no further business the meeting recessed at 4:00 p.m.

RE: MEMBERS PRESENT

<u>DRAINAGE BOARD</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY SURVEYOR</u>	<u>COUNTY ATTORNEY</u>
Richard Borries Robert Willner Shirley Jean Cox	Alice McBride	David Guillaum	David Jones

RE: SECRETARY: Kathy Lowe

Richard Borries
Robert Willner
Shirley Jean Cox
VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
MAY 17, 1982

The Vanderburgh County Drainage Board met in session this 17th day of May, 1982, at 9:30 p.m. in the Commissioners Hearing Room with President Borries presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them was dispensed with.

RE: DRAINAGE PLANS.... JONES ENTERPRISE

Mr. Sam Biggerstaff gave the Commissioners a copy of the drainage plans.

Mr. Biggerstaff said that he represents Jones Enterprise.

Mr. Biggerstaff said that the drainage plans were revised the first part of May. Basically they are concerned with five and one half ($5\frac{1}{2}$) acres. One acre along Redbank Road which will still drain in the ditch. The area that will drain into a detention basin will be four and one half ($4\frac{1}{2}$) acres which will consist of the roof drain, parking lot drainage, and the area to the south. In fact all the five and one half ($5\frac{1}{2}$) acres except that that lies west.

Mr. Biggerstaff said that he has all the figures that come from the state. He said that they figure that there is 5.04 cubic feet of water coming down the ditch at this time and when they get done there will be 7.686 cubic feet per second. They have a ten inch out fall pipe so that they can make a detention basin. He said that the ten inch pipe will carry $1\frac{1}{2}$ cubic feet per second, which will leave them holding 6.186 cubic feet per second, which amounts to twenty two thousand two hundred sixty nine (22,269) cubic feet per hour. The detention basin will hold one hundred sixty two thousand four hundred ninety five (162,495) cubic feet.

Mr. Biggerstaff said that on the maps that the Commissioners have, they have shown the parking lot will drain into inlets and the inlets will drain in the detention basin. The ten inch pipe will come out just a little bit above the invert of the pipe under Redbank Road.

Mr. Biggerstaff said that he felt that they have done everything they can and he thinks that their figures will show that any additional water that will run off from a result of this construction it will be taken care of.

Mr. Biggerstaff said that Mr. Les Shively who is the attorney for Jones Enterprise said that he has talked to Mr. Brenner from the County Surveyor's Office and he said that the property owners and developers will maintain the ditch. There will be french drains there.

Commissioner Willner asked Mr. Biggerstaff where the french drains will be,

Mr. Biggerstaff pointed out on the map where the drains will be.

Shirley James Vice President of the West Side Improvements Association asked Mr. Biggerstaff what a french drain was.

Mr. Biggerstaff said that a french drain is where they will rip-rap the bank and below it they will have a drain pipe that will drain the underneath water.

Commissioner Cox asked Mr. Biggerstaff where the ten inch pipe was.

Mr. Biggerstaff showed Commissioner Cox on the map where it was.

Mr. Vic Thompson from the West Side Drainage Improvement said that they are trying to relieve the drainage problem out there and they are wanting to know if they are going to relocate the ditch.

Mr. Biggerstaff said that they are relocating the ditch about five feet deep and four feet wide.

Commissioner Willner asked Mr. Biggerstaff if the big lake out there will be able to handle the overflow.

Mr. Biggerstaff said that the big lake is flowing over the dam.

Mr. David Guillaum said that on Rosenberger Ave. they do have a small pipe there, but they do have plans to upgrade the pipe to a sixty inch pipe to bring it in line with what they have now. He said that he has talked to Mr. Brenner and they see no problem.

Earl Schmadel who represents Martha Schmadel who owns the property across the street

from the development. He said that Mr. Biggerstaff figures apply to one small portion of the drainage area. He said that he has seen it rain five inches in one night and the lake will not handle the water that will come off the entire area. It will wash out Rosenberger Ave. and could wash out the bridge on Redbank Road.

Ms. James said that she understood Mr. Guillaum to say that less water will be flowing and she does not see how this could be possible.

Ms. James said that she needs some questions clarified one is that the retention basin will hold all the drainage from the new apartments, and that there will be no silking, and the retention will hold about six inches of water.

Mr. Biggerstaff said that the retention will hold about three feet of water. Mr. Biggerstaff showed Ms. James on the map how the water will flow.

Ms. James asked Mr. Biggerstaff that if the water was the same level as the pipe wouldn't that cause back flooding.

Mr. Biggerstaff said no, that they have taken care of that.

Mr. Schmadel said that the pipe under Redbank Road carries the water just from Redbank only, and the pipe under Rosenberger Ave. carries everything else.

Ms. James said that they also have a problem about pollution in the area, the water that drains down the people's property is polluted.

Ms. James asked Mr. Schmadel if there was a problem with the spill way pipe.

Mr. Schmadel said that he has had no problems.

Ms. James said that there was no way they could handle any more water.

Ms. James asked Mr. Shively that if there were any more changes could they be advised on them.

Mr. Shively said yes.

Commissioner Willner said to Ms. James the whole idea of a detention basin started about five years ago on the east side and the County cannot maintain a private drain.

Ms. James said that she is sure that there will be more meetings on this.

Mr. Dale Olson from the West Side Drainage Association said that they are concerned about the ditch that exist at this time.

Mr. Schmadel said that he would like to ask the Commissioners if they could discuss the sanitary problem, he said that there are four houses out there that have no sewers and it all drains into his lake.

Commissioner Willner said that the board of Health has control over that area, and he needs to talk to them.

Commissioner Cox asked Mr. Schmadel if he had this problem before the apartments were built.

Mr. Schmadel said that he did but not as bad as now.

Ms. James said that they have checked into this and it does drain into his lake, and the people are willing to tap into a sanitary sewer if it would come through.

Ms. James asked the Commissioners if they got the legal basin in could there be something done about the pollution problem.

Commissioner Willner said that he did not think so because sewage is completely different than a water shed, but there could be a filter system put in.

Commissioner Cox asked Mr. David Guillaum for his recommendation.

Mr. Guillaum said that he doesn't feel it will create a problem.

Commissioner Cox asked Mr. Guillaum if he has any reservations that are not on the plans.

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Mr. Guillaum said that he first thought that the ten inch pipe would not be adequate enough but after talking to them he now does.

Commissioner Cox asked if there would be any more plans drawn up.

Mr. Biggerstaff said that they would receive a detailed plan.

Mr. Guillaum said that the plans they have now are a general plan.

Commissioner Cox asked Mr. David South if he has any comments.

Mr. South read the following letter;

Mr. Sam Biggerstaff
1323 Division Street
Evansville, In 47714

Dear Mr. Biggerstaff:

The drainage plans for this project needs:

1. A complete topo for all areas upstream of Red Bank Road at 395.25 or two feet above low point in Red Bank Road, whichever is higher.
2. Redesigned Settlement Basin to retain all solids.
3. Determine current run-off rates and design this project in a manner that does not increase the downstream run-off.
4. Floor elevation of all buildings within this area.
5. Show design of water velocity in ditches and erosion control, if needed.
6. Show cross section and ditches in critical area.
7. Do short storms with high intensity produce a higher elevation of back water than the 100 year storm?

All engineering calculation used in answering these questions should be submitted for review. Without this information, I can not recommend approval.

Very truly yours,

David South
County Highway Engineer

Commissioner Cox asked Mr. South if #1 had been addressed.

Mr. South said no.

Commissioner Cox asked Mr. South if #2 had been.

Mr. South said that he is not sure if you would tie that in here but it does need to be addressed some where along the line .

Commissioner Cox asked if #3 had been.

Mr. South said that in his view they may or may not have an influence on the down stream and that is moving the ditch instead on ignoring it.

Mr. South said that he would suggest the board review the plans.

Mr. Les Shively said that they have done every thing humanly possible and that Mr. Brenner is the only one legally responsible to give recommendations to the board and also Mr. South did agree with this until now, and he would like the Commissioners to approve the plans and then they can work with Mr. Brenner and Mr. South on the plans.

Commissioner Cox asked Mr. South what his recommendation would be.

Mr. South said that it depends on what the Commissioners wanted.

*Commissioner Willner asked Mr. South if what they have before them tonight could work.

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Mr. South said that he thought something could be worked out. He said that the idea is sound, but he was not the proper authority to say whether it should be approved or not.

President Borries said that he shares the concern with the people out there and they do need some written correspondance.

Mr. Biggerstaff said that a complete topo is a very expensive thing.

Mr. South said that he asked for elevations and the answer came as a question, and he would like to remind the board the he was asked to be here.

Commissioner Cox asked Mr. Biggerstaff if the other things that Mr. South did not get an answer on will be addressed on the final plan.

Mr. Biggerstaff said that he would put everything on a working set of plans.

Mr. Authur McCaffery said that he has lived in Golden Tower Apartments for nine years, and he has never had a problem of flooding, and the problem is on Rosenberger Ave.

Mr. South said that he did not mean that there was a drainage problem there.

President Borries said that what they want is a good drainage plan.

Commissioner Willner moved the preliminary drainage plans be approved. Commissioner Cox seconded the motion. So ordered.

Roll Call vote; Commissioner Willner; yes, Commissioner Cox; yes, President Borries; yes.

RE: BLUE CLAIMS

Mr. David Guillaum said that he has some blue claims and he suggest they be approved, the claims are as follows;

A claim from Dar-Et Farms for the removal of trees on and along Henry Ditch in the amount of four thousand nine hundred seventy three dollard and seventy six cents. (\$4,973.76)

A claim for final settlement in full amount, for dismissal of the claims of Walter C. Sirkle, Jeanette D. Sirkle and Marie Sirkle, in Superior Court, Cause No. 81-CIV-2706 in the amount of six thousand five hundred dollars. (\$6,500.00)

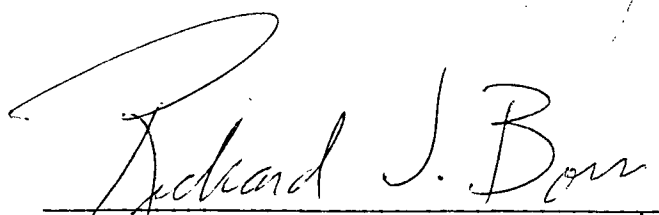
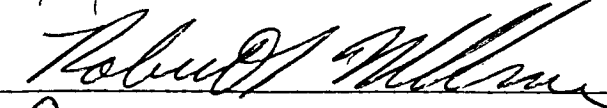

Commissioner Willner moved the claims be approved. Seconded by Commissioner Cox. So ordered.

There being no futher business the meeting adjourned at 10:50 p.m.

RE: MEMBERS PRESENT

<u>DRAINAGE BOARD</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY SURVEYOR</u>	<u>COUNTY ATTORNEY</u>
Richard Borries Robert Willner Shirley Jean Cox	Alice McBride	David Guillaum	David Jones

RE: SECRETARY: Kathy Lowe




VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
MAY 24, 1982

The Vanderburgh County Drainage Board met in session this 24th. day of May, 1982, at 4:15 p.m. in the Commissioners Hearing Room with President Borries presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: WILBERT FEHD...SCHLENSKER DITCH

Mr. Fehd, of R.R. 3 Box 276 said he was there on behalf of his mother on the drainage problem on Schlensker Ditch. He said this has been a legal drain since 1930 and he wanted them to clean it and they told him it was throwed out.

He said this ditch is right off of Green River Road eastward and Schlensker Ditch starts at the county line from Kansas Road to Boonville-New Harmony Road and the creek is the county line and Schlensker Ditch starts at the creek and runs back 3/4 of a mile and there it stops.

Mr. Fehd said if they close Schlensker Ditch the wheat field there will be a pond. He said there is no other way for them forty three (43) acres to drain unless it drains down Schlensker Ditch to the creek, so he wants someone to come out and look at it.

Mr. Fehd said Commissioner Willner knew what he is talking about, and he would welcome the other Commissioners to come out and look at this problem.

Mr. Fehd said the Henry Ditch that lays along Kansas Road, they have cleaned on that but the problem they had there was when they took the bridge out on Kansas Road and put in a sewer pipe the made the sewer pipe longer and there was a drain coming down the edge of that blacktop on Kansas Road and when they put this in they shut the tile off and that is the problem he took to Mr. Guillaum before.

Mr. Guillaum said he did check into this this morning and according to the information they have on their records, either in 1979 or 1980 the Schlensker Ditch was abandoned by the county. He said the reason he found was they had gotten complaints from some of the people that did drain into the ditch as to the assessment, that it was not justified and at that time the county did abandon the ditch. He said they have not done anything to the ditch in two (2) years.

President Borries asked Mr. Fehd, on the ditch assessment, who would have paid the ditch assessment, the county surveyor said someone objected to paying the ditch assessment, who objected to paying it.

Mr. Guillaum said the only thing they could do is dig back through the minutes and determine when it was abandoned and why. Find out who the remonstrators were.

Mr. Guillaum said he told Mr. Fehd that there will be a lot of people that may not appear to have property that drains in that ditch, but in fact their water does get down to the ditch.

Commissioner Willner asked Mr. Fehd if someone, due to some reconstruction of this ditch manually closed it up.

Mr. Fehd said no, there is just rubbish growing up in it and it needs to be cleaned out.

Mr. Guillaum said the ditch has not been mowed in two (2) years and it is just grown up.

Mr. Fehd said he mowed this 2/3rds last fall all the way to Stahl's property with a seven foot mower. He said his son done some spraying on the this spring.

Commissioner Cox asked Mr. Guillaum if he recalls how many property owners were affected by this.

Mr. Guillaum said he couldn't give them the exact number but there were quite a few.

Commissioner Cox said as it stands right now it is up to the individual property owners that abut directly onto that ditch to keep their section open to drainage, is this correct.

Mr. Guillaum said this is right.

Mr. Guillaum asked what would be the procedure now, would they have to re-petition to have it declared a legal drain again. He said this sort of comes down to what the majority wants.

President Borries asked Mr. Guillaum to research the minutes just to see if it has, in fact, been officially been closed, and if it has they would have to re-petition.

Mr. Fehd said that is why he is checking into it this spring, if they get it in time, it won't take 1/10th as much work to clean it as it would if they let the sprouts get much bigger.

President Borries said Mr. Guillaum will report back to them and if he will leave his phone number, they can get in contact with him and let him know what they have found out, and he can also give him direction as to what to do about it.

President Borries asked Mr. Linzy to check into the closed tile at the bridge on Kansas Road.

RE: CLAIMS

Mr. Guillaum said he has several claims to be approved by the Drainage Board:

The Claims are as follows:

G.K.R. Industries for Boesche Ditch in the amount of 7,796.30 and signed by the County Surveyor.

G.K.R. Industries for Aiken Ditch in the amount of \$673.95 and signed by the County Surveyor.

G.K.R. Industries for Crawford Brandies Ditch Extension in the amount of \$2,633.04 and signed by the County Surveyor.

G.K.R. Industries for Crawford Brandies Sitch in the amount of \$2,741.47 and signed by the County Surveyor.

G.K.R. Industries for Stockfleth Ditch in the amount of \$619.53 and signed by the County Surveyor.

G.K.R. Industries for Hirsch Ditch in the amount of \$1,330.56 and signed by the County Surveyor.

G.K.R. Industries for Keil Ditch in the amount of \$342.16 and signed by the County Surveyor.

G.K.R. Industries for Kelly Ditch in the amount of \$760.00 and signed by the County Surveyor.

G.K.R. Industries for Kolb Ditch in the amount of \$980.00 and signed by the County Surveyor.

G.K.R. Industries for Maidlow Ditch in the amount of \$1,480.80 and signed by the County Surveyor.

G.K.R. Industries for Nurrenbern Ditch in the amount of \$556.58 and signed by the County Surveyor.

G.K.R. Industries for Singer Ditch in the amount of \$232.00 and signed by the County Surveyor.

G.K.R. Industries for Henry Ditch in the amount of \$381.48 and signed by the County Surveyor.

Mr. Guillaum said these are 80% and is for spraying and they have been inspected. He said this was for a one time spraying but they held out 20% in case they do have to go back out there.

Commissioner Willner moved they approve the above claims, seconded by Commissioner Cox. So ordered.

Green Grasshopper Flying Service for spraying Eagle Slough as contracted in the amount of \$1,802.40 and signed by the County Surveyor.

Commissioner Willner moved the claim be approved, seconded by Commissioner Cox. So ordered.

Commissioner Willner asked if Mr. Hepler will spray Eagle Slough twice and Mr. Guillaum said yes.

Commissioner Willner asked if they were paying for both times.

Mr. Guillaum said no, this is just for the one time.

There being no further business the meeting recessed at 4:50 p.m.

RE: MEMBERS PRESENT

DRAINAGE BOARD

Richard Borries
Robert Willner
Shirley Jean Cox

COUNTY AUDITOR

Barry Heathcotte

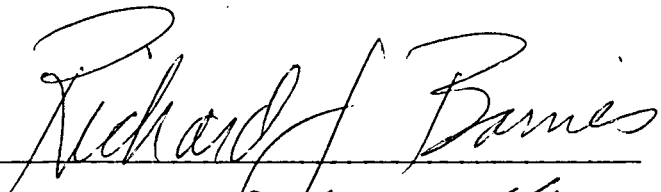
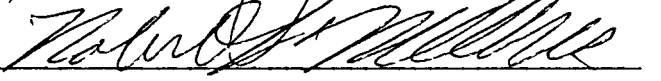
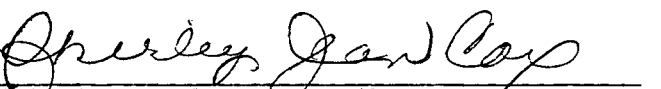
COUNTY SURVEYOR

David Guillaum

COUNTY ATTORNEY

David Miller

Secretary: Kathy Lowe




VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
JULY 12, 1982

The Vanderburgh County Drainage Board met in session this 12th day of July, 1982 at 4:30 p.m. in the Commissioner Hearing Room with President Borries presiding.

The minutes of the previous meeting which was held on May 24, 1982 were approved as engrossed by the County Auditor and the reading of them were dispensed with.

RE: SONNTAG STEVENS

Mr. David Guillaum said that he has a letter from Mr. Bob Staub.

Mr. Guillaum said that Mr. Staub is requesting approval to put a pipe in the Sonntag Stevens ditch at 4300 Peters Road to aid Signal Delivery Co.

Mr. Guillaum said that Mr. Staub is wanting to know what the size of pipe should be.

Mr. Guillaum said that they will determine the size of the pipe and he will base it on what is already there. He said that Mr. Staub has to have the Commissioners approval.

Commissioner Cox said that the grade is also important, they have had alot of drainage problems out there.

Mr. Guillaum said that there are two six foot pipes out there now and they will require that he go at least that size of pipe.

Commissioner Willner asked Mr. Guillaum if it was the kind that you form there or if it was a bought one.

Mr. Guillaum said that it would be formed there.

Mr. Guillaum showed the Commissioners a sketch Mr. Staub had drawn up.

Commissioner Willner moved that Mr. Staub be allowed to put the pipe in Sonntag Stevens Ditch with a concrete one piece culvert, size being up to the Surveyor's Office. Seconded by Commissioner Cox. So ordered.

RE: WALTER SIRKLE

President Borries said that he has a letter from County Attorney David Jones regarding Walter Sirkle. The letter is as follows.

Mr. Edward W. Johnson
Johnson, Carroll and Griffith
2230 West Franklin Street
P.O. Box 6016
Evansville, Indiana 47712-0016

RE: WALTER C. SIRKLE AND VANDERBURGH COUNTY

Dear Edward:

Your letter to David Miller dated June 7, 1982, was considered at the most recent meeting of the Board of County Commissioners and forwarded to me for appropriate response.

No exception is taken to your observation of the situation concerning the construction site. However, your conclusion as to the lawfulness of the use of the property is disputed. The dirt and debris being removed from the construction site of the drain are being placed within the county right-of-way which extends seventy-five feet (75') from the top of a legal drain. Under the Indiana Drainage Code use of the right-of-way in connection with the maintenance, construction or reconstruction of a legal drain is permissible. Placing of said dirt and debris is a temporary situation in connection with the work being done and will be removed and restored at the conclusion of such work.

Your clients' full use of their property is, at least in part, a result of the benefits derived from the legal drain and subject to the county's right and duty to function within the right-of-way. I

trust that this situation will only result in a temporary inconvenience to your clients and that this matter may be resolved to the mutual satisfaction of all concerned.

Very truly yours

David Jones
County Attorney

DLJ/lem

cc: Robert L. Willner, President
Board of County Commissioners
Robert Brenner, County Surveyor

RE: BARBARA L. CUNNINGHAM

President Borries said that he has a letter from Barbara Cunningham, from the Area Plan Commission. The letter is as follows;

To: Bob Brenner Date: June 4, 1982
From: Barbara L. Cunningham RE: Subdivisions

We are requesting the following Subdivisions be put on the Drainage Board agenda for consideration.

5-S-82 Char-Lee Estates No. 2 (preliminary) Part of the Northeast quarter of Section 33, Township 6 South, Range 11 West located north of Broadway, east of Felstead Road.

6-S-82 Laura's Place (preliminary) Part of the East half of Section 36, Township 5 South, Range 11 West, located on Laubscher Road.

8-S-82 Weinzapfel's Subdivision (preliminary) Part of the East half of the Northeast quarter of Section 26, Township 5 South, Range 11 West located on Schaeffer Road north of School Road.

9-S-82 Eastland Estates, Section B (preliminary) Part of the Southwest quarter of Section 31, Township 6 South, Range 9 West, located between Pollack and proposed Covert Avenue, west of Fuquay Road.

cc: Robert Willner
Rick Borries
Shirley Jean Cox

Mr. Guillaum said that he has not at this time received all the drainage plans.

RE: MORLEY ASSOCIATES

President Borries said that he has received a letter from Morley Associates, and it was in conjunction in regards to the William Harp property on Green River Road.

President Borries asked Mr. Guillaum if he had seen the letter.

Mr. Guillaum said that he has not.

President Borries referred it to the County Surveyor's Office.

There being no further business the meeting adjourned at 4:40 p.m.

RE: MEMBERS PRESENTDRAINAGE BOARD

Richard Borries
Robert Willner
Shriely Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY SURVEYOR

David Guillaum

COUNTY ATTORNEY

David Miller

Secretary: Kathy Lowe

Richard Borries
Robert Willner
Shriely Jean Cox

VANDERBURGH COUNTY DRAINAGE BOARD
AUGUST 30, 1982

The Vanderburgh County Drainage Board met in session this 30th. day of August, 1982 at 5:30 p.m. in the Commissioners Hearing Room with President Borries presiding.

The minutes of the previous meeting which was held on July 12, 1982 were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: DAVID GUILLAUM...GREENFIELD DRIVE

Mr. Guillaume said right at the end of Greenfield Drive right in the area of one of the new ditches that they took over for maintenance, this would be the Crawford-Brandies Extension. He said at the end of Greenfield Drive there is an extreme amount of washing that has occurred on this lot. He said Bill Garrison is the property owner and they looked at it and he agreed with his conclusion of what has happened there. He said what they want to do is to try to remedy the situation, this is very much similar to other problems they have encountered and the best example is the one Commissioner Cox brought up on the west side.

Mr. Guillaume said he thinks this problem can be taken care of with some rip rap, the ditch itself needs to be dipped out in this one area that has the water bottled in. He said it has washed a considerable amount of Mr. Garrison's lot away.

Mr. Guillaume said he would like to get a price from several contractors and go about it that way and get a couple of bids to rip rap this section of the ditch to eliminate this washing.

President Borries said several residents had contacted him from that area and Mr. Garrison was one of them, because of standing water in the Carrollton Court Area. He said the water simply does not drain properly so he would certainly want to share their concerns there.

Commissioner Cox asked if this rip rap will help the water drainage problem there.

Mr. Guillaume said it would if they can dip the small section of the ditch out then it would definitely help. He said right now there is a foot of water standing.

Mr. Guillaume said the rip rap will be necessary due to the fact that the other street just dumps everything right there. He said further away from there they do not have the situation they have right there. He said he thinks this other street is Oak Street.

President Borries said there is a problem because part of it was Walnut, but Walnut St. extends through Carrollton Court so he is not sure what street it is.

Commissioner Willner moved Mr. Guillaume get invitational bids and come back to the Commissioners.

The motion was seconded by Commissioner Cox. So ordered.

RE: DRAINAGE PLAN...FLEENER ROAD

Mr. Guillaume said he had a drainage plan that was sent to the Area Plan subject to the approval of the Drainage Board. He said this was at Fleener Road, Four Seasons, Andy Cooper is the engineer.

Commissioner Willner said it was in the Town of Darmstadt.

Mr. Guillaume said their conclusion on this is that they are doing nothing to change the natural water flow that they can see with very, very minor exceptions. He said they don't feel there will be any problems as far as drainage is concerned.

Mr. Guillaume said they recommend the drainage plans be approved.

Commissioner Cox asked what is the drainage plan and what does it say.

Commissioner Willner said he is saying they do not have a drainage problem.

Mr. Guillaume said this is right, he is not doing anything.

Mr. Guillaume showed on a map the existing house and just by looking at it he can't see where he is doing anything. He said there is side ditches there.

Commissioner Cox said this is a family thing, where the family has deeded part of the property to the children. She said she remembers this from Area Plan.

Commissioner Cox asked if this was a private road or is it going to be a public road.

Mr. Guillaum said it was private right now.

Commissioner Willner moved they approve the drainage plans.

The motion was seconded by Commissioner Cox. So ordered.

Commissioner Cox asked if there was anyplace on these plans for them to sign that they have approved the drainage plans.

Commissioner Cox said she brought this up at Area Plan, but on these sub-divisions they get in a lot of problems with the drainage plans. She said she asked that something be put on the original plat but this says preliminary, to incorporate approval by the Highway Engineer if the road was going to be wide enough, etc., but she guesses no one followed through on that.

County Attorney David Jones said he thinks they should do that because they all go out of there and the minutes don't get prepared properly and something does come up down the road, what have they got to prove that it was accepted. He said you have a preliminary drawing that has nothing on it, that drawing does not get in the minutes. He said there should be at least a rubber stamp where they could stamp everyone of them that comes through.

Mr. South said if the drainage board were required to get a Sepia Modeler so that it could be left here on file, with the printing capacity the county has they could produce as many extra copies as they needed. He said when they have a problem in a subdivision the first thing they do is to try to find the drainage plans and they have not found one yet that was over a year or two old.

Commissioner Willner told Mr. Guillaum why didn't he get a stamp made up and request that one copy be left with the surveyor.

There being no further business the meeting recessed at 5:45 p.m.

RE: MEMBERS PRESENT

COUNTY DRAINAGE BOARD

Richard "Rick" Borries
Robert Willner
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

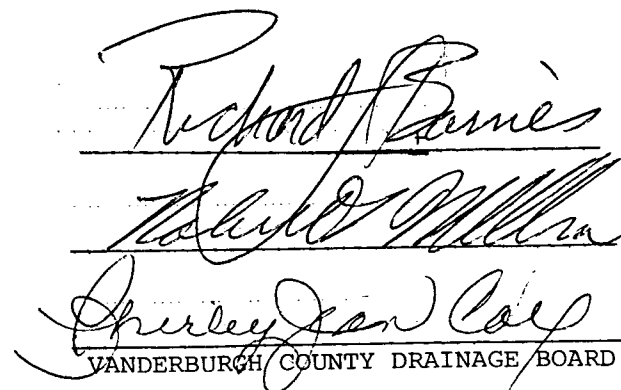
COUNTY SURVEYOR

David Guillaum

COUNTY ATTORNEY

David Jones

RE: SECRETARY: Kathy Lowe


VANDERBURGH COUNTY DRAINAGE BOARD

694

VANDERBURGH COUNTY DRAINAGE BOARD
SEPTEMBER 7, 1982

The Vanderburgh County Drainage Board met in session this 7th day of September, 1982 at 4:45 p.m. in the Commissioners Hearing Room with President Borries presiding.

The minutes of the previous meeting which was held on August 30, 1982 were approved as engrossed by the County Auditor and the reading of them were dispensed with.

RE: HARPER DITCH RECONSTRUCTION

Mr. Brenner said that Mr. Angel has lost interest in the project and that he has been paid seventy percent (70%) and that he is over that in completion. Mr. Brenner said that he has not done the job to their satisfaction.

Mr. Brenner said that he would like to send Mr. Angel a letter and give him a certain amount of time to get the job done, otherwise let the Surveyor's office or someone else do the job.

Commissioner Cox said that when Mr. Angel came in to the Commissioners, he seemed really excited about the job, and even though he is new, he will blacken his record if he doesn't finish the job.

Mr. Brenner said that he agreed with Commissioner Cox.

Commissioner Cox asked Mr. Brenner if they gave him a certain date to get the job done.

Mr. Brenner said no, but he has had enough time to get the job done.

Commissioner Willner moved that Mr. Brenner send Mr. Angel a letter giving him thirty days (30) to get the job done. Seconded by Commissioner Cox.... So ordered.

RE: PLAZA TERRA SECTION C

Mr. Brenner said that about two years ago they took in two extensions, the Bonnieview and the Chandler extension.

Mr. Brenner said that when they did the took in a seventy-five foot (75) right-of-way, and for anyone to build on the right-of-way they have to get approval from the County Drainage Board.

Mr. Brenner showed the Commissioners on the map where the problem is.

Mr. Brenner said that Mr. Garrison now owns seven lots, all are seventy five feet, and he cannot build on these.

Mr. Brenner said that he recommends that the Commissioners waive the seventy-five foot right-of-way.

Mr. Brenner said that Mr. Klassy owns the property across the road, but he is not building on his property.

Mr. Brenner said that they don't even have an easement on the property.

Mr. Brenner said that the ditch does need cleaned out.

Commissioner Cox asked Mr. Brenner if they clean out the ditch will that take care of the problem.

Mr. Brenner said yes.

Commissioner Cox asked Mr. Brenner what he wanted the Commissioners to do.

Mr. Brenner said that he wanted them to waive the seventy-five foot right-of-way and clean about five hundred feet of the ditch.

Commissioner Willner moved that the seventy-five foot right-of-way on the Bonnieview and Chandler extension be waived. Seconded by Commissioner Cox.... So ordered.

Commissioner Cox asked Mr. Brenner if this was a legal drain.

Mr. Brenner said yes.

Mr. Brenner said that he has talked to some people about the cleaning of the ditch, and he has two bids. The bids are as follows;

Ray Stradtner in the amount of one thousand eight hundred and fifty dollars. (\$1,850.00)

Flayd Staub in the amount of two thousand five hundred seventy five dollars. (\$2,575.00)

Mr. Brenner said that this will be for the riprap, and the dredging of five hundred feet of the ditch.

Mr. David Guillaum said that this is the worse part of the ditch.

Commissioner Cox asked Mr. Brenner if the people out there pay an assessment fee.

Mr. Brenner said yes.

Commissioner Willner moved that Ray Stradtner receive the bid in the amount of one thousand eight hundred fifty dollars. (\$1,850.00) Seconded by Commissioner Cox.... So ordered.

There being no further business the meeting adjourned at 5:05 p.m.

RE: MEMBERS PRESENT

COUNTY DRAINAGE BOARD

Richard "Rick" Borries
Robert Willner
Shirley Jean Cox

COUNTY AUDITOR

Alice Mc Bride

COUNTY SURVEYOR

Robert Brenner

COUNTY SURVEYOR

David Jones

RE: SECRETARY; Kathy Lowe

Richard F. Borries

Robert Willner

Shirley Jean Cox

VANDERBURGH COUNTY DRAINAGE BOARD

696

VANDERBURGH COUNTY DRAINAGE BOARD
OCTOBER 18, 1982

The Vanderburgh County Drainage Board met in session this 18th day of October, 1982 at 9:55 p.m. in the Commissioners Hearing Room with President Borries presiding.

The minutes of the previous meeting which was held on Septmeber 7, 1982 were approved as engrossed by the County Auditor and the reading of them were dispensed with.

RE: EASTLAND ESTATES SECTION B

Mr. David Guillaum said that early today he met with Mr. Sam Biggerstaff and they went out to look at Kolb ditch and in effect what Mr. Biggerstaff is here tonight would be to get a variance on a ditch from the seventy-five feet (75) they have.

Mr. Guillaum said that he talked to Mr. Brenner today and as long as they have access to the ditch to get their equipment in to do the work needed to be done, they have no problem with it.

Mr. Guillaum shows the Commissioners on the map that Mr. Biggerstaff wants thirty feet(30) plus an extra five (5) feet from the center of the ditch. That will give them thirty-five (35) feet to do their work.

Mr. Guillaum said that it will be on the plat that there will be no trees, bushes, or fences on the property where they will be doing their work.

President Borries asked Mr. Guillaum if he had any objections.

Mr. Guillaum said no.

Mr. Biggerstaff said that he would like to get this approved so that the people can get their building permits and get started.

Commissioner Willner asked Mr. Biggerstaff if this would show up on the deed and abstract.

Mr. Biggerstaff said that it would.

Commissioner Willner asked if the ditch was now in the County.

Mr. Guillaum said it was.

Commissioner Willner asked what happens to a legal drain once the City has taken over.

Mr. Biggerstaff said that generally they vacate the ditch and that is a long drawn out process.

Commissioner Willner said that even if the City would annex out there, they would probably want the easement to stay there.

Mr. Biggerstaff said that now the ditch does not carry the water it used to.

Commissioner Willner moved that the set back line of thirty feet (30) and twenty five (25) feet on the north side of the ditch be approved. Seconded by Commissioner Cox.... So ordered.

There being no further business the meeting adjourned at 10:00 p.m.

RE: MEMBERS PRESENT

COUNTY DRAINAGE BAORD

Richard "Rick" Borries
Robert Willner
Shriely Jean Cox

COUNTY AUDITOR

Alice Mc Bride

COUNTY SURVEYOR

David Guillaum

COUNTY ATTORNEY

David Jones

RE: Secretary; Kathy Lowe

Richard J. Borries
Robert Willner
Shriely Jean Cox
VANDERBURGH COUNTY DRAINAGE

VANDEBURGH COUNTY DRAINAGE BOARD
NOVEMBER 8, 1982

The Vanderburgh County Drainage Board met in session this 8th. day of November, 1982 at 5:05 p.m. in the Commissioners Hearing Room with President Borries presiding.

The minutes of the previous meeting which was held on October 18, 1982 were approved as engrossed by the County Auditor and the reading of them dispensed with.

President Borries said Mr. Feldbush from Warrick County and Mr. Morrison from Gibson County are here with them today to discuss Pigeon Creek.

Mr. Feldbush said they are interested in opening a line of communication on Pigeon Creek. He said Gibson and Warrick Counties combined total water shed is approximately 200,000 acres that drains into Vanderburgh County at the Vanderburgh-Warrick line. He said Warrick County and Gibson County together jointly have just completed clearing a minimum of one side the entire length from the northern boundary line of Warrick County to the western boundary line of Warrick County. He said at that point the creek then dips down into the Vanderburgh County line approximately one half to three quarters of a mile and that portion is left untouched. He said they then came back up into Warrick County and cleaned another portion that runs approximately one half mile and dips back down into Vanderburgh County, and this is untouched.

Mr. Feldbush said the creek, as far as they know in Vanderburgh County is not maintained all the way up to Stringtown Road. He said they are specifically interested from Highway 41 to the county line because they know this portion is not maintained actively. He said it creates problems in Warrick County for them in addition to the water they receive from Gibson County, as well as problems in Vanderburgh County, that there are flooding problems out by Hirsch Road.

Mr. Feldbush said Mr. Morrison, who is the Gibson County Surveyor and himself, as the Warrick County Surveyor was requested by the joint Gibson and Warrick Board made up of the County Commissioners of those two (2) counties open up a line of communication and see what kind of efforts can be made in that area, the cleaning, maintenance or whatever of Pigeon Creek.

President Borries said they are glad they are here, as well as Vanderburgh County Deputy Surveyor, Dave Guillaum. He said he might asked them, in the parts they maintain does the county do the work that they described on the creek.

Mr. Feldbush said yes, the surveyor's office is in charge of all maintenance work on Pigeon Creek.

Mr. Morrison said that is also true in Gibson County. He said there is 80,000 acres in Gibson County and the other 120,000 would be in Warrick.

President Borries asked Mr. Guillaum how much acreage did Vanderburgh have and Mr. Guillaum said he would have to check to be sure by he thinks they are comparable.

Mr. Feldbush said he is sure they have at least that much.

Mr. Morrison said at one time the Corps. of Engineers, and they should have on their records somewhere where they committed themselves that they would maintain this clear back to Squaw Creek which is in around Chandler. He said Warrick and Gibson are basically the same size and Vanderburgh has got a stronger influence with the Corps of Engineers because of population and sometimes they can make those wheels turn faster than little Warrick or little Gibson.

Mr. Guillaum said one situation they have and whether they have have it or not is that a good portion of the creek in the county is still considered a navigable stream by the Corps which means they cannot do anything without them saying how much and where and when.

Commissioner Willner said which also means they are supposed to maintain it and he once heard that Highway 41 is the cut-off point.

Mr. Feldbush said he has also heard that Highway 41 is the cut-off point and he also has heard they have plans to levee all the way up to Highway 41.

Mr. Guillaum said in the first phase they are not going up that far, the contract that Deig Brothers has right now does not go that far. He said that could be a long range plan.

Mr. Morrison said there are large portions of Pigeon Creek in Warrick County that have over the years been straight and there are some that are not so straight. He said there has been considerable straightening down to Squaw Creek, but when they get down around the Vanderburgh County line it is pretty crooked. He said it would seem to the farmers in the eastern part of Vanderburgh County to say that Warrick and Gibson are out to get them,

(2) 11/8/82

but tell him how they increase the drainage unless the straighten, clean and etc. He said it is not their motive to flood the east end of Vanderburgh County.

Commissioner Willner said they did take some of the water that goes into Pigeon Creek at Crawfore-Brandies and bring it through the old canal which cut off five (5) or six (6) miles so they should have helped some. He asked what monies did they use to do this work they did on Pigeon Creek.

Mr. Feldbush said they used legal drain assessments and now Warrick County has the Cumulative Drainage Fund, which is 5¢ per \$100.00 assessed valuation but this is the very first year they have used it and prior to that they had Pigeon Creek watershed set up and Gibson County as well has a watershed set up in the 1966 drainage statutes.

Commissioner Willner said if his memory serves him right, six (6) or seven (7) years they set up a joint department with Warrick County.

Mr. Feldbush said there was an effort made down be Angel Mounds, there was a drainage problem there and there was one on site meeting and it never got any further.

Commissioner Cox asked what has their maintenance consisted of up there.

Mr. Feldbush said maintenance has been a minimum of clearing one side of the bank of all trees and stumps and that is more or less a roadway for heavy machinery and large areas of siltation removal in addition to removing any and all log jams in the creek.

Commissioner Cox asked if this considered cleaning or reconstruction.

Mr. Feldbush said as far as their definition is concerned it is considered maintenance of the creek.

Mr. Morrison said they have done it in a major program in both counties, but it could be done under reconstruction.

President Borries said they do not have any assessment like they have described.

Commissioner Willner said Pigeon Creek in Warrick and Gibson Counties is a legal drain, and in Vanderburgh County it is not a legal drain and to do so it would take about 50% participation by the property owners.

Commissioner Cox said there is something to this that the Corps of Engineers having the authority because she remembers that twice they have had to to in and clean out log jams there at Highway 41 and to get permission to do this, she said the county did the work but they had to get permission from the Corps.

Mr. Feldbush said he would like to see a joint resolution between the three counties and issue it to the Corps of Engineers to accept this responsibility.

Mr. Feldbush said he will prepare a resolution and have the Vanderburgh County Surveyor review it and then they can get together and sign it.

Commissioner Willner moved they move forward with this joint resolution. The motion was seconded by Commissioner Cox. The motion carried with a unanimous roll call vote.

Commissioner Cox said first they should determine whose responsibility the creek is and then the resolution should be giving them support to get the Corps to move to get this end of the creek cleaned out.

Mr. Feldbush said he would stay in contact with Dave Guillaum in finding out who jurisdiction this is and get the resolution prepared.

RE: CLAIMS

Mr. Guillaum said he has two claims for approval, the claims are as follows:

Ray Stradtner for repair work on ditch at end of Oak Street in the amount of \$1,850.00

Commissioner Cox moved the claim be allowed, seconded by Commissioner Willner. So ordered.

A claim for Green Grasshopper Flying Service for Straying Eagle Slough in the amount of \$1,802.40.

Commissioner Willner moved the claim be allowed, seconded by Commissioner Cox. So ordered.

There being no further business the meeting recessed at 5:30 p.m.

MEMBERS PRESENT

DRAINAGE BOARD

Richard Borries
Robert Willner
Shirley Jean Cox

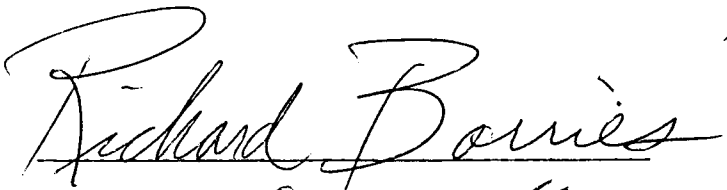


COUNTY SURVEYOR

David Guillaum

COUNTY ATTORNEY

David Jones

Secretary: Jean Wilkey




VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
NOVEMBER 29, 1982

The Vanderburgh County Drainage Board met in session this 29th day of November, 1982 at 4:25 p.m. with President Borries presiding.

The minutes of the previous meeting which was held on November 8th, 1982 were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: DRAINAGE PLANS FOR IVY HILLS SUBDIVISION

Mr. Guillaum said he has plans for drainage in the Ivy Hill Subdivision for the approval of the Drainage Board. He said this subdivision is off of Dieffenbach Road, they have looked at the area, the road and the drainage. He said they have no problems with it. Mr. Guillaum showed the Commissioners how the drainage would flow on a map that was sent to him.

Mr. Guillaum said there are natural swales on each side so everything on the roadway is going to follow these natural swales.

Commissioner Cox said there is a lake already there and dovetails into these lots

Commissioner Willner moved that Ivy Hills subdivision be approved for drainage plans. The motion was seconded by Commissioner Cox and carried with a unanimous roll call vote.

RE: LETTER FROM DAVID SOUTH...DRAINAGE PROBLEM AT 1023 KIRKWOOD

Mr. Guillaum said this is something new, but it is a letter from David South concerning a drainage problem at 1023 Kirkwood. He said they looked into this, and the problem is Mr. South refers to this as a legal drain. Mr. Tubbs is the one with the problem, but on investigating the problem Mr. Tubbs has is not on a legal drain. He said Mr. Tubbs stated that he pays money into a legal drain, which he does but the area where he has a problem is not a legal drain so there is nothing they can do about it.

Commissioner Cox said the water that is back behind him there doesn't go into the legal drain.

Mr. Guillaum said it does.

Commissioner Cox said it is not getting there, so what does he have to do to get his water to the legal drain.

Mr. Miller said he has to dig a trench from where the water stands to the legal drain.

Mr. Guillaum said that is about right.

Commissioner Cox said it is all the property owners along there and probably the developer should correct the problem.

Mr. Guillaum said that is the whole key to it.

Commissioner Cox said Foster was the developer.

Mr. Miller said Foster is still in business and that is who they should talk to.

Commissioner Cox said this is in Brookshire Estates and they do have a mess out there.

Commissioner Willner suggested that Mr. Guillaum inform Mr. Tubbs of their decision.

RE: CLAIMS

Mr. Guillaum said they have a good number of claims and they have all been checked and signed by the surveyor. He said this is on legal drains. The claims are as follows:

- GKR Industries, Inc for Keil Ditch Annual Maintneance in the amount of \$85.54.
- GKR Industries, Inc for Maidlow Ditch Annual Maintenance in the amount of \$370.20.
- GKR Industries, Inc for East Side Urban North Half Annual Maintenance in the amount of \$1,624.63.
- GKR Industries, Inc for Kolb Ditch-Removal of Trees, etc. in the amount of \$500.00.
- GKR Industries, Inc for Henry Ditch Annual Maintenance in the amount of \$95.37.
- GKR Industries, Inc for Fast Side Urban South Half Annual Maintenance in the amount of \$1,747.04.
- GKR Industries, Inc for Singer Ditch Annual Maintenance in the amount of \$58.00.
- GKR Industries, Inc for Aiken Ditch Annual Maintenance in the amount of \$168.49.
- GKR Industries, Inc for Kolb Ditch Annual Maintenance in the amount of \$245.00.

(2) 11/29/82

RE: CLAIMS CONTINUED:

Leo Paul for Wallenmeyer Ditch for Yearly Maintenance in the amount \$1,044.38.
Leo Paul for Barr's Creek Yearly Maintenance in the amount of \$3,306.88.

Merl Hoefling for Hoefling Ditch Yearly Maintenance in the amount of \$559.10.

Ralph Rexing for Cleaning of Pond Flat "B" Lateral in the amount of \$279.70.
Ralph Rexing for Cleaning of Pond Flat "A" Lateral in the amount of \$531.10.

Paul Seib for Yearly Maintenance on Buente Lateral "A" in the amount of \$769.86.

Norman Messel for Cleaning of Sonntag-Stevens Ditch and Extension in the amount of \$1,912.80.

Commissioner Willner moved the above claims be approved, seconded by Commissioner Cox.
So ordered.

There being no further business the meeting recessed at 5:00 p.m.

RE: MEMBERS PRESENTCOUNTY DRAINAGE BOARD

Richard Borries
Robert Willner
Shirely Jean Cox



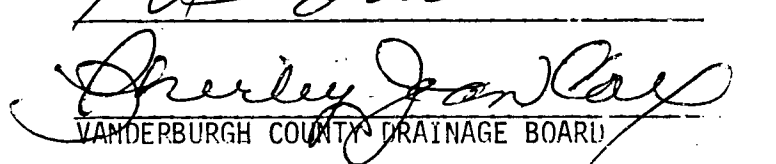
COUNTY SURVEYOR

David Guillaum

COUNTY ATTORNEY

David Miller

RE: Secretary: Jean Wilkey




VANDERBURGH COUNTY DRAINAGE BOARD

VANDERBURGH COUNTY DRAINAGE BOARD
JANUARY 5, 1983

The Vanderburgh County Drainage Board met in session this 5th day of January, 1983 at 5:25 p.m. in the Commissioners Hearing Room with President Borries presiding.

The minutes of the previous meeting which was held on November 29, 1982 were approved as engrossed by the County Auditor and the reading of them were dispensed with.

RE: REORGANIZATION OF THE COUNTY DRAINAGE BOARD

Commissioner Borries moved that Commissioner Willner be President of the Vanderburgh County Drainage Board for the year 1983. Commissioner Cox seconded the motion. So ordered.

Commissioner Willner moved that Commissioner Borries be Vice President of the Vanderburgh County Drainage for the year 1983. Commissioner Cox seconded. So ordered.

RE: BLUE CLAIMS

Mr. David Guillaum said that he had some blue claims that need to be approved. Mr. Guillaum said the they have inspected the ditches and that they are satisfied.

The claims are as follows;

Union Township Ditch Assc. for Edmond ditch in the amount of \$1,231.60.
Union Township Ditch Assc. for yearly maintenance of Cypress Dale Maddox in the amount of \$5,016.27.
Union Township Ditch Assc. for maintenance of Happe Ditch and Helfrich in the amount of \$2,158.66.
Union Township Ditch Assc. for yearly maintenance on Barnett in the amount of \$250.74.
Union Township Ditch Assc. for maintenance of Kamp Ditch in the amount of \$6,138.00.
Big Creek Ditch Ass'n for Pond Flat Lat. C in the amount of \$1,084.32.
Big Creek Ditch Ass'n for maintenance of Rusher Creek in the amount of \$533.28.
Big Creek Ditch Ass'n for maintenance of Pond Flat Main in the amount of \$4,696.16.
Big Creek Ditch Ass'n for maintenance of Pond Flat Lat. E in the amount of \$433.92.
Big Creek Ditch Ass'n for maintenance of Buente Upper Big Creek in the amount of \$3,231.20.
Big Creek Ditch Ass'n for maintenance of Lower Big Creek in the amount of \$1,200.16.
Eldon Maasberg for maintenance of Kneer Ditch in the amount of \$300.00.
Eldon Maasberg for maintenance of Maasberg Ditch in the amount of \$154.42.

Commissioner Borries moved the claims be approved. Seconded by Commissioner Cox. So ordered.

Commissioner Cox moved that Mrs. Meeks use the stamp on the blue claims. Seconded by Commissioner Borries. So ordered.

RE: LETTER FROM BARBARA CUNNINGHAM

President Willner said that he has received a letter from Barbara Cunningham. The letter read as follows;

We are requesting the following sub-division and apartments to be put on the Drainage Board Agenda for conderation. Purposed Hatfield apartments part of the northwest quarter section 30 township 6 range 9 located Lincoln Ave. east of Long Road and Madobravi sub-division primary part of southwest quarter section 31, township 5, range 10, west location on Laubscher Road west of Kratzville Road.

Barbara Cunningham

President Willner asked Mr. Guillaum if he had seen either one of them.

Mr. Guillaum said that he has not seen them.

President Willner asked Mr. Guillaum if he would find out from Area Plan and get them a recommendation on them.

Mr. Guillaum said that he would.

There being no further business the meeting adjourned at 5:30 p.m.

RE: MEMBERS PRESENT*

COUNTY DRAINAGE BOARD

Robert Willner
Richard "Rick" Borries
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY SURVEYOR

David Guillaum

RE: Secretary: Kathy Lowe

Robert Willner
Richard L. Borries
Shirley Jean Cox

704.

DRAINAGE BOARD MEETING
JANUARY 31, 1983

The Vanderburgh County Drainage Board met in session this 31st day of January, 1983, at 4:45 p.m. in the Commissioners Hearing Room with President Willner presiding.

The minutes of the previous meeting, which was held on January 5th. were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: DAVID GUILLAUM...SUBDIVISIONS

Joseph Elpers Subdivision

Mr. Guillaum said this subdivision is located on Henze Road off of Mill Road. He said he and Mr. Brenner have gone out and looked at this about a week ago. He said the map shows there is quite an elevation to the property so they have no problems with it. He said they went downstream and checked the pipes and one of them is one that they just recently put in and all of the drainage from the lots will be falling back into the drain itself. He said Mr. Brenner signed the following letter recommending approval:

Vanderburgh County Drainage Board
Room 312 Civic Center
Evansville, Indiana 47708

RE: Joseph Elpers Sub.
Sec. 33-5-11

Gentlemen:

Enclosed is a plat of Joseph Elpers Subdivision on the East side of Henze Road approximately 1/8 mile North of Mill Road.

Mr. Elpers owns an 80 acre tract and is subdividing that part fronting on Henze Road.

At this time we are asking that you grant approval for the drainage on the subject lots.

Very truly yours,

Sam Biggerstaff

Recommended for Approval

Robert W. Brenner
County Surveyor

Commissioner Borries moved the plans for Joseph Elpers Subdivision be approved, the motion was seconded by Commissioner Cox. So ordered.

Old Orchard Trail Subdivision

Mr. Guillaum said this plan has been submitted by Jim Morley. He said this is off of Peerless Road, and this is not as big an area as the last one they looked at. He showed them the sight location on the map.

Commissioner Cox said she does not remember this coming up before the Area Plan Commission and asked what was the date on it.

Mr. Guillaum said it appears that everything is going to draining back into the natural drains. He said there are not that many lots on it, at least not at this point.

Commissioner Willner said this is out there by that big easement where they cut out that big forest through there.

Mr. Guillaum said he has not been out there to look at this.

Commissioner Cox said she would feel better about this if the Surveyor's Office would go out and take a look at it, as it has not come up before subdivision or Area Plan.

President Willner said they would refer this back to the Surveyor.

There being no further business, the meeting recessed at 4:55 p.m.

MEMBERS PRESENT

DRAINAGE BOARD

Robert Willner
Richard Borries
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David Miller

RE: SECRETARY: Kathy Lowe

Richard Borries
Robert Willner
Shirley Jean Cox
VANDERBURGH COUNTY DRAINAGE BOARD

DRAINAGE BOARD MEETING
FEBRUARY 28, 1983

The Vanderburgh County Drainage Board met in session this 28th day of February, 1983, at 5:00 p.m. in the Commissioners' Hearing Room, with President Willner presiding.

The minutes of the previous meeting, which was held on January 31st, were approved as engrossed by the County Auditor and the reading of them was waived.

RE: NOTICE TO BIDDERS FOR ANNUAL PERIODIC MAINTENANCE OF LEGAL DRAINS

David Gillaum submitted the following notice to the Drainage Board for approval, for advertisement in the local newspapers on March 3rd and March 4th:

NOTICE TO BIDDERS

February 28, 1983

Sealed Proposals, or bids for Annual Periodic Maintenance for each of the following Legal Drains:

<u>DITCH NAME</u>	<u>LENGTH (LIN. FT.)</u>
1. Aiken Ditch	9,911
2. Baehl Ditch	6,890
3. Barnett Ditch - 40' /	8,358
4. Barr's Creek	20,668
5. Buente - Upper Big Creek	20,195
6. Buente - Lathral A	3,666
7. Cypress - Dale Ditch	17,067
8. Maddox Ditch	6,820
9. Eagle Slough	30,040
10. East Side Urban (North Half)	18,370
(a) Boesche	3,742
(b) Crawford Brandis Extention	14,628
11. East Side Urban (South Half)	43,313
(a) Crawford Brandis Ditch	15,163
(b) Hirsch Ditch	4,200
(c) Kelly Ditch	7,600
(d) Nurrenberg Ditch	10,054
(e) Stockfleth Ditch	6,296
12. Edmond Ditch	15,395
13. Happe Ditch	9,349
14. Helfrich Ditch	3,349
15. Harper Ditch	4,002
16. Henry Ditch	3,179
17. Hoefling Ditch	5,571
18. Kamp Ditch	11,160
19. Keil Ditch	3,012
20. Kneer Ditch	3,036
21. Kolb Ditch	7,703
22. Maasberg Ditch	2,206
23. Lower Big Creek	7,501
24. Maidlow Ditch	12,805
25. Pond Flat Ditch Lat. A	5,311
26. Pond Flat Ditch Lat. B	2,797
27. Pond Flat Ditch Lat. C	9,036
28. Pond Flat Ditch Lat. D	4,579
29. Pond Flat Ditch Lat. E	3,616
30. Rusher Creek	4,444
31. Singer Ditch	2,450
32. Sonntag Stevens Ditch	10,705
33. Wallenmeyer Ditch	8,355

Will receive the sealed proposals at the Office of the Auditor, Vanderburgh County, Indiana, until 2:30 p.m. Legal Time, as prescribed by the Acts of the Indiana Legislature in Chapter 172, year 1957, on the 14th day of March 1983 at which time the bids will be delivered to the County Commissioners' Hearing Room where the bids will be opened and read aloud.

(continued)

Drainage Board Meeting
February 28, 1983

Page 2

Any bid received after the designated time, for any reason, will be returned to the bidder unopened.

Bids shall be delivered in sealed envelopes bearing the name and address of the bidder, indicating the project name and the branch of work.

Bids shall be submitted on Bid Form 96, all properly executed, signed and sealed, properly notarized and seal affixed.

Each bid shall be accompanied by (enclosed in same envelope) a Bid Bond, Cashier's Check or Bank Money Order in an amount of Five per cent (5%) of the Total Bid submitted.

Upon receipt of the Bids and determining the lowest and/or best bidder, or within 30 days from the date set to receive Bids, the Drainage Board will return the Securities of all bids except the lowest and/or best Bidder on each Legal Drain.

The Vanderburgh County Drainage Board reserves the right to reject any and/or all Bids and to waive any informality in bidding. All ditch maintenance must be completed, and approved, by the 15th day of November, 1983.

VANDERBURGH COUNTY DRAINAGE BOARD

Robert L. Willner, President
Richard J. Borries, Vice President
Shirley Jean Cox, Member

Attest: Alice McBride, Vanderburgh County Auditor.

Certified By: Robert Brenner, Surveyor, Vanderburgh County.

Evansville Courier March 4, 19 83

Evansville Press March 3, 19 83

Motion to approve the Notice To Bidders, as presented, was made by Vice President Borries, with a second from Shirley Cox. Motion unanimously carried in the affirmative.

There being no further business, the meeting was adjourned at 5:05 p.m.

MEMBERS PRESENT:

DRAINAGE BOARD

Robert Willner
Richard Borries
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY
REPRESENTATIVE

Paul Wallace

By:

Joanne A. Matthews
Joanne A. Matthews
Secretary

Robert L. Willner
Richard J. Borries
Shirley Jean Cox
VANDERBURGH COUNTY DRAINAGE BOARD

DRAINAGE BOARD MEETING
MARCH 14, 1983

The Vanderburgh County Drainage Board met in session this 14th day of March, 1983, at 4:30 p.m. in the Commissioners' Hearing Room, with President Willner presiding.

Chairman Willner called for a motion that minutes of the previous meeting held on February 28th be approved and the reading of same be waived. Motion to this effect was made by Commissioner Shirley Cox, with a second from Commissioner Rick Borries. Motion carried.

President Willner then asked for a motion that sealed bids for Annual Periodic Maintenance of Legal Drains be opened and read aloud. Commissioner Cox so moved, with a second from Commissioner Borries. Motion carried.

RE: DAVID GUILLAUM - SUBDIVISIONS

The meeting proceeded with David Guillaum indicating that prior to opening the bids, he had two subdivision proposals which required approval for drainage on the various lots. The following were presented to the board for approval:

(1) Fisher's Corner (Upper Mt. Vernon & Hogue Road)

After viewing the layout and brief discussion, motion was made by Commissioner Cox, with a second from Commissioner Borries, that approval be granted. Motion carried.

(2) Carroll's Place (State Road 65)

There was considerable discussion concerning this subdivision, after which it was the consensus that revisions will be necessary in the pipe size and the ditches before they meet specifications. Guillaum was asked to get back with Biggerstaff with additional information. Once the specs are met, no problems are anticipated in granting board approval.

Continuing, President Willner asked if there was further business to be discussed prior to opening the ditch bids. David Guillaum presented correspondence to Willner (which he read aloud to the group) concerning lawsuit filed by firm of Bowers, Harrison, Kent & Miller in behalf of a client, in which Vanderburgh County has been made a party and defendant. Following brief discussion, President Willner advised that this is a matter to be resolved by the Vanderburgh County Board of Commissioners, rather than the Vanderburgh County Drainage Board. He asked Commissioner Borries to place the matter on the agenda for the Commissioners' Meeting scheduled on Monday, March 21st and asked that David Guillaum be prepared to provide pertinent information in written form to be utilized in responding to letter concerning the lawsuit, since he is thoroughly familiar with the existing problem.

OPENING OF SEALED BIDS

Chairman Willner then asked County Attorney David Jones to open and read the bids for annual periodic maintenance for each of the following legal drains. (Note: Bids were not read in this sequence, but are included in these minutes in this sequence for clarity and comparative purposes in accordance with original "Notice to Bidders".)

<u>Ditch Name</u>	<u>Bidder</u>	<u>Cost Per Ft.</u>	<u>Total Cost</u>
Aiken Ditch	Commercial Ditch Cleaning Co.	13.9¢	\$1,316.63
Baehl Ditch	"	9¢	620.10
Silt Removal	"	95¢	950.00
Barnett Ditch	Union Township Ditch Assn.	40¢	3,343.20
Barr's Creek	Leo Paul	16½¢	3,410.22
Buente - Upper Big Creek	Big Creek Drainage Assn.	16¢	3,231.20
Buente - Lateral A.	Commercial Ditch Cleaning	21¢	769.86
Cypress-Dale-Maddox	Union Township Ditch Assn.	3¢	716.61
Eagle Slough	Green Grasshopper Flying, Inc.	\$1,952.60	each time

(continued)

<u>Ditch Name</u>	<u>Bidder</u>	<u>Cost Per Ft.</u>	<u>Total Cost</u>
Boesche Extension	Commercial Ditch Cleaning Co.	28.1¢	\$1,051.50
Crawford-Brandeis Ditch	"	27¢	4,094.00
Crawford-Brandeis Extension	"	25.9	3,788.65
Hirsch Ditch	"	30¢	1,260.00
Kelly Ditch	"	22¢	1,672.00
Nurrenberg Ditch	"	9¢	904.86
Stockfleth Ditch	"	15¢	944.40
Edmond Ditch	Union Township Ditch Assn.	3¢	461.85
Happe-Helfrich Ditch	"	3¢	380.94
Harper Ditch	Commercial Ditch Cleaning Co.	12¢	480.24
Henry Ditch	"	16.1¢	511.82
*** Hoeftling Ditch	(Commercial Ditch Cleaning Co.	12¢	668.52
"	(Merle Hoeftling	10¢	557.10
Kamp Ditch	Union Township Ditch Assn.	1¢	111.60
Keil Ditch	Commercial Ditch Cleaning Co.	13.9¢	418.67
Silt Removal	"	\$1.05	1,050.00
*** Kneer Ditch	(Commercial Ditch Cleaning Co.	10¢	303.60
"	(Eldon Maasberg	10¢	303.60
Kolb Ditch	Commercial Ditch Cleaning Co.	16.7¢	1,286.40
*** Maasberg Ditch	(Commercial Ditch Cleaning Co.	23¢	507.38
"	(Eldon Maasberg	7¢	154.42
Lower Big Creek	Big Creek Drainage Assn.	16¢	1,200.16
Maidlow Ditch	Commercial Ditch Cleaning Co.	17¢	2,176.85
Pond Flat Main	Big Creek Drainage Assn.	16¢	4,696.16
Pond Flat Ditch Lat. A	* Ralph Rexing	10¢	531.10
Pond Flat Ditch Lat. B	"	10¢	279.70
Pond Flat Ditch Lat. C	Big Creek Drainage Assn.	10¢	903.60
Pond Flat Ditch Lat. D	Commercial Ditch Cleaning Co.	15¢	686.85
Silt Removal	"	97¢	970.00
Pond Flat Ditch Lat. E	Big Creek Drainage Assn.	10¢	361.60
*** Rusher Creek	(Big Creek Drainage Assn.	10¢	444.40
"	(Commercial Ditch Cleaning Co.	11.66¢	518.17
Singer Ditch	"	10¢	245.00
Sonntag-Stevens Ditch	Norman Messel	16¢	1,712.80
Sonntag-Stevens Extension	"	16¢	220.00
*** Wallenmeyer Ditch	(Leo Paul	13¢	1,086.17
"	(Commercial Ditch Cleaning Co.	13.1¢	1,094.38

*\$42.00 cash included with Mr. Rexing's bid

*** More than one bidder on the project

The meeting concluded with President Willner stating the bids will be taken under advisement for a period of one week.

There being no further business, meeting was adjourned at 5:30 p.m.

MEMBERS PRESENT:

DRAINAGE BOARD

Robert Willner
Richard Borries
Shirley Jean Cox

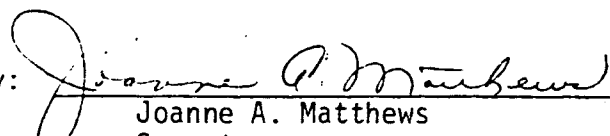
COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David Jones

By:


Joanne A. Matthews
Secretary

VANDEBURGH COUNTY DRAINAGE BOARD

DRAINAGE BOARD MEETING
MARCH 28, 1983

The Vanderburgh County Drainage Board met in session this 28th day of March, 1983, at 4:40 p.m. in the Commissioners Hearing Room with President Willner presiding.

President Willner called for a motion that minutes of the meeting held on March 21, 1983 be approved and the reading of same be dispensed with. Motion to approve minutes was made by Commissioner Cox and seconded by Commissioner Borries. So ordered.

RE: AWARDING OF BIDS FOR MAINTENANCE OF LEGAL DRAINS:

Mr. Guillaum said they have taken the bids under advisement and they have selected the ones they are going to go with and what he would like to do is go through them and read the low bidder for each ditch which follows:

Aiken Ditch	Commercial Ditch Cleaning Co.	\$ 1,377.63
Bahl Ditch	Commercial Ditch Cleaning Co.	620.10
	Silt Removal	950.00
Barnett Ditch	Union Township Ditch Association	3,343.20
Barrs Creek	Leo Paul	3,410.22
Buente Upper Big Creek	Big Creek Drainage Association	3,231.20
Buente Lateral "A"	Commercial Ditch Cleaning Co.	769.86
Cypress Dale-Maddox	Union Township Ditch Association	716.61
Eagle Slough	Green Grasshopper Flying Service	1,952.60
	each time and there are two times	
East Side Urban-North Half	Commercial Ditch Cleaning Co.	4,840.15
South Half	Commercial Ditch Cleaning Co.	8,875.27
Edmond Ditch	Union Township Ditch Association	461.85
Happe-Helfrich Ditch	Union Township Ditch Association	380.94
Harper Ditch	Commercial Ditch Cleaning Co.	480.24
Hoefling Ditch	Merle Hoefling	557.10
Kamp Ditch	Union Township Ditch Association	111.60
Keil Ditch	Commercial Ditch Cleaning Co.	418.67
	Silt Removal	1,050.00
Kneer Ditch	Eldon Maasberg	303.60
Kolb Ditch	Commercial Ditch Cleaning Co.	1,286.40
Maasberg Ditch	Eldon Maasberg	154.42
Lower Big Creek	Big Creek Drainage Association	1,200.16
Maidlow Ditch	Commercial Ditch Cleaning Co.	2,176.85
Pond Flat Main	Big Creek Drainage Association	4,696.16
Pond Flat Lateral "A"	Ralph Rexing	531.10
Lateral "B"	Ralph Rexing	279.70
Lateral "C"	Big Creek Drainage Association	903.60
Lateral "D"	Commercial Ditch Cleaning Co.	686.85
	Silt Removal	970.00
Lateral "E"	Big Creek Drainage Association	361.60
Rusher Creek	Big Creek Drainage Association	444.40
Singer Ditch	Commercial Ditch Cleaning Co.	245.00
Sonntag-Stevens	Norman Messel	1,712.80
Sonntag-Stevens Extension	Norman Messel	220.00
Wallenmeyer Ditch	Leo Paul	1,086.15

Commissioner Cox moved the above bids be approved, seconded by Commissioner Willner. So ordered.

RE: DISCUSSION ON PIGEON CREEK:

Mr. Guillaum said he only wants to briefly mention he is working on a map of Pigeon Creek, that is, the dimensions of it and the area of it. A portion of this is in the city and a portion is in the county. We have 43,000 ft. approximately, in the city and 23,000 ft. in the county. He said he will continue to work on this but he wanted to give them this information for thought, for the Drainage Board.

He said there are also extensive areas in there where we do not have the 75 ft. easement. It could also be possible, with the First Avenue Project in progress, that we won't have the manpower to do all the leg work.

President Willner asked Mr. Guillaum if he has touched base with David Miller on the legal question of whether or not we have legal entry to that portion located in Vanderburgh County and he replied that he had not, but perhaps Mr. Brenner has discussed it with him.

Mr. Guillaum was instructed to continue on the map and present it to the Drainage Board when completed, for further discussion.

The being no further business the meeting adjourned at 4:50 p.m.

RE: MEMBERS PRESENT

DRAINAGE BOARD

Robert Willner
Richard Borries
Shirley Jean Cox


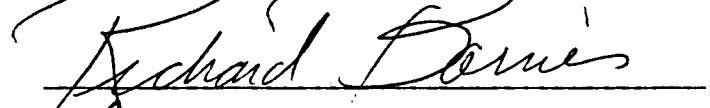

COUNTY SURVEYOR

David Guillaum

COUNTY AUDITOR

Alice McBride

Secretary: Kathy Lowe




VANDERBURGH COUNTY DRAINAGE BOARD

DRAINAGE BOARD MEETING
MAY 2, 1983

The Vanderburgh County Drainage Board met in session this 2nd day of May, 1983, at 4:25 p.m. in the Commissioners Hearing Room with President Willner presiding.

Minutes of the previous meeting held on March 28, 1983 were approved as engrossed by the County Auditor and the reading dispensed with.

RE: CLAIMS

Mr. David Guillaum submitted three (3) claims for Commercial Ditch Cleaning Co., which was as follows:

<u>Keil Ditch:</u>	Yearly maintenance of 3012 ft. at 13.9¢ per ft.....	\$ 418.67	
	Silt removal 1,000 lin ft. @ \$1.05.....	<u>\$1,050.00</u>	\$1,468.67
<u>Pond Flat D Lateral:</u>	Silt removal 1,400 lin ft. @ \$0.97.....	\$1,358.00	
<u>Baehl Ditch:</u>	Silt removal 1,000 lin ft. @ \$0.95.....	\$ 950.00	
	Extra work agreement for additional silt removal		
	1,180 lin ft. @ \$0.65.....	<u>\$ 767.00</u>	\$1,717.00

Commissioner Borries moved the above claims be approved, upon recommendation of the Surveyor's office. Commissioner Cox seconded the motion. So ordered.

RE: WEINZAPFEL'S SUBDIVISION

The following letter was submitted by Mr. Sam Biggerstaff, concerning Weinzapfel's Subdivision, dated April 18, 1983 and directed to the Vanderburgh County Drainage Board.

Dear Members:

Attached is a copy of this subdivision which is proposed as a two (2) lot plat.

Two (2) homes are proposed and no changes in the land contours, except that required for the homesites are required.

We would appreciate your approval of the drainage for this plat.

A copy has been sent to the Vanderburgh County Surveyor's office.

Very truly yours,
Sam Biggerstaff
ASSOCIATED LAND SURVEYORS AND
CIVIL ENGINEERS, INC.

Mr. Bill Jeffers of the Surveyor's office was present and stated the location of the subdivision is out St. Joe Avenue to Mohr Road, then to Scheaffer Road. He said this will sit on a hill and all the water would flow due south. He pointed out where the ditches run in that particular area and recommended approval, that they see no drainage problems at all.

President Willner asked Mr. Biggerstaff why the entrance is being put in where it is, that why didn't he put it up further and he replied he has a lot of trees, a hill and a power line up there, that where he is locating it is really the best place.

President Willner said it looks like that will mess his lot up though.

Mr. Biggerstaff pointed out on the map where the two (2) houses will be located.

Commissioner Cox moved the drainage for Weinzapfel's Subdivision be approved, as recommended by Mr. Jeffers. Commissioner Borries seconded the motion. So ordered.

RE: CAROL'S PLACE SUBDIVISION

The following letter was submitted by Mr. Sam Biggerstaff, concerning Carol's Place, dated April 18, 1983 and directed to the Vanderburgh County Drainage Board.

5-2-83

Dear Members:

This subdivision is located on State Road #65, north of Mill Road.

The enclosed plat indicates the proposed drainage pattern and the structures required to dispose of the rain fall.

There is a large drainage ditch that is located near the East line of the Elpers property. This ditch carries the water south and under a bridge structure on Mill Road between SR 65 and Henze Road.

If this plan is satisfactory we would appreciate your approval.

A copy of this plan has been sent to the Vanderburgh County Surveyors office.

Very truly yours,
Sam Biggerstaff
ASSOCIATED LAND SURVEYORS AND
CIVIL ENGINEERS, INC.

Mr. Jeffers said this is on SR 65, just north of Mill Road and there will be thirty (30) lots. There is an existing lake out there and Mr. Jeffers pointed its location out on the map submitted and also pointed out the direction all of the water will be running, which will be south and under a bridge on Mill Road between State Road 65 and Henze Road. We find the culvert right now is able to handle more water than what is going through there. They did think perhaps there was a problem with the pipe size on #5, but after calculating it, they found it alright. He said they are using the streets to guide the water into the structures and we found them all to be okay, that the size of the pipes all check out.

President Willner said if they hard surface those streets there should be some inlets into those pipes.

Mr. Biggerstaff said there will be a crown on them and it will run to the sides.

Mr. Jeffers said all they did concerning the drainage was calculate the amount of flow from outside the sub, through it, and found it to be quite able to handle it, that we found it to handle 41 cubic feet per second and Mr. Biggerstaff has rated it 39 cu. ft.

Commissioner Cox asked where all the water will go and Mr. Jeffers said it flows south through a natural creek and under Mill Road and the water is being handled very adequately.

Commissioner Borries said do they not intend to ask the county to accept these for maintenance....ever.

Mr. Biggerstaff said they told him they would not ask the county to accept them, and if they ever did they would have to build them to county standards.

Mr. Jeffers said if they do bring them up to county standards then Mr. Willner is right, they would need inlets to get it into the pipe, but right now we are going on the assumption there are side ditches. He would recommend passage.

Commissioner Cox moved Carol's Place drainage plans be approved as recommended by Mr. Jeffers. Commissioner Borries seconded the motion. So ordered.

RE: ROGER'S PLACE SUBDIVISION

Mr. Jeffers said this is another simple two (2) lot subdivision, which is probably a family thing and is on Laubscher Road off of Kratzville Road. He said lot #1 is a large lot and lot #2 is a small lot with an easement passing through it. The primary plat that the Commissioners are viewing shows the area within the 100 year flood. We are recommending approval of this as long as the house is built above the 100 year flood.

Mr. Biggerstaff said they are wanting to build two (2) houses and he pointed out on the map where they will be located and which way the water flows and where the entrances to the houses will be located.

Mr. Jeffers said they recommend approval.

Commissioner Cox moved the drainage plans for Roger's Place be approved as recommended by Mr. Jeffers with the understanding the houses be built outside the 100 year flood plain. Commissioner Borries seconded the motion. So ordered.

RE: EMILY'S PLACE SUBDIVISION

Mr. Jeffers said this subdivision is to be located on Middle Mt. Vernon Road, just pass ISUE and will consist of five (5) lots. All the water in this sub will flow naturally, the way it presently does, from the southwest corner into the state's right-of-way into a large ditch at the corner of McDowell and Indiana 62.

Mr. Biggerstaff said the state has two (2) pipes out there to carry the water.

Mr. Jeffers said he believes the water eventually ends up in ISUE's lake, and he has never seen that thing overflow that they have it very well controlled. They foresee no drainage problems and recommend approval.

Commissioner Cox moved the drainage plans for Emily's Place be approved as recommended by Mr. Jeffers. Commissioner Borries seconded the motion. So ordered.

RE: SCHENK'S SUBDIVISION

Mr. Jeffers said this is located at Koring Road and Little Schaefer Road.

Commissioner Cox said this is the one that the people appeared before us on concerning the pipe in the drive-way.

Mr. Jeffers said all water falls due south, except immediate road frontage, into a deep gulch and then on to Carpenter Creek. He said the water gets off of there as fast as any place in the county and he would recommend approval.

County Attorney Miller said isn't there some provision that any water in a subdivision that can be carried in a 42" pipe or less, has to be piped.

Mr. Biggerstaff said he knows what Mr. Miller is talking about but he hasn't seen a subdivision yet piped, that they all have swails in the back.

Commissioner Willner said anytime you put pipes in you've got troubles, that most of the time you are better off with an open ditch.

Mr. Miller said the now ordinance will require piping for anything up to the 25 year rain.

Commissioner Cox said then do we want to revise the ordinance in regards to the piping, but the ordinance goes on to say excepting for adequate natural waterway.

Mr. Guillaum said they have no problems, that there is a natural waterway out there and they recommend approval.

Commissioner Cox moved the drainage plans for Schenk's Subdivision be approved, as recommended by the Surveyor's office with the understanding the present drainage ditch is a natural waterway at this time. Commissioner Borries seconded the motion. So ordered.

RE: JEFFERY COURT

Mr. Jeffers said he has not done a field check on Jeffery Court yet.

Commissioners deferred the Jeffery Court Subdivision for one (1) week.

RE: DISCUSSION ON PIGEON CREEK PROJECT

Commissioner Cox said she noticed in the minutes of the meeting on March 28th, concerning Pigeon Creek, that Mr. Guillaum was asked if he had touched base with David Miller on the legal question of whether or not we have legal entry to that portion located in Vanderburgh County and he said he had not but that perhaps Mr. Brenner had contacted Mr. Miller and she is wondering if this was ever decided.

Mr. Miller said that Mr. Brenner has not discussed the matter with him, but his opinion is that Vanderburgh County does have legal access to the confines of Pigeon Creek, within Vanderburgh County, however, there is a stretch of Pigeon Creek that is under the jurisdiction of the Corps of Engineers.

Commissioner Cox thanked him for the opinion.

RE: LOEHRLEIN ACRES SUBDIVISION

Mr. Jeffers said they looked at the ground which is more or less a meadow that sits up pretty high and he showed the Commissioners where the natural drain runs. They would again recommend the houses be built outside the 100 year flood plain.

Commissioner Cox said in looking at the map there is no elevation shown on it.

Barbara Cunningham, Director of the Area Plan Commission was present and stated they deferred this subdivision for a month.

Commissioner Cox moved the drainage plans for Loehrlein Acres be deferred until a map showing the elevation is brought before the Board. Commissioner Borries seconded the motion. So ordered.

RE: RUMINER PLACE SUBDIVISION

Mr. Jeffers said this is located on St. Wendel Road and the only portion of the entire property that does not drain into the lake is on the other side of St. Wendel Road. There is a natural drainage out there and absolutely no problems, that someone has divided off a lot for their daughter, to front on the lake. They have noted on the plans that the private roadway needs tile and if they intend to use it there is a possibility of a washout. Someone has started putting in 6' pvc tiles under the road, so they obviously are aware of it. He pointed out what piece of property the water is running off of and across the road, however, that is outside the subdivision. He recommends approval.

Commissioner Borries moved the drainage plans for Ruminer Place be approved as recommended by Mr. Jeffers. Commissioner Cox seconded the motion. So ordered.

There being no further business the meeting adjourned at 4:20 p.m.

PRESENT

DRAINAGE BOARD

COUNTY SURVEYOR

COUNTY AUDITOR

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox

David Guillaum

Alice McBride

SECRETARY:

Janice G. Decker

Robert Miller
Richard Rick Borries
Shirley Jean Cox

DRAINAGE BOARD MEETING
JULY 5, 1983

The Vanderburgh County Drainage Board met in session this 5th day of July, 1983, at 4:10 p.m. in the Commissioners Hearing Room with President Willner presiding.

The meeting was called to order by President Willner and proceeded with a motion from Commissioner Borries that the Minutes of the previous meeting, held on May 23, 1983, be approved as engrossed by the County Auditor and the reading dispensed with. Commissioner Cox seconded the motion. So ordered.

RE: EASTLAND ESTATES

Vanderburgh County Surveyor Bob Brenner said the first order of business to come before the Drainage Board concerns the drainage problems experienced by the residents in the Eastland Estates area. During recent heavy rains, pipes filled with gravel and transformers were in the water. A letter was sent to SIGECO notifying them about the transformers, but to date there has been no response. Commissioner Cox said about four weeks ago a number of residents came in complaining about the drainage problems in this area. Mr. Brenner said that in 1978 the drainage plans for the developed portion of Eastland Estates were approved, with tentative approval for the balance of the subdivision. He continued by sharing the drainage plans layout with the board... "A" approved in 1978 and "B" including changes/additions since 1978. He said Kolb Ditch was cleaned out and sprayed last week. Commissioner Borries said he checked the Covert Avenue/Chickasaw area during the recent record-setting rains. He is confident Covert Avenue will become a 4-lane facility, and a 12-inch storm drain is not much for a 4-lane facility. In the Fuquay Road area, water flows back into Kolb Ditch..and it was full. However, water was not standing on the streets when he checked them. The water was very high in the Chickasaw Park area, which we're talking about cleaning. Commissioner Cox said some of the problems will be hopefully eliminated when the Area Plan Commission asks developers not to utilize loose straw as cover but rather mulch with something else. President Willner noted that the highway department uses loose straw, but they spray it with motor oil. Upon recommendation of Mr. Brenner, motion was made to approve "B" portion of drainage plans for Eastland Estates by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: ONE-LOT SUBDIVISIONS (MINOR SUBDIVISIONS)

Mr. Brenner said we are getting a lot of one-lot subdivisions and they're a waste of time since they get a drainage check by the Building Commission. Cited were the following: Arnold Butler Subdivision, Assay Subdivision and Williams Place Subdivision. Mr. Brenner said somewhere along the line we've gone awry. We're making people who simply want to chop off a little piece of land pay \$400-\$500 and our paperwork is eating us up. It's costing people \$500 to give their daughter a lot. Mr. Brenner said on minor subdivisions, we should waive any action and drainage action should be taken by the Building Commission. A motion to this effect was made by Commissioner Cox with a second from Commissioner Borries. So ordered.

RE: ADLER'S PLACE SUBDIVISION

It was the recommendation of Mr. Brenner that drainage plans for this subdivision be approved. (They have added two more lots -- six, rather than four.) Motion to approve drainage plans for this subdivision was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

RE: MAPLEWOOD RIDGE SUBDIVISION

It was noted that this is another minor subdivision (two lots) and drainage action on this one should be taken by the Building Commission rather than by the Drainage Board (same as for Arnold Butler, Assay and Williams Place).

RE: CLAIMS PRESENTED FOR PAYMENT

Mr. Brenner presented the following claims for approval of payment:

- | | |
|---|------------|
| a) Green Grasshopper Flying Service (spraying Eagle Slough as contracted -- 30,040 ft.) | \$1,952.60 |
| b) Commercial Ditch Cleaning Co. (Annual spraying of Kolb Ditch) | 900.48 |

(continued)

c) Commercial Ditch Cleaning Co. (Annual spraying of Maidlow Ditch- 70%)	\$1,523.80
d) Commercial Ditch Cleaning Co. (Annual spraying of Pond Flat - "Lat. D" (70%))	480.80
e) Commercial Ditch Cleaning Co. (Annual spraying of Singer Ditch (70%))	171.50
f) Commercial Ditch Cleaning Co. (Annual spraying of Baehl Ditch (70%))	434.07
g) Commercial Ditch Cleaning Co. (Annual spraying of Boesche Extension and Crawford-Brandeis Extension -70%) (East Side Urban - North Half- 70%)	3,388.10
h) Commercial Ditch Cleaning Co. (Annual spraying of Crawford-Brandeis, Hirsch, Kelly, Nurrenbern & Stockfleth) (East Side Urban - South Half-70%)	6,212.69
i) Commercial Ditch Cleaning Co. (Annual spraying of Harper Ditch-70%)	336.17
j) Commercial Ditch Cleaning Co. (Annual spraying of Aiken Ditch- 70%)	964.34
l) Commercial Ditch Cleaning Co. (Annual spraying of Buente - "Lat. A"- 70%)	538.90

Motion to approve payment of the foregoing claims was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

RE: PLAZA EAST SUBDIVISION

President Willner said the last items of business concerns Plaza East Subdivision. He has been contacted by Wayne Kent about the drainage plans approved by the Drainage Board in 1977. It seems there is a note on the final plat which should never have been there. The note says, "Drainage Plans must be approved by the Drainage Board before Zoning Permits are issued". Mr. Brenner said this is a recorded subdivision and once it is recorded it is out of the hands of the Drainage Board. There are about five (5) lots undeveloped -- NCR is going to build a large office building. Commissioner Cox said that was done because sometimes it is awfully hard to track down whether or not drainage approval was ever given in addition to the regular certificate that they put on the final plat. President Willner said that when the Drainage Board approved that subdivision, they had this note put on the plat, but it shouldn't be the Drainage Board, it should be the Building Commission. After brief discussion, motion was made by Commissioner Cox that the Drainage Board instruct the Area Plan Commission to issue Building Permits for Plaza East Subdivision subject to Building Commission approval of drainage plans. Motion was seconded by Commissioner Borries. So ordered.

There being no further business, at 5:05 p.m., President Willner entertained motion that the meeting be adjourned. Motion was seconded by Commissioner Cox and unanimously carried.

<u>PRESENT:</u>	<u>DRAINAGE BOARD</u>	<u>COUNTY SURVEYOR</u>	<u>AUDITOR</u>
	Robert L. Willner Richard "Rick" Borries Shirley Jean Cox	Robert Brenner	Alice McBride
	<u>AREA PLAN COMMISSION</u>	<u>OTHER</u>	<u>COUNTY ATTORNEY</u>
	Beverly Behme	Sam Biggerstaff	David Miller

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard Borries


Shirley Jean Cox

DRAINAGE BOARD MEETING
AUGUST 22, 1983

The Vanderburgh County Drainage Board met in session this 22nd day of August, 1983, in the Commissioners Hearing Room, with President Willner presiding.

The meeting was called to order at 3:50 p.m. by President Willner and proceeded with a motion from Commissioner Borries that the Minutes of the previous meeting held on July 5, 1983, be approved as engrossed by the County Auditor and the reading dispensed with. Commissioner Cox seconded the motion. So ordered.

President Willner indicated a copy of the Vanderburgh County Treasurer's Investments had been included in his agenda folder and he assumes the reason it was included is because some of the invested monies may be from the Drainage Board.

Continuing, President Willner said he had received a request from Elmer Buchta, Inc., to move the two airport properties which the Commissioners have already taken care of, and he does not believe it is necessary for the Drainage Board to also approve these. However, he requested that the minutes of the Drainage Board meeting reflect that he did turn in the request, which had previously been approved by the Commissioners.

EVERGLADES SUBDIVISION / CRAWFORD-BRANDEIS DITCH EXTENSION

President Willner directed the group's attention to subdivision request on the agenda for the drainage board for Everglades Subdivision -- part of the east half of the northwest quarter section 31, Township 5, south range 11, located on Everglade Road and St. Joe Rd. He also said he had a Petition from the homeowners in the vicinity of and served by the Chandler extension of the Crawford-Brandeis drainage ditch, which had been signed by 39 persons. The Petition read as follows:

"To: The Honorable Drainage Board of the County of Vanderburgh

We are homeowners in the vicinity of and served by the Chandler extension of the Crawford-Brandeis drainage ditch. The extension along with the Bonnie View extension presents an ever present danger to children and a health hazard to all persons in the area; in addition, it is an eyesore. The ditch does not adequately drain the area that it serves and is usually filled with stagnant water.

We petition the Vanderburgh County Drainage Board to protect the health, safety and welfare of its constituents by placing adequate drainage tile in the above extensions and covering the same with earth to ground level."

Discussion continued with David Guillaum saying that what had been put together for approval by the Drainage Board is an improvement for the extension of the Crawford-Brandeis ditch, short of putting the pipe in. About a year or so ago, we took some bids to have a portion of that ditch cleaned out, which we did -- and it helped. As a result, the area was dug deeper and consequently holds some water. What needs to be done immediately is to clean it from where we stopped the last time all the way down to Burkhardt Road -- which is not that much -- just about 1,200 ft. This will move the water from the residents' back yards and on down the line. Mr. Guillaum has spoken with a number of the residents, primarily Phil Garrison, Steve Krone, and another of the property owners who just built a new house on the corner. These people have indicated to Mr. Guillaum that they would be willing to totally pay for the pipe itself. In ballpark figures, in order to have a pipe big enough -- we're talking pretty good dollars -- and it would take about 600 ft. to get it out of their area. He said he doesn't see how the Drainage Board could have any objection to that -- as long as we have a print or drawing of what they're going to do and how they're going to go about it. In response to President Willner's questions, Mr. Guillaum indicated his group would work with the residents to establish specs insofar as the kind of pipe is concerned, and a cost proposal for each of the residents. Commissioner Borries said there is another small ditch which runs north-south toward Outer Lincoln (he doesn't know if this is a County-accepted ditch, to which Mr. Guillaum said it was) which is an extension of Bonnie View and it also needs some work.

(continued)

Mr. Guillaum said what he would like to do, if agreeable with the Drainage Board, is to extend our cleaning (with an excavator to dig it out) and he has contacted some contractors. Two bids have been received. (He said this does not include the Bonnie View ditch, but if we have a unit foot price we could get it thrown in, also.) The two bidders were Floyd I. Staub, Inc. and Ray Stradtner Excavating, Inc. Upon motion by Commissioner Cox, with a second from Commissioner Borries, President Willner opened the bids, which read as follows:

- 1) Floyd I. Staub, Inc. -- Clean Crawford-Brandeis Extention Ditch, approx. length 1400 ft. Excavate sides and bottom, place spoils on bank of ditch. Spread spoils of ditch when conditions permit.

Cost \$1,500.00

- 2) Ray Stradtner Excavating, Inc. Submits bid for the Crawford Brandeis Ditch Extension in the amount of \$1,250.00. Project can be started as soon as approval is given by the Vanderburgh County Board of Commissioners.

Since the information to the contractors did not include the side ditch, President Willner asked David Guillaum to obtain unit foot price on the side ditch and report back to the Board next Monday (August 29th). President Willner then entertained a motion that the Board approve the bid by Stradtner in the amount of \$1,250.00 to clean the Crawford-Brandeis Ditch Extension, so that this work could begin promptly. Motion to this effect was made by Commissioner Cox, with a second from Commissioner Borries. He then asked that the record reflect that the bid of Stradtner had been accepted, and that the Petition does contain 39 names, of which the Board does not guarantee that they live within the area but they are, nonetheless, signees.


EVERGLADES SUBDIVISION

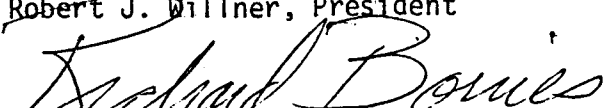
Mr. Guillaum said he had found no problems with the drainage proposal for this subdivision. However, after brief discussion, it was determined that a culvert will be needed underneath Everglades Road (Everglades Road has been accepted for County maintenance). Andy Easley said he believes Mr. Schenk will build a good concrete street to county standards. President Willner then asked for a motion for approval of the drainage plans for this subdivison. Motion was made by Commissioner Borries, with a second from Commissioner Cox. So ordered. However, President Willner stressed that the approval was granted with the stipulation that it performs to county engineer's request for two (2) culverts to be installed. The President then called for a roll call vote. All votes affirmative.

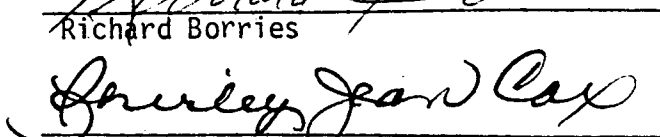
There being no further business for discussion, President Willner declared the meeting adjourned until next Monday, at which time Mr. Guillaum is to present his recommendation on the Crawford-Brandeis Ditch. Meeting adjourned at 4:15 p.m.

<u>PRESENT:</u>	<u>DRAINAGE BOARD</u>	<u>COUNTY SURVEYOR</u>	<u>COUNTY AUDITOR</u>
	Robert L. Willner	David Guillaum	Alice McBride
	Richard "Rick" Borries		
	Shirley Jean Cox		
	<u>AREA PLAN COMMISSION</u>	<u>COUNTY HIGHWAY ENGINEER</u>	
	Barbara Cunningham	Andy Easley	
	Beverly Behme		

SECRETARY: Joanne A. Matthews


Robert J. Willner, President


Richard Borries


Shirley Jean Cox

DRAINAGE BOARD MEETING
OCTOBER 3, 1983

The Vanderburgh County Drainage Board met in session this 3rd day of October 1983 in the Commissioners Hearing Room, with President Willner presiding.

The meeting was called to order at 4:00 p.m. by President Willner and proceeded with a motion from Commissioner Borries that the minutes of the previous meeting held on August 22nd be approved as engrossed by the County Auditor and the reading of same be waived. Commissioner Cox seconded the motion. So ordered.

CRAWFORD-BRANDEIS EXTENSION

Mr. David Guillaum of the County Surveyor's office indicated he had a letter and a signed petition from Steven Krone with regard to the improvements to be made in the Crawford-Brandeis Ditch Extension, in which the residents plan to participate by way of paying for the 600 ft. pipe required to move the water out of the area. Studies are being conducted to determine exactly what size pipe is needed. Commissioner Willner questioned whether Mr. Guillaum would like for the County Engineer to assist with this project and Mr. Guillaum indicated he would welcome his assistance. Messrs. Guillaum and Easley are to continue to look into the feasibility of this project, determine what type and size of pipe is required to accomplish the desired results, and cost of same, so the cost can be equally distributed among the residents. As soon as the feasibility study is completed and all necessary details worked out, Mr. Guillaum will get back to the Drainage Board so a decision can be made on this project.

PRELIMINARY DRAINAGE PLANS FOR AYERS SUBDIVISION

Mrs. Barbara Cunningham, executive director of the Area Plan Commission, submitted preliminary drainage plans for Ayers Subdivision for approval. Board members reviewed the plans and noted this subdivision is in the Petersburg Road Area and contains only three (3) lots. In response to Commissioner Willner's query, Mr. Guillaum said he recommended approval of these preliminary plans. Motion to approve the preliminary plans, as submitted, was made by Commissioner Cox with a second from Commissioner Borries. So ordered.

Mrs. Cunningham told the Board she had attended a conference at Purdue University last week and noted that in some areas they are investigating the possibility of establishing more legal drains because more control can be exercised over the years. She indicated the local APC will be studying the materials she obtained at the conference quite thoroughly in an effort to solve some of the drainage problems which exist in the local area.

DISPUTE ON DITCH CLEANING ON DIVISION - EAST OF BURKHARDT ROAD

Mr. Guillaum informed the Board that he has encountered a serious problem insofar as the cleaning of the ditch along Division Street, east of Burkhardt Road. Commercial Ditch Cleaning took their equipment out to the area to commence work but, short of physical violence, Larry Hirsch will not let Commercial Ditch Cleaning's tractors on the seventy-five (75) foot easement. He said he has been as diplomatic as possible with Mr. Hirsch and endeavored to explain to him the County's position -- but Mr. Hirsch simply will not listen to him. He requested the Board to authorize someone from the Sheriff's Department to go out there and explain the law to Mr. Hirsch. He indicated Mr. Hirsch wants the County to wait anywhere from 15 days to three weeks (until such time as the beans are ripe enough to harvest) to proceed with the ditch cleaning. He said this will put the whole ditch cleaning project behind and work will not be finished before the inclement winter weather sets in. He said once the bad weather starts, it makes it difficult to accomplish the work in a satisfactory manner and the end results are just not as good. Attorney David Miller suggested Mr. Guillaum have the Sheriff send out personnel to simply stand by while Commercial Ditch Cleaning accomplishes the necessary work. Mr. Guillaum said he had talked with the Sheriff and he would want a letter instructing him to send personnel out there -- before he did it. Attorney Miller said he would write the letter, and noted that this is the same farmer who has sued the County.

(continued)

The meeting was interrupted by the entrance of Mr. and Mrs. Alfred Euler. The Eulers' property adjoins Mr. Larry Hirsch's property. A lengthy dispute followed concerning the cleaning of the subject ditch. Mr. Euler had brought with him a statement from the State Attorney General (noting it was the same statement used by Mr. Hirsch for his lawsuit against the County). Mr. Euler interprets the statement as saying the County has no right to damage his crops in an effort to accomplish their ditch maintenance and cleaning. He said, "You have no right to damage my crop. God knows there's going to be an awful poor crop this year anyway." He asked that the County wait approximately three weeks -- until the soybeans are ripe enough to harvest -- to proceed with the necessary ditch work. However, both Attorney David Miller and Commissioner Willner emphasized that surely Mr. Euler knew he was taking a chance that the soybeans would be damaged when he planted the crop beyond the County's 75-ft. right of way. Mr. Euler objected and said both Messrs. Miller and Willner were reading another interpretation into the statement from the Attorney General. Attorney Miller pointed out, rather firmly, that the statement did not say "any damage" -- what the statement did say was "extensive damage" and while he did not intend to argue the law with Mr. Euler, he was telling Mr. Euler he was wrong. Miller said the County can do any amount of damage that is reasonably required to clean the ditch, but the Eulers did not think damaging their crop was "reasonable". Mr. Miller replied, "then sue the County". Mr. Euler said then what he is to do, you can't get a lawyer to take the case for what you get for damages -- once the damage is done, it isn't feasible to get a lawyer. Attorney Miller said all he was telling Mr. Euler was that it is up to the members of the Drainage Board as to whether it is possible to wait to commence this work on the ditch. Mr. Euler said the statement does not give the County a license to damage. However, Mr. Miller said Mr. Euler is interpreting the Attorney General's statement to say what he wants it to say. He said, while the statement says "does not contain a separate license to damage", but it does contain a license to "damage to the extent necessary to clean the ditch". Commissioner Willner advised Mr. Euler that the County will do everything in its power to see that no more damage is done than necessary, but the ditch has to be cleaned before bad weather comes. Mr. Euler said he feels the Drainage Board is issuing a decree without giving him an opportunity for rebuttal in the matter and he would rather have an elected Judge make the decision as opposed to someone with a vested interest in the matter. In response to Commissioner Willner's query, it was determined that the maximum damage would probably be in the neighborhood of some \$100 (Mr. Euler's property is smaller than Mr. Hirsch's and his damage amounted to some \$200). Commissioner Willner asked the Eulers if they were cognizant of the fact that if Commercial Ditch Cleaning had to relocate their equipment to another job and then return to the area in dispute at a later date that it would cost them \$100 or more to do this. The Eulers indicated they had no idea what it would cost. Commissioner Cox asked if Mr. Euler would have any way himself to do the ditch work, to which he responded "no". Commissioner Cox then said she had talked to Mr. Guillaum to determine if there is any way Commercial Ditch can move to another area and come back to the site at a later date. She said Mr. Guillaum told her they experienced similar problems last year which delayed the ditch cleaning and they ran up into December and January in completing the work. Then, there were complaints from residents up and down from where the ditch had not been cleaned who complained that everything got clogged up. So, she said it is a two-sided problem.

Commissioner Willner thanked the Eulers for attending the meeting and emphasized that the County will do everything within its power to give them all the time it can before commencing with the ditch work. However, when it's time to go with the cleaning of the ditch -- then we'll do it. Again, Mr. Euler said he would rather have a Judge make a decision of this nature -- to which Commissioner Willner told him he had this prerogative. Commissioner Willner said he only follows the statutes regarding ditch drainage and if Mr. Euler thinks the Board is not properly following these statutes, then he can get what is known as a restraining order. In conclusion, however, Commissioner Willner again reassured the Eulers that Commercial Ditch Cleaning will inflect as little damage as possible.

There being no further business to come before the Drainage Board, Commissioner Willner declared the meeting adjourned at 4:40 p.m.

(continued)

DRAINAGE BOARD
October 3, 1983

<u>PRESENT:</u>	<u>DRAINAGE BOARD</u>	<u>COUNTY SURVEYOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner Richard Borries Shirley Jean Cox	David Guillaum	David Miller
	<u>AREA PLAN COMMISSION</u>	<u>COUNTY AUDITOR</u>	<u>OTHER</u>
	Barbara Cunningham	Alice McBride	Mr. & Mrs. Alfred Euler News Media
<u>SECRETARY:</u>	Joanne A. Matthews		

Robert L. Willner
Robert L. Willner

Richard Borries
Richard Borries

Shirley Jean Cox
Shirley Jean Cox

DRAINAGE BOARD
October 31, 1983

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see this done for years and he is adamantly in favor of it. He said this is the only drain he has seen that holds water for as long as it does. He said everything else out there right now is as dry as a bone and that drain is still full. He said the water just sits there and is a great place for mosquitoes to breed. He reiterated that he thinks this should be done.

Mr. Guillaum interjected that we could have over one thousand people in this watershed -- it is the biggest one in the county.

Attorney David Miller entered the meeting and President Willner advised him that a portion of the Crawford-Brandeis Ditch (in Burkhardt and Old Boonville Highway area) was under discussion. He said many of the residents -- especially those living close to the problem -- have requested that we tile a portion of that ditch. The Surveyor's Office has done a preliminary estimate that indicates a 600 ft. concrete culvert is required and we're talking about \$75,000 for the culvert installation. Mr. Guillaum advised that the pipe would actually be 650 ft. in length. President Willner said the Board is wondering if in order to spend \$75,000 legal drain money whether a Public Hearing would have to be held for that watershed, or what are the options? Attorney Miller said he thinks a Public Hearing is necessary and, obviously, a Public Hearing would give everyone an opportunity to be heard, if we believe this extension is advisable. Then, the Board should let the matter for bids. But there is no question but that there would have to be a Public Hearing. In response to President Willner's question as to how people in the watershed should be advised of the Public Hearing, Attorney Miller said via the Media (as opposed to personal letter). Commissioner Cox asked if these people know they drain into the Crawford-Brandeis Ditch? Mr. Guillaum said most of them do. It was noted that the billing for ditch assessments indicate which ditch. Mr. Guillaum said that the procedure we have for any improvement like this would call for participation by everybody in the drain -- or you'd get into the question of where do you draw the line between this guy and the next guy? He said the only way he knows to do it fairly would be to do as we do for any other improvement -- just assess everybody in the watershed. Commissioner Cox asked if it was not indicated in previous minutes that the residents in this area would be willing to participate? President Willner pointed out that this is a legal drain already, but the residents want to pipe it rather than leaving it open. Attorney Miller asked if the costs could not be assessed for piping a legal drain by use of the Barrett Law? He said he will certainly look it up, but he believes we can. Commissioner Cox requested permission to read the following excerpt from the Drainage Board Minutes of October 3, 1983: "Mr. David Guillaum of the County Surveyor's Office indicated he had a letter and signed Petition from Steve Kron with regard to the improvements to be made in the Crawford-Brandeis Ditch Extension, in which the residents plan to participate by way of paying for the 600 ft. pipe required to move the water out of the area." Mr. Krohn pointed out that he does not represent anybody but himself. He said he is a resident of the area and he simply has an interest in it and has for years. Commissioner Cox then asked if the Minutes are correct? Mr. Krohn said he thinks they are incorrect. In discussion with Rick Borries and Dave Guillaum, it was his impression that there would be very little objection to having a special assessment to take care of the improvement. He said he could say he would be willing to pay more than his share, but that isn't going to do any good -- not when we're talking about \$75,000. Commissioner Cox said the minutes need to be clarified to showbut President Willner said the residents are going to be paying for it -- and what he thinks Mr. Krohn would like is to clarify that he is not going to legally represent those people. He said he was requested to prepare a Petition form (by one of the builders in that area) and he did that, but he did not take the Petition around to the residents -- the builder did that himself. President Willner asked that it be inserted in the Minutes that Mr. Krohn does not legally represent the residents of the Crawford-Brandeis Ditch area. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Commissioner Cox asked how much money we have in the Crawford-Brandeis fund? Mr. Guillaum said it was in the red, but in the last couple of years we have pulled it out he thinks, and it should be back in the black, again. He reiterated this will be a one-shot affair and as for the cost -- the residents, in effect, will be paying for it, but this means the residents of the entire watershed. Commissioner Cox noted this is over and above the regular cleaning and maintenance. She recommended the Board proceed with the Public Hearing and see what the residents have to say. Commissioner Borries said he thinks the key is to notify the people in the watershed. President Willner interjected that County Attorney David Miller advised we cannot use the Barrett Law, so we must proceed with the Drainage Law as it pertains to Legal Drains. President Willner asked that the County Attorney research this before next week. Advise how many times we have to advertise it for Public Hearing, whether we have to serve written notice, or news media

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DRAINAGE BOARD MEETING
OCTOBER 31, 1983

The Vanderburgh County Drainage Board met in session this 31st day of October 1983, in the Commissioners Hearing Room, with President Willner presiding.

The meeting was called to order at 4:30 p.m. by President Willner and proceeded with a motion from Commissioner Borries that the Minutes of the previous meeting held on October 3rd be approved as engrossed by the County Auditor and the reading dispensed with. Commissioner Willner seconded the motion (since Commissioner Cox was out of the room). So ordered.

RE: LAKESIDE TERRACE ESTATES III (primary)

Commissioner Borries read the following letter to the assembled group:

"To: Bob Brenner

Date: October 7, 1983

From: Barbara L. Cunningham

Re: Drainage Board

We are requesting the following subdivision be put on the Drainage Board Agenda for consideration.

54-S-83 Lakeside Terrace Estates III (primary) -- Part of the East half of the Southeast Quarter of Section 30, Township 6 South, Range 9 West, located on Lincoln Avenue on the Vanderburgh-Warrick County line.

cc: Richard Borries
Robert Willner
Shirley Jean Cox"

David Guillaum advised the group that he had not yet been out to review this area and asked that this matter be deferred for one week. It was the consensus of the Board that this matter should be deferred for one week, as requested.

RE: CRAWFORD-BRANDEIS DITCH EXTENSION

The meeting continued with David Guillaum advising the group of the specs and cost of the 600 ft. pipe extension for the Crawford-Brandeis Ditch. Mr. Guillaum said that while a 5½ ft. diameter pipe would have been adequate, they are going with a 6 ft. diameter. He said they're going with concrete, because this has the smoothest factor and it is believed this will work better insofar as capacities, and at certain points this pipe could be running pretty full. Overall, the cost will run somewhere between \$70,000 and \$75,000. He emphasized, however, that this is probably a little on the high side. He said we could come in at \$60,000 -- but a range of \$60,000 to \$70,000 should cover the cost. In response to Mr. Willner's question as to whether the residents are going to participate in this capital outlay, Mr. Guillaum said he would assume they would. But what probably they will do on this is to go about an assessment, as we would for any other drainage improvement, with a Public Hearing and what have you. Mr. Guillaum said they have looked at the area again and there is a lot of concern over the problem. He said he has personally talked with a lot of people and he knows Rick Borries has, also. This is an open ditch and one that has a lot of people concerned. It's very unappealing to anybody living in the area, plus the fact we can't really get rid of the water that well. He feels this 600 ft. extension is a workable solution. Mr. Willner said this is not actually a part of the Crawford Brandeis Ditch. Mr. Guillaum said this is an extension -- and it is part of the legal drain. Mr. Willner asked how much the assessment would go up on the average per acre, and how many property owners are that watershed? Mr. Guillaum pointed out that this would be a one-shot deal not an annual assessment. He said he had not taken the study that far, all they have done is the engineering. However, in that watershed there are a lot of people. Commissioner Willner pointed out that while the people closest to it would be most affected, he is not sure that the people who had to pay for it would derive no benefit from it. Mr. Guillaum said that obviously anything we put in that pipe, insofar as the rush of the outflow of water, unless we had a lot bigger ditch or more fall than we do have, it's going to move the water through that portion a lot quicker -- there's no doubt about that. But the people who live on that edge of the watershed obviously have more of a complaint.

President Willner then asked Steven Krohn what his feelings were, as a resident. Mr. Krohn said he could not advise the Board. President Willner said he realized that -- but he would appreciate Mr. Krohn's comments, as a resident. Mr. Krohn said he has wanted to

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see this done for years and he is adamantly in favor of it. He said this is the only drain he has seen that holds water for as long as it does. He said everything else out there right now is as dry as a bone and that drain is still full....the water just sits there and is a great place for mosquitoes to breed. He reiterated that he thinks this should be done.

Mr. Guillaum interjected that we could have over one thousand people in this watershed -- it is the biggest one in the county.

Attorney David Miller entered the meeting and President Willner advised him that a portion of the Crawford-Brandeis Ditch (in Burkhardt and Old Boonville Highway area) was under discussion. He said many of the residents -- especially those living close to the problem -- have requested that we tile a portion of that ditch. The Surveyor's Office has done a preliminary estimate that indicates a 600 ft. concrete culvert is required and we're talking about \$75,000 for the culvert installation. Mr. Guillaum advised that the pipe would actually be 650 ft. in length. President Willner said the Board is wondering if in order to spend \$75,000 legal drain money whether a Public Hearing would have to be held for that watershed, or what are the options? Attorney Miller said he thinks a Public Hearing is necessary and, obviously, a Public Hearing would give everyone an opportunity to be heard, if we believe this extension is advisable. Then, the Board should let the matter for bids. But there is no question but that there would have to be a Public Hearing. In response to President Willner's question as to how people in the watershed should be advised of the Public Hearing, Attorney Miller said via the Media (as opposed to personal letter). Commissioner Cox asked if these people know they drain into the Crawford-Brandeis ditch? Mr. Guillaum said most of them do. It was noted that the billing for ditch assessments indicate which ditch. Mr. Guillaum said that the procedure we have for any improvement like this would call for participation by everybody in the drain -- or you'd get into the question of where do you draw the line between this guy and the next guy? He said the only way he knows to do it fairly would be to do as we do for any other improvement -- just assess everybody in the watershed. Commissioner Cox asked if it was not indicated in previous minutes that the residents in this area would be willing to participate? President Willner pointed out that this is a legal drain already, but the residents want to pipe it rather than leaving it open. Attorney Miller asked if the costs could not be assessed for piping a legal drain by use of the Barrett Law? He said he will certainly look it up, but he believes we can. Commissioner Cox requested permission to read the following excerpt from the Drainage Board Minutes of October 3, 1983" Mr. David Guillaum of the County Surveyor's Office indicated he had a letter and signed Petition from Steve Krohn with regard to the improvements to be made in the Crawford-Brandeis Ditch Extension, in which the residents plan to participate by way of paying for the 600 ft. pipe required to move the water out of the area." Mr. Krohn pointed out that he does not represent anybody but himself. He said he is a resident of the area and he simply has an interest in it and has for years. Commissioner Cox then asked if the minutes are correct? Mr. Krohn said he thinks they are incorrect. In discussion with Rick Borries and Dave Guillaum, it was his impression that there would be very little objection to having a special assessment to take care of the improvement. He said he could say he would be willing to pay more than his share, but that isn't going to do any good -- not when we're talking about \$75,000. Commissioner Cox said the minutes need to be clarified to showbut President Willner said the residents are going to be paying for it -- and what he thinks Mr. Krohn would like is to clarify that he is not going to legally represent those people. He said he was requested to prepare a Petition form (by one of the builders in that area) and that he did that, but he did not take the Petition around to the residents -- the builder did that himself. President Willner asked that it be inserted in the minutes that Mr. Krohn does not legally represent the residents of the Crawford-Brandeis area. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Commissioner Cox asked how much money we have in the Crawford-Brandeis fund? Mr. Guillaum said it was in the red, but in the last couple of years we have pulled it out--he thinks, and it should be back in the black, again. He reiterated this will be a one-shot affair and as for the cost -- the residents, in effect, will be paying for it, but this means the residents of the entire watershed. Commissioner Cox noted this is over and above the regular cleaning and maintenance. She recommended the Board proceed with the Public Hearing and see what the residents have to say. Commissioner Borries said he thinks the key is to notify the people in the watershed. President Willner interjected that County Attorney David Miller advised we cannot use the Barrett Law, so we must proceed with the Drainage Law as it pertains to Legal Drains. President Willner asked that the County Attorney research this before next week....advise how many times we have to advertise it for Public Hearing, whether we have to serve written notice, or news media

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will be sufficient, etc. He said he questioned whether we could include the entire East Side Urban Drain or whether we just have to have the Public Hearing for those people whose water drains into this particular drain. The East Side Urban includes the drain from 84 Lumber Company and Wesselman's and he does not believe we can spread it over that big an area, but we will let the attorney research it. Mr. Guillaum said if not, we will have to look at the immediate area and then clear out the other portion. A lot of times somebody will have a complaint on a bill or problem in understanding a bill because they don't directly see the water getting into the ditch. Commissioner Willner said we know Wesselman Park does not run that way so why would they want to participate -- not Wesselman, because it is city-owned. But if a farmer were in that area and his water did not drain through there, he would think the farmer would object very strenuously. Commissioner Cox then noted that the assessment of this would then only apply to a certain group of people? Commissioner Willner responded he thought it would. Commissioner Willner then asked Attorney Miller if one (1) week were enough time to sufficiently research the matter, to which Attorney Miller responded that it would be. President Willner advised that another Drainage Board Meeting will be held next week (Monday, November 7th). Commissioner Borries said the matter has been printed in the media and, with all due respect to Cindy (and she does a fine job, a very accurate job of reporting) because she does a fine job of reporting, there was a large headline concerning this which she did not write. Our salaries, which really don't make any difference to me -- the County Council really cut our Drainage Board and this will be the third meeting now where we have not received any pay. He said he is going to have to go to the County Council and talk to them on Wednesday on the request. He asked what the Board wanted him to do on this? He said he contacted the Surveyor's Office, because he doesn't know how many meetings are needed -- we only meet as needed, when there is a situation or request come up -- so it's a rather mundane matter. If the Board does not want him to bring it up, he won't. But the matter was brought up because apparently the Council cut the request. There is no money in the account. We had never asked for a raise nor have we asked for any less. County Auditor Alice McBride asked if there is any way any money can be transferred, because it doesn't amount to that much. Commissioner Borries asked if they should just try to find the money in the Commissioner's Budget? Mrs. McBride said she doesn't know if they will even appropriate any money during December -- she doesn't know if there will be any left to appropriate. Commissioner Borries said he thought the matter was brought up as a result of someone in the Auditor's Office notifying the Drainage Board that there was no money in the account. Mrs. McBride said since it is a small amount, if the money could be found in another account and transferred, it would really help. Commissioner Borries again reiterated that it is not that big a deal, as we've all wrestled with the critical nature of the county's finances. In response to Commissioner Willner's question of what the Council did with the 1984 budget, Commissioner Borries said he did not know. Auditor McBride said, however, they have a more realistic budget this year. Commissioner Willner said he personally would be willing to forget it for this year if the Council put sufficient funds in for next year. But if they just keep cutting it, then he thinks something has to be done about it. Mrs. McBride said she would check this out and advise the Board at next week's meeting. Commissioner Cox said they cut the autopsy budget. Dr. Wilson had said he would submit the bills as they came due. He requested a total amount for bills owed and the Council only allowed \$500.00 out of the total amount. Therefore, she doubts seriously they will put in \$700.00 for Drainage Board next year. She said if we go into this Public Hearing thing, we know we're going to have to have one more meeting. Commissioner Willner said the Board will have to do the rest of the legal drains for the mowing -- so that's another meeting. There will be at least two more drainage meetings before the end of the year.

RE: CLAIMS

Mr. Guillaum said he has claims for bills for the spraying or mowing of eight (8) ditches, which have already been signed by him and Bob Brenner. The Commissioners asked that President Willner read the name of the claimant and the amounts. They were as follows:

1)	Commercial Ditch Cleaning	- Bal. of Contract -Aiken Ditch	\$ 413.29
2)	"	" - Bal. - Crawford/Brandeis Ditch	1,228.20
3)	"	" - Harper Ditch	144.07
4)	"	" - Hirsch/Kelly	879.60
5)	"	" - Kolb Ditch- Bal. of Contract	385.92
6)	"	" - Singer Ditch	73.50
7)	"	" - Stockfleth Ditch	283.32
8)	Green Grasshopper Flying Service	- Spraying Eagle Slough	1,952.60

(continued)

DRAINAGE BOARD
October 31, 1983

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Motion was made by Commissioner Cox that all of the foregoing claims be approved for payment. Motion was seconded by Commissioner Borries. So ordered.

There being no further business for discussion, President Willner declared the meeting recessed at 5:00 p.m.

PRESENT:

DRAINAGE BOARD

Robert L. Willner
Richard Borries
Shirley Jean Cox

COUNTY SURVEYOR

David Guillaum

COUNTY AUDITOR

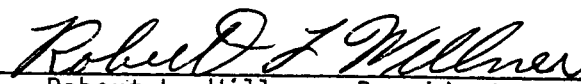
Alice McBride

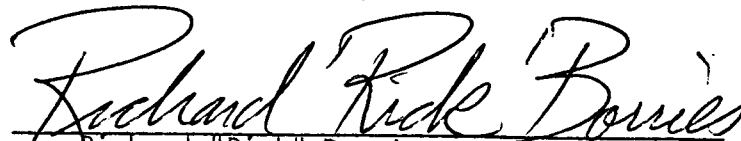
COUNTY ATTORNEY


David Miller

SECRETARY:

Joanne A. Matthews


Robert L. Willner, President


Richard "Rick" Borries, Vice President


Shirley Jean Cox, Member

DRAINAGE BOARD MEETING
DECEMBER 12, 1983

The Vanderburgh County Drainage Board met in session this 12th day of December 1983, in the Commissioners Hearing Room, with President Willner presiding.

President Willner called the meeting to order at 4:30 p.m. The meeting proceeded with a motion from Commissioner Borries that the minutes of the previous meeting held on October 31st be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: WOODWARD PLACE SUBDIVISION

Beverly Behme of the Area Plan Commission advised that the plans for Woodward Place Subdivision (located on Peerless Road at Hogue Road) received primary approval from the Area Plan Commission 8-0 at Wednesday night's meeting, subject to approval by the Drainage Board. David Guillaum of the County Surveyor's office indicated they felt there were no problems concerning this subdivision. Commissioner Willner asked if this area would have city sewers? Beverly Behme stated it would not; septic tanks would be utilized. It was noted the nearest sanitary line would be I.S.U.E. Commissioner Willner stated that problems are being experienced on Sills Drive (about four blocks away) and the reason he brings this up is that the more residents that we can get interested in hooking to the city sewer -- the cheaper the cost would be. Beverly Behme said the plans for the subdivision call for Health Department-approved septs.

There being no further discussion on the matter, President Willner entertained a motion on the drainage plans. Commissioner Borries moved that the drainage plans for Woodward Place Subdivision be approved. Commissioner Cox made a second to the motion. So ordered. President Willner called for a roll call vote:

Commissioner Borries	- Yes
Commissioner Cox	- Yes
Commissioner Willner	- Yes

RE: MANN ROAD/BRIDGES

Mr. Guillaum said he wanted to remind the Board that we have received phone calls re Mann Road (and we can give this more thought later) and the Board's position on the road and two concrete bridges and what we wanted to do on that. President Willner said Mr. Guillaum should go ahead and set up a meeting -- Commissioner Cox interjected "we knew it was coming" -- this concerns the two spans (almost a box culvert) east of Bixler Bridge which we had repaired and opened after we had abandoned it. A lawsuit has been filed (it doesn't include the Commissioners) -- but if we could do away with these two bridges, it would. President Willner said actually it is not a Drainage Board problem per se -- it's a decision to be made by the Commissioners. It really shouldn't be brought up at this time, but he has no problem in going ahead and setting a date for the meeting. Providing the other parties involved agree, the meeting was scheduled for Tuesday, December 20th, at 1:30 p.m. Attorneys John Staser and Les Shively will need to be contacted.

RE: CRAWFORD-BRANDEIS EXTENSION

Mr. Guillaum said he noted Attorney David Miller had left subsequent to the Commissioners meeting. However, he was preparing information on this matter as to how we were going to assess the residents -- whether it would be only the benefiting people assessed or whether it would be the residents of the entire watershed. He said he has people reminding him of this every week. Mr. Guillaum said we do need an answer on that and the next step supposedly would be to establish a Public Hearing on the matter so it can be discussed and settled. President Willner advised that Mr. Guillaum should not wait until the next Drainage Board Meeting to bring this matter to Attorney Miller's attention, he should contact him tomorrow and see what he has done on this. Mr. Guillaum said that the recent rains have agitated the problem.

RE: CLAIMS

The last item to be brought before the Board by Mr. Guillaum was the matter of several outstanding claims for ditch cleaning and maintenance. In response to Commissioner Willner's query, Mr. Guillaum said all the ditch work had been inspected and he had already signed the claims.

(continued)

The following claims were submitted for approval by the Board:

Commercial Ditch Cleaning	Singer Ditch	\$ 73.50
"	Maidlow Ditch	653.05
"	Pond Flat "D"	206.05
"	Buente - Lateral "A"	230.96
"	Nurrenbern -E. Side S. Half	271.46
"	East Side Urban - N. Half	1,452.05
"	Baehl Ditch	186.03
Big Creek Drainage Assn.	Buente - Upper Big Creek	3,231.20
"	Rusher Creek	444.46
"	Pond Flat - Lateral "E"	361.60
"	Pond Flat Main	4,696.16
"	(29,351 ft. @ 16¢/ft.)	
"	Pond Flat - Lateral "C"	903.60
"	Low Big Creek	1,200.16
Union Township Ditch Assn.	Edmond Ditch	461.85
"	Barnett Ditch	3,343.20
"	Cypress-Dale-Maddox	716.61
"	Kamp Ditch	111.60
"	Happe-Helfrich Ditch	380.94
Ralph Rexing	Pond Flat - Lateral "A"	531.10
"	Pond Flat - Lateral "B"	279.70
Leo C. Paul	Wellenmeyer Ditch	1,086.15
"	Balls Creek Ditch	3,410.22
Norman Messel	Sonntag-Stevens & Ext.	1,932.80
Eldon Maasberg	Maasberg Ditch	154.42
"	Kneer Ditch	303.60
Merle Hoefling	Hoefling Ditch	557.10

Commissioner Cox moved that all of the foregoing claims be approved for payment. Commissioner Borries provided a second to the motion. So ordered. President Willner called for a roll call vote:

Commissioner Cox - Yes
Commissioner Borries - Yes
Commissioner Willner - Yes

There being no further business to be brought before the Board at this time, President Willner declared the meeting adjourned at 5:00 p.m.

PRESENT:DRAINAGE BOARD

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox

COUNTY SURVEYOR

David Guillaume

AUDITOR

Pat Tuley

AREA PLAN

Beverly Behme

SECRETARY:

Joanne A. Matthews

Robert L. Willner
Robert L. Willner, President
Richard Rick Borries
Richard "Rick" Borries, Vice President
Shirley Jean Cox
Shirley Jean Cox

1-30-84

DRAINAGE BOARD MEETING
JANUARY 30, 1984

The Vanderburgh County Drainage Board met in session this 30th day of January 1984 in the Commissioners Hearing Room, with President Willner presiding.

The meeting was called to order at 5:40 p.m. by President Willner and proceeded with a motion from Commissioner Borries that the minutes of the previous meeting held on December 12, 1983, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: 1-S-84 - OAK RIDGE VILLAGE SUBDIVISION (Heckel & Oak Hill Roads)

County Surveyor Bob Brenner advised that while the engineer on this project submitted calculations, etc., there is no outlet for drainage except into another individual's field and since drainage plans are incomplete, he is withdrawing it at this time and nothing further will be heard on this unless it is re-submitted. So ordered by Commissioner Willner.

Mr. Effinger was present and was recognized by Commissioner Willner. Mr. Effinger expressed his concern and said he was here to determine what the mechanics of the legal drains amounted to, etc. There are four (4) farmers' fields. Commissioner Willner indicated the only way the Board will take a legal drain is with a right-of-way and a 75-ft. right-of-entry on each bank. Commissioner Willner asked Mr. Brenner to keep Mr. Effinger informed if drainage plans for this subdivision are re-submitted so that he may appear before the Drainage Board.

RE: 4-S-84 - EASTLAND ESTATES/Section "C"/Primary

Mr. Brenner advised that the total drainage plans for this subdivision were approved some three (3) years ago. He indicated they could have gone ahead on this, because the plans presented here today comply with the original master drainage plans approved previously. Mr. Brenner noted, however, that Kolb Ditch will be reconstructed this year due to erosion, etc. President Willner entertained a motion, and Commissioner Borries moved that the Eastland Estates Primary Plot Section "C" be approved. A second to the motion was provided by Commissioner Cox. So ordered.

RE: 1-S-84 - OAK RIDGE VILLAGE SUBDIVISION

Discussion returned to the Oak Ridge Village Subdivision when Commissioner Cox asked if her understanding was correct that the request was withdrawn? Mr. Brenner advised that the developer did not submit complete drainage plans. Will the Board need to vote to deny this request for approval? Beverly Behme of the Area Plan Commission advised that when the matter comes before the Area Plan Commission on Wednesday night, February 1st, they will be informed that this subdivision does not have drainage approval and they won't hear it. Unless the plans have drainage approval they will not receive primary approval. President Willner said the original idea of the developer was to endeavor to set up a legal drain through the four (4) farmers involved. Commissioner Borries noted there is quite a bit of opposition to the Oak Ridge Village Subdivision. The original plans had lots which were an acre plus -- now they are down to small lots. Commissioner Cox said it is her understanding that the developer, at his expense, is extending the sewer to this area and also giving the fourteen (14) presently sold and developed lot owners to hook onto this sewer. (They have no sewers out there now.) What they are doing is taking previously plotted subdivisions and redividing it to create 34 more lots -- but the house sizes are to remain the same. Rather than have a big home on two or three acres, you're going to have a big home on a smaller lot. Beverly Behme remarked that on January 10th, the subdivision was recording 52-53 lots. Of the original 43 lot parcels, 15 lots have been sold. The remaining 28 lots are proposed to be platted into 63 lots. The engineers have indicated sanitary sewers will come in at Rucker Road and onto Oak Hill. Commissioner Willner indicated there are no plans for storm sewers.

RE: 5-S-84 - MOSS CREEK SUBDIVISION PRIMARY (No.6 School Rd. & St. Joe Rd.)

Mr. Brenner pointed out the Federal Flood Plain Map, which shows a great portion of this area during the 100-year flood. Mr. Easley has submitted calculations that show the water basically stays in the creek. The subdivision comprises 27 lots on 72.5 acres. The developer is buying on contract and wants to develop this in three phases. Commissioner Cox indicated that at the subdivision review it was pointed out

(continued)

that there needed to be easement on drainage swale to the lake and storm drainage easements along the natural swales -- has that been done? Beverly Behme indicated developer, as requested, has provision there will be no building structures, expensive shrubs or trees shall be within the drainage area. Everything that was asked for in the subdivision review has been done. The only exception seemed to be the culvert size and the 25 year storm design stipulation. Commissioner Borries moved that the Primary Plans for Moss Creek Subdivision be approved, subject to submission of culvert sizes to a 25-year storm and also subject to approval of surveyor. Commissioner Cox provided a second to the motion. So ordered.

RE: 6-S-84 - GREEN RIVER ESTATES SECTION "B" (Green River & Millersburg Roads)

It was noted that the County was sued for \$2 million on this subdivision and lost. Commissioner Cox pointed out that what the developer is doing on this is adding one additional lot 99' x 95'. Commissioner Willner said he disagreed with this, but he is not here concerning the size of the lot. Commissioner Willner said he would like to see a grate stipulated. However, Mr. Brenner said a grate is not needed. Whether there are four or five lots -- there is no drainage problem with this one. The streets are built and the drainage is already in. Commissioner Cox moved that the drainage plans for 6-S-84 be approved. Motion was seconded by Commissioner Borries. So ordered.

RE: 8-S-84 - WESTBROOK ESTATES (West Terrace Drive & Peerless Rd.)

Commissioner Cox asked which way the water flows? Commissioner Willner said, "First north -- then west." Mr. Brenner pointed out that once again he has plotted the 100 year flood on this one from the Federal maps. There is evidence that the waters will stay inside the creek. The culverts are adequately sized and it was the recommendation of Mr. Brenner that these plans be approved. Motion was made by Commissioner Cox that drainage plans for 8-S-84 be approved as submitted. Commissioner Borries provided a second to the motion. So ordered.

RE: 9-S-84 - LEAH SUBDIVISION (Baumgart Road and Tanglewood Drive)

By way of acquainting the Board members with this subdivision, Mr. Brenner said it came before the Board as a large apartment complex. At that time, we told the man he could build the apartments if it complied with the criteria that he held the water or got rid of it -- but in no way could he take any more water across. He has gone in and he proposes to put a street in and divide the subdivision into seven (7) lots. He has already constructed a house (as he is allowed to) which, based on his zoning and whatever, he can do. At this time, the water off this subdivision runs through Mrs. McLaughlin's house and carport and anything you do by giving further zoning or subdividing and let him build more then, in my opinion, you assume a liability which that you do not wish to assume. The 24-inch sewer under her property has collapsed. This pipe runs between two houses. There are sink holes where the thing has come apart. It is filled in and won't carry the water. At one time we said if Bert Claspell would take and divert all the water (and it could be done) by trenching down Burgdolt Road and dumping into the legal drain down there -- that you would approve it. But, it was to be at his expense. In response to Commissioner Cox's question as to what legal drain is involved, Mr. Brenner indicated it was Sonntag-Stevens. Commissioner Willner asked that the records show that there are two letters addressed to Virgil Miller and the Area Plan Commission-- one from Irma Rothert and one from Kathryn McLaughlin -- both negative responses concerning this subdivision. Doug Riley is the owner. Commissioner Willner asked Mr. Brenner to explain Mr. Riley's plans to the Board. Mr. Brenner said he has this one lot and has built this house, which by his zoning he is allowed to do. He wishes to put the street in and divide this into seven (7) lots. The drainage goes across the street and just turns loose. Tanglewood, itself, is a private drive. The ditch along there is non-existent. The water comes down Tanglewood and goes across Bergdolt. The 24" pipe, as previously mentioned, has come apart. Mr. Brenner said that once again this is the same routine. If we get into storm pipes.....Mr. Easley interjected that it would help our road drainage if we had an easement and the storm sewer were reconstructed. Mr. Brenner said the ditch needs to be dug out, etc., and in response to Mr. Willner's question as to cost, Mr. Brenner responded about \$6,000. SIEGCO cleaned the ditch out one time -- near Clover Drive. We've had problems at Oak Hill and Rode Road. Mr. Brenner recommended that these plans be denied and we advise the developer and give him some options. Options would be a holding pond or adding adequate pipe to legal drain. It was noted the developer could try to secure easement from property owners. Mr. Easley questioned if a viable option would be that we offer to assist him in obtaining easement if he wouldPresident Willner said we could assist him in his plans.

(continued)

President Willner called for an affirmative motion. Commissioner Borries moved that the drainage plans for Leah Subdivision be approved. The motion was seconded by Commissioner Cox. President Willner asked for a Roll Call Vote:

Commissioner Cox - No
Commissioner Borries - No
Commissioner Willner - No

President Willner asked that the records reflect that the request for approval of drainage plans for Leah Subdivision was denied and include the options discussed.

RE: 10-S-84 -GAMBLE SUBDIVISION (Boonville/New Harmony Rd. at Hoeing Rd.)

Commissioner Cox indicated there was a problem with driveway access on Lot #8 -- it was land locked. County Surveyor Bob Brenner said this isn't much of a drainage plan and recommended that plans should be sent back to engineer, Leo Paul. He has not addressed the problem of backwater...and drainage plans are incomplete. The plans seem to indicate he plans to build a lake to retain the water -- but hasn't addressed the drainage on Lot #4 or the water running east. President Willner asked for a motion. Motion to approve plans was made by Commissioner Borries, with a second from Commissioner Cox. President Willner then asked for a Roll Call Vote:

Commissioner Cox - No
Commissioner Borries - No
Commissioner Willner - No

President Willner asked that the records reflect that the request for approval of plans for Leah Subdivision was denied. It was noted that the plans could be revised and resubmitted -- there is nothing that prevents this.

RE: VC-14-83 - PAUL K. NEVILLE

This is the rezoning that requires Drainage Board Approval. The Board reviewed the site plan and noted there are four or five lakes. The project site is 34 acres in the area of the Evansville Day School/Timbers Apartments. In the entire 34 acres, there is only a 1-ft. difference between the high and low. Mr. Jim Morley said they prepared drainage computations to hold all of the 100-year storms in the lakes and simply put in an 18-inch pipe to carry the water -- this would no more than would flow off of the property onto Green River Road right now. The surface area of the lakes will contain at least 122,000 sq. ft. He does have to have from the Drainage Board permission to share the drainage you have. In 1981, Citizen's Bank as Trustee granted an easement to the County. Mr. Neville had asked if an 18" pipe or ditch would be required and indicated he'd hate to see an open ditch. Mr. Morley said he had told Mr. Neville that an 18" pipe or larger would be required down the 30-ft. easement to the creek. And that he would advise the Board when presenting these plans that if they planned improvements on north Green River Road and needed that pipe to be 24" or something, that perhaps the two projects could work together and that Mr. Neville's pipe size should possibly correspond with the pipe size installed by the County. Mr. Morley said what he needs is approval of the drainage plan (the concept of retaining the 100-yr. storm) and, if it meets with the plans of the Drainage Board, running an 18" or larger pipe down the 30' easement to the creek. Currently there is some type of field drain under Green River Road -- but it is not the County's. It apparently is private, as far as Mr. Morley can tell. President Willner remarked that we actually started acquisition of right-of-way on Green River Road in 1978. Mr. Morley pointed out that there are no contours on the property -- it's flat. It was noted that this map does not actually contain drainage plans -- just a concept. All of the lakes will be the same level. President Willner asked how deep the lakes will be, to which Mr. Morley responded they will be dug about eight (8) ft. deep. Mr. Morley noted all the elevations are listed on the drawings -- there is nothing else he can give the Board. He stressed that all of the lakes inter-connect. These lakes are a private part of the development and the developer will take care of any settlement -- he must maintain those forever. The inter-connecting pipes are normally submerged -- only the outlet is at the permanent lake level. In response to Andy Easley's query, Mr. Morley said the ground elevation is 385 ft. Mr. Morley said the County needs to give permission for the developer to be in that drain -- because the easement is made out to the County and is under its jurisdiction -- so approval is needed to be in there with the 18" pipe. Commissioner Cox asked if Mr. Morley's request is for Phase I of this development only? Mr. Morley said the apartments are shown for Phase I, but his calculations are based on the entire 34 acres. Commissioner Cox asked if this was discussed at subdivision review, to which

(continued)

Beverly Behme replied "yes", it was discussed. This is a rezoning -- it will come back to the Commissioners again for approval. If it's heard at the Area Plan Commission meeting on Wednesday, then the Commissioners will get it back the 20-something of February. President Willner said this is a "bold" plan and Commissioner Cox said Mr. Morley is noted for his "boldness". Mr. Morley advised the Board that this is a sound concept. Commissioner Cox said all the board can approve then is a concept. Mr. Morley said it really is not important to the Drainage Board how the lake is shaped, what is important is what the elevation is and how much water the lakes will store...so he is seeking approval of these specific design plans -- and all the numbers are included. Commissioner Willner asked if the lakes are 8-ft. deep, what will they be when water is not leaving the property? Mr. Morley said the lake will be 6-ft. deep. They are designed to rise 2-ft. at the 100-year flood. Commissioner Borries asked if these are "retention" lakes, to which Mr. Morley replied they are. Mr. Borries said he lives close to one -- one built by Industrial Contractors in Indian Woods Subdivision and that one works just the opposite of a sump pump. It's just a catch basin with a wall at one end -- and a gate at the other end. When this thing gets to a certain level, it closes off -- no more water can come in. Mr. Morley said these lakes are not nearly as complicated as the one in Indian Woods. If the lake in Indian Woods overflows it goes into Kolb Ditch., etc. This lake is much more simple -- it only takes the water from the immediate project (it does not take anyone else's water) -- there is no gate. This lake has a permanent bleeddown that assures you there is the 2-ft. At the top of the spillway there is an 18-inch pipe to run water off when the lake reaches 8-ft. (It was noted that this property is actually next to a Baptist Church they built in the Evansville Day School/Timbers Apartments area.) President Willner remarked it has not been determined whether we are going to drain Green River Road via open ditches or what. We're awaiting advice from the County Engineer as to what would be most advantageous. President Willner then called for a recommendation from the County Surveyor. Mr. Brenner said that first the County must allow them to use our drainage and President Willner said what if someone else wants to use our drainage then? Mr. Brenner said it would be nice to cooperate -- to make the constructions work together. With regard to the 18" pipe, Commissioner Willner said he would prefer that it be much bigger in the event someone else wants to use our drainage, also. It was determined that 36" would be too large, but that perhaps a 24-inch pipe would suffice. Mr. Morley said it is 430 ft. down along that easement and it may never develop. Commissioner Willner asked if you'd go a 24-inch pipe and let him recoup his cost at the next property owner's expense? We need to verify that 24" pipe is enough. The developer may not get his cost back for 5-10 years, but that is his problem. But it was agreed that this approach would be the best. It was the consensus following further brief discussion that a motion should be written down before it is made to the Board for approval. It was noted, however, by Commissioner Willner that the deed is to the "Vanderburgh County Commissioners" and not to the "Vanderburgh County Drainage Board", thus the Drainage Board cannot give the developer permission to use the drainage easement. Therefore, only the concept can be approved by the Drainage Board. President Willner then called for a motion. Commissioner Borries moved that the concept be approved by the Drainage Board, with the figures as submitted regarding the drainage take-off portion, and subject to approval by the County Commissioners and Surveyor's Office of use of a drainage easement through Green River Road with subject pipe size to be approved by the Commissioners. Mr. Morley is to draw up the agreement. Motion was seconded by Commissioner Cox and President Willner asked for a roll call vote:

Commissioner Borries - Yes
Commissioner Cox - Yes
Commissioner Willner - Yes

RE: MAIDLOW DITCH CLAIM - COMMERCIAL DITCH CLEANING

President Willner asked if there was any other business to come before the Drainage Board and County Surveyor Bob Brenner indicated he had a Blue Claim for removal of a dead tree 24 inches in diameter which fell into Maidlow Ditch. They agreed to remove the tree for \$100.00 and the work has been completed. The claim is in order for approval of payment. Motion was made by Commissioner Borries that this claim be approved for payment. Commissioner Cox provided a second to the motion. So ordered.

(continued)

DRAINAGE BOARD MEETING
January 30, 1984

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There being no further business to be brought before the Board at this time,
President Willner declared the meeting adjourned at 7:20 p.m.

PRESENT:DRAINAGE BOARD

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox

COUNTY SURVEYOR

Robert Brenner

AUDITOR

Alice McBride

COUNTY ATTORNEY

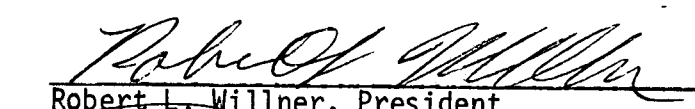
David Jones

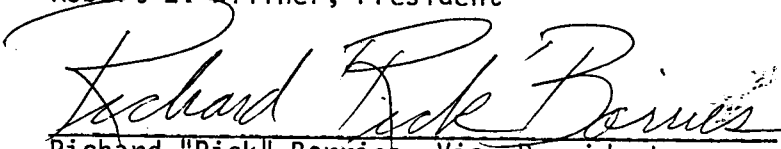
AREA PLAN COMMISSION

Beverly Behme

SECRETARY:

Janice Decker for
Joanne Matthews
(Minutes transcribed by J. Matthews)


Robert L. Willner, President


Richard "Rick" Borries, Vice President


Shirley Jean Cox, Member

DRAINAGE BOARD MINUTES
FEBRUARY 6, 1984

The Vanderburgh County Drainage Board met in session this 6th day of February, 1984, in the Commissioners Hearing Room with President Willner presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: SETTLEMENT AGREEMENT OF HIRSCH PROPERTY

Mr. Brenner said this item has been carried over from 1978, it is the widening of the East Side Urban Drainage System along Burkhardt fronting the Hirsch property and the Hirschs have agreed to a settlement of \$18,000.00. He said there are two (2) right-of-way openings off of the new Burkhardt project and Hirsch has offered to put those two (2) pipes in and it is included in this \$18,000.00 offer and if wording can be worked out, and he is sure it can, they become solely responsible for their drive way entrances, that we agree to accept and pay them the \$18,000.00. He said the money is available in the East Side Urban Maintenance Fund now. He said all it takes is a blue claim signed by himself and the Vanderburgh County Drainage Board.

Mr. Miller said the discussion between attorney Martin and himself, to this point, has been either \$12,000.00 and we replace the bridges or \$18,000.00 and they replace their own bridges. He had a telephone conversation with Mr. Martin today during which he gave us a tentative acceptance saying he would naturally have to get final approval from his client, but he thought they would request the cash, rather than us performing the bridge work and that raised the question of when the bridge work was going to be done and to what standards they would be built. Mr. Brenner has indicated to us, that as the County Surveyor, he will require the standards be the same as for all other bridges placed upon the Burkhardt improvement project, which is a satisfactory situation as far as he is concerned. There has been further indication that the county will, in the course of the widening project, remove the bridges as they presently exist, so that will fix the time when they will have to initiate their work, because they must have entrance to their property, so we will have to have as part of our agreement, the right to remove the existing bridges at a time when the scheduling of the highway improvement calls for their removal. There is some possibility that Mr. Martin will come back to us and say they have changed their minds and want the bridges built rather than the cash and he understands this would be about a push, however, he understands at this time, the proposal is the \$18,000.00 settlement rather than the \$12,000.00 settlement.

Mr. Brenner said he would think they could be given either one, that it really doesn't matter.....money wise.

Mr. Andy Easley said if they are already on the plans, from the standpoint of quality of construction, wouldn't it be better if they were put in under the contract, if we agree it won't cost the county any more.

Mr. Brenner said he doesn't believe they would be any better, that the Hirschs' have to put in the same thing that we would.

Commissioner Cox asked if the new drive-way bridges, after they are installed, will they be the Hirschs' or will they be ours.

Mr. Brenner said we will become fully responsible for them.

Mr. Miller said he would like to have flexibility on this settlement and if you would indicate that you prefer one settlement over the other, then he will go for that one, but if they (the Hirschs') want the other settlement, then give him the authority to settle for that one.

Commissioner Borries moved that attorney Miller be authorized to settle the suit in an amount not to exceed \$18,000.00. The \$18,000.00 will include them building their own bridges and a \$12,000.00 settlement will mean the county builds the bridges. Commissioner Cox seconded the motion, which carried with three (3) affirmative votes.

Mr. Brenner said for informational purposes only he would like to inform the Drainage Board that there is a plan to come before the Subdivision Review Board which fronts on the Williams-Weinsheimer Ditch, which is a Warrick County ditch. In 1965 Vanderburgh County gave up all rights to a joint board hearing, so we will have nothing to say about these plans to be submitted, by a Mr. Foster, for the construction of condominiums. Even though this is located in Vanderburgh County we will have to have Warrick County's approval for the drainage plans.

: There being no further business to be brought before the Board at this time, President Willner declared the meeting adjourned at 5:00 p.m.

PRESENT:DRAINAGE BOARDCOUNTY SURVEYORCOUNTY AUDITOR

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox

Robert Brenner

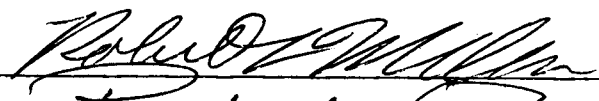
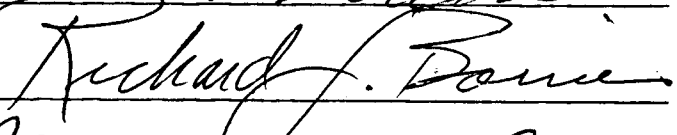
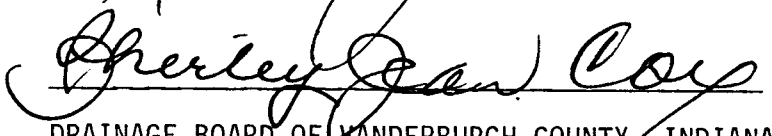
Alice McBride

COUNTY ATTORNEY

David V. Miller

SECRETARY:

Janice Decker for
Joanne Matthews




DRAINAGE BOARD OF VANDERBURGH COUNTY, INDIANA

DRAINAGE BOARD MEETING
March 5, 1984

The Vanderburgh County Drainage Board met in session this 5th day of March, 1984, in the Commissioners Hearing Room with President Willner presiding.

The meeting was called to order at 4:45 p.m. by President Willner. Motion was made by Commissioner Borries that the minutes of the previous meeting be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

The meeting proceeded with President Willner calling on County Surveyor Robert Brenner to present drainage plans for several subdivisions for approval.

RE: LEAH SUBDIVISION/Bergdolt Road

Mr. Brenner indicated this is the subdivision where drainage plans were turned down last month. He said they have now presented a proposal, which contains basically what the Drainage Board told them they should do. The reason it was turned down previously was because they were advised to keep the run-off the same or run the water north so it would go directly into the Sonntag-Stevens Ditch. This is the same proposal offered to an apartment developer previously. He declined it and obviously sold it. What is proposed is that they take the water roughly 50-ft. from the East property line and bring it into a pipe and take it down the ditch. Mr. Charles Riley indicated he would furnish pipe for one (1) section of pipe for one homeowner (a widow) under the driveway. It was noted the subdivision has city sewers. The subdivision embraces some three (3) acres on which seven (7) houses will be built. Since the developer is going before the Area Plan Commission on Wednesday (March 7th) he indicated he will submit a new drawing to the County Surveyor showing precisely what will go thru the pipe and include pipe size, etc., in the morning. Motion was made by Commissioner Borries that subject to County Surveyor's final approval of the new drawing that drainage plans for Leah Subdivision be approved. Motion was seconded by Commissioner Cox. So ordered.

RE: O. K. CORRAL/Orchard Trail-Peerless Road

Mr. Brenner noted this is a 3-lot subdivision. After reviewing the drainage plans for this subdivision, motion was made by Commissioner Borries that plans be approved as presented. Commissioner Cox provided a second to the motion. So ordered.

RE: FOSTER CONSTRUCTION DUPLEXES

Mr. Brenner noted that these units front on the Vanderburgh County/Warrick County line. All the water runs into Williams Ditch, which is a Warrick County Legal Drain which is sub-ditch (Weinsheimer Ditch) that these people pay on. They're building within seventy-five (75) ft. of the Warrick County ditch, and since all the water goes to it, he has advised the developer they need the approval of the Warrick County Drainage Board, rather than the Vanderburgh County Drainage Board. Their ditch assessment is paid to Vanderburgh County who, in turn, forwards to Warrick County. He said, in fact, he has a blue claim to present today for six (6) years of unpaid Weinsheimer Ditch bills. Motion was made by Commissioner Borries that drainage plans be forwarded to Warrick County Drainage Board for consideration. Motion was seconded by Commissioner Cox. So ordered. (In subsequent brief remarks in response to Commissioner Willner's comment that Vanderburgh County would also have to approve due to the 75-ft. area located in Vanderburgh County, Surveyor Brenner said that Vanderburgh County gave up all rights concerning Weinsheimer Ditch back in 1968, as reflected in County records.)

RE: HOEING ROAD SUBDIVISION/Boonville-New Harmony

Commissioner Willner indicated that no part of this subdivision fronts on Hoeing Rd., but it is right at the intersection; rather it fronts on Boonville-New Harmony Rd. There is an existing drain across the back and they plan to put an easement in to drain the water down Hoeing to the existing drain. The water will drain off each end of the subdivision into the ditch. In response to Commissioner Cox's query if the drainage has been addressed on Lot #4, it was noted that the natural drainage drains toward the west. Commissioner Borries moved that the drainage plans for Hoeing Road Subdivision be approved. A second to the motion was provided by Commissioner Cox. So ordered.

(continued)

RE: WESTBROOK SUBDIVISION

This subdivision is located in West Terrace area. Drainage plans for this area were approved last month. The people in Area Plan voted against this subdivision, and drainage plans was one of the reasons cited. Mr. Biggerstaff did the original calculations and Mr. Morley put out a report substantiating Mr. Biggerstaff's calculations. Commissioner Cox indicated she voted "no" on this subdivision -- but not because of the drainage plan. Rather, due to the density, the traffic and according to the minutes it indicated the water would flow west (first north then west). However, Mr. Brenner said the Drainage Board did approve the plans and Mr. Morley issued a 20-page report substantiating what the other P.E. said, that it was a sound drainage plan. Therefore, he does not see that there is any action to be taken by the Drainage Board. In response to Commissioner Willner's query as to why the matter should be back before the Drainage Board, Beverly Behme of the Area Plan Commission said the matter was to come before the Area Plan Commission at its meeting on Wednesday night, March 7th, and the APC just wants confirmation that the matter of the decision on the drainage plans has not changed. President Willner indicated that the Drainage Board has a copy of the Drainage Impact Study prepared by Morley & Associates, which reconfirms the vote of the Drainage Board concerning this subdivision.

RE: ANNUAL MAINTENANCE CONTRACT

County Surveyor Robert Brenner distributed copies of the Annual Maintenance Contract containing specifications for Cleaning & Maintenance of All Legal Drains in Vanderburgh County, noting that quite a few ditches have been added for purposes of having silt removed, etc. In particular, he directed the Board's attention to the list of ditches requiring special work rather than just spring cleaning -- removal of existing trees, stumps, etc. He said the only thing unusual -- if the Board will recall, between the City and the County we spent \$600,000 reconstructing the Wabash-Erie Canal (and Commissioner Brenner remarked the County still has a lawsuit on that project). Continuing, Mr. Brenner pointed out that we have picked up an additional 4,279 ft. What has happened is that Green River Road, which used to be a legal drain (Green River Road to Pigeon Creek Bridge) and the City took it over and this is the main outfall of Harper and the City has elected not to clean the ditch from Green River to the Bridge. If the County doesn't clean it then we'd be remiss. It has grown up in trees, etc. It has been almost four (4) years since anything has been done to it. If we don't do it, the whole project was a waste of time. He noted we can argue about it, debate it, etc., -- but we simply don't have any choice. Commissioner Willner says he has no problem with cleaning the ditch except he is not certain we can legally use the money of the people who pay the ditch assessment to do it. Mr. Brenner said "yes we can" -- it has to be -- it's an extension of the East Side Urban Ditch. Every ditch south of Morgan Avenue runs through East Side Urban. Commissioner Willner asked why the City would want to take it over if they didn't want to clean it? Mr. Brenner said it became a part of the City in 1965 and the City doesn't clean legal drains. The County has the right-of-way -- no question on that. The County obtained the right-of-way from the Railroad. Commissioner Willner said he has reservations on voting for this until he has a written opin from the County Attorney's office. Commissioner Borries asked that Mr. Brenner write an explanation and give it to him to forward to the attorneys for their advice in the matter. Mr. Brenner noted he needs to proceed and advertise. Even though we advertise it does not mean we have to accept it -- but he does have to get moving. The City pays something like \$12,000 per year for cleaning of ditches from Green River Road in -- the residents are not assessed. In reconsidering, Commissioner Willner indicated he withdrew his initial request for the written approval of the attorneys concerning the matter of the new item in the Annual Maintenance Contract. In response to Commissioner Cox's query concerning the new item, Mr. Brenner noted the new items is listed, together with the length of the ditches, and the information concerning special items such as stump-tree removal, etc. There being no further questions, Commissioner Borries moved that the Annual Maintenance Contract be advertised so they can pick up and receive bids as well as the extension of East Side Urban. Motion was seconded by Commissioner Cox. So ordered.

In response to Commissioner Cox's query as to whether Mr. Brenner had all the ditches on computer now, Mr. Brenner indicated they did not because they no longer have the computer. Commissioner Cox asked what happened to the information that was in there, is it gone, too? Commissioner Willner indicated this is software and it should still be available.

(continued)

DRAINAGE BOARD MEETING
March 5, 1984

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RE: CLAIMS

County Surveyor Robert Brenner presented two (2) claims as follows for approval by the Drainage Board:

Warrick County Treasurer -- \$2,238.00 -- Assessments collected in Vanderburgh County on Weinsheimer Ditch for the years 1979, 1980, 1981, 1982, 1983 and 1984. (This is to pay to the time that Weinsheimer Ditch first started assessing \$373.00 per year and they have not sent a blue claim since 1979.) Motion to approve this claim for payment was made by Commissioner Cox, and a second was provided by Commissioner Borries. So ordered.

Harper Ditch Maintenance -- \$11,200.00 -- Prior reconstruction engineering - paid in error from Harper Maintenance Account. When we did the Harper Ditch reconstruction, Mr. Brenner put in an additional appropriation to pay off those engineering bills that were put against that ditch to Engineering Associates in the amount of \$20,000 and we needed \$11,200 to pay it off. This was appropriated and the money was raised; now is the time to pay it off. The money is merely being taken out of the reconstruction fund to bring the Annual Maintenance Fund into the black. President Willner called for a motion. Motion to approve the transfer of the \$11,200 from the Reconstruction Fund to the Harper Ditch Maintenance Account was made by Commissioner Borries. Motion was seconded by Commissioner Cox. So ordered.

There being no further business to be brought before the Board at this time, President Willner declared the meeting adjourned at 5:30 p.m.

PRESENT:DRAINAGE BOARDCOUNTY SURVEYORCOUNTY AUDITOR

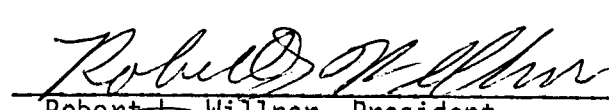
Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox

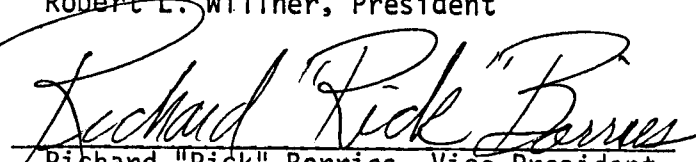
Robert Brenner

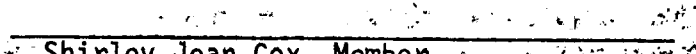
Pat Tuley, Chief Deputy

SECRETARY:

Joanne A. Matthews


Robert L. Willner, President


Richard "Rick" Borries, Vice President


Shirley Jean Cox, Member

DRAINAGE BOARD MEETING
March 26, 1984

The Vanderburgh County Drainage Board met in session this 26th day of March, 1984, in the Commissioners Hearing Room, with President Willner presiding.

The meeting was called to order at 4:15 p.m. by President Willner, who indicated the purpose of today's meeting is to receive and open bids for the cleaning of legal drains.

Motion was made by Commissioner Cox that the minutes of the previous meeting be approved as engrossed by the County Auditor and the reading of same be waived. Commissioner Borries provided a second to the motion. So ordered.

RE: EASTLAND PLACE/Drainage Ditch

David Guillaum of the County Surveyor's office read the following letter from The Skinner & Broadbent Company located in Indianapolis, Indiana:

March 19, 1984

"Mr. Robert Brenner, County Surveyor
Vanderburgh County Drainage Board
Civic Center
Room 325
Evansville, IN 47708

Re: EASTLAND PLACE -- Drainage Ditch

Dear Robert,

I spoke today with Sam Biggerstaff and he said that I should send this letter to your attention.

This letter is in regards to a potential problem with Harper Ditch. As I'm sure you're aware at Eastland Place Shopping Center, we have installed pipe from the east property line to Green River Road. On the east end per the instructions of the drainage board, we have installed a grate with bars 8" on center each way.

We understand that the grate was installed to keep children from getting into the pipe, and we concur that that is no place for children to play.

Where we need your help and guidance is that apparently in heavy rains after prolonged periods without rain, trash flows down the ditch and gets stuck on the grate and this then has the grate acting as a dam.

On Thursday this happened and the ditch nearly overflowed. This is the second time that this has happened; fortunately, on Thursday, enough pressure built up that the grate was torn loose which relieved the pressure and kept the water from overflowing.

We will get the grate reinstalled as quickly as possible and we will continue to clean up the debris left behind as we always do. Where we need your help is in finding some way to prevent this in the future.

While it is our responsibility to maintain the grille, it is not our responsibility to keep the ditch clean east from our property all the way to Division Street. People must be using the ditch as a dump, as we have cleaned up in the past everything from Christmas trees to mattresses and shopping carts.

Obviously, these items are the exception and not the rule, but we feel that we need some help before the ditch overflows and people want to hold us liable when, in fact, we have done everything requested of us.

Please review this situation, and I will call you on Friday, March 24, 1984, and we can discuss this.

Respectfully,

Steve Adams

(continued)

SA:CG

cc: Mr. Sam Biggerstaff

The Board requested that Mr. Guillaum investigate the problem and answer Mr. Adams' letter.

RE: CLAIM -- East Side Urban

A claim in the amount of \$608.65 for maintenance performed in conjunction with reconstruction (Chandler Reconstruction) was presented for approval. Motion to approve the claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: CRAWFORD/BRANDEIS PROJECT

In response to Mr. Guillaum's query concerning this project, County Attorney David Jones indicated he has talked with Mr. Guillaum several times. While he will look at the Statute, he feels it is up to the County Surveyor's office to determine who will benefit from this work -- only a portion of the residents in the watershed -- or, all residents in this particular watershed. In other words, the County Survenor's office will have to draw the line on what they can stand on, and he will look at the Statute. Attorney Jones reiterated he feels this is an engineering thing insofar as fee assessment for the ditch project -- in other words, only those residents whose property is affected by the drainage project could be assessed. If all the residents in the entire watershed benefit, then they could be assessed. But he cautioned, again, that the surveyor should draw the line on what they can stand on.

RE: BIDS FOR ANNUAL DITCH MAINTENANCE, ETC.

Motion was made by Commissioner Cox that the Board open the bids received on Annual Maintenance of Legal Drains. Motion was seconded by Commissioner Borries. So ordered.

County Attorney David Jones read the following bids:

Bidder		Amount
Commercial Ditch Cleaning	KOLB DITCH --Silt Removal & Spread Herbicide	
	1,200 L.F. @ \$1.25/ft.	\$1,500.00
	Annual Maintenance of 7,703 L.F. @ \$0.25/ft.	\$1,925.75
	Total	\$3,425.75
	AIKEN DITCH -- 1,300 L.F. of Spoil Bank,	
	Stump Removal & Spread Herbicide @ \$1.55/ft.	\$2,015.00
	Annual Maintenance of 9,911 L.F. @ \$0.27/ft.	2,675.97
	Total	\$4,690.97
	HARPER DITCH -- 4,002 L.F. of Annual	
	Maintenance @ \$0.22/ft.	\$ 880.44
(Sub-Contractor for silt and tree removal -- Blankenberger Bros.)		
(Check #213 in the amount of \$449.85 enclosed)		
Merl Hoefling	HOEFLING DITCH -- Mow and burn 5,571 ft.	
	@ \$0.10/ ft.	\$ 557.10
(\$75.00 cash enclosed)		

Bidder		Amount
Eldon Maasberg	KNEER DITCH -- Cleaning 3,036 ft. @ \$0.10/ft.	\$ 303.60
	MAASBERG DITCH -- Cleaning 2,206 ft. @ \$0.07/ft.	\$ 154.42
	Total	\$ 458.02
	(Money Order #01-002020 in the amount of \$25.00 enclosed)	
Eldon Maasberg	✓ BUENTE LATERAL "A"-Cleaning 3,666 ft.	\$ 751.53
	Stump Removal	\$ 250.00
	MAIDLOW - Cleaning 12,805 ft. @ \$0.168	\$ 2,151.24
	Silt Removal 2,100 ft. @ \$1.10	\$ 2,310.00
		\$ 5,462.77
	(Money Order in the amount of \$273.14 enclosed)	
Commercial Ditch Cleaning	POND FLAT, Lateral "D" -- 4,579 L.F. Annual Maintenance @ \$0.22/ft. (includes fallen trees within ditch)	\$ 1,007.38
	HENRY DITCH - 3,179 L.F. Annual Maintenance @ \$0.10/ft.	317.90
	Total	\$ 1,325.28
	(Check #212 in the amount of \$66.26 enclosed)	
Commercial Ditch Cleaning	MAIDLOW DITCH - 2,100 L.F. of Silt Removal @ \$1.25/ft.	\$ 2,625.00
	12,805 L.F. of Annual Maintenance @ \$0.288/ft.	\$ 3,687.84
		\$ 6,312.84
	BUENTE, LATERAL "A" - Remove stumps & fallen trees in Ditch	550.00
	3,666 L.F. of Annual Maintenance @ \$0.30/ft.	1,099.80
		\$ 1,649.80
	(Sub-contractor for silt and tree removal is Blankenberger Bros.)	
	(Check #214 in the amount of \$398.13 enclosed)	
Commercial Ditch Cleaning	EAST SIDE URBAN - North Half	
	Boesche Ditch - 600 L.F. of silt removal and spread @ \$1.35/ft.	\$ 810.00
	3,742 L.F. of Annual Maintenance @ \$0.27/ft.	1,010.34
		\$ 1,820.34
	Crawford-Brandeis Extension - 1,300 L.F. of silt removal and spread @ \$1.28/ft.	\$ 1,664.00
	1,350 L.F. of tree and stump removal @ \$1.58/ft.	2,133.00
	14,628 L.F. of Annual Maintenance @ \$0.28/ft.	4,095.84
		\$ 7,892.84
	EAST SIDE URBAN - South Half	
	Crawford/Brandeis Ditch - 15,163 L.F. of Annual Maintenance @ \$0.29/ft.	\$ 4,397.27
	Hirsch Ditch - Spoil Bank removal/bury stumps	400.00
	4,200 L.F. of Annual Maintenance @ \$0.30/ft.	1,260.00
		\$ 1,660.00
	Kelly Ditch - 1,300 L.F. of tree and stump removal @ \$1.15/ft.	\$ 1,495.00
	7,600 L.F. of Annual Maintenance @ \$0.28/ft.	2,128.00
		\$ 3,623.00
	Nurrenbern Ditch - 10,054 Ft. of Annual Mtce. @ \$0.16/ft.	\$1,608.64

(continued)

Bidder		Amount
Commercial Ditch Cleaning (continued)	Stockfleth Ditch - 6,296 L.F. of Annual Maintenance @ \$0.15 /ft.	\$ 944.40
	Wabash & Erie Canal -- 1,800 L.F. (approx.) of tree removal from bridge to twin 96" pipes @ Lump Sum	1,340.00
	Annual Maintenance of 4,279 L.F. @ \$0.35/ft.	1,497.65
	(Check #210 in the amount of \$1,239.21 enclosed)	\$ 2,837.65
Commercial Ditch Cleaning	BAEHL DITCH -- 500 L.F. of tree and silt removal @ \$1.20/ft.	600.00
	Annual Maintenance of 6,890 L.F. @ \$0.15/ft.	1,033.50
	Sub-contractor for dredging and leveling is Blankenberger Bros. (Ground application of a herbicide, one or more times to kill or control the vegetation.	\$ 1,633.50
	KEIL DITCH -- Annual Maintenance of 3,012 L.F. @ \$0.15/ft.	451.80
	(Check #211 in the amount of \$104.27 enclosed)	
Eugene C. Rexing	SINGER DITCH -- Cleaning of 2,450 ft. @ \$0.11/ft.	269.50
	(Cash in sealed envelope indicating \$14.00 enclosed).	
Norman E. Messel	SONNTAG-STEVENSON, SONNTAG-STEVENSON EXTENSION, and KEIL DITCH....cleaning 3,012 L.F. @ \$0.23/L.F.	\$ 692.76
	Sonntag-Stevens Extension -- Cleaning	240.00
1712.80	Sonntag-Stevens - 10,705 L.F. @ \$0.16/L.F. 16.8	1,798.44
	(Check #2021 in the amount of \$136.56 enclosed)	\$ 2,731.20
Big Creek Drainage Association, Inc.	LOWER BIG CREEK - 7,501 L.F. @ \$0.16/ft.	\$ 1,200.16
	POND FLAT, LAT. "C" - 9,036 L.F. @ \$0.10/ft.	\$ 903.60
	— POND FLAT, LAT. "E" - 3,616 L.F. @ \$0.10/ft.	\$ 361.60
	— RUSHER CREEK - 4,444 L.F. @ \$0.10/ft.	444.40
	BUENTE UPPER BIG CREEK - 20,195 L.F. @ \$0.17/ft.	3,433.15
7,799.73	POND FLAT MAIN - 29,351 L.F. @ \$0.26574/ft.	7,800.00
	Total	\$14,142.91
	(Check #585 in the amount of \$707.15 enclosed)	
Leo C. Paul	BARR'S CREEK -- 20,668 ft. @ \$0.17/ft.	\$ 3,513.56
1,127.93	WALLENMEYER DITCH - 8,355 ft. @ 13½¢/ft.	1,127.92
	(Cashier's Check No. 043765 in the amount of \$232.07 enclosed.)	\$ 4,641.48
Green Grasshopper Flying Service	EAGLE SLOUGH - Aerial spraying of 30,040 ft. @ 6½¢/ft. with necessary recommended broad leaf and brush killer Weedone 170, anti-drift and surfactant materials. Legal Drain to be sprayed two times -- Spring and Fall.	\$ 1,952.60
	(Check #8330 in the amount of \$196.00, guaranteed by Cynthia State Bank enclosed)	

Bidder		Amount
Union Township Ditch Assn., Inc.	BARNETT DITCH - 8,358 ft. @ \$0.01 Annual Mtce.	\$ 83.58
	KAMP DITCH - 11,160 ft. @ \$0.03 " "	334.80
	EDMUND DITCH - 15,395 ft. @ \$0.03 " "	461.55
716.61	CYPRESS-DALE MADDOX - 23,887 ft. @ \$0.03	766.01
	HAPPE-HELFRICH - 12,698 ft. @ \$0.03	380.94
		\$ 1,977.78

President Willner advised the bids would be taken under advisement.

There being no further business to be brought before the Drainage Board at this time, President Willner declared the meeting adjourned at 5:00 p.m.

PRESENT:

DRAINAGE BOARD

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox

COUNTY SURVEYOR

David Guillaum

COUNTY ATTORNEY

David Jones

COUNTY AUDITOR

Alice McBride

SECRETARY:

Joanne A. Matthews

Robert L. Willner
Robert L. Willner, President

Richard "Rick" Borries, Vice President

Shirley Jean Cox
Shirley Jean Cox, Member

Note: On March 28, 1984, the following bid was submitted by Ralph Rexing via Wayne Pascoe, who asked that it be included in the Drainage Board Minutes of the March 26th meeting:

Annual Maintenance - Pond Flat "A" - 5311 ft. x 14 ft. \$ 743.54
Annual Maintenance - Pond Flat "B" - 2797 ft. x 14 ft. 391.58

(\$57.00 cash in sealed envelope to County Auditor) \$ 1,135.12

ALL BIDS, CHECKS AND CASH given to County Auditor 3/28/84

Accepted by:

Alice McBride
County Auditor

DRAINAGE BOARD MEETING
April 2, 1984

The Vanderburgh County Drainage Board met in session this 2nd day of April, 1984, in the Commissioners Hearing Room, with President Willner presiding.

The meeting was called to order at 4:55 p.m. by President Willner, who indicated the primary purpose of today's meeting is to award bids for the cleaning of legal drains.

Following a brief discussion, motion was made by Commissioner Cox to approve the minutes of the previous meeting as engrossed by the County Auditor, with the exception of the following:

- 1) Delete "Note" referring to bid from Ralph Rexing on Pond Flat "A" and Pond Flat "B" on Page 5.
- 2) Correct bid from Big Creek Drainage Association, Inc. on Page 4 to read as follows:

LOWER BIG CREEK - 7,501 L.F. @ \$0.16¢/ft.	\$ 1,200.16
POND FLAT LAT. "C" - 9,036 L.F. @ \$0.10¢/ft.	903.60
POND FLAT LAT. "E" - 3,616 L.F. @ \$0.10¢/ft.	361.60
RUSHER CREEK - 4,444 L.F. @ \$0.10¢/ft.	444.40
BUENTE UPPER BIG CREEK - 20,195 L.F. @ \$0.17¢/ft.	3,433.15
POND FLAT MAIN - 29,351 L.F. @ \$0.26574¢/ft. (rounded to)	7,800.00
Total	\$ 14,142.91

- 3) Correct bid from Green Grasshopper Flying Service on Page 4 to read as follows:

EAGLE SLOUGH - Aerial spraying of 30,040 ft. @ 6½¢/ft. with necessary recommended broad leaf and brush killer Weedone 170, anti-drift and surfactant materials. Legal Drain to be sprayed two times - Spring and Fall @ \$1,952.60 each time. \$ 3,905.20

- 4) Correct Union Township Ditch Assn. bid on Cypress-Dale-Maddox on Page 5 to read: 23,887 ft. @ \$0.03 \$ 716.61
- 5) Correct N. Messel figure on Sonntag-Stevens Ditch to 16.8¢/ft. on Page 4.

Motion was seconded by President Willner. So ordered.

RE: PROPOSED SETTLEMENT AGREEMENT BETWEEN REINILDIS HIRSCH AND VANDERBURGH COUNTY

Attorney Miller explained that this regards a condemnation action which has been pending for many years in Warrick Circuit Court. He reminded the Board that they had authorized him to negotiate on an alternative basis with Mr. Hirsch. Vanderburgh County would either pay him \$12,000 and build the bridges in accordance with the Burkhardt Road plans or we would pay him \$18,000 and we would remove the bridges from the Burkhardt Road plans and he would build his own bridges. He has elected to take the \$18,000 offer. The document presented today says nothing about the Burkhardt Road plans because our proposal to him did not make reference to the Burkhardt Road plans. It just said "we will pay you \$12,000 and we will build your bridges" or "we will give you \$18,000 and you will build your own". So this is the settlement agreement that says we will pay him \$18,000. The next thing we have to do is make sure the bridges are removed from the plans before they are bid and let, because we will not now be building those two bridges. But this is the settlement agreement, and it is Mr. Miller's recommendation that the Board execute same and take care of the matter. It was determined that \$12,000 would come from the East Side Urban Ditch Fund and the remaining \$6,000 would come from the Burkhardt Road project. Commissioner Cox asked if this is to settle a lawsuit, could not the \$6,000 come out of our judgements account in the Commissioners' Fund? President Willner indicated the \$6,000 should come from the Road and Streets Fund, as that is where the matching funds are coming from for the Burkhardt Road project. He asked Mr. Brenner for his recommendation, who said the \$12,000 would come from East Side Urban and the rest would be our "match", which would come from Roads and Streets. A claim should be written to Mr. Hirsch from Roads and Streets account and the Auditor will pay it. Attorney Miller indicated it will be necessary to have two (2) claims presented for approval at the next Commissioners' meeting.

(continued)

President Willner called for a motion on the Settlement Agreement. Motion was made by Commissioner Cox that the Agreement between Reinildis Hirsch and Citizen's Bank and the County of Vanderburgh be approved as presented, with \$12,000 being taken from the East Side Urban fund and \$6,000 being taken from the Roads and Streets fund. President Willner provided a second to the motion. So ordered.

Attorney Miller recommended that the Agreement be held in the Commissioners' file and brought to the next Commissioners' meeting, so that Rick Borries can sign and the claims be approved...and everything be resolved at that time. So ordered.

RE: EASTLAND PLACE/HARPER DITCH

The meeting proceeded with County Surveyor Robert Brenner making reference to the letter from Steve Adams of The Skinner & Broadbent Company (included in the minutes of the Drainage Board Meeting held on March 26th). He said he knew there was a Memorandum of Understanding between the County Commissioners and Skinner & Broadbent, and he had been going through old Drainage Board Minutes to locate same. He believes part of that Memorandum of Understanding covers the Harper Ditch problem. He handed a document to President Willner, who quoted from the November 9, 1981 Drainage Minutes as follows:

"Owner, for themselves and for their grantees, successors and assigns, covenant and agree that they will maintain, repair, and inspect and be responsible for the total upkeep of said Harper Ditch running under the property of the Owner's in perpetuity in such a manner that the said Harper Ditch will be kept free from obstruction and will in no way impede the flow of drainage through the Harper Ditch drainage system."

It was noted by Mr. Brenner that this is recorded in the Recorder's office. He said they are having trouble with this grate; there are some 8" by 8" openings on the grate and things come drifting down the creek which have been thrown in there which catch on it --and there is a danger of flooding the apartments there. President Willner asked Mr. Brenner to convey to the owners a copy of the Memorandum of Understanding. Commissioner Cox interjected that she recalls the Board talked long and hard concerning this as far as County liability was concerned -- and they are just going to have to make a concerted effort to keep the grate open and not clogged up! Mr. Brenner said in telephone conversation, owner had mentioned taking the grate off -- but then the County would probably become liable -- because the reason it is on there is to try and keep kids from going into it. Commissioner Cox stated we had a child go down a grate in the downtown area. Mr. Brenner said that once you go into this one, you'd not come out of it until you were way on the other side of Eastland Mall -- so you probably wouldn't come out alive!

RE: OLD ORCHARD GREEN SUBDIVISION

County Surveyor Robert Brenner presented drainage plans for this subdivision on Cynthiana and Kuebler Roads and recommended approval of same. The Board reviewed the plans and a motion was made by Commissioner Cox to approve same. Motion was seconded by Commissioner Willner. So ordered.

RE: HIGHWAY 41 NORTH BUSINESS PARK

Discussion turned to the Highway 41 North Business Park, located on Baumgart Road, just south of Heinlein Road. Commissioner Willner commented that this land is just about as flat as you can get and there are drainage problems in this area. Beverly Behme indicated she had not even had a chance to go over these plans, as they were handed to her just moments before she left to attend today's meeting. She also noted that she was going to bring this matter up at the sub-review meeting, as she notes they should really say a Replat of Lot 5, 6, and part of 13 in Omicron (?) Industrial (zoned M-2) Area. She said there is going to be confusion regarding the legal description unless the name is changed back to what it was. Since this matter is not scheduled to come before the Area Plan Commission until May, it was determined the matter should be postponed until the Board has complete information. President Willner asked that the record show that Highway 41 North Business Park matter has been postponed until a future meeting when the Board has sufficient information.

(continued)

RE: BIDS FROM ELDON MAASBERG

Mr. Brenner advised that Mr. Maasberg is present at today's meeting. He submitted four (4) bids. On his bids on Kneer Ditch and Maasberg Ditch, no one bid against him. On Buente, Lateral "A" and Maidlow Ditch, Mr. Maasberg was the low bidder. The only problem with that is, his low bid was logged in at the Auditor's Office at 9:45 a.m., and the bid specifications clearly state that the bids are to be submitted by 9:30 a.m. The opposing bid on Buente "A" and Maidlow is considerably higher. Commissioner Willner called for a motion to waive the 9:30 a.m. closing on the bids to 9:45 a.m., but County Attorney David Miller said he did not think Mr. Willner should do that. Rather, the Board should reject all bids and have the matter rebid at a future date. Mr. Brenner said we're talking about a difference roughly \$1,900 on the Maidlow Ditch and \$600 on the Buente Lateral "A" or roughly a \$2,500 difference. Commissioner Cox asked how much it would cost to readvertise, to which Mr. Brenner said something like \$20.00, a minimal amount. Attorney Miller advised, however, that you do not have to readvertise. Once the advertisement has run, you can ask for bids.

Commissioner Cox asked Mr. Maasberg if the time logged on his bid was correct? He said he was in the Auditor's office by 9:30 a.m., but he had to wait to have the bid notarized; by the time this was done and the bid sealed, it was 9:45 a.m. Commissioner Willner remarked then, that the bid was not notarized when it was brought in and that is why it was late. Mr. Maasberg interjected there was something else -- he is not happy with the way Commercial Ditch Cleaning is cleaning the ditch. He showed the Board some photos of Buente Lateral "A". Again, Commissioner Willner asked Attorney Miller if the Board just couldn't waive the 9:30 a.m. deadline; but Attorney Miller said he felt the Board would just be asking for it! Commissioner Cox asked if it is customary for the Auditor's office to not show the bids were received until they were notarized? President Willner responded by stating it was not a proper bid until such time as it was notarized.

Continuing, Commissioner Cox asked if the Kneer and Maasberg ditches came in on time; Mr. Brenner responded, "no", but said they were unopposed. Commissioner Cox, however, pointed out that the principle is the same. The advertisement clearly states that "Any bid received after the designated time, for any reason, will be returned to the bidder unopened." Mr. Brenner then said that the bid on Pond Flat "A" and Pond Flat "B" was also late (received March 28th) but it was unopposed. In any event, Commissioner Cox said perhaps someone should have told Mr. Brenner, or since the times logged in were on the envelopes they shouldn't have been opened at the March 26th meeting -- and we could have gotten into this. Following brief comments, Commissioner Cox moved that the following ditches be readvertised for bids on Annual Maintenance:

- Buente Lateral "A"
- Maidlow
- Kneer
- Maasberg
- Pond Flat "A"
- Pond Flat "B"

The motion was seconded by President Willner. So ordered.

Mr. Brenner said that inasmuch as we're going to rebid these ditches, he would like to rewrite the specs on Maidlow Ditch. He said there are two hairpin curves -- one large one and one small one -- and they are being dredged. We were just going to take the silt out of them. However, the farmer is amenable to giving us a right-of-way to dig across the bottom of the hairpin curves; so we will rewrite it that way. It will be a definite improvement for the ditch.

RE: AWARDING OF BIDS FOR ANNUAL DITCH MAINTENANCE, ETC.

Discussion again turned to the bid from Big Creek Drainage Association, in which there were some discrepancies in the figures on the per foot quote and an extension which had been rounded off, etc. Commissioner Cox said that perhaps some of the figures had been read incorrectly, as the new correct figures did not coincide with what she had written down initially. The Auditor's office had, however, produced the original bids and all figures were double checked before proceeding with awarding the bids.

There being no further questions, County Surveyor Robert Brenner presented the following for approval:

Bidder		Amount
<u>Commercial Ditch Cleaning</u>	<u>Kolb Ditch - Silt Removal & Spread Herbicide</u> 1,200 L.F. @ \$1.25/ft. Annual Maintenance of 7,703 L.F. @ \$0.25/ft.	\$ 1,500.00 1,925.00 \$ 3,425.75
	<u>Aiken Ditch - 1,300 L.F. of Spoil Bank, Stump Removal & Spread Herbicide @ \$1.55/ft.</u> Annual Maintenance of 9,911 L.F. @ \$0.27/ft.	\$ 2,015.00 2,675.97 \$ 4,690.97
	<u>Harper Ditch - 4,002 L.F. of Annual Maintenance @ \$0.22/ft. (Sub-Contractor for silt and tree removal - Blankenberger Bros.)</u>	\$ 880.44
(Motion to accept bid made by Commissioner Cox, with a second from President Willner)		
<u>Merl Hoefling</u>	<u>Hoefling Ditch - Mow and burn 5,571 ft. @ \$0.10/ft.</u>	\$ 557.10
(Motion to accept bid made by Commissioner Cox, with a second from President Willner)		
<u>Commercial Ditch Cleaning</u>	<u>Pond Flat, Lat. "D" - 4,579 L.F. Annual Mtce. @ \$0.22/ft. (includes fallen trees within ditch.)</u>	\$ 1,007.38
	<u>Henry Ditch - 3,179 L.F. Annual Maintenance @ \$0.10/ft.</u>	317.90 \$ 1,325.28
(Motion to accept bid made by Commissioner Cox, with a second from President Willner)		
<u>Commercial Ditch Cleaning</u>	<u>EAST SIDE URBAN - NORTH HALF</u> <u>Boesche Ditch - 600 L.F. of silt removal and spread @ \$1.35/ft.</u> 3,742 L.F. of Annual Maintenance @ \$0.27/ft.	\$ 810.00 1,010.34 \$ 1,820.34
	<u>Crawford-Brandeis Extension - 1,300 L.F. of tree and stump removal @ \$1.28/ft.</u> 1,350 L.F. of tree & stump removal @ \$1.58/ft. 14,628 L.F. of Annual Mtce. @ \$0.28/ft.	\$ 1,664.00 2,133.00 4,095.84 \$ 7,892.84
	<u>EAST SIDE URBAN - SOUTH HALF</u> <u>Crawford-Brandeis Ditch - 15,163 L.F. of Annual Maintenance @ \$0.29/ft.</u>	\$ 4,397.27
	<u>Hirsch Ditch - Spoil Bank Removal/Bury Stumps</u> 4,200 L.F. of Annual Maintenance @ \$0.30/ft.	\$ 400.00 1,260.00 \$ 1,660.00
	<u>Kelly Ditch - 1,300 L.F. of tree and stump removal @ \$1.15/ft.</u> 7,600 L.F. of Annual Maintenance @ \$0.28/ft.	\$ 1,495.00 2,128.00 \$ 3,623.00
	<u>Nurrenbern Ditch - 10,054 L.F. of Annual Maintenance @ \$0.16/ft.</u>	\$ 1,608.64
	<u>Stockfleth Ditch - 6,296 L.F. of Annual Maintenance @ \$0.15/ft.</u>	\$ 944.40

(continued)

DRAINAGE BOARD MEETING
April 2, 1984

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Bidder		Amount
<u>Commercial Ditch Cleaning</u> (continued)	Wabash & Erie Canal - 1,800 L.F. (approx.) of tree removal from bridge to twin 96" pipes @ Lump Sum Annual Maintenance of 4,279 L.F. @ \$0.35/ft.	\$ 1,340.00 1,497.65
(Motion to accept bid made by Commissioner Cox with a second from President Willner)		\$ 2,837.65
<u>Commercial Ditch Cleaning</u>	Baehl Ditch - 500 L.F. of tree and silt removal @ \$1.20/ft. Annual Maintenance of 6,890 L.F. @ \$0.15/ft. (Sub-Contractor for dredging and leveling is Blankenberger Bros. Ground application of a herbicide, one or more times to kill or control the vegetation.)	\$ 600.00 1,033.50 \$ 1,633.50
	* Keil Ditch - Annual Maintenance of 3,012 L.F. @ \$0.15/ft.	\$ 451.80
(Motion to accept bid made by Commissioner Cox with a second from President Willner)		
<u>Eugene C. Rexing</u>	Singer Ditch - Cleaning of 2,450 ft. @ \$0.11/ft.	\$ 269.50
(Motion to accept bid made by Commissioner Cox with a second from President Willner)		
<u>Norman E. Messel</u>	Sonntag-Stevens Extension - Cleaning Sonntag-Stevens - Cleaning 10,705 L.F. @ \$16.8¢/ft.	\$ 240.00 1,798.44 \$ 2,038.44
(Motion to accept bid made by Commissioner Cox with a second from President Willner)		
<u>Big Creek Drainage Association, Inc.</u>	Lower Big Creek - 7,501 L.F. @ \$0.16/ft. Pond Flat, Lat. "C" - 9,036 L.F. @ \$0.10/ft. Pond Flat, Lat. "E" - 3,616 L.F. @ \$0.10/ft. Rusher Creek - 4,444 L.F. @ \$0.10/ft. Buente Upper Big Creek - 20,195 L.F. @ \$0.17/ft. Pond Flat Main - 29,351 L.F. @ \$0.26574/ft. (\$7799.73 has been rounded to \$7800.00)	\$ 1,200.16 903.60 361.60 444.40 3,433.15 7,800.00 \$ 14,142.91
(Motion to accept bid made by Commissioner Cox with a second from President Willner)		
<u>Leo C. Paul</u>	Barr's Creek - 20,668 ft. @ \$0.17/ft. Wallenmeyer Ditch - 8,355 ft. @ 13½¢/ft.	\$ 3,513.56 1,127.92 \$ 4,641.48
(Motion to accept bid made by Commissioner Cox with a second from President Willner)		
<u>Green Grasshopper Flying Service, Inc.</u>	Eagle Slough - Aerial spraying of 30,040 ft. @ 6½¢/ft. with necessary recommended broad leaf and brush killer Weedone 170, anti-drift and subfactant materials. Legal drain to be sprayed two times - Spring and Fall @ \$1,952.60 ea. time.	\$ 3,905.20
(Motion to accept bid made by Commissioner Cox with a second from President Willner)		
<u>Union Township Ditch Association, Inc.</u>	Barnett Ditch - 8,358 ft. @ \$0.01/ft. Annual Maintenance Kamp Ditch - 11,160 ft. @ \$0.03/ft. Edmund Ditch - 15,395 ft. @ \$0.03/ft. Cypress-Dale-Maddox - 23,887 ft. @ \$0.03 Happe-Helfrich - 12,698 ft. @ \$0.03	\$ 83.58 334.80 461.85 716.61 380.94 \$ 1,977.78
(Motion to accept bid made by Commissioner Cox with a second from President Willner)		

*Norman Messel also bid on Keil Ditch for a total of \$692.76, but Mr. Brenner recommended the Board accept the low bid from Commercial Ditch Cleaning, and the Board opted to take the low bid.

(continued)

DRAINAGE BOARD MEETING
April 2, 1984

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There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 5:05 p.m.

<u>PRESENT:</u>	<u>DRAINAGE BOARD</u>	<u>COUNTY SURVEYOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner Shirley Jean Cox	Robert Brenner	David Miller
	<u>AUDITOR</u>	<u>AREA PLAN</u>	
	Pat Tuley	Beverly Behme	
<u>SECRETARY:</u>	Joanne A. Matthews		

Robert L. Willner
Robert L. Willner, President

Richard Borries
Richard Borries, Vice President

Shirley Jean Cox
Shirley Jean Cox, Member

DRAINAGE BOARD MEETING
April 30, 1984

The Vanderburgh County Drainage Board met in session this 30th day of April, 1984, in the Commissioners Hearing Room, with President Willner presiding.

The meeting was called to order at 4:35 p.m. by President Willner. A motion was made by Commissioner Borries that the minutes of the previous meeting be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: ADVERTISEMENT RE DRAINAGE BOARD MEETINGS

The meeting proceeded with President Willner reading the Public Notice concerning Drainage Board Meetings, as follows:

"NOTICE OF MEETINGS
OF THE
VANDERBURGH COUNTY
DRAINAGE BOARD

Notice is hereby given that for the remainder of calendar year 1984, the Vanderburgh County Drainage Board will conduct meetings following the regularly scheduled weekly meetings of the Vanderburgh County Board of Commissioners, held in Room 307 (Commissioners Hearing Room) in the Civic Center Complex.

However, no Drainage Board Meetings will be held following the Board of Commissioners scheduled night meetings, which are normally held on the third Monday of the month.

Dated this 23rd day of April, 1984

VANDERBURGH COUNTY
DRAINAGE BOARD

Robert L. Willner

Richard Borries

Shirley Jean Cox

ATTEST: Alice McBride, Auditor

Vanderburgh County, Indiana

(Courier & Press: April 30, 1984)"

President Willner explained that the foregoing advertisement will, hopefully, provide a solution... to the questions raised last week concerning the legality of these meetings, because they were not advertised. Mr. Willner said the Drainage Board Members are paid by the day, and there is not enough money in the budget to hold a meeting every week. This would be expensive and ridiculous. Therefore, prior to the weekly Commissioners' Meeting, an announcement will be made as to whether or not a Drainage Board Meeting will be held following the Commissioners' Meeting, if this is agreeable to the members. Commissioner Cox indicated she would rather have seen one meeting scheduled on a definite day of the month so the members would all know about it, and others scheduled on an emergency basis. However, this is already published. President Willner said, however, that the matter was discussed at great length last week and what is happening is not under the members control. He said at times someone comes in on Friday evening in a huff and they've got everything ready for a meeting -- and if it's 4:00 p.m. or after, it's all over until the following week and everyone is in trouble. It was thought this advertisement would be the "out" for the Board. This should suffice for the public, should anyone wish to come to the meeting to be heard. Again, the Commissioners will know ahead of time when a Drainage Board Meeting is scheduled. Commissioner Cox said she would like to know on a Monday morning if a meeting is scheduled. President Willner said that the Commissioners' Office is to be notified by no later than Friday morning as to whether a Drainage Board Meeting is scheduled -- so, it can be placed on the Agenda for the following Monday. No call - no meeting!

(continued)

RE: U.S. Highway 41 North Business Park (Omicron Subdivision)

County Engineer Andy Easley presented a copy of the Primary Plat of the 41 North Business Park, showing the storm drainage facilities proposed for the subdivision, as well as copy of the storm water runoff and hydraulic design calculations for the culvert and inlet at the west end of the street to the Board for their review. He indicated these plans need to be approved as soon as possible, so the subdivision can be placed on the agenda for the Area Plan Commission Meeting to be held on May 2nd. The plans involve Lots 5 and 6 and a portion of Lot 13. With regard to questions concerning the size of the pipe, Mr. Easley indicated it probably would be no larger than twenty-four (24) inches, as the ditch is really not very deep. It was noted the plans call for a 24-inch corrugated metal pipe. President Willner noted there is a 40-ft. right of way, and said there is about 500 ft. of street sloping to the west. After a thorough review of the plans, motion was made by Commissioner Cox that the drainage plans for Replat of Lots 5, 6, and portion of Lot 13 be approved. Commissioner Borries provided a second to the motion. So ordered.

RE: WABASH-ERIE CANAL

David Guillaum advised that we had a section of Wabash-Erie Canal described in letter (about 500 ft. west of Stockwell) -- which probably was mentioned by Bob Brenner earlier -- wherein a large section of the ditch itself slipped down into the flow line along with about six (6) trees on the bank. We had to have this area removed, which was accomplished as an emergency contract at a cost of \$1,109.00. Had we not done this there would have been serious problems, as it was blocking about 50% of the flow in the channel. Mr. Guillaum said, however, that the Surveyor's Office is going to ask the Drainage Board for additional work. On the Hirsch, Kelly, Aiken, Wabash-Erie, Boesche, Baehl, and Crawford-Brandeis ditches, all had areas that had extensive amount of silt taken out. This was all done by a separate contract. After looking at these, again, the Surveyor's Office feels that we should call for additional seeding to be placed on these banks -- so that we don't wind up with everything we've done to date going down the creek. Cost for all would be about \$1,800.00, at about 27¢ per unit ft., which is the same cost the contractor had on his unit price on seeding for the rest of the ditches. But we definitely want those areas which are bare now to have some seed planted on them, so we don't have the whole darned thing slipping back down to the bottom again. Commissioner Willner asked if the Surveyor's office is going to divide that cost up per ditch? Mr. Guillaum said, "yes", they will not confuse the Board by giving it to them in a lump sum. But we will have an additional cost of 27¢ per foot just for the areas dug out. Commissioner Willner indicated he agreed with the surveyor's recommendation. Motion to proceed with this additional work was made by Commissioner Cox, with a second to the motion being provided by Commissioner Borries. So ordered.

RE: KOLB DITCH MAINTENANCE PROBLEM

Mr. Guillaum read the following letter sent to the Youngs at 2009 Chickasaw Drive, concerning Kolb Ditch Right-of-Way:

"Mr. Ralph A. Young
Mrs. Ruth Young
2009 Chickasaw Drive
Evansville, IN 47715

Dear Mr. & Mrs. Young,

Five poles and a cable have been installed on your Real Estate Lot 33 Chickasaw Park, known as 2009 Chickasaw Drive, Vanderburgh County, Indiana. The poles and cable are located in such a manner as to obstruct the normal maintenance of Kolb Ditch, a Vanderburgh County Legal Drain.

You are hereby notified to remove this obstruction from the Kolb Ditch Right-of-Way within 10 days of the receipt of this notice.

Attached are copies of State Laws 19-4-6-1 and 19-4-6-2, which pertain to this action.

Sincerely,

(continued)

Robert W. Brenner
Vand. County Surveyor

RB/tf"

The foregoing letter was sent via Certified Mail, Return Receipt Requested. Mr. Guillaum said the County is in the process of cleaning Kolb Ditch at present, and they have stopped just short of his property. He said the County has dealt with Mr. Young a couple of times in the past. He has told the contractor in no uncertain terms that he does not want any equipment on his property (as he refers to it). However, Mr. Guillaum explained that we are actually talking about the 75-ft. easement, which the County has for maintenance. President Willner asked Mr. Guillaum if he could explain to the Board just what Mr. Young was using the poles and cable for? Mr. Guillaum said Mr. Young actually had a fence, and he had a clothes line, as well as shrubs in the area. Possibly we can move around those. The point is, however, he has refused to move them and has refused to let the contractor onto his property. Mr. Guillaum talked to the Sheriff before today's meeting, and on Tuesday or Wednesday of this week they are going to move the equipment back in to this point and try to clean the ditch. At that time, the surveyor's office will have an escort, so that everything is understood. President Willner asked if Mr. Young replied to the surveyor verbally or in writing? Mr. Guillaum said he replied via telephone. Commissioner Cox asked how long Mr. Young has lived at his current address? Mr. Guillaum said for quite some time. Commissioner Cox asked if we go thru this every year? Mr. Guillaum said we go thru this every time we have to get on his property. Mrs. Cox asked if we clean the ditches every year? Mr. Guillaum said on this we're going to be dipping it out. We don't dip them out every year -- sometimes we spray them. The last time this ditch was dipped out was probably 3-4 years ago, and we had the same problem. The contractor tried to work as much as he could from the other side -- and it was a mess. Last time Don Barnett had the contract. This time, Commercial Ditch Cleaning has the contract. Both the contractors have experienced the same problem with Mr. Young; apparently he simply does not understand the 75-ft. easement.

RE: CRAWFORD-BRANDEIS PIPE PROJECT

Mr. Guillaum said this project has been kicked back and forth for some time. He said he has spoken with Commissioner Borries at least a couple of times concerning this project. The Surveyor's Office now has their information put together as to the Surveyor's Report, which will give the Board the location, a cost estimate for the project, and the affected property owners. What they want to do at this time is to schedule a Public Hearing, which is what we have to do. At this Hearing, the Surveyor will come forward with the pertinent information and give it to the Board. But the first step is to pick a day for the Hearing (it could be done during a Board of Commissioners Meeting) and advertise it in the paper and get on with the project.

Commissioner Willner indicated that there was some discussion concerning this project during the last Drainage Board Meeting and the Board turned the matter over to the County Attorney to determine who should pay for this project. Has that determination been made? Mr. Guillaum said the County Attorney put the ball back in the Surveyor's court! Mr. Guillaum said the Surveyor's Office has arbitrarily picked a benefit area; this is not necessarily the entire drainage area...and it is not necessarily the people next to the ditch. After reading the Drainage Code, this is what the Surveyor's Office feels to be a fair determination of the affected property owners. In response to Commissioner Willner's query concerning the percentage, Mr. Guillaum said in the neighborhood of 30%-40% (about 200 people)...but he does not want to actually say today, as they have the specific figures. But all they're doing right now is to ask the Drainage Board to pick a date for the Public Hearing, and at that time the Surveyor's Office will present all the specific figures on the project. Commissioner Willner asked if the entire watershed had to be notified? Mr. Guillaum said we have to run an advertisement in the newspaper and go through the regular advertising procedures (one week and a certain amount of days in between). As to whether the ad in the paper will suffice or whether we have to notify each of the individuals, he does not know. Commissioner Cox said she thought the individuals had to be notified. Commissioner Willner said that if it involves 30% or better of the individuals in the watershed, he thinks they have to be personally notified. Mr. Guillaum suggested that we then give ourselves enough time to do this. Commissioner Willner said he feels it is very clear with the Commissioners that they all decided it needed to be done and that we are ready to proceed. Therefore, Mr. Guillaum has the Board's permission to go ahead and advertise, whenever it works best, and advise the Commissioners when that will be -- allowing sufficient time. Commissioner Willner advised that the individuals should be

(continued)

notified by registered mail. Motion to advertise the Public Hearing and notify the individuals via registered mail was made by Commissioner Borries, with a second to the motion being provided by Commissioner Cox. So ordered.

RE: MAINTENANCE OF BUENTE "A" & MAIDLOW DITCHES

Mr. Guillaum said that apparently the Big Creek Ditch Association would like to take over the annual maintenance of the Buente "A" and Maidlow Ditches...or, at least be invited to bid. Of course, they can bid anytime they want to; but, they apparently would like to have that included in their maintenance. Mr. Guillaum said it was Mr. Brenner's feeling that we perhaps need to have a Public Hearing for that, also. Commissioner Willner said he did not believe we do -- they are legal drains and anybody can bid; we give it to the contractor we feel can do the best job. Commissioner Cox said she also did not feel we need to have a Public Hearing on this. Commissioner Borries asked if we've already issued the contracts for 1984? Mr. Guillaum said, "not for Buente and Maidlow, because we had problems with late bids on those ditches." We need to make some determination in taking the bids on Buente "A" and Maidlow.

RE: CRAWFORD-BRANDEIS PIPE PROJECT

With regard to the Public Hearing, it was the consensus that perhaps this Hearing should be scheduled for the latter part of May. Commissioner Cox suggested the Board of Commissioner May Night Meeting, as there is only one rezoning on the agenda, that of Paul Bitz re the Perry Heights School area subdivision. Further, it will give people a better opportunity to attend, should they have questions. Many times, people attend just because they want to know what is going on. President Willner said Mr. Guillaum has the Board's permission to go ahead and advertise, and do whatever is necessary to prepare for this Public Hearing.

RE: MEMORANDUM OF UNDERSTANDING BETWEEN VANDERBURGH COUNTY & SKINNER & BROADBENT CO.

Mr. Guillaum read the following letter sent to Skinner & Broadbent:

"The Skinner & Broadbent Co.
Mr. Steve Adams
320 N. Meridian Street
Indianapolis, IN 46204-1779

Dear Mr. Adams,

Under the Memorandum of Understanding between Vanderburgh County and Skinner & Broadbent, article 5 Maintenance of Ditch states that Skinner & Broadbent is to maintain ditch. We will attempt to keep people from using the ditch as a dump.

Attached is a copy of the Memorandum of Understanding.

Sincerely,

Robert W. Brenner
Vanderburgh Co. Surveyor

RWB/tjf"

With regard to maintenance of inlets, etc., of Harper Ditch (Eastland Estates), Mr. Guillaum said we had sent Mr. Adams a copy of Memorandum of Understanding and letter, and said we had told Skinner Broadbent we would attempt to keep people from using this ditch as a dump, but they are responsible for the maintenance. Commissioner Willner suggested that Mr. Guillaum alert the Sheriff to be on the lookout for individuals using the ditch as a dump area. All we can do is try.

(continued)

RE: MAIDLOW DITCH CURVE, ETC.

President Willner indicated he had a letter to/from Helen Nuebling concerning the straightening of the curve in the Maidlow Ditch, and she has given the County permission to do so, as follows:

"YES, I, Helen Nuebling, do give the Vanderburgh County Drainage Board my permission to realign Maidlow Ditch as described in this document.

April 24, 1984"

(Note: Copy of letter and permission document attached hereto as a part of the permanent records.)

RE: CLAIMS

The following claims were presented to the Board for approval by Mr. Guillaum:

- (1) BAEHL DITCH.....Commercial Ditch Cleaning....for 500 L.F. of Silt Removal @ \$1.20 per L.F. \$ 600.00
Motion to approve claim made by Commissioner Borries, with a second to the motion from Commissioner Cox. So ordered.
- (2) BOESCHE DITCH...Commercial Ditch Cleaning...for 600 L.F. of Silt Removal @ \$1.35 per L.F. \$ 810.00
Motion to approve claim made by Commissioner Borries, with a second to the motion from Commissioner Cox. So ordered.
- (3) CRAWFORD-BRANDEIS EXTENSION....Commercial Ditch Cleaning.... for 1,300 L.F. of Silt Removal @ \$1.28 per L.F. \$1,664.00
1,350 L.F. of Tree Removal @ \$1.58 per L.F. 2,133.00
Motion to approve claim made by Commissioner Borries, with a second from Commissioner Cox. So ordered. Total \$3,797.00
- (4) EASTSIDE URBAN - SOUTH HALF, WABASH-ERIE CANAL.....Commercial Ditch Cleaning.... for Tree and Stump Removal \$1,340.00
Motion to approve claim made by Commissioner Borries, with a second to the motion from Commissioner Cox. So ordered.
- (5) EASTSIDE URBAN - SOUTH HALF, KELLY DITCHCommercial Ditch Cleaning.....for 1,300 L.F. of Tree Removal @ \$1.15 per L.F. \$ 1,495.00
HIRSCH DITCH.....Spoil Bank Removal 400.00
Motion to approve claim made by Commissioner Borries, with a second to the motion from Commissioner Cox. So ordered. Total \$ 1,895.00
- (6) AIKEN DITCH.....Commercial Ditch Cleaning.....Stump Removal & Spoil Bank Leveling - 1,300 L.F. @ \$1.55 per L.F. \$ 2,015.00
Motion to approve claim made by Commissioner Borries, with a second to the motion from Commissioner Cox. So ordered.
- (7) KOLB DITCH....Commercial Ditch Cleaning....1,200 L.F. Silt Removal & Seeding @ \$1.25 per L.F. \$ 1,500.00

Approval denied; while everything has been done on this project with the exception of some 100 ft. across the Ralph Young property, it was felt the claim should be held until this work is accomplished.

(continued)

President Willner asked Mr. Gullaum if there is some reason we started paying in halves? Can't we wait until some of these ditches are done? Is there some particular reason why the Surveyor's office would do half of one ditch and half of another ditch and then come back and bill? Why can't they just complete one ditch and bill it....it's going to be confusing to him, as well as the rest of the Commissioners. Discussion returned to the claim for Crawford-Brandeis Extension (North Half), and Mr. Gullaum said he thought when the ditch was bid it was bid as the "North Half". Commissioner Cox referred the group to Page 3 of the March 26th minutes, wherein it indicates "Crawford-Brandeis Extension, 1300 L.F.....but Mr. Gullaum said the extension is actually the ditch further around Burkhardt Road and Lincoln....but this is silt removal. Crawford-Brandeis North is actually the ditch out around Hirsch Road. Again, it was noted the claim presented for approval today was for silt removal and tree removal only.....for Crawford-Brandeis Extension.

RE: ADLER/MANN ROAD

Commissioner Borries advised that Mr. Adler off of Mann Road called him last night. As per the agreement, he was willing to accept the fee for the property, but he wanted all the dirt. When this was discussed earlier, what the Commissioners were talking about all the dirt...was perhaps some dirt is going to be needed to raise Mann Road....to raise it roughly about the level of the bridge. However, as Mr. Borries recalls, if he wanted the dirt, the County would have to bring in other dirt. Was there anything in that agreement that said who was going to get all the dirt regarding those ditches along Mann Road? Commissioner Willner said it was his understanding that they were not to haul any dirt off the site. They were going to put some on the road to raise it up -- and the rest was to go over in his field. Commissioner Cox said that in Mr. Adler's letter to the attorneys, he asked for "X" number of dollars settlement and all the dirt off the road, but she does not believe the Commissioners approved that. The Commissioners did approve the "X" number of dollars, but they did not approve all the dirt. Mr. Borries said that he and Mr. Adler did not talk about money; and he advised him to get with his attorneys regarding the dirt-- that was Mr. Adler's major concern. He felt that if the County would be doing some ditch work along there, that there might be enough dirt that could be used on Mann Road....but that he wanted the dirt from the ditches so he could build a levee to protect his property from flooding along that area.

RE: S.R. 66 BETWEEN BELL ROAD & FRAME ROAD

President Willner read the following letter from the Indiana Department of Highways:

"April 27, 1984

Mr. Michael Feldbusch
Warrick County Surveyor
Boonville, Indiana 47601

RE: S.R. 66 Between Bell Road & Frame Road

Dear Mr. Feldbusch:

In regard to your letter of April 17, 1984, concerning the drainage problem at the above referenced location, please be advised that the Department of Highways Investigations, Studies and Proposed Solutions remain the same as in past years.

Our most recent investigation of the ditches and structures within this area (February 1983 and July 1983) revealed no problems that would hamper the flow of water on our right of way. We also believe that no major problems with flooding have occurred within the last eight or nine years and none since the cleaning of the Weinsheimer Ditch. This was verified by the Boonville Unit Foreman.

Drainage problems occurring off our right of way and in the county are not within our Jurisdiction. The Department of Highways can do nothing except what we are legally bound by Indiana Statutes and Department of Highway policies. Your specific reference to Pigeon Creek through Vanderburgh County being of insufficient flow should be addressed to the Vanderburgh County Drainage Board. We agree the drainage problem will probably worsen as more development is permitted in this area. The Department of Highways, however, believes this matter should be the concern of the Warrick County Plan Commission and the County Drainage

(continued)

DRAINAGE BOARD MEETING
April 30, 1984

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Board.

Thank you for your letter and we appreciate your concern for the safety of the traveling public. You may rest assured that the Department of Highways will continue to monitor our ditches and structures for any situation or blockages that might cause flooding in this area.

Sincerely,

Aden B. Carr
District Engineer

ABC/RLP/WP/aa

cc: George Chamberlain, District Permit Engineer
George Gossard, Superintendent, Evansville
Vanderburgh County Drainage Board
Road & Sec. File (S.R. 66 Sec. 87)

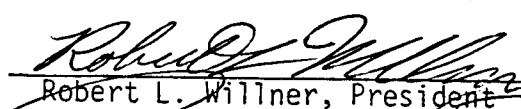
RE: MISCELLANEOUS

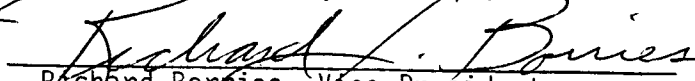
President Willner asked if there was any other business to come before the Board. Commissioner Cox asked if the Surveyor's Office readvertised the bids on the various ditches (Maidlow, Buente, Maasberg, Kneer, Pond Flat "A" and Pond Flat "B")? Commissioner Willner asked Mr. Guillaum if we had to readvertise the ditches we did not get a bid on? He said he believes there is a law that says we can go ahead and award them to somebody. However, it was noted that Mr. Brenner was rewriting the specs on Maidlow to include the straightening of the hairpin curves, etc., and it was agreed that he would readvertise. Mr. Guillaum said he believes Commissioner Willner has a point, however, we may not have to readvertise. Commissioner Willner said he thinks we should this time, because we had a problem with the bids being in on time and the bidders should be given chance to bid. In the future, however, if we do not have a bid on a ditch, he believes the law says we can have it done at our discretion.

There being no further business to come before the Board, President Willner declared the meeting adjourned at 5:35 p.m.

<u>PRESENT:</u>	<u>DRAINAGE BOARD</u>	<u>COUNTY SURVEYOR</u>	<u>COUNTY ENGINEER</u>	<u>AUDITOR</u>
	Robert L. Willner Richard Borries Shirley Jean Cox	David Guillaum	Andy Easley	Alice McBride
	<u>COUNTY ATTORNEY</u>	<u>AREA PLAN</u>		
	Cedrick Hustace	Beverly Behme		

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard Borries, Vice President


Shirley Jean Cox, Member

DRAINAGE BOARD MEETING
MAY 29, 1984

The Vanderburgh County Drainage Board met in session this 29th day of May, 1984, in the Commissioners Hearing Room, with President Willner presiding.

The meeting was called to order at 4:20 p.m. by President Willner. A motion was made by Commissioner Borries that the minutes of the previous meeting held on April 30th be approved as engrossed by the County Auditor and the reading of same be waived. Commissioner Cox provided a second to the motion. So ordered.

RE: COUNTY SURVEYOR'S OFFICE.....David Guillaum

Mr. Guillaum suggested that the Board authorize Attorney David Miller to proceed to open the bids received and prepare them for presentation to the Board, while other matters were being discussed. Motion to instruct Attorney Miller to open bids was made by Commissioner Borries with a second from Commissioner Cox. So ordered.

RE: BRENTWOOD SUBDIVISION.....Barbara Cunningham

Mrs. Barbara Cunningham of the Area Plan Commission approached the Commissioners, together with Messrs. Guillaum and James Morley. She explained that originally the area being discussed was known as Pine Lake Subdivision and there was just one house owned by the owner of the property. It has now been sold; so, there will be some changes on the wordage and the names before it comes to the APC. She said that Mr. Morley is here to discuss the drainage plans. Mr. Morley said the drainage of this site all goes into the existing lake -- there are no changes, with the exception of pipe size. There is an 18-inch pipe. The road is concrete and there are curb turn-outs to the ditches. Actually, the primary concern of drainage here is the control of the roads during construction. Mr. Guillaum indicated that Mr. Morley had discussed these drainage plans with him and County Surveyor Bob Brenner prior to today's meeting. As far as they can tell, everything is exactly right. Everything is going into the lake; he has another overflow structure. The difference in the elevation is to the extent that we would not have any water standing anywhere. Commissioner Willner asked if we could talk the developer into putting in blacktop instead of concrete? Mr. Morley said he thought the developer was going to opt for the concrete because of the low curbs. He was going blacktop on the culverts, then decided he would probably have too many erosion problems on the shoulders. Concrete curbs and asphalt streets now wind up costing about 20% more than just a plain concrete street. What they have been considering is the possibility of using some aggregate under the road basin areas -- where there is a possibility of erosion which has already occurred. A lot of it is where they cut into the hills and there is a stream seeping out underneath. So, they're going to use crushed stone under the drains. Mr. Morley has been discussing this problem with the gentleman from Indiana Concrete and they believe that perhaps aggregate in those areas underneath the concrete is the answer. Commissioner Willner asked if they are going to ask the County to maintain these roads? The new owner is changing the lot configuration a bit and making the lots somewhat larger. Commissioner Willner asked Mr. Guillaum what the recommendation of the County Surveyor's office was? Mr. Guillaum said they recommended that the plan be approved. Commissioner Borries made a motion that the plans be approved. Commissioner Cox provided a second to the motion. So ordered.

RE: UBELHOR PLACE SUBDIVISION..Barbara Cunningham

Mr. Guillaum said that according to the information given to the Surveyor's Office on the developer's calculations, they could find no problems. He is not going to be adding that much water. There is good run-off. There are three (3) lots, and he is adding two (2) more. President Willner asked Mr. Guillaum for the recommendation of the County Surveyor concerning the drainage plans for this subdivision. He indicated the Surveyor recommended approval. Commissioner Cox moved that the drainage plans be approved, and Commissioner Borries provided a second to the motion. So ordered.

RE: STORM SEWER INSTALLATION/HARMONY HOMESJohn Neidig

Commissioner Cox questioned what was shown on the Commissioner's Agenda as scheduled for discussion at the Drainage Board Meeting. Mr. Guillaum explained that what Mr. Neidig wants to do is actually move the ditch so that he can have two more usable lots. In looking at the plans, he said it currently winds around and by doing that, it is chopping the lots up. What Mr. Neidig wants to do is to actually put it into a 24-inch concrete pipe from a designated inlet to a manhole, turn and go with a 30-inch pipe and back on out. Mr. Guillaum said the surveyor's office does not have any problem with the pipe size. Mr. Biggerstaff was in there and calculated the ditch.

(continued)

Mr. Guillaum said the 24-inch pipe is more than adequate. Mr. Guillaum said this is all right in the easement. Commissioner Cox said that when it stops up, somebody will have to clean it up. That's what we have right now on Burgdolt Road. Mr. Guillaum said the whole idea of this plan is to get two additional lots out of this, rather than running right thru the middle of it. The only question the surveyor's office had for Mr. Biggerstaff concerned the pipe size. And he has made his calculations and determined that the 30-inch pipe will handle what Mr. Neidig will be putting in there. In fact, he could have gotten by with an 18-inch or 20-inch pipe. He has actually oversized. Commissioner Willner indicated that he personally feels that somebody should be required to be responsible for it; he thinks it will work. But when it gets stopped up, who are we going to put the monkey on? The County Garage? They are going to ask for these streets to be accepted by the County, are they not? Commissioner Cox said she feels certain that is the case. Commissioner Willner asked if there is any way we can include something in the corner of the abstract to keep that open on that corner lot? Mrs. Cunningham asked if we could get something written up so they could keep this on record? We would have to record it so that it went with the plat. It was noted that this is not a legal drain. Commissioner Willner said that he feels that somebody should be required to keep it open (whoever is living on the corner should be responsible). He said the stipulation should be included that they keep the inlet open. Mrs. Cunningham said she would make certain that this stipulation is included on Section D. With that understanding, Commissioner Cox moved that the request be approved. Motion was seconded by Commissioner Borries. So ordered.

RE: BID OPENING.....Maidlow Ditch, Buente Ditch/Lateral "A", & Pond Flat "A" & "B" & Kneer/Maasberg

David Lee Jones: Buente/Lat. A -- Tree-Stump Removal; Lump Sum \$ 225.00
Annual Maintenance (Spray & Mow)
3,666 L.F. @ \$0.20/ft. 733.20
*Sub-Contractor for silt removal & trees is
Blankenburger Bros, Inc.

Maidlow Ditch -- Silt Removal (per specs); 2,300 L.F.
@ \$1.30/ft. 2,990.00
Annual Mtce. (spray & mow)
12,805 L.F. @ \$0.16 2,048.80
*Sub-Contractor for silt removal is
Blankenburger Bros, Inc.

Total \$ 5,997.00
(Check #691 in amount of \$299.84 enclosed)

Big Creek Drainage Association:

Maidlow Ditch -- 2,300 L.F. of silt removal & straightening of dog legs
@ \$2.00/ft. \$ 4,600.00
12,805 L.F. of annual mtce.
@ \$0.15/ft. 1,920.75

Buente/Lat. A -- Remove stumps & fallen trees in ditch 550.00
12,805 ft. Annual Mtce. @ \$0.15/ft. 1,920.75

Total \$ 8,991.50

(Certified Check #586 in amount of \$449.58 enclosed)

Following verification from Attorney Miller that both bids were in order, it was the recommendation of Mr. Guillaum that the Commissioners award the bid to David Lee Jones. Motion was made by Commissioner Borries that the contract for Maidlow and Buente/Lateral "A" Ditches be awarded to Mr. David Lee Jones in the amount of \$5,997.00. Motion was seconded by Commissioner Cox. So ordered.

Eldon Maasberg: Kneer/Maasberg Ditches -- Clean and maintain Kneer Ditch; 3,036 ft. @ \$0.10 \$ 303.60
Clean and maintain Maasberg Ditch; 2,206 ft. @ \$0.07 154.42

Total \$ 458.02
(S&L Money Order #01-002020 in the amount of \$25.00 enclosed)

(continued)

Attorney Miller stated that no other bids were received on the Kneer/Maasberg Ditches. Mr. Guillaum said that if no other bids were received, then obviously they recommend that the contract be awarded to Mr. Eldon Maasberg. Motion was made by Commissioner Borries that the contract be awarded to Mr. Eldon Maasberg for cleaning and maintenance of Kneer/Maasberg Ditches in the amount of \$458.02. Motion was seconded by Commissioner Cox. So ordered.

Ralph R. Rexing: Pond Flat, Lateral A & B -- Bids had been requested on these two ditches, but none came in. Mr. Ralph R. Rexing had submitted a bid in March on these two ditches, but the bid was rejected because it was late. Attorney Miller proceeded to read the bid as follows:

<u>Pond Flat "A"</u> -	5,311 ft. Annual Ditch Mtce. @ \$0.14/ft.	\$ 743.54
<u>Pond Flat "B"</u> -	2,797 ft. Annual Ditch Mtce. @ \$0.14/ft.	391.58
(\$57.00 cash in sealed enveloped enclosed)		Total \$ 1,135.12

It was the recommendation of Mr. Guillaum that we pursue the matter and determine if he is still interested in doing this work for the bid amount submitted in March. Assuming that Mr. Rexing is in agreement, motion was made by Commissioner Borries that the contract for annual ditch maintenance for Pond Flat Lateral "A" & "B" be awarded to Mr. Ralph R. Rexing in the amount of \$458.02. Commissioner Cox seconded the motion. So ordered.

RE: CLAIMS

Mr. Guillaum advised that he had several claims (there were 16) from Commercial Ditch Cleaning, all of which were for the annual spraying and seeding -- and some for the extra work on silt removal and seeding which we did not have the last go-round. He said he and Robert Brenner went thru all of these claims this morning and the work has been inspected. It is their recommendation that all of the claims be approved as presented. Commissioner Borries moved that all of the subject claims approved by the Surveyor's office be approved and signature stamps be used by the Commissioners' secretary, and included in the minutes of this meeting. Motion was seconded by Commissioner Cox. So ordered. Claims were as follows:

<u>Baehl Ditch</u> -- Extra work; seeding 660 L.F. @ \$0.27	\$ 178.20
(<u>Kelly Ditch</u> -- Extra work; seeding of 1,300 L.F. @ \$0.27/L.F.)	351.00
(<u>Hirsch Ditch</u> -- Extra work; seeding of 500 L.F. @ \$0.27/L.F.)	135.00
<u>Crawford-Brandeis (North Ext.)</u> -- Extra work; seeding 2,650 L.F. @ \$0.27/L.F.	715.50
(<u>East Side Urban/South Half</u> -- Extra work; removal of trees from Ditch @ Lump Sum	1,109.00
(<u>Wabash & Erie</u> -- Seeding 350 L.F. @ \$0.27/L.F.)	94.50
<u>Wabash & Erie</u> -- Extra work; tree and dam removal (3½ hours with excavator and 2 laborers)	300.00
(<u>Kolb Ditch</u> -- Silt removal, 1,840 L.F. @ \$1.25	2,300.00
(Extra work (per Guillaum & Brenner); silt removal 460 L.F. @ \$1.25	575.00
<u>Harper Ditch</u> -- Extra work; seeding of 720 L.F. of ditch bank @ \$0.27	194.40
<u>Keil Ditch</u> -- Annual Spraying; 40% of contract total of \$451.80	180.72
<u>Baehl Ditch</u> -- Annual spraying; 40% of contract total of \$1033.50	413.40
(<u>Crawford/Brandeis, Hirsch, Kelly, Nurrenbern, Stockfleth & Wabash</u>	
(<u>Erie Canal</u> -- 40% of contract total of \$11,835.96 f/annual spraying	4,734.38
<u>Boesche Ditch & Crawford/Brandeis Ext.</u> -- 40% of contract total of \$5,106.18 f/annual spraying	2,042.47
<u>Henry Ditch</u> -- 40% of contract total of \$317.90 f/annual spraying	127.16
<u>Pond Flat, Lateral "D"</u> -- 40% of contract total of \$1,007.38 for annual spraying	402.95
<u>Kolb Ditch</u> -- 40% of contract total of \$1,925.75 f/annual spraying	770.30
<u>Aiken Ditch</u> -- 40% of contract total of \$2,675.97 f/annual spraying	1,070.39
<u>Harper Ditch</u> -- 40% of contract total of \$880.44 f/annual spraying	352.16
Total	\$ 16,046.53

(continued)

DRAINAGE BOARD MEETING
5/29/84

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There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 4:55 p.m.

PRESENT:

DRAINAGE BOARD

COUNTY AUDITOR

COUNTY ATTORNEY

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox

Alice McBride

David Miller

COUNTY SURVEYOR

AREA PLAN COMMISSION


David Guillaum

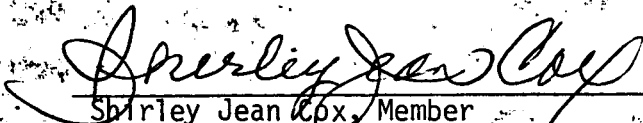
Barbara Cunningham

SECRETARY:

Joanne A. Matthews


Robert L. Willner, President


Richard Borries, Vice President


Shirley Jean Cox, Member

DRAINAGE BOARD MEETING
June 25, 1984

The Vanderburgh County Drainage Board met in session this 25th day of June, 1984, in the Commissioners Hearing Room, with President Willner presiding.

The meeting was called to order at 4:05 p.m. by President Willner. A motion was made by Commissioner Borries that the minutes of the previous meeting held on May 29th be approved as engrossed by the County Auditor and the reading of same be waived. Motion was seconded by Commissioner Cox. So ordered.

RE: WHISPERING HILLS SUBDIVISION/SECTION "C" - PRIMARY APPROVAL

Mrs. Barbara Cunningham, Director/Area Plan Commission, said that Whispering Hills Subdivision/Section "C" is coming in for primary approval. It is a 65-lot single family subdivision. She said she did not have additional copies of the plans, so shared hers with the Board members. Mrs. Cunningham said she felt there were a number of items to be addressed before approval was granted at the Plan Commission. Among the concerns are erosion control, sanitary sewers, curbs and gutters, etc. She suggested that possibly President Willner might want to read these concerns into the minutes and the Chair concurred. President Willner read as follows:

"Sub-Review Committee met June 6, 1984, and reviewed the proposed subdivision. There were specific concerns and recommendations regarding this subdivision. If the following points can be complied with, the Subdivision Review Committee recommends approval:

- 1) Storm drainage plans shall be provided by the Vanderburgh County Drainage Board before the Area Plan Commission meeting.
- 2) Because of severe soil limitations, a determination of the run-off rate should be made to question if it exceeds the current rate. A determination will need to be made if this constitutes a problem. The run-off should remain the same as its agricultural use.
- 3) Drainage swales are recommended to be re-graded after construction.
- 4) Ponds will be permanent for water retention.
- 5) Erosion Control: Temporary holding ponds shall be part of the Erosion Control Plan stated on the plat. Prior to the construction, existing desilting basins must be sized for adequate storage to insure no overlapping.
- 6) Septic System: Soils in this area have severe limitations. Individual sewage systems must be in compliance with HSE25 and each lot must have Certified Engineer's System approved by the Health Department. There were concerns that the size of the drainage easement on some lots may reduce the area to the extent that they not support the system.
- 7) Street Plans: Deer Trail is a street name duplication and must be renamed. In response to President Willner's question as to whether the Commissioners rename the street, Mrs. Cunningham said she thinks the Petitioner renames the street.
- 8) When the subdivision is completely developed, there will be two (2) exits: One (1) on St. Wendel and a new one on State Road 65.
- 9) Because of the steep grade, County Highway Engineer recommends that streets within the subdivision have roll curbs and gutters and asphalt pavement."

President Willner asked Mr. David Guillaum if he had been over the plans and had a recommendation. Mr. Guillaum said that he and Mr. Brenner went over the plans before the meeting today and noted certain items on same -- the amount of run-off, steepness of grades, etc. Basically, Mr. Brenner felt he had no problem with it. He did, however, want Mr. Bill Nicholson to be present at this meeting to answer any questions

(continued)

that might be brought up. There were some questions Mr. Brenner had on the ponds, themselves, insofar as to which are existant and which are going to be brought into play -- and wanted Mr. Nicholson to go over any specifics and answer any questions the Board might have. Basically, however, Mr. Brenner felt that if the developer could meet the foregoing list of conditions, then he had no problem with it.

Drainage Plans: President Willner asked if a set of drainage plans were available, and Mr. Guillaum presented same. Mr. Nicholson said some revisions had been made to accommodate the rolled concrete curb section. They originally planned on the 6" of rock with 3" asphalt streets. This is the same thing that was put in the rest of the subdivision, but the last section has to be paved with asphalt yet. Commissioner Willner asked how long the last section has been going on now, to which Mr. Nicholson replied about a year and a half. He said they usually wait until a number of houses are constructed or are under construction before they put the asphalt pavement down. They intend to start the paving this year. Mrs. Cunningham said she talked with Virgil Miller, president of the plat commission, and the suggestion that is going to be made to the plat commission is as we are working with State statutes on notification and we're working with State statutes on the primary plat, that all sections of the primary plats that come in will need to have the improvements put in before the zoning use permits are issued. She said they have received numerous calls lately on drainage plans that haven't been approved -- both City and County -- and zoning use permits are granted when the plat is recorded and they think everything is o.k. -- and the drainage plan is not implemented. She said she thinks there is one the Board is probably going to be discussing later on in the meeting. She said she hopes the Commissioners agree with their feeling that the time is now to get the improvements in, so they don't keep having this problem cropping up. Even though a Subdivision Ordinance has not been adopted, she said they feel that this is a procedural thing that the Area Plan Commission can request -- and Mr. Miller was in agreement -- that parts of it should be implemented before the zoning use permit is granted.

Meeting continued with Mr. Nicholson reviewing the plans with the Board. He noted there are three (3) existing lakes, privately owned. He said these were built prior to Mr. Elpers platting Section "A", which is on the north side of the lake. These would be retention lakes as far as drainage area coming into the subdivision. They propose a retention pond for water coming off another street and part of Whispering Hills Drive. There is a small agricultural-type retention pond which they plan to re-work. In response to Commissioner Willner's question, Mr. Nicholson said these will completely empty in a 24-hour period. In a designated area, they are having problems in holding the run-off at agricultural level and Mr. Nicholson said it is going to be extremely hard to do -- and he doesn't think it can be done without losing a lot or two. He is in the process of investigating it -- but it is questionable as to whether or not it can be done. Commissioner Cox noted that the Board looks at these drainage plans, etc., and think they have technical people who tell the Board the plans will work. Then, she goes to Area Plan Commission (which is really the first public hearing) and there are people who appear who have current drainage problems in the area. If developer could keep the run-off approximately where it is now, then that should suffice. She said they can't expect the developer to correct the problems the individuals are experiencing now -- but they certainly don't want him to add to the existing problems. Commissioner Willner pointed out that the lot density is too great, to which it was commented that they're all over an acre. Mr. Willner said it seemed to him that he needed 2-3 acre lots, because of the severe limitations. Andy Easley, County Engineer, interjected that when they were calculating run-off on Moss Creek Subdivision -- the difference between agricultural use and suburban development -- they found that one acre...you could have equal run-off if you had a farm that had soybeans and then you put it in the one-acre lots of grass and driveways, when you're all done you'd have about the same amount of run-off as you would from soybeans. If you get less than an acre, you'd have more -- because of the increased density. Therefore, he feels Mr. Nicholson has a fighting chance. Again, he pointed out that Mr. Elpers has constructed some of these drainage basins and he is working on the possibility of using those until the grass and sodded drainage ways are in place. In the interim, these should be effective. As to whether they would be of benefit in the future -- of course they would slow down the run-off. The problem would be future maintenance. It was noted that this is a good question -- if it happens that one of the retention basins is on an individual's property, is that individual going to be responsible for keeping it open? If there is a natural drainage swale or something across property to be maintained -- this could be added into the restrictions on the subdivision, just like the maintenance of a lake. Mr. Nicholson said Mr. Elpers had one of the best written descriptions, etc., on participation of maintenance of lakes, spillways, etc. Mr. Easley said that on

Friday afternoon of last week, both he and Mr. Bethel witnessed what looked like the Missouri River flowing across Meadowbrooke during the height of the big storm. There were rapids shooting across that road and the silt was terrible -- and it was all coming from the farmer's ground, because it was flowing thru this grassy valley. There was no silt coming from the valley -- it was all the farmer's field run-off that was causing the brown silt. Commissioner Cox remarked that it was fine for Mr. Easley to make a statement like that -- but if the Board could have the calculated figures given to the Board at their meetings, then that would give them some assurance of just how it is and that would satisfy people. Just telling people it shouldn't give them any problems doesn't suffice -- without that calculation of just exactly what it is. Mr. Easley said he could understand this. In response to Mr. Willner's question as to the recommendation from the surveyor's office, Mr. Easley said if they could see the calculations to determine if they're going to substantially increase the rate of run-off, then this would present a problem. But if the calculations indicate the run-off will be about what it is nowand they will beef up the basins and maintain themso they will provide additional storage, then the run-off should be less. He thinks it would be helpful if these were incorporated into the plans. Mr. Nicholson said this is his intention. Commissioner Cox asked if he could include a statement concerning the maintenance of these? It was noted that these usually get filled up during the construction period. President Willner called for a motion that the drainage plan is approved, subject to the surveyor's checking of the numbers and the Soil Conservation Service agreeing that the run-off will be no greater than it is today. Commissioner Cox interjected that the motion should include leaving the basins in place, to which President Willner agreed. Motion to this effect was made by Commissioner Cox with a second from Commissioner Borries. So ordered.

RE: BIG CREEK DRAINAGE ASSOCIATION/MAIDLOW DITCH

President Willner advised that individuals are present in the audience today, who wish to address the Drainage Board. The Chair recognized Mr. John Bittner, president of the Big Creek Drainage Association. He approached the podium and stated that Maidlow Ditch has been taken into the Association. He was advised by Mr. Brenner via telephone that they had lost the contract for silt removal but that they had gotten the 15¢ spraying contract. He said he read the Minutes and it does not appear that way. Which way is it? Mr. David Guillaum interjected that a correction was going to be made on that -- that is part of the agenda for today's meeting. Mr. Bittner said that is great -- because they have already sprayed part of that ditch and he told the individual farmers to spray same. He said they are a little disappointed that Maidlow Ditch is not dug straighter than it is and asked Commissioner Borries if he has seen it? Commissioner Borries replied in the affirmative, but Commissioner Cox indicated she has not seen it. Mr. Bittner said he felt it would be worth her time to see it. He said the reason he is asking that the Board be concerned about the straightness of that ditch is that the primary reason for cleaning that ditch is not sedimentation as you'd have in Pond Flat. Pond Flat only has a half inch fall every hundred feet. But in Maidlow Ditch, it takes the exhilarated run-off from the Darmstadt area -- the 100% type run-off from the driveways, houses, etc. He said that whenever you have a lot of velocity in the run-off, the tendency to curve or dog-leg is intensified. When you dig those ditches and take the grass off the side as you have in Maidlow, you straighten out one dogleg. That was a fine job there. But if you would park on the two sewers on St. Joseph Avenue and look east, it looks like a snake track. He thinks those should have been taken out. He said this may sound like sour grapes, but he represents the Big Creek Drainage Association, and he does not see how they could have a better bid than one from a non-profit organization whose soul purpose is to the most effective use of the funds for the cleaning and maintenance of those ditches. Obviously the bid went in -- and he did it on his own because it was spring planting time --and he bid it in high. He said he talked to Mr. Brenner and they were going to do additional work. Additional work needs to be done on that ditch. West of St. Joseph Avenue needs to be opened up, because there are two sewers that go under St. Joseph Avenue; the one on the North side is more than half full. That was an exceptional rain last Friday evening, but that area was impassable for a period of time. However, with one of the sewers plugged up, it does not take too intense a rain to make this area impassable. So, they were going to do not only he bid a greater amount of feet and should have

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been present at the meeting when the bids were opened to clarify that. However, he thinks the Board members should take a look at Maidlow Ditch to see if they agree that the way it is is the way it should have been dug. In the future, he wishes the Board would consider Big Creek Drainage Association as a non-profit organization, whose sole purpose is for the effective use of the funds in cleaning that ditch. On that Maidlow project, Steve Blankenberger (whom he really respects for the amount of dirt that he moved) was there about two (2) days. If you take two days -- however many hours you want to put in a day -- times \$72.00, you'll find that not over \$2,000.00 was spent on that ditch and the bid is \$2,900.00. Mr. Bittner said Big Creek's bid was much higher. He said did the Board not agree that a non-profit organization whose history of annual maintenance bid -- they would pay about .06¢ for spring and take the balance of that money -- not as an individual would -- and put that back into sediment removal. He asked if that is not better for the taxpayer for the total ditch assessment? Commissioner Willner said, "not really". What Mr. Bittner is saying is that the contractor who bid the lowest got the job and he made lots of money -- yet Big Creek bid higher. He asked Mr. Bittner why did he not take a little more time and get his contract down to what the bid specs called for? He doesn't understand this. Mr. Bittner said the specs were rather vague. Does Commissioner Willner think Blankenberger removed one or two doglegs from that Maidlow Ditch? Commissioner Willner said he would not especially say "doglegs" -- but he does think they removed one big horseshoe. Mr. Bittner quoted the following from the specs, "the removal shall commence at St. Joe Avenue... two (2) small doglegs and straighten ditch at these points..." He asked, "What are two small doglegs? Was it one or two? Big Creek was figuring two; they were going to straighten that ditch insofar as the landowners would cooperate. Mr. Brenner would have liked to put that in as one continuous curve, but the landowner would not backfill the old ditch and he was inhibited there. But Big Creek would have taken the second dogleg out of there. Again, he thinks the specs were rather vaguely written. Commissioner Willner said he'd probably agree with that, but he doesn't understand the bidding... that goes a little beyond him. First, Mr. Bittner is saying the other bidder made a dandy profit (and Mr. Bittner asked if Mr. Willner agrees with that?). Commissioner Willner said he hopes he did -- or he wouldn't be in the business. Commissioner Cox asked President Willner if payment has been approved for Maidlow Ditch? Has it been inspected? Mr. Guillaum said both he and Mr. Brenner have looked at it, and Commissioner Willner said it was an excellent job -- he's said he's never seen one that was quite as good as that. President Willner said he doesn't think Mr. Bittner is questioning the job done, what he is saying is that they didn't go far enough. Mr. Eldon Maasberg was present and stated that he did not feel the specs were written clearly enough. Commissioner Borries asked Mr. Bittner if what he is saying is that his group is prepared to put in the time necessary to straighten the ditch and, because of the vagueness of the bids, he is concerned that perhaps the person who did the work did not do all that Mr. Bittner feels he should have done? Mr. Bittner said what he is saying is that when Big Creek bids on a contract and they're given \$100.00, all of that is put back into the ditch. Some of it may go for insurance or bid bonds, etc., but they are a non-profit organization and all of that money goes right back into the ditch. Therefore, he does not know how the Board could have a better bid. Big Creek is policing that money for them -- the Association represents the owners -- all of the owners along that ditch belong to the Association. He said this lends itself to several things. For instance, in the spring you have a certain amount of liability. All the membership along that ditchif you have any drift or if you need access to that ground....you talk to those people who are in the organization before you go in. One of the owners along that ditch has a landscaping firm (Norm Hoefer). Last year they had some turf damaged by ingress and egress. It's easy to have spray drift; so we thought our best recourse in Maidlow was to have the individual owners spray their own section (either the owner or the tenant) of that ditch. They probably pay the majority of the drainage cost on that ditch because of the number of acres involved. And whether or not that ditch stays open is of primary concern, because it affects their income. Therefore, he doesn't know how the Board could have a better bid than from a non-profit organization. He cited the history of the organization, formed shortly after the 1965 Drainage Code went into effect -- just for that purpose. He said he doesn't think the Board will find any ditches maintained in any better condition. He said that Commissioner Willner is probably right -- Big Creek overbid this one. Mr. Bittner had talked with Mr. Brenner and found there is \$7,800.00 accumulated in the Maidlow Ditch account. He said he'd like to see that money spent on that ditch, with the collaboration of the surveyor's office and the landowners out there. He said there is no better way to get the value for dollars than to have the people directly affected -- both paying the bill and being affected by the work that is done.

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Commissioner Cox asked if Mr. Bittner has any recommendation as to other work that needs to be done on the ditch at this time? Mr. Bittner said he would rather have a meeting with the men on Maidlow and see how much money Mr. Brenner is willing to commit to that ditch. At that time, he would approach the Drainage Board. But if there is any wayit was his fault in erring when submitting bid....and they're going to have to put up with that. But he said he feels that in five (5) years the ditch will meander and they'll be back in here asking for more funds, simply because it was not dug straight. Mr. Bittner asked the Board why they did not get the Soil Conservation Service to take a look at the ditch and get comments from them -- to see if Big Creek is not right? Get an outside opinion. Commissioner Willner said that was the original intent of doing the reconstruction in that one place -- because there was a drastic horseshoe in it. But, at one time, that horseshoe was not there. It formed there over a period of years -- just as any ditch will do. No ditch will stay straight without constant maintenance. Mr. Bittner said a ditch such as Maidlow will exaggerate those curves more quickly than a ditch that is level, such as Pond Flat. Pond Flat changes course every quarter of a mile. It doesn't have near the problem. You get into Buente Ditch where you have a lot of fall and you have that problem. Mr. Bittner said the bidder did do a good job in pulling that ditch back -- but it was laid in a snake track. Commissioner Willner noted, however, that he was working within the specs. He does agree with Mr. Bittner on the other hand that it should have been straightened out while he was there. Mr. Bittner said he also had another question. He had a certified check for Big Creek's bid. Did the winner of the bid have a certified check? Commissioner Willner said the Attorney did say that the bid was in order -- so it was cash or certified check. Mr. Bittner said it simply gave a check number in the minutes. Mr. Guillaum said the Attorney checked the bids thoroughly -- and he can guarantee that if there were any irregularities -- and Commissioner Willner asked if there is some contention that it was not a check or something? Mr. Bittner said he was just curious. Back on April 5, 1982, his nephew lost a bid because of that same reason. They said it was not in order due to his not including a certified check. Attorney Miller said any check -- personal, business, etc., can be certified. Mr. Bittner said it does not reflect that it was certified. President Willner said this can be checked in the Auditor's office. It's a matter of public record, so he's certainly free to check it.

RE: LEAH SUBDIVISION/Bergdolt Rd.

Mr. David Guillaum said that apparently the ditch work has never been completed. President Willner confirmed that this has not been done, as he talked with the developer the other day. As a matter of fact, they want the County to do some work; and, he thinks that probably the County will do some work. Mrs. Barbara Cunningham read an excerpt from Page 1 of the March 5, 1984 Drainage Board Minutes, wherein it was indicated that "Since the developer is going before the Area Plan Commission on Wednesday (March 7th) he indicated he will submit a new drawing to the County Surveyor in the morning, showing precisely what will go thru the pipe and include pipe size, etc. Motion was made by Commissioner Borries that, subject to County Surveyor's final approval of the new drawing, drainage plans for Leah Subdivision be approved. Motion was seconded by Commissioner Cox. So ordered." Commissioner Cox asked Mrs. Cunningham if she has a copy of the minutes from the Area Plan Commission, and Mrs. Cunningham responded in the affirmative. Mrs. Cox continued by saying that at the first meeting this was withdrawn because the drainage plan was not approved. A remonstrator was there and then came back the next time and the APC and developer made a statement that this drainage basin would be put in place prior to building or construction. Mrs. Cunningham said zoning use permits had been issued to Mr. Parker and she talked with the Building Commissioner's office today -- because she has received numerous complaints. Not only has this not been done, but excess concrete has been dumped into the ditch and is blocking up things. Mrs. Cunningham said it is the intention of the Building Commissioner -- and it would certainly be hers -- to issue a "Stop Work Order" permits issued 5/30/84, 4/23/84 and 4/23/84 to insure that the drainage plan be put in before they can proceed. Commissioner Willner asked Mrs. Cunningham if she is cognizant that this is the County right-of-way, to which she replied in the affirmative. He said the County needs to do this. The only reason they have not done this yet is because the Gradall has been unavailable due to preventive maintenance and road paving. The developer will have to furnish the dollars, but the County is going to dig this. Commissioner Cox asked how the developer could get these permits? Mrs. Cunningham said they don't

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keep the drainage plans.....but Mrs. Cox interjected the developer had Drainage Board approval -- but, with stipulations. Now where did we lose the stipulations? In her opinion, he should never have received a permit until these stipulations were met. At least, that would be her understanding. Mrs. Cunningham pointed out that this is the reason we need to make sure everything is done before the first permit is given -- and this is what the new Ordinance specifies. Commissioner Willner said he thinks the pipe is already there -- and the County will do the digging as soon as they can get the Gradall. Mr. Easley interjected that subsequent to the Drainage Board meeting, the street plan was approved. It shows the ditch construction and SIEGCO's culvert has to be lowered -- and it shows everything that has to be done. It's been approved -- it's just a matter of executing what has to be done. Permission has been granted to SIEGCO and from the private homeowner, at least that is Mr. Willner's understanding.....and he reiterated that this is in the form of written permission. Mr. Guillaum asked Mrs. Cunningham why APC and the Building Authority don't hold off for a while until the County can get their machinery in order and get the ditch work done. Mrs. Cunningham asked when this would be? Mr. Willner said that hopefully he can arrange to break the equipment loose some time next week. It was the consensus that this is the route to be followed.

RE: REVISION OF DRAINAGE BOARD MINUTES RE AWARDING OF BID ON MAIDLOW DITCH

Mr. David Guillaum of the County Surveyor's office indicated that despite the awarding of the bid on Maidlow Ditch per minutes of May 29, 1984, to David Lee Jones, it is their recommendation that this action be rescinded and the contract awarded to Big Creek Drainage Association. Mr. Guillaum said the problem stemmed from the fact that the bids were presented as a "package deal", rather than individual maintenance and individual silt removal. The total we looked at would not have been the best or cheapest price for the county had the individual items been reviewed. Attorney Miller asked if the specs indicated the bid could be "as a package", and Mr. Guillaum said the specs said, "either/or". Attorney Miller said that in other words, the award was made of an entire package wherein one portion was higher than the bid of the associate. Mr. Guillaum said the best deal for the County would be to utilize Big Creek Drainage @ 0.15¢ per foot for the annual maintenance (rather than 0.20¢ per foot) and utilize David Lee Jones for the silt removal. That would be the best combined bid for the County. Mr. Guillaum said that while Mr. Jones had been notified that he was awarded the bid, he has not done the work. Attorney Jones said that Mr. Guillaum should notify Mr. Jones in writing that he was not awarded the package deal. (Commissioner Willner urged that Mr. Guillaum contact him via phone to be certain he doesn't start the work, then notify him in writing). Attorney Miller said the Board should make a new award, based on the facts presented here today; and, it may be possible that they may have to pay an extra nickel at some point in time since the bid was awarded. Commissioner Cox returned to the meeting room, having left to retrieve her drainage folder. She asked if the lineal feet had been corrected (as bid in error by Big Creek Drainage) and to which ditch did this apply? Mr. Guillaum stated that Big Creek erroneously bid on 12,805 L.F. for Buente/Lat. "A", which should have been 3,666 L.F. @ 0.15¢ for a total of \$549.90 (a difference of \$1,370.65). Thus, it was the consensus of the Board that bids should be awarded as follows:

David Lee Jones:	Buente/Lat "A" - Silt Removal & Tree/Stump Removal - Lump Sum	\$ 225.00
	Maidlow - Silt Removal (per specs) 2,300 L.F. @ \$1.30/ft.	2,990.00
	Total	\$3,215.00
Big Creek Drainage Assn.	Buente/Lat "A" - Annual Maintenance of 3,666 L.F. @ \$0.15 per ft.	\$ 549.90
	Maidlow - Annual Maintenance of 12,805 L.F. @ \$0.15 per ft.	\$1,920.75
	Total	\$2,470.65

(continued)

RE: CLAIMS

Mr. Guillaum presented the following claims for approval, indicating all had been checked and signed by him and Mr. Brenner:

Big Creek Drainage Association: Claim in the amount of \$1,907.00 for Annual Spraying of Pond Flat Main - 40% of \$7,800 at 0.26574/ft.

Big Creek Drainage Association: Claim in the amount of \$177.00 for Annual Spraying of Rusher Creek - 40% of \$444.40 at .10¢ per ft. (4,444 L.F.).

Big Creek Drainage Association: Claim in the amount of \$480.00 for Annual Spraying of Lower Big Creek - 40% of \$1,200.16 @ 0.16¢ per ft. (7,501 L.F.)

Big Creek Drainage Association: Claim in the amount of \$361.00 for Annual Spraying of Pond Flat/Lateral "C" - 40% of \$903.60 @ 0.10¢ per ft. (9,036 L.F.).

Big Creek Drainage Association: Claim in the amount of \$144.00 for Annual Spraying of Pond Flat/Lateral "E" - 40% of \$361.60 @ 0.10¢ per ft. (3,616 L.F.).

Big Creek Drainage Association: Claim in the amount of \$1,373.00 for Annual Spraying of Buente Upper Big Creek - 40% of \$3,433.15 @ 0.17¢ per ft. (20,195 L.F.).

Motion was made by Commissioner Borries that all of the foregoing claims be approved and signatures be stamped on same by Ms. Meeks. Motion was seconded by Commissioner Cox. So ordered.

RE: COMPLAINT ON DITCH BILLING.....HARRY HUNTER

Mr. Harry Hunter of 4141 Orchard Road was present and wished to address the members of the Drainage Board concerning his complaint on ditch billings. Mr. Hunter had previously written to the Drainage Board, and President Willner indicated he had that letter with him for discussion at this meeting. Mr. Hunter said he recently learned through the Surveyor's office that one of the ditch descriptions on his property has been incorrect and, apparently, has been incorrect the total period of time he has lived at the 4141 Orchard Road address -- which is now eight (8) years. President Willner read Mr. Hunter's letter to the Board as follows:

"Vanderburgh County Drainage Board

Gentlemen:

Recently determined through the County Surveyor's office was that a portion of my property was improperly described on the General Drain Improvement Statement for 1984 and has apparently been improperly described since I purchased the property in 1976. This has resulted in repeated overcharges and overpayment of said taxes. I understand that in order to receive a refund for these overpayments that I must appear before the Drainage Board. I also have questions concerning the assessment, collection and use of these tax funds which I would like to present to the Board. Please let me know when and where I may appear before the Board. I shall withhold payment of this tax until the appropriate correct amount is determined.

Harry L. Hunter"

President Willner said he only had only problem with Mr. Hunter's letter. This is not a tax per se. It is an assessment for Mr. Hunter's portion of the ditch to be cleaned...it doesn't really have anything to do with taxes. Mr. Hunter indicated he understood what Mr. Willner was saying. Mr. Willner said Mr. Hunter claims that he has been billed for 27.12 acres that drain into the Buente Upper Big Creek and that he should have been billed for only 25 acres. Therefore, there is a dispute of 2.12 acres. Mr. Willner recommended the Board turn this matter over to Mr. Guillaum in the Surveyor's office to follow thru and come back to the Board with his recommendations. Mr. Guillaum said that Wayne Pascoe had looked into this and he had a comment from Mr. Pascoe on this. He did feel that the 25 acres was correct and the 27.12 acres was incorrect and that 2.12 acres were overbilled. Commissioner Cox

(continued)

asked how many times Mr. Hunter has been overbilled? President Willner replied, "eight times". Commissioner Cox said, "He's been billed incorrectly annually since 1976? What is the assessment?" Mr. Hunter said that is one of his questions -- "Why does it vary so widely? The total assessment on his property has varied from something like \$47.00 to \$318.00." Mr. Guillaum interjected that before we get into too deep a discussion on this, he would say that he didn't anticipate this matter coming up today. Mr. Pascoe did indicate to him that there was a problem on this, but before they can talk specifically to Mr. Hunter on this as to what happened and why it was different -- he needs to go over this with Mr. Pascoe. President Willner said that while it is a long explanation, he will endeavor to make it real simple. If a legal drainage ditch is maintained one year, then the County, in turn, bill Mr. Hunter and all other property owners whose water drains into that ditch, and then we let a contract to clean it. If it is reconstructed or dredged, that's considerably more money. So property owners are billed for that. If we do nothing to that ditch, then it is conceivable that the property owners would get no bill for maybe one, two or three years at all. Every ditch in the County has a fund and then we have a general fund. So, the individual ditch funds can borrow from the general fund and then pay back to the general fund. Therefore, it's really complicated. But you may run an individual ditch in the red, which four years ago we had some 40-50 ditches in the red. We brought them up to date and now we only have one or two still in the red -- and that was from reconstruction, and we will take care of those. But it is a complicated procedure. Mr. Willner said he appreciates the fact that Mr. Hunter has taken the time to come down to the Drainage Board. Some property owners have said that part of their property drains to the Ohio and, in the case of Darmstadt, part of the property would drain into the Wabash. Some have ditch assessments and some do not. Again, it's really complicated and not an exact science. Sometimes we work with maps that are a foot or two or an acre or two off. That may well be what happened in your case. President Willner indicated, however, that they will do everything within their power to correct his problem. He asked that Mr. Hunter wait until Messrs. Guillaum and Pascoe have gone over this thoroughly and come back to the Drainage Board, at which time he will be informed either via telephone or in writing concerning the matter.

Mr. Eldon Maasberg, who was still in the audience, interjected that it is his thinking that while he is not sure, his cleaning shouldn't average over 15¢ during the eight years for maintenance. What the surveyor has been charging he doesn't know -- but he doesn't think it should be that much. Mr. Willner said that if the ditch had been in the red for the last 15 years -- and they just recently brought them up to date -- that's quite possible. Again, Mr. Willner reiterated that each individual ditch can borrow from the general fund. Mr. Maasberg said their ditch association has been questioning that, too. How come all of a sudden we're getting this great big fund in Maidlow ditch? We were in the red and all of a sudden we have \$8,000.00. Mr. Willner said they raised the percentage! Mr. Maasberg questioned how all of a sudden it jumped that quick? Mr. Maasberg said he would like to get a printed copy of the record on how these figures have gone for a several year period. Mr. Willner asked if he just wanted this information on the Maidlow Ditch? Mr. Maasberg said he would also like this information on Buente and Maasberg, as well. On Maasberg and Kneer, there are only about five (5) people who pay on these ditches....so that should be simple. Mrs. McBride, County Auditor, interjected that for a couple of years the computer was not set up to bill -- maybe that was part of the problem. Mr. Maasberg said they received two (2) billings in one year. Mrs. McBride said the records are available in the Auditor's Office should Mr. Maasberg want to come to look at them. President Willner said this would be better than asking Mr. Guillaum to provide him with copies of the information. Mr. Maasberg said he couldn't do it right away, it would have to be sometime in August....he just wants to see how these ditches are fluctuating from the red and back up, etc. Again, Mr. Willner emphasized that these are public records. Mr. Maasberg said that some 5-6 years ago, he cleaned Maasberg ditch for less than his father paid for taxes! Mrs. McBride said she should have the records in her office from 1979 to the present. Mr. Willner expressed the Board's appreciation for Messrs. Hunter's and Maasberg's attendance and said he hopes they have answered some of their questions at least.

RE: SETTLEMENT AGREEMENT/HIRSCH PROPERTY

President Willner presented the Settlement Agreement on the Hirsch property in the amount of \$12,000.00, and indicated the County Attorney has put his seal of approval on same. County Attorney David Miller said he had, in fact, already signed it.

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Attorney Miller had already commented on the Agreement during the Commissioners meeting, and formal execution was the only item requiring the Commissioners' attention during the Drainage Board Meeting. Motion was made by Commissioner Borries that the Agreement be approved and executed. Motion was seconded by Commissioner Cox. So ordered.

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 5:05 p.m.

PRESENT:

DRAINAGE BOARD

Robert L. Willner
Richard J. Borries
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David Miller

COUNTY SURVEYOR

David Guillaum

AREA PLAN

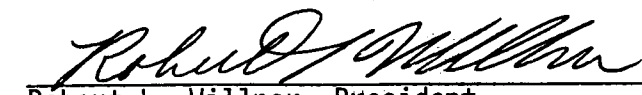
Barbara Cunningham

OTHER

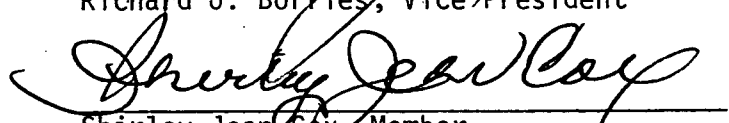
Harry L. Hunter
John Bittner
Eldon Maasberg
Bill Nicholson

SECRETARY:

Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

171.

DRAINAGE BOARD MEETING
July 30, 1984

The Vanderburgh County Drainage Board met in session this 30th day of July 1984 in the Commissioners' Hearing Room, with President Willner presiding.

The meeting was called to order at 4:15 p.m., with President Willner asking for a motion concerning the minutes of the previous meeting. Commissioner Borries moved that the minutes of the previous meeting, held on June 25, 1984, be approved as engrossed by the County Auditor and the reading of same be waived. Commissioner Cox provided a second to the motion. So ordered.

RE: LAKESIDE TERRACE ESTATES III/Preliminary

County Surveyor, Robert Brenner, indicated there were Preliminary Drainage Plans for Lakeside Terrace Estates III Subdivision to be reviewed and approved by the Board. Mrs. Barbara Cunningham, Director of the Area Plan Commission, interrupted by stating that when approval was being sought for Lakeside Estates II, drainage plans for the whole Lakeside Estates development were presented to the Drainage Board for approval and were approved at that time. (She said that Mr. Jim Morley -- who is also present here today -- can correct her if she is wrong.) Mr. Morley verified that Mrs. Cunningham was correct; plans were presented for the entire subdivision and approved by the Drainage Board at that time. Mrs. Cunningham said the individual sewer lines, etc., will still have to be brought in and looked at -- but that's a technical thing. As far as the Area Plan Commission is concerned, if the Drainage Board approved the plans once -- they they are approved.

RE: 84-67-PC/VC-9-84 - Petitioners, Paul E. & Robert H. Hatfield:

It was noted that the next matter of business concerned drainage plans for the proposed Green Oaks Fashion Mall on Green River Road being developed by Hatfield & Co. President Willner said this is more commonly known as 2801 N. Green River Road, and the petitioners have requested a change from Agricultural to C-4 for a shopping mall. In response to Mr. Willner's query as to the basic changes in the drainage plans, it was indicated that they concerned pipe size. The water flows directly to Pigeon Creek; it does not go to a legal drain. Basically, the pipe sizes were big enough to take the water out -- but if there were really a big storm, then they were not big enough to take the water to the retention basin. So, the pipe size has been increased from a 24" pipe to a 36" pipe. The 36" pipe will handle most normal rains, but the set-up provides for water storage. Since it will not be a lake or pond-type retention, there will not be stagnant water, etc. Commissioner Willner said we need some type of a maintenance agreement that it will remain that way -- we don't want a swamp, we've encountered those before. He also said we need a maintenance agreement on the pipe -- we've been there before, too. Mr. Brenner said he knows the pipe will eventually rust out. If you use concrete -- it's going to come apart someday! Commissioner Willner said he thinks what Mr. Brenner is saying is that when that area gets stopped up -- what funds are we going to use to clean it out and/or replace it? He said there are none -- we don't have any funds. He said we must have a recorded maintenance agreement; to make sure that we have a dry retention basin -- that the retention basin remains a retention basin -- and maintenance of the pipes.

There was discussion among the Board members concerning what was done when Mr. Neville submitted his drainage plans for approval. Mrs. Cox asked if we addressed the matter of continuous maintenance with him at that time? If not, Mrs. Cox said she does not know how we can do that with this developer (Mr. Hatfield). With regard to pipe size, Mr. Morley said that Mr. Neville's lakes -- which are a part of his apartment area -- give him enough storage that he only needs to discharge thru an 18" pipe. When he came down to the Drainage Board to present his plan, the Board requested that instead of crossing the road with an 18" pipe that he up the pipe size to 24". Mrs. Cox asked if Mr. Neville has done this already? Mr. Morley said he has not yet started the project. It was noted that the pipe in designated area needs to be upsized to 42". Mr. Hatfield said all he needs to do is call Mr. Neville and they can split the cost on the pipe; if it's \$10.00 more per ft., they can each pay \$5.00 more per ft. But the real problem is the perpetual maintenance agreement; he does not know how to handle this. Mr. Morley said he has a suggestion. When they finish this all out -- and the next one comes in, then the next one comes in, etc., shouldn't every individual who has water flowing thru that pipe pay a proportional share? Mr. Willner said that they should -- but they don't have to. With a legal drain they have to; this is not a legal drain. Mr. Hatfield asked what one does to get a legal drain? Mr. Willner said

(continued)

it is necessary to hold public hearings, you have to have petitions, etc., etc.
Mr. Morley indicated there are two (2) ways to form a legal drain:

- 1) A majority of the property owners petition for that drain;
- 2) If it is a County road and the Commissioners deem it necessary, and they want one -- they can do likewise.

Mr. Willner noted that it is the same legwork no matter who petitions for it. Mr. Hatfield said Hatfield & Co., would have to take it upon themselves to maintain this, along with Neville. In the interim, he asked that the County go ahead and petition to make this a legal drain. If it takes two (2) years.....fine. Mr. Willner said that if fifty-one percent (51%) of the property owners say "no", then it is gone!

After considerable discussion (some of it inaudible), it was determined that it would be necessary to have 36" pipe to a designated location; 42" pipe under Green River for about 420 ft., and 48" pipe for the last sixty feet (60 ft.).

Motion was made by Commissioner Borries that drainage plans be approved, as submitted and amended, to include recorded maintenance agreement on pipe from Green River to the terminis and maintenance of the retention basin. Motion was seconded by Commissioner Cox. So ordered.

RE: CLAIM/MAIDLOW DITCH

David Jones: Mr. Brenner presented a claim in the amount of \$2,990.00 for 2,300 L.F. of dredging (silt removal) of Maidlow Ditch, in accordance with awarded ditch bid. There was brief discussion concerning misunderstanding that Big Creek Drainage had been awarded this bid. However, the misunderstanding was clarified when it was noted that Mr. Jones had been awarded the bid for silt removal only, and Big Creek was awarded the annual maintenance contract. There being no further discussion on the matter, motion was made by Commissioner Cox to approve payment of this claim, with a second from Commissioner Borries. So ordered.

There being no further business to come before the Drainage Board at this time, meeting was declared adjourned by President Willner at 4:35 p.m.

<u>PRESENT:</u>	<u>DRAINAGE BOARD</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner, President Richard J. Borries, V. President Shirley Jean Cox, Member	Alice McBride	David L. Jones
	<u>COUNTY SURVEYOR</u>	<u>AREA PLAN COMMISSION</u>	<u>OTHER</u>
	Robert Brenner	Barbara Cunningham Beverly Boehme	James Morley Robert Hatfield
<u>SECRETARY:</u>	Joanne A. Matthews		

Robert L. Willner
Robert L. Willner, President

Richard J. Borries
Richard J. Borries, Vice President

Shirley Jean Cox
Shirley Jean Cox, Member

DRAINAGE BOARD MEETING
August 6, 1984

The Vanderburgh County Drainage Board met in session this 6th day of August 1984, in the Commissioners' Hearing Room, with President Robert Willner presiding.

The meeting was called to order at 3:50 p.m., with the Chair indicating that verification had been requested concerning the motions made in the previous meeting. After confirmation that the motions are correct as reflected in the minutes of the previous meeting, the Chair entertained a motion for approval of said minutes. Motion was made by Commissioner Borries that minutes of previous meeting held on July 30, 1984, be approved as engrossed by the County Auditor and reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: SETTLEMENT AGREEMENT/CLAIM - REINILDIS HIRSCH VS. VANDERBURGH COUNTY ET AL

Attorney Miller said that with respect to the Reinildis Hirsch & Hirsch Trust lawsuit against Vanderburgh County concerning the taking of land out on Burkhardt Road, he finally has the signed Settlement Agreement for both sides. Further, he has a claim in the amount of \$12,000.00 to be approved by the Board so settlement check can be issued. (There seemed to be some confusion concerning how the check should be drawn, and it was clarified that the check should be drawn to Reinildis Hirsch and The Citizens National Bank, but given to Attorney Miller for transmittal.) Commissioner Willner stated that he believed the settlement amount of \$12,000.00 had previously been approved by the Board, and Attorney Miller indicated that this is correct. There being no further questions concerning this matter, Commissioner Borries moved that the claim be approved for payment in the amount of \$12,000.00. Commissioner Cox provided a second to the motion. So ordered.

RE: SETTLEMENT AGREEMENT/CLAIM - MANN ROAD & BIG CREEK DITCH LAWSUIT

Attorney Miller said that this lawsuit involves the Hartmans, Adlers, Bixlers; the Board will recall that they were made a party to that suit because of the alleged failure of the Drainage Board to provide proper drainage in that area when, in fact, what really happened was that one of the Adler boys went out there and changed all the drainage patterns around -- without asking anyone. The matter has all been settled now and, according to the agreement, the County is going to provide the labor and machinery to place a new ditch along the north side of Mann Road from the point at which that ditch makes a jog and goes under Mann Road. From that point on, it is going to go straight down into Big Creek, rather than making that jog. The soil that is taken from that ditch is going to be used to build a levee along the Adler property on Mann Road.* Attorney Miller indicated that the County has no dollar expense here -- other than the labor and use of the machinery. Commissioner Willner pointed out, however, that he thinks we have to purchase some right-of-way from Mr. Adler -- and isn't that figure estimated at \$5,000.00? Having checked the documents, Attorney Miller confirmed that this is indeed correct. Commissioner Willner asked if Mr. Adler has already signed? Attorney Miller replied that the material in his hands is not a signed version -- it was given to him merely for purposes of obtaining everyone's approval. As soon as he has the signed version, he will present it to the Board members for their signatures. However, he wanted to obtain approval while he has the information in his hands today to eliminate the necessity of having to obtain approval at a later date. There being no further questions concerning this matter, motion was made by Commissioner Borries that the Agreement be approved; motion was seconded by Commissioner Cox. So ordered.

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 4:00 p.m.

PRESENT:	<u>DRAINAGE BOARD</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner Richard J. Borries Shirley Jean Cox	Alice McBride	David Miller

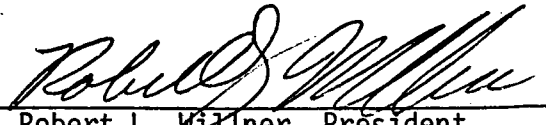
SECRETARY: Joanne A. Matthews

*Any remaining soil will be used for fill on the other side in the low lying area, where there have been drainage problems.

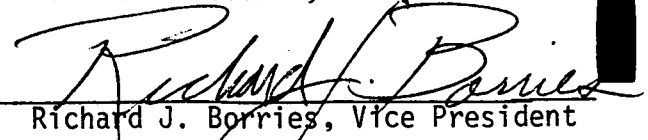
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DRAINAGE BOARD
8/6/84

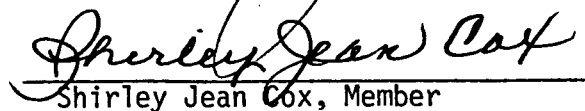
Page 2



Robert L. Willner, President



Richard J. Borries, Vice President



Shirley Jean Cox, Member

DRAINAGE BOARD MEETING
September 4, 1984

The Vanderburgh County Drainage Board met in session this 4th day of September 1984 in the Commissioners' Hearing Room, with President Robert Willner presiding.

The meeting was called to order at 3:50 p.m., with President Willner asking for a motion concerning approval of the minutes of the previous meeting. Commissioner Borries moved that the minutes of the previous meeting held on August 6, 1984, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: COMBINING OF MAIDLOW & BUENTE LATERAL "A" LEGAL DRAINS

Copies of the following letter were distributed to the Board by County Surveyor, Robert Brenner:

September 4, 1984

Vanderburgh County Drainage Board:

Per Indiana Code 19-4-4-6, the County Surveyor recommends that Buente Lateral "A" Legal Drain and Maidlow Legal Drain be combined into one drain known as Maidlow.

Maidlow has a drainage area of 4,193 Acres and an assessment rate of \$0.48/Ac. Buente Lateral "A" has a drainage area of 225 Acres and an assessment rate of \$3.47/Ac. The recommended assessment for the combined legal drain is the total of two existing assessments 2,856.00 which will yield a rate of \$0.65/Ac.

A special Drainage Board meeting will be required 9-24-84. Advertisement of the meeting is scheduled for 9-10-84.

Sincerely,

Robert W. Brenner
Vanderburgh County Surveyor

Mr. Brenner indicated this action is instigated with the approval of the property owners, including the Big Creek Drainage Association. All Mr. Brenner is seeking today is approval from the Board to advertise the Hearing concerning this matter, which is scheduled for September 24, 1984 at 4:00 p.m. Motion to approve advertisement of Hearing and set the Hearing for 4:00 p.m. on Monday, September 24, 1984 was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: CLAIMS

Big Creek Drainage Association: Claim submitted in amount of \$219.96 for 40% of annual periodic maintenance of Buente Lateral "A" Ditch/3,666 ft. @ 15¢/ft. (spraying, etc) for approval. Motion to approve payment of claim was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

Big Creek Drainage Association: Claim submitted in the amount of \$768.30 for 40% of annual maintenance of Maidlow Ditch/12,805 L.F. @ 15¢ per ft. Motion to approve claim for payment was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

RE: COMBINING OF MAIDLOW & BUENTE LATERAL "A" LEGAL DRAINS

Commissioner Cox indicated she had a question or two concerning the combining of Maidlow and Buente Lateral "A" Legal Drains. How many people are involved on the Buente Lateral "A" Drain? Mr. Brenner said there were no more than twenty-five (25). Some 150 people are involved on the Maidlow Drain. Mrs. Cox said then, that basically we're asking 150 people to pay approximately 20¢ more per acre.

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Some 25 people will be paying \$2.70 less per acre. Mr. Brenner said that if we actually went by the letter of the law, the individuals in Maidlow could be assessed more anyway, as Maidlow flows thru Buente Lateral "A". It is the biggest section of the ditch -- with the fewest people -- and it benefits everybody. Big Creek Ditch Association, who runs the ditch, wants this done anyway.

RE: BIG CREEK DRAINAGE ASSOCIATION/IMPROVEMENT PROJECTS

Still discussing Buente Lateral "A" and Maidlow ditches, Mr. Brenner said Big Creek Drainage Association has some improvement projects they want to do. There is right at \$7,800.00 in the Maidlow Ditch Account currently. One of the improvement projects will have to be accomplished at a later date, as the farmer has crops in..... (Mr. Steinkuhl on St. Joe Avenue). Mr. Zwahlen went in and cut the three (3) doglegs out of the ditch (with our approval) at no cost. We surveyed it, but he did go in and do it. Now, in an effort to get the water moving faster, Big Creek wants to come in and cut out additional doglegs -- at a cost of \$4,000.00. Big Creek will not be using their own equipment, they will sublet the work -- but will oversee it. Commissioner Willner pointed out that someone is going to gain land and someone is going to lose land -- is it the same individual? Mr. Brenner said it is. In any event, Commissioner Willner said we should obtain signed approval and let the County Attorney look at said approval prior to proceeding. In response to Mrs. Cox's query, it was noted by Mr. Brenner that approval is not needed from the Soil Conservation division. Commissioner Borries moved that improvement plans be approved and written authorization to construct the new portion of the ditch be secured from the property owners. Motion was seconded by Commissioner Cox. So ordered.

RE: DRAINAGE PLANS - INDIAN WOODS/PHASE #2

Drainage plans were presented for Indian Woods/Phase #2, which is the single-family homes portion of Indian Woods on Pollack Avenue (between Pollack & Covern Avenues). The retention basin on the border belongs to the City. Mrs. Cox said the drainage plan for this entire area was approved before she was on the Commission. What they have done is make some changes within the PUD (Planned Unit Development) and as a result of that, it had to come back before the Drainage Board. Mrs. Cox asked if there has been much change. Mr. James Morley was present and explained that there is not much change; the location of the sewers and the sizes -- it is a collection of storm sewers with swales designed behind the lots with elevations going into the retention lakes -- or some of them go into the big storm sewer which is in place right now--and also there is provision for pickup of additional area to the east. We wouldn't know how far it would go, but they are putting in a 30" pipe to take over some additional area to the east. The density has gone from 196 lots down to 158 lots within the same area...they have eliminated those zero setbacks and some of the cluster housing and gone to a more standard width on the lots. The storm sewers are designed for 25-year storm; the plans are just as they originally were -- only the configuration has changed. President Willner asked Mr. Brenner if he has a recommendation concerning said plans. Mr. Brenner said he recommends that the Board approve subject plans. Motion was made by Commissioner Borries that plans be approved as submitted, with a second from Commissioner Cox. So ordered.

RE: SITE ON MORGAN AVENUE ADJACENT TO CRAWFORD-BRANDEIS DITCH

Mr. James Miller, who was seated in the audience, was recognized by the Chair and approached the podium. He stated he is part owner of a plot of ground on Morgan Avenue adjacent to Crawford-Brandeis Ditch. They have a variance to build within 50 ft. of that ditch. What they would like to have is a new variance to permit them to build closer to the ditch. They have such a small amount of frontage, that if they build 50 ft. from the ditch, they don't have enough room to build a very large building. Commissioner Willner asked Mr. Miller if he has a set of plans with him? Mr. Miller said all he has is the plot; they have not even designed the structure yet, in lieu of finding out if they can get the variance changed. Mr. Brenner said that we have a 75 ft. right of entry which no one can build anything in it without our permission. Commissioner Willner noted the original easement was signed by Bob Schaad and Bob Ossenberg. Mr. Brenner said we can't give up the right-of-way, no matter what we do; we'd still have the 75 ft. right-of-entry. The Board, however, can grant permission to build within that 75 ft. Site

(continued)

is located east of Green River Road and west of Burkhardt Road. The entrance to Mr. Miller's property will be off Morgan Avenue. Commissioner Willner asked Mr. Miller if he is seeking to have the variance reduced from 50 ft. to 30 ft.? Mr. Miller said he would like to get as close to the ditch as possible in order to get more building structure. They need to make the building 250 ft. long. Mr. Miller said the ditch is about 30 ft. from the top of one side to the top of the other. He tried to find out what type of equipment would be used in cleaning the ditch -- but hasn't had much luck on that. Commissioner Willner indicated it might be a farm tractor, a clam shell, a dragline, etc. Mr. Miller asked if the ditch would be cleaned from one side or both sides? He knows the ditch has to be cleaned, but he needs to build a structure big enough that he can lease part of it out. Mr. Miller said he knows the County will have to have enough room to come in with equipment to clean the ditch-- and he is trying to find out how much room the County needs -- because he cannot even have drawing of the building done until he knows how much room he can have. Commissioner Willner asked what if Mr. Miller agreed to keep that portion of the ditch clean? Mr. Miller said he would be more than happy to do that. Commissioner Willner cautioned Mr. Miller that it will cost him money to do that from time to time. The weeds are mowed annually and the County endeavors to dredge it every 15-20 years. Mr. Miller asked if he would be responsible for the area the County couldn't get to to clean? Commissioner Cox said she would think that in order to have something on record and the amount of footage they maintain, that they be responsible along their property line -- not just by the building. Commissioner Willner concurred. Commissioner Borries asked Mr. Miller that if they're coming that close, isn't he concerned about the water in that ditch? Mr. Miller says he has a 100-year flood plan -- but his property is the only piece of property that the water doesn't reach.

President Willner said that Mr. Miller should have his attorney draw up an Agreement, wherein Mr. Miller agrees to start at the edge of the State structure and then north for 400 ft., which he would maintain from now on. And it would be transferrable if the property were sold -- that's part of it -- to be recorded, and then have the Agreement signed by the Drainage Board. Or, if he wants the County to clean the ditch, they can pay the rate of 15¢ per foot and issue a Hold Harmless Agreement, should any damage be done.

Mr. Miller asked that when he decides which way to go, will there have to be another meeting? Commissioner Willner said the Commissioners meet every Monday, and Mr. Miller can just call their secretary and tell her he needs a Drainage Board Meeting and they will have one especially for him.

President Willner said that to save time, whenever Mr. Miller has his attorney draw up the preferred agreement, he should be certain to send a copy of said Agreement to the County Attorneys in advance for his review, as he may have some changes. He said the Agreement should be sent either to David Miller or David Jones (4th Floor-Permanent Savings Bldg.). If the County Attorney approves the Agreement, it gets by the Board. If he doesn't approve, it would take another week.

With regard to culvert, Mr. Miller asked what he has to do to put a pipe in himself and cover it up (end of Wedeking). Commissioner Willner said Mr. Miller should get size of pipe from the County Surveyor and put pipe in and cover it. Commissioner Willner said it is really not a drainage board matter; that comes under the Commissioners -- but he sees no problem.

RE: KEMPF ROW SUBDIVISION

No decision could be rendered concerning this subdivision because no drainage plans have been submitted for approval.

RE: MOERS WOODY KNOLL SUBDIVISION

No decision could be made concerning this subdivision because no drainage plans have been submitted for approval.

(continued)

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DRAINAGE BOARD
9/4/84

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There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 4:30 p.m.

PRESENT:

DRAINAGE BOARD

Robert L. Willner
Richard J. Borries
Shirley Jean Cox

COUNTY AUDITOR

Pat Tuley, Chief Deputy

COUNTY ATTORNEY

Neils Hansen,
Representative

COUNTY SURVEYOR

Robert Brenner

AREA PLAN COMMISSION

Beverly Behme

OTHER

James Morley
James Miller

SECRETARY:

Joanne A. Matthews

Robert L. Willner

Robert L. Willner, President

Richard J. Borries

Richard J. Borries, Vice President

Shirley Jean Cox

Shirley Jean Cox, Member

DRAINAGE BOARD MEETING
SEPTEMBER 24, 1984

The Vanderburgh County Drainage Board met in session this 24th day of September 1984, in the Commissioners' Hearing Room, with President Robert Willner presiding.

The meeting was called to order at 4:15 p.m., with President Willner calling for a motion concerning approval of the minutes of the previous meeting. A motion was made by Commissioner Borries that the minutes of the previous meeting held on September 4, 1984, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

The meeting proceeded with President Willner advising that the Board had already received a letter from County Surveyor Robert Brenner recommending that Buente Lateral "A" Legal Drain and Maidlow Legal Drain be combined into one drain known as Maidlow. The recommended assessment for the combined legal drain is the total of two existing assessments of \$2,856.00, which will yield a rate of \$0.65 per acre.

Further, the Board approved advertisement of a Public Hearing and set the Hearing for 4:00 p.m. today (Monday, September 24th) in action taken at September 4th meeting. Advertisement concerning Public Hearing appeared in the local Courier and Press on September 10th. This action was instigated with the approval of the property owners, including Big Creek Drainage Association. President Willner then asked Mr. Brenner what his recommendation is concerning the matter? Mr. Brenner said it is his recommendation that the Board approve the combining of the two legal drains.

President Willner asked if there were any remonstrators present who wished to address the matter. There being none, motion was made by Commissioner Cox that Buente Lateral "A" Legal Drain and Maidlow Legal Drain be combined into one drain known as Maidlow. A second to the motion was provided by Commissioner Borries. So ordered.

It was noted by President Willner that the rate change will take effect on January 1, 1985.

There being no further business to be brought before the Board at this time, President Willner declared the meeting adjourned at 4:20 p.m.

PRESENT:DRAINAGE BOARDCOUNTY AUDITORCOUNTY ATTORNEY

Robert L. Willner
Richard J. Borries
Shirley Jean Cox

Alice McBride

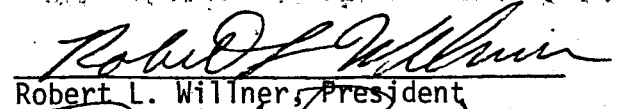
Cedric Hustace, Rep.

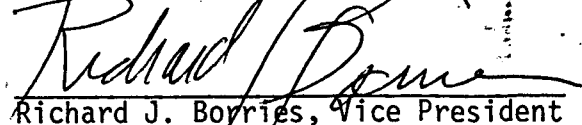
COUNTY SURVEYOR

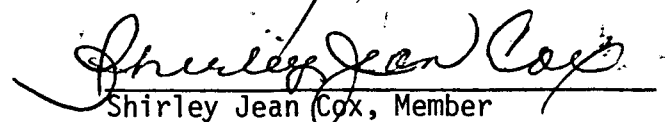
Robert Brenner

SECRETARY:

Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

DRAINAGE BOARD MEETING
October 1, 1984

The Vanderburgh County Drainage Board met in session this 1st day of October 1984, in the Commissioners' Hearing Room, with President Robert Willner presiding.

The meeting was called to order at 3:30 p.m., with President Willner calling for a motion concerning approval of the minutes of the previous meeting. A motion was made by Commissioner Cox that the minutes of the meeting held on September 24, 1984, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Borries. So ordered.

The meeting proceeded with President Willner advising that there were drainage plans to be submitted for approval today, prior to the APC meeting to be held on Wednesday night.

CARRIE HILLS SUBDIVISION/PRIMARY PLANS

Carrie Hills Subdivision is located just off Hogue Road. This is a four-block sub (Summertime Lane). Mr. Bill Jeffers of the Surveyor's office said that he and Mr. Brenner have reviewed the drainage plans for this subdivision. The water flows down thru natural waterways and will continue to do so, and it is the recommendation of the Surveyor's office that these plans be approved, as presented. Mr. Sam Biggerstaff was present to go over the plans with the Board and answer any questions. Commissioner Cox asked if Elvis Douglas (Soil Conservation Service) was available for counsel. Mrs. Beverly Behme said that Mrs. Meeks was to have contacted him about today's meeting. (Mr. Douglas subsequently entered the meeting during discussion of subject drainage plans.) Commissioner Cox remarked that it is too bad that Summertime Lane could not be extended to hook up with Middle Mt. Vernon Rd. Mr. Biggerstaff said this would be very expensive, due to the gullies, woods, etc., and at one specific point, a bridge would probably be a must. There being no further discussion or comments after the Board members thoroughly reviewed the plans, President Willner entertained a motion. Commissioner Borries made a motion that the primary drainage plans for Carrie Hills Subdivision be approved, as submitted. A second to the motion was made by Commissioner Cox. So ordered.

SCHAPKER'S SUBDIVISION (27-S-84) PRIMARY

President Willner said this subdivision is located on Kuebler Road, just south of Fisher Road....a 3-lot subdivision. Mr. Jeffers remarked that most of the water will flow directly into the pond on this one, and the Surveyor's office foresees no drainage problems, and it is their recommendation that the plans be approved, as submitted. All of the water that is not going directly into the pond leaves the property and basically moves due west thru natural waterways to a creek near Illinois Central Railway (the Board is familiar with the large creek that runs thru there -- passes under Orchard Road, etc.). There being no further questions or discussion after the Board reviewed the plans, President Willner entertained a motion. Motion was made by Commissioner Borries that the plans for Schapker's Subdivision be approved as presented. A second to the motion was provided by Commissioner Cox. So ordered.

KINGSWOOD ESTATES SUBDIVISION (22-S-84)

It was noted by President Willner that Kingswood Estates is located off Newburgh Road and runs adjacent to Lakeside Terrace, with 58 lots. President Willner said that with a subdivision of this size, the Board would like to be assured that there are no foreseeable drainage problems...other than the 100 year rain. Commissioner Cox asked Mr. Douglas if he has seen these drainage plans previously, and he responded in the affirmative. Mr. Biggerstaff said the developer has a detention basin, which will hold 7-ft. of water. At some future date, they also perhaps want to make a retention basin. President Willner asked Mr. Jeffers if the Surveyor's office has a recommendation on these plans. Mr. Jeffers said that after reviewing the plans, they felt the design was adequate and they liked the idea that the water does go into Williams Ditch. This happens to be on the Warrick County Line, and they consulted with the Warrick County Surveyor's Office. They have a different ditch assessment plan than does Vanderburgh County. What it does for us is that it converts agricultural land into urban land. We get the assessment for all of these lots at the urban rate and we have an agreement with the Warrick County Surveyor as to how to handle Williams Ditch. They have already approved this plan and the Vanderburgh County Surveyor's

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Office also wants to recommend that the plans be approved, as submitted. There being no further discussion or comments, and with indication from Elvis Douglas that he also approves the plans as submitted, President Willner called for a motion. Motion was made by Commissioner Borries that the drainage plans for Kingswood Estates Subdivision be approved as submitted. A second to the motion was provided by Commissioner Cox. So ordered.

KEMPF ROW SUBDIVISION (24-S-84)

This is a 3-lot subdivision near intersection of Hillview Rd. and No. 3 School Rd. Mr. Jeffers said this land is all woods and is basically flat property. Houses will all be built on top of the hill and the water will all drain off the hill down to two (2) natural waterways. All of the lots are over two (2) acres. The water all drains northwest into the next section (up by Stocker's Tree Farm) and the 100-year flood doesn't take effect until you get down to Motz Road....and the water would drain thru the lake before it gets down there. Mr. Biggerstaff said there is a series of lakes on Hillview....so we would not be talking about any 100-year flood areas until we got below the lakes. Mr. Jeffers said he was surprised the 3-lot subdivision drainage plans had come before the Board. Mrs. Behme said that a "3" is a major, and the APC says they have to have drainage approval. Two-lot subs do not. There being no further questions or discussion, President Willner called for a motion. Motion was made by Commissioner Borries that the plans be accepted as presented. A second to the motion was provided by Commissioner Cox. So ordered.

MOERS WOODY KNOLL SUBDIVISION

President Willner said this is a 7-lot subdivision on Big Cynthiana Road, north of Orchard Road. All of the lots are over one (1) acre. Drainage calculations were submitted by Easley Engineering Co. Engineer has proposed to install four (4) reinforced concrete pipes, which provides a smooth surface -- and when you calculate the drainage, these will carry more water than a corrugated pipe. There was some discussion as to whether there would be four (4) or five (5) pipes. Mr. Easley said there is probably a culvert at the entrance. Mr. Jeffers said the four (4) pipes they're concerned with is what would carry the water off Robert & Marlene Geyer property across the subdivision. Most of the lots are on a two percent slope. President Willner asked if it is correct that this is going to be a private road. Mr. Easley indicated that this is correct. Mr. Easley said the owner is an ex-school teacher. He had a house started, and he has a couple of friends who want to live out there.....and they all know this is a private road. Mr. Jeffers said the only comment he has is that, as indicated by Mr. Easley, the solution is that as long as these people understand that it is a private road -- and that the culvert service and road service is privately maintained -- and the disadvantage of having a lot that the water passes thru, so they can plan for their homes to be built on a certain area of those lots. He said the surveyor may still get some phone calls and they will have to explain that it is a private road. Other than that, the Surveyor has no problems with the manner in which the pipes are being used to get the water across the subdivision. They know these pipes will carry the water and get it across the sub. Ms. Behme said also included on the plans (and it probably already is included) must be the fact that the septs will have to be put in by a Certified Engineer. Mr. Easley indicated that this information will be included on the plat and the plats will be recorded like that. Information will also be included that the road is private and privately maintained. President Willner asked if the Surveyor's Office has a recommendation? Mr. Jeffer said it is the recommendation of the Surveyor's office that the plans be approved. Commissioner Borries moved that, with the comments addressed -- which will be included on the plat and in the report, the drainage plans be accepted. A second to the motion was provided by Commissioner Cox. So ordered.

A brief discussion followed concerning who keeps drainage plans. Ms. Behme said that the APC never keeps drainage plans. President Willner indicated that these are kept in the vault in the Surveyor's office.

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SITE ON MORGAN AVENUE/ADJACENT TO CRAWFORD-BRANDEIS DITCH

The Chair recognized Mr. Jake Raibley, who was seated in the audience, and asked that he approach the podium to state his name, his address, and the nature of his business.

Mr. Raibley stated his name and said he resides at 6900 Arcadian Highway, Evansville, Indiana. Mr. Raibley said he was up here a month or so ago concerning a piece of property he purchased at 5950 Morgan Avenue. On the west side of his property is the Crawford-Brandeis Ditch. He and his partner requested permission to build closer to the ditch than the specified 75-ft. Permission was granted for a 50-ft. variance. They were also advised that if they maintained the ditch, they could build up to 10-ft. If they do not maintain the ditch, they can build up to 30-ft. He asked just what the County means by "maintain". Do they have to clean the ditch out ever so often? Or, is it just cutting the weeds? Mr. Raibley said he spoke with Bob Brenner this afternoon and he advised him to come to the Drainage Board this afternoon to address the matter. Mr. Raibley said it is his understanding that they clean the ditch every ten (10) years or so. Is he billed for that? President Willner said that if Mr. Raibley owns the property, then he would be assessed for that. President Willner said that if the Board lets him build within 10-ft., how is the County going to clean the ditch? Mr. Raibley said this is what the Board told him; they would give him permission to build within 10-ft. of the ditch, if he maintained it. President Willner said that "Maintain" the ditch means that they cut the weeds at least once a year and, that if it ever needs dredging out -- then Mr. Raibley would be responsible. Mr. Raibley said he is responsible for the dredging now if he owns it? President Willner said that the ditch is a legal drain, and the County is responsible for the weed control and the dredging at this point. He said by way of explanation....the Commissioners do not furnish dollars; the people who live in the watershed pay "X" number of dollars per acre per year to Vanderburgh County to have that ditch maintained. The Commissioners are merely caretakers of that ditch....the property owners really pay for it. However, when Mr. Raibley wants to build closer to the ditch than the 75-ft. specifiedand he has a variance to 50-ft.....that means the County can still get a dragline or a gradall on that 50-ft. to continue to maintain that ditch....mow it and, if ever, dredge it. If Mr. Raibley wants to build within 10-ft. of that ditch, then the County can no longer get their equipment in there to maintain the ditch, then the County would ask him to maintain the ditch. Mr. Raibley said the 10-ft. is the figure the Board came up; actually, he does not feel it would be adequate. He said the ditch is about 30-ft. across the top. He said he talked with Mr. Brenner about a certain piece of equipment the County has (a gradall) and he has seen this piece of equipment in use. President Willner said the County does not use a gradall on legal drains. Mr. Jeffers said the Surveyor's office showed him a gradall, because that is the piece of equipment a lot of the contractors will use in their dredging operations. Mr. Raibley asked if the Board has some kind of figure on the per foot cost to maintain a ditch of this size? President Willner said that if he had a figure today -- it would change tomorrow. Commissioner Borries said he believes that either Bill Jeffers or Andy Easley should possibly meet with Mr. RaibleyCommissioner Cox interrupted that what the County does is let the ditch maintenance out for bids and that is how the County learns what it will cost. The cleaning operation is bid out and so much is bid per foot to clean the ditch on an annual basis -- and it does vary. Commissioner Borries asked if Mr. Raibley plans to build up to that 10-ft.? Mr. Raibley said he does not want to build up to the 10-ft. What he wants to do is build up to the 26-ft. or 28-ft. from the top of the bank...or at least 25-ft. to 26-ft. Mr. Jeffers said this would be sufficient to get the gradall thru; but when the operator swings around he has to deposit the dirt that he takes out of the bottom of the ditch on the far side of the machine. Mr. Raibley said they do not deposit this dirt in a dump truck or something like that? Mr. Jeffers said that in most cases the property owner (especially in those areas...or the farmer) will use that dirt to protect himself against high water. So in those cases, the contracts are let with the understanding that we will smooth down the soil to the point where the gradall can track itself out ---but they are basically building a levy ---the farmer can then come in on that 75-ft. and plant his crop with the understanding that if the County has to go back out there on an emergency basis, then they are out there on top of his corn or whatever. 30-ft. really cramps the bidder's style and causes the bid to come in at a higher price.

Mr. Raibley said the way he wants to do this -- he would like to put in concrete or blacktop. And only a small portion of that would be within 26-ft. But the way the building is laid out, only about 10-ft. to 15-ft. would be within 25-ft. of the bank.

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Mr. Raibley said he wanted to pave to the top of the bank -- right up to the edge of the ditch. Mr. Jeffers said that if Mr. Raibley paves to the top of the bank, that would prohibit the County from using their equipment to maintain the ditch....they would not be able to go on the concrete or asphalt either one. Mr. Raibley is thinking of doing the paving himself, as he could do it much cheaper. Mr. Easley said that if Mr. Raibley puts down seven inches (7") of crushed stone, the gradall or crawler dragline would work on it. President Willner asked where the soil would be deposited? Mr. Easley said they might have to be hauled away -- if Mr. Raibley would agree to pay for same(providing trucks and hauling the soil away.)Mr. Jeffers said we have situations like this in other areas -- and you have to maintain the ditch all from the other side. So, down the road, you have to look at what the other property owner is going to be asking for -- then you're totally locked in not to be able to dredge that ditch. Mr. Easley said that property has been there for some time, and it would be nice if some compromise could be made to help the owner develop it. A gradall or dragline would work within 30-ft., if someone would agree to haul the soil away whenever they have to dredge it out. Mr. Raibley asked how often they dredge? President Willner said the dredging is done whenever the ditch needs it. It could be two, ten or twenty years. It was noted that Mr. Raibley is fortunate to be at the upper end of the legal drain, rather than downstream. Mr. Raibley said he also understood the last time he was here that they have a dam on the other side of the L&N Railroad track. President Willner said it is Southern Railway. Mr. Jeffers said that is the dam that separates the Crawford-Brandeis Extension from the old Wabash-Erie Canal. We are currently using the Wabash-Erie Canal bed to divert all that water from the south side of the highway straight into Pigeon Creek. This is a major improvement which has cost the County a lot of dollars. President Willner said that instead of going down Crawford-Brandeis and going ten (10) miles back, the water is put into the creek. Yet the overflow can get across if it ever gets high. He said the County could have one of the engineers or someone from the surveyor's office work with Mr. Raibley, but the decision will be his. Mr. Raibley said he was under the impression that he had to pay for the cleaning of the ditch every ten years or however often they clean it. Mr. Jeffers said Mr. Raibley is billed every year with the property taxes (a green form.....for maintenaance cost on that ditch). We have a lot of bidders bidding against one another -- and it runs anywhere from 06¢ to 12¢ per foot for weed control and from \$1.50 to \$10.00 per foot for silt removal, depending upon the extent of the contract and how much we're asking the bidder to do. Your yearly bill is for weed maintenance, which is either done chemically or with cutting machines (keeping the ditch clear of cat-tails, etc.). He thinks this is being done chemically at the present time; then if there is something the chemical doesn't take care of, they have to go in with hand machines, etc. Commissioner Borries suggested that Mr. Raibley get with Andy Easley (County Engineer) and Bill Jeffers (Chief Deputy in the Surveyor's office) and go out to a ditch that has very similar characteristics -- toward helping Mr. Raibley make a decision concerning whether he wants to be responsible for maintaining the ditch or allowing the required footage so that the County will continue to maintain the ditch.

There being no further business to come before the Drainage Board at this time, President Willner declared the meeting adjourned at 4:40 p.m.

PRESENT: DRAINAGE BOARD COUNTY AUDITOR COUNTY ATTORNEY

Robert L. Willner
Richard J. Borries
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David Miller

COUNTY SURVEYOR

Bill Jeffers

AREA PLAN COMMISSION

Beverly Behme

OTHER

Sam Biggerstaff
Andy Easley
Elvis Douglas
Jake Raibley
News Media

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DRAINAGE BOARD
October 1, 1984

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SECRETARY: Joanne A. Matthews

Robert L. Willner
Robert L. Willner, President

Richard J. Borries
Richard J. Borries, Vice President

Shirley Jean Cox
Shirley Jean Cox, Member