

MINUTES OF THE  
VANDERBURGH COUNTY DRAINAGE BOARD

SPECIAL CALLED MEETING

JANUARY 8, 1996

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## MINUTES

### VANDERBURGH COUNTY DRAINAGE BOARD

#### SPECIAL MEETING

JANUARY 8, 1996

The Vanderburgh County Drainage Board held a special Drainage Board meeting on Monday, January 8, 1996 at 7:08 p.m. in the Commissioner's Hearing Room.

#### RE: CALL TO ORDER

President Tuley: This is a special Drainage Board meeting for January 8. We will call the meeting to order. The purpose of the meeting tonight is to continue the discussion with regard to the drainage plans for Eagle Crossing Subdivision. That is the sole purpose that we are here for tonight and that's the only thing that will be heard. If any of you are here for any other reason, the regular Drainage Board meeting will be conducted two weeks from tonight. Looking around and seeing the familiar faces, we're all here for the same reason, I believe.

#### RE: EAGLE CROSSING SUBDIVISION

Bill Jeffers: On December 26, 1995 the Surveyor's Office recommended approval of the final drainage plan for Eagle Crossing Subdivision based on thirteen conditions that, due to a failure of my word processor at the time, were handwritten. I got it up again and I have typewritten those thirteen conditions and presented them to you at this time. In all caps, is the original handwriting that was given to your secretary on 12/26/95 and then today I added in lower case words for clarification or subsequent comments. I also received today a letter from Morley & Associates addressing each one of the thirteen conditions. Starting with number one:

1. THE 12' PUBLIC UTILITY EASEMENT ALONG THE WEST LINE OF LOT 16 WILL BE REMOVED AND BE REPLACED WITH A DRAINAGE EASEMENT. That is to prevent damage to the fragile topsoil along the rock ledge of the creek bank by utility installations. They agree to that.
2. REMOVE THE 12' PUBLIC UTILITY EASEMENT ALONG THE SOUTH LINE OF LOT 16 EXCEPT FOR THE EASTMOST 50' OF IT. That's to prevent public utilities access to that drainage easement along the west line of lot 16, but it would allow sufficient public utilities to be extended from the southeast corner of lot 16 to service the house on that lot. They agree to that.
3. REPLACE BOTH THOSE PUBLIC UTILITY EASEMENTS WITH "DRAINAGE EASEMENTS" ONLY SO THAT NO PUBLIC UTILITY INSTALLATIONS WOULD BE ALLOWED PAST 50' WEST OF THE SOUTHEAST CORNER OF LOT 16.

The reason I'm so hard on this public utility installation is that there's a rock ledge there along the creek bank that's got a very shallow dirt cover on top of it and if the public utilities trench along there with sewer or electric lines, etc., they would cause that to just fall off in the creek. So that's why I'm being real hard on that. In item three, Morley adds, well, first of all I'm correcting it. He says, along the east property line and I meant the west, so I've scratched that out on his copy. Also, he added:

However, if it is determined that these easements are not necessary, they will be deleted from the final plat prior to recording.



I've scratched that out because Area Plan Commission likes to have a drainage easement around the entire subdivision if a condition arises where water needs to be caught before it leaves the subdivision and crosses on to someone else's property. So that will remain. Also on item three, Morley's reply says:

No public utility installations will be allowed on lot 16 anywhere beyond a point 50' west of the southeast corner of the lot.

That's what I was after to begin with. So that properly addresses that third condition. Under number four, I had made reference to another subdivision and I'm asking for that reference to be scratched and replaced with:

4. It's my understanding that the developer does not wish to form a homeowner's association for this subdivision. When this fourth condition was written, I was operating under the assumption that he was going to have a homeowner's association. They have decided they're going to go with Plan B of your drainage ordinance under which they submit \$2.00 per lineal foot of all storm water pipe and connections that exist outside of county accepted right-of-way and that \$2.00 per lineal foot goes into the special account for the repair or the replacement of storm water pipe in the event of the complete failure of that pipe.

That's in accordance with your ordinance and going on into Mr. Morley's page 2 of Mr. Morley's reply, he gives the notice that should appear on the plat detailing what the individual lot owners are responsible for and there are seven paragraphs there out of the drainage ordinance that tell --

Commissioner Borries: Actually eight, Bill, if you flip.

Bill Jeffers: Right, the eighth one is added by Mr. Morley. That's not out of the drainage ordinance. The first seven are; the eighth one is Mr. Morley's notice that:

8. The foregoing obligation for drainage maintenance is a requirement of Vanderburgh County and is enforceable by Vanderburgh County.

I think he's placing that there to let the reader know that comes out of the county drainage ordinance.

Commissioner Borries: Bill, are these items that we have referred to as Plan B, essentially what you referred to when you talked about this Keystone Subdivision?

Bill Jeffers: No, Keystone is using Plan A. They're using a homeowner's association and I thought at the time I wrote these conditions last month that Eagle Crossing would use Plan A, a homeowner's association. They have decided to use Plan B; individual lot owners are responsible for that part of the storm water system that lies on their lot.

Commissioner Mourdock: Bill, is the paragraph eight, or the sentence 8, that Morley has inserted, key words being, and is enforceable by Vanderburgh County, are we empowered to do that under the drainage ordinance? In other words, if somebody violates number seven, which says:

Any pipe, fence, wall, building, pool, patio, planting, stored material, excavation, fill, or other construction improvement, addition to, or alteration of the land within a drainage easement

in this subdivision requires the prior written approval of the county Drainage Board.

Well, let's say they go ahead and do it, paragraph eight implies that we have the right to go out there and enforce it or forcibly remove it and obviously that --

Bill Jeffers: The drainage ordinance does allow you to take certain actions to notify the person to remove it, and after a certain period of time, if it's not removed, the Drainage Board can hire a contractor to remove it and bill the property owner.

Commissioner Mourdock: So the same thing would be true even with number one.

Bill Jeffers: Yes sir.

Commissioner Mourdock: Grass maintenance, whatever.

Bill Jeffers: Yes, sir. If it violates your weed control ordinance or any part of your drainage ordinance, you can go out and do the same thing.

President Tuley: Bill, also would it be correct to say that'll be treated like any other special assessment then, that will be treated just like any other tax lien against their property?

Bill Jeffers: Correct, it will be attached to the tax bill of their property owner if it went unpaid. That's just a sentence added by Mr. Morley. I don't know that it's necessary, but it appears to be an accurate statement.

President Tuley: I don't think it should be on there, do you?

Commissioner Borries: I don't have any problem. I think Richard's comment got the heart of it. If it is enforceable, and Bill Jeffers has outlined how it can be, then it's okay.

Daryl Helfert: It is on Keystone.

Bill Jeffers: Daryl Helfert said that particular sentence appears on the Keystone plat which was recently recorded last week. So we're withdrawing the condition number four and substituting the use of Plan B rather than Plan A. Same with condition number five:

5. Since a homeowner's association is not going to be formed, Morley proposes that BSH Development attach the financial obligation for the maintenance of the storm water retention basin and the easement around it to the adjacent lots 26 through 31. In the event of a failure by BSH Development Company, LLC, or their successors to maintain the easement that the lot owners of lots 26 through 31 will assume that financial obligation.

The only thing I don't like in Mr. Morley's paragraph five is that he says:

-- to maintain the easement to control storm water runoff.

That should read:

-- to maintain the easement in accordance with the drainage ordinance.

So that there's no question about the duties that implies. The drainage ordinance specifies duties and Mr. Morley's statement is very general, to control storm water runoff from the subdivision.

Commissioner Borries: So do you want to change that and initial as you've done on some of these others?

Bill Jeffers: Right. Anywhere where in number four or number five where the statement appears that BSH or its successors should maintain the easement to control storm water runoff, which he may be using as a definition. But I say that's to maintain it in accordance with the drainage ordinance.

Commissioner Mourdock: Say again what you said a moment ago, the way you want it to read.

Bill Jeffers: To maintain the easement and the basin in accordance with the drainage ordinance in the event that BSH or its successor fails to do so, that obligation will go to the adjacent property owners. That would be in accordance with Plan B of your ordinance.

Commissioner Borries: Okay, I will initial here and this will say:

--or their successors to maintain said basin in accordance with the Vanderburgh County drainage ordinance.

Bill Jeffers: Right, said basin and easement in accordance with the Vanderburgh County drainage ordinance, correct. You may wish to take a close look at this because back in paragraph four, continuing to the top of page two, it starts at the very last sentence of page one and then goes on to page two:

The storm water retention and maintenance easement is hereby dedicated to the owners of lots 26 through 31 in six equal but undivided parts.

I don't have any problem with that so long as there's not a legal problem with that or so long as that meets your intent. You asked that be attached to the subdivision. What he's doing there, he's attaching it as one big lot, one big easement, across which no individual lot lines are extended.

Commissioner Mourdock: That was the item last time, we had a choice and we were expected to choose A or B.

Bill Jeffers: Right. Number seven down through thirteen, basically, they're agreeing to do all that. They guarantee the maintenance and repair of all the drainage facilities until they're turned over to the individual lot owners. They agree to provide drawings showing how to grade the lots. They have given us, over on that desk I have a copy of it and a copy was given to Mike Wathen, the erosion control plan. Mr. Wathen has faxed you a notice saying that he reviewed it and recommends approval of it. They agree to construct section one to include all the drainage facilities and the basin. I'm asking that be done before they build the houses, get all that stuff in place with the erosion control plan before they build the houses. Number eleven, they are recognizing that there are some existing waterways in that farm field, soft material, vegetation, etc., wet soil, will have to be removed from those and replaced with acceptable engineered fill, compacted and graded and tested in accordance with applicable building codes, etc., so that we don't have a problem where an old channel is pointed towards or adversely affects a house foundation. They agree in number twelve to give drawings depicting proper lot grading. I've attached those to the back of our thirteen conditions. Only one was attached to Morley's reply, but here's all of them from USDA Soil & Conservation Service. I'm drawing particular attention to C-4 that shows how the back yards are graded to go into an open channel because that's...that addresses our condition number twelve. There's some open channels they are building out there that I want to make sure all the water from the lots goes directly into that open channel, does not go cross-

country across someone else's lot. We're having a little problem with one subdivision where they did not do that here recently, under our new ordinance. They didn't get it directly into the adjacent channel. It's going through people's yards. And then number thirteen is addressed correctly by Mr. Morley. So, in other words, other than the homeowner's association, they're agreeing to every condition and, either are showing it to us now or agree to put it on the plat before recording. The last item is, this fence detail that was submitted by Mr. Morley was put into the covenants and restrictions of Keystone Subdivision, but it won't apply to this one, so I'm removing it because on this one, since they do not have a homeowner's association and ultimately, the county may be responsible for going into those easements and enforcing our ordinance, I would prefer that the individual lot owners come in to you, individually, according to item number seven under the notice in paragraph four, that any fence, etc., within a drainage easement of this subdivision requires prior written approval of the county drainage board. I don't want to give that prior written approval at this time.

Commissioner Borries: So take this off?

Bill Jeffers: Take that off. They're going with Plan B which would require you to send people in to enforce this ordinance, therefore, they don't need to have fences in those easements. That's why I was pushing the homeowner's association to begin with because I thought they would want to use that method to avoid this problem here. However, if an individual wants to put a fence or yard barn or something in an easement, they're going to have to come in individually and show you a plan. So with that and the inclusion of all these words and diagrams into the permanent record and that they make these drawings a part of their covenants and restrictions, we still would recommend approval of the final drainage plan for Eagle Crossing Subdivision.

President Tuley: We have several interested parties here.

Lee McClellan: I'm Lee McClellan with Morley & Associates. Probably in answer to the first question about the elimination of the homeowner's association in particular with Keystone. At Keystone, the homeowner's association was set up because there were large common areas of the large retention basins and therefore, they wanted to use that as a means to be able to maintain those common areas. On the BSH Development, there basically is no common area other than the retention basin, and by attaching the easement to those six property owners there along the Eagle Crossing Drive, then, therefore, there is basically no common area. So that is the main reason for the elimination of the homeowner's association. Because once that is attached, once the storm drainage improvements and the roads are installed in accordance with county standards and the plans and specifications that have been approved, then those would be requested of the boards to accept for maintenance and then, like Bill said, the storm sewers that would be outside of the right-of-way would then also be asked to be maintained by the county and set up at the \$2.00 per lineal foot to set up the funds for the maintenance fund. On January 3, we met with the homeowner's and adjacent land owners to discuss three things. We discussed the drainage plan as presented along with the thirteen conditions, we discussed traffic, the accel/decel lanes that were not installed on Seib Road and Petersburg Road, and we also talked about the special use permit that has been filed for the golf course that will be heard at the BZA meeting on the 18th of January. So they did have a good representation at that meeting, that evening. We, hopefully, addressed all their concerns. There was a couple of things that I think Bill had brought up and Mr. Miller brought up and Ms. Seib brought up, and they may want to address them in front of the Board this evening. But I thought I would at least lay the groundwork of what we've done since we met the last time. Are there any questions?

Commissioner Mourdock: Just one, the comment that Mr. Jeffers made and the one Rick made the note about, I presume you do concur with that slight change in the wording. Rick, you might want to read that.

Lee McClellan: The one where it says in accordance with the drainage ordinance in lieu of -- sure, there's no problem with that at all.

Commissioner Mourdock: Okay, just wanted that in the record. Any other questions?

Commissioner Borries: I guess just one item, and this would go to Bill Jeffers as well as to Mr. McClellan. Bill, you can refresh my memory on this, this is not going to be the end of this particular subdivision and we get confused a lot. Do we need, at this time, to say this is part A, or phase A, or something like that just to delineate that -- I mean, this isn't going to end because if you're going to have another phase, we're going to be looking at it because it's going to have to carry its own weight over on the other side. I guess that's my point.

Lee McClellan: Right, what you're looking at there is Eagle Crossing. Okay, and it is going to be recorded in two sections.

Commissioner Borries: Is this section one?

Unidentified: (Inaudible - comments not made from the microphone)

Commissioner Borries: I just want to make sure that this is -- we're dealing with something that is a separate drainage plan.

Bill Jeffers: Originally, this was submitted as Eagle Valley Two, which indicated that there was an Eagle Valley One on the west side of Petersburg Road and it was much bigger. The Area Plan Commission did not want to record Eagle Valley Two prior to looking at and recording Eagle Valley One so they -- yes, it is two large subdivisions. One on the east side of Petersburg Road which is now called Eagle Crossing it is on the desk in front of you. Another one we don't have any idea what it looks like at this time --

Lee McClellan: This is called Eagle Valley, but what will happen as far as in accordance with the APC regulations, is that Eagle Crossing Subdivision will be recorded in two sections. What you see here outlined in the pink is what is known as section one. It encloses the drainage easement right here. So they will be going to APC requesting to record this section one and then they will, at a late date, record section two, but it will still be known as Eagle Crossing Subdivision. The other side of the road is Eagle Valley and it will go through its own procedures.

Commissioner Borries: Are you alright in terms of how they're going to record that?

Bill Jeffers: Yeah, that's okay, I was --

Commissioner Borries: Your drainage plan is also located on part of, what you're saying is part two.

Lee McClellan: Section two.

Bill Jeffers: Actually, I'm happier to see them go with the part that exits onto Petersburg Road as section one because that includes the trickier parts of the drainage plan and if they build those first, that just tickles me to death. I thought they were going to go to Seib Road first. But no, yeah, everybody is doing this, showing us a large plan for eighty or ninety lots and then coming back and doing it in phases. So their phase one is going to go out onto Petersburg Road.

President Tuley: The most crucial part if I heard you right is in phase one and that's what they're going to do first anyway.

Bill Jeffers: That's what they're going to do first, right, which...we're approving the entire drainage plan for Eagle Crossing, phases one and two.

Commissioner Borries: Alright, that clarified everything, then. That's good.

President Tuley: Okay, some of you others, I'm sure you didn't just come here because you've got nothing else to do. You must have some comments.

Bill Jeffers: But there is still another subdivision to come completely on the other side of Petersburg.

William McCutchan: For the record, my name is William L. McCutchan. I own the property at 11201 Petersburg Road which is just to the north of the Eagle Crossing subdivision. Initially, I had some concerns about the formation of the homeowner's association. I understand now there will not be a homeowner's association. Apparently, there will either be an escrow deposit or a bond of \$2.00 per lineal foot, is that correct? Okay, I have a couple of questions about that because I plan to own that property for many, many years to come and I'm curious as to who or what body would inspect the drainage system periodically, how long must the bond be maintained, how is the bond replenished if it's used to do repair work on the drainage plan. At this point, those are my only concerns because I was at the meeting last week at the McCutchanville Methodist Church. I think most of the folks there, the homeowners, were satisfied that their questions were answered, the developers were there, Morley & Associates were there. I appreciated that and I guess my only concern now is, over the years, how is this going to be maintained and how do I know that this bond or the escrow account won't be depleted.

Bill Jeffers: What we're referring to as the escrow account would be the \$2.00 per lineal foot that would be put up by the developer and go into a special account in the Auditor's Office, specifically for the repair of pipes in this subdivision should there be a failure, a pipe cracks, collapses or is destroyed in some way. Between 1986 and 1994, the county collected \$.50 a lineal foot for the same purpose on the subdivisions that were built under plan B and is holding that money in the Auditor's Office, and to this point, has never drawn any money out of those accounts which indicates, under the old ordinance, the concrete pipes were being put in sufficiently not to require any repair that we know of to date. We upped it to \$2.00 a foot and, obviously, the developers still think that's a bargain because they're putting it up. We made the guidelines and requirements for installing pipe very strict in the new ordinance. They have to follow the manufacturer's recommendations or Indiana Department of Transportation specifications to bed those pipes, so we don't anticipate any failure. While they're bedding the pipes, the county inspectors can go out and watch them bed it at any time, bed the pipes at any time. We have total access to the site for inspection purposes. If we hear any complaints or receive any requests for inspections after everything has been covered up, we will go out and make those inspections. If we see something that we think requires occasional monitoring, we will go out and do that, we have the right to do that under the new ordinance. The bottom line is that those pipes are put in place according to the manufacturer's recommendations, etc. You should expect them to last at least twenty years without any problems. In that time, the escrow account increases by investments and interest put back into the same account. We would hope that any time there was a failure of a pipe, we would have sufficient funds to go in and replace it with those funds.

William McCutchan: Is this escrow account, is this a common fund or is there a separate fund for each subdivision, or is it just like an insurance pool?

Bill Jeffers: It's designated as to which subdivision the money came from. It all goes into one account that gains interest, but it shows how many lineal feet of pipe went in from this subdivision and others.

William McCutchan: How long is that account maintained? Is it maintained for one year, ten years, twenty years?

Bill Jeffers: I think it's a perpetual account.

William McCutchan: So it's forever.

Bill Jeffers: Right. For as long as the county operates, the Drainage Board. I would say the only time it would change would be if you had a unigov form of government and the Board of Public Works took over the Drainage Board's responsibilities, that money may be transferred to the consolidated government, to an account that is consolidated government. As long as there is a county government, there will be that account.

William McCutchan: Do you have any idea, any estimate how much money will be deposited in that account at \$2.00 per lineal foot?

Bill Jeffers: No.

William McCutchan: Thank you.

President Tuley: Anybody else?

Sally Seib: Good evening, I'm Sally Seib. Our family has owned 130 acres directly east of there since 1880, so we have been there for a long time. We're looking to see something good go in there and it looks like Mr. Jeffers, and I want to thank him for being on top of it and making sure that the drainage was put in properly and will be put in properly. The only question that I have, one concern, is mosquitoes, the mosquito problem in the summer. How will that be taken care of? Do you have any ideas?

Bill Jeffers: There are many other lakes in the vicinity and this lake is immediately adjacent to six lot owners and I would assume that if there is a mosquito problem, they'll suffer from it first and will do something about it. If I lived there, I'd make sure to do something about that. But as far as the county government is concerned, we would look at this as any other lake in the area, it is susceptible to mosquito infestation and we would hope that the property owners would take care of that.

Sally Seib: Thank you. I also want to say that we will be glad to welcome our new neighbors.

Commissioner Borries: That was a particularly nice statement.

Kent Burress: Good evening. My name is Kent Burress and I live on 11210 Petersburg Road. I'm afraid Mrs. Seib has got our farm beat by four years. We've had the farm in the family for 111 years or so, so she's got us beat. But the only question I had is, I think Mr. Jeffers answered some of the questions, is that who inspects construction while it's going on when they lay streets and drainage, I guess your office does that, I assume?

Bill Jeffers: Somebody from the County Engineer's Office who has three or four inspectors. We have three or four people who are available to inspect also.

Kent Burress: My notice on Keystone, on Oak Hill Road, that

they've already worked this fall and they've got quite a bit of black plastic that helps keep the dirt from washing and several mounds that they've moved around, that's all according to the plan that they've done on their subdivision, so I assume that each subdivision has to do that type of thing to control erosion. What about the streets? The streets are laid by the developer and once the county inspects them, they accept them to be a county road, is that the plan? I know the streets have curbs and sidewalks.

Bill Jeffers: Right, while the streets are being constructed, the County Engineer's Office is on-site from time to time to inspect them and then if they're constructed properly, they do accept them for county maintenance. They have rolled curbs and I believe that subdivision has sidewalks.

President Tuley: I know it does.

Bill Jeffers: And the erosion control fences that you see in place at Keystone are the same type of erosion control devices that will be used on Eagle Crossing. By the way, they have video taped that development and the video tape is available for other people to use, I believe --

Commissioner Borries: Keystone, you mean?

Bill Jeffers: Keystone has some video tapes of their erosion control and I believe they're going to make those available to other people through the Soil Conservation Service. They're doing a real good job.

President Tuley: That's my understanding.

Kent Burress: Thank you -- the only other question I thought of is that, being from a farm background, does the drainage plan take into account winter springs? Those are just like --

Bill Jeffers: It's based on annual rainfall and there are times that the conditions, like right now, if you started to have a thaw, you'd have some real sloppy conditions. But the erosion control plan, according to rule five, must be maintained under all conditions. There's no leeway given under rule five, they must maintain their erosion and sedimentation control at all times, during every month of the year.

Kent Burress: There weren't any wetlands in that area, were there, that are wet 9/10 of the year, whatever, so to speak?

Bill Jeffers: I'm not aware of any. A wetland requires a certain type of forested cover to be considered a wooded wetland. I think that was on (inaudible - comments not made from microphone).

Kent Burress: Thank you.

Lee McClellan: I wanted to make sure that Mr. Burress and Bill are aware of it, that out at Keystone the developer did use the silt fence, the black silt fence that you saw, and it is placed back of the curb. According to the Soil Conservation Service and rule five, there are two methods to control silt from the street and one is the silt fence and the other is straw bales. So, just because you see the black silt fence at Keystone, I don't want to leave the impression that the developer is limited to putting in the silt fence, he has the option to use straw bales if he feels that's a more effective way to do it. That is allowed under the practice of rule five --

President Tuley: But I think along those lines, because I think what I hear is, don't be alarmed if we put those up, but you will submit a plan for approval and will have to follow that plan, whatever it is --



Lee McClellan: Right, that plan has already been filed.

President Tuley: And will be monitored, and even though they may not see the black silt fences, if they see straw, that is under an approved method and will be monitored by Soil Conservation and everybody else.

Lee McClellan: Right, and also on the erosion control plan that has been filed with IDEM and the Soil Conservation Service and along with Bill's office, there is a statement on that plan that has been added on every erosion control plan that Morley & Associates does that states that just because a practice has been approved by the Soil Conservation Service and DNR, that if it does not work, the developer is required to take whatever action he has to, to control erosion because we're afraid, and Mr. Wathen is aware of it, that sometimes people are shown something and it has not worked, and the developer says, well, I did what was on the plan. That just doesn't cut it as far as IDEM is concerned and DNR is concerned, you have to take whatever action is necessary.

President Tuley: And that's standard verbiage on your plans?

Lee McClellan: Yes, sir.

President Tuley: Okay.

Bill Jeffers: So to take that a step farther, if any of the neighbors notice any silt or erosion leaving the site and coming on to their property, they should alert first the developer so he can correct it, and if it's not corrected over a period of time, they might alert the Soil Conservation Service that rule five is not being enforced. But I would urge you to alert the developer first because he's the guy that can go out and get something done that day.

President Tuley: Any other comments? Before we put this to a vote, I'd like to thank the developers, Morley & Associates, the neighbors and Bill Jeffers for your willingness and your spirit of cooperation to get together and try to work this out and move this thing forward in a positive manner. I appreciate your patience and your understanding and your willingness to work together. Do we have a motion?

Commissioner Mourdock: Let me add one thing before you say that. Mrs. Seib's comment, particularly about welcoming the neighbors is something we don't hear in here very often and we appreciated that comment, because all too often, this room and these meetings get very adversarial and that type of sentiment is a long way from this type of typical public meeting. So, we appreciate that. Having said that, a couple of weeks ago I said there were two parts this process, one being the physical, the drainage, and I felt comfortable then with it. The other part was the legal, and I feel comfortable with that now, so having said that, I'll move acceptance of the Eagle Crossing Subdivision drainage plan.

Commissioner Borries: For phases one and two?

Commissioner Mourdock: For phases one and two.

Bill Jeffers: Final?

Commissioner Mourdock: The final Eagle Crossing Subdivision drainage plan, phases one and two.

Commissioner Borries: I will second, along with saying that these processes have been, indeed, much more exhaustive and I think careful in their approach, so we do appreciate the positive attitude of everyone involved in this process. I will second.

SPECIAL DRAINAGE BOARD MEETING  
JANUARY 8, 1996

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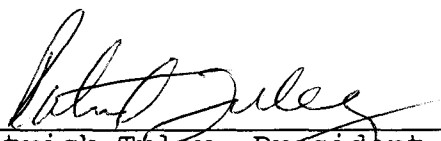
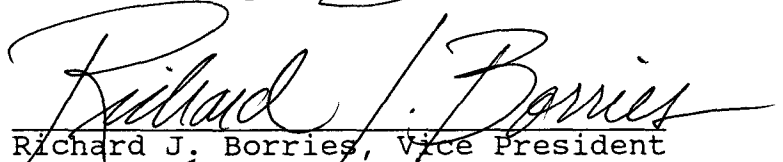
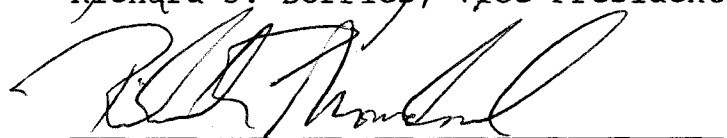
President Tuley: I will so order.

Meeting adjourned at 7:50.

**THOSE IN ATTENDANCE:**

Patrick Tuley  
Richard J. Borries  
Richard E. Mourdock  
Alan Kissinger  
Suzanne Crouch  
Teri Lukeman  
Bill Jeffers  
Daryl Helfert  
Lee McClellan  
William McCutchan  
Sally Seib  
Kent Burress

## VANDERBURGH COUNTY DRAINAGE BOARD

  
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Patrick Tuley, President  
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Richard J. Borries, Vice President  
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Richard E. Mourdock, Member

VANDEBURGH COUNTY  
SPECIAL DRAINAGE BOARD MEETING

JANUARY 8, 1996

1. Call to order
2. Old business:
  - A. Eagle Crossing Subdivision
3. Adjournment

EAGLE CROSSING SUBDIVISION  
CONDITIONS OF DRAINAGE PLAN APPROVAL  
FROM DECEMBER 26, 1995 MEETING

WORDING OF HANDWRITTEN COPY OF CONDITIONS SUBMITTED ON 12/26/95 ARE IN ALL CAPS; CLARIFICATION AND/OR SUBSEQUENT COMMENTS ARE IN LOWER CASE:

1. REMOVE 12' P.U. EASEMENT FROM WEST LINE LOT 16. (along creek bordering lot. This is to prevent damage to fragile topsoil covering rock ledge along creek bank.)
2. REMOVE 12' P.U. EASEMENT FROM SOUTH LINE OF LOT 16 EXCEPT for the EASTMOST 50' (the FIRST 50' WEST OF THE S.E. CORNER LOT 16 IS O.K. FOR P.U.) This is to prevent public utilities access to drainage easement along west line Lot 16, but allows sufficient p.u. easement from s.e. corner Lot 16 to serve the house on that lot.
3. REPLACE (p.u.easements noted above) WITH "DRAINAGE EASEMENT" ONLY; NO P.U. INSTALLATIONS ALLOWED PAST 50' WEST OF S.E. CORNER OF LOT 16. (The plat should carry a notice to the installers of public utilities that no trenching, etc. shall be allowed within the "Drainage Only" easements.
4. NOTICES REGARDING DRAINAGE FACILITY MAINTENANCE ON PLAT MUST BE SAME OR EQUAL TO KEYSTONE (Keystone Subdivision was used only as a reference due to it being the only subdivision for which such refined maintenance notices exist since new drainage ordinance.) We are withdrawing this condition as the developers' engineer has notified us that they do not wish to use Plan "A" per Drainage Ordinance. Therefore, developer must use Plan "B" and the maintenance methods and notices required by Ordinance per Plan "B."

In addition, all drainage easements must be full width in accordance with Ordinance requirements if developer uses Plan "B"; and no fences, etc. will be allowed within drainage easements.

5. HOMEOWNERS' ASSOCIATION MUST BE FORMED WITHIN ONE YEAR OF RECORDING FINAL PLAT. This condition is withdrawn due to developers' wish to use Plan "B."

6. HOMEOWNERS' ASSOCIATION MUST OPERATING TO MAINTAIN ALL DRAINAGE FACILITIES WITHIN 18 MONTHS OF RECORDING. This condition is withdrawn due to developers' wish to use Plan "B."

7. DEVELOPER MUST GUARANTEE/REPAIR/MAINTAIN ALL (drainage) FACILITIES UNTIL HOMEOWNERS' ASSOCIATION TAKES OVER MAINTENANCE/REPAIR RESPONSIBILITIES. This condition is withdrawn and replaced with "Use Drainage Ordinance requirements per construction, inspection, approval, enforcement, maintenance, and repair of drainage facilities when developer chooses Plan 'B.'"

8. DRAWINGS (are required) SHOWING LOT GRADING AND FENCE LOCATION (with regard to drainage channels, easements, etc.) EQUAL TO OR BETTER THAN KEYSTONE. Scratch reference to Keystone Subdivision and refer to "U.S.D.A." drawings showing proper lot grading submitted by Surveyor's office at Special Drainage Board meeting 1/8/95.

Note that fences will not be allowed within drainage easements for subdivisions using Plan "B" where county is responsible for enforcement of Drainage Ordinance and for making paying for repairs and replacements to storm drainage pipes, etc.

9. An EROSION CONTROL PLAN (ECP) AND IMPLEMENTATION AND MAINTENANCE OF ECP EQUAL TO KEYSTONE OR EQUAL TO IDEM REQUIREMENTS. (Scratch reference to Keystone Subdivision, and note that an ECP has been submitted to the Natural Resources Conservation District which declares that the ECP is in compliance with Rule 5.)

10. PHASE ONE MUST INCLUDE ALL DRAINAGE FACILITY CONSTRUCTION OUTLINED (on reference map) BY BLUE DASHED LINES; THAT IS LOTS 26 -- 84 PLUS LAKE AND LAKE OUTLETS. This condition implies. and should include that, all drainage facilities serving Lot 26 through Lot 84 should be constructed together with the implementation of the ECP prior to construction of the houses on said lots.

11. LOTS 30, 31, 48, 39, 58 (OUTLINED IN ORANGE on the reference map), AND OTHERS DISCOVERED TO HAVE EXISTING CHANNELS (waterways of any kind or size) UNDER OR NEAR NEW HOUSE FOUNDATIONS MUST BE FILLED, COMPACTED, AND GRADED SUFFICIENTLY TO PROTECT FOUNDATIONS FROM WATER DAMAGE AND SETTLING IN ACCORDANCE WITH THE STRICTEST APPLICABLE BUILDING CODES.

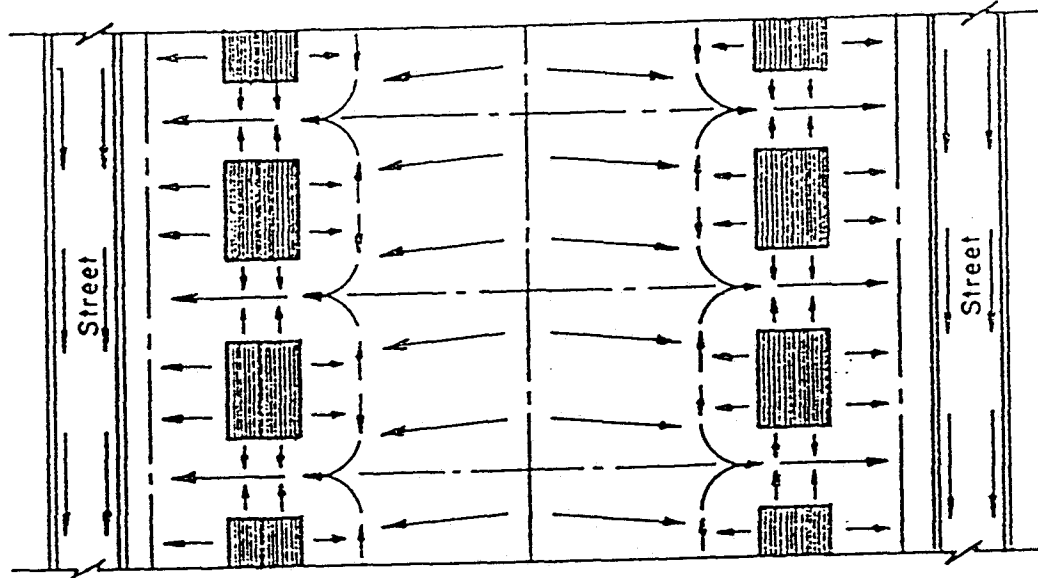
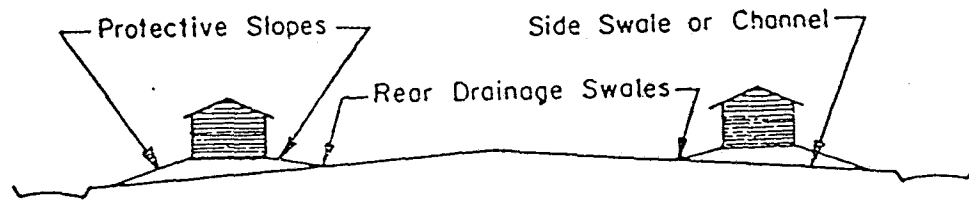
Actually, it is the intent of the Surveyor's Office simply to say that the developer clearly intends to build houses over or very near existing waterways in the farm fields of this subdivision; and that very careful filling and grading will be necessary in order to protect the houses against possible damages. And that neither the drainage board nor the county surveyor want to hear from homeowners years from now if such precautions are not taken.

12. LOTS 38 -- 49 AND 57, 58 (OUTLINED IN PINK on the reference map) MUST HAVE DETAILED FILL AND GRADING PLANS THAT SHOW EACH LOT FILLED AND GRADED SO THAT ALL SURFACE WATER IS DIRECTED INTO THE OPEN CHANNEL OR INLET ADJACENT TO OR THROUGH EACH LOT; AND ALL SURFACE DRAINAGE FROM THE BACK YARDS MUST SHEET DIRECTLY INTO THE NEWLY CONSTRUCTED OPEN CHANNELS THAT PASS THROUGH THESE LOTS.

Simply stated: Refer to "U.S.D.A." drawings submitted 1/8/95, in particular Exhibit C-4 because sheet drainage shall not be allowed to travel overland across adjacent lots; but must be directed into the channel immediately adjacent to the lot.

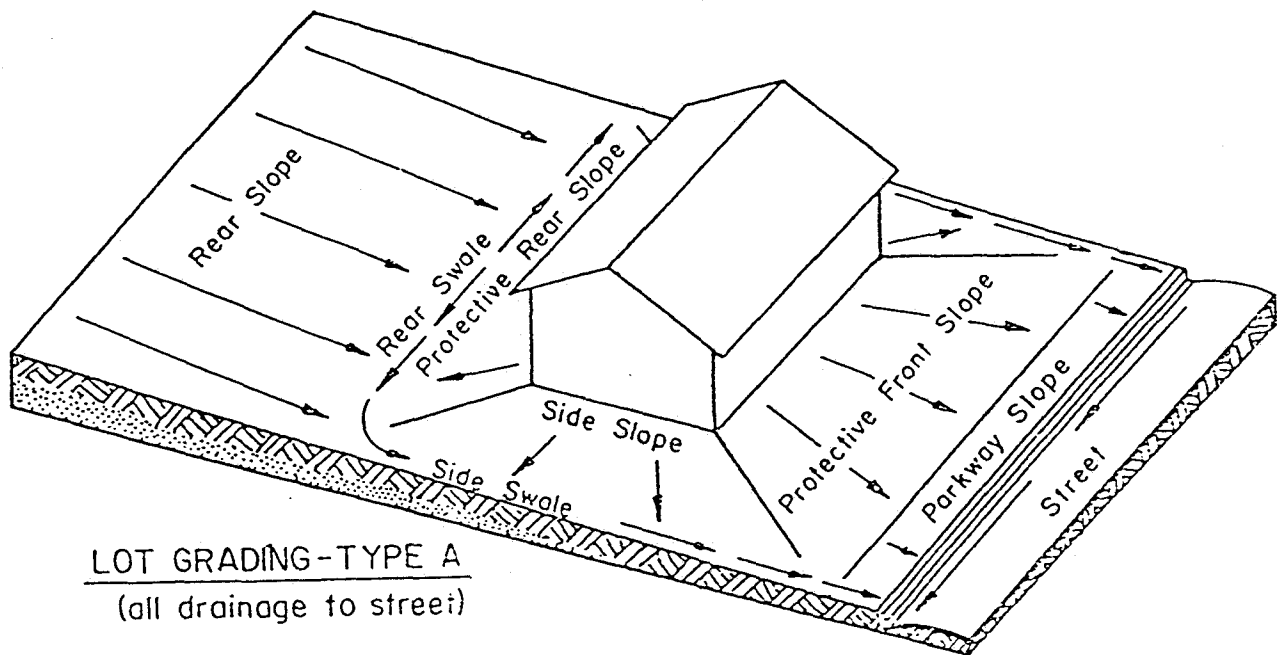
13. THREE LOCATIONS SHOWN (on the reference map) ON LOTS 57/58, 44/47, AND LOT 39 ARE SPOTS WHERE OLD EXISTING WATERWAYS CROSS PERPENDICULAR TO NEW PLANNED WATERWAYS AND THE FILL MUST BE ENGINEERED AND PUT IN PLACE VERY CAREFULLY SO AS TO AVOID ANY POSSIBILITY OF THE NEW CHANNEL CUTTING DOWN INTO THE FILL AND EXPOSING THE OLD FILLED-IN CHANNEL. Again, this is just fair warning that a condition has been noted by the Surveyor, and that the developers' engineer should provide details and directions sufficient for the dirt contractor to address the condition properly.

# LAND GRADING - URBAN AREAS



LOT GRADING-TYPE A

LOT GRADING-TYPE A



LOT GRADING-TYPE A  
(all drainage to street)

## EXAMPLE: BLOCK GRADING TYPE I Ridge Along Rear Lot Lines

### REFERENCE

"Minimum Property Standards for  
One and Two Living Units"  
HUD-FHA

November 1965

FHA No. 300

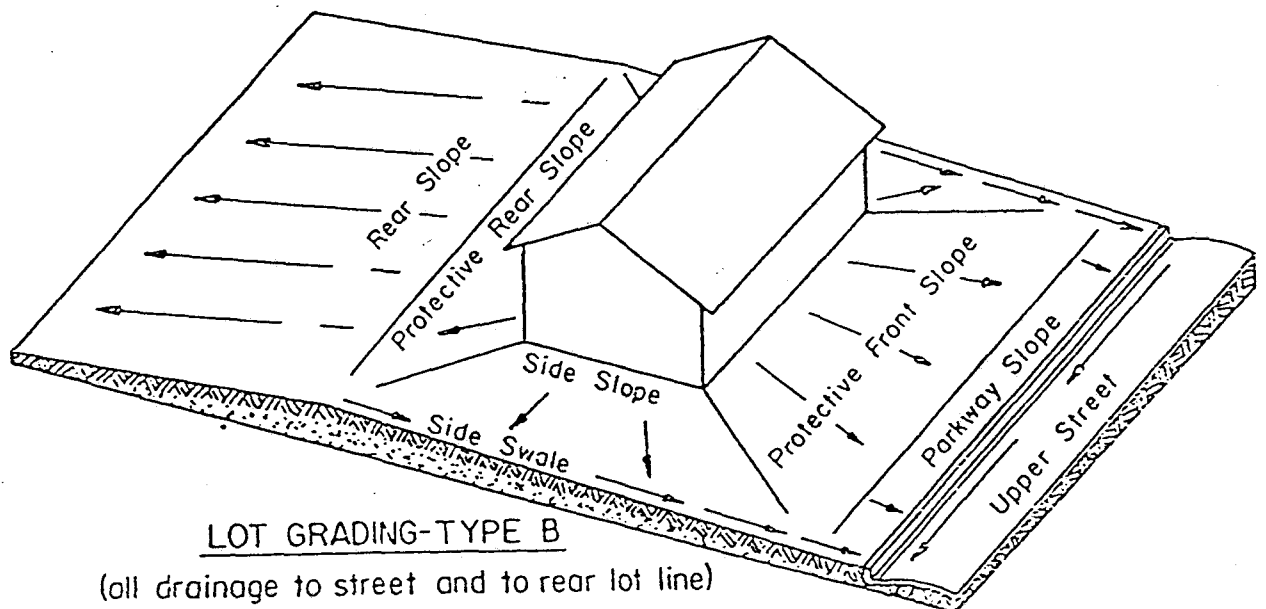
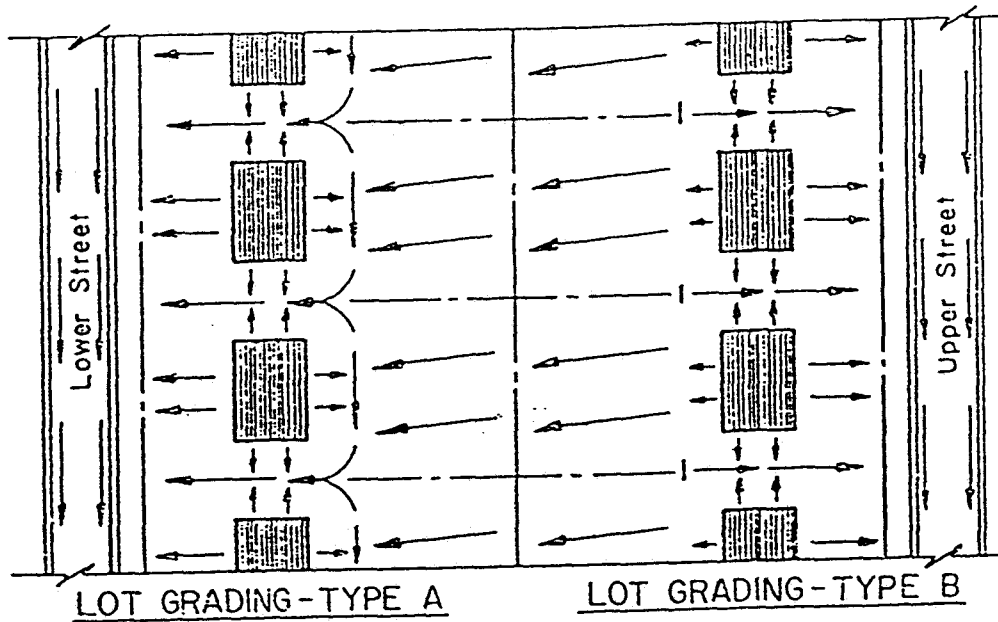
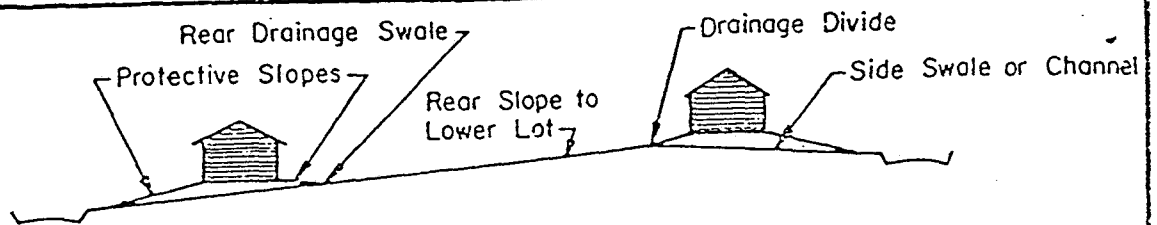
US DEPARTMENT OF AGRICULTURE  
SOIL CONSERVATION SERVICE  
INDIANA

Exhibit

C-1



# LAND GRADING - URBAN AREAS



## EXAMPLE: BLOCK GRADING TYPE 2

Gentle Cross Slope

### REFERENCE

"Minimum Property Standards for  
One and Two Living Units"  
HUD-FHA

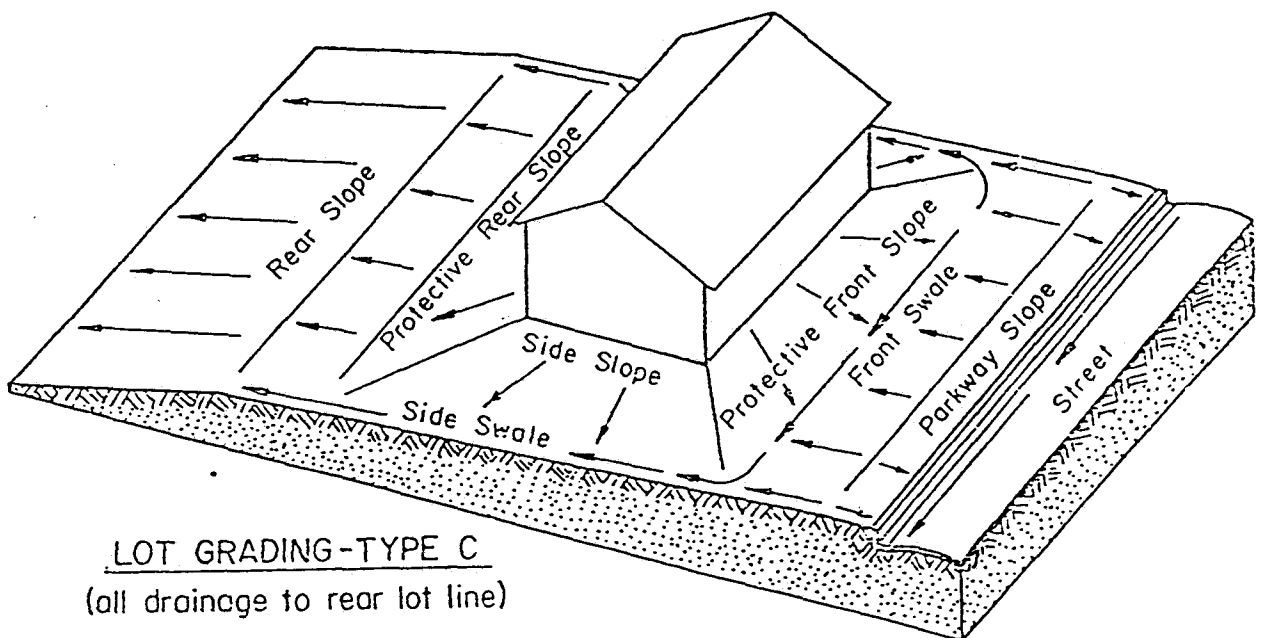
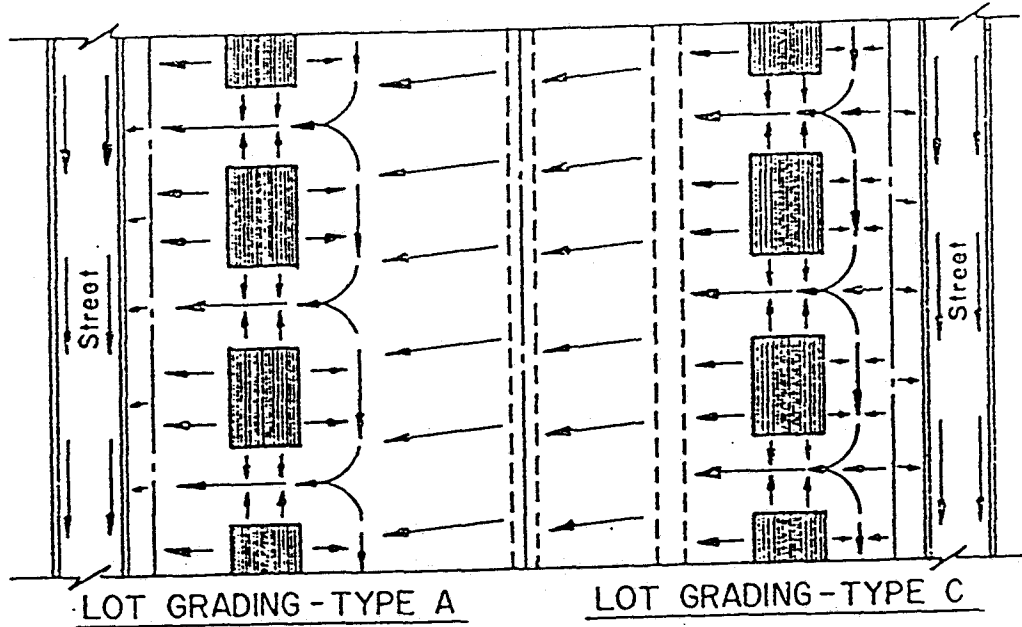
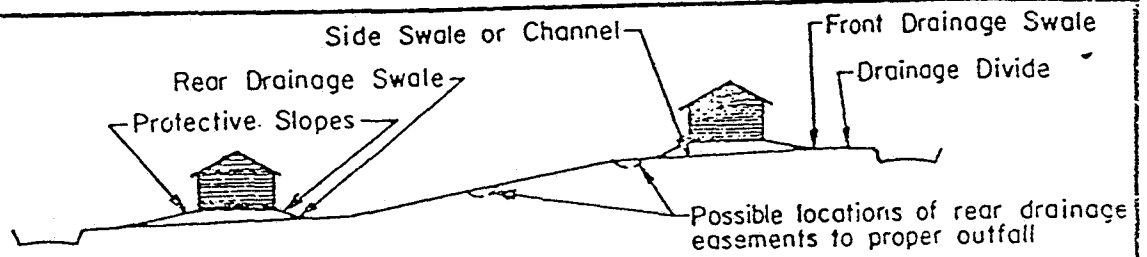
November 1955

FHA No. 300

US DEPARTMENT OF AGRICULTURE  
SOIL CONSERVATION SERVICE  
INDIANA

Exhibit  
C-2

# LAND GRADING - URBAN AREAS



## EXAMPLE: BLOCK GRADING TYPE 3

Steep Cross-Slope

### REFERENCE

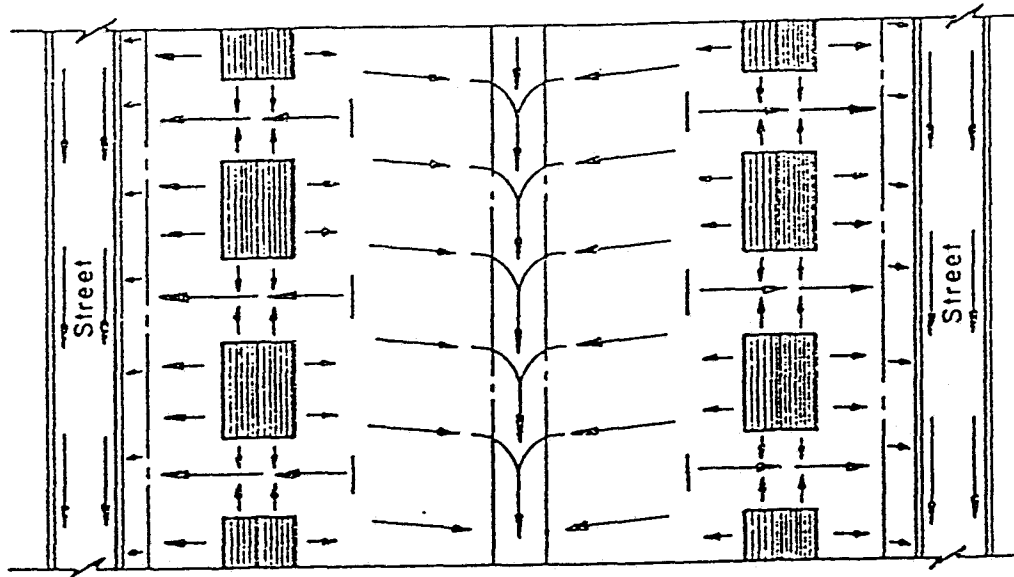
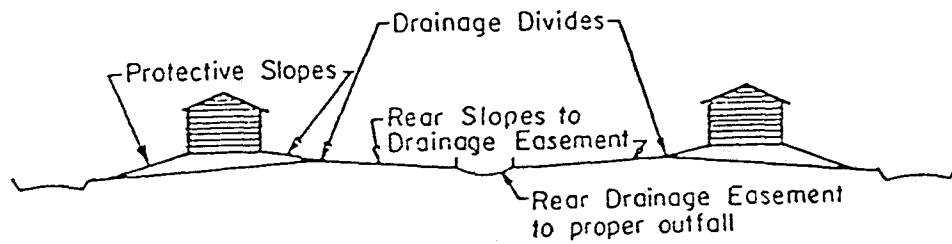
"Minimum Property Standards for  
One and Two Living Units"  
HUD-FHA  
November 1966      FHA No. 300

US DEPARTMENT OF AGRICULTURE  
SOIL CONSERVATION SERVICE  
INDIANA

Exhibit

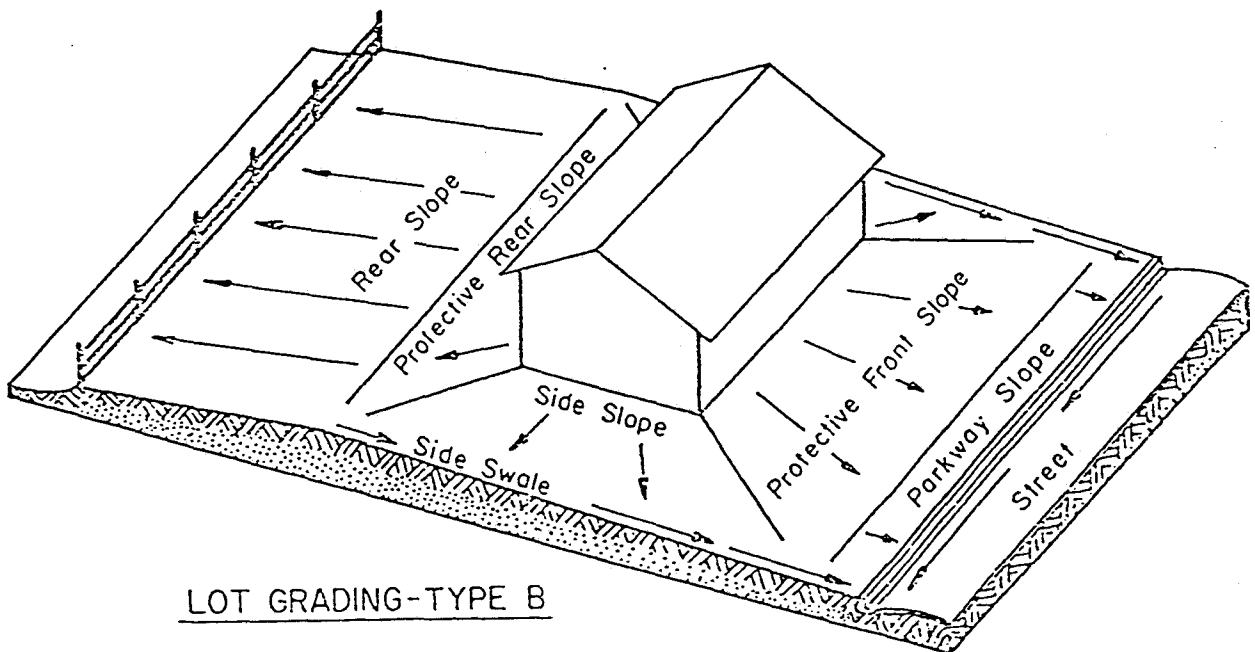
C-3

# LAND GRADING - URBAN AREAS



LOT GRADING-TYPE B

LOT GRADING-TYPE B



LOT GRADING-TYPE B

## EXAMPLE: BLOCK GRADING TYPE 4

Valley Along Rear Lot Lines

### REFERENCE

"Minimum Property Standards for  
One and Two Living Units"

FUD-FHA

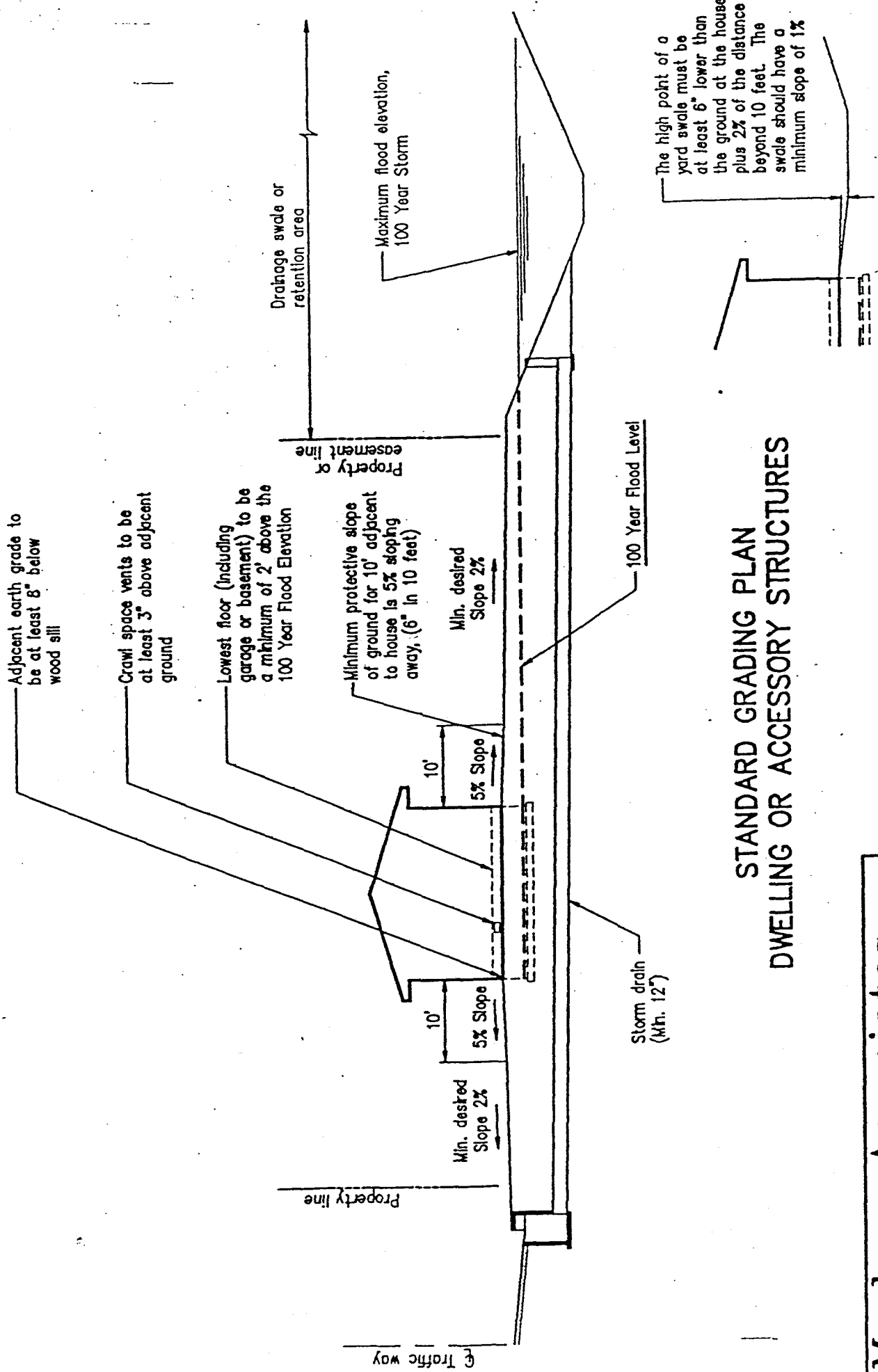
November 1955

FHA No. 300

US DEPARTMENT OF AGRICULTURE  
SOIL CONSERVATION SERVICE  
INDIANA

Exhibit

C-4



# STANDARD GRADING PLAN DWELLING OR ACCESSORY STRUCTURES

<b>Morley and Associates Inc.</b> 605 S.E. MILLING JR. BLVD./EVANSVILLE, IN. 47713 PHONE: (812) 464-9585 FAX: (812) 464-2514			
Proj. No.: 3098-4	Filename: Onegrad.dwg	Date: 12/15/95	Chk. By: J.Q.M.
			Drawn by: G.A.H.

Exhibit C-5

January 8, 1996

Vanderburgh County Drainage Board  
c/o Vanderburgh County Surveyor  
Civic Center Complex, Room 325  
Evansville, Indiana 47708

RE: EAGLE CROSSING SUBDIVISION  
FINAL DRAINAGE PLAN  
CONDITIONS FOR APPROVAL  
OUR PROJECT NO. 95-3194-1

Dear Board Members:

This letter is being submitted to you to explain how BSH Development Co., L.L.C. intends to comply with the thirteen conditions put forth at the Drainage Board meeting of December 26, 1995 as part of the information required to obtain final drainage approval. Each condition will be addressed separately below in the order in which they were presented at the meeting of December 26th by Mr. Bill Jeffers of the Vanderburgh County Surveyors' office. All revisions or additions to the subdivision plat will be made before recording of the final plat occurs.

1. The 12 foot Public Utility Easement shown on the west property line of Lot 16 will be eliminated. No utilities will be allowed along this property line.
2. The 12 foot Public Utility Easement shown on the south property line of Lot 16 will be revised so that it only extends west 50 feet from the southeast corner of the lot.
3. A 12 foot Drainage Easement will be added to the <sup>WEST</sup> ~~east~~ property line of Lot 16. Also, a 12 foot Drainage Easement will be added to the south property line of the lot. ~~However, if it is determined that these easements are not necessary, they will be deleted from the final plat prior to recording.~~ WR  
1/8/95

No public utility installations will be allowed on Lot 16 anywhere beyond a point 50 feet west of the southeast corner of the lot.

4. Notices on the plat regarding drainage facility maintenance shall be as follows:

Lake Maintenance: The owners of lots 26 thru 31 shall assume the financial obligation to maintain the 2.61 acre storm water retention easement adjacent to the west side of their lots in the event of any failure of BSH Development Co., L.L.C. or their successors to maintain said easement to control storm water runoff from this subdivision. The storm water retention and maintenance easement is hereby dedicated to the owners of lots 26 thru 31 in

"MAINTAIN IN ACCORDANCE W/ DRAINAGE ORDINANCE"  
WR  
1/8/95

six equal but undivided parts. The freedom of use of this easement by these six lot owners shall not occur until such time as they assume the maintenance responsibilities of BSH Development Co., L.L.C. or their successors.

Storm Drainage Maintenance: Each Lot Owner within this subdivision shall be financially responsible for grass cover, mowing and cleaning of any part of the storm water drainage system including inlets, banks and preservation of the design flow line elevations lying within their respective lot. Lot owners shall not construct or place any obstruction within drainage easements which will interfere with the flow of surface water along drainage easements.

The individual lot owners shall be responsible, including financially, for maintaining that part of the storm water drainage system and its easements which exist on his or her property in proper working order including:

- (1) Mowing grass, controlling weeds, and maintaining the designed cover of the waterways, storage basins, and easements in accordance with applicable ordinances.
- (2) Keeping all parts of the storm water drainage system operating as designed and constructed; and free of all trash, debris, and obstructions to the flow of water.
- (3) Keeping the channels, embankments, shorelines, and bottoms of waterways and basins free of all erosion and sedimentation.
- (4) Maintaining that part of the storm water drainage system which lies on his or her property in accordance with the conditions described on the approved street and/or drainage plans on file in the County Surveyor's Office, and/or in the County Engineer's Office, and in compliance with the County Drainage Ordinance.
- (5) Preventing all persons or parties from causing any unauthorized alterations, obstructions, or detrimental actions from occurring to any part of the storm water drainage system and easement which lies on his or her property.
- (6) The Repair Fund established for this Project will pay the costs of repairing the structural failures in the storm sewer pipes, pipe collars, drop boxes, aprons, inlets, manholes, junction boxes, and the piped or paved outlet structures of the storm water control basins all of which are parts of the approved and constructed storm water drainage system shown on the as-built plans for this Subdivision; and which are in drainage easements and outside of the county accepted road rights-of-way as shown on the plat of this subdivision.
- (7) Any pipe, fence, wall, building, pool, patio, planting, stored material, excavation, fill, or other construction, improvement, addition to, or alteration of the land within a drainage easement in this subdivision requires the prior written approval of the County Drainage Board.

(8) The foregoing obligation for Drainage maintenance is a requirement of Vanderburgh County and is enforceable by Vanderburgh County.

5. BSH Development Co., L.L.C. does not intend to form a Homeowner's Association for this subdivision. As was outlined in Item 4. above, the financial obligation for maintenance of the Storm Water Retention and Maintenance Easement adjacent to lots 26 thru 31 shall pass to the owners of said lots in the event of failure by BSH Development Co., L.L.C. or their successors to maintain said easement to control storm water runoff from the subdivision. Also, BSH Development Co., L.L.C. has elected to pay to the County Commissioners a fee in the amount equal to two dollars (\$2.00) per lineal foot of storm sewer pipe located outside of dedicated road rights-of-way as shown on the plans for the subdivision. This money is intended to be used to create a Repair Fund for the county for the purpose of paying the cost of repairing structural failures as outlined in Item 4. (6) above.
6. Same as 5. above.
7. BSH Development Co., L.L.C. hereby guarantees that the maintenance and repair of all constructed facilities shall remain their responsibility, or the responsibility of their successors, until such time as the County and/or individual lot owners are able to assume such responsibility.
8. Drawings showing lot grading and fence locations within drainage easements, as relating to the establishment and maintenance proper drainage, have been provided to the County Surveyor's Office. All such drawings shall become a part of the conditions and covenants attached to this subdivision.
9. A copy of the completed Erosion/Sediment Control Plan for Eagle Crossing Subdivision has been submitted to the County Surveyor's Office and to the local office of the Natural Resources Conservation Service. The plan outlines the measures to be implemented prior to and during construction of the subdivision to ensure compliance with the requirements of state, county, and local standards for control of erosion during construction activities.
10. Construction of Section 1 of the Eagle Crossing Subdivision shall include all drainage structures within the proposed boundary of said section, as well as all drainage structures outside the boundary which are necessary for the proper operation of the storm water drainage system for Section 1 as approved by the Drainage Board. This shall include, but is not limited to; the retention basin, storm sewer pipes, channels, swales, embankments, pipe collars, aprons, inlets, manholes, junction boxes, and outlet structures of the retention basin. Easements shall be provided where necessary for drainage structures not within the Section 1 boundary.

" TO MAINTAIN  
IN ACCORDANCE  
WITH THE  
COUNTY  
DRAINAGE  
ORDINANCE

MAJ  
1/8/96

11. Existing channels which are to be abandoned and are located under or near potential sites for new house foundations shall be filled in a manner to ensure protection against water damage and settling in accordance with all applicable building codes. This shall include removal of all vegetation, soft and yielding materials, or wet soils, and any other unacceptable materials. Acceptable engineered fill shall then be placed, compacted, graded and tested in accordance with applicable building codes and other accepted standards. Notes shall be added to the drainage plan and other drawings needed for construction to alert the developer and his contractors to the necessity for properly filling existing channels wherever this situation occurs. These notes will specifically address lots 30, 31, 39, 48, 58, and other lots which may be affected.

12. Drawings depicting proper lot grading will be included as part of the conditions and covenants of this subdivision. Also, the following note will be added to the final plat:

Lot Grading: All lots shall be filled and graded so that all surface water is directed into the open channel or inlet adjacent to or passing thru each lot. Surface drainage from the back yards of lots must drain directly into the open channels passing thru each lot. No surface water shall be allowed to flow overland across adjacent lots or to otherwise cross adjacent lots unless contained within a dedicated drainage easement.

13. Wherever planned new channels will cross perpendicular to existing channels and require fill, all unacceptable material such as vegetation, soft and yielding materials, or wet soils shall be removed from the area of the existing channel and properly engineered fill shall be placed to construct the new channel. Notes shall be added to the appropriate construction drawings directing the developer and/or the contractor(s) to treat such situations accordingly. This will be addressed to three specific locations, which are as follows: the new channel at the south property line of lot 39; the new channel passing between lots 44 and 47; and, the new channel behind lots 57 and 58. Other locations where this situation may occur shall be treated in a like manner by the developer and/or the contractor(s).

We trust that the information contained in this document addresses the thirteen conditions to your satisfaction. We therefore request that final approval be granted for the Drainage Plan for Eagle Crossing Subdivision, which was previously submitted to your office.

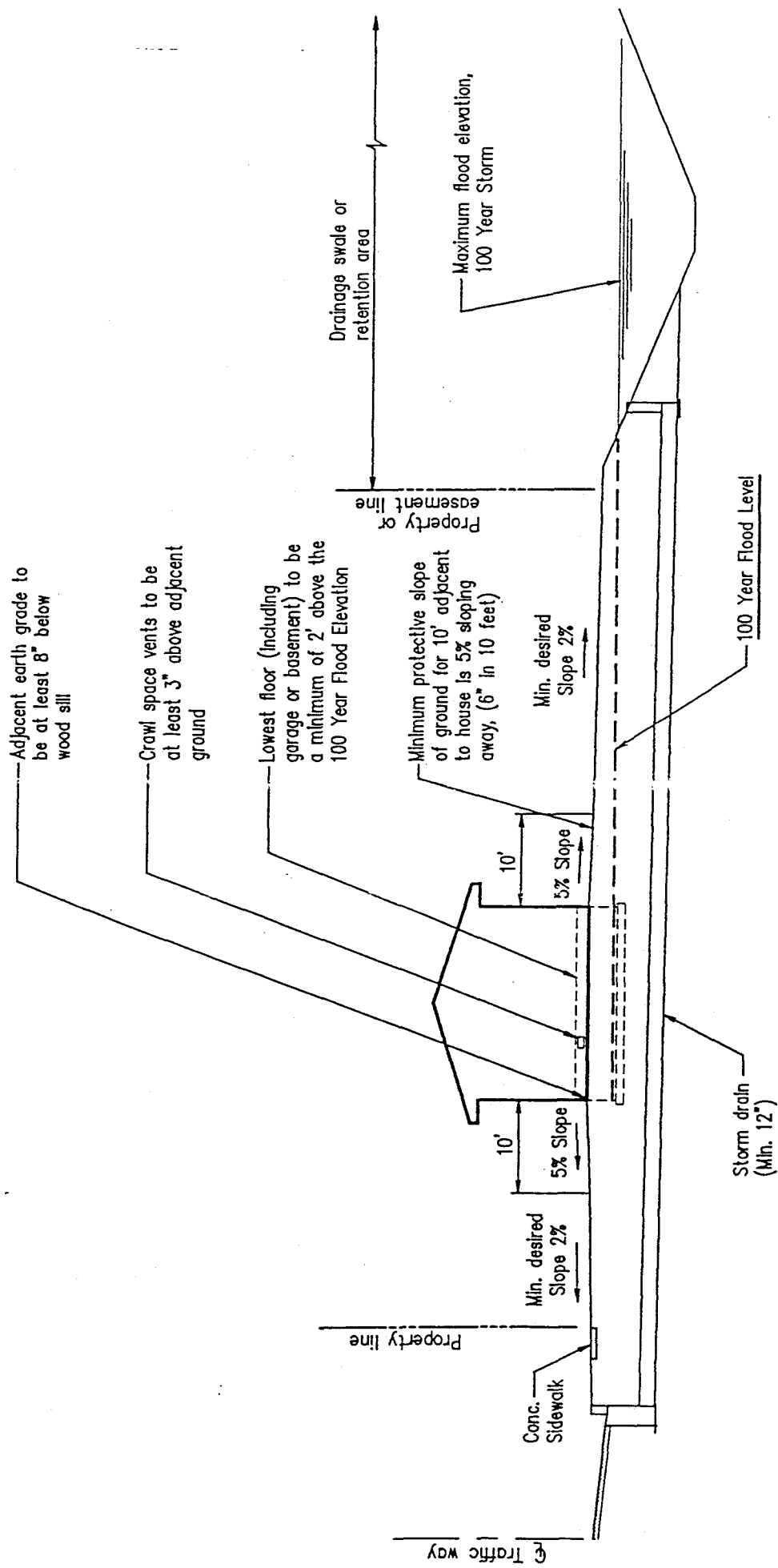
Sincerely,

*Daryl J. Helfert*

Daryl J. Helfert, P.E.  
Project Manager

Enclosures





The high point of a yard swale must be at least 6" lower than the ground at the house, plus 2% of the distance beyond 10 feet. The swale should have a minimum slope of 1%

## STANDARD GRADING PLAN DWELLING OR ACCESSORY STRUCTURES

YARD SWALE

**Morley and Associates Inc.**

605 S.E. M.L.KING JR. BLVD./EVANSVILLE, IN. 47713  
PHONE: (812) 464-9585 FAX: (812) 464-2514

Proj. No.:	Filename:	Date:	Chk. By:	Drawn by:
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TO: The Vanderburgh County Drainage Board  
FROM: Mike Wathen, Soil & Water Conservation  
DATE: January 8, 1996  
RE: Eagle Crossings Subdivision

I have reviewed the Erosion Control Plan on Eagle Crossings Subdivision and found it to be in compliance with Rule 5; based on this, I would recommend approval at this time.

*Mike Wathen*

JAN-08-1996 09:10

812 867 0619

99%

TOTAL P.01  
P.01

**VANDEBURGH COUNTY DRAINAGE BOARD MEETING  
JANUARY 8, 1996**

Please sign in below:

NAME	ADDRESS	AFFILIATION?
1. Daryl Helfert		Morley & Assoc. Eagle Crossing
2. LEE McCLELLAN		MORLEY AND ASSOC. EAGLE CROSSING
3. Joan Miller	70401 Old Petersburg Rd.	* Concerned neighbor
4. Dan Miller	10401 " " "	Home owner
5. Sally Seib	10707 Seib Rd	Home Owner Edgetek Inc. Owner
6. Bill McCutchan	10351 Browning Rd.	Owner of home at 11201 Petersburg Road
7. Kent R Burgess	11210 Petersburg Rd	Resident on 11210 Petersburg Rd
8. Rodney J. Schutz	4906A Tanglewood 47711	- BSH owner
9. Bradley J. Schutz	9600 Deemstact Rd	BSH LLC
10. Ron Schutz	9600 DEEMSTADT RD	BSH LLC
11.		
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24.		

**MINUTES  
VANDERBURGH COUNTY DRAINAGE BOARD**

**JANUARY 22, 1996**

Call to order .....	1
Reorganization of the Board .....	1
Approve resolution establishing meeting dates for 1996 .....	1
Approval of the Drainage Board Minutes .....	1
Request approval for final drainage plans	
A. Brownwood Estates .....	1
B. Sycamore Hills Phase IV .....	2
Sign cover sheet for Eagle Crossing drainage plan.....	7
Blue Claims .....	7
Correspondence .....	7
New business .....	7
Old business .....	7
Adjournment .....	8
Attendance and Signature Sheet .....	9

**MINUTES**

**VANDERBURGH COUNTY DRAINAGE BOARD**

**JANUARY 22, 1996**

The Vanderburgh County Drainage Board met in session on January 22, 1996 at 7:00 p.m., in the Commissioners' Hearing Room.

**RE: REORGANIZATION OF THE BOARD**

President Tuley: I'm sorry, let's open the meeting with the mike on as well. It appears to me that the first item on the agenda is the reorganization of the board. Whereas I have enjoyed serving as President, I would nominate Commissioner Borries at this time, to serve as the next year's President.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

Commissioner Mourdock: I'll move the installation of Pat Tuley as Vice President of the Drainage Board for 1996.

Commissioner Borries: I will second.

President Tuley: So ordered then, by somebody.

President Borries: We will certainly recognize our distinguished member here, Commissioner Mourdock, our staff, and our steady technical advisor here, who is already at the podium, Mr. Bill Jeffers.

**RE: APPROVE RESOLUTION ESTABLISHING MEETING DATES FOR 1996**

President Borries: We should approve a resolution which establishes the meeting dates for this board, which meets monthly on the fourth Monday of the month, immediately following the adjournment of the Vanderburgh County Commissioners' meeting.

Commissioner Tuley: I'll so move at this time.

Commissioner Mourdock: Second.

President Borries: So ordered. We will sign that and get to the business at hand.

**RE: APPROVAL OF THE DRAINAGE BOARD MINUTES.**

President Borries: The next item, approval of the Drainage Board minutes of our regular meeting which was held on December 26, and a special meeting that was advertised and held on January 8, 1996.

Commissioner Tuley: Mr. President, I move at this time the approval of the minutes of the Drainage Board special meeting of January 8th and December 26 regular meeting, as submitted by the Auditor.

Commissioner Mourdock: I'll second.

President Borries: So ordered.

**RE: REQUEST APPROVAL FOR FINAL DRAINAGE PLANS**

**A. BROWNWOOD ESTATES**

President Borries: Okay, now we turn to Bill Jeffers, request approval for final drainage plans. First we have Brownwood Estates.

Bill Jeffers: You have another technical advisor here tonight, Mr. Mike Wathen.

President Borries: Oh, Mr. Mike Wathen, yes, from the...I keep wanting to say from the Soil and Conservation Service, but it's now called the Soil and Water Conservation District. Yes, Mr. Wathen is here with us and we appreciate him being here this evening.

Bill Jeffers: The drainage plan is for the replat of Lot Ten in Brownwood Estates. This was originally a 12 acre lot. It has the one existing home still on what is now going to be called Lot Three. Lot Three is four and a half acres and then they've divided the remainder up into three, two and a half acre lots. Because they do not have sanitary sewer, they're two and a half acre lots. I believe there will be sanitary sewer across from Schlensker Creek in the next couple of years, and then they can hook up to that. That is why there is a 12 foot P. U. easement along the east line. It's a real straightforward set of calculations: large lots, 1 house on each lot, no additional runoff. The Vanderburgh County Surveyors' Office recommends approval of the submitted final drainage plan for the replat of Lot Ten, Brownwood Estates.

Commissioner Tuley: Any questions for Bill?

President Borries: Motion to approve? Any comments at all?

Bill Jeffers: The developer's engineer, Daryl Helfert, is here in the audience to represent the claim.

President Borries: Okay. Any questions for Mr. Helfert?

Commissioner Mourdock: I'll move acceptance of the final drainage plan for Lot Ten for Brownwood Estates.

Commissioner Tuley: I will second.

President Borries: So ordered.

B. SYCAMORE HILLS PHASE IV

President Borries: Next is Sycamore Hills Phase IV.

Commissioner Mourdock: Excuse me, Rick, before we do that, do we need to sign this, Bill?

Bill Jeffers: It looks like it's Daryl that would be a--

Commissioner Tuley: I didn't see any signature--

Bill Jeffers: There's no mylar to sign. You can sign that contract if you wish, but I think the minutes will reflect that it was approved. I'll go over to Area Plan tomorrow and tell them they should record the plat.

Commissioner Mourdock: Okay.

Bill Jeffers: Sycamore Hills Section IV is outlined on the map on your desk with a pink highlighter. This subdivision is Phase IV of the Sycamore Hills development on Schlensker Road between Browning Road and McCutchan Road. It is made up of eight large lots ranging in size from three and a quarter acres to 7 acres in size. Since each lot has only one house, and a lawn will replace what is now rough pasture, the amount of storm water runoff after development will not increase significantly. Several years ago, Bill Nicholson of Veach Nicholson Associates submitted a drainage plan for the entire Sycamore Hills Development which your board approved on the County Surveyor's recommendation. Since then, the developer, Gary Williams, has chosen to construct several lakes that were not a part of the original plan. He now has five permanent lakes within the boundary of the original plan and one dry basin on Lot Seven. Because Mr. Williams designed some of these lakes and basins as he constructed them, they do not meet all the requirements of the

drainage ordinances and board meetings under which they were reviewed. In addition, Mr. Williams has not requested final inspection of any of his drainage facilities, nor has he set up a homeowners association to maintain the drainage facilities down the road. There is no record that any of the drainage facilities have been approved, and we are not recommending the approval of any facilities at this time, or until a final inspection is requested and made. Therefore, we ask Mr. Williams to provide an overall scheme or a plan to show how he intends to:

1. Meet the storm water detention requirements for Sycamore Hills using the existing lakes and basins, or constructing new ones.
2. Establish maintenance easements around those drainage facilities that act to accomplish the necessary detention and conveyance of storm water through his development.
3. Provide perpetual maintenance of the storm water drainage system and its easements.

Mr. Williams had Bill Nicholson submit a plan to our office that shows how the required storm water detention for Sycamore Hills Development can be accomplished by making the following minor modifications:

1. Build a concrete flume to bring storm water into the dry basin on Lot Seven, which is able to store a huge volume of water before discharging into the north branch of Schlensker Ditch at the southeast corner of Lot Seven.
2. Install an eight inch restricter plate in the thirty inch pipe discharging from Lake #4 on Lot Sixteen.
3. Repair some minor damage to the spillway of Lake #5 so that the discharge from that lake is controlled.

Mr. Nicholson has provided accurate calculations that show this plan will work, and he has drawn up some construction details for Mr. Williams to follow. The details include a safety grate for the drop box from Lake #4, and show riprap required to protect the discharge pipe from the dry basin on Lot Seven. Mr. Williams must also construct adequate emergency overflows from Lake #4 and the dry basin to prevent possible structural damage to nearby houses. In order for this plan to work, and in order to get a positive recommendation from the Vanderburgh County Surveyor for his plan, Mr. Williams must commit to:

1. Exactly follow the details of the plan provided by Mr. Nicholson.
2. Guarantee the finished work and maintain the drainage system until a homeowners' association takes over the maintenance of it.
3. Form a homeowners' association as soon as possible.
4. Request a final inspection of his finished work.
5. Get an erosion control plan approved for Phase IV prior to starting construction.

The Drainage Board also needs to relinquish two easements. One is on Lot Six where there was supposed to be, but is no pipe leaving Lake #2; and one is on Lot Ten where there is no longer a need to build a dry basin. Then the Drainage Board needs to acknowledge two new easements. One shall be twenty feet wide across the north end of Lot Six where Mr. Williams actually placed the pipe from Lake Two; and the other shall be twenty feet wide across the middle of the abandoned dry basin on Lot Ten in order to extend the

existing drainage easement for a waterway to Lot Ten's west line. The Board must also waive the requirement for bridge plans to cross Schlensker ditch, due to Indiana Department of Natural Resources review of those plans, and the County Engineers' approval of the street and bridge plans. The County Surveyor recommends the Board approve a motion incorporating the above verbiage. The County Surveyor wishes to make it a matter of record that:

1. No final inspection of any drainage facilities in any part of Sycamore Hills Development has taken place at this time.
2. Our recommendations are only recommendations of the drainage plan in front of you and not recommendations to accept or approve anything that has been constructed at Sycamore Hills to date.
3. That, at this time, we are only addressing the drainage plan in front of you, the easements mentioned above and the means of guaranteeing and maintaining the drainage system which is a part of the plan before you.

Mr. Nicholson is here. He did provide us with a very sufficient plan to accomplish this. Mr. Williams is here and what I'm asking is, for him to commit to follow the plan and go forward with forming a homeowners' association, finish the work, ask us to come inspect it. John Stoll or our office will inspect it. And to get an erosion control plan together and take it to Soil and Water Conservation District and have it approved prior to starting construction. With that, we will recommend approval of his plan.

President Borries: This would be a preliminary approval?

Bill Jeffers: No, this is final. What I'm saying back here, that I want to make a matter of record, is there is a lot of work that Mr. Williams has done out there for beautification reasons that shouldn't be confused with drainage, lakes and so forth, and we're not asking you to approve anything other than the plan that modifies Lake #4, Lake #5, and a dry basin on Lot Seven. If Mr. Williams explicitly follows that plan, he will meet the requirements of the drainage ordinance to detain the amount of water necessary to keep from flooding Schlensker Creek, or to do his part.

President Borries: Okay, thank you, Bill.

Bill Jeffers: Yes sir.

President Borries: It sure is another one of those multi-colored, rather detailed plans here. Any questions from our Board here?

Commissioner Mourdock: Just point out for me, Bill, where the second easement is. I understand the first one that was supposed to acquire in green, and I was looking for another one in green.

Bill Jeffers: This here, I did it in orange--

Commissioner Mourdock: Okay.

Bill Jeffers: We're going to remove this from that lot because it is not needed, but then you have to extend this over to that line, it's real simple. This basin is already in place, but the water bypasses it so we're asking to go in through the pipe. This lake is in place, but it has too big of a pipe leaving it, so we're asking him to restrict it down. This spillway has some real minor leaking around the concrete and if he fixes that it will be a real good job. That's a huge lake right over there. That will offset all the drainage that would come from everywhere else plus this. This bridge crosses a stream that has one mile or greater upstream water shed, so DNR has to approve that.



Commissioner Tuley: As opposed to--

Bill Jeffers: As opposed to us saying it's okay and then John Stoll looking at it as far as street plans, first DNR has to say it's okay. So I didn't want to hold them up until, ...DNR could take six months.

Commissioner Tuley: Right. Did either Mr. Williams or Mr. Nicholson have a chance to see these comments?

Bill Nicholson: Yes, we meet with Bill the other day and went over everything with him as far as me writing this up--

Commissioner Tuley: Agreed to those--

Bill Nicholson: (Inaudible - comments not made from microphone) -- in agreement. As far the homeowners association, I think Mr. Williams would say, we've already said that after sixty percent of the houses are constructed in the area, the homeowners' association will perform--

Commissioner Mourdock: Excuse me, Bill, would you please move to the microphone?

Bill Nicholson: We have a letter in the file that states that after sixty percent of the houses are built in the subdivision, there will be a homeowners' association formed. Meanwhile, Mr. Williams has agreed to maintain and take care of everything up until that point in time.

Commissioner Mourdock: Okay. Just for the record, he was off mike a moment ago, but when Commissioner Tuley, asked Mr. Williams if these conditions met his approval, and don't let me put words in your mouth Gary, but I think you said "yes"?

Gary Williams: Yes, no problem.

Commissioner Mourdock: Okay.

President Borries: Comments from Mr. Mike Wathen from Soil and Conservation District.

Mike Wathen: Soil and Water Conservation District. Our only comments would be, is that we're going to require an erosion control plan because of the amount of acreage involved. We need that plan before any construction whatsoever is done. I've talked with Bill and I've also talked with Gary, and it is my understanding that they are in the process of putting that together. We have got to have that in the office, and we've got to have it approved by IDNR before they can begin construction. So there is a little bit of a timetable there, but other than that, we would recommend approval.

Commissioner Tuley: Does that need to be made a part of the motion?

Commissioner Mourdock: I don't think so because it's already in there.

President Borries: It's erosion control plan is all --

Commissioner Tuley: Oh, okay, I'm sorry. It is in there.

Bill Nicholson: I would like to state, too, that the erosion control plan is complete and ready to turn over to them. The only thing we would like to do is to wait until the drainage plan is approved, if there's no changes then we can go ahead with it. There is no point in sending that off if there are changes, then we would have to come back and change that, so it's all ready to go.

President Borries: Further questions or comments on this?

Commissioner Mourdock: Okay, do you want to take a shot at this?

Commissioner Tuley: Doesn't make me any difference.

Commissioner Mourdock: Pursuant to the recommendation of the County Surveyor, I will move approval of the final drainage plan for Sycamore Hills. Do you want to do it one at a time?

Commissioner Tuley: No, I think if you just want to start and read them right in as part of your motion.

President Borries: Could we maybe have that motion to reflect that we would approve the Surveyors' report and recommendations for Sycamore Hills for final approval?

Commissioner Tuley: That works for me and then we can submit this a part of the record.

Bill Jeffers: Can you say, as shown on Exhibit A and then submit Exhibit A with the minutes.

Commissioner Tuley: I'd rather do that--

President Borries: Is that everything that you did?

Bill Jeffers: Yes, right.

Commissioner Mourdock: In that case, I'll amend my motion to say that I move for approval of the Sycamore Hills Estates Section IV final drainage plan with the specific details of the requirements that are included in Exhibit A, as submitted by Mr. Jeffers.

Commissioner Tuley: I will second.

President Borries: So ordered.

Commissioner Mourdock: Do we need to sign this map, Bill?

Bill Jeffers: No. Gary is selling those half a million and million dollar houses out there, and every time someone comes out there, they want another lake somewhere.

President Borries: I guess the only question I had was, this bridge--

Bill Jeffers: Yes?

President Borries: Is this bridge going to be privately maintained or--

Bill Jeffers: No, see that's the hang-up, first he wanted to build...I'll tell you the honest truth. First he came into the office and said, "Do you think there is any way I can build a bridge without going through the county?" I said, "Gary, no. No, there isn't, because you've got a bigger hurdle to jump, you're going across a DNR stream, and that's a bigger hurdle, so you need to go get a good set of bridge plans." He is wanting to build a gravel road, remember, and then the A. P. C. said it has to be a paved road. So then it's a road without curbing that he wants to build, and Bill Nicholson is trying to talk him into, no go ahead and do the rolled curb just like the rest of the subdivision. It has just been one of those things. Here recently, he's back on the bridge again. He said, "Do you think I can put a wooden bridge across there?" I said "I'm sure that if you call American Timber Bridges that they have a bridge that has gone over a stream that was approved by DNR, somewhere in this state, and that they have a package that will meet those requirements." So now he has called

them and got a catalog. I think between them and Bill Nicholson and us, and John Stoll, we're going to coax him along to actually getting a full-fledged county road over that stream sooner or later. But that shouldn't be the hang-up because he's got, if he made some minor modifications to every lake out there, he'd have enough storage for three subdivisions.

**RE: SIGN COVER SHEET FOR EAGLE CROSSING DRAINAGE PLAN**

Bill Jeffers: Here is a cover sheet for Eagle Crossing Subdivision which you approved at the special meeting at the first of the year. Morley is asking you to sign that cover sheet to put into their files.

Commissioner Tuley: That was only the roadway plan, we didn't sign a drainage.

Bill Jeffers: I just didn't bring that down with me at the last meeting.

**RE: BLUE CLAIMS**

Bill Jeffers: Blue claims are in this folder, all of them have been signed by Mr. Brenner. They have the attached required paperwork. The Surveyor recommends that you approve those.

Commissioner Tuley: So moved.

Bill Jeffers: That brings you up to everything, we've paid everything except the 15 percent retainage that we are required to hold for up to sixty days.

Commissioner Mourdock: Before I second that, and I think I'm inclined to, there is not anything in there to Koester is there? I just want to be sure.

President Tuley: Yeah.

Bill Jeffers: I don't think we had any work with Koester--

Commissioner Mourdock: No, I wouldn't have thought so, I don't recall anything--

Bill Jeffers: --or North American Green. I don't think there's anything in there--

Commissioner Mourdock: That wouldn't matter, I don't have anything to do with North American Green.

Bill Jeffers: I know for a fact that there is nothing in there for Koester Contracting.

Commissioner Mourdock: Taking that statement there, I will second the motion for the blue claims.

President Borries: So ordered.

**RE: CORRESPONDENCE/NEW BUSINESS/OLD BUSINESS**

Bill Jeffers: I have no new business.

Commissioner Tuley: No correspondence?

Bill Jeffers: No correspondence. I did send the letters that you signed to Mr. Garrett and to the persons to whom they were addressed. And I have no old business.

President Borries: Any further matters then to come before this Board?

#### SYCAMORE HILLS ESTATES SECTION IV

This subdivision is Phase IV of the Sycamore Hills Development on Schlensker Road between Browning Road and McCutchan Road.

It is made up of eight (8) large lots ranging in size from three and a quarter (3-1/4) to seven (7) acres in size. Since each lot has only one house, and the lawn will replace what is now rough pasture, the amount of storm water runoff after development will not increase significantly.

Several years ago, Bill Nicholson of Veach Nicholson Associates submitted a drainage plan for the entire Sycamore Hills Development which your board approved on the county surveyor's recommendation.

Since then the developer, Gary Williams, has chosen to construct several lakes that were not a part of the original plan. He now has five (5) permanent lakes within the boundary of the original plan and one dry basin on Lot Seven.

Because Mr. Williams designed some of these lakes and basins as he constructed them, they do not all meet the requirements of the drainage ordinances and board meetings under which they were reviewed. In addition, Mr. Williams has not requested final inspection of any of his drainage facilities, nor has he set up a homeowners' association to maintain the drainage facilities down the road.

<sup>THERE</sup>  
There is no record that any drainage facilities have been approved, and we are not recommending approval of any facilities at this time, or until a final inspection is requested and made.

Therefore, we asked Mr. Williams to provide an overall scheme or plan to show how he intends to:

1. Meet the storm water detention requirements for Sycamore Hills using the existing lakes and basins, or constructing new ones.
2. Establish maintenance easements around those drainage facilities that act to accomplish the necessary detention and conveyance of storm water through his development.
3. Provide perpetual maintenance of the storm drainage system and its easements.

Mr. Williams had Bill Nicholson submit a plan to our office that shows how the required storm water detention for the Sycamore Hills Development can be accomplished by making the following minor modifications:

1. Build a concrete flume to bring storm water into the dry basin on Lot Seven which is able to store a huge volume of water before discharging into the north branch of Schlensker Creek at the southeast corner of Lot Seven.
2. Install an eight (8) inch restricter plate in the thirty (30) inch pipe discharging from Lake #4 on Lot Sixteen.
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Mr. Nicholson has provided accurate calculations that show this plan will work, and he has drawn up construction details for Mr. Williams to follow. The details include a safety grate for the drop box from Lake 4 and show rip rap required to protect the discharge pipe from the dry basin on Lot Seven.

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In order for the plan to work, and in order to get a positive recommendation from the Vanderburgh County Surveyor for his plan, Mr. Williams must commit to:

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The Drainage Board also needs to relinquish two easements. One is on Lot Six where there was supposed to be but is no pipe leaving Lake Two; and one is on Lot Ten where there is no longer a need to build a dry basin.

Then the Drainage Board needs to acknowledge two new easements. One shall be twenty (20) feet wide across the north end of Lot Six where Mr. Williams actually placed the pipe from Lake Two; and the other shall be twenty (20) feet wide across the middle of the abandoned dry basin on Lot Ten in order to extend the existing drainage easement for a waterway to Lot Ten's west line.

The County Drainage Board also needs to waive the requirement for complete bridge plans for the planned structure over Schlensker Ditch as those plans must be approved by the Indiana Department of Natural Resources and then the County Engineer.

The County Surveyor recommends the Board approve a motion incorporating the above verbage.

The County Surveyor wishes to make it a matter of record that:

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3. That at this time we are only addressing the drainage plan in front of you, the easements mentioned above, and the means of guaranteeing and maintaining the drainage system which is a part of the plan before you.

Bill Jeffers: See how easy it is when football season is over?

Commissioner Tuley: Move for adjournment.

Commissioner Mourdock: I'll second.

President Borries: So ordered. We're done.

Meeting adjourned 7:24 p.m.

**THOSE IN ATTENDANCE:**

Richard J. Borries  
Patrick Tuley  
Richard E. Mourdock  
Alan Kissinger  
Suzanne Crouch  
Teri Lukeman  
Bill Jeffers  
Daryl J. Helfert  
Bill Nicholson  
Gary Williams

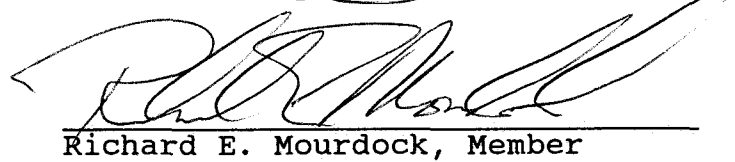
**VANDERBURGH COUNTY DRAINAGE BOARD**



Richard J. Borries, President



Patrick Tuley, Vice President



Richard E. Mourdock, Member

VANDERBURGH COUNTY  
DRAINAGE BOARD MEETING  
AGENDA

JANUARY 22, 1996

1. Meeting opened
2. Reorganization of Board
3. Approve resolution establishing meeting dates for 1996
4. Approval of transcribed Drainage Board minutes from regular meeting on December 26, 1995 and special meeting January 8, 1996.
5. Request approval for final drainage plans
  - A. Brownwood Estates
  - B. Sycamore Hills Phase IV
6. Sign cover sheet for Eagle Crossing drainage plan
7. Blue claims
8. Correspondence
9. New business
10. Old business
11. Adjournment



R E S O L U T I O N

IN ACCORDANCE with Indiana Code 36-9-27-8, the Vanderburgh County Drainage Board shall hold a regular meeting at least once a month and at other times as needed to conduct all necessary business and dates of regular meetings shall be established by resolution at the first meeting in January of each year.

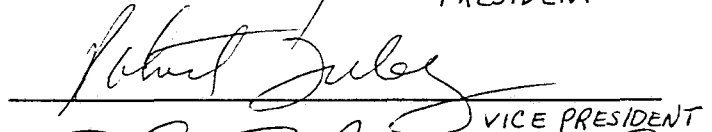
NOW THEREFORE let it be known that the meetings of the Vanderburgh County Drainage Board shall be held on the fourth (4) Monday of each month immediately following the regularly scheduled meeting of the Board of Commissioners.

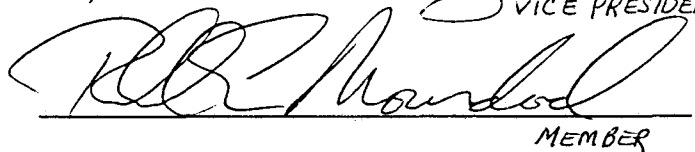
If a holiday falls on Monday, then the meeting will be held on the following business day unless otherwise stated by the Drainage Board in an open meeting.

APPROVED this 22<sup>nd</sup> day of January, 1996

VANDERBURGH COUNTY BOARD  
OF COMMISSIONERS

  
PRESIDENT


  
VICE PRESIDENT

  
MEMBER

ATTEST:

  
Suzanne M. Crouch, Auditor  
Vanderburgh County

APPROVED AS TO FORM:

  
Alan M. Kissinger,  
County Attorney

**NOTICE RE MEETING DATES  
DRAINAGE BOARD OF  
VANDERBURGH COUNTY, INDIANA**

NOTICE IS HEREBY GIVEN that the Drainage Board of Vanderburgh County, Indiana did on the 22nd day of January, 1996 adopt the following resolution with regard to meeting dates during the 1996 calendar year.

(INSERT ATTACHED RESOLUTION HERE)

SHIVELY & ASSOCIATES

Attorneys at Law

915 MAIN

P. O. BOX 3117

EVANSVILLE, INDIANA 47730

LESLIE C. SHIVELY  
DAVID W. KENT  
ROBERT R. FAULKNER

TELEPHONE 812 425-4555  
FAX 812 464-1007

November 27, 1995

Billy T. Nicholson  
1830-A West Franklin  
Evansville, Indiana 47712

Re: Sycamore Hills, Section IV, Drainage Plan

Dear Mr. Nicholson:

You have asked me to submit to you this letter with regard to the formation of the Homeowners Association in reference to the maintenance of the areas of the above referenced plat that are dedicated for drainage facilities.

The Homeowners Association will have responsibility for maintaining these areas upon its formation, which will occur after two-thirds of all lots within the entire project are sold. Each lot owner will be assessed their pro-rated share for said maintenance cost. Until such time as the Homeowners Association is properly formed, the developer will have responsibility for maintenance of the drainage facilities.

If it is necessary to make this letter a part of the record of the November 27, 1995, Drainage Board Meeting of Vanderburgh County, please feel free to do so.

Thank you in advance for your cooperation and assistance.

Very truly yours,

SHIVELY & ASSOCIATES

Leslie C. Shively

LCS/mas

# Veach, Nicholson, Assoc.

*Consulting Engineers & Land Surveyors*

1830-A W. FRANKLIN ST. EVANSVILLE, IN 47712 (812) 424-2936

DARRELL A. VEACH, P.E., L.S.

BILLY T. NICHOLSON, L.S.

January 19, 1996

Drainage Board of Vanderburgh County  
Attn: Bill Jeffers

RE: Drainage Plan  
Sycamore Hills Estates IV

Gentlemen:

On behalf of our client, Gary Williams, we are hereby requesting that Item 708.05 material, elevation, waterway opening, etc. for the proposed bridge across Schlensker Ditch be waived on the final drainage plan layout.

We will be submitting all information as required to the DNR for their approval and to John Stoll, County Engineer, for final approval.

Yours truly,

VEACH, NICHOLSON ASSOC.



Billy T. Nicholson

BTN:bar

SHIVELY & ASSOCIATES

Attorneys at Law

915 MAIN

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Several years ago, Bill Nicholson of Veach Nicholson Associates submitted a drainage plan for the entire Sycamore Hills Development which your board approved on the county surveyor's recommendation.

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BOARD MUST WAIVE REQ. FOR BRIDGE  
PLANS DUE TO IDNR REVIEW OF  
SUCH PLANS - AND CO. ENGINEER'S APPROVAL



of the abandoned dry basin on Lot Ten in order to extend the existing drainage easement for a waterway to Lot Ten's west line.

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←  
*William R. Joffe*  
*Deputy Surveyor*  
1/22/96

FAX LEGAL AD TRANSMISSION

FROM: Teri Lukeman  
NO. OF PAGES INCLUDING COVER: 3  
LEGAL AD RUN SCHEDULE: 1 Times each in Courier & Press 1/26/96  
EXTRA PROOFS OF PUBLICATION NEEDED PLEASE SEND TWO  
AND TO WHOM: AUDITORS OFFICE, Rm 208, Evansville, IN 47708  
Attn: Teri Lukeman  
SPECIAL REQUESTS FOR SETTING STYLE: \_\_\_\_\_  
COPY OF LAST TIME LEGAL RAN ATTACHED: \_\_\_\_\_

VANDEBURGH COUNTY AUDITOR.....FAX NO. 435-5344  
Attn: Pat

Please run attached legal ad as noted above.  
Any questions or problems, please call me at 435-5460.

Thanks!  
Teri Lukeman

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Thanks!

Teri Lukeman

VANDEBURGH COUNTY DRAINAGE BOARD MEETING  
JANUARY 22, 1996

Please sign in below:

NAME	ADDRESS	AFFILIATION?
1. Dayl J. Helfert		Morley & Assoc.
2. Bill Nickerson		VN Assoc.
3. Eric Williams		Williams Dev Corp
4.		
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Jan

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Rexing Enterprises Inc. # 4476

On Account of Appropriation for Singer Ditch 234-037

Invoice No.	Itemized Claim	Amount	
	1995 FALL MAINT.		
	2450 LF X 0.11 = \$269.50		
	P&H PMT. @ 85% = 229.08		
95-FM-37-15	PAY 15% RETAINAGE = 40.42 →	\$ 40	42

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Shirley Ann Rexing Pres  
Name  
Rexing Enterprises, Inc  
Title

Date Nov' 17, 19 95

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

Vendor Name Rexing Enterprises

Vendor No. 4476

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Account No. 234-037

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

Richard J. Barnes

## Board of Commissioners

[illegible]

Nov 17, 1985 234.037 b 40.42

TOTAL \$ 40.42

TOTAL

CERTIFICATION OF PAYMENT  
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I Shirley Ann Reising  
(Signature in Ink)

representing REISING ENTERPRISES INC., and presently  
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on SINGER DITCH, a regulated  
drain in Vanderburgh County, Indiana, do certify that I, and/or the  
firm I represent, have/has paid in full all expenses incurred for  
labor, supplies, and subcontracts except for any unpaid costs as  
specified herein under:

NONE

and further, that neither I, nor the firm I represent, will hold the  
Vanderburgh County Drainage Board responsible for any costs, or any  
claims arising from such expenses, except for the fifteen (15) percent  
of the total contract price which the Board presently holds in  
retainage pending the receipt of this Certification of Payment.

NAME OF DRAIN: Singer Ditch # 234-037

CONTRACTOR: Reising Enterprises Inc. VENDOR # 4476

CONTRACT # \_\_\_\_\_ AND/OR ACCOUNT # 234-037

☒ ANNUAL MAINTENANCE  
☐ ADDITIONAL MAINTENANCE  
☐ EMERGENCY MAINTENANCE

COMPLETION DATE Nov. 17, 1995  
INSPECTION DATE Nov. 20, 1995

☒ WORK IS APPROVED

☐ NOT APPROVED: COMMENTS: \_\_\_\_\_

[Signature]  
VANDERBURGH COUNTY SURVEYOR

1-22-96  
DATE

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Big Creek Drainage Assoc. # 0986  
On Account of Appropriation for Pond Flat Main 234-029

Invoice No.	Itemized Claim	Amount	
	1995 FALL MAINT.		
	36,852 L.F. X \$0.11 = \$4,053.72		
	PREV. PAID @ 45% = \$1,824.17		
95-FM-29-40	PAY 40% @ \$1621.49 →	\$1621.49	49
	15% RETAINAGE = \$608.06		

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Big Creek Drainage Assoc. INC  
Name  
John J. Betts  
Title

Date JAN. 17, 19 96



Warrant No. \_\_\_\_\_  
Claim No. \_\_\_\_\_  
Date \_\_\_\_\_

IN FAVOR OF

Vendor Name Big Creek Drainage  
Vendor No. 0986

\$ 1,621.49

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name Pond Flat Main  
Account No. 234-029

Allowed \_\_\_\_\_ 19\_\_

In the sum of \$ One thousand six hundred twenty one and 49/100  
Robert J. Poyner  
Robert J. Poyner  
Robert J. Poyner

Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

NONE

Assco.

1-22-98

Robert J. Poyner  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>95-FM-29-40</u>		<u>Jan. 17, 1996</u>	<u>234-029</u>	<u>\$ 1621.49</u>

TOTAL \$ 1,621.49

VANDERBURGH COUNTY  
SURVEYOR'S OFFICE  
Room 325 Civic Center Complex  
One Northwest Martin Luther King, Jr. Boulevard  
Evansville, Indiana 47708-1833  
(812) 435-5210

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: BIG CREEK DRAINAGE

Assoc.

for ☒ annual -- ☐ additional maintenance to

POND FLAT MAIN Ditch, a legal drain in Vanderburgh County, Indiana, was completed on

JAN 16, 1996, and was inspected by our staff on JAN 22, 1996, and is

☒ approved -- ☐ disapproved for payment per the contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 1-22-96  
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Big Creek Drainage Assn. # 0986

On Account of Appropriation for Batts Creek 234-009

Invoice No.	Itemized Claim	Amount	
	1995 FALL MAINT		
	20,668 LF. X \$ 0.20 = \$ 4,133.60		
	PREV. PMT @ 45% = \$ 1,860.12		
95-FM-09-40	PAY 40% @ \$ 1,653.44 →	\$ 1,653	44
	15% RETAINAGE = \$ 620.04		

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Big Creek Drainage Assn INC  
Name

John J. Bittner Pres.  
Title

Date JAN 17 - , 19 96

Warrant No. \_\_\_\_\_  
Claim No. \_\_\_\_\_  
Date \_\_\_\_\_

IN FAVOR OF

Vendor Name Big Creek Drainage Assn  
Vendor No. 0986

\$ 1,653.44

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name Batts Creek  
Account No. 234-009

Allowed \_\_\_\_\_ 19\_\_\_\_

In the sum of \$ \_\_\_\_\_  
Richard J. Barnes  
Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except \_\_\_\_\_  
None

1-22-96  
Ray W. Barnes  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

\_\_\_\_\_  
Auditor

COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>95-FM-09-40</u>		<u>JAN 17</u>	<u>234-009</u>	<u>\$ 1,653.44</u>

TOTAL \$ 1,653.44

Robert W. Brenner, Vanderburgh County Surveyor

VANDERBURGH COUNTY  
SURVEYOR'S OFFICE  
Room 325 Civic Center Complex  
One Northwest Martin Luther King, Jr. Boulevard  
Evansville, Indiana 47708-1833  
(812) 435-5210

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: BIG CREEK DRAINAGE

for ☒ annual -- ☐ additional maintenance to  
BARRS CREEK Ditch, a legal drain  
in Vanderburgh County, Indiana, was completed on  
JAN-16, 1996, and was inspected by  
our staff on JAN-22, 1996, and is  
☒ approved -- ☐ disapproved for payment per the  
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 1-22-96  
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:



Warrant No. \_\_\_\_\_  
Claim No. \_\_\_\_\_  
Date \_\_\_\_\_

IN FAVOR OF

Vendor Name Big Creek Drainage  
Vendor No. 0986

\$ 921.67

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name Pond Flat Lake  
Account No. 234-032

Allowed \_\_\_\_\_ 19\_\_\_\_

In the sum of \$ \_\_\_\_\_  
[Signature]  
[Signature]  
Richard J. Barnes  
Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except \_\_\_\_\_  
None

\_\_\_\_\_  
1-22-86  
[Signature]  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:  
That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.  
\_\_\_\_\_  
Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
95FM-32-85		JAN-17-1986	234-032	\$ 921.67

TOTAL \$ 921.67

VANDERBURGH COUNTY  
SURVEYOR'S OFFICE  
Room 325 Civic Center Complex  
One Northwest Martin Luther King, Jr. Boulevard  
Evansville, Indiana 47708-1833  
(812) 435-5210

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: BIG CREEK DRAINAGE ASSOC.

for ☒ annual -- ☐ additional maintenance to  
POND FLAT LAT 6" Ditch, a legal drain  
in Vanderburgh County, Indiana, was completed on  
JAN 16, 1996, and was inspected by  
our staff on JAN 22, 1996, and is  
☒ approved -- ☐ disapproved for payment per the  
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 1-22-96  
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:



A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Big Creek Drainage # 0986

On Account of Appropriation for Maidlow Ditch 234-028

Invoice No.	Itemized Claim	Amount	
	1995 FALL MAINT.		
	18,671 LF x \$0.12 =	2,240.52	
	PREV. PAY @ 45% =	1,008.23	
95-FM-28-40	PAY 40% @ \$896.21 →	\$ 896	21
	15% RETAINAGE =	\$ 336.08	

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Big Creek Drainage Basin INC  
Name

John J. Bittner Treasurer  
Title

Date JAN 17, 1996

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

Vendor Name Big Creek Drainage

Vendor No. 0986

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Dept. Fund Name Mallow Ditch

Account No. 234-028

Allowed \_\_\_\_\_ 19 \_\_\_\_\_

In the sum of \$ 200,000.00

~~William Rogers~~  
~~Robert Rogers~~  
 Richard J. Jones

Board of Commissioners

COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT

PURCHASE ORDER NO.	INVOICE NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
	95-FM-2840	JAN 17 1996	234-028	\$ 896.21
			TOTAL	\$ 896.21

TOTAL

VANDERBURGH COUNTY  
SURVEYOR'S OFFICE  
Room 325 Civic Center Complex  
One Northwest Martin Luther King, Jr. Boulevard  
Evansville, Indiana 47708-1833  
(812) 435-5210

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: BIG CREEK DRAINAGE  
Assoc.

for ☒ annual -- ☐ additional maintenance to  
MAIDLOW Ditch, a legal drain  
in Vanderburgh County, Indiana, was completed on  
JAN 16, 1996, and was inspected by  
our staff on JAN 22, 1996, and is  
☒ approved -- ☐ disapproved for payment per the  
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 1-22-96  
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

Jan.

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Big Creek Drainage Assco. # 0986

On Account of Appropriation for Rusket Ditch 234.035

Invoice No.	Itemized Claim	Amount	
	1995 FALL MAINT.		
	4,444 LF. X 0.12 = 533.28		
	PREL. PMT. @ 45% = 239.98		
95-FM-35-40	PAY 40% @ 213.31 →	\$ 213	31
	15% RETAINAGE \$ 79.99		

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Big Creek Drainage Assn INC  
Name  
John J. Bittner, Treas.  
Title

Date DEC 26, 1995

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

Date \_\_\_\_\_

None

IN FAVOR OF

Vendor Name Big Creek Drainage

Vendor No. 0986

\$ 213.31

## ON ACCOUNT OF APPROPRIATION

Dept. Fund Name Dusker Ditch

Account No. 234-035

Allowed \_\_\_\_\_ 19\_\_\_\_\_

In the gum, of \$

Richard J. Bonies

## Board of Commissioners

Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Auditor

## COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT

[illegible]

TOTAL

4 213.31

VANDERBURGH COUNTY  
SURVEYOR'S OFFICE  
Room 325 Civic Center Complex  
One Northwest Martin Luther King, Jr. Boulevard  
Evansville, Indiana 47708-1833  
(812) 435-5210

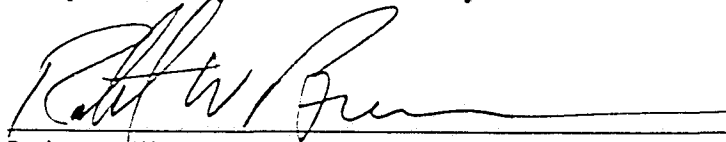
SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: BIG CREEK DRAINAGE

Assoc.  
for ☒ annual -- ☐ additional maintenance to  
RITSHER Ditch, a legal drain  
in Vanderburgh County, Indiana, was completed on  
DEC 23, 1995, and was inspected by  
our staff on DEC 27, 1995, and is  
☒ approved -- ☐ disapproved for payment per the  
contracted price indicated on the claim herewith attached.

Respectfully submitted by:



Robert W. Brenner, Vanderburgh County Surveyor

1-22-96  
Date

Additional Comments:



Warrant No. \_\_\_\_\_  
Claim No. \_\_\_\_\_  
Date \_\_\_\_\_

Vendor No. \_\_\_\_\_

\$ 651.09

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name \_\_\_\_\_  
Account No. \_\_\_\_\_

Allowed \_\_\_\_\_ 19\_\_

In the sum of \$  
*Richard J. Barnes*  
Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

Date None

1-22-96  
*Richard J. Barnes*  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:  
That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Auditor \_\_\_\_\_

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
95-FA-38-15		Nov. 28, 1995	234-038	\$ 651.09
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL \$ 651.09



FALLMow

CERTIFICATION OF PAYMENT  
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I Terry R Johnson  
(Signature in Ink)

representing \_\_\_\_\_, and presently  
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on SONNTAGG STEVENS, a regulated  
drain in Vanderburgh County, Indiana, do certify that I, and/or the  
firm I represent, have/has paid in full all expenses incurred for  
labor, supplies, and subcontracts except for any unpaid costs as  
specified herein under:

None

and further, that neither I, nor the firm I represent, will hold the  
Vanderburgh County Drainage Board responsible for any costs, or any  
claims arising from such expenses, except for the fifteen (15) percent  
of the total contract price which the Board presently holds in  
retainage pending the receipt of this Certification of Payment.

NAME OF DRAIN: SONNTAGG STEVENS DITCH # 234-038

CONTRACTOR: TERRY R JOHNSON VENDOR # 1052

CONTRACT # \_\_\_\_\_ AND/OR ACCOUNT # \_\_\_\_\_

- ☒ ANNUAL MAINTENANCE  
☐ ADDITIONAL MAINTENANCE  
☐ EMERGENCY MAINTENANCE

COMPLETION DATE Nov. 27, 1995  
INSPECTION DATE Nov 27, 1995

- ☒ WORK IS APPROVED  
☐ NOT APPROVED: COMMENTS: \_\_\_\_\_

Carl W. Brun

VANDERBURGH COUNTY SURVEYOR

1-22-96

DATE

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDEBURGH COUNTY, INDIANA

VENDOR NAME Big Creek Drainage Assco. # 0986

On Account of Appropriation for Pond Flat Lat. E 234.034

[illegible]

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Big Creek Drainage Assn. INC  
Name

Name \_\_\_\_\_

John J. Bittner, Texas  
Title

Title

Date Nov. 17, 1995

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

Vendor Name Big Creek Drainage

Vendor No. 0986

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Dept. Fund Name Dond Flat Lat.E

Account No. 234-034

Allowed \_\_\_\_\_ 19 \_\_\_\_\_

In the sum of \$ \_\_\_\_\_

Wm. J. F. Jones

Richard J. Barnes

Board of Commissioners

COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
95-FM-34-15		Nov-17, 1995	234-034	\$ 65.09

TOTAL

CERTIFICATION OF PAYMENT  
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I John J. Bettner  
(Signature in Ink) INC.  
representing Big Creek Drainage Assn. and presently  
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on Pond Flat Lat "E", a regulated  
drain in Vanderburgh County, Indiana, do certify that I, and/or the  
firm I represent, have/has paid in full all expenses incurred for  
labor, supplies, and subcontracts except for any unpaid costs as  
specified herein under:

NONE

and further, that neither I, nor the firm I represent, will hold the  
Vanderburgh County Drainage Board responsible for any costs, or any  
claims arising from such expenses, except for the fifteen (15) percent  
of the total contract price which the Board presently holds in  
retainage pending the receipt of this Certification of Payment.

NAME OF DRAIN: Pond Flat Lat. E. # 234-034

CONTRACTOR: Big Creek Drainage Assn VENDOR # 0986

CONTRACT # \_\_\_\_\_ AND/OR ACCOUNT # 234-034

☒ ANNUAL MAINTENANCE  
☐ ADDITIONAL MAINTENANCE  
☐ EMERGENCY MAINTENANCE

COMPLETION DATE 11-15-95  
INSPECTION DATE 11-16-95

☒ WORK IS APPROVED  
☐ NOT APPROVED: COMMENTS: \_\_\_\_\_

Ed W. Brennan  
VANDERBURGH COUNTY SURVEYOR

1-22-96  
DATE



Warrant No. \_\_\_\_\_  
Claim No. \_\_\_\_\_  
Date \_\_\_\_\_

IN FAVOR OF

Vendor Name Union town ship Ditch  
Vendor No. 1259

\$ 552.42

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name Kemp Ditch  
Account No. 234-021

Allowed \_\_\_\_\_ 19\_\_

In the sum of \$  
Five hundred and 42/100  
Richard J. Barnes  
Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except  
None

Asse  
1-22-98  
Richard J. Barnes  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:  
That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.  
1-22-98  
Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
95-S.D-21-15		Nov. 2, 1995	234-021	\$ 552.42

TOTAL \$ 552.42

CERTIFICATION OF PAYMENT  
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I X J. A. Rollett  
(Signature in Ink)  
representing Union Township Ditch Assn, and presently  
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on KAMP DITCH, a regulated  
drain in Vanderburgh County, Indiana, do certify that I, and/or the  
firm I represent, have/has paid in full all expenses incurred for  
labor, supplies, and subcontracts except for any unpaid costs as  
specified herein under:

None

and further, that neither I, nor the firm I represent, will hold the  
Vanderburgh County Drainage Board responsible for any costs, or any  
claims arising from such expenses, except for the fifteen (15) percent  
of the total contract price which the Board presently holds in  
retainage pending the receipt of this Certification of Payment.

NAME OF DRAIN: Kamp Ditch # 234-021

CONTRACTOR: Union Township Ditch Assn VENDOR # 1259

CONTRACT # \_\_\_\_\_ AND/OR ACCOUNT # 234-021

[ ] ANNUAL MAINTENANCE  
[X] ADDITIONAL MAINTENANCE  
[ ] EMERGENCY MAINTENANCE

COMPLETION DATE Nov. 1, 1995  
INSPECTION DATE Nov. 3, 1995

[X] WORK IS APPROVED

[ ] NOT APPROVED: COMMENTS: \_\_\_\_\_

R. W. Brun  
VANDERBURGH COUNTY SURVEYOR

1-22-96  
DATE





I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

Vendor Name Daniel Paul  
Vendor No. 3590

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Account No. 234-040

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
95-FM-40-15		Nov 7, 1995	234-040	\$ 185.48

TOTAL \$ 185.48

CERTIFICATION OF PAYMENT  
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I X Daniel J Paul  
(Signature in Ink)

representing \_\_\_\_\_, and presently  
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on \_\_\_\_\_, a regulated  
drain in Vanderburgh County, Indiana, do certify that I, and/or the  
firm I represent, have/has paid in full all expenses incurred for  
labor, supplies, and subcontracts except for any unpaid costs as  
specified herein under:

NONE

and further, that neither I, nor the firm I represent, will hold the  
Vanderburgh County Drainage Board responsible for any costs, or any  
claims arising from such expenses, except for the fifteen (15) percent  
of the total contract price which the Board presently holds in  
retainage pending the receipt of this Certification of Payment.

NAME OF DRAIN: Wallen meyer Ditch # 234-040

CONTRACTOR: Daniel Paul VENDOR # 3590

CONTRACT # \_\_\_\_\_ AND/OR ACCOUNT # 234 - 040

☒ ANNUAL MAINTENANCE  
☐ ADDITIONAL MAINTENANCE  
☐ EMERGENCY MAINTENANCE

COMPLETION DATE Nov. 6, 1995  
INSPECTION DATE Nov. 3, 1995

☒ WORK IS APPROVED

☐ NOT APPROVED: COMMENTS: \_\_\_\_\_

Ralph W. Bunn

VANDERBURGH COUNTY SURVEYOR

1-22-96

DATE

Jan

Form Prescribed by the  
State Board of Accounts

1245

Revised County  
Form No. 17

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME

John Maurer

# 1483

On Account of Appropriation for

Bach 1 Ditch

234-007

Invoice No.	Itemized Claim	Amount	
	1995 FALL MAINT.		
	6,890 LF. @ .125 = \$ 861.75		
	PREVIOUS PMT @ 85% = \$ 732.06		
95-FM-07-15	PAY 15% = \$ 129.19 →	\$ 129	19

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

x John Maurer  
Name

Title

Date 10-27-95, 19

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

Vendor Name John Moutser  
Vendor No. 1483

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Dept. Fund Name Bach/D.Tech  
Account No. 234-007

Allowed \_\_\_\_\_ 19\_\_\_\_\_

W. Lloyd Garrison  
R. R. Randall  
Richard J. Barnes

Board of Commissioners

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
95-FM-07-95		10-27-95	234-007	\$ 129.19

TOTAL

611621

CERTIFICATION OF PAYMENT  
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I X John Maurer  
(Signature in Ink)

representing \_\_\_\_\_, and presently  
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on \_\_\_\_\_, a regulated  
drain in Vanderburgh County, Indiana, do certify that I, and/or the  
firm I represent, have/has paid in full all expenses incurred for  
labor, supplies, and subcontracts except for any unpaid costs as  
specified herein under:

None  
\_\_\_\_\_  
\_\_\_\_\_;

and further, that neither I, nor the firm I represent, will hold the  
Vanderburgh County Drainage Board responsible for any costs, or any  
claims arising from such expenses, except for the fifteen (15) percent  
of the total contract price which the Board presently holds in  
retainage pending the receipt of this Certification of Payment.  
-----

NAME OF DRAIN: Bachl Ditch # 234-007

CONTRACTOR: John Maurer VENDOR # 1483

CONTRACT # \_\_\_\_\_ AND/OR ACCOUNT # 234-007

☒ ANNUAL MAINTENANCE  
☐ ADDITIONAL MAINTENANCE  
☐ EMERGENCY MAINTENANCE

COMPLETION DATE 10-26-95  
INSPECTION DATE 10-30-95

☒ WORK IS APPROVED

☐ NOT APPROVED: COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Ruth A. Brunner

VANDERBURGH COUNTY SURVEYOR

1-22-96

DATE

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Eldon Maasberg # 1485

On Account of Appropriation for Knecht Ditch 234-024

Invoice No.	Itemized Claim	Amount	
	1995 FALL MAINT.		
	3,036 LF X \$ 0.10 = \$ 303.60		
95-FM-24-85	Pay 85% = \$ 258.06 →	258	06

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Eldon Maasberg  
Name

Title

Date 1-17, 1996

Warrant No. \_\_\_\_\_  
Claim No. \_\_\_\_\_  
Date \_\_\_\_\_

IN FAVOR OF

Vendor Name Eldon Marshberg  
Vendor No. 1485

\$ 258.06

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name Grass Ditch  
Account No. 234-024

Allowed \_\_\_\_\_ 19\_\_

In the sum of \$ \_\_\_\_\_  
Richard J. Barnes  
Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

None  
1-22-96  
Richard J. Barnes  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:  
That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.  
\_\_\_\_\_  
Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
95-EM-24-85		1-17-96	234-024	\$ 258.06

TOTAL \$ 258.06

VANDERBURGH COUNTY  
SURVEYOR'S OFFICE  
Room 325 Civic Center Complex  
One Northwest Martin Luther King, Jr. Boulevard  
Evansville, Indiana 47708-1833  
(812) 435-5210

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: Eldon Massburg

for ☒ annual -- ☐ additional maintenance to  
KNEER Ditch, a legal drain  
in Vanderburgh County, Indiana, was completed on  
APR 16, 1996, and was inspected by  
our staff on JAN 22, 1996, and is  
☒ approved -- ☐ disapproved for payment per the  
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 1-22-96  
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:



Jch

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Union Township Ditch Assn. # 1259

On Account of Appropriation for Barnett Ditch 234-008

Invoice No.	Itemized Claim	Amount	
	1995 FALL MAINT.		
	8,358 LF X \$ 0.06 = \$ 501.48		
	REEV. PMT. @ 85% = \$ 426.26		
95-FM-08-15	PAY 15% RETAINAGE @ \$ 75.22 =	\$ 75	22

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,  
I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

X Jch A Rollett  
Name  
Treasurer - Union Township Ditch Assn  
Title

Date Nov 24, 1995

Warrant No. \_\_\_\_\_  
Claim No. \_\_\_\_\_  
Date \_\_\_\_\_

IN FAVOR OF

Vendor Name Union Township Ditch Assn.  
Vendor No. 1259

\$ 75.22

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name Barnett Ditch  
Account No. 234-008

Allowed \_\_\_\_\_ 19\_\_

In the sum of \$  
Seventy Five and 22/100  
Richard J. Barnes  
Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

None

Assn.

1-22-96

Robert W. Barnes

Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
99-EM-08-15		Nov 21, 1995	234-008	\$ 75.22

TOTAL \$ 75.22

CERTIFICATION OF PAYMENT  
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I X John A. Rolla,  
(Signature in Ink)  
representing Union Township Ditch Ass'n, and presently  
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on BARNETT DITCH, a regulated  
drain in Vanderburgh County, Indiana, do certify that I, and/or the  
firm I represent, have/has paid in full all expenses incurred for  
labor, supplies, and subcontracts except for any unpaid costs as  
specified herein under:

None

and further, that neither I, nor the firm I represent, will hold the  
Vanderburgh County Drainage Board responsible for any costs, or any  
claims arising from such expenses, except for the fifteen (15) percent  
of the total contract price which the Board presently holds in  
retainage pending the receipt of this Certification of Payment.

NAME OF DRAIN: Barnett Ditch # 234-008

CONTRACTOR: Union Township Ditch Ass'n. VENDOR # 1259

CONTRACT # \_\_\_\_\_ AND/OR ACCOUNT # 234-008

☒ ANNUAL MAINTENANCE  
☐ ADDITIONAL MAINTENANCE  
☐ EMERGENCY MAINTENANCE

COMPLETION DATE Nov. 22, 1995  
INSPECTION DATE Nov. 27, 1995

☒ WORK IS APPROVED  
☐ NOT APPROVED: COMMENTS: \_\_\_\_\_

Ed W. Brennan

VANDERBURGH COUNTY SURVEYOR

1-22-96

DATE



Warrant No. \_\_\_\_\_  
Claim No. \_\_\_\_\_  
Date \_\_\_\_\_

IN FAVOR OF

Vendor Name BIG CITY DRY CLEANING ASSN  
Vendor No. 0986

\$ 514.97

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name Budget - Approp B.C.  
Account No. 234-010

Allowed \_\_\_\_\_ 19\_\_

In the sum of \$ Five Hundred and Fourteen and 97/100  
Richard J. Barnes  
Board of Commissioners

Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except \_\_\_\_\_  
None

1-22-96  
Richard J. Barnes  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:  
That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.  
\_\_\_\_\_  
Auditor

COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>95-FM-10-15</u>		<u>Nov 16, 1995</u>	<u>234-010</u>	<u>514.97</u>

TOTAL 514.97

CERTIFICATION OF PAYMENT  
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I John J. Bittner,  
(Signature in Ink)

representing Big Creek Drainage Assn. Inc. and presently  
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on Buente U.B.C., a regulated  
drain in Vanderburgh County, Indiana, do certify that I, and/or the  
firm I represent, have/has paid in full all expenses incurred for  
labor, supplies, and subcontracts except for any unpaid costs as  
specified herein under:

NONE

and further, that neither I, nor the firm I represent, will hold the  
Vanderburgh County Drainage Board responsible for any costs, or any  
claims arising from such expenses, except for the fifteen (15) percent  
of the total contract price which the Board presently holds in  
retainage pending the receipt of this Certification of Payment.

NAME OF DRAIN: Buente Upper B.C. # 234-010

CONTRACTOR: Big Creek Drainage Assn. VENDOR # 0986

CONTRACT # \_\_\_\_\_ AND/OR ACCOUNT # 234-010

- ☒ ANNUAL MAINTENANCE  
☐ ADDITIONAL MAINTENANCE  
☐ EMERGENCY MAINTENANCE

COMPLETION DATE Nov. 15, 1995  
INSPECTION DATE Nov. 21, 1995

- ☒ WORK IS APPROVED  
☐ NOT APPROVED: COMMENTS: \_\_\_\_\_

Ralph W. Brenner

VANDERBURGH COUNTY SURVEYOR

1-22-96

DATE



Warrant No. \_\_\_\_\_  
Claim No. \_\_\_\_\_  
Date \_\_\_\_\_

IN FAVOR OF  
Vendor Name Ralph Rexington  
Vendor No. 1228

\$ 111.53

ON ACCOUNT OF APPROPRIATION  
Dept. Fund Name Land Flat Maintenance  
Account No. 234-030

Allowed \_\_\_\_\_ 19\_\_

In the sum of \$ \_\_\_\_\_  
Richard J. Barnes  
Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except  
None

1-22-96  
Ralph Rexington  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:  
That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.  
\_\_\_\_\_  
Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
95-FM-30-15		Nov. 20, 1995	234-030	\$ 111.53

TOTAL \$ 111.53



CERTIFICATION OF PAYMENT  
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I

Ralph R. Rexing  
(Signature in Ink)

representing \_\_\_\_\_, and presently  
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on Pond Flat Main Lat. A., a regulated  
drain in Vanderburgh County, Indiana, do certify that I, and/or the  
firm I represent, have/has paid in full all expenses incurred for  
labor, supplies, and subcontracts except for any unpaid costs as  
specified herein under:

NONE

and further, that neither I, nor the firm I represent, will hold the  
Vanderburgh County Drainage Board responsible for any costs, or any  
claims arising from such expenses, except for the fifteen (15) percent  
of the total contract price which the Board presently holds in  
retainage pending the receipt of this Certification of Payment.

NAME OF DRAIN: Pond Flat Main Lat. A. # 234-030

CONTRACTOR: Ralph R. Rexing VENDOR # 12528

CONTRACT # \_\_\_\_\_ AND/OR ACCOUNT # 234-030

☒ ANNUAL MAINTENANCE  
☐ ADDITIONAL MAINTENANCE  
☐ EMERGENCY MAINTENANCE

COMPLETION DATE Nov 20, 1995  
INSPECTION DATE Nov 21, 1995

☒ WORK IS APPROVED  
☐ NOT APPROVED: COMMENTS: \_\_\_\_\_

Ralph W. Bunn  
VANDERBURGH COUNTY SURVEYOR

1-22-96  
DATE

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Eldon Maasberg # 1485

On Account of Appropriation for Maasberg Ditch 234-027

Invoice No.	Itemized Claim	Amount	
	1995 FALL MAINT		
	2206 LF x 0.07 = \$154.42		
95-FM-27-85	PAY 55% @ \$131.26	\$131	26
	15% RETAINAGE = 23.14		

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Eldon Maasberg

Name

Title

Date 1-17, 1996

Warrant No. \_\_\_\_\_  
Claim No. \_\_\_\_\_  
Date \_\_\_\_\_

IN FAVOR OF  
Vendor Name Elden Maasberg  
Vendor No. 1485

\$ 131.26  
ON ACCOUNT OF APPROPRIATION  
Dept. Fund Name Maasberg Ditch  
Account No. 234-027

Allowed \_\_\_\_\_ 19\_\_\_\_  
In the sum of \$ \_\_\_\_\_  
Richard J. Bonies  
Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except \_\_\_\_\_  
None

1-22-96  
Ruby W. Breen  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:  
That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.  
\_\_\_\_\_  
Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
95-FM-27-85		1-17-96	234-027	\$ 131.26

TOTAL \$ 131.26

VANDERBURGH COUNTY  
SURVEYOR'S OFFICE  
Room 325 Civic Center Complex  
One Northwest Martin Luther King, Jr. Boulevard  
Evansville, Indiana 47708-1833  
(812) 435-5210

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: ELDON MAASBERG

for ☒ annual -- ☐ additional maintenance to  
MAASBERG Ditch, a legal drain  
in Vanderburgh County, Indiana, was completed on  
JAN 16, 1996, and was inspected by  
our staff on JAN 22, 1996, and is  
☒ approved -- ☐ disapproved for payment per the  
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 1-22-96  
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

Jan 22 96

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME

Terry R. John

# 1052

On Account of Appropriation for

Eastside Urban N 1/2 234-015

Invoice No.	Itemized Claim	Amount	
	1995 FALL MOW		
	21,127 LF x 0.4319 = 9,124.75		
	PREV. Pmts @ 85% = 7,756.04		
95-FM-15-N-15	PAY 15% RETAINAGE = 1,368.71 →	1,368	71

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Terry R. John  
Name  
Owner  
Title

Date Nov 17, 1995

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

Vendor Name Terry Johnson  
Vendor No. 1052

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law, that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Account No. 234-015

In the sum of \$                       
Richard J. Barnes  
Board of Commissioners

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
95-EM-15-N-15		Nov 17, 1995	234-015	\$ 4,368.71
			TOTAL	\$ 4,368.71

TOTAL 5 1,368.71

CERTIFICATION OF PAYMENT  
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I Terry R. Johnson  
(Signature in Ink)  
representing Terry R. Johnson Const., and presently  
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on EAST SIDE URBAN N 1/2, a regulated  
drain in Vanderburgh County, Indiana, do certify that I, and/or the  
firm I represent, have/has paid in full all expenses incurred for  
labor, supplies, and subcontracts except for any unpaid costs as  
specified herein under:

None

and further, that neither I, nor the firm I represent, will hold the  
Vanderburgh County Drainage Board responsible for any costs, or any  
claims arising from such expenses, except for the fifteen (15) percent  
of the total contract price which the Board presently holds in  
retainage pending the receipt of this Certification of Payment.

NAME OF DRAIN: East side Urban N. Half # 234-015

CONTRACTOR: Terry Johnson VENDOR # 1052

CONTRACT # \_\_\_\_\_ AND/OR ACCOUNT # 234.015

<input checked="" type="checkbox"/> ANNUAL MAINTENANCE	COMPLETION DATE _____
<input type="checkbox"/> ADDITIONAL MAINTENANCE	INSPECTION DATE _____
<input type="checkbox"/> EMERGENCY MAINTENANCE	

☐ WORK IS APPROVED  
☐ NOT APPROVED: COMMENTS: \_\_\_\_\_

R. H. W. Brown 1-22-96  
VANDERBURGH COUNTY SURVEYOR DATE

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

Vendor Name John Mayer  
Vendor No. 1483

Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Auditor

COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
95FM-20-15		OCT 27, 1995	234-020	\$ 83.56
			TOTAL	\$ 83.56



Jan

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME John Maurer # 1483

On Account of Appropriation for Hoefling Ditch 234-020

Invoice No.	Itemized Claim	Amount	
	1995 FALL MAINT.		
	5,571 LF @ .10 - \$ 557.10		
	PROR PAYMENT @ 85% = \$ 473.54		
95-FM-20-15	PAY 15% RETAINAGE @ \$ 83.56	\$ 83	56

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

X John Maurer

Name

Title

Date OCT, 27, 1995

CERTIFICATION OF PAYMENT  
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I X John Maurer  
(Signature in Ink)

representing \_\_\_\_\_, and presently  
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on Hoefling Ditch, a regulated  
drain in Vanderburgh County, Indiana, do certify that I, and/or the  
firm I represent, have/has paid in full all expenses incurred for  
labor, supplies, and subcontracts except for any unpaid costs as  
specified herein under:

NONE

and further, that neither I, nor the firm I represent, will hold the  
Vanderburgh County Drainage Board responsible for any costs, or any  
claims arising from such expenses, except for the fifteen (15) percent  
of the total contract price which the Board presently holds in  
retainage pending the receipt of this Certification of Payment.

NAME OF DRAIN: Hoefling Ditch # 234-020

CONTRACTOR: John Maurer VENDOR # 1483

CONTRACT # \_\_\_\_\_ AND/OR ACCOUNT # 234-020

- ☒ ANNUAL MAINTENANCE  
☐ ADDITIONAL MAINTENANCE  
☐ EMERGENCY MAINTENANCE

COMPLETION DATE OCT 22, 1995  
INSPECTION DATE OCT 30, 1995

- ☒ WORK IS APPROVED  
☐ NOT APPROVED: COMMENTS: \_\_\_\_\_

Paul W. Brennan  
VANDERBURGH COUNTY SURVEYOR

1-22-96  
DATE



Warrant No. \_\_\_\_\_  
Claim No. \_\_\_\_\_  
Date \_\_\_\_\_

IN FAVOR OF  
Vendor Name Ralph Rexing  
Vendor No. 1228

\$ 96.16  
ON ACCOUNT OF APPROPRIATION  
Dept. Fund Name Pond Flat Ltd. D.  
Account No. 234-033

Allowed \_\_\_\_\_ 19\_\_\_\_  
In the sum of \$                       
Richard J. Barnes  
Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except  
NONE

1-22-96  
Robert W. Barnes  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:  
That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.  
\_\_\_\_\_  
Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
95-FM-33-15		Nov. 12, 1995	234-033	\$ 96.16

TOTAL \$ 96.16

CERTIFICATION OF PAYMENT  
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I

Ralph R Rexing  
(Signature in Ink)

representing \_\_\_\_\_, and presently  
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on POND FLAT LAT "D", a regulated  
drain in Vanderburgh County, Indiana, do certify that I, and/or the  
firm I represent, have/has paid in full all expenses incurred for  
labor, supplies, and subcontracts except for any unpaid costs as  
specified herein under:

NONE

and further, that neither I, nor the firm I represent, will hold the  
Vanderburgh County Drainage Board responsible for any costs, or any  
claims arising from such expenses, except for the fifteen (15) percent  
of the total contract price which the Board presently holds in  
retainage pending the receipt of this Certification of Payment.

NAME OF DRAIN: Pond Flat Lat. D # 234-033

CONTRACTOR: Ralph Rexing VENDOR # 1228

CONTRACT # \_\_\_\_\_ AND/OR ACCOUNT # 234-033

☒ ANNUAL MAINTENANCE  
☐ ADDITIONAL MAINTENANCE  
☐ EMERGENCY MAINTENANCE

COMPLETION DATE Nov 20, 1995  
INSPECTION DATE Nov 20, 1995

☒ WORK IS APPROVED

☐ NOT APPROVED: COMMENTS: \_\_\_\_\_

Edith W. Gumm

VANDERBURGH COUNTY SURVEYOR

1-22-96

DATE

MINUTES  
VANDERBURGH COUNTY DRAINAGE BOARD

FEBRUARY 26, 1996

Call to order.....	1
Approval of transcribed minutes.....	1
Request special meeting on March 4, 1996 to discuss Lloyd Crossing Shopping Center.....	1
Presentation of Surveyor's annual ditch report.....	2
Presentation of specs for annual ditch maintenance.....	2
Request to advertise for bids on ditch maintenance.....	2
Request approval to pay blue claims.....	3
Correspondence:	
Letter from town of Darmstadt deferred.....	3
New Business:	
Drainage at J. H. Rudolph's Stockwell Rd. asphalt plant.....	4
Discussion of urban drain and agricultural assessment rates.....	4
Adjournment.....	6
Attendance & Signature Sheet.....	7

**MINUTES  
DRAINAGE BOARD MEETING  
FEBRUARY 26, 1996**

The Vanderburgh County Drainage Board met in session on February 26, 1996 at 8:00 p.m. in the Commissioner's Hearing Room 307 with President Richard Borries presiding.

**RE: APPROVAL OF TRANSCRIBED DRAINAGE BOARD MINUTES**

President Borries: I hope we are going to have a speedy meeting here, posthaste. Approval of transcribed minutes for January 22.

Commissioner Mourdock: So moved.

President Borries: Do we have a second?

Commissioner Tuley: Second.

President Borries: So ordered.

**RE: REQUEST FOR SPECIAL MEETING - LLOYD CROSSING SHOPPING CENTER**

Bill Jeffers: Can we go to number four?

President Borries: Yeah, we sure can.

Bill Jeffers: We have a request for a special meeting, Drainage Board Meeting, Monday, March 4. The subject being Lloyd Crossing Shopping Center drainage plan. Mr. Dave Schminke is here from Morley and Associates to make the request.

Commissioner Tuley: I'm always ready to have two Drainage Board meetings in one month. I'll move for approval.

Suzanne Crouch: Excuse me, I have a question. Do we need to advertise?

President Borries: Yeah, you do.

Alan Kissinger: No, you don't.

Commissioner Tuley: No, you don't have to advertise.

President Borries: Oh no, I guess--

Alan Kissinger: Special meetings of the Board may be called by the chairman, any two members or the County Surveyor by mailing written notice, etc. A member may waive the mailing of notice of a special meeting by filing a written waiver with the secretary or by his presence at the meeting. What that says in so many words, if you want to have a special Drainage Board meeting, you can announce it tonight and the members can waive the formal notice by mail and you can schedule your meeting if you choose to waive notice.

Bill Jeffers: You can also take it a step further by recessing this meeting and reconvening it next Monday.

Alan Kissinger: In consideration of the suspicion that we came under by certain people tonight, I would say that our motives might be questioned if we do that.

Bill Jeffers: The reason that the request is being made is because Mr. Schminke presented me with a substantial pile of documents to review, and he came in just after the deadline and I had all this to prepare for you tonight to turn in. I told him I could not get it done by tonight, and this is on a groundbreaking deadline.

Alan Kissinger: Understood, and I think this special meeting procedure will certainly suffice, is what I'm saying, Bill.

Commissioner Mourdock: To clarify one thing, procedurally, at a

special meeting, I presume the only topic that can be discussed is the subject that was called for.

Alan Kissinger: That is correct. At a continued meeting it's an open agenda.

Commissioner Tuley: It's open--

Bill Jeffers: Oh, I gotcha. Well, this was for Lloyd Crossing Shopping Center only, and the only reason I'm asking for it is I did not have time to complete my review of the drainage calculations that were turned in by Mr. Schminke.

Commissioner Tuley: Motion still stands.

Commissioner Mourdock: Was there a motion?

Commissioner Tuley: I made a motion.

Commissioner Mourdock: Okay, I'll second.

President Borries: So ordered.

Alan Kissinger: I would also recommend that the Commissioners waive the mailing of the formal notice.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

**RE: PRESENTATION - SURVEYOR'S ANNUAL DITCH REPORT**

Bill Jeffers: Back under number three, I have your annual report from the Vanderburgh County Surveyor to the Drainage Board on the condition of all the regulated drains in Vanderburgh County. I would like to present that at this time and have you receive it. I suppose that should be entered into the record and stored in the permanent record at the Auditor's Office, as it is a statutory requirement to file.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

**RE: PRESENTATION - SPECS FOR ANNUAL DITCH MAINTENANCE**

Bill Jeffers: I have the ditch specifications prepared for maintenance of regulated drains in Vanderburgh County for the year of 1996, and it contains the general specifications and the special provisions for the special work we do like on East Side Urban. I would like for you to receive these at this time, and approve the specifications for maintenance to regulated drains for 1996, and the County Surveyor does recommend that you do that.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

**RE: REQUEST TO ADVERTISE FOR BIDDERS TO PERFORM DITCH MAINTENANCE**

Bill Jeffers: In order that the specifications come to the attention of the contractors and the bidders who are interested in the work, I have prepared a Notice to Bidders to be published in



the newspaper as soon as possible, announcing that bids will be received on Monday, March 25, 1996, so the final day or the second publication has to take place a full ten days before March 25th, and there has to be a week between them, or ten days, two weeks?

Alan Kissinger: The first publication has to be ten days before the meeting, the next publication not less than three days before.

Bill Jeffers: I would like to get it in as quick as possible and I will work with Teri to figure out a newspaper schedule on that to make sure we hit the deadline. If you don't mind, sign about three copies, one for the Auditor, one for the Surveyor.

Commissioner Mourdock: I'll move approval of the request to advertise.

Commissioner Tuley: Second.

President Borries: So ordered.

Bill Jeffers: One copy that they sign should go into the minutes, I need one copy back to put with the specifications and then one signed copy goes to the newspaper.

Commissioner Mourdock: So you need three.

**RE: REQUEST PAYMENT OF BLUE CLAIMS**

Bill Jeffers: I have, what I hope are, the last blue claims that have been straggling around our office for work done in 1995.

Commissioner Mourdock: I'll move approval of the blue claims.

Commissioner Tuley: Second.

Bill Jeffers: I'm checking to make sure that the County Surveyor signed all of them. They have all been signed by the County Surveyor, indicating that he recommends approval of them and the necessary paperwork is attached.

President Borries: It's been moved and seconded, and I'll say so ordered.

**RE: CORRESPONDENCE**

Bill Jeffers: Under correspondence, Ms. Sunny Titzer gave me a letter that was addressed to the board members from the Town of Darmstadt, and I would just like to...do you all have a copy of this, has anyone seen this? Just enter it into the record, and give you guys a chance to see it and we can discuss it at a different meeting, I suppose. I haven't had time to digest it all myself. That concludes any business I have to present to the Board at this time.

Commissioner Mourdock: Hallelujah!

President Borries: Great!

Commissioner Tuley: Move to adjourn.

**RE: NEW BUSINESS**

President Borries: I just have a real quick question.

Commissioner Mourdock: I have one quick one.

President Borries: Okay, go ahead.

Commissioner Tuley: Man, we'll be here for three hours.

Bill Jeffers: Don't get me talking!

Commissioner Mourdock: We'll get up and leave.

President Borries: Go ahead, Commissioner Mourdock.

Commissioner Mourdock: My quick question, in 15 seconds or less, Bill, whatever happened to the problem with the drainage out there where Rudolph's property is, along...what is that?

Suzanne Crouch: Knob Hill?

President Borries: Stockwell Road.

Commissioner Mourdock: Stockwell Road?

Commissioner Tuley: Knob Hill--

Commissioner Mourdock: No, no, not that. I'm not bringing that up--

Commissioner Tuley: Oh, Rudolph, wrong Stockwell.

Commissioner Mourdock: That's Rudolph's, but I meant Rudolph's, isn't that Rudolph's property?

President Borries: Yeah, their business location.

Bill Jeffers: Stockwell Asphalt Plant.

President Borries: Yeah.

Bill Jeffers: It is on Wabash-Erie, and the problem is the erosion of the south bank.

Commissioner Mourdock: That's the problem.

Bill Jeffers: Right, and it's getting into their driveway entrance and could damage their access. We have prepared a plan that we feel will remedy that, and we showed it to Mr. Morley. He made some modifications to it and is going to give us an engineer's estimate on it, but I will caution you that the engineer's estimate is going to exceed our available funds. I have talked to Herb Butler about it and he said, well, let's see the plan and see if we have any funds to participate with you.

Commissioner Mourdock: Okay, very good. Thank you.

Bill Jeffers: That was 23 seconds I spent--

Commissioner Mourdock: Forty-four, but that's okay.

President Borries: The question that I had, real quickly, is that we had a question earlier tonight concerning the formation of a legal drain for Pigeon Creek in Vanderburgh County. There was a farmer...what was his name?

Commissioner Tuley: He was on the--

Commissioner Mourdock: Stahl? Manfred Stahl?

President Borries: Manfred Stahl. He asked whether or not we have...I know we have an urban drain assessment and an agricultural, don't we?

Bill Jeffers: Right.

President Borries: Is the agricultural all the same per foot?

Bill Jeffers: Agricultural is usually somewhere around \$.50 to \$1.50 per acre, and urban is around \$22.50 per acre.

President Borries: I knew that was why they weren't happy when we did the other thing. The City of Evansville is who it was, wasn't really happy when we -- or the Levee Authority on that, because we changed it to a legal drain.

Commissioner Tuley: Don't you set that rate by the amount of bids that you receive for maintenance?

Bill Jeffers: It's been a standard rate for about 20 years.

Commissioner Tuley: Okay.

Bill Jeffers: I'm not sure exactly how it was set.

Commissioner Tuley: But, why is it some years then that we don't bill somebody?

Bill Jeffers: Okay, we haven't billed Keil ditch, for example, because it's at the urban rate, and we haven't billed Sonntag for awhile. The reason is, you bill them once or twice and the amount that you collect exceeds the maintenance cost for that year by three times. You cannot assess any more until you deplete the fund down to less than three times.

Commissioner Tuley: I knew it was something.

Commissioner Mourdock: But, I heard you say, for agricultural ground it can vary as much as from \$.50 to \$1.50 an acre.

Bill Jeffers: Right, well, that's because, for example, Henry Ditch you will see in the report has a real high assessment, like \$2.50 an acre--

Commissioner Mourdock: Oh, okay.

Bill Jeffers: --and that's because there are so few acres of land in the watershed that their equal proportion is high, so anytime we do a major project out there, everybody out there has to kick in their inheritance to get it done. So we steer away from those kind of projects and small watersheds.

Commissioner Mourdock: Okay.

Bill Jeffers: Where a large watershed like Big Creek drainage area is so large, that might only be \$.80 an acre to take care of that ditch. The only way to go with Pigeon Creek would be if you went with a county wide nickel on each \$100 valuation of property, the same as the bridge fund gets \$.15, that is allowable by state drainage statute. You're going to get a lot of political resistance from agricultural people on that, because they'll perceive it as, all our money now is going to be spent on bike paths, greenways, etc. We're happy with the system we have now, is what they'll tell you.

President Borries: Yeah, but what it really needs to go for, as you know, there has to be some kind of easement so that you can get in there and get out the log jams.

Bill Jeffers: Right.

President Borries: At the mouth of the creek there is a --

Bill Jeffers: You might be able to establish a drainage district independent of the rest of this. I mean, you would still administer it, but it would be called a drainage district, and it wouldn't be exactly the same as we are doing with the rest of these

ditches.

President Borries: Well, that came up tonight and we will probably hear more about it.

Bill Jeffers: You're going to hear a lot more about it.

President Borries: So, we'll need to have your thoughts as we move forward on it.

Commissioner Mourdock: I move for adjournment.

Commissioner Tuley: Second.

President Borries: So ordered.

Meeting adjourned at 8:15 p.m.

Drainage Board  
February 26, 1996

7

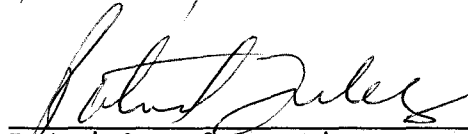
**THOSE IN ATTENDANCE:**

Richard J. Borries  
Patrick Tuley  
Richard E. Mourdock  
Alan Kissinger  
Suzanne Crouch  
Charlene Timmons  
Bill Jeffers

**VANDEBURGH COUNTY DRAINAGE BOARD**



Richard J. Borries, President



Patrick Tuley, Vice President



Richard E. Mourdock, Member

**VANDERBURGH COUNTY SURVEYOR'S  
ANNUAL DITCH REPORT**

**1996**

**Robert W. Brenner  
Vanderburgh County Surveyor**

February 26, 1996

TO: THE VANDERBURGH COUNTY DRAINAGE BOARD  
RE: CONDITION OF COUNTY'S REGULATED DRAINS  
FR: THE VANDERBURGH COUNTY SURVEYOR

The overall condition of the regulated drains in Vanderburgh County, Indiana is very good. There are specific isolated problems in some of the thirty individual ditches that make up Vanderburgh County's legal drain system.

This report will note existing conditions that must be addressed in order to correct those isolated problems.

The Special Provisions Sections of the ditch specifications that accompany this report detail the work to be accomplished this year to correct the majority of the problems identified in this report.

There are certain existing conditions that may not be corrected in 1996 due to either a lack of adequate funds, failure of qualified bidders to respond to the invitation to accomplish the work, or as in the case of Eagle Slough in 1995, extended periods of high water.

The remainder of this report will address the condition of the ditches either individually by ditch, or grouped into systems of drains.

#### AIKEN DITCH:

Private drive culvert crossings into Pollack Avenue residences restrict flow through ditch. Some residents do not keep culverts clear. Guard rail restricts mowing operations. Side banks along Pollack Avenue very steep. Remedies will require coordination between private property owners, highway department, and surveyor's office.

#### BAEHL DITCH:

Very good condition due to excellent annual application of broadleaf herbicide resulting in grassy cover stabilizing ditch banks.

#### BARNETT DITCH:

Accumulation of silt due to annual flooding by Ohio River requires silt removal project 1996.

#### BARR'S CREEK:

Condition continues to improve as land owners work with Soil Conservation District and Big Creek Drainage Association on a variety of projects to repair and stabilize waterway. Projects to continue current program depend upon annual availability of funds.

#### BUENTE UPPER BIG CREEK:

Condition remains stable with annual improvements made by individual landowners and Big Creek Drainage Association. Annual application of broadleaf herbicides has established beneficial grass cover along majority of waterway. Isolated brush removal required. Some side slope work may be necessary after examination of frost heave damage.



## THE UNION TOWNSHIP DITCHES OTHER THAN BARNETT DITCH

1. CYPRESS DALE MADDOX;
2. EDMOND DITCH;
3. HELFRICH HAPPE;
4. KAMP DITCH

Very good shape. Continue to monitor for accumulation of silt due to annual flooding by Ohio River to determine year of silt dipping project. Kamp Ditch was dipped out in 1995. Inspection of all Union Township ditches is required Spring 1996 to determine any effects of prolonged standing flood water during January/February 1996.

## EAGLE SLOUGH:

Declared Urban Drain beginning 1995. Projects not completed in 1995 due to absence of responding bidders, adverse weather, and river flooding conditions include work that will have to be re-bid in 1996.

Work needed includes brush removal, tree removal, beaver dam removal, waterway repairs near Waterworks Road, flood debris removal, broadleaf and brush killing herbicide applications, and embankment repairs.

Herbicide application and brush killer application was accomplished from Weinbach Avenue to Green River Road in 1995 with good results.

The 1996 Special Provisions Section specifies projects to be bid March 1996. Subsequent specification will be produced to address work required after additional inspections can be made. High water prevented inspections in January and February 1996; and may have caused conditions Surveyor is not aware of at this report's publication.

## EAST SIDE URBAN

East Side Urban Drain system continues to be in very good shape generally due to tight control of commercial drainage planning and quality ditch maintenance by spraying and mowing contractors.

(East Side Urban Continued:)

However, continued intense development pressure, poor maintenance of private drain systems entering county ditches, high volume of loose and blowing trash, construction and landscaping debris, pallets, shopping carts, and other common junk increasingly cause obstructions at isolated locations.

The cost of regular annual maintenance may exceed annual income from ditch assessments in 1996. No funds are available or projected to be available in 1996 for special projects needed to correct specific problems requiring immediate attention.

Such problems include obstruction of the drain in Hirsch Ditch through and between the large culvert crossings at and on both sides of Oak Grove Road and Morgan Avenue (in front of Kight and Complete,) and an erosion of the south bank of Wabash Erie at Rudolph's Stockwell Road facility. Both projects require substantial expenditures for which funds are not available in county drainage accounts at this time.

The Special Provisions Section attempts to provide the Board with enough bid options to reduce the 1996 costs for mowing, spraying, and other regular maintenance. If bidders response allows, the Surveyor will recommend a combination of treatments designed to address regular maintenance needs at a cost that will leave funds for other needed work.

Announced and anticipated commercial developments along the east side of Burkhardt Road between Lincoln Avenue and Morgan Avenue will have to be reviewed and monitored very closely to minimize their adverse impact on Crawford Brandeis Ditch and downstream drains.

#### HARPER DITCH:

Very good shape from Lloyd Expressway north to Carriage House. Some embankment stability through increased grass cover is needed in the east/west portion approaching Eastland Place. Trash from shopping centers continues to be a problem.

#### HENRY DITCH:

Average condition. Improvements are projected to cost in excess of benefits that would be derived from extensive work such as straightening the waterway from Kansas Road to Bluegrass Creek.

#### HOEFLING DITCH:

Good condition. Land owner cooperation needed to address some needed minor embankment improvements along the upper end of ditch.

#### KEIL DITCH:

Very Good Condition.

#### KNEER DITCH

Very good condition.

#### KOLB DITCH:

Extensive improvements accomplished in 1995 include restoration of flow line from Covert Avenue through the downstream subdivisions and under Pollack Avenue to levee gate. Also all roadway pipes crossing Kolb Ditch were cleared of accumulated silt in 1995.

Special Provisions Section details projects needed to maintain improvements in 1996.

#### MASSBERG DITCH:

Good condition.

## MAIDLOW DITCH:

Good condition. An experimental project using automobile tires tied into a mat and installed into the ditch banks has stabilized portions of the bank very satisfactorily. This project may be viewed just west of St. Joe Avenue at Hoffher's nursery.

Land owners viewing the project have expressed an interest in applying the same treatment at isolated locations experiencing destabilization due to the high velocity of water moving down Maidlow Ditch. Approximately \$2,000.00 is projected to be available in 1996 for small projects.

The concrete bridge abutments on Bender Road over Maidlow Ditch represent a restriction and should be replaced with a larger waterway opening.

## POND FLAT DITCH SYSTEM:

1. POND FLAT MAIN: Very good condition overall. Some bank slippage due to the weight of the accumulated spoil at the top of the banks as well as natural movement caused by freezing, thawing, and saturation during high water episodes will have to be dressed back on a case by case basis as is done annually.

A new plan will have to be developed to address the area just northwest of the Bixler Road. Department of Natural Resources approval and permits are required to complete the work. The work also requires extensive clearing and excavation, and depends on land owners' cooperation on temporary rights-of-way and access points.

2. POND FLAT LATERALS "A" & "B": Very good condition. Recent improvements to Lateral "A" just north of Boonville-New Harmony Road were made in 1995 to facilitate the replacement of a county bridge and the construction of Azteca's storm drainage system. Inspections will be necessary to monitor the effects of Azteca and other nearby commercial and industrial development on Lateral "A" and Lateral "B."

3. POND FLAT LATERAL "D" & RUSHER DITCH: Very good condition. Inspections necessary to monitor effects of North 41 corridor development. Some maintenance access is restricted.

4. POND FLAT LATERAL "C": Very good condition. Some bank slippage due to frost heave may need dressing back. Rip rap placed under new county bridge on Outer Darmstadt Road (Mosquito Road) needs to be redone so that water is not held in a pool above that bridge. The pool has become so deep that the banks are saturated and in danger of slumping into the ditch bottom.

5. POND FLAT LATERAL "E": Excellent condition.

6. SINGER DITCH: Very good condition

#### SONNTAG STEVENS DITCH:

- Very good condition from Hitch Peters upstream to point of beginning. Good condition from Lynch Road downstream to end of ditch.

Extensive repairs to Sonntag Stevens Ditch from Hitch Peters Road upstream to Cloverlawn Subdivision were accomplished in 1995.

Additional projects to continue improving Sonntag Stevens Ditch will be presented to the Board prior to the summer construction season.

#### WALLENMEYER DITCH:

Very good condition except for isolated areas of light brush to be removed, and some slight embankment instability to be monitored until determined to be in need of repair.

SPECIFICATIONS  
for the  
MAINTENANCE OF REGULATED DRAINS  
in  
VANDERBURGH COUNTY INDIANA

Prepared by  
Robert W. Brenner  
Vanderburgh County Surveyor

Adopted by  
Vanderburgh County Drainage Board  
Richard J. Borries, President  
Patrick Tuley, Vice President  
Richard E. Mourdock, Member

## NOTICE TO BIDDERS

This Instrument shall serve as Public Notice that Sealed Proposals for the maintenance of Regulated Drains in Vanderburgh County, Indiana by mowing, herbicide application, excavation, brush cutting and chipping, and other related activities shall be received by the Vanderburgh County Auditor until 4:30 P.M. local time on Monday March 25, 1996, at which time proposals received shall be delivered to the Vanderburgh County Drainage Board, opened and read aloud in the County Commissioners' Hearing Room. Any proposal received unsealed or past the designated time shall be returned to the bidder unopened.

Proposals must be submitted on approved forms, properly executed, and accompanied by a Certified Check, Cashier's Check, or other approved security in the amount of five (5) percent of the total bid.

Proposals and securities shall be sealed together in an envelope bearing the name and address of the bidder, and the title of the work; and all prepared according to such particulars as shall be described in this document and in other documents available from the Vanderburgh County Surveyor; Room 325 Civic Center; #1 Martin Luther King, Jr. Blvd.; Evansville, Indiana, 47708; or by calling 812-435-5210, or 435-5117.

Improperly completed proposals may be disregarded by the Board. Successful bidders shall sign contracts with the Board within five (5) days of the award. A performance bond may be required of the Contractor by the Board. The bid bonds of the unsuccessful bidders will be returned within thirty (30) days of the awards.

APPROVED BY THE VANDERBURGH COUNTY DRAINAGE BOARD:

\_\_\_\_\_  
Richard J. Borries, President

\_\_\_\_\_  
Patrick Tuley, Vice President

\_\_\_\_\_  
Richard E. Mourdock, Member

ATTEST:

\_\_\_\_\_  
SUZANNE M. CROUCH, AUDITOR

\_\_\_\_\_  
(DATE)

CERTIFIED:

\_\_\_\_\_  
ROBERT W. BRENNER, SURVEYOR

\_\_\_\_\_  
(DATE)

## GENERAL SPECIFICATIONS

### 100.00 PURPOSE:

To remove all undesirable vegetation and loose debris from the Regulated Drains in Vanderburgh County as directed and determined by the Vanderburgh County Surveyor to facilitate proper drainage.

### 200.00 SPECIFICATIONS:

#### 201.00 CLEAN, CLEAR, STERILE DITCH BOTTOMS:

The Contractor shall remove, or shall cause to be removed, all vegetation, loose debris, and brush from the ditch bottom. When using ground sterilants the Contractor shall spray only the ditch bottom. No sterilants shall be sprayed, spilled, or drifted onto the side slopes of the ditch, nor outside of the ditch banks.

#### 202.00 CLEAN, CLEAR CHANNEL WITH CONTROLLED GRASS COVER:

The Contractor shall remove, or shall cause to be removed, all undesirable vegetation and loose debris as directed by the Vanderburgh County Surveyor within the area of the ditch banks and within an area five (5) feet outside the tops of the ditch banks.

The contractor shall maintain these areas in such a manner as to promote the growth of desirable cover grasses.

When using herbicides or growth regulators, the Contractor shall apply all chemicals in such a manner as to spray only within the ditch banks, and to a distance of five (5) feet outside the tops of the banks (see Special Provisions for any increased pathway maintenance requirements.)

The Contractor shall take care not to allow spray to drift or spill on crops, lawns, or other ground cover outside the five (5) foot limit at the top of the banks.



#### 203.00 REMOVAL OF NOXIOUS WEEDS:

The following prohibited noxious weeds must be controlled by the Contractor if they are found within the ditch banks, or within the areas up to five (5) feet from the tops of the ditch banks.

Canada thistle  
Field bindweed  
Hoary cress  
Johnson grass  
Perennial sowthistle

#### 204.00 SELECTING, HANDLING, APPLYING CHEMICALS:

The Contractor shall be responsible for selecting, purchasing, shipping, storing, handling, mixing, and applying all materials required to complete the Work.

#### 205.00 OBTAINING NECESSARY LICENSES AND PERMITS:

The Contractor shall obtain all required permits and/or licenses for applying herbicides, burning debris, or other activities requiring licenses and permits.

#### 206.00 LIABILITY INSURANCE REQUIRED:

The Contractor shall carry adequate liability insurance to protect the County against any and all claims that may arise as a result of the Contractor's operations.

#### 207.00 CERTIFICATE OF INSURANCE REQUIRED:

The Contractor shall provide the Vanderburgh County Surveyor with a Certificate of Insurance naming the Vanderburgh County Surveyor, and the Vanderburgh County Drainage Board as co-insured by the Contractor's liability policy.

208.00 STATE PESTICIDE APPLICATORS LICENSE REQUIRED:

When submitting a bid for work including the application of herbicides, the Contractor shall provide the Surveyor with a copy of the Contractor's valid Indiana State Pesticide Applicators License for working in regulated drain right-of-way.

209.00 LABEL SPECIMENS REQUIRED:

The Contractor shall submit the names of all chemicals to be used, with label specimens, no less than fourteen (14) days prior to any chemical application.

210.00 WORK LOG REQUIRED:

The Contractor shall maintain a log of spraying activity containing the following information:

210.01 Ditch name	210.05 Start and Stop Work Times
210.02 Spray Date	210.06 Begin and End Work Locations
210.03 Wind speed and direction	210.07 Applicator's Name(s)
210.04 Temperature(s)	210.08 Operator's Name(s)

The Work Log shall be surrendered to the Vanderburgh County Surveyor upon completion the Work; and shall be available for inspection by the Surveyor at all times during the Contract Period.

211.00 SPRAYING PROHIBITED ON WINDY DAYS:

No spraying shall be done when the wind speed is in excess of eight miles per hour (8 m.p.h.)

212.00 CUTTING WEEDS TO ACHIEVE KILL PERCENTAGE:

If the Vanderburgh County Surveyor determines that chemical control of vegetation is not sufficient to achieve the required weed kill percentage, the Contractor shall cut the vegetation and remove the clippings and debris to achieve the required kill.

213.00 LIMITED CONTROLLED BURNING:

Controlled burning may be used for removal and disposal of clippings after obtaining proper permits, variances, and permissions, including those from the Environmental Protection Agency, Room 207 Civic Center.

213.01 The EPA will not issue variances for Sonntag-Stevens and Keil ditches.

214.00 CLIPPING AND DEBRIS REMOVAL REQUIRED:

The Contractor shall remove all clippings and loose debris in a timely fashion to avoid material washing downstream.

214.01 All loose debris which can be lifted out of the ditch using on-site manpower and equipment shall be removed as a part of the Work.

214.02 For debris too large to be removed by on-site manpower, tools, and equipment, the Contractor shall notify the Surveyor immediately to arrange additional work.

214.03 All loose material generated by work of the Contractor that later accumulates and blocks the flow of the ditch will be removed by the Contractor at the Contractor's expense.

Debris that has been chipped and evenly spread outside the channel is exempted from 214.03.

214.00 CHEMICAL APPLICATION DATES:

The Contractor shall make all chemical applications between April 15th and June 15th, unless product labeling requires otherwise (applications of Rodeo for bottom sterilization may begin July 1st.)

Any chemical applications not falling within the above dates should be discussed with and agreed upon by the Vanderburgh County Surveyor when submitting labeling and chemical information.

216.00 MOWING, AND DEBRIS REMOVAL DATES:

216.01 The Contractor shall complete all mowing, cutting, burning and loose debris removal between August 15th and November 15th on ditches that require only one Summer/Fall mowing.

216.02 Ditches that require an additional Spring mowing shall be mowed after sufficient growth of twelve inches height or greater has occurred, and be completed by July 15th.

216.03 The Contractor shall contact the Vanderburgh County Surveyor prior to any mowing activity.

217.00 LIMITED TIME EXTENSION ALLOWED:

Extensions beyond the time schedules outlined above will be granted by the Vanderburgh County Surveyor only for unusual weather conditions, product labeling requirements, or special circumstances.

## 218.00 FINAL ACCEPTABILITY DETERMINED BY SURVEYOR:

The final determination of the acceptability of the Contractor's work shall be made by the Vanderburgh County Surveyor; and:

No payments will be made to the Contractor until the Vanderburgh County Surveyor approves the work.

## 219.00 PAYMENTS FOR APPROVED WORK:

All payment for approved work shall be made by warrants approved by the County Auditor subsequent to the Contractor's submittal of claims to the Drainage Board made through the Surveyor on prescribed forms available from the Auditor or the Surveyor.

## 300.00 DEFINITIONS:

301.00 VEGETATION: shall mean all plant life or total plant cover found within the work area.

302.00 DITCH BOTTOM: the area from the toe of one ditch bank across the flow line to the toe of the opposite ditch bank; or that area which is generally submerged, wet, or damp during low water conditions.

303.00 DESIRABLE COVER GRASSES: shall include, but are not limited to, all Fescue, Perennial Rye, Wheat, Timothy, Bluegrass; or other vegetation designated as desirable by the Vanderburgh County Surveyor.

304.00 UNDESIRABLE VEGETATION: shall include, but is not limited to, broadleaf weeds, noxious weeds, cattails, reeds, tree sprouts, bushes, bamboo, cane, vines or, other vegetation designated as undesirable by the Vanderburgh County Surveyor.

305.00 BRUSH: shall include all vegetation, other than "desirable cover grasses, and less than eight (8) feet in height from the point of emergence.

306.00 LOOSE DEBRIS: shall include, but are not limited to, all clipping and other waste generated by the Contractor along with any other loose materials encountered by the Contractor.

400.00 GENERAL NOTES:

\* The Indiana Drainage Statutes provide a right of entry upon all land alongside Regulated Drains for the purpose maintaining the drains.

\* The statute provides that the landowner may use the land so long as such use does not interfere with the purposes of the drain.

\* The county does not own the land alongside the regulated drain, nor the regulated drain itself.

\* The rights-of-entry for legal drains in Vanderburgh County are:

1. Urban drains minimum twenty-five (25) feet from the top of each bank.
2. Rural drains maximum seventy-five (75) feet from the top of each bank.

\* If any of the Work will damage crops, gardens, trees, or other property, the Contractor must notify the Vanderburgh County Surveyor quickly enough that the property owner can be notified no less than twenty-one (21) days prior to the contemplated damage.

\* The Contractor shall determine immediately after the Contract is awarded how much distance from the top of the ditch bank is needed to accomplish the Work and notify the property owner and the Vanderburgh County Surveyor of this measurement. The property owner may then set back his crops to avoid damage by equipment.

## Special Provisions Section

Drains to be Maintained Under the Special Provisions Section in 1996 are:

Aiken Ditch	Harper Ditch
Barnett Ditch	Keil Ditch
Eagle Slough	Kolb Ditch
East Side Urban South Half	Sonntag Stevens Ditch
East Side Urban North Half	

Drains not listed above will be maintained under General Specifications in 1996.

Persons interested in bidding any ditch listed above are advised that all work performed on these ditches will be described, performed, inspected, and approved only in accordance with the conditions and requirements set out in the Special Provisions Section, unless otherwise specified in Section SP-200.

### SP - 100.00 Purpose:

The purpose of the Special Provisions Section is to detail needed maintenance activities additional to those described in the Standard Specifications for Regulated Drains either affected by intense urban development or in need of specific attention and/or corrections.

SP-101.00: "SPECIAL PROVISIONS PROJECTS" MUST BE BID ACCORDING TO CONDITIONS AND REQUIREMENTS OF THIS "SP" SECTION:

For all drains and the individual ditches that comprise the drains listed to be maintained under Special Provisions in 1996, the Bidder must submit bids in accordance with conditions, requirements, and other information contained in the Special Provisions Section and on the Bid Schedules attached in Section SP-200.

Only those bids submitted in accordance with the Special Provisions Section will be considered for awards of contracts for work on Special Provisions Projects.

SP-102.00 SINGLE DRAINS SEPARATED INTO MULTIPLE WORK AREAS:

Individual drains will be separated into multiple work areas in order that each area or section of ditch can receive specific treatments that address specific needs.

For example, a single ditch may need brush removal by mowing and chipping only along half its length; and the same ditch may require only broadleaf herbicide treatment with no mowing needed at all along the other half of its length.

The separation of drains into work areas will be at the direction and discretion of the Surveyor who shall determine the treatment needed to address specific existing conditions.

Separate work areas where applicable are specified and described here within the Special Provisions Section, and their footage along with the category of treatment is specified again on the separate Bid Schedules attached in Section SP-200.

SP-103.00 MULTIPLE AWARDS ON SINGLE DRAINS:

Wherever single drains are separated into multiple work areas or sections as described above, the Board may award the work on a single drain to one individual bidder, or to a combination of bidders as recommended by the Surveyor.

The bidders selected for contract awards will be determined based upon their qualifications to perform the work and their appropriate response(s) to the invitation to bid in accordance with the applicable specifications and statutes.

SP-103.99 BIDS MAY BE ACCEPTED, BE SET ASIDE, OR BE DISREGARDED:

The Board, at its discretion or upon the recommendation of the Surveyor, may accept a bid and award a contract based upon the bid; may set the bid aside for thirty (30) days or longer if agreeable with the bidder; or may disregard or reject the bid for any legitimate reason including lack of available funds to pay for all the work for which bids are received.



#### SP-104.00 WORK DIVIDED INTO CATEGORIES OF TREATMENT:

The work on the drains shall be divided into several categories of treatment to address the specific needs of the drains listed under the Special Provisions Section for this year.

The Bidder is advised to read each category closely to determine the exact nature of the work required, and to calculate and submit the bid(s) accordingly.

The Bidder also is advised to visit each work site prior to bidding to determine if there are any existing conditions, materials, obstructions, etc. within the ditch or along the work area that will prevent the bidder from accomplishing the work exactly as described herein; or to determine if manpower or special equipment not normally employed by the bidder will be needed to complete the work.

#### SP-104.01 CATEGORY ONE -- STERILIZING DITCH BOTTOMS:

Sterilizing the ditch bottom by spraying approved herbicides in an appropriate and effective manner resulting in the eradication of all vegetation as described under the General Specifications with regard to herbicide applications.

The bidder must read, make the bid, and accomplish the work in accordance with all of the conditions and requirements pertaining to herbicide handling, licensing, permitting, insuring, recording in the log, and application dates as directed in the General Specifications with regard to sterilizing ditch bottoms with herbicides.

If standing water, weather conditions, or other factors prevent the application of the herbicide in a significant portion of the ditch designated to be sterilized, the Contractor shall have the choice of:

1. Returning to the untreated site(s) at a later time and completing the work.
2. Leaving the work unfinished and reducing the amount of the claim for payment by an amount equal to the number of untreated feet times the amount bid per foot to complete the treatment in accordance with the formula below:

"A significant portion of the ditch" shall be defined a continuous stretch of ditch greater than two hundred (200.0) feet in length. Untreated "significant portions" shall be measured, totaled, rounded-off downward to the closest multiple of fifty (50) feet, and the resulting distance shall be multiplied times the price bid per foot to determine the deduction for unfinished work that will be subtracted from the payment otherwise due the Contractor.

The method and formula given above for deducting untreated footage from the total bill for a drain shall be employed only in cases where the remainder of a drain was treated with ground sterilants, but a "significant portion" was left untreated due to standing water, for instance. In cases where the entire drain was not treated, no payment what-so-ever shall be considered due nor shall be paid.

Any application of herbicide not in accordance with any above said or referenced specifications must receive approval of the Surveyor prior to the application.

Payment for work described in Category One shall be only for the footage of the drain verified as treated in accordance with the specifications, conditions, and requirements described and/or referenced above, and only at the rate per foot as shown on the Bid Form(s) of the successful bidder (Contractor.)

The Invitation to Submit Bids to Perform Work Described as Category One Under the Special Provisions Section is Extended for the Following Regulated Drains:

1. EAST SIDE URBAN SOUTH HALF;
2. EAST SIDE URBAN NORTH HALF;
3. HARPER DITCH;
4. KEIL DITCH;
5. KOLB DITCH;
6. SONNTAG STEVENS DITCH

See Section SP-200 for details of Work Areas, Bid Schedules, and other bidding information related to drains to be bottom sterilized.

#### SP-104.02 CATEGORY TWO -- APPLYING BROADLEAF HERBICIDE:

Applying approved broadleaf herbicide, growth retarding chemicals, and/or approved brush killer to the side banks and top banks of the drain in an appropriate and effective manner resulting in the eradication of all broadleaf and/or undesirable vegetation, and/or the retardation of grass growth all as described under the General Specifications with regard to herbicide applications.

The bidder must read, make the bid, and accomplish the work in accordance with all of the conditions and requirements pertaining to herbicide handling, licensing, permitting, insuring, recording in the log, and application dates as directed in the General Specification for herbicide (spraying) applications.

There will be no allowances made for adverse weather and ditch conditions as in ditch bottom sterilization; rather the determination of finished work under Category Two shall be according to the required kill rate of ninety (90) percent as described in the Standard Specifications, unless otherwise provided for in the Special Provisions Section, or by prior arrangement such as a bid statement attached to the Bid Form(s) with the authorization of the Surveyor and approval by the Board.

The only allowance which may be made, and then only by prior agreement authorized by the Surveyor, is that if the kill rate is achieved on one bank of the ditch but cannot be achieved on the opposite bank due to conditions beyond the control of the Contractor, the Surveyor may recommend payment of no less than forty (40) percent nor more than fifty (50) percent of the total payment that otherwise would have been due for that particular stretch (footage) of ditch.

Payment for work described in Category Two shall be only for the footage of the drain actually physically treated in accordance with the specifications, conditions, and requirements described and/or referenced above, and only at the rate per foot as shown on the Bid Form(s) of the successful bidder (Contractor.)

The Invitation to Submit Bids to Perform Work Described as Category Two under the Special Provisions Section is Extended for the Following Regulated Drains:

1. EAST SIDE URBAN SOUTH HALF; OR DESIGNATED PORTIONS THEREOF
2. EAST SIDE URBAN NORTH HALF; OR DESIGNATED PORTIONS THEREOF
3. EAGLE SLOUGH; OR DESIGNATED PORTIONS THEREOF
4. SONNTAG STEVENS DITCH; OR DESIGNATED PORTIONS THEREOF
5. KEIL DITCH

See SP-200 for details of Work Areas, Bid Schedules, and other bidding information relative to application of broadleaf herbicides and/or growth retardants.

#### SP-104.03: CATEGORY THREE: MOWING WATERWAYS

Mowing the entire waterway channel and to a distance of five (5) feet outside the top edges of the ditch banks as specified in the General Specifications, or mowing the waterway more particularly as specified for an individual drain within the Special Provisions Sections, including SP-200.

For all drains listed for maintenance under the Special Provisions Section except Barnett Ditch and Eagle Slough, the bidder shall enter a "per foot" price under the heading of "Category Three Waterway Mowing" for which price the bidder is willing to complete the contracted mowing(s) of the waterway(s) in accordance with all requirements and conditions of the General Specifications and applicable Special Provisions, as well as in accordance with the following conditions:

- .03a. The Contractor shall "Fall Mow" all of the drain(s) contracted or designated portions thereof, once between August 19, 1996, and November 15, 1996, unless otherwise ordered or authorized by the Surveyor to begin and/or complete mowing(s) outside said fall mowing dates.
- .03b. The Contractor shall "Spring Mow" designated portions of the drain(s) contracted once between May 20, 1996, and July 5, 1996, unless otherwise ordered or authorized by the Surveyor to begin/complete "Spring Mowing" outside said spring mowing dates.
- .03c. The Contractor shall "Special Mow" designated portions of the drain(s) contracted within thirty (30) days when notified the Surveyor of the need to mow designated portions of the drain(s.)

- .03d. "Special Mowing" notices will be given by the Surveyor only in cases where the mowing is needed to comply with weed control ordinances, to promote public health or safety, or to address a serious drainage problem.
- .03e. The Contractor shall commence the first mowing of the year only after at least fifty (50) percent of the total vegetation in the waterway has attained a height of twelve (12) inches, or until ordered or authorized by the Surveyor.
- .03f. The Contractor shall commence the second or additional mowing(s) of a ditch only after:
1. At least forty-four (44) days have passed since the day that the "Spring Mowing" of the same ditch was completed; or:
  2. At least fifty (50) percent of the total vegetation within the first five (5) feet outside the top edge of each bank of the ditch has exceeded the height of twelve (12) inches; or:
  3. Until ordered or authorized by the Surveyor to commence mowing.
- .03g. The Contractor shall begin mowing only after giving the Surveyor or his designated representative a notice twenty-four (24) hours prior to the commencement of mowing activities on an individual ditch or drain.
- .03h. The Contractor shall give a verbal progress report to the Surveyor or his designated representative at least once every working day during the course of the Contractor's mowing activity, including "rain days."
- .03i. The Contractor shall notify the Surveyor or his designated representative within twenty-four (24) hours of completion of mowing of an individual drain or ditch.
- .03j. The Bidder will notice and take into account prior to submitting a bid or entering into a contract to mow ditches listed under the Special Provisions Section that Section 216 of the General Specifications gives mowing dates different than mowing dates given above in the Special Provisions Section.

The mowing dates given in the Special Provisions Section shall prevail over the dates given in General Specifications Section 216 only for those ditches and drains listed in the Special Provisions Section.

- .03k. Unless otherwise specifically described and/or defined, all "Spring Mowing," "Fall Mowing," "Special Mowing," and general ditch mowing shall be defined as the removal of all standing vegetation by cutting with mechanically driven or hand held blades from such vegetation's standing height down to a height of no more than four (4) inches nor less than one (1) inch as measured from the average top remaining level of the vegetation to the ground from which it stands and over the entire area of the waterway and

to a distance of five (5) feet outside the top edges of both banks of the waterway measured at right angles to the top of the banks.

The Invitation to Submit Bids to Perform Work Described as Category Three Under the Special Provisions Section is Extended for the Following Regulated Drains:

1. AIKIN DITCH; OR DESIGNATED PORTIONS THEREOF
2. EAST SIDE URBAN SOUTH HALF; OR DESIGNATED PORTIONS THEREOF
3. EAST SIDE URBAN NORTH HALF; OR DESIGNATED PORTIONS THEREOF
4. SONNTAG STEVENS DITCH; OR DESIGNATED PORTIONS THEREOF
5. HARPER DITCH;
6. KEIL DITCH;
7. KOLB DITCH;

See SP-200 for details of Work Areas, Bid Schedules, and other bidding information related to ditch mowing.

SP-104.04: CATEGORY FOUR: BRUSH AND TREE REMOVAL:

Removing standing and/or living vegetation general classified as or commonly called brush, brambles, vines, saplings, tree sprouts, briars, etc. from an area within and alongside the waterway as specifically described for certain individual drains listed within the Special Provisions.

When removing "brush" the Work Area will be described by exact location and dimensions such as:

"The entire waterway of Eagle Slough from Waterworks Road thence East to Weinbach Avenue and the tops of the ditch banks to a distance of twenty-five (25) feet outside of both ditch banks as measured at right angles from the tops of the banks of the ditch at all places along the length of the work area, or as determined and directed by the Surveyor."

The removal of "brush" within the defined and described Work Area shall include:

All standing and/or living vegetation with a primary stalk, primary stem, or trunk diameter up to twelve (12) inches when measured at a vertical distance of three (3) feet above the plant's emergence from the ground:

EXCEPT FOR: agricultural crops and gardens, bald cypress trees of any size, and desirable grass cover where it can be avoided.

The removal of the "brush" shall be complete to the extent that no remains of the primary stem, primary stalk, or trunk shall protrude upward from the ground greater than (4) inches within the waterway nor greater than two (2) inches within the twenty-five (25) foot wide areas outside of either bank

The removal of the brush shall be accomplished by mechanical or hand held bladed equipment or machinery together with other necessary ancillaries.

All cuttings from the brush removal operation shall be removed from the site or shall be chipped and spread on site within the work area so long as the chipping and spreading results in a mat of chips no deeper than six (6) inches anywhere within the work area or on private or public property adjacent to the work area.

The Contractor shall leave the work area free of all other waste generated by his workmen, equipment, visitors, service persons, and other parties associated with the work.

The Invitation to Submit Bids to Perform Work Described as Category Four Under the Special Provisions Section is Extended for the Following Regulated Drains:

1. EAGLE SLOUGH; OR DESIGNATED PORTIONS THEREOF

See SP-200 for details of Work Areas, Bid Schedules, other bidding information.

SP-104.05: CATEGORY FIVE: SILT DIPPING:

Removing and disposing of accumulated silt, sediment, earth, along with associated organic material within such accumulated sediment all from the bottom of the waterway, and/or from the side banks if specified, and all as specifically described for certain drains listed within the Special Provisions.

The Contractor shall use excavation machinery and equipment outfitted with a blade-edged bucket (without teeth) to reach into the waterway and remove all accumulated soil, silt, and associated sediment from the ditch bottom in a manner that will restore the originally planned or previously constructed flow line and ditch bottom configuration.

The dirt spoil and organic waste removed from the ditch bottom by the silt dipping operation shall be removed from the site, or shall be spread evenly across the land laying on either bank of the ditch and to a distance of up to seventy-five (75) feet outward from the top of either bank unless otherwise specified or directed by the Surveyor.

The spoil, if spread, shall be spread as thinly and evenly as possible, and in no case shall the spreading of the spoil redirect or obstruct the previously existing surface water drainage pattern whether overland or through channels, nor cause the pooling of storm runoff.

The spoil may be placed to fill voids or cavities in the land only if directed by the Surveyor or the landowner(s) of the real estate over which the seventy-five foot wide drain "easements" exists.

The ditch bottom shall be defined as the area from the toe of one ditch bank across the flow line to the toe of the opposite ditch bank; or that area which is generally submerged, wet or damp during low water conditions.

When silt or accumulated material is removed from the side banks of the drain either in association with the bottom dipping operation, due to the necessity to stabilize the side bank or toe, or at the direction of the Surveyor, such removal shall result only in the restoration of the originally designed or previously existing side bank slope, or shall conform generally to the existing upstream and/or downstream stable portions of the ditch banks.

"Over-excavation" of the ditch bottom or excavation which extends below the normal, pre-existing, or planned flow line shall be only for the installation of "silt traps" at the direction or determination of the Surveyor; and in no case shall such "silt traps" be excavated greater than two (2) feet deeper than the normal flow line.

The Invitation to Submit Bids to Perform Work Described as Category Five Under the Special Provisions Section is Extended for the Following Regulated Drains:

1. Barnett Ditch

See SP-200 for details of Work Areas, Bid Schedules, and other bidding information related to dipping silt from Barnett Ditch.

SP-104.06: CATEGORY SIX: OBSTRUCTION REMOVAL:

Removing specific obstructions such as beaver dams, large fallen trees, waste concrete and/or other improperly discarded construction materials, old pipes, bridges, or other ditch crossings, log jams, flood debris, or any of several other items which may be designated as "obstructions" either specifically listed by drain in the Special Provisions or as determined and designated by the Surveyor during the course of the work.

This category also allows the Bidder to designate certain work which obviously needs to be done, but for which work the Bidder either was not asked to bid, does not normally accomplish, does not have the equipment to accomplish, etc.; but which work the Bidder decides to offer a bid price, or the Surveyor decides to ask for a bid price because the need for the work was discovered during an inspection of the work site.

Work found to be needed after a wind storm, beaver invasion, flood, or other natural or man made causes are examples of Category Six work.

All bids submitted for Category Six work must be very specific as to how the work will be accomplished, what equipment will be used, how and where the debris and waste material will be disposed, how the work site will be left, etc.; and the names of subcontractor, if any, must be listed with the bid.

SP-104.07: CATEGORY "X": EXTRA OR ADDITIONAL WORK:

Category "X" covers very specific additional maintenance as described per individual drain within the Special Provisions.

Most of Category "X" work is specialized work which may be needed only once in a great while; or special projects which require extensive additional specification.

SP-105.00: PAYMENT FOR COMPLETED WORK:

All payments to Contractors shall be made only for approved completed work and only in accordance with all applicable statutes, as well as with the following:

SP-105.01: CATEGORIES 1, 2, 3, 4, & 5 SHALL BE "PER FOOT BIDS":

All work specified in Category One through Category Five shall be bid on a "per foot" basis.

That is, the Bidder shall submit a Bid for the work described at the per foot rate for which the Bidder is willing to perform the work no matter how few or how many feet of the drain are completed during the course of the work.

In every case there is a designated minimum footage given in Section 200 for each drain or part thereof for which a contract is anticipated to be let in 1996. No Contractor will be obligated to mobilize to treat less than the minimum footage shown for each drain or part of a drain as specified in SP-200.

After determining the per foot bid price, the Bidder must enter that price in the appropriate blank on the Bid Schedule and on Bid Form 96.

The Bidder then must multiply that per foot price times the number of feet specified to be treated under that category to determine the Total Sum of the Bid for that category of work. The sum(s) must be shown on the Bid Schedule(s) and on Bid Form(s) 96

Example:

Blackwater Ditch: Category Two: 1000 L.F. Broadleaf Herbicide Application

\$0.749 per foot X 1,000.00 feet = \$749.00 Total Bid



P-105.02: CATEGORY SIX BIDS SHALL BE A LUMP SUM:

All Bids submitted for Category Six shall be given as a "Lump Sum" reflecting the total amount for which the Bidder is willing to accomplish the work described.

Example:

Hawk Slough: Category Six: Remove Beaver Dam 1320' west of Vicks Road:  
\$250.00 Lump Sum

SP-105.03: CATEGORY "X" BIDS SHALL BE PER SPECIFICATION:

Due to the special nature of the work designated under Category "X" the Bids shall be submitted exactly as specified by the description of the work and exactly as called for on the designated Bid Schedule attached for use by the Bidder.

SP-106.00: SUCCESSFUL BIDDER DETERMINED BY THE BOARD:

The Board shall determine the successful Bidder after opening and examining the bids, hearing the advise of the Board's council, and receiving the recommendation of the Surveyor with regard to the Bids.

Awards of contracts for the completion of work may be make to one or more Bidders or Contractors on a single drain based upon the specifications and descriptions of work herein, the recommendation of the Surveyor with regard to bid price(s), qualifications of the bidder(s), and other criteria and considerations as allowed by statute.

For example, the Surveyor may recommend that on a single drain there be one mowing contractor, and a different contractor to spray herbicides.

Or the Surveyor may determine that all the bids submitted on a particular drain exceed the available funds; and that only half the drain will be treated in a given year; or that it will be mowed only once; or that it will be sprayed but not mowed; or any other appropriate decision based upon funds, needs, and other criteria.

In all cases, the determinations and decisions of the Surveyor will be made based upon sound judgment in accordance with needs and funds and shall be reported to the Board whenever and however is appropriate.

SP-107.00 PAYMENT OF CLAIMS:

All payments of all claims for work shall be made in accordance with the prices shown on the successful Bid and in the awarded Contract, in accordance with applicable statutes of the State of Indiana, and in accordance with the following:

SP-107.01: Payment of claims shall be made only for services rendered and/or work completed.

No payment shall be made for footage not treated nor for unfinished work of any kind regardless of the reason that the work was not accomplished, except that:

Partial payment for partially completed work whether bid per foot or bid as a lump sum may be paid only if determined appropriate by the Surveyor and the Board; and only in an amount equal to the percentage of work completed or the actual footage completed.

SP-107.02: Payment of claims will be made only after the Surveyor or his designated representative(s) has/have visited and inspected the work site, approved the work, and reported approval to the Board.

SP-108.00 BIDDER MUST BE QUALIFIED:

The Bidder must be qualified to perform the work on which the Bidder submits a Bid; and the qualification of the Bidder shall be by virtue of licensing, experience, equipment ownership or leasing, and other specifics either given herein, appended hereto, or generally understood and accepted by the industry of which the work is a part.

If the Bidder does not enter a Bid under a particular category listed on the Bid Schedule for a drain listed in the Special Provisions, the lack of an entry in that category shall indicate that the Bidder either is not interested in that particular category of work, or that the Bidder is not qualified to perform that category of work.

If the Bidder enters a Bid under a particular category listed on the Bid Schedule for a drain, the entry of a Bid in that category shall indicate that the Bidder is qualified to perform the work described by virtue of licensing, experience, equipment ownership or lease, skill or the Bidder's work force, and other qualifications necessary to perform the work adequately.

A bidder who is discovered or determined to be not qualified to perform work for which the bidder submitted a bid shall be subject to be disregarded for all work specified under these General Specifications and Special Provisions in 1996.

Any Bidder who specifies a subcontractor who is discovered or determined to be not qualified to perform the work also shall be subject to be disregarded for work specified under these General Specifications and Special Provisions in 1996.

SP-109.00: 90% KILL RATE FOR HERBICIDE APPLICATIONS:

The Surveyor requires and the Spraying Contractors shall guarantee a kill percentage on ninety (90) percent of targeted vegetation unless otherwise specified in these Special Provisions or as specifically noted in the Contract.

SP-110.00: REPEAT SPRAYING TO ACHIEVE KILL RATE:

The responsibility and the costs of any additional applications (re-spraying) of herbicides required to achieve the designated kill rate shall be the Contractor's responsibility and at the Contractor's cost; and such additional applications shall continue until the designated kill rate is achieved.

SP-111.00: ALL CONDITIONS AND REQUIREMENTS OF THE GENERAL SPECIFICATIONS APPLY TO THE SPECIAL PROVISIONS:

The General Specifications hereby are made a part of the Special Provisions, and the Special Provisions are made a part of the General Specifications.

The conditions and the requirements of the General Specifications must be met by the Contractors performing work on drains covered by the Special Provisions except where such conditions and requirements are in direct conflict, in which case the decision and determination of the Surveyor shall prevail

The conditions and requirements of the Special Provisions are additional to the General Specifications.

Any questions or corrections the Bidder may have or may offer regarding the General Specifications, Special Provisions, or material and attachments thereto must be made prior to submitting a bid, or the Board and the Surveyor shall assume that the Bid is made with the understanding that the Bidder shall abide solely according the General Specifications, Special Provisions, and the determinations of the Surveyor and the Board.

SP-112.00: SURVEYOR'S INTERPRETATION OF SPECIFICATIONS SHALL  
BE THE PREVAILING INTERPRETATION:

If there is a question by the Bidder or the Contractor as to the intended interpretations or expressed requirements of the General Specifications, Special Provisions, State Statutes, or any other written or verbal directives, the Bidder must ask the Surveyor prior to submitting a Bid, and the Contractor must ask prior to performing the Work.

The Surveyor's interpretation of the conditions and requirements of the General Specifications and Special Provisions shall be the prevailing interpretation unless otherwise countermanded by the Board or other higher legal authority.

SP-113.00: SURVEYOR AVAILABLE TO CONSULT WITH BIDDER:

The County Surveyor and staff are available to discuss and interpret the specifications and other particulars of the bidding instructions.

The Surveyor and staff are available to direct the Bidder with regard to the various work area locations, conditions, histories, and other attributes of the work sites.

SP-114.00: DITCH DESCRIPTIONS AND MAPS AVAILABLE:

Maps and written descriptions detailing the location of the various drains and work areas are available from the County Surveyor; and the Surveyor and staff are available to field locate sites upon the request of the Bidders and Contractors.

SP-115.00: BID SCHEDULES PROVIDED FOR SP DRAIN PROJECTS:

Please find in the following Section SP-200 individual descriptions of the location, nature, and specific instructions for work on drains listed for Special Provisions; as well as individual Bid Schedules for each SP Project.

The individual Bid Schedule for each SP Project must be completed in accordance with the instructions given herein, signed, notarized, attached to the required Bid Form 96, sealed in an envelope and delivered to the Vanderburgh County Auditor, Room 210 Civic Center, 1 N.W. Martin Luther King, Jr. Blvd., Evansville, Indiana, 47708 before 4:30 P.M. local time Monday, March 25, 1996.

Each Bid on each drain requires an individual Form 96, because each Bid is for work on an individual SP Project or job.

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SP-116.00: BIDDER ADVISED TO INSPECT WORK SITES BEFORE BIDDING:

The Bidder's lack of awareness of existing or potential conditions at a work site shall not be cause to default on a submitted bid nor cause to request additional compensation nor cause to request or be granted special consideration.

The Bidder may visit any work site prior to bidding to discover the existence of and/or potential for conditions requiring attention by the Bidder prior to submitting a Bid; and the Bidder may attach written conditions to the Bid so long as such conditions are reasonable and legal.

The recommendations of the Surveyor to the Board, and the determinations of the Board with regard to submitted bids and contract awards are totally at the discretion and pleasure of the Surveyor and the Board as regulated by Indiana Drainage Statutes.

PLEASE CONTINUE TO SECTION SP-200 FOR INDIVIDUAL BID SCHEDULES

## NOTICE TO BIDDERS

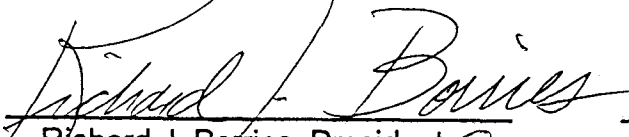
This Instrument shall serve as Public Notice that Sealed Proposals for the maintenance of Regulated Drains in Vanderburgh County, Indiana by mowing, herbicide application, excavation, brush cutting and chipping, and other related activities shall be received by the Vanderburgh County Auditor until 4:30 P.M. local time on Monday March 25, 1996, at which time proposals received shall be delivered to the Vanderburgh County Drainage Board, opened and read aloud in the County Commissioners' Hearing Room. Any proposal received unsealed or past the designated time shall be returned to the bidder unopened.

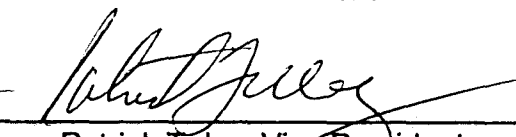
Proposals must be submitted on approved forms, properly executed, and accompanied by a Certified Check, Cashier's Check, or other approved security in the amount of five (5) percent of the total bid.


Proposals and securities shall be sealed together in an envelope bearing the name and address of the bidder, and the title of the work; and all prepared according to such particulars as shall be described in this document and in other documents available from the Vanderburgh County Surveyor; Room 325 Civic Center; #1 Martin Luther King, Jr. Blvd.; Evansville, Indiana, 47708; or by calling 812-435-5210, or 435-5117.

Improperly completed proposals may be disregarded by the Board. Successful bidders shall sign contracts with the Board within five (5) days of the award. A performance bond may be required of the Contractor by the Board. The bid bonds of the unsuccessful bidders will be returned within thirty (30) days of the awards.

APPROVED BY THE VANDERBURGH COUNTY DRAINAGE BOARD:

  
Richard J. Borries, President

  
Patrick Tuley, Vice President

  
Richard E. Mourdock, Member

ATTEST:

  
SUZANNE M. CROUCH, AUDITOR

2/24/96  
(DATE)

CERTIFIED:

  
ROBERT W. BRENNER, SURVEYOR

2/27/96  
(DATE)

Feb.

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Uniontownship Ditch Assoc. # 1259  
On Account of Appropriation for Cypress Dale - Maddox 234-012

Invoice No.	Itemized Claim	Amount	
	95 FALL MAINT.		
	23,887 LF. X 0.06 = \$1,433.22		
	PREV PMT @ 85% = \$1,218.24		
95-FM-12-15	PAY 15% RETAINAGE @ \$214.98 →	\$214	98

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,  
I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

X John A. Rollitt  
Name  
Treasurer - Union Township Ditch Assoc  
Title

Date Nov. 23, 1995

CERTIFICATION OF PAYMENT  
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I X John A. Reltz,  
(Signature in Ink)

representing Union Township Ditch Assn, and presently  
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on CYPRESS DALE MADDOX DITCH, a regulated  
drain in Vanderburgh County, Indiana, do certify that I, and/or the  
firm I represent, have/has paid in full all expenses incurred for  
labor, supplies, and subcontracts except for any unpaid costs as  
specified herein under:

None

and further, that neither I, nor the firm I represent, will hold the  
Vanderburgh County Drainage Board responsible for any costs, or any  
claims arising from such expenses, except for the fifteen (15) percent  
of the total contract price which the Board presently holds in  
retainage pending the receipt of this Certification of Payment.

NAME OF DRAIN: Cypress Dale Maddox # 234-012

CONTRACTOR: Union Township Ditch Assoc. VENDOR # 1259

CONTRACT # \_\_\_\_\_ AND/OR ACCOUNT # 234-012

☒ ANNUAL MAINTENANCE  
☐ ADDITIONAL MAINTENANCE  
☐ EMERGENCY MAINTENANCE

COMPLETION DATE Nov. 22, 1995  
INSPECTION DATE Nov. 27, 1995

☒ WORK IS APPROVED  
☐ NOT APPROVED: COMMENTS: \_\_\_\_\_

R. H. W. Bern  
VANDERBURGH COUNTY SURVEYOR

2-26-96  
DATE



Feb.

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Uniontownship Ditch Assoc. # 1259

On Account of Appropriation for Helfrich Happe 234-018

Invoice No.	Itemized Claim	Amount	
	1995 FALL MAINT		
	12,698 LF @ 0.01 = 126.98		
	PREV. PMT. @ 85% = \$107.93		
95-FM-18-15	PAY 15% RETAINAGE @ \$19.05 =	\$ 19	05

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

x John A. Rollins  
Name  
Treasurer Union Township Ditch Assoc  
Title

Date Nov. 24, 1995

CERTIFICATION OF PAYMENT  
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I X J. L. A. Rollett  
(Signature in Ink)

representing Union Township Ditch Assn, and presently  
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on Helfrich Happe Ditch, a regulated  
drain in Vanderburgh County, Indiana, do certify that I, and/or the  
firm I represent, have/has paid in full all expenses incurred for  
labor, supplies, and subcontracts except for any unpaid costs as  
specified herein under:

None

and further, that neither I, nor the firm I represent, will hold the  
Vanderburgh County Drainage Board responsible for any costs, or any  
claims arising from such expenses, except for the fifteen (15) percent  
of the total contract price which the Board presently holds in  
retainage pending the receipt of this Certification of Payment.

NAME OF DRAIN: Helfrich Happe # 234-018  
~~1259~~

CONTRACTOR: Union Township Ditch Assn VENDOR # 1259

CONTRACT # \_\_\_\_\_ AND/OR ACCOUNT # \_\_\_\_\_

- ☒ ANNUAL MAINTENANCE  
☐ ADDITIONAL MAINTENANCE  
☐ EMERGENCY MAINTENANCE

COMPLETION DATE Nov 22, 1995  
INSPECTION DATE Nov 27, 1995

☒ WORK IS APPROVED

☐ NOT APPROVED: COMMENTS: \_\_\_\_\_

[Signature]

VANDERBURGH COUNTY SURVEYOR

2-26-96

DATE

Feb

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME

Ralph Rexing

# 1228

On Account of Appropriation for

Pond Flat Lat B.

234-031

Invoice No.	Itemized Claim	Amount	
	1995 FALL MAINT.		
	$2,797.6 \times 0.14 = 391.58$		
	PREL PAYMENT @ 85% = 332.84		
95-FM-31-15	PAY 15% RETAINAGE \$ 58.74 →	\$ 58	74

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Ralph R Rexing

Name

Title

Date Nov 22, 1995

CERTIFICATION OF PAYMENT  
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I

Ralph R Rexing  
(Signature in Ink)

representing \_\_\_\_\_, and presently  
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on Pond Flat Lat. B, a regulated  
drain in Vanderburgh County, Indiana, do certify that I, and/or the  
firm I represent, have/has paid in full all expenses incurred for  
labor, supplies, and subcontracts except for any unpaid costs as  
specified herein under:

None

and further, that neither I, nor the firm I represent, will hold the  
Vanderburgh County Drainage Board responsible for any costs, or any  
claims arising from such expenses, except for the fifteen (15) percent  
of the total contract price which the Board presently holds in  
retainage pending the receipt of this Certification of Payment.

NAME OF DRAIN:

Pond Flat Lat. B.

# 234-031

CONTRACTOR:

Ralph Rexing

VENDOR # 1228

CONTRACT #

AND/OR ACCOUNT # 234-031

☒ ANNUAL MAINTENANCE

COMPLETION DATE Nov 27, 1995

☐ ADDITIONAL MAINTENANCE

INSPECTION DATE Nov 30, 1995

☐ EMERGENCY MAINTENANCE

☒ WORK IS APPROVED

☐ NOT APPROVED: COMMENTS: \_\_\_\_\_

Ralph W. Green  
VANDERBURGH COUNTY SURVEYOR

2-26-96  
DATE



CERTIFICATION OF PAYMENT  
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I John A. Rollett,  
(Signature in Ink)  
representing Union Township Ditch Assn, and presently  
under contract with the Vanderburgh County Drainage Board to perform  
certain maintenance on X Edmond, a regulated  
drain in Vanderburgh County, Indiana, do certify that I, and/or the  
firm I represent, have/has paid in full all expenses incurred for  
labor, supplies, and subcontracts except for any unpaid costs as  
specified herein under:

None  
\_\_\_\_\_  
\_\_\_\_\_  
and further, that neither I, nor the firm I represent, will hold the  
Vanderburgh County Drainage Board responsible for any costs, or any  
claims arising from such expenses, except for the fifteen (15) percent  
of the total contract price which the Board presently holds in  
retainage pending the receipt of this Certification of Payment.

NAME OF DRAIN: Edmond Ditch # 234-016

CONTRACTOR: Union Township Ditch Assoc. VENDOR # 1259

CONTRACT # \_\_\_\_\_ AND/OR ACCOUNT # 234-016

☒ ANNUAL MAINTENANCE  
☐ ADDITIONAL MAINTENANCE  
☐ EMERGENCY MAINTENANCE

COMPLETION DATE Nov. 22, 1995  
INSPECTION DATE Nov. 27, 1995

☒ WORK IS APPROVED  
☐ NOT APPROVED: COMMENTS: \_\_\_\_\_

Ralph W. Brown

VANDERBURGH COUNTY SURVEYOR

2-26-96

DATE

Feb. 26

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME TERRY R. JOHNSON # 1052

On Account of Appropriation for EAST SIDE URBAN N 1/2 # 234-015

Invoice No.	Itemized Claim	Amount	
	1995 FALL Mow		
	21,127 LF @ .4319 =	9,124.75	
	PREV. PMTS. @ 85% =	7,756.04	
FAA 95-15-15	PAY 15% RETAINAGE @	1,368.71	71

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Terry R. Johnson  
Name  
Owner  
Title

Date Nov. 15, 1995

CERTIFICATION OF PAYMENT  
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I Terry R. Johnson,  
(Signature in Ink)

representing \_\_\_\_\_, and presently  
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on EAST SIDE URBAN N 1/2, a regulated  
drain in Vanderburgh County, Indiana, do certify that I, and/or the  
firm I represent, have/has paid in full all expenses incurred for  
labor, supplies, and subcontracts except for any unpaid costs as  
specified herein under:

None

and further, that neither I, nor the firm I represent, will hold the  
Vanderburgh County Drainage Board responsible for any costs, or any  
claims arising from such expenses, except for the fifteen (15) percent  
of the total contract price which the Board presently holds in  
retainage pending the receipt of this Certification of Payment.

NAME OF DRAIN: EAST SIDE URBAN N 1/2 # 234-015

CONTRACTOR: TERRY R. JOHNSON VENDOR # 1052

CONTRACT # \_\_\_\_\_ AND/OR ACCOUNT # 234-015

☒ ANNUAL MAINTENANCE  
☐ ADDITIONAL MAINTENANCE  
☐ EMERGENCY MAINTENANCE

COMPLETION DATE Nov. 17, 1995  
INSPECTION DATE Nov. 17, 1995

☒ WORK IS APPROVED  
☐ NOT APPROVED: COMMENTS: \_\_\_\_\_

Ralph W. Green  
VANDERBURGH COUNTY SURVEYOR

2-15-96  
DATE



MINUTES OF THE  
VANDERBURGH COUNTY DRAINAGE BOARD

SPECIAL CALLED MEETING

MARCH 4, 1996

Call to order .....	1
Lloyd Crossing Shopping Center .....	1
Adjournment .....	4
Attendance & Signature sheet .....	5

MINUTES

VANDERBURGH COUNTY DRAINAGE BOARD

SPECIAL MEETING

MARCH 4, 1996

The Vanderburgh County Drainage Board held a special Drainage Board meeting on Monday, March 4, 1996 at 7:27 p.m. in the Commissioner's Hearing Room.

RE: CALL TO ORDER

President Borries: This is a special Drainage Board meeting for March 4. We will call the meeting to order. I will turn the meeting over to Mr. Bill Jeffers at this time for explanation of the drainage plan submitted by Morley and Associates regarding...is this the Lloyd Crossing drainage plan?

RE: LLOYD CROSSING SHOPPING CENTER

Bill Jeffers: Yes, sir. The developer is Gershman-Brown and Associates of Indianapolis. The drawing in front of you is the site drawing showing the entire purposed shopping center at the northeast corner of the intersection of Lloyd Expressway and Burkhardt Road. I have shaded in green a 60 foot strip and there is a note down near the corner where Mr. Mourdock indicated, saying that the 60 foot strip is to be dedicated as right-of-way for the Burkhardt Road expansion, which I assume needs another two or three lanes for traffic. Our legal drain, Crawford-Brandeis Ditch, is approximately 35 to 40 feet wide depending on where you measure it up through there. If the ditch, ultimately, is moved over to the east, that will leave us 20 feet of green space in which to operate our mowing machines, spraying rigs and that type of thing, plus the required green space by the Area Plan Commission is ten feet for the part that will be used by Wal-Mart, and five feet for other parts that are designated side yards, rather than front yards. In other words, if the ditch is 40 feet wide, we will have up to 30 feet of green grass on which to operate our maintenance rigs and no less than 25 feet before you hit a concrete curb and a parking lot. As long as that area is kept, at least within the right-of-way is kept green grass lawn and not planted with shrubbery or ornamental trees, etc., we will have ample room to operate maintenance rigs. The only problem that would arise would be if we didn't have the full 25 feet of maintenance pathway required by the state drainage statute, we would have to grant a special relaxation as we have done some other places. We can't do that at this time because we haven't seen the road plans.

Commissioner Mourdock: That was about to be my question, Bill. There has been some discussion, and I don't know where, in fact, I don't know if you were in here a moment ago, we just voted for the funding for United Consulting for that design work.

Bill Jeffers: Right.

Commissioner Mourdock: At one point there was discussion about relocating the drainage between the north and southbound lanes on Burkhardt.

Bill Jeffers: Right.

Commissioner Mourdock: How does all that play into this? I guess you've just said that you really don't know because you haven't seen those plans.

Bill Jeffers: What I am trying to do is give you the absolute worst case, wherein it would remain an open ditch and the ditch would be moved over to the east and the old ditch filled in.

Commissioner Mourdock: So, what you're really specifying here, in

practical terms, isn't so much the drainage as it is the easement?

Bill Jeffers: Right, I'm just trying to make sure that this plan does not hem us in to where we will not have enough maintenance room to get the ditches moved over. Of course, if the ditch were piped under the roadway...

President Borries: And there is some talk about that, too.

Bill Jeffers: Right. If the ditch ends up being a huge concrete pipe underneath the roadway, and that has been done on the Lynch Road expansion, the county could not acquire sufficient right-of-way to do everything and move the ditch over. Sonntag-Stevens was piped through a huge pipe underneath Lynch Road and that was in 1981. As of today there are no problems with that and that was a corrugated metal pipe, bituminous coated, all built to Indiana State Department of Transportation specifications and we haven't had any problem with that yet. That takes the maintenance easement down to 25 feet on either side of the centerline of the pipe, rather than 25 feet from the top of the bank, so you even use less right-of-way for a pipe installation. I'm just bringing up the problems first because I don't have any problems with Morley and Associates' calculations. They have submitted several different pond routings for the various ponds. They are also picking up the drainage from what previously was called Cross Roads--

Commissioner Mourdock: Cross Pointe.

Bill Jeffers: --Cross Pointe, Section E, which is a Regency development immediately to the east of there. They have reached an agreement with Mr. McKinney to take his drainage from Cross Pointe E and route it through these ponds. All that matches up with our ordinance; I'm using the data from our ordinance. Here are the two ponds up here and Cross Pointe E comes through this pond, and through this pond, and then out into the ditch. So, in other words, the volume that they are going to store and all the figures used to calculate the storm runoff are fine. I'm just trying to address the problems. I think they have addressed the problems sufficiently here with this 60 foot strip. I thought that might be one of the questions the Commissioners would ask first, how is this affected by the Burkhardt Road widening, the tentative Burkhardt Road widening? Their discharge point is a temporary structure, because when we get into the design for the Burkhardt Road widening, that most likely will connect to some sort of underground pipe. They're building a structure that would be serviceable for 25 or 30 years, but it is still considered a temporary structure, because when the road is widened, we will probably have to connect that to an underground pipe and we are working out the final details on that. What they did submit would have worked as a temporary structure, but I'm asking for something just a little bit better and they have two details, either one of which would be sufficient for 20 or 25 years of service. Since this isn't a subdivision, it doesn't require preliminary, final, etc., we're just asking you to approve this drainage plan and we do recommend approval of it. There are a couple of things that I'm apprehensive about, and I want the Board to state in their motion that it was brought to your attention, and so forth, or however you want to do it, it was brought to your attention and you don't want to assume any liability on that. That is, that the developer does not want to fence those two ponds on his property. This is not a decision that was made by Morley and Associates or their representatives who are here tonight. This was a decision made by the developer. Suggestions have been made to the developer to either put guardrail around the portions of the pond that are adjacent to traveled ways throughout the parking lot where cars would be in close proximity to the pond. I don't know if they are going to accept that suggestion. The reason that we asked Kmart to fence their pond, and other people to fence their ponds is basically for two reasons: safety, people wandering into the pond area whether they are

children or adults; and blowing trash. There is a lot of blowing trash associated with commercial developments such as these. The trash it collects on the outside of the fence can be picked up by the maintenance people before it gets into the pond and causes a stoppage problem. At this time, all I can tell you is that the developer has nixed the fence and has not yet responded to the guardrail idea. Therefore, we are still recommending approval of this drainage plan because it does work, however, I want the Board to be aware of those statements I just made and, somehow in your motion absolve yourself from any responsibility for any liability in that regard.

President Borries: What was done down at the development, and I don't know if this group didn't on that one, but O'Charleys, I can't remember, is there a fence around that?

Bill Jeffers: No, there is not. There is not a fence around O'Charleys and actually O'Charleys came back and asked for permission to build a deck out into that area.

President Borries: Right.

Bill Jeffers: But the deck has a guardrail, it has a safety rail, a decorative safety rail around it. I'm not saying that every lake or every pond is a magnet for people to go jump in and drown themselves, it's just that--

President Borries: I understand.

Bill Jeffers: --this particular...they are going to take quite a bit of dirt out of these two lakes to use for fill on the site. I would just like to see the Board protect themselves in some way, and just notify the owner that he's responsible for all liability associated with open standing bodies of water and encourage him to listen to his consultants with regard to guardrail and fencing and that type of thing. That's a decision that ought to be made between the developer and the consultant. There are no places in the parking lot that get greater than six inches deep in storm water without the emergency spillway engaging. The finished floor elevations are in accordance with information given to the consulting engineer by Roger Lehman. In other words, 388 feet above sea level is the 100 year flood elevation and the other elevations are set from that. Those areas that get six inches deep in water before the emergency spillway engage are just the low areas over the drains where the parking lot is pitched to drain. We have suggested that they put signs up out in the areas like that to let people know that those areas may be subject to flood during a heavy rain. We wouldn't want those at the entrance to the parking lot, more out in the areas where they would be affected. They are talking to the developer about that, too. But, as it stands, it is a very good plan and I think it takes into account sufficient right-of-way to be dedicated for either moving the ditch over and building two additional travel lanes of traffic for Burkhardt Road or piping the ditch, or using the ditch as a median, depending on how your Board, or the County Commissioners decide.

President Borries: There has been some discussion about piping the ditch, but, again, the expense...we would have to study carefully to see if there is enough revenue to generate out of this TIF to get that done.

Bill Jeffers: It would be extremely expensive.

President Borries: That is the most expensive option.

Bill Jeffers: It would be very expensive. The reason they did it on Lynch Road is that there were federal funds available for that and the federal government paid 80 percent of that project, and I think this is a local project, isn't it?

President Borries: Yep.

Commissioner Mourdock: That's what we hear. I understand that there are three options. One is to put it out there on the east side of the road; one is to put it between the lanes; and one is to put it all underground. I realize that going underground is the most expensive option. Personally, and obviously, this goes beyond the scope of what we are discussing right here, I happen to think that you get what you pay for. This time, if at all possible, I would like to see us do that.

Bill Jeffers: If it were underground it would represent the least amount of maintenance necessary in the future. If it were left in the median, it would create a traffic hazard whenever we are maintaining the ditch, mowing or whatever. Moving it to the east side would be a substantial expense, but it would...we could maintain it as we do from one side without getting into the travel lane.

Commissioner Mourdock: As you said a minute ago, there is always lots of blowing trash around this kind of commercial development, and those ditches, if they are open, are going to get every bit of it. It's going to go to the bottom, get wet and that's where it is going to stay. It is going to be major league ugly out there.

Bill Jeffers: It is today.

Commissioner Mourdock: That's right.

Bill Jeffers: That ditch today has a lot of blowing trash in it. Unfortunately, our concern as the Drainage Board is maintenance of proper drainage, and until that trash gathers up into one big clog, we just let it lay.

Commissioner Mourdock: Right.

Bill Jeffers: It's very unsightly, but it's also blowing across this entire field, it's just that the ditch catches a lot of it. We don't pick it up until it gets into a big clog of debris.

Commissioner Mourdock: I would move that we accept the drainage plan for Lloyd Crossing as recommended by the County Surveyor.

President Borries: I will second.

Commissioner Tuley: I will second and you so order, you're the president of this meeting.

President Borries: Oh yeah, I forgot. It's been moved and seconded. Further discussion? So ordered.

Bill Jeffers: Thank you.

President Borries: Thank you. Since this was a special called meeting for this particular purpose, this meeting is adjourned.

Meeting adjourned at 7:45 p.m.

**SPECIAL DRAINAGE BOARD MEETING  
MARCH 4, 1996**

5


**THOSE IN ATTENDANCE**

Richard J. Borries  
Patrick Tuley  
Richard E. Mourdock  
Alan Kissinger  
Suzanne Crouch  
Charlene Timmons  
Bill Jeffers  
David Schminke  
Daryl Helfert  
Members of the media

**VANDEBURGH COUNTY DRAINAGE BOARD**

  
Richard J. Borries, President

  
Patrick Tuley, Vice President

  
Richard E. Mourdock, Member

MINUTES  
VANDERBURGH COUNTY DRAINAGE BOARD

MARCH 25, 1996

Call to order.....	1
Approval of minutes.....	1
Regular Drainage Board meeting 2/26/96	
Special Drainage Board meeting 3/4/96	
Receive and open ditch maintenance bids.....	1
Review of Drainage Plans:	
Keystone Subdivision - Section Two.....	1
Seasons Subdivision.....	2
Burkhardt Crossings.....	3
Claim from Gibson County Surveyor:	
Submission of & approval to pay claim for maintenance on upper Pigeon Creek drainage system.....	5
Rescind motion to pay claim pending proof of validity of claim.....	10
Request approval to pay blue claims.....	5
Steak 'N Shake Restaurant:	
Permission to encroach into drainage easement.....	6
Request for special Drainage Board meeting to award ditch maintenance contracts.....	7
Letter from Darmstadt Town Board:	
Darmstadt Heights Subdivision drainage plan.....	8
Reading of ditch maintenance bids for 1996.....	13
Adjournment.....	15
Attendance & Signature Sheet.....	16

**MINUTES  
DRAINAGE BOARD MEETING  
MARCH 25, 1996**

The Vanderburgh County Drainage Board met in session on March 25, 1996 at 6:58 p.m. in the Commissioner's Hearing Room 307 with President Richard Borries presiding.

**RE: APPROVAL OF MINUTES**

President Borries: We have the minutes from two previous Drainage Board meetings available for your review and approval this evening. Those are a Drainage Board meeting from February 26, that was a regular meeting, and one that we called as a special Drainage Board meeting which was held on March 4, 1996.

Commissioner Mourdock: I'll move approval of the minutes of the February 26 and March 4 meetings.

Commissioner Tuley: Second.

President Borries: So ordered. We have an agenda that should be available for your review this evening and we have with us our technical advisor from the County Surveyor's Office, Mr. William Jeffers, and at this time I will turn the meeting over to him.

**RE: RECEIVE AND OPEN DITCH MAINTENANCE BIDS**

Bill Jeffers: Under item 3 you have, receive and open the ditch maintenance bids that were received by the Auditor in response to our invitation to bid.

President Borries: Okay, may I have approval to authorize the attorney to open those bids at this time?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: And those are for ditch maintenance bids for certain legal drains throughout Vanderburgh County.

Bill Jeffers: Right, work to be done in 1996. While he's opening that, with your permission, we'll go ahead and review the three drainage plans we have for this evening.

Commissioner Tuley: Are we down to three?

Bill Jeffers: I don't have one for Browning Road Estates. It apparently did not come into the office.

**RE: REVIEW OF DRAINAGE PLANS**

**A. KEYSTONE SUBDIVISION - SECTION TWO**

Bill Jeffers: The first one is Keystone Subdivision - Section Two. Section two is the one street that runs down between the lots highlighted in pink. Nearly all of the drainage is accomplished through underground pipes, which are highlighted in green. The preliminary plan for the entire development has been approved. The final plan for section one has been approved. They are out there currently constructing homes and they are asking for the final plan for section two to be approved tonight. The Surveyor's Office has reviewed the calculations and the drawn plan that's lying on the desk before you and recommends approval of the final drainage plan for Keystone - Section Two. The only notes you'll find on there refer to the easements needed for the two pipes, and those will be checked off when the plat comes to Area Plan Commission for recording prior to the issuance of building permits. Our office will go over and check the plat to make sure there are sufficient easements. The only other comment I have is that I would ask the



developer to file all the paperwork with regard to the homeowner's association and the lot grading diagrams that were also filed with section one. Of course, he's agreed to do that; I just wanted that in the record. With those comments, we recommend approval of the final drainage plan for Keystone Subdivision - Section Two.

President Borries: Questions of Mr. Jeffers? Motion?

Commissioner Tuley: I'll so move that final approval for Section Two of Keystone Subdivision be granted.

Commissioner Mourdock: I'll second.

President Borries: So ordered.

#### B. SEASONS SUBDIVISION

Bill Jeffers: The second subdivision is the Seasons. It is a very densely, or will be a very densely developed subdivision with very small lots. The south end of it on the right-hand side of your page exits onto Pollack Avenue and the north end of it lies just a few hundred feet south of Covert Avenue. The land north of the subdivision was, I believe, purchased by Aztar for a city park to replace Riverfront Park. There is one main thoroughfare running through the subdivision with cul-de-sacs branching off from that to serve the individual lots. I've attached the staff field report to show you that, when it arrives at Area Plan Commission, there will be some discussion about fifteen lots that need to be enlarged somewhat and some other discussion that may slightly modify the plan in front of you. However, the developer, at this time, is only asking for preliminary approval. They have presented the Surveyor's Office with old plans and documents showing that this entire area previously was planned to drain into the detention ponds in Indian Woods Subdivision. One of those ponds is up against Hoosier Avenue, across the street from where Mr. Borries once lived, so he's familiar with that pond. The other one is in the interior of the Indian Woods Subdivision. This is maybe just a little bit over a quarter mile east of Shoshoni Drive. I'd like to enter into the record a letter that I sent to Mr. Herb Butler, the City Engineer, informing him that this subdivision would drain through existing pipes, some of them in the city, all of them ultimately in the city, draining into that detention area that's maintained by the city, and asking him for any comment on that since he'll have to maintain those pipes, and a letter of reply from Mr. Butler saying that he has no objection to the drainage being handled as proposed with respect to its impact on facilities in the city of Evansville.

President Borries: Bill, apparently, this was not part of the original PUD in that particular area. Is that correct?

Bill Jeffers: No. The PUD was funded by housing and urban development funds and that's why it was annexed into the city, but this section remained in the county and is not a PUD, it's just a densely developed --

President Borries: Zero lot line --

Bill Jeffers: No, this one is not zero lot lined. The one in Windsong is, the one right adjacent to it. That's all zero lot lined and even more densely developed than this.

President Borries: These will be single dwelling units?

Bill Jeffers: Yes, Sir, single family dwellings. We would like to reserve our final review and recommendation for the final drainage plan until after Area Plan Commission makes their modifications to it. Having said all that, the Surveyor's Office has reviewed the calculations and the drawings and recommends approval of the

preliminary drainage plan for the Seasons.

President Borries: Questions? Motion?

Commissioner Mourdock: I'll move acceptance of the preliminary drainage plans for the Seasons development.

Commissioner Tuley: Second.

President Borries: So ordered.

### C. BURKHARDT CROSSINGS

Bill Jeffers: The third subdivision is Burkhardt Crossings. This is a commercial subdivision.

President Borries: We're not going to hear item C, the Browning Road Estates?

Bill Jeffers: No, Sir, that one did not arrive at the office for review, so I'm holding it until next month.

President Borries: Okay.

Bill Jeffers: Burkhardt Crossing is about 90- $\frac{1}{4}$  acres of agricultural land at the southeast corner of the intersection of Morgan Avenue and Burkhardt Road. It's bordered on the south by Oak Grove Road; it's bordered on the north by the Kelly Ditch, which runs just south of Morgan Avenue; it's bordered on the east by I-164; and on the west by Burkhardt Road. It is zoned M-2, so it's already been zoned for heavy use. I believe the use probably runs up around C-4 or so, that they propose, so it's a lighter use than it's zoned for. The proposed use is commercial and retail development. A large portion of it is within the flood plain and will have to be raised, so the minimum finished floors are above the hundred year flood. There are other comments on the staff field report with regard to Cross Pointe Boulevard crossing the railroad tracks and hooking up to Morgan Avenue, etc. Our review basically examined the detention of the excess storm water that would be generated by approximately 75 to 80% hard surface coverage of agricultural field and the calculations that were submitted by Daryl Helfert of Morley & Associates have been reviewed. The proposal is to put a detention lake at the northwest corner of the project up near the intersection of Burkhardt and Morgan. The plan does show the 75 foot legal drain right-of-way for maintenance along Burkhardt and the plan shows a portion of the lake crossing into that legal drain maintenance right-of-way. That may be possible when we review the final plan. Basically, our review focused on the workability of building the lake and discharging the water into Crawford-Brandeis Ditch and we're ready to approve that as a preliminary plan, but I want to make it clear that our recommendation to approve the drainage plan that's been submitted and is in front of you as a preliminary plan, that recommendation does not include, at this time, the relaxation of the 75 foot right-of-way until we hear from the Area Plan Commission and others such as yourselves, what the plans are for the widening of Burkhardt Road, whether that ditch is going to be piped or moved to the east and left an open drain. Likewise, it doesn't include the recommendation to relax the easement along Kelly Ditch until we have a chance to look at the final drainage plan. However, the lake is there and it will work and minor adjustments would put it just outside of that 75 foot right-of-way, so we're not concerned that it's depicted that way on this sheet. The Surveyor's Office is willing to recommend approval of the preliminary drainage plan for Burkhardt Road as submitted and with those comments. The developer and his engineer are both in the audience if you have any questions.

President Borries: Did either of you gentlemen, I think there were

some other folks here in the audience, have a comment at this time? If you do, we'd like to get it in record. If you could come forward, please, and give your name and address for the record.

Norman Douglas: My name is Norman Douglas, I own the property at 1804 Burkhardt, which is right across the street. My question is, from what the gentleman said, it hasn't been noted whether it's going to be a field with a sewer down through there or whether it's going to be left open and that was my main concern.

President Borries: Well, the answer is, maybe. It may be piped or it may be open. It's strictly a matter of numbers and costs, and what Mr. Jeffers is here for and what we do on this Drainage Board here for our other wages here that are kind of beyond belief, given the number of hours we spend on these drainage programs, but we are looking at what's called for on those legal drains, those options just to see if, hopefully, I think the preferable part would be to try to pipe the ditch. But we don't know if we're going to be able to generate enough money and if we can't generate enough money, then the ditch is going to have to be moved, so that will come about probably through our Commissioner's meeting. The reason why Mr. Jeffers and why we're fighting all this is, and we get an idea that it will work if we pipe the ditch or not pipe the ditch. It definitely is a legal drain, we know what we hope we can do, but there's a lot of money involved in this thing and we're not at all for sure at this point that we're going to be able to pipe it.

Norman Douglas: The gentleman that I have the building leased to, they have a lot of tractor and trailers coming in there, which when they come in south by going north, they can make the swing in there without any problem. But if they come in from the north going south, then they've got to block the whole road to make that turn in there. This was just my question and I got my letter, so I thought I'd come up and see what has developed and that would give me some kind of an idea.

President Borries: We'd be able to make a wider intersection and it would be preferable for everyone if we can afford to get that ditch piped. I don't want to sound like a broken record, but we have no money, the county has no money to do this and we've created what's called a TIF Zone, Tax Increment Financing Zone. We're trying to get the money out of all these improvements to use back then to build the road right now. If the accountants tell us that we can generate enough money, we're going to pipe it.

Norman Douglas: I understand.

President Borries: That should help you.

Norman Douglas: That answers part of my questions and I thank you gentlemen.

President Borries: We're going to know that very, very soon because we know that we're trying to move forward, there's a lot of interested people and development and it will all be good for the county, but again, what we can do, we're just simply limited. We're putting every federal and state dollar we have on a project called Lynch Road, which is up to the north, and we just don't have any more money.

Norman Douglas: Okay, thank you.

President Borries: Thank you. Mr. Jeffers, any questions of him, then? He's given us some options. Bill, I guess that kind of answers your question in a half sort of way here.

Bill Jeffers: It would be preferable to pipe it because then we could get the easement on the east side to be 15 feet from the center line of the pipe, rather than 25 to 30 or 40 feet from the

edge of the ditch. The gentleman that just spoke, when they had the hearing on the road improvements, you always have a hearing before the plans are finally approved, he might point out to the planners at the transit study down the hall, that he needs a wider turning radius and possibly needs a larger curb cut out of that new street when it's built, to get those semis in there without obstructing traffic.

President Borries: Yeah, it's really going to be an expensive project and we want to try to work it out any way we possibly can. If, again, we can get the right numbers, we're going to pipe it.

Bill Jeffers: But you can't generate the funds out of TIF unless you have commercial development such as this.

President Borries: Exactly right, so it's a real catch-22.

Bill Jeffers: But I don't see any problem with this drainage plan. As a preliminary plan it will work and there are still some other options that the developer is examining, and we may come back in a month or so with a final plan that looks even better than this one. I mean, he has some other options that he can use with this much land available.

Commissioner Mourdock: I'll move approval of the preliminary drainage plan for Burkhardt Crossing.

Commissioner Tuley: Second.

President Borries: So ordered. Motion is approved.

RE: CLAIM FROM GIBSON COUNTY SURVEYOR (DISCUSSION CONTINUES ON  
PAGE 10)

Bill Jeffers: We have a claim from the Gibson County Surveyor who somehow discovered after nine years or so, that he hadn't been submitting claims for the upper Pigeon Creek drainage system under your joint drainage board, so he's going back to 1983 and asking for \$327.74 a year up to 1995, which we have collected, not in that exact amount, but we have collected in excess of that over those years. His total claim is \$4,260.62. That's from Harry G. Morrison, Gibson County Surveyor, for maintenance to upper Pigeon Creek drainage system. The money was collected from lands in Vanderburgh County that drain back into Gibson. It was collected through your Board's authorization and the County Surveyor's authorization and held in an account down in the County Auditor's Office. The account number is 234-039.

Commissioner Tuley: Do you recommend approval?

Bill Jeffers: Yes, we do. The claim is signed by Robert W. Brenner and the request is signed by Harry G. Morrison.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

RE: BLUE CLAIMS

Bill Jeffers: I do have some other claims that I was unaware of at the time I made the agenda; all of them are for maintenance done in 1995 and all of them are signed by the Surveyor with the proper paperwork attached. All of them are recommended to be paid by the Vanderburgh County Surveyor.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

RE: ENCROACH INTO DRAINAGE EASEMENT - STEAK 'N SHAKE RESTAURANT

Bill Jeffers: Back on September 13, I wrote this letter to Tom Keith of Easley Engineering. He requested on behalf of Steak 'N Shake, which is located on the Lloyd Expressway out at the Cross Roads Subdivision, just east of the new Ford dealership. They asked us if they could encroach into a drainage easement with a small portion of their parking lot, which I've shaded in pink. I'm showing the easement line as a green line and I showed the pond over there to show you that the parking lot does not encroach into the wet area of the pond. Those little triangles are riprap shoots coming out of the parking lot to direct the water into the ditch that goes down into the pond. Back at that time, on September 13, I told Mr. Keith that I would bring this to you on September 24. But due to a hearing on Willow Creek, I postponed presenting it and it was brought to my attention that this was languishing around. I ask you to approve that at this time. Here is the paperwork on it where I simply say that the parking surfaces have to be outside of the normally wet or pool portion of the basin, which they are, and that any part of the parking lot that is liable to be covered by greater than six inches of water be painted so that people parking there would know that. I don't think any part of the parking lot is going to be covered by six inches of water, and that the property owner or the leaser assume all responsibility for any damage to personal, private property parked or otherwise stored on the parking lot whether it's caused by water or whatever. They have all agreed to that, their lawyer just wants the official action taken.

Commissioner Mourdock: Is it a paved parking lot, Bill?

Bill Jeffers: Yes, Sir. It's asphalt with concrete curb.

Commissioner Mourdock: And it's existing now? Did I understand you, it's existing now or they're looking to do this?

Bill Jeffers: They've already built it on the assumption that I presented that September 24, and now their lawyer wants proof. So yes, I signed off on it and never brought it to you until now.

Commissioner Tuley: Go take it up.

President Borries: You say it is working?

Bill Jeffers: Yes, Sir. I've been out there to inspect it last week. Everything is according to the plan as far as they've gone. There is still some landscaping to do and they're in operation. They are serving food.

Commissioner Mourdock: I would probably be somewhat contentious about this doing it ex post facto, had you not mentioned that it was the night of the Willow Creek meeting. So with that understood, I'll move approval.

Commissioner Tuley: I'll second.

President Borries: So ordered.

Bill Jeffers: I'll know what apron strings to hide behind next time!

RE: REQUEST SPECIAL DRAINAGE BOARD MEETING TO AWARD  
DITCH MAINTENANCE CONTRACTS

President Borries: Attorney Kissinger still has a ways to go, are there other things here that we can take care of to get finished with everything so that all we'd have left to do is to simply read these into the record? Could we change the time? Let's say we're going to go by item 7, and we certainly want you to take these under advisement since you are our technical advisor, to give us your recommendation. We need to call a special meeting to award those contracts for ditch maintenance for 1996. It's hard to judge if this road hearing would be lengthy on April 1. I think Commissioner Mourdock will be --

Commissioner Tuley: The road hearing is on the 8th.

President Borries: Oh, the road hearing is on the 8th?

Commissioner Mourdock: We rescheduled that.

President Borries: Okay. Do you wish to be here then? I don't want to...

Commissioner Mourdock: For the awarding of the contracts?

President Borries: Yeah.

Commissioner Mourdock: I'll forego that. It isn't that critical.

Bill Jeffers: On the awarding of the contracts, you'll have a recommendation from the Surveyor on every one of them that's going to be awarded and the length of the meeting is determined simply by how long it takes to read them into the minutes.

President Borries: Okay.

Bill Jeffers: There won't be any other business at that time.

President Borries: Right, that's as you've correctly pointed out. That's the whole purpose of the meeting, so is the first okay with everyone?

Commissioner Tuley: It will work for me.

President Borries: So for the record, we'll state that we're going to have a special board meeting immediately following the regular County Commission meeting on April 1 to consider awarding contracts.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Bill Jeffers: April 1 is okay, then?

President Borries: I'm going to have a major problem that day, too. We have these Japanese students coming in. It's going to be real interesting with them sitting in the audience here. I don't know if they understand any English, but hey, welcome to America. We're going to have some Japanese guests in --

Bill Jeffers: They probably understand it better than us --

President Borries: -- our exchange group, one teacher and one other young man, one Japanese teacher is going to be with me on that Monday that Commissioner Mourdock won't be here and they're going to be sitting out in the audience. We'll work that out,

that's fine.

Commissioner Mourdock: I regret that I'll miss that.

**RE: DARMSTADT HEIGHTS SUBDIVISION DRAINAGE PLAN**

Bill Jeffers: You've approved the blue claims and I don't have any correspondence, although there is a piece or two floating around. As long as he is opening those, that one particular piece of correspondence sent to you by the Darmstadt Town Board is the result of a board member discovering that a lot in Darmstadt Heights was supposed to have a detention basin constructed on it as a part of the street and drainage improvements. Either an acquaintance or a relative of his went out and looked at that lot and discovered that the detention basin had not been constructed and then I believe the gist of the letter is that either someone on the Town Board or some members of the Town Board may think that the County Commissioners should enforce the construction of that detention basin. Nothing I said in my 45 minute conversation with the board member could convince him otherwise and so the letter was sent to you. What we failed to realize under the previous ordinance passed in 1986 was that all the inspections of the facilities to be constructed as a part of the street and drainage improvements were to be inspected by the County Engineer. We went ahead and reviewed the subdivision because the Area Plan Commission asked that all subdivisions in Vanderburgh County outside the city limits be reviewed by us and brought to your board by the Surveyor. We failed to realize that after we recommended approval of it and you approved it, that John Stoll, -- or not John, in this case, it would have been the previous engineer, was not going to go out and inspect the construction because all streets built in Darmstadt are inspected and accepted by the Darmstadt Town Board. So we have a problem we need to correct and I tried to convince the Town Board representative that came to our office that all municipalities, whether they be a city or a town, when they annex or incorporate land, their executive board becomes the replacement for the County Commissioners, such as in the city of Evansville, the Drainage Board is the Board of Works. I was trying to suggest to him that the Town Board of Darmstadt start being the Drainage Board for Darmstadt or start being the executive board that would enforce street and drainage improvements, but I guess they have a different interpretation. So it would be my suggestion at this time that we look into it and possibly stop reviewing drainage plans from within the town of Darmstadt until an answer can be arrived at, because the only reason we are reviewing them is because Area Plan Commission won't hear a subdivision until there is Drainage Board approval. In the city, that's the Board of Works. In the county, that's this board. In the town of Darmstadt, I feel it ought to be the Town Board since they ultimately maintain the streets and the drainage improvements in their municipality.

President Borries: I agree. Let me just read it into the record here. It's not a long letter, but it says:

"It has been brought to the attention of the Darmstadt Town Council that the drainage plan for the Darmstadt Heights subdivision has not been completed as required. Although Darmstadt Heights lies totally within the town limits, it is our understanding that the Drainage Board is responsible for approving and enforcing drainage plans.

The plan which was approved by you calls for a retention pond to be constructed at the southwest corner of the property on Lot #10 to collect the additional and accelerated runoff caused by the construction of roads and homes in the subdivisions; this has not been done. A number of homes have already been built and additional lots have been sold. The property is currently being

offered for sale by Tucker Realty, whose sales description map does not show either the drainage easement or the retention pond.

By this letter, the Darmstadt Town Council requests the Vanderburgh County Drainage Board to enforce the drainage plan for the Darmstadt Heights subdivision to protect adjacent property owners as well as the future buyer of Lot #10.

Thanks for your cooperation."

Bill Jeffers: Is that signed by the entire town board?

President Borries: No, it's only signed by the Clerk-Treasurer, Gene Koch. I agree with what you say. I think that if it's a municipality, and it clearly states here settled in 1822, incorporated in 1973, they are an incorporated town and there are only two incorporated areas in Vanderburgh County: the city of Evansville and the town of Darmstadt. So why we would want to treat one differently than the other, I don't think we can do that. As you say, I don't know if this reflects the majority opinion of the Town Council or whether or not this is one individual here.

Bill Jeffers: I'm not sure either, but I do believe that the --

President Borries: Were you contacted by one individual or --

Bill Jeffers: I was contacted by Mr. Koch. The Town Board is represented by attorneys and the Town Board, I believe, uses the services of a civil engineer, so I don't see why they can't handle their own drainage affairs until they need us for some help on a bridge or something major like that where they pay bridge funds as well as anyone else.

President Borries: Well, we --

Bill Jeffers: Right, you already do that.

President Borries: --in the city limits as well as...

Bill Jeffers: I think you replaced two bridges and one culvert for the town of Darmstadt already.

Commissioner Mourdock: Just, I guess, being consistent, I find no fault with your reasoning at all, Bill. I think I would suggest, and I'll tell you as a resident of dynamic Darmstadt, this is such a hot issue, the first I've heard of it is to find the letter in the packet. I haven't heard anything from the Town Board as a group or any individual on it, but I would suggest that the Surveyor's Office draft a letter basically saying what you just said here. You said you had a 30 minute phone conversation with them --

Bill Jeffers: No, he came into the office.

Commissioner Mourdock: Sometimes people will see something in black and white and it sinks in what you're saying.

Bill Jeffers: I'll give it a shot.

Commissioner Mourdock: I just offer that as a suggestion.

Commissioner Tuley: If that's a motion, I'll second it.

Commissioner Mourdock: That's a motion.

President Borries: So ordered. Well, this is a real unusual occurrence in our Drainage Board meeting. Most of the time they



are filled with such acrimonious testimony and hostile feelings, that it's all we can do to turn off the...

RE: CLAIM FROM GIBSON COUNTY SURVEYOR (CONTINUED FROM PAGE 5)

David Ellison: I'm David Ellison, I'm here representing Big Creek Drainage Association at 2040 West Baseline Road. Item 5 really disturbs me. There is a surveyor up in Gibson County that I'm not really fond of and I don't understand, we have a joint drainage board with them? How often do you guys meet with Gibson County?

President Borries: We've never met according to --

Bill Jeffers: It's only for matters concerning upper Pigeon Creek.

David Ellison: I guess my question is, what is this money used for?

Bill Jeffers: Repairs that he says he has made to upper Pigeon Creek.

David Ellison: Is there, and here again, I'm not -- I'm just suggesting -- he's really given us some static on Pond Flat, okay, that our water that drains into Gibson County, he thinks we ought to pay for 60 to 70% of the bills in Gibson County that are on Pond Flat that are going to Gibson County. We were just speaking to the Drainage Board up there about three weeks ago and I made a suggestion saying, well, that's an option, maybe you need to pay 60% of Pigeon Creek down in Vanderburgh County since all your water flows down in Vanderburgh County. And, oh no, we don't want to do that. In the meantime, Bill gets this bill and it's dated back to 1983, correct? Why hasn't he submitted anything in twelve years or did we just stir up or open a can of worms? I don't know, but I guess my question is, what is he using this money for and do we need to really pay him this money? Or is this just a smart-alecky way to get back at part of your constituents on the Drainage Board, that's me.

President Borries: Well, you have a valid point. We act upon the recommendation of the Surveyor and that's what we did in this particular instance --

David Ellison: Right, I have no problem with that.

President Borries: However, you're exactly right. Of course, Pigeon Creek is a legal drain in Gibson County. Parts of ours, we continually battle, particularly the lower end of Pigeon Creek and I think that if you would suggest and if this Board agrees, we certainly will need to get this gentleman's name, say that, although we've approved this, we would want some verification as to exactly how this money has been used in Gibson County. Is that...

David Ellison: I'd sure like to see that. I'd recommend the Drainage Board doing that. Thank you.

President Borries: Are there other matters that you'd want us to pursue with this?

David Ellison: Maybe down the road, if you'd be willing to help us.

President Borries: Sure, you're a Vanderburgh County resident. You're certainly, as you know, a member of the Drainage Board and so you've always helped us. We'd be glad to do this. May I have a motion, then, to ask the Gibson County Surveyor for an itemized record of how this money was spent in Gibson County?

Bill Jeffers: Do you want that before you send the money?

Commissioner Tuley: Oh yeah. I was just going to so move as long as you'd hold the check until you received that letter. Then once you receive it, if you're...

Bill Jeffers: The reason we recommended approval, before you make your motion, the reason we recommended approval is you formed a joint drainage board back around '78 or so, I believe.

President Borries: I was going to say...I've never met.

Bill Jeffers: Yeah, it's long, long ago. He filed some claims yearly and we sent him about, I think it was \$289.00 a year for a while. Then he stopped filing claims so we stopped mailing the checks. Then, this year, he called and asked why we hadn't been sending those checks since 1983 and I said, because we don't cut checks until we approve a claim, and we don't approve a claim until one is submitted. Now, the money, you know...

Commissioner Mourdock: Is there a statute of limitations?

Commissioner Tuley: That's what I was wondering.

Alan Kissinger: Six years on a contract.

Bill Jeffers: It may be three years on claims, I don't know. I probably should have brought that up before I recommended it, but yes, if you want us to hold the check until we receive an itemized account or check into the legality of mailing out a claim for nine or however many years it is...

President Borries: Yeah, I think you're right. I think you need to look into that, and Attorney Kissinger said six years on a contract, we'd --

Bill Jeffers: Or you may want to dissolve the joint drainage board.

Commissioner Tuley: What was the purpose?

Bill Jeffers: It was something that, back then, they were going to work toward cleaning up Pigeon Creek.

Commissioner Mourdock: Have we been kind of taking this...looking at the fact that the drainage goes both ways as Dave was saying, are we receiving any or are we sending any requests to them for any of the drainage that goes the other way?

Bill Jeffers: No, we're not.

Commissioner Mourdock: Should we be under the auspices of that drainage agreement?

Bill Jeffers: I don't think it applies to...their drainage that comes into our county comes through Pond Flat Lateral E, up near Busler's under I-164, along the Illinois Central line, or is that the CSX line? It comes across from an area kind of east of Owensville Road, it comes under Interstate 64, maybe two or three hundred acres drains into our county. We've never billed them.

Commissioner Tuley: Why don't we send them a bill for \$4,260.62?

President Borries: I always understood that a part of the creeks west of Highway 41 drained into the Wabash River. Am I correct on that?

Bill Jeffers: Right.

President Borries: So I'm not sure that if Pigeon Creek drains into the Ohio River...

## TAPE CHANGE

David Ellison: (Inaudible - comments not made from the microphone) Just one more thing, he also thinks that our drainage organization is illegal and that you guys, everything that you approve for us is illegal and we're all crooks down here. We're not doing things according to Hoyle, so this is what you're dealing with and this is who you're playing with. Okay? This boy, you know, sometimes I don't think he has all his oars in the water.

President Borries: Has he been the Surveyor there for a lengthy --

David Ellison: Forever. His dad was Surveyor before him. He's just never been replaced.

Commissioner Tuley: Let's go back and revisit this.

President Borries: I think people who live in glass houses shouldn't throw stones and, I mean, if it's taken him since 1983 to file this claim, then we can all get our stones here to throw. So, maybe we just need at this point to ask this Board to rescind that motion pending verification of an itemized description of the money spent on Pigeon Creek by the -- is it a drainage board or the Gibson County Surveyor?

David Ellison: Yeah, it's the drainage board.

Bill Jeffers: Yeah, Gibson County Drainage Board, their annual activities in upper Pigeon Creek, their legal drain, which is called upper Pigeon Creek.

Commissioner Tuley: I'll so move to ask for proof of claim.

Commissioner Mourdock: I will second.

President Borries: So ordered.

Commissioner Tuley: This could get lost for about twelve years.

President Borries: It could get lost for another twelve years, but if he's been waiting that long...but I think that Mr. Jeffers knows that he has some research to do and if you could write that letter or if you could just draft the letter, we'll be glad to sign it and I think --

Bill Jeffers: This was another fellow I talked to on the phone for about 45 minutes or about an hour, but I did most of the listening and very little of the talking, which was a real switch for me. He said a lot of things that I didn't take as close to my heart as Dave did, because I feel that the Big Creek Drainage Association is probably the best thing that ever happened to Vanderburgh County drainage. The way that they do their work up there is the only reason our ditches look as great as they do in that area. Yes, they do from time to time use subcontractors, which Mr. Morrison said was one of his points. Every time they've used a contractor, we've come to you as the drainage statute requires and told you who that subcontractor was and you approved the subcontractor that was working for Big Creek Drainage Association. You can't expect a group of farmers to go out there with tractors and combines and excavate a ditch. They have to hire subcontractors for that type of work.

President Borries: He doesn't do that up there?

Bill Jeffers: Well, he doesn't have a drainage organization such as Big Creek bidding on the work. The benefit of having Big Creek bid on the work is that after their subcontractor finishes what he's hired to do in a very rapid time and at a very low cost, then the members go in with their disks and their backhoes, and so

forth, and spread the spoil and disk it up and plant their crops on it which saves...We assessed these people, these farmers. It's their money and we just hold it here and administer it. So if we directly hired a contractor to do all that work, it would cost three times that much money because we would have to have him spread the spoil, disk it up, plant grass seed on it, blah, blah, blah. These fellows do all that themselves. They only pay the subcontractor just what it costs to get the silt out and repair the banks and spread the spoil, I mean, not spread the spoil at all. I don't know where the hang-up is with Mr. Morrison. Like I said, I did most of the listening and I think I reviewed at least one drainage plan while he was talking, so...but I've learned to say uh-huh and uh-uh at the appropriate pauses. I don't know, I didn't take it to heart quite as much as Dave did. I think Dave went up there and met the man personally and came away with a different viewpoint.

Commissioner Tuley: Bill, do you have any new business or old business? We're just waiting on this?

Bill Jeffers: I don't have anything else.

Commissioner Mourdock: Let the record show that Commissioner Tuley has left the room.

President Borries: If Commissioner Mourdock agrees here, I guess we could ask Charlene to -- what we are doing, there is a lapse of time on this tape because we are waiting for the attorney to open a rather lengthy group of bids on legal drains in Vanderburgh County, and so we really can't proceed and do anything else until he is finished examining those bids to see if they are in order. So, if we direct, we could temporarily adjourn and shut off the tape.

Commissioner Mourdock: So moved.

President Borries: I will second.

MEETING TEMPORARILY ADJOURNED AT 7:45 P.M.  
MEETING RESUMED AT 8:00 P.M.

President Borries: I'm going to reconvene the meeting. Let the record show that we have reconvened the Drainage Board at approximately 8:00.

RE: READING OF DITCH MAINTENANCE BIDS

President Borries: We will now hear the report of Attorney Alan Kissinger regarding his review of the bids for ditch maintenance for 1996 in Vanderburgh County.

Alan Kissinger: First, I'll name the ditch or the drain and then I'll name the bidder and the amount bid. These are not necessarily in any particular order.

First is Baehl Ditch: The bidder is John F. Maurer, the amount of the bid is \$861.25.

Once again, Baehl Ditch, the bidder is Eldon Maasberg; the amount of the bid is \$1,033.50.

Barnett Ditch: Union Township Ditch Association, \$2,758.14.

Maddox Ditch: Union Township Ditch Association, \$716.61.

Eagle Slough - A: Scott Boiler & Construction, Inc., \$24,727.50.

Eagle Slough - B: Scott Boiler & Construction, Inc., \$16,719.30.

Eagle Slough - A: Henry Bigge Excavating, \$13,387.50.  
Eagle Slough - B: Henry Bigge Excavating, \$5,716.00.  
Eagle Slough Obstruction Removal: Henry Bigge Excavating,  
\$1,000.00.  
Edmond Ditch: Union Township Ditch Association, \$153.95.  
Happe-Helfrich Ditch: Union Township Ditch Association, \$126.98.  
Hoefling Ditch: John F. Maurer, \$557.10.  
Kamp Ditch: Union Township Ditch Association, \$334.80.  
Kneer Ditch: Eldon Maasberg, \$303.60.  
Kolb Ditch: Jim Axton, \$4,306.62.  
Maasberg Ditch: Eldon Maasberg, \$154.42.  
Pond Flat, Lateral A: Ralph Rexing, \$743.54.  
Pond Flat, Lateral B: Ralph Rexing, \$391.58.  
Pond Flat, Lateral D: Ralph Rexing, \$641.06.  
Singer Ditch: Rexing Enterprises, Inc., \$294.00.  
Sonntag-Stevens Ditch: Jim Axton, \$1,763.30.  
Pond Flat Main: Big Creek Drainage Association, \$4,053.72.  
Buente Ditch: Big Creek Drainage Association, \$3,433.15.  
Barr Creek: Big Creek Drainage Association, \$4,133.60.  
Maidlow Ditch: Big Creek Drainage Association, \$2,241.00.  
Pond Flat, Lateral C: Big Creek Drainage Association, \$1,084.00.  
Pond Flat, Lateral E: Big Creek Drainage Association, \$433.92.  
Rusher Ditch: Big Creek Drainage Association, \$533.28.  
Henry Ditch: Terry R. Johnson Construction, \$1,786.28.  
East Side Urban North 1/2: Terry R. Johnson Construction,  
\$12,293.80.  
East Side Urban South 1/2: Terry R. Johnson Construction,  
\$24,325.15.  
Sonntag-Stevens Ditch: Terry R. Johnson Construction, \$6,122.19.  
Kolb Ditch: Terry R. Johnson Construction, \$3,198.64.  
Keil Ditch: Terry R. Johnson Construction, \$1,662.32.  
Harper Ditch: Terry R. Johnson Construction, \$1,628.11.  
Aiken Ditch: Terry R. Johnson Construction, \$2,873.80.  
Wallenmeyer Ditch: Eldon Maasberg, \$1,253.25.  
Wallenmeyer Ditch: Daniel J. Paul, \$1,236.54.  
These are all Shidelar Spray and I believe these are for spraying  
and sterilization services.

DRAINAGE BOARD  
MARCH 25, 1996

15

East Side Urban South 1/2: Shidelar Spray Services, \$3,800.52.

Sonntag-Stevens: Shidelar Spray Services, \$340.00.

Sonntag-Stevens: Shidelar Spray Service, \$1,391.65.

Keil Ditch: Shidelar Spray Service, \$391.56.

Harper Ditch: Shidelar Spray Service, \$383.50.

Kolb Ditch: Shidelar Spray Service, \$727.09.

East Side Urban South 1/2: Shidelar Spray Service, \$2,372.50.

East Side Urban South 1/2: Shidelar Spray Service, \$2,235.60.

Eagle Slough: Shidelar Spray Service, \$3,186.67.

That's all I have to report.

Commissioner Tuley: I move the bids be given to the Surveyor to take under advisement for one week.

Commissioner Mourdock: I'll second.

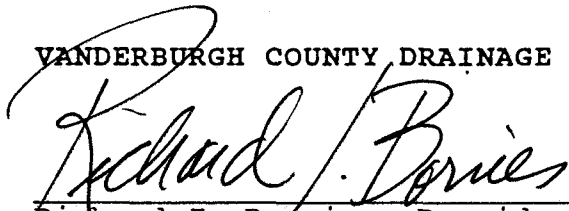
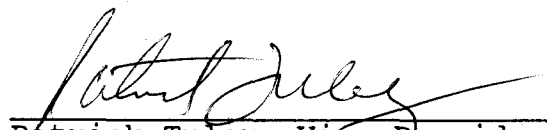
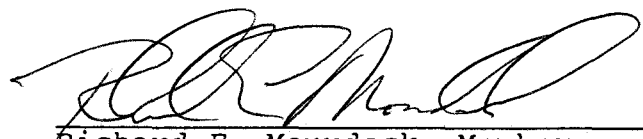
President Borries: So ordered. If there's no further business at this time, we stand adjourned.

Meeting adjourned at 8:05 p.m.

## THOSE IN ATTENDANCE

Richard J. Borries  
Patrick Tuley  
Richard E. Mourdock  
Alan Kissinger  
Bill Fluty  
Charlene Timmons  
Bill Jeffers  
Norman Douglas  
David Ellison

## VANDERBURGH COUNTY DRAINAGE BOARD

  
Richard J. Borries, President  
Patrick Tuley, Vice President  
Richard E. Mourdock, Member

Transcribed by Teri Lukeman

VANDERBURGH COUNTY  
DRAINAGE BOARD MEETING  
AGENDA

MARCH 25, 1996

1. Meeting opened.
2. Approval of transcribed Drainage Board Minutes:
  - A. Regular Drainage Board meeting (2/26/96)
  - B. Special Drainage Board meeting (3/4/96)
3. Receive and open ditch maintenance bids.
4. Review and act on the following drainage plans:
  - A. Keystone Subdivision, Section 2
  - B. The Season Subdivision
  - C. Browning Road Estates
  - D. Burkhardt Crossings
5. Receive claim and Surveyor's recommendation to pay claim in favor of Gibson County Treasurer in the amount of \$4260.62 for maintenance to Upper Pigeon Creek.
6. Receive Surveyor's recommendation to grant permission to encroach into drainage easement with parking lot for Steak 'n Shake restaurant in Cross Roads Subdivision.
7. Read ditch maintenance bids into record.
8. Take ditch maintenance bids under advisement for one week.
9. Call a Special Drainage Board meeting on April 1, 1996.  
Purpose: Awarding contracts for ditch maintenance
10. Approval of Blue Claims.
11. Correspondence.
12. New Business.
13. Old Business.
14. Meeting adjourned.



**VANDERBURGH COUNTY  
DRAINAGE BOARD MEETING  
MARCH 25, 1996**

Please sign in below:

NAME	ADDRESS	AFFILIATION?
1. <i>Wanda Dugals</i>	<i>R 144 4th Ave. W.</i>	
2. <i>Andy Morley</i>	<i>1600 S. Almond Blvd.</i>	
3. <i>Daryl Helfert</i>		<i>Morley &amp; Assoc.</i>
4. <i>James E. Morley</i>		<i>Morley &amp; Assoc.</i>
5. <i>McBoultinghouse</i>	<i>3512 SCHULTZ LANE</i>	<i>RESIDENT</i>
6. <i>Scott Boiler</i>	<i>13024 OLD STATE Rd.</i>	<i>SCOTT BOILER CONSTRUCTION INC.</i>
7. <i>Jack Rogers</i>	<i>447 S. Roosevelt Dr.</i>	<i>Jack Rogers Rental</i>
8. <i>Bob Woodward</i>	<i>2916 E MORGAN</i>	<i>WOODWARD</i>
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		
22.		
23.		

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

IN FAVOR OF

Vendor Name Big Creek Drainage

Vendor No. 0986

\$ 7999

## ON ACCOUNT OF APPROPRIATION

Dept. Fund Name Ruskey Ditch

Account No. 234-035

APR 05 1996

Allowed \_\_\_\_\_ 19\_\_\_\_\_

~~In the sum of \$~~

Richard L. Dorcas  
H. W. G. G. G.  
H. W. G. G. G.

Board of Commissioners

VANDERBURGH COUNTY

DEPT

1447 2 : 1995

Suzanne M. Couch  
AUDITOR

Assy

3.25 96

Carol W. B.

Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated authority; that it is apparently correct, incorrect.

by law"; that it is based upon contract ~~statutory~~

Suzanne T.H. Crouse

Auditor

## COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

[illegible]

TOTAL

79.99

March

Form Prescribed by the  
State Board of Accounts

1245

Revised County  
Form No. 17

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc. -

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Big Creek Drainage ASSO. # 0986

On Account of Appropriation for Rusher Ditch 234-035

Invoice No.	Itemized Claim	Amount	
	1995 FALL MAINT.		
	4,444 I.F. X \$ 0.12 = \$ 533.28		
	PREV. PMT. @ 85% = \$ 453.29		
95-FM-35-15	PAY 15% RETAINAGE = \$ 79.99 →	\$ 79	99

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Big Creek Drainage Assn INC

Name

John J. Bittner, Pres.

Title

Date Dec. 26, 1995

CERTIFICATION OF PAYMENT  
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I John J. Bittner,  
(Signature in Ink)

representing Big Creek Drainage Assoc. TNC and presently  
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on RUSHER DITCH, a regulated  
drain in Vanderburgh County, Indiana, do certify that I, and/or the  
firm I represent, have/has paid in full all expenses incurred for  
labor, supplies, and subcontracts except for any unpaid costs as  
specified herein under:

None

and further, that neither I, nor the firm I represent, will hold the  
Vanderburgh County Drainage Board responsible for any costs, or any  
claims arising from such expenses, except for the fifteen (15) percent  
of the total contract price which the Board presently holds in  
retainage pending the receipt of this Certification of Payment.

NAME OF DRAIN: Rusher Ditch # 234-035

CONTRACTOR: Big Creek Drainage Assoc. VENDOR # 0986

CONTRACT # \_\_\_\_\_ AND/OR ACCOUNT # 234-035

- ☒ ANNUAL MAINTENANCE  
☐ ADDITIONAL MAINTENANCE  
☐ EMERGENCY MAINTENANCE

COMPLETION DATE Dec. 23, 1995  
INSPECTION DATE Dec. 27, 1995

- ☒ WORK IS APPROVED  
☐ NOT APPROVED: COMMENTS: \_\_\_\_\_

Robert W. Brun  
VANDERBURGH COUNTY SURVEYOR

3-25-96  
DATE

Warrant No. \_\_\_\_\_  
Claim No. \_\_\_\_\_  
Date \_\_\_\_\_

IN FAVOR OF

Vendor Name Big Creek Drainage  
Vendor No. 0986

\$ 620.04

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name Batts Creek  
Account No. 234-009

Allowed APR 05 1996 19

In the sum of \$  
Richard L. Bowles  
Walter H. Taylor  
Walter H. Taylor

Board of Commissioners

VANDERBURGH COUNTY  
**FILED**

MAR 2 1996

Suzanne M. Crouch  
AUDITOR

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

Name

3-25-96  
Ralph W. Brown  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract statutory authority; that it is apparently correct incorrect.

Suzanne M. Crouch  
Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>26-FM-09-15</u>		<u>JAN 17 1996</u>	<u>234-009</u>	<u>620.04</u>

TOTAL \$ 620.04

March

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc. -

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Big Creek Drainage Ass'n. # 0986

On Account of Appropriation for Barrs Creek Ditch 234-009

Invoice No.	Itemized Claim	Amount	
	199.5 FALL MAINT.		
	20,668 LF. @ 0.20 =	4,133.60	
	PREVIOUS PMTS. @ 85% =	3,513.56	
		<del>3,533.56</del>	
95-FM-09-15	PAY 15% RETAINAGE @	620.04	

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,  
I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Big Creek Drainage Ass'n. Inc.  
Name  
John J. Pittner Treas.  
Title

Date JAN 17, 1996

CERTIFICATION OF PAYMENT  
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I X John J. Bittner  
(Signature in Ink)

representing Big Creek Drainage Ass'n. I.N.C., and presently  
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on BARRS CREEK, a regulated  
drain in Vanderburgh County, Indiana, do certify that I, and/or the  
firm I represent, have/has paid in full all expenses incurred for  
labor, supplies, and subcontracts except for any unpaid costs as  
specified herein under:

None

and further, that neither I, nor the firm I represent, will hold the  
Vanderburgh County Drainage Board responsible for any costs, or any  
claims arising from such expenses, except for the fifteen (15) percent  
of the total contract price which the Board presently holds in  
retainage pending the receipt of this Certification of Payment.

NAME OF DRAIN: Barrs Creek # 234-009

CONTRACTOR: Big Creek Drainage Ass'n. VENDOR # 0986

CONTRACT # \_\_\_\_\_ AND/OR ACCOUNT # 234-009

- ☒ ANNUAL MAINTENANCE  
☐ ADDITIONAL MAINTENANCE  
☐ EMERGENCY MAINTENANCE

COMPLETION DATE JAN 16, 1996  
INSPECTION DATE JAN 22, 1996

- ☒ WORK IS APPROVED  
☐ NOT APPROVED: COMMENTS: \_\_\_\_\_

[Signature]

VANDERBURGH COUNTY SURVEYOR

3-25-96

DATE

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

Vendor Name Eldon Maasberg  
Vendor No. 1485

ON ACCOUNT OF APPROPRIATION

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon Contract/ statutory authority; that it is apparently correct/ incorrect. 7/1 2/2

Augment. T.H. Crocker

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.
-------------	--------------------

95-FM-24-15

VANDERBURGH COUNTY

MAR 27 1953

Seymour T. Church  
AUDITOR

TOTAL

45.54



A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc. -

VANDEBURGH COUNTY, INDIANA

VENDOR NAME Eldon Maasberg # 1485

On Account of Appropriation for Kneer Ditch 234-024

[illegible]

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Elton Maasberg  
Name

Name \_\_\_\_\_

Title

Date JAN 17, 1996

CERTIFICATION OF PAYMENT  
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I Eldon Maasberg  
(Signature in Ink)

representing \_\_\_\_\_, and presently  
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on Kneer Ditch, a regulated  
drain in Vanderburgh County, Indiana, do certify that I, and/or the  
firm I represent, have/has paid in full all expenses incurred for  
labor, supplies, and subcontracts except for any unpaid costs as  
specified herein under:

None

and further, that neither I, nor the firm I represent, will hold the  
Vanderburgh County Drainage Board responsible for any costs, or any  
claims arising from such expenses, except for the fifteen (15) percent  
of the total contract price which the Board presently holds in  
retainage pending the receipt of this Certification of Payment.

NAME OF DRAIN: Kneer Ditch # 234-024

CONTRACTOR: Eldon Maasberg VENDOR # 1485

CONTRACT # \_\_\_\_\_ AND/OR ACCOUNT # 234-024

- ☒ ANNUAL MAINTENANCE  
☐ ADDITIONAL MAINTENANCE  
☐ EMERGENCY MAINTENANCE

COMPLETION DATE JAN 16, 1996  
INSPECTION DATE JAN 22, 1996

- ☒ WORK IS APPROVED  
☐ NOT APPROVED: COMMENTS: \_\_\_\_\_

[Signature]  
VANDERBURGH COUNTY SURVEYOR

3-25-96  
DATE

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

IN FAVOR OF

Vendor Name Eldon Maasberg  
Vendor No. 1485

\$ 23.16

## ON ACCOUNT OF APPROPRIATION

Dept. Fund Name Mass Budget D.tch  
Account No. 234-027

Allowed \_\_\_\_\_ 19\_\_\_\_

In the sum of \$

In the sum of \$                       
Edward J. Davis  
Robert Greig  
Edw. M. Hall

## Board of Commissioners

VANDERBURGH COUNTY

11

MAR 27 1966

*Seymour M. Crowder*  
AUDITOR

Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Auditor

## COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
95-FM-27-15		JAN 17, 1996	234.027	\$ 23.16

TOTAL

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc. -

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Eldon Maasberg # 1485

On Account of Appropriation for Maasberg Ditch 234-027

Invoice No.	Itemized Claim	Amount	
	1995 FALL MAINT.		
	2,206 LF. X \$0.07 = \$154.42		
	PREV. PMT. @ 85% = \$131.26		
95-FM-27-15	PAY 15% @ \$23.16 →	\$23	16

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Eldon Maasberg  
Name

Title

Date JAN 17, 1996

CERTIFICATION OF PAYMENT  
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I Eldon Maasberg,  
(Signature in Ink)

representing \_\_\_\_\_, and presently  
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on MAASBERG, a regulated  
drain in Vanderburgh County, Indiana, do certify that I, and/or the  
firm I represent, have/has paid in full all expenses incurred for  
labor, supplies, and subcontracts except for any unpaid costs as  
specified herein under:

None

and further, that neither I, nor the firm I represent, will hold the  
Vanderburgh County Drainage Board responsible for any costs, or any  
claims arising from such expenses, except for the fifteen (15) percent  
of the total contract price which the Board presently holds in  
retainage pending the receipt of this Certification of Payment.

NAME OF DRAIN: Maasberg Ditch # 234-027

CONTRACTOR: Eldon Maasberg VENDOR # 1485

CONTRACT # \_\_\_\_\_ AND/OR ACCOUNT # 234-027

☒ ANNUAL MAINTENANCE  
☐ ADDITIONAL MAINTENANCE  
☐ EMERGENCY MAINTENANCE

COMPLETION DATE \_\_\_\_\_  
INSPECTION DATE \_\_\_\_\_

☒ WORK IS APPROVED  
☐ NOT APPROVED: COMMENTS: \_\_\_\_\_

Ralph W. Brennan  
VANDERBURGH COUNTY SURVEYOR

3.25.96  
DATE

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

Vendor Name Big Creek Drainage

3-25 96

\$ 162.65

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

**Auditor**

COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT

In the sum of \$ Richard L. Borjes  
Richard Borjes  
Richard Borjes

VANDERBURGH COUNTY

**FILED**

MAR 27 1956

Seymour M. Couch  
AUDITOR

TOTAL

\$ 162.65

March

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc. -

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Big Creek Drainage Assco. # 0986

On Account of Appropriation for Pond Flat. Lat. c 234-032

Invoice No.	Itemized Claim	Amount	
	1995 FALL MAINT.		
	9,036 LF X \$0.12 = \$1,084.32		
	PREL. PMT @ 85% = \$921.67		
95-FM-32-15	PAY 15% @ \$162.65 →	\$162	65

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Big Creek Drainage INC  
Name

John J. Bittner-Treas  
Title

Date JAN 17, 19 96

CERTIFICATION OF PAYMENT  
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I John J. Bittner  
(Signature in Ink)

representing Big Creek Drainage Area D/B and presently  
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on Pond Flat Lat. C, a regulated  
drain in Vanderburgh County, Indiana, do certify that I, and/or the  
firm I represent, have/has paid in full all expenses incurred for  
labor, supplies, and subcontracts except for any unpaid costs as  
specified herein under:

NONE

and further, that neither I, nor the firm I represent, will hold the  
Vanderburgh County Drainage Board responsible for any costs, or any  
claims arising from such expenses, except for the fifteen (15) percent  
of the total contract price which the Board presently holds in  
retainage pending the receipt of this Certification of Payment.

NAME OF DRAIN: Pond Flat Lat. C # 234-032

CONTRACTOR: John J. Bittner VENDOR # 0986

CONTRACT # \_\_\_\_\_ AND/OR ACCOUNT # 234-032

- ☒ ANNUAL MAINTENANCE  
☐ ADDITIONAL MAINTENANCE  
☐ EMERGENCY MAINTENANCE

COMPLETION DATE JAN 11, 1996  
INSPECTION DATE JAN 22, 1996

- ☒ WORK IS APPROVED  
☐ NOT APPROVED: COMMENTS: \_\_\_\_\_

[Signature]  
VANDERBURGH COUNTY SURVEYOR

3-25-96  
DATE



I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

Date \_\_\_\_\_

# Big Creek Drainage

Assessment.

Vendor No. 0986

0986

\$ 336.08

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name Maidlow Ditch

Account No. 234-028

234-028

**Allowed**

19

In the sum of \$

Edward J. Bruce

Robert Jones  
Elizabeth Manders

## Board of Commissioners

VANDERBURGH COUNTY

ALL

MAR 2 1953

*Suzanne M. Couch*  
AUDITOR

**AUDITOR**

**I have examined the within claim and hereby certify as follows:**

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

**Auditor**

COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT

INVOICE NO. PURCHASE ORDER NO.

INVOICE DATE

ACCOUNT NO.

AMOUNT PAID

95-FPM-28-15

9/26/17

234-028

\$ 336.08

TOTAL 3,36.08

March

Form Prescribed by the  
State Board of Accounts

1245

Revised County  
Form No. 17

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Big Creek Drainage Assco. # 0986

On Account of Appropriation for Maidlow Ditch 234-028

Invoice No.	Itemized Claim	Amount	
	1995 FALL MAINT.		
	18,671 LF X $\$0.12 =$	2,240	52
	PREV. PMTS. @ 85% =	\$1,904	44
95-FM-28-15	PAY 15% RETAINAGE @ \$336.08 =	\$336	08

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

John J. Butler  
Name

Big Creek Drainage Assn. Inc.  
Title

Date JAN 17, 1996

CERTIFICATION OF PAYMENT  
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I John J. Bittner  
(Signature in Ink)  
representing Big Creek Drainage Assn. Inc., and presently  
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on Maidlow Ditch, a regulated  
drain in Vanderburgh County, Indiana, do certify that I, and/or the  
firm I represent, have/has paid in full all expenses incurred for  
labor, supplies, and subcontracts except for any unpaid costs as  
specified herein under:

NONE

and further, that neither I, nor the firm I represent, will hold the  
Vanderburgh County Drainage Board responsible for any costs, or any  
claims arising from such expenses, except for the fifteen (15) percent  
of the total contract price which the Board presently holds in  
retainage pending the receipt of this Certification of Payment.

NAME OF DRAIN: Maidlow Ditch # 234-028

CONTRACTOR: Big Creek Drainage Assn. Inc. VENDOR # 0986

CONTRACT # \_\_\_\_\_ AND/OR ACCOUNT # 234-028

☒ ANNUAL MAINTENANCE  
☐ ADDITIONAL MAINTENANCE  
☐ EMERGENCY MAINTENANCE

COMPLETION DATE JAN. 16, 1996  
INSPECTION DATE JAN. 22, 1996

☒ WORK IS APPROVED  
☐ NOT APPROVED: COMMENTS: \_\_\_\_\_

Ralph W. Brown  
VANDERBURGH COUNTY SURVEYOR

3-25-96  
DATE

Warrant No. \_\_\_\_\_  
Claim No. \_\_\_\_\_  
Date \_\_\_\_\_

IN FAVOR OF

Vendor Name Big Creek Drainage Assoc  
Vendor No. 0986

\$ 608.06

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name Pond Flat Main  
Account No. 234-029

Allowed \_\_\_\_\_ 19\_\_\_\_

in the sum of \$

Richard J. Barick  
Richard J. Barick  
Richard J. Barick

Board of Commissioners

WASHINGTON COUNTY  
**FILED**

MAR 27 1996

Suzanne M. Cramer  
AUDITOR

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

NONE

Asseo

3-25-96

Richard J. Barick

Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Auditor

COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
95-FM-29-15		JAN. 17, 1996	234-029	\$ 608.06

TOTAL \$ 608.06

March

Form Prescribed by the  
State Board of Accounts

1245

Revised County  
Form No. 17

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Big Creek Drainage Assco. # 0986

On Account of Appropriation for Pond Flat Main 234-029

Invoice No.	Itemized Claim	Amount	
	1995 FALL MAINT.		
	36,852 LF. x \$ 0.11	\$ 4,053.72	
	PREV. PMTS. @ 85%	\$ 3,445.66	
95-FM-79-15	PAY 15% RETAINAGE @ \$ 608.06	\$ 608	06

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Big Creek Drainage Assn. IVC  
Name

John J. Bittner  
Title

Date JAN. 17, 1996

CERTIFICATION OF PAYMENT  
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I John J. Bittner Esq. X  
(Signature in Ink)  
representing Big Creek Drainage Inc., and presently  
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on POND FLAT MAIN, a regulated  
drain in Vanderburgh County, Indiana, do certify that I, and/or the  
firm I represent, have/has paid in full all expenses incurred for  
labor, supplies, and subcontracts except for any unpaid costs as  
specified herein under:

NONE

and further, that neither I, nor the firm I represent, will hold the  
Vanderburgh County Drainage Board responsible for any costs, or any  
claims arising from such expenses, except for the fifteen (15) percent  
of the total contract price which the Board presently holds in  
retainage pending the receipt of this Certification of Payment.

NAME OF DRAIN: POND FLAT MAIN #

CONTRACTOR: BIG CREEK DRAINAGE VENDOR # 0986

CONTRACT # AND/OR ACCOUNT # 234-029

☒ ANNUAL MAINTENANCE  
☐ ADDITIONAL MAINTENANCE  
☐ EMERGENCY MAINTENANCE

COMPLETION DATE  
INSPECTION DATE

☒ WORK IS APPROVED

☐ NOT APPROVED: COMMENTS:

Robert W. Brown  
VANDERBURGH COUNTY SURVEYOR

3.25.96  
DATE

Vanderburgh County Surveyor's MEMO

March 19, 1996

TO: Mr. Herb Butler, City Engineer  
FR: Mr. Bill Jeffers, Deputy Surveyor  
RE: The Seasons Subdivision

  
3/19/96

Jagoe Homes is proposing a 30 acre subdivision immediately east of Indian Woods Subdivision and Lincoln Pointe Subdivision north of Pollack Avenue.

The plan proposes to drain about 1/3 of its storm water into an existing system located immediately south of Indian Woods and inside the City of Evansville. The system empties into the retention lake east of Shoshoni Lane. This 36 inch concrete line is the source of a complaint due to sink holes caused by faulty joints near an area drain.

Approximately 2/3 of the storm water from the proposed subdivision is planned to be routed through an existing 48 inch concrete line in Windsong Subdivision thence into the 84 inch line on the west side of Shoshoni Lane. The 84 inch line empties into the large retention lake located on the east side of Hoosier Avenue.

Morley and Associates, representing Jagoe, has submitted plans showing that the interconnection of the systems either was planned as a part of the East Side drainage projects which constructed the existing lines and lakes; or that the lines and the lakes can handle the volumes calculated to pass through them from the Seasons' storm system.

Our office is asking for your review and approval of the drainage plan for the Seasons at least with regard to its connection to an existing storm water drainage system which we assume is maintained by the City of Evansville. Please respond in writing.

The Seasons' drainage plan is on the county drainage board's March 25, 1996 agenda.



CITY OF EVANSVILLE  
Engineering

CIVIC CENTER COMPLEX, ROOM 321  
1 N.W. MARTIN LUTHER KING, JR. BLVD.  
EVANSVILLE, INDIANA 47708-1875  
(812) 426-5458  
TDD/Hearing Impaired (812) 426-5483

FRANK F. McDONALD II  
MAYOR

MEMO TO: Bill Jeffers  
Deputy Surveyor

FROM: Herb Butler  
City Engineer

*H. E. Butler*

DATE: March 22, 1996

SUBJECT: Drainage Plan, The Seasons Subdivision

You requested that I review the drainage plan for the above referenced subdivision due to the fact that the plan calls for the drainage to be discharged to the City's East Side drainage facility.

Although I cannot find any reports or calculations verifying that the retention ponds are designed to handle this additional runoff, it appears that this is the case. The 36 inch storm sewer that a portion of the site will drain through is adequately sized to handle the additional flow. The existing system appears that it was extended to the site of the proposed Seasons subdivision in anticipation of its future development.

For these reasons, I have no objection to the drainage being handled as proposed, with respect to its impact on the facilities of the City of Evansville.



TOWN OF  
DARMSTADT, INDIANA

SETTLED 1822

INCORPORATED 1973

TOWN COUNCIL:

Roger Steinkuhl, President  
William Smith, Councilman  
Teena Preske, Councilwoman  
Brad Korff, Councilman

CLERK-TREASURER:

Gene Koch  
1821 W. Bnvl New Har Road  
Evansville, IN 47711

February 14, 1996

Vanderburgh County Drainage Board  
Rick Borries, President  
Civic Center Room 305  
1 N.W. MLK Blvd  
Evansville, IN 47708

Re: Darmstadt Heights Subdivision Drainage Plan

Dear Rick,

It has been brought to the attention of the Darmstadt Town Council that the drainage plan for the Darmstadt Heights subdivision has not been completed as required. Although Darmstadt Heights lies totally within the Town limits, it is our understanding that the Drainage Board is responsible for approving and enforcing drainage plans.

The plan which was approved by you calls for a retention pond to be constructed at the southwest corner of the property on Lot #10 to collect the additional and accelerated runoff caused by the construction of roads and homes in the subdivision; this has not been done. A number of homes have already been built and additional lots have been sold. The property is currently being offered for sale by Tucker Realty, whose sales description map does not show either the drainage easement or the retention pond.

By this letter, the Darmstadt Town Council requests the Vanderburgh County Drainage Board to enforce the drainage plan for the Darmstadt Heights subdivision to protect adjacent property owners as well as the future buyer of Lot # 10.

Thanks for your cooperation.

Sincerely,



Gene Koch  
Clerk-Treasurer

cc: F.C. Tucker/Huber REALTORS

Vanderburgh County Surveyor  
Room 325 Civic Center  
Evansville, Indiana  
435-5210

September 13, 1995

Mr. Tom Keith  
@ Easley Engineering  
Mill Road Office Building  
Evansville, Indiana 47710

RE: Steak & Shake Parking Lot  
Encroachment into Detention Easement  
Lot 3 of Crossroads Commercial Sub.

Sir:

At your request the undersigned deputy surveyor initialed your site plan during the Site Review Committee meeting, Tuesday, September 5, 1995, to approving your request for the parking lot of Steak & Shake to encroach within the detention area along the south boundary of abovesaid Lot 3 with the understanding that:

1. That the parking surface and appurtenant paving, curbing, and fill be totally outside the normally wet or pool portion of the basin.
2. That any part of the parking area liable to be covered by greater than six (6) inches of stored water during the design storm be painted or otherwise signed to indicate potential flooding of cars.
3. That the property owner or leasee assume all responsibility for any damage to any personal or private property parked or otherwise stored on the parking surface whether such damage be caused by water or other causes what-so-ever.

The undersigned deputy surveyor will take your site plan with a positive recommendation of approval to the county drainage board meeting on September 25, 1995.

  
Bill Jeffers, Chief Deputy Surveyor

9/13/95

Post-It® Fax Note	7871	Date	3-14-96	# of pages	4
To	TERRY LUKEMAN		From	ANDY EASLEY	
Co./Dept	AUDITOR OFFICE		Co	ENGINEERING	
Phone #	435-5460		Phone #	424-2481	
Fax #	435-5344		Fax #	422-5386	

VINES, FRANKEL, RUBIN, BOND & DUBIN, P.C.

ATTORNEYS AT LAW

231 SOUTH BEMISTON AVENUE, SUITE 1111  
ST. LOUIS (CLAYTON), MISSOURI 63105-1914  
TELEPHONE: (314) 725-8000  
FACSIMILE: (314) 726-5837

STEVEN M. LAIDERMAN  
OF COUNSEL

LICENSED IN  
MISSOURI, ILLINOIS  
& FLORIDA

January 29, 1996

Mr. Ralph A. Easley, Jr.  
Andy Easley Engineering  
1133 West Mill Road  
Evansville, IN 47710

Re: Steak N Shake Site Development Plan  
Detention Easement Encroachment  
Your Project: 701  
My File No.: 1002-0

Dear Mr. Easley:

Back on September 21, 1995, you sent me a letter reviewing the history of the detention easement encroachment for the property my client was purchasing on East Division in Evansville, Indiana. In the end of your letter you advised me that you would send a copy of the minutes from the September 25th drainage board meeting where the site would receive drainage approval. I do not have a copy of such minutes in my file.

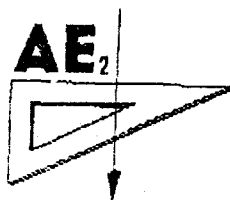
Please obtain a copy of such minutes, pursuant to your letter and send them to me at your earliest convenience.

If you have any questions, please contact me.

Very truly yours,

*Steven M. Laiderman*  
Steven M. Laiderman

SML:kck  
cc: Mr. David Freese



## ANDY EASLEY ENGINEERING

1133 W. MILL ROAD  
EVANSVILLE, INDIANA 47710  
TELEPHONE (812) 424-2481

CIVIL ENGINEERS  
LAND SURVEYORS

REGISTERED IN  
INDIANA, KENTUCKY, ILLINOIS  
RALPH A. EASLEY, JR., P. E.

February 19, 1996

Mr. Bill Jeffers  
Deputy County Surveyor  
Civic Center Complex  
1 N.W. ML King Jr. Boulevard  
Evansville, IN 47708

Re: Steak 'N Shake Site Development Plan  
Detention Easement Encroachment  
East Lloyd Expressway Site

Dear Bill:

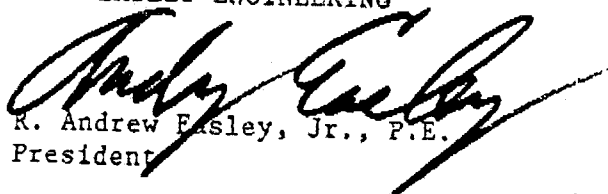
Enclosed is a copy of a letter we have received from the attorney representing the owners of subject property.

It would be appreciated if you would furnish our office with a copy of the minutes or of at least a letter to document that the owners had approval for the slight encroachment involved.

If you need any additional information, please call me.

Very sincerely,

ANDY EASLEY ENGINEERING

  
R. Andrew Easley, Jr., P.E.  
President

jw

Enclosure

## VINES, FRANKEL, RUBIN, BOND &amp; DUBIN, P.C.

ATTORNEYS AT LAW

231 SOUTH BEMISTON AVENUE, SUITE 1111  
ST. LOUIS (CLAYTON), MISSOURI 63105-1914  
TELEPHONE: (314) 725-8000  
FACSIMILE: (314) 726-5837

STEVEN M. LAIDERMAN  
OF COUNSEL

LICENSED IN  
MISSOURI, ILLINOIS  
& FLORIDA

March 12, 1996

Mr. Ralph A. Easley, Jr.  
Andy Easley Engineering  
1133 West Mill Road  
Evansville, IN 47710

RECEIVED MAR 14 1996

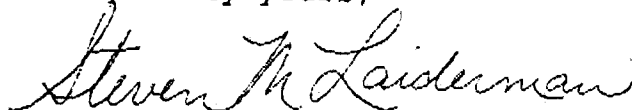
Re: Steak N Shake Site Development Plan  
Detention Easement Encroachment  
Your Project: 701  
My File No.: 1002-O

Dear Mr. Easley:

On January 29, 1996, I sent you a reminder asking you to obtain a copy of the minutes from the September 25, 1995 drainage board meeting regarding my client's site in Evansville, Indiana. Enclosed please find a copy of my letter.

Please obtain a copy of the minutes. If you cannot obtain the minutes or have any questions, please contact me.

Very truly yours,



Steven M. Laiderman

SML:kck  
Enclosure  
cc: Mr. David Freese

THIS DOCUMENT IS THE PROPERTY OF VINES, FRANKEL, RUBIN, BOND & DUBIN, P.C. IT IS TO BE USED ONLY FOR THE PURPOSES FOR WHICH IT WAS PREPARED. IT IS NOT TO BE REPRODUCED, COPIED, OR DISTRIBUTED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF VINES, FRANKEL, RUBIN, BOND & DUBIN, P.C. ANY UNAUTHORIZED REPRODUCTION OR DISTRIBUTION OF THIS DOCUMENT IS STRICTLY PROHIBITED. THIS DOCUMENT IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS PREPARED. IT IS NOT TO BE USED AS EVIDENCE IN ANY COURT OF LAW. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE.

MINUTES OF THE  
VANDERBURGH COUNTY DRAINAGE BOARD

SPECIAL CALLED MEETING

APRIL 1, 1996

Call to order .....	1
Award contracts for maintenance to regulated drains .....	1
Adjournment .....	1
Attendance & signature sheet .....	2

MINUTES  
SPECIAL DRAINAGE BOARD MEETING  
APRIL 1, 1996

The Vanderburgh County Drainage Board met in session on April 1, 1996 at 6:33 p.m. in the Commissioner's Hearing Room 307 with President Richard Borries presiding.

RE: CALL TO ORDER

President Borries: This is a special Drainage Board meeting of April 1, 1996 to consider the following: the awarding of contracts to the successful bidders for maintenance to regulated drains in Vanderburgh County.

RE: AWARDING OF CONTRACTS TO SUCCESSFUL BIDDERS FOR MAINTENANCE  
TO REGULATED DRAINS IN VANDERBURGH COUNTY

President Borries: Mr. Bill Jeffers of the Vanderburgh County Surveyor's office is here and he has submitted a list that I think we can enter into the record, which suffices that if the secretary prints this as part of the official record, we can dispense with the reading, if I am correct about this.

Bill Jeffers: Right, all of the bids were duly read into the record on March 25, 1996.

President Borries: That's right.

Bill Jeffers: We checked those figures and the correct figures were read into the record. We only found two minor discrepancies that amounted to 40 cents and 60 cents which was the failure of someone to use the floating decimal on their calculator. We have made note of that and corrected those. We ask the Drainage Board at this time to waive those small minor discrepancies and irregularities and award the bids for the contracts for maintenance to our ditches in the year 1996 and in all cases, the bids we are recommending are either the lowest bid we received for that project or the only bid we received for the project. Each one is broken down in the following sheets and the last three sheets are a synopsis. We ask that the Auditor engross those into the minutes and the Board approve our going forward with getting the contracts signed.

President Borries: Okay, thank you for your report. With the exceptions that you noticed or have noted here, I would ask for approval of your recommendations and that they be submitted to the Auditor to compile in the official record.

Commissioner Tuley: I will so move.

President Borries: I will second and so order. Because this is a special Drainage Board meeting called for only one purpose which was advertised, we have conducted our business and so I'll entertain a motion to adjourn.

Commissioner Tuley: So moved.

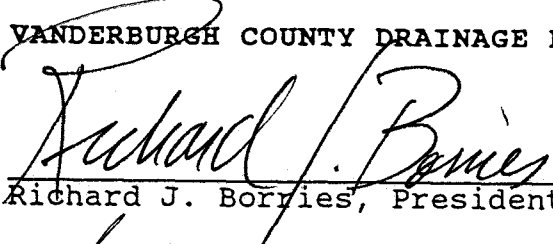
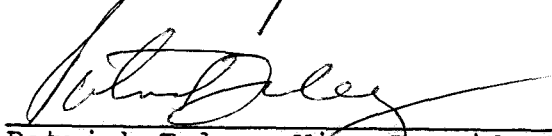
President Borries: I will second and so order.

Meeting adjourned at 6:37 p.m.

## THOSE IN ATTENDANCE:

Richard J. Borries  
Patrick Tuley  
Alan Kissinger  
Suzanne Crouch  
Charlene Timmons  
Bill Jeffers  
Members of media  
Others unidentified

VANDERBURGH COUNTY DRAINAGE BOARD

  
Richard J. Borries, President  
Patrick Tuley, Vice-President

Recorded and transcribed by Charlene Timmons



APRIL 1, 1996

TO: THE VANDERBURGH COUNTY DRAINAGE BOARD

FR: THE VANDERBURGH COUNTY SURVEYOR

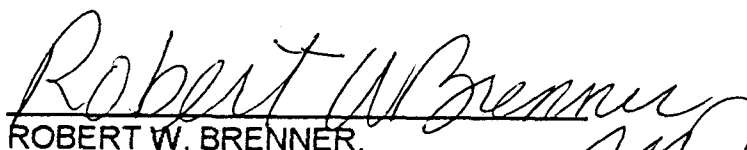

RE: BIDS FOR DITCH MAINTENANCE RECEIVED ON MARCH 25, 1996, AND  
TAKEN UNDER ADVISEMENT FOR SURVEYOR'S RECOMMENDATION.

SIRS:

THE VANDERBURGH COUNTY SURVEYOR RECOMMENDS THAT THE VANDERBURGH COUNTY DRAINAGE BOARD WAIVE ANY MINOR DISCREPANCIES AND IRREGULARITIES OF THE BIDS RECEIVED (AS NOTED IN THE FOLLOWING RECOMMENDATIONS) AND AWARD CONTRACTS FOR THE MAINTENANCE IN THE YEAR 1996, OF VARIOUS REGULATED DRAINS IN VANDERBURGH COUNTY, INDIANA, AS FOLLOWS HEREIN.

IN ALL CASES, THE BIDS RECOMMENDED BY THE SURVEYOR FOR THE BOARD'S ACCEPTANCE ARE EITHER THE LOWEST BIDS OR THE ONLY BIDS RECEIVED.

RESPECTFULLY SUBMITTED,

  
ROBERT W. BRENNER,  
VANDERBURGH COUNTY SURVEYOR 

1996 DITCH MAINTENANCE RECOMMENDATIONS

AIKEN DITCH  
SPRING MOWING

ACCT # 234-006

2,450 lineal feet to be mowed as described in specifications

TO: TERRY R. JOHNSON CONSTRUCTION (only bidder)  
AT: \$0.5719 Per Lineal Foot

For a Total of \$1,401.16

AIKEN DITCH  
FALL MOWING

5,025 lineal feet to be mowed as described in specifications

TO: TERRY R. JOHNSON CONSTRUCTION (only bidder)  
AT: \$0.5719 Per Lineal Foot

For a Total of \$2,873.80

TOTAL MOWING COSTS AIKEN DITCH (234-006) \$4,274.96

TOTAL ESTIMATED AVAILABLE FUNDS IN 234-006, 1996: \$ 7,700.00

BAEHL DITCH  
ANNUAL MAINTENANCE  
6,890 Lineal Feet per specifications

ACCT #234-007

TO: JOHN MAURER (low bidder)  
AT: \$0.125 Per Lineal Foot

For a Total of \$861.25

TOTAL FUNDS ESTIMATED AVAILABLE IN 234-007, 1996: \$1,400.00

1996 DITCH MAINTENANCE BID RECOMMENDATIONS

BARNETT DITCH  
SILT DIPPING

ACCT #234-008

8,358 Lineal Feet to be completed as described in specifications

TO: UNION TWP DITCH ASSOCIATION (only bidder)  
AT: \$0.33 Per Lineal Foot

For a Total of \$2,758.14

TOTAL FUNDS ESTIMATED AVAILABLE 234-008, 1996: \$ 2,300.00  
WILL HAVE TO BILL AS USUAL AND PAY OVER THREE (3) YEARS

BARR CREEK  
ANNUAL MAINTENANCE  
20,668 Lineal Feet per specifications

ACCT #234-009

TO: BIG CREEK DRAINAGE ASSOCIATION (only bidder)  
AT: \$0.20 Per Lineal Foot

For a Total of \$4,133.60

TOTAL FUNDS ESTIMATED AVAILABLE IN 234-009, 1996: \$ 4,850.00

BUENTE UPPER BIG CREEK  
ANNUAL MAINTENANCE  
20,195 Lineal Feet per specifications

ACCT #234-010

TO: BIG CREEK DRAINAGE ASSOCIATION (only bidder)  
AT: \$0.17 Per Lineal Foot

For a Total of \$3,433.15

TOTAL FUNDS ESTIMATED AVAILABLE IN 234-010, 1996: \$ 7,850.00

1996 DITCH MAINTENANCE BID RECOMMENDATIONS

CYPRESS DALE / MADDOX DITCH  
ANNUAL MAINTENANCE  
23,887 Lineal Feet per specifications

ACCT #234-012

TO: UNION TWP DITCH ASSOCIATION (only bidder)  
AT: \$0.03 Per Lineal Foot

For a Total of \$716.61

TOTAL ESTIMATED FUNDS AVAILABLE IN 234-012, 1996: \$ 2,150.00

EAGLE SLOUGH

ACCT #234-013

EAGLE SLOUGH BROADLEAF HERBICIDE APPLICATION  
14,290 Lineal Feet per specifications

TO: SHIDELER SPRAY SERVICE COMPANY (only bidder)  
AT: \$0.223 Per Lineal Foot

For a Total of \$3,186.67

EAGLE SLOUGH BRUSH REMOVAL -- WORK AREA "A"  
15,750 Lineal Feet per specifications

TO: HENRY BIGGE EXCAVATION (low bidder)  
AT: \$0.85 Per Lineal Foot

For a Total of \$13,387.50

EAGLE SLOUGH BRUSH REMOVAL -- WORK AREA "B"  
14,290 Lineal Feet per specifications

TO: HENRY BIGGE EXCAVATION: (low bidder)  
AT: \$0.40 Per Lineal Foot

For a Total of \$5,716.00

1996 DITCH MAINTENANCE BID RECOMMENDATIONS

EAGLE SLOUGH (CONTINUED)

ACCT #234-013

EAGLE SLOUGH OBSTRUCTION REMOVAL  
Complete all work as described in specifications

TO: HENRY BIGGE EXCAVATING (only bidder)  
AT: \$1,000.00 Lump Sum

For a Total of \$1,000.00

TOTAL 1996 CONTRACT RECOMMENDATIONS EAGLE SLOUGH: \$23,290.17

TOTAL ESTIMATED AVAILABLE FUNDS 234-013, 1996: \$ 47,750.00

EDMOND DITCH  
ANNUAL MAINTENANCE  
15,395 Lineal Feet per specifications

ACCT #234-016

TO: UNION TWP DITCH ASSOCIATION (only bidder)  
AT: \$0.01 Per Lineal Foot

For a Total of \$153.95

TOTAL ESTIMATED FUNDS AVAILABLE IN 234-016, 1996: \$ 800.00

HARPER DITCH

ACCT #234-017

HARPER DITCH BOTTOM STERILIZATION  
2,950 Lineal Feet per specifications

TO: SHIDELER SPRAY SERVICE COMPANY (only bidder)  
AT: \$0.13 Per Lineal Foot

For a Total of \$383.50

1996 DITCH MAINTENANCE BID RECOMMENDATIONS

HARPER DITCH (CONTINUED)

ACCT #234-017

HARPER DITCH SPRING MOWING

2,950 Lineal Feet to be mowed per specifications

TO: TERRY R. JOHNSON CONSTRUCTION (only bidder)

AT: \$0.5519 Per Lineal Foot

For a Total of \$1,628.11

HARPER DITCH FALL MOWING

2950 Lineal Feet to be mowed per specifications

TO: TERRY R. JOHNSON CONSTRUCTION (only bidder)

AT: \$0.5519 Per Lineal Foot

For a Total of \$1,628.11

TOTAL CONTRACT RECOMMENDATIONS 234-017, 1996: \$3,639.72

TOTAL ESTIMATED AVAILABLE FUNDS IN 234-017, 1996: \$28,250.00

HELFRICH HAPPE DITCH

ANNUAL MAINTENANCE

12,698 Lineal Feet per specifications

ACCT #234-018

TO: UNION TWP DITCH ASSOCIATION (only bidder)

AT: \$0.01 Per Lineal Foot

For a Total of \$126.98

TOTAL ESTIMATED FUNDS AVAILABLE IN 234-018, 1996: \$ 1,000.00

1996 DITCH MAINTENANCE BID RECOMMENDATIONS

HENRY DITCH  
FALL MOWING  
3,179 Lineal Feet per specifications

ACCT #234-019

TO: TERRY R. JOHNSON CONSTRUCTION (only bidder)  
AT: \$0.5619 Per Lineal Foot

For a Total of \$1,786.28

TOTAL ESTIMATED FUNDS AVAILABLE IN 234-019, 1996: \$ 900.00

HOEFLING DITCH  
ANNUAL MAINTENANCE  
5,571 Lineal Feet per specifications

ACCT #234-020

TO: JOHN MAURER (only bidder)  
AT: \$0.10 Per Lineal Foot

For a Total of \$557.10

TOTAL ESTIMATED FUNDS AVAILABLE IN 234-020, 1996: \$ 750.00

KAMP DITCH  
ANNUAL MAINTENANCE  
11,160 Lineal Feet per specifications

ACCT #234-021

TO: UNION TWP DITCH ASSOCIATION (only bidder)  
AT: \$0.03 Per Lineal Foot

For a Total of \$334.80

TOTAL ESTIMATED FUNDS AVAILABLE IN 234-021, 1996: \$ 1,600.00

1996 DITCH MAINTENANCE BID RECOMMENDATIONS

KEIL DITCH

ACCT #234-022

KEIL DITCH SPRING MOWING

3,012 Lineal Feet to be mowed as described in specifications for spring mowing

TO: TERRY R. JOHNSON CONSTRUCTION (only bidder)

AT: \$0.5519 Per Lineal Foot = \$1,662.32

KEIL DITCH FALL MOWING

3,012 Lineal Feet to be mowed as described in specifications for fall mowing

TO: TERRY R. JOHNSON CONSTRUCTION (only bidder)

AT: \$0.5519 Per Lineal Foot = \$1662.32

For a Total of \$3,324.64

KEIL DITCH BOTTOM STERILIZATION

3,012 Lineal Feet to be treated per specifications

TO: SHIDELER SPRAY SERVICE COMPANY (only bidder)

AT: \$0.13 Per Lineal Foot

For a Total of \$391.56

TOTAL CONTRACT RECOMMENDATIONS FOR 234-022 IN 1996: \$3,716.20

TOTAL ESTIMATED AVAILABLE FUNDS IN 234-022, 1996: \$ 8,650.00

KNEER DITCH

ACCT #234-024

ANNUAL MAINTENANCE

3,036 Lineal Feet to be maintained per specification

TO: ELDON MAASBERG (only bidder)

AT: \$0.10 Per Lineal Foot

For a Total of \$303.60

TOTAL ESTIMATED AVAILABLE FUNDS IN 234-024, 1996: \$ 1,250.00



1996 DITCH MAINTENANCE BID RECOMMENDATIONS

KOLB DITCH

ACCT #234-025

KOLB DITCH SPRING MOWING

5,593 Lineal Feet to be mowed per specifications for spring mowing

TO: JIM AXTON (If Mr. Axton presents a certificate of insurance by 4/8/96)

AT: \$0.3850 Per Lineal Foot (low bidder)

For a Total of \$2,153.30

KOLB DITCH FALL MOWING

5,593 Lineal Feet to be mowed per specification for fall mowing

TO: JIM AXTON (If Mr. Axton presents a certificate of insurance by 4/8/96)

AT: \$0.3850 Per Lineal Foot (low bidder)

For a Total of \$2,153.30

KOLB DITCH BOTTOM STERILIZATION

5,593 Lineal Feet to be treated per specifications

TO: SHIDELER SPRAY SERVICE COMPANY (only bidder)

AT: \$0.13 Per Lineal Foot

For a Total of \$727.09

TOTAL CONTRACT RECOMMENDATIONS 234-025, 1996: \$5,033.69

TOTAL ESTIMATED AVAILABLE FUNDS IN 234-025, 1996: \$12,500.00

MAASBERG DITCH

ACCT #234-027

ANNUAL DITCH MAINTENANCE

2,206 Lineal Feet per specification

TO: ELDON MAASBERG (only bidder)

AT: \$0.07 Per Lineal Foot

For a Total of \$154.42

TOTAL ESTIMATED AVAILABLE FUNDS IN 234-027, 1996: \$800.00

1996 DITCH MAINTENANCE BID RECOMMENDATIONS

MAIDLOW DITCH  
ANNUAL MAINTENANCE

ACCT #234-028

18,671 Lineal Feet per specifications

TO: BIG CREEK DRAINAGE ASSOCIATION (only bidder)  
AT: \$0.12 Per Lineal Feet

For a Total of \$2,240.52 (not withstanding erroneous amt. \$2,241.00 on bid form)

TOTAL ESTIMATED AVAILABLE FUNDS IN 234-028, 1996: \$9,250.00

POND FLAT MAIN DITCH  
ANNUAL MAINTENANCE  
36,852 Lineal Feet per specifications

ACCT #234-029

TO: BIG CREEK DRAINAGE ASSOCIATION (only bidder)  
AT: \$0.11 Per Lineal Foot

For a Total of \$4,053.72

TOTAL ESTIMATED AVAILABLE FUNDS IN 234-029, 1996: \$10,250.00

POND FLAT LATERAL "A"  
ANNUAL MAINTENANCE  
5,311 Lineal Feet per specifications

ACCT #234-030

TO: RALPH REXING (only bidder)  
AT: \$0.14 Per Lineal Foot

For a Total of \$743.54

TOTAL ESTIMATED AVAILABLE FUNDS IN 234-030, 1996: \$2,300.00

1996 DITCH MAINTENANCE BID RECOMMENDATIONS

POND FLAT LATERAL "C"  
ANNUAL MAINTENANCE  
9,036 Lineal Feet per specifications

ACCT #234-032

TO: BIG CREEK DRAINAGE ASSOCIATION (only bidder)  
AT: \$0.12 Per Lineal Foot

For a Total of \$1,084.32 (not withstanding erroneous \$1,084.00 on bid form)

TOTAL ESTIMATED AVAILABLE FUNDS IN 234-032, 1996: \$1,850.00

POND FLAT LATERAL "D"  
ANNUAL MAINTENANCE  
4,579 Lineal Feet per specifications

ACCT #234-033

TO: RALPH REXING (only bidder)  
AT: \$0.14 Per Lineal Foot

For a Total of \$641.06

TOTAL ESTIMATED FUNDS IN 234-033, 1996: \$2,150.00

POND FLAT LATERAL "E"  
ANNUAL MAINTENANCE  
3,616 Lineal Feet per specifications

ACCT #234-034

TO: BIG CREEK DRAINAGE ASSOCIATION (only bidder)  
AT: \$0.12 Per Lineal Foot

For a Total of \$433.92

TOTAL ESTIMATED FUNDS IN 234-034, 1996: \$790.00

RUSHER DITCH  
ANNUAL MAINTENANCE  
4,444 Lineal Feet per specifications

ACCT #234-035

TO: BIG CREEK DRAINAGE ASSOCIATION (only bidder)  
AT: \$0.12 Per Lineal Foot

For a Total of \$533.28

TOTAL ESTIMATED AVAILABLE FUNDS IN 234-035, 1996: \$1,450.00

SINGER DITCH  
ANNUAL MAINTENANCE  
2,450 Lineal Feet per specifications

ACCT #234-037

TO: REXING ENTERPRISES, INC. (only bidder)  
AT: \$0.12 Per Lineal Foot

For a Total of \$\$294.00

TOTAL ESTIMATED AVAILABLE FUNDS IN 234-037, 1996: \$1,100.00

WALLENMEYER DITCH  
ANNUAL MAINTENANCE  
8,355 Lineal Feet per specifications

ACCT #234-040

TO: DANIEL PAUL (low bidder)  
AT: \$0.148 Per Lineal Foot

For a Total of \$1,236.54

TOTAL ESTIMATED AVAILABLE FUNDS IN 234-040, 1996: \$1,900.00

1996 DITCH MAINTENANCE BID RECOMMENDATIONS

SONNTAG STEVENS DITCH

ACCT #234-038

SONNTAG STEVENS SPRING MOWING

4,580 Lineal Feet as specified for spring mowing

TO: JIM AXTON (if Mr. Axton provides insurance certificate by 4/8/96)

AT: \$0.3850 Per Lineal Foot (low bidder)

For a Total of \$1,763.30

SONNTAG STEVENS FALL MOWING

10,705 Lineal Feet as specified for fall mowing

TO: TERRY R. JOHNSON CONSTRUCTION (only bidder)

AT: \$0.5719 Per Lineal Foot (only bidder)

For a Total of \$6,122.19

SONNTAG STEVENS BOTTOM STERILIZATION

10,705 Lineal Feet per specifications

TO: SHIDELER SPRAY SERVICE COMPANY (only bidder)

AT: \$0.13 Per Lineal Foot

For a Total of \$1,391.65

SONNTAG STEVENS HERBICIDE APPLICATION

3,400 Lineal Feet per specifications

TO: SHIDELER SPRAY SERVICE COMPANY (only bidder)

AT: \$0.10 Per Lineal Foot

For a Total of \$340.00

TOTAL RECOMMENDED CONTRACTS FOR 234-038, 1996: \$9,617.14

TOTAL ESTIMATED AVAILABLE FUNDS IN 234-038, 1996: \$27,000.00

1996 DITCH MAINTENANCE BID RECOMMENDATIONS

EAST SIDE URBAN SOUTH HALF  
SPRING MOWING

To begin no sooner than: May 20, 1996

To be completed no later than: July 5, 1996

16,883 Lineal Feet as follows:

Bonnie View Ditch:	1,458 L.F.
Bonnie View Extension	623 L.F.
Crawford Brandeis Ditch	10,025 L.F.
Hirsch Ditch	3,392 L.F.
Wabash Erie Portion	<u>1,385 L.F.</u>
	16,883 L.F.

TO: TERRY R. JOHNSON CONSTRUCTION (only bidder)

AT: \$0.6095 Per Lineal Foot

For a Total of \$10,290.19

EAST SIDE URBAN SOUTH HALF  
FALL MOWING

To begin no sooner than: August 19, 1996

To be completed no later than: November 15, 1996

23,027 Lineal Feet as follows:

Bonnie View Ditch	1,458 L.F.
Bonnie View Extension	623 L.F.
Crawford Brandeis Ditch	10,025 L.F.
Stockfleth Ditch	6,144 L.F.
Hirsch Ditch	3,392 L.F.
Wabash Erie Portion	<u>1,385 L.F.</u>
	23,027 L.F.

TO: TERRY R. JOHNSON CONSTRUCTION (only bidder)

AT: \$0.6095 Per Lineal Foot

For a Total of \$14,034.96

(TOTAL MOWING ESU S 1/2: \$24,325.15)

## 1996 DITCH MAINTENANCE BID RECOMMENDATIONS

### EAST SIDE URBAN NORTH HALF FALL MOWING

To begin no sooner than August 19, 1996  
To be completed no later than November 15, 1996

21,127 Lineal Feet as follows:

Crawford Brandeis Extension	14,102 L.F.
Boesche Ditch	<u>7,025 L.F.</u>
	21,127 L.F.

TO: TERRY R. JOHNSON CONSTRUCTION (only bidder)

AT: \$0.5819 Per Lineal Foot

For a Total of \$12,293.80

### EAST SIDE URBAN SOUTH HALF DITCH BOTTOM STERILIZATION

To be applied per manufacturer's recommendations

35,857 Lineal Feet as follows:

Bonnie View Ditch	1,458 L.F.
Bonnie View Extension	623 L.F.
Crawford Brandeis Ditch	10,025 L.F.
Stockfleth Ditch	6,144 L.F.
Nurrenbern Ditch	8,612 L.F.
Kelly Ditch	7,600 L.F.
Wabash Erie Portion	<u>1,385 L.F.</u>
	35,847 L.F.

TO: SHIDELER SPRAY SERVICE COMPANY (only bidder)

AT: \$0.13 Per Lineal Foot

For a Total of \$4,660.11

1996 DITCH MAINTENANCE BID RECOMMENDATIONS

EAST SIDE URBAN SOUTH HALF  
BROADLEAF HERBICIDE AND GRASS GROWTH INHIBITOR APPLICATION

To be applied per manufacturer's recommendations

22,356 Lineal Feet as follows:

Stockfleth Ditch	6,144 L.F.
Nurrenbern Ditch	8,612 L.F.
Kelly Ditch	<u>7,600 L.F.</u>
	22,356 L.F.

TO: SHIDELER SPRAY SERVICE COMPANY (only bidder)

AT: \$0.17 Per Lineal Foot

For a Total of \$3,800.52

EAST SIDE URBAN SOUTH HALF  
SPECIAL MOWINGS

When ordered by Surveyor

No More Than 11,500 lineal feet nor Less Than 2,500 lineal Feet

TO: TERRY R. JOHNSON CONSTRUCTION (only bidder)

AT: \$0.6095 Per Lineal Foot

For a Total of:

No Less Than	\$1,523.75
Nor more than	\$7,009.25

TOTAL MAXIMUM CONTRACTS COMMITTED TO EAST SIDE URBAN 234-015:

\$52,088.83

TOTAL ESTIMATED FUNDS AVAILABLE IN 234-015, 1996: \$55,275.00



only/ low/ high	DITCH	CATEGORY OF WORK	NAME of BIDDER	LIN FT	\$ per LF	BID AMOUNT	5% CHK or BID BOND	NOTES
only	Aiken	Spring Mow	Terry R. Johnson	2,450	0.5719	\$1,401.16		No 5% check enclos'd for spring mow
only		Fall Mow		5,025	0.5719	\$2,873.80		
low	Baehl	Annual Maint.	John Maurer	6,890	0.125	\$ 861.25		
high		Annual Maint.	Eldon Maasberg	6,890	0.15	\$1,033.50		
only	Barnett	Silt Dipping	U.T.D.A.	8,358	0.33	\$2,758.14		
only	Barr's Creek	Annual Maint.	B.C.D.A.	20,668	0.20	\$4,133.60		
only	Buente Upper	Annual Maint.	B.C.D.A.	20,195	0.17	\$3,433.15		
only	Cypress Dale	Annual Maint.	U.T.D.A.	23,887	0.03	\$ 716.61		
only	Eagle Slough	Herbicide App.	Shideler Spray Service	14,290	0.223	\$3,186.67		
low	Eagle Slough	A	Henry Bigge Excavating	15,750	0.85	\$13,387.50		
low		B		14,290	0.40	\$5,716.00		
only		Obstrct. Remove				\$1,000.00		
high		A	Scott Boiler & Const.	15,750	1.57	\$24,727.50		
high		B		14,290	1.17	\$16,719.30		
only	EastSide N1/2	Fall Mowing	Terry R. Johnson	21,127	0.5819	\$12,293.80		
only	East Side S1/2	Herbicide Appl.	Shideler Spray Service	22,356	0.10	\$2,235.60		
only	*Stockfleth			6,144	0.10	\$ 614.40		
only	*Nurrenbern			8,612	0.10	\$ 861.20		
only	*Kelly			7,600	0.10	\$ 760.00		
only	East Side S1/2	Sterilize Bottoms		18,250	0.13	\$2,372.50		
only	*Bonnie View			1,458	0.13	\$ 189.54		
only	*Bn Vw Ext.			623	0.13	\$ 80.99		
only	*Crawford			10,025	0.13	\$1,303.25		
only	*Stockfleth			6,144	0.13	\$ 798.72		
only	ESU S1/2	Potential Sterile		20,989	0.13	\$2,728.57		
only	*Nurrenbern			8,612	0.13	\$1,119.56		
only	*Hirsch			3,392	0.13	\$ 440.96		
only	*Kelly			7,600	0.13	\$ 988.00		
only	*Wabash Erie			1,385	0.13	\$ 180.05		
only	East Side S1/2	Herbicide+inhibit		22,356	0.17	\$3,800.52		
only	*Stockfleth			6,144	0.17	\$1,044.48		
only	*Nurrenbern			8,612	0.17	\$1,464.04		
only	*Kelly			7,600	0.17	\$1,292.00		
only/ low/ high	DITCH	CATEGORY OF WORK	NAME of BIDDER	LIN FT	\$ per LF	BID AMOUNT	5% CHK or BID BOND	NOTES



[illegible]

MINUTES  
VANDERBURGH COUNTY DRAINAGE BOARD

APRIL 22, 1996

Call to order .....	1
Approval of minutes .....	1
Review and approval of preliminary drainage plans:	
Browning Road Estates West, Section 3 .....	1
Cross Pointe, Section 4 .....	2
Willow Creek Subdivision, Section D .....	3
Recommendation for maintenance contract:	
Pond Flat B .....	7
Signing of ditch bid maintenance contracts .....	7
Blue Claims (none) .....	7
Correspondence:	
Letter to Mr. Harry G. Morrison, Gibson County Surveyor re: claim in the amount of \$4,260.62 .....	8
Request from Morley & Associates on behalf of Ruby Tuesdays to relinquish drainage easement .....	8
New Business:	
Senate Bill #336 .....	9
Adjournment .....	10
Attendance and signature sheet .....	10

MINUTES  
DRAINAGE BOARD MEETING  
APRIL 22, 1996

The Vanderburgh County Drainage Board met in session on April 22, 1996 at 6:50 p.m. in the Commissioner's Hearing Room 307 with President Richard Borries presiding.

**RE: APPROVAL OF MINUTES**

President Borries: Good evening, everyone. I would like to call the meeting of April 22, 1996 Drainage Board meeting to order. We have the approval of two sets of minutes this evening. One is a regular Drainage Board meeting, the last held on March 25, 1996.

Commissioner Tuley: Mr. President, I move that the Drainage Board minutes from March 25, 1996 be approved.

Commissioner Mourdock: I will second.

President Borries: So ordered. The second one, Commissioner Mourdock, I believe will not be able to...he was out of town on that particular meeting and it was held on April 1, 1996.

Commissioner Tuley: I'll move for approval.

President Borries: I will second and so order. Mr. Bill Jeffers from the Vanderburgh County Surveyor's Office is here as our technical advisor and at this time I will turn the agenda over to him where there are certain preliminary drainage plans that he will be presenting for our consideration this evening.

**RE: BROWNING ROAD ESTATES WEST, SECTION 3**

Bill Jeffers: The first drainage plan that we have is the preliminary drainage plan for Browning Road Estates West, Section 3. The reason that the lots are numbered in the sequence that they are numbered in is because this is an extension of Browning Road Estates West, Section 2. Harvest Gate Road extends down from the north from Section 2 which was just recently developed with new rolled curb and gutter streets, etc. The detention basin for Browning Road Estates, Section 2 lies down in Lot 42 and I have outlined that in yellow so that you can see that location at the end of the cul-de-sac and it will also serve as the detention basin for Browning Road Estates West, Section 3. Water from Harvest Gate Road will be routed through that basin. The reason some of the drainage easements pass through lots rather than along lot lines is because this entire project has been developed in a near natural state with the existing creeks and rivulets left as natural as possible. Mr. Bill Wittekindt who is here in the audience if you have any questions of him, the developer, goes in and cleans up those waterways, but leaves them in a relatively natural state so that they look like creeks. It's a very beautiful area and that is the way the property owners want to maintain it. I have reviewed the drainage calculations and the plans that have been prepared by Mr. Fred Kuester, registered land surveyor, who is also here in the audience and our office recommends approval of the preliminary plan for Browning Road Estates West, Section 3. There will be a few additional details on the final plan that is submitted along with the street plans.

President Borries: Questions of Mr. Jeffers or Mr. Wittekindt at this time?

Commissioner Mourdock: I have none, but I'll note that on the plans that all lots will have Evansville water and all will have sanitary sewers. That's a good thing out in that part of the county.

Bill Jeffers: As you'll note up in the upper right-hand corner, the responsibility for maintenance of the drainage facilities, the

developer has taken that responsibility.

Commissioner Tuley: Mr. President, I move for the approval of Browning Road Estates West, Section 3, preliminary drainage plans.

Commissioner Mourdock: I will second.

President Borries: So ordered.

RE: CROSS POINTE, SECTION 4

Bill Jeffers: The next development is Cross Pointe, Section 4 which is an extension of Cross Pointe Subdivision immediately to the north behind Builders Square which is also a part of Cross Pointe. I'm sure all of you have had the opportunity to visit Cross Pointe at one time or another. Builders Square is out there, O'Charley's, El Chico's--

President Borries: I ate there the other night.

Bill Jeffers: --Outback Steakhouse...ate in everyone of them, I have anyway, as you can see. You know that some of the basins in that development are dry basins that drain completely dry after a rainstorm such as the ones in Builders Square. Some of the basins are standing bodies of water that remain wet year round and the one for Cross Pointe, Section 4, the proposed basin is a wet basin from which they will take a substantial amount of dirt fill to elevate the building pads for each of the lots. It does have a cul-de-sac coming south off of Virginia Street. It has a system of pipes which are those dark blue lines. AD means area drain and it shows the area drains, the elevation of those drains and each of those laterals picks up water on the individual lots, which you can anticipate to be totally paved commercial lots, and routes that water down to this wet retention basin which is adjacent to...the reason Pond A is on there is that's one of Builders Square's three ponds and it shows you the relationship between these two ponds. On the right-hand side of the plan the east boundary of Cross Pointe, Section 4 is Nurrenbern Ditch, a regulated drain in Vanderburgh County, and they show the 75 foot right-of-way measured off the top of that bank. They will come back with their final plan and ask for a relaxation of that right-of-way down to, I think probably, around 50 or 55 feet.

President Borries: I think you've got 55 foot on there, I believe. Doesn't it?

Bill Jeffers: The one that I have has 75.

President Borries: Oh, okay. I thought I saw 55 somewhere.

Bill Jeffers: They are wanting to reduce it to 55, but they are not asking that at this time. I'm just telling you that they are going to because I think you saw that on Builders Square--

President Borries: Gotcha, down here?

Bill Jeffers: Right.

President Borries: Gotcha.

Bill Jeffers: The portion on Builders Square...yeah, there it is. The portion shown on this plan, Builders Square has been relaxed to 55, but that's just an indication that's what they are going to come back and ask for which is going to be okay with us. I've reviewed the calculations for this plan and the detention basin which is always of a concern to the Board when it's a wet detention basin as shown here. It will be a minimum of four feet deep to prevent cattail growth, etc. You can probably anticipate that it will be greater than four feet because dirt out there is valuable.

Then the maximum amount of storage in there is four feet. When it hits four feet of storage it will go over into an emergency spillway. Like I said, I have reviewed the plans and find them to be in compliance for preliminary drainage plan and the Surveyor's Office recommends approval of Cross Pointe, Section 4 preliminary drainage plan at this time.

President Borries: I'll entertain a motion or, I'm sorry, any questions?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

RE: WILLOW CREEK SUBDIVISION, SECTION D

Bill Jeffers: The next plan for our review is Willow Creek Subdivision, Section D which is an extension to the north of Section C which you are familiar with. This is a 16 lot addition to Willow Creek. The lots are just slightly smaller than the ones that have been built up to now. On your plan that I have shown you are a few marked up comments on items that I am going to be asking for in their final plan. He does have all this information, or he has a majority of the information that I'm asking for in the report, the printed report, but I'm asking for it to be put onto the blueprint, like pipe sizes and stuff. He has them over here, but it would be nice to be able to read them right on there. My main concern is Lot 72. There will be a graded swell across the backyard of this lot that will carry water which naturally runs off now over onto property owned by Southern Indiana Higher Education Foundation and he has a riprap mat that takes the drainage from the end of this cul-de-sac and discharges it down into that natural area that flows across there. I just want some more very exact details of how that riprap will blend into the flow line of that natural swell and how all that will be graded and left finished. I want real exact details so that the contractor who goes out and puts that in place puts it in exactly according to that detail. Now that can come with the final drainage plan.

President Borries: I have a question on that, Bill--

Bill Jeffers: Yes, sir?

President Borries: --and for Mr. Hatfield here, I'm sure that since you work with this every day, that you will be able to provide me with an example, but as someone who has sat here over the years and seen this whole aspect grow in complexity, one rule of thumb that I have always had that helped me understand a little of this complicated decision making where we are looking at what water will do on a flat map--

Bill Jeffers: Right.

President Borries: --when we are envisioning hills and everything else, the one rule of thumb that I have always had has been that developers are, or whatever we want to call them, homebuilders, persons who provide these drainage plans, surveyors, engineers, generally have a plan to keep the water or take care of the water on his or her particular plan. So, does this address that to some extent? What is your thinking on that?

Bill Jeffers: Well--

President Borries: Do you understand where I am coming from on that?

Bill Jeffers: Right. I intend to hand this to Mr. Rodney Young

who is here with Mr. Hatfield. Rodney Young is the engineer who is designing this drainage plan for Mr. Hatfield. These are the handouts that we have been giving to developers who have small lots on rolling ground to show them several different ways to grade the yards so that water will be properly conveyed around the house and either into the street drainage system or into the backyard drainage system and carried in an orderly fashion off-site. These are the kind of details that I want to be incorporated into his final drainage plan.

President Borries: Okay, let me carry that a little further. I remember one in the northern part of the county, and I can't remember our final determination on this, but it had to do with a lake that was on someone else's property. This particular drainage plan, the plan was to drain into this other lake on someone else's property.

Bill Jeffers: Into the other person's lake?

President Borries: Yeah. I guess that's where I am headed with it. I would commend you and agree that there has to be a proper fill and landscape on this one, but I guess I'm concerned about the adjoining property. You have expressed some concern, but are we...what is this, strictly undeveloped on the part of SIHEF at this point, the area where it would drain over to?

Bill Jeffers: Yes, it's very wild and woolly and left in a natural state. I would not anticipate that the area would be developed for building by the Southern Indiana Higher Education Foundation, but it may be used as a part of their landscape campus at some time.

President Borries: Yeah.

Commissioner Mourdock: How about these other adjacent properties that are in the other part of the subdivision? Lots 50 through 55, is the grade such that drainage is coming back on those, or as Lots 61 through 63 and Lots 74 through 76 are developed, will there be drainage from those coming back onto these existing lots where there are already homes? We just have a plan view.

Bill Jeffers: On the previous sheet you have the contour lines on sheet number two, I guess it would be. The next one.

Commissioner Mourdock: Oh, okay.

Bill Jeffers: You can see most of the natural drainage from 64 across 63, 62 and 61 ends up, basically, at the southeast corner of 61 and should be conveyed directly into the street drainage system at that point. That would just be a natural sheet flow there. The area across 75, there is some flowing across the corner of 54 from 75 across the northwest corner of 54 and there is an area drain that this plan installs on Lot 53, if you look at the plan sheet that I had marked up.

Commissioner Mourdock: I can see it on here.

Bill Jeffers: These low spots are indicated so that the water would come across this way, and on this sheet there is an area drain at that point to pick that water up.

President Borries: Bill, I don't want to belabor this, I don't want to sound like a broken record.

Bill Jeffers: It is hard to see.

President Borries: Do we want...I defer a little bit to you with Commissioner Mourdock's question, but getting back to this other, are we, on Lot 72, are we saying here that this drainage plan, basically, is emptying some surface drainage on someone else's



property?

Bill Jeffers: Yes.

President Borries: Do we want to say that? Is there another alternative to that?

Bill Jeffers: The only other alternative is to bring in a huge amount of fill dirt and tilt the east ends of Lots 72 and 73, tilt them in such a way that they will drain back into the street. That is your only other alternative and there is as much as a ten foot drop there. There is a ten to twelve foot drop from one side of Lot 72 to the east side where it would discharge onto Southern Indiana Higher Education Council or Foundation. It's quite a drop down through there.

Commissioner Mourdock: Yeah, it would appear on this that the grade is so steep that it would be very hard to develop anything in that immediate area anyway across the line.

Bill Jeffers: If you look at this grade, this water is 12 feet from this point to where it discharges. He is bringing a pipe off the end of the street and discharging it down there, too. Where they meet, where the discharge from the pipe comes out onto that riprap mat and meets the natural discharge across the back of those lots is the point at which you can anticipate erosion. That erosion, if it is not managed properly, will extend over onto someone else's property and that's what your concern is and that's a legitimate concern. That's what I'm addressing by saying that I want exact details of how that land is going to be graded and I want those details to be so exact that they could be handed to a person who has never seen that land, a dirt contractor, and he could go out there and implement that amount of protection and do it properly. The only other thing that I can say is that this comes under Rule 5 and any off-site erosion and sedimentation may also be dealt with by those persons who enforce Rule 5.

President Borries: I will defer to your preliminary recommendation, but I want to be very careful on this one before we give final approval, as I am sure that you will. I realize that it is undeveloped land, but--

Bill Jeffers: It's someone else's land.

President Borries: --yeah. I just have a problem with that because our rule of thumb has always been you take care of your water. Your drainage plan has to meet and contain what you see on that plot. It may be a little simple, but it sure helps me understand--

Bill Jeffers: It's nothing different than what you've asked from William Wortman Sub or any other sub that discharged into a natural waterway or watercourse that belongs to someone else and that is something that has to be done. The farther we get into this, the more exact details we ask for and I don't think there is anything wrong with that.

Commissioner Mourdock: One question, Bill, going along with Rick's question. This is not a suggestion and it's certainly not even a recommendation, but just a question as to whether or not this would be consistent with the way this has been handled in the past and might be a possible alternative. If that Lot 72 were used as an impoundment so that we then had an overflow to maintain the water since you've got drainage going that way anyhow, is that consistent with what has been done other places? In other words, you're handling the water...if we do nothing and if Mr. Hatfield never does anything, this water is still going to run out here. Have impoundments like that been typically used to resolve the "handling of water" before it runs on someone else?

Bill Jeffers: If the amount of water were greater, that would be an ideal spot for a detention basin, Lot 72 is it?

Commissioner Mourdock: Yes.

Bill Jeffers: Lot 72 would be an ideal spot for a detention basin if the volume of water that arrives there were greater, but it's a very small volume of water and he has done...Mr. Young has designed this in such a way that he catches as much other water as he can and routes it down through those pipes to his existing detention basin in Section B. That corner over there with that 12 foot drop, without bringing in several hundred cubic yards of dirt, he can't do anything to lift that street up. That's a small amount of water...a small impoundment might be appropriate, but for the amount of water that you're dealing with, it might be an excessive hardship on the owner of that one lot.

Commissioner Mourdock: Okay, and that's not a recommendation or suggestion. My other comment would be, and I will use Rick's language here, since this is a preliminary plan, I'll go along with this also, but the one concern that I have in addition to that which Rick has addressed, looking at Lots 50, 51, and perhaps to a lesser extent 52, although it looks pretty neutral, there certainly would be some flow from those new lots onto 50 and 51. During any construction an erosion control plan has to absolutely make sure that we don't have any sediment from the building and construction going back into those lots. We know this area too well to want to hear about this kind of thing again.

Bill Jeffers: There is some wordage floating around in this building that was going to be applied to a subdivision, but action on it has been suspended because the developer became ill, but it was a piece of ground similar to this, a little bit more radical in its terrain. The language had to do with each lot. The developer and owner of each lot shall be responsible to see to it that all erosion and sedimentation is controlled within the boundaries of that lot and that language was formulated by the Building Commissioner and it was forwarded to the Area Plan Commission. Someone in the Area Plan Commission has that all typed out and ready to go on a plat. If anybody, whether that body be the Subdivision Review Committee, this body or the Area Plan Commission itself, feels it's appropriate to put on a plat, and if you feel strongly enough that erosion and sedimentation should be controlled within the boundaries lot by lot, that notice is available to put on a final drainage plan if you would like for me to bring that the next time this comes up.

Commissioner Mourdock: I think that's a little strong, a little premature perhaps.

Bill Jeffers: It's very strong.

Commissioner Mourdock: I think what they are trying to do is make a point from the drainage control aspect, particularly during construction. If you are going to have, again, as I used the phrase a moment ago, if we do nothing, that water is still going to run across those lots. My concern is that when there is construction and there is not vegetative cover out there, that a sediment load gets carried onto people's lawns.

Bill Jeffers: What we could do is look through these U. S. Department of Agriculture guidelines and try to find the one that most closely matches, as you point out, Lot 63, 62 and 61 and see if we can have the engineer incorporate these grading plans into the final drainage plan for Willow Creek, Section D, if you would like to do that?

Commissioner Mourdock: That would be fine. I'll move preliminary approval for the plan for Willow Creek, Section D.

Commissioner Tuley: Second.

President Borries: May I assume that my colleagues' approval include, at this point, the written comments on the preliminary plot by Mr. Jeffers?

Commissioner Mourdock: Absolutely, those are included.

President Borries: Okay, so ordered.

Bill Jeffers: I've lost my agenda again.

Commissioner Tuley: You can have mine.

Bill Jeffers: Thanks.

**RE: RECOMMENDATION FOR MAINTENANCE CONTRACT - POND FLAT B**

Commissioner Mourdock: Pond Flat B.

Bill Jeffers: Last month at your March meeting I had 29 of these and I should of had 30. This is the 30th one here. I left it out of the typed recommendations, but it's in the breakdown sheet at the back which was filed with all the other recommendations, but the individual sheet was left out. It is for Pond Flat B annual maintenance to award it to Ralph Rexing, the only bidder at \$0.14 per lineal foot for a total of \$391.58, one payment. The estimated funds in that account are \$1,355.00.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Bill Jeffers: That would go in the back of the last meeting's records.

**RE: SIGNING OF DITCH BID MAINTENANCE CONTRACTS**

Bill Jeffers: Then we have all of your contracts with the individual vendors to whom you awarded the bids for all the various maintenance that was recommended last month and you accepted. All of them have been signed and notarized in accordance with...

Commissioner Mourdock: I'll move acceptance for signing of the ditch bid maintenance contracts as recommended by the Surveyor's Office.

Commissioner Tuley: Second.

President Borries: So ordered.

Bill Jeffers: You can sign them or stamp them, either way.

President Borries: I...can we stamp them?

Suzanne Crouch: Uh huh.

Commissioner Tuley: I'll move to stamp.

Commissioner Mourdock: I'll second.

President Borries: So ordered.

**RE: BLUE CLAIMS**

Bill Jeffers: Under correspondence--

Commissioner Mourdock: Did we skip the Blue Claims, Bill?

Bill Jeffers: Charlene put that in there in case we had a Blue Claim to bring, but we don't.

RE: CORRESPONDENCE

Bill Jeffers: Under correspondence, I have a letter to Mr. Harry G. Morrison, Gibson County Surveyor, basically, asking for some specific information to substantiate the claim of \$4,260.62 and I would like to enter that into the record and you can read that at your leisure. I'll get the original back from Charlene sometime in the future and mail that to them. There is no big rush on that. I have a request from Morley and Associates on behalf of Ruby Tuesdays who would like to locate in Expressway Commercial Subdivision on Red Bank Road at Lloyd Expressway. The subdivision has been approved, the drainage system is in place and it's directly on the corner, so actually it will face Lloyd Expressway.

Commissioner Mourdock: What formally is this, Bill? This obviously isn't a preliminary drainage plan.

Bill Jeffers: No, it's a request to relinquish the yellow shaded drainage easement so that they can pave their parking lot across it. I went out and looked at the site today and all the drainage is being handled within the state right-of-way on Lloyd Expressway, or what is that, Indiana 62?

Commissioner Mourdock: It's 62.

Bill Jeffers: There is no drainage structure through the north/south easement and the other utilities are abandoning their unused portion of that easement as well. I have prepared a letter simply saying that the County Surveyor recommends that the Drainage Board abandon, relinquish and vacate all the drainage easement shown on the site plan and that this abandonment will become effective when the Board receives another site plan that clearly depicts the means by which all storm water will be conveyed away from the buildings and other improvements to the lots and so forth, across and off the site into existing or planned storm water conveyance facilities. Then another plat drawn on a mylar that can be recorded that clearly depicts that the drainage easements were vacated and also a letter addressed to the County Drainage Board that the client, which is Morrison's, Inc. or Ruby Tuesdays, with the understanding that the Board relinquishes all rights and responsibilities associated with the drainage easement. In other words, you're done with it, you will not enforce maintenance of it. They have to give you a site plan that shows how they're going to get that water back over to the detention basin through the existing street drainage system. It will all work, I just don't ever want to go out there with anybody's problem. If they agree to that, then at your next board you will be relinquishing or abandoning that drainage easement altogether. Of course, I want a plat that can be recorded to show that so that there is no question in the future.

Commissioner Mourdock: So really it's premature for us to take any action until they agree to that.

Bill Jeffers: Just wanted to show you what was going on. This is under correspondence.

Commissioner Mourdock: Okay.

Bill Jeffers: Then I'll bring you the final probably in a month. Actually, that is because the letter I got from them was kind of gobbledygook. They wanted you to relinquish it, but still maintain it, or something. I couldn't understand what they meant by that.

RE: NEW BUSINESS

Bill Jeffers: The only other thing that I have to give you is some copies of Senate Bill 336, and I'm sorry I didn't bring a bottle of Maalox for each of you to go along with this because you are going to need it.

President Borries: Boy, you got that right.

Bill Jeffers: As if you have nothing else to do, a natural watercourse has been defined by the Senate as an area of the surface of the ground over which water from falling rain or melting snow occasionally and temporarily flows in a definable direction. So if someone's backyard looks like this, that's a natural watercourse. If his neighbor's backyard looks like that, doesn't like the water coming across it and blocks it, the applicant can come up here. Then you guys send us out, specifically, us being the County Surveyor's Office, and we determine whether it was placed there intentionally and you order it removed. If the owner of the property doesn't remove it, you take funds out of the general drainage account--

President Borries: That's interesting, too, general?

Bill Jeffers: --which hasn't got any funds in it unless you go to the County Council and ask for funds. Then if you want to recoup your money that you spent removing it, you have to take them to Superior Court or Circuit Court to get your money back. Or, in the case where...do you remember the folks in Petersburg Place that wanted to turn a ditch into a natural drain? You don't have to do that anymore. All they have to say is there is an obstruction out there, we go out there and find it, give you an estimate on how much it is going to cost to clear it and then bill it out according to how it benefits all the...because those are natural obstructions out there. In other words, that farmer didn't throw those trees into the creek, the wind blew them in there. To give you an idea of how this may affect you, I took off a day or so and went to Indianapolis two weeks ago, and last week I took off a half a day and I was sick one day, so that leaves about five or six days that I was here in two weeks and I got four telephone calls of people wanting us to come out and look at obstructions that their neighbors had placed in the natural watercourse. I asked them if they were aware of Senate Bill 336 and they said no, we just called downtown and told them we had a drainage problem and they routed us to your office. So without anyone knowing anything about this bill, we have four potential petitioners in two weeks. I guess when word of this bill gets out, which thank goodness those boys are gone, beginning July 1st, I don't know. The bill sponsors were--

President Borries: Why would somebody pass something like this?

Bill Jeffers: Well, the bill sponsors were a well driller, who is also a farmer, and the other guy is a...I don't know what he was. You know, they curse lawyers, there are too many lawyers in the legislature.

Alan Kissinger: We'll fix them, we'll just get more.

Bill Jeffers: I wish there were two more to take these two guys place. I just thought I would drop that on you, ruin your night and tell you that's all I have.

Commissioner Tuley: Thank you, Bill.

Alan Kissinger: You know, sometimes the messenger is killed, Mr. Jeffers!

Bill Jeffers: They used to do that in Roman days didn't they?

Alan Kissinger: Yes, they did.

Bill Jeffers: Anyhow, I thought that you ought to be aware that is coming because I didn't want you to get hit from behind by the first person who brings that in to you.

President Borries: Thank you, I think. Any further business this evening?

Commissioner Mourdock: I'll move for adjournment.

Commissioner Tuley: Second.

President Borries: So ordered. We're adjourned.

Meeting was adjourned at 7:30 p.m.

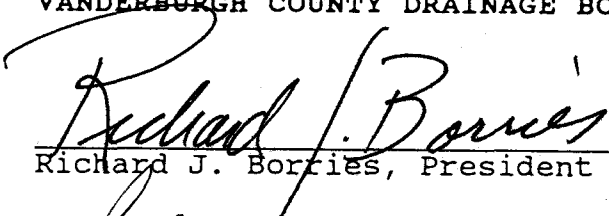
DRAINAGE BOARD  
APRIL 22, 1996

11

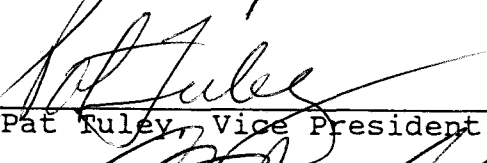
THOSE IN ATTENDANCE:

Richard J. Borries  
Pat Tuley  
Richard E. Mourdock  
Alan Kissinger  
Suzanne Crouch  
Charlene Timmons  
Bill Jeffers  
Others unidentified

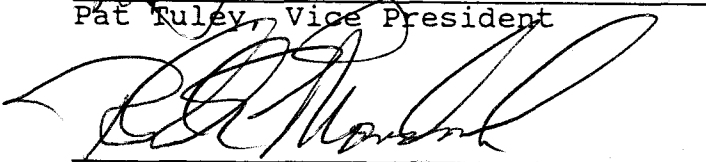
VANDERBURGH COUNTY DRAINAGE BOARD



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Richard J. Borries, President

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Pat Tuley, Vice President

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Richard E. Mourdock, Member

Recorded and transcribed by Charlene Timmons

AGENDA

VANDERBURGH COUNTY  
DRAINAGE BOARD MEETING

APRIL 22, 1996

1. Meeting opened.
2. Approval of transcribed Drainage Board minutes:
  - A. Regular Drainage Board meeting (3/25/96)
  - B. Special Drainage Board meeting (4/1/96)
3. Review and accept for approval preliminary drainage plans for the following subdivisions:
  - A. Browning Road Estates West, Section 3
  - B. Cross Pointe, Section 4
  - C. Willow Creek, Section D
4. Recommendation for maintenance contract:

Pond Flat B
5. Signing of Ditch Bid Maintenance contracts.
6. Approval of Blue Claims.
7. Correspondence.
8. New business.
9. Old business.
10. Meeting adjourned.



**AREA PLAN COMMISSION**  
**EVANSVILLE-VANDERBURGH COUNTY**  
*Room 312 Civic Center Complex*  
*1 N. W. Martin Luther King, Jr. Blvd.*  
*Evansville, IN 47708*  
*Phone (812) 435-5226*

TO: Bob Brenner

FROM: Barbara L. Cunningham

DATE: April 2, 1996

RE: Drainage Board

We are requesting the following subdivisions be put on the Drainage Board agenda for consideration.

**MAJOR SUBDIVISION**

1-S-96 Willow Creek Section D Part of the east half of the southwest quarter of section 31, township 6 south, range 11 west, located on McDowell Road north of Strueh-Hendricks Road.

6-S-96 Browning Road Estates West (Section 3) Part of the northwest quarter of the northwest quarter of section 16, township 5 south, range 10 west, located south of Boonville New Harmony Road, west of Browning Road.

10-S-96 Ashwood Subdivision Part of the northeast quarter of section 11, township 6 south, range 10 west, located east of Iroquois north of Proposed Lynch Road.

11-S-96 Garvin Industrial Subdivision A replat of blocks 5 and 8 in Manufacturers Addition, also a part of Blocks 7, 8, 9, 14, and 15 in William W. Morgans plat of lots 1, 2, 3, 4, and 5 in Maxwell's Subdivision, located on Morgan Avenue west of Read Street.

12-S-96 Cross Pointe Section 4 Part of the east half of the southwest quarter of section 19, township 6 south, range 9 west, located at Cross Pointe Blvd. and Virginia Street.

cc: Patrick Tuley  
Richard Borries  
Richard Mourdock

**Vanderburgh County Drainage Board**

c/o Vanderburgh County Surveyor

Room 325 Civic Center

Evansville, Indiana 47708

April 22, 1996

Harry G. Morrison  
Gibson County Surveyor  
Courthouse 101 N. Main  
Princeton, Indiana 47670

RE: Claim for Upper Pigeon Creek

Sir:

The Vanderburgh County Drainage Board has directed the Vanderburgh County Surveyor to obtain certain information prior to forwarding the payment of \$4,260.62 you claim is due for Vanderburgh County's share of ditch maintenance costs to Upper Pigeon Creek in Gibson County.

Among the information requested is:

1. A watershed map of that land in Gibson County immediately adjacent to the area(s) of Vanderburgh County assessed for Upper Pigeon Creek with the tax codes of the Gibson County parcels draining into Upper Pigeon Creek.

If the parcels in Gibson County are separated from private lands in Vanderburgh County by I-164, please consider that to be within the definition of "adjacent."

2. A printout of the parcels mentioned above showing the per acre drainage assessment levied annually for each parcel immediately adjacent to land in Vanderburgh County, (or land adjacent to I-64 where applicable by definition above.)

3. A year by year accounting of the funds spent on maintenance to Upper Pigeon Creek for each of the years beginning 1983, and ending 1995; along with a brief but itemized description of the maintenance performed and the name(s) of the contractor(s) to whom the funds were paid.

In addition if you have any knowledge of a county drainage board's authorization or ability to pay claims or acknowledge contracts six (6) years past the date of the work for which the claims are made, please forward that information to the undersigned representative of the Board.

 4/22/96  
\_\_\_\_\_  
Bill Jeffers, Deputy County Surveyor

APRIL 22, 1996

TO: THE VANDERBURGH COUNTY DRAINAGE BOARD

FR: THE VANDERBURGH COUNTY SURVEYOR

RE: BIDS FOR DITCH MAINTENANCE RECEIVED ON MARCH 25, 1996 AND TAKEN  
UNDER ADVISEMENT FOR SURVEYOR'S RECOMMENDATION.

1996 DITCH MAINTENANCE RECOMMENDATIONS (AMENDMENT)

POND FLAT LATERAL "B"

ACCT #234-031

ANNUAL MAINTENANCE

9,036 Lineal Feet per specifications

TO: RALPH REXING (only bidder)

AT: \$0.14 Per Lineal Feet

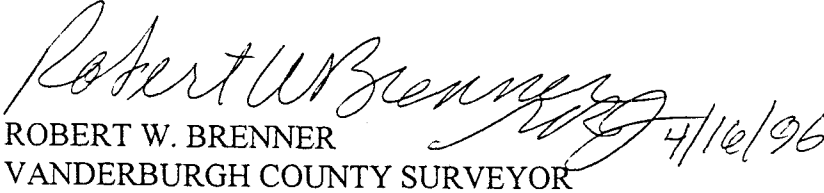
For a Total of \$391.58

TOTAL ESTIMATED AVAILABLE FUNDS IN 234-031, 1996: \$1,355.00

This bid was inadvertently left out of the original recommendations submitted to the  
Vanderburgh County Drainage Board on April 1, 1996.

Please add this to the original recommendations submitted on April 1, 1996.

RESPECTFULLY SUBMITTED,

  
ROBERT W. BRENNER  
VANDERBURGH COUNTY SURVEYOR

4/16/96

April 22, 1996

TO: The Vanderburgh County Drainage Board

FR: The Vanderburgh County Surveyor

RE: Senate Bill No. 336



Sirs:

On January 30, 1996 the Indiana Senate passed Bill No. 336 which the Indiana House ordered engrossed on February 15, 1996. The bill is effective July 1, 1996.

We are entering this report on Senate Bill 336 into your record because the bill provides an avenue for property owners to petition your board to intervene into drainage matters that previously were civil matters settled outside your board meetings.

The bill allows a person who seeks the removal of an obstruction in a private drain or natural watercourse to file a petition asking the drainage board to remove, authorize or order the removal of the obstruction.

The bill defines a natural watercourse loosely as "an area of the surface of the ground over which water from falling rain or melting snow occasionally and temporarily flows in a definable direction."

The bill requires the county surveyor to investigate the allegations of the petitioner and report his findings to the drainage board.

The bill requires the board to respond to the petition by holding a hearing on the obstruction of a private drain or natural watercourse.

If at the hearing the drainage board determines that the obstruction was created intentionally by the "respondent" (the person upon whose tract of land the obstruction exists) the board must order the respondent to remove the obstruction at his expense, or must order the county surveyor to remove the obstruction at the expense of the respondent.

The bill allows the drainage board to draw money from the general drainage improvement fund to pay the costs of removing the obstructions determined to be in need of removal.

The bill allows the county council to appropriate money from the county's general fund into the general drainage improvement fund for the purpose of removing obstructions from private drains and natural watercourses as required by Senate Bill No. 336.

If general drainage improvement funds are expended to remove obstructions determined to have been caused intentionally by a property owner, the bill allows the drainage board to recover the costs from the property owner in a court having jurisdiction in the same manner that a creditor may recover an amount owed under a contract.

The bill allows a property owner who has been ordered to remove an obstruction or to pay for the removal an avenue to appeal the order through the circuit or superior court.

The bill allows the drainage board to place the costs of removal of an obstruction upon the person(s) who brought the complaint if the obstruction is determined not to have been caused intentionally by the owner of the property upon which the obstruction exists.

Placing the costs of removal upon the petitioner(s) would seem to be a deterrent against frivolous or malicious complaints.

The bill allows the drainage board to authorize the removal of an obstruction in a natural watercourse or private drain if the removal would benefit the lands drained by the ditch or watercourse; and to bill the costs of removal against all of the lands benefited by the work.

The formula given for determining the percentage of total costs that each tract of land owes seems to authorize the collection of costs only from tracts along which or through which the drain runs.

There are many particulars of SB 336 which will be researched and reported to your board by our office; but we felt you needed this information prior to private property owners using SB 336 to petition your board.

Attached is a copy of Senate Bill No. 336; and the same information has been forwarded to your legal council for his file.

March 4, 1996

February 29, 1996

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## **ENGROSSED SENATE BILL No. 336**

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### **DIGEST OF INTRODUCED BILL**

**Citations Affected:** IC 36-9-27-73; IC 36-9-27.4.

**Synopsis:** Removal of obstructions in drains. Allows a person who seeks the removal of an obstruction in a regulated drain, private drain, or natural watercourse to file a petition asking the drainage board in the county in which the obstruction is allegedly located to remove or authorize or order the removal of the obstruction. Requires the county surveyor to promptly investigate whether the obstruction exists and if the surveyor finds an obstruction in a regulated drain, to promptly remove the obstruction, or if the county  
(Continued next page)

**Effective:** July 1, 1996.

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### **Wheeler, Meeks**

(HOUSE SPONSORS — MANGUS, LEUCK)

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January 8, 1996, read first time and referred to Committee on Natural Resources.  
January 19, 1996, reported favorably — Do Pass.  
January 26, 1996, read second time, amended, ordered engrossed.  
January 29, 1996, engrossed.  
January 30, 1996, read third time, passed. Yeas 48, nays 2.

#### **HOUSE ACTION**

February 1, 1996, read first time and referred to Committee on Natural Resources.  
February 12, 1996, reported — Do Pass.  
February 15, 1996, read second time, amended, ordered engrossed.

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SEA 336—Concur



Digest Continued

surveyor finds an obstruction in a private drain or natural watercourse, to report the existence of the obstruction to the drainage board. Requires the drainage board to hold a hearing on an obstruction in a private drain or natural watercourse. Requires the drainage board to determine whether the obstruction of the private drain or natural watercourse was created intentionally, and establishes the burden of proof and remedies. Authorizes a drainage board to withdraw money from the general drain improvement fund to finance the removal of certain drain obstructions. Protects a county surveyor from liability for criminal or tortious trespass for entering private property to enforce the statutes concerning drains.

SEA 336—Concur





Second Regular Session 109th General Assembly (1996)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1995 General Assembly.

## SENATE ENROLLED ACT No. 336

AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 36-9-27-73 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1996]: Sec. 73. (a) There is established in each county a general drain improvement fund, which shall be used to pay the cost of:

(1) constructing or reconstructing a regulated drain **under this chapter; and**

(2) **removing obstructions from drains under IC 36-9-27.4.**

In addition, if a maintenance fund has not been established for a drain, or if a maintenance fund has been established and it is insufficient, the general drain improvement fund shall be used to pay the deficiency.

(b) The general drain improvement fund consists of:

(1) all money in any ditch or drainage fund that was not otherwise allocated by January 1, 1966, which money the county treasurer shall transfer to the general drain improvement fund by January 1, 1985;

(2) proceeds from the sale of bonds issued to pay the costs of

SEA 336—Concur



constructing or reconstructing a drain;

(3) costs collected from petitioners in a drainage proceeding;

(4) appropriations made from the general fund of the county, or taxes levied by the county fiscal body for drainage purposes;

(5) money received from assessments upon land benefited for construction or reconstruction of a regulated drain;

(6) interest and penalties received on collection of delinquent drain assessments and interest received for deferred payment of drain assessment;

(7) money repaid to the general drain improvement fund out of a maintenance fund; and

(8) money received from loans under section 97.5 of this chapter.

(c) The county fiscal body, at the request of the board and on estimates prepared by the board, shall from time to time appropriate enough money for transfer to the general drain improvement fund to maintain the fund at a level sufficient to meet the costs and expenditures to be charged against it, after allowing credit to the fund for assessments paid into it.

(d) There is no limit to the amount that the county fiscal body may appropriate and levy for the use of the general drain improvement fund in any one (1) year. However, the aggregate amount appropriated and levied for the use of the fund may not exceed the equivalent of fifty cents (\$.50) on each one hundred dollars (\$100) of net taxable valuation on the real and personal property in the county.

(e) Whenever:

(1) the board finds that the amount of money in the general drain improvement fund exceeds the amount necessary to meet the expenses likely to be paid from the fund; and

(2) the money was raised by taxation under this section;

the board shall issue an order specifying the excess amount and directing that it shall be transferred to the general fund of the county. The board shall serve the order on the county auditor, who shall transfer the excess amount to the general fund of the county.

SECTION 2. IC 36-9-27.4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1996]:

**Chapter 27.4. Removal of Obstructions in Mutual Drains and Natural Surface Watercourses**

**Sec. 1.** As used in this chapter, "drain" refers to a mutual



drain (as defined in IC 36-9-27-2).

Sec. 2. As used in this chapter, "drainage board" means the following:

- (1) Except as provided in subdivision (2):
  - (A) the county board of commissioners, as provided in IC 36-9-27-5(a)(1); or
  - (B) the drainage board appointed by the board of commissioners under IC 36-9-27-5(a)(2).
- (2) In a county having a consolidated city, the board of public works of the consolidated city, as provided in IC 36-9-27-5(b).

Sec. 3. As used in this chapter, "natural surface watercourse" means an area of the surface of the ground over which water from falling rain or melting snow occasionally and temporarily flows in a definable direction.

Sec. 4. (a) As used in this chapter, "obstruction" means a condition that:

- (1) exists within or near a drain; and
- (2) prevents or significantly impedes the flow of water through the drain.

(b) The term includes the following:

- (1) The presence of:
  - (A) one (1) or more objects inside or near a drain;
  - (B) a quantity of materials inside or near a drain; or
  - (C) damage to a drain;

that prevents or significantly impedes the flow of water through the drain.

(2) Obstructions that:

- (A) are created intentionally; and
- (B) occur naturally or are created unintentionally.

Sec. 5. As used in this chapter, "owner" means a person who holds a possessory legal interest in land.

Sec. 6. As used in this chapter, "person" means an individual, a corporation, a limited liability company, a partnership, or any other legal entity.

Sec. 7. As used in this chapter, "respondent" means an owner of the tract of land that is the subject of a petition seeking the removal of an obstruction under this chapter.

Sec. 8. As used in this chapter, "tract" means an area of land that is:

- (1) under common fee simple ownership;
- (2) contained within a continuous border; and



(3) a separately identified parcel for property tax purposes.

Sec. 9. If:

(1) a person who owns a tract of land seeks the removal of an obstruction from a drain or natural surface watercourse located outside the person's tract in order to promote better drainage of the person's tract; and

(2) the owner of the land on which the obstruction is located, upon request, does not remove the obstruction;

the person seeking the removal of the obstruction may file a petition under this chapter asking the drainage board in the county in which the obstruction is located to remove, or authorize or order the removal of the obstruction under this chapter.

Sec. 10. A petition filed by a person described in section 9(1) of this chapter must include the following:

(1) A general description of the tract of land owned by the petitioner.

(2) A general explanation of the need for the removal of the obstruction.

(3) A general description of the site of the obstruction.

Sec. 11. The drainage board may require, as a condition of filing a petition under this chapter, the payment of a filing fee. The drainage board may not set the filing fee at an amount greater than is reasonably necessary to defray the expenses incurred by the board in processing a petition.

Sec. 12. (a) If a petition filed under this chapter alleges the obstruction of:

(1) a drain; or

(2) a natural surface watercourse;

the county surveyor of the county in which the obstruction is alleged to exist shall promptly investigate whether the obstruction exists.

(b) If the county surveyor, upon investigation, finds an existing obstruction in a drain or natural surface watercourse in the location alleged in the petition, the county surveyor shall report the existence of the obstruction to the drainage board.

(c) Upon receiving a report from the county surveyor under subsection (b), the drainage board shall:

(1) set a date for a hearing on the petition; and

(2) serve notice of the hearing on each owner of the land on which the obstruction exists who can be identified in the records of the county recorder.



(d) The hearing must be held at least thirty (30) days but less than ninety (90) days after the date of the filing of the petition.

(e) Notice of a hearing must be served on each respondent in the manner prescribed in:

- (1) Rule 4.1 of the Indiana Rules of Trial Procedure, in the case of a respondent who is an individual; or
- (2) Rule 4.6 of the Indiana Rules of Trial Procedure, in the case of a respondent that is an organization.

Sec. 13. Before or on the date of a hearing held under this chapter, the drainage board may postpone and reschedule the hearing if:

- (1) it appears that a respondent has not been served with notice; or
- (2) the interests of fairness otherwise compel a postponement.

Sec. 14. (a) If, after a hearing held under this chapter, the drainage board finds that:

- (1) the obstruction of a drain or a natural surface watercourse that is alleged in the petition exists; and
- (2) the removal of the obstruction will:
  - (A) promote better drainage of the petitioner's land; and
  - (B) not cause unreasonable damage to the land of the respondents;

the drainage board shall find for the petitioner.

(b) If, after a hearing held under this chapter, the drainage board is unable to make the findings described in subsection (a), the drainage board shall deny the petition.

Sec. 15. If the drainage board finds for the petitioner under section 14(a) of this chapter, the board shall determine, based upon a preponderance of the evidence, whether the obstruction of the drain or natural surface watercourse was created intentionally by any of the respondents.

Sec. 16. (a) If the drainage board finds:

- (1) for the petitioner under section 14(a) of this chapter; and
- (2) under section 15 of this chapter that the obstruction of the drain or natural surface watercourse was created intentionally by at least one (1) of the respondents;

the drainage board shall enter an order directing the respondents to remove the obstruction at their own expense, or directing the county surveyor to remove the obstruction at the expense of the



respondents.

(b) A respondent against whom an order is entered under subsection (a) is subject to an action under section 22 of this chapter if the respondent fails to pay the amount for which the respondent is responsible under the order.

**Sec. 17. If the drainage board:**

- (1) finds for the petitioner under section 14(a) of this chapter; and
  - (2) does not find under section 15 of this chapter that the obstruction of the drain or a natural surface watercourse was created intentionally by any of the respondents;
- the drainage board shall enter an order under section 18 or 19 of this chapter concerning the removal of the obstruction.

**Sec. 18. (a) If:**

- (1) a petition filed under this chapter concerns a natural surface watercourse; and
  - (2) the drainage board:
    - (A) finds for the petitioner under section 14(a) of this chapter; and
    - (B) does not find under section 15 of this chapter that the obstruction of the natural surface watercourse was created intentionally by any of the respondents;
- the drainage board shall enter an order under subsection (b).

(b) Upon a determination made under subsection (a), the drainage board shall enter an order:

- (1) authorizing the petitioner to remove the obstruction; or
  - (2) directing the county surveyor to remove the obstruction at the expense of the petitioner.
- (c) The drainage board shall consult with the:
- (1) petitioner;
  - (2) respondents; and
  - (3) county surveyor;

before deciding whether to enter an order under subsection (b)(1) or (b)(2).

(d) If the drainage board enters an order under subsection (b), the order may require the petitioner to bear the expenses of removing the obstruction, including the monetary value of the harm and inconvenience that the respondents will incur as a result of the removal of the obstruction.

**Sec. 19. (a) If:**

- (1) a petition filed under this chapter concerns a drain; and
- (2) the drainage board:



(A) finds for the petitioner under section 14(a) of this chapter; but

(B) does not find under section 15 of this chapter that the obstruction of the drain was created intentionally by any of the respondents;

the drainage board shall enter an order under subsection (b).

(b) Upon a determination made under subsection (a), the drainage board shall enter an order:

- (1) authorizing the petitioner to remove the obstruction;
- (2) authorizing the respondents to remove the obstruction;
- (3) directing the county surveyor to remove the obstruction;
- or
- (4) directing that the obstruction be removed through the joint efforts of at least two (2) of the persons referred to in this subsection.

(c) If an order is issued under subsection (b), the costs of removing the obstruction must be borne by the owners of all the tracts of land that are benefited by the drain. The order of the board must do the following:

- (1) Identify all tracts of land that are benefited by the drain.
- (2) Identify the owners of the tracts of land referred to in subdivision (1):
  - (A) who are known to the drainage board; or
  - (B) whose identity can be determined through the records of the county recorder.
- (3) Apportion the costs of removing the obstruction among the tracts of land that are benefited by the drain, assigning to each tract a certain percentage of the total costs.
- (4) Order the owners of each tract of land referred to in subdivision (1) to pay an amount equal to the product of the total costs of removing the obstruction multiplied by the percentage assigned to the tract under subdivision (3).

(d) The percentage of the total costs assigned to a tract under subsection (c)(3) must correspond to the ratio of the total length of the drain to the length of the particular segment of the drain that benefits the tract.

Sec. 20. (a) All the owners of a tract that is the subject of an order issued under section 19 of this chapter are jointly and severally responsible for the payment of the amount determined under section 19(c)(4) of this chapter.

(b) An owner of a tract who pays all of or a portion of the



amount may bring an action to obtain contribution from an owner of the tract who did not pay an equal or a greater portion of the amount.

(c) An owner of a tract that is the subject of an order issued under section 19 of this chapter is subject to an action under section 22 of this chapter if the owner fails to pay the amount for which the owner is responsible under the order.

Sec. 21. In entering an order concerning the removal of an obstruction under this chapter, a drainage board may:

- (1) provide for the costs of the removal work to be paid directly by one (1) or more of the persons subject to the order; or
- (2) authorize an advance on the general drain improvement fund established in the county under IC 36-9-27-73 for the payment of the costs of the removal work and provide for the amount advanced to be reimbursed by one (1) or more of the persons subject to the order.

Sec. 22. (a) If a person who is required by an order of a drainage board under this chapter to pay an amount or bear an expense does not comply with the requirement, the amount for which the person is responsible may be recovered by:

- (1) the drainage board, as custodian of the general drain improvement fund, if the amount was advanced from the general drain improvement fund; or
- (2) another person subject to the order who has paid the amount and is entitled to reimbursement.

(b) An amount may be recovered from a person under subsection (a) through an action in a court having jurisdiction in the same manner that a creditor may recover an amount owed under a contract. In an action brought under this subsection, the plaintiff may also be awarded costs and reasonable attorney's fees.

Sec. 23. (a) If the drainage board finds for a petitioner after a hearing held under this chapter, a respondent may file an action in the circuit or superior court of the county in which the alleged obstruction exists seeking to have the order entered by the drainage board vacated.

(b) An action filed under subsection (a) must be based on at least one (1) of the following assertions by the respondent:

- (1) The drainage board lacked authority to act under this chapter.
- (2) The drainage board erred in making the findings





described in section 14(a) of this chapter.

(3) The respondent should have been awarded compensation for harm and inconvenience, or the amount awarded to the respondent for harm and inconvenience is insufficient.

(4) The drainage board did not follow the procedure required by this chapter.

Sec. 24. (a) In an action filed under section 23 of this chapter, the court:

(1) shall enter an order vacating the order of the drainage board directing the county surveyor to remove the obstruction; and

(2) may issue an injunction against the removal of the obstruction;

if the court makes a finding under subsection (b).

(b) The court is required or authorized to act under subsection (a) if the court finds that the drainage board:

(1) was clearly in error in making its findings under section 14(a) of this chapter with respect to the alleged obstruction; or

(2) exceeded its authority or discretion under the law in authorizing the removal of the obstruction.

Sec. 25. (a) For the purposes of this chapter:

(1) a county surveyor;

(2) a member of a drainage board; or

(3) an authorized representative of a county surveyor or drainage board;

has a right of entry over and upon a tract of land containing a drain or natural surface watercourse that is the subject of a petition filed under this chapter.

(b) The right of entry granted by this section is limited to the land lying within seventy-five (75) feet of the drain or natural surface watercourse. The seventy-five (75) feet must be measured at right angles to:

(1) the center line of any tiled drain;

(2) the top edge of each bank of an open drain; and

(3) the edge of any natural surface watercourse;

as determined by the county surveyor.

(c) A person exercising a right of entry under this section shall, to the extent possible, use due care to avoid damage to:

(1) crops, fences, buildings, and other structures located outside the right-of-way; and



(2) crops and approved structures located inside the right-of-way.

(d) Before exercising a right of entry under this section, an individual must give oral or written notice of the entry on the land to the property owner of record. The notice must state the purpose for the entry.

(e) A right of entry under this section is not criminal trespass under IC 35-43-2-2, and an individual exercising a right of entry under this section may not be arrested or prosecuted for criminal trespass under IC 35-43-2-2.

SEA 336—Concur



VANDERBURGH COUNTY  
DRAINAGE BOARD MEETING  
MAY 28, 1996

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MINUTES  
DRAINAGE BOARD MEETING

MAY 28, 1996

The Vanderburgh County Drainage Board met in session on May 28, 1996 at 6:46 p.m. in the Commissioner's Hearing Room 307 with President Richard Borries presiding.

**RE: OPENING OF DRAINAGE BOARD MEETING**

President Borries: I would like to call the meeting of the Vanderburgh County Drainage Board to order. I wish you a good evening. Let me introduce our Board for you and tell you a little bit about what we do here and how this works. Hopefully, Mr. Jeffers will have made it down by that time. There should be some agendas available to you near the door and if not, we'll certainly try to make some available to you. I'm the President of the Drainage Board this year. All of the Board of Commissioners, all three of us, sit on the Drainage Board. We could probably give this task to someone else, but frankly, it would end up back to us anyway so we serve as the Drainage Board as well as, again, having our duties as Vanderburgh County Commissioners. I'm Rick Borries; to my immediate left is Pat Tuley; to his immediate left is Richard Mourdock; our Deputy County Auditor is Mr. Bill Fluty, Jr.; and our official Recording Secretary is Charlene Timmons. That's our Board that you will be working with this evening. Again, the gentleman who sets the table for us, so to speak, is Mr. Bill Jeffers, he is the Deputy County Surveyor and serves as our technical advisor. Our County Attorney should also be here shortly, his name is Alan Kissinger. I think that is about all of our staff that you will hear from this evening. What we do as a County Drainage Board is to handle, and we are directly responsible, for legal drains. Those are drains that basically affect all of us in the county. I think all of the legal drains, if I'm correct on this, are west of Pigeon Creek. We do not have any legal drains on the west side at this time. It's a very long and involved process where people pay fees into a watershed area and then monies are spent to maintain them. Part of the duties of this Board are also that we approve drainage plans. In this process, we have made the process much more difficult than it was, I would say, two or three years ago. We passed a drainage ordinance that Bill Jeffers can give me the exact page numbers, but we went from about what? Six pages to how many pages in our new Drainage Board Ordinance?

Bill Jeffers: There are 96.

President Borries: Yes, 96. One of the reasons is, like everything else, things have changed and, obviously, there is a lot of growth, development and building that goes on. The process is indeed one that causes us to study and look at these very carefully in relation to what went on 20 or 30 years ago in this county. What happens, and most of you are here tonight over one particular development, will be that we will look at plans this evening and they could or could not be accepted. If it involves a subdivision and if it's accepted, basically, what it is it's a formality that moves it to the Area Plan Commission. The Area Plan Commission has the final say in subdivisions, so that's where, should your particular matter be approved or not approved, but particularly if it's approved, you should make sure you are aware of when this matter will be heard by what is called the Subdivision Review Committee of the Area Plan Commission. They will have the final say. Now, it will also be at that meeting that such things as roads, such things as the size of the, for example, the units that are planned for this particular project that most of you are here for, will all be discussed in detail. Getting back to what our mission is here this evening, we look at drainage plans that are sent to us by a developer. They are reviewed by our technical staff, which in this case is Mr. Bill Jeffers and he will give a, probably in this case, he has written down a preliminary recommendation. If he gives a positive recommendation, again, then

it still goes to the Area Plan Commission and would probably have to come back to this Board for a final drainage commission. If you are concerned about roads this evening, if you're concerned about the size of houses, if you're concerned about this subdivision for matters other than drainage, we can not take any action on that this evening. So, again, I would advise you if you have interest in, particularly, the proposal on this Clear Creek Village, that you should make plans to attend the Area Plan Commission. Now, Commissioner Mourdock is our representative on the Area Plan Commission and I don't know if this is going to be heard tomorrow night or not?

Commissioner Mourdock: We don't meet tomorrow night.

President Borries: You don't meet tomorrow night?

Commissioner Mourdock: No. Our next meeting is June 5.

President Borries: Oh yeah, that's right. I'm off because of the holiday. June the 5th would be the time that you would want to attend the Area Plan Commission meeting and, generally, if I'm correct on this, subdivision reviews are heard right at the beginning of the Area Plan Commission before the rezonings.

Commissioner Mourdock: Right.

President Borries: Have I left anything out? Again, we appreciate you attending and we'll hear from you after we, at this point, begin to proceed through our agenda which, again, should be available to you over near the desk. Did Mr. Jeffers leave again?

Commissioner Tuley: No, he's over there.

President Borries: Oh, there he is, good. I saw him come in and I was worried here. Again, he is a pretty valuable person for us since he is, again, he really sets the table for us and is our technical advisor. We rely heavily on his recommendation.

**RE: APPROVAL OF MINUTES**

President Borries: We've opened the meeting, welcomed you and at this time I would like to ask for approval of the minutes from our last meeting which was held on April 22, 1996.

Commissioner Tuley: Mr. President, I move that the minutes from the meeting of April 22, 1996 be approved.

Commissioner Mourdock: I will second.

President Borries: So ordered. We have proposals or requests for preliminary drainage plans for the following subdivisions: Windemere Farms - North Ridge, Shadow Bluff Estates and Clear Creek Village, so at this time I would like to ask Mr. Bill Jeffers, Deputy County Surveyor here, our technical advisor, to conduct the meeting.

**RE: WINDEMERE FARMS - NORTH RIDGE**

Bill Jeffers: Is there anyone in the audience here on account of Windemere Farms - North Ridge?

Unidentified from audience: Yeah.

Bill Jeffers: Windemere Farms - North Ridge is a development proposed to contain 55 lots. It is located just west of the intersection of State Road 57 and Kansas Road. It is located on the south side of Kansas Road. That would also be west of Seib Road going up toward McCutchanville on Kansas Road. The plan that you have in front of you has an entrance drive, Cayman Drive, and

then two long streets ending in cul-de-sacs with a connecting street, Stonewick, between the two long streets. The County Surveyor's Office is going to recommend approval of the preliminary drainage plan for Windemere Farms - North Ridge. We do have some apprehensions, however, about some of the detail shown on the preliminary plan and we will require some exact details to be shown on the final plan relative to those apprehensions. The cause of our apprehensions is the existing path of the 100 year flood that is mapped out on the FEMA Panel, which is being partially filled and rerouted through pipes, ditches and along the street shown on the highlighted copy of the drainage plan that I put on your desk. The yellow shaded area is zone A from the FEMA Floodplain Panel and the red line route shows the path that the 100 year flood will take after the construction of the streets and houses. Please use that highlighted plan for reference to the following discussion. The required additional details that we will be asking for are as follows, but not limited to:

1. The exact design of the improved open channel entering the project from county bridge on Kansas Road.
2. The exact design for a headwall and wingwall structure which may be needed at the entrance to the pipe replacing the open channel at the same location.

The new plan requires that they pipe this water from off-site through an underground storm drainage channel system of pipes and we feel it may need a headwall and wingwall to funnel that flow directly into the pipe and force a head of water sufficient to carry it through the pipe. The ground is not flat on each side of this floodplain, it slopes down into this floodplain.

3. Details for an emergency overflow channel to be constructed on top of this pipe system noted in item number 2. The overflow channel should be straight graded downhill from Kansas Road between Lot 11 and Lot 12 to Windemere Drive.

What we are anticipating is if an event occurs such as what happened on May 5 and again the following week, that the quantity of flow that will arrive at this pipe will exceed the capacity of the pipe to carry it because the pipe is designed for 25 year storm flow and we want this excess to be channeled through an overflow channel between the two lots and into the street called Windemere Drive. If possible, the channel should be capable of carrying all flow from a hundred year storm with the pipe blocked. The reason for that is that's what caused the damage we viewed after the storm. Most of these pipes were blocked with forest litter, cornstalks and other organic debris from off-site and that caused the water to go over the top of the road. What we are doing here, with these requested details, is trying to establish that this flow will be carried through the streets in such a way that it won't damage the houses. Although what we are asking for is in excess of ordinance requirements, it is caused by our viewing of damages caused by recent floods at similar sites.

4. An easement between Lot 11 and Lot 12 should be of a sufficient width to house and maintain the channel noted above, the overflow channel.

Which means that it is going to have to be wider than the ten feet that is shown.

5. Finished floor elevations of two feet above whatever the elevation of the centerline of Kansas Road is at a point due north of the northwest corner of Lot 12 for the house on Lot 12, and due north of the northeast corner of Lot 11 for the house on Lot 11.

That's to make sure that if the water crosses Kansas Road, it won't proceed down into those yards and into the patio entrance at the back of those houses. We want the houses higher than Kansas Road.

6. Exact details of protective dirt grading for Lot 11 and Lot 12 which demonstrate that all storm water carried through the emergency overflow easement between the two lots can be conveyed to the street without flooding the dwellings and that all the water shed off the houses on those two lots will be carried away from the dwellings.

7. Details and language on the plat and in the covenants and restrictions which prohibit a driveway entrance onto Lot 28 from Windemere Drive.

You can see from that drawing that if a driveway existed directly across from that emergency overflow, it would be possible for that high flow of water to travel up the driveway and into the garage, as has happened at several locations in the last flood.

8. Exact details of protective dirt grading which clearly show that the dwelling on Lot 28 will not be damaged by storm flow from a hundred year event.

9. Details that show that all the flow can be carried within the right-of-way for Windemere Drive from the emergency overflow channel noted above in item number three, due east and along Windemere Drive to the retention lake on Outlot A.

In other words, that's the direction in which the water naturally goes down through this open creek now, but when they build houses and streets, they're partially blocking that path. We want to make sure that the water will take the same path down the street and into the retention lake without flooding the houses along the way. That's in the case of an extreme event that seems to occur about once every 18 years.

10. Exact details of dirt grading and finished floor elevation for all lots within or touching Zone A, which is a 100 year floodplain. These details will be used to determine potential flood hazard to the houses prior to approval of the final drainage plan.

11. Details of a sag inlet at structure 612 which is near the southwest corner of Lot 29 along with a depressed sidewalk to allow the overflow from flooded streets to pass into the drainage easement along the south line of Lot 29.

What we saw in some subdivisions this month was that the 100 year floodplain was there and the streets weren't elevated enough to prevent being flooded by backwater from Little Pigeon Creek. The emergency overflow from the streets was lower than the elevation of the water in the creek so the water just stacked up in the streets. In this case, he is already showing that the gutter line of this street is higher than the 100 year flood elevation at the point I just mentioned. No, it's five feet lower. What we are trying to do is force the water to drain out of that street and down into the detention basins during a high flood.

12. Details of an emergency overflow from the sag inlet straight graded downhill along the south line of Lot 29 to the outlet of the pipe in that easement.

13. Details of the end of the pipe in the run noted in item 12.

To show that the water is properly controlled on it's way into the

ditch.

14. Details of the open channel from the end of that pipe all the way to the retention lake.

The reason we want details is once they are established, we want it constructed that way. Once it is constructed that way, we don't want any alteration of it by landscape timbers, retention walls and all the homemade stuff that fell in these creeks during the last flood and clogged them up..

15. Details showing the feasibility of covering the storm drain manholes with graded lids along the pipe run to catch some of the emergency overflow before it passes into the flooded street.

16. Details the same as noted above for Lot 12 and Lot 11, we want those same kind of details for Lot 40 and Lot 39 because there is a pick up point for some off-site drainage at that point which needs to be controlled in the same way.

(17 was skipped)

18. A prohibition for a driveway along the west half of Lot 54.

We don't want the water hopping across into that driveway and flooding a garage.

19. Details of a sag inlet with depressed sidewalks at the east end of the cul-de-sac of Waterstone Drive with an emergency overflow swale to carry the water between Lot 33 and Lot 34 into the retention basins.

20. More exact details of the discharge structures from the retention basin onto the neighboring property.

Other items may include the need for larger drainage easements. We are asking for that to be incorporated into the final drainage plan that will be presented to our office, probably, within a month. If this proposed development passes through Area Plan Commission, as Mr. Borries described earlier, they will be back to us in about a month with a final drainage plan. As Mr. Borries explained, I believe, until the final drainage plan is approved by this Board, there will be no houses built. There will be no building permits issued.

President Borries: Questions of Bill Jeffers regarding Windemere Farms - North Ridge preliminary drainage plan?

Commissioner Mourdock: Bill, have you had a chance to talk with the engineer, who is with Sitecon, regarding your proposals?

Bill Jeffers: Yes, we went over them together about an hour and a half ago.

Commissioner Mourdock: Okay.

Bill Jeffers: The two engineers are here with us tonight.

Commissioner Mourdock: Is there anything that you see in this preliminary plan and the suggestions made by Mr. Jeffers that you see as an insurmountable object to successfully implementing the plan?

Chris Weil: My name is Chris Weil and I'm with Sitecon, Incorporated and I'm representing the developer. I don't see any problem with these requests and most of the items that Bill wants



to see more detail on are going to be accommodated with the construction plans themselves. We've been over these with Bill and I can understand in view of the recent rains that we've had that we are trying to make some accommodations for these events, emergency wise. I don't really see a problem with any of this.

Commissioner Mourdock: Okay, thank you.

President Borries: Can we have a motion then to approve--

Commissioner Tuley: Anybody else?

President Borries: Yeah, is there anyone else? There is one gentleman in the back or does anyone else have any comments at this time?

Unidentified from audience: I was privy to a map--

President Borries: Would you want to come forward, sir, and please identify yourself. Everyone can request copies of the minutes and we do this verbatim, but we've got to have people up at our mike.

Glen Schlensker: Not having a map, I wasn't aware of which lots would be higher than Kansas Road. I want to, as Fire Chief of the area out there, I'm Glen Schlensker, I want to say that I have no opposition to this. First off, I wanted you to know that, but I want the people that are developing this to know that it is very difficult to put out homes or to take somebody to the hospital when the street is under water. We have had plenty of that and there are things that we have to look at. The Engineer said completely in every statement was that we were going to run the water down the street. Kind of watch, fellows. That's all I'm asking. Also, as we build in Vanderburgh County, Center Township specifically is my concern, let's be awful careful of what we do to landowners and property owners farther downstream. We are increasing the runoff every time we put in a subdivision. It will happen. We have retention ponds, but in extreme situations like we just had and went through, the retention basins are full. Every drop of rain that falls on a full retention basin runs out of it immediately. It is slicker than any other surface. Water to water is slick. So, let's watch these plans and watch them closely. If we can do anything to get the homes and the streets as highly elevated as possible, we will, as will our children, be much happier.

Commissioner Mourdock: For the record, sir, would you state your name?

Glen Schlensker: I'm Glen Schlensker and I am actually the Fire Chief of the McCutchanville Fire Department which would service this area and it's all of Center Township outside of the city.

President Borries: Thank you, Mr. Schlensker, Chief.

Bill Jeffers: Everything that Mr. Schlensker said is absolutely true and I believe it was he and his wife...I met his wife while we were all out taking or establishing high water marks during that flood and they have pictures. Was that your wife?

Glen Schlensker: That would have been my brother and his wife.

Bill Jeffers: They were from the same fire department and they said that they were taking pictures for the Chief. They have a lot of pictures of that plus the 1983 flood of the same area. We are attempting to get all of the developers to raise their streets out of or at least to the 100 year flood elevation or above. On this particular subdivision there are areas of the street that will be below the 100 year flood elevation simply because we are actually passing a 100 year event down that street as an emergency overflow rather than through the houses. The only way to avoid that would

be not to build on Lots...either to enlarge the lots or not build on Lots 11, 12, most of 20, all of 29, and enlarge some of the other lots and build a straight pass through drainage structure.

Commissioner Mourdock: Bill, on your map you have the Zone A boundary and you said that referred to the FEMA map. What is that equivalent to on the FEMA map? Is that 25 year, 50 year?

Bill Jeffers: A 100 year storm. It's approximately 410 feet above sea level at that point. I'm not being quite as strict in my review of this subdivision because when I went out immediately after the storm and viewed some of the high water, I did not find any evidence that the water crossed Kansas Road at this location. If there is any evidence to the contrary, I would appreciate it being brought to us.

Commissioner Mourdock: I think you're about to have some.

Bill Jeffers: I didn't see any debris or high water on the road at this location. I did see it down towards Seib Road a little bit farther, not too far from this location.

Glen Schlensker: I have been actively involved in the high water, as many of you know. Being that I live there, I can guarantee you that the water did cross Kansas Road west of the bridge. It was approximately two inches deep. If you find a low point in the road there, it did cross about two inches at that point.

Bill Jeffers: Not at the road, but a little bit west?

Glen Schlensker: Not at the bridge, it crossed west of the bridge; at the low point in the road it was about two inches deep.

Bill Jeffers: I'm glad to know that because there was not nearly the amount of debris at that location as other locations because the field on the north side is plowed very clean and it didn't have any cornstalk or stubble left in the field.

Commissioner Mourdock: Which may be why it drained better, too. Didn't have all the stubble plugging pipes somewhere.

Bill Jeffers: Right, but I'm glad to know it did cross the road there and I'm happy to hear it was only two inches deep.

President Borries: If there are no other questions regarding Windemere Farms - North Ridge preliminary plan drainage plan, then I'll entertain a motion at this time.

Commissioner Mourdock: Based on the recommendation of the County Surveyor, I would move acceptance of the preliminary drainage plan for Windemere Farms - North Ridge.

Commissioner Tuley: I will second.

President Borries: So ordered.

RE: SHADOW BLUFF ESTATES

President Borries: Next we have Shadow Bluff Estates.

Bill Jeffers: Shadow Bluff Estates is located on Boonville New Harmony Road approximately midway between Martin Road and Darmstadt Road. Of course, the intersection of Darmstadt and Boonville New Harmony is the center of the metropolis of Darmstadt and Martin Road would be right at the entrance to the 4-H Center. So that gives you an idea of where that is located. It is within the town boundaries of the Town of Darmstadt. Therefore, the developer's engineer, who also is Mr. Weil and Mr. Poff from Sitecon, submitted a complete set of street and drainage plans rather than just a

preliminary drainage plan. What we have here is a complete final set of street and drainage plans. However, because the street plans are currently being reviewed by another engineer who was hired by the Town of Darmstadt to review those plans, and because we still have an issue to resolve with regard to the Drainage Board's ability to enforce the terms and requirements of a drainage plan within the municipality of Darmstadt, our recommendation at this time is approve the preliminary plan so that this project can advance to the Area Plan Commission the first Wednesday of June. This is the overall plan and we have marked up, on that particular sheet, four areas that attracted our attention and we are asking for more detail before we give final approval. The reason for the one at the south entrance to Boonville New Harmony is that we want all water coming down that street captured before it enters onto Boonville New Harmony because it is directly across the entrance of Tiberan Drive that is already established there. We don't want any water crossing that road. The other three areas we just need some more detail to show how the water leaving the detention basins is being discharged onto adjoining private property. We want to make sure that the discharge pipes from the end of those detention basins does not cause off-site erosion or other problems associated with pipe flow onto individuals. What the engineer is going to have to do is come back with some details to show how he is going to spread that flow out across an apron that will reduce the velocity of the water. Otherwise, the plan is quite complete and does show all the construction details necessary to put the plan in the ground. The calculations were made based on 25 year storms as required and, as I said, we are waiting to hear from the Town Board as to whether the street plans are approved by their consulting engineer and just how we are going to handle the enforcement, the inspection and enforcement, of the drainage plan. I couldn't find anything in the statute that I thought was there. I had actually misread the statute. I thought it said that the fiscal body of the municipality would act as the Board of Works or the Drainage Board, but what it actually said was only in cases of them being the owner of the land affected would they do that.

Commissioner Mourdock: But the city of Evansville does not look to this Board for guidance within it's jurisdictions.

Bill Jeffers: We have an agreement with the city whereby we maintain all the legal drains that existed in the areas that were annexed. We send the assessment for all those lands that are benefitted by us maintaining those legal drains, we send those assessments to the city. They pay those assessments in a lump sum from drainage money that they collect.

Commissioner Mourdock: If I may, let me break this down into two parts because with Alan back in with a book in his hand, I have a hunch he's about to give us some insight.

Bill Jeffers: But the Board of Works does act as the Drainage Board inside the city and their engineer reviews all the street and drainage plans, period, for every development inside the city limits. They chose to operate that way.

Commissioner Mourdock: But you prefaced all that by saying that we have an agreement with the city of Evansville to do that.

Bill Jeffers: Right. I believe there was an ordinance passed to put all of that into motion, or a series of ordinances. The city also, I think, by state law can go out into unincorporated areas and let bond issues to make certain drainage improvements that would service an area that would later be incorporated, and they did that on the east side with East Side Urban Drainage. They let bonds in certain areas, made the improvements with that bond money and then turned around and annexed that area into their jurisdiction.

Commissioner Mourdock: Let me break this into two parts for a second. Leave the jurisdictional part out. Just to hear you say it clearly, based on several recommendations you have on the four spots on this map, you would recommend this for preliminary approval and that it does meet the 25 year events per the existing ordinance?

Bill Jeffers: Yes sir.

Commissioner Mourdock: So then the other question is the one regarding jurisdiction and I would turn to the County Attorney who is quickly scanning some pages. Perhaps you could give us a little insight.

Alan Kissinger: There are specific circumstances under here in which a Board of Public Works can function as a Drainage Board. In those circumstances, there are situations in which the Drainage Board or the Board of Public Works has been designated as the body that has the responsibility for regulated drains and drainage and also there has to be some agreement or some authority by ordinance that the County Surveyor's duties will also be carried out by the Board of Public Works. There is specific statutory authority for counties having a consolidated city and as everyone knows, that is code for Marion County. That's exactly the way they have done it there. The Town of Darmstadt...I don't see any method for the Town of Darmstadt unless they pass an ordinance and have a Board of Public Works and some body that can act and carry out the statutory duties of the County Surveyor. I don't see how the Town of Darmstadt can object or indicate that the Drainage Board of Vanderburgh County, which is established by statute, can not function within that town unless they make provisions to do it themselves with specific statutory authority by adopting ordinances and establishing a Board of Public Works, etc., then the Vanderburgh County Drainage Board still has jurisdiction in that area even though it is an incorporated area.

President Borries: For the benefit of the folks here to keep you tuned in, the area you see on the map here of Vanderburgh County, the city of Evansville and the Town of Darmstadt are the only two incorporated communities in Vanderburgh County. So, in effect, we are responsible for all that other area outside those two jurisdictions. I guess what this comes down to, without nitpicking, is that if you get into a gentle person's agreement or a gentlemen's agreement, everybody gets amnesia and no one knows who is supposed to do what, it gets a little confusing. There is an interlocal governmental agreement with the Town of Darmstadt to provide law enforcement services with the Sheriff of Vanderburgh County. They did away with the Constable and used that money and I would agree with the county attorney. I'm not an attorney, but with a little experience in this, I guess, my feeling is that we should still pursue some interlocal governmental agreement in order to assure that someone in the Town of Darmstadt at some point doesn't come back and say to Bill Jeffers or to this Board, yeah, you did this, but now this happened and we don't like what you did. I don't have any problem if we want to make a preliminary approval at this point. Obviously, they wanted us to do something or they wouldn't have sent it, but I just have some problems setting some precedents here. There aren't a lot of developments that have gone in the Town of Darmstadt, but apparently there may be more, and who knows, the Town of Darmstadt may annex themselves. They could have the power to do that.

Commissioner Mourdock: We've thought about annexing Evansville before, but we decided against it!

President Borries: So, perhaps we ought to direct our attorney to set up some kind of interlocal governmental agreement extending some of the drainage and engineering services here. I feel a little more comfortable having something on paper in the future on

this.

Commissioner Mourdock: Are you suggesting with that, Rick, that step by step, that if we choose to approve this preliminarily before we act on a final plan, that we would have an interlocal agreement in place if the city of Darmstadt chose to do that?

President Borries: Yes.

Commissioner Mourdock: I think there are some folks here to speak on this one way or the other.

#### TAPE CHANGE

Commissioner Mourdock: Before that happens, I'll ask Chris Weil again, the same question that I asked with the previous plan. Based on your conversations with Mr. Jeffers, are you comfortable with the recommendations that he is making for preliminary plans?

Chris Weil: We haven't have a great opportunity to review these recommendations, but this site was a fairly simple site and Bill doesn't really make any undue requests. I don't foresee any problems with that, but we will certainly work with him to meet his requirements.

President Borries: Any comments from any of the folks in Darmstadt?

Peggy Bauer: My name is Peggy Bauer and I'm an adjacent landowner to the property being proposed as a subdivision. If I am hearing you gentlemen correctly that to really be legal and to do it the right way, this agreement that should be between the Town of Darmstadt and this Board should be done first. You did it first with the city of Evansville before you did any other step and I think that the Town Board of Darmstadt probably did not consider all of the repercussions of the first really true subdivision that has gone into the Town of Darmstadt. There are problems with the sewage, which is not of your concern, but there are tremendous problems. I feel that the Town Board needs to hear all of this and think it out. I think they reacted very quickly on this because it was a first and they weren't prepared for it. I'm asking you to table any kind of approval. I would not like to see you even do a preliminary until the Town of Darmstadt has come to some kind of an agreement. Whether they are going to create their own drainage board because we are a separate corporation or whether they are going to do an agreement with, but I feel like it is wrong for you to make a step of preliminary approval when you are not even sure yet whether you have any kind of an agreement with the Town of Darmstadt.

President Borries: Point well taken.

Bill Jeffers: Ms. Bauer has some good points. However, the Surveyor's Office has reviewed to my knowledge at least two major subdivisions. One of them is Darmstadt Heights and the other is the subdivision directly east of and adjacent to this one. I can't remember the name, but we reviewed both of them, basically, under the same guidelines. Not as strict of guidelines as this, but, basically, with the same idea in mind to prevent the flooding of other private and public property. We were very careful in our review of them because both of the other subdivisions drained into the 4-H Center and we have a stake in that. One subdivision went without a hitch, the one immediately adjacent and to the east of this one and the other subdivision, Darmstadt Heights, unfortunately is the source of the apprehensions that have popped up about this one in that the detention basin for that subdivision was not put in place. The reason that we are even a little skittish on anything inside of Darmstadt, since that point is that under the previous ordinance all street and drainage improvements

were to be inspected by the county engineer. Since the county engineer is prohibited by the Town Board of Darmstadt from making his street inspections because they make them and they accept the streets, and because the Town Board overlooked that part of the street and drainage plans which required the detention basins, the detention basin was not built and there is no way for us to enforce that five years after the fact. The Town Board is saying that you have to enforce that, you approved it, you have to enforce it and that's where the issue pops up. It has nothing to do with the review. The review was carried out properly and without the review and the recommendation from the Surveyor, your Board would not have passed the drainage plan for Darmstadt Heights and, therefore, Darmstadt Heights would have not had the opportunity to go to the Area Plan Commission and get a full review of all issues other than drainage. Traffic, density, sewers, and what have you. If you don't give this at least preliminary approval, then this one will not have the opportunity to go before the Area Plan Commission and get full scrutiny. Like I said on the previous one, Windemere, nothing will be built out there...well, I think you can build one house on five acres because you are automatically entitled to that with or without a subdivision, but there will not be multiple dwellings built here, there will not be one building permit issued until it has final drainage approval. It's just the rule that Area Plan goes by. They will not hear this until it passes preliminary approval here.

President Borries: What you are saying is, in effect, this becomes a formality. You have reviewed it initially. There is still time for give and take. It is a formality much like where you have a first reading, then it's forwarded to Area Plan and then it comes back on a third reading. Is that my understanding?

Bill Jeffers: That's correct, Mr. Borries. But also above and beyond that I'm saying that although Ms. Bauers' comments are well founded, well intended and I agree with her 100 percent, well 99 percent. The one percent that I don't agree with her on is that any project that has an investment by a developer in it should have an opportunity for a full hearing and it will not get that until it leaves here and goes to the Area Plan Commission. It still has to come back here for final drainage approval.

President Borries: Or the Town Board if that's...

Bill Jeffers: Or the Town Board if they choose to do their own final approval.

Commissioner Tuley: The only problem that I've got with it, is there any reason to believe that the Town Board is not going to grant us the authority?

Commissioner Mourdock: I don't have the answer to that question. I don't know.

Bill Jeffers: I don't have the answer to that.

President Borries: Why would it be here? I don't know if we are doing an exercise in futility here.

Bill Jeffers: All the drainage plans will go down the same course. They go to Subdivision Review Committee, they are passed to the Surveyor's Office for review, they come to you for preliminary approval, then to the Area Plan Commission to discuss all issues other than drainage, then they come back to you for final street and drainage approval. The only catch in Darmstadt is that they do their own street work, but they apparently, up until now, didn't realize that there are other things involved in a drainage plan such as detention basins and they have to be built as well. A developer left town on them without building a detention basin. The developer of this subdivision, I dare say, will not be leaving

town. I just don't see it, he's an extremely reputable developer.

Commissioner Mourdock: Let me go backwards for a couple of minutes, Bill. You used the precedent example and I try to be very conscious, not just on this Board but on the Commission as well, with what we do precedent wise and I heard you say that the two, basically, adjacent to this were approved.

Bill Jeffers: Correct.

Commissioner Mourdock: Was one of those two the one that you just referred to a moment ago that did not end up with a detention basin?

Bill Jeffers: Correct. Darmstadt Heights ended up being built minus the detention basins.

Commissioner Mourdock: Okay. I'm not pointing a finger at you or the County Engineer or anybody else, but how did that it happen that it would fall through the cracks? Again, I'm not pointing a finger here, but we had no enforcement authority.

Bill Jeffers: Right. The process of inspection while the streets were being installed, the ditches, the pipes and everything, the process was for the County Engineer to inspect all drainage improvements along with street improvements and the Town Board of Darmstadt says we don't need the County Engineer out here to tell us how streets are to be built, we do that ourselves, we have our own Works Board.

Commissioner Mourdock: One other comment that I have, I know you didn't mean precisely what you said a moment ago and just want to set the record straight for the people here. You said, "In reviewing the other two adjacent, that we reviewed the plans critically adjacent to the 4-H Center because, after all, we have a stake in that". We don't look at plans any more critically adjacent to county property than an individual property owner's property and I just wanted to make sure everyone understands that. I know that is not what you meant by the statement, but it might have been otherwise misconstrued.

Bill Jeffers: Apparently, I didn't mean that.

Commissioner Mourdock: Yeah, I don't think you did. It kind of hung in the air for a second.

Bill Jeffers: We had several people call us who have a public or private interest in the 4-H Center and said to make sure that no adverse effects are caused by these. And we said, yeah, just like we would anywhere else.

Commissioner Mourdock: That's they key words, yes.

Peggy Bauer: A couple of comments to what he just said about the other two subdivisions. Both of them were established and approved by the Surveyor from the old statutes of about six pages, not the 96 pages. I think some of the problems were there, but I think it still falls back and I don't want to say that the Town of Darmstadt is good old country people, but in a sense, that is exactly what they are. The Town Board has not ever been faced with a lot of the legality of precedents on a lot of issues. I feel like what has happened with this subdivision is a first. I do not want to see a precedent started on this subdivision just to push it on through. Even preliminary approval because you are setting a precedent for other subdivisions. If you do it for one, you've got to do it for others. Now, you made mention about John Elpers. I'm sure that you are correct, but we thought probably the same of the other builder at the time, that he would not leave town. Gentlemen, we have problems out there. We have a sewage problem that is already

a problem and now we are looking at adding 27 more homes. I know that still does not fall under your guideline, but presently, if this subdivision is approved, this builder doesn't have to do anything about the sewage problem until after the fact if it becomes a problem. By that time, the 27 homes, 26 homes, are going to be there. The Town Board has got to have a chance to really think this out and it went through too fast. We talked to quite a few of the Town Board members and they approved it because they thought they had no choice. A survey was done, which they paid \$25,000 for that said, yes, the sewage probably could accept another 100 homes. That is not 100 homes all in one location that are on a low line that has to go all the way up the hill to hit the drain down by Vanderburgh County. Somewhere along the line we have got to pull in the reins and say, wait a minute, we've got to check it all out completely. Now, the Town Board passed it on to you because they didn't think they had any other choice. I am simply asking you to not start a precedent here that is going to affect the Town of Darmstadt in the future, because if we allow one builder to come in and build 26 homes that only leaves 74 left and they're all situated...I'm saying all this because I know you don't have the legality of anything about that sewage problem, but somewhere along the line somebody has got to help us make sure that it is going to be done right. That's why I am asking you to table this until the Town of Darmstadt has another meeting and has a chance to meet with the people that could give them correct legal advice on this.

President Borries: Thank you.

Greg Cahrey: My name is Greg Cahrey and I'm here on behalf of John Elpers as well as the landowner, Mrs. Ruth Dennis. Several things, I think, need to be remarked on with regards to the development here, Shadow Bluff. One is that we seem to be talking about the setting of a precedent which I think has already occurred. We are not talking about two subdivisions, we're talking of at least three subdivisions and maybe four with the disclosure that Mr. Jeffers made about the one to the east of this particular subdivision. The first one that we're aware of was German Pines, it was established on Fleener Road. The second one, I believe, was that of Darmstadt Heights which is farther down the road on Boonville New Harmony and the third one was Court Manor, all of which went through the same procedure, apparently, that we are following now at this time. On the plat there was an indication on each one of those plats that the streets were accepted by the Town of Darmstadt. I'm not certain at this point and I can't tell you for a fact that the Town of Darmstadt and their Town Board realized what they were doing when they went ahead and signed off on the plat. My impression is that they thought that things had been approved by the County Surveyor, the County Engineer, and the Drainage Board prior to going to them for that final approval. In any case, those three subdivisions have been developed, those three major subdivisions. If there are any precedents that have been established, it seems to me that was doing it at that point. I also would urge you before you go into thinking about interlocal agreements or something like that, that you review the records and see whether in fact the Town of Darmstadt has adopted an ordinance to the effect of adopting the county wide ordinance of subdivision, zoning, etc., and buying into that. My limited research is to the effect that there is an ordinance that was adopted by the Town of Darmstadt under the previous ordinance back in 1974, I believe. After the adoption of the newest ordinance, which I think was in 1987, I may be wrong, but around that time period there were several amendments that were submitted to the Town Board by the Area Planning Commission under the statute that regulates them, and they asked for the approval and adoption of, the ratification if you will, of those amendments to the ordinance. Now that implies to me that there is no need to go to the Town Board of Darmstadt to go ahead and be requesting some amendments to an ordinance that you haven't already accepted or adopted pursuant to the authority that the APC has under the



statute. I would urge you as a body and your attorney to perhaps research whether, in fact, there is an ordinance that already is in existence by the Town of Darmstadt. I would also urge this body not to be confused about what they have before them tonight. That is the issue of drainage. We are not here with regards to sewage. Some of the comments that were made by some of the remonstrators are accurate. There was an engineering firm from Indianapolis, outside of this area, that was retained by the Town Board of Darmstadt to go ahead and review the plans that they had with regards to...I shouldn't say the plans, the status of their sewage system that they have in the Town of Darmstadt. Their advice back to them was to the effect that there could be an additional 100 homes that could be attached to this sewage system. The reason being that apparently in certain places there is a diminished flow through that system that would be enhanced by the additional volume that would come through. Now, the systems as I understand it, I'm not an engineer and I don't pretend to be, but the system is built where you have an increasing or decreasing, depending on the point where you are in Darmstadt, line capacity. In some parts of Darmstadt you have only about a two inch or one inch line, apparently, that services the sewers in that location. As you get closer to Highway 41 it increases in capacity until you get almost to a six inch, and I think it is a six inch main, along Boonville New Harmony Road. That has the capacity to go ahead and take the additional flow from an additional 26 or 27 lots. That is why you are not going to find a development, probably, west of Darmstadt Road that is going to be able to go ahead and have the capacity to go ahead to enter into and dump into the sewer system that they have there. At least at this spot there is that capacity to go ahead and handle those 26 additional lots and that has been attested to and has been accepted by the Town Board of Darmstadt. There have been not less than three separate meetings since February of this year that the Town Board as well as the citizens of Darmstadt could come and hear the presentations that were being made by Mr. Elpers in regards to this development. It has been that long in the making, so to speak, in the planning. It's not like this has been foisted on the Town Board of Darmstadt at the last minute. In fact, we've had two or three meetings just with regards to the issue of sewage, and once that obstacle was overcome, we then went forward with the additional plans that you see today. I don't want the Board to have the impression as though this was something that was done in a secret, smoke filled room or something like that. There has been ample opportunity of the last almost six months for people to come and be heard with regards to the plans that were being made, so I appreciate your understanding.

President Borries: Thank you, Mr. Cahrey. Okay.

Commissioner Tuley: Alan, did I hear you earlier say that unless there is a specific agreement that they would handle their own and that this Board has the authority to act on this?

Alan Kissinger: Well, no. Just as Mr. Cahrey suggested, there has to be...they have to adopt the ordinances to authorize themselves to do certain things under the statute that they're authorized to do. Now, it has been suggested that I look into that and see what the status of that is. I would suggest that the Town of Darmstadt supply us with that information to assure us of their present status and their ability to contract away that status, or in the absence of them having taken the appropriate steps to show us why our County Surveyor's Office does not have jurisdiction within their town limits. I guess what I'm saying is that if you rule on this tonight either way, you are ruling somewhat in the blind.

Commissioner Tuley: I think that's called no-win!

Commissioner Mourdock: That's right, that's called no-win.

President Borries: It's kind of like what Yogi Berra said, "When

you come to that fork in the road, you've got to take it".

Carol Schlumpf: Carol Schlumpf, I live adjacent to it. Like you all have been saying, from what I got from the Town Board of Darmstadt it's like, well, things are growing out there in a hurry. Like Ms. Bauer said, we are just basically country people and that. Yeah, these other subdivisions have gone in, but it's like everybody woke up now and we see there's a problem and like you all have discussed here. You know, it's like the Town Board thinks that you all are supposed to do this and you's think that the Town Board is supposed to take responsibility for that and I think that we need to get it out in black and white, who is responsible for what before we go on and continue with any more problems. Hearing from us, there are problems. It's like we woke up now, we see this and we want to do something about it. I mean, I think we need to get things kind of lined out, basically, and decide who is responsible for what before we add more to our problems out there.

Commissioner Mourdock: My final comments on the subject, there are several. First of all, as Mr. Cahrey said, this is not about anything other than drainage which is very important at this point. The sewer situation is important and I'm sure that the people on the Area Planning Commission will be listening to that. You may have heard at the start of this meeting, Commissioner Borries say that I was this Board's representative to the Area Planning Commission which means I'll get to vote again on this and that also probably explains the little bit of delight and glee in his voice when he said that I was the representative on the Area Plan Commission. The biggest concern that I have with proceeding with this at this point is one that Mr. Jeffers made, in that the last, and I believe it was the latest, of the subdivisions out there did not put in the retention basin that our plan required and yet we effectively had no enforcement power over them and that is disturbing to me. It's hard for me to want to rush to do this when in fact we can't back up what we say we are going to do. I think it is fully appropriate, as County Attorney Kissinger was saying, be it from the city of Darmstadt to provide us with the information or for him to research it, whichever way we need to go, I think anybody, be it this body or any legislative body of government, ought to be able to have some authority behind it before it does anything. If it doesn't, I don't think it is serving the public trust. Let me add a footnote to that, those comments are simply about the process here, not about this subdivision.

Commissioner Tuley: I would tend to agree with you. We need to clear the air and get it resolved.

William Smith: I'm William Smith and I am a member of the Town Board in Darmstadt. A lot of this, particularly this basin in Darmstadt Heights, we were informed that the county would take care of this basin when we called to their attention that it was not put in. We were informed that it wasn't our responsibility and they would see to it that it was done. That was the information that I had. As far as...you know a little something about that too, don't you, Mike?

Mike Roark: I sure do.

William Smith: You are more informed on that than I am because you work with these guys.

Mike Roark: My name is Mike Roark and I work for the Town of Darmstadt. All the subdivisions that Mr. Jeffers spoke of, none of them were reviewed for drainage. You reviewed them and no one inspected nothing. That's the concern that these people have. We are under the assumption that you take that over and I think that you guys are under the assumption that we do that. That is what needs to be cleared up between the Town Council and the County

Commissioners and I'm pretty sure that they are going to leave it in your hands, or they would like to. I'm not speaking for them, but none of them...one of the subdivisions that Mr. Jeffers spoke of that was developed just east of this property has never been taken over for maintenance by the Town of Darmstadt drainage wise, road wise. The individuals in there even had to put their own sewer in. So, we are under a false pretense. We don't know what's going on and a lot of the people here don't know the proper procedure to appeal or voice their opinion. The Town Council, I believe, is under the opinion that if you pass it, then they have to pass it and they don't have no control. I really believe that you men need to meet with our Council or vice versa and get some of this ironed out because we all would like to know. I'm not for or against Mr. Elpers' subdivision. It looks like a beautiful subdivision to me. There is a lot of concern and we're assuming that you are doing all the drainage concerns. We have no body to look at this. If you request it, I'm sure that they will have to hire their own engineer to review the drainage. Right now we have an engineering firm reviewing the roads, not the drainage because we are still under the assumption that you will do that. I don't know if I'm clearing this up or making it worse, but that is about where it stands. I'll try to answer any questions if you need me to.

President Borries: Thank you, Mike. Mr. Smith, do you want to come back up here? I guess we feel a lot like, probably, what you're feeling like when we talk with the State of Indiana. Particularly, I do when they take down signs and put up stoplights and do a whole bunch of things and don't consult us. I guess this conversation is going on with a lot of states in Washington, D.C., too. Everybody here is getting a little education of what some of the confusion is that exists between governments. Really, from my perspective, I regard you every bit as an equal. You have responsibility for your municipality just as the Mayor of the City of Evansville does for his at this time. What would you want us to do? Doesn't it appear to be, at this point, to end some of this confusion that we need to talk with you and your board members in order to move forward?

William Smith: I agree 100 percent.

President Borries: Okay.

William Smith: I'm sure you'd be welcome.

President Borries: I think we need to have that as soon as we can because you all shouldn't talk down on yourself at all in terms of your values, or your country or whatever. Things change and that's why, again, unfortunately we've got a 96 page document here when we used to have six. That's why every decision we make gets a little tougher because this isn't 1956 anymore. If I'm hearing what the Board says we are going to defer this one this evening and we will set up a meeting as quickly as we can in order for our legal departments, particularly, to kind of really get down on paper exactly what is expected of the Town Board. Frankly, Mr. Smith, you need to have as much jurisdiction as you want. There should be no confusion on this. We've resolved this very cleanly with your former Constable and the Sheriff of Vanderburgh County and it worked out well. I think we need to do that with, particularly, with the drainage and the roads.

Commissioner Mourdock: Again, I want to make sure everyone understands that my comments are not about the subdivision, per se, but simply about the procedure that we have right here. I think we just need to clean that up and with that said would formally move that we defer this for one month, and in the meantime ask the Town Board of Darmstadt or their representative to make contact with us.

Commissioner Tuley: Second.

President Borries: So ordered. Perhaps we can come out and meet with you out there if you prefer we do that. Thank you. Sorry for all this jurisdictional problem here.

Bill Jeffers: The people from Darmstadt may be simple country folks, but they sure are shrewd.

Commissioner Mourdock: Thank you!

Bill Jeffers: The Area Plan Commission can read all about the sewage problems right now, as soon as these minutes are published.

RE: CLEAR CREEK VILLAGE

Bill Jeffers: The last major subdivision on the agenda for a review of a preliminary drainage plan is Clear Creek Village which is located just west of Little Pigeon Creek.

Commissioner Tuley: Hang on a second, Bill.

Peggy Bauer: I take offense to his comment, the shrewdness, and I would like that in the records. I don't feel like the gentleman has the right to make any opinion. All we did was try to come up with some type of order to everything and I think he owes the people here an apology.

Bill Jeffers: If that was taken the wrong way...I always thought of shrewdness as a compliment, but if you took it the wrong way, I do apologize. Clear Creek Village is located just west of Little Pigeon Creek and just north of Mount Pleasant Road maybe a little less than a quarter of a mile west of U.S. 41. First of all, I would like to say that we are aware that there are many people left here in this audience who are opposed to this development for one reason or another. Some of those people will be represented here tonight by their legal counsel and others may wish to speak for themselves. We do understand the apprehension on the part of nearby homeowners with regard to a large development. In fact, I'm apprehensive about the affects this development will have on me. Traffic on Old State Road is heavy. We have a miniature rush hour from about 7:30 a.m. until about 8:00 a.m. every morning. Myself, I can't get out onto Old State Road from the end of Kimball Drive unless some nice person waves me out into the long line of traffic waiting at the intersection of Old State and Campground. Sometimes this traffic is backed up all the way to Caranza Drive. I know the addition of 336 homes will greatly overload Old State Road, etc., etc., etc. We can go on just like the sewer discussion if we like. The bottom line is that we are here to review drainage and I do hope that the comments are limited to that. I know by now that the remonstrators here in the audience understand that the function of the County Surveyor is to review the drainage plans and make a recommendation to the Board. The function of the Board is to act in accordance with the recommendation and their own good judgement on the drainage plans, so that this project can pass forward to Area Plan Commission for such items as traffic, density, the size, the selling price of the houses, etc. Now the reason that we put the developer through paces this way is so that he can look at the cost of what it's going to be to construct streets and drainage and make sure he is not getting in way over his head before he has to go in and draw the exact detailed plans. If he doesn't get past the Area Plan Commission for other reasons, he will never use those plans. Like I've said many times before, it is not unreasonable to assume that on a 363 lot subdivision that, in over his head, might be \$25,000 or \$30,000 before he ever gets to Area Plan Commission if we ask for every last detail answering every last question on a preliminary plan. So the preliminary drainage plan that we are looking for, we want to assure ourselves that number one, a final drainage plan can be developed from this that will satisfy all the other requirements of the drainage ordinance. Number two, that the developer is aware of what's expected of him and what he will be

required to do during the further planning stages and the construction of streets and drainage improvements. Three, that the final plan will be one that will work to protect all the homes from flood damage and serve that community well. When the plan for Clear Creek Village first came to our office, we had some, again, apprehensions about the project, especially after the rain on May 5 which flooded this field, the lower areas of this field and it flooded Mount Pleasant Road with swift running water. Some of the flooding that occurred in homes throughout Vanderburgh County occurred on homes that were built prior to the requirement to build at or above the 100 year flood elevation. Some of the flooding occurred because drainage culverts were clogged with debris that was washed out of the woods and stuck in the culverts. When the water went over the top of the roads, it got up to such a height going over the top of the roads that it went into garages and dwellings that people built below the elevation of the road. Sometimes you go out and look and you say how possibly could a person build his house or his church, a church got flooded, or his commercial establishment, how could they possibly build that so that the floor elevation was below the road? In some cases, below the top of the culvert that goes under the road. You can look out and see the culvert. It's at eye level when you're standing on the floor of the house. How could this happen? It did happen before 1979. Some cases where houses or garages flooded it was because the drainage swales between the homes that were put there to carry the overflow from streets were blocked by fences, air conditioners, swimming pools, big huge mailbox pillars bigger than this podium. They were stuck right there where the water was supposed to go. It was blocked by these fences and other obstructions and the water went in through the crawlspaces of homes and into basement windows. We viewed all this and we have notes on how it happened this past May 5 and then again the following week.

#### TAPE CHANGE

Bill Jeffers: Even when homes are not flooded, prolonged high water in streets and yards can be real alarming to people that live there. It can be inconvenient and it can be dangerous as the Fire Chief from Darmstadt said, it's hard to get to people who are in trouble. We can no longer accept the excuse that these so called 100 year storms can't be planned for or that you shouldn't expect another one for 50 or 100 years. We are getting them every 18 years. We've seen them too frequently and we will see them again. So, even though our drainage ordinance requires only the sizing of drainage facilities to handle a 25 year storm, the ordinance also empowers the Drainage Board to look at each project on a case by case basis and the ordinance allows extra measures to be imposed on projects that are within an impacted drainage area. Impact drainage area could be defined as property that is hard to drain due to its location of a floodplain or due to other topographic features. I want to assure the Board and the audience that the Surveyor's Office took a hard look at the original plan that was submitted for Clear Creek Village. First of all, we took into account what happened at this site and downstream from this site May 5, 1996. We went through all the subdivisions south of this site along Little Pigeon Creek. We established how high the water got across Mount Pleasant Road and that is approximately 388.6 feet above sea level. We determined what elevation the Corps of Engineers said that the 100 year flood would be at this same point and that was 389 feet above sea level. So based on their computer program, the water should have got to 389. It got to 388.6 so we are only talking about a five inch difference between the computer program and actual fact. It's pretty close. We determined what elevation the Corps of Engineers assigned to the 100 year flood elevation at the point where Little Pigeon Creek first comes into this project, under the rail line west of U.S. 41. That elevation, the Corps of Engineers says, is 390.5 and we accept that. We asked to developer to set the lowest points in his streets so that the streets would not be flooded by the backwater from Little Pigeon

Creek during an event such as May 5, 1996. This is the first time to my knowledge that a developer has been required to set his streets at or above the 100 year flood. I'm talking about streets now, not houses. We asked the developer to provide low pavement street sags, which in layman terms that would be a gutter inlet depressed down to the lowest point at that intersection, that represents the lowest point in that street, and then set emergency overflow swales from the curb behind that sag to carry street flooding out and into the creek or the detention basin. What we are saying there is if you set that lowest place in the street at or above the 100 year flood elevation that occurred May 5, and was predicted by the Corps of Engineers, and the rest of the street is above that point, then no backwater can get into that street during what happened May 5. Any water that is standing in the street can run over the curb and downhill to the creek even though it might only be that much difference in elevation, five or six inches, it should run out and down into the creek. Emergency overflow swales are straight graded downhill from the sidewalk between the homes and to the rear of the lots, and he shows that on the areas where I have a solid orange line from the street back to the creek. This allows the water which cannot pass through the underground pipes because they are below the 100 year flood or it cannot pass through the drainage pipe during a 25 year rain because that is all they can handle, or due to clogged inlets. This allows that water to drain out of the streets, through the sagged inlets and into Little Pigeon Creek. On your copy of the drainage plan we outlined the 98 lots which the developer wants to start on his first phase. Those are outlined in yellow. This is what the developer represented to us as phase 1. It's 98 lots entering on to Mount Pleasant directly across the street from Copperfield Drive. The location, as I said, of the emergency overflows is marked by solid orange lines. There are three of those in this phase. The elevation of the street sags are circled in red. The letters LP means low pavement. The elevation assigned to the low pavement in the sags are all at or above the 100 year flood as calculated by the Corps of Engineers. As we said, we are a pretty close match on them and what actually happened out there. We are also requiring the developer to notify all property owners who will buy into this, notify them on the plat and in their covenants and restrictions which he has to place in their hands, or the bank, or whoever at the time of purchase, not to place fences or other obstructions within the easements where these emergency overflow swales as well as all other drainage easements. No fences. We've identified fences as one of the main culprits in obstructing water and collecting debris that causes the water to stack up even higher. In fact, we should prohibit fencing, buildings and other materials, such as firewood, from being placed within or near any open waterway, private drain, mutual drain or natural watercourse as defined by the new state statute effective July 1, 1996. We also determined the approximate location of the floodway for Little Pigeon Creek from the Corps of Engineer study and the floodway is marked on your plan with a pink highlighter. That is the area that passes under the railroad tracks and alongside his detention basin and then catches the east parts of Lots 82 down through Lots 17. It's partially impacted by the floodway established by the Corps of Engineers. The exact limit of this floodway, the ability to operate equipment in the floodway, the location of any possible wetland habitat and all the various permits required to conduct the activities associated with constructing this project will have to be determined by the Indiana Department of Natural Resources. All that business is outside the jurisdiction of the Surveyor's Office and outside the jurisdiction of this Drainage Board and will have to be conducted between the developer and IDNR. In other words, there are permits required to operate in the floodway and there are limitations to what can be done in a floodway. To be specific, they can install this outlet structure from the detention basins because that's a cut, but they may not be able to...they cannot place any fill in a floodway. So, the floodway has to be exactly determined by the DNR and then the permits required to operate in that area. Like I said, this is an

approximate limit of it. The activities will have to be dictated by DNR, not us. We've highlighted the proposed detention basin in blue. It runs all along the east side of the proposed subdivision. It's an incised basin with a permanent standing body of water. How deep the basin will be dug depends on the quantity of dirt that's to be taken out of it and used as fill for this project. I imagine that will make the basin quite deep. The depth of the water that can be stored between low pool elevation and the spillway is four feet. That is the maximum allowed by our ordinance and the storage capacity for this basin exceeds the required volume by nearly 50 percent. What he plans to do, obviously, is to dig out a vast quantity of dirt to use to fill the building sites and the streets to get them up above flood elevation and then that quantity that he anticipates digging out of those basins will provide a storage capacity far in excess of what would be required by our ordinance simply because he needs the dirt.

Commissioner Mourdock: That excess of over 50 percent is based on the four feet?

Bill Jeffers: No, about 50 percent. Between 40 and 50 percent.

Commissioner Mourdock: That's based on a four foot depth?

Bill Jeffers: That is correct. On a four foot...from the normal pool stage when it's finished draining down to its standing level which is 385.5 above...right under the words "retention basin" you'll see the figures. The pool elevation is 385.5. During a 25 year event that elevation will go to 389.5. Everything over that elevation starts going through the emergency spillway, but yet there is still another half a foot of storage space for the 100 year...actually seven tenths of a foot to 390.2 during a 100 year event. He gives the 25 year storage and cubic feet and the 100 year storage and cubic feet and those figures are about 40 to 50 percent over what is required. Around 40 percent is probably closer. They took great care to follow the requirements of our ordinance when they got my first letter. We are also requiring the developer to install temporary orifice plates in the detention basin discharge pipe phase by phase so that the required detention for each phase is obtained no matter where he is in the development of the whole project. What I'm saying there is that he is only going to go in here and do 98 lots at first so we want to make sure that he achieves full detention for those 98 lots so that if he changes plans right then and there and decides to go with larger lots, a different layout, sell off part of the property and do something different and replat, that even if he stops right then and there, his storage will be sufficient and that the discharge into Little Pigeon Creek will be limited only to what would be allowed for that size development that he completes. His engineer indicated that they were willing to do that. Back at the proposed entrance to Clear Creek Drive onto Mount Pleasant Road, which is located just west and across the street of Copperfield Drive, during the rainstorms of May 5, 1996 we noticed several places where the water crossed Mount Pleasant Road from the north side to the south side because of inadequate ditches along the north side of the road. This water, in fact, overloaded the lakes in Deerfield and then drained down through some property in Copperfield in a very alarming volume. As a matter of fact, there was a man who may be here tonight who I would not approach at that time. He was in his rain suit and he had a pitchfork in his hand and he was cleaning the debris off the inlet in his yard and I was afraid to...I know what I would have done if a county employee would have got out of his car at that time. It's not really funny. The water coming through this man's yard looked like a water ride at Six Flags. It was unbelievable. Some of this water is coming across Mount Pleasant and overloading the facilities on the south side. This is due to inadequate ditches on the north side of Mount Pleasant which is because there is only 16 1/2 feet of right-of-way over there and there is not enough room to maintain a proper side



ditch. Along with the fact that some property owners on the north side, and I'm not ready to say exactly which locations, but some property owners have installed undersized driveway pipes which cause the water to go over the pavement instead of through the pipe and some property owners have filled in the ditches alongside the county roads and they need to be cleaned back out. We are requiring the developer, because we know this, we are requiring the developer to provide a drainage system which will catch all street and yard drainage from Lots 1 through 6 and direct that drainage through a small detention basin before discharging it back into the north side ditch. At the rate at which it now is there or at the same rate that now occurs during the same storms. I'm not saying that it's going to get any better. I'm saying that we don't want this development to cause any additional problems along the north side ditch. We are also requiring the developer to include details of proper yard drainage and I have those here with me somewhere, but they are the same details that we are asking everybody to put in there to show exactly how to drain yards in accordance with HUD and the Soil Conservation Service of Indiana. They originally came from HUD and the Federal Housing Authority and they are distributed by the Soil Conservation Service to show exactly how to grade small yards, narrow lots, so that water can drain around these houses. Finally, we're cautioning the developer to set the elevations for all the dirt pads, which is where the houses will be set, we are cautioning the developer to set the elevations for all the vents to the crawlspaces, the sill plates and the finished floors of garages and dwellings with the utmost care to ensure not only that the houses are two feet above the 100 year flood, but also that storm water being carried through all parts of this drainage system cannot back up or overflow into any part of the dwelling. Again, I say that all of this is based on what we viewed in the first two weeks of May in other places. I want everyone, please, to keep in mind that this is a preliminary drainage plan and that our recommendations for the Board to approve this preliminary drainage plan is made only because the developer has met or exceeded the requirements of our ordinance for a preliminary drainage plan. Please keep in mind that the approval by this Board only allows the development to advance to Area Plan Commission where other issues can be addressed. Also, before the developer can construct houses, he must have this Board's approval of final street and drainage plans. There will be more exact construction details on the final plans and those plans will come under more scrutiny than the preliminary plan. Also, the developer has to post a bond to guarantee proper construction of all streets and drainage improvements. Every developer has to do that so he will be posting a bond that if he fails to carry out the requirements of the drainage plan that bond can be used to finish the project or to prevent him from further development. Also, the developer will have to resolve certain issues with the Indiana Department of Natural Resources as mentioned above. I have an extra map here if the audience would like to use that. I'll give it to their representative and comments came, basically, from that set of notes. I won't say anything else about north siders being shrewd, but I still say it's a compliment, though.

President Borries: Thank you, Bill. Mr. Morley, you are here to represent the developer, is that correct? We'll take comments and perhaps, again, we appreciate your patience here. If you have a spokesperson, after their comments we will certainly want to hear from those...again, realizing full well that we're not here to talk about traffic, the size of streets at this point, the size of lots or zoning. That's not what we are here for this evening. Mr. Morley.

Jim Morley: Thank you. The drainage plan that you have before you is probably the comprehensive preliminary drainage plan that you have ever received. As Bill discussed with you earlier, there are several things within. Not only does this plan comply with every part of your new 96 page ordinance, but it goes beyond that



ordinance to issues of elevation of streets and emergency overflow. As this Board has heard me say before on drainage, surface water routes are something that should always be looked at in a subdivision because blockages do occur and this subdivision clearly on the plan shows the location of the surface water emergency overflow routes that would be utilized in the event of some blockage to the sewer system or a storm that is in excess of the design flow. I would like the Board to receive, and I think, Daryl, you have it, a copy of the subdivision plat. Mr. Jeffers referred to the requirements of placing information about fences and other such regulations on drainage easements and we have included that in the subdivision documents. The subdivision plat is large and the wording is included within that so not only is it, of course, recorded in the minutes of your meeting here tonight, but we have that wording placed on the plat and those covenants. Now, the details which we have used before, as you know, of the house grading plan not only the one from HUD, but the house grading plan that our office originated giving a little more information about the 100 year flood level and about keeping crawlspace vents above the earth grade around the house will have to be incorporated within covenants of the subdivision. The covenants of the subdivision will be available for recording before we bring in the final drainage plan. As you know, the final drainage plan is the one that shows the exact inlet elevations as we have reviewed the road grades with the County Engineer and of course the Commissioner's Board reviews those road plans. That's the reason that drainage approval is normally a two step process. The first to define that you have sized the pipes properly, that you have located the lake properly and that you've defined all of the drainage area coming to it. The final drainage plan that shows the exact elevation of the rim of the inlet and the model number and all of those other details that are very involved and will be on a set of subdivision plats containing many pages. In conclusion, this subdivision meets every requirement and several that are not there. I think that it would be a good idea for the Board to examine further amendments to their drainage ordinance to take up this issue of overland flow in the storms that exceed your normal design as required by your ordinance. Thank you.

President Borries: Any questions of Mr. Morley?

Commissioner Mourdock: Jim, I just want to clarify something and I think that I know the answer to this, but we've thrown several terms around tonight and I just want to make sure that everybody is following. On May 5th or 6th or whatever it is, it is generally referred to that we had a 100 year precipitation event, but correct me if I'm wrong, but a 100 year precipitation event does not necessarily equate to a 100 year flood?

Jim Morley: It is a one percent chance and we may or may not have had that. That storm was not widespread in that some areas received much more rain than other areas. If you go north of town only six miles, there was much less rain than there was in this area, so whether or not that was a 100 year event on the entire Little Pigeon Creek Drainage Basin is perhaps open to question. It may have been under some localized conditions, it may not have been under the entire basin. As Mr. Jeffers noted, we took elevations on the water level and we were not as high as...we were five inches below what the Corps predicted would be the 100 year flood on the Little Pigeon Creek.

President Borries: In effect, are you saying, and based on what Mr. Jeffers says, that you are designing this first phase for approximately the 100 year event?

Jim Morley: Yes, that is correct. Our ordinance, as you know, requires us to have all floor elevations two feet above, but we have not mentioned in any part of our ordinance a required minimum elevation that you do not want the streets to go below. Obviously,

we can't raise them too high because the street itself can act as a barrier to this surface water out of there, but certainly you should give consideration to the thought of barring unusual circumstances of having design grades within six inches of the 100 year flood level. Six inches would appear to be a reasonable one percent. That is something for this body to give consideration to because currently you are completely silent about what the minimum grade on the street is allowed to be and I think it would be good, not only is it being addressed here, but perhaps you would want to formalize that.

Commissioner Mourdock: Bill's comments about the retention basin and the borrow material that will be coming out of there and, again, I think this is restating the obvious, but I just want to be sure I understand it. Every home out here in Phase 1, within the yellow, since this plan that is submitted to us, is it only dealing with the Phase 1 area and not the entire plan?

Jim Morley: The preliminary drainage has been prepared for the entire plan. The final details will come back before this body for Phase 1. The entire area essentially drains to the east not to the west, and as such, as I discussed with Mr. Stuchi early on, I thought we ought to look at the overall potential of the entire site for development. So, while he's really only looking at Phase 1, we're looking at the big picture. What could totally be there and this is what you are looking at, is an overall concept of all of the pipes in the entire subdivision have been sized and the drainage basin for the entire development.

Commissioner Mourdock: Okay, that's what was confusing to me because Mr. Stuchi's letter that I received prior to this meeting said that the whole plan is being submitted so this that is highlighted in yellow is simply highlighted to correlate back to what Bill was telling us about the development of the retention basins?

Jim Morley: That is correct. If you would come in with only the first phase of streets, it might not be appropriate for the overflow device, the pipe into the creek of 36 inches maybe at that point in time. Given all the mathematical calculations, an orifice plate should be placed in front of that pipe at 24 inches and those will be detailed on your final plans once all the street grades are established.

Commissioner Mourdock: Okay and sufficient borrow will be used from that retention basin to make sure that all the streets are above the 100 year level and all of the homes are above that level which is at least five inches higher than the event that we had on May 5th.

Jim Morley: That is correct and all of the homes and garages will be at least two feet above the one percent storm or the 100 year storm.

President Borries: Thank you, Mr. Morley. A spokesperson for others?

Tom Bodkin: If it please the Commission, my name is Tom Bodkin and I'm an attorney. I represent three of the people here, but not all of them, so I'll keep my remarks somewhat brief because I'm sure others want to speak. Commissioner Mourdock is correct and I hope we all understand, at least I think I do, there is a difference between a 100 year storm and a 100 year floodplain elevation. It is my understanding that this subdivision is being designed for all the lots and the streets to be above the 100 year flood elevation. I mean, a 100 year storm is the amount of water that falls once every 100 years in the biggest quantity. The 100 year floodplain is an entirely different issue. If, in fact, the plan is not calling for all the streets and all the lots to be above the 100

year floodplain then you are with the first section being requested to approve drainage in a subdivision below the 100 year floodplain which is perhaps maybe not unique, but it strikes me as somewhat unique. I would second the comments made by the Fire Chief who talked to you earlier about the difficulty of public safety people getting in on streets that get flooded with water. That is something, obviously, that's of concern, I know, to you as Commissioners and certainly is going to be a concern of the other governmental units who have to deal with that problem. You as Commissioners should worry about your roads, too. Obviously, as you well know, your property taxes don't fix your roads. The gas tax does, the wheel tax and surtax does. These are going to be your roads and if they break up because of the water, then you have got to fix them. I do find it interesting, though, that the plat in keeping with your ordinance places all the responsibility to maintain the drainage structures on the property owners. I found it very interesting when the Deputy Surveyor asked how in the world could somebody build below the roadway. Well, there are a whole lot of people in this county that are built below the 100 year floodplain, too. There will probably be more built below the 100 year floodplain in the future, and in part that is exactly where your role comes into play as you review drainage plans on whether or not you are going to guarantee that the people in this county who ultimately have the responsibility to maintain drainage structures that you approve are going to get a fair shake with regards to those drainage structures. Something that you have to look at with this subdivision, seems to me, this strikes me as being an extremely complicated drainage. Mr. Morley just told you it's the most complicated drainage plan that he has ever put together. Now I'm just an old country boy from the next county to the east, I don't happen to be a north sider, but if they're that complicated I really wonder if it's too complicated. Be that as it may, I was also happy to hear Mr. Jeffers' comments regarding what we are not here for because I agree with that, but I am hoping that he is going to come to the Area Plan Commission when we talk about streets next time. Gentlemen, it has been my experience that we do indeed have to deal with drainage here and here alone because the Area Planning Commission will not address that issue at all. All they want to know is did you grant preliminary approval and if so, what conditions did you put on and that ends that debate, so it is relevant. Technically, as I understand the map presented by the Deputy Surveyor...may I step around? The part colored in blue is going to be dug out as a detention basin. The part in pink is where they think maybe the floodway is at. He didn't comment, but I think this map shows it, there is a dotted line here and on one of the earlier plats that I saw it was marked at 400 feet msl. In fact, I think here it is right here. That's the 100 year flood zone. Virtually almost all, if not all, of this entire first section is below the 100 year flood elevation. I also note from the plat, and this may be a technical issue that I'm wrong about and I'm sure Mr. Morley will correct me, I read this, that this was scaled off of the FEMA maps as opposed to shot in the field as a grade to show us exactly where the 100 year flood elevation is. There may be a distinction with no difference, but it may well be a distinction with a difference in terms so just exactly where the elevation is for the 100 year floodplain. You have an ordinance, you have a couple of ordinances of relevance here, one is your drainage ordinance, but there is another one that applies here, too, and that is your Flood Hazard Control Ordinance which you adopted and probably are about to do again, if you haven't already, so that the people in this county can buy flood insurance. Flood insurance for exactly the people who end up living in these kind of subdivisions. If I remember your ordinance, and I remember them because DNR tells you what they have to say, basically, it says that people can't build below the floodplain. They have to have the top of the first inhabited floor two feet higher than the 100 year floodplain. So, just exactly what the flood elevation is becomes very relevant to all these people who are not going to have your guidance when they buy that lot as to how high, how low, how

long and how wide it should be. More importantly, IDNR once again, as you know, imposes all these good rules on us that we have to comply with states in 310 IAC 6-1-13 as it relates to this issue before you,

"The Commission exercises primary jurisdiction in the floodway"

and under 13-2-2:

"A local unit may not authorize any obstructions that causes the excavation of a floodway until a permit is issued by the Commission."

Commissioner Mourdock: Excuse me, Tom, they're not getting your sound. You need to stand back here by the mike.

Tom Bodkin: I'm sorry, I'll stand back here and I'll try to watch the pink if I can from all the way up here. I was just quoting 310, Indiana Administrative Code 6-1-13, I believe, with regards to you having no jurisdiction in the floodway. Only they do and only they can authorize any action in the floodway. Secondly, IDNR is going to decide where the floodway is, not us, and floodway, by the way, in their rules is defined as, and this is in 310 6-1-3 number 15, floodway means the channel of a river or stream and those portions of the floodplain adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream. Now I think that the Deputy Surveyor told you that this is a swag as to where the floodway may be. It may be bigger or lesser, we don't know. DNR is going to have to tell you that. I found it very interesting that the reason we are here for preliminary approval is so the developer doesn't have to spend a whole lot of money before he moves on to that great meeting next door at the Area Planning Commission. I submit to you that the worst injustice you could do to this developer is to grant preliminary approval to this plan until we know precisely where the floodway is at and whether or not DNR is going to let him do anything in the floodway. If you approve preliminarily and he goes on to the Area Plan Commission, and we'll fight over everything else over there, probably, and then he finds out that, in fact, the floodway comes out much farther than he and the Deputy Surveyor and Mr. Morley think it is, where is he going to be on cost, gentlemen? Maybe at that point he will decide that this isn't such a good deal and he'll eat the cost that he's got in it now and take a hike. Secondly, what about the wetlands issue that exists here? The Deputy Surveyor mentioned it ever so briefly. I think Mr. Mourdock has some personal experience in that arena. If, in fact, there are wetlands here, that's going to have to be dealt with by DNR and the developer is going to have to decide at what cost. In fact, he may have to find out whether he can even deal in the wetlands or not with regard to his retention basin, and with regard to piping going across the floodplain and, again, are you doing him a favor going forward now until he solves those issues with DNR? I submit to you that you are not, if in fact our purpose here is to make it cheaper for the developers to move on to the Planning Commission. I also submit to you that is not the purpose. The purpose here is for you to determine, for the people of this county, whether or not a particular subdivision drainage plan is what is appropriate to protect the taxpayers down the road and the people that are going to live on those lots. One other item I would note for you, there is a provision that the government giveth and the government taketh away, especially at DNR as you all know...I love to pick on DNR because they're not here to defend themselves. There is a provision, though that DNR says that when you have these kinds of issues, again found at 310 IAC 6-1-13,

"Local units may refer any permit applications for work in a flood hazard area to the Department for advice and

recommendations."

A flood hazard area, gentlemen, is defined by DNR itself, again, back in the definition area again, as:

"Those floodplains which have not been adequately protected from flooding by the regulatory flood by means of dikes, levees, reservoirs or other works approved by the Department."

This entire proposed first section of this subdivision is in the flood hazard area by definition. It's in the floodplain by definition. It may be in the floodway in part. In fact, part of it is. Part of where they are proposing to put this retention basin may also be in a floodway and I submit to you that at the very least you, as the Drainage Board, should table this matter, let the developer go to DNR and find out whether or not the floodway is bigger than he thinks it is, or his engineers, or our surveyor for that matter. Find out whether that retention basin can be built there or not before we move forward talking about preliminary approval. Gentlemen, as sure as we're standing here and it rained today, and it did just about 5:00 p.m., if we approve it tonight it is going to go to the Planning Commission and this will be the last visit that anybody has about these issues and that's a fact. It's a fact because it's a fact of the way business is done. You will at that point not have done anything in terms of a favor to this developer and certainly would have not, in my view, accomplished what the citizenry wants accomplished with regards to the ordinance that you've adopted and the standards imposed by the State of Indiana with regard to building in floodplains and in floodways. My clients would like you to reject the plan completely under your inherent power to decide this is simply not a place that we want to have people living next to Little Pigeon Creek. But in lieu of that, absolutely, my people request that you table this matter, refer it to IDNR for their advice and guidance and require the developer to come back to you and establish, exactly as a part of preliminary approval, where the floodway is and whether or not he can build in the floodway, excavate in the floodway, fill in the floodway and all of the things that only DNR can grant a permit for. Thank you very much.

President Borries: Thank you, Mr. Bodkin.

#### TAPE CHANGE

Commissioner Mourdock: Before you start, sir, I do want to set the record straight on something. Mr. Bodkin quoted Jim Morley as saying it was the most complicated drainage plan and just for the record the word wasn't complicated. Mr. Morley said the drainage plan was the most comprehensive this Board has ever received. Comprehensive can be complicated, but in this case I just wanted to make sure the right word was quoted.

Tom Bodkin: I stand corrected. Knowing Mr. Morley, I'm sure that it wasn't complicated.

Jim Phillips: My name is Jim Phillips and I live in the subdivision across from the one that is planned, in Copperfield. The storm that you are referring to I took pictures of. When we built our house last year we were told that we were below the 100 year floodplain. We had to elevate our property to where it was two feet above the 100 year floodplain. Mr. Morley and Associates did a survey, both before and the final survey. I brought pictures of what it looked like on May 5 when all of the rain came walking out of the creek and up to my backyard and up to our house. Would you like to see them?

President Borries: Sure.

Jim Phillips: They were talking about the drainage system in the subdivision over there. Is there anything going to be done about the drainage coming down into the subdivision? Like Mr. Jeffers said, it was a combination of both the floodwaters coming across Mount Pleasant and off of Mount Pleasant down through Deerfield and that all met there together. I was just wondering, is that all going to be taken into consideration also? If not, I'm just wondering what is going to happen to the rest of us down there below the hill on the other side of the road where the water is backed up? If they build up two feet above the floodplain, is that going to push the water down on top of us? That's all I have.

President Borries: Thank you, Mr. Phillips.

Diana Phillips: I'm Diana Phillips. I just wanted to add that it did not just happen on May 5th. That flood happened three times in two weeks. May 5th and then two more times within two weeks after that. It was that same situation in our backyard we had water everywhere. Along Southport Drive all the houses along that creek were in the same shape.

Commissioner Mourdock: Did the water get into your home, Ms. Phillips? I just got the pictures.

Diana Phillips: No, but as you can see on the water at the corner, it was very close. The first time we were scared to death.

Jim Phillips: It got kind of old hat afterwards. The second and third times we got up...what did they have, three and a half inches in an hour or two? That morning we got up and here it is again.

Diana Phillips: It was like a week and a half later on a Wednesday we had another downpour and it was very scary again then, and then the third time it was like, well, here it goes again. We are very concerned about what is going to happen. I'm not saying that I'm for or against this subdivision, but we're just concerned about what the drainage is going to do to make it worse.

Commissioner Mourdock: Mr. Phillips, your initial comment regarding the survey there seems to raise the question that Mr. Bodkin was raising as to exactly where is the 100 year flood elevation, and I presume what you are saying is your home was built in accordance with Mr. Morley's survey as far as what that designation was.

Jim Phillips: According to the gentleman that built his house across the street from us, when they did the initial survey, the 100 year floodplain was up to where his mailbox is into his front yard. That whole section where we are at was like one tenth of a foot below the 100 year floodplain. We had to build our house up to where it was at least two feet above the 100 year floodplain. Before they poured the garage floor and before they could do anything else, they had to come out and do a survey. Then after they agreed that it was two feet above the 100 year floodplain, they came in and finished our house. Normally, you can look out our backyard, it's flat as can be, and that's the way the whole section was, but when you go to look at our house, it looks like our house is up on a small hill. That's how high they had to build it up. He talking like it took about 11 truckloads of dirt to build it up that high.

Commissioner Mourdock: At least it worked.

Jim Phillips: Yeah.

Glen Schlensker: I'm Glen Schlensker and I'm not going to represent anybody but myself this time. First off, I'm having a lot of trouble with some of the professionals and their ideas of dates. Am I not wrong that the first major rainstorm was April 28?

Is that not the correct date that we should be looking at. May 5 was the second major rainstorm. For the record, we better get that kind of straight here, or we will all be wondering 50 years from now when people are complaining about their houses being under water what was wrong with this bunch of people that didn't know what day it rained on! The second thing, and I hate to take people's time, but I have sat here myself and as many of you know, I'm a self employed farmer. That is actually what I do. I do the fire department as a vocation because it's something that needs to be done. I am concerned about the people of this community and this county. What we are looking and we continue to look at are plot plans. We look at the plot plan for Windemere at Kansas and 57. We're looking now at a plot plan north of Mount Pleasant. Some years ago we reviewed one south of Mount Pleasant. We have yet to address the total drainage of Vanderburgh County and until that is done we are going to continue, and you people are going to continue to sit here and every time you build a bigger lake to hold the retention you are just going to have another problem. You have got to start at the Ohio River and work yourself upstream. We have some atrocious past history with drainage in this county. It has not been addressed, not until recently have you enacted your ordinance with your floodplain laws and DNR got involved. We can speak and we can say that this water runs into my yard and all that, but until we get rid of the water and one issue that I think needs to be addressed, these people and the water we're talking about here drains through county property. Little Pigeon Creek goes right through Hamilton Golf Course which is, as I understand, county property is it not? From my information there is a man-made restriction within Little Pigeon Creek within the golf course. Are any of you aware of it or have any of you walked the creek to look to see what is holding the water back? We have had the intersection under water at the Windmill at 57 and Petersburg Road a minimum of twice within the last 10 years. This is the front door to Evansville and do we want people to drive in the water? Are we going to continue to build? Are we going to build the entire county full of homes and industry and then have situations where we can't provide emergency services because we've got water in the streets or is the Drainage Board going to look at the problem and quit applying Band-Aids? Thank you.

President Borries: Thank you, Mr. Schlensker. Other folks here wishing to speak tonight?

Jimmy Barnett: My name is Jimmy Barnett and I'm directly across the street from the new development on Lot 1 of Copperfield Drive. If you look at the map there when that water runs off of the main entrance of that subdivision, where is it going to run to? Is it going to run off onto Mount Pleasant or is it going to run across the street into my yard? Previous experience shows that it runs across the street into my yard. The developer that I bought the house from I had to dig a ditch in the back of my yard between the neighbor's yard allowing the water to run down off my yard. I had a problem. I have a sump pump in my crawlspace. I'd say out of 20 neighbors that I have talked to, probably 17 of them have sump pumps in their crawlspace. The man that Mr. Jeffers was referring to as being out there shoveling stuff out of the way is Mr. Greg Shekell. He was not very happy doing that, so if you would have got out of your truck you probably would have been in trouble. He told me that he even seen fish coming out of the lake and down the street. That's how bad the water problem is down there. I had just got back from a fishing tournament that day and he said you should have been here, you probably could have limited out. Just to address the situation, right there across from Copperfield Drive we had a big stand of water right there and people were hitting that doing 40 miles per hour. The speed limit is 40 miles per hour on Mount Pleasant Road right now, but people were hitting that and it looked like some of them might have lost control for a brief minute. If that's the way the water drains are going to be, then that's the way it's going to be, but I just wanted to let you know



my opinion of it. It's not a very good system that we have out there right now. I don't know if he plans on putting bigger ditches down the side of Mount Pleasant over there to haul the water downstream, but if he does, then the people downstream are going to get more of it. The neighbors that are sitting at the back of the room and are in the back of the subdivision, they are going to get more of it. Thank you, gentlemen.

President Borries: Thank you, Mr. Barnett. Other comments? The hour is getting late so if we could limit our comments. Go ahead sir, we would like to hear from you at this time.

Sam Haddan: My name is Sam Haddan and I live at 9201 Old State Road. I just want the Board to know that everybody in this room is not opposed to this development. I, myself, am in favor of it and the drainage plan that they have will be perfectly adequate for me.

President Borries: Thank you, Mr. Haddan. Mr. Morley.

Jim Morley: There were some questions raised by the remonstrators that I would like to address. I think I have answers for some of them. First of all, the floodway, as you see, is not my guess nor is it Mr. Jeffers' guess, it is the published floodway prepared by the Army Corps of Engineers submitted to DNR for approval in published documents of which you have in offices here in the county for the Little Pigeon Creek/Locust Creek Study. It defines elevations and it also has the lines drawn on it that locates that floodway and it is shown on an accepted public document. What you see is a drawing of that floodway that I prepared by enlarging the maps to exactly the same scale and placing it on there. It is not a guess, it is the published data.

Commissioner Mourdock: Jim, one question on that then. I understand perfectly everything that you just said. Has there been any field check of this data as far as off the FEMA map?

Jim Morley: The FEMA map does not address floodways.

Commissioner Mourdock: Well, the FERM map.

Jim Morley: Or the FERM map. That never, or normally never, in Vanderburgh County's case at least does not show the floodway line. You have to look to other sources for DNR flood studies.

Commissioner Mourdock: Which map did you blow up?

Jim Morley: The diagram out of the published Little Pigeon Creek Study from the...Daryl, do you happen to have a copy of it?

Bill Jeffers: We've got it in the office.

Jim Morley: You've got the whole study?

Bill Jeffers: Yes, I'll get it.

Commissioner Mourdock: So we've got a 1/2000 scale map?

Jim Morley: Yes, that is correct. That is the published data. Yes, and through the utilization of copiers we are able to blow it up. It was, of course, originally drawn at a larger scale than that and then blown down for publication. You would note that the floodway, that area of conveying water, is most predominately on the east side of Little Pigeon Creek and those people who were out there during the last flood probably noticed how much more water flowed across and so there is an accurate field confirmation of the accuracy of the Corps of Engineers' study.

Commissioner Mourdock: Okay, back to my question, though. Understanding what you just said, but was there a field check and



do you have any field data verifying these elevations as off this 1/2000 map?

Jim Morley: Okay, the elevations...the floodway is a width not an elevation. It is an established width, not an elevation. Now, the floodplain is a computation of elevations at various cross sections. On that study that you see, and Bill went to get you a copy of the entire book, they have cross sections of the creek field determinations of the Little Pigeon Creek Flood elevations computed for that at each of the cross sections of the streams.

Commissioner Mourdock: These cross sections fall within your--

Jim Morley: So the answer to your questions is yes, it has been a detailed study. It is not an estimate. There is a detailed study which Mr. Jeffers went to get. The question about drainage across Mount Pleasant Road, as Mr. Jeffers reported to you, it is completely accurate. One homeowner completely filled the side ditch all along the front of his home, buried plastic pipe and let all of the surface water from his yard run directly out into Mount Pleasant Road. All of the other homeowners along there have problems with maintenance of their driveway culverts. Some of them may very well be undersized, but others are completely blocked by leaves or the ends of the culverts are crushed and they've been run over. Then to compound all of these matters, the Evansville Water and Sewer Utility did work on a water line almost two years ago now in which they left the ditch on the north side of Mount Pleasant Road in shambles. It is filled in. There is debris. They simply piled it up and left it. They left barricades out there for over a year along that road. They have now removed the barricades and I know this Board has asked before for more cooperation between the departments, but those ditches...you know, we've got problems with the culverts, we've got problems with people who don't want ditches in their front yard and they fill their ditches in without seeking permission and then we've got the Evansville Water and Sewer Utility laying a water line down a ditch and then not adequately cleaning it out when it is finished. Yes, there are those problems. We are, with this subdivision, intercepting all of the water coming from this property towards Mount Pleasant. We are putting on the drainage plans the inlets showing before the street intersects with Mount Pleasant Road, which will intercept that water and take it to the east into a detention area before releasing it so that it does not run across the road into Mr. Barnett's yard. I think those were the primary issues. If you have any other questions I'd be glad to answer them. I am certainly fully aware of all of the DNR regulations regarding filling in a floodway. It is not our intention to fill in a floodway.

Commissioner Mourdock: One other question on the DNR issue and maybe this is yours, Les, I don't know. Good, Bill came back in. First, on the DNR question, Bill, have you had any conversations with DNR regarding this specific project?

Bill Jeffers: The blue area is the floodway. No, I have not.

Commissioner Mourdock: Okay. Secondly, on the wetland issues that Mr. Bodkin raised having commented about the determination of wetland issues and particularly regarding the hydric soils through this area?

Jim Morley: We have taken an initial look at it. I had previously done a preliminary study in the area of Copperfield and from my soil examinations soil probes determined that hydric soils were not present. There could be an area of trapped water up near the creek and we can take a look at it, but in a sense, that area is all outside the area that we intend to be working in. None of our homes will be there and, obviously, I am certainly fully aware of that, and if there is a determination that any part of this could

be in a wetland, then those lots would have to be combined and that shown on the final subdivision plat. I am certainly aware of the jurisdiction on wetlands.

President Borries: Mr. Morley, for the record, as Mr. Bodkin had pointed out the difference between the 100 year floodplain and the floodway, where does this first part...where have you designed your proposed lots in Phase 1?

Jim Morley: All lots are located outside of what you see as a heavy dashed line on your drawing that indicates the floodway. The area shaded in blue on that map indicates areas of overland flooding. Those areas outside of the dashed line of the floodway maybe filled without affecting the flood levels of Little Pigeon Creek and it is those areas outside of the floodway that we would propose to fill. The lots will be filled by the developer prior to the homes being built. The streets will be installed, the lots will be elevated and graded. There will not be an issue where private homeowners come in to buy a lot and then have to fill it two and a half feet in order to be able to put their house at the proper location. That will all be done on the grading plans which come along with the road plans, which will be reviewed by the Commissioners before the final plat can be recorded. In fact, all of the dollars necessary to see that it's done on a phase by phase basis are prepared and presented to your County Engineer for his scrutiny to determine that they are adequate and then that letter of credit is posted before that plat can be recorded.

President Borries: Mr. Shively.

Les Shively: Mr. President and members of the Drainage Board. Just to conclude, for the record my name is Les Shively and I'm the attorney for the developer. I'm not an engineer and I'm not going to pretend to be an engineer, but let me just kind of put this in an overall view very briefly. We are trying in this community to encourage planning. We are showing you what will basically be a project that will be rolled out over a five to ten year period. We're up front. We're showing it to you. There is a development not too far from us which was in three or four different phases and presented as three or four different primary plat approvals. I'm not going to go in to that, but we wanted to be up front and present it to everyone and get all the comments from all the various regulatory agencies. We should certainly not be penalized for doing what I hope and I believe this Commission, this Drainage Board, encourages. Number two, along with that, we voluntarily set up a meeting with property owners that we knew had concerns, property owners that we knew had to be notified for this meeting and the Planning Commission meeting, to get their input. That has occurred and we have tried to do that and incorporate this with the plan. I would also remind the Drainage Board that before we sell one lot we will have to come back for approval of a final plan for the first phase of this particular project. Mr. Bodkin's clients, I believe, and I may stand corrected, are on Old State Road and I have not seen anything discussed by Mr. Jeffers that shows that this is going to have any potential impact on anyone drainage-wise on Old State Road. Apparently, there are other issues that concern those people and maybe other folks in this room and we are still willing to sit down and talk about that. We cannot get to the point of discussing that if we do not at least complete this phase of the analysis. I participated along with two of you gentlemen, Mr. Morley and Mr. Jeffers, and several other engineers and contractors, to develop the first comprehensive drainage ordinance that this county has ever had so that we have objective standards when we come before you. Your professional people can look at those standards, look at those plans and see if they conform. You've heard from Mr. Jeffers and he says that this conforms with your ordinance and exceeds it in several respects. We respectfully ask that you grant this preliminary approval so that we can go forward and I will submit to you that we will continue to develop

a dialogue and be available to address other concerns that are not within the jurisdiction of the Drainage Board. We certainly would encourage you to reward this developer for presenting the whole plan and what he plans to do over ten years so that we can plan and work with it, which, to me, is a step in the right direction in the community. Something, quite frankly, I haven't seen in my 15 years of doing this work. He should be applauded and awarded, not penalized. Thank you.

President Borries: Thank you, Mr. Shively. Final comments for the Commissioners at this time? What is the Board ready to do?

Commissioner Tuley: We've said over and over that we have to listen to our professionals, our advisors. Our advisor in this case happens to be the Deputy Surveyor. From what I understand and from what I've been listening to, we are doing things that go beyond what we, this Board, adopted as our drainage ordinance and as a standard for development. If we are going to exceed those on preliminary approval I would have a hard time voting it down. Bearing in mind that this is still strictly a preliminary plan.

Commissioner Mourdock: I guess I have several points of view. I think that Mr. Bodkin's comments regarding the potential wetland, exactly where the floodway is versus the floodplain out there, all those are, obviously, valid issues. We have been presented with these specific cross sections and clearly there are several cross sections that show the data does exist. It's not a guess or a swag, I think was your term, which makes me feel somewhat more comfortable with this. I do have concerns based on my very initial question about 100 year floods versus 100 year precipitation events. Mr. Jeffers told me at some point prior to this meeting that one of the biggest problems that we had and the reason that we had the flooding was not so much because of the drainage way, but it was because of artificial structures, pipes, culverts, what have you, that plugged up with debris and that got to be a bigger problem perhaps than what the amount of precipitation ought to have led to. At any rate, that was a reality that says somewhat in line with Mr. Schlensker's comments, we need to do a better job of maintenance. I don't know if that's ever totally possible, but is something that we need to consider. I guess my last comment on this...next to the last. Mr. and Mrs. Phillips and their comments regarding the status of their house. I am disappointed, obviously, that you have water surrounding your house, but in another sense your house and your situation demonstrated that at least for what the estimates were, which I assume also came off this plan, at least by raising the floor elevation of your home to the code to the ordinances required by the federal government and pursuant to our Drainage Board, and it was before I came on board by the way, but the Drainage Board did something right with that ordinance. With that, the last thing I will say is that I get two more chances to vote on this. One at Area Plan and back at this Board. My vote tonight certainly does not mean that throughout the process I will be consistent because throughout the process I receive more and more information and I will always consider information when it is provided beyond the realms of just the drainage issue.

President Borries: Okay.

Commissioner Tuley: It does sound like we have an obligation about the comment made with regards to Hamilton Golf Course. What is restricting the flow of that water out of there?

Alan Kissinger: If someone knows, then I would invite them to tell us so that we can go into an enforcement phase.

Commissioner Tuley: I think the Chief knows.

Alan Kissinger: Well, if he knows, then instead of just alluding to it, please tell us what it is.

Glen Schlensker: I personally have not witnessed it, but I do know that there is a lot of water that stands in that creek at that location.

Alan Kissinger: Do you know of a man-made artificial restriction?

Glen Schlensker: That is what my information was. I have not seen it personally.

Alan Kissinger: Okay, so you don't know if there is one there or not?

Glen Schlensker: I am saying that when you gentlemen are out on the golf course, look in the creek.

Alan Kissinger: Do you know...we're trying to hone in on this thing. Do you know that one exists?

Glen Schlensker: I do not know that it exists. I could not attest by it, but I am asking you to check. I have heard that it is there.

Alan Kissinger: Thank you.

Glen Schlensker: I do know that in the past there was a railroad car that was in the floodway that was used as a bridge. I could see it from the bridge on Petersburg Road. I don't know if it's still there or not.

Alan Kissinger: Thank you, sir.

Bill Jeffers: The Board can just send the Deputy Surveyor out to see if the golf cart crossing is still there.

Alan Kissinger: I thought I might (inaudible).

Jim Phillips: The obstruction that he is talking about where the railroad car is they had poured concrete down in there and it was built up like a mini dam, but I used to live out behind that and I've played on that golf course. A lot of the kids in the neighborhood were going over there getting golf balls and they were telling me about it and I happened to go out there one day and see it myself. It's in the water...the thing is about 4 foot above the basin of the creek.

Unidentified from audience: Would you like to know the precise hole?

Alan Kissinger: Yes, sir.

Unidentified from audience: Number three on the white course.

Commissioner Tuley: None of us play Hamilton so we didn't know about it.

President Borries: I play it, but I didn't know. Are you ready for a motion?

Bill Jeffers: The one on the red course isn't still there?

Commissioner Mourdock: At this point I will move for--

Glen Schlensker: As you know, I get quite tied up in this thing. This is exactly, gentlemen, the type of thing...and we're all here laughing, but everybody knows why the damn water won't get away from these subdivisions. We have all saw it and we sit here and we...well, is it here or there, we see this. We know what the problem is. Gentlemen, lets get the courage to drain our subdivisions. Get the water through Evansville and in the Ohio

River.

Commissioner Mourdock: At this point I will move the preliminary, emphasizing preliminary, approval of the Clear Creek Village drainage plan.

Commissioner Tuley: Second.

President Borries: It's not an ordinance but do you want a roll call? I don't think it's necessary at this time. I would say, so ordered. We are going to move this particular plat forward, this plan forward to the Area Plan Commission where it will be heard. I want to emphasize in my comments here to say that I appreciate, frankly, your interest and behavior with this whole issue tonight and the very eloquent remarks that were said and want to assure Mr. Bodkin and all the others that before there will be a final approval I have written down exactly what he said and only DNR will give approval and we will have precise information before I would vote for a final approval on this particular issue.

Commissioner Mourdock: If I may add something to that, I would ask Mr. Morley if perhaps you and your staff can go out and field check some of the locations along that cross section. I think that point, Rick, is very valid and I have worked off too many maps from too large of a scale before and sometimes when you start looking at detail, they don't fit quite the way they should.

President Borries: I would assure you that I would just not vote for approval unless we had the DNR signed off on it at that time. Thank you all very much for attending this evening. We have some others who have sat through our lengthy meeting this evening and, frankly, the hour is getting late. Mr. Garrett, we've heard from you before. Do you have new information this evening that you would want to briefly share within just a few minutes?

Commissioner Tuley: What about Lisa Heard here first?

President Borries: Oh, I'm sorry. Item 4, a request from Lisa Heard to install a pipe in a drainage easement. Is Ms. Heard here?

Commissioner Tuley: Not here then, I guess.

President Borries: Bill, do you know anything about item 4 on the agenda? Lisa Heard to install a pipe in a drainage easement?

TAPE CHANGE

RE: LISA HEARD - REQUEST FOR PIPE INSTALLATION

Bill Jeffers: Okay, on Lisa Heard, she is in Lot 26 of...I'm trying to think of the name of that subdivision. It escapes me. She is on Churchill Road and she is in a subdivision that now has an open swale that was part of the approved drainage plan and it goes into a detention basin behind her house and then back out into the ditch. This has all been constructed and what she wants to do is cover this ditch up and she wanted to use corrugated plastic pipe and I told her that even though she was approved under a previous ordinance, for any authorization by the Board that she would have to do it in accordance with the new ordinance, show us a plan. She is located where the pipe is going to go and to do it in accordance with the manufacturer's recommendations which she has obtained and submitted. She is also showing us what type of pipe she is going to use and Harvey Klenck is the contractor who will install it and he has been instructed to install it according to the manufacturer's recommendations. I'm sorry, I have a mental blank as to her subdivision name. Her address is 1401 Churchill Road, Edinborough Subdivision, that's it.

President Borries: Your recommendation on this?

Bill Jeffers: Is to allow her to do this so long as Mr. Klenck follows the manufacturer's recommendations and I'm going to tell her to notify us when he plans on installing it so that we can be there to watch it.

President Borries: Good, that was my question. Do we have a motion?

Commissioner Tuley: I move that Lisa Heard be allowed to install a pipe in the drainage easement with the understanding that it will be overseen by the Surveyor's Office, the installation.

Commissioner Mourdock: I'll second.

President Borries: So ordered.

RE: PUBLIC COMMENT

President Borries: Okay, we are at item 5 here. Mr. Garrett are you the spokesperson for the group here?

Dave Garrett: There are two subdivision here tonight and I think we will start with Bob Bell.

President Borries: Okay, Mr. Bell.

Robert Bell: My name is Robert Bell and I live at 2500 Anthony Drive. On numerous occasions we have come to the meetings and discussed our problem with our flooding situation with some bit of input from you gentlemen that we would be looking at some possible fix to our portion of the problem. Little were we aware that Mr. Garrett and the gentleman down below us had also been coming to the meetings citing the damage that they had through the last rains that we've been experiencing, some being unusual, some not being unusual. We got together and talked about it determining the fact that we were initially here over a year or year and a half ago was for basically the same problem that he is confronted with, which is water running in the backside of his house, in my opinion. To get to him, it has to come through my yard. To get to him, it has to go down my street. I must apologize to a few of the Commissioners. My wife, this last time, totally lost it and had most of you folks up at an unreasonable hour discussing the situation on the telephone. I apologize for that. Another thing is, where we have purchased our home is in an area like Mr. Jeffers talks about, that foolish people shouldn't buy, but we are not engineers and we don't understand the fact that the top of a hill can slide down on top of you and make a hell of a mess. Going back to our request of getting our ditches cleaned up, getting our drainage put back in the ditches where they belong. It's the same thing that we have sat here all evening and listened to from a lot of these people of other problems around the county. To get the water to flow in the direction it's supposed to be...would probably take 65 or 75 percent of my problem away. It's not a quick fix, but it would take an awful lot of Mr. Garrett's and the gentleman down the hills problems away, along with the rest of the neighborhood that chose to come tonight that is sitting here. We've got more representation tonight than we've ever had. Shy of taking entirely too much time, I want to show a few pictures to you fellows. Mr. Tuley, Mr. Jeffers and a few of the others have been out during regular rains and in doing this, they understand more the problem because they have had the opportunity to see it. I want this to be understood that this has nothing to do with our big rain. This was after the water was gone. They were trying to save my basement, again, which I totally lost everything this time. I almost lost the backside of the house and this was while the people were there doing that in the middle of the day when it come a rain like it did at 5:00 p.m. this afternoon. This is the kind of water that comes off the top of Ward Road. This is the small ditch behind my house which is supposed to be there for sanitary reasons and not a

waterway. This is the top of a 14 inch drainpipe which was open and was plum full and running. This is my driveway. That's between my house and Mr. Savage's house. This all goes out in to the street, down the street with the provisions made by the neighbors. Mr. Tabor is the second door down, that's the last clean-out and that's what it does. It blows up in our face. This time it wiped out my total basement. We lost everything again. We spent money to maybe hold the water back and stop it, besides it got so bad this time that it's eroding the backside of my home. The people will not take time and come down here to try to discuss this issue with us, they're also starting to find that their foundations, their homes, their streets, their driveways, their curbs and their sidewalks are undermining. Only because the water will not go down both sides of Ward Road, go out to St. George and go into the creek like it is supposed to go. Here the water got so high at one given time at the back of my house that it went in the dryer duct and blew the dryer duct off and blew the ceiling out of the basement. Up until this point I could have saved the ceiling. I don't know what it's going to take to fix that problem that exists on Ward Road when folks have filled the ditches up. Most of those people are starting to see problems. With Mr. Garrett coming down here with his problem and the water running in the backside of their homes down there and through their yards, it's only because it has to pass through us first. I still maintain that if we can get some kind of assurance and get somebody to come out there and straighten those ditches up, we will stop the largest portion of my problem, not all of it, but a large portion of it and probably correct Mr. Garrett's. So we talking about two complete subdivisions and an awful lot of area. I want to thank you for giving us time this evening, again. I really, fellows, I really, really would like to have some help. We are all losing areas. One neighbor up on the hill that don't choose to want to speak about it, up on the side of the hill on the opposite side of Ward Road, had construction going on this whole last week in their backyard trying to put in some kind of pipe that they lost back there. Who knows where that water goes to now that they've got it installed. I'm sure that I'll see it at some given time.

Commissioner Tuley: Bob, somehow through the wisdom of the legislature I think that you've got the help that you're seeking in that bill right there which goes into effect on July 1, 1996 with regards to the people up at the top of Ward Road. It will give this Board the authority to go out there and order them to remove, correct and fix those obstructions or we will do it and bill them for it.

Robert Bell: How do I handle this? What do we need to do?

Commissioner Tuley: I started marking right here the part that we need to. I don't know, Alan, if this can be construed as the beginning of this says:

"Allows a person who seeks removal an obstruction to file a petition."

Does that mean that it has to be in written form or is this considered a petition right here?

Alan Kissinger: Well...

Commissioner Mourdock: For the benefit of the other folks here let me just read this real quickly into the record because I know there are a lot of you here on this issue. This is Senate Bill 336 on Drainage and Water which has passed and been signed by the Governor.

"Removal of obstructions in drains. Makes it necessary to provide a notice to each landowner to be assessed under a schedule of regulated drain assessments if the

hearing on the assessments will be held by a joint drainage board that has jurisdiction over three or more counties in a drainage basin that exceeds 80,000 acres."

President Borries: That's really not germane to this, though, is it?

Commissioner Mourdock: Right. No, I don't think so.

"Allows a person who seeks the removal of an obstruction in a regulated drain, private drain, or natural surface watercourse to file a petition asking the Drainage Board in the county in which the obstruction is allegedly located to remove or authorize and order the removal of the obstruction. Requires the County Surveyor to investigate promptly whether the obstruction exists and; (A) if the Surveyor finds an obstruction in a regulated drain, to promptly remove the obstruction; or (B) if the County Surveyor finds an obstruction in a private drain or natural surface watercourse, to report the existence of the obstruction to the Drainage Board. Requires the Drainage Board to hold a hearing concerning an obstruction in a private drain or natural surface watercourse."

Then, as Commissioner Tuley was saying, it either gets done or we get it done and do the billing for it.

Robert Bell: I would like to ask if I could, Mr. Jeffers, don't you think this applies to what we have out there? As many times as you've been out there and looked at the drain and ditch situation.

Alan Kissinger: If I may before Mr. Jeffers answers, what we have here are two apparent synopses of this bill. I received the advanced legislative service from West last week and I'm assuming that the statutes as adopted by the legislature are going to be there. Mr. Jeffers, quite frankly, it's not that it's a secret, but Mr. Jeffers can't give you an intelligent answer to your question because he has not had the opportunity, I don't believe, to read the statutes.

Robert Bell: Well, okay. Maybe I wasn't...what I was wanting from Mr. Jeffers is the fact that he has eyeballed our ditches and our situation and whether this is a bill or not, do we have a problem.

Alan Kissinger: The Board certainly understands that you have a problem, but as to whether or not this will constitute a remedy I think remains to be seen. Mr. Jeffers is not quite prepared to answer that question, but I will try to assist him in giving you that answer.

Robert Bell: Do I need to get back in contact with you in person?

Alan Kissinger: I think Mr. Jeffers knows you personally--

Robert Bell: Yes, but I don't know whether he likes it or not.

Alan Kissinger: Oh no, it's a part of his job.

President Borries: Give your name, sir, for the record.

Myron Rucker: My name is Myron Rucker and I live at 5800 Oakridge Drive. We've been down here for the last year and a half discussing this problem. I've got some of the same concerns that Bob has. His is at the final stage before his house falls in, mine is just beginning and so is Mr. Garrett, who lives next door to me. You can see that ditch there is not lined correctly. The pipe is undersized and you've got water running down both sides of Anthony Drive, down into that little 12 inch ditch and then it jags along



and meanders along my property and comes up in the yard. Some of that is at night time and some of it is after the rains just stops and it's just standing there, but that ditch never empties out. I'm not saying just a heavy rainfall like April 28 or the first week in May or May 10 or 11, whichever. It has happened three times. It's got up on my foundation and the last time it got in my house. I've been coming down here and trying to show people that the ditch just doesn't work. It doesn't work! What I am experiencing now is going to be what he is experiencing down the line. That's all I can say other than the fact that the ditch is undersized. The water doesn't flow through fast enough to get through there. This house is built on the end of a creek bay and it's low in the corner and to reroute the water, it has to go behind my house.

Commissioner Mourdock: The only comment that I think needs to be made, Mr. Rucker and Mr. Bell too, I was checking my notes a minute ago when you were here in May of '95. Two points. Number one is when you were here before it was largely regarding the proposed subdivision at the top which understandably was a drainage issue that affected you. Number two, and my notes are shy, but Commissioner Borries made the point at that meeting that we didn't have the authority to do anything about that drainage because it wasn't a legal drain, therefore we couldn't get in and clean it. The most important thing that has happened is this bill that Commissioner Tuley brought out a minute ago that if the final wording of the law is what the synopsis is, and I understand Attorney Kissinger's caution there because sometimes these are written for those of us who aren't lawyers and maybe it misses a little meaning, but I think clearly this law gives us the authority now that we didn't have...in fact, we don't have yet and we won't have it until July 1, 1996, but once that date comes I think that we have the authority to begin to resolve this problem. Until then, and I understand...I won't say I'm in your shoes totally because when the water is coming in, there is nothing worse than that.

Myron Rucker: Try calling home and checking with your neighbors when you've abandoned your house because the water is coming in and you've got to go to sleep.

Commissioner Mourdock: I understand.

Myron Rucker: Alright, try moving your dogs somewhere and trying to find some place for them and gathering your kids and your wife and moving in the middle of the night. Until you've been there, you don't really know which shoes I'm wearing and which shoes you're wearing.

Commissioner Mourdock: That's exactly what I said a moment ago. I'm not trying to put myself in your position because I haven't been there.

Myron Rucker: I hope not because nobody wants to be there. Mr. Bell is the only one that I can think of who is in worse shoes than I am.

Commissioner Mourdock: I'm glad that the legislature acted on this, and speaking for myself, and I think for Rick and Pat, all of us do care about what happens in the neighborhoods of this city and in this county and we have now the authority to do something.

Myron Rucker: As a taxpayer, I hope that you mean that. But you've got a 160 foot ditch that's not even properly installed, that's not even straight, that's got a pipe at the beginning of it that's too small and then it swells everywhere. Within a matter of minutes it's up in my yard I've got to watch the ditch. You tell me what I should do. Pressure has been a big thing at my house. Watching out the window. I call home when I'm at work on second

shift and ask my wife what is it doing? I'm 20 miles away and I've got to get home and do something, because of one ditch that was improperly installed in the first place behind my home! You tell me what is important to me. I'm about to lose my house with every rainfall and I don't mean just a heavy rainfall because it got up to the middle of the fence which is a foot and a half from the door on the back of my house and it didn't let off.

Commissioner Mourdock: I've heard Commissioner Tuley say shortly after I came on this Board that the first thing you learn in this job is that you are responsible for everything, but you are really in charge of nothing. We have not been in charge simply because we did not have the legal authority to be in charge of that drainage problem because it's not a legal drain. This law, when fully promulgated, gives us the authority to deal with that. I can say that I appreciate your patience, but that's pretty shallow coming from me because you're the one fighting the battle, not me.

Myron Rucker: I'd say. I hope you mean what you said.

Steve Batthauer: My name is Steve Batthauer and in regards to this issue that this gentleman has just discussed, say he's just brought up this issue about the ditch and whether it's improper or proper, who determines whether the ditch is proper and is it surveyed or what? You know what the problem is, so how does the problem now get resolved? What's the next step? That is what we are asking you for.

Commissioner Tuley: Part of it...and I don't know where you live?

Steve Batthauer: In another subdivision, but it's a similar type...well it's another subdivision with a similar type of problem, though and we recognize it, but what do we do? What's the next step? You're saying that there is a law, but now do you people come out, the county, do they come out and do a survey?

Alan Kissinger: Number one, the law does not go into effect until July, but when the law does go into effect there is a specific procedure that is followed. A petition is filed and it's considered by the Board. It is then turned over to the Surveyor's Office and the Surveyor's Office makes an investigation, gives the information to the Commissioners, the Drainage Board, to assist them in making a determination as to whether or not the obstruction was intentionally made. There is an appeal process for the individual on whose property the obstruction may exist and I'm sure if it was your property where the obstruction was found to exist you would like that appeal process. There is also a provision in the statute that if an accusation is made and a petition is filed alleging that a neighboring property owner has caused an obstruction intentionally that is causing a problem on your property and you were found to be wrong, you may have to pay the costs of the petition, the appeal process, etc. It's a very complicated procedure and I'm not saying that the Drainage Board members aren't capable of understanding it, it's merely that they have not had the opportunity to completely review it. For one reason, it has not yet even gone into effect, but once I have had the opportunity to completely review it, I will brief them on it and, hopefully, at some future meeting they can answer all of your questions.

President Borries: You see there are certain words in here that may be popular to certain parts of our legal community, or whatever, but our attorney who is very capable would ask us, and this is exactly what Commissioner Mourdock pointed out, when you begin to use words like private drain or natural surface watercourse was created intentionally, that is a buzz word.

Steve Batthauer: Intentionally.

President Borries: Because somebody can say, hey, I'm just trying to help my property and I didn't this, that and the other. No one is going to admit that they are going to cause the problems out here intentionally. That is something that we are going to have to get through right here. If it was deliberate and intentional, which is a very, very subjective gray word, I mean that's tough. What it also says is what Mr. Kissinger points out, if it is found that it was not intentional, then the person who filed that complaint is going to have to pay. Plus the fact that it is compounded that we regard this as...and, again, this Drainage Board is a very simple thing. We do legal drains. When we get beyond legal drains we are on someone's private property and that's when it talks about private drains. So these swales and everything else are ultimately dependent upon the first inspection and with the Surveyor's Office that has I don't know how many square miles in this county for jurisdiction and you have what, not counting the people who are off the phone, what four or five people? It's literally impossible for any given day to get out all over the county so that is part of our problem as well. We cannot inspect every, what is called, a private drain and that is what is happening in Mr. Bell's case.

Robert Bell: Can I ask a question, please?

President Borries: Sure.

Robert Bell: I'm trying to keep from dragging this on, but first of all the question that I have, and you've brought it up, of private drains. What we are speaking of are ditches that rim the side of roads originally that are in the easement that belongs to the county.

President Borries: Right, if it's along the right-of-way that is a clear focus, but, again, our main mission, what I'm trying to tell you, is legal drains. When we get on right-of-ways along ditches along the county's right-of-way we have jurisdiction there, but when you get back into the back of houses, one property going to another, there are easements there, but we do not have jurisdiction in that area.

Robert Bell: This is something that I was very afraid that was being misunderstood. Mr. Jeffers knows and I think Mr. Tuley might remember that our situation and the drain you saw behind my house only exists because up on Ward Road where the county ditches are, they have been filled in and a gentlemen put a wall there to divert it which is on the county's property. That ditch that is behind my house is there to run water. The water on Ward Road is to go down both sides of Ward Road out to St. George Road. What he has done has stopped it and actually diverted it down that little ditch behind my home and then it goes between our houses.

Commissioner Tuley: Is that pretty good, it's from memory?

Robert Bell: Yeah, pretty well. What was supposed to be all the way from up when we first started it was Mr. Buck wanting to develop the top of Knob Hill. They were concerned up here. It starts all the way at the top of Knob Hill. All of these ditches have been eliminated, tiles put in or just filled up with dirt, whatever, all of these and then when it gets down here to where it goes behind my home, which that was a little sanitary ditch, the gentleman has put a concrete block wall all the way out here. In fact, I've been told that he was asked by the county once to eliminate part of it and he has no ditches in front of his house whatsoever. Needless to say, everybody up there that owns a home has got water problems. The water, when the kids are getting on the bus in a normal rain, sheets off the top of the hill here, comes out from behind these houses where their downspouts are just dumping into the street, goes across the street and the gentleman that's not here that built a big home right here on three lots, it

hits the side of his house, and so I've been told, it blew the sump pumps out of his basement floor this time. It goes around behind his house because it sheets across this and comes down and hits the back side of my little ditch which goes down between my house. The problem that I'm talking about has nothing to do with that ditch behind my house and that directs the water flow down Anthony Drive is where we have got to get it into the ditches and put it out there to St. George Road. Those belong to the county.

President Borries: Thank you, Mr. Bell. Mr. Garrett, we're going to have to really...it's getting late here and we're going to have to really limit here. Do you have new information, sir?

Dave Garrett: Dave Garrett, Oakridge Subdivision. I talked to Bill Jeffers on May 20th and he was going to have available tonight a report which describes what he saw when he came out on April 28th. Do we have that report available? He came out on the Sunday that we had the single biggest rain and was going to provide a report to the Drainage Board.

Bill Jeffers: Right, it's available.

Dave Garrett: Are we going to have a presentation of that?

Bill Jeffers: If the Board desires we will.

Dave Garrett: That is certainly new information if that is what you are asking.

President Borries: Well--

Dave Garrett: Let me give you an example of how this impacts. You are right, we've been here twice before. Just to give you an example, I called Bob Tackett who is with EMC. He was the guy that was going to try to get this road paved behind my house. I'm getting all this gravel in my yard, and you'll recall this from earlier times, and he said, basically, after he talked to Jeffers there was no sense in paving the road behind my house because it's only going to get washed out. When I talked to Bill he said, "That wasn't my exact quote". He said that after he seen the situation during the storm he has a better idea where the water is coming from. It's a huger volume coming down than what he knew about. He said they could go ahead and pave it, but if the changes up on Anthony Drive were made to address the greater volume of water, if those changes are made, they might end up having to tear it out again. I guess what I am saying is that we have a long running appeal already. Now we've got all these additional issues that may or may not get addressed. I guess the question is how is this going to work out? Who is going to work with us to try to get something done here? It's been seven months. Nothing ever gets done. We've got people from Roman Acres that have been here a year and a half. I came once before and the people from Willow Creek said, geez, nothing gets done between meetings. You go a whole year, nothing happens and it's the same thing here. It's been seven months and nothing happened. So, what's going to happen?

President Borries: Well, I would encourage you, at some point here, to directly talk with Mr. Jeffers in order to get the information that he can give you and he can share that with us in a written fashion. If you're asking us to solve all of your problems within the next few days, Mr. Garrett, I cannot do that and I cannot guarantee that.

Dave Garrett: I guess what I am saying is that I can already see this happening and you've said many times that Bill is your technical advisor and I think he does a pretty good job at that, but the bottom line is that he doesn't have the time to follow up on these things. It took us two months just to get a simple letter out to Stacy Thomas, who was the owner of the driveway behind my

house. Two months to get a letter out to Al Bauer, our developer, and another two months to get out a letter to the Sewer and Water Utility--

Bill Jeffers: They all went out the same day, sir.

Dave Garrett: Two months, two months after our meeting.

Bill Jeffers: Not another two months, they all went out the same day.

Dave Garrett: So it's 60 days until a letter gets out and then it's five months. Five months and not a thing has happened. Bill has not even had the time to meet with Bob Tackett from EMC. So, we've got the guys from water utility saying, geez, we'll come out and meet with him, but he doesn't have time, he can't meet with us. What is going to happen here on July 1? You guys are probably going to get some jurisdiction and I think that's terrific, but you don't have anybody to run the projects. You may have a technical advisor for these new plans, but who is going to do that enforcement work?

President Borries: Well, you have a very good point. Let's carry that a step farther. Where are we going to find the money to do it?

Dave Garrett: I assume that as County Commissioners you have the authority to allocate the resources the way the citizenry needs it. Are you saying that you have to live with the hand you're dealt?

Alan Kissinger: Yes.

Dave Garrett: You've got to be kidding me.

President Borries: Yes, we are not a taxing body.

Dave Garrett: So you are saying that you'll have jurisdiction, but now you'll have no ability because you don't have time. You don't have time to get out and enforce the--

President Borries: We've not said all that.

Alan Kissinger: Sir, the statute as it has been passed allows a request to be made to the Vanderburgh County Council, not the Board of Commissioners. It's the County Council who holds the purse strings. If they say we'll give you a million dollars and they can find it, then we'll have a million dollars for enforcement. If they say we'll give you a dollar, then we'll have dollar for enforcement.

Dave Garrett: Who would make that request?

Alan Kissinger: The request will be made by the County Commissioners and by the County Surveyor's Office and if you want to go lobby the County Council at budget time you'll find out what real fun is all about.

Dave Garrett: I think the way I see this thing playing out is that we have got to come back after this law is passed on July 1st and say specifically the Drainage Board or County Commissioners now has the authority to do enforcement work, something we haven't had before, but then we turn the corner and if Bill doesn't have time and he's the technical advisor, and, ostensibly, the guy that's going to do this compliance work or enforcement work, then there is a whole other round of work that has to happen to get funding to get some kind of enforcement office or somebody who is going to hold a stick and say, hey, utility company; hey, you homeowners, you've got to do this. We've got the stick now.

Alan Kissinger: Sir, basically what this comes down to is an unfunded mandate from the State of Indiana to the various counties. They said do it, they did not give the counties the wherewithal as far as money or personnel is concerned to do it. It's going to require significant changes in every county depending on each county's problems, yes. The first thing that has to happen is that this goes into effect in July, but the County Council does not even meet to consider budgets until August and those budgets don't go into effect until January of next year. So, realistically, no, you can't expect any direct enforcement until at the very earliest next year. That is the government process. We didn't make it, but we just have to function somehow within it.

Dave Garrett: How do we get this matter looked at with what you have today? If you get the law on July 1, we've got all these...we've got a long standing--

President Borries: You need to talk with Mr. Jeffers.

Dave Garrett: What if he doesn't have time to meet with us?

President Borries: He'll find time.

Dave Garrett: We would like to request at this time that there be a specific project manager assigned to this case to move it forward. We can't have seven month gaps between hearings. Maybe one of you gentlemen or one of your delegates can step up and say that I'm going to personally take this on and make sure it has the diligence that it needs to move the thing forward. It's just not going to happen. I'm telling you, and I'll come back in six months and I'm going to read you the minutes and I'll be proved to be right. I'm asking you tonight to realize the fact that he's got enough to do working these new subdivisions. He's not going to be the guy that makes anything happen on this. He simply doesn't have time.

President Borries: You need to talk with Mr. Jeffers. You need to set up a time to meet with him and go through the report that he's done. I cannot tell you this evening that the scope of the project is going to take seven months or not. I don't know that, Mr. Garrett. I can't tell you that. If it involves a whole bunch of other homeowners and involves their property, then it's going to be complicated, there's no question about it. Then there is that other thing called rain that sometime when it stops raining we can actually do something. Part of what you say, if it's in the winter months or what seems to have come according to what some of the Toyota folks refer to as the monsoon season that we've had the last couple of years. It's going to be very difficult for me to give you an exact time period, but I will assure you that Mr. Jeffers will work with you and we defer to his advice simply because by statute he is our technical advisor.

Dave Garrett: Right, and I understand and I completely agree with that, but I guess the point that I'm making, Mr. Borries, is that we're not asking for technical advice, we're asking for somebody to be a project manager to step up and say we have...for example, you yourself signed this letter to Stacy Thomas, to Al Bauer, etc. Somebody has got to work this plan. We call up the developer and he says I can't talk to you, I've got to hear it from him. He doesn't have time. Nothing has gotten done in seven months so what's to lead us to believe that all of a sudden Bill is going to have this newfound time? With these three developments we've just...there is no way. It's just not going to happen.

President Borries: There is no project manager, Mr. Garrett, unless you can come up with some kind of magic to fund that person. you're looking at the project manager.

Dave Garrett: I'll echo what Mr. Schlensker said, we are going too

fast to continue our process of trying to put Band-Aids on. We'll, possibly, and, hopefully, get a new law on July 1st, but nothing is going to happen. We are going to work with Mr. Jeffers and do I call you when he doesn't have time to give it his due diligence because he is working on these new subs? I mean, who do we...what's our next...do we have to come back here every time we're not getting any action? Is that what you want?

President Borries: No, we really want you to work with Mr. Jeffers and to--

Commissioner Mourdock: Mr. Garrett, I've heard you say, Mr. Bell and Mr. Rucker, too, and I'm just curious. This isn't meant to be a snide question by any means, but you all seem to understand where the problem is and Mr. Bell used the example a minute ago of the concrete wall. Again, I'm not speaking down to you in any way. You all seem to understand where it is, and I think largely that Bill has agreed with that in prior meetings, but have you ever in your neighborhood gone to those people who have filled in their drainage ways, who have put up the walls, who have done these things and say, look what you are doing to me? Will you work with us to change it?

Dave Garrett: I'll give you a couple of examples.

Commissioner Mourdock: Yes or no, it's a simple question.

Dave Garrett: Yes.

Commissioner Mourdock: What was the response?

Dave Garrett: Okay, I'll give you two examples. On this last series that we were here on October 23, 1995. One of the things that Mr. Jeffers put in his report was that the homeowner, Ms. Stacy Thomas, was the primary cause of gravel that was coming into my yard. I've got literally a quarry in my yard, you should come out and look at it. After he comes out this last time he basically said I was wrong. After I have now seen it and its full force, that is not the problem. The primary problem is really the water running down the one side of Anthony Drive and it's really the utility company. Now they're really the primary reason. So that's now changed.

Commissioner Mourdock: Okay, have you talked to the utility company?

Dave Garrett: Yeah, I tried to. As I said earlier, they can't meet with him. Bill is never in the office. He is always out on sites, so Bob Tackett with EMC...you're free to call him yourself...he wants to come out with Karl Merbach and say specifically, do we have a role in trying to pave this road. Bill's response to him on the phone was and I'll paraphrase, "Hey, you can put a road in if you want, it's going to wash out". I guess what I'm saying is that we're impacted by that, so now what do we do?

Commissioner Mourdock: That was a good answer, but I don't know that it matched the question. Let me go backwards. The question is, did you talk to the people? Forget the road, forget the paving, I really don't care about that at a Drainage Board meeting, not that it isn't important, but where this drainage is being affected by whichever neighbor it happens to be, have you spoken with that person or those groups of people? Pardon?

Unidentified from audience: (comments not made from the mike)

Dave Garrett: That's in another subdivision.

Unidentified from audience: (inaudible, comments not made from

mike) from a ditch down there--

Commissioner Mourdock: Well, it's on somebody's--

Unidentified from audience: (inaudible, comments not made from mike) that I got with the water running it cost me (inaudible).

President Borries: Sir, would you come up and give your name?

Bill Jeffers: I was kind of hoping these people wouldn't leave yet.

Unidentified from audience: Another thing is that I bought that acre and a half and the back of my yard back by my house, and the guy that built that house up there has got his pipe running down on my property. The county better move that pipe to keep it from coming down on my property or I'll sue somebody.

Bill Jeffers: I'm just going to try to make a few brief comments before these people leave. They're from Green River Estates, I believe, Section C. I'll try to make these comments apply to them as well as to Mr. Floyd and to the folks here from Anthony Acres, Roman Acres and Oakridge. To show you the kind of frustration that we are up against, Mr. Floyd back here called me and told me where he lived and said that the water went through his garage. I keep saying May 5 and I am incorrect. It was April 28 and then again on May 5. Both days or once?

Robert Floyd: April 28 and May 8.

Bill Jeffers: April 28th and May 8th in his situation is where he had water go through his garage. I dug down in the files and I found a letter dated February 11, 1988. When did you buy your house, Mr. Floyd?

Robert Floyd: January, 1989.

Bill Jeffers: One year later he bought the house. Eleven months later he bought the house after the date of this letter I sent to Mr. Jim Fuquay saying,

"During several conversations in 1987 regarding the streets and drainage improvements constructed in Oak View Place, which is right near these other folks, we repeatedly and strongly suggested to you that an emergency overflow swale be installed in the drainage easement between Lot 9 and Lot 10."

Mr. Floyd and his wife own the house on Lot 9.

"Our suggestion was made, if you recall, because we did not believe that the 12 inch corrugated plastic pipe that you substituted for an open ditch designated by your original drainage plan would handle all the storm runoff that is now channeled into that pipe by various alterations of your original plan.

In closing with this reminder are four pictures of the end of the cul-de-sac at the west end of Oak View Court taken at the tail end of a one and three quarter inch rain."

We've been talking about eight inch rains, three and a half inch rains, blah, blah, blah. An inch and a quarter and the rain is still falling in these pictures, sprinkling, the storm on January 19, 1988. The photographs demonstrates the validity of our concern if you wish copies.

TAPE CHANGE



Bill Jeffers: There is a mail truck driving through the water at the end of the cul-de-sac to show you how deep it is. Here is the water coming down out of Knob Hill, just like it comes down out of Knob Hill on to them at the other end of the same area. Here is the water going back overland where there used to be an open ditch. Where that red line...there was an open ditch there that your Board approved a drainage plan that said there should be an open ditch there. Mr. Fuquay or others during...and you'll see from these other pictures that were also in the file there that I didn't send copies of to Mr. Fuquay. This is the corner of Mr. Floyd's house as it existed January 19, 1988 a whole year before he bought it. Water right up almost to the garage door. Another picture almost up to the garage door. It was an inch and three quarter rain, not three and a half inch rain. Here is the water running through a vacant lot next door to him. It looks like a cascade. Another picture of the same empty lot which now has a house three feet higher than Mr. Floyd's house. Here is the entrance to the 12 inch pipe that they stuck in this open ditch. All this shows that all that land back there a house hadn't been built on anything. Mr. Floyd's house is the last house on the back of that cul-de-sac. Now there are homes all around there. Like I said, there is a mailbox this big stuck right in the middle of the swale. His neighbor...his driveway is five feet out into the easement and his neighbor's driveway is higher than his and out into the easement and Mr. Floyd is innocent of knowing about this because he was not aware of this. He built a fence out from his garage across where this water is and put a swimming pool back there. Of course, the water that came up this last time filled his swimming pool with mud. Here in the file I dug out, and I vaguely remembered it, but there it was, 1988, do something about it to the developer before he even sold the house to Mr. Floyd. There are also some pictures...actually, I went out to take these pictures of St. George Road to show the water going across from a recent waterworks excavation and flooding Oakridge Place where these other folks live. I don't mind being the whipping boy up here for every neighborhood group of people that come down here. I've been working for you guys since 1981 and it ain't changed yet. I'm calloused to that, but every time you get a complaint and you dig down in the files or go through your Commissioner records and you find all this. This is actually in the Commissioners record, as well, along with a whole lot of other comments. You guys would not accept those plastic pipes in the right-of-way of Oak View Court, if you remember. You guys were concerned about that, too and said, yeah, we'll take the street surface, but we won't take those homemade pipes. In the case of the folks that are here to talk about Green River Estates, Section C, I noticed that lady has a plan. We were sent out to inspect that, if I remember right, it was Delbert Pinkston looking at the streets and the inlets and he had many, many, many corrections that needed to be made for the inlets of that subdivision and behind the curbs there was subsidence and this, that and the other. I had many comments to make about it as well, but substantially in the area that they live, and it was explained to me outside in the hallway, we found that the dirt swales that were shown on this drainage plan that this lady has, were put in place by the developer substantially in compliance with the plan. The only notes that I recall making, although I'll have to dig those out of my file, too, because that was like 1988 also, was that there were a few fences and yard barns and firewood piles that had been placed in these drainage swales and needed to be moved. It was the responsibility of the property owner to keep those swales operable and free of obstructions and maintained at the correct grade. One of the gentlemen here out in the hallway informed me that some siltation has come across the property line from some farm ground. That is to be expected. The property owner is responsible for correcting anything that happens to that after he accepts the responsibility for it. I can't remember if also that subdivision is one of the ones that was supposed to have a homeowner's association formed that never was formed. That is the case with Oakridge Place. I asked him when

did you buy the house? Oh, three years ago. A lot of things can happen between 1987 and 1988 up to 1994 or 1995. I would imagine that if I went back out there today to these peoples houses that the yards are going to be beautiful, their landscaping is going to be beautiful, they maintain their houses well. I've driven through there since then to look at other sites. Everything looks beautiful until it rains and then all the obstructions that have occurred over the years come in to play and they've got some serious problems. They've bought in to those problems not knowing that they were there until you get a good wet season. Yes, I prepared a report after talking to Mr. Garrett and the Fire Chief was correct. The rain that I went out and looked at started late Saturday, April 27. I have May 4th, one week later. The storms ended late Sunday evening on April 28th, so I'm going to have to go back through this report and correct those dates. Other than that, I will stand by this report. I do very much admire Mr. Bell and I think very highly of him. He did correctly tell you earlier tonight exactly what is in this report with regard to Ward Road that I observed. Mr. Rucker, I invited him to take a ride in the car and we went up and looked at that. Unfortunately, at the time we up there the storm had subsided to the point that there was not as much water coming across Ward Road, but still you could see the path that water was taking. That water does not belong east of Ward Road. The water from the west side of Ward Road, as all the gentlemen here have told you, should be taken down to St. George and then west and south through the ballpark. There are going to be some things that someone back there isn't going to say amen to. A lot of the obstructions...okay, we'll talk about Ward Road. Those have been placed intentionally by people wishing to fill the ditch so they can grade their lawns right straight out to the street surface and the water comes across Ward Road. The ditch behind Mr. Rucker's house, the pipe behind Mr. Rucker's house and the pipe passing through Oak View all the way east to west, or west to east, was designed to carry a 25 year event for land on the east side of Ward Road only, not the west side and that's what is overloading it is the water coming across Ward Road. Mr. Rucker and I were down there at the same time and watched that water from the first series of storms on Sunday, April 28 come up to the top of the pipe that was placed by the utility company to access their pump stations and it topped over that pipe and started going around the little entrance that they have to the pump stations and yet, that big pipe that was sized for a 25 year storm was still taking the water. It was not topped over. It still had air gaps in it. I don't care what Mr. Bodkin has to say about the difference between a 25 year rain fall and a 25 year floodplain, this, that and the other. All I know is that if you go to the airport, which is less than a mile away, they will give you the data of what kind of storm that was, and it was in excess of a 25 year storm and that pipe was still operating in spite of the fact it's partially obstructed by trees and it doesn't have a proper headwall on it. The pipe that was not taking water was the pipe installed by the utility company to access the pump stations. What baffles me the most is that all this was in place, the pipe that the utility company put there to access their pump station was in place before the builder of Mr. Rucker's house set the finished floor elevation. He set the finished floor elevation below the roadway covering that pipe. So, when the water can't make it through that pipe it has got to go to the lowest spot and that happens to be his patio door. There are no protective grades between the houses to carry it out to the street and dump it and there is no emergency overflow swale along the top of that pipe. That's what earlier tonight you heard us hashing out with the developer for Clear Creek. The only solution is to go in, and unfortunately it's going to make a lot of folks mad, take every obstruction or undersized pipe out of both sides of Ward Road and both sides of Anthony Drive and replace them. Either restore the open side ditches that were there before or replace them with properly sized pipes and that includes Mr. Tabor's clean out because you can see there is an obvious obstruction between his clean out and the pipes on down Anthony

Drive. There was another fellow...I don't know if he's here tonight, there he is. We went across the street from this fellow's house and his dad is right across the street, but down in the catch basin across the street there was water about that deep in an 18 inch pipe and yet up at Mr. Tabor's house you've seen the pictures. That means that there is something not connected between Mr. Tabor's house and this gentleman's house or else his...I mean, he's got a beehive clean out sitting on top of there and there would be water blowing out of it, too, so that forces all the water in the street.

Unidentified from audience: Bottom line is there is no money to fix any of it and no jurisdiction.

Bill Jeffers: I've been cautioned not to speak out of turn because I have not fully read or analyzed this bill. However, it does speak of private drains which would be a drain that serves one piece of property and is now private property. There are mutual drains which serve greater than one piece of property and owned by private individuals. There are natural watercourses and that would be the waterway between Mr. Bell's house and his neighbor's house. That's just a natural watercourse by definition. We need to be able to determine, and that's what Mr. Kissinger wants me to wait until we fully examine all the definitions and get the legal definitions straight as to whether or not a ditch alongside of a road is a mutual drain or whether it comes under roadway funds. In your case I can guarantee you that everything out there is either a mutual drain or a natural watercourse.

Unidentified form audience: (Inaudible comments not made from the mike).

Bill Jeffers: At this time it is a private concern. What we need to analyze is this new bill. I guarantee you, though, that the bottom line in that new bill is that any funds that are expedited through that bill will be recouped by the county from private property owners.

Steve Batthauer: Second question is, say we are trying to determine the grading. Who should do that?

Commissioner Mourdock: Excuse me, Steve, you need to come to the microphone and identify yourself.

Bill Jeffers: The question, and I know what he is getting because it is a lot easier for the private property owner to take care of it directly than to go through the bureaucracy because anytime that we go through the drainage statute we are going to have to draw up a set of plans, have an engineer's estimate, advertise in the newspaper twice, take bids, red tape, red tape, red tape. So what the gentleman's questions is, how to establish the correct grade so if they wish to do it themselves they could hire a private contractor themselves and accomplish it as a group.

Steve Batthauer: Correct.

Bill Jeffers: I will be happy to either dig through our files or go back to the engineer who designed your drainage system and acquire that data so that you can take it to a contractor similar to the one that installed it in the first place. Then, if you need assistance in encouraging people to remove obstructions, there may be the opportunity for us to help you encourage them.

Commissioner Mourdock: Am I correct, in your situation at Green River Estates you feel, at this point, just from the way the water has pooled, that there is essentially one property that is obstructing it and preventing the flow? Is that too simple?

Steve Batthauer: It's just not graded properly.

Commissioner Mourdock: But is it on just one property, one lot?

Steve Batthauer: No, I think people have gotten it to different levels over the years. There is not an obstruction. There is not any wood or yard barns, it's just there have been different levels-

Commissioner Mourdock: Yeah, it's a grading thing.

Bill Jeffers: Where they described to me exactly that it is happening in their situation. I remember that there were woods north of their yards and it was at a two to four foot higher elevation and there were a lot of pathways going back into the woods that kids or other people that were enjoying nature were taking back in there. As they crossed the drainage area they were creating footpaths where water could come down and bring silt with it and fill those.

Steve Batthauer: You've answered a lot of questions and we'll do--

Bill Jeffers: Right, I did not have your phone number or your name and if you would give it into the microphone I will get in contact with your group, too.

Steve Batthauer: We appreciate your comments. Steve Batthauer, and my phone number is 867-7079, Green River Estates, Section 3. Thank you, Bill.

Commissioner Mourdock: Steve, here are your pictures back, too, by the way.

Bill Jeffers: Also, with regards to Mr. Garrett's comments. Yes, I did tell Mr. Tackett basically what Mr. Garrett said. If you pave the road the volume of water that is coming down Anthony Drive will wash out the pavement and it would be bad money thrown away. When I made the comment about Stacy Thomas, basically, I had no earthly idea that the volume of water coming down Anthony Drive was what I saw on May 28th. That took me totally by surprise. I have never fathomed--

President Borries: May 8th, you mean?

Commissioner Tuley: April 28th?

Bill Jeffers: April 28th and May 5th. I am pretty sure that Mr. Rucker would be the one to ask because he saw me out there and when I went to Florida the following week I forgot a lot of things. Gladly.

Myron Rucker: It got worse after you left.

Bill Jeffers: Yes, I left around dark and of course Mr. Rucker had no choice but to stay there and he saw the worst of it.

President Borries: Mr. Garrett, we need to...we have other people here waiting to speak and other things. We are doing the best we can.

Dave Garrett: I'll try to wrap up on this. I think what Mr. Jeffers has submitted is a report, it's not a plan. I do think what authority the Drainage Board does have with your existing people would be to make a motion to authorize the County Engineer or an outside consultant that might be paid through his office to put together a remedial plan that takes Mr. Jeffers' report and says that here is a plan to remediate all of these matters and then we are not going to be wasting this time between today and when this later law might come down the pike. I think that is well within your jurisdiction to either authorize your County Engineer through a motion or an outside consultant that he might employ to

go ahead and put a plan together that supports this report.

President Borries: Well, we'll certainly authorize our County Engineer to look into it. There is no money to hire an outside consultant, sir.

Dave Garrett: Okay, can--

President Borries: We just don't do that.

Dave Garrett: Can we get a recommendation then to make a motion that we put together a plan through your existing staff in the next 60 to 90 days to resolve these matters?

President Borries: We will...I don't make motions here, I'm trying to chair what's left of this meeting, Mr. Garrett.

Alan Kissinger: Mr. Garrett, what you have to understand is that presently anything that is done can be done by the county only on its right-of-ways.

Dave Garrett: I understand.

Alan Kissinger: That's to maintain its right-of-ways and that we have to compensate property owners and we have to make sure that they have a method of ingress and egress to their property. There may be some people in this very room who may be looking at your suggestion saying what if the county tears out my drainpipe under my driveway?

Dave Garrett: I absolutely understand. I guess we'll never know that until we get a plan.

Alan Kissinger: No, even if you get a plan you have to execute that plan--

Dave Garrett: That's right.

Alan Kissinger: --and I'm advising that a part of that plan is going to include tearing out drainpipes under driveways and then we get to the next problem. The county must then have the money to replace those driveways to guarantee ingress and egress. So we can come up with a plan and still not have the money to implement it.

Dave Garrett: I guess that I'm saying that until we get a plan, we don't really know a whole lot. So where do we go from here if we don't get an engineer's plan put together? Maybe I'm asking the wrong person, I should be asking--

Alan Kissinger: I don't know. What I am telling you is that the plan will not get us to where you want to be.

Dave Garrett: The plan will not get us funding. We understand that. I guess what I am saying is that we have a report that we would like to get a motion--

Commissioner Tuley: Mr. Garrett, I'll make your motion for you. I agree there is no sense in sitting back for another year and a half. We've gone through this for long enough. It may not ever come about, but if we ever have the funds and the law on our side, we'll have the plan in place. I would move at this time that the County Engineer, working with the County Surveyor, review the properties and the problems along Ward Road to come up with a plan that, in a perfect world, if we have all the money and all the laws on our side, what we need to do, and I don't mean this facetiously, to correct the problem because I think if we correct the problem at the top of the hill it's going to go a long way to correct the problems all the way down the line.

Dave Garrett: Can we put a date on that? Let's put some goal.

President Borries: Mr. Garrett, we can't do anything here on a date or a goal until we get the plan going. We'll do it as quickly as we can. Mr. Stoll?

John Stoll: A couple of things. Valerie Harry, in my office, has already done some preliminary sizing on some pipes. There are plenty of obstacles to get those pipes installed, so I couldn't give you any time frames on when that could happen if the money was available. With all the projects that we've got going on this summer, to finish out the design plus monitor those projects, just standing here right now I couldn't give you a time frame other than the fact that some of the sizing has been done at this point.

Commissioner Mourdock: Alright, let me, since we have a motion--

Commissioner Tuley: Part of a motion.

Commissioner Mourdock: Go ahead and finish your motion.

Commissioner Tuley: No, we're trying to fill in the last part. What is a reasonable...is there a reasonable time? I've been out there and I've looked at their problems. I don't have the answers, I really don't, but I've been there and I've seen...Mr. Rucker, don't misunderstand because I have not had to face what you guys have had to face, but I can try to anguish with you because I have seen that water and that problem out there. It's not in my basement and I'm not trying to downplay that, but I know you've got a problem and you've been patient for a year and a half trying to get it resolved. We don't have the tools in place right now to physically go out there legally or financially to resolve them, but I think that we should find a way to come up with some pipe sizing that needs to be done, that on this property in a perfect world, this is what we need to do to correct it. On this property, this property, this property, right on down the line. I honestly believe, and I'm not an engineer, I'm not a lawyer or anybody else that's gone to all this extra schooling, but it sure seems to me that water was intended, just like Dave said, to come straight down both sides of Ward Road and to not go anywhere else but along St. George. We need to find out how we get that to happen. That is all they're asking for at this point and time.

Commissioner Mourdock: I will second the call for the Engineer and the Surveyor to assemble the facts as we now know them and at the same time remind them both, and I doubt that I need to do this, but that is private property. Obviously, we can't do anything off of county easement, but with that bit of caution I will second it. I would ask that since we've got July 1st coming, hopefully, with the promulgation of this law, that no later than the end of July, we have some summary report back to us.

President Borries: So ordered. Thank you all. We appreciate your patience and fortitude here at 10:30.

Commissioner Tuley: We still have somebody else here who hasn't even spoke yet.

Robert Floyd: My name is Robert Floyd and I know we have been sitting here four hours and we're tired, so I know you are and I'll try to be real brief. My wife is here with me, Vickie. We bought this property in January of '89. Jim Fuquay was the builder and the developer. The property is located at 2833 Oak View Court in Evansville. If I may, I just want to pass around some pictures from May 8th. As Bill pointed out, he determined in '88, about 11 months before we bought the house and we were the original owners, but it had been built and was sitting in his pictures that he showed you earlier. He determined in 1988 that there was a problem. The developer, Jim Fuquay, had varied from the original

plan that had been approved and we've got a tremendous problem now. Since we have lived in the property we have, from one to two times a year, had a flooding situation. On May 8th...we were flooded out on April 28th and again on May 8th. The flooding was so bad that it was within two inches of coming in the house and the watermarks in those pictures show that. I'm not encouraged based upon what I've heard tonight. I'm sure that this is a private drain and not a public drain, but I would just ask for this Board's assistance and consideration in maybe granting again an issue or instructions to the Surveyor's department to issue a report on how this can be remedied. I understand in talking with Bill on a couple of occasions that he has an opinion as to how this can be addressed and resolved. Again, we would certainly ask for help and any consideration that you can give us on this.

President Borries: You would not want to see my backyard. I am very near one of the other developments so I understand what you are saying--

Robert Floyd: Okay.

President Borries: --on that particular developer. I would certainly want to defer to Mr. Jeffers here. We will take action. I wish I could tell you exactly...Bill, what would be a time frame here that we would be able to work with the Floyds?

Bill Jeffers: I guess we might as well shoot for the July meeting of your Board.

President Borries: Okay, is that possible for you to do? Okay. We'll have him work and come up with a report for July.

Robert Floyd: That's great. The last question that I have, and I know this Board is not interested in answering a legal question, but I'm somewhat confused. If this body had the approval authority of the original preliminary and final drainage lot plans and the developer and builder and seller of my home varied those plans causing this problem, at least, Bill, in your opinion and what we can determine, is he liable? Who is liable for this?

President Borries: That's why we have courts, Mr. Floyd. That's what you probably will want to do.

Robert Floyd: Okay.

President Borries: We set standards and review these standards, but it reaches a point because we do not have...if you have proof and there is research and information that says that he did not do what he said he could do, you would have to take some legal action.

Commissioner Mourdock: Let me ask our counsel a question. It is not a "who" question, which he is obviously not in a position to answer, but perhaps as generic legal question. Is there, given that this home was built in 1988, is that what I heard?

Robert Floyd: Yes.

Commissioner Mourdock: Is there any statute of limitation, if you will?

Alan Kissinger: There is a statute of limitations, obviously, but when they first started noticing the problem that may have triggered the running of the statute. If you're in a situation where you don't know a problem exists, then obviously the statute doesn't run against you. If there is a plan submitted to a governing body or a body of authority and that plan is approved with the understanding or with the stipulation that the plan must be followed and then someone varies from that plan and some third party suffers damage as a result of that variance then, of course,

that is how liability is established.

Robert Floyd: Thank you.

President Borries: Thank you for your patience this evening.

Bill Jeffers: That's unbelievable.

President Borries: Where at item 6. We appreciate, again, the folks who are here expressing their concerns this evening. We have a final drainage plan for Cross Pointe, Section 4.

Commissioner Mourdock: Mr. Floyd, here is your book.

President Borries: Thank you, Mr. Floyd, Mrs Floyd, for coming.

Bill Jeffers: May I see a copy of the agenda? I'm sorry. Cross Pointe, Section 4 has been withdrawn until your special Drainage Board meeting along with Burkhardt Crossings; The Seasons; Keystone, Section 3; Browning Road Estates West, Section either 3 or 4, I hope we have the right one down there. I had Section 4.

Commissioner Tuley: Bill, there was a letter received in this office this afternoon, too--

Bill Jeffers: From Dave Savage?

Commissioner Tuley: Yes.

Bill Jeffers: Right, and he is asking for final drainage plans for Malibu Park, Section 4, Phase B.

Commissioner Mourdock: He is asking for that for the special meeting?

Bill Jeffers: Right.

Commissioner Mourdock: Okay.

Bill Jeffers: He wanted to bring it tonight and I said no way.

Commissioner Tuley: Cross Pointe, Section 4 is deferred, too?

Bill Jeffers: Cross Pointe, Section 4 has agreed to go on hold until the tenth. Burkhardt Crossing; The Seasons; Keystone, Section 3; Browning Road Estates West, I'm going to say Section 4, but this may be correct, Section 3.

Commissioner Tuley: Okay, then we need a motion to call a special meeting--

Bill Jeffers: And Malibu Park, Section 4, Phase B.

Commissioner Mourdock: I'll move we have a special meeting on June 10, 1996 of the Drainage Board for Cross Pointe, Section 4; Burkhardt Crossings; The Seasons; Keystone, Section 3; Browning Road Estates West, Section 3; and Malibu Estates.

Commissioner Tuley: Second.

Commissioner Mourdock: Did that get them all?

Commissioner Tuley: That got them.

Bill Jeffers: I have no other business.

President Borries: There are no claims this evening?

Bill Jeffers: No sir.



Commissioner Tuley: I move to adjourn.

Commissioner Mourdock: I second.

David Ellison: New business?

President Borries: Yes, sir.

David Ellison: One more problem, okay. I know you've had many tonight, but I've sat here a long time.

Commissioner Tuley: One more on the camels back. That's alright, come on, Dave.

David Ellison: David Ellison and I'm representing Big Creek Ditch Association this evening and we are very concerned. Several of the members of our association called us in recent months about the Azteca Plant that sits on Baseline and 41. They're concerned about retention that was supposed to have been put in by this plant by this time, and it has not been developed yet and we were wondering why and when is it going to be implemented. It was a major concern because of all the vast amount of water that we had and the flooding that we had and it really compounded the problem.

Commissioner Mourdock: Is that retention east or west of the tracks?

David Ellison: Pardon me?

Commissioner Mourdock: Is it the retention east or west?

Bill Jeffers: East.

David Ellison: Oh yeah, right. That would be right around the utility itself. We hope that you will be able to implement that as soon as possible.

President Borries: If it was part of their plan we just need to find out from them why they haven't done that.

Bill Jeffers: Due to adverse weather conditions is the reply I got back when I notified them that they were not in compliance. We were sent back a fax stating they would do so as soon as they could get Blankberger Brothers back on the job. It was due to adverse weather conditions. I just wanted to go on record bringing that to you. Thank you very much.

President Borries: Thank you, David. Thanks for hanging in there.

Commissioner Tuley: Now may I make my motion?

David Ellison: I'm out of here!

Commissioner Mourdock: Second.

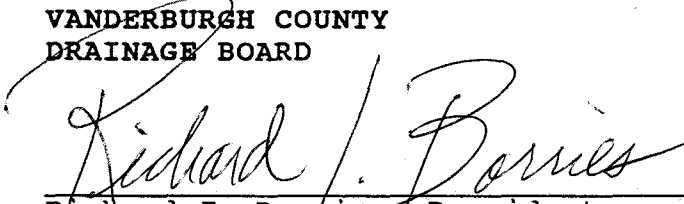
President Borries: So ordered.

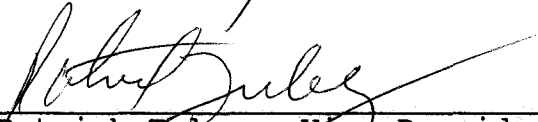
Meeting adjourned at 10:43 p.m.

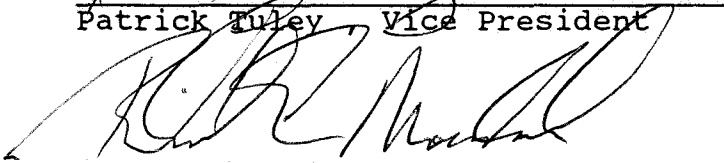
THOSE IN ATTENDANCE:

Richard J. Borries  
Patrick Tuley  
Richard E. Mourdock  
Alan Kissinger  
Bill Fluty  
Charlene Timmons  
Bill Jeffers  
Chris Weil  
Glen Schlensker  
Peggy Bauer  
Greg Cahrey  
Carol Schlumpf  
William Smith  
Mike Roark  
Jim Morley  
Tom Bodkin  
Jim Phillips  
Diana Phillips  
Jimmy Barnett  
Sam Haddan  
Les Shively  
Robert Bell  
Myron Rucker  
Steve Batthauer  
Dave Garrett  
Robert Floyd  
David Ellison  
Members of the media  
Others unidentified

VANDERBURGH COUNTY  
DRAINAGE BOARD

  
Richard J. Borries, President

  
Patrick Tuley, Vice President

  
Richard E. Mourdock, Member

Recorded and transcribed by Charlene Timmons

## **AGENDA**

### **VANDERBURGH COUNTY DRAINAGE BOARD MEETING**

**MAY 28, 1996**

1. Meeting opened
2. Approval of minutes from April 22, 1996 meeting
3. Review and accept for approval preliminary drainage plans for the following subdivisions:
  - A. Windemere Farms - North Ridge
  - B. Shadow Bluff Estates
  - C. Clear Creek Village
4. Request from Lisa Heard to install a pipe in a drainage easement
5. Public comments:
  - A. Dave Garrett, Myron Rucker and others
  - B. Bob Floyd
  - C. Others who may appear
6. Final drainage plans for the following subdivisions:
  - A. Cross Pointe, Section 4

**THE FOLLOWING WILL BE DEFERRED UNTIL A SPECIAL CALLED MEETING  
ON JUNE 10, 1996:**

  - A. Burkhardt Crossing
  - B. The Seasons
  - C. Keystone, Section 3
  - D. Browning Road Estates West - Section III
7. Approval of Blue Claims
8. New Business
9. Old Business
10. Meeting adjourned

filing of separate motions and the issuance of separate orders under these circumstances. (9) Requires the court to consider evidence of a pattern of domestic violence by either parent in determining custody of a child under the dissolution of marriage and paternity statutes. (10) Allows the recovery of reasonable costs and attorney's fees in a protective order proceeding. (11) Requires the clerk of the court to provide each person filing a petition for the issuance of a protective order without the assistance of an attorney information on how to obtain the order, when the order becomes effective, and procedures to follow when a protective order is violated. Requires the attorney general to develop an easily understandable form setting out the required information for use by the clerk. (12) Provides for \$35 of the \$100 civil filing fee for a protective order to prevent abuse to be collected initially from the person filing the petition. Allows the clerk to waive the fee. Provides for the remaining \$65 to be assessed against the respondent or the person filing the petition upon disposition of the protective order petition. Provides for reimbursement by the respondent to the person filing the petition of the initial \$35 fee. (13) Enhances the offense of battery from a Class B misdemeanor to a Class D felony if it results in bodily injury, was related to domestic or family violence, and the person committing the offense was previously convicted of a battery that was related to domestic or family violence. (14) Requires all municipal law enforcement agencies to enter into the IDACS computer the protective order information before July 30, 1998. EFFECTIVE: July 1, 1996; July 1, 1998. Status: Signed By Governor



## DRAINAGE/ WATER

HEA 1277

Author(s): Leuck, Davis; Smith, M.; Liggett

SEA 336

Sponsor(s): Wheeler; Meeks

Public Law Number 239, 240

**REMOVAL OF OBSTRUCTIONS IN DRAINS.** Makes it unnecessary to provide a notice to each landowner to be assessed under a schedule of regulated drain assessments if the hearing on the assessments will be held by a joint drainage board that has jurisdiction over three or more counties in a drainage basin that exceeds 80,000 acres. Allows a person who seeks the removal of an obstruction in a regulated drain, private drain, or natural surface watercourse to file a petition asking the drainage board in the county in which the obstruction is allegedly located to remove or authorize or order the removal of the obstruction. Requires the county surveyor to investigate promptly whether the obstruction exists and: (A) if the surveyor finds an obstruction in a regulated drain, to promptly remove the obstruction; or (B) if the county surveyor finds an obstruction in a private drain or natural surface watercourse, to report the existence of the obstruction to the drainage board. Requires the drainage board to hold a hearing concerning an obstruction in a private drain or natural surface watercourse. Requires the drainage board to find for the petitioner if it determines that the obstruction exists and that the removal of the obstruction will promote better drainage of the petitioner's land and will not cause unreasonable damage to the land of the respondents. Also requires the drainage board to determine whether the obstruction of the private drain or natural surface watercourse was created intentionally by one of the respondents. Requires the respondents to remove an obstruction in a private drain or natural surface watercourse if one of them is found to have created it intentionally; otherwise, requires the board to order the removal of the obstruction at the expense of the petitioner (in the case of a nonmutual private drain or a natural surface watercourse) or at the expense of the owners of all tracts of land benefited by the drain (in the case of a mutual drain). Authorizes a drainage board to withdraw money from the general drain improvement fund to finance the removal of certain drain obstructions. Makes a party subject to suit to compel the payment of money that the party was ordered by the drainage board to pay. Protects a county surveyor from liability for criminal or tortious trespass for entering private property to enforce the statutes concerning drains. EFFECTIVE: July 1, 1996. Status: Signed By Governor

SEA 199

Author(s): Server; Simpson; Adams

Sponsor(s): Becker, V.; Avery

Public Law Number 78

**SEWAGE CONNECTIONS.** Allows a not-for-profit public sewer utility to require landowners to connect to its sewer system if an available sanitary sewer lies within 300 feet of the landowner's property line. Allows a not-for-profit sewer utility to require landowners to discontinue the use of privies, cesspools, septic systems, and similar structures. Provides that a not-for-profit public sewer utility may not require landowners to connect to its sewer system and discontinue the use of privies, cesspools, septic systems, and similar structures if the source of the waste is more than 500 feet from the point of connection to its sewer system. EFFECTIVE: July 1, 1996. Status: Signed By Governor



## ELECTIONS

HEA 1193

Author(s): Richardson; Behning

Sponsor(s): Skillman; Thompson; Craycraft

Public Law Number 4

**ELECTIONS.** Makes numerous changes in the election laws, including the following: (1) Changes reference dates to federal laws relating to elections. (2) Updates references to scheduled election dates. (3) Specifies that internal political party government is controlled by party rules rather than by state statutes. (4) Provides for a vice chair of the Indiana election commission and makes other changes relating to administration of election law by the election commission, including availability of public records media watchers. (5) Requires the Indiana election commission to store campaign finance reports on a computer system that enables the commission to cross-check certain information regarding campaign contributions. Provides that money in the campaign finance enforcement account may be used for creating and operating the computer system. (6) Makes other changes relating to commission records. (7) Replaces use of the National Change of Address Services with a program to eliminate duplicate voter registrations. (8) Provides that an individual becomes registered to vote when the individual receives the acknowledgment of the individual's application sent by the circuit court clerk or board of registration. (9) Authorizes additional procedures to remove from registration the names of deceased voters, including Indiana voters who die outside of Indiana. (10) Authorizes a small town to change the date of its municipal election to a general election year. Specifies the membership of a town committee and a town election board. Provides a procedure for holding elections only for contested legislative body seats for a municipality when all other offices to be voted on by the voters of the municipality are uncontested. Makes other changes relating to municipal elections. (11) Specifies how certain third party candidates are nominated for certain federal and local offices. (12) Restricts the ability of certain contractors with the state lottery commission, permit holders under the pari-mutuel wagering statute, and holders of certain licenses under the riverboat gaming statute to make political contributions. (13) Establishes the commission on campaign finance to study campaign finance during the 1996 interim. (14) Specifies how candidates for certain offices and public question statements must be listed on the ballot. (15) Increases the maximum allowable precinct size from 800 to 1,200 active voters. (16) Specifies the procedure for replacement of absentee ballots. (17) Makes various changes in election day procedures. (18) Provides that a voter may not initiate a recount or an election contest, reserving that right to candidates in the first instance. Permits a county chairman or a state chairman of a political party to initiate a recount or contest procedure if candidates do not under specified conditions. Requires a voter that requests the recount of the votes on a public question must have actually voted at the election at which the public question was on the ballot. (19) Provides ballot language for two statewide public questions in 1996 concerning amendment of the Indiana Constitution. (20) Authorizes a candidate for state convention delegate or local office in Marion County to withdraw the candidate's declaration of candidacy at any time before noon on the forty-second day before the primary election in 1996. (21) Abolishes

## WINDEMERE FARMS NORTH RIDGE

The County Surveyor's office will recommend approval of the Preliminary Drainage Plan for Windemere Farms North Ridge.

We do have some serious apprehensions, however, about some of the details shown on the preliminary plan; and we will require some exact details to be shown on the final plan relative to those apprehensions.

The cause of our apprehension is the existing path of the 100 year flood is being partially filled and rerouted through pipes and along streets as shown on the highlighted copy of the drainage plan.

The yellow shaded area is "Zone A" flood plain. The red lined route shows the path the 100 year flow will take after construction.

Please use highlighted plan for reference to following discussion.

The required additional details include but are not limited to:

1. The exact design of the improved open channel entering the project from the county bridge on Kansas Road.
2. Design details for headwall/wingwall structure which may be needed at the entrance to the pipe replacing the channel @ same location.
3. Design details for an emergency overflow channel to be constructed atop the pipe noted in item #2, which channel should be "straight graded" downhill between Lot 11 & Lot 12 to Windemere Dr.

If possible, the channel should be capable of carrying all flow from a hundred year storm with the pipe blocked.

Although this is excess of ordinance requirement, it is caused by our viewing damage caused by recent flooding at similar sites.

4. An easement between Lot 11 & Lot 12 of a width sufficient to house and maintain the channel noted in item #3.

5. A finished floor elevation of at least two feet above whatever the elevation of the centerline of Kansas Road is at a point due north of the northwest corner of Lot 12 for the house on Lot 12, and due north of the northeast corner of Lot 11 for the house on Lot 11.

6. Exact details of protective dirt grading for Lot 11 & Lot 12 which demonstrate that all storm water carried in the easement between the two lots can be conveyed to the street without flooding the dwellings on those two lots, and:

That all storm water shed off those two lots can be carried away from the dwellings on those two lots.

7. Details and language on the plat and in the covenants and restrictions which will prohibit a driveway entrance from Lot 28 onto Windemere Drive. (so that overflow will not enter garage)

8. Exact details of protective dirt grading which clearly show that the dwelling on Lot 28 will not be damaged by any storm flow from a hundred year event; and:

9. That all such flow can be carried within the right-of-way for Windemere Drive from the emergency overflow channel noted above in item #3 due east and along Windemere Drive to the retention lake on Outlot A.

10. Exact details of protective dirt grading and finished floor elevation for all lots within or touching "Zone A." These details will be used to determine potential flood hazard prior to approval of the final drainage plan.

11. Details of a sag inlet at structure #612 near the southwest corner of Lot 29 along with a depressed sidewalk to allow overflow from flooded streets to pass into the drainage easement along the south line of Lot 29.

12. Details of an emergency overflow from the sag inlet "straight graded" downhill along the south line of Lot 29 to the outlet of the pipe in that easement.

13. Details of the end of the pipe in the run noted in item #12.

14. Details of the open channel from the end of the pipe noted in item #13, thence to the retention lake.

15. Details showing the feasibility of covering the storm drain manholes with grated lids or beehives along the pipe run noted in items #11 through #13 to catch some of the emergency overflow from flooded streets.

16. Details the same as required by items #1 through #6 for the pipe run catching off-site storm drainage entering the project at the southeast corner of Lot #40.

17. Details of a grated lid for manhole #605 to catch excess storm flow at the north end of the emergency overflow between Lot 40 & Lot 39.

18. A prohibition similar to item #7 prohibiting a driveway on the west half of Lot 54.

19. Details of sag inlet, depressed curb and sidewalk, and emergency overflow swale from the east end of Waterstone Drive between Lot 33 and Lot 34.

20. More exact details of the discharge structures from the retention lake.

Other items may include the need for larger utility/drainage easements.

## CLEAR CREEK VILLAGE

First of all let me say that we are aware that there are many people opposed to this development.

Some of those people will be represented here tonight by their legal council. Others may wish to speak for themselves.

We understand apprehension on the part of nearby homeowners with regard to such a large development. In fact, I am very apprehensive about the affects this development will have on me.

Traffic from all the new subdivisions along Old State Road is so heavy that we have a miniature rush hour from 7:30 to 8:00 every weekday morning.

I cannot get out the end of Kembell Drive unless some nice person waves me into the long line of traffic waiting to pass through the intersection of Old State and Campground. Sometimes that traffic is backed up all the way north to Caranza Drive.

I know the addition of 336 new homes will greatly overload Old State Road. And it will have even more of an adverse impact on Mt. Pleasant Road especially at its intersection with U. S. 41.

I want the neighbors of this proposed development to know that the County Surveyor and the members of the County Drainage Board are aware of current traffic limitations and other issues which alarm them.

But I hope the remonstrators against this project understand that the function of the County Surveyor and the Drainage Board at this meeting is purely to review and act upon drainage plans. Not traffic, not density, not size and selling price of houses.

In fact, none of those other issues can be addressed until after the preliminary drainage plan is approved and the proposed development advances to Area Plan Commission hearing.



The reason we put the developer through the paces this way is so that he can assess the costs of constructing the street and drainage improvements before he gets in way over his budget paying for detailed development plans that he may never use.

The preliminary drainage plan has sufficient details assure us of the following:

1. That a final drainage plan can be developed that will satisfy all the requirements of the drainage ordinance.
2. That the developer is aware of what is expected and will be required of him during planning and construction of the streets and drainage facilities.
3. That the final plan will be one that will work to protect the homes from flood damage.

When the plan for Clear Creek Village first came to our office we had some very serious apprehensions about the project. Especially since the first two weeks of May 1996 saw some intense rain storms which resulted in flood damage to several dwellings in Vanderburgh County.

Some of the flooding occurred in homes that were built prior to the requirement to build at or above the protective flood grade.

Some of the flooding occurred because drainage culverts became clogged with debris and the houses near the culverts were not built at an elevation above the surface of the roads over the culverts. So when the water went over the road it either backed up into the lower houses or ran down the drives and into garages.

In some cases the drainage between the homes was blocked by fences and other obstructions so that the water went into crawl space vents or basement windows.

Even when homes are not flooded prolonged high water in residential lots and streets can be very alarming and inconvenient.

We no longer can accept the excuse that so called "hundred year rains" can't be planned for. Or that you shouldn't expect another rain like that for fifty or a hundred years.

We've seen them all too frequently and we will see them again.

Developers and their engineers must realize that although our drainage ordinance only requires sizing of the drainage facilities to handle a 25 year storm, the ordinance also empowers the drainage board to assess each project on a case by case basis.

In addition the ordinance allows extra measures to be imposed on projects within "impacted drainage areas." An impacted drainage area includes property which will be hard to drain due to its location in a floodplain or due to its topography.

I want to assure the Board the audience that the Surveyor's office took a hard look at the drainage plan for Clear Creek Village.

First of all we took into account what happened both on the site and downstream of the site on May 5, 1996. We determined the elevation of the flood water where Little Pigeon crossed Mt. Pleasant Road. That elevation is approximately 388.65 feet above sea level.

We determined what elevation the Corps of Engineers assigned to the hundred year flood at that same point which is 389.02 feet above sea level.

We determined what elevation the Corps of Engineers assigned to the hundred year flood at the point where Little Pigeon Creek comes into the project under the rail line west of U. S. 41 which is 390.52 feet above sea level.

We asked the developer to set the lowest points in his streets so that the streets would not be flooded by back water from Little Pigeon Creek at the elevations determined by the Corps of Engineers.

This is the first time to our knowledge that a developer has been required to set his streets at or above the 100 year flood.

Then we asked the developer to provide low pavement street sags with depressed sidewalks behind the sags, and emergency overflow swales from the sags to carry over-the-curb flooding out of the streets and into the creek or detention basin.

The emergency overflow swales are "straight graded" downhill from the sidewalk, between the houses, and into the rear of the lots. This allows the water which cannot pass through the underground drainage pipes in storms heavier than a 25 year rain (or due to clogged inlets, etc.) to drain out of the streets and into Little Pigeon Creek.

On your copy of the drainage plan we outlined the 98 lots which the developer wants to start on in the first phase.

The locations of the emergency overflows are marked by solid orange lines on your copy of the plan. The elevation of the street sags are circled in red. "LP" means low pavement, and the elevations given for the sags are at or above the 100 year flood.

We are requiring the developer to notify the property owners on the plat and in the covenants and restrictions not to place fences or other obstructions within the easements for these emergency overflow swales as well as all other drainage easements.

In fact, we should prohibit fencing, buildings, or other material within or near any open waterway, private drain, mutual drain or "natural watercourse" as defined by the new state drainage statutes effective July 1, 1996.

We also determined the approximate location of the floodway for Little Pigeon Creek from the Corps of Engineers' study. The floodway is marked on your plan in pink highlighter.

The exact limit of the floodway, the ability to operate equipment in the floodway, the location of any potential wetland habitat, and the various permits required to conduct all the activities associated with the project will have to be determined by the Indiana Department of Natural Resources.

All that business is outside the jurisdiction of the Surveyor and Drainage Board and will have to be conducted between the developer and IDNR.

We highlighted the proposed detention basin in blue. It is an incised basin with a permanent pool of water. How deep the basin will be dug depends upon the quantity of dirt taken from it as fill for the project. I imagine the basin will be quite deep.

The depth of water that can be stored between the low pool and the spillway is four feet, the maximum allowed by ordinance. The storage capacity of the basin exceeds the required volume.

We are requiring the developer to install temporary orifice plates in the detention basin (lake) discharge pipe, phase by phase, so that the required detention is obtained no matter where he is in the development of the whole project. That way even if the project never reaches 363 lots, the required rate of detention will be attained on the number of lots completed.

O. K., back at the proposed entrance of Clear Creek Drive. It's located on Mt. Pleasant Road just west of Copperfield Drive.

During the rainstorms May 5, 1996, we noticed several places where the water crossed Mt. Pleasant from the north side to the south side due to inadequate ditches alongside the road.

We are requiring the developer to provide a drainage system which will catch all the street and yard drainage from lots 1 through 6, and direct that drainage through a detention basin before discharging it into the north side ditch.

We also are requiring the developer to include details of proper yard grading in the covenants and restrictions.

We are cautioning the developer to set the elevations for dirt pads, vents, sill plates, and finished floors of the garages and dwellings with the utmost care to insure not only that the houses are 2 feet above the hundred year flood for Little Pigeon Creek; but also so that storm water conveyed through all parts of the drainage system cannot back up or overflow into any part of the dwellings.

Everyone please keep in mind that this is a preliminary drainage plan. That our recommendation for the Board to approve the preliminary plan is made only because the developer has met or exceeded the requirements for a preliminary drainage plan.

Keep in mind that the approval by the Board of a preliminary drainage plan only allows the proposed development to advance to a full Area Plan Commission hearing where all the other issues such as traffic, density, etc. can be addressed.

Be aware also that before the developer can construct houses he must have Board approval of a final street and drainage plans. There will be more exact construction details on the final plans, and those plans will come under even more scrutiny than the preliminary drainage plan.

The developer will have to post a bond to guarantee the proper construction of all the street and drainage improvements.

Also the developer will have to resolve certain issues with IDNR as mentioned above.

**VANDERBURGH COUNTY  
DRAINAGE BOARD MEETING**

MAY 28, 1996

Please print name below:

NAME	ADDRESS	AFFILIATION?
1. Jon Boyles	730 BERINGER DR	HOME OWNER
2. Glen Schlensker	3926 Kansas Rd	Fire Chief M <sup>2</sup>
3. SARAH F. BUTTS	13410 MARTIN RD.	
4. CLARA M. BRERMAN	931 W. BERRYVILLE NEW HARM RD.	
5. Ruth Dennis	1050 W. B. N. Henry	average owner
Oran &		Home
6. Mildred Smith	8917 Old State Rd	mt. Pleasant Rd & old State Rd subdivision
John &		" "
7. Frances Hadden	8811 Old State Rd	
JIM & NORMA	8636 COPPERFIELD	HOME OWNER
8. BARNETT	L	
9. RALPH L TAER	2518 ANTHONY DR	HOME OWNER
10. John J. Elpers Jr	4700 St Wendel Rd	Developer
11. Greg Kahne	4045 Orchard RD	Att
12. RICHARD EYKAMP	9908 OLD STATE RD	Homeowner
13. ROBERT F. BELL	2500 ANTHONY DR.	HOMEOWNER.
14. PAUL FISHER	9309 OLD ST RD	HOMEOWNER
15. William M. SMITH	745 W. BNVL. NEW HARM	HOME OWNER
16. VALIDA F. SMITH	745 W. BNVL-N HARM	HOME OWNER
17. EARL SAVAGE	2510 ANTHONY DR	HOME OWNER
18. DARYL J. HELFERT		MORLEY & ASSOC.
19. Rita Eykamp	7800 Old State Rd.	Land Owner
20. Paul M. Becker	8910 Old State Rd	Homeowner
21. Jerry A. Wickse	9015 Old State Rd.	Homeowner
22. Kaye Castle	8801 Old State Rd	Homeowner
23. Nancy Helms	8925 Old St Rd	Homeowner

**VANDERBURGH COUNTY  
DRAINAGE BOARD MEETING**

**MAY 28, 1996**

**Please print name below:**

NAME	ADDRESS	AFFILIATION?
1. Myron Rucker	5800 OAKRIDGE DR EVANSVILLE	Home Owner
2. Dave Garrett <sup>24</sup>	5720 Oak Ridge Dr	Disgruntled Taxpayer
3. Pickie Floyd	2833 Oak View Ct	Home Owner
4. Robert Floyd	2833 Oak View Court	Public Comment
5. Keith Poff	600 SE 8 <sup>TH</sup> ST.	SITECON, INC.
6. Chris Weil	" " "	" "
7. DAVID R ELLISON	2040 W BASELINE	BIG CREEK DRAINAGE ASS. INC.
8. Mike Rank	2016 Fleener	concerned citizen
9. Dan Armstrong	Evansville Press	
10. [Signature]		Evansville Courier
11. Jim Morley	8311 Remington Dr.	Morley & Assoc
12. Brad Stechi	300 Beisinger Dr	Stechi Homes
13. SAM H. HADDAD JR	9201 OLD STATE RD.	HOME OWNER
14. Chuck Ridings	2700 Anthony Dr.	Home Owner
15. JAMES E. STRIEWE	2701 ANTHONY DR.	HOME OWNER
16. Tom Bodkin	P.O. Box 657	Lawyer
17. Ed Knouse	4304 Wetherfield	Home Owner
18. John & Emily Hunsinger	4200 Wetherfield Dr	Home owners
19. Steve & Jennifer Bittner	4224 Wetherfield Dr.	Home owner
20. Tim & Peggy Bann	13435 Darnestad Rd	Homeowner
21. Dave & Anne Bann	13355 Lundy Dr	Homeowner
22. Bob & Barbara	111 S. Harper	Realtor
23. Carol Schump	210 W. Longfield Rd	Home Owner

\*3<sup>rd</sup> time here -- 9/25/95; 10/23/95; 5/28/96

VANDERBURGH COUNTY  
COMMISSIONER MEETING

MAY 28, 1996

Please print name below:

NAME	ADDRESS	AFFILIATION?
1. C. Thomas	Rm 205	SCT
2. D. Dordickson	206 W. 1st St	homeowner
3. Diana Phillips	8303 Southport Dr	homeowner
4. Jim Phillips	8303 Southport Dr	HOMEOWNER
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VANDERBURGH COUNTY  
SPECIAL DRAINAGE BOARD MEETING  
JUNE 10, 1996

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MINUTES  
SPECIAL DRAINAGE BOARD MEETING  
JUNE 10, 1996

The Vanderburgh County Drainage Board met in session June 10, 1996 at 8:02 p.m. for a special called meeting in the Commissioner's Hearing Room 307 with President Richard Borries presiding.

President Borries: Thanks for coming. I would like to call the Special Drainage Board meeting to order. Let me explain very quickly here for the information of all of you and, again, we appreciate you taking the time to come down here this evening. We know that many of you are experiencing water and drainage problems and we also know that much of this...I have talked to a person tonight and we are now over 15 inches above normal for this time of year and 15 inches is a heck of a lot of rain. We know that much of this is directly related to this record rainfall that we have been having. Let me explain quickly what we do here and how we are going to have to proceed this evening. The Commissioners, as the Drainage Board, meet once a month in a regularly advertised meeting. That is always on the last Monday of the month. This meeting was called and we have to legally advertise if we meet more than once a month and we have to specifically put down on paper what we do by law. That's why many of you who have called and have either talked to our office or the County Assessor's Office don't see your item on the agenda this evening simply because this is not a regularly called meeting. We, again, meet once a month as a Drainage Board and that meeting will occur, our regularly scheduled one, on Monday, June 24. Any other time that we meet, as our attorney will advise us, is to take action on what has been legally advertised this evening. Many of you have come down here this evening because, again, you have some needs and we will be happy to listen, particularly if it will be new information and not repetitious once we get going in this meeting. We hope that we can finish our regularly scheduled and specifically advertised meeting in a very short time. After that we would be happy to hear what you have to say. So, if you can be patient, again, we have to go with what we have legally advertised at this time. If we can't resolve and we're not going to be able to talk official action on your item this evening we can certainly get on tape what your concerns are so that perhaps within a couple of weeks at our regularly scheduled meeting we might be able to have some answers for you. Unfortunately, unless the weather clears and we get some hot and dry weather you and I both know that we are not going to be able to have all the answers if these rains keep up. Let no one in here do a rain dance this evening. Hopefully, we can begin to take some action on your particular items this even. Quickly, let me call to order our meeting as I have done and turn the program over of this special meeting to our technical advisor, who is Mr. Bill Jeffers from the County Surveyor's Office. Bill, proceed.

CROSS POINTE, SECTION 4
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Bill Jeffers: The first item on the agenda is Cross Pointe, Section 4, which is a commercial subdivision directly behind Builders Square on Lloyd Expressway. Cross Pointe 1, 2 and 3 have been approved. That's where O'Charley's, Outback, El Chico Restaurant, Builders Square and some other financial institutions are. Cross Pointe, Section 4 is seven lots. Six of them are large lots over an acre. The seventh one is the long strip which contains the detention basin and the small area that could be used for parking or maybe a small retail or commercial shop. It had primary approval a month or two ago and they are asking for final approval. They have met all of the recommendations from the Surveyor's Office. We've communicated on it several times with the developer's engineer, Morley and Associates. Basically, what they are doing is providing inlets, open ditch drainage and street drainage with all of it carried to the detention basin which is a long, oval shaped basin on the seventh lot with a very small amount of the street drainage going out to Virginia St which couldn't be

captured and taken to the detention basin. There are some notes added to their notes by our office which will be added to the final plat notifying all the property owners that this is a mutual drainage system and no one lot can block another lot or fence another lot out of the open drainage swales and area inlets that are specifically designated for all the drainage to go into. At the Site Review Committee, each Monday morning, as the building permits are applied for our staff will make sure that each of the seven lots drains to the appropriate drainage structure. With those comments and the fact that those three items in the bottom left-hand corner will be added to the final plat, the Surveyor's Office recommends approval of the final drainage plan for Cross Pointe, Section 4.

President Borries: Questions of Bill? Motion to approve at this point?

Commissioner Tuley: Mr. President, I move the passage of the Cross Pointe, Section 4 on final approval as submitted and recommended by the Surveyor's Office.

Commissioner Mourdock: I will second.

President Borries: So ordered.

<b>BURKHARDT CROSSING</b>
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Bill Jeffers: This is Burkhardt Crossing which is a very large commercial development to be located at the intersection of Burkhardt Road and Morgan Avenue. It is on the east side of Burkhardt Road and the south line of this project will be Oak Grove Road. It has several smaller lots around the periphery of the project with one large lot, number 43, in the middle. The smaller lots are for individual commercial and business developments, office, retail or whatever a person would like to locate there. The large lot, number 43, in the center is being reserved for some type of anchor store or anchor development, maybe a large shopping center. There is an out lot and the reason for Out Lot A where the red writing is, a little to the right of Mr. Tuley hand, that the developer has not been able to finalize his option on that particular parcel and until he negotiates his final purchase of that parcel...at this time the drainage for parcel of Out Lot A is assigned to the rest of Lot 43, but he can't show that on the plat as part of his project because he has not yet either obtained an option or bought the property outright. That's why there is an ingress/egress easement to that out lot to the east because when he does finalize his negotiations on that it will be the probable entrance. That is kind of a final work sheet that the engineer from Morley and Associates and our office sat down and worked out the very final details on, that is why there are some red marks on it. We have agreed on all the details. The only unusual, or something that might appear to be out of the ordinary, but it really isn't, is that the developer owns another parcel or has an option on another parcel on the other side of I-164 in which he proposes to locate one large detention basin with a capacity to detain...it has a storage capacity in excess of the requirement for detention on this parcel. What he wants to do is to draw off from Nurrenbern Ditch a quantity in excess of the required detention quantity for Burkhardt Crossing and store it upstream of the site. This is at the end of the cul-de-sac which goes back to a borrow pit owned by Koester Contracting. The borrow pit was excavated for the fill of I-164 over Morgan and Oak Grove Road. That is this area down here. He is going to locate another borrow pit just north of that and turn it into a detention basin. It is at the end of a cul-de-sac which the state of Indiana built and has turned over to Vanderburgh County as a county roadway and it's alongside a legal drain know as Nurrenbern Ditch. He has four pipes to draw

in water from the ditch and store it in one...those are each 48 inches in diameter, and then he has one 30 inch concrete pipe as a discharge which indicates that he'll be discharging a very small amount back out.

Commissioner Mourdock: Is that part, Bill, on the east side of I-164 formally a part of this plan or is that a separate plan?

Bill Jeffers: All this property was formally one parcel and I-164 split it and made the part on the east side of I-164, basically, useless for development. Because the remaining parcel is so valuable, and that's this parcel here on the west side of I-164 and that is extremely valuable land. This here has been turned into, basically, wasteland by I-164 and it's almost inaccessible.

Commissioner Mourdock: Well, that's not part of the argument. First of all, I think that it's arguable whether or not this is virtually inaccessible since there is that cul-de-sac, but forget that.

Bill Jeffers: That's an agricultural entrance.

Commissioner Mourdock: I understand, but that's today. Time changes things.

Bill Jeffers: Sure.

Commissioner Mourdock: Since this a drainage matter, is this actually part of this drainage plan?

Bill Jeffers: Yes, sir.

Commissioner Mourdock: In other words, this retention is part of this formal plan?

Bill Jeffers: This retention basin is the retention basin for this drainage plan. It will draw off water from Nurrenbern Ditch before it arrives at Kelly and store it as a mitigating detention basin for this plan which connects right here.

Commissioner Mourdock: Does it make any practical sense...from the engineering point of view does the existing borrow pit offer any potential as far as being used as a retention basin?

Jim Morley: Yes it does if that existing borrow pit, which was constructed during I-164, were to have the water level lowered by some four feet to the bottom of Nurrenbern, then that existing borrow pit could also provide additional storage. That's controlled by someone else you understand? Relative to your question, could it be used to advantage? Yes, it could. It would take some pipe structures, but, yes, it could.

Commissioner Mourdock: This Board and the Commissioners as a whole has dealt with the issue of borrow pits several times and there are borrow pits, then there are borrow pits.

President Borries: This one works. The ones that we have talked about--

Commissioner Mourdock: Exactly.

President Borries: --don't.

Commissioner Mourdock: My only thought is, and I realize that it's a different owner and, you know, to put all the cards on the table here, but I'm uncomfortable with that fact that the company that I work for owns that property. It seems to me and I just wonder if there is not a way to more conveniently, rather than using more

ground for borrow pits, that we couldn't somehow incorporate this. I don't know that there has ever been any discussions between this developer and the real estate people here or not. I just hate to see more borrow pits if we can at all avoid it. In this case a retention basin. Do you know, Bill, was part of the soil that was to be used from here going to be incorporated as borrow back here onto this site.

Jim Morley: Yes. It's a necessity either way.

Commissioner Mourdock: I see.

Bill Jeffers: The County Engineer and our office both agree that the roadways in the new Burkhardt Crossing should be elevated sufficiently so that there could be emergency travel, at least, in and out of most of the lots in Burkhardt Crossing after they are developed. In order to do that they are going to have to acquire a substantial amount of dirt and the acquisition of that dirt could be very expensive if it were hauled from a long distance. I believe that the closest available borrow is in Warrick County near Epworth Road. That's just about exhausted. That borrow has just about been exhausted so the developer would like to take borrow from this pit and use it in the construction of Burkhardt Crossing roadways. The borrow pit owned by Koester runs basically brim full and what Mr. Morley, in answer to your initial question, was explaining is that drain pipes would have to be added from that borrow pit to draw it down approximately four feet in order for it to have any storage capacity. That is what they are going to do on this new borrow pit is install the pipes as a part of the construction of the borrow pit itself. They are necessary to develop the vertical four feet in which to store the excess storm water.

President Borries: How does the water get over here?

Bill Jeffers: It's drawn off of Nurrenbern Ditch as Nurrenbern Ditch fills up. There are four 48 inch pipes from Nurrenbern that will be placed from Nurrenbern into the borrow pit. As Nurrenbern begins to fill up after a rainfall those four pipes draw off water from the ditch and at the lake side of the borrow pits they have flap gates so that the water can't go back out those 48 inch pipes.

Commissioner Tuley: So this is draining into Nurrenbern initially and that retention pond is going to draw out of Nurrenbern?

Bill Jeffers: No, first this draws off the water before it arrives at the site while the new development is draining into Kelly Ditch which is a continuation of Nurrenbern Ditch. As the new subdivision is discharging rainwater into Kelly Ditch the borrow pit will be drawing the water off of Nurrenbern to displace that or compensate for it. Because it's slightly experimental, but the calculations show it will work. In fact, the calculations show it will draw off an additional amount above what we would normally require, but because it is somewhat experimental and it is something that we do want to do, we have a stipulation that we want to append final drainage approval of this plan with the provision that the County Surveyor's Office monitor the storage capability of the off-site basin and require additional storage within Burkhardt Crossing itself if needed as site plans come into the Site Plan Review Committee for individual projects within that subdivision. What we would do there is just see how it is working and if it looks like it is working okay, fine. If it looks like we need additional storage we will go into Lot 43 which is a huge lot and require additional storage.

President Borries: I still don't see where the water goes. Come here and show me.

Bill Jeffers: Okay, the water is coming from Division Street north

under I-164. It gets to this site and these 48 inch tubes draw it into the lake.

President Borries: Alright, so it comes, basically, where Oak Grove would be?

Bill Jeffers: It comes from Cross Pointe, it doesn't come off this side.

Commissioner Mourdock: This is all upstream of this. This is upstream of this.

Jim Morley: This is the water, this Nurrenbern and the draw in location. This is south of the point. This is right at the cul-de-sac, standing in the cul-de-sac. I believe this is the crossover point into the borrow pit that you talked about, but it is not quite and that's upstream of this. You are all looking at Nurrenbern now and then the concept is that we sequentially pull this down and allow Nurrenbern to empty which was causing the problem down at Lloyd Crossing and Builders Square. We allow a place for that to go easily. This site far upstream hard surface discharges fairly rapidly and this is all being held back. We are sequencing the flood level in the Crawford-Brandeis.

Commissioner Mourdock: You are reducing the size of the watershed here?

Jim Morley: Yes, by doing this and by doing the sequencing we achieve more than we would have the other way because the Crawford-Brandeis carries from East Cherry Street and if we retain our water here the area down by Lant Manor...if we retain our water here, build up our lake and are discharging heavy two hours later we have probably done very little to help the people on East Cherry Street in that area, so that's this concept. We are sequencing the flows. This is up close to the upper end and it discharges rapidly. This is used to suck our drawdown vat and when they get here an hour later then this is now filling, but this is gone. It's a process of sequencing and, as Bill said, we will have to monitor. Everything works on paper.

Commissioner Mourdock: You're saying that if this were four foot lower than it is now...?

Jim Morley: If we had a drain pipe out to the ditch this also could serve the same kind of relief that this is going to do. It absolutely could be a relief basin.

Commissioner Mourdock: Do you know, and you probably don't, but were there ever any discussion with the real estate people?

Jim Morley: I'm sure not.

Bill Jeffers: It would be a simple matter just to connect these two together with the channel, you wouldn't even need a pipe.

Jim Morley: You're right. I never thought about that, but you wouldn't have to pipe it over there you could actually tie the two together.

Commissioner Mourdock: If you need the borrow, you need the borrow, but I just hate to see more borrow pits out there.

Jim Morley: They need to borrow, but when it comes to additional storm, if nobody is going to do anything with that then you know it might be something worth looking into.

Commissioner Tuley: Is this preliminary tonight?

Bill Jeffers: No, this is final.

Jim Morley: No, this is final.

Commissioner Tuley: I don't remember seeing this before.

Bill Jeffers: No, we had the Burkhardt Crossing that had the ponds out front.

Commissioner Tuley: That's why.

Jim Morley: With them we had the basins, but they were within the county drainage easement and on the development and then in further refinement we have arrived at this proposal as being superior to the previous proposal.

Commissioner Tuley: So this is was initially going to drain over here in Brandeis?

Jim Morley: Yeah, a big basin all along the ditch.

Bill Jeffers: We didn't really like that.

Jim Morley: It presented problems of maintenance because we were left with a narrow island between your basin here and the ditch that you have to maintain along the railroad.

Bill Jeffers: On April 28th we saw the big flood where the water came and ran right across the area where the basins where. It ran across there three feet deep. It looked like to us that it wasn't going to serve the purpose to have those basins out there.

Commissioner Mourdock: Let me play "what if" for a second, Bill. If this plan is approved as it is here this evening and there is a significant change over here that they could somehow incorporate that, would the plan be brought back to us?

Bill Jeffers: Yes, sir. All modifications...under the new ordinance any modification of the drainage plan has to come to the Drainage Board first. Any significant modification.

Commissioner Mourdock: Mr. Woodward owns all that property already?

Jim Morley: Yes.

Commissioner Mourdock: Over on the east side as well?

Jim Morley: Yes.

Commissioner Mourdock: I can not imagine why they would approach it that way considering the value of that ground, but that's their call.

Commissioner Tuley: Like you said, they need all that dirt and borrow to build up their roads.

Jim Morley: Yeah, part of it is the accessibility issue (inaudible), it's pretty out of the way over there.

Commissioner Mourdock: But "until" will happen. "Until" it happens, it will happen.

Bill Jeffers: Eventually, yes. Otherwise, he wouldn't have reserved 150 foot square here. He knows that something is going to happen over here. I want to say that our recommendation of it does contain the provision that we will have an ongoing monitoring of this project and if we come to the conclusion that it needs additional storage or refinements of the storage, then we have that

power on a site plan by site plan basis requiring additional storage. We have asked for and have received the maximum amount of discharge that each one of the individual lots can put into the underground storm sewer system that discharges into Kelly Ditch. If we find that they're exceeding that, we will ask for additional storage. The other provision we have in there is that the street plans have not yet been approved by the Board of Commissioners and Mr. Stoll is continuing to submit his requests to the developer on the street plan design. We do concur with Mr. Stoll, the County Engineer, that the streets should be as close or as accessible during high water as possible. The only item that we are looking at is that if you raise the streets too high all the way up to a 100 year flood elevation you may be blocking the cross-country flow of some water and causing it to be diverted into directions that would be more destructive than if you let it go over the top of the streets in some instances. We are looking at that very closely. What we are really after the County Surveyor really wants, and Mr. Stoll really wants and we are in total agreement with it, is that the streets have as much capability for travel, especially by emergency vehicles, in high water conditions without blocking the overland flow.

Commissioner Mourdock: I'll move approval of the final drainage plan of Burkhardt Crossing as recommended by the County Surveyor's Office.

Commissioner Tuley: Second.

President Borries: So ordered.

KEYSTONE ESTATES, SECTION 3
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Bill Jeffers: The last item on the regular agenda is Keystone Subdivision, Section 3.

President Borries: For the record, are you doing us a favor?

Commissioner Tuley: Are you going to bypass the Seasons.

Bill Jeffers: That's the old agenda. I scratched the Seasons. We weren't prepared to present that. We needed some more study on that one.

President Borries: Alright.

Commissioner Mourdock: Browning Road Estates?

Bill Jeffers: Browning Road Estates was not ready to come in.

Commissioner Mourdock: Malibu Park?

Bill Jeffers: Malibu Park we are still trying to get the street elevation raised a little bit higher.

Commissioner Tuley: Might be out a little earlier than I thought.

Bill Jeffers: Keystone Estates is also a subdivision that is being designed by Morley and Associates and the engineer on that project is David Schminke, who is here in the audience also. This is an addition of several lots. Keystone 1 is just about finished. Keystone 2 is still under construction with new houses going in. Keystone 3 is an expansion of it. We have approved the preliminary plan for the entire 200 and some odd lots, I think it's 236 lots. This will allow them to go forward and finish basin number 1. It's a large lake along with the lots that you see in front of you and some new streets. Here is a markup of the plan that I sent back



with a long letter asking them for several revisions. They have made all of the revisions and have given all the details that our office has asked for. You may hear later tonight about the Parade of Homes on the north side and another one occurred out here and the developer is very anxious to follow all the details of this plan and get it in place especially with regard to emergency overflows. He is doing a pretty good job on everything so far and we recommend final approval of Keystone Subdivision, Section 3 with no stipulations. Everything has been added to the plat as required.

Commissioner Tuley: They have already made these changes?

Bill Jeffers: They have already made all the changes that we requested last week.

Commissioner Mourdock: I will make the motion, but before I do so I need to point out to you, Bill, and if you would pass it on also to Mike Wathen that it seems at least once a week I have been getting good comments about the erosion control plan and everything else that they have been doing at this subdivision. What you all work with them on I think it is somewhat of a model for what future ones need to be. They've done a super job. Having said that, I'll move approval of the final drainage plan for Keystone Subdivision, Section 3.

Commissioner Tuley: Second.

President Borries: So ordered.

Bill Jeffers: They did experience all the same torrential downpours that everyone else did and they were able to repair the erosion control system quickly after each one of those events. That is the end of our regular meeting as advertised.

President Borries: Charlene, do you want to change tapes?

#### TAPE CHANGE

<b>PUBLIC COMMENTS</b>
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President Borries: I would like to say that this is a Special Drainage Board meeting for June 10 and acknowledge for the record that we have completed the advertised approvals presented to us this evening. There are residents here for other areas of Vanderburgh County this evening and at this time we would like to hear from them. Trying to, again, make our comments if we can specific to other areas that were not advertised for this Special Drainage Board meeting. If any of you have a spokesperson or if you could ask someone to maybe give his or her name and address for the record. We would like to hear from you and what your concerns are now at this time.

Randy Chapman: My name is Randy Chapman, I live at 314 Strawberry Hill and it's in Old State Subdivision. I talked to Mr. Jeffers today in reference to the culvert there overflowing each time we have a storm. This is the third time that I have been flooded. This is the second time that I've had about three to four feet of water in my basement. He has come up with a recommendation as we have talked on the phone today in reference to taking this easement or culvert and widening it or making it better. Whatever he wants to do or whatever we can do just to eliminate this situation. I can't...you know it's not only affecting me, but it's effecting everybody in the neighborhood. We have a video tape of yesterday's incident. I know that we keep talking about these 100 year rains. Well, anytime there is a downpour that drainage system is flooded. Within 10 or 15 minutes it is already flooded. I can understand as

far as these heavy rains that we are having, but I also believe that there is a problem here and it needs to be taken care of.

Commissioner Borries: We understand that, but I just wanted to preface a remark that we...have you had difficulty before this year?

Randy Chapman: No.

Commissioner Borries: Okay.

Randy Chapman: There are people...some of the residents here can tell you that they've lived there 10, 12, 18 years and they never had this problem. They're building a subdivision on Eissler Road. I talked to Mr. Jeffers about it and I don't know if that's the problem, but to me all of a sudden we are having these problems here within the last month. There is a problem somewhere causing this culvert to back up. I'll let one of these residents talk that have lived there a long time. I've just been there for a year.

Commissioner Borries: Maybe I need more information because I'm not really clear where you are talking.

Randy Chapman: I'm at 314 Strawberry Hill, it's Old State Subdivision. You just take Strawberry Hill east and it's basically at the bottom of the hill. There is a culvert that runs across the street and I think it's a 50 foot public utility drainage system.

Commissioner Borries: Okay, so Bill has some information here.

Randy Chapman: Where this is flooding here...

Bill Jeffers: This is Old State Road here and Evergreen is this way.

Commissioner Borries: Evergreen Acres?

Bill Jeffers: Evergreen Road is down here. You go north and the next road that you come to is Eissler and then Mount Pleasant. Strawberry is at the top of the hill and you go down the hill to the culvert which is located right here.

Commissioner Borries: Oh, okay.

Bill Jeffers: Mr. Chapman and his wife live here.

Randy Chapman: What it is doing is that I have a drain--

Bill Jeffers: That flows this way.

Randy Chapman: --that comes back here behind my house. It's a concrete drainage system that comes back here and then it comes into that culvert. Well, there is part of this culvert or creek, whatever you want to call it, is getting T-boned right here like this. Well, when it overflows it is coming across the street and then it is going down Strawberry Hill down this way and coming all the way down to here. All these houses back in here are being affected, too.

Commissioner Tuley: This culvert...I saw the news last night. This culvert, I mean, the water was, at that point in time--

Randy Chapman: Is over the road by then.

Commissioner Tuley: Yeah, that's what you are saying is that there is so much coming over the road down here that this culvert can not begin to take it.

Randy Chapman: Right, that is what I'm getting at. Then it's flooding all these houses back in here.

Commissioner Tuley: Right and it goes everywhere here. It backs up on you and goes down around here.

President Borries: Is this all piped here?

Randy Chapman: Yes.

President Borries: This is all piped here?

Randy Chapman: Under the roadway.

Commissioner Tuley: Under the road it is piped, yeah. It's got concrete embankments and an open water drain.

President Borries: What's this here then?

Randy Chapman: That is just an open...

President Borries: Is it a swale? How deep is it?

Randy Chapman: Oh, I'd say probably--

Bill Jeffers: The large creek?

Commissioner Tuley: Yeah, right beside his house.

Bill Jeffers: Oh, right beside his house? About eight or nine feet deep. The culvert is seven foot tall--

President Borries: Under the street?

Bill Jeffers: --under the street and 11 feet wide. It is a culvert that from the bottom of the ditch to the top of the culvert is seven feet and then it's 11 feet wide.

President Borries: The ditch isn't a legal drain is it?

Bill Jeffers: No, it's a creek. A natural creek.

Randy Chapman: You know, I've offered to...they can have some of my property because I can't live like this every time it rains.

Bill Jeffers: We measured it today (inaudible comments not made from microphone).

Unidentified from audience: This ditch here zigzags around here.

President Borries: What we need to do is get you...none of this is going to get on tape, we're not going to get any of your comments unless we can get both of you back to the mike. If you could give your name for the record? Thank you, Mr. Chapman.

Cornelius Meyer: Cornelius Meyer, 425 Strawberry Hill.

President Borries: Okay, Mr. Meyer. Yeah, you can come up here.

Commissioner Tuley: We'll just turn the mike around for you.

Cornelius Meyer: These street drains here run into an easement ditch back here. It runs into this ditch. This ditch zigzags back through the woods here.

Commissioner Tuley: Drains this way?

Cornelius Meyer: Right, this one runs this way and this one comes this way and there is another one that comes off Old State Road

into this and then zigzags down and goes by Helfrich Golf Course down there along 41. All this backs up. This water is supposed to be draining this way and it turns around and comes back up this way. There are two 22 inch culverts coming in here to this ditch that Guthrie May built to run into the big ditch. There is one right down here around the curve.

President Borries: There isn't anything or any blockages back here are there?

Cornelius Meyer: No.

President Borries: Anything that anybody has put back here?

Commissioner Tuley: It would have flushed out by now.

Cornelius Meyer: It comes back up this way.

President Borries: Okay.

Cornelius Meyer: It's still running that way and then it starts back in the big ditch. For some reason down through here that thing has got to be...I moved out there in '77 and this was just a little ditch, but it's a creek. It keeps getting bigger, trees keep washing out, but the water keeps getting worse. It's coming from upstream and we are getting a hell of a lot more somewhere upstream. Here or back over in here. We are going to have to build a river down there to carry it out.

President Borries: Okay.

Cornelius Meyer: I don't know whose ditch this would be back here.

Commissioner Tuley: Bill, do you have some comments? You have obviously been talking to Mr. Chapman and I don't know who else.

Bill Jeffers: These are plans that I borrowed from Mr. Morley. Mr. Morley acquired these plans at an auction when Sam Biggerstaff passed away. His estate and all of his business assets were auctioned off and in his files, were the plans for Old State subdivision, the street plans and the drainage plans. The reason they're not on file in the County Surveyor's Office is because they were brought to the County Commissioners under a previous administration and that administration did not turn over their files to our administration when the current Surveyor took office in 1977. I've looked through those plans briefly. The reason that I said all that is not to point fingers but simply to say that we have only had an hour or two to look them over. The plans show the pipe in front of Mr. Chapman's house and, I'm trying to be careful with these because they're old and crinkly, this subdivision was approved in 1976. These plans apparently were approved as street construction plans by the County Commissioners either in 1976 or early 1977. The dates on the plans that I do have recorded range from November 10, 1976 to April 14, 1977. The pipe we're talking about showing on these plans is an elliptical pipe under Strawberry Hill...oh, almost immediately in front of Mr. Chapman's house and it calls for a 108" X 63"...no, excuse me, then it says use 7'1" X 10'11" elliptical pipe. That's what we assume is there. The County Engineer sent an inspector out and he measured it 7 X 11, which is only an inch off each way. So we're assuming that pipe is in there as it was shown on the plan. It shows the top of the roadway at that location to be 396.75 feet above sea level. I say that because also in these plans are finished floor elevations that were designated for each house in this subdivision, a grading plan that showed that each and every house in this subdivision has an assigned finished floor elevation that each and every house should be built to, each individual house has its own finished floor elevation. In Mr. Chapman's case, the finished floor elevation was

two feet above the middle of this road or 398.7.

Unidentified: (Comments not made from the microphone)

Bill Jeffers: The records in the Building Commissioner's Office do not reflect these approved plans. I'm getting to that here in a few minutes. I didn't want to bring it up but it's back. Also, over here to the right it says culvert design date, a ten year storm. Now please, those in the audience realize that no one sitting in front of you, nor anyone working over here for Mr. Morley or Mr. Morley himself was operating...you weren't operating in this county in '77 were you?

Unidentified: Just started.

Bill Jeffers: None of us had anything to do with this design, either the formulation of it or the approval of it. Like I said, this wasn't even in our files, I had to borrow it. This culvert design was approved as a ten-year storm and that would be something that would happen, anymore, two or three times a year. I'm not trying to be funny, I mean, it does. We had two or three inches of rain fall in an hour two or three times a year. That's what this pipe will handle. Also, since the drainage system was put in place, a lot of trees and brush and so forth has been allowed to grow up. We've had wind storms that have taken old trees out and today when I went out there at about 8:00 or 8:30 in the morning, the county culvert crew was removing a large tree trunk from this culvert that had blocked the culvert partially and so not only are you dealing with a culvert that can't handle a storm that was twice or three times as big as it's designed to handle, it also was partially blocked. So consequently, the water, rather than being able to go through the culvert, goes over the top of the road, which according to the approved plans is 396.75 feet above sea level. If the home on that lot is below that elevation, obviously it's going to be flooded. In all fairness, the Chapmans bought their house not knowing any of this. As I told you, I just found out today. What happened to their house, basically, is that this culvert will not handle the type of storms we've had this year, as I've explained and when the water goes over the top of the road it stacks up, it was over a foot above the top of the road last night and that put it at say, 398. It was running very slowly at 398 and their basement is entered through the back, they have a stairwell that goes down into their basement entry door and the water was higher than the top step of their stairwell. So, it runs down into their basement and, truly, it surprised me that it only got four feet deep. It could very well have filled their entire basement right up to the floor joist of their floor upstairs. Apparently, they had a good sump pump running or something if it only got four feet deep. This isn't a joking matter and I'm not trying to be light about it. It's very serious. Their building permit shows that a building permit was issued in 1987 for a house --

Commissioner Mourdock: '87 or '77?

Bill Jeffers: 1987. I believe I have it here.

President Borries: So in other words, they didn't build on this lot until '87.

Bill Jeffers: Not until 1987.

Commissioner Tuley: I wonder how many people have lived in it since then? I bet they don't stay long.

Bill Jeffers: And in the microfilm records, microfilm roll #59, this is from the Building Commissioner's microfilm, microfilm record roll #59, exposure #237, has a drainage check, they call it, where the Building Commissioner goes out and checks the lot and looks on these FERM panels, Federal Emergency Management panels to

determine what the 100 year floor would be at that site and it shows almost the entire lot to be within the 100 year flood. On that exposure in the microfilm, it said first finished floors should be 397, which is lower than what the grading plan assigned it. However, they assigned it 397 feet above sea level because they determined that the 100 year flood would be 395, as Ms. Chapman just said. So if the 100 year floor would come up to 395 on that lot, they should be two feet above that with their first finished floor, which includes anything other than a crawlspace. That includes the basement floor. Obviously, their basement floor was constructed by whomever -- well, it was issued to Guthrie May, the building permit was issued to Guthrie May Company in 1987.

Commissioner Mourdock: But are you saying with that Bill, and don't let me put words in your mouth here, that the building permit, given the FERM map, the panel that was out there, the building permit should not have been issued for that specific house based on those elevations.

Bill Jeffers: The building permit was issued for a house with the provision that the house first finished floor elevation would be at 397 or above.

Commissioner Mourdock: Right, and I think we're saying the same thing, and then a house other than that plan was built?

Bill Jeffers: Yes, a house with a basement floor below 397 was constructed and subsequently over a period of time sold to other people and the Chapman's ended up buying it a year ago. Now, there is room for error in this because we had to blow the plan up almost twice the size to be able to even read it, but from what I'm looking at here on Lot 9, it says 398.7, the best I can read it, is what it should have been built at according to the original approved plans and then like I say, the Building Commissioner assigned it 397, which was a foot and a half lower.

President Borries: And the actual, I thought Mrs. Chapman said it was like 395?

Bill Jeffers: We're going to have to run a level circuit down there from a known benchmark before we can determine exactly what the finished floor elevation is, but I can say I am almost 100% positive that it's two or three feet below that, the basement floor is at least two or three feet below what it should be. Today, Mr. Brenner, the County Surveyor, called the Soil & Water Conservation service and strongly recommended to them that they continue to monitor or begin monitoring very closely the closest upstream development, which we believe to be the source of the silt that created the mud in the streets and that would be The Villas at Deerfield. We believe that the erosion control plan is not being maintained as stringently as it should be and that's the source of the silt and the mud. Mr. Brenner also called the sewer department and strongly suggested they go out and look at every manhole along the sanitary sewers serving this subdivision because there is obviously infiltration of the system by storm water which is causing floods. There are several people who haven't got up to speak yet, the Boyds in particular are in the process of selling their home and are now putting in their second or third installment of carpet since April 28. They're right in the middle of negotiating a home sale. What's happening is either there are illegal taps of the sewer by downspouts by individuals that's putting stormwater into a sanitary sewer, which is illegal or else there are loose manhole lids that are allowing surface water that is stacking up three or four feet deep to force its way down into the manholes and over burden the system and it's coming up through shower drains and toilets and flooding these people's basements or even low drains in their slab floors. That's totally unacceptable. There are people who have check valves on their private sewer taps

that are preventing that from happening, but to install a check valve costs a couple \$3,000 at this point in time, and they've already suffered thousands of dollars worth of damage. I did make an inspection behind the previous gentleman who came up to speak, not necessarily behind his particular house, but some of his neighbor's houses, and the drainage system that was originally installed with a paved ditch all along the back line of those houses in a 30' easement, which indicates that the developer knew there would be a substantial amount of room required to convey this water, several homeowners have installed undersized pipes in the ditches and covered them over with dirt so they can use their lawns as badminton courts or picnic areas. The water coming from the east end of Strawberry Hill is not able to make it through these undersized obstructed pipes and it went up over the top of the earth fill, let's say this high over the earth fill which put it about six or eight feet deep in the ditch, rather than where it should have been. That is why a lot of people may tell you, I've lived out there eighteen years and I've never seen the water that high in these streets. Well, the fact of the matter is, it hasn't rained this hard since '82 and '83 when I saw water deeper in front of Lot 9, which is owned by the Chapmans. I saw water from Cold Springs Lane intersection all the way to Rockcreek Lane intersection when we had a hundred year storm in 1983, which was thirteen years ago. The reason there is more water down at the east end of Strawberry Hill, I truly believe is because that ditch behind several of those homes has been obstructed by private property owners and it's holding water back in Strawberry Hill. The other problem is that when that 30' easement had a large open swale with a paved bottom in it, and the creek ran rapidly downhill, it could run up through that easement backwards and store some additional water in that easement. It's no longer able to do that because those pipes are about this big around and the dirt fill over the top of them blocks the capability of that happening. None of what I'm saying here is helping anybody other than to identify the problem. There is a lot of silt that's built up especially on the Chapman's side of the road culvert because the water is slowed down so slow that when it hits the road, it drops all the silt out and has displaced a huge volume that the ditch would otherwise be capable of holding. Like I said before, the pipe is way undersized and the County Surveyor would recommend to the County Engineer that they study replacing this culvert with a bridge, an open bridge, even one of those timber bridges would be a vast improvement such as the one that's located down on Petersburg Road. I went down and inspected that this morning after I left here. There was no accumulation of any debris on that bridge. It was constructed so that the wood pillars are outside the major waterway.

Commissioner Mourdock: Which bridge is that?

President Borries: By Hamilton's?

Bill Jeffers: By Hamilton's. See, we've been told that a lot of things down that way are being obstructed at Hamilton's. I went down and looked at it; there was no accumulation of debris on that bridge. A small bridge like that would be ideal at this location.

Commissioner Mourdock: Just let me clarify something there. Are you saying with that statement that if such a bridge were in place at this point, that Mr. Chapman wouldn't be here tonight?

Bill Jeffers: I firmly believe that a bridge like that would have passed a whole lot more water than the pipe that's presently there. Another part of our recommendation is that the street surface be lowered if a bridge is put in there, that the street surface be lowered so that the highest point of that street is two feet below the top step of his basement entrance. Do you follow me there? So if there is any obstruction in there and the water continues to go over the top of the road, it will not achieve enough height to go

in his basement door. I would also like to take a look at some of the other homes in the immediate vicinity to make sure that elevation is also two feet below their finished floor elevations. You may hear tonight or at a later meeting that the water has no place to go even after it gets over the top of Strawberry Hill Road, but I can guarantee you that the water on the downhill side, the south side of this culvert was substantially lower yesterday than on the upstream side and all the evidence of that is there. The water, after it went over Strawberry Hill, fell almost two feet. Immediately on the other side of the pipe, the water was two feet lower.

President Borries: So the pipe is actually acting as a --

Bill Jeffers: As a dam.

President Borries: Well, if it's designed for a ten year, I mean, we design now for twenty-five and in some cases, when we have dense subdivisions, as you know, our ordinance calls for twenty-five but we go for a hundred year.

Bill Jeffers: Right. The state rule is anything under one square mile of drainage area is twenty-five and anything over one square mile of drainage area is a fifty year storm, and this is approximately a half a square mile of drainage area into this culvert. So twenty-five would be within statutory bounds, fifty would be great, not required, but it would be wonderful. I'd like to point out that the closest upstream structure is a small bridge on Eissler Road, which has a twenty foot opening horizontally and an average depth of five feet. The deepest point, I believe, is eight and a half feet from the flow line, but there is some silt buildup there and when we measured it, the average depth is five feet and the width is twenty, which is substantially larger than this and does not take the water from the Villas or anything on Eissler Road. It's like a hundred feet off of Old State and it takes everything from the west side of Old State. There is probably a couple of hundred acres, well no, not that much. There is probably a hundred acres that does not go through the bridge upstream that's larger than this opening. That's a bridge that was designed by the county; back in the late seventies it was replaced and it has a hundred year design. It was done by Dan Hartman. I had a letter, there were some other things that the County Surveyor wanted to work on because we really haven't had time to go out and investigate every lot, every inlet and all the ditches in this subdivision, but we concentrated on the Chapman's situation because it was located immediately upstream of this undersized culvert and was the one affected first. There are several other people in the audience who I'd like to get their names off of the sign in sheet and I hope they included their addresses and we'll go out and look at the rest of the subdivision. All I can say is that I believe that...well, that's all I have to say about it. It's a really unfortunate situation. I know that I probably would have already committed suicide if it had been my house, three times in thirty days, I'd have been out of here and moved into a Habitat house or something. I just wouldn't have been able to take it. I admire these people for their courage and I can't even possibly express any idea of what their frustration is.

President Borries: Thank you, Bill. We'll try to wrap this up if we can get some new information here if there is anyone else here that would like to speak at this time so we can conclude here.

Brian Vaughan: I'm Brian Vaughan and I live at 7616 Rockcreek, it's about four lots down from...but anyhow, just you so gentlemen know, I've lived here for twelve years, okay, and no water in the basement, the culverts never overran. But anyhow, we're used to seeing mud because of the fact that it was a new subdivision when I moved in. The streets always did fill up so as far as the



drainage plan, that went down the tubes right at the beginning. Anyhow, this last rain and the ones previous, we've noticed this mud coming down through the ditch behind the house. I've heard you guys talking about these catch basins, well, if they're supposed to catch something, they're also draining into the creek, that drainage ditch behind us. The Villas at Deerfield, I went up there and looked at them. The streets dump into the lake, the lake dumps into that tributary behind our house, so it don't take a rocket scientist to say that if you've got fifty houses that it's supposed to control and you cram another subdivision that's supposed to have a hundred, you've got too much water. I'm not an engineer or a surveyor or anything like that, but it is a real obvious thing. When I walked down there I thought I can't believe that they're overflowing into this. You know, sort of like, handle your own. That's just where I'm seeing it. The water is outrageous, like he says, we're getting an intermingling...my personal problem is that it starts coming up in my backyard and I'm getting sewage popping up through the thing with a big force, too. It started coming out the shower, and we stopped the shower. It started coming out of the toilet, we stopped the toilet and it came out the sink. So, people talk about stand pipes, I lived on Joan Avenue and we didn't have water backing up that fast. This is hitting big time. All I'm saying, nothing happened in the past. Rainfall, whatever, we've had the streets fill up, we've had the ditch take off and go with us, but we've never had this much water as far as what you can call...I mean, rain is one thing, but this ditch is flat moving. It's getting some force from somewhere, which means that your source has got to be a lot higher.

Commissioner Mourdock: I would just add one thing. I was telling this to Pat earlier, Rick, that when I was out there last night about 8:30 or 9:00, there is a steel plate about this thick as a lid on one of the sanitary sewers and the water pressure was so strong coming back that it had lifted that plate clear up and you had raw sewage coming out into the surface drainage. That takes a lot of force to lift that steel plate.

Marianne Boyd: I heard raw sewage and I had to speak up. My name is Marianne Boyd. I live at 400 Gun Powder Lane. We've lived there for thirteen years and we've never had an experience like what we've had this past month and for the second time, the lower level of my bi-level is full of not water, not runoff, nothing from a ditch, sewage. Up through the toilet, human feces floating through my bedroom. I am just begging you to look into this and help us. My insurance company paid once, they said they'll pay twice, maybe. You know, we're working on it. I can't imagine a third time.

President Borries: Thank you, Mrs. Boyd.

Robert Alka: My name is Robert Alka, I live at 7600 Rockcreek Lane. I've only lived there for a few years, however, I've never seen any rain create anything more than just a couple inches of water in that concrete ditch behind my house. I've got a tape here with me that shows that six foot deep fifty yards across and this just happened after the Villas were built. I don't know if that has anything to do with it or not, but it is a brand new subdivision with catch basins for the rainwater.

Commissioner Mourdock: How long did you say you had lived there?

Robert Alka: I've only lived there for four years, but my neighbor has lived there for years and usually it's a few inches deep in that concrete ditch and now we're talking five or six feet deep. It's happened two or three times.

Jim Hayden: My name is Jim Hayden and I live at 7512 Rockcreek Lane. We live next door to Jim Alka. I've lived there going on eleven years and this is the highest, just like he said, its ever

been. It came all the way up to the back of our house. We live right behind the Chapmans off to the side of this drainage concrete ditch that goes behind our house, then it turns and goes into this creek and like he said, in this past month, this is the highest it has ever been. It's came into our garage and seeped into our family room yesterday. Like I said, it just almost floated us away. The front of the house, it came all the way up to the middle of the front yard, also. It's muddy water, it's coming from the Villas, definitely is. It's coming down, because we've gone up there and seen their little overflow ponds or whatever you call them. They fill up real quick, there's mud and water coming over Eissler Road, so it is coming from there and dumping into the, if you want to call it our ditch, you can call it that. Evidently when they built that, all they did was build these little ponds and it's not holding enough when we get these downpours, and we've had some hard downpours before, I'm not saying, I think in the eleven years we've been there, I think I've seen it come up one time a little bit past our fence in the backyard, but this time it's come another thirty or forty yards and it was about this deep in our backyard, you know, all the way up to the back of the house. So, it's definitely a problem that is something new and I'd hate to see it happen again, and it's going to happen again soon if something doesn't get done pretty quick. I know you have to do studies and all that stuff, but it's pretty simple to see that it's happening two and three times just in the last month or so. I think it's something that needs to be studied pretty quick, please.

President Borries: Thank you very much. If we could ask, do you all have any final comments here.

Bill Jeffers: I want to make sure that everyone understands when I said the Villas at Deerfield is the source of the silt in the water, that's what I meant, the silt.

Unidentified: What is the silt?

Bill Jeffers: That is the mud off the lots that is being carried by this excessive rainfall. I did not mean that the Villas, and I am not ready to say that the villas are the cause of this excessive runoff and the water is coming out of the sky at an intensity that far exceeds anything that we've seen for thirteen years. There is nothing to compare it to that we've seen in thirteen years and I don't want to belittle or play down what these people are saying, but I can take you and show you exactly the same situations that are happening to these people in nearby subdivisions that have had no development whatsoever upstream. No additional houses, no additional subdivisions, no additional roadways, no additional pavement, and exactly the same thing is happening and one of them is Meadowview Court. There are no new houses on Bartels Road, maybe one or two on Maple Lane, and exactly the same thing is happening there. There is a huge amount of forced litter being washed out of the wooded areas by gullywashers that are eight inches in twelve or fifteen hours, three and a half and four inches in an hour, whatever. These are unusually intense storms. The ground is already saturated by not only these storms, but continual smaller showers, rainstorms, cloudbursts, whatever. There is no where for this water to go down into the earth. It can only travel across the top. I'd say 80 to 90% of the water that's falling on the ground today is running off. Like I say, these people's problems are extreme, and I'm not belittling that and I'm not challenging the truthfulness of their statements, but I do know that in the mid to late '80's, there were summers that were so dry we walked the bottom of the ditches to inspect the mowing and spraying jobs. The memories that people have of the past several years are of those years when we actually got down in the bottom of Crawford-Brandeis extension at the Eagles and walked all the way to Pigeon Creek, six miles in the bottom of a ditch, it was so dry. We were working up in Armstrong Township, we were taking bulldozers

down in the bottom of the ditch of flattening them out, that's how dry it was. We are in a very unusual period of rainfall right now and some people will point to the ozone hole and some people are going to point to rain forests, some people are going to point to Saddam Hussein's burning of oil wells or volcanic eruptions, whatever, it's not going to help anything. It's simply, we have to understand when we start looking for the source of all this, we can't just say, okay, this development is causing all my problems. We can't say that. That development has detention basins, the ones below it don't.

#### TAPE CHANGE

Cornelius Meyer: I moved out there in September of 1977. The last month, I've had sewage water in my basement three times, my lower level. This is the first time since September of 1977 and that ditch that runs this way into the big ditch, it don't go that way. If it's blocking water from going that way, it's keeping it from getting flooded downstream.

Bill Jeffers: This man's dog house went that way.

Cornelius Meyer: Yeah, it went the wrong way. The water stream there is intended to run east. When the big ditch gets stopped up it runs west and the water gets five or six foot deep back there and I've seen that before. I've got pictures of my kids when they were just out of high school or in high school out there in a rowboat.

Bill Jeffers: I hate to challenge anyone's opinion, but I've seen the water over Old State Road back in 1982.

Cornelius Meyer: That's the first time I've seen it over.

Bill Jeffers: Over the top of Old State Road in 1982.

Cornelius Meyer: That's the first time I've seen water run down Strawberry Hill and had it run down my driveway out to the back of the lot. That's the first time I've ever seen that. I hosed the mud off this morning.

President Borries: Thank you, Mr. Meyer. Okay, folks.

Stan Hollingsworth: My name is Stan Hollingsworth, 7016 Southport Drive and I'm trying to represent the group out there on Bob Court, Southport, Northfield and we experienced on April 27 heavy flooding, May 1 heavy flooding and June 9, the last one. This is not the first time that we experienced the flooding back there. It was back in 1992, July 10, 16 and the 27th after they extended Bob Court to Old State. At that time, Don Hunter and Carol McClintock came back and they surveyed it. Don, for what it's worth, made a comment after they finished their survey, gee, it's going to cost a lot of money to correct. On March 1, 1993 we had ten representatives from our area at the Drainage Board to protest the approval of Jagoe, a new development, because we were in fear that it was going to put more water down in our area than we had experienced back in 1992. Bob Brenner was at the meeting, Jim Morley was there. Bob Brenner assured us, and I think Jim did too, that the ditches which are not legal ditches on the north side of Bob Court would get 10% less water because of the retaining basin that Jagoe was going to put in. This is not true. I can't argue the percentage, but the water now that is coming down from the west about three blocks up and it's coming out of the road that goes into Jagoe. The roads are all covered with mud. Jim Pickerill had to go back to work or he would have told you that about three weeks ago the flood we had got into his house and damaged all the rugs in that house. He lives on the corner of Northfield and Bob Court. Something has to be done to stop this runoff from Jagoe which the County Commissioners approved and assured us we would have less

runoff from there once that retaining basin was put in. Thank you.

Commissioner Mourdock: Bill, are you familiar with the road that Mr. Hollingsworth is referring to from Jagoe coming in? Would you make a point to check that one. That was one that I was looking at last night and it did seem to me that the water was short circuiting the ditch and continuing on at that point. So, if you would check that.

Bill Jeffers: Short circuiting which ditch?

Commissioner Mourdock: It crossed the ditch that runs along the north side of Bob Court. There is a pipe that goes underneath the road and it certainly appeared that in the heavy rains coming out of Jagoe from the north to the south, the water was, instead of going in the drainage culvert or the scupper, instead of dropping down in the creek, there was such a velocity of water, it rushed right on past the creek and continued down to Bob Court and then pooled at the east end of Bob Court.

Stan Hollingsworth: I forgot to add one other thing. In the past, I blamed it on the illegal drainage ditches in the back not being big enough to handle the water. I don't think this is the problem from what I've heard and what I've seen. It starts down at Little Pigeon Creek on Old Petersburg Road and 41. That's where the water starts backing up and the Pigeon Creek will not handle it. I heard a remark tonight that there might be some obstruction further south on Pigeon Creek that would be obstructing the flow of water to it and I think that should be looked into. I think probably David can tell you a little more on that. Thank you.

Dennis Fowler: My name is Dennis Fowler and I live at 6920 Northfield Drive, the same subdivision, Old Petersburg Place. I think it's probably the only other subdivision represented here. Mr. Mourdock was kind enough to come visit us last night and, yeah, it seems like the drainage ditch there, something has definitely changed. I've lived there since '87 and haven't seen anything like that and I have some photographs we can show. This is the rain before last; it did get into Mr. Pickerill's. Keep in mind, this subdivision has no basements, this is crawlspace. Tonight I went by and measured; there was mulch up in the Courier & Press box and the mailbox closest and it was 38" above the street level. I have never noticed Old Petersburg Road down there at the new bridge that they were talking about. It was spilling over and people were having to go...just west of the bridge, that was under water there, so perhaps this creek also takes care of Old State Subdivision, I'm sure that water will eventually run down through there.

President Borries: What was your address, Mr. Fowler?

Dennis Fowler: 6920 Northfield.

Commissioner Tuley: There is the mailbox right there, isn't it?

Dennis Fowler: Yes. This is looking north. This deadends into Bob Court and the lowest point in the subdivision is northeast, that's where it was 38".

Commissioner Tuley: Back behind this house in that general area?

Dennis Fowler: Yes, back in that area.

Commissioner Mourdock: That's the area that I was mentioning to you earlier. It certainly looks like, while the drainage plans may have been done correctly, I think there's been a lot of individual landscaping out there, that once the road flooded, what used to be the drainage way no longer allows water to get out because like the gentleman was saying, people have nice yards and they've built --

Dennis Fowler: People have added large stones and such, lining of the ditch back there in effort to make their yard more beautiful and attractive.

President Borries: Well, again, I've got comments here that I'm going to give to Engineering from Cherry Lane/Heather Place, too. We've had a lot of different situations come up. I think we have everyone on record. We will be asking the Surveyor, and I'm sure he will be checking, for example, on those folks within the Strawberry Hill area in that subdivision, the Villas, we'll be looking at that drainage plan and the catch basins and coming up with a series of recommendations to doing that. Let me also temper my remarks with telling you that if it has to do with many of these drainage swales, there is no money to do anything. We do not have any tax base to go out and do things on anything other than a legal drain. A legal drain is defined as Hirsch Ditch or Nurrenbern and you heard others where we have been able to collect monies, Big Creek Drainage Association in the northern part of the county and there we are. There we can spend tax money. Any place that you don't see that is colored on that map is private property and we can send Mr. Jeffers, Mr. Spurling and others from our Engineering and Surveying Departments and go out and look and check on these things, but we cannot put money, essentially, in private property. What we can do is review and come up with recommendations and ask for the cooperation of the number of homeowners out in some of these areas, if there are obstructions, if there are trees, if there are inadequately sized pipes and other things, to have these things removed and to cooperate with their neighbors in that fashion and we will come up with a list of recommendations. Our drainage ordinances are much tougher today than they were when you are hearing about ten pipes that were sized for ten-year events. We're now asking for twenty-five and a hundred in many cases. Our drainage ordinance is now ninety pages long. So, we are taking all these things, I suppose, and doing the best we can in this situation. We will work with you, try to identify what these problems are and take any steps possible within our legal authority to resolve them, but I will tell you that if it's bridges, we have to use Cumulative Bridge money. There is no, what you would call, "County Drainage Fund" to take care of all these problems and, frankly, when we're nearly fifteen inches above normal in rain with the ground as saturated as it is now, I don't know what could be done in many cases. But we will address these comments and try to take as appropriate steps as we possibly can. We share your frustration. I wish I could apologize for all this rain, but there is simply nothing that any of us can do until we can get a more temperate weather pattern here to begin to address some of these things.

Stan Hollingsworth: Mr. Borries, if there is an obstruction in Pigeon Creek there, that's a legal drain, isn't it?

President Borries: Yes, sir. Oh no, it's not.

Stan Hollingsworth: It's not? What about the new law that's going through in the state to allow you to take action if there is something that needs to be corrected and is causing a problem, not a legal ditch?

President Borries: Well, there is a new statute that allows us some latitude insofar as working with removal of obstructions. I know what you're talking about, yes. That law will take effect on July 1 and we're asking our attorney, of course, to give us a legal opinion. We are aware, at least there is some discussion about what Pigeon Creek and what was referred to as obstructions, but if there is a possibility that we can work to get some of these things removed, we'll do that.

Stan Hollingsworth: Thank you.

President Borries: Thanks again, folks, for coming this evening. We've got your information on record. We will get out and observe these things and put together a list of recommendations and urge that you stay in contact with us on this. We've completed our regularly advertised meeting and at this time --

Commissioner Mourdock: I will move for adjournment.

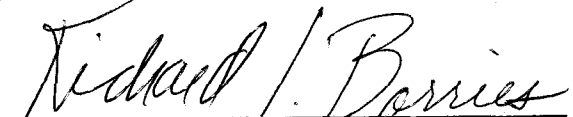
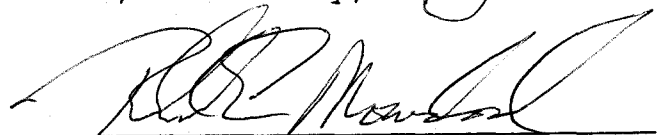
Commissioner Tuley: Second.

President Borries: I will say so ordered.

Meeting adjourned at 9:32 p.m.

## THOSE IN ATTENDANCE:

Richard J. Borries  
Patrick Tuley  
Richard E. Mourdock  
Suzanne Crouch  
Alan Kissinger  
Charlene Timmons  
Bill Jeffers  
Jim Morley  
Randy Chapman  
Cornelius Meyer  
Brian Vaughan  
Marianne Boyd  
Robert Alka  
Jim Hayden  
Stan Hollingsworth  
Dennis Fowler  
Members of the media  
Others unidentified

VANDERBURGH COUNTY  
DRAINAGE BOARD  
Richard J. Borries, President  
Patrick Tuley, Vice President  
Richard E. Mourdock, Member

VANDERBURGH COUNTY  
DRAINAGE BOARD MEETING  
JUNE 24, 1996

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VANDERBURGH COUNTY  
DRAINAGE BOARD MEETING  
JUNE 24, 1996

The Vanderburgh County Drainage Board met in session on June 24, 1996 at 7:21 p.m. in the Commissioner's Hearing Room 307 with President Richard Borries presiding.

OPENING OF DRAINAGE BOARD MEETING

President Borries: I would like to get started here this evening. Let me explain to you a little bit about what we will be doing this evening. The Vanderburgh County Drainage Board consists of the three Commissioners. We have a pretty simple task. We are asked at times to approve subdivision drainage plans. We are asked to review and approve bids on legal drains. That in many respects is what we can do in a very limited way. The ordinances read that Bill Jeffers or the County Surveyor's Office is our technical advisor. They prepare an agenda and they have done so this evening. We appreciate all of you being here and if you do not see your item on the agenda we will certainly hear your comments and we would like to hear from you after I have turned the official meeting over to Mr. Jeffers who will follow an agenda that is available for you. I wish we had more seats for you. If you do not, again, see your item on the agenda then we would like to hear from you after we've finished our Drainage Board meeting agenda. Also, we would like to say that it would be helpful if you have a spokesperson and that person be empowered to speak for the rest of the group. For those folks who wish to speak afterwards if they could confine their comments to new information that perhaps your spokesperson did not cover. Now, we have others as Bill Jeffers has indicated...one of the problems with our agenda at this point was that Mr. Jeffers has been working extensively preparing several different drainage reports. As all of you are acutely aware we are 16 inches above normal in our rain this year and that, as you know, has caused many of our problems in Vanderburgh County this year. Mr. Jeffers has had, indeed, a plateful trying to get these reports and reviews done. So, there will be reports as he has indicated to me that will be added on Strawberry Hill Road and Old State Subdivision, Browning Road Estates or what is also referred to here as Hunters Ridge and also Willow Creek Subdivision where he may have new information there. Others that he has written down are Voight Road, Radio Road and Walnut Road. We have a sizable agenda. Let me again ask for your cooperation and you have given it greatly thus far because it will be very difficult for us hear what folks have to say and we have a very antiquated sound system. If anyone has not signed an agenda or any sign in sheet we have a lot of people here this evening so, please, if you wish to speak give your name and address very clearly into the microphone. Again, thank you for coming. I think at this time we are ready for our Drainage Board meeting...it's open.

APPROVAL OF MINUTES

President Borries: At this time I would like to ask for approval of the minutes of our last Drainage Board meetings which were held May 28, 1996 and on June 10, 1996.

Commissioner Mourdock: Before I make that motion, as Commissioner Borries was saying there is a lot of people in the room, seats are few. I know there are a lot of people here who want to speak and I would just ask in consideration of those who are standing or who are sitting on the air conditioning vents, because it will get warm

in this room shortly, that when you do speak try to limit it to three minutes because otherwise we will be here through a long stuffy evening. So, having said that I will move approval of the Drainage Board minutes of May 28, 1996 and the Special Drainage Board Meeting of June 10, 1996.

Commissioner Tuley: I will second.

President Borries: So ordered. At this time I would like to turn the program over to our technical advisor, Mr. Bill Jeffers, who is the Deputy County Surveyor. Welcome, Bill.

Bill Jeffers: Thank you. As Mr. Borries said we had several items that we were asked to go out in to the field and investigate along with Mr. Mike Wathen. I just got back into the office at 3:00 p.m. and Mr. Wathen came in to his office even later than that so we are somewhat at the audience's mercy because we'll just take the reports after we do the subdivision drainage plan reviews. We will just take the reports under item 4, any person wishing to address the Drainage Board. We will take the reports that we have written first and then as the number of people here indicates there may be other concerns about which we don't have sufficient information, but we will attempt to address them.

#### SHADOW BLUFF ESTATES

Bill Jeffers: Under Shadow Bluff Estates, which is located in the Town of Darmstadt, it was discussed at the last Drainage Board meeting with regard to whether this Board and the County Surveyor's Office has the jurisdiction to review the plans in accordance with the Drainage Ordinance passed by the County Commissioners and make those recommendations to the Drainage Board to accept or reject the drainage plan. Our office has continued to operate under the assumption that eventually someone will have to make that recommendation either to the Drainage Board or the Town of Darmstadt Board. Therefore, our office has sent certain recommendations back to the developer's engineer, who is Sitecon. Sitecon has incorporated those recommendations into their plan, most of which dealt with orderly discharge of storm water off of the property to be developed so that it does not adversely effect county roads such as Boonville New Harmony, Tiberan Road and so that it does not adversely effect the neighbors of the property to be developed. We are satisfied with the modifications that the engineer has made to the drainage plan and we stand ready to make a recommendation for this Board to approve the drainage plan at such time when you ask for that recommendation. The developer's engineer is here somewhere. Mr. Keith Poff, from Sitecon, and I believe that he has some displays to show how the developer plans to build the drainage system so that it complies with the Vanderburgh County Drainage Ordinance.

President Borries: Thank you, Bill. If Keith Poff wishes to come forward. Keith, again, in the interest of time if we could ask you to be brief, but perhaps confine your comments to specific, I guess, recommendations here that Mr. Jeffers has done. Before you do that, and I'm not going to go into a long dissertation here folks about this, but I need to get a legal opinion from our County Attorney. Just real quickly, there are two incorporated communities within Vanderburgh County. They are the City of Evansville and the Town of Darmstadt. However, there are legal considerations here that the County Attorney has researched and before we listen to this presentation and before we make a recommendation or act on a recommendation from Mr. Jeffers I think

it is important that County Attorney Alan Kissinger be heard from at this time.

Alan Kissinger: I have talked with Mr. Bill Jeffers from the Surveyor's Office and, basically, he is in agreement with the opinion that I'm about to give you. The question arose, perhaps at the last Drainage Board meeting, as to whether or not the Vanderburgh County Drainage Board had jurisdiction to review drainage plans in the Town of Darmstadt. The short answer to that question is, yes. It works in Darmstadt exactly as it works in other places in Vanderburgh County with the exception of the city of Evansville because there is an agreement for the relinquishment to the City of Evansville Board of Public Works. There has been no such relinquishment of Vanderburgh County's Drainage Board authority in reference to the Town of Darmstadt. There has been no request for the relinquishment of that authority. The Town of Darmstadt Town Board did meet to discuss this matter on the 20th of this month, last Friday, and whether or not any final votes were taken or any decisions were made I have not been advised. At least formally, there has been no requests for a relinquishment of Vanderburgh County's jurisdiction. Consequently, the Vanderburgh County Drainage Board is in a position tonight to consider this, I believe it's the preliminary drainage plan. This is not a final drainage plan is it? The Vanderburgh County Drainage Board is the government body with the statutory authority to consider these matters at tonight's meeting.

President Borries: Thank you, Mr. Kissinger. Very briefly, he acknowledged the presence of at least two Board members, and that does not count as a quorum, of the Darmstadt Town Board, but I feel that it would be appropriate, if the other Commissioners do, to hear from any of those maybe speaking as an individual or at least acknowledging...in other words the crux of the matter here, as Mr. Kissinger has pointed out, if the Darmstadt Town Board had asked and said for the Vanderburgh County Drainage Board to relinquish those duties, as the City of Evansville has to the Board of Public Works, then they are relinquished. If they are not, Mr. Kissinger's opinion is that this Board may act to approve a preliminary plan on this particular subdivision. At this time we might hear some brief remarks from Mr. Roger Steinkuhl, who is a member of the Darmstadt Town Board.

Alan Kissinger: If I may briefly before Mr. Steinkuhl addresses the Board, most appropriately there would have to be a request from the Town of Darmstadt that Vanderburgh County relinquish its authority and then there would have to be a majority vote of the Drainage Board after a public hearing to, in fact, relinquish that authority.

Roger Steinkuhl: I'm Roger Steinkuhl. We had planned this meeting for the 21st to meet with the County Commissioners. I understand that the County Commissioners said that they wouldn't meet that Mr. Kissinger would be their representative and he knew exactly what your desires were.

President Borries: Do you know why?

Roger Steinkuhl: You were out of town.

President Borries: No, that wasn't it though. The meeting had not been properly advertised and in a public meeting, frankly, also we did not want to get into any kind of hostility here or needless dispute if your Board had not resolved them.

Roger Steinkuhl: I'm not criticizing you for not being there, I'm just telling you what happened. I understand that Mr. Kissinger said that he wasn't coming either, but he gave our attorney the statement of the stand which is exactly what he said. I canceled the meeting because the purpose of the meeting was to talk to you as Commissioners and your attorney to work the agreement. Since you had made the statement of your position and that's what we wanted. I polled the Town Council and it was unanimous. All four of us agree that we do not want it.

President Borries: At this time you do not have anything written to us to accept these duties that this Board would do?

Roger Steinkuhl: The only thing that we have is the letter. Mr. Kissinger, I think you got a copy of the letter from our attorney.

Alan Kissinger: I did receive the letter, but Mr. Steinkuhl what Mr. Borries' question is, does the Town Board of Darmstadt at this time requesting that the Vanderburgh County Drainage Board relinquish its authority?

Roger Steinkuhl: Absolutely not!

President Borries: Thank you.

Commissioner Mourdock: Mr. Steinkuhl, before you leave the microphone did I hear you correctly say that the judgement that you just gave on behalf of the Town Board members is not the result of a public meeting that you had, but you just individually polled them?

Roger Steinkuhl: That is just a telephone poll. When this came to this point then I wanted to know what my fellow board members felt and they all agreed that they didn't want it. In fact, its been in your jurisdiction all along. I think that you realize that the whole problem came about from some lack of communication. We did some things that we shouldn't have done because we were misinformed. I promise you as President of the Council that we will work together if at all possible.

Commissioner Mourdock: Have all four of the Board Members seen the letter that you referred to?

Roger Steinkuhl: Yes, they were all given that letter and after I got the letter I called them and they had all received it and they were all in agreement. Is that satisfactory?

President Borries: Thank you, sir.

Roger Steinkuhl: Thank you.

President Borries: At this then, I will ask Mr. Keith Poff to give a brief presentation.

Keith Poff: My name is Keith Poff and I'm with Sitecon, Incorporated and I am representing the developers for Shadow Bluff Estates who is John Elpers, Jr. If I can bring my plans to your podium. This is not the drainage plan per se, we have a set of construction plans that constitute our drainage plan. What you are looking at here is the subdivision plat and I do apologize because this is not the final version of it. I assumed that Mr. Jeffers would have some of those copies here, but...

Commissioner Mourdock: He doesn't? Where did he go?

Keith Poff: I don't believe that he has. We can go through the plans if you wish. The information on those plans is a little bit out of date from what is currently been prepared. I've submitted those to the Town Council of Darmstadt. This is my office set. Most importantly, this is a 26 lot subdivision, one acre minimum. What is being proposed here will be a 50 foot road right-of-way with a 29 foot street of asphalt construction, concrete roll curb and gutter. There will be concrete pipes that will carry the storm water from the collection points. Different locations throughout the street bring those together. We have a detention basin that is actually a retention basin planned for Lot 13. We have a smaller detention basin planned for the corner of Lot 18. The drainage plan is in accordance with the design criteria for the Vanderburgh County Ordinance which is a 10 year predeveloped designed, 25 year post developed and that would be the return period storm that it is designed for. Some of the comments that Bill was requesting was relative to the entrance at Boonville New Harmony. We provided an additional inlet and we are to pick up the water prior to it getting the opportunity to cross into the driving lanes of Boonville New Harmony. If you have any questions we would be happy to answer them, but there are construction drawings in this set.

Commissioner Mourdock: Bill, do you have the drawings that Keith referred to?

Keith Poff: The last set of drawings was given to the Town of Darmstadt.

Commissioner Mourdock: Has Bill seen those drawings?

Keith Poff: I don't believe he has.

Bill Jeffers: He showed me the revisions in our office. He pointed out the revisions on the set of plans that we had from the previous meeting that responded to our comments.

Commissioner Mourdock: Okay, that was my point. The plan that you've seen and commented about, Sitecon has seen those and made the modifications?

Bill Jeffers: That is correct.

Keith Poff: We've made the modifications, but I don't believe that Bill has that set. We weren't sure who was going to need them really.

President Borries: Is this preliminary?

Bill Jeffers: Haven't they been to Area Plan? This is preliminary.

President Borries: That's what I mean.

Bill Jeffers: You all haven't been to Area Plan yet?

Keith Poff: You can't go to Area Plan until we get drainage approval from somebody.

President Borries: Here is what will happen. If this Board, subject to Mr. Jeffers, would approve then the plans move forward to the Area Plan Commission Subdivision Review which has the final say on subdivisions. However, you understand that in order to get final approval here you must make the modifications that Mr. Jeffers has suggested plus any that Sub Review suggests at that

time.

Keith Poff: I understand.

Commissioner Mourdock: My only comment was just a question. I know the way a lot of this got stirred at the last meeting was simply over number one, jurisdiction and number two, over enforcement. Bill, I don't know if you would care to address that or not. I intended to pose that question to Alan, but I see he has stepped out.

Bill Jeffers: The County Surveyor and I both looked through the drainage statutes of the State of Indiana and the only reference we saw to the relinquishment of jurisdiction in these matters by the Vanderburgh County Drainage Board would be either if it involved property owned by the other municipality, if the other municipality was the owner of the property that was subject to our review or if there was a stated agreement such as we have with the City of Evansville that their Board of Works handles their drainage problems and their drainage projects.

Commissioner Mourdock: That's probably a good answer, but I don't know that it matched the questions because it was a poor question. Given the question that came up regarding jurisdiction, my point is that the County Drainage Board in having the authority to initiate and permit this plan has a much authority in Darmstadt to enforce the plan as it has anywhere else. Is that correct? Anywhere else within the county. That was a question to you.

Bill Jeffers: I assume so. I'm not the legal authority on that, but that is the way I read the statute.

Commissioner Mourdock: Okay.

Bill Jeffers: The statutes are very involved. The City of Evansville can go out so many yards into the county however far they can annex in the next ten years. They can go that far out into the county and initiate drainage projects to improve that part of the county in preparation for annexation with bond issues. There are all kinds of interlocking things, but I have never found any part of the drainage statutes that prevented the Vanderburgh County Drainage Board from exercising their duties.

President Borries: May I have then a motion?

Commissioner Tuley: Do you want to see if there are any more comments?

President Borries: Other comments on this particular subdivision, Shadow Bluff Estates?

Peggy Bauer: My name is Peggy Bauer, 13435 Darmstadt Road in Darmstadt. Gentlemen, you're still leaving us, as property owners that are connected to Shadow Bluff, in the dark. We were present at this meeting when you stated that you felt like you needed to have something in writing from the Town of Darmstadt, per our request, simply because the Town of Darmstadt has never really had any major subdivisions of this size. The potential is there with the growth of Toyota and so forth and we wanted a precedent not to be set without something firm so we all understood it. You said that you needed, as you do with the City of Evansville, to have a contract as to that. After you tabled it for the month then the Town of Darmstadt had a meeting. It was decided and passed at that Town Board that they would not and they were very emphatic that

they would not approve anything unless they knew exactly who was responsible for after the fact. We have one subdivision in Darmstadt that was approved by you and was approved by the Deputy Surveyor and yet no one followed through. A retention pond was not put in and other problems are in that subdivision and nothing was done. For the Town Board of Darmstadt to say that they would not do it without knowing for sure that you were responsible if things were not done then you would come back in. I really feel like I'm hearing a hem-hawing on the part of the Deputy Surveyor that he doesn't know and I'm not sure that any of you do. If you do, please tell us, but for Mr. Steinkuhl, who is President of the Town Board, then to come and stand in front of you and say that through a telephone discussion the Town Board has said that this is alright is contradictory to what they passed as a motion at the Town Board meeting and I feel like before they can do it, they should, in the next Town Board meeting through public hearings express to us what they exactly mean by this instead of just saying I don't want to handle it because I really don't know. Again, I'm asking for something in writing for all of us in Darmstadt to know exactly what is going to take place, not only for this subdivision, but for all future subdivisions. Thank you.

President Borries: Thank you, Ms. Bauer. Mr. Steinkuhl might have a comment here. I'm sorry. Yes, ma'am please come forward.

Roger Steinkuhl: I just wanted to point out since Mr. Kissinger is back now and here is the copy of the letter that our attorney sent and it does specific that you will have jurisdiction to enforce and it also mentions that Darmstadt Heights (inaudible comments not made from microphone).

Alan Kissinger: If I didn't make myself clear previously, it is not a matter of choice as far as Vanderburgh County Drainage Board is concerned. The Vanderburgh County Drainage Board has the authority and the responsibility by state law to review these drainage plans in the Town of Darmstadt unless the Vanderburgh County Drainage Board by majority vote agrees to relinquish that authority. There is no request before the Vanderburgh County Drainage Board to relinquish that authority therefore, we now have a corresponding obligation by statute to act on this request for consideration and approval or disapproval of this drainage plan. It is our statutory duty to do this and without legitimate reason we cannot continue to defer it.

Commissioner Mourdock: If I may ask, Mr. Steinkuhl how often does your Town Board meet since this is a preliminary plan?

Roger Steinkuhl: Once a month.

Commissioner Mourdock: When will your next meeting be?

Roger Steinkuhl: The second Tuesday of July. We always meet on the second Tuesday.

Commissioner Mourdock: Okay, thank you.

President Borries: Yes, ma'am.

Jessica Mezo: My name is Jessica Mezo and I live at 12901 Pine Valley Court which is between Boonville New Harmony Road and Hoing, just west of Tiberan. I apologize for not coming with something written, this is my first meeting and I didn't realize that we were to do that. I'll be brief. I have a few pictures that show the water that we have had on Pine Valley Court this year. There is a

drainage ditch, I guess, that goes through part of our property and anytime it rains a lot we get a lot of water. My concern is that if this subdivision goes, it will get worse. I would just like to, if I could, show you these pictures. The gravel road right here and this water goes...we have a garden over there that is under water. There are houses on down here. That drainage ditch is in some spot probably about two or three feet wide and as you can see the water is (inaudible comments not made from microphone). You may keep those.

President Borries: We probably need to identify them. You need to put your...we will enter them for the record or defer them to Mr. Jeffers.

Alan Kissinger: Mark on them so that we'll know where the location is.

President Borries: Keith, identify yourself again, please, and get the mike, thanks.

Keith Poff: For your benefit I have prepared an exhibit that shows the 1990 topographic map. I've highlighted the boundary of the subdivision in green and I've highlighted some of the natural waterways in blue. In this area you can see that color blue that are below the proposed subdivision. Would you be so kind as to show us where your house is?

(inaudible comments not made from microphone)

Jessica Mezo: That would be west, yes. This is our drive.  
(inaudible comments not made from microphone)

Keith Poff: I would like to make a couple of comments. There were concerns about the ditch that the west side of the subdivision will eventually drain into. The natural waterway will leave the property at this location here and you can see that it crosses Boonville New Harmony and then continues and crosses all the way down to Hoing Road. I observed in this area here specifically that there has basically been a lack of maintenance for some time on that ditch. There are examples of erosion problems as well as standing water. Some areas including driveways that are immediately west of that ditch and there are railroad ties that are in it, there is tree growth that are possibly two to three inches in size growing in the ditch area itself. I think that the area is lacking the private attention and it is not a regulated drain. It is just a private drain. I think that the classification may even be that it is a mutual drain. Several people drain into that particular location. When you go immediately south of Boonville New Harmony there is quite a large ditch section that is available to carry water, but as you proceed farther south to an area that is approximately here to there it appears to have been altered significantly and it may only go to about a foot or foot and a half deep. There is standing water right now. Farther below that there is another serious problem. Specifically, the culvert crossing of Hoing Road is approximately two feet lower than the next pipe culvert under a private drive.

Peggy Bauer: Gentlemen, that is exactly what we have been trying to say. Are you going to come out and fix all of these? Is Vanderburgh County going to fix all these? This subdivision is affecting a lot of people in Darmstadt, not just the immediate ones. There is a couple of other people here who are boundary touchers and they are being flooded out now on natural land because their established homes are quite a few feet below this



subdivision. Then when you fill that subdivision or that land, that 30 acres, with asphalt, concrete, homes and it all falls from the roofs what does it do to everyone down below?

Bill Jeffers: In that case who should be responsible? Lets just say theoretically if someone goes and paves a large parking lot and adds additional rooftops, whether it would be commercial or residential, who should go out if there is a problem off of that property on an adjacent property?

Peggy Bauer: Whoever gives the authority for it to be built in the first place.

Bill Jeffers: What if there was no authority given?

Peggy Bauer: Then that is what you gentlemen need to decide. If you don't feel like you have the authority to go through and do all these than the Town of Darmstadt better because we are going to bury ourselves in water with these subdivisions.

President Borries: Ms. Bauer, however, to follow along with what Bill Jeffers said and, again, that is why I briefly referred to this at the beginning of the meeting. If it is a private drain this Board cannot order the Surveyor, any county official or any county agency, be it the County Highway or whatever, to work on private property. We can not do that. What we can do is ask the technical advisor, the Surveyor, to ask, at this point, the technical people for the developer to say this, and his question and I'll ask him this because it is the question that I always ask in my mind, but in your opinion then, and I'm talking to Bill Jeffers, does the preliminary plan contain provisions to take care of the water on their particular property and not impact negatively in your opinion?

Bill Jeffers: Yes it does.

President Borries: Okay. That is the crux of what we hear.

Bill Jeffers: I guess what my question was to Ms. Bauer is that this project has had the benefit of review where there are other projects that have taken place recently in the Town of Darmstadt where large amounts of paving and rooftop have been added to properties that have not have the benefit of review that are causing off-site damage to people.

Commissioner Mourdock: Why is that, Bill? Were those predrainage ordinance?

Bill Jeffers: I don't know. I was asking, maybe she knows how that was done.

Commissioner Mourdock: The question was made by someone a minute ago, maybe it was Peggy Bauer I don't know, about a subdivision that does not have a detention pond in it.

Bill Jeffers: That was--

Peggy Buaer: Darmstadt Heights.

Bill Jeffers: --Darmstadt Heights. Isn't that Mr. Hunter that owns that now? What is his last name? Harry...

Commissioner Mourdock: Whatever his name is, I don't care. Was that done preordinance?

Bill Jeffers: That was done under the 1986 ordinance.

Commissioner Mourdock: Where no such pond was required?

Bill Jeffers: It was required. It was not put in. The developer did not install the detention basin.

Peggy Bauer: You gentlemen approved it. That is all we are saying. You are approving things, but after the fact the people who live there have to live with it.

Alan Kissinger: Ms. Bauer there is one other thing that you do need to consider. As the consultant has indicated, a part of the drainage problem that you are experiencing is due to the fact that the drains that were initially designed to take the water away have tree growth in them and they have filled in etc. They are all private drains and those need to be attended to as well.

Peggy Bauer: Exactly, and you gentlemen do not feel like you have the authority to do that. No one but the Town of Darmstadt would--

Alan Kissinger: No.

Commissioner Tuley: They can't either.

President Borries: You can't go on private property.

Peggy Bauer: But you are expecting that water even though it is on private property to take the majority of the runoff from this subdivision so all we are doing is compounding.

President Borries: No, we're not. That is why I specifically asked Mr. Jeffers that in his professional opinion and according to the data submitted by these gentlemen right here, does this plan keep the water and address the water needs of that particular plan and he said yes.

Peggy Bauer: Does it have a retention pond on the west side? That is where the water is coming from. The west side is going down the drain and all the ditch along Yuray Drive completely flooding out Yuray putting it under water, going underneath the pipes onto Boonville New Harmony Road and flowing now into that private area that is Pine Court.

Bill Jeffers: Would you like us to examine the feasibility of putting a detention basin in that watershed in the final drainage plan?

Peggy Bauer: I would think that would definitely be...that would help all of these people--

Bill Jeffers: We will examine that. Would you like us to examine the possibility of putting a detention basin on your parking lot to make sure it doesn't affect anyone off-site?

Peggy Bauer: If that is what is needed.

Bill Jeffers: Okay.

Commissioner Mourdock: One question along with that, and Ms. Bauer brings up the issue, and I have a hunch that it will pertain to several of the different subdivisions who have folks here tonight. I will, even as I lead into this subject, tell you that it is going to be somewhat of a contentious one in meetings long, long after

this one. Alan, would you update us a little bit as far as where the state legislature or the act that the state legislature passed and the governor has signed regarding the maintenance of private drains?

Alan Kissinger: I can update you a little bit. There is a provision in the new law allowing private property owners who become aware of drainage problems existing on other private property, not necessarily their own, to file a petition with the Drainage Board, the County Commissioners, to investigate that situation and make a determination as to whether or not there is an obstruction to natural drainage or planned drainage. If there is an obstruction then the county can hold a hearing to make a determination as to whether or not the property owner has intentionally caused that obstruction. If the finding is made that the property owner intentionally caused the obstruction then the County Commissioners can direct the property owner to pay for the removal of the obstruction. If that is refused they can order the County Surveyor's Office to arrange for the removal of the obstruction at the owner's expense.

Commissioner Mourdock: What if it's an unintentional obstruction?

Alan Kissinger: Unintentional obstructions? If they are unintentional there is supposed to be a fund established by the county. I have talked to Mr. Jeffers who has advised me that such a fund does exist in Vanderburgh County, but it has no money in it. That fund will not get any money in it unless the Vanderburgh County Council, based on a request from the Surveyor's Office, agrees to put money in that fund. As I have said in the Drainage Board meeting before, this statute was designed to solve everyone's water problems, but it was written by state legislators and those state legislators didn't send any money down here for us to enforce that statute. Another element of that legislation is that if someone reports an obstruction on someone else's property and it is determined that the person who made the report and filed the petition for removal...or if it is determined that the obstruction was not intentionally caused by the property owner then the person who filed the petition for the removal of the obstruction becomes responsible for the expense of removing the obstruction from that other person's property.

Peggy Bauer: It all goes back to what we are trying to say. This is not Shadow Bluffs it is the fact that it is the first, okay? The first of possibly many. We just need to get exactly what is going to happen to us out there and as people all over Vanderburgh County as all this growth is going on somebody has got to protect the existing homeowners and that is only you. Your talking about this drainage, you might say, assessment. Currently, on much of the property that we own we do pay a property tax drainage assessment because much of our water runs into drain that goes into a ditch that goes across northern Vanderburgh County and many property owners have to pay into that. I would assume that--

TAPE CHANGE

Alan Kissinger: But do you understand that what you are paying into that Ms. Bauer...the reason you are paying into that is to provide funds for the purpose of keeping that regulated drain open. It has nothing to do with the drains that go from your property.

Peggy Bauer: I understand, but I am saying that maybe that is something that the Drainage Board or whomever needs to pass with all these subdivisions that are coming in that there be some kind

of property tax that would cover keeping these drains open. I know that Rick shakes his head and that is a difficult problem.

Alan Kissinger: No, no--

Peggy Bauer: But the water is a difficult problem for everyone now.

Alan Kissinger: He is not shaking his head because it is a difficult problem. He is shaking his head because there is no one in this county that has the authority to levee a tax that will be taken from property taxes unless it is authorized by the Indiana State Legislature. We can't just pass a tax such as that.

Peggy Bauer: Well maybe that is where we need to go.

Alan Kissinger: Perhaps so.

Commissioner Mourdock: You know, that last point I think is valid given a year that, what did you say Rick, was 16 inches above normal. The legal drains that were just pointed out by Ms. Bauer's question for all of Vanderburgh County, those that are colored are the legal drains. That's it. There is a lot of land mass there and very few drains. That, officially, is what this Board has to deal with is those colored lines on this map. I appreciate, Alan, your response to the on the spot thing there with the update of that law. I say it will be contentious in the future because it is going to make the Drainage Board the judge and jury on some of these things even more so than we are now and I guess that is why they pay us the big bucks for these jobs.

Alan Kissinger: I don't mean to interrupt, but I went only to the purpose of the determination made by the Drainage Board and the County Commissioners, but there is also, in that statute, a provision for appealing the finding of this Board to the Circuit or Superior Court. What follows with that, also, is the right to appeal to the Indiana Court of Appeals. Whether the Commissioners like it or not, you have become, in fact, judges by virtue of this statute without the ability to mandate funds to carry out your orders.

President Borries: Yes, ma'am.

Elaine Effinger: I'm Elaine Effinger, 881 West Boonville New Harmony Road. Our property meets Shadow Bluff Estates in the back on the west side and that is our total...it's exactly what we are thinking about is the drainage problem on the west side and if Mr. Jeffers is interested in seeing it, I have video of the drainage coming across my property which Shadow Bluff would effect. If you would like to see it you are welcome to it.

Commissioner Mourdock: Is that the video that I saw, by chance?

Elaine Effinger: Yes, it is.

Keith Poff: I would really like to comment that the drainage plan that we have prepared is according to the ordinance which only handles and addressing a 10 year predevelopment and 25 year post development return period storm. I think that everybody can agree that the storms that we've seen, and we've had at least four that have exceeded 100 year events.

President Borries: One final question here that I had. Again, depending on what happens here with this Board's decision, this

preliminary could go to the Area Plan Commissions meeting on July 3rd. Am I correct on that, Commissioner Mourdock? He is our representative to that. To get a final drainage plan approval, should it be approved here this evening, it would have to come back here to address some of the comments, to close this up, are you willing to study with Mr. Jeffers, as he was saying as a recommendation, in terms of this retention if it is needed on there for a final?

Keith Poff: Yes, I'm willing to study it. I can tell you that the calculations whenever the change in the ground surface is changed from cultivated to lawn, that is for the portions of the lot that is not improved with the roof, driveways, patios and things like that, there is going to be a very small retention basin according to a 10/25 calculation.

Commissioner Mourdock: So the answer to that was yes?

Keith Poff: Yes.

Daniel Rohner: My name is Dan Rohner and I live at 13355 Luray Drive, which as the gentlemen noted, I live right here. I'm going to be getting natural flow from this subdivision and I'm getting it from the other side which is the western part of my property. I'm going to get it here and I'm going to get it here. I'm going to get it on both sides of Boonville New Harmony Road which they don't have marked for water. I've lived there 20 years and 16 inches over or whatever I have always had water problems because those are natural water flows and I get quite of bit of water. If you add more here I won't be effected because I have my driveway lined up because I live on a hill up here. If you go down here they're going to be paying for it. Thank you.

President Borries: Thank you, Mr. Rohner. Yes, sir. We are going to have to confine our comments here because, again, I know that we have many other people who wish to be heard this evening. Yes, sir.

Nick Balbach: My name is Nick Balbach and I live at 947 W. Boonville New Harmony Road. I live just west of the problem that they are talking about. I don't know if it shows it on here, but anyway, my property joins Bauer's Grove on two sides. I would venture to say that at least 60 percent of the water that they are talking about comes off of Bauer's Grove down through my property and hits down there on Luray Drive. My property is seeded down in grass. I've lived out there since '64 and the ditch along Boonville New Harmony Road, at the end of my property, I have seen it out once into my field other than twice this year. Right now down at the culvert, the pipe that goes under Boonville New Harmony Road, there is debris that has washed out of Bauer's Grove down into that ditch and at one time there was a big log down there in that pipe that came out of Bauer's Grove and washed down there into the pipe. There is a problem with water and if we get rains like we've had this past spring, then I don't know where in the world you are going to design anything to handle that water. That one weekend we had nine inches of rain out there in two days, it was a 24 hour period. I don't know where you are going to design something to handle that.

President Borries: I agree with you. I understand exactly what you are saying.

Bill Jeffers: Could you have him spell his name and give his address again?

President Borries: Sir, could you...Mr. Jeffers was asking again if you could spell your last name and give your address?

Nick Balbach: Balbach, B-a-l-b-a-c-h, 947 W. Boonville New Harmony Road.

President Borries: Thank you. What do you want to do? Okay, we are ready for a motion at this time. I appreciate your consideration so we can get this recorded. Thank you.

Commissioner Mourdock: Those of you who were here a month ago when we talked about this will recall that I certainly wanted to defer the preliminary judgement based on the questions of who had jurisdiction and who didn't. As part of that, two things happened. The Town of Darmstadt met and had some discussions and certainly Mr. Kissinger did some research for us. Based on what the report of his research is we are, as we often are on this Board, between a rock and a hard place. I think the law clearly says that we have to act on this and certainly the Town of Darmstadt has not acted in anyway to cause us to want to relinquish our responsibilities here, that are, in fact, our legal obligations. I guess that I would ask the two members of the Board of Darmstadt at your next meeting since, Mr. Steinkuhl, you said verbally here that you polled the members and unanimously they did not choose to make these decisions. I would like to see that put in writing before we act on this as a final plan or before it goes to...well, you won't meet again before the next APC meeting, but certainly before I'm going to approve this I think that it is only considerate of the Town of Darmstadt that such feelings be put to us in writing. The second thing is, as Mr. Jeffers indicated his willingness to take another look at the plan and Mr. Poff discussed that he is willing to sit down and talk about that as well. With the understanding that those things all happen between now and whenever the final approval comes in for this. So, I will move the approval on a preliminary plan for Shadow Bluff Estates drainage plan.

Commissioner Tuley: I'll second.

President Borries: Thank you. So ordered. This matter will move forward to the Area Plan Commission and will be heard at Subdivision Review on July 3, 1996 and I would certainly urge those in attendance who have spoken on this particular matter to attend the Area Plan Commission.

Commissioner Mourdock: Bill, could I ask you before that meeting to get with Mr. Poff and discuss that west side drainage basin, also?

Bill Jeffers: Yes, I would like to meet with Mr. Poff on the site and also with Mr. Balbach and the gentleman...what was your name, sir?

Commissioner Mourdock: David Rohner.

Bill Jeffers: Rohner?

President Borries: Thank you all very much.

Bill Jeffers: Then there was another lady that lived on that...what is your name ma'am?

Elaine Effinger: Mrs. Effinger.

Bill Jeffers: I'll take a look at the water that comes down across

their properties with them.

President Borries: Thank you.

SEASONS SUBDIVISION

President Borries: Okay, next we have the Seasons Subdivision drainage plan.

Bill Jeffers: The Seasons is a large subdivision made up of smaller lots on the east side adjacent to Indian Woods PUD. The builder is Jagoe Land Corporation of Owensboro, Kentucky. The engineer is James Morley and Associates and his associate here tonight is Ron London.

Commissioner Tuley: Bill, are these all preliminaries?

Bill Jeffers: This one is a final. This is your final drainage plan and on the left-hand side of your page is north and the most left-hand part of the drawing is Covert Avenue. On the right-hand side of the page is the south end of the subdivision and the most southerly boundary is Pollack Avenue. Like I said, this is immediately east of Indian Woods PUD which is made up of some various subdivisions also called Windsong and there is another one in the middle and I think it is called Lincoln something. Lincoln Pointe. It was all originally started as Indian Woods PUD. Like I said, these are smaller lots. The type that Jagoe has built on the east side and has proven to be quite marketable. He goes in and builds everything and then sells the units. He does all the land grading. We have a grading detail that we ask for that shows each ditch, swale, pipe, everything and how he is going to drain each lot into the drainage facilities. At the northern end, up by Covert Avenue, that entrance road off of Covert into the north end of the subdivision is going to be built by the Evansville Parks Department as a part of the park which is the land area between the northern most lots of this subdivision across Kolb Ditch and up to Covert Avenue is going to be a city park which I believe was bartered in exchange for the loss of Riverfront Park or the change of use of Riverfront Park. We have asked for a 75 foot setback from the top of the bank of Kolb Ditch and they show that on the plan along with a note up in the left-hand corner that there will be no above ground utilities, etc., within that regulated drain right-of-way. There have been some complaints down at the very southern end of this project in Indian Woods Subdivision in regards to a large pipe structure. A 30 inch reinforced concrete pipe with eventually becomes a 36 inch reinforced concrete pipe coming out of sub basin number three, the big large dark three, that run of pipe comes out through city owned property and goes into the detention lakes in Indian Woods Subdivision and that is where all this water is carried, by the way. All of this water goes over to those large detention areas. As we mentioned during the last review, the preliminary review, those lakes were built with city bond money to accommodate the dense development. Originally, it was going to be all apartments, I believe. It will accommodate this storm runoff. The complaints were that some of the pipe joints have become separated and pulled big holes down in some peoples yards around area drains. There are two or three of those and they are on city property and Mr. Jagoe has agreed to repair those failures in the pipelines along with the construction of the connection that he is going to make to it. That was something that we had asked if he was willing to do otherwise the city would of had to pay for that and it wasn't in their budget for this year. We are going to recommend approval of the final drainage plan for the Seasons with

only one stipulation and that is that the road crossing Kolb Ditch, Mr. Stoll has not yet been able to review the street plans for that portion of the road that I mentioned was going to be built by the Parks Department. We have not had a chance to review that. It is straight in off Covert Avenue across the ditch. It just says ditch on here, but that is Kolb Ditch. We don't feel as if we are going to have any problem with it, but it is just that the Parks Department had not understood the process whereby the Drainage Board must also approve a crossing of a regulated drain, as well as the Commissioners have to approve the street plans for any street in the county. So, when Mr. Stoll brings those to you in your regular Commissioners meeting as street plans and gives his recommendation, then the recommendation from the County Surveyor will be incorporated into Mr. Stoll's recommendation at that time. We will review that together and we will make our recommendation together and it will be the same recommendation.

Commissioner Mourdock: Did the pipes that Jagoe is agreeing to replace, did they fail as a result of all this heavy rain or is that something different?

Bill Jeffers: No, that was early last winter that we were called out. That is just a situation where the pipe joints separated and over the years earth was pulled down into the joint and washed away. That has happened over a period of years. He is going to dig those up and repair the joints. That is a common thing that happens to concrete pipe after a number of years. So, our recommendation is to approve this as a final plan with the one stipulation that the entrance road which is not really a part of this subdivision, but it will come back in through the Parks Department with the recommendation from your County Engineer and our office together with regard to the pipe sizing and the construction of that road. They can use the south entrance off of Pollack Avenue to begin their construction and we will ask you to grant them a temporary crossing of Kolb Ditch with a construction crossing at this time so that they can enter off of Covert Avenue with a temporary construction crossing. With those statements, we recommend approval of their final drainage plans. Mr. London is here from Morley and Associates if you have any questions of him.

President Borries: Are there other persons who wish to speak on the Seasons Subdivision? Questions from the Board at this time? A motion from the Board at this time?

Commissioner Tuley: Somoved for the approval on the final reading for the Seasons Subdivision for the drainage plans.

Commissioner Mourdock: I will second.

President Borries: So ordered.

RANDY CHAPMAN - PUBLIC COMMENT
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Bill Jeffers: Before we go on to Malibu Park Subdivision, Section 4, Phases B and C, would you like to consider taking up another subject where a person who would like to speak has to leave here by 9 p.m.? The rest of us will be out by 9 a.m.!

President Borries: Well, again, there are folks...

Bill Jeffers: He may just wish to say something.

President Borries: --that have been very patient. If it would not



be more than five minutes because all of us have to work tomorrow and have other obligations. Are you saying that you think this will be a brief comment on another subject?

Bill Jeffers: Mr. Chapman has to report to the Sheriff's Substation and he has to leave here by 9 p.m. in order to do that and I just wondered if you would want to take a...how many minutes comment from him and then we'll go back.

President Borries: Sure. Mr. Chapman are you here in behalf or as a spokesperson for the group?

Commissioner Tuley: Strawberry Hill?

President Borries: Strawberry Hill?

Randy Chapman: Yeah, I guess you could say that. I know there are other people here that are going to want to voice their opinion on the situation. He has come up with recommendations on how to get the problem that we have resolved. You haven't seen them, I don't think yet. I don't know if you have or not so it is really kind of premature that I am speaking now because you haven't seen it. Basically, it says that he is wanting to put in a timber bridge, but I don't think that is going to solve the problem. I think it is going to help it a lot, but when would this bridge be put in? That would be one of my questions and another question is there any way that we can get that ditch cleaned out as soon as possible because any time it rains that is going to flood. There is so much debris in that ditch and you know, I can't live like this. These other people here in the subdivision can't either. I'm just getting the worst end of the deal. As far as that ditch, whose responsibility is that to clean that ditch out? Is it the homeowner's responsibility or is it the county's responsibility? I thought that was a public easement that goes through there.

President Borries: If it is a public easement and not a regulated, legal drain then it is private property and therefore the county cannot do it. I would have to defer to Mr. Jeffers to describe exactly what ditch we are referring to at this point. There are ditches and then there are, again, regulated drains which are legal drains that we can work on. Bill.

Bill Jeffers: The County Subdivision Code requires all channels, pipes and other drainage structures to be within, as they say, a suitable public easement. So whenever a developer says that we are going to put a culvert in here and this channel that naturally comes through this ground will be used as part of our drainage system then an easement must be set aside. That allows anyone who has the authority, whether at the time of approval or in the future, to have an access point from a public road through the easement down in to the drainage structure itself or in to the channel to perform work that is needed. At the time that the Subdivision Code was enacted, they knew that those persons who would perform that maintenance was the private property owners. They contemplated that maybe in the future there would be new developments in state statutes or local ordinances that would give that duty to other agencies or other persons or corporations, but regardless of where the responsibility lies, the reason that it is an easement is to give those who are responsible for the cleaning access to the waterway. In your case, that is not a regulated drain and until July 1 the only person who has authority to go in to that easement and perform maintenance as needed would be you from your side and your neighbor across the ditch from the other side. Or, for example, if a tree or something fell from his side

and fell across over to your side then he would have the opportunity to come around onto your property, within the easement, and perform maintenance on that as a good neighbor. The county does not have that responsibility as of June 24, 1996. The county has responsibility to perform maintenance on the culvert itself, which as you saw they came out the day after your great misfortune and cleaned up some debris that was lodged in that culvert. They are using a portion of that easement within the right-of-way of Strawberry Hill Road to do that. They sawed up the logs and hauled them off. They are responsible for that, but they are only responsible out to the right-of-way line of Strawberry Hill Road which would be approximately 25 or 30 feet from the center line. They are not authorized to go any further than that.

Randy Chapman: So this ditch, or I call it a creek, that is running back behind my house, not the concrete drainage because you know where that is at.

Bill Jeffers: Yes, sir.

Randy Chapman: I'm talking about the ditch where it T-bones right there.

Bill Jeffers: Right.

Randy Chapman: That is nothing but full of debris. You mean to tell me that I am responsible for that?

Bill Jeffers: Only on your property. North of you it gets worse. It goes through the woods north of you and that is owned by another person. That person is responsible for the condition of his or her property.

Randy Chapman: I can find out who owns that.

Commissioner Mourdock: Bill, there is one other option here and I doubt that this will come into play, but occasionally in subdivisions there are...I lost the word...the associations?

Bill Jeffers: Homeowner associations?

Commissioner Mourdock: Yeah, homeowner's association. Do you know, did that subdivision have a homeowner's association?

Bill Jeffers: I don't know whether it did or it didn't, but I assume that it did not, because those papers have not been found.

President Borries: You're not aware of any homeowner's association are you Mr. Chapman?

Randy Chapman: No. Basically, that is all I have to say. I know that the other people here from the subdivision are going to voice their opinion when it comes time. Like I said, Mr. Jeffers has the recommendations on what he thinks will take care of it and it is kind of premature for me to speak, but I would like to know when we can get this stuff taken care of (inaudible comments not made from mike). It is just going to get worse.

President Borries: Well, I can tell you that we will try to do so as soon as possible. As Mr. Jeffers has eluded here, without going into great detail, things could change after July 1, 1996 with this revised ordinance. However, we have to be very careful to determine what we can do, again, on private property and I am going to...our attorneys will have to be advising us along with that

because we cannot go in and do work unless we are absolutely certain and then we are going to be empowered to be able to bill back those property owners who are not maintaining their particular property. First and foremost, the bottom line on this is that this is a property issue. The county, this Board, can work on public right-of-ways and public legal drains. The county cannot work on private property. Every homeowner, he or she, must help cooperate because we don't have enforcement people like Bill Jeffers on every corner telling people what to do and what not to do. We must rely on the people to do these things themselves. We are very limited in what we can do.

Randy Chapman: Okay, well thanks.

President Borries: Thank you. Bill Jeffers, if you would want to return back to our agenda so we can hear from these other folks.

Bill Jeffers: I just wanted to give Mr. Chapman that opportunity and we will try to answer the questions that he left with us along with the questions from the rest of the neighborhood later.

MALIBU PARK SUBDIVISION, SECTION 4, PHASES B & C

Bill Jeffers: Malibu Park Subdivision, Section 4, Phases B and C is here for final approval and it is represented by Mr. Dave Savage, who is the design engineer. I will say at this time that he has complied with all of our suggestions and recommendations and he has come back with a drainage plan, as we asked, that will pick up the drainage from Malibu Drive and Caribou Drive where there was a problem with an undersized pipe and undersized inlets. A 12 inch pipe, for example, and he has come back in with an 18 and a 21 inch pipe and shown a proper way to drain that intersection and carry it down to the branch of Firlick Creek which drains it and these are actually street and drainage plans which I assume Mr. Stoll has looked at and I don't know what the status is in his office. It has been approved? Oh, by the County Commissioners in your last meeting. They do conform to the drainage requirements that we had placed on them.

President Borries: Your recommendation, again, then?

Bill Jeffers: Is to pass this or approve it as a final.

President Borries: Are there other persons who wish to speak on Malibu Park, Section 4, or also known as B and C, final drainage plans? A motion from the Board or comments at this time?

Commissioner Tuley: I'll move that it be approved.

Commissioner Mourdock: I will second.

President Borries: So ordered.

FAZOLI'S, EXPRESSWAY SUBDIVISION

Bill Jeffers: The final agenda item, with regard to development of new stuff, is Fazoli's which is located on the west side in property being developed by Jack Rogers and Robert Jarrett on Westin Road. The address is 5232 Westin Road. This is their plan. You will notice that there is a drainage easement running right through the middle of the property. It already has a pipe in it, an existing pipe in it. It is part of the drainage plan for the

entire subdivision which goes down to the north line and to a large detention area. Everything is in place. The only problem is that Fazoli's needs to pave over the drainage easement with a travel lane through their parking lot adjacent to their drive-thru window. We've done this before with all of the restaurants such as the ones on the east side. Outback has an agreement with us, O'Charley's, El Chico's, etc. When they pave their lots they give us this letter right here that reads:

"As tenants, Fazoli's seeks approval from the Vanderburgh County Drainage Board to pave over an existing 15 inch reinforced concrete pipe within a platted 15 foot drainage easement. The county shall retain all easement rights as granted by this easement while Fazoli's shall be responsible for maintaining and/or repairing the existing storm system located within the leased premise.

That is what we ask for is that they still allow us access to the easement, but yet if anything goes wrong they are responsible totally to repair it and maintain it. In addition, they have agreed to store storm water because when this plan was passed by your Board it was for a 25 year storm and now they are going to store the 25 year storm and release it as a 10 year storm so that is an improvement. We recommend that you allow them to go forward with their development plans and I will go over to One Stop Permit in the morning and sign this site plan so that they may proceed with ground breaking tomorrow. I'll enter this letter into the permanent record of your Board.

President Borries: Are there any other persons who wish to speak for or against the drainage plan submitted by the enterprise known as Fazoli's in Expressway Subdivision?

Commissioner Mourdock: This is final, isn't it?

Bill Jeffers: Right. This is actually a site plan. We bring all the site plans through here that require a revision of anything.

Commissioner Mourdock: I'll move approval of the final site plan for drainage for the Fazoli's Restaurant at 5232 Westin Road.

Commissioner Tuley: Second.

President Borries: So ordered. In addition to these matters that were on our original agenda, Mr. Jeffers has completed reports as I had mentioned to you and some recommendations. Bill, how would be the best way to proceed here?

Bill Jeffers: I guess we started on Strawberry Hill so we might as well finish.

President Borries: Do you want to read your recommendations or do we need to hear from the folks? Maybe it would be helpful, do you think, if you have something prepared?

Bill Jeffers: I'll go ahead with something like that and if I don't touch all the bases I guess they will let me know.

TAPE CHANGE

STRAWBERRY HILL REPORT
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Bill Jeffers: The reason the Board members haven't seen this report is that I finished it between 3:30 and 5:30 this afternoon.

Basically, Strawberry Hill started as a flooded basement complaint and rather than read every word of this I'm just going to touch on it and ask that the rest of it be read into the record so that--

President Borries: It is submitted for the record so I think you can do that. You may want to focus in on your recommendations.

Bill Jeffers: Okay. I believe that everyone out there realizes that these were unusual rain events and that is explained in here. I do say that we found a set of plans at Mr. Morley's Office that he had bought at an auction of Mr. Biggerstaff's estate. Mr. Biggerstaff was the Surveyor that planned this subdivision. I do say that the large culvert in front of 314 Strawberry Road, which is the Chapman's residence, was sized for a ten year storm. This was done in 1976. Ten year storm is like two inches in an hour. We had three and three quarters the other day which is a 100 year storm or better. Actually, it is off the scale. Mr. Chapman touched on several items that he is concerned about, but the County Surveyor's recommendation at this time is recognizing that this is an undersized culvert which needs to be replaced with an open bridge structure sized to handle a 100 year storm. The opening under the bridge should be sized to handle a 100 year storm. Number two, lowering the elevation of the pavement over the top of the bridge by at least one foot below existing elevation to allow any high water that does not make it through the culvert to pass over the road without backing up into houses along the north side of Strawberry Hill. To our knowledge it actually backed up in Mr. Chapman's house through the basement and it traveled through Jim Hadden's house across his garage floor. This should not happen and it was basically the roadway acting as a dam, holding water back and causing it to pass through those two houses that we know of. I'm not talking just up through toilets, I'm talking across the ground and through their house. Number three, to discover and prevent all sources of infiltration of sanitary sewer by surface water. That means that anywhere there is a manhole or someone's downspout illegally hooked up to a sanitary sewer rather than a storm sewer. Find every way that storm water is getting into the sanitary sewer and eliminate it so that the sanitary sewer system won't become full of storm water as it did three times this spring and flood people's basement. I think there were a couple of toilets situation on slabs or shower stalls that backed up and this should not happen. Number four, replacement of all loose manhole castings. That is the iron piece that goes on top of the concrete cone. To take all of those and have them machined, turned out with a machine rather than just cast, have gaskets put on them and have the manhole lids bolted down and have the rings anchored into the concrete cone.

Commissioner Mourdock: That is referring to the sanitary sewer?

Bill Jeffers: Sanitary sewers. Most of the homes effected were effected by back surges of sewage coming out of the sewage system and up through the toilets and shower stalls and so forth. Whether they were in the basement or whether they were on the first floor, that is how most of the homes were effected. Some of them were effected by overland flood water. This should be done at any location within the creeks obvious floodplain and we are going to call the floodplain what it did on June 9, 1996. As far as we know that would be pretty much the extent you could expect of a flood like that. Anywhere within there, within that area that was flooded on June 9th, those manholes should be fixed. The other day when we were out there even after the sewer department was there we found another manhole where actually the force of the water coming down that creek moved the entire casting, and it's about 300 or 400

pound piece of iron, it moved it off the concrete manhole cone by about this much and that thing is still exposed. If they have another heavy rain and the creek comes up over the bank it is going to fill it right back up again and that is behind Heather Lane, which we understood had some sewer back ups. Number five, the installation of check valves or any other device. The County Surveyor's office is not an expert on this sanitary sewer deal, okay? I don't know if a check valve is the thing to do or whether they need a pump to pump it up from the basement into the first floor elevation and back down through their sewer tap that way, but whatever it takes to prevent these back surges of sewage into the homes where ever the finished floor elevation is lower than shown on those grading plans over there. In other words, those grading plans from Sam Biggerstaff established a finished floor elevation for every house in the subdivision in accordance with what he knew would happen when a storm greater than a 10 year storm came through that pipe. I can tell from looking at those plans that he knew that what happened on June 9th would happen. That the water would take a secondary route down Strawberry Hill and as it found its way between each home trying to get back into the creek, that it jumped out of, it would go between homes and those homes had to be built up to a certain elevation to prevent the water going into the living quarters. In most cases those homes have met that elevation and in some cases they have not. In other cases, someone decided to build a basement so it is going in basement window wells or seeping down through various other...say a dryer vent, for example, can take in a lot of water. Apparently I have two number fives, I didn't change that last one to number six. Number six, the regular maintenance of the waterway by property owners as we spoke about with Mr. Chapman here. Property owners, please go out and remove any brush, fallen trees, large trees that blocking the obvious flow of water, silt accumulations that have somehow found a way to accumulate in your ditches, and any other obstruction that blocks or displaces water has got to go. You saw what happened out there with that water and I'll tell you the truth, men, I did not believe half of what I heard on the telephone. I thought it was just folks that were obviously emotionally distraught by having their homes flooded for the third time in 30 days and like myself would just fly off the handle and say all kinds of things. After I went out there and saw it, there are 20 to 30 people that never called or said anything that had ungodly problems out there. As you can see, when I say the water went down Strawberry Hill Road, or is this Heather Lane?

Unidentified from audience: No, that is Strawberry Hill.

Bill Jeffers: This is an alternate waterway that was created by that dam blocking the true waterway, the natural waterway being the creek with that small pipe in it, and it took alternate route down there approximate...we are talking about the street right-of-way is 50 feet and then you have a building line 25 feet and 25 feet. This was garage to garage, 100 feet wide. I'll believe anything that they tell me. I've seen watermarks up on garage doors a foot off the ground. One thing that really strikes me that Sam knew what he was designing there is that the water that is shown here in this picture standing out in the street was a foot to a foot and a half higher than the water in the backyards. After the water found its way between the houses the marks in the backyards are a foot to a foot and a half lower. Water just rushed between the houses and when it got back into that creek's natural floodway off it went down to North Greens and down to Petersburg Place, etc. It is an unbelievable situation and the only thing that we can come up with for a solution is to ask you to seriously consider replacing the corrugated culvert with an open bridge structure and I hope the

people in the audience understand that it takes a planning period where the County Engineer has to have to bridge designed and then you have to go to the County Council, as has been explained on other projects, to request the funds to be put into the budget for 1997 or 1998 and then you have to go through a bidding procedure to find a contractor that is to be assigned that job. It can't be done next week. Most likely can't be done before the end of the year, however, hopefully, it could be done before events such as these occur again.

President Borries: This report, I would suggest, needs also to be forwarded to the Utility Department if you could do so.

Bill Jeffers: Or some form of this report about the sewer.

President Borries: Because some of these things, I can see where we can do some things and we are going to work on number one. We can look at number two as you've mentioned, but when you get into sanitary sewers and surface water here the Utility Department would definitely need to see your report.

Commissioner Mourdock: If I may suggest, I was out there not in April, but I think it was the 28th of May. Was that one of the heavy precip nights? I was in the general area and I know out on Bob Court and some places I saw where the sanitary sewer covers, and as you say they are this big around and that thick, they are cast iron and so much back pressure they had been lifted off and just carried away. I guess that I would suggest, having seen that firsthand, I would be willing to write a letter to the Utility Board mentioning that and certainly the need that the sanitary issue be addressed and then perhaps we could include this report.

President Borries: Sure.

Bill Jeffers: It is one thing to sweep water out of your garage and clean mud up--

Commissioner Mourdock: You are lucky if that is all.

Bill Jeffers: --right, but it is quite another to have your living quarters, including your bedroom, inundated with raw sewage. The situation is unacceptable, not to mention unbelievable. You have to see it to believe it.

Commissioner Mourdock: Last year at this week I was in Bolivia 40 miles from a power line and I thought I would see some rough sanitary conditions, but as far as sewage and people having to put up with what I saw in Old State Subdivision was worse than what I saw a year ago.

Bill Jeffers: Before anyone else speaks, I want to say that I understand that people look at the closest thing to their backyard and say that subdivision right up there and this never happened before that subdivision up there came in and now we have this. I want to emphasize that the watershed above the pipe is 375 acres according to the county topography maps. The watershed that comes through that pipe in front of the Chapman's house is 375 acres. It has a reach of 6000 feet, a horizontal distance upstream of 6000 feet. It falls 95 feet in that distance. From the highest point in the watershed to that pipe is 95 feet difference in elevations so that water came screaming down from there.

President Borries: Powerful.

Bill Jeffers: The subdivision that is just upstream from this on a very much smaller branch, Villas at Deerfield, that used to be an open farm field that was allowed to turn into pasture. Presently there is only a handful of houses there and maybe 1000 feet of street on maybe 20 acres. Water was already over Old State Road, over the top of the bridge on Old State, over the top of the bridge on Eissler, which was designed for a 100 year storm. Water was already out of the banks of this creek before it ever got down and joined with the water from the Villas, so, please, I know that it is an emotional issue, but keep that in mind. The water coming down out of that other 350 acres had already exceeded the capacity of all drainage structures to carry it so when it arrived down there and joined with what was coming out of the Villas it was already out of its banks. The other thing to remember is that we have the rainfall charts and it shows just continual precipitation day after day after day after day. Everything was saturated and it was acting just like concrete, and it couldn't take anymore water. We also have two fellows, and I know one of them is here in the audience and I think the other one is, too, who can tell you where they were when the rain started on U.S. 41 and how long it took them to get to their house and in that period of time which was between 15 and 25 minutes the water was already up to their doorsteps. That time of collection for 6000 feet of watershed is just phenomenal. For that water to be able to collect in 20 or 25 minutes is like running across the parking lot of Walmart. That is a 15 minute travel time from Walnut East. From one side of the parking lot to the other is 15 minute travel time across concrete. In the same period of time this water arrived down at that pipe and it was up in Mr. Hadden's garage in 15 or 20 minutes. It was unbelievable, but it happened. There you have it. These folks can tell you firsthand because I wasn't there until the day after.

President Borries: Folks, again, it's five till nine, if we have anybody who could be a spokesperson we will try to hear what you have to say and please try to confine your comments if you can to some new information.

Monty Gross: I think our self appointed spokesperson had to leave because he had three feet of water--.

President Borries: Mr. Chapman?

Monty Gross: --in his basement. I live pretty well at the other end of the subdivision--

President Borries: Your name and your address?

Monty Gross: Monty Gross, 428 Gun Powder Lane. The thing that I have observed is the watershed, and I understand that we've had a lot of rain and I understand that we've had a lot of it in consecutive days, but there used to be maintenance on Eissler Road of these ditches that took the watershed from the Villas at Deerfield and would direct it away from the subdivision towards Old State. It is not doing that any longer because the ditches really aren't ditches. They are fully overgrown. There are two and three inch thick trees that are filling the middle of these ditches. On a very moderate rainy day, not a downpour, the little retention pond that has a sprinkler in at the Villas at Deerfield will run across Eissler Road long after the rain subsides. We are talking two and three inches of water. That silt that you mentioned earlier, Bill, that is where it is collecting from. You have lots of hilly terrain out there that is continuing to wash down and fill. I have never seen any of these retention ponds clear. They are always muddy which tells me that there is always silt carrying



down. Yes, the private individuals are responsible for cleaning what is in their area, but there is tons of debris being carried down with silt that is clogging it that they have no control over. Whenever these subdivisions are put in, granted that certain things are approved, but do they ever go back and visit this to see if what was approved is working? That is where we are at now is that it is clogging it to the point to where when you do get these rainfalls there is just no way it can keep up with it. Just the continual maintenance of the ditch, I would like to see. I haven't seen anything in three years out there on Eissler Road at all. I've lived out there for 10 1/2 years and they used to maintain it regularly.

Commissioner Mourdock: Is that ditch that you are referring to along Eissler Road, to your knowledge, within the county right-of-way?

Monty Gross: I don't know. It is on the north side of Eissler.

Commissioner Mourdock: Running parallel to it, right next to Eissler?

President Borries: I'm sure it is.

Monty Gross: Yeah, it is.

Bill Jeffers: The water from the Villas crosses Eissler just southwest of the pipes that come out of the basin that you are talking about.

Monty Gross: Yes, there is a gravel access road there that is used for construction.

Bill Jeffers: Right, and the water crosses Eissler right there in a pipe until it goes over the top and comes over the road as you described, but the design is for it to cross the road there and go due south into Old State Sub. It is not carried down Eissler to the west to the creek.

Monty Gross: No.

Bill Jeffers: It goes right directly across the road along side the first house that faces Eissler on the south side.

Monty Gross: Yes.

Bill Jeffers: There used to be an open ditch there where there is a driveway now. Do you remember that?

Monty Gross: I don't know if there was an open ditch there or not.

Bill Jeffers: How long have you lived there?

Monty Gross: Ten years, but I don't frequent Eissler everyday. I come down Strawberry Hill the majority of the time. There is lots of debris that covers that road after every rain. It is not just a heavy rain, it is every rain.

Bill Jeffers: Every rain this Spring?

Monty Gross: No, no, not just this Spring. The last four years it has been doing that. There is a lot of loose terrain that continues to wash down. You can go up to the Villas of Deerfield and find that it is eroding at tremendous rates right now.

Bill Jeffers: Well, the erosion should be addressed, you're right. The erosion should be addressed and the ponds are continually silty in appearance.

Commissioner Mourdock: Who has the maintenance of those ponds now, do you know?

Bill Jeffers: Bauer Construction Company.

President Borries: Thank you. Do any other persons wish to speak at this time in relation to this?

John Kessler: My name is John Kessler and I live at 600 Strawberry Hill Road. I have lived there a little over 13 years and like the rest of these folks said, we have never seen this much water come down Strawberry Hill. There was about 14 inches of water where the barricade is at the end of Strawberry rushing out into the field. In fact, doghouses floated out into the street and continued on out into the open field out of sight during this flood. I didn't have damage in my house. The water was up in my yard about a foot deep, but I'm pretty well elevated and my house didn't get flooded, but we worry what might happen the next time. As we watched this water come by our house, coming down Dry Branch the water was clear pretty much like a stream, but down Strawberry there was mud. I'm satisfied that was coming from the subdivision up across Eissler. I feel that is a lot of our problem. I just thought I would share that with you. I have pictures of the water and it looked kind of like Niagara Falls going out into the field. You could hear this water rushing by from our front room. I was talking to my friend on the telephone and I held the telephone out the door. I said, "Bill, do you hear that?" and he said, "Yes.", so the water was really coming down through there. Like I said, I didn't come prepared to speak, but I thought that since I was here I would like to share that with you all. Thank you.

President Borries: Thank you, Mr. Kessler.

Bill Jeffers: We need to clarify, I'm not arguing the point that one of the major sources of the silt was this subdivision that people keep mentioning. It's like when the Blue Nile joins the other now, whatever, or when the Ohio joins the Mississippi, you are going to see two different qualities of water. The source of the majority of the water was other than the Villas even though one of the major sources of the silt may have been the Villas that is just what stained the water. It was joining with water down behind Mr. Chapman's house that was probably a thousand times greater in volume than what came out of the Villas.

Tim Bickel: My name is Tim Bickel and I live at 7401 Cold Spring Lane and I just want for the record that creek that T-bones into the Chapman's is that also our responsibility? I want to know that for the record that it is not another subsidiary creek that may be part of the county's that they may clear out. I live right...

Bill Jeffers: All the waterways in--

Tim Bickel: In that area are...

Bill Jeffers: --that area are on private property and are the responsibility of private property owners.

Tim Bickel: Okay. What happens after July 1st? I've heard this kind of thrown around. What is the proposal or what is going on as of July 1st?

President Borries: I think, if you were here earlier, you probably heard Mr. Kissinger explain a bit of that.

Tim Bickel: Is that where, basically, if you fink on your neighbor you have to pay for it?

President Borries: If it's...yeah--

Tim Bickel: I mean, let's come straight with that.

Alan Kissinger: No it isn't. No it isn't. If you fink on your neighbor and you're right, then your neighbor pays. If you fink on your neighbor and you're wrong, then you pay.

Tim Bickel: That's what I wanted to know.

Alan Kissinger: I anticipate that once you fink on your neighbor and he has been found to be wrong, then you can expect retaliation in kind.

Tim Bickel: I know. I'm just making sure I get everything clear. Alright. I just wanted to show you my pictures as to what my backyard looked liked and my neighbors pool. I'll give you a copy of my tape to add to your collection. We just bought the house so this is always fun to have in your backyard.

Terry Zahn: My name is Terry Zahn and I live at 432 Strawberry Hill. We've had both problems. Of course, we've had the ground water, but more importantly we have had the sewer backup. Our carpeting has now been replaced about three times. Ironically, the first time it was replaced was two weeks after we moved into the home and it was on a dry day. The city came out to clean out the sewers and put pressure on the sewers and blew it up into our house. So that was kind of frustrating, needless to say. The important thing to me is the sewer backup. You can deal with the brown water, although, I'm sure it has been more troublesome to other people than for us, but to have raw sewage to come up into your home. We were told to put in the traps and let me assure you that they don't work. We've had three or four neighbors in the neighborhood, that I know of, that have put them in and they don't work.

Commissioner Mourdock: Traps or check valves?

President Borries: Check valves.

Terry Zahn: Check valves, flapper valves or whatever. I have them in my home. I dug it up and nothing appears to be wrong with it except it just flat doesn't work. There has got to be some way... you know we can't even leave our homes. I am able to plug off several drains, the shower drain in the utility and a floor drain, but I also have a toilet in the lower level and while I had the other two checked off I couldn't stop that. I'm pretty well at a loss right now. There has got to be some way to stop this from happening.

Alan Kissinger: Sir, the one thing that you need to understand is that as far as sewers are concerned, Vanderburgh County has absolutely no jurisdiction as far as sanitary sewers are concerned. That is all maintained by the city.

Terry Zahn: Okay, can anybody help me out? Do I have some kind of recourse against the city in this nature?

President Borries: Sure.

Bill Jeffers: Now, check valves are just like cars. There are Cadillac check valves and then there are Volkswagons, but regardless if you stick a potato in an exhaust pipe, they all backfire, okay.

Terry Zahn: Sure.

Bill Jeffers: If you follow what I mean by a potato. Those check valves do get things lodged in there and they do not work. The only thing that you can do is get your sewage up to the elevation of the first floor so that it flows down into the sewer from the first floor and it can't backup. Check valves are okay as long as they are not clogged up.

President Borries: What you do have, Mr. Zahn, we are going to send a copy of the transcribed minutes that our Recording Secretary is making of this meeting and Commissioner Mourdock has indicated that he is going to write a cover letter to the Utility Board. You need to talk to the Utility Board. Jack Danks is the head of the Evansville Vanderburgh...D-a-n-k-s...and we will also send a copy of the Surveyor's recommendations on here and request that action be taken by the Utility Board. Yes, sir.

Pat McComas: Yes, I'm Pat McComas and I just wanted to check with Mr. Mourdock and Mr. Tuley. They came out and looked at our problem on Voight Road. We've got a lot of neighbors here now and see what we found out about any of the ditches that might be with the county and all.

President Borries: Are you on a different...?

Commissioner Tuley: He's on a different one, yeah.

President Borries: You're on a different one?

Commissioner Tuley: I saw John Stoll here...

President Borries: Yeah, I'll tell you what we've got other folks here that and we were going to try to finish up this issue on Strawberry Hill, if that is okay?

Pat McComas: Sure, you was off of them once and went back.

Bill Jeffers: The reason that we got off of it was because we had a public safety officer that had to report to protect my home--

Pat McComas: Thank you, Bill.

Bill Jeffers: --and yours.

President Borries: Yes, ma'am.

Jennifer Fuchs: I'm Jennifer Fuchs and I live at 420 Gun Powder Lane and I would just like it noted that we had water and we have a bi-level house and we have only been there about eight months so this is a new problem for us. We've had water...it sounds like the Chapmans had a similar situation where it rushes down the stairwell and into our basement and then into the lower level of our bi-level. I know that the people down the street, maybe four houses down, did have a problem with the sewage coming in which I know that you have addressed. I have taken notes and we will write letters and stuff like that, but I just want to make sure that the

water problem is an issue on Gun Powder Lane and not just Strawberry Hill.

President Borries: Okay, thank you, Ms. Fuchs.

Mike Wathen: A couple of them have mentioned the erosion. Let me...it will not be tomorrow and it will probably be Wednesday before I get to it, but I will go up and review the plan and make sure that it is being implemented which I think will help considerably as far as the soil problem that they are talking about. I will report to you at the meeting next week.

President Borries: Okay, for the audience, real quickly, Mr. Wathen is our Soil and Water Conservation specialist. He handles any problems that have to do with erosion control and as this Board was working very hard earlier today, we not only work with the Drainage Ordinance on this, but this has to do with the Building Commission. Mr. Wathen will be reporting back to us on the erosion control in relation to the Villas at Deerfield. Yes, ma'am.

Pat Lindauer: My name is Pat Lindauer and I live at 401 Eissler Road and that is right across from the Villas. I do have pictures here of major problems with mud coming across the street and up my driveway and it has flooded in our driveway, too. Like the man said earlier, the ditch or the lake that has the little pretty fountain in it, it overflows the banks and comes across the road so we do have a major problem. Here is the major mud.

President Borries: Okay, thank you. Again, we will be referring these to Mr. Wathen as well as Mr. Jeffers to look at the erosion control on the Villas. Alright, we are going to at this point leave the Strawberry Hill or Old State Subdivision matter at this time and thank those folks for coming. Bill Jeffers would be able to provide you with copies of what we intend to do, but, again, from the county's immediate standpoint we will look at the replacement of this corrugated culvert with an open bridge structure that, again, would handle a 100 year storm which is, again, as you can imagine ten times better than what you have now with a ten year event. The county can look at lowering the elevation of the pavement on this new structure in order to look at the water. We will refer matters to the Sewer and Water Utility and you should talk to them in relation to the manhole castings, the check valves, the sanitary sewer system and the infiltration of any surface water into that system. We are going to have to call upon you, as we have said this is a private property issue, to contact your neighbors and fellow property owners in relation to this creek back there because we cannot work on that creek. That is item number six that Mr. Jeffers has talked about on the regular maintenance. We cannot maintain that. That is not public property, it is private property and we cannot do work on that. We will, after July 1 as someone made mentioned, be able to cite, we hope after we have reviewed this ordinance, certain parts that may require some property owners along creeks like this to improve their property. This is the snitch on your neighbor thing that we were talking about. If, in fact, there is clear-cut proof and we are able to prove or identify...our technical advisors...that there are obstructions in this private waterway, then this Board can write letters and require them to do that at their expense. If they do not, there could be a fine imposed and I am saying may and could because we don't have a complete outline of the ordinance yet and need to see what we can do on that. Thanks for coming and sharing your problems here this evening. We will work on what we can and begin to do so as soon as possible and urge you to stay in touch, not only with us, but also the Utility Department of the

City of Evansville regarding the sewer problems. Thank you.

BROWNING ROAD ESTATES - HUNTERS RIDGE

President Borries: We have some folks and Bill may have a report prepared, do you for Browning Road Estates Hunters Ridge? For the record we have a report dated June 24th and, again, Bill Jeffers has had a very busy time and in the interest of time we will allow this to be submitted for the record to Charlene Timmons, our official Recording Secretary, to be entered into the record. If you could, perhaps, comment on what your recommendations would be or at least give the executive summary here on what your recommendations would be and then we will hear from any of those folks here. We heard from the Gannons, I believe, last week. We have a letter on file. We have a letter on file from Mr. William Wittekindt, Jr. from Browning Road Estates and he has indicated that he will do his part to repair any damage that has occurred from his end. I'll turn it over to you then if you would like to summarize your findings on Browning Road Estates.

Bill Jeffers: This is basically an erosion situation from Browning Road Estates and parts of...excuse me. The majority of the erosion upstream of Red Gate Road came from Hunters Ridge and then there was also some amount of erosion from Browning Road Estates where they are building new houses. This was washed down onto people's property along the creek from the Gannon's property all the way through to the Vandever's property. We, as you say, have a letter from Mr. Wittekindt, who is here in the audience with us today, agreeing to clean up his portion of the sediment on particular lots that he has listed there. Attached to the report is a letter from Mr. Fuquay, who was out of town and couldn't be here today, agreeing to take actions that Mr. Mike Wathen and Mr. Hahn, who is his earth contractor, myself and Mr. Fuquay met out there on the site and Mr. Fuquay lists here several of the steps that he agrees to take. The only addition that I have to that is that I would like the Gannons to consider either moving their yard barn from its present location at the dead end of Pine Gate Road or else raising it so that if any subsequent floods come rushing downhill that the water would pass underneath their yard barn. It might prevent some damage to the contents. It just happens to be located in a bad place. I think we've made some progress here with the developers.

President Borries: This clearly seems to be a silt problem and both developers have indicated in a positive way that they intend to take care of those matters and as you say, you have indicated that perhaps there may be a waterway there where the Gannons may want to consider moving their barn.

Bill Jeffers: In fairness to the developers, because of the unusual amount of rainfall there were some silt fences that they had in place that were just washed out completely. We just feel that they ought to move very promptly to take these steps that they have agreed to take.

President Borries: Any comments at this time?

TAPE CHANGE

JoAnn Gannon: JoAnn Gannon, 12701 Red Gate Road. This is great and we really appreciate everything that you've done so far. I just want some assurances. There are three ditches there that need to be cleaned and Mr. Fuquay...I can't tell from this whether or not that covers all three. We had a call from Mr. Fuquay on Thursday and we got the impression that he was not willing to do all three

and the ditch that drains that would impact where our shed is located is the one that is the worst offender and that is where it is really coming through at, so is it my understanding that he is going to take care of all three of the ditches or simply the one that runs parallel to our little dead end road?

Bill Jeffers: Right now it is my impression that he is going to clean the ditch including your driveway culvert that is clogged with silt from his development. He is going to clean that culvert and then the ditch that leads from your culvert down to the intersection of Red Gate and Pine Gate. He will clean that.

JoAnn Gannon: That is not the worst offender. We have one that is running in a wooded area behind us and right at the top of that drainage ditch is where he is dumping all that dirt. It is all loose dirt and he has been dumping it regularly as a fill, and that has really created the problem. There is another one that is coming onto our property and gets piped under property and that is filling and that is also from Mr. Fuquay's. The worst offender is the one behind us in the wooded area. That needs to be cleaned. He said that the rain broke down those silt fences, but I can show you pictures from two months ago and I can show you something from a year ago where he never maintained those silt fences at all, period.

Bill Jeffers: I think he understands if those silt...first of all, the area that he is dumping construction fill, concrete, dirt, sand, gravel, etc., he is preparing a building site there and we have given him some suggestions and he has agreed to put that in a more orderly fashion and maintain the silt fences as needed. I think that he understands that any violation of that will result in a violation of Rule 5 which might result in a financial penalty. I think he is going to do that and if he doesn't then I think there are steps that we can take. The waterway leading down through the woods there, he originally improved that and sowed in with grass seed and we are taking a look at that to see whether or not it needs to be cleaned out, but a lot of times you go in there and disturb that and you do more damage than good because you are just starting from scratch again.

JoAnn Gannon: With any rain, that is where the majority of our water is coming from.

Bill Jeffers: That is where it comes from, right. It comes downhill that way.

JoAnn Gannon: It comes across our property where the shed is before it ever reaches the other ditch that runs parallel to the road.

Bill Jeffers: Your shed is located in what we call a natural watercourse.

JoAnn Gannon: Yes, but that ditch that he is talking about--

Bill Jeffers: It is near enough to the watercourse that it may be damaged by high water.

JoAnn Gannon: --at one time, was two feet wide and about two or three feet deep. It is maybe three inches deep at this point. The only way that could have silted in is from Mr. Fuquay's subdivision. We want that silt out of there and we want that ditch returned because those silt fences up above in that vegetated area that has filled in and that he sowed with grass have been broken down for more than a year to two years. The damage is done and him

putting up silt fences now does not remedy our flooding problem and that is how that water got in to that culvert that runs under our driveway is from that ditch that runs in the woods.

Bill Jeffers: I guess the last question would be do you actually want him on your property.

JoAnn Gannon: If it would clean out the...yeah.

Bill Jeffers: I mean up there where that plastic pipe is that you put through your yard. Do you want any of that area cleaned out?

JoAnn Gannon: Yes, where it comes into that pipe it has filled in considerably and it is running over all the time there also. Again, if Mr. Fuquay had followed the erosion plan and had maintained his silt fences we wouldn't be in front of you today and this is the second time that we've been in front of the Board for Mr. Fuquay's failure to maintain proper drainage.

Bill Jeffers: Proper silt fences, that is not the drainage. Let's separate that.

JoAnn Gannon: The last time it was the drainage thing.

Bill Jeffers: But this time it is silt.

JoAnn Gannon: Because he filed his plan and he failed to stay within it. Do I have any assurances? I know that you have taken a lot of time so I want to finish up, but do I have any assurance that the other ditch that runs through the woods will be taken care of because we have not had any luck working with Mr. Fuquay on a personal basis.

Commissioner Mourdock: I'll say what I said last week. Was it last week that you were here or two weeks ago?

JoAnn Gannon: Yes, you are tired of me, I'm sorry.

Commissioner Mourdock: No.

JoAnn Gannon: I didn't bring any pictures this time.

President Borries: We may be tired, but we're not tired of you.

Bill Jeffers: We are tired of the problem and we are just trying to get an exact concise...

Commissioner Mourdock: My comment of last week is, I think, still pertinent tonight. The drainage plan, the erosion control plan for that subdivision if it is one ditch, two ditches or twenty eight ditches, whatever it is that is what it is. I think that is was the consensus of this Board last week that the drainage plan and that erosion plan be followed and that is the message that we sent to Mr. Fuquay.

President Borries: We will follow through. We can ask him and we may be able to cite him in terms of building permits, which is what we were able to do the last time. The final analysis may have to be yours, in court, is what I am saying. We don't know what we are going to be able to do, again, under this new law. I think, as Commissioner Mourdock reflected here, if this is a problem then we will call this to his attention and say that this is part of what we asked you to do. If he refuses to do it then we will have to take other steps.



JoAnn Gannon: I think he is responsible because didn't do what he said he would do and now we would like for him to clean it up. We appreciate your help. Thank you.

Mike Wathen: In regard to erosion control on this, Bill and I met with him and I also met with his contractor. If he does all the items that we discussed I think it will help the situation from this point forward considerably and he has expressed to me that he is willing to start on that as soon as possible.

Commissioner Mourdock: Does that mean to prevent future erosion, that is all that you are speaking of?

Mike Wathen: To prevent future erosion, yes.

Bill Wittekindt: Again, my name is Bill Wittekindt and I'm the developer for Browning Road Estates West. I cannot comment on Mr. Jeffers' report yet because I haven't read it, but I can say one thing that the letter that I mailed to and a copy to Mr. Wathen will be taken care of as soon as possible. I have talked to one contractor already and I am going to talk to another one tomorrow to get bids on cleaning part of that lot up. Second thing, you mentioned, Mr. Jeffers, that there were some problems on Section 2. The fences on one and as of 4 p.m. today one lot owner has his erosion control fence up and another lot owner has erosion fence up and there is another house going up in that section and I notified the owner to have his contractor to straighten the bales of hay or straw and he indicated that he will do that and he has already done that, but as of today it hadn't been done yet. I am sure that it will be done. Any questions?

Commissioner Mourdock: Thank you for sitting through all of this to deliver some good news.

President Borries: Appreciate it, Bill. Thank you very much for coming and your good faith efforts.

Mike Wathen: I went out there today and everything that Bill just told you has been done and it is to the satisfaction of our office on the items that he mentioned.

President Borries: Thank you. Other comments on Browning Road Estates, Hunters Ridge at this time? Okay, we thank you for coming and we will ask Mr. Fuquay to do as he has been told. We have duly recorded the fine efforts here of Mr. Wittekindt and we appreciate you all coming in telling us on Browning Road Estates what needs to be done.

WILLOW CREEK ESTATES
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President Borries: Next we have Willow Creek. We have a report, again, dated June 24, 1996 regarding Willow Creek, Section D, final drainage plan. If you would like to summarize this, this will be entered into the official record which will be available to the public. Bill Jeffers, if you would like to summarize at this time we would appreciate that.

Bill Jeffers: We had a plan presented to our office and we are not able to bring it to you with a positive recommendation as a final drainage plan for Section D. Basically, because your Board expressed some concern about any water from Section D crossing the line into Section C and causing the type of problems that occurred lower down the hill. The plan showed some grading to be accomplished that we thought was nearly impossible and that it

would have been much more feasible to do it a different way. While we're out there I might mention that if you remember when the building permits were reinstated for the developer of Willow Creek, basically, what I felt was being said was, okay, go out and show us that you can build a house that doesn't have water standing under the crawlspace, etc., and the first house that was built and entered into the Parade of Homes had eight inches of water under crawlspace. I wish I was Pontius Pilate and could stand here and wash my hands of this, but I can't, okay. I've got to keep plugging away at it. It is just one of those situations that I just don't understand. You go out there and the very first house he builds, same old story. I hope that there comes a day when this comes to an end, but I don't see it.

President Borries: Okay. Alright, so your recommendations we need to forward to the developer?

Bill Jeffers: Come up with a plan that will work.

President Borries: We will do that. Folks, do you have someone who would like to summarize your remarks at this time?

Dan Swidron: Dan Swidron, 9200 Hannah Court in Willow Creek. As you know, we have already sent some letters to the License Board to revoke Mr. Hatfield's license due to many infractions and violations in our development. This is a continuous operation. I talked to Mike and Bill several times. When they did go out there to make the report they are constantly out there telling him that he is in violation. We've got...take a look at these streets. That was two weeks, and two weeks prior to that Mr. Hatfield was told to put up his erosion fences and he called Mike Wathen and he lied to Mike and said that everything was intact. It wasn't intact. It was the day after the Parade of Homes that he uncovered a beehive and he finally put some embankment rock around it and put up some fences. He didn't want the new people who were buying the parade of homes to see that the beehive was covered with mud. It was totally covered so he had to unbury that. He has got drainage pipes now going through and he is adding some more drain pipes through storm water pipes. It looks like he is going to make another beehive somewhere in the middle of the development. He didn't have any fences around there either and it was just going into the ponds. We appreciate you gentlemen and that you really look over his record and the last three and a half years...you know, we've been here for 12 meetings already. Either fine this man and have him correct all of the violations and don't let him build anymore streets, roads, sewers. Mr. Stoll already said that he can't build anymore roads until B and C is taken over. I hope for the record that is true because B and C are still cracked and they are not all corrected. I'm saying he can't build any sewers until the sewers are taken over in B and C again. I just hope that you gentlemen will take this in consideration once again and rectify some of the problems that we have out there. Thank you.

President Borries: One comment, Mr. Swidron. Thank you for your fine remarks here. We are not, and I want to make it very clear, we will not correct these. It is up to the developer to correct these, okay. It is his property, at this point if the county has not accepted these. We will not...we, meaning the county, cannot work on private property. We just cannot work on private property. We will provide you with Mr. Jeffers remarks he is not satisfied with, at this time, a positive recommendation. He has said that he is not able to give that. We are forwarding this to the developer tomorrow and so the developer will be put on notice as a result of this.

Dan Swidron: As far as the creek that goes through our area, some of that goes through private property and this goes to the homeowners association common area--

President Borries: There aren't any creeks west of Pigeon Creek or any legal drains.

Dan Swidron: Well, it is a five foot wide creek that has fish in it so it has to be some kind of creek.

President Borries: No, and it is not a legal drain west of Pigeon Creek.

Dan Swidron: So it is not a legal drain so it is the homeowners' responsibility--

President Borries: Yes, sir.

Commissioner Mourdock: You said homeowners and I'm not sure that is technically--

President Borries: Property owners.

Dan Swidron: We will be property owners. There is a homeowners association to be eventually formed.

Bill Jeffers: You say that part of it goes through the common area that they use as a common area for their picnic area or whatever for homeowners.

President Borries: Yeah, yeah, they would have to take care of that part.

Bill Jeffers: Another point of clarification, the beehives that he is talking about they are a style of casting that goes on top of an inlet. It is not like a hornets nest, it's a--

Commissioner Mourdock: Sometimes it is!

Bill Jeffers: It's a drainage structure that he was talking about that was covered previously and then opened again.

Dan Swidron: Supposedly, he also flushed out the inlets, at least that is what I hear that he did. No one saw it, however, I've got pictures of my sewer cover, a storm water sewer that blew off, and boards came out of it so if he flushed out the sewers there are still boards and cans inside the inlets. Who do we contact to haul away all the trees that the county chopped down and put on our common area when they corrected the two bridges out there? There is a bridge that goes over that little creek?

President Borries: Mr. Morphew.

Dan Swidron: Okay, thank you.

President Borries: Thank you.

Dan Swidron: The front culvert, is that also taken care of by the county or is that taken care of by the homeowners?

Commissioner Mourdock: Is it under the county road?

Dan Swidron: It is right next to the county road.

Alan Kissinger: If it is in the subdivision then it gets taken care of by the subdivision.

Dan Swidron: Because Mr. Higgins says that it is part of the County Engineer's and they are supposed to cut down the trees that are growing out of the culvert.

Bill Jeffers: That might the side ditch along Streuh-Hendricks.

Dan Swidron: As a matter of fact, it is dangerous because we can't even see outside when we pull out.

President Borries: If it is along the county right-of-way, sir, we will certainly address this. Mr. Jeffers indicates that it may be along a ditch on Streuh-Hendricks Road. We will certainly take that under consideration and see if we can do something on that. Thank you. Thanks, folks, we appreciate your comments here this evening. Please get a copy of Bill Jeffers' report. We will forwarding these--

Bernadette Swidron: Bernadette Swidron, Willow Creek. You've said that you are going to send him a letter and he has to address it. How much time does he have and what happens when you send a letter?

President Borries: Well, we will send him a letter.

Bill Jeffers: He can't build any houses until Section D until he has a final drainage plan because he can't record the plat until he has a final drainage plan approved by this Board for Section D.

Bernadette Swidron: I've heard that he has been preapproved.

Bill Jeffers: Preapproved?

Bernadette Swidron: They told me it was preapproved and that he has already received a letter of credit for Section D.

Alan Kissinger: He may be preapproved for credit, but he is not preapproved for building.

Bill Jeffers: This Board told him at their last review of his preliminary drainage plan that they wanted to see a final drainage plan with specific things on it. The Board asked for specific things to be shown on there and he has not brought that back yet to our satisfaction. Until he gets final approval he cannot record the plat. Or, if the plat is recorded by Area Plan Commission it is in violation of the Drainage Ordinance.

Bernadette Swidron: Okay, thank you.

Bill Jeffers: You might want to stay on top of that, you know, if you hear it is going to be recorded.

Bernadette Swidron: Another question. As far as if he has followed the plat because he has changed them many times. I have many different plats handed to me. As far as the drainage who would we go to and make sure that he followed the proper drainage in A, B and C on the plats? Who could tell us this? No one can tell us. In 1990 it was changed, this has been changed, which plan can has Mr. Hatfield followed. How would we find out which plat did he follow? Was it 1990, 1992 or 1996, which one?

Commissioner Mourdock: You are saying specifically to drainage?

Bernadette Swidron: I would like to know the drainage, yes. We have so much...well, you know the problems so we won't go in to that again. I wanted to know which plan or plat?

Bill Jeffers: You might have to go to someone less confused than I because I'm having a much trouble following it as you are.

Bernadette Swidron: But we are suffering for this. At this time, I know this becomes a joke, but we are suffering. So, if he hasn't followed the plat what do we do? Do we kick him out? What can we do if he hasn't followed the plat which he has to follow legally?

President Borries: You can seek legal action against him.

Bernadette Swidron: But how do we find out if he followed the plat? Who, Area Planning? Who would be the one to say that this is the one?

President Borries: Mr. Jeffers would be--

Bill Jeffers: We have most of his drainage plans of file.

Bernadette Swidron: Has he followed the proper ones? Did he follow the plat?

Bill Jeffers: So far substantially, yes.

Bernadette Swidron: It sounds like a no in there, Bill.

Alan Kissinger: If you can be specific as to where you think there may be a departure from the plan then I believe it could be more easily addressed.

Dan Swidron: Here is an evaluation done by Lyn Miller that says he doesn't even have the location of storms and water systems. He shows no location of specific points where storm water discharge will leave the site. He has no construction details of dissipaters or storm outlets.

President Borries: That may be grounds, Mr. Swidron, for legal action.

Dan Swidron: I mean, he hasn't answered half of these questions that IDEM requires so how can he be filing anything if he doesn't show it?

Bill Jeffers: Is that on his erosion control plan?

Dan Swidron: Yes. This was given to Don Hunter.

Bill Jeffers: That is his erosion control plan.

Dan Swidron: This is for Section C which he is still building in and it is still a mess.

Alan Kissinger: Mr. Swidron, that is erosion control though and I know you don't like to hear it, but this Board doesn't do anything with erosion control.

Dan Swidron: I know, but we were asking about storm water and drainage. He is preplanning for plans and he hasn't fulfilled Section C yet.

Bill Jeffers: Call Lyn Miller and ask Lyn Miller if he plans on

taking any action because of those violations.

Dan Swidron: I called him three times this week and no answer.

Bill Jeffers: Okay.

Bart Gander: I'll be brief, I promise. Bart Gander, 9209 Marfield Court. Just the fact that he has been told over, and over, and over, and over again by Bill, by you guys, you guys wouldn't issue any new permits so for him to start this house, the parade house that Bill referred to, he had to do all these things. He did them and your description to him as to what he needed to have done was 100 percent. One violation and he was out of compliance. I am assuming that he got it between 99 and 100 percent because you let him begin building this house and then he didn't do it right. If you take a look at the street this is what it looks like. That is what it looks like right in front of the new house that he had in the Parade of Homes. That is the erosion control methods he uses. He does it makeshift to satisfy the inspectors for the moment. He is being allowed to continue with these practices and we don't understand why he is allowed to continue to build houses when the first one that he builds in out of compliance with the building code?

Bill Jeffers: It is suspected to be out of compliance or alleged to be out of compliance. The building inspector has not made that determination yet.

Bart Gander: Okay, I was in the Building Commissioner's Office and we discussed that briefly. We are having ours reinspected again by an independent inspector. Roger is sending somebody out. We are getting our things taken care of outside of this Commission, but there are big things with the development that we've tried to address. We took his permits away and we are right back to where we were a year or year and a half ago with this man. We hear talk of these developers promising to do things and we can just laugh because we know what we've been through. We've seen what some other people can do and it is really silly. I guess what we can all do is just quit buying from them.

President Borries: That is a big option. I'm not kidding, you say that in jest, but that is a big option.

Commissioner Mourdock: That is a big option and I'm not a developer, but I want to take exception to something that you just said. I've been on this Board since the first of January of '95 and we have revoked the permit of one builder. One builder.

Commissioner Tuley: Two since I've been here.

Commissioner Mourdock: Okay, two since you've been here. I just want...again, I'm not a developer and I've got no interest there whatsoever, but I heard one developer come to the microphone not ten minutes before you walked to it to say that he was going to correct his problem so don't chastise developers too broadly when you say that you hear them making promises and then you assume they don't deliver.

Bart Gander: I have some knowledge of that situation. I'm not going to get into accusing people of things. I have some knowledge of that situation to lead me to believe that it may be similar. I am just presenting personal experiences and observations of what I've seen compared to what I've had to live through. That is all that I'm doing. I'm not accusing him of anything.

Bill Jeffers: We have builders in this county that when they tell you something you can carve it in stone.

Commissioner Mourdock: Exactly.

Bill Jeffers: One hundred years from now their heirs will come back and complete it if it needs to be and then there are others at the opposite end of the spectrum and all in between. I'm serious. There are people that you can count on every word they say. Good, reputable builders.

Bart Gander: Do you consider Bruce Hatfield one of those men?

Alan Kissinger: This is not really the forum for that.

Tina Gander: Tina Gander, 9209 Marfield Court. I guess what we are asking is that Bruce is up to his old tricks again so are you going to come back out and reevaluate the situation, look at it again and then maybe revoke his permits again?

Alan Kissinger: Ma'am, the only thing--

President Borries: That is exactly what Mr. Jeffers' letter will address.

Alan Kissinger: We are doing that and we can only do that, once again for the 27th time tonight, as the Drainage Board in reference to drainage.

Tina Gander: Yeah, we understand that.

Alan Kissinger: That is what this document addresses.

Tina Gander: We are asking what time frame we are working in?

Alan Kissinger: The time frame is his choice, really, because he is not budging out there until this Board approves it.

Tina Gander: He has plenty of lots in the other sections that he is in violation of to build in. We are asking you to come out and reevaluate the sections. You think he is done in those sections and he is not. There is a lot right next to me that he can build in and as you can see he is in clear violation so come out and reevaluate in that section that he is allowed to build in. Find out that, yes, you're in violation again Bruce. Everything that you promised us three months down the road, you know, and let's revoke his permits again. Eventually we will detour him from even building a home so that you never have to look at another Bruce Hatfield homeowner again.

President Borries: We are going to certainly notify him of your concerns. We will notify him of this letter and action may take place very soon.

Tina Gander: What we are trying to get at is that last time you gave him a time frame to work in and now this time...I mean, he can go tomorrow and build on the lot right next door to me if he so chooses. Clearly, he is in violation all around me, but yet you are allowing him to build another monster home next to me. You are just totally going back on everything that you promised us before.

President Borries: Ms. Gander, we are trying very hard to work with you on every aspect of this and we are not going back on anything. We will, I'm sure, because we know that we are very familiar with

your concerns and the concerns of your fellow residents and I'm sure by a month from now that we will have further information about Mr. Hatfield's intentions.

Tina Gander: So you are asking us to...and another thing, just a suggestion. I think if you could ever enforce this, but if you had a builder come every time someone was to complain against him, I really bet that the complaints and the builder's actions would sort of become in line.

President Borries: We can't do that, but you can. You can walk right over here to that court and you could sue Mr. Hatfield. I would venture to say that he would probably appear.

Tina Gander: Do you think? I don't know, he's got a really good attorney, I'm sure you guys know him.

President Borries: I'm sure that if it's a legal matter that it will be--

Tina Gander: Anyway, I guess I'm just confused why this time is different from last time.

President Borries: Nothing is different.

Tina Gander: Last time he had to be 100 percent and now we brought you documents proving that he is not 100 percent and now we are just going to let it go and tomorrow he could start building on the lot next to me and create a bigger problem for everybody else. I just don't get it.

President Borries: Nothing is different.

Tina Gander: So he could build tomorrow on the lot next to me even though tonight we've shown you pictures that he's in violation. He wouldn't allow him to build in the next section, but he can build next door to me?

Dan Swidron: You even gave us your word.

Tina Gander: That makes no sense to me. He can't build in the other part of the subdivision, but right next door to me he can build.

Dan Swidron: You keep shaking your head, Mr. Kissinger, but we've got a real problem.

President Borries: No, we don't have a problem.

Dan Swidron: He is in Building Code violation.

Alan Kissinger: Mr. Swidron, I understand that you have a problem. Everyone on this Board understands that you have a problem.

President Borries: We know that you have a problem, Mr. Swidron. We are not going to debate it. We will be seeking--

Dan Swidron: Then why promise us? We took you gentlemen on your word the last time that you said that.

Bernadette Swidron: One violation, one violation.

Dan Swidron: Right? We know what happened the last time.



Bernadette Swidron: You promised.

Dan Swidron: Everything came down on you so you changed it and gave his license back. The man doesn't deserve to have his license until all the Building Code violations are corrected. He is building the same home over and over. Drainage problems...every day we have to look at this man and Mike knows it. Mike is getting tired of coming out there.

President Borries: I'm sure he is. Thank you, Mr. Swidron. Thanks folks for coming in this evening.

Bernadette Swidron: I have one more question. Next week, (inaudible comments not made from microphone).

President Borries: Hopefully, we will, yeah. We will definitely be considering his response to this letter. We meet once a month.

VOIGT ROAD

President Borries: Okay, Voigt Road, do we have some folks here from Voigt Road this evening?

Kevin Korff: My name is Kevin Korff, I live at 3530 Voigt Road. What Pat started to say, but I guess he gave up.

Commissioner Tuley: The other Pat, the other resident, not me.

President Borries: We appreciate you not giving up, Kevin, but we do have to be fair to all people and be polite.

Kevin Korff: Right, that's true.

President Borries: We had a law enforcement officer here and he had a special need.

Kevin Korff: I'm just trying to reiterate what he was asking. Richard and Patrick were more than kind enough to spend a truckload of time out there with us and listen to all of our gripes and complaints and all our tales of woe.

Commissioner Mourdock: I'm glad you didn't say a boatload!

Kevin Korff: Yeah.

Commissioner Tuley: John, were you able to get out there and look?

John Stoll: Yes.

Commissioner Tuley: That is the question because I told him that I would have to get a hold of you. That big ditch that runs parallel after Voigt swings around that corner and turns into Hedden is that in the county right-of-way? That ditch is in bad shape and I know that as long as it runs along side that road at least part of it may be in our right-of-way.

John Stoll: Are you talking about the one that runs northwest southeast at the end of the road that runs out into the fields?

Commissioner Tuley: Yeah, and as it goes down along Hedden...that area where it runs parallel along Hedden and then it makes a hard right and goes straight back and tries to get into Ferlick Creek, is that what you guys call that?

Bill Jeffers: Ferlick Creek, yes.

Kevin Korff: Are we talking about the same one? The one that T-bones into Voigt right across the street from it?

Commissioner Tuley: Yeah, that's what I am trying to find out. The one along the road there, the big section of it, I think is probably in our right-of-way and I think that we can work with trying to get that cleared out, but once it makes that hard right turn and heads, I'm going to call it directly east, I think we run into a legal problem as you have sat here long enough tonight to hear that if is on private property--

John Stoll: Right.

Kevin Korff: See, that wasn't made clear. I've learned something tonight.

Commissioner Tuley: We have too, because I know you said that Mr. Schlensker which I wish...is he here?

Kevin Korff: No, I couldn't get a hold of him tonight. He is a hard person to catch.

President Borries: It is probably going to get harder now.

Kevin Korff: I've also heard stories from folks that have lived down there--

President Borries: Why don't you get a little closer to the microphone.

Kevin Korff: Excuse me. I've heard stories from...I've only lived there six years, but I've got other neighbors that have lived there since the beginning of time and they said that at one time the county did come out and clean out that ditch.

Commissioner Tuley: Which part now?

Kevin Korff: The part that we are talking about. The one that is all grown up.

Commissioner Tuley: The one back there next to the lovely addition to your...your neighbor that doesn't maintain his property real well?

Kevin Korff: Yes.

Commissioner Tuley: When we were standing out there in a mosquito field?

Kevin Korff: Right, that ditch. That is the one.

Commissioner Tuley: That is the portion of the ditch where the problem is. I don't think there any question that is where the real problem is.

Kevin Korff: Okay. His wife told us that the county had been out there before and cleaned that out, but it has been about 15 or 20 years ago. You can tell it has been quite a long time.

President Borries: It was before me.

Kevin Korff: What we have done in the past...you know, the county

cleaned it out before, but I guess things have changed.

President Borries: I can tell you personally that I cannot recall that. I can tell you personally that I would never agree to ask the county to clean up anything on private property. I cannot do that. It is illegal for us to do that. I can tell you that. I don't think it has ever been done.

Bill Jeffers: I think the bridge crew did some work down at the end of the road.

President Borries: It had to be on county right-of-way.

Bill Jeffers: There was a culvert involved.

Kevin Korff: You fellows were out there, that's a big job.

Bill Jeffers: Is there a culvert involved in this?

Commissioner Mourdock: There is a culvert that goes underneath Voigt Road after it turns and runs north/south and it is probably a 30 inch culvert.

Bill Jeffers: I think a long time ago in the '80's we did a culvert replacement out there, but I don't remember cleaning a ditch.

Kevin Korff: Would that have been about right, Jim?

Commissioner Tuley: They named Roman Gehlhausen and who else was Commissioner when that happened?

President Borries: It was before me. They are not on this thing then.

Commissioner Mourdock: You've been here since time began.

President Borries: Well, no. Roman Gehlhausen isn't on this one and this building was built in '69.

Commissioner Tuley: They've got several problems and I'll try to draw it out here. But along Hedden Road here if that's ours and we clean that out that is all fine and good. When it makes this hard right and heads due east, which is where you are talking about where it reroutes into the field, we will see what we can do. I think the question was asked is this private property or is it county?

Kevin Korff: It's probably private property.

Commissioner Tuley: That's where the bottom line is. That thing has narrowed down to not a quarter as wide from where I'm sitting and he's standing and it is grown up with trees and brush and crap, for the lack of a better word, and the water cannot continue east and then it backs up on them down here. They've got a similar problem in that there is a huge ditch that comes off of Oak Hill and runs due east there at about half way between Hedden and Oak Hill that someone has filled up with a bunch of cut brush. That water comes down running east there and it hits that brush then overflows down there at your house. There you go, all that water runs over on them. That wasn't an accident. There is no way that the brush pile was an accident. That brush pile was deliberately put in there by somebody.

Bill Jeffers: Those are the types of things that the law on July

1st will address.

Kevin Korff: The original ditch that you were talking about is not on your map there.

Commissioner Tuley: I don't know.

President Borries: What we can do here is and you've heard a lot of information being repeated.

Kevin Korff: Yeah, new legislation.

President Borries: We are going to look at this July 1 law. We can identify...if it isn't on Commissioner Mourdock's map, which is very helpful, but if it's not on that map we can't do it. What we can ask is to identify who the property owner is and send them notices and there could be, and I want to stress could until we get a legal opinion on what we can do, some action could be taken to fine him should he not go through with the request to improve his property. Or you need to talk to him personally. A lot of this, frankly, is just kind of...you know, whose water is it? Sixteen inches of water and we've been battling this thing forever and ever. Frankly, sometimes it is just a one on one where you go talk to this person and you say your property is causing the rest of us a problem will you do something about it?

Commissioner Tuley: Well, they did talk to him.

President Borries: What did he say?

Commissioner Tuley: He was going to give us whatever permission we needed to cut across his property.

President Borries: Oh, that's great! I bet we get a lot of permission like that.

Commissioner Tuley: Well, yeah.

Kevin Korff: I send a lot of money twice a year, too. I thought that was part of my property taxes.

President Borries: No.

Kevin Korff: I guess it is not.

President Borries: No, this is not property taxes.

Bill Jeffers: That all goes to the school corporation.

President Borries: This is not property taxes and you wouldn't want us to work on someone else's private property if it was illegal, Kevin. You know you wouldn't.

Commissioner Mourdock: Maybe if it was somebody else's private property!

Kevin Korff: Flooding up my house, I'd take a chance on it.

President Borries: That's why I said it that way.

TAPE CHANGE

Nester Heerdink: I'm Nester Heerdink and I live on Voigt Road. I want to know when I bought my property I got an easement on one end

of it and it was supposed to be for a right-of-way. I give six feet and the other person on the other side gives six feet. It's a twelve foot right-of-way. Now, who takes care of that right-of-way?

President Borries: You take care of your six feet and the other guy takes care of his six feet.

Nester Heerdink: You've been talking like that all night.

President Borries: That's the way it works.

Alan Kissinger: Mr. Heerdink, is there anything built on the right-of-way?

Nester Heerdink: No.

Alan Kissinger: No road, nothing such as that?

Nester Heerdink: No, we've stayed from it and everything. The farmers can't get over there with their big machinery to even get close to where a ditch used to be. It used to Amos Voigt's property and he used to keep a ditch through there.

Alan Kissinger: Then what Mr. Borries had told you is totally accurate.

Nester Heerdink: Okay, thank you.

President Borries: Does anyone else wish to speak on Voigt Road?

Pamela Costello: My name is Pamela Costello, I live at 3636 Voigt Road. The stream that comes down Oak Hill Road that is blocked by that big area of brush is there nothing that we can do about that? That's private property also.

Alan Kissinger: If it is private property then the answer to your--

Pamela Costello: Has that been determined?

Alan Kissinger: We're not sure what you are talking about.

Commissioner Mourdock: I'm not exactly sure where it is, but if it is on--

Pamela Costello: Mr. Tuley was with us.

Commissioner Tuley: I know where it is.

Commissioner Mourdock: --county right-of-way.

Commissioner Tuley: I'll show you. You walked this part with me and you got as far as this, but if we go down she lives right here and there is this thing, this big ditch and it's a good sized ditch and it comes down off of Oak Hill Road and goes this way and it does kind of like a little S turn here and it really gets very small at that point and time. I don't know if that's a legal drain or not.

Commissioner Mourdock: Point on here where it's at.

Commissioner Tuley: The brush is here.

Commissioner Mourdock: Here is Voigt Road.

President Borries: Yeah, see there is nothing there.

Commissioner Tuley: There is nothing back there indicated by color. This is a situation where--

Commissioner Mourdock: Yeah, the only way we would have the right, authority and obligation to clean it is, again, if it is a legal drain, which clearly it isn't or if it is in the county highway right-of-way, but it sounds like by what you're saying that it is not. It is not immediate adjacent to Oak Hill Road.

Commissioner Tuley: Because no one actually saw the person do it, at least no one, when I was out there that night and maybe this came up before you left I don't know, really wanted to identify. That was deliberately done.

Pamela Costello: You can see, too, on that fateful Sunday when all of the water came that the water was following the stream bed pretty reasonably and should have gone back out towards Millersburg, but when it got to that it just sheeted right out over my yard and the yard next to me. That would not be a...that is not heavy equipment that is a match to take care of that. That is not a big deal.

Commissioner Tuley: If no witness saw who put it there then maybe no witness will see who burns it out!

Pamela Costello: It's hard to say. It's been there and it mysteriously grows. It has grown for years. It is obviously an obstruction, but what recourse do we have?

President Borries: Find out who owns the property?

Commissioner Tuley: They know.

Pamela Costello: I'm not sure because there are so many farmers who farm down there and some of them own property and some of them lease and farm. How do we find that out.

Commissioner Tuley: John, do you know what I'm talking about? I'll go out with you and show you where it is. Once you go to where Hedden actually dead-end and you look back toward Oak Hill then you can't miss it. That's the ditch that we are talking about.

Pamela Costello: Just look for the one with the big brush pile!

Commissioner Tuley: You can't miss it.

Pamela Costello: Thank you.

Commissioner Tuley: I know I've sat here and said this all night long. I don't know if July 1st takes care of this problem because the word intentional really disturbs me in the way that law was written. If a person refuses to keep the ditch cut and cleaned out is that intentional?

President Borries: That's why we're--

Commissioner Mourdock: It depends on what the court says what it is.

Alan Kissinger: Especially if they have been put on notice. If they dump something in there then there is absolutely no question. Commissioner Tuley: That's the one over here, but what is really

happening in the original creek or ditch or whatever it is has just been allowed to grow up over the years.

Commissioner Mourdock: Is the absence of regular and routine maintenance intentional?

Alan Kissinger: It certainly is. The county pays--

Commissioner Tuley: Then July 1, Kevin, may be our answer. I want to say "may be".

Kevin Korff: Okay.

Alan Kissinger: As a matter of fact, this Drainage Board pays thousands and thousands and thousands of dollars every year to maintain its responsibility for those ditches and every property owner has that same obligation. We are doing nothing more than meeting our obligation. Yes, it is an obligation to regularly maintain.

Commissioner Tuley: It has not been maintained for I don't know how many years.

Commissioner Mourdock: Anyone else on the Voigt Road situation?

President Borries: Thanks folks. We will do what we can on the county right-of-way and if you help us identify who the property owners are, then we'll help you jawbone with them.

Commissioner Tuley: Does Mr. Schlensker actually own that farm ground do you know? He does, it's not leased to him?

Unidentified from audience: He might have leased out to someone else.

Commissioner Tuley: But he owns it?

Unidentified from audience: I believe that he owns it, I'll find out.

Commissioner Tuley: We can find out. We'll get our engineer to find out who owns that property out there and go from there. I'm not trying to put you guys off, I'm just trying--

Kevin Korff: There is only so much you can do.

Commissioner Tuley: Well, legally there is only so much we can do so what I am trying to do is if we can identify who those owners are and that makes me feel better that someone refusing to clear out...I'm mean, that is what the obvious problem is. We can clean out that ditch along Hedden, but if there is no place for that water to go once it goes east then that is not going to help much. That is why we have got to get that cleared out somehow. Maybe the July 1 law change will be the tool that we need. We will, in the meantime, start working on identify those landowners.

Unidentified from audience: (inaudible comments not made from the microphone)

Commissioner Tuley: Where is John?

President Borries: He's here.

Commissioner Tuley: John, do you have someone on your staff that by the end of this week can identify who those landowners on?

John Stoll: All around that whole area?

Commissioner Tuley: Yes. Can he call you.

President Borries: Thanks.

Radio Road/Walnut Road
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President Borries: Radio Road/Walnut Road.

Commissioner Tuley: That's these guys and they've got a different problem.

Mikki Heck: Good evening gentlemen, it is quite late and all of us are tired so I'll try to keep this as brief as possible. I have been doing some excessive research. By the way, my name is Mikki Heck and I'm resident of 11700 Walnut Road and Hillsdale is my subdivision. The purpose of this meeting today with the Commission is to express the concerns the residents from the Hillsdale Subdivision. The recent rainfall which has brought to Evansville a total of 18 inches and above normal to today's date. Our research has shown that this is a natural waterway. I am passing a map out for each of you to observe the elevation this area. The elevation of 405 is the subdivision of Hillsdale, which you can see Radio, Campbell and Walnut. On this orange outline that you can see is all the extending areas that we around us that flows to this area. Our subdivision has been built in 1927. We also have gone back to do research that are area has also been founded in 1840. This is a natural waterway and due to the higher elevations we are getting flooded majorly. Not only through the creek banks, but on the property lines before the creeks are even filled. This issue has been addressed to this Commission in 1977. I also have a flyers on this when this was address, too. This issue addresses the safety of this community plus the fast growth of the community around us. At one time ten years ago this was all a natural wooded area. At this time, with our diagram here, you can see all the development that we've got. This is our creek coming here. This elevation up here is one mile radius from Highway 41, Boonville-New Harmony, intersection at Browning, Browning Road to Hillsdale, Hillsdale back to 41 is a one mile radius. This subdivision of Hillsdale contains 80 homes that are over 40 years old. We've been here longer and I'm not saying that we have any rights, but we have nice homes here in this community and we would like to keep them this way. The Drainage Board has done something in our creek before in 1977. They only did sections of it. I would also like to bring to your attention on my map and diagram is that there are two bridges that are desperately in need. They are only one ton bridges and they were placed in 1960 and farther back then that. The first one that I would like to show to you is on Radio Avenue. The second one is on Campbell at the 800 block. This is also a one ton bridge. A BFI trash truck is four tons. If you order five tons of gravel for your home the residents have to cross these bridges to take this rock to there home, a safety violation for us. Our concerns are the safety of the residents of this neighborhood is also deeply to our children. I would like to indicate this by telling you a few things that have happened in our area. We are not going to give you any sad stories about our personal property damage. All we are going to do is tell you of the things that we have seen in our roads floating downstream. I would like to begin by telling you that we've had railroad ties float 100 feet downstream and this is on the road, by the way and the creek is not



full. Also, I have indication of neighbors having an S-10 truck in their driveway that was moved a foot in their driveway due to the swift current. Recently, on June 9th we had a house fire on Radio Avenue in the 800 block. Scott Township Fire Department was alarmed to this. Lightening had struck an older woman's home. Due to this we had a massive rainfall going on and tornado warnings also in the area. We had a two/two and a half angle hose from the hydrant at Walnut and Campbell to the bridge where the fire truck was laying. There was 150 foot of hose out. It was caught in the current and Fox 44 viewed this on live footage. We had water rapids going across there therefore the fire engines were not allowed to cross this water due to dangers to their volunteers and to their equipment. I have a video tape here that I would like to show you. This is of several different floods. This neighborhood has been flooded out five times and there again I'm not going to tell you about our personal property damage. We will take care of that. We are also willing to work with the community to help them. I have been coordinating with M & W Concrete to know when the concrete culverts are to be delivered in our neighborhood to coincide with the County Highway to have ditches dug in our areas to help alleviate this problem.

Commissioner Mourdock: The last comment that you just made--

Mikki Heck: That I have been coordinating with M & w, yes? I have been doing all that to make sure that the concrete culverts are out so that the county will do this. At this time they are only doing from Walnut at Radio Avenue to Campbell.

Commissioner Mourdock: The county is only doing what?

Mikki Heck: That section. There are nine more parts of the road that needs to be addressed.

Commissioner Mourdock: Doing that section of the road?

Mikki Heck: Of culverts, sir. Okay?

Commissioner Mourdock: Parallel to the road?

Mikki Heck: Parallel to the work, yes, with our easement. This is a view here of one of the early spring and you will see that the trees aren't even budded. This tree that was in the front yard was just planted a week ago and it is laying down. This is before the creek is even filled. The ball diamond behind us is completely engulfed. Cindy is going to fast forward so we don't keep your time. This is traveling south and we are looking west at this direction. With this water hose we are scared that one of us, a vehicle that is going to stall in this water or possibly an adult is going to be killed and we don't want to be another victim as we have already had in the tristate. This is the bridge that I would like to see replaced. It is a bottleneck to the water flow. Also, cars cannot pass there due to the height of the water. Also, you see that we have no indication that we have high water there. The county overlooks us. We are fast forwarding it and we are going to take you on the opposite end down here on Walnut/Radio at the intersection of Campbell. This is where the house fire was at six weeks after this. This is the creek out of its bank, as you can see. We are not professional photographers, by the way. Now we are at Walnut and Campbell as the videotape shows you. Now I would like you to observe the bridge that we are using down here and this is where the house fire was at and you will see this in other video tape that we have. This is where we lost our water hose. We had to tie it off to that bridge and keep it attached to the plug.

This truck will not cross the road due to the swift current. Again, there are no signs indicating high water or danger to our community. In this you are looking west. Here we're looking south toward the neighborhood off of Campbell Road. Just a few moments here you can see the Scott Recreational Ballfield. The state has put in two tiles up close to 41 on the easement. It is on the other side of the fence and it has not been dug out in years. We are also accumulating the water from this area over in this creek and as you can see we can't handle anymore water, due to the fast growing development in our area. This is Hillsdale and you have no way in or out of this community at all. By the way, I must say that down here on that end of the road they do have concrete culverts and they are up to standards, but there again, due to the rapid growth and development we are not holding up with the water coming down to our low lying area. One of the highest elevations in this community of the new subdivision is 550 to 600 feet in elevation, and it does say that on your elevation map, and we are at 405. This video here that we have quickly viewed will show you that the water has filled the streets and has not filled the creeks. This is on the east side of Walnut. The creek is not even full. She is walking down through the water through the property lines there. These are two different separate storms. Again, I will remind you that this neighborhood has been flooded out five times this year. We have been trying to pursue this issue since 1994 due to natural rainfalls our streets are flooded. Not on any abnormal rain which we've had this year with 18 inches above normal. There's the creek.

Unidentified from audience: Can you run it back this way again?

Mikki Heck: Right there.

Unidentified from audience: Right there. Okay, that was cleaned out in 1977 (inaudible comments not made from microphone).

President Borries: Is it a legal drain?

Mikki Heck: Yes.

President Borries: It can't be.

Mikki Heck: It is a natural waterway.

Unidentified from audience: I want to ask you something. That creek is about ten foot deep and it is about six foot across and if they ain't a natural drain then I would like to know why? I want to know why you go down on Boonville-New Harmony Road down past the Hornets Nest down there and clean those damn ditches out that aren't even a foot deep?

Commissioner Mourdock: The question is whether--

Unidentified from audience: What?

Commissioner Mourdock: The question wasn't if it was a natural drain.

Unidentified from audience: If that is not a natural drain, that's not a little--

Commissioner Tuley: You need to listen to the explanation or you won't learn.

President Borries: Sir, that has nothing to do with it.

Commissioner Mourdock: That is not what I was saying. The question is not whether or not it is a natural drain, that's not the question.

Unidentified from audience: Is it the county or us that cleans it? Is it personal property or private property or county? I'm saying it is a county ditch because they've cleaned it before.

Commissioner Mourdock: The question is whether it is a legal drain and by legal drain what we mean...again, it has nothing to do with natural or artificial, but what a legal drain is that it is set up as a taxing authority.

Mikki Heck: Correct.

Commissioner Mourdock: Because the taxing authority of the watershed then pays to clean that drain. It is really a tax term when you say legal drain. Only these colored areas on this map are legal drains.

Mikki Heck: There was work done. Sir, Mr. Richards or Borries, there was work done. A resident that has lived there since 1950 saved this literature to present this to the Board. The work was completed on that date. Even though it was petitioned to the Commission he held on to all of his information and the drawing on the underneath side shows you the designated areas that were cleaned. There were two areas that was cleaned. One was there at the bridge on Walnut Avenue and that is west of the bridge and then also behind the General Baptist Church because they felt that it was bottle necked.

Unidentified from audience: (inaudible comments not made from the microphone)

Mikki Heck: Also, I would like to remind you on your flood plain maps if you would like to pull those back to your attention you can see that we also have Little Pigeon Creek. You were also addressed about the subdivision going in over at Darmstadt and this is also going to effect us because that goes in to our drainage area as well. The lady up on Red Gate, again, this effects us in this small community because this creek comes by our homes.

Bill Jeffers: How long did it take that creek to actually fill up with water? You showed us how the yard flooded--

Mikki Heck: Correct. It takes two and a half to four hours before the water subsides enough to where there are passable conditions in the neighborhood.

Bill Jeffers: The question was how long does it take the creek to fill? How long on June 9th did it take that creek to fill all the way up out of its banks?

Mikki Heck: The video does show it from the time it begins till the time it ends because if you document the time and she rewinds it back...

Bill Jeffers: Keep running it until we see the ditch out of its banks.

Mikki Heck: This is also due to the higher elevation of development that is going on. We have a waterfall going on up here at the elevation and it is drowning us also in the lower elevation at 405. This property owner has nothing. He doesn't even want to help us.

Erosion, suet, there is a drainage tile that goes underneath this that is not holding the volume of water that he is protruding on us.

Mike Wathen: Is that O'Riskey's property?

Mikki Heck: Yes, sir it is.

Mike Wathen: He has water coming from another property going onto his and through him--

Mikki Heck: No, it's up on the back where he is digging it out.

Mike Wathen: My point is this. Assuming that the high bank is his property, and I understand that it is, the water that we saw in the pictures comes from a third party onto him, through his property and then on to another property so the part behind him, this where the water is moving from he doesn't own.

Unidentified from audience: Well, I'm not for sure.

Mike Wathen: Obviously, somebody owns it. I simply saying the person who owns the property--

Mikki Heck: If you give me just a few moments, I've got a plot map and I'll share that with you.

Mike Wathen: I doubt (inaudible comments not made from microphone).

Unidentified from audience: I agree and I realize there is nothing that you can do about the water (inaudible comments not made from microphone).

Bill Jeffers: Which road is that?

Unidentified from audience: This road here that is coming down and going across is (inaudible comments not made from microphone).

Bill Jeffers: Down there where this gentleman here lives, I want to know how long it took to get the water to come out of Little Pigeon Creek? Did it every come out of the banks?

Unidentified from audience: Yes.

Unidentified from audience: A couple two or three hours.

Unidentified from audience: On a normal rain (inaudible comments not made from microphone).

President Borries: Could you sum up, please, it is very late. I'm sorry, but we just--

Mikki Heck: I understand perfectly.

President Borries: Folks, we've really got to--

Mikki Heck: Thank you for viewing the tapes because the tapes really say more than what we could ever say to you. Also, in the conclusion of this there is current work being done, as I spoke earlier. Nine of the areas need to be addressed and only two have so far. Not including the bridges or anything where the state could help us with the overflow of this creek or natural waterway. If so, is the county going to guarantee that the rest of the subdivision will be taken care of? If not, is this water going to

go straight to the creek or is it going to flood us in the community where we are isolated and can not get emergency help or any further assistance if an emergency should arise during these rainfalls. The last thing that I would like to close with is our petitions. We have 80 residents and we have 60 names on this wanting something done because they cannot enter as well. This is also on the higher elevations to the lower elevations. Gentlemen, thank you for your time. If you have any questions or comments, feel free to contact me and I'd be glad to answer any further questions.

President Borries: Ms. Heck, thank you for an excellent report. What we will need to do is certainly to take everything that you have here under our examination. You've heard this so many times that I know it sounds like a broken record. Frankly, bridges are very expensive to do and we have to budget for those. We don't have unlimited funds and we will do as much as we can as quickly as we can there. I don't have an exact time line for you, but if you will please leave all of your information to give it to the County Engineer's Office--

Mikki Heck: Sir, I wish not to leave it with the County Engineer. In 1995 he was out to view this and there was not further action done, the tape was never returned and therefore we had start from scratch again.

President Borries: If you would prefer to make copies than, but whatever you can leave with us in order for us to, for example, to look at the nine areas and see if those are along county right-of-ways. We can look at what cost we are talking about and we certainly will.

Mikki Heck: Okay. When should I come to address the Board again to find a final decision, sir?

President Borries: Well, you are going to have to give us a few weeks as you heard, we've had three and a half hours here of testimony here tonight, ma'am. I wish I could give you an exact time line, but I think it is going to take us a couple of months to do this. Again, you can help us if you can...we will try to identify those areas. I can tell you that whatever this petition is may have been a petition that has to do in terms of forming a legal drain, which as Commissioner Mourdock talked about, is a taxing area and it doesn't indicate that there was any work done on that drain? Do you see anything on that Bill, other than a petition of that.

Bill Jeffers: We need to find the minutes of that meeting.

Mikki Heck: Yeah, there is minutes.

President Borries: Yeah, we'll have to look at that.

Mikki Heck: It is documented, there is signatures on there and everything like this.

Bill Jeffers: The Board either took an action to adopt it as a legal drain or not to.

President Borries: That is what we need to find out.

Commissioner Tuley: What they are saying is that we have got to the December 19th minutes and pull whatever action they took.

Mikki Heck: Yes, because like I said, we've got the signatures and everything on there for further document research. This is information that I cannot get into. I don't think so, I've tried. I've been at the Civic Center for hours and hours researching this project.

President Borries: You've done excellent work. I appreciate all you've done.

Commissioner Tuley: We need to coordinate something though. They are getting conflicting information from different departments about what is going to be done.

Mikki Heck: Yes, because I'm having to coordinate when the concrete tiles are to be delivered so that the work can be done. I've got residents that signed this petition saying, well, you're only taking care of me?

President Borries: But that's our problem. We can't take care of everybody at once, we cannot do it.

Mikki Heck: I understand that.

President Borries: If it has to do with culvert and that thing then that's our County Highway and that is John Stoll. If it's erosion it has to do in terms of certain development then it has to do with Mike Wathen, Soil and Water Conservation. If it has to do with legals drains--

Mikki Heck: This is all the easements next to the roadway, sir.

President Borries: --legals drains and subdivision review then that would be Bill Jeffers. If it has to do along with the roadway then that would be our County Engineer's Office.

Mikki Heck: I also have a copy of my deed that says that you have so much access of county access on my road for an easement for electrical, sewer or any type of drainage tiles, okay? So that is not going to be a problem.

President Borries: The problem is that we have to find out where the right-of-way is on that. An easement isn't good enough, okay? Public easements, just as you heard the other gentleman, you can have a wide swath of public easement, but unless the county has done something in that area there that is part of what we call a right-of-way then we really can't do any work in that.

Mikki Heck: Okay.

Commissioner Tuley: My point is tell me what you told me in the break room earlier. Remember you said that one guy said they were going to do it all the way down this road this far and then another department says no.

Neta Smith: Mr. Morpew said they were going to do the whole neighborhood and that it would take four to six weeks. When a neighbor farther down on Walnut Road called Mr. Higgins to find out what type of concrete culvert he needed they said that it wasn't going to be done there.

Commissioner Tuley: That is what I am talking about.

President Borries: It is a lot like we've got a whole bunch of people telling different people things. I'm telling you that here

is a department head, John Stoll, and he will talk with another department head, Bill Morphew, and those are the two gentlemen who can help prepare us reports. You are going to get conflicting reports from a lot of people.

Mikki Heck: Like I said, the neighborhood is united as you can see in this petition. We are keeping annual visits up with them so that they do know what is going on and they are aware of what is happening. Like I said, we are just wanting some response back so that we can work with this community effort to get this project taken care of.

President Borries: We will give you that response and we appreciate what you've done this evening. Thank you very much for all your work.

Neta Smith: I'm Neta Smith, 11715 Walnut Road. You keep talking about private property owner and whether it comes to whether it is county or half and half or whatever. We do have a volunteer list of people that are willing to help if that will help us.

President Borries: We just can't work on private property.

Neta Smith: Right.

President Borries: It is just that simple.

Neta Smith: That is what you were going to find out whether it was private property. We were told that it was a county road ditch.

President Borries: If it is a county road ditch, then we can do work on it.

Neta Smith: Okay.

Commissioner Mourdock: What you are saying, Ms. Smith, if I understood you is even the volunteer group that you are talking about is willing to work volunteer in the county road ditch. Is that what you are saying?

Neta Smith: Right.

Commissioner Tuley: Whatever it takes to get there.

Neta Smith: We were told about a law that might go into effect July 1st to where the property owner would be taxed for...not taxed, but charged for and because of the elderly folks out there that can't do it themselves we got the volunteer list.

President Borries: Okay, I see where you're headed now.

Neta Smith: As far as the water. I understand that nobody can stop the water. If they could just stop the mud, the gravel, the debris. Thank you.

President Borries: I think we all probably ought to say a prayer as we end this meeting.

Commissioner Tuley: We still got one more to go.

Commissioner Mourdock: At least one more.

Commissioner Tuley: The one thing that we can't do, we cannot control 16 inches of water I can tell you that.

Harry Ledford: My name is Harry Ledford and I live next door to Neta here or across the street from her and I'm at 11711 Walnut Road. The only comment that I have and I see it we've had five or six subdivision that have went in the last three or four years and I think it should be the responsibility of city government or Drainage Board or whatever--

President Borries: County.

Harry Ledford: --the county to curtail some of these subdivisions until they get a water drainage report. Just like with us we have so many that have went up out there in our neighborhood across Old State that they can't foresee what is going on until it is too late. I'm not against development, but I am against development in places where we have no storm drains and we have nothing to curtail water. That is what is happening in our community right now out there with us. We have no place for it to go and they keep building and keep building. Eventually, we get all of it because we are the low part of the neighborhood and they are planning another, I understand, on the other side of Hillsdale. That is going to be even worse. That's my comments and I would appreciate if they would just stop and look at our city and say, look, we can't have anymore of these developments unless we know where it is going to go to. When is the last time that we updated our sewer board, or drainage downtown here? Have you ever built on to it to make it bigger to handle all the sewer? I don't think so, so where is all the money going to that we keep paying sewer bills to improve and handle all this water and building these storm drains should be going down there to take care of the water.

President Borries: It's a tough problem, but real quickly you are not paying sewer bills.

Harry Ledford: Yes we are.

President Borries: Well, if you are paying water and sewer then you are paying for city water and you may be paying for some sewers that have been installed in that particular area, but insofar as paying city taxes, you're not paying that.

Harry Ledford: We don't pay refuge pickup. We pay city water and city sewer.

President Borries: Thanks.

Nikki Smith: Gentlemen, try to get an early night!

President Borries: Yes, sir.

Scott Hurt: Hi, my name is Scott Hurt and I live at 1113 North Helfrich. I just recently purchased property in the Moss Creek Subdivision, Lot 14. I would like to tell the Board that I am requesting permission to put in a pipe that would cover a ditch from a lake in the subdivision. The lake overflow runs through my property and it is my intention to put a pipe. A few short comments. I was told by Mr. Jeffers that he wanted an engineer to take a look at that and give him an estimate of how much water would be going through that pipe. I did that. The engineer that I hired also gave a recommendation of the size of pipe that needed to be in there. This was sent to Mr. Jeffers. When I approached him and asked him about that he told me that he lost it. He lost the paper that my engineer had sent him. I believe at that point, he called my engineer and asked for a second copy to be sent over. I have a question. Will I have to pay for that second copy?



Bill Jeffers: I'll pay for it.

Scott Hurt: I was also told to be here tonight that I would be on the agenda and we could discuss the pipe that I wanted to put in. I can see that I wasn't on the agenda. My paper that my engineer made, I guess that would be a site plan, a large white piece of paper. I did get a chance to see it at my engineer's office and I apologize that you don't have that.

President Borries: Who is your engineer?

Scott Hurt: Veach Nicholson on Franklin Street.

President Borries: Okay.

Scott Hurt: But Mr. Jeffers didn't bring that tonight. You didn't lose the second one did you? Thank you. Anyway, I was told outside that basically I came here for nothing tonight. My questions from you are what do I need to do to get this moving to proceed and what kind of time frame are we talking about.

President Borries: I would suggest that you need to call Mr. Jeffers tomorrow to verify that he has all the papers that he needs and if he does then we can take action on this at next months meeting.

Scott Hurt: Okay, I have called Mr. Jeffers--

President Borries: If he does not have the information that he needs then we cannot take any action.

Scott Hurt: I have called Mr. Jeffers six times in the last three working days and he has not returned any of my calls. The day that I went up there early last week I even left him my work number and my home number and I've still not had any response from him.

President Borries: Well, your comments are duly noted.

Scott Hurt: That is another reason why I stayed so late tonight. I do want that on record for any future legal proceedings.

President Borries: We will ask Mr. Jeffers if he can talk with you tomorrow to get the information that he needs and we can, again, maybe take action next month if Mr. Jeffers has all the information he needs to make the recommendation.

Scott Hurt: Can I ask Mr. Jeffers is there anything else he might need that I can give you?

Bill Jeffers: I heard mention of some legal proceedings so I have nothing further to say.

Scott Hurt: Yes, sir. I have done everything that I have been told.

Bill Jeffers: I have nothing further to say.

Scott Hurt: That's the problem, you haven't said anything. I would also like to tell the Board that the first day that I went up there after I had done everything that I was supposed to I asked Mr. Jeffers if he had my paperwork from Veach Nicholson and he told me that he hadn't looked at it and that it would do me no good to come here and ask to put in a pipe on my property because he knows that in a few years I am going to come back on him and it is going to be

his fault because my pipe doesn't handle the amount of water that it is supposed to. I told him, you haven't looked at my paperwork, you haven't viewed my property and you don't even know what I want. He had so many complaints, so many people from subdivisions have been calling and complaining that I was going to be one of those people in a few years. Again, I think that is very unprofessional and maybe even an abuse of authority here. He is the one that I am going to have to go to get permission or a recommendation to put this pipe in. If I don't get it then it is pretty obvious that I'm not going to have any luck with my property here. We have really started on a bad note already.

President Borries: Well, maybe we can rectify this by saying that Mr. Jeffers has heard your concerns and complaints and we have. Hopefully, we can resolve this within the next month. I'm not clear either though, Mr. Hurt, as to exactly, again, the nature of this pipe. I guess I would need a whole lot of information myself so again maybe we can get all this...again, our contact person and our technical advisor is Mr. Jeffers so you just need to do that. I don't know exactly what the purpose of the pipe is and whose creek this is and so I guess we are all just going to need more information. Maybe, I can't express things for Mr. Jeffers here, but maybe he is expressing some concerns to you that he might have about the project that you and him are going to have to talk about.

#### TAPE CHANGE

President Borries: Thank you for coming. I think you have very clearly stated your concern and your requests.

Bill Jeffers: Anything else?

Scott Hurt: No.

President Borries: Appreciate it very much.

Scott Hurt: Thank you very much.

Bill Jeffers: When Mr. Hurt came to the office he was dressed in his police uniform and was armed. When I told him that I wasn't prepared to recommend to the Board that the plan be instituted he turned to another person in the office and said, "Do you want to draw this or should I?".

Scott Hurt: I would also like to add that I was laughing and smiling. It was all in good nature and I didn't foresee any problems until, again, I was told that I haven't seen your piece of property--

Bill Jeffers: I wouldn't have brought this up at all until he brought into question my professional or lack of professional performance. Then he offered to take me...then he said, "You will go out and look at it?". I said, "Yes, I'll go out and look at your lot". He said, "You will go look at it, won't you?". I said, "Yes, I'll go look at it". Then he offered me a ride in his police cruiser, a city police cruiser I suppose?

Scott Hurt: Yes, it is.

Bill Jeffers: Out to a location six miles out in the county because he said that he could get me there faster than anything I had to drive.

Scott Hurt: That is correct, I did. I volunteered to take him out

there and help him in anyway that I could and I got nowhere.

Commissioner Mourdock: Okay, guys, it's late and--

Bill Jeffers: Would you like to repeat any of the expletives that you uttered out here in the hallway.

Scott Hurt: Those are personal opinions and I believe as we go on that the Board would probably agree with me.

Commissioner Mourdock: Guys, I've had my butt in this chair almost for seven hours--

Bill Jeffers: Just wanted to have my, you know, as long as he is going to court with this I just wanted it on the record myself.

Scott Hurt: I hope I don't have to. Thank you, again.

President Borries: Thank you, Mr. Hurt and we will try to resolve this issue with you. I appreciate you staying here this evening sir. Well, it looks like we've done about all the damage we can do here this evening. No, I'm out of here.

Bill Jeffers: I'll apologize, guys, but some things are just unbearable.

President Borries: If you wouldn't mind to either give us a yeah or nay or some kind of...you have a lot of work to do so maybe between now and next...I'm not really clear about the nature of this pipe and I don't understand.

Commissioner Mourdock: I'm not either and that was the plan would be for and I thought you were going to address it. Let's wait until we see what the plan is and I'm sure both sides--

Bill Jeffers: It is sized to handle half the water that is expected to come down through there and the other half of the water will go over the top of the pipe to a swale that I told him would erode out and cast dirt and rock on other people downstream and possibly back four feet water up on the people upstream and I just didn't want to go through that again. I'm going through it every day.

President Borries: Okay, that's cool. Well, may I have a motion to--

Commissioner Tuley: Just one second.

Commissioner Mourdock: If this is new business you ain't going to get out of here!

Commissioner Tuley: What I would like to know is if you have reviewed that and you know that is not going to work somehow and I don't know how we need to communicate to him what he really needs to do.

Commissioner Mourdock: I would say directly through Veach Nicholson.

Bill Jeffers: I talked to Billy Nicholson for about 20 minutes about it this afternoon and I thought he was going to contact Mr. Hurt who told me that the only reason I should call him after last Thursday was to apologize. I didn't have an apology to offer so I didn't call him.

President Borries: If you could get some of your thoughts, and, again I know that you have been awfully busy, down in writing then that probably would--

Bill Jeffers: That is the second time this year that I have been threatened to have a gun pulled on me, so I'm just about fed up to tell you the truth.

Blue Claims
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Commissioner Tuley: There are blue claims on here. Can we let those go or do we need to sign those?

President Borries: Is there anything else we need tonight?

Bill Jeffers: These blue claims were signed by Mr. Brenner for work done on regulated drains in Vanderburgh County in the Spring of 1996. They are signed by Mr. Brenner and inspected by the inspectors and are recommended for approval by the County Surveyor.

Commissioner Mourdock: I'll move approval of the blue claims.

Commissioner Tuley: Second.

President Borries: So ordered. Is there other business this evening?

Commissioner Tuley: I will move for adjournment.

Commissioner Mourdock: I will second.

President Borries: So ordered. Let the hour reflect here at 10:50 p.m.

The meeting was adjourned at 10:50 p.m.

DRAINAGE BOARD MEETING  
JUNE 24, 1996

61


THOSE IN ATTENDANCE:

Richard J. Borries  
Patrick Tuley  
Richard E. Mourdock  
Alan Kissinger  
Suzanne M. Crouch  
Charlene M. Timmons  
Bill Jeffers  
John Stoll  
Mike Wathen  
Roger Steinkuhl  
Keith Poff  
Peggy Bauer  
Jessica Mezo  
Elaine Effinger  
Daniel Rohner  
Nick Balbach  
Randy Chapman  
Monty Gross  
John Kessler  
Tim Bickel  
Terry Zahn  
Pat McComas  
Jennifer Fuchs  
Pat Lindauer  
JoAnn Gannon  
Bill Wittekindt  
Dan Swidron  
Bernadette Swidron  
Bart Gander  
Tina Gander  
Kevin Korff  
Nester Heerdink  
Pamela Costello  
Mikki Heck  
Neta Smith  
Harry Ledford  
Scott Hurt  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
DRAINAGE BOARD

  
Richard J. Borries, President

  
Patrick Tuley, Vice President

  
Richard E. Mourdock, Member

## AGENDA

### VANDERBURGH COUNTY DRAINAGE BOARD MEETING

JUNE 24, 1996

1. Meeting opened
2. Approval of minutes:
  - a. May 28, 1996
  - b. June 10, 1996
3. Review and accept the following drainage plans:
  - a. Shadow Bluff Estates
  - b. Seasons Subdivision
  - c. Malibu Park, Section 4
  - d. Fazoli's site drainage in Expressway Subdivision
4. Any person wishing to address the Drainage Board
5. Approval of Blue Claims
6. New business
7. Old business
8. Meeting adjourned

JEFFREY A. BOSSE  
ALLISON K. COMSTOCK

LAW OFFICES OF  
JEFFREY A. BOSSE  
522 MAIN STREET  
EVANSVILLE, INDIANA 47708  
TELEPHONE (812) 423-4216  
FAX (812) 421-4077

June 20, 1996

Mr. Roger Steinkuhl  
13425 North St. Joseph Ave.  
Evansville, IN 47711

Ms. Teena Preske  
1106 W. Boonville-New Harmony Road  
Evansville, IN 47711

Mr. Brad Korff  
1822 W. Boonville-New Harmony Road  
Evansville, IN 47711

Mr. William Smith  
745 W. Boonville-New Harmony Road  
Evansville, IN 47711

Mr. Gene Koch  
1821 Boonville-New Harmony Rd.  
Evansville, IN 47711

Dear Ms. Preske and Gentlemen:

I was contacted Wednesday by Alan Kissinger, the attorney for Vanderburgh County.

He said Vanderburgh County believes that the Vanderburgh County Commissioners, acting as the Drainage Board, have the authority to review drainage plans in Vanderburgh County, including those for subdivisions in the Town of Darmstadt. The County also believes that it may relinquish that power and authority and if Darmstadt so requests, the County will relinquish this power to the Board of Public Works of the Town of Darmstadt.

Vanderburgh County also believes that it has enforcement authority over all drains in the Town of Darmstadt which eventually lead into drains in Vanderburgh County.

There are several steps to obtaining final approval of drainage and Vanderburgh County does do follow-up work in regard to final approval of drainage plans.

The Vanderburgh County Surveyor has the right to inspect drainage construction anywhere in Vanderburgh County (including the Town of Darmstadt). Where appropriate, the Vanderburgh County Surveyor will make recommendations to the Vanderburgh County Commissioners regarding enforcement of drainage plans. In this regard, recently the County Commissioners suspended the right to issue building permits for a certain subdivision because there was insufficient compliance with the previously-approved drainage plans.

Mr. Roger Steinkuhl  
Ms. Teena Preske  
Mr. Brad Korff  
Mr. William Smith  
Mr. Gene Koch  
June 20, 1996  
Page -2-

If anyone has complaints about the drainage situation in the Town of Darmstadt, those complaints should be directed to the Vanderburgh County Surveyor or Bill Jeffers of the Surveyor's Office.

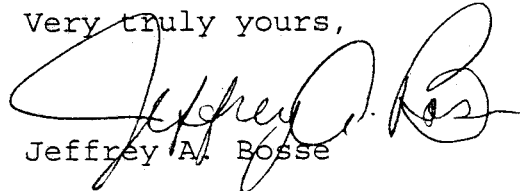
In conclusion, Vanderburgh County considers the current situation established and is planning to act Monday on the drainage plans of a subdivision currently before it.

Accordingly, at the present time, Vanderburgh County, and not the Town of Darmstadt, will approve drainage plans, even in the Town of Darmstadt, unless you make a determination to request the County to relinquish this authority.

I am taking the liberty of sending a copy of this letter to Alan Kissinger to be sure that it accurately reflects the position of Vanderburgh County. As you know, we wish to continue the Town's excellent relationship with Vanderburgh County.

If you have any questions, please feel free to contact me.

Very truly yours,



Jeffrey A. Bosse

JAB/jjs

cc: Alan Kissinger  
(by fax and U.S. mail)





**Seed Restaurant Group, Inc.**

2470 Palumbo Drive  
P.O. Box 55905  
Lexington, Kentucky 40555-5905  
Phone: (606) 268-1668  
Fax: (606) 268-2263

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June 19, 1996

**VIA OVERNIGHT COURIER**

Mr. Bill Jeffers  
Vanderburgh Co. Drainage Board  
Rm 325 Civic Center  
#1 Martin Luther King Jr. Blvd.  
Evansville, IN 47708

Re: Fazoli's Restaurant  
#5232 Weston Road, Lot 3  
Expressway Commercial Subdivision  
Evansville, IN  
TRG #96095

Dear Mr. Jeffers:

Fazoli's Joint Venture of Indiana, Ltd. ("Fazoli's"), is the Tenant under that certain Ground Lease Agreement ("Lease") dated May 31, 1996, between Jack Rogers and Robert L. Jarrett, as the Landlord, wherein Fazoli's is leasing certain property as described in the Lease (the "Leased Premises"). As the Tenant, Fazoli's seeks approval from the Vanderburgh Co. Drainage Board to pave over an ex 15" RCP within a platted 15' drainage easement. The County shall retain all easement rights as granted by this easement while Fazoli's shall be responsible for maintaining or repairing the ex. storm system located within the Leased Premises.

If you have any questions, please let me know.

Sincerely yours,

A handwritten signature in cursive script, reading "Paul S. Newman". The signature is written in dark ink and is positioned above the printed name and title.

Paul S. Newman  
Director of Construction

cc: Jeff Ames  
PSN/gf

314 STRAWBERRY HILL ROAD  
FLOODED BASEMENT COMPLAINT

June 24, 1996

TO: Vanderburgh County Drainage Board  
FR: Vanderburgh County Surveyor  
RE: 314 Strawberry Hill Rd. -- Chapman Res.

Residents 314 Strawberry Hill Road reported basement flooded three (3) separate events -- April 28 - 29, 1996; May 4 - 5, 1996; and June 9, 1996.

Residents Randy and Leann Chapman reported that their basement was flooded by sanitary sewer back flow on April 28; and flooded again by sanitary sewerage plus surface flow from rainstorms on May 5, and June 9, (all 1996.)

The source of surface flow into the basement was over the top step of a doorwell entry to the rear of the home's basement.

314 Strawberry Hill Road is Lot 9 of Old State "One" subdivision a plat of which was given final approval November 10, 1976. No drainage plan is on file in our office as we do not have any drainage plans from the administration prior to 1977.

Street and grading plans were done by Sam Biggerstaff for Guthrie May, the developer. The plans now are in the possession of James Q. Morley who purchased Mr. Biggerstaff's records at auction.

Mr. Morley loaned us the plans from which we will copy pertinent information to build a file. The plans show exact details of drainage structures and street grades as well as details of the large corrugated metal pipe in front of 314 Strawberry Hill Road.

The elliptical pipe is sized approximately seven (7) ft. vertical by eleven (11) ft. horizontal with a note stating it is sized to handle a so called ten (10) year rain. Therefore the pipe is not adequate to handle the storms on the dates listed above

Data shown on U. S. Weather Bureau rainfall charts available in 1976 is as follows:

10 year storm equals two (2) inches rainfall in one (1) hour; or three and one half (3.5) inches in six (6) hours.

On April 28, 1986, it rained three and three fourths (3.75) inches during the six (6) hours between 4:54 p.m. and 11:54 p.m. which approximates a twenty-five (25) year rain.

In fact, during the seventeen (17) hours between 6:54 p.m. and 11:54 p.m. April 28, 1996, it rained over six (6.04) inches; representing rainfall excess of the one hundred (100) year rainfall intensity.

For the twenty-three (23) hour period beginning 4:54 p.m. April 28, 1996, and ending 5:54 a.m. April 29, 1996, a total of seven and ninety-two hundredths (7.92) inches is reported to have fallen; which also exceeds the one hundred (100) year event.

The County Surveyor's office currently is gathering field data on the storm which occurred Sunday, June 9, 1996. According to preliminary local climatological data from the National Weather Service approximately three and three quarters (3.67) inches rain fell over a period of about one (1) hour.

Our office is awaiting additional data to confirm the exact time and amount of rain. If the preliminary data are correct, however, the rainfall on June 9, 1996, exceeds the five hundred (500) year event.

The storm water left plenty of evidence with regard to its height and extent which our office is recording along with eye witness accounts. A preliminary report is presented on the following pages.

Excess storm water which the large elliptical pipe under Strawberry Hill Road could not handle in the June 9 storm crossed over the north sidewalk at 398.69 feet above sea level; or nearly two (2) feet deep over the top of the road.

On the plan the elevation the design engineer assigned as the lowest recommended finished floor elevation for Chapman residence at 314 Strawberry Hill Road is 398.70 or essentially the same elevation as high water on June 9, 1996.

The Chapman residence has a finished basement. The top step of the outside entrance to the basement is 398.33 or about four (4) inches lower than high water on June 9, 1996. The outside stair well to the basement door is the route flood water took into the Chapman's home.

The basement floor is about 395.33 which is about three (3) feet and four (4) inches below June 9 high water.

Downstream of the Chapman's home and on the south side of Strawberry Hill Road, the creek flows southeastwardly out of Old State One subdivision. At the south line of the subdivision, the creek is joined by a drainage ditch serving the rear yards and street drainage of homes from 405 through 605 Strawberry Hill Road.

The large open ditch along the south line of the subdivision is designed so that during normal or moderate rains it flows from the east end of the development to the west where it joins the creek.

During extremely heavy rains that cause general flooding, the flow in the ditch is reversed and the flood water travels eastward the same as the direction of flow in the creek.

It is obvious that the design engineer intended the reverse flow to occur in flood conditions because of the designed width of the ditch, the fact that it is housed in a thirty (30) feet wide easement, and other details of the grading plan.

We assume the drainage system was designed as shown because the developer was unable to acquire easements across land to the south of Old

State One to extend storm sewers to the creek in a direction more closely following the natural terrain.

The grade of the street and storm drainage systems was overcome by the storm on June 9, 1996. Flood water forced out of the creek channel by the undersized culvert in front of the Chapman's residence and traveled east along Strawberry Hill Road all the way to the eastern end of the development where it spilled out into open fields and rejoined the creek.

All along the south side of Strawberry Hill Road flood water traveled in low areas between houses and through the back yards to the creek. Because of the artificial grade in the street and front yards, water stacked up as much as two (2) feet deeper in front of the homes than behind the houses where it could run more freely in the floodway of the creek.

For example, the high water directly across the street from the Chapman's home fell off immediately to an elevation two (2) feet lower than in the Chapman's yard. The high water mark left on the garage door at 409 Strawberry Hill Road is ten (10) inches higher than the mark left on the fence behind the house.

What this indicates basically is that Strawberry Hill Road with its undersized culvert represents a dam, and we can expect flooding anytime rainfall exceeds the designed capacity of the system.

The County Surveyor recommends:

1. Replacement of the corrugated culvert with a open bridge structure sized to handle the one hundred year storm.
2. Lowering the elevation of the pavement over the new structure at least one (1) feet below existing elevation to allow high water to pass over the road without backing up into houses on the north side of Strawberry Hill Road.
3. Discovery and prevention of all sources of infiltration of the sanitary sewer system by surface water. This may include downspout connections and other unauthorized private connections.

4. Replacement of all loose manhole castings with machined and gasketed manhole lids anchored into concrete cone sections at any location within the creek's obvious floodplain defined by the June 9, 1996 storm.

5. Installation of check valves, and/or other devices to prevent back surges of sewerage into homes wherever the finished floor elevation is lower than shown on the grading plans.

5. Regular maintenance of the waterway by property owners to remove trees, brush, silt accumulation, and other obstructions that block or displace water.

The County Surveyor will continue to gather information on Old State Subdivision in order to address problems related to recent flooding not addressed in this report. This report deals mainly with 314 Strawberry Hill Road.

Browning Road Estates and Hunters Ridge  
Erosion and Siltation Complaints

June 24, 1996

TO: Vanderburgh County Drainage Board  
FR: Vanderburgh County Surveyor  
RE: Off site siltation in Browning Road Estates

Sirs:

The Chief Deputy Surveyor accompanied Mr. Mike Wathen on a visit to Hunters Ridge Subdivision and Browning Road Estates Monday, June 17, 1996, and again on Wednesday afternoon, June 19, 1996 from about 2 p.m. until about 4:45 p.m.

We determined the source of the soil washed downstream onto others property this spring to be building lots both in Hunters Ridge and Browning Road Estates.

The heaviest erosion is occurring on lots with houses presently under construction or lots being filled or cut in preparation for house construction. A lesser source of siltation are lots with finished homes where tightly turfed lawns have not yet been established.

We found the eroded hillsides to be made of soil that is a mixture of sand and very fine clay particles. When the soil was suspended in storm runoff it was separated into sand and clay.

The sand dropped out in large drifts wherever the rushing torrent was slowed down by road culverts or other obstructions, and the clay only settled out in thin layers when the water was pooled for a longer time.

At first we mistakenly identified the sand as building material. We now know it to be native to the studied areas.

The most serious damage as a result of the silt deposits we viewed exists from the Gannons' driveway west to Red Gate Road. The Gannons' driveway culvert is substantially clogged and the ditch from their drive to Red Gate Road is partially obstructed.

We feel the clean up and repair of the Gannons' drive culvert and roadside ditch should be accomplished or paid by the developer of Hunter's Ridge, the subdivision identified as the source of the soil up to that point.

We feel that the clean up and repair of other deposits of soil identified in Browning Road Estates downstream of Red Gate Road should be shared by the developers of Hunters Ridge and Browning Road Estates.

We also discussed several options with the developers to prevent future erosion and off site siltation. Both developers will be forwarding commitments and plans to your board with regard to our discussions.

In addition, the Surveyor's office will provide your board and the County Commissioners with some recommendations to improve existing drainage facilities on accepted roads crossing the creek in Browning Road Estates. We already have sent a request for more details of drainage structures in the proposed addition to Browning Road Estates which we hope will prevent the costly repairs and revisions that were needed on Red Gate Road.

In closing we wish to notify the Gannons that their yard barn at the dead end of Pine Gate Road is in or near enough to a natural watercourse to sustain damage from flood water. They may wish to move it to another location or consider raising it in such a way that high water will pass under it in case we experience more rainstorms like we had this spring.

No guarantees against flood damage, however, are given or implied so long as the shed remains in its current location.

---

Bill Jeffers, Chief Deputy Surveyor



# BROWNING ROAD ESTATES

ON BROWNING AND BOONVILLE-NEW HARMONY ROADS

McCUTCHANVILLE AREA

WM. J. WITTEKINDT, JR.

12431 Red Gate Road  
EVANSVILLE, INDIANA 47711

June 20, 1996

Vanderburgh County Commissioners  
City County Building  
Evansville, Indiana 47708

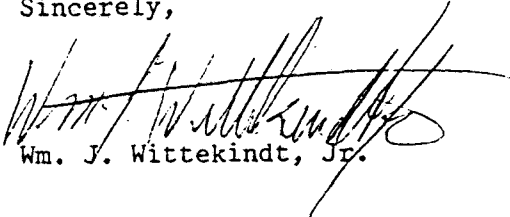
Re: Meeting with Mr. Mike Wathen  
@12 noon on 6/20/96

Gentlemen:

Please be advised that I will clean the sediment off lot #18 in  
Browning Road Estates West Section #1 as soon as possible.

We also talked to Mr. Noel McDonald owner of Lot # 31 in Browning  
Road Estates West Section #2 and he agreed to have his lot straightened  
up and the erosion fence repaired by noon 6/21/96 or as soon as possible.

Sincerely,



Wm. J. Wittekindt, Jr.

cc: Mr. Mike Wathen  
Mr. Bill Jeffers

FUQUAY CONSTRUCTION, INC.  
215 FIRST AVENUE  
EVANSVILLE, INDIANA 47710

June 20, 1996

Vanderburgh County Commissioners  
Civic Center Complex  
City County Building  
Martin Luther King Jr. Blvd.  
Evansville, Indiana 47708

Dear County Commissioners:  
Pat Tuley  
Rick Borries  
Richard Mourdock

On June 19, 1996 I met with Mr. Mike Wathen, Mr. William Jeffers, and Mr. John Hahn at Hunter's Ridge Subdivision. At that time we developed the following action plan and timetable to solve any "silt problems" coming from Hunter's Ridge Subdivision that is depositing silt downstream on other property.

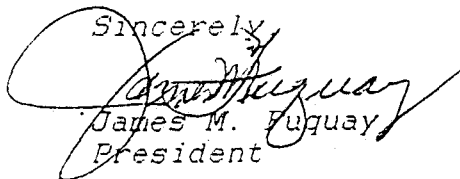
1. The additional silt fencing that has been installed since my letter to Mr. Mike Wathen on June 10, 1996, has been completed and will be maintained until vegetation is established and these fences are no longer required.
2. Lot 12 in Hunter's Ridge (1222 Hunter's Ridge Court) that is temporarily seeded and strawed is sold and will be finished graded, landscaped, a sprinkler system installed, and permanently seeded and strawed by July 8, 1996.
3. The silt that is deposited on Pine Gate Road to the south of the Gannon property will be cleaned up and removed. The silt in the ditch on the north side of Pine Gate Road and south of the Gannon property will be cleaned up and this area reseeded and strawed. This will be completed by July 8, 1996.
4. The silt that is deposited further downstream West of Red Gate Road that follows the same creek is coming from Browning Road Estates Subdivision as well as Hunter's Ridge Subdivision. Fuquay Construction,

Inc. is willing to jointly clean up and remove this silt with Mr William Wittekindt, Jr., the developer of Browning Road Estates. Provided that Mr. Wittekindt is willing to participate, this will be completed by July 24, 1996.

5. The disturbed area of Lot 14 in Hunter's Ridge Subdivision will be leveled, seeded, and strawed, and the culvert on Lot 19 Hunter's Ridge Subdivision will be extended and back filled in a manner to allow vegetation to be established. This back fill be graded in "lifts", then seeded and strawed. The work to be performed on these lots is of a greater magnitude and will be completed by September 24, 1996.

Upon completion of the above, all the lots in Hunter's Ridge Subdivision will have vegetation well established, and if any silt shows up downstream it will have to be coming from some where other than Hunter's Ridge Subdivision.

Sincerely,

  
James M. Fuquay  
President

cc: John Stoll  
William Jeffers  
John Hahn  
William Wittekindt, Jr.

JMF:dw

Willow Creek Section D  
Final Drainage Plan

June 24, 1996

TO: Vanderburgh County Drainage Board  
FR: Vanderburgh County Surveyor  
RE: Willow Creek Drainage Plans

Sirs:

We are not able at this time to present your board with a positive recommendation on the final drainage plan for Section D.

The plan attempts to address your board's concern that surface storm water runoff be controlled so that it does not cross over into downhill lots in a manner which would pose a threat to the lower properties. The plan presented to our office for review, however, requires earth grading in some areas which appears to be very difficult and impractical to accomplish.

We have serious reservations about such difficult land grading. We worry that it might not be finished when the difficulty is realized by the developer. We also are concerned about the eventual home buyers' ability or desire to maintain the grading plan.

In addition we agree with Mr. Mike Wathen that the best solution to continual erosion problems along the east line of Lot 60 in Section C and the east line of Lot 39 in the Replat of Section B is to connect the drain tiles from Meghan Court south to Marfield Drive.

Pictures submitted to the County Commissioners by our office show the lower detention basin relatively clear of suspended silt on 6/19/96. One can view the green reflection of trees in the water. The water condition shows there is very little silt leaving Section A.

At the same time the water in the upper detention basin is very muddy as witnessed by the color of the tree reflections shown in the photo. The water condition in the upper basin shows a substantial amount of silt leaves Sections B and C.

We have not received plans showing the connection of the storm sewer line recommended by Mr. Wathen and our office. If a connection is made it will require correct pipe sizing, substantial fill over the pipes, a beehive inlet midway along the line to drain the back yards, the raising of utility installations already in place, and exact grading of the fill to assure proper drainage.

We are in agreement with Mr. John Stoll that the continuation of the pipe noted above should extend south from Marfield Court and into the upper detention basin area to protect the back slope of Marfield Court roadbed.

The extension of the pipe from Marfield Court is in progress, but the suitability of the bedding and fill should be examined.

There also is a question now about the ability of the upper detention basin to handle the additional load of storm runoff from Section D. We need a new set of calculations from the developer's engineer to determine what effect Section D will have on the detention basin and whether a discharge pipe larger than ten (10) inches in diameter is needed.

We intend to forward a copy of this memo to the developer of Willow Creek along with our request for certain additional information to be added to the final drainage plan for Section D.

  
Bill Jeffers, Chief Deputy Surveyor

VANDEBURGH COUNTY DRAINAGE BOARD

ROOM 325 ADMINISTRATION BLDG.

CIVIC CENTER COMPLEX

EVANSVILLE, INDIANA 47708

November 16, 1977

Tax Code No. 9-113-13

Dear Sir:

Re: IN THE MATTER OF THE HILLSDALE DRAINAGE PETITION.

After, the filing of the Hillsdale Drainage Petition, a hearing has been set for December 19, 1977, (Monday) at 10:30 a.m. in Room #305, City-County Administration Building, Civic Center.

The general route of the proposed drain is described as follows: beginning at a point in the S.E. Corner of N.W. 1/4-1/4 Section of the N.E. 1/4 Section of Section 8 Township 7 South - Range 10, which is 220 Feet West from the East Line of said 1/4-1/4 Section and 140 Feet North of the South Line of said 1/4-1/4 Section. Going from this point in a South-Easterly direction around the Ridgeview Heights Subdivision, thence Southerly to Boonville-New Harmony Road, thence South-Westerly through the Western half of the Hillsdale Subdivision between U.S. Highway 41 and Walnut Road, ending at the fork in Little Pigeon Creek located 360 Feet North of Hillsdale Road. Total length of ditch is approximately 9850 Feet, and including two laterals going in a North-Easterly direction. Lateral "A" begins approximately 2800 Feet South of beginning of main ditch and runs approximately 2500 Feet. Lateral "B" begins approximately 6590 Feet South of beginning of main ditch and runs approximately 5000 Feet. ( See enclosed sketch )

The Vanderburgh County Drainage Board

*Bob Schaad*

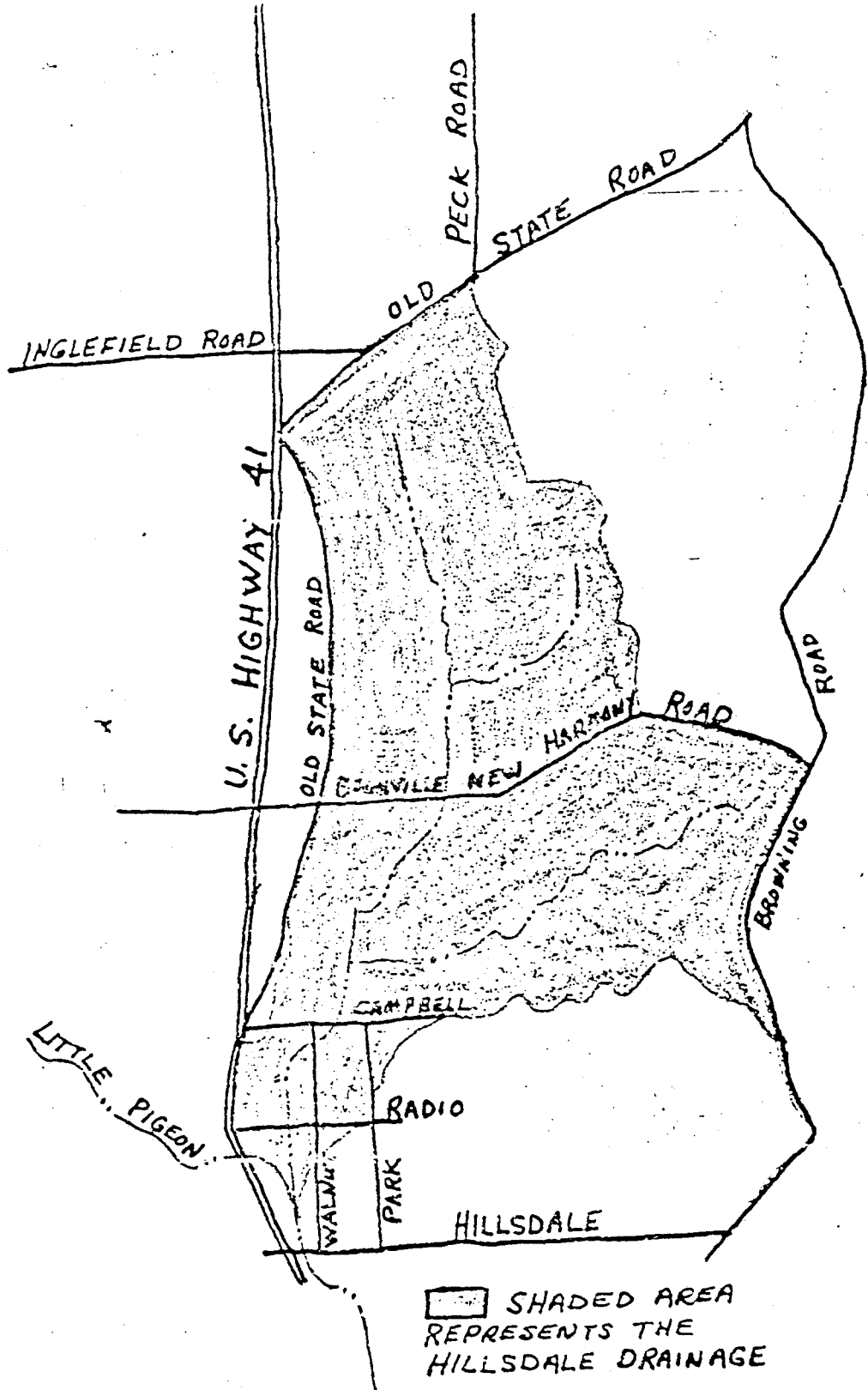
Bob Schaad, President

*Tom Ossenberger*

Tom Ossenberger, Vice President

*Robert L. Willner*

Robert L. Willner, Member



JUNE 1996

The undersigned on this petition are seeking the help and assistance from the Drainage and County Commissioners in solving the drainage and flooding problems that are occurring in the areas bordered by Campbell, Park, Hillsdale and Walnut Roads.

NAME	ADDRESS	PHONE#
1. Robin Green	11701 Walnut 47711	867-7352
2. Jeff & Linda Chant	11610 Walnut	867-9511
3. James D. Taylor	800 HILSDALE RD	—
4. Dick Schlusman	716 HILSDALE RD	867-0017
5. James R. Taylor	11707 WALNUT RD.	—
6. Jeanne Hendry	11211 Walnut Rd	867-6425
7. Michael L. Bowler	—	—
8. Larry Fitzgerald	11316 Walnut Rd	867-2243
9. John R. White (TIN ATTENTION)	806 CAMPBELL RD	867-9021
10. JAB	828 (Campbell Rd)	867-5746
11. <del>XXXXXXXXXX</del>	<del>XXXXXXXXXX</del>	<del>867-2243</del>
12. James & Annellee Greenfield	11517 Walnut Rd	867-3855
13. Anita Fitzgerald	11316 Walnut Rd	867-2243
14. Scott Hitch	11316 Walnut Rd Enle	867-2243
15. Donna Hitch	11316 Walnut Road	867-2243
16. Kerri Haggard	11508 Walnut Rd	—
17. James Ellis	11600 Walnut Road	—
18. Bill & Brenda Goss	11608 Walnut Rd.	—
19. Rose Shurley	711 Campbell Rd	—
20. Jane Luttrell	11601 Walnut Rd	—
21. Gary Luttrell	11601 Walnut Rd	—
22. Robert E. Hughes	11205 Walnut Rd.	867-7720
23. Keith & Wm V. Vial	11707 Walnut Rd	867-5796
24. Jeff & Anita Smith	11715 WALNUT RD	867-3263



8672948

25. Donald W. Kennedy 11801 Walnut
26. Thelma Shultz 1611 Campbell Rd.
27. Susan Rutenfeld 11820 Park Rd 867-7761
28. Cathryn Burdick 11701 Park Rd 867-3522
29. Robert C. Bunkley 11701 PARK Rd. 867-3577
30. Hammie & Jeff Ames 11706 Park Rd
31. Jeri L. Isaacs 11600 Park Rd 867-7820
32. Jerry Shuebel 11520 " " 867-5654
33. Stella Zrud 911 Radio Ave 867-3325
34. Lois J. Flagg 950 Radio Ave 867-2526
35. Darlene Johnson 950 Radio Ave 867-2526
36. Mary E. Rogers 820 Radio 867-2399
37. Joyce Smith 721 Radio
38. James E. Smith 721 Radio
39. Ruth Fickie 716 Radio Ave
40. Melody Short 11321 Walnut Rd Eva. 867-1836
41. John Schaefer 11304 Walnut 867-1461
42. Swift Luff 11200 Walnut Rd. 867-1461
43. Janet Larnet 11617 Walnut Rd 867-5701
44. Ruth & Gerald Lynch 11800 Walnut Rd 867-2275
45. Christine Dentel 606 Radio Ave 867-7719
46. Mr. & Mrs. Douglas J. Jaks 710 Radio 867-1495
47. Mr. & Mrs. William H. Harmon 11411 Park Rd
48. Mr. & Mrs. Paul C. Snyder - 11517 Park Rd. 867-2357
49. Louise & Ruth Buchanan - 11211 Park Rd 867-3892
50. Gene & Mary Mills 804 Hickdale 867-5832
51. Elmer L. Hatterman 417 Campbell 867-6095
52. Myrna Hatterman - 417 Campbell Rd.

53. William Boudich 11617 Park Rd.
54. Julie Boudich 11617 Park Rd.
55. Petra (Boudich) 11601 Park Rd.
56. Clara L. Loner 910 Radio Avenue
57. Margaret E. Clutter 711 Radio Ave
58. Alvin Ester 11307 Walnut Rd
59. David L. Hamlin 700 E Hillside Rd
60. Philip J. John 11607 W ALMUT 867916
61. Henry J. Lohrey 11711 Walnut Rd
62. Barbara L. Lohrey 11711 Walnut Rd.
63. Arthur Johnson 11314 Park Rd.
64. Darren Johnson 11314 Park Rd
65. Ron Johnson 11314 Park Rd.
66. Fay Falkenstein 11210 Park Rd
67. Kim Dickey 11206 Park Rd.
68. Betty Hume 820 Hillside
69. Annie Ruth Nurse " "
70. Lee Han 610 Hillside
71. Alan Camitt 11617 Walnut Rd.
72. \_\_\_\_\_
73. \_\_\_\_\_
74. \_\_\_\_\_
75. \_\_\_\_\_
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78. \_\_\_\_\_
79. \_\_\_\_\_
80. \_\_\_\_\_

SPRING

Robert W. Brenner, Vanderburgh County Surveyor

VANDERBURGH COUNTY  
SURVEYOR'S OFFICE  
Room 325 Civic Center Complex  
One Northwest Martin Luther King, Jr. Boulevard  
Evansville, Indiana 47708-1833  
(812) 435-5210

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: TERRY R. JOHNSON

for ☒ annual -- ☐ additional maintenance to  
KELLY Ditch, a legal drain  
in Vanderburgh County, Indiana, was completed on  
JUNE 10, 1996, and was inspected by  
our staff on JUNE 11, 1996, and is  
☒ approved -- ☐ disapproved for payment per the  
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 6-19-96  
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:



I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

Wicks

---

6-19 96

Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

authority; that it is apparently correct / incorrect.

Auditor

COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
-------------	--------------------	--------------	-------------	-------------

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
96-JM-22-85		June 11, 96	234-022	\$ 1,412.97

[illegible]

TOTAL \$ 48.77-92

SPRING Mow

Robert W. Brenner, Vanderburgh County Surveyor

VANDERBURGH COUNTY  
SURVEYOR'S OFFICE  
Room 325 Civic Center Complex  
One Northwest Martin Luther King, Jr. Boulevard  
Evansville, Indiana 47708-1833  
(812) 435-5210

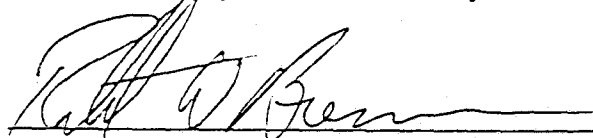
SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: JIM AXTON

for ☒ annual -- ☐ additional maintenance to SONNTAC-STAVANS Ditch, a legal drain in Vanderburgh County, Indiana, was completed on JUNE 3, 1996, and was inspected by our staff on JUNE 17, 1996, and is ☒ approved -- ☐ disapproved for payment per the contracted price indicated on the claim herewith attached.

Respectfully submitted by:



Robert W. Brenner, Vanderburgh County Surveyor

6-19-96  
Date

Additional Comments:



Nov 18

Jim Axton

Vendor No. 6047

\$ 566.14

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name SEWINTAC - STPLANS

Account No. 234-538

Allowed

In the sum of \$

In the sum of \$ Eight Dollars

**Board of Commissioners**

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

6-19.96

Signature of Office Holder

**I have examined the within claim and hereby certify as follows:**

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

**Auditor**

COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.
-------------	--------------------

INVOICE DATE

ACCOUNT NO.

AMOUNT PAID

96-SM-3885

June 8, 1906

23A.038

566.14

TOTAL \$66.12



VANDERBURGH COUNTY  
SURVEYOR'S OFFICE  
Room 325 Civic Center Complex  
One Northwest Martin Luther King, Jr. Boulevard  
Evansville, Indiana 47708-1833  
(812) 435-5210

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: TERRY A. JOHNSON

for ☒ annual -- ☐ additional maintenance to  
EAST SIDE URBAN 5 1/2 Ditch, a legal drain  
in Vanderburgh County, Indiana, was completed on  
JUNE 4, 1996, and was inspected by  
our staff on JUNE 4, 1996, and is  
☒ approved -- ☐ disapproved for payment per the  
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 6-24-96  
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

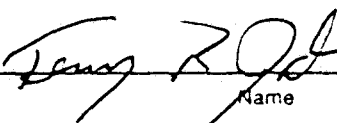
VENDOR NAME TERRY R JOHNSON # 1052

On Account of Appropriation for EAST SIDE URBAN 5 1/2 # 234-015

Invoice No.	Itemized Claim	Amount	
	1996 SPRING MOW		
	16,883 LF. X 0.6095 = \$10,790.19		
96-SM-15-85	PAY 85% = \$8,746.66 →	\$8,746	66
	15% RETAINAGE = \$1,543.53		

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

  
Name

\_\_\_\_\_  
Title

Date June 5, 1996

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

None

Signature of Officer \_\_\_\_\_

6-24-96

Signature of Office Holder

\$ 8,746.66

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name E. State Oregon 5 1/2

Account No. 234-015

**Allowed**

19

Is the sum of \$

In the sum of \$ Richard L. Baines  
Richard L. Baines  
Richard L. Baines

**Board of Commissioners**

COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT

INVOICE NO.

PURCHASE  
ORDER NO.

INVOICE DATE

ACCOUNT NO.

AMOUNT PAID

58-51-1585

June 5, 1997

234-015

8,746.66

874666

VANDERBURGH COUNTY  
SURVEYOR'S OFFICE  
Room 325 Civic Center Complex  
One Northwest Martin Luther King, Jr. Boulevard  
Evansville, Indiana 47708-1833  
(812) 435-5210

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: TEARY R JOHNSON

for ☒ annual -- ☐ additional maintenance to \_\_\_\_\_ Ditch, a legal drain in Vanderburgh County, Indiana, was completed on May 30, 1996, and was inspected by our staff on June 11, 1996, and is ☒ approved -- ☐ disapproved for payment per the contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 6-19-96  
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:



## Board of Commissioners

Auditor

TOTAL 1,393.88

VANDERBURGH COUNTY  
SURVEYOR'S OFFICE  
Room 325 Civic Center Complex  
One Northwest Martin Luther King, Jr. Boulevard  
Evansville, Indiana 47708-1833  
(812) 435-5210

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: TERRY A JOHNSON

for ☒ annual -- ☐ additional maintenance to  
AKEN Ditch, a legal drain  
in Vanderburgh County, Indiana, was completed on  
MAY 30, 1996, and was inspected by  
our staff on MAY 31, 1996, and is  
☒ approved -- ☐ disapproved for payment per the  
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner

Robert W. Brenner, Vanderburgh County Surveyor

6-19-96

Date

Additional Comments:





Warrant No. \_\_\_\_\_  
Claim No. \_\_\_\_\_  
Date \_\_\_\_\_

Terry R. Jordinson  
\_\_\_\_\_  
Vendor No. 1052  
\_\_\_\_\_

\$ 1,190.99  
ON ACCOUNT OF APPROPRIATION  
Dept. Fund Name \_\_\_\_\_  
Account No. \_\_\_\_\_

Allowed \_\_\_\_\_ 19\_\_\_\_  
In the sum of \$ Richard J. Barnes  
Richard J. Barnes  
Richard J. Barnes  
Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except  
NONE

6-19-96  
[Signature]  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:  
That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

\_\_\_\_\_  
Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>76-SM-06-15</u>	_____	<u>MAY 31, 1996</u>	<u>237-000</u>	<u>\$ 1,190.99</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL \$ 1,190.99

VANDERBURGH COUNTY  
COMMISSIONERS MEETING

JUNE 24, 1996

Please print name below:

NAME	ADDRESS	AFFILIATION?
1. Bernadette Dunbar	9200 Hannah Ct	Willow Creek
2. Jan Swisher	9200 HANNAH CT	WILLOW CREEK
3. Ruth Gauder	9209 Marfield Ct.	WILLOW CREEK
4. W. W. HERNIMAN JR	12431 RED CREEK RD	
5. [Signature]	Courier	
6. LOUELLA HAAG	119 Strawberry Hill	Old State Sub Division
7. Don Kennedy	11801 Walnut Rd	Walnut Rd
8. Mike Gross	11608 WALNUT RD.	Walnut Rd.
9. Brenda Gross	11608 Walnut Rd.	Walnut Rd.
10. Gary Lufford	11711 Walnut Rd	Walnut Rd
11. Roger Steinke	13425 N. ST. JOE AVE	Darmstadt
12. HAROLD DAVID	2136 W. BOOBY - N.H. RD	DARMSTADT.
13. BILL MORPHEW	5105 N. ST. JOE AVE	CO. HWY. DEPT.
14. Jeanne STOLL	201 NW 4th Rm 307	CO. ENG. DEPT.
15. Gary Luttrull	11601 Walnut Rd.	Walnut Rd.
16. Jane Luttrull	11601 Walnut Rd	Walnut Rd
17. David Bohner	13355 LURAY	Darmstadt
18. Amere Bohner	13355 Luray	Darmstadt
19. Elaine E. Effinger	3810 Blvd. New Hope Rd	Darmstadt
20. Daniel Effinger	" "	"
21. Jeff & Ida Smith	11715 WALNUT RD	Hillsdale
22. [Signature]	11700 Walnut Rd.	Hillsdale
23. Cindy Clements	11610 Walnut Rd	Hillsdale

VANDEBURGH COUNTY  
COMMISSIONERS MEETING

JUNE 24, 1996

Please print name below:

NAME	ADDRESS	AFFILIATION?
1. CAROL WILSON	9210 MEDHAN CT	WILLOW CREEK SUB.
2. <del>Nestor Berthel</del> Nestor Berthel	3440 Voigt Rd.	
3. J. R. BLANTON	3521 VOIGT RD	
4. RONALD DUNN	508 STRAWBERRY HILL	OLD STATE SUB.
5. JUDY DAVIS	512 STRAWBERRY HILL	OLD STATE SUB.
6. JESSICA MEZO	12901 PINE VALLEY CT	
7. LICK WIGGINTON	420 STRAWBERRY HILL	OLD STATE SUB
8. Debbie Hayden	7512 Rock Creek Ln	OLD State Sub.
9. Jim Hayden	" "	" " "
10. Jim Cox	7608 ROCK CREEK LN	" " "
11. Wendy Cox	7608 ROCK CREEK LN	OLD STATE SUBDIVISION
12. MIKE SEWEL	409 STRAWBERRY HILL RD	OLD STATE SUB
13. Janice Sewel	409 Strawberry Hill Rd	OLD State Subdivision
14. Jennifer Fuchs	420 Gunpowder Lane	(old state subdivision)
15. LeAnn Chapman	314 Strawberry Hill Rd.	Old State Subdivision
16. Monty Glen	428 Gunpowder Ln	Old State Subdivision
17. JOHN BLAKE	225 HEATHER LN	old state Subdivision
18. Sue Mattenfer	433 Strawberry	" "
19. Jerry Mattenfer	" "	" "
20. Pat Lindauer	401 Eissler Rd	Old State Sub.
21. Tim Burk	7401 Bald Spring Ln	Old State Sub
22. Keeley Seibert	421 Old Cannon Way	Old State
23. Walter Zahn	432 Strawberry Hill	Old State

VANDERBURGH COUNTY  
DRAINAGE BOARD MEETING

JUNE 24, 1996

Please print name below:

NAME	ADDRESS	AFFILIATION?
1. <i>Mikki Heck</i>	<i>11700 Walnut Rd</i>	<i>Hillsdale</i>
2. <i>Joe Smith</i>	<i>11715 WALNUT RD</i>	<i>Hillsdale</i>
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VANDERBURGH COUNTY  
DRAINAGE BOARD MEETING  
JULY 22, 1996

Opening of Drainage Board Meeting .....	1
Approval of minutes .....	1
Shadow Bluff Estates - Final approval .....	1
Browning Road Estates, Section 3 - Final approval .....	6
Clear Creek Village, Section 1 - Final approval .....	7
Emergency repairs to Sonntag Stevens & Keil Ditches .....	15
Repairs to Wabash-Erie Ditch .....	16
Petition from Johnnie Crick .....	17
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Blue Claims .....	18
Individuals wishing to address the Commission .....	18
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**VANDERBURGH COUNTY  
DRAINAGE BOARD MEETING  
JULY 22, 1996**

The Vanderburgh County Drainage Board met in session on July 22, 1996 at 8:15 p.m. in the Commissioner's Hearing Room 307 with President Richard Borries presiding.

**Opening of Drainage Board Meeting**

President Borries: Okay, we are ready to begin. I would like to wish everyone a good evening. I hope we provided you with a little educational thought for you to consider as our earlier meeting transpired. Now the three of us get to reconvene this meeting in the joyful position of members of the Drainage Board which is a separate part of our duties as the County Commissioners. We are responsible for the legal drains in the county and for approving final drainage plans that will appear before us this evening and certainly to hear what is on your minds. Our technical advisor is the County Surveyor's Office and in this particular instance is Mr. Bill Jeffers, who is the Chief Deputy to the County Surveyor. Bill is the person who, as our technical advisor, kind of sets the table for us. He is the person who we rely on to provide us with the information that we need to make decisions. We welcome everybody and will at this point turn the program over to Mr. Jeffers. There is an agenda, I believe, available for folks this evening and we'll go from there. Bill.

**Approval of minutes**

Bill Jeffers: Do we have any minutes to approve?

President Borries: We do. We have minutes of June 24, 1996 which was a lengthy one.

Commissioner Mourdock: Seems like it was yesterday!

President Borries: This one was 60 pages long!

Commissioner Mourdock: I'll move approval of the minutes of the June 24th meeting.

Commissioner Tuley: I will second.

President Borries: So ordered.

**Shadow Bluff Estates - Final approval**

Bill Jeffers: If there are no further minutes to approve, then our agenda was amended. I amended it because I thought that persons who would want to speak about Clear Creek needed additional time to prepare and I had no idea that they would have been given ample opportunity to prepare during your Commissioners' meeting.

President Borries: And then some!

Bill Jeffers: We'll go ahead with the amended version anyway which puts Shadow Bluff as the first subdivision on your agenda requesting approval of the final drainage plan. Shadow Bluff Estates is located on--

Commissioner Tuley: Bill, could I interrupt you before you...you

said something about Clear Creek that made me think of something. Somebody called me today about the terms of notices on these drainage plans when they are submitted. Is there a requirement in the ordinance that says that the abutting neighbors or anybody like that has to be notified when these are going to be presented?

Bill Jeffers: Not in the drainage ordinance, no.

Commissioner Tuley: Is there anywhere that says that they have to do that when a drainage plan is going to be submitted?

Bill Jeffers: Not to my knowledge.

Commissioner Tuley: This person thought that for some reason they had to be advised prior to the preliminary, but then they didn't have to be advised during the final which doesn't make sense.

Bill Jeffers: Well, what has happened is that the Area Plan Commission, starting at the first of the year, or I believe starting in December of 1995, began notifying adjacent property owners of Drainage Board meetings as well as Area Plan Commission meetings. So they have been notified of the first Drainage Board meeting and then those who have asked me about it I tell them to check back with me month by month because it could...a subdivision such as Shadow Bluff or any other one could come up for final approval at any one of our monthly meetings after the Area Plan Commission meeting depending on how long it takes the developer's engineer to prepare the plans.

Commissioner Tuley: Typically speaking, and this is from my understanding and from the media's understanding and hopefully a blip will be in there, but if a plan is approved on a preliminary in the month of June through the Drainage Board, typically speaking, it should go then to that next July meeting, the first Wednesday of July, of Area Plan. Barring any major complicated changes or anything like that and the timeliness of getting back to you, it could still be heard in July for final approval, correct?

Bill Jeffers: That is pretty much the way it happens every time.

Commissioner Tuley: Okay.

Bill Jeffers: If we give preliminary approval on the fourth Monday of the month, then it always seems to go to Area Plan Commission on the first Wednesday of the very following month. It could be a week later. If it passes Area Plan Commission at the Wednesday monthly meeting of Area Plan Commission, it almost always comes back to us at the end of that month for final approval.

Commissioner Mourdock: During the APC meetings, since I've been on that Board since the beginning of this year, the Chairman or President of that Board always notes at the outset when plans that are being acted on that night would be heard by the different Boards. While it wouldn't necessarily suffice as legal notice because I know a lot of people who might otherwise want to remonstrate to the Drainage Board wouldn't be there for APC, there is at least that statement made. What you are saying, Bill, if I heard you correctly is that there is no publication whatsoever for the drainage plans required by the ordinance?

Bill Jeffers: That statement is correct.

Commissioner Mourdock: Really, I didn't know it.

DRAINAGE BOARD MEETING  
JULY 22, 1996

3

Commissioner Tuley: I didn't have an answer. Okay, I'm sorry to interrupt.

Bill Jeffers: Shadow Bluff is located in the Town of Darmstadt on Boonville-New Harmony Road about equal distance between Darmstadt Road and Martin Road. It is on the north side of Boonville-New Harmony Road. You will recall that this is the subdivision about which there was a lot of discussion whether the County Commissioners and the Drainage Board should approve the drainage plans and I believe we decided that we would review it. Since the preliminary approval was given in June, Mike Wathen and myself, on behalf of the county, met with the developer, his representative from his engineering company and his dirt contractor, Mr. Biggerstaff, on the site and particularly on the west side of the subdivision along a little private lane where there were several neighbors who were concerned about the effects of the watershed off the west side of the development onto this private lane which has a ditch alongside of it that is not in very good condition. Mr. Wathen and myself made several suggestions and the developer made some commitments to the neighbors and, basically, what we have come up with along that side is a supplementary report that shows in a nutshell that approximately half of the water that would be shed off the west side of this development to that lane during a ten year event will be diverted over into the drainage system of the subdivision. During a 25 year event...I'm trying to get too complicated here. The calculations are based on what is required by the ordinance and it shows the undeveloped site during a ten year event discharges 13.04 cubic feet per second over onto those adjacent properties and then after development the engineer has taken a substantial amount of that watershed and brought it over through the street system into the detention basin for this subdivision. During a 25 year storm after development with all the houses in place there will be 5.83 cubic feet per second. Let's just round that off to make it simple. Before development it is 13 cubic feet per second, after development 6 cubic feet a second. Just about half of that water will be taken over through the subdivision into the detention basins rather than being cast off to the west onto the adjacent property owners.

Commissioner Mourdock: That retention basin, Bill, is the one on the west side that the concerns were about with the adjacent land owners, is that right?

Bill Jeffers: The detention basin is on the east side of the road.

Commissioner Mourdock: The east side of the road, but the west side of the development?

Bill Jeffers: No, it's all over to the east side of the development and the water is being held over there and then taken down through adjacent property owners towards the 4-H Center. They have been in close contact with those adjacent property owners and they are in agreement with receiving that water after it comes out of the detention basin. Also, we asked for a 50 foot grass strip all along the west boundary again so that those adjacent property owners along the west side who had the most to lose would have a 50 foot grass buffer strip across which no piped outlets, whether those piped outlets be from street systems or if a pipe outlet was coming from, for example, a house that is built in a new subdivision might want to pipe their down spouts underground like a lot of folks do, but they have to stop 50 feet short of the property line so that the water coming out of these down spouts will filter through this last 50 feet and will not come off onto adjacent property owners in a channel of water. We explained all



that to the adjacent property owners on the site out there on that lane and the language has been added to the plat to the effect that:

"Piped drainage outlet restriction line (that is that 50 foot line) including building down spouts are prohibited in this area."

President Borries: That's kind of a--

Commissioner Tuley: We're laughing, but--

President Borries: We're not laughing at you, but it is kind of a quaint way you are doing with your glasses. Is this a--

Bill Jeffers: This is one of my distracting techniques.

President Borries: You're about ready to usher in a whole new style in eyeglass wear.

Bill Jeffers: They go like this here and for storage purposes they go like this here! The developer is in the audience for any questions you have of him, that is Mr. John Elpers. His dirt contractor, Mr. Bruce Biggerstaff, is in the audience if you have any questions for him and his engineer, Mr. Keith Poff, is also in the audience along with his attorney. There is ample manpower here to answer just about any question you might have of this developer. The Vanderburgh County Surveyor's recommendation for this drainage plan is that you pass the final drainage plans for Shadow Bluff Estates. They will be presenting a very detailed erosion plan to Mr. Wathen with Soil and Water Conservation.

Commissioner Tuley: Bill, I've talked to Mike since the last meeting and he has been out there involved in all this with you, right?

Bill Jeffers: Oh yeah, we've been right there. He called and asked if he should be here tonight and I told him, hey, take tonight off because the questions about erosion control will be coming to him soon enough.

Greg Cahrey: My name is Greg Cahrey, I'm the attorney for the developer. Just one clarification or modification with regards to the representation made by Mr. Jeffers. They were accurate as was presented at that time, however, in reviewing the plans for Lots 1, 2 and 3 which adjoins the landowner's property to the west by the name of Bill Smith. We discovered after making those plans that it required actually in order for us to construct buildings on those three lots, that we could not indulge the luxury of a full 50 foot drainage restriction on that area.

President Borries: The easement, you mean?

Greg Cahrey: The easement that was shown on the plans. Now, the remainder of the property to the north, no problem. The configuration of the lots is such that we can go ahead and accommodate that full 50 feet. However, we believe that a 25 foot restriction for Lots 1, 2 and 3 would be acceptable. This would only be with the approval, however, of the adjoining landowner, Mr. Smith. That is the only one that it affects and it wasn't until this evening when we got together and were looking at the plans that we discovered that was the case. We would like to go ahead and, if possible, have any approval subject to the condition that we go back to Mr. Smith and get his acquiescence to the fact that

DRAINAGE BOARD MEETING  
JULY 22, 1996

5

we can go ahead and reduce this 50 foot restriction to 25 foot only as to Lots 1, 2 and 3. The remainder to the north, which is where I believe most of the problem concerns, the landowners to the north were the ones that were most concerned about that and that was the location where most of the water runoff occurs. We would like to go ahead and modify that or at least make the Drainage Board aware that is something that we are requesting the opportunity to go ahead and change at this time.

Commissioner Mourdock: Mr. Cahrey, before you leave and just to make a point here. When this came before us for the preliminary, you will recall it was a crowded room that night and there was a question regarding the jurisdiction regarding the Town of Darmstadt, and one of the conditions that I put on voting for this for future approval and it has come before me since I have been on APC since then, but I had requested that a letter be received or sent from the Town Board of Darmstadt specifying that they, in fact, did not wish to have this Board relinquish our authority and control over drainage. Did you receive such a letter?

Greg Cahrey: I have not received such a letter, but I have been advised that the letter had, as I understood, been directed to the Drainage Board from Mr. Steinkuhl of the Town Board.

Alan Kissinger: The letter was received. I believe it may be in the minutes of one of our meetings. Basically, the letter said exactly what you asked, but it didn't say...it wasn't asking Vanderburgh County not to relinquish. It said, basically, that the Town of Darmstadt did not want the authority. It was very clear and to the point and we may have already received in our minutes in a public meeting because I have seen the letter.

Greg Cahrey: Perhaps a clarification, Mr. Mourdock. I did not receive the letter, however, I have seen a copy of it and I think it is the same one that Mr. Kissinger is referring to.

Commissioner Mourdock: I have not seen a copy of it, but I will accept that it was received. The other question that I would have is for Bill Jeffers, if I may. I know you have had some discussions out there with adjacent property owners, or you and Mike, individually or together, but at the APC meeting, Mr. Rohner, I believe, David Rohner said that he was not able to make that meeting because he was working. Do you know, Bill, did either you or Mike get a chance to meet with him or talk to him about the concerns that he had? I think his concerns were primarily on the west side.

Bill Jeffers: He is up at the end of the lane where the 50 foot strip will be in effect. A 25 foot strip would be sufficient down adjacent to Mr. Smith's property and Mr. Smith is very amicable to this development anyway. Mrs. Rohner was at the site during the meeting and we expressed to her that if Mr. Rohner had any additional comments or would like for us to meet with him to contact us. That was three weeks ago and I have not heard from Mr. Rohner in that three week period.

Greg Cahrey: I believe that Mr. Poff, the engineer, has some additional information in that regard as well, too.

Keith Poff: I'm Keith Poff, Sitecon, Incorporated. There was an additional meeting with Mr. and Mrs. Rohner held with John Elpers and his sewer contractor and myself. It was held one afternoon at his residence and they discussed in detail the drainage plan, particularly for the west side of the property. I believe that Mr.

Rohner was at least made aware of the attempts that were incorporated in the plan from the very beginning and he was understanding to what we provided. I don't know if he was necessarily looking forward to it, but he understood.

Commissioner Mourdock: Okay, but you did at least follow-up from the APC meeting and the request that the conversation take place?

Keith Poff: Yes, we did.

Commissioner Mourdock: Okay. I appreciate that, thank you.

President Borries: Further questions at this time? Mr. Jeffers has made a recommendation...are there other persons at this time who wish to comment on the Shadow Bluff Estates drainage plan? Mr. Jeffers has made a recommendation. Do you want to consider a motion at this time?

Commissioner Tuley: I will move for the approval of final drainage plans for Shadow Bluff Estates as recommended by the Deputy Surveyor.

Commissioner Mourdock: I will second.

President Borries: So ordered. Motion is approved.

<b>Browning Road Estates West, Section 3 - Final approval</b>
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President Borries: Browning Road Estates West, Section 3.

Bill Jeffers: This is a continuation of Browning Road Estates West. Section 2 received final drainage approval several months ago and the houses in there are under construction at this time and it is my understanding that most of the lots have been sold in there. The streets have been constructed. Do you all need a copy of the plan to look at? I think you have seen it several times. I have had several conversations with the developer, Mr. Bill Wittekindt, as well as his engineer, Mr. Fred Koester, of Fort Branch, Indiana. We have requested several additions to the drainage structures throughout this subdivision. In particular, we asked for concrete head walls at each end of the corrugated metal pipe under Stargate Court which you can find, it runs between Lots 36 and 39. We asked for those concrete head walls because the soil in this particular area is extremely unstable. Those are shown and we also asked for several other erosion control/drainage improvements. What we are trying to avoid here and we agreed with the developer that it needs to be avoided is the total denuding of this forested area and a total reconstruction of all of the natural creeks that flow through it because that is where we have experienced the most problems in Hunters Ridge which is immediately adjacent to this and has the same type of soil. We've experienced some problems in Browning Road Estates when we've tried to impose manmade improvements on the natural creeks. There is a type of soil there, and I don't know the name of it, but it basically consists of very, very fine clay mixed with coarse sand. As soon as water hits it the sand separates from the clay and you get big deposits of sand immediately downstream of the erosion and then that clay silt just spreads out over the streets and all down...well, you know what we've had to go through in the last couple of months to clean that up. We are leaving the waterways as natural as possible, but we are imposing some additional requirements on the developer with regards to head walls and so forth. Also, Mr. Wittekindt is going to turn over the maintenance of the detention basin outlet and

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other pipes and so forth outside the right-of-way to the county under Plan B so we have asked him to make some improvements to the existing detention basin down here on Lot 43 and that is shown on the attached plan. The smaller sheet is where he shows some additional improvements to be made to that before we inspect it and accept the maintenance of the pipe on that. I sent about 10 or 15 different items that I wanted added to these plans to Mr. Koester earlier in the week and he has added every one of them. The only reservation that our office has about this plan at this time is Lot 39 at the end of the cul-de-sac called Stargate Court is a severely restricted lot because nearly 50 percent of it is in the 100 year floodplain and the house which is shown at its typical proposed location is sandwiched between the building line and the 100 year floodplain and then you have this natural creek running right through the middle of the lot. There is nothing there that violates the ordinance, nor the spirit of the ordinance or anything else. I just want to go on record as saying that whoever buys that lot, number one, is going to have to be very, very careful as to where they build the house and how they grade the dirt away from the foundation to protect that house and they have a whole lot of ditch bank and channel to take care of on their own. The county will not go in there and I want it known ahead of time that the county is not going in to those easements and improving or maintaining those creeks except in the case where an obstruction would occur and the new state statute would require us to go in there. The maintenance of those two open waterways will be the responsibility of the owner of Lot 39. I don't want there to ever be any question about that. I made those comments to the developer and the engineer earlier, but I just wanted to go on the record as making them at this time. With those comments, I will say that the Vanderburgh County Surveyor's Office recommends approval of the final drainage plan for Browning Road Estates West, Section 3. The owner, Mr. Bill Wittekindt, is in the audience. His legal representative is here and his engineer, Mr. Fred Koester is here if you have any questions of those three men.

President Borries: Thank you, Bill. Questions from the Board? Questions from anyone in the audience?

Commissioner Mourdock: I'll move approval of the Browning Road Estates West, Section 3 final drainage plan as recommended by the Surveyor's Office.

Commissioner Tuley: Second.

President Borries: So ordered. The plan is approved. Thank you. Bill, you guys have already gotten together with all of the comments that Bill has? Thank you very much for agreeing to all that.

<b>Clear Creek Village, Section 1 - Final approval</b>
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President Borries: Third, is this a final, Bill?

Bill Jeffers: Yes, sir this would also be a final for Clear Creek Village, Section 1, which is now composed of...I think they trimmed one lot out of it, let me make sure. It is 97 lots rather than what previously appeared to be 99. What they have done is they have enlarged Lots 1, 2 and 3 at the entrance to Mount Pleasant Road to accommodate a larger detention basin, to store more water that would otherwise go out onto Mount Pleasant Road. In order to get a house onto Lot 1 they had to enlarge it and it kicked a bunch of lots up through there and they lost one lot that way and they

have eliminated Lot 87 up in the northeast corner. I just put before you the final plat. There are only two corrections required on it. Up on Lot 86 you will see a little red arrow. A very minor mistake was made showing a five foot easement to be ten foot wide. That will be corrected before the plat is recorded. Then we asked that they add along the east side of the entire subdivision, and you can see it noted on Lot 80 and again on Lot 77 and again on Lot 16, the words floodway easement. What they did there is that they contacted...you can also see it on Lot 83 and again on Lot 85. What I asked for was a definable easement line that either followed or exceeded the floodway that would be designated by the Department of Natural Resources so that the entire floodway would either be followed exactly or that the easement line would be even farther out to the west than the actual floodway. They contacted the Department of Natural Resources who sent them a computer disk with the information on it that they were able to plot out as exactly as possible the extent of the floodway of Little Pigeon Creek. The engineer drew that easement line to match it or exceed it. There will be some wording added to the plat. The notice that they will add to the plat with regard to the floodway will simply state that the Department of Natural Resources does not allow any fences, buildings, structures, cuts, fills or other obstructions or changes within that natural area without a permit. All the people who buy those lots will be notified that they can do nothing inside that easement without a Department of Natural Resources permit. It will be left basically natural. I would anticipate what the people will do is go out there and mow the weeds, plant some grass and turn it into a natural area and that is what we want them to do. The county will not do any work within that floodway easement. I have made that clear to everyone that is a part of the development at this time. Any of the water courses that come down the hills and from the streets any emergency overflows that we've added and we've requested several emergency overflows...they have added everything that we have asked them to do, but when it gets down to that floodway easement line, the county will not go into that area. It will be left natural. The owners will be notified that if they go into that area with any alterations then they will have to obtain a DNR permit themselves. We feel that is the way it should be, that is the intent of statutes governing DNR. That area is set aside for the flood waters that come down out of the Highlands and run through Little Pigeon Creek. Like I said, they have added everything to the drainage plan, which I have here, that we asked for including finished floor elevations for every house in the subdivision, Phase One. There is a finished floor elevation for every single house in there plus what is called LAG and that is the lowest adjacent grade next to the foundation. In other words, that is what FEMA wants to see, what the dirt grade in the yard next to the foundation is and then the house should be at or approximately two feet above that. They have all the emergency overflows to carry the water from the streets. All the streets are set at or above the 100 year flood elevation. The retention basin is designed to detain not only the water from the new subdivision of Phase One, it handles that adequately, but it also handles water that will be channeled around the outside of the subdivision through this area along the north side of the subdivision and into the drainage basin before it is discharged into Little Pigeon Creek. So there will also be a detention of water that will be traveling out of the undeveloped portion which Mr. Sterchi only has an option on. He will be taking that water and channeling through the detention basin. The detention basin is built at or above the 100 year flood elevation. So the rains that we had in May and June, like June 9th, will not top over this detention basin as it has some other detention basins that were built below the 100 year flood elevation. The only variance that we are asking from the

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drainage ordinance is that some of the easements that would have been required at say 16 feet would have caused the eaves and the gutters of some of the houses to overlap the easement lines so we asked them to submit designs showing the maximum amount of easement that they can get between those houses. In a couple of the cases that was 14 feet. After examining their design, 14 feet was sufficient, for say, this piped easement between 84 and 85, 14 feet would be sufficient for the pipe as well as for an emergency overflow swale on top of the pipe and still allows Mr. Sterchi to build two houses without the eaves hanging over into the easement. We did that because if for some reason we had to go into those easements and the eaves were overhanging and our backhoe hit the eaves, those people wouldn't have a recourse...we would have said that their eaves were on our easements and I don't think that is fair. I think we can work in 14 feet if we have to go in there. These are very big houses. Again, Mr. Morley and Mr. Daryl Helfert are the engineers for Mr. Brad Sterchi and they are here in the audience to answer any of your questions. The Vanderburgh County Surveyor's Office recommends approval of the final plat for Clear Creek Village, Section 1, final drainage plans.

Commissioner Mourdock: A couple of questions, Bill, to make this jibe with what my recollection was and I do have some concerns here. For Section 1, the other part is both north and west, is that right?

Bill Jeffers: Yes, sir.

Commissioner Mourdock: Okay. The area that is southeast of this development, when we saw this map last time was there not more development or more of the subdivision planned in this area than what we have here?

Bill Jeffers: Not to the southeast.

Commissioner Mourdock: Okay, so the one retention basin which you show right in this area, that has always been there and it did not extend clear down into this section?

Bill Jeffers: Oh, I think the extension of this main detention basin, which is in the northeast corner of Section one, is that correct?

Commissioner Tuley: Yeah.

Bill Jeffers: In the northeast corner of Section 1 is the detention basin. That will be expanded up to the north and wrap slightly around where the railroad tracks are. Do you all have an overall that shows all three hundred and sixty something lots? I think that will refresh Mr. Mourdock's recollection a little. This is the entire 363 lots.

Commissioner Mourdock: This is what I remember.

Commissioner Tuley: That is not a part of Section 1.

Commissioner Mourdock: Well, yeah it is, but it is just not as--

Commissioner Tuley: Oh, I see, it is condensed on here.

Commissioner Mourdock: Right, exactly.

Bill Jeffers: The ditch itself is the boundary of the subdivision, or the creek. They are only building the detention basin up to

about here. The detention basin will be continued all the way around the railroad track to about here.

Commissioner Mourdock: I've lost track of some of the dates when this came to us additionally, but when it came to us for preliminary I know I voted for it and after that date, I guess after it came to Area Plan, we had, I guess it was May 28th, was that one of our big precipitation events, Sunday evening?

Bill Jeffers: April 28th, May 4 and 5, and then June 9th.

Commissioner Mourdock: Okay, it would have been June 9th then. I drove through this area and out here on Mount Pleasant Road there was water to the base of my fairly high sitting pickup truck.

Bill Jeffers: Right. Basically, the water...here is your floodway limit. The water was from about here, and here is the railroad track embankment and this was all flooded. We have marks on the pavement out there as to the extent of that flooded portion of Mount Pleasant Road and it is from about 50 feet west of the bridge and then on the east side of the bridge it goes almost to the railroad tracks where the grade starts going back up. That is pretty much what the Corps of Engineers' study shows would cross that road during a 100 year storm.

Commissioner Mourdock: The most pertinent part, of course, isn't that the water was across the road, but the water was clear back up, well through a lot of this.

Bill Jeffers: Right, it pretty much followed the outline of the floodway that is shown there and there was some fringe water outside that floodway that would be considered backwater. Water waiting to get into the floodway.

Commissioner Mourdock: Given everything that you've seen out there this year, Bill, and I know you've been astounded, a couple of times I've heard you use the phrase that you never imagined that water could get to places that it did get.

Bill Jeffers: Right, I didn't believe it would happen.

Commissioner Mourdock: I agree with you. I saw mailboxes under water over in this area that I never thought I would see under water. Can you tell us in good faith, and I'm not asking for a prediction here, but I just want your gut feeling, if this were fully developed out here right now and we had those same types of events, would we be seeing an identical effect here along this road that was under water? Do you think there would be housing out here that would be as adversely affected as some of the other housing out in this general area?

Bill Jeffers: You are asking me to generalize on that and I want to be more specific like I was with a lady who called me about this today. I asked her was there any water in any house in Copperfield which is directly across the street from here. The answer was no, there was no water in any house in Copperfield.

#### TAPE CHANGE

Bill Jeffers: We had water right up to the back patio of houses right across the street in Copperfield, but on the plat for Copperfield is a clearly delineated floodway that says no construction within 200 feet, basically, of the top of the bank of this same creek. That is what we are trying to notify people of.

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Hey, you want to live out in the country, you want to live on a creek bank, you want to build a house here, but please be aware that when a severe deluge occurs, there will be water in your backyard and please don't put any yard barns, swimming pools, fences, etc., in such a way that it will negatively cause you property damage.

Commissioner Mourdock: I understand that answer, but my question is a little bit different. If this were fully developed out here and what is all farm field now were replaced with the streets, with the hard surfaces, with the driveways, with the grass, do you think the effect of this subdivision in Sections 2, 3 or 4 or whatever, what is that effect if this were all done? What is the effect? Would people in Copperfield, do you believe, have water in the house?

Bill Jeffers: We are only dealing with Section 1 and my answer on Section 1 is that it will be an improvement. What they have shown me in Section 1 to review with the houses set at the elevations they are set at and with the drainage system as it is shown taking all that water down to this detention basin and storing it in the method that they show they are going to store it and releasing it over a long period of time rather than immediately and that will have a net positive effect downstream. I haven't seen the rest of the plan for the other two hundred and forty something lots. I can't answer your question until I see that plan. The conceptual plan, yes, I could say not unequivocally, but generally from looking at the conceptual plan it appears that there will be no net negative effect downstream, but I'm not going to say positively, absolutely that I am sure of that until I see each phase come in step-by-step and have the opportunity to pick it apart the same way I've picked these 97 lots apart. I have already looked at some of the conceptual plans and seen some of the problems that could arise, but we haven't got there yet and we haven't got up to Section 2, 3, 4 and 5 and so I'm not ready to make that kind of commitment at this time.

Commissioner Mourdock: In 2, 3, 4 and 5 or whatever, are they all relatively higher than these in this one? This is the lowest of them?

Bill Jeffers: This is the lowest, this is in the floodplain.

Commissioner Mourdock: So the question regarding those to me isn't so much a matter of...well, it is simply a matter of runoff.

Bill Jeffers: I would like to see detention up on the hills, but I'm sure that is a battle that we are going to have to fight when we get there. I think the higher you go up in the hills the better place for a detention basin is, but that is just not how our system seems to operate. It is the most undevelopable land that gets the detention basin, but in this case, Section 1, I believe will have a net positive effect downstream. Those 97 lots as it is shown on those plans there.

Commissioner Mourdock: I just know full well, and I know you don't either, want to go through the experience of seeing houses with water in them that they have had here recently.

Bill Jeffers: We are going through some kind of change. I don't know what it is. I heard that Chicago had 16 inches of rainfall in 24 hours. They are not subject to as much rainfall as we are because they are farther north away from the Gulf and the cold air as you go farther north draws the precipitation out so 16 inches in 24 hours for them is like 24 inches in 24 hours for us.



Commissioner Mourdock: I thought it was interesting that the town that got the worst flooding was called Orland Heights. I wonder how high the "Heights" were because they were the place that got all the flooding!

Bill Jeffers: From a lady in our office who has relatives in Chicago that called her, there was water in the second floor of dwellings. Like I said that one time in here, our maximum theoretical rainfall on the computer is 36 inches in 24 hours. Of course, everybody says that it will never happen, but I bet that 16 inches up there was damn close to their theoretical maximum. So, something is happening and I don't know what it is. Maybe it is just a cycle that we will cycle out of and go back into a dry period. I think you've seen about as bad as it can get.

Alan Kissinger: That "El Nino" word again! :

Bill Jeffers: Yeah, "El Nino".

President Borries: I have expressed some concerns. I think your comments have addressed those, but I just want to be real clear that I indicate that before I would vote to approve this that the Department of Natural Resources would...what should we say? I guess either approve or we would get some kind of communication from them regarding the placement of those lots. In your opinion here, that has been done by the model that they sent down?

Bill Jeffers: I made the consulting engineer aware of your comments which I quoted to him directly from the minutes and asked him to address that. He has addressed it to me and I understand what he is telling me about his communication. He showed me a letter from DNR, but if you think, Mr. Mourdock, that I can waffle around...you haven't seen waffles until you've seen a letter from DNR!

Commissioner Mourdock: I've seen them and I agree.

Bill Jeffers: Okay, I'm going to let this engineer over here tell you what DNR told him.

Jim Morley: My name is Jim Morley and I'll briefly say as we talked with Bill, but what they sent to us was the computer disk that they did on the study, to plot on that. That computer disk caused Daryl, who ran the computer program, caused us to move back the floodway right where it came under the railroad and Highway 41 bridge to match up with it. It now does that and they gave us that raw information and then by this plat we are hereby certifying that we now have that exact information. So, I guess what you have as an answer is we have DNR's transmission of the raw data and their computer model of where the floodway is and then you have our certification that, yes, we certify and we have placed that accurately on the map. It did cause us to move back and move the basin, but we have done that. I think that is the kind of...it's not exactly worded the way you asked for it in the meeting, but the end product is the same.

President Borries: Further questions to the Board?

Jim Morley: Mr. Mourdock, would you want me to respond a little bit further to the question you were asking of Bill?

Commissioner Mourdock: Sure, if you like.

Jim Morley: Your question really related to will water come across Mount Pleasant Road in the future as it has...will it come across

any worse?

Commissioner Mourdock: No, let me better phrase the question. The question was, am I going to be out there on a Sunday night as I was on June 9th with people watching water pour into their houses when they build in an area that they didn't think was supposed to get flooded? The water that was out there on June 9th gave me concern that both the people on this side in Copperfield and the folks here might experience that.

Jim Morley: This subdivision, and on June 9th you may have seen water across the field throughout all that area where water was across the field, is to be elevated. The basin is excavated from that. Within Copperfield, as Bill stated, there was no water in any houses and all of the people who were along the creek had water in their backyards and there was some water in the streets out front also. In this subdivision it has been asked of us to elevate the streets. Now, we don't want to elevate them too much so that the street acts as a dam and prevents this big storm that comes that is bigger than the 25 year that is in your ordinance. You asked us to count our sewer sizes all for the 25 year and now we have taken into this, the first time it has really been emphasized, the idea that we will do surface water overflows for those 50 year storms or those 100 year storms. Those storms that are larger than your ordinance says is the minimum that we size our pipes for. Our pipes may be oversized a little bit, but I certainly would not say that they are sized for that 100 year storm. Our basin is sized to carry more than that 25 year storm so that offsets this increase in runoff from the residential development, the new streets and the new roofs. That goes into the basin and the basin is elevated so that it does not wind up coming into the stream. As Bill has said, we've given all of the details so far and those details for the next phase will be coming with that also. We have to separate existing ditches from the development. In many ways the layout of this enables us to do relatively easy things that are necessary. We are not offsetting by doing detaining over here and letting something over here go. This development is sloped in such a way that we actually capture all of the water on our property. The only thing that we had early on asked about was to let a small portion that was down by Mount Pleasant Road continue to run that way and then through our preliminary stage we were asked to detain that also. We added that and we lost a lot out of it. We gave up a lot, we made it larger and added that lot. So, the answer to your question is that there will not be any negative effect in Copperfield on this development.

President Borries: Further questions of Jim or does anyone else wish to speak on this? This is Section 1? Further comments from the Board at this time?

Commissioner Tuley: I'll move for approval of Clear Creek Village, Section 1, as recommended by the Surveyor's Office.

Bill Jeffers: That is the final.

Commissioner Tuley: Yeah, that doesn't change your recommendation does it?

Bill Jeffers: No.

Commissioner Mourdock: With some reservations, I will second.

President Borries: I will say so ordered. I will say that Section 1 has been approved and we wish for fair weather. Certainly, Mr.

Morley and his group is one that has extensive experience with drainage plans of all sizes and I'm confident that this one will work as stated.

Commissioner Mourdock: It is not a small point to me and one of the people who spoke here several weeks ago made the comment, too, that she was concerned about the water in Deerfield and then she added that the water didn't get in her house in Deerfield. I understand that people don't like it when the water is in the backyard, but that is not the problem that water in the house is.

President Borries: I agree with you. I think that sometimes we also see water in the streets and we think, oh, what a shame, after we've had a two inch rainfall in an hour, but frankly, with rolled curbs and gutters and the streets lower than where the houses are, that is the only place for the water to go for a while there as well. I would rather have water in the street than I would in my house. We attempted to design that. My concerns, and that is why I had to ask Bill for the record, I guess those would be put on the plots some way that this is in the floodway, as you have said, there is not going to be any structures at all or any kind of impediments in that as per DNR.

Bill Jeffers: Here is a copy of what will be on the plat with regard to the floodway. I'm sure that Mr. Sterchi knows that we are going to be watching Phase 1 very closely to make sure that we haven't overlooked something and that his performance in Phase 1 will have a lot to do with how we look at the rest of the phases.

President Borries: What this says is:

"Strips or areas of land marked "floodway easement" are hereby dedicated for conveyance of surface water and maintenance of the Little Pigeon Creek Channel and its defined floodway. Flood Control Act I.C. 13-2-22 states that it is unlawful to erect, make, use or maintain any structure, obstruction, deposit or excavation in or on any floodway without obtaining prior approval from the Department of Natural Resources."

Bill Jeffers: That will be on the plat and do I understand that will be in the covenant and restrictions that are handed out to the residents as well?

Jim Morley: Yeah. We are going to add that so that each individual gets a copy of it. Sometimes things on the plat don't get read by the people buying it.

Bill Jeffers: Mr. Morley is saying that those will be in the covenants and restrictions of each lot affected as well.

Jim Morley: We have certain things in your drainage plans that are essentially not on record to the individual homeowner so things like how to slope the ground away from the house, how to create a drainage plan, backyard swales, those 8 1/2 x 11 sheets that we had prepared for you before, we are attaching them and making those exhibits to the covenants that attach to each of the lots. Hopefully, that will, as Mr. Sterchi says, make sure that every person gets a copy of that so that they will see how the lot is properly drained to allow for good drainage away from the house.

Commissioner Mourdock: Before we leave that subject, I might also ask that you consider adding to that language for the subdivision provisions that restrict individual landscaping on the home lots

that would impede drainage. A lot of the problems that we had off of Bob Court, the provisions within the plan, I think, were good, but basically when individual contractors got in there and built some homes and wanted to dress them up with a little bit of landscaping and raise a little bit here and a little bit there and then the neighbor gets a little higher and as the houses were built they obviously didn't want drops in the driveways so they would backfill a little bit more and pretty soon all the drainage way was flooded off. The drainage plan was right. It was right as approved, but I think there was just enough individual landscaping that a foot of soil in the wrong place means a foot of water in somebody else's place. Perhaps that can be addressed and added too. You have very low ground out there.

Jim Morley: One of the things that I especially like about your part of the ordinance dealing with concrete in the drainage way and flat slopes where there is less than eight-tenths of a slope, when you place a concrete ribbon down that swale, then you essentially have established for all time what the elevation is and you can deal then with neighbors (inaudible) and it seems like all of their answers, instead of going out there with a shovel and cleaning out the silt, is for him to dump a little soil where his is ponding and it is a never ending cycle. One of the great benefits that I see in this concrete ribbon is that original survey of what that drain is supposed to be is thereby preserved for the future. (Inaudible comments not made from microphone)

Bill Jeffers: It is also very clear that all these emergency overflows between these houses and back to the creek are what the statute now calls natural watercourses and any obstruction in there can be removed under the new statute.

President Borries: We might want to add the word landscaping because I think, just as Commissioner Mourdock clearly pointed out, you can get pretty fancy with some of that and a berm here or there can really change the movement of water. Really, what we are asking for here is just grass that is going to be back there. It will be allowing a lot of mowing, but we just don't want a lot of elaborate landscaping in that area, too, because it could change the...

Jim Morley: (inaudible comments not made from microphone) ...perhaps the covenants are the way to get the information out to the home buyers. A great deal of the problems that you are beset with are as a result of ignorance on the part of the person who built the home and dealt with it and did not understand what they were doing. We have to find some way to convey the information and that seems to be the problem. It is not that we don't approach it right from the first part of it, it is just that there is no follow-up. We have no vehicle by which we can tell these homebuilders and homeowners what they have to do and a creation of a berm can cause somebody else damage.

President Borries: Okay, thank you, gentlemen. Bill.

Bill Jeffers: Pardon me?

<b>Emergency repairs - Sonntag Stevens &amp; Keil Ditches</b>
---

President Borries: Item B, hopefully we can cruise through the alphabet quickly now.

Bill Jeffers: What happened June 9th is that we had some damage to

Keil Ditch which amounted to a washed out bank obstructing the waterway and exposing a footer for an overhead electrical structure that carries electricity into Whirlpool and the possibility that further erosion would cause that standard to fall over. We deemed that to be an emergency and obtained two sealed bids from two contractors who have satisfactorily completed work for us in the past. In this case Terry Johnson Construction was the low bid. The figures were given here. Also, the balance in the account was given along with what we expect to pay out for normal annual maintenance showing that there is surplus in the account to pay for the work. The emergency work was completed July 18, 1996 satisfactorily. On Sonntag Stevens we had a culvert that goes under the railroad track by Hitch-Peters Road completely obstructed with debris that was washed downstream, just debris, brush and etc. Another heavy rain would have caused the backup of storm water that could have flooded the Sports Park, Oaklynn Subdivision, Cloverlawn Subdivision and the industrial area out there. Again, we obtained a low bid from Terry Johnson Construction. These were all sealed bids and it shows the higher bid from Scotty Boiler and the work was completed July 15th by Terry Johnson Construction satisfactorily. I've given the account balance showing that we have plenty of money to pay for it and then the drainage statute that requires the Surveyor to:

"Immediately remove the obstruction and repair the damage when a regulated drain is obstructed by..."

It then tells what kind of stuff and that matches what was there. The obstruction damage was caused by a natural act, not by an act of a person, therefore, we are taking the money out of the drainage account rather than billing it to a property owner. This was just a natural act. I do have the blue claims here and when we get done, I will be asking you to approve the blue claims for this work. If you want me to sign a copy of that for Mr. Brenner, I will.

Commissioner Mourdock: So this is just informational at this point since you've got blue claims?

Bill Jeffers: Right. Well, I'm asking you to approve the emergency work that we did because the state statute allows us to do so.

Commissioner Mourdock: So moved.

Bill Jeffers: We never want to do anything without notifying you.

Commissioner Tuley: Second.

President Borries: So ordered.

<b>Repairs to Wabash-Erie Ditch</b>
-------------------------------------

President Borries: Item C.

Bill Jeffers: Mr. Kissinger, myself, and the City Engineer, Mr. Herb Butler have been trying to come up with a plan to fix the problem in front of Rudolph's plant out on Stockwell Road. We do have a complete set of plans that has been checked by a consulting engineer for us who is a registered civil engineer and who will be stamping those plans. He has also supplied us with a set of specifications for placing gabion revetment along that bank. I had a meeting with Mr. Butler, the City Engineer, this morning and I had already prepared an advertisement for you to sign and have us,

as the Drainage Board, advertise and let the contract and Mr. Butler said, look, what you guys are going to do is let the contract and then turn around and bill the city because it is a part of city property so why not just let the Board of Works let the contract and we will bring you a set of plans to sign off on like the original plans for this that were done back in '77. I said, hey, if you want to do it that way, that is fine. He said it will avoid a lot of red tape. So, he is going to take the plans that have been approved by Mr. Morley, he is going to add a cover sheet to it for the Board of Works to be the primary agency, he is going to take it to the Board of Works and obtain the funds to do the work. He wants a couple of more weeks to do a final field check so that he feels assured that the work that we have done, the survey work that we have done and the plans that we have drawn, are sufficient and then he wants me to get together with a draftsman from his department and put the final details on it and bring the sheet back to you to co-sign with the Board of Works. The Board of Works will advertise and let the contract and pay for it with city money. He feels that will go a lot better than the other way around. That is the way the original ditch was constructed and that's the way he wants to do this. If that is okay with you, I will be coming back to you with a title sheet to co-sign.

Commissioner Tuley: Sounds fine.

#### Petition from Johnnie Crick

Bill Jeffers: We have a petition from Johnnie Crick who owns a house at 6905 Darmstadt Road which he feels is in danger of being damaged by an obstruction in a natural watercourse. That obstruction being about 15 inches of gravel that was placed on New Maple Lane is holding water back onto his lot and he feels that it may have caused flooding of his basement and it may cause flooding in the future. Here is your first petition under the new statute which causes you to order the County Surveyor's Office to go out and make an investigation,--

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

Bill Jeffers: --bring you a report and then at that time you will have to set a hearing date.

Alan Kissinger: Bill, as you go through this, please check with the County Engineer and the County Garage. There is apparently a legitimate question as to the ownership of that road, past maintenance of that road and the various improvements that have been made on that road by the county. The finger could very well point back to the county, so please take that into consideration as you make your investigation.

President Borries: We have authorized you to do that check that you have mentioned and to report back to us.

Bill Jeffers: Okay.

#### Correspondence

Bill Jeffers: Under correspondence, I had some letters, but I'll save them for next month; they were nothing important. One of them you might be interested in. We have a lady out in the 8400 block

of Birch Park Drive who has had a long standing complaint about the way her backyard was graded and was holding water and this, that and the other. Mr. Bill Higgins has been struggling with that for some time and I wrote a letter to W. C. Bussing, who you guys know as Bud Bussing, Jr., mentioning that if there was anything that he could do to help us with that, since he was the developer of the subdivision, we would appreciate it. He is no longer under any responsibility to correct anything out there. The problem is being caused by individual house builders who buy lots and they are building spec houses and just ruining the grading work that Mr. Bussing's contractor did for him originally. I got a phone call out of the blue from Mr. Bussing that said he will be sending Bruce Biggerstaff out to install an additional drop basin at the southwest corner of Myra Peak's lot to take the puddle out of her yard. I thought this was extremely...what do you call it?

Alan Kissinger: Above and beyond the call of duty?

President Borries: Extraordinary?

Bill Jeffers: Damn nice guy, Mr. Bussing is. That's what I'm trying to say. I just couldn't believe that he would do that because that is going to cost him several thousand dollars and he is taking care of a situation which we can't take care of and he is not responsible for, but apparently the individual homeowners were just going to let it lay. Kudos to Mr. Bussing there.

#### Blue claims

Bill Jeffers: The blue claims include the two emergency claims that I spoke of earlier, plus a regular spring mowing maintenance claim by Jim Axton on Kolb Ditch. All of them are accompanied by the bills and the necessary paperwork signed by the Surveyor with his recommendation to approve these claims for payment.

Commissioner Mourdock: I'll move approval of the blue claims.

Commissioner Tuley: Second.

President Borries: So ordered.

#### Individuals wishing to address the Drainage Board

Bill Jeffers: Under others wishing to speak, there is Mr. Gannon in the audience. Do you wish to speak, Mr. Gannon?

Unidentified from audience: (inaudible comments not made from microphone)

Bill Jeffers: Okay, basically what I had told Mr. Gannon after Mr. Wathen and I visited his property, which is at the intersection of Red Gate and Pine Gate Road immediately adjacent to Hunters Ridge, and he is still experiencing some water coming down out of Hunters Ridge and crossing the dead-end of Pine Gate Road and causing him some problems either washing through his yard barn or washing gravel off the end of a parking area that he has created there. What we are trying to do is to acquire some dirt, I had hoped from Mr. Wittekindt, who expressed to me tonight that he has quite a shortage of dirt right now or possibly from the County Highway Department as they clean out some ditches if we could come up with some suitable fill to build an earth berm along the property line that separates Mr. Gannon's lot from Mr. Fuquay's development. Mr.

DRAINAGE BOARD MEETING  
JULY 22, 1996

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Fuquay has said that if we can come up with the dirt, he will put it in place and construct this earth berm that would direct this water down into the roadside ditch rather than across the end of the road and that would help Mr. Gannon's situation in that specific location. We also have a situation out there that we think we are going to be recommending to the Highway Department that they install a concrete head wall at the two pipes at the intersection of Oak Gate and Red Gate Road because it is starting to erode into your roadbed and it is exposing a sewer line. What we really have out there, like I said earlier when we were reviewing that subdivision, is a very erodible type of soil that is extremely unstable and we are going to have to take a lot of extra precautions out there anytime that we disturb any dirt. I don't have to go into Hunters Ridge and all that, you've seen it happen and we are just trying to clean it up once and for all, little by little. I think Mr. Gannon may be here to make sure that I made that brief report and if he has anything else to add or wants me to add anything else, then now is the time.

President Borries: Mr. Gannon, why don't you come forward and identify yourself and address for the record. You've sat here patiently, so we would like to get your name and address for the record, please.

Tim Gannon: Tim Gannon and I live at 12701 Red Gate Road. What has been proposed we will go along with. That is not a problem. I know that you will have to acquire permission from the adjacent homeowner behind me to get on his property. If he won't do that, I will give some of my land back there so that you can build that wall so that we can stop that water. We will do anything and we appreciate the help that you gentlemen have given us.

Commissioner Tuley: We should have some dirt because they are cleaning out ditches on Walnut Lane and Radio.

Bill Jeffers: Right, I thought it was a good time to ask you guys. That dirt on Walnut Lane is pretty good dirt. It's not filled with trash or anything, it is pretty good dirt.

Commissioner Tuley: Yeah.

Commissioner Mourdock: How many cubic yards are you looking for?

Bill Jeffers: We are looking for about four single-axle loads which would be what? About 40 cubic yards or so.

Commissioner Mourdock: It wouldn't be that much, 30 maybe.

Bill Jeffers: Yeah, 30 to 40 cubic yards of dirt. Probably not even that much. I just want to have enough to get the job done and compacted in place. Mr. Fuquay has agreed to do the work and when he gets his equipment on site, we will start bringing the dirt, and when he has enough, we will telling them to stop hauling it.

Commissioner Tuley: Can you coordinate that through Bill, out at the garage?

Bill Jeffers: Morphew? I'll be happy to try that.

Commissioner Tuley: Tell him that we said to go ahead and give it to you, but coordinate where you want it at and everything until you get it in place.

President Borries: Just one final item on that and I think that



will be a good idea as we have talked about berms here and how that moves water. You'll inspect it or someone will inspect that when it is going on, but who will maintain that? The property owner?

Bill Jeffers: Mr. Gannon's neighbor, Mr. Gardner, has planted some cypress trees and pine trees back there and he doesn't mow anything, but it is very grassy and then he has planted those trees there and has become very stable and that is why we don't want to go in there and dig out that waterway because he has stabilized it. I believe that if we build a berm and seed it with some good grass and get a good grass growth on it, then it will just take care of itself.

President Borries: Alright.

Bill Jeffers: Of course, Mr. Gannon is free to mow his side of it and any part that is on his property. He does have a little vegetable garden back there and around that he does mow and maintains his yard very well.

President Borries: Okay.

Bill Jeffers: But between the two, whether it is maintained naturally or with a lawnmower, if we put it in place correctly and seed it and get a good growth started on it I think it will take care of itself.

Commissioner Mourdock: Alan, just a question and I hope this works. I'm not trying to throw a roadblock into it, but do we have any problem if we are digging that from the county right-of-way, putting it in a county truck, which I assume we would be doing the hauling under your scenario, and hauling that dirt over onto private property? Do we have any problem with that?

Alan Kissinger: No, not as long as it is pursuant to an agreement or an arrangement approved by the County Commissioners.

Commissioner Mourdock: Okay, I trust then that we would need an entry agreement from the landowner, in this case Mr. Gannon, saying that we have the right to drive that truck on there. We could rut up the yard or something and we don't want to be responsible for that.

Alan Kissinger: It is not the same as paving a private drive.

Bill Jeffers: There is actually an asphalt roadway that goes back to the area where they would be dumping and all we are asking the County Highway Department is to dump it and go.

Commissioner Mourdock: Actually, I was thinking of another dispute in another county--

Alan Kissinger: Ah, I beg your pardon.

Commissioner Mourdock: --regarding county property being used.

President Borries: Okay, Bill, we've gone through...thank you, Mr. Gannon.

Commissioner Tuley: Sorry you sat through such a long meeting for that.

President Borries: We've gone through the alphabet here.

DRAINAGE BOARD MEETING  
JULY 22, 1996

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Alan Kissinger: I have one last thing here and I promise to be as brief as possible. There is going to be major reconstruction of the ditch which parallels Burkhardt Road. Bill, is that Burkhardt Ditch?

Bill Jeffers: That is called Crawford-Brandeis Ditch.

Alan Kissinger: The Crawford-Brandeis Ditch.

President Borries: I've always called it East Side Urban for some reason.

Bill Jeffers: Well, all together it is called East Side Urban Drain, but that particular part of East Side Urban, that particular ditch is Crawford-Brandies. But, yes, it is part of East Side Urban.

Alan Kissinger: Mr. Jeffers and I have discussed this previously and I've also discussed it with Mr. Stoll. There is a hearing process that is required any time the County Surveyor issues a report indicating that a regulated drain is in need of construction. What I am going to request is that the Surveyor's Office issue a report indicating that Crawford-Brandeis Ditch, where it parallels Burkhardt Road, is in need of construction. There is also a requirement that a hearing be held and there are specific time requirements for notifying property owners who will be assessed, who's assessment will be increased as a result of this reconstruction. Now, we do not have that situation because there will be no property owners whose property will be assessed additionally because all of this is going to be in county right-of-way. However, this statute is written in such a way that, I think, intelligent people could disagree, but it appears that still a report is necessary and that a hearing is required. I don't think 30 and 45 day time limits for notifying assessed owners is required. The reason that I am bringing this up is that I am going to be on vacation and I am going to miss the next two meetings, but I am going to talk to John Stoll and I think that John Stoll and Mr. Jeffers will, in the very near future, be requesting that the Commissioners hold this hearing on the reconstruction of this ditch so that the process of letting the contract and so forth on this project can proceed. I think that Bill suggested earlier what is a very good suggestion, that a special Drainage Board meeting be set. I think that would be the best procedure. I will talk to John Stoll about that and I am sure that John will communicate with Mr. Jeffers and I will communicate with Mr. Jeffers and hopefully at next week's meeting someone will notify the Commissioners as to when the Special Drainage Board Meeting ought to be set. I think it will be a very perfunctory thing. There will have to be an advertisement, but I don't think that you will meet with any remonstrances and I believe that we can comply with the statutes with perhaps a ten minute meeting. It needs to be done so that we have dotted the I's and crossed the T's toward our bidding process.

Commissioner Tuley: Let's quit. Do you want to change the tape or quit?

Alan Kissinger: Let's quit.

Commissioner Mourdock: I move for adjournment.

Commissioner Tuley: Second.

President Borries: So ordered.

The meeting was adjourned at 9:40 p.m.


THOSE IN ATTENDANCE:

Richard J. Borries  
Patrick Tuley  
Richard E. Mourdock  
Alan Kissinger  
Suzanne M. Crouch  
Teri Lukeman  
Bill Jeffers  
Greg Cahrey  
Keith Poff  
Jim Morley  
Tim Gannon  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
DRAINAGE BOARD

  
Richard J. Borries, President

  
Patrick Tuley, Vice President

  
Richard E. Mourdock, Member

Recorded by Teri Lukeman  
Transcribed by Charlene Timmons

AMMENDED  
AGENDA

VANDEBURGH COUNTY DRAINAGE BOARD

JULY 22, 1996

A. FINAL DRAINAGE PLANS:

1. SHADOW BLUFF ESTATES
2. BROWNING ROAD ESTATES WEST -- SECTION 3
3. CLEAR CREEK VILLAGE SECTION ONE

B. EMERGENCY REPAIRS TO SONNTAG STEVENS  
AND KEIL DITCHES

C. REPAIRS TO WABASH ERIE DITCH AT RUDOLPH'S PLANT

D. PETITION TO DRAINAGE BOARD FROM JOHNNIE CRICK

E. CORRESPONDENCE

F. BLUE CLAIMS PRESENTED FOR PAYMENT

G. OTHERS WISHING TO SPEAK TO THE BOARD

THE ORDER OF SUBDIVISIONS WAS REVERSED  
BECAUSE THERE ARE PERSON WISHING TO SPEAK  
ON #3 WHO NEEDED ADDITIONAL TIME  
TO PREPARE

MA 7/22/96 6:25pm

# Proposal

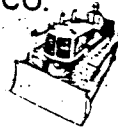
Page No.

of

Pages



**TERRY JOHNSON'S CONSTRUCTION CO.**  
**GENERAL CONTRACTOR**  
 1902 N. 4th Ave.  
 Evansville, IN  
 425-2388



*Emergency B.I.D.*

SUBMITTED TO <i>SURVEILLANCE office</i>		PHONE	DATE <i>6-24-96</i>
STREET		JOB NAME	
CITY, STATE AND ZIP CODE		JOB LOCATION	
ARCHITECT/ENGINEER		ATTENTION	

We are pleased to quote:

*SONNTAG STEVEN DITCH*

*CLEANOUT TRASH FROM TWIN DRAIN PIPES UNDER RAIL ROAD TRACKS*

*LABOR - BACKHOE - DUMP TRK - DUMP FEE \$300.00*

*KEIL DITCH*

*20' X 55' WASHOUT BANK AT POWER STATION (ELECTRIC) - BEHIND WHIRLPOOL*

<i>1- Ball geotextile</i>	<i>\$253.04</i>
<i>1- Box Securing Pins</i>	<i>\$20.00</i>
<i>1- TRAILER LOAD OF RIP-RAP</i>	<i>\$300.00</i>
<i>8 HR'S - BACKHOE</i>	<i>\$400.00</i>
<i>5 HR'S - 2-LABOR'S</i>	<i>\$160.00</i>
	<i>\$1133.04</i>

**We Propose** hereby to furnish material and labor — complete in accordance with above specifications, for the sum of.

Payment to be made as follows: \_\_\_\_\_ dollars (\$ \_\_\_\_\_)

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature \_\_\_\_\_

Note: This proposal may be withdrawn by us if not accepted within \_\_\_\_\_ days.

**Acceptance of Proposal** — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: \_\_\_\_\_

Signature \_\_\_\_\_

Signature \_\_\_\_\_

Robert W. Brenner, Vanderburgh County Surveyor

VANDERBURGH COUNTY  
SURVEYOR'S OFFICE  
Room 325 Civic Center Complex  
One Northwest Martin Luther King, Jr. Boulevard  
Evansville, Indiana 47708-1833  
(812) 435-5210

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: TERRY R JOHNSON

for [ ] annual -- [☒] additional maintenance to  
SCHMIDT & STEVENS Ditch, a legal drain  
in Vanderburgh County, Indiana, was completed on  
JULY 15, 1996, and was inspected by  
our staff on JULY 16, 1996, and is  
[☒] approved -- [ ] disapproved for payment per the  
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 7/22/96  
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME TERRY R. JOHNSON # 1057

On Account of Appropriation for SOUTAL STEVEN'S DITCH # 23A-038

Invoice No.	Itemized Claim	Amount	
	EMERGENCY - DEBRIS REMOVAL		
	FROM TWIN PIRDS @ RAILROAD		
	SAIR		
96-F1-33-85	1 LUMP SUM @ \$ 300.00		
	PAY 85% @ \$ 255.00 →	\$ 255	00
	15% RETAINAGE = 45.00		

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Terry R. Johnson  
Name  
Owner  
Title

Date July 16, 19 96

TOTAL 255.00



Robert W. Brenner, Vanderburgh County Surveyor

VANDERBURGH COUNTY  
SURVEYOR'S OFFICE  
Room 325 Civic Center Complex  
One Northwest Martin Luther King, Jr. Boulevard  
Evansville, Indiana 47708-1833  
(812) 435-5210

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: JIM AXTON

for ☒ annual -- ☐ additional maintenance to  
\_\_\_\_\_ Ditch, a legal drain  
in Vanderburgh County, Indiana, was completed on  
July 1, 1996, 1996, and was inspected by  
our staff on July 2, 1996, and is  
☒ approved -- ☐ disapproved for payment per the  
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner WSJ 7/22/96  
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:



I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

Date \_\_\_\_\_

illegible

JIM AXTON

Vendor No. 6047

\$ 1,830.31

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name Kong Ditch

Account No. 234-025

**Allowed**

19

~~In the sum of \$~~

Ligand, Borries

*[Handwritten signature]*

## Board of Commissioners

**COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT**

INVOICE NO. PURCHASE ORDER NO.

**INVOICE DATE**

ACCOUNT NO.

AMOUNT PAID

96-5M-25-85

July 2, 1996

234.075

1,830.31

TOTAL 4830.31

A PETITION TO REMOVE AN OBSTRUCTION  
IN A NATURAL SURFACE WATERCOURSE

By this Instrument, Johnnie R. Crick does petition the Vanderburgh County Drainage Board to cause a certain obstruction to be removed from a natural surface watercourse which obstruction has caused or may cause damage to the petitioner's property.

The obstruction is the top course of gravel on the surface of a roadway known as New Maple Lane which course of gravel is established at a grade and elevation high enough to block the overland flow of surface storm water runoff so that the water has and may again be backed up into the house owned by Johnnie R. Crick at 6905 Darmstadt Road.

Johnnie R. Crick  
Johnnie R. Crick, Petitioner

22 July 96  
(date)

*authorized check  
report back to us*

## Vanderburgh County Surveyor

MEMO: July 22, 1996

TO: The Vanderburgh County Drainage Board  
RE: EMERGENCY WORK IN LEGAL DRAINS

Sirs:

Heavy rainfall June 9, 1996, caused damage in two separate areas of our regulated drains which the County Surveyor determined constituted emergencies requiring immediate action.

1. **Keil Ditch**: The dirt bank eroded away from a concrete footer supporting an overhead structure which carries electricity to the North 41 Whirlpool plant.

The earth washed out of the bank **obstructed** the waterway. If the damaged ditch bank were undercut further, the footing supporting the electrical structure may have collapsed.

The County Surveyor determined that the ditch bank should be repaired immediately and revetted with rip rap.

We obtained sealed bids from two (2) contractors who have satisfactorily completed similar work for us in the past.

Terry Johnson Construction submitted the low bid of \$1,133.04 and completed the work July 18, 1996. Scotty Boiler Service submitted \$2,360.00 as the other bid.

The account for Keil Ditch has a balance of \$7,263.96. Regular annual maintenance work to be completed on Keil Ditch will cost \$3,716.20 leaving a balance of \$3,547.76 from which to pay the \$1,133.04 emergency contract.

2. Sonntag Stevens Ditch: The culvert carrying the ditch under the rail line east of Hitch Peters Road became nearly completely obstructed with mixed debris washed downstream during the June 9, 1996 storm.

Heavy rain would have caused a back up of storm runoff sufficient to flood property including the sports park, Oak Lynn Subdivision, Cloverlawn Subdivision, and industrial properties in the area.

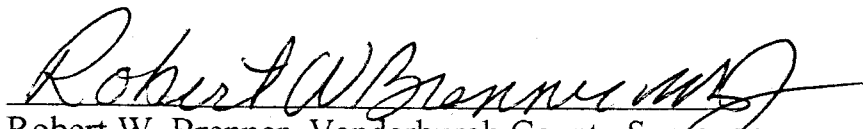
The low bid from Terry Johnson Construction for the removal of all debris blocking the culvert was \$300.00. The bid from Scotty Boiler Service for the same work was \$480.00.

The work was completed on July 16, 1996 by Terry Johnson Construction.

The current balance in the Sonntag Stevens account is \$28,249.72; and contracts for annual maintenance require \$9,617.14 for 1996.

I. C. 36-9-27-46 requires the County Surveyor to " ... immediately remove the obstruction and repair the damage ... when a regulated drain is obstructed or damaged by logs, trees, brush, debris, excavating, filling ... or in any other way."

As the obstruction and damage was caused by a natural act rather than an act or omission of a property owner, the County Surveyor recommends the costs of the repairs be paid from the accounts for the drains as given above.

  
Robert W. Brenner, Vanderburgh County Surveyor

VANDERBURGH COUNTY  
DRAINAGE BOARD MEETING

JULY 22, 1996

Please print name below:

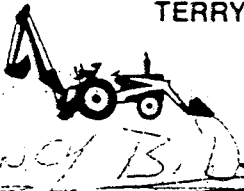
NAME	ADDRESS	AFFILIATION?
1. Betty Hawkins	111 S Hager	Shadow Bluff
2. Ruth Dennis	1050 W B. N. Hwy	Shadow Bluff
3. Sam F. Butts	13410 Martin Rd.	Shadow Bluff
Rance Riggertall	301 Knollview	BMB Inc.
15. Ray Riggertall	301 Knollview	BMB Inc.
6. J. H. C. Jr.	4700 Stillwind Rd Wadswell	Shadow Bluff
7. Anne H. C. Jr.	4700 Stillwind Rd.	Shadow Bluff
8. Craig Kahre	4045 Onshore Rd	" "
9. Keith Pelt	600 S.E. 8 <sup>TH</sup> ST. - SUITE 2 BAXSILL, IN	SITECON, INC.
10. Bill Jeffers	Surveyors Office	
11. W. W. H. JR	12431 RED HERR RD	BREW SEC #3
12. RICHARD STEEDMAN	111 SE ML KING	B.R.E. SEC. #3
13. Fred H. H.	P.R. 2 Ft. Branch	B.R.E.W Sec #3
14. Jim H. H.	12701 Redgate	Redgate
15. Doug H. H.		Morley & Assoc.
16. Jim Morley		" "
17.		
18.		
19.		
20.		
21.		

# Proposal

Page No.

of

Pages



**TERRY JOHNSON'S CONSTRUCTION CO.**  
**GENERAL CONTRACTOR**  
 1902 N. 4th Ave.  
 Evansville, IN  
 425-2388



Emergency B.I.D.

SUBMITTED TO: <u>SURVEYOR office</u>	PHONE	DATE <u>6-24-96</u>
STREET	JOB NAME	
CITY, STATE AND ZIP CODE	JOB LOCATION	
ARCHITECT/ENGINEER	ATTENTION	

We are pleased to quote:

SONNTAG STEVEN DITCH

CLEANOUT TRASH FROM TWIN DRAIN PIPES UNDER RAILROAD TRACKS

LABOR - BACKHOE - DUMP TRUCK - DUMP FEE \$300.00

KEIL DITCH

20' X 55' WASHOUT BANK AT POWER STATION (ELECTRIC) BEHIND WHIPPOOL

1- Roll geotextile	\$ 253.04
1- Box Securing Pins	\$ 20.00
1- TRIP-AXLE LOAD OF RIP-RAP	\$ 300.00
HR'S - BACKHOE	\$ 400.00
SHR'S - 2-LABOR'S	\$ 160.00
	<u>\$ 1133.04</u>

We propose hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:

Payment to be made as follows: \_\_\_\_\_ dollars (\$ \_\_\_\_\_)

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature \_\_\_\_\_

Note: This proposal may be withdrawn by us if not accepted within \_\_\_\_\_ days.

**Acceptance of Proposal** — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: \_\_\_\_\_

Signature \_\_\_\_\_

Signature \_\_\_\_\_



VANDERBURGH COUNTY  
SURVEYOR'S OFFICE  
Room 325 Civic Center Complex  
One Northwest Martin Luther King, Jr. Boulevard  
Evansville, Indiana 47708-1833  
(812) 435-5210

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: TERRY R. SCHWAPP

for [ ] annual -- ☒ additional maintenance to  
KEIL Ditch, a legal drain  
in Vanderburgh County, Indiana, was completed on  
July 18, 1996, and was inspected by  
our staff on July 19, 1996, and is  
☒ approved -- [ ] disapproved for payment per the  
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 7/22/96  
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

TOTAL \$ 963.08



**Vanderburgh County  
Board of Commissioners  
Drainage Board Meeting  
August 26, 1996**

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**Vanderburgh County  
Board of Commissioners  
Drainage Board Meeting**

**August 26, 1996**

The Vanderburgh County Drainage Board met in session this 26th day of August, 1996 in the Commissioners' Hearing Room of the Civic Center Complex at 7:55 p.m. with President Richard Borries presiding.

President Borries: I would like to call the meeting of the Vanderburgh County Drainage Board to order. This Board also has the distinction in serving as your Commissioners; the Drainage Board is another of our duties. We welcome you and appreciate your attendance this evening and would like to get started at this time. I will make one change on the agenda after we consider approval of the minutes. I think this group that had spoken earlier, there is one person who has to be...there is a medical emergency and we need to perhaps change the order for some brief comments there.

**Approval of minutes**

President Borries: At this time, our last meeting was held on July 22, 1996, could I have approval of the Drainage Board minutes from that meeting, please.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

**Hillsdale Housing Association/Little Pigeon Creek**

President Borries: The item that I was referring to, and there are agendas that are available for everyone and they should be over on the table near the door, is item F, Hillsdale Housing Association. Someone wants to make some comments regarding Little Pigeon Creek. I think this group had spoken earlier, yes.

Mikki Heck: Good evening, gentlemen. It is nice to see you. I am Mikki Heck, from the Hillsdale Housing Association, one of the three presidents. Commissioners, on the Drainage Board meeting I spoke to you on June 24 in regards to the safety issue of the Hillsdale Subdivision. In returning, as you suggested to return in two months. Ms. Smith, Ms. Clements and myself have done our homework on looking up the minutes from the 1977 meeting. This meeting was a Drainage Board meeting and also in the Commissioners meeting. We have tried a number of times to contact the engineer at the time of this project, but have had no success in contacting this person. There are a lot of unanswered questions and missing information. At this time, we would like to submit the documents from the Commissioners meeting and also the Drainage Board meeting in making this a legal drain.

President Borries: Do you know who the engineer was at that time?

Mikki Heck: Mr.--

Commissioner Tuley: No, it wouldn't have been Brenner.

President Borries: Mr. Brenner would have been the Surveyor, but he

would not have been the engineer.

Mikki Heck: We are not sure, sir. We have been trying to contact the Engineer's Office on this situation. We have everything highlighted, as you can see, pertaining to this subject. It has reached the Commissioners meeting to be ordered as a drain, a legal drain of some sort. We are not sure, like I said, we have a lot of missing information that we would like to find out how to go about getting this.

President Borries: Well, Ms. Heck, in the interest of time I will refer this over to the Surveyor's Office and see if they can assist in providing some information. I believe that some of the Board Members, perhaps all of the Board Members, of this group are still alive, but have aged a bit through these years. Perhaps, in contacting them we can also get information. I would think that these probably came from some transcribed tape, although they look like they are abbreviated minutes, they are not verbatim as what Charlene takes from this meeting. It may be impossible to get information beyond that other than some individual recollection of some of the members who served on that Board at that time.

Mikki Heck: Okay. Also, gentlemen, from the recent information that we have just passed out to you we would like to make this a legal drain, as you can see. Our information that we have given you we would like to know a few questions in closing. Do we continue where this was left from 1977? Do we continue as we are right now? Who is in this watershed? What type of petition does it take to make this a legal drain? Approximately how much would this cost the homeowners? We do have a volunteer service that is set up in September, from our community, that will be going in and cutting some of the excess trees and taking care of some of the debris. Also, we have large trucks, backhoes and such that will be helping with this project. We are hoping that when the county takes over it is not going to be a large expense. We are trying to submerge the expense the best way that we know how with working with the associations here.

President Borries: Thank you, again. What we'll say is that we'll again have to refer this to the Surveyor's Office. We will have to look and see if there have been any changes in the statute and I know that the one major hurdle is always defining the area of the watershed and who is inclusive in that. Then, how those persons all have to be contacted and I am not clear either as to exactly how many of those persons have to--

Mikki Heck: It's 51%, sir, 51%.

President Borries: Okay, well, it sounds like to me that you've done your homework on that. It sounds a lot like it would be on the Barrett Law that we have reviewed earlier.

Commissioner Mourdock: Is it 51% of the people or 51% of the acreage of the watershed, do you know?

Mikki Heck: Acreage, sir. It's is the acreage, 51% of the acreage.

Commissioner Mourdock: So conceivably, 99% of the people could say yes, but one large property owner says no and it isn't going to happen.

Mikki Heck: That is exactly right.

Vanderburgh County  
Drainage Board Meeting  
August 26, 1996

3

Alan Kissinger: The biggest problem encountered is that if it is accepted as a legal drain for maintenance by the county there is a significant increased ditch assessment. That is usually where the objections are.

Commissioner Mourdock: Right, because that assessment is also made on a per acre basis.

Alan Kissinger: Yes, it is.

President Borries: An account is set up and then that money is put into that account and, in effect, as it accumulates that is how the county continues the maintenance of the ditch. It is scheduled for maintenance from that standpoint.

Mikki Heck: Gentlemen, thank you so much for your time and your courtesy on the emergency tonight. Thank you, again and have a nice evening.

President Borries: Thank you, Ms. Heck.

Bill Jeffers: Before they leave I want to hand out some information that they might want to look at before they pursue this any further.

President Borries: These comments are from Mr. William Jeffers, who will be conducting the meeting. Mr. Jeffers is the Deputy County Surveyor.

Bill Jeffers: The reason that I want to hand it out now is just in case I die, retire or am terminated, all three which are distinct possibilities before the next meeting. The first thing is a color coded map. The green boundary is the watershed for the area of Little Pigeon Creek which Ms. Heck informed me that their association is wanting to be converted to a legal drain. That part of Little Pigeon Creek is lined in orange and extends from several hundred feet south of Hillsdale Road upstream northward to Boonville-New Harmony Road. That is the area that she expressed to me on the telephone that she would like to see converted to a legal drain. I have the community of Hillsdale, basically, outlined in yellow. The Scott ballfield is highlighted in blue because they come up frequently in the conversation about this and some roads to give you an idea where you are at there. As you can see, we merged 11 sections of ground on our AutoCad to provide you with this map and of those 11 square miles I would estimate just by looking at this at least half of that 11 square miles is within the watershed. I would like for everyone to note at this time that to the point of study down there south of Hillsdale Road where we would be beginning construction there is greater than one square mile of watershed area entering the creek. Even up at Boonville-New Harmony Road, at the upper end of the proposed project, there is greater than one square mile of watershed area crossing under Boonville-New Harmony so the Department of Natural Resources will have to give their blessing to this project whether it is done by volunteers or done by county forces or done by contractors or whatever. That adds six months to a year to the project. I'll just leave that information at that. Her other questions were, do we continue this petition forward from its presentation to the Commissioners in 1977? That is a legal question that I can't answer. Number two, who is in the watershed? All those properties inside that green boundary. Each one of those itsy-bitsy squares is a house. Then of course, the big acreage that doesn't have the little squares in it is still basically agricultural. Like I say,

there is probably at least five or six square miles there at 640 acres a mile. What type of petition, was Ms. Heck's next question, what type of petition must be presented to the Commissioners? It is found somewhere in this eight or nine pages of statutes from the Indiana Code on drainage. What pertains to the request from the Hillsdale Housing Association begins at the bottom of the first page, Section 54:

"When one or more persons wants to establish a new regulated drain..."

...blah, blah, blah. You might want to note as you go through here that at one point in time it says that the petitioner may file an appeal to the order of the Board. Well, it keeps referring to the petitioners attorney, okay? Your attorney, the attorney for the petitioners shall within a seven day period mail a copy of the notice and a five day return envelope to each owner named in the petition. So, when you get through identifying the several hundreds of owners in this five miles, then your lawyer will be mailing a three dollar letter to each of those owners. Then it goes on to explain the rest of it. We can discuss that when we come back at our next discussion of this. How much will it cost? The initial costs would be substantial to remove all the trees, stumps, lay the banks back, etc., to convert this area into a legal drain. I'm not sure how everyone is going to...I'm not even sure if under the statutes you can go in to an existing waterway at a point somewhere five miles upstream of the mouth and then only work one mile of that and then stop. I don't know if that is allowed or not. However, if we do this one or one and a half mile of waterway you can expect a substantial assessment the first year or so. We can spread the initial reconstruction costs out over three years only. It all has to be collected within three years of the completion of that. Very little of Bluegrass drains into it. How much it would cost would be determined during this entire process, but reconstructions generally are going to run anywhere from \$50.00 to \$500.00 per acre depending on how extensive the work is. The billing would go down, probably, after the initial reconstruction the billing might go as low as \$5.00 a parcel or \$1.50 to \$2.00 per acre for the farm ground. Just dipping out the silt down in Union Township one year some people who were used to receiving \$15.00 and \$20.00 annual bills got \$1,500.00 bills for three years, just dipping silt out of the bottom of the ditch. I just wanted to throw that in there so these folks can take a look at that and see if they really want to pursue it as a legal drain.

Mikki Heck: As we were just addressed, we are going to have a difficult challenge, but we are going to succeed in this. If we would have known about this prior to this on the Darmstadt construction we could have helped them make this a legal drain at some of the feeding areas that they were going to be putting in. At this time it is too late because you have already approved it. We were here in the June 24th meeting and we were emphasizing to you gentlemen that this would affect us. If you go back to the '77 meeting you can find out on page 293, which is the second to the end, where they went through with the Hillsdale drainage and they were talking about this. I will bring your attention to the second to the last page. To show you of the development that we have had since then. It is the second to the last paragraph:

"Mr. Ed Johnson: He had 150 feet of swath through his land and he was scared that it was going to damage."



This is the Redgate area at this time. You also heard from these people at the June 24th meeting about the areas of them being flooded out. Where they wanted to stop it and did not want to pursue it any further. Also, when you research these minutes you will find out that they wanted to go back all the way to the mouth. We felt that was so expensive for the Commissioners that they would not probably be able to allot that into their budget, or into the county budget, or into the homeowners out there in this residential area. The reason why we went to the areas that we did is for the new development that is going on which was at one time in '77 all wooded area. It is all roofs and asphalt at this time. As we also showed you, gentlemen, in the prior meeting of the higher elevations. We are at the lowest point of elevation. We know that we will be flooded, but do we have to be flooded to the extent that the fireman, the ambulance and the rescue equipment cannot get into our community?

President Borries: Thank you, again, for your comments.

Mikki Heck: You are very welcome. Thank you for listening, gentlemen.

President Borries: Bill Jeffers at this time I think we can proceed through our agenda. We have final drainage plans presented at this time.

**Q.C.D. Packaging, Inc. - Final drainage plan**

President Borries: Presented at this time, the first listed is Q.C.D. Packaging, Inc., St. Joseph Industrial Park.

Bill Jeffers: I gave you gentlemen an annotated, or however you say it, agenda so that you would know a little bit of the background on each one of these. Q.C.D. Packaging drainage plan is prepared by Project Associates, Incorporated and there are two representatives. One of whom designed this, Raaf Stevens, here in the audience. Basically, it is a small industrial lot at the end of St. Joe Industrial Park Drive. They're extending Industrial Park Drive a short distance to the lot. They will be constructing that street. I have outlined to proposed building in green. They will be building that immediately upon approval and then also outlined in green dashes is a proposed expansion or future expansion once they get kicked off. If things go well at what they are doing...right now I think they are employing 40 or so employees. When they start hiring new employees and need new warehouse space that dashed area, which I show the square footage of, will be added. The parking area is outlined in blue. The reason I outlined these things in blue and green for you is to show you the additional hard surface. The drainage will be taken through subsurface roof drains to the drainage basin that is outlined in yellow. There is also an additional basin along the north line of the parking lot. They will route some of the drainage through that and release it at the slower rate into Locust Creek or into a ditch that flows into Locust Creek. It is a very nice plan and like I said, Mr. Stevens is here to answer any questions you may have of him. The Surveyor's Office recommends approval of the final drainage plan for Q.D.C. Packaging, Incorporated in St. Joe Industrial Park.

Commissioner Mourdock: On the recommendation of the County Surveyor I'll move approval of the Q.D.C. Packaging final drainage plan.

Commissioner Tuley: Second.

President Borries: So ordered.

**Keystone Estates Subdivision III & IV - Final drainage plan**

Commissioner Mourdock: If I may interrupt for a second. Bill, Charlene, for the purpose of the minutes, needs also a copy of the handouts that you gave the folks here a moment ago with Hillsdale.

Bill Jeffers: I will be happy to give her those. However, the color coding won't show up on your black and white reproduction.

Commissioner Mourdock: Okay, you gave them the same thing that you gave us?

Bill Jeffers: Yes, sir.

Alan Kissinger: She can have mine.

Commissioner Mourdock: She can have my copies on it.

Bill Jeffers: Basically, what you are looking at is a copy of Keystone Estates Subdivision, Sections III and IV with some review notes that I was writing to myself on there, but I handed you that because it was color coded so you can see the separation of the two. Actually, you have approved the final drainage plan for all that area outlined in yellow a month ago when it came through as Keystone, Section III. The area within that yellow outline that is labeled Section IV-A, the developer chose to put another street through there. I think it is called Rolling Rock Drive and he did that so that he could rearrange the lots for better marketability. It didn't change the drainage design although he is routing some of his pipes slightly a different direction. The calculations...well, maybe there is a little bit of additional water, but as you know those huge lakes out there are capable of handling all the water they can give it. It was a very slight increase in cubic feet per second. Since he was doing that, he had to come back through our Board and he decided to go ahead and add another ten lots over there in what is labeled Section IV-B. That is why it is called Keystone Estates Subdivision III and IV. That brings him all the way between the two lakes to the east boundary of what he has originally shown to us as Keystone Estates. I believe he has optioned some ground farther east and that he plans to extend that road over there eventually. He has shown the Area Plan Commission and other members of your Board etc., an overall conceptual plan he is going to be continuing east. We have reviewed the drainage calculations supplied by Morley and Associates. The emergency overflow channels are there. The note that I scratched out in red was that I didn't quite understand what he was doing there at the time, but what he has done is added an additional emergency overflow for the storm such as we had this spring where you kick in over a 100 year event. He has added a 24 inch pipe that is set so that the invert elevation is above the 100 year storm and will take that if the other pipe becomes blocked or something it will take it off on down to Firlick Creek through the common area rather than through someone's yard. With those comments and what you see written on that sheet, all of which has been conveyed to the design engineer, the Surveyor's Office has reviewed the final plan for Keystone Estates Subdivision, Section III and IV and recommends approval.

Commissioner Tuley: With revisions or recommendations?

Bill Jeffers: Well, those things written on there are just things that I am going to be looking at when he brings the plat in for recording. I am going to make sure that everything is on the plat those little notes that I was writing to myself there.

Commissioner Tuley: Okay, so your recommendation is still for approval?

Bill Jeffers: Yes, sir.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

<b>Windemere Farms, North Ridge - Final drainage plan</b>
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Bill Jeffers: You will notice that I have moved Windemere Farms, North Ridge up from preliminary on your annotated first handout to the agenda that was available over here on this table. I moved it up into final drainage plan. I had made the mistake of having it in preliminary. As you know, we reviewed that back in May as a preliminary and it is ready for final approval. The developer is here in the audience along with his design engineer. Basically, our concern on this one was to get the houses along the south side of Kansas Road up at an elevation where if water were to cross the road from the north and come downhill into the subdivision that those houses would not have their foundations flooded or their finished floor elevation flooded and they not only raised them to what we had originally asked, but after consulting with the Building Inspector they were raised even higher. The blue shaded area that appears to pass through the entire project, the way I colored it in there, is the route of the excess storm water which a 25 year storm system required by the ordinance can't handle. After those floods this spring we are starting to ask the developers to provide emergency overflows for these huge storms that exceed the design storm and he has done that and I am showing you the route it will take through the subdivision. Again, I have written some notes to myself on here so that when I review the final plat as it comes to Area Plan Commission for recording there is some dashed red lines where we don't want any fences so on the plat I will be looking for a little note that says no fences in these emergency overflows. The detention basin is shaded in green just to show you the location of it and you can see the other notes there. We had originally handed to the design engineer a letter and it might have been four pages long, I believe. Here is a copy of it. I don't know if it got in the minutes or not, I can't remember. It is three pages long and there were 20 items that I wanted addressed by the engineer and here is his reply back that he has addressed them all and we met this morning and went through them again. He has either incorporated each of those 20 items into the plan or has come up with an alternate that satisfies the intent of each of the 20 items. After reviewing his design and his calculations in our office the Vanderburgh County Surveyor's Office recommends approval of the final plan for Windemere Farms, North Ridge.

Commissioner Mourdock: I'll move approval of the final plans for Windemere.

Commissioner Tuley: Second.

President Borries: So ordered.

**Fox Hollow Subdivision, Phase II - Final drainage plan**

Bill Jeffers: The next one on your agenda is Fox Hollow Subdivision, Phase II. This is a situation where Fox Hollow Subdivision was divided into two phases and the first one, Phase I, was approved prior to your 1984...well, actually the entire drainage plan for the entire subdivision was approved under your 1986 Drainage Ordinance, but they broke it into two phases and they have completed Phase I. Somehow or another some technicality was lapsed, some time 15 months or whatever. I don't know what the deal is over there at Area Plan Commission, but they lapsed and they had to come back and reconfirm that this was an approved plan. So now you are looking at Phase II which is outlined in orange. Phase I is outlined in yellow. The drainage plan for Phase II, within the orange area, will be upgraded to meet the requirements of the 1994 Ordinance. That is the only additional thing that we asked for. Just make sure that you conform to the 1994 Ordinance. The basin is already in place. Probably the only difference of what is going to happen there is if any of those earthen drainage channels are flatter than .8% grade they will have to have the concrete ribbon in the bottom. That is about the only difference that comes up. The only other problem that I have with it is that I am unclear as to whether the drainage basin which is already constructed and functioning, it is operating properly, I am confused as to whether it is in Phase I or Phase II. Did you look at that?

Unidentified from audience: It was constructed under Phase I.

Bill Jeffers: Okay, and it says that it is maintained by a Homeowners' Association which under the 1986 Ordinance you also had a choice of Plan A, Homeowners' Association, or Plan B, 50 cents a lineal foot for underground pipe and then the county would take care of the pipe. So, I would just like for the developer or his engineer to clarify those four questions that I have at the bottom. I don't have any problem with his drainage plan, I just want to know is this going to be a hybrid deal where there is a Homeowners' Association over in Phase I and a Plan B, county maintenance, in Phase II.

Commissioner Mourdock: So, Bill, are you basically telling us that we need to take this under advisement until you get the answers back to those four questions?

Bill Jeffers: No, I'll recommend approval of the plan if I know...

Commissioner Mourdock: If the developer goes on record tonight answering those four questions? Is the developer here?

(Inaudible comments made from audience)

President Borries: Could we have someone come forward please and identify themselves for our record.

Bill Jeffers: I am sorry to do this at the meeting tonight this way, but I got a call and I had to go out into the field on a flooded basement at 3:00 p.m. and I didn't get back to the office until about 5:30 p.m. or 6:00 p.m.

Commissioner Mourdock: Gentlemen, please identify yourself for our

sound system here.

Bill Kattman: Bill Kattman.

Lee McClellan: Lee McClellan.

Bill Kattman: The lake was originally in the total thing because it was originally laid out as one phase and the second part of it didn't get recorded, okay? It was originally laid out for the whole subdivision in the plan.

Lee McClellan: It was constructed under Phase I.

Bill Kattman: Right, there hasn't been a Homeowners' Association formed, but there is in place a provision for a Homeowners' Association.

Bill Jeffers: Do you all want to take a look at that and we will go on to the next one and come back to that. Basically, what I am asking you here is that you say that you've got a Homeowners' Association taking care of that lake. Has it been formed? If it hasn't been formed--

Bill Kattman: We're taking care of it.

Bill Jeffers: Then you are still taking care of it, okay.

Bill Kattman: Correct.

Bill Jeffers: Okay, but do you want to have a Homeowners' Association for this half which that indicates and then have the county maintain that half which is what you are asking for over here because on your plat you are asking the county to take care of Phase II?

Bill Kattman: Why didn't you ask us these questions earlier?

Bill Jeffers: Why didn't you get me the plan earlier?

Bill Kattman: I don't know, we were sitting outside you could have asked us then.

Bill Jeffers: Okay, we can go on to Knob Hill Estates and come back to that if you like.

President Borries: Okay, for the record, Fox Hollow, Phase II is being continued temporarily.

<b>Knob Hill Estates - Final drainage plan</b>
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President Borries: We are on to item 4, Knob Hill Estates.

Bill Jeffers: Okay, Knob Hill Estates came to you about a year ago and you are all familiar with it so I won't go into any great detail except to say that the engineer is now Morley and Associates rather than Sitecon. That is a drawing of the basin that Morley and Associates has modified slightly from Sitecon's original design in that they took the bottom drain out. There was a bottom drain with a grate over it and Mr. Morley felt that would gather obstructions. So, rather than having a 12 inch pipe drain in the bottom with a grate over it he has put the 12 inch pipe in there vertically and put a rebar across the front so a dog or a small

child couldn't crawl inside, if you will remember that discussion.

Commissioner Tuley: A cat, actually.

Bill Jeffers: Yeah, a cat did come up. A cat could probably still get in there, but it will come shooting out the other end P.D.Q. Hey, they've got nine lives so what the heck, take a risk! There are some slight modifications to the final plat and those modifications are shown in red on that drawing. They will come through Area Plan Commission on the final plat as shown on that red line drawing. We have reviewed the calculations and they conform, basically, with the original plan other than the fact that he is changing the set up for the drain there. The County Surveyor's Office recommends approval of the final drainage plan for Knob Hill Estates Subdivision.

Commissioner Mourdock: Just clarify one thing. When this originally came up a year ago, or a year and a half ago, there were some questions raised by the residents and then it came back with some changes made that seemed to pacify most, if not all, of the neighbors, is that right?

Bill Jeffers: That's right.

Commissioner Mourdock: I thought we acted at that point on the final drainage plan. You just said that this is the final drainage plan. I am missing something. What changed?

Bill Jeffers: I don't think we ever passed the final drainage plan.

Jim Morley: The detailed elevations of all the physical things were not on there at that point and time.

Commissioner Mourdock: Okay. Are you saying, Jim, that the only thing that has changed between the last discussion that we had in this room when all the neighbors...well, I shouldn't say all, but when most of the neighbors seemed in agreement with the modifications that had been made the only thing that has changed since then is the elevations?

Jim Morley: Yes, that is correct. The contours on the plan that you had was off of county aerial contours and what we did here was complete that actual on the ground shots, location of the trees, actual physical location of the pipe, shooting the inverts of the pipe and getting the exact elevations so what you have in front of you is the exact numbers. It is, for all intents and purposes, exactly the same thing that you approved except now these are the exact details and that is what we construe a final drainage plan to be is the actual elevation of every part of the system.

Commissioner Mourdock: Okay.

Bill Jeffers: I believe you also added some improvements to those blocked inlets?

Jim Morley: Yes.

Bill Jeffers: There are some inlets along Knob Hill Road that were actually blocked and no one knew where they went and he has designed some corrections.

Jim Morley: We found the other end of the pipe and have located it on there.

Commissioner Tuley: That is good.

Commissioner Mourdock: Okay. One last question then. Is this structure that is at Knob Hill and Ward Road is that essentially going to be a dry basin then most of the time?

Jim Morley: Yes, it is just a dry basin. It is not only a dry basin, but it sits back off of the right-of-way, too, and that was the difficult part to get it in to that space off of the right-of-way and still cut into the hill so it would work.

Commissioner Mourdock: Okay, with that clarification, I'll move approval of the final drainage plan for Knob Hill Estates.

Commissioner Tuley: Second.

President Borries: So ordered.

<b>Columbia Sussex Subdivision - Preliminary drainage plans</b>
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President Borries: We are moving into the section on preliminary drainage plans and we have two items listed, Columbia Sussex Subdivision is the first.

Bill Jeffers: Okay, Columbia Sussex Subdivision is owned by Columbia Sussex Corporation. It is a development corporation that I believe is somehow connected with the Marriott. This land is south of and immediately adjacent to the Marriott parking lot and the Marriott Hotel formerly known as the Radisson Inn. The Columbia Sussex Subdivision that they are asking you to give approval of a preliminary drainage plan for is outlined in yellow. That is the boundary of what is known as Columbia Sussex Subdivision. I have just kind of outlined the Marriott Hotel in green so you know where it sets. Then there is this common roadway that enters...right now when you drive up Highway 41 it looks like it goes into the Marriott, but it will also be used as access to this commercial subdivision to the south of it known as Columbia Sussex. They have one long dry basin along the south line approximately where Mr. Tuley's pen is. That will handle almost all of the excess storm water off the parking lots and driveways to be built. There is just a very slight, I believe it is around one and a half to two cubic feet of water that they are asking you to waive the retention of because you just can't get it over there. It is a very, very slight amount.

Commissioner Tuley: Where does it go?

Bill Jeffers: It just goes to U.S. 41 Highway right-of-way.

Commissioner Tuley: That big ditch?

Bill Jeffers: That big ditch. It is an insignificant amount.

Commissioner Mourdock: That ditch was flooded this Spring and 41 was flooded.

Bill Jeffers: We have reviewed those calculations and find that they have done everything that they can other than what I just noted. They are in compliance and we recommend approval of the preliminary drainage plan for Columbia Sussex Subdivision.

Commissioner Mourdock: You may not be able to answer this question,

Bill, but when 41 was largely under water this year right in this area was most of that backflow? It was probably coming out from the west side of the road wasn't it?

Bill Jeffers: Basically, what happens to that is that the Highway Commission has a practice of sizing the openings under state highways for existing conditions not for future expansion. If you will look at the study of Little Pigeon Creek done by the Corps of Engineers you will see that there is like three or four foot difference on the east side of 41 for the 100 year flood as there is plotted on the west side. Once it comes through the openings for the highway, and the railroad that is adjacent to the highway, that 100 year flood elevation drops off as much as six feet and that is due to the undersized openings. This is just a practice of the Indiana Department of Transportation and they do it all the time. They did it on Lynch Road. It is unfortunate and it requires a lot of detention, but before 1994 detention was not absolutely required and you have some industrial subdivisions along the east side of 41 that have contributed more water than the pipes were sized to handle. Even after they built that new bridge up there north of Mount Pleasant, you still have a gradient difference in the 100 year flood. We are doing all we can there, but we've just got that problem.

Commissioner Mourdock: The waiver that they are asking for here is...what did you say? From a half to one foot per cubic foot.

Bill Jeffers: I think it showed as much as 2.3 cubic feet per second. Isn't that what it was? Let me see if I can find that. I left that drainage report down in the office. This is a preliminary study and what I was going to try to do is that there is a drainage basin along the north side of the Marriott on someone else's property. It is a wet basin. Have you ever seen that one up by Anchor? Before the final plan comes through I was going to try to see if it was possible to arrange for some of that water to go through that basin. I wasn't too concerned about it as a preliminary. There is still some talk in the Area Plan Commission and EUTS and so forth, some sort of access down to Old 57 so it may require some changes in the drainage plan before final approval.

President Borries: This just basically gets it to what? Subreview?

Bill Jeffers: It takes it up to Area Plan Commission on Wednesday the 4th for review by the entire Area Plan Commission and then it comes back to you for final drainage approval. Between that time I was going to try to see if some water couldn't be routed through that other basin.

Commissioner Mourdock: With that understanding, I'll move that a motion of approval for the preliminary drainage plans for Columbia Sussex.

Commissioner Tuley: Second.

President Borries: So ordered.

Bill Jeffers: I don't want to lead you to believe that it can be done because it is on someone else's property.

Commissioner Tuley: No, I understand.

Bill Jeffers: Okay, it goes from .55 to 2.2 in that area that can't be routed through there, so that is a difference of what? It's



1.65 cubic feet per second.

**Glenwood Hills Estates, Section B**

Bill Jeffers: The last item on your drainage plan agenda is Glenwood Hills. Due to some lack of information our office is not ready to recommend approval of the preliminary plan for Glenwood Hills. I am asking for some additional information at this time. I left it on the agenda to give the applicant an opportunity to be here if he has something to say. His engineer is here, but at this time I am just not ready to make a recommendation on it.

President Borries: Let the record show that item 2 under preliminary drainage plans, Glenwood Hills Estates, Section B will not be heard this evening.

Jim Morley: We would like an opportunity to address part of that so that we can seek direction.

President Borries: Sure, Jim Morley.

Jim Morley: What we have here is a situation where Bill has shown us a letter from a number of years ago in which we were not involved with this subdivision. It is my understanding that with additions to the plat there is nothing wrong with our prepared drainage plan. I think that is correct, Bill, you have all the corrections that go on the plat on our portion of the prepared drainage plan?

Bill Jeffers: I saw some corrections.

Jim Morley: Okay. Mr. Jeffers found in the file a letter to the Commissioners from Dan Hartman telling them that he was concerned that the dam was too high relative to jurisdiction of the Indiana Department of Natural Resources. The Department of Natural Resources says that a dam falls under their jurisdiction if the height from the lowest part of the stream bed under the center of the dam to the top of the dam, and that is defined as the elevation of the open spillway or the emergency spillway, if that exceeds 20 feet. Under 20 feet normally the Soil Conservation Service, Daryl Rice's office and Mike Wathen, will assist developers and farmers with construction and design of such a dam. Over 20 feet requires a professional engineer and submission of a significant amount of data to the Indiana Department of Natural Resources. The Engineer for the developer at that time was Andy Easley and I have spoken with Andy about the records at that time. He told me that he had staked the dam out in such a manner...his original drawings, apparently following what the developer wanted to put in, was staked out in such a manner that the dam would be 25 feet high which exceeds the 20 foot requirement. I couldn't determine from him whether or not that had to do with Dan Hartman's warning to him or exactly how it came about, but Andy told me that he then presented Mr. Hunter with this concept that he should lower his expectations of the dam. Move it or do something to bring its height below the 20 feet unless he wanted to go through all of the engineering analysis procedures and permits to the Indiana Department of Natural Resources. The particular problem that we have here...now I spoke then with Mr. Hunter who said that he believed that dam was moved. I asked Mr. Hunter to contact his contractor, Mark Weber, who is here in the audience tonight and get information about how that dam was moved, if it was moved what the difference in elevation between where it was originally going to be

located by Mr. Easley and where he finally put it. The particular problem that we have in this is that Mr. Jeffers is asking for some kind of proof that the dam now complies...either the dam should go to DNR for approval or we should have some kind of evidence that the dam does fall within the 20 foot maximum for nonsubmission to DNR. The particular problem with answering that question is that I cannot personally attest to that. I can never, ever give him that answer that he is asking for because I was not there and did not move the dam so I am at a problem. We can go on forever and I can't be the determining person on that. I attempted to get evidence from Mr. Easley. Mr. Easley indicated that, well, he had a meeting with them. What I would like to do now is to have you listen to the owner, John Hunter, who is here; the contractor, Mark Weber and if there is some resolution or some statement of fact that can be developed. John contacted Mr. Atkinson to try to work up whatever documentation is necessary to satisfy the Drainage Board so that this can go on and be heard. We are here not really talking about the details of the drainage plan for the next section, but how to resolve an open ended question out of the Phase I construction.

Commissioner Mourdock: May I ask a question or two just to make sure that I can understand what you are asking us to move on? Mr. Easley designed the dam--

Jim Morley: Yes.

Commissioner Mourdock: --whenever in '77 or whatever, depending on the height of that dam, if it is over 20 feet DNR has jurisdiction?

Jim Morley: Yes.

Commissioner Mourdock: If it is less than 20 feet they do not?

Jim Morley: They do not.

Commissioner Mourdock: Subsequent to the design of the structure, apparently the structure was moved?

Jim Morley: Yes.

Commissioner Mourdock: So it was placed somewhere other than where it was designed to be?

Jim Morley: Yes.

President Borries: Just a quick follow-up here to where Commissioner Mourdock is headed, who approved that design change?

Jim Morley: It is my understanding from my conversation--

President Borries: Not you and not Mr. Easley?

Jim Morley: No, no. It is my understanding that Mr. Easley simply related to following Mr. Hartman's letter which he obtained a copy of, if the correspondence doesn't indicate that Mr. Hunter was given a copy of this, but following that warning, Mr. Easley indicates... he told me that he met with Mr. Hunter and Mr. Hunter and Mark Weber say that they were present at the meeting and they can tell you so. I really, I guess what I am saying is that I have gone as far as I can go. I can't go forward and resolve it, so we have to come to some kind of agreement of how we go forward. You see, the actual ground elevation underneath the center of the dam

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is now not able to be determined. We can only go from what evidence we might have from Mr. Easley and from testimony because when they construct a dam, even if we were to take borings, if Mr. Weber did the correct type of job that he should have done he digs a keyway trench right down the center of it, and I'm sure Mr. Mourdock is aware how they key a dam in, so there is no technical, physical way now to get exactly what that height was other than testimony.

Commissioner Mourdock: From where the dam was originally located when Mr. Easley drew it up to the present location, how much distance is there between those two spots?

Jim Morley: I can't tell you that for sure, but I think that Mr. Weber can. I have asked him if he could describe to us where the stakes were in the field and where he moved it to. Therefore, I need you to ask directly rather than pass along hearsay.

President Borries: One final item that I am looking for on the staff field report. There are no plans to put a road on this dam is there? In other words, the dam has been moved--

Jim Morley: That is correct.

President Borries: --and the road plans are going to be located off the dam, is that correct?

Jim Morley: This dam is an existing lake of approximately six acres near the western border of the property. There is no road anywhere in the vicinity and it is out there and been there for some five years. No, there is no road whatsoever.

President Borries: Okay.

Jim Morley: In fact, from Daryl Helfert's inspection, an engineer from our office, Mr. Helfert told me that he feels that it is a very...you know, the slopes are in very good condition. The dam itself is not nearly as steep as many and that it appears to be a very sound dam.

Jerry Atkinson: My name is Jerry Atkinson and if I can offer, maybe, an insight that will take us a little closer to a understanding of what really happened here. What I believe you can establish through Mr. John Hunter, the owner, and Mark Weber, his contractor, is that in 1990 there were plans that were submitted for the construction of the dam. There was a rock shelf at that location. The contractor at about the same time that Mr. Easley received a communication from the Drainage Board with regard to the height of the dam the three people met and a decision was made to move the dam further to the east, further, I believe, to be upstream. Mr. Mark Weber shot the elevations himself for that and the difference between the elevation that Mr. Easley had established for the 1990 plans at 480 feet was raised by five feet. That gives us the bottom elevation if, in fact, you believe Mark Weber. It is my contention that there is no reason not to believe Mark Weber and he is here for you to talk to and develop an understanding from. The top elevation, as established by Mr. Morley's office, currently as built is 502.9 feet. The 485 subtracted then from the 502 leaves us a 17.9 foot dam which does not require DNR approval. It does not require permitting, it does not require anything other than perhaps having Soil Conservation Service people take a look at it and tell us if there is anything that needs to be done to make it better. The dam then being an

okay dam shouldn't really be a reason to delay any consideration, if you will. The drainage program, because the drainage program is being presented, hopefully, tonight simply drains into a lake that is an established lake that has a functioning dam and Mr. Morley's office can tell us about their inspection of it and in some greater detail. The difficulty in establishing, now that the dam is built, how high it was from its base elevation is an impossibility. The best evidence that we have possible as to what is real out there is first person evidence from the person who constructed it. Mr. Hunter had no idea that he was supposed to follow-up, that he was supposed to contact the Drainage Board, that he was supposed to come back and have design approval or anything like that. He had a suggestion from Mr. Easley that the dam should maybe be moved to be within this 20 foot requirement and that is what they did. When he explained to Mr. Easley what had happened, Mr. Hunter was told by Mr. Easley, in some words, that I will take care of it or whatever and you can have first person testimony, also, from Mr. Hunter. Mr. Hunter is not trying to get away with anything. He plans to be out there in this development and future sections, perhaps, of development in that area. He doesn't want to do anything to get crosswise with anybody. He apologizes if he had an obligation to communicate that he didn't follow through on and he wants to make the very best out of this situation. He also really doesn't want to be delayed into the Fall rains in terms of going forward with the preliminary portion of the drainage approval. Mr. Hunter, could you come up for a moment? Would you state your name?

John Hunter: John Hunter.

Jerry Atkinson: Have you heard what I related about meeting with Mr. Easley?

John Hunter: Yes, sir.

Jerry Atkinson: Who all was present at that meeting?

John Hunter: Mark Weber and myself.

Jerry Atkinson: Could you tell in your own words what it was that happened at that meeting?

John Hunter: At the meeting, Mr. Easley had indicated to us that the lake dam would exceed 20 feet if we didn't make some changes. He said that he would make the changes and Mr. Weber followed through on it.

Jerry Atkinson: Was the dam, in fact, moved?

John Hunter: Yes, it was.

Jerry Atkinson: Do you have an idea yourself how far it was moved upstream?

John Hunter: It was 30 to 40 feet.

Jerry Atkinson: Okay. The dam as it is constructed now and existing today is not where Mr. Easley designed it?

John Hunter: No, sir, it is not.

Jerry Atkinson: What do you know about the rock shelf?

John Hunter: The rock shelf we tried to avoid installing the keyway

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in the rock shelf, moved the dam back 30 to 40 feet and raised the elevation up five feet.

Jerry Atkinson: Do you have any questions? Did you have intention to hide the fact that you were moving the dam in any way?

John Hunter: No, sir.

Jerry Atkinson: Did you think you were doing the right thing, what you were supposed to do?

John Hunter: Yes, sir.

Jerry Atkinson: Is this dam one that has been working and functioning adequately since it was constructed?

John Hunter: Yes, it has.

Jerry Atkinson: Have you had any problems with it?

John Hunter: No, we have not.

Jerry Atkinson: Do you have an intention to put a road on top of it?

John Hunter: No, we do not.

Jerry Atkinson: Would you be willing to submit to an inspection of the dam by the Soil Conservation Service and comply with any requirements or suggestion they might have?

John Hunter: Yes.

Jerry Atkinson: Are you trying to cooperate any way you can?

John Hunter: Yes, sir.

Jerry Atkinson: Do you have any questions?

President Borries: Commissioners?

Commissioner Mourdock: The original dam height was what? It was over 20 feet?

Jerry Atkinson: The original dam, I understood, to be 23 feet rather than 25.

Commissioner Mourdock: The sole purpose of moving it upstream was to get beyond or get below the 20?

Jerry Atkinson: Two purposes. One purpose was to get below 20 feet and the other one was there was a rock ledge at the location where the dam was going to be constructed and it would be difficult to do the keyway at that location. The contractor is here and can tell you about that.

Commissioner Mourdock: What was the top elevation of the original plan?

Jim Morley: It's 25. I have a copy here, a file copy.

Commissioner Mourdock: Okay, the original top of the dam was to be 505?

Jerry Atkinson: That's what Andy told me.

Commissioner Mourdock: Okay, and what is it now?

Jim Morley: Ah, 502.9.

Commissioner Mourdock: Okay, 502.9.

Jim Morley: The top is 2.1 feet lower than those plans from Mr. Easley.

Commissioner Mourdock: Okay, so the only question then is if it was originally designed at 23 feet, is that correct?

Jim Morley: Well, it changed. The top came down and the bottom came up.

Commissioner Mourdock: I know and that is my point. We know he was going upstream.

Jim Morley: Yes.

Commissioner Mourdock: It absolutely had to go up because he was going upstream and the question is that difference enough to make it less than 20 feet?

Jerry Atkinson: If you add the five foot to the 17.9 that we have that comes to 23 feet. Would you like to hear from the contractor?

President Borries: Let me just ask some questions after everybody is finished here.

Commissioner Mourdock: Go ahead.

President Borries: Maybe I am a little confused on the whole issue of the dam. Is this part of the drainage plan that would serve Glenwood Hills, Section B?

Jerry Atkinson: The drainage..the water flows into the lake that is by the dam.

President Borries: Okay.

Jerry Atkinson: It is not a part of the drainage plan at all. The drainage plan itself is a simple question and should be dealt with simply and should not be delayed by this dam question!

Commissioner Mourdock: Very well said, I might add.

President Borries: I'll agree with you there, Counselor, it is a dam question! Let me rephrase that one again. Is this portion of Glenwood Hills Estate, Section B draining into the lake which is created by the dam?

Jerry Atkinson: Yes.

President Borries: Okay, well, then it is part of it.

Jim Morley: Some of it does, yes.

President Borries: Our problem is, and we are not going to be mad at you...you know, that is why you hire top professionals, people like Jim Morley and others to do this and your attorneys. We are

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not out and I am not an engineer and we are not out there on the site so the problem is, despite your intentions and no one is going to castigate you here for what has been done, Mr. Hunter, but we have got to have some way to check this out. I would say if we could get the County Engineer, the Surveyor's Office and the Soil Conservation group to maybe certify that this dam--

Commissioner Tuley: What are they going to certify to? The height of the dam?

President Borries: I really...I don't know unless there is something that I am missing about the height of it whether or not it goes to DNR or whether or not it goes to us. I just want to feel comfortable that the dam is going to work and is going to be there. I don't know if we are arguing over something that I am missing, but if it is going to have to go to DNR it is going to take a while.

Commissioner Tuley: The whole question, as I understand it, Jerry, is that there is no way to verify the total height of the dam to know whether or not it needs to go to DNR?

President Borries: That doesn't even bother me anymore. It is just if the dam is going to work and is it checked out? Normally, when a situation like that happens and Jim Morley signs on it, hey, Bill Jeffers reviews it, he's got the credentials. You've got your licensed engineers and all the things like that and it works. We sign off on it.

Commissioner Tuley: What do you want them to verify then?

President Borries: That it is okay. I mean, it is working now, I don't know?

Commissioner Mourdock: The question that I hear is that it isn't even, although that is a proper question, isn't whether it is working or not it is simply how do we get passed this jurisdictional matter to decide whether or not the Drainage Board proceeds with the entire plan?

Jerry Atkinson: The only way--

Commissioner Mourdock: You need to move near the microphone.

Jerry Atkinson: The only way that I understand that it can be done that we can establish this by competent proof is for me to bring Mr. Mark Weber up so we have him testify the elevation he shot when he raised the bottom of the dam. You subtract the elevation on the bottom from the elevation that exists on the top and you have 17.9 feet. There has to be a forum somewhere for us to be able to demonstrate by the proof that we do have that this dam is less than 20 feet and I think that this works and I think if I can have him testify that you can reasonably find that the dam is not a jurisdictional block to your going forward with the preliminary approval. If you go forward with preliminary approval and send it to the City Engineer, the Surveyor, or whoever to see if the dam works you are going to find that the dam works, it is well constructed, it is well maintained and that we don't really have a problem here. The only way that I can help solve the jurisdictional problem is to have Mr. Weber testify.

Commissioner Mourdock: Let me just ask one question before then to make sure that we don't go down a dead-end here. Bill, earlier you

said you weren't willing to make a recommendation on this particular subdivision because of questions you had. Is this question the sum total of those questions or if we go through this whole exercise are you still going to say to us, as our technical advisor, there are questions that you don't have answers to beyond this jurisdictional question so that you can't make a recommendation to us.

Bill Jeffers: There are other questions, but while we are on this subject I might and before Mr. Weber comes up because I surely wouldn't want him to waste his time, but when Mr. Atkinson says that the elevation of the flow line of the original valley according to Mr. Weber was 480 feet above sea level where he finally set the dam, is that from memory or does he have field notes?

Jim Morley: The drawing that Mr. Easley provided me that Mr. Mourdock has.

Jerry Atkinson: If I might to eliminate confusion, Andy Easley set the floor, if you will, at 480 at the original location. As it was moved upstream Mr. Weber is going to testify that he shot the elevation. He raised the bottom of the dam, actually the floor, was raised by five feet from its original location. That is what we are talking about.

Bill Jeffers: You'll note that drawing doesn't have any dates or signatures on it so I was asking whose field notes it came from, etc. Another question that I would have is this was the design for the dam that Mr. Easley turned in or developed for the dam and when it was moved 30 to 40 feet or however far up the valley was it built according to these plans at that new point? In other words, other than the fact that the dam...allegedly the height of the dam was lowered by a number of feet, other than that was it built according to the plans that were developed by Mr. Easley's office?

(Inaudible comments made from audience)

Bill Jeffers: So the questions that I have are was the only purpose of moving the dam 30 to 40 feet up the valley to get it down below the jurisdiction of DNR or were there other motives because this is not how the dam looks in the field now? It does not look like this. This one has a drop tube that controls the crest elevation at 500 feet above sea level with the spillway at 503, so you have three feet of storage there until it hits the spillway and then the spillway is set over here in virgin dirt way over to the side of the dam and is protected with a certain width, this, that and the other. I won't go into details. Then the top of the dam is 505 which gives you a total of five feet in elevation between the drop tube and the top of the dam before it goes over the top of the dam and from folks out there in the field just through the grapevine, I haven't been there myself, but they say there is not anywhere near that kind of freeboard in this dam. Then it goes through 36 inch steel pipe or a 42 inch corrugated pipe down through the middle of the dam, that is the outlet and on the plans that I have seen turned into our office the existing dam has what, like an 18 inch or a 24 inch pipe? A 24 inch pipe which is substantially smaller than 36 inch. It is a corrugated plastic pipe, it is not a steel pipe. It empties out right on to the backside of the dam fill, not into virgin soil as shown on the plans. Also, the general notes say all fill shall be compacted in six inch layers with mechanical compaction equipment. I guess we are going to have to have somebody come up here and testify to that, etc. The plans



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that were sent to my office, some of the plans showed water from the subdivision going through the lake, other plans showed water going around the backside of the lake so I don't know...I mean, the report that was turned in is about the size of a phone book and it shows all the routing from lake to lake. They are going to end up building three lakes, this isn't the only lake.

Commissioner Mourdock: In short, the answer to my question, do you have other questions? The answer is, yes.

Bill Jeffers: Yes, yes. As to the roadway question, there is a dam that is proposed to be built directly upstream of a roadway that they will be asking for county approval and county acceptance of that roadway and that dam appears to be somewhere between 15 and 20 feet in height. In other words, your road will be here and you'll be looking up at an embankment 17 to 20 feet high and information, to my knowledge, hasn't been given to our office whether that dam exceeds 20 feet at this time.

Commissioner Mourdock: Given the outstanding questions that we have here, testimony as to other facts notwithstanding that even if we made a jurisdictional decision that there is still a lot of things that have to be worked through.

Jerry Atkinson: If I may make a slight indulgence, could I have Mr. Weber present his testimony so that you have that and he doesn't have to come back. Might I ask you to conditionally consider, after he speaks, that you pass this on with instructions to have this dam reviewed by the Soil Conservation Service, the County Engineer and see if there is anything that needs to be done to bring it into compliance so that when we come back on final approval perhaps we can have all of this together. If it is a dam...I don't mean to do this to you twice, but if it is a dam problem, if we segregate that from the drainage problem and proceed a pace to resolve the problem with the dam then we don't delay the project and we do satisfy the drainage requirements and we do resolve any outstanding issues that are going to be generated by the mishandling of the construction of this dam. May I call Mr. Weber?

President Borries: If Mr. Weber could be very brief. We've got a number of individuals who have patiently sat here. In all due respect, Mr. Atkinson, I mean there are just so many questions and we have to defer to our technical advisor here who is Mr. Jeffers. I can't think of many occasions where...in other words, if he doesn't recommend it I personally feel uneasy doing that without his recommendations and questions answered. I know that there are certain time lines and good times where people want to develop and do things of this nature and in the interest of time we can hear from Mr. Weber if the other Board feels we should do so, but I must tell you that I believe that there must be a list of questions developed between your client and the Surveyor's Office and perhaps our County Engineer because Mr. Morley, at this point, since he has indicated that he is just not able to certify that and perhaps between the Surveyor, the Engineer and the Soil and Water Conservation we can get all of this worked out before next month. We would be happy to hear from Mr. Weber at this time.

Commissioner Mourdock: Yeah, Mr. Weber, wherever Mr. Weber is...

President Borries: Is Mr. Weber here? Would you like to say something at this time, sir?

Commissioner Mourdock: Let me just ask a couple of questions if I may?

Mark Weber: My name is Mark Weber. Andy Easley was aware of these problems. We did move the dam 40 feet forward. We shot elevations which raised the bottom level five feet. We did this to avoid a rock layer of cutting the keyway into any rock and disturbing it. Andy was aware of this. We straightened the dam out and as far as the spillway pipe goes he knew of this. The expense was going to be too great to build that kind of spillway. It's a 30 inch pipe and it does run on undisturbed soil and the emergency spillway is next to it, but it is silted in and we need to lower it back down. That is the best that I can tell you is that Andy was aware of it and knew of all this.

President Borries: He was not there at that time?

Mark Weber: He was at the meeting that me and Mr. Hunter had. He brought it to our attention. He said 19 feet then. He pulled out a book and he said we staked the dam just go ahead and move it forward and I will take care of it. By that I assumed that he was going to redesign it or whatever he had to do to get it through the Drainage Board or whatever. That is the last that I can tell you about that.

Commissioner Mourdock: Do you have any plans of the dam that was actually constructed? Either you or Mr. Hunter?

Mark Weber: No, I don't. Mr. Easley had a set of original plans showing that we did change it at one time.

Commissioner Mourdock: You haven't gotten those from Mr. Easley?

Mark Weber: I haven't. I mean, he knew of everything that we did.

Commissioner Mourdock: Is that a fairly steep area out there where the dam was located?

Mark Weber: No, in fact, the reason that we moved it the bottom of the keyway was going to be cut through a ditch. That is why we moved it forward was to avoid the rock in the bottom of that ditch.

Commissioner Mourdock: But the terrain itself isn't very steep where this is then?

Mark Weber: Yeah, it is pretty steep. We sloped the back of the dam even further than what it required for Mr. Hunter to maintain mowing it.

Commissioner Mourdock: Yeah, I don't mean the dam itself, I mean before the dam was built the valley that you were putting this across was fairly steep?

Mark Weber: Yes.

Bill Jeffers: There is like 16 to 18 percent grade level out there.

Commissioner Mourdock: Okay, thank you.

Jerry Atkinson: Any other questions? If I might, Mr. Morley advises that the dam is a stable, functioning dam and the only thing that they recommended be done to it is the lowering of the spillway which I am sure can be accomplished. What I would like to

ask, in light of your reservations about going forward, is that if you would please decide among yourselves whether or not the proof that we have offered to you solves the jurisdictional problem and then send it on back to the drainage folks so that we can work out the drainage plan.

Commissioner Mourdock: Speaking for myself, the best that I am willing to do at this point having heard the comments that were made, and I don't mean to impugn anyone's character or integrity or anything else, but as Rick was saying we need to rely on our technical folks. I am willing to take on faith everything that was said here tonight that it probably is less than 20 feet, but I would still hinge my formal acceptance on that fact on a review of our engineering and surveying people and ask that they report back to us, basically, to verify the toe elevation of the dam today and what the top of it is.

Jerry Atkinson: We have at least established a record from which they now can function.

Commissioner Mourdock: That is true.

President Borries: Thank you very much. Mr. Helfert.

Daryl Helfert: Can I talk for just a minute (inaudible comments not made from mike)

President Borries: Sure, come up.

Daryl Helfert: I am Daryl Helfert, with Morley and Associates. I was the design engineer for the report that was given to Bill and the first thing, I guess, I know one of your concerns, Rick, is this a functioning impoundment, is it safe? When you look at the kind of rain that we had a couple of months ago who knows what to say you should design by, but we got good information in the field as far as the elevations on the dam, the elevations on the spillway, the size of the spillways and we pretty much got some shots around the surface of the area of the lake so we can match that up with the topo maps and get something we can work off of. We've got a big lake out there with not really a very big watershed considering the size of the lake. The pipe spillway that is out there now is only a 30 foot section of pipe much different than what was on Andy Easley's plans, but as far as the capacity of that pipe it is more than adequate because I ran a number of storm routings on this thing for a 25 and 100 year storm and the pipe doesn't even get close to its own capacity. It is a little over half maybe, so the large surface area of the lake tends to knock the peak down quite a bit. You've got a lot of storage volume there and like they said, the emergency spillway is too high now. If they lower it to the elevation that we proposed you would have the minimum required by county ordinance which is a foot, I believe, over the 100 year storm. The issue of whether it is DNR jurisdiction aside, that impoundment, I think, is functioning the way it should. It has the storage required and I have no problem with anything with that dam. I looked at the dam out in the field like Jim referred to as a lot flatter slopes than you normally see on the slopes of the dam. It has got good vegetative cover. The piped spillway outlet into a narrow channel which is rip rap lined down into the woods. I didn't chase it all the way down to the channel, but I assume that there haven't been any problems down there. As far as the other two dams, we had some parameters from the client as far as what he would like to see out there. They were designed in the same manner as I checked the capacity of the

existing impoundment and I intentionally kept them just under 20 feet or a little bit lower than that as far as the size goes to stay out of DNR jurisdiction. I mean, that was our intent, but we are not trying to put anything out there that is illegal. All of these dams were designed with a similar type spillway system and they all have the kind of capacity that they need and the kind of adequate freeboard for the design storms that we have to meet the county ordinance. As far as...Bill made a reference to plans that didn't jive with each other. The drainage plan that we had showed the dam where it is now based on our field survey. There were a couple of ditches coming from a proposed roadway which in the original location of the dam they would have drained into the lake. That was shown that way on the plat and Bill brought it to our attention and we said that we would make the corrections on the plat to show that those were no longer draining into the lake and that is not a problem. We have the capacity to offset that. I think as far as the drainage plan design meeting the ordinance requirements, it is all there. Like Jim and Mr. Atkinson had said, does the jurisdiction of DNR on this existing impoundment, should that hold up a preliminary approval on this plan if it meets the county requirements? Since it is an existing impoundment, an existing dam, we've seen that it can function properly and if this issue should be resolved as to whether DNR should be involved really doesn't have any bearing on whether this plan works or not, I think. I don't know where I am going from here, but I just felt like I had to, as a design engineer, come up here and let you know that this plan was put together in accordance with the ordinance. The only that this issue came up because existing impoundments to be used are supposed to be used in the plan. Because of the lack of information, the best information that we had was the county topo maps which as we all know are not necessarily accurate all the time. So, based on those elevations, yes, it looks like the dam is above 20 feet and like Jim said, we may never know for sure. There is not any concrete information anywhere. All you have is the testimony of the contractor and the developer, but I think purely from a standpoint of what the Drainage Board should be considering on this plan everything is in place and meets the requirements. The jurisdictional dispute can be settled at a later time. As soon as possible, but I don't think it should really put a hold on whether or not this preliminary plan is going to be approved or not tonight. Thank you

President Borries: Thank you, Daryl.

Commissioner Mourdock: Did I hear you say at one point, Daryl, that you think it is over 20 feet?

Daryl Helfert: No, I don't think I said that I think it is, I just said that you can't tell if it is or not.

Commissioner Mourdock: Oh, I thought you said that you thought it was.

Daryl Helfert: Based on the county topo maps and the elevation that we shot on the top of the dam you would say, yes, it is. But, they don't match the previous topo maps either. They are off by about five or six feet.

#### TAPE CHANGE

Jerry Atkinson: There can't be evidence that it doesn't exceed 20 feet. If I can say this in a less unintelligible way, we have to demonstrate somewhere to somebody that this dam is less than 20

feet and I think that the evidence that you have before you is that it is less than 20 feet. Since you don't have to consider the issue of DNR or not DNR in determining what to do with the drainage plan I am asking you to not decide that issue based upon evidence that the dam is less than 20 feet high. You don't have to inject yourself into that jurisdictional question. You don't have to send it off to DNR to have DNR make some finding. My view is that the County Engineer, the Soil Conservation folks and the testimony here will be enough to solve the problem. There can't be a mechanically accurate or precise determination because if you drill down through you are going to come to that five, six or seven foot cut that they made for the keyway and you are still going to come up with a wrong number even if the soil is different when you drill through where the fill is where the keyway was cut. You have to rely on the testimony of the contractor that they keyway was six feet, that he moved it 40 feet upstream and it was five feet higher. It is consistent with your own technical information as to the grade of the slope out there. I would ask you not to inject yourself into the jurisdictional question, but just look at the drainage. Thank you.

President Borries: Thank you, Mr. Atkinson. I thank all of you for your testimony. I am confident that we can resolve this. Daryl, and certainly Jim, are competent people. It seems to me what we have here on the bottom line is just a lack of documentation and information on certain points. As well as all of you know Bill Jeffers I am sure that we ought be able to get these concerns resolved, but, again, speaking personally, too, I would just be reluctant to approve anything at this time without his recommendation on that. I would suggest that as soon as possible we could get with Bill Jeffers, the County Engineer and the Soil and Water Conservation Service would be the three technical parts that we would need to provide just the information back and forth and I think we can resolve it and perhaps along with that the jurisdictional dispute will take care of itself in this. Thank you. We hope that we can maybe hear from you at our meeting next month. Let's set that for our goal. We have other persons this evening.

<b>Fox Hollow Subdivision - Final drainage plan</b>
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Bill Jeffers: I think they are ready for Fox Hollow.

President Borries: Oh, okay, alright.

Lee McClellan: I will try to answer Bill's questions here. Number one--

President Borries: These comments are from Mr. Lee McClellan.

Lee McClellan: McClellan, yes, from Morley and Associates. The lake was constructed under Phase I of the infrastructure design and on July 25, 1994 the developer petitioned the County Commissioners and Drainage Board for acceptance of the storm water retention facilities and the storm sewer systems that were outside of the right-of-way and that was approved for maintenance by the Commissioners, Mr. Tuley, Mr. Borries and Mr. Hunter and also approved by Mr. Stoll on July 25, 1994. In that request for maintenance it listed the lineal footage of the storm water pipes that were outside of the right-of-way and it also showed here that there was no monies going to be incurred for the shoreline of the retention basin. Mr. Kattman went and got a copy of the recorded

restrictive covenants for this project which defines that there is a Homeowners' Association set up and that Homeowners' Association is responsible for the maintenance of that storm water retention basin.

Commissioner Mourdock: Having heard that, Bill, did that answer question number two of one through four or did that answer all four?

Bill Jeffers: That answers all my questions and then there is the one correction up here which I believe is a typo. There is another correction which is a typo that Mr. McClellan is aware of and with that the Surveyor's Office recommends approval of the final plan of Fox Hollow Subdivision, Phase II.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Borries: So ordered.

Lee McClellan: Thank you.

President Borries: Thank you, gentlemen.

<b>Report on petition from Johnnie R. Crick</b>
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President Borries: We are at that point in our agenda where we will hear from...Bill, I guess, the petitions are in the order that you received them so we would take the first petition from Mr. Johnny R. Crick, is that correct?

Bill Jeffers: Right, which you received and I don't know if you have the Surveyor's report on that, but I will give it to you at this time.

Commissioner Tuley: We've got one.

Bill Jeffers: It basically says that there are some problems out there. The primary problem is that over the years the gravel in the roadway known as New Maple Lane has, by various applications of new gravel, risen to an elevation that is higher than the basement door sill of the home owned by Mr. Crick and during torrential downpours the water backs up behind that roadway surface and according to Mr. Crick it enters his basement door. Upon inspection by the County Surveyor's Office, I did not go inside the house to see any water damage, but the elevations that we shot in the field show that what he is alleging to have had happen can happen and most likely did during those heavy rainfalls this Spring depending on whether his door was sealed or whether water was able to leak underneath the door sill. Also included in the report is several other suggestions that Mr. Crick might pursue to improve his situation out there. The bottom line being that the height of the gravel on the private roadway commonly known as New Maple Lane be lowered to an elevation that would allow the excess storm water that builds up behind the roadway to pass over and down through the natural valley as it used to years ago. Since making this report to you and now entering it into the record or since typing the report up and mailing it out to the various individuals and now I am entering it into the record, we all have received some words of wisdom from Barber and Hamilton, Attorneys-at-Law, all of which I have read. That is from Steve Barber, who I assume is here in the

audience representing Mr. Bender, who is an owner of the property known as New Maple Lane. It is true that after rereading several times the new statute, I agree that the notification to Mr. Bender should have first come in writing from Mr. Crick as a request to lower the roadway. I have no absolute proof that it occurred. Mr. Crick says that he spoke with Mr. Bender about it, but I was not present at that discussion so I can't attest to what was said or what was requested by Mr. Crick to Mr. Bender. Also, I spoke with Mr. Bender on the phone and he asked me to send any letters or whatever, notices or whatever I send to him to send to the P.O. Box, which under item B, Mr. Barber notes that I sent it to his P.O. Box and that was at the request of Mr. Bender. I took it upon myself to send it to his home address to make sure that if he didn't go down to see his P.O. Box he still might get it, so forth and so on. We might just take this as a preliminary hearing and ask the Benders and the Cricks to get together and see if they can work this thing out. If they would rather not do that at this time to let us know then we will set a hearing date. I will tell you that the statute does say that the hearing date should be no sooner than 30 days after the receipt of the petition. The petition has to be resubmitted and that would be 30 days from the time of its resubmitting and that the meeting or the hearing be held no greater than 90 days after the Drainage Board receipt.

Unidentified: Unconstitutionality.

Bill Jeffers: And, yes, I hope it is declared unconstitutional. That is just a personal feeling.

President Borries: Why, Mr. Jeffers?

Bill Jeffers: Because this matter traditionally has been settled in a court of law and I think it is asking a lot of the Drainage Board to play judge and jury over disputes that are of a civil matter. I am sure that the intention of the legislature were well intended, but I don't think they thought this all the way through so, yes, I hope it is declared unconstitutional, but until it is we are going to have to take these petitions and act on them in accordance with the statute because that is our duty.

President Borries: I think, Mr. Barber's comments are helpful. I think that what also makes this difficult is that, in effect, it is a private road. We have these persons here tonight, what is our next step?

Commissioner Mourdock: One gentleman has raised his hand and I don't think you can see him.

Alan Kissinger: If I may, it is appropriate for the Commissioners tonight to accept documents from the Surveyor's Office for the record, but it would be totally inappropriate tonight for the County Commissioners to consider any testimony that was not offered by the Surveyor's Office to merely be made a part of the record. This petition is improperly drawn. There was improper notice and there should not be a hearing tonight. If there is a hearing tonight and the results of that hearing are appealed we will lose. So, we are spinning our wheels, we're wasting our time and we should not have a hearing tonight. There should be a new petition submitted. All property owners of record should be notified and then we can follow through again with the procedure. As far as the constitutionality of the statute is concerned, in consideration of the fact that this could be considered to be an ex post facto law, I think that once again is an appropriate comment at this point.

I think this statute comes closer to putting the Drainage Board in a judicial position as opposed to quasi-judicial as described before, but I don't think that a decision of the Drainage Board as the constitutionality of the statute is even appropriately raised at this point except to preserve that issue for appeal to a court of jurisdiction. I guess my comments have gone into rambling, but we should not hear testimony tonight on this petition, period. If you want to accept documents for the record, those documents should be reintroduced into the record at the time the hearing is appropriately noticed and scheduled.

Commissioner Mourdock: I don't have a problem at all with everything that you just said, Alan, legality wise. The only problem that I have with it is that we've had some people who sat here extremely patiently for four hours and I noticed that one of them stuck their hand in the air. I guess, let me add one other thing, your comments regarding the hearing, I think, are implying a hearing that would lead to a decision without a properly held hearing giving consideration to the other things with notice and all that needs to be given. I mean, I agree with that so I guess having said that the gentleman who raised his hand a moment ago I hope you bear with us patiently where we are at with this situation. I mean, this meeting is open to any member of the public and you can say what you want to say, but as far as what you are telling us now, what our attorney just told us is that the information that you provide to us you may well have to give it to us again at a hearing for it to impact us in the decision making process.

Unidentified: What is the purpose of this here tonight?

President Borries: Well, here is what has happened. There was a new law that became effective on July 1, 1996 which is when the state's fiscal year starts. That is why and what this does is that whenever there are disputes between adjoining property owners over drainage this law sets out a way in which this Board, as Attorney Kissinger has described, ends up, in effect, in a judicial position which is different from, basically, a recommending body and an approval body. It puts us into a situation according to the way certain portions of this law read that, in effect, this Board could order certain things done from one property owner to another. If you decide to make any comments, and we hope they will be brief this evening, what Commissioner Mourdock is saying and what I am saying at this point is very, very clearly this is not a hearing. There will be no decision made tonight. We can't do it. We cannot do it. The thing that I would suggest is something extremely simple. That the disputed groups would simply work this out outside of this meeting.

Commissioner Mourdock: Was your question that you started to ask a minute ago, was it, why is this not a hearing for this matter?

Unidentified: Yeah, what is the purpose of all of this? I thought that Mr. Kissinger, he was the one who directed us to go this route.

Alan Kissinger: Sir, rather there be some misrepresentation here, I told you to go this route, I did not advise you on the procedure for getting to this route and what I just explained to the Board was the improper procedure...an improper procedure was employed to get notice of this hearing. We don't control the statute as to how notice is supposed to be sent out.



**Vanderburgh County  
Drainage Board Meeting  
August 26, 1996**

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Unidentified: I talked to the man himself on the road and he denied even raising the road.

Alan Kissinger: Sir, that is all information that is appropriate when a properly called hearing has been scheduled. I understand your confusion and your frustration with the procedure, but this statute sets out a specific procedure for notifying persons of these types of hearings. That procedure was not followed and if this Board has a hearing tonight, hears your testimony, accepts documents into evidence and exhibits and so forth and makes a decision, those people with their attorney very appropriately walk over here to this court building and file an appeal because the improper procedure was filed and everything that we have done has been for naught.

Unidentified: Okay, so what you are saying is that I need to write a letter to Mr. Bender about this problem notifying him of the problem, is that correct? And then if he refuses to do something, I refile my petition to this Drainage Board, is that right? Is that what you are saying?

President Borries: You need to get a copy of Indiana Code, which can be provided, 36-9-27.4-12, Subsection E, Paragraph 1 which as I understand becomes the law and there is a procedure in there as of July 1, 1996.

Alan Kissinger: Don't get the wrong impression, I am not recommending that you do anything, but with the type of information that you have and the problem that you have and the way this statute is written, and I won't apologize for the way that the statute is written, but this statute is designed to cause trouble for the average property owner trying to deal with a drainage problem. Not intentionally, but the design of this statute makes you function as an attorney as far as understanding the procedure for notice, the hearing, etc. The average individual who has no legal background cannot follow this statute and properly get a petition before this Board without legal assistance. Like I say, we didn't write that statute. They just dumped it on us and said, here, here is this doggie, now you pet it.

Unidentified: It doesn't matter that people who have lived in that area for 30 years can testify that the road has been raised to an elevation that is unacceptable dumping water into another persons basement? None of that matters?

Alan Kissinger: None of that...at this point, all of that matters, sir. The way you are characterizing this is inappropriate. Yes, it all matters, but until you have properly notified...are you aware that only one owner of this road has been notified? Are you aware that there is another owner?

Unidentified: Right.

Alan Kissinger: Are you aware that this statute says all owners are to be notified. They weren't notified. You see this Board can't proceed. This Board cannot proceed or if it does then, yes, nothing that you say matters because that hearing will be void.

Commissioner Mourdock: Excuse me, one thing, if you state your name please.

John Crick: My name is John Crick, I am the owner at 6905 Darmstadt Road, okay? If we go through all this and it drags on and there is

water damage and it continues what about the liability there?

Alan Kissinger: I am not here to give you legal advice as far as that is concerned. The only thing that I can advise you on is the procedure that must be employed by this Board and that procedure was not properly applied in this case. As I said, I can't apologize for what the statute requires you to do. I can tell you it is a poorly written statute and it is going to cause a lot of problems and I understand your frustration, but by the same token the fact that you are frustrated cannot be used to convince the Board to have a hearing that is going to be void.

President Borries: I guess what we are saying, too, that because of the confusion concerning this new law and the change of this new law, frankly, what does matter is your claim can still be decided in a civil court in a civil suit.

John Crick: You mean to tell me that you guys can't decide to lower the elevation of that road? It still has to go--

Alan Kissinger: This Board can decide not necessarily to lower the elevation of the road merely because that is the way you think it ought to be done, but to follow the recommendation of the County Surveyor's Office or the County Engineer's Office as to how to remedy the problem and then if certain findings are made we can order the owner to employ that type or remedial action. Also, you have to understand, however, if it is found that the problems that have been caused were not caused intentionally by the owner or owners you could become responsible for the payment of that repair. I am sure that you are absolutely convinced that everything is going to work out your way, but funnier things have happened. Yes, the Board can do that. However, you must go back to square one and start over with the notice procedure and before you go through that notice procedure, you must make the proper notification to the owners.

Randy Cates: I have one quick question. I am Randy Cates and I am part owner of the property.

Alan Kissinger: Are you part owner of the road or the--

Randy Cates: The property, John Crick.

Alan Kissinger: The property that is being affected?

Randy Cates: Yes. These recommendations were made by Mr. Jeffers and basically what I am seeing here on these suggestions this is going to remedy the problems. Mr. Bender is here tonight and if he is willing to take these suggestions from Mr. Jeffers and say he will do it then the matter can be resolved tonight if he is willing.

Alan Kissinger: It is also my understanding, after having talked briefly with the County Engineer, that the County Engineer had some recommendation for the owner as to how to remedy the problem short of lowering the road. If that can be done I think that whichever Commissioner made the comment that you folks need to get together and talk constructively towards solving the problem, I agree completely. When you get to this point it is pretty well conceded that all else has failed.

Randy Cates: I worked in site works for 20 years now with Industrial Contractors and J.E. Shekell and Deig Brothers and that

is what I do is site work. I have shot everything with a laser and if I am mistaken, Mr. Jeffers can correct me, but the road elevation is the critical problem. If it overflows on the pipe culvert on Darmstadt Road it is going to go down to that road. It is all going down to that road. The problem occurs on a large amount of rain and if the road is lowered according, correct me Mr. Jeffers if I am wrong, to him just 20 feet each side of that drain to below our door sill the problem will be rectified and none of this will happen. If Mr. Bender will accept that tonight then all of this can be resolved right now.

Alan Kissinger: Well, the Drainage Board cannot put Mr. Bender into a position that he has to accept or reject that tonight. However, I think that Mr. Bender has an attorney who understands that to get a reasonable compromise or solution to this problem is going to be much less trouble for his client than the procedure that might follow. I feel like you have certainly taken the first step to some kind of a settlement to this matter. I think if a calm discussion of the problem and suggestions for remedying it are presented I think they will certainly be given appropriate consideration. As I say, everybody, when the owners of the property get here and when the people affected by the bad drainage get here for this type of hearing on this type of petition that means that all else has failed. Obviously, the actions of this body are going to be appealed to another court which may merely delay the remedying of the problem.

Randy Cates: You mean to tell me Mr. Bender...the way I understand it, correct me if I am wrong, he owns the property adjacent to our property and he owns the entire easement so the only person that actually affects us and the only person that we have to notify is Mr. Bender.

Alan Kissinger: My understanding is that there is another owner. I don't know that to be true, but I understand that he is not the only one.

Randy Cates: So, can we make this a record that if I would ask Mr. Bender to come up he would be more than welcome to come up and solve this problem right here and now you couldn't hear us out.

Alan Kissinger: No, we can't. We have no authority to do that.

Randy Cates: Okay.

Alan Kissinger: By the same token, sir, if you want to discuss it in the hallway there is nothing that we can do to stop you.

Bill Jeffers: I apologize for overlooking Rule 4.1 of the Indiana Rule of Trial Procedure to serve notice on each respondent. I am going to tell you right now guys, I am not going to go down to the Recorder's Office and spend a week every time one of these comes in trying to find who every owner of that property is, I am not going to do it.

Alan Kissinger: Bill, that is not your responsibility. Under the statute, that is not your responsibility.

Bill Jeffers: You know, they say that there is another owner, but they haven't told me who it is.

Alan Kissinger: I understand.

Bill Jeffers: I go down to the Assessor's Office and it says that it is him. The way we look up deeds, that is the way it is. These pieces of property are being bought...this if the first time I knew this fellow was one of the owners in Mr. Crick's property. There is no deed on record that these two guys own that.

Alan Kissinger: Bill, I understand what you are saying. We have discussed this before. You knew it was going to be a significant problem, I knew it was going to be a significant problem and we looked at each other and said what can we do? There is nothing that we can do.

Bill Jeffers: I am going to tell the petitioners from now on, you go out and find out who to notify. Every other thing in the drainage law says that the petitioner must notify those folks.

Alan Kissinger: Bill, this statute is very unusual. It has put the Drainage Board in the position of becoming a judicial body. Now, if you or anyone else is going to file an action before a judicial body it is customary and accepted practice to hire an attorney to take you through that minefield and it is not unreasonable to believe that petitioners under this statute are going to have to hire an attorney to get a petition appropriately on file.

Bill Jeffers: I am going to make two recommendations. One is that the Drainage Board seriously consider a filing fee, a considerable filing fee, from any petitioner from this point on.

Alan Kissinger: The statute makes provision for a filing fee.

Bill Jeffers: So that we can hire an abstractor to find out who all the respondents are and I would also recommend at this time under Section 13 that the Drainage Board may postpone the hearing if it appears that a respondent has not been served, which it does.

Alan Kissinger: This hearing should not be postponed.

Bill Jeffers: It doesn't exist or something like that.

Alan Kissinger: There was not proper notice and therefore this hearing has no life. If you want to start over, fine.

John Crick: I have one more thing to say. I don't know that it matters, but the lady, Ms. Heard, she has lived out there longer than anyone. Last year it was the county out there dumping gravel on that road. Here is a private road with the county out there doing work on it. I am curious of that.

Alan Kissinger: I have talked with the people at the County Garage who have indicated to me that in the past years this has happened on somewhat of a...not a regular basis at all. We have actually paved roads that were not county accepted roads and found out after the fact that they were not county roads. Someone said that there was a county truck out there putting gravel on the road and I don't have any reason to believe that you would make up that story, but if so it was done mistakenly.

John Crick: That is fine, I don't doubt that, but what about taking the gravel off? Once you have made a mistake, correct that mistake. Do you just go on and live with it?

President Borries: Except that if this is a private road the county cannot do work on it. That is what Attorney Kissinger has just

told you.

Alan Kissinger: The thing is that if we have mistakenly trespassed and caused a problem we cannot intentionally trespass to remedy that problem.

John Crick: Would the county not be liable though for creating part of this problem, mistaken or otherwise?

Alan Kissinger: Now, Mr. Crick, do you think I am going to sit here as County Attorney and tell you that the county is going to be liable? I don't know, really, and I would really have to look into the records of the County Garage as to what happened out there. I do know that was suggested previously and someone from the County Garage indicated that it could of happened, but I don't have any confirmation of that.

President Borries: Thanks folks.

John Crick: For what?

<b>Receive petition from Heerdink &amp; Rose</b>
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President Borries: I feel that this next one may be the same situation?

Bill Jeffers: They are just going to present you with a petition.

President Borries: Is this petition not in line with...it has nothing to do then with the previous matter in this ordinance? Where are those persons?

Bill Jeffers: The petition that the next petitioner would like to present the Drainage Board with is on a separate matter and on a different piece of property.

Alan Kissinger: Bill, is it a petition filed under the new statute?

Bill Jeffers: Yes, sir.

Alan Kissinger: Was there service by certified mail? Do you have proof that the respondent was notified?

Bill Jeffers: Well, have you seen the petition?

Alan Kissinger: No.

Bill Jeffers: Okay. It is accompanied by letters from two different attorneys.

Commissioner Tuley: That tells you that somebody has been notified of something!

Commissioner Mourdock: I guess the logical response to your question, Alan--

Commissioner Tuley: Is it legal notice?

Commissioner Mourdock: --of Bill a moment ago you said have the proper people been notified and going back five minutes in the conversation it is not Bill's question to determine that.

Alan Kissinger: We have a real mess here.

Commissioner Mourdock: I know.

Alan Kissinger: I would like to thank the guy up in Indianapolis that sponsored and saw that this thing was written because I am sure that he is creating this same confusion throughout the entire state. Bill Jeffers, the County Engineer, myself, all of us who looked at this thing said this is going to be trouble.

Commissioner Mourdock: Agreed, and it is going to be trouble and it will only get worse not better. Let me just ask you, procedurally the comment that you made a little bit ago about the fact that we could rule on this and it could end up in court, how is that different than any other action the Board ever takes? It seems to me that whether we like it or not--

Alan Kissinger: I don't mean to interrupt, it isn't any different except that I am here to advise you when you are doing something that is wrong and I am telling you that you are doing something that is wrong, so if it goes to court and I know that we are going to lose, then I need to tell you that up front so you don't engage in a futile exercise.

Commissioner Mourdock: Fair enough. That is a point well taken, but let's go back to the specific question that was addressed to Bill just a moment ago. You asked him a good question, have the proper respondents been notified?

Bill Jeffers: By whom? Who are they supposed to be notified by? We're way back up here.

President Borries: That is the heart of the matter. It is not a matter of just ruling it, I think what Alan is saying is that this thing is so confusing that it could be thrown out from word one on a legal technicality on misservice to certain people--

Alan Kissinger: Certainly.

President Borries: --that has, literally, nothing to do with the heart of the matter as to whether or not somebody is obstructing a drain or whose has done what, but on a simple technicality that the legal process here, the legal service has not been done.

Alan Kissinger: Filing this petition is very little different from if I filed a lawsuit against someone. You either follow steps one, two, three and four without jumping from one to three and skipping two or they say there is the door partner, you don't get to come in and play our game.

Bill Jeffers: What is step one?

President Borries: I understood that all affected owners, and that is the difficult thing, property owners have to be notified by the grievor or whatever. I'm at a point now where I can't even talk!

Bill Jeffers: Before or after the petition is filed?

President Borries: Huh?

Bill Jeffers: Is that before the petition is filed?

Commissioner Tuley: Before isn't it?

Alan Kissinger: Before.

Commissioner Tuley: Asking them to remove it and then--

Bill Jeffers: Up here on Page 4 here it says:

"A person who owns a tract of land seeks removal of an obstruction."

So he is here and the owner of the tract of land on which the obstruction is alleged to be located upon request does not remove it.

Alan Kissinger: No, no, no, back off. Only if the owner intentionally caused the obstruction. Now, if the owner didn't intentionally cause the obstruction, the owner could say I didn't do it, I don't have to remove it and there is no remedy in this statute for that.

Bill Jeffers: But we have a situation here now where there is someone who would like to be a petitioner who is seeking the removal of an alleged obstruction from a drain that was located outside his property and he seeks this in order to promote better drainage of his own property and according to the documents that he has brought with him, the owner of the property on which the obstruction is alleged to exist has been notified.

Alan Kissinger: Was he notified exactly as the statute requires?

Bill Jeffers: It doesn't require that up here.

Alan Kissinger: The statute--

Bill Jeffers: It only requires that for the hearing. This isn't the hearing.

President Borries: It says that the hearing notice must be served in the manner prescribed in Rule 4.1 of the Indiana Rules of Trial Procedure.

Bill Jeffers: Notice of the hearing.

Alan Kissinger: What are we having here then?

Bill Jeffers: He wants to give you a petition. He wants to hand you a petition.

Alan Kissinger: And if he wants to hand us a petition then the only instruction we can give him is fine, your petition may or may not be in order, but the only way that we can find out is for you to serve the appropriate parties and before you serve those appropriate parties you have to go to those parties and request the removal of those obstructions.

Bill Jeffers: I think there is a letter indicating that he's done that.

Commissioner Mourdock: Got no problem there, right?

(Inaudible comments from the audience)

President Borries: Okay, to move this forward and, again, sir if you would like to come forward and give your name for the record,

what we will do is to acknowledge the receipt of your request, take this matter under advisement, seek a legal opinion according to the correct aspect of this statute and communicate back with you at that point.

Commissioner Mourdock: And the correct aspect of his actions pursuant to the statute.

President Borries: Yeah, okay.

Commissioner Tuley: I understood that like mud!

Commissioner Mourdock: What I just said?

Commissioner Tuley: Say it again.

Commissioner Mourdock: We want to make sure from the best of our knowledge that the document that he is giving us was prepared pursuant to the statute.

President Borries: Is it your feeling that it was?

Unidentified: The petition itself?

President Borries: Yes.

Unidentified: Yes.

Commissioner Mourdock: State your name, please.

Tom Heerdink: Tom Heerdink. In the packet, if you will look at it, there is a letter from myself and William Rose from 14 West Mill Road requesting that she remove the obstacle from a culvert. We received a letter back, which there is a copy there, that says she doesn't have to and she won't do it. About a week later she brought in a minimum of five loads of fill dirt and filled in this ditch that we asked that she clear the culvert. I also have a letter from her...we used to maintain this ditch for her. I have lived there for 10 years. I have a letter from her lawyer asking us not to come on her property especially in the ditch area. So, as you can see, it escalated from us doing to work for her, to her telling us to stay off the property, to us asking her to maintain it herself, to her filling in the ditch. This ditch does not drain our water. This ditch drains water coming from a property on Stringtown Road, comes across her property and we are at a lower elevation. Our water does not run uphill.

Commissioner Mourdock: So, you live below her property?

Tom Heerdink: I've got a little drawing.

Commissioner Mourdock: Just yes or no? You live below her property?

Tom Heerdink: Yes.

Commissioner Mourdock: So the backing up of this--

Tom Heerdink: This is where her house is and she owns this tract of land and it borders...and my house is on Mill Road. The water comes down, she installed a culvert in 1994 here and it runs into this ditch into another culvert. It is in our letter asking her to clean this culvert because it is clogged.



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Commissioner Mourdock: Where is your property?

Commissioner Tuley: Right next door.

Commissioner Mourdock: So the water runs back up on you? Okay, I thought you were saying you lived below her.

Tom Heerdink: This is why we were asking her to clear it because she wouldn't let us do anything. She sent us a letter back saying, no, tough luck. Now she has filled this ditch from here to here.

Commissioner Tuley: So it has no place to go?

Tom Heerdink: She left it open here. Mr. Rose is cleaning mud out of his yard tonight.

Commissioner Tuley: From today?

Tom Heerdink: From the storm and it only rained for a couple of hours.

Commissioner Mourdock: Take some pictures.

President Borries: He's got some.

Alan Kissinger: If I may make a suggestion on this, I don't know if Mr. Shively, who wrote the letter of response, was aware of this statute and I will personally contact Mr. Shively tomorrow and make him aware of the statute. I'll tell him that a petition has been filed and ask him if he will accept notice for his client.

Tom Heerdink: Apparently he doesn't because the day that they began filling the ditch, which was August 5th I believe, I went out to her and Bob Staub, who was filling the ditch, and told them that I believed there was a law prohibiting this and she expounded on how Mr. Shively had told her that she could do anything she wanted on her property.

Alan Kissinger: Ah! I see your point, he probably doesn't know about it.

Tom Heerdink: It is not our water. We are lower than everybody else on the street. We are at the bottom of Mill Road hill off of Stringtown.

Alan Kissinger: I'll contact Mr. Shively tomorrow, but any action on this has to be deferred until proper notice is given.

Tom Heerdink: All we are asking is that the Surveyor is allowed to come out and look at it and determine that there is an obstruction.

Alan Kissinger: Oh, the Surveyor can come out and take a look at it based on what is here tonight.

President Borries: Is this in the city, sir?

Tom Heerdink: Yes.

Commissioner Mourdock: Yeah, it is right on Mill Road. It is right next to the church.

Tom Heerdink: That is correct. Right across from Stringtown School. I was under the impression that once he determined that

there was an obstruction and this is obviously intentional here, then all parties would be notified to come to the hearing where you gentlemen decide whether she has to clean it or not. That is the impression that I was under. I thought we had followed it to the T so far.

Alan Kissinger: That is a good thumbnail sketch. You are, at this point, still properly where you should be, yes.

Tom Heerdink: Am I right to assume that Mr. Jeffers will be allowed to come out and survey the obstruction?

Alan Kissinger: Yes.

Tom Heerdink: Can I ask you who would be responsible if he determines that this five loads of dirt is an obstruction and it is intentionally placed, who will notify us and Ms. Rasche?

Alan Kissinger: Number one, he doesn't make that determination. He just goes out and assesses the situation and then he comes back and reports to the Drainage Board. It is the Drainage Board, ultimately, that has to make those final decisions.

Tom Heerdink: Okay, I understand that. So whose responsibility would it be to inform Ms. Rasche, the respondent, that there will be a hearing? I assume that is the way it is supposed to be. All of the people will be notified of the hearing and so far everything is in order, right?

Alan Kissinger: So far and as to who serves notice, etc., I think we are probably going to have some discussions on that in the very near future and we are going to have to establish a procedure, publish it, be it arbitrary or not, that everyone has to follow. We will certainly advise you of that procedure so that you don't lose your opportunity to process your petition.

Tom Heerdink: Okay, that is all we are asking. Like I said, it is not our water, we are lower than her and this is pretty well a no brainer to me.

Commissioner Mourdock: The law seldom allows no brainers!

Tom Heerdink: I understand. I know my problems seem petty compared to what all has gone on here tonight.

Alan Kissinger: No, (inaudible).

President Borries: No, no it's not. You've done a nice job. We are in the middle of a terribly complicated change here. We will proceed from here.

Tom Heerdink: So we can expect Bill Jeffers to come out then?

President Borries: Yeah.

Bill Jeffers: I will go out if I am ordered by the Board to investigate it.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: He will report back to this Board and we will

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also ask legal counsel to suggest further steps here at this point.

Alan Kissinger: I will also, although it is probably not necessarily required, contact this lady's legal counsel and advise him that he better read this statute before he proceeds any further. Perhaps that will get the job done.

President Borries: I guess my only question here...no it isn't my only question here, but it is going to be my last, I will assure you, since this matter is inside the corporate limits of the city of Evansville does this statute indicate that we are also doing this inside the city, I mean, the City's Engineers Office, since they have taken over the jurisdiction of several drains since we don't maintain drains in the city?

Bill Jeffers: It doesn't make any distinction.

President Borries: Oh, man.

Alan Kissinger: There is not distinction. This is Godzilla, you know! It's bad.

Bill Jeffers: That is what I was referring to earlier about voluntary retirement or death! Those are my choices right now.

President Borries: This is also getting to be, Mr. Heerdink, why Mr. Kissinger once referred to this as "tell on your neighbors or snitch on your neighbors statute" because then if it is founded that it is groundless you have to pay certain costs or something, too. I mean, this thing really gets crazy.

Alan Kissinger: Yeah.

Commissioner Mourdock: Several days ago, at least I think it was several days ago, Keith Rounder gave us a nice little cookbook on how to deal with the Barrett Law. I think we are going to need the same type of thing...

Commissioner Tuley: Several days ago?

Commissioner Mourdock: It seems like several days ago.

Commissioner Tuley: I was going to say it only seems like it was several days ago.

Commissioner Mourdock: But we are going to need that same type of thing from you Alan, or Keith, or one of the County Attorneys.

Commissioner Tuley: The first time it comes up and I want to file a petition--

Alan Kissinger: The nice thing about the Barrett Law is that it is well written.

Bill Jeffers: And refined over many years.

Alan Kissinger: Refined over many years and they are going to be refining this doggie when we are all in the rest home!

Commissioner Tuley: Sounds like tax sale laws to me! Rewrite it every year whether it needs it or not.

Tom Heerdink: Can I ask one more question?

Commissioner Mourdock: Be that as it may, we still need to save ourself--

Alan Kissinger: I agree.

Tom Heerdink: The law mentions that whether it is intentional or unintentional that you can ask that it be cleaned, is that correct?

President Borries: If the Deputy Surveyor determines that there is an obstruction.

Commissioner Mourdock: As I recall reading it, and it has been since early July that I read it, but if it is unintentional it can be cleaned, but you could be held for the cost of it.

Tom Heerdink: Even though I have been ordered off her property?

Commissioner Mourdock: Yes, if you are the one who initiated the petition.

Bill Jeffers: If it is unintentional but it is removed and determined that it benefits everybody along the drain, then everybody helps pay.

Commissioner Mourdock: Which is to say the people who did the petition.

Bill Jeffers: Yeah, it also says the petitioner. If it was unintentional all of the costs could be the petitioner or the petitioners.

Tom Heerdink: That would be fine if they would just allow us to clear it.

Commissioner Mourdock: That right there is the context of what the law really meant to do, although it has done it very badly. If it is such a problem that the person who is affected is willing to say, I'll pay to solve the problem, that is what the goal was, to solve the problem, but the mechanism that they have put in place has obviously raised a lot of questions.

Tom Heerdink: Ideally, I would have kept it clean, but, obviously, she won't allow that.

Commissioner Tuley: This is because you have people who have never served in government being the ones who enact the laws!

Tom Heerdink: Thank you.

Bill Jeffers: One of them is a well digger.

Commissioner Tuley: He was a well digger?

Bill Jeffers: So he knew something about water.

Alan Kissinger: Mr. Heerdink, we will keep you advised.

Commissioner Mourdock: Thank you, Mr. Heerdink. We appreciate your patience for sitting through all this.

President Borries: Bill, how short can we make the rest of this here?

**Blue claims**

Bill Jeffers: I am presenting some blue claims that simply need your signature to be applied to all of them. All of the paperwork is in order.

Commissioner Mourdock: I'll recommend approval of the blue claims.

Commissioner Tuley: Second.

President Borries: So ordered.

**Acknowledgment of published notice announcing special hearing**

President Borries: The acknowledgment that we have already done of the published report.

Bill Jeffers: Right. I have the report and it is revised from the one that I earlier gave you only because an engineer told me that I had one point that needed a more exact description. I have adjusted the legal description so that point is more exactly described and I have attached to the back of the report a copy of the notice that appeared in the Courier, Friday, August 23, 1996 announcing that there will be a hearing by the Vanderburgh County Drainage Board regarding the proposed reconstruction of Crawford-Brandeis Ditch in this room on September 3, 1996 on or about 7:00 p.m.

Alan Kissinger: Is there a special Drainage Board meeting?

Bill Jeffers: Yes, a called one.

Alan Kissinger: Oh, we haven't done it yet?

Commissioner Tuley: We've got to call one just to hold that for 5 minutes to make up for what we didn't get paid for in this war zone tonight!

Commissioner Mourdock: Yeah, big money.

President Borries: This has to be advertised and then we have a special meeting, is that correct?

Bill Jeffers: It has been advertised that you are having a special meeting on September 3rd.

President Borries: And that meeting will be held on...?

Bill Jeffers: September 3rd at or about 7:00 p.m. in this room.

President Borries: That is the only purpose...

Commissioner Tuley: Purpose for that meeting.

Bill Jeffers: The only purpose for holding the meeting is to receive and hear this report and anyone who might want to come and make comment on it.

Commissioner Tuley: I will so move for a special meeting.

Commissioner Mourdock: Second.

President Borries: So ordered. Is that it?

Commissioner Tuley: Correspondence, miscellaneous memos and reports. I know there isn't anybody here to speak. They do at the risk of their own life.

President Borries: I think we chased them all out! Are you okay, Bill?

Bill Jeffers: As soon as you turn the microphone off I might have something else to say.

Commissioner Mourdock: I'll move that we turn off the microphone and adjourn.

Commissioner Tuley: And the tape! So moved, or second.

President Borries: So ordered. The meeting is adjourned and it is 10:19 p.m.

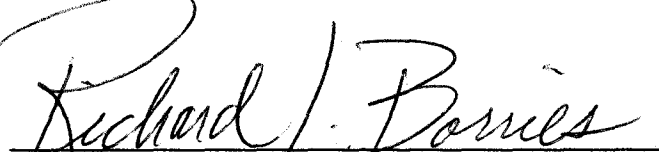
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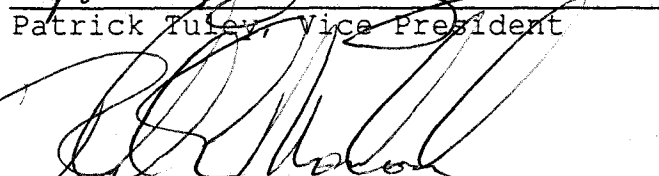
THOSE IN ATTENDANCE:

Richard J. Borries  
Patrick Tuley  
Richard E. Mourdock  
Alan Kissinger  
Bill Fluty  
Charlene M. Timmons  
Bill Jeffers  
Mikki Heck  
Bill Kattman  
Lee McClellan  
Jim Morley  
Jerry Atkinson  
John Hunter  
Mark Weber  
Daryl Helfert  
John Crick  
Randy Cates  
Tom Heerdink

VANDERBURGH COUNTY  
DRAINAGE BOARD

  
Richard J. Borries, President

  
Patrick Tuley, Vice President

  
Richard E. Mourdock, Member

Recorded and transcribed by Charlene Timmons

AGENDA

VANDEBURGH COUNTY DRAINAGE BOARD

AUGUST 26, 1996

- A. APPROVAL OF PREVIOUS MINUTES: JULY 22, 1996
- B. FINAL DRAINAGE PLANS:
  - 1. Q. C. D. PACKAGING, INC.; ST. JOSEPH INDUSTRIAL PARK
  - 2. KEYSTONE ESTATES SUBDIVISION III & IV
  - 3. WINDEMERE FARMS, NORTH RIDGE
  - 4. FOX HOLLOW SUBDIVISION, PHASE II
  - 5. KNOB HILL ESTATES
- C. PRELIMINARY DRAINAGE PLANS:
  - 1. COLUMBIA SUSSEX SUBDIVISION
  - 2. GLENWOOD HILLS ESTATES, SECTION "B"
- D. REPORT ON PETITION FROM JOHNNIE R. CRICK
- E. RECEIVE PETITION FROM HEERDINK & ROSE
- F. HILLSDALE HOUSING ASSOCIATION / LITTLE PIGEON CREEK
- G. ACKNOWLEDGMENT OF PUBLISHED NOTICE ANNOUNCING  
SPECIAL MTG. FOR HEARING SURVEYOR'S REPORT -- 9/3/96
- H. BLUE CLAIMS PRESENTED FOR PAYMENT.
- I. CORRESPONDENCE / MISC. REPORTS / MEMOS
- J. OTHER BUSINESS / OTHERS WISHING TO SPEAK



**Surveyor's Report To the County Drainage Board  
In the Matter of a Petition by Johnnie R. Crick**

August 26, 1996

Sirs:

Mr. Johnnie R. Crick alleges that a portion of the gravel surface of a private roadway commonly known as New Maple Lane represents an obstruction to a natural surface watercourse, and petitions the Vanderburgh County Drainage Board to order the alleged obstruction removed or to have it removed.

The portion of the gravel roadway alleged to be the obstruction is located approximately twenty (20) feet east and west of a six (6) inch clay tile which runs north and under said private roadway. Said clay tile drains a part of Mr. Crick's property including his north side yard, his house foundation drains, approximately half his roof gutter drains and a part of his back yard.

Mr. Crick's property, which is known commonly as 6905 Darmstadt Road, is described in a deed recorded on Card 1917 in Deed Drawer 4 in the office of the Vanderburgh County Recorder.

Said clay tile also drains a substantial part of the surface of said private roadway for a distance of approximately two hundred seventy-five (275.0) feet adjoining Mr. Crick's property along its north line. An open ditch in poor condition exists along the south edge of said roadway leading to said tile, and the surface of said roadway is tilted south and toward the open ditch thereby carrying surface water off the roadway and into said clay tile.

Said private roadway is on land owned by John F. Bender of 110 Hartin Drive, Evansville, Indiana. The roadway leads from Darmstadt Road to property Mr. Bender owns east of the properties fronting on Darmstadt Road.

Mr. Bender's property on which said roadway exists is described by a deed recorded on Card 648 in Deed Drawer 4 in the office of the Vanderburgh County Recorder.

Inspections by the Vanderburgh County Surveyor of the properties described on deed records noted above reveal that:

1. Abovesaid inlet and clay tile leading from it and under New Maple Lane are too small to handle the volume of storm water runoff directed to said tile.
2. Said clay tile appears to begin on Mr. Bender's land and extend north through other properties and eventually empties into a lake. There are several mature trees growing along the route followed by the tile, so there is a possibility that root growth inside the tile is reducing its capacity.
3. During heavy rainstorms the tile becomes overloaded and excess storm runoff not passing through the tile stacks up in the roadway and on Mr. Crick's property. When the backed-up water gets deep enough it crests the gravel roadway and runs off northward and downhill through a natural valley. The overland route taken by overflowing water is the same as the tile's route.
4. The "sag" or lowest elevation of New Maple Lane road surface is about three (3) inches higher than the basement door threshold of the home at 6905 Darmstadt Road owned by the petitioner, Johnnie R. Crick.
5. Therefore, storm water stacking up south and behind the crest of the gravel surface of the roadway enters the basement door before crossing over the "sag" in the road surface.
6. There is evidence that the gravel surface of New Maple Lane roadway has been raised by periodic applications of additional gravel apparently in the attempt to stabilize and improve the travel surface of said roadway.
7. There is evidence that additional surface storm water drainage has been directed to the clay tile drain over the years by roadside ditching along the east side of Darmstadt Road in front of 6805 and 6905 Darmstadt Road.
8. There is evidence that recent work on the petitioner's house and yard at 6905 Darmstadt Road has directed roof drainage more quickly to said clay tile.

9. There is evidence that said recent work has generated soil sediment that is partially blocking the open ditch along the south edge of New Maple Lane, and that sediment has entered the clay tile from the petitioner's work site.

10. The valley leading from the north side yard of the petitioner's property at 6905 Darmstadt Road may be seen clearly in the field and appears clearly on recent and older topographical maps. The valley has served the petitioner's land as a "natural surface watercourse" for at least as long as Darmstadt Road has been built.

Conclusion: The height of the gravel surface of the private roadway commonly known as New Maple Lane has attained an elevation due to periodic addition of gravel that blocks a natural watercourse sufficiently to cause flooding of the basement at 6905 Darmstadt Road during heavy rains.

The primary action which must be taken to resolve alleged and potential flooding of the basement at 6905 Darmstadt Road:

Lowering road surface of New Maple Lane within an area approximately twenty (20) feet either side (east and west) of the clay tile crossing said roadway. Then excess storm water can crest the road surface without backing up into the basement of 6905 Darmstadt Road.

A good rule of thumb is the finished floor elevation of a home be two (2) feet higher than the crest of the roadway.

If the road surface cannot be lowered as much as two (2) feet below the basement floor elevation, the lowering should result in an elevation equal to what existed when the home was constructed.

A lowering of the road surface by one (1) foot below its current elevation should be considered as a minimal improvement.

The emergency overflow thus created should be broad enough in width so excess storm water crosses the road in a shallow sheet thereby minimizing or preventing erosion damage to the road surface and property downhill owned by Mrs. R. C. Heard of 6911 Darmstadt Road.

Other actions which would improve the inadequate drainage facilities serving the petitioner's land and the land known as New Maple Lane:

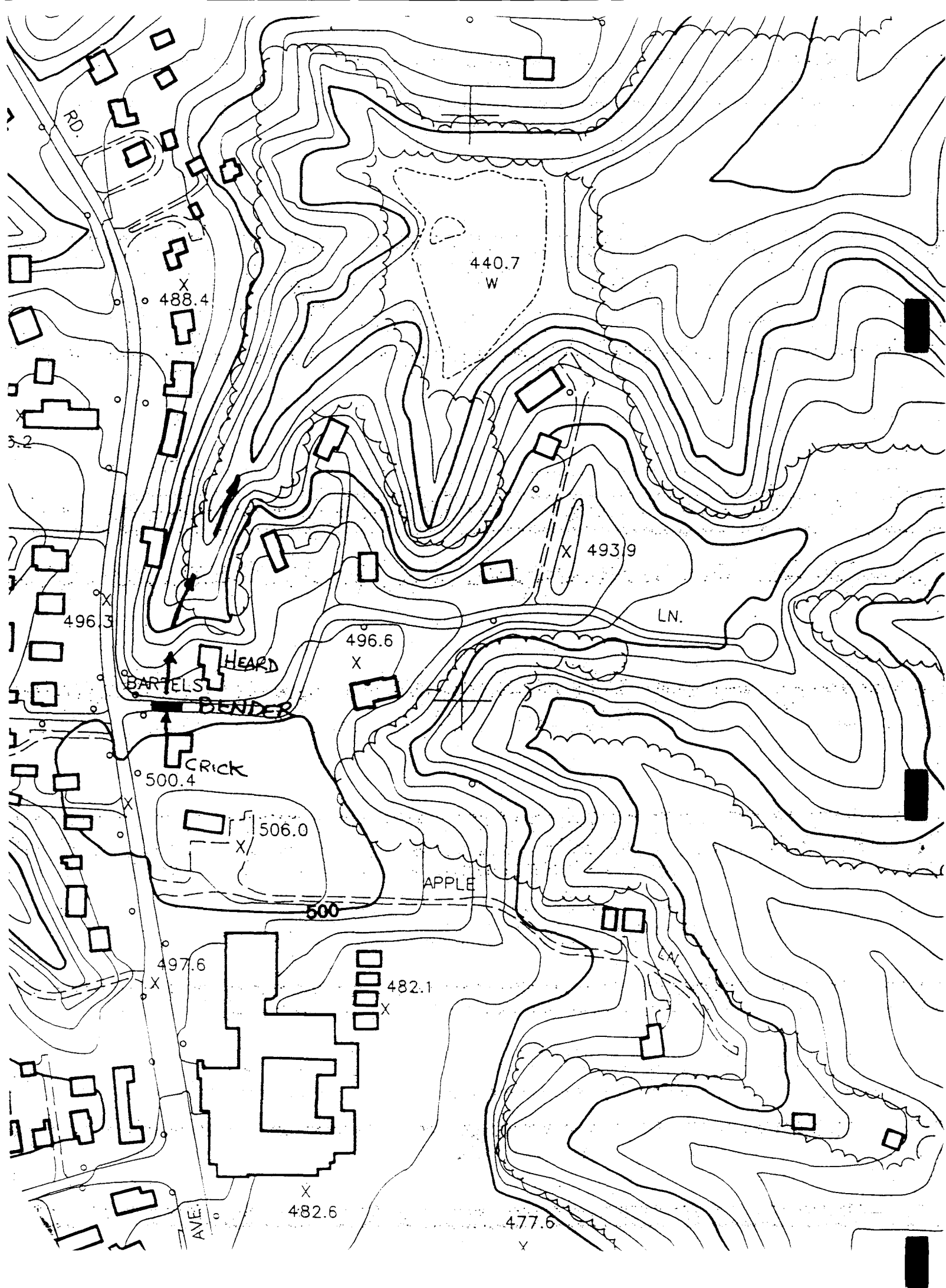
- A. Rodding the clay tile to remove all roots and sediment.
- B. Routing as much surface drainage and roof drainage to the roadside ditch in front of 6905 Darmstadt Road as was routed there prior to alterations apparently made over the past ten (10) years.
- C. Replacing the ten (10) inch ductile iron culvert at the entrance of New Maple Lane onto Darmstadt Road with a culvert sized and approved by the County Engineering Department.
- D. Directing all storm drainage along the front of 6805 and 6905 Darmstadt Road through the new culvert described just above.
- E. Improving the side ditch along south side of New Maple Lane.
- F. Stabilizing earth surface of work site at 6905 Darmstadt Road to prevent all future off-site siltation.
- G. Maintaining improvements and preventing future alterations and obstructions which might cause a recurrence of same storm water problems.

Copies of this report have been mailed to the following persons who are invited to give pertinent information to the Vanderburgh County Drainage Board at the hearing of this report on Monday evening about 7:00 P.M. August 26, 1996, in the County Commissioners' Hearing Room on the Third Floor of the Civic Center, Martin Luther King, Jr. Boulevard, Evansville, IN:

Mr. Johnnie R. Crick: mailed to 8004 Pine Creek Drive; 47710

Mr. John F. Bender: mailed to P. O. Box 1534; 47706-1534  
and to 110 Hartin Drive; 47711

Mrs. R. C. Heard: mailed to 6911 Darmstadt Road; 47710

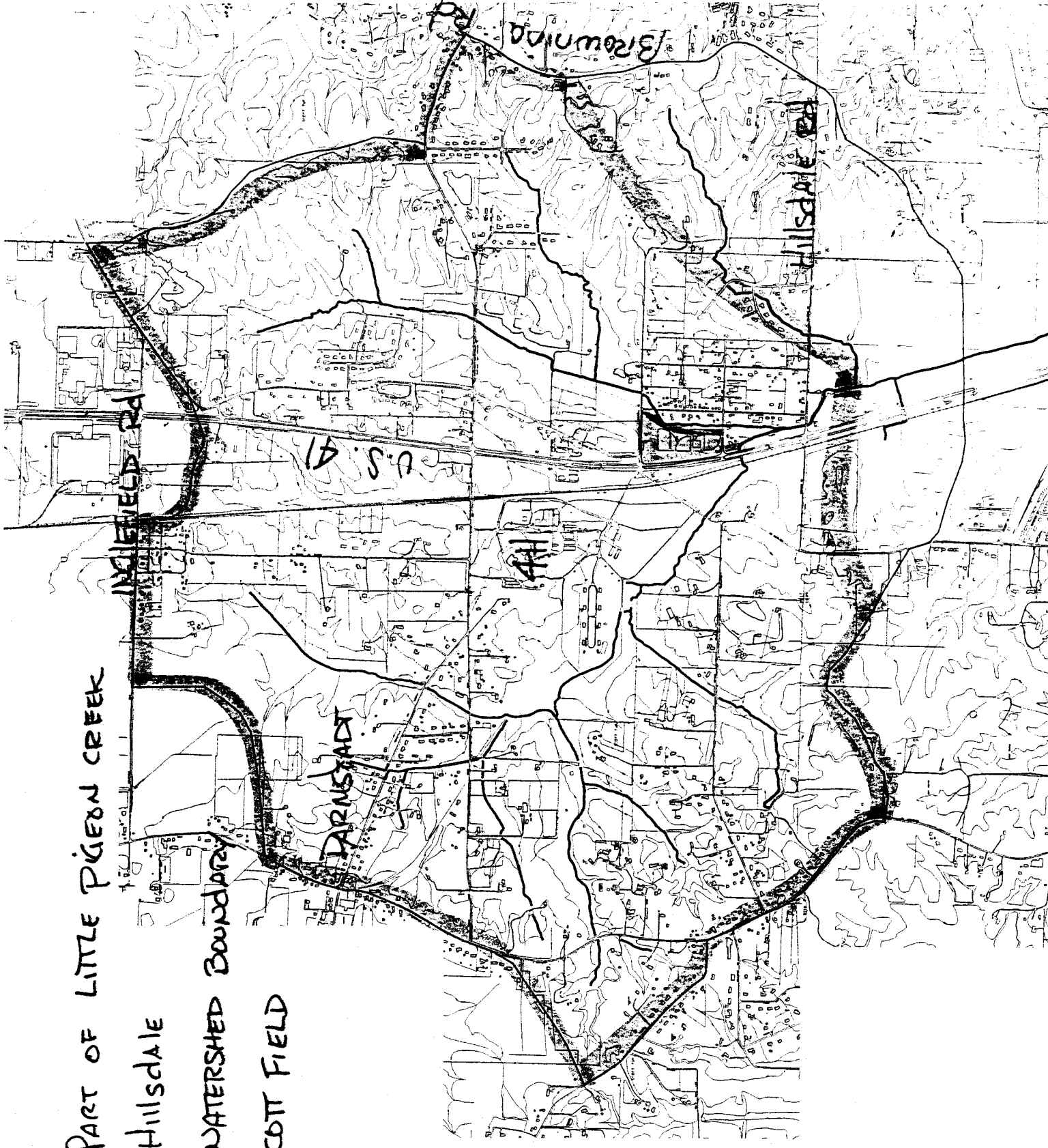


PART OF LITTLE PIGEON CREEK

Hillsdale

WATERSHED BOUNDARY

SCOTT FIELD



PART OF LITTLE PIGEON CREEK

HILLSDALE

WATERSHED BOUNDARY

COTT FIELD

BARNSTADT

HILLSDALE RD

U.S. 41

Brownville Rd

A topographic map of the Hillsdale area, showing the watershed boundary of Little Pigeon Creek. The map includes labels for 'PART OF LITTLE PIGEON CREEK', 'HILLSDALE', 'WATERSHED BOUNDARY', and 'COTT FIELD'. It also shows 'BARNSTADT' and 'HILLSDALE RD'. The map features contour lines, roads, and a grid system.

PART OF LITTLE PIGEON CREEK

HILLSDALE

WATERSHED BOUNDARY

COTT FIELD

BARNSTADT

HILLSDALE RD

U.S. 41

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A topographic map of the Hillsdale area, showing the watershed boundary of Little Pigeon Creek. The map includes labels for 'PART OF LITTLE PIGEON CREEK', 'HILLSDALE', 'WATERSHED BOUNDARY', and 'COTT FIELD'. It also shows 'BARNSTADT' and 'HILLSDALE RD'. The map features contour lines, roads, and a grid system.

RECEIVED

AUG 07 1996

Vanderburgh County Commissioners

August 7, 1996

Vanderburgh County Drainage Board  
Board of County Commissioners of Vanderburgh County Indiana  
Petition to Remove a Drainage Obstruction  
Room 305 Civic Center Complex  
#1 NW Martin Luther King, Jr. Blvd.  
Evansville, In 47708-1833

RE: Senate Bill Number 336 Removal of Drainage Obstructions

Dear Board,

The residents of 18 W. Mill Road and 14 W. Mill Road are petitioning the Drainage Board to inspect and order the removal of obstructions from a natural surface watercourse owned by Catherine Rasche, 20 W. Mill Road. This watercourse has been in existence for at least fifty years. Our properties lie to the north of and adjacent to Ms. Rasche's property, and at a lower elevation.

Obstructions in the watercourse causes the culvert which lies to the south and west of our properties to become blocked, causing drainage water to back up and overflow onto our properties. This overflow causes unnecessary flooding and damage to our land.

On August 5, 1996 Ms. Rasche employed Floyd I. Staub, Inc. to intentionally backfill this watercourse with soil. If Ms. Rasche is allowed to fill in this watercourse, drainage water will be funnelled directly onto our properties causing even greater damage. Flooding is already a problem in this area, without changes being made to a watercourses that has been in place for so many years. We are asking you to order the watercourse be restored and maintained to allow for proper drainage.

We are enclosing copies of letters requesting the watercourse be kept clear and free of debris, and her response to our request. Also we are enclosing photographs of watercourse with debris and blockage, and after watercourse has been intentionally backfilled.

Sincerely,

Thomas L. Heerdink      William M. Rose

Rose M. Heerdink      Wilma Rose

Thomas L. and Rose M. Heerdink  
18 W. Mill Road  
Evansville, IN 47710  
423-5330

William and Wilma Rose  
14 W. Mill Road  
Evansville, IN 47710  
426-0226



NEWMAN, TROCKMAN, LLOYD, FLYNN & RHEINLANDER

HOWARD P. TROCKMAN, P.C.  
JAMES F. FLYNN  
ROBERT E. RHEINLANDER  
BERNARD G. WINTNER  
WAYNE S. TROCKMAN

ATTORNEYS AT LAW  
20 NORTHWEST SIXTH STREET  
POST OFFICE BOX 3047  
EVANSVILLE, INDIANA 47730-3047  
TELEPHONE (812) 425-3353  
TOLL FREE (800) 338-7568  
FAX (812) 421-3170

MORTON W. NEWMAN  
(1905-1984)  
RUSSELL G. LLOYD  
(1932-1980)

May 23, 1996

Ms. Karen M. Heard  
Price, Bradley and Collins  
101 Plaza East Blvd.  
Suite 230  
Evansville, Indiana 47715

Re: Katherine Rasche  
20 West Mill Road  
Evansville, Indiana 47710

Dear Ms. Heard:

I represent Rose Heerdink and Thomas Heerdink who reside at 18 West Mill Road and Wilma Rose and William Rose who reside at 14 West Mill Road. The Heerdinks and the Roses are neighbors of your client, Katherine Rasche.

Part of your client's property at 20 West Mill Road lies south of and adjacent to the south lines of my clients' properties. According to my clients, Katherine Rasche has refused to keep the ditch that runs across this adjacent property clear of dirt, leaves and other debris. All of this material ultimately blocks the culvert which lies to the West of my clients' properties. When this occurs, the water backs up and overflows onto my clients' properties, as well as your client's property and causes damage to my clients' properties.

Your client's actions constitute a nuisance, private and possibly public, and also constitute an unreasonable interference with a natural water course.

My clients are not interested in unnecessarily elevating the level of conflict with your client. They merely want this ditch to be kept clear of debris so that the downstream culvert will not be clogged, creating a dam-like effect. Keeping this ditch clear will also benefit your client.

Ms. Karen Heard  
May 23, 1996  
Page 2

Please contact your client to discuss this matter with her, and then contact me as soon as possible to discuss your client's response to this letter.

Sincerely yours,



Robert E. Rheinlander

RER/dc

cc: Thomas and Mary Heerdink  
William and Wilma Rose

SHIVELY & KENT

Attorneys at Law

915 MAIN

P. O. BOX 3117

EVANSVILLE, INDIANA 47730

LESLIE C. SHIVELY  
DAVID W. KENT  
ROBERT R. FAULKNER

TELEPHONE 812 425-4555  
FAX 812 464-1007

July 3, 1996

Robert Rheinlander  
Attorney at Law  
P.O. Box 3047  
Evansville, IN 47730-3047

Re: Catherine Rasche  
20 West Mill Road  
Evansville, IN 47710

Dear Mr. Rheinlander:

Please be advised the undersigned represents Catherine Rasche.

I have reviewed your letter of May 23, 1996. My client's position is as follows:

1. There is no public easement of any type which runs across any portion of my client's property which would give your clients the right to drain surface water.

2. My client is under no obligation to maintain any drainage facilities which may benefit your clients' property.

3. My client has conducted no activities which would constitute a nuisance. In fact, conversely, your clients have continuously harassed Ms. Rasche with regard to interfering with her quiet enjoyment of her property.

The purpose of this letter is to demand that your clients refrain from any interference with Ms. Rasche's use of her property. All future correspondence and communications regarding this matter must be forwarded to the undersigned.

If you should have any further inquiries or need any further information regarding my client's position, please feel free to contact me at your convenience.

Very truly yours,

SHIVELY & KENT



Leslie C. Shively

LCS/ps

CC: Rasche

(3) The objector is the owner of land damaged by the reconstruction, and:

(A) the board failed to find that his land is damaged; or

(B) the damages assessed to his land are inadequate.

Each objector may file written evidence in support of his objections. The failure of an owner to file objections constitutes a waiver of his right to subsequently object, on the grounds stated in this subsection, to any final action of the board.

(f) On or before the day of the hearing, the county surveyor shall, and any owner of land affected by the proposed reconstruction may, cause written evidence to be filed in support of or in rebuttal to any objection filed under subsection (e).

(g) The board shall consider the objections and evidence filed, may adjourn the hearing from day to day or to a day certain, and may issue an order permitting additional written evidence to be filed in support of or in rebuttal to the objections and evidence previously filed.

(h) After considering all of the objections and evidence, the board may amend the schedules of damages and assessments, and the county surveyor may modify his report, as justice may require.

(i) Before final adjournment of the hearing, the board shall determine in writing whether the costs, damages, and expenses of the proposed reconstruction will be less than the benefits accruing to the owners of land benefited by the construction. If the board answers this question in the negative, it shall dismiss the proceedings. If the board answers the question in the affirmative, it shall adopt the reconstruction report of the county surveyor and the schedule of damages and assessments, including annual assessments for periodic maintenance, as originally filed or as amended, into its findings, and issue an order declaring the proposed reconstruction established. The board shall mark the findings and order filed and publicly announce the findings and order at the hearing. Immediately after that, the board shall publish a notice in accordance with IC 5-3-1. The notice must identify the

drainage proceedings and state that the findings and order of the board have been filed and are available for inspection in the office of the surveyor.

(j) If judicial review of the findings and order of the board is not requested under section 106 of this chapter within twenty (20) days after the date of publication of the notice, the findings and order become conclusive. *As added by Acts 1981, P.L.309, SEC.101. Amended by Acts 1981, P.L.45, SEC.78.*

### 36-9-27-53 Reconstruction proceedings; combination of drains; procedure

Sec. 53. (a) Whenever:

(1) the board has initiated, or is considering initiating, a proceeding to reconstruct a regulated drain under this chapter;

(2) one (1) or more other regulated drains in the same watershed are in need of reconstruction;

(3) the board finds that no substantial injustice would result from treating the drains as a single drain; and

(4) the board has given notice and a hearing to the owners of affected land;

the board may issue an order combining the drains.

(b) The notice shall be published:

(1) at least once; and

(2) not less than ten (10) nor more than thirty (30) days before the date of the hearing;

in a newspaper of general circulation in the area affected. Notice shall also be given to an attorney of record in the manner provided in section 110 of this chapter.

(c) After an order is issued under this section, this chapter applies to the combined drains as if they were a single drain. *As added by Acts 1981, P.L.309, SEC.101.*

### 36-9-27-54 Construction of drains; petitions

Sec. 54. (a) When one (1) or more persons want to establish a new regulated drain, and that drain cannot be established in the best and

cheapest manner without affecting land owned by other persons, the person or persons seeking to establish the drain must file a petition with the board. If the proposed drain will affect land in two (2) or more counties, the petition shall be filed in each of the affected counties. The petition shall be entitled "In the Matter of the \_\_\_\_\_ Drain Petition".

(b) The petition may be filed by:

(1) the owners of:

(A) ten percent (10%) or more in acreage; or

(B) twenty-five percent (25%) or more of the assessed valuation;

of the land that is outside the corporate boundaries of a municipality and is alleged by the petition to be affected by the proposed drain:

(2) a county executive that wants to provide for the drainage of a public highway;

(3) a township executive or the governing body of a school corporation that wants to drain the grounds of a public school; or

(4) a municipal legislative body that wants to provide for the drainage of the land of the municipality.

(c) The petition must include the following items:

(1) A statement showing that each petitioner is qualified to file the petition.

(2) The legal description of each tract of land that a petitioner believes will be affected by the proposed drain, and the name and address of each owner, as shown by the tax duplicate or record of transfers of the county. However, a public way owned by a county or by the state shall be described by its name or number, and the right-of-way of a railroad may be described as the right-of-way of the owner through section, township, and range. The petition must describe an area of land equal to three-fourths (¾) or more in area of all the affected land.

(3) The general route of the proposed drain.

(4) A statement that in the opinion of the petitioner the costs, damages, and expenses of the proposed drain will be less than the

benefits accruing to the owners of land likely to be benefited by the drain.

(5) A statement that in the opinion of the petitioner the proposed drain will:

(A) improve the public health;

(B) benefit a public highway in a county or a public street in a municipality;

(C) drain the grounds of a public school; or

(D) be of public utility.

(6) The name of the attorney representing the petitioner in the drainage petition.

(7) A statement that the petitioner shall pay the cost of notice and all legal costs, if the petition is dismissed.

The petitioner shall post a bond sufficient to pay the cost of notice and all legal costs if the petition is dismissed.

(d) The petition must be signed by each petitioner and filed in duplicate with the county surveyor, who shall receive it on behalf of the board. The surveyor shall examine the petition and if it is in proper form he shall mark it filed, showing the date of filing, and give it a distinguishing name by insertion in its caption. If the petition is not in proper form, the surveyor shall return it to the attorney for the petitioner, pointing out in what respects the petition fails to comply with this chapter. The attorney may then amend the petition and refile it with the surveyor. *As added by Acts 1981, P.L.309, SEC.101.*

#### 36-9-27-55 Construction of drains: inspection and preliminary report by county surveyor

Sec. 55. When the county surveyor has accepted a petition and marked it filed under section 54 of this chapter, he shall make a personal inspection of the land described in the petition and file with the board a written preliminary report stating:

(1) whether the proposed drain is practicable;

(2) whether the proposed drain will improve the public health, benefit a public highway in a county or a public street in a municipality,

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drain the grounds of a public school, or be of public utility; and

(3) whether the costs, damages, and expenses of the proposed drain will probably be less than the benefits accruing to the owners of land likely to be benefited.

In determining whether the proposed drain is practicable, the surveyor may consider changing the route of the proposed drain from that set forth in the petition to conform with sound engineering principles. *As added by Acts 1981, P.L.309, SEC.101.*

**36-9-27-56 Construction of drains; negative findings by surveyor; procedure**

Sec. 56. (a) If the county surveyor's report concerning any of the three (3) subdivisions of section 55 of this chapter is wholly in the negative, the board shall have a copy of the surveyor's preliminary report served upon the attorney for the petitioner.

(b) Within twenty (20) days after service is made under subsection (a), the petitioner may file with the board written objections to the report, along with written evidence in support of the objections.

(c) The board shall consider any objections and written evidence filed by petitioner, and may then adopt the surveyor's preliminary report as filed or amend it as justice may require. However, if the board finds that the report concerning any of the three (3) subdivisions of section 55 of this chapter should be wholly in the negative, it shall dismiss the petition, whether or not the petitioner has filed objections and evidence.

(d) The board shall serve a copy of its findings and the notice of dismissal, if any, on the attorney for the petitioner. The petitioner may file an appeal from the order of the board under section 106 of this chapter within twenty (20) days after service of the order on his attorney. *As added by Acts 1981, P.L.309, SEC.101.*

**36-9-27-57 Construction of drains; affirmative findings by surveyor; procedure**

Sec. 57. (a) If the county surveyor, in his preliminary report, or the board, after a hearing

under section 56 of this chapter, finds that the report concerning each of the three (3) subdivisions of section 55 of this chapter should be in the affirmative, the surveyor shall determine if any land other than that described in the petition will be affected by the proposed drain. If the surveyor finds that additional land will be affected, he shall make a written report to the board, setting forth the boundary of the additional area of affected land.

(b) After receiving the county surveyor's report under subsection (a), the board shall determine if the petition describes an area of land equal to three-fourths ( $\frac{3}{4}$ ) or more of all the affected land.

(c) If the board's determination under subsection (b) is in the negative, the board shall enter an order dismissing the petition, unless within a time specified by the board a supplementary petition describing a sufficient area contiguous to the area described in the original petition, with the signatures required to qualify the supplementing petition, is filed with the board. The board shall serve a copy of the report of the county surveyor and order of dismissal upon the attorney for petitioner. The dismissal does not prohibit the subsequent filing of a proper petition.

(d) If the county surveyor determines that additional land will be affected by the proposed drain, and that the petition described a sufficient area of land, he shall prepare a written report describing the boundary of the additional area and have a copy of the report served on the attorney for the petitioner. The petitioner, within thirty (30) days after service of the report upon his attorney, shall file with the surveyor an amendment to the petition, including:

(1) the names and addresses of the owners of all land within the additional area described in the surveyor's report; and

(2) a legal description of each owner's land. The names, addresses, and legal descriptions shall be described in the manner prescribed by section 54(c)(2) of this chapter. If the petitioner fails to file the amendment to the petition within the thirty (30) day period, or within any additional time granted to the petitioner by the surveyor

or the board, the surveyor shall report that fact to the board at its next meeting. The board shall then enter an order dismissing the petition and serve a copy of the order on the attorney for petitioner.

(e) If the county surveyor determines that the petition described all of the land that may be affected by the proposed drain, or if the surveyor determines otherwise and a proper amendment to the petition is filed under subsection (d); the surveyor shall immediately fix a date, hour, and place for a hearing before the board on the petition and shall have written notice of the hearing served on the attorney for the petitioner. The date of the hearing may not be less than thirty (30) nor more than forty (40) days after the date of service of notice upon the petitioner's attorney. The surveyor shall call a special meeting of the board for the date, time, and place fixed in the notice unless a meeting of the board is already scheduled for the date, time, and place. *As added by Acts 1981, P.L.309, SEC.101.*

#### **36-9-27-58 Construction of drains; notice of hearing on petition**

Sec. 58. (a) Within seven (7) days after the attorney for the petitioner is served with notice of a hearing under section 57(e) of this chapter, he shall prepare a written notice setting forth:

- (1) the fact of the filing and pendency of the petition;
- (2) the name and identifying number by which the petition is known;
- (3) the general route of the proposed drain; and
- (4) the date, hour, and place of the hearing before the board.

(b) The attorney for the petitioner shall, within the seven (7) day period, mail a copy of the notice in a five (5) day return envelope to each owner named in the petition.

(c) The attorney for the petitioner shall have a copy of the notice published in accordance with IC 5-3-1. The published notice shall be directed to whom it may concern and to the addressee on

each letter that was mailed under subsection (b) and was returned undelivered.

(d) On or before the day of the hearing, the attorney for the petitioner shall file with the board affidavits showing the mailing of the notices under subsection (b) and the publication of notice under subsection (c). The mailing and publication of the notice under this section constitute public notice to all owners of the pendency of the petition, whether or not they were individually named and notified, and are sufficient to give the board jurisdiction over those owners. *As added by Acts 1981, P.L.309, SEC.101. Amended by Acts 1981, P.L.45, SEC.79.*

#### **36-9-27-59 Construction of drains; remonstrances and objections to petition**

Sec. 59. (a) At least five (5) days before the board's hearing on a petition to establish a new regulated drain, one (1) or more persons who own two-thirds (2/3) in the area of the acreage and fifty-one percent (51%) of the assessed valuation of the land named in the petition, or that may be affected by an assessment of benefits or damages, may file with the board a written remonstrance, signed by each remonstrator, against the construction of the proposed drain.

(b) At least five (5) days before the board's hearing on a petition to establish a new regulated drain, any person named in the petition as the owner of land likely to be affected by the proposed drain may object to any member of the board acting in the proceedings to establish the drain; if that member has an interest in any of the land described in the petition. The objection must be in writing, filed with the board, and verified by the signer. *As added by Acts 1981, P.L.309, SEC.101.*

#### **36-9-27-60 Construction of drains; hearing on petition; consideration of remonstrances and objections**

Sec. 60. (a) At its hearing on a petition to establish a new regulated drain, the board shall consider:

- (1) any remonstrance filed under section 59(a) of this chapter; and



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(2) any objection filed under section 59(b) of this chapter.

(b) If the board finds that a proper remonstrance has been filed, it may dismiss the petition. If the board does not dismiss the petition, it shall forward the petition to the county surveyor for a final report.

(c) If the board finds that a proper objection has been filed, the person against whom the objection is made shall disqualify himself from any further action in the proceedings to establish the drain. *As added by Acts 1981, P.L.309, SEC.101. Amended by Acts 1981, P.L.317, SEC.26.*

#### 36-9-27-61 Construction of drains; final report by county surveyor

Sec. 61. When the board refers a petition to the county surveyor for a final report under section 60(b) of this chapter, the surveyor shall do the following:

- (1) Make the necessary survey for the proposed drain.
- (2) Prepare plans for structures other than bridges or culverts crossing a railroad right-of-way or a highway owned by the state. In preparing the plans, the surveyor shall include all appurtenances needed to complete the proposed drain.
- (3) Prepare maps showing the location of the land proposed to be assessed.
- (4) Prepare profiles showing the cuts and gradient of the proposed work.
- (5) Determine the best and cheapest method of drainage, which may be by:
  - (A) removing obstructions from a natural or artificial watercourse;
  - (B) diverting a natural or artificial watercourse from its channel;
  - (C) deepening, widening, or changing the channel of a natural or artificial watercourse;
  - (D) constructing an artificial channel, with or without arms or branches;
  - (E) tiling all or part of an open drain;

(F) converting all or part of a tiled drain to an open drain;

(G) constructing a new drain as a part or the whole of the work; or

(H) any combination of these methods.

(6) Determine and describe the termini, route, location, and character of the proposed work, including grades, bench marks, and all necessary arms. The surveyor may vary the line of the work from the line described in the petition, and he may fix the beginning and outlet so as to secure the best results.

(7) Divide the proposed drain into sections of not more than one hundred (100) feet in length, and compute and set out the number of cubic yards of excavation in each section.

(8) Estimate the cost of the proposed drain, including construction, seeding or sodding of disturbed areas and the banks of open drains, notices, advertising, and the attorney's fee for the petitioner's attorney. The amount of the attorney's fee is computed as follows:

(A) If the estimated cost of constructing the drain is less than one thousand five hundred dollars (\$1,500), the fee is fifteen percent (15%) of that cost.

(B) If the estimated construction cost is one thousand five hundred dollars (\$1,500) or more, but less than twenty-five thousand dollars (\$25,000), the fee is two hundred twenty-five dollars (\$225) plus five percent (5%) of the amount by which that cost exceeds one thousand five hundred dollars (\$1,500).

(C) If the estimated construction cost is twenty-five thousand dollars (\$25,000) or more, the fee is one thousand four hundred dollars (\$1,400) plus one percent (1%) of the amount by which that cost exceeds twenty-five thousand dollars (\$25,000).

*As added by Acts 1981, P.L.309, SEC.101.*

#### 36-9-27-62 Construction of drains; preparation of schedule of assessments; determination of damages

Sec. 62. (a) When the county surveyor has completed the maps, profiles, and plans required

by section 61 of this chapter, he shall meet with the board, and the board shall take the following actions:

(1) Prepare a schedule of assessments containing a description of each tract of land determined to be benefited by the proposed drain and the name and address of the owner of the land. The name, address, and description shall be taken from the petition. The board shall enter in the assessment schedule the percentage of the total cost of the drain to be assessed against each tract of land. The percentage allocated to all lands benefited must be at least one hundred percent (100%) and as near to one hundred percent (100%) as is practicable.

(2) Determine the amount of damages sustained by all owners as a result of the proposed drain, and prepare a schedule of damages containing:

(A) the name and address of each owner determined to be damaged and a description of the owner's land, as shown by the petition;

(B) the amount of each owner's damages; and

(C) an explanation of the injury upon which the determination was based.

The surveyor shall add the damages to all lands as determined by the board to the estimated costs and expenses contained in his report, and the result constitutes the total estimated cost of the proposed drain.

(3) Set forth the amount of each owner's assessment based on the total estimated cost of the proposed drain.

(4) Set forth the amount of each owner's annual assessment based on the estimated periodic maintenance cost of the proposed drain. The percentage used in computing the annual assessment may, but need not, be the same for each tract of land as the percentage used in computing the general assessment.

The board may consider the factors listed in section 112 of this chapter in preparing the schedules.

(b) If land that was not included in the petition is determined to be benefited or damaged, the names of the owners and a description of the land shall be taken from the tax duplicates or record of transfers of the county. *As added by Acts 1981, P.L.309, SEC.101.*

### 36-9-27-63 Construction of drains; notice and hearing on surveyor's report and schedules of assessments and damages

Sec. 63. (a) When the schedules of assessments and damages prepared under section 62 of this chapter are completed and marked filed, the board shall fix the date, time, and place for a hearing on the county surveyor's report and on the schedules of assessments and damages. The board shall serve notice of the hearing, along with a copy of the schedules, upon the attorney for the petitioner. The date fixed by the board for the hearing may not be less than thirty (30) nor more than forty (40) days after service of notice upon the petitioner's attorney.

(b) Within five (5) days after service upon him of the notice of hearing, the attorney for the petitioner shall mail a notice in a five (5) day return envelope addressed to each owner named in the schedule of benefits and damages. The notice must state:

(1) the name and identifying number by which the proposed drain is known;

(2) that the report of the surveyor and the schedules of damages and benefits as determined by the board have been filed and are available for inspection in the office of the county surveyor;

(3) that the land of the owner is shown by the schedule of damages to be damaged in the sum of \_\_\_\_\_ dollars;

(4) that the land of the owner is shown by the schedule of assessments to be assessed \_\_\_\_\_ percent of the total cost of the drain, and that \_\_\_\_\_ percent of the estimated total cost of the drain is in the sum of \_\_\_\_\_ dollars;

(5) that the land of the owner is shown by the schedule of assessments to be annually

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assessed in the sum of \_\_\_\_\_ dollars for the estimated periodic maintenance of the drain; and

(6) the date, hour, and place of hearing on the surveyor's report and on the schedules of damages and assessments.

(c) The attorney for the petitioner shall publish a notice in accordance with IC 5-3-1. The notice:

(1) shall be entitled "In the matter of the drain petition";

(2) shall be addressed to whom it may concern and to the addressee on each letter that was mailed under subsection (b) and was returned undelivered; and

(3) must state that:

(A) the report of the county surveyor and the schedules of damages and assessments made by the board have been filed and are available for public inspection in the office of the surveyor; and

(B) a hearing will be held before the board on the report and schedules, specifying the time and place of the hearing.

(d) When the plans and specifications of the county surveyor disclose that part or all of the proposed drain will involve the construction of an open drain, the attorney for the petitioner shall mail a notice to the Indiana department of natural resources. The notice must give the time, date, and place of the hearing and state that the proposed drain will involve the construction of an open drain. *As added by Acts 1981, P.L.309, SEC.101. Amended by Acts 1981, P.L.45, SEC.80.*

#### 36-9-27-64 Construction of drains depriving property owners of ingress and egress; damage awards

Sec. 64. (a) Whenever:

(1) a new open drain is to be constructed under this chapter; and

(2) the drain will cross a tract of land in such a manner that the owner of the tract will be deprived of ingress and egress to part of the tract unless a private crossing is constructed across the drain;

the board shall award damages to the owner in an amount equal to the cost of constructing a proper crossing. In determining the type and quality of the crossing, the board shall consider the use of the inaccessible land, the frequency of the crossing's use, the purpose of the crossing's use, and any other appropriate factors.

(b) When an owner is entitled to damages under subsection (a), he may, in lieu of accepting damages awarded by the board, file with the board his written consent to the construction of the crossing as part of the construction of the drain. The county surveyor shall then include the construction of the crossing in his plans and specifications for the drain, but the future maintenance of the crossing will then be the responsibility of the owner. *As added by Acts 1981, P.L.309, SEC.101.*

#### 36-9-27-65 Construction of drains; written objections to surveyor's report and schedules; findings and final order by board

Sec. 65. (a) Not less than five (5) days before the board's hearing on a petition for a new regulated drain, any owner of land affected by the report of the county surveyor or by the schedules of damages and assessments may file with the board written objections to the report, schedules, or both. The objections may be for one (1) or more of the following causes:

(1) The proposed drain, as reported by the surveyor, is not practicable and will not adequately drain the affected land. An objection on this ground must point out the impracticable aspects of the proposed drain and describe the specific lands that will not be adequately drained.

(2) The costs, damages, and expenses of the drain will exceed the benefits that will result to the owners of all land benefited.

(3) The proposed drain will not:

(A) improve the public health;

(B) benefit a public highway in a county or a public street in a municipality;

(C) drain the grounds of a public school; or

(D) be of public utility.

(4) The objector is the owner of land damaged by the drain, and:

(A) the board failed to find that his land is damaged; or

(B) the damages assessed to his land are inadequate.

(5) The objector is the owner of lands assessed as benefited, and the benefits assessed against his lands are excessive.

Each objector may file written evidence in support of his objections. The failure of an owner to file objections constitutes a waiver of his right to subsequently object, on the grounds stated in this subsection, to any final action of the board.

(b) On or before the day of the hearing, the county surveyor shall, and any owner of affected land may, cause written evidence to be filed in support of or in rebuttal to any objection filed under subsection (a).

(c) The board shall consider the objections and evidence filed, may adjourn the hearing from day to day or to a day certain, and may issue an order permitting additional written evidence to be filed in support of or in rebuttal to the objections and evidence previously filed.

(d) After considering all of the objections and evidence, the board may amend the schedules of damages and assessments, and the county surveyor may modify his report, as justice may require.

(e) Before final adjournment of the hearing, the board shall determine in writing:

(1) whether the proposed drain, as reported by the county surveyor, is practicable and will adequately drain the affected land;

(2) whether the costs, damages, and expenses of the proposed drain will be less than the benefits accruing to the owners of land benefited by the drain; and

(3) whether the proposed drain will improve the public health, benefit a public highway in a county or a public street in a municipality, drain the grounds of a public school, or be of public utility.

If the board finds the issues set forth in subdivision (1), (2), or (3) in the negative, it shall dismiss the petition. If the board finds the issues set forth in subdivisions (1), (2), and (3) in the affirmative, it shall adopt the schedules of damages and assessments, including annual assessments for periodic maintenance, as originally filed or as amended, into its findings, and issue an order declaring the proposed drain established. The board shall mark the findings and order filed and publicly announce them at the hearing. Immediately after that, the board shall publish a notice in accordance with IC 5-3-1. The notice must identify the proceedings and state that the findings and order of the board have been filed and are available for inspection in the office of the surveyor.

(f) If judicial review of the findings and order of the board is not requested under section 106 of this chapter within twenty (20) days after the date of publication of the notice, the findings and order become conclusive.

(g) When the proposed drain is finally and conclusively established, the board shall allow the attorney for the petitioner the fee computed under section 61(S) of this chapter. *As added by Acts 1981, P.L.309, SEC.101. Amended by Acts 1981, P.L.45, SEC.81.*

#### 36-9-27-66 Construction of connecting drain through lands owned by others: procedure

Sec. 66. (a) Whenever:

(1) land has been assessed as benefited by the construction, reconstruction, or maintenance of a regulated drain;

(2) there is no open or tiled drain connecting the land with the regulated drain; and

(3) the waters from the land flow over or through land owned by others to reach the regulated drain;

the owner of the land assessed may petition the board to construct through the land of the other owners a new drain that will connect the petitioner's lands with the regulated drain. The petition must describe the land through which the new regulated drain will run, state the name and

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*Vanderburgh County Surveyor's Report*  
East Side Urban Drain -- Crawford Brandeis Ditch  
*Reconstruction*

**Drain Classified "In Need of Construction"**

The Vanderburgh County Surveyor files this Report to the Vanderburgh County Drainage Board in the matter of the proposed reconstruction of a certain portion of Crawford Brandeis Ditch, a lateral in the East Side Urban Drain, which portion of Crawford Brandeis Ditch the Surveyor hereby classifies as in need of reconstruction.

**Portion of Drain in Need of Reconstruction**

The portion of Crawford Brandeis Ditch in need of reconstruction shall be described generally as existing either side of the centerline of said ditch beginning at a point on the east side of Burkhardt Road which point is found nine hundred forty-nine (949.0) feet more or less South of the North Line of the Fractional Northwest Quarter of Section Thirty, Township Six South, Range Nine West thence extending Northward and generally parallel with the centerline of Burkhardt Road a distance of

three thousand five hundred ninety (3,590.00) more or less to a point at or about the North Line of the Fractional Southwest Quarter of Section Nineteen, Township Six South, Range Nine West.

The portion of Crawford Brandeis Ditch described above is depicted as existing between Station 0+710.00 and Station 1+805.00 on a set of plans titled "Burkhardt Road Plans, Project No. VC96-08-01" on file and available for public viewing at the office of the Vanderburgh County Surveyor.

#### **Surveyor's Classification of Drain**

The Vanderburgh County Surveyor determines the portion of Crawford Brandeis Ditch described above is in need of reconstruction because it can no longer serve the land which it drains without extensive repairs and alterations made necessary by expansive commercial development alongside said drain.

The intense commercial development and resulting volume of vehicular traffic demand converting all or part of the open drain to a tiled drain in order that Burkhardt Road may be widened along the project area herein described.

The best method of reconstruction of the described portion of Crawford Brandeis Ditch is to tile the presently open ditch.

The major change proposed by this report will be of public utility in that it will enable construction of a safe and adequate public highway to serve the developing commercial area along both sides of Burkhardt Road north of Lloyd Expressway.

#### **Surveyor's Determination of Affected Land**

The Vanderburgh County Surveyor finds that the land affected by the proposed reconstruction lies within right-of-way of Burkhardt Road a thoroughfare constructed, owned and maintained by the Board of County Commissioners of Vanderburgh County.

The property affected by the proposed reconstruction of abovesaid portion of ditch is all that part of Burkhardt Road, Crawford Brandeis Ditch and associated public rights-of-way located within an area of land the boundary of which is described as follows:

Beginning at a point on the West Line of the Fractional Northwest Quarter of Section 30, Township Six South, Range Nine West which point is found South one (01) degree, seven (07) minutes, twelve (12) seconds West a distance of nine hundred forty-eight and seven tenths (948.7) feet south of the Northwest Corner of said Northwest Quarter of said Section Thirty; thence North one (01) degree, seven (07) minutes, twelve (12) seconds East a distance of nine hundred forty-eight and seven tenths (948.7) feet to said Northwest Corner and the Southwest Corner of the Fraction Southwest Quarter of Section Nineteen, Township Six South, Range Nine West; thence North zero (00) degrees, thirty-three (33) minutes, zero (00) seconds East and along the West Line of said Fractional Southwest Quarter of said Section Nineteen a distance of two thousand six hundred forty-one (2641.00) feet to the Northwest Corner of said Fractional Southwest Quarter of said Section Nineteen; thence East and along the North Line of said Fractional Southwest Quarter of said Section Nineteen a distance of eighty (80.00) feet; thence South and parallel with the West Line of said Fractional Southwest Quarter of said Section Nineteen to the South Line thereof and the North Line of said Fractional Northwest Quarter of said Section Thirty; thence continuing South and parallel with the West Line of said Fractional Northwest Quarter of said Section Thirty a distance of three hundred twenty-four and ninety-five hundredths (324.95) feet; thence Southwesterly to a point which is located South one (01) degree, seven (07) minutes, twelve (12) seconds West a distance of nine hundred forty-eight and seven tenths (948.7) feet South of the Northwest Corner of said Fractional Northwest Quarter of said Section Thirty and seventy-five and five tenths (75.5) feet along a line East a parallel with the North Line of said Fractional Northwest Quarter of



said Section Thirty; thence from just said point West and along a line parallel with the North Line of said Fractional Northwest Quarter of said Section Thirty a distance of seventy-five and five tenths (75.5) feet to the point of beginning of this described area of land and which area of land exists within rights-of-way acquired by or to be acquired by the Board of County Commissioners of Vanderburgh County Indiana for the purpose of constructing and maintaining Burkhardt Road and improvements thereto.

### **The Schedule of Assessments**

The Engineer's Estimate provided by the Vanderburgh County Engineer for the proposed reconstruction of the described portion of Crawford Brandeis Ditch initially shall be the amount of the assessment of costs assigned to said ditch reconstruction. The final costs of the finished improvement as determined and presented by the Vanderburgh County Engineer for payment by the Board of County Commissioners of Vanderburgh County shall represent one hundred (100) percent of the assessment due to be paid for said ditch reconstruction.

## Notice of Public Hearing

### NOTICE

Pursuant to I.C. 36-9-27-40, notice hereby is given that the Vanderburgh County Drainage Board will hold a special meeting at or about 7:00 P.M. on the Third Day of September, 1996, in Room 307 Administration Building, Civic Center Complex, Evansville, Indiana, for the purpose of holding a public hearing on the Vanderburgh County Surveyor's Report regarding the proposed reconstruction of Crawford Brandeis Ditch, a regulated drain within Vanderburgh County, Indiana. The Surveyor's Report is on file for public inspection at the office of the Vanderburgh County Surveyor, Room 325 of said Administration Building. The Surveyor's Report assigns all costs for the proposed reconstruction to the Board of County Commissioners of Vanderburgh County as all land affected by the proposed reconstruction lies within the right-of-way of a highway constructed, owned and maintained by said county commission; and no increased ditch assessments to individual private property owners will result from the proposed reconstruction.

Notice of Public Hearing  
NOTICE

Pursuant to I.C. 36-9-27-40, notice hereby is given that the Vanderburgh County Drainage Board will hold a special meeting at or about 7:00 P.M. on the Third Day of September, 1996, in Room 307 Administration Building, Civic Center Complex, Evansville, Indiana, for the purpose of holding a public hearing on the Vanderburgh County Surveyor's Report regarding the proposed reconstruction of Crawford Brandeis Ditch, a regulated drain within Vanderburgh County, Indiana. The Surveyor's Report is on file for public inspection at the office of the Vanderburgh County Surveyor, Room 325 of said Administration Building. The Surveyor's Report assigns all costs for the proposed reconstruction to the Board of County Commissioners of Vanderburgh County as all land affected by the proposed reconstruction lies within the right-of-way of a highway constructed, owned and maintained by said county commission; and no increased ditch assessments to individual private property owners will result from the proposed reconstruction.

**VANDERBURGH COUNTY BOARD OF COMMISSIONERS**

Patrick Tuley, President  
Richard J. Borries, Vice President  
Richard E. Mourdock, Member  
Alan Kissinger, County Attorney  
Attest: Suzanne M. Crouch, County Auditor

Recommend: Bill Jeffers, County Surveyor's Office

(Courier & Press August 23, 1996 A/O)



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GET CONNECTED!  
ALL YOU NEED IS A  
COMPUTER & A MODEM!**

Dial in and read the news-wire, investigate your particular interests in Forums, or chat with new acquaintances in Teleconference.

**CALL 424-1099**



**Notice to Bidders**

Sealed Proposals, or Bids, for contract number **VC96-09-02 Concrete Repair of Larch Lane & Pine Place** in Vanderburgh County, Indiana will be received at the office of the County Commissioners, Room 305, until 5:30 p.m. on **September 9th, 1996** local time, as prescribed by the Acts of the Indiana Legislature in Chapter 172, year 1957, at which time all bids will be publicly opened and read aloud in the County Commissioners Hearing Room 307.

Any bids received after the des-

Warrant No. \_\_\_\_\_  
Claim No. \_\_\_\_\_  
Date \_\_\_\_\_

SHIELDER SPRAY SERV.  
Vendor No. 1851

\$ 3,808.05  
ON ACCOUNT OF APPROPRIATION  
Dept. Fund Name ESU. S. 1/2  
Account No. 234-015

Allowed Aug 26 1996  
In the sum of \$ Three thousand eight hundred and eight dollars and five cents  
Richard J. Jones  
Richard J. Jones

Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

NONE

8-26, 96 Robert J. Jones  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:  
That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>96-B5-15-85</u>		<u>July 19, 1996</u>	<u>234-015</u>	<u>\$ 3,808.05</u>

TOTAL \$ 3,808.05



Robert W. Brenner, Vanderburgh County Surveyor

VANDERBURGH COUNTY  
SURVEYOR'S OFFICE  
Room 325 Civic Center Complex  
One Northwest Martin Luther King, Jr. Boulevard  
Evansville, Indiana 47708-1833  
(812) 435-5210

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: SHIDLER SPRAY SERVICE

for ☒ annual -- ☐ additional maintenance to  
E.S.W. S. 42 Ditch, a legal drain  
in Vanderburgh County, Indiana, was completed on  
July 18, 1996, and was inspected by  
our staff on July 29, 1996, and is  
☒ approved -- ☐ disapproved for payment per the  
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 8-26-96  
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

Vendor Name SHIPE-LCA SPRAY SERV.  
Vendor No. 1851

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name HASPER-Direct  
Account No. 23A-017

Allowed Aug 26 1996

in the sum of \$

in the sum of \$ Richard L. Ponce  
1800 1/2 place  
W. 11th St.

## Board of Commissioners

**Auditor**

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
96-51P-17-85		July 16, 1996	234-017	\$ 325.28

~~4~~ TOTAL 325 98





VANDERBURGH COUNTY  
SURVEYOR'S OFFICE  
Room 325 Civic Center Complex  
One Northwest Martin Luther King, Jr. Boulevard  
Evansville, Indiana 47708-1833  
(812) 435-5210

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: SCHOLLER SPRAY SERVICE

for ☒ annual -- ☐ additional maintenance to \_\_\_\_\_ Ditch, a legal drain in Vanderburgh County, Indiana, was completed on July 16, 1996, and was inspected by our staff on AUGUST 1, 1996, and is ☒ approved -- ☐ disapproved for payment per the contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner  
Robert W. Brenner, Vanderburgh County Surveyor

8-26-96  
Date

Additional Comments:

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

Notes

8-26-96

*Edward W. B.*

Signature of Office Holder

\$ 1900.26

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name E.S.U. 5112

Account No. 234-015

Allowed Aug 26 1996

In the sum of \$ Twenty - Dollars  
Twenty Dollars  
20.00

## Board of Commissioners

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
96-BR-1585		JULY 18, 1976	234-015	\$ 1900.26
			TOTAL	\$ 1,900.26

TOTAL \$ 1,900.24

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME SHIDLER SPRAY SERVICE # 1851

On Account of Appropriation for EAST SIDE URBAN SOUTH 1/2 234.015

Invoice No.	Itemized Claim	Amount
	1996 HERBISIDE SPRAY	
	22,356 LF $\times$ \$0.10 = \$2,235.60	
96-HB-15-85	Pay 85% @ \$1900.26 $\rightarrow$ 15% RETAINAGE = \$334.34	\$1900.26
	NOTE - Bid price of \$0.17 was Reduced by \$0.07 because growth inhibitors could not be used	

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

X Byron J. Boshen  
Name  
X Owner  
Title

Date July 18, 1996

VANDERBURGH COUNTY  
SURVEYOR'S OFFICE  
Room 325 Civic Center Complex  
One Northwest Martin Luther King, Jr. Boulevard  
Evansville, Indiana 47708-1833  
(812) 435-5210

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: SHLOZLER SPRAY

SERVICE

for ☒ annual -- ☐ additional maintenance to  
E. S. U. SOUTH 1/2 Ditch, a legal drain  
in Vanderburgh County, Indiana, was completed on  
July 17, 1996, and was inspected by  
our staff on July 29, 1996, and is  
☒ approved -- ☐ disapproved for payment per the  
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner  
Robert W. Brenner, Vanderburgh County Surveyor

8-26-96  
Date

Additional Comments:

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

Vendor Name SHIDLER SPRAY SEAL

8-1-96

**I have examined the within claim and hereby certify as follows:**

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Account No. 234-038

In the/surn of \$

## Board of Commissioners

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
96-88-38-25		July 17, 1996	234.038	289.00

TOTAL 289.00



1996 BROADLEAF  
SPRAY

Robert W. Brenner, Vanderburgh County Surveyor

VANDERBURGH COUNTY  
SURVEYOR'S OFFICE  
Room 325 Civic Center Complex  
One Northwest Martin Luther King, Jr. Boulevard  
Evansville, Indiana 47703-1933  
(317) 435-5210

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: SHIDELEA SPRAY

SEAVING

for ☒ annual -- ☐ additional maintenance to

SOUTHERN STEAKS Ditch, a legal drain in Vanderburgh County, Indiana, was completed on

July 16, 1996, and was inspected by our staff on Aug 1, 1996, and is

☒ approved -- ☐ disapproved for payment per the contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner

Robert W. Brenner, Vanderburgh County Surveyor

8-26-96  
Date

Additional Comments:

Warrant No. \_\_\_\_\_

Claim No. \_\_\_\_\_

Date \_\_\_\_\_

IN FAVOR OF

Vendor Name SIDEKAR

Vendor No. 1851

\$ 1,182.90

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name SEWING STYBOS

Account No. 234-038

Allowed Aug 26 19 90

In the sum of \$ \_\_\_\_\_

Richard J. Davis  
Secretary

Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

None

8-26 90 Richard W. Ayer  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
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<u>90-85-38-85</u>		<u>July 17, 1991</u>	<u>234-038</u>	<u>\$ 1,182.90</u>
--------------------	--	----------------------	----------------	--------------------

TOTAL	<u>\$ 1,182.90</u>
-------	--------------------





VANDERBURGH COUNTY  
SURVEYOR'S OFFICE  
Room 325 Civic Center Complex  
One Northwest Martin Luther King, Jr. Boulevard  
Evansville, Indiana 47703-1833  
(812) 435-5210

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: SHIDLER SPRAY

SEWER

for ☒ annual -- ☐ additional maintenance to  
SPENCER STEVENS Ditch, a legal drain  
in Vanderburgh County, Indiana, was completed on  
JULY 16, 1996, and was inspected by  
our staff on AUG 1, 1996, and is  
☒ approved -- ☐ disapproved for payment per the  
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner

Robert W. Brenner, Vanderburgh County Surveyor

8-26-96  
Date

Additional Comments:

100

I hereby certify that the within bill is true and correct, that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

West

---

*[Signature]*

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory

anonymity, that it is apparently without intention.

**Auditor**

COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT

המסמך

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
96-01-13-85	1175	11/1/55	234-013	\$ 2,708.67

I hereby certify that the within bill is true and correct, that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

Went

8-26 . 96 Robert W. Ryan  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Auditor

COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
-------------	--------------------	--------------	-------------	-------------

96-01-1385 234-013 227-0867

100

2,768.67	✓	TOTAL
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VANDERBURGH COUNTY  
SURVEYOR'S OFFICE  
Room 325 Civic Center Complex  
One Northwest Martin Luther King, Jr. Boulevard  
Evansville, Indiana 47703-1933  
(812) 435-5210

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: SHIDLER SPRAY

SEAVINE

for ☒ annual -- ☐ additional maintenance to

EALIE SLOUGH Ditch, a legal drain in Vanderburgh County, Indiana, was completed on

July 20, 1996, and was inspected by our staff on Aug. 7, 1996, 1996, and is

☒ approved -- ☐ disapproved for payment per the contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner

Robert W. Brenner, Vanderburgh County Surveyor

8-26-96

Date

Additional Comments:





Robert W. Brenner, Vanderburgh County Surveyor

VANDERBURGH COUNTY  
SURVEYOR'S OFFICE  
Room 325 Civic Center Complex  
One Northwest Martin Luther King, Jr. Boulevard  
Evansville, Indiana 47703-1333  
(312) 435-5210

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: SHIDLER SPRAY SERVICE

for ☒ annual -- ☐ additional maintenance to  
KEL Ditch, a legal drain  
in Vanderburgh County, Indiana, was completed on  
July 16, 1991, and was inspected by  
our staff on Aug 1, 1991, and is  
☒ approved -- ☐ disapproved for payment per the  
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner  
Robert W. Brenner, Vanderburgh County Surveyor

8-26-96  
Date

Additional Comments:



## Board of Commissioners

# Auditor

COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT					
INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID	
96-5M-38-15		JUNE 4, 1946	23A-028	\$ 97.91	
				TOTAL	\$ 97.91



50002344 SPRING

CERTIFICATION OF PAYMENT  
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I X Jim Axton  
(Signature in Ink)

representing \_\_\_\_\_, and presently  
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on Southside Stevens Ditch, a regulated  
drain in Vanderburgh County, Indiana, do certify that I, and/or the  
firm I represent, have/has paid in full all expenses incurred for  
labor, supplies, and subcontracts except for any unpaid costs as  
specified herein under:

None

and further, that neither I, nor the firm I represent, will hold the  
Vanderburgh County Drainage Board responsible for any costs, or any  
claims arising from such expenses, except for the fifteen (15) percent  
of the total contract price which the Board presently holds in  
retainage pending the receipt of this Certification of Payment.

NAME OF DRAIN: SOUTH SIDE STEVENS # 234.038

CONTRACTOR: Jim Axton VENDOR # 6042

CONTRACT # \_\_\_\_\_ AND/OR ACCOUNT # 234.038

<input checked="" type="checkbox"/> ANNUAL MAINTENANCE	COMPLETION DATE <u>June 3, 1996</u>
<input type="checkbox"/> ADDITIONAL MAINTENANCE	INSPECTION DATE <u>June 12, 1996</u>
<input type="checkbox"/> EMERGENCY MAINTENANCE	

☒ WORK IS APPROVED  
☐ NOT APPROVED: COMMENTS: \_\_\_\_\_

Robert A. N. B. 8-26-96  
VANDERBURGH COUNTY SURVEYOR DATE



Warrant No. \_\_\_\_\_  
Claim No. \_\_\_\_\_  
Date \_\_\_\_\_

TERRY R. LINDEN  
Vendor No. 1052

\$ 1,543.53  
ON ACCOUNT OF APPROPRIATION  
Dept. Fund Name E. 5106 URBAN 547  
Account No. 234-015

Allowed Aug 26 1996  
In the sum of \$  
Richard J. Barnes  
Richard J. Barnes  
Richard J. Barnes

Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

No. 16

826 96  
Richard J. Barnes  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:  
That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>96-5M-15-15</u>		<u>JUNE 5-1996</u>	<u>234-015</u>	<u>\$ 1,543.53</u>

TOTAL \$ 1,543.53

CERTIFICATION OF PAYMENT  
FOR MAINTENANCE TO A REGULATED DRAIN

By this instrument, I

(Signature in Ink)

representing \_\_\_\_\_, and presently

under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on \_\_\_\_\_, a regulated

drain in Vanderburgh County, Indiana, do certify that I, and/or the

firm I represent, have/had in full all expenses incurred for

labor, supplies, and subcontracts except for any unpaid costs as

specified herein under:

*None*

and further, that neither I, nor the firm I represent, will hold the  
Vanderburgh County Drainage Board responsible for any costs, or any  
claims arising from such expenses, except for the fifteen (15) percent  
of the total contract price which the Board presently holds in  
retainage pending the receipt of this Certification of Payment.

NAME OF DRAIN: E. Side USGS 5 1/2 # 234-015

CONTRACTOR: LEAHY & JOHNSON # 1052

CONTRACT # AND/OR ACCOUNT # 234-015

☒ ANNUAL MAINTENANCE

☐ ADDITIONAL MAINTENANCE

☐ EMERGENCY MAINTENANCE

COMPLETION DATE

INSPECTION DATE

June 4, 1994  
June 4, 1994

☒ WORK IS APPROVED

☐ NOT APPROVED: COMMENTS:

VANDERBURGH COUNTY SURVEYOR

DATE

5-16-96

1001

I hereby certify that the within bill is true and correct, that the supplies and materials therein itemized and for which change is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

None

---

8-2-6  
90  
J. W. Dyer

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

**Auditor**

COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT

מסמך

INVOICE NO.	96-SM-06-15
PURCHASE ORDER NO.	
INVOICE DATE	MAY 31, 1996
ACCOUNT NO.	234-006
AMOUNT PAID	\$ 210.17

TOTAL.

CERTIFICATION OF PAYMENT  
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I Terry R. Johnson X.  
(Signature in Ink)

representing \_\_\_\_\_, and presently  
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on AIKEN DITCH, a regulated  
drain in Vanderburgh County, Indiana, do certify that I, and/or the  
firm I represent, have/has paid in full all expenses incurred for  
labor, supplies, and subcontracts except for any unpaid costs as  
specified herein under:

None

and further, that neither I, nor the firm I represent, will hold the  
Vanderburgh County Drainage Board responsible for any costs, or any  
claims arising from such expenses, except for the fifteen (15) percent  
of the total contract price which the Board presently holds in  
retainage pending the receipt of this Certification of Payment.

NAME OF DRAIN: AIKEN DITCH # 234-001

CONTRACTOR: Terry Johnson VENDOR # 1053

CONTRACT # \_\_\_\_\_ AND/OR ACCOUNT # 234-001

☒ ANNUAL MAINTENANCE  
☐ ADDITIONAL MAINTENANCE  
☐ EMERGENCY MAINTENANCE

COMPLETION DATE 5-30-96  
INSPECTION DATE 6-11-96

☒ WORK IS APPROVED  
☐ NOT APPROVED: COMMENTS: \_\_\_\_\_

Robert W. Brown  
VANDERBURGH COUNTY SURVEYOR

8-26-96  
DATE





## Board of Commissioners

244.71

CERTIFICATION OF PAYMENT  
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I

Terry R. Johnson  
(Signature in Ink)

representing \_\_\_\_\_, and presently  
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on HARPER DITCH, a regulated  
drain in Vanderburgh County, Indiana, do certify that I, and/or the  
firm I represent, have/has paid in full all expenses incurred for  
labor, supplies, and subcontracts except for any unpaid costs as  
specified herein under:

NONE

and further, that neither I, nor the firm I represent, will hold the  
Vanderburgh County Drainage Board responsible for any costs, or any  
claims arising from such expenses, except for the fifteen (15) percent  
of the total contract price which the Board presently holds in  
retainage pending the receipt of this Certification of Payment.

NAME OF DRAIN: HARPER DITCH # 234-012

CONTRACTOR: TERRY R. JOHNSON VENDOR # 1057

CONTRACT # \_\_\_\_\_ AND/OR ACCOUNT # 234-012

- ☒ ANNUAL MAINTENANCE  
☐ ADDITIONAL MAINTENANCE  
☐ EMERGENCY MAINTENANCE

COMPLETION DATE MAY 30, 1996  
INSPECTION DATE MAY 11, 1996

- ☒ WORK IS APPROVED  
☐ NOT APPROVED: COMMENTS: \_\_\_\_\_

Robert W. B...  
VANDERBURGH COUNTY SURVEYOR

8-16-96  
DATE

Allowed Aug 26 1916  
In the sum of \$  
*Richard J. Barnes*  
*J. H. [illegible]*  
*[illegible]*

Board of Commissioners

8-26 96 *Robert W. B.*  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

\_\_\_\_\_ Auditor

COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT				
INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
96-884-22-15		June 11, 1946	234-022	241.35

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

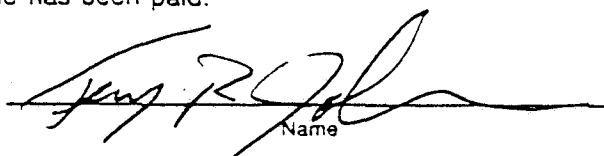
VENDOR NAME TERRY R. JOHNSON # 1052

On Account of Appropriation for KEILS DITCH # 23A-022

Invoice No.	Itemized Claim	Amount	
	1996 SPRING MAINT		
	3012 LF @ 0.5519 = \$1,662.32		
	PREV. PAYMENT @ 35% = \$1,412.92		
96-3M-22-15	PAY 15% RETAINAGE = \$249.35 →	\$249	35

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

  
Name

\_\_\_\_\_  
Title

Date June 11, 1996

CERTIFICATION OF PAYMENT  
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I Terry R. Johnson  
(Signature in Ink)

representing \_\_\_\_\_, and presently  
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on KEEL DITCH, a regulated  
drain in Vanderburgh County, Indiana, do certify that I, and/or the  
firm I represent, have/has paid in full all expenses incurred for  
labor, supplies, and subcontracts except for any unpaid costs as  
specified herein under:

None

and further, that neither I, nor the firm I represent, will hold the  
Vanderburgh County Drainage Board responsible for any costs, or any  
claims arising from such expenses, except for the fifteen (15) percent  
of the total contract price which the Board presently holds in  
retainage pending the receipt of this Certification of Payment.

NAME OF DRAIN: KEEL DITCH # 234-022

CONTRACTOR: TERRY JOHNSON VENDOR # 1057

CONTRACT # \_\_\_\_\_ AND/OR ACCOUNT # 234-022

- ☒ ANNUAL MAINTENANCE  
☐ ADDITIONAL MAINTENANCE  
☐ EMERGENCY MAINTENANCE

COMPLETION DATE JUNE 10, 1996  
INSPECTION DATE JUNE 11, 1996

☒ WORK IS APPROVED

☐ NOT APPROVED: COMMENTS: \_\_\_\_\_

Robert W. Fox  
VANDERBURGH COUNTY SURVEYOR

8-26-86  
DATE

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

Vendor Name HENRY BILLIE EXC.  
Vendor No. 234-013

**I have examined the within claim and hereby certify as follows:**

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Dept. Fund Name FAKES STOUGH  
Account No. 23A.013

Allowed Aug 26 1996

In the sum of \$ Twenty Dollars

Board of Commissioners

PURCHASE ORDER NO.	INVOICE NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
	96-BRA-13-85-50		234-013	\$ 11,379.38
				5,689.69
				\$ 5,689.69
			TOTAL	\$ 11,379.38

TOTAL

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME HENRY BIGGE # 6048

On Account of Appropriation for EAGLE SLough # 234-013

Invoice No.	Itemized Claim	Amount
	1996 - BRUSH REMOVAL AREA "A"	
	15,750 x \$0.85 = \$13,387.50	
96-BRA-13-85-50	PAY 85% @ \$11,379.38 →	\$11,379.38
	15% RETAINAGE \$2,008.12	X 50%
	Paying 50% for Progress Payment	
	PAY TOTAL	\$5689.69

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Name

Title

Date AUG 26, 1996



Robert W. Brenner, Vanderburgh County Surveyor

VANDERBURGH COUNTY  
SURVEYOR'S OFFICE  
Room 325 Civic Center Complex  
One Northwest Martin Luther King, Jr. Boulevard  
Evansville, Indiana 47708-1833  
(812) 435-5210

## SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: HENRY BIGGIE EXCAVATING

for [ ] annual -- [☒] additional maintenance to  
EAGLE SLOUGH Ditch, a legal drain  
in Vanderburgh County, Indiana, was completed on  
AUG 26, 1996, and was inspected by  
our staff on AUG 26, 1996, and is  
[☒] approved -- [ ] disapproved for payment per the  
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 8-26-96  
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

(50% Pmt)  
50% Progress Payment of 11,379<sup>38</sup> x 50% = 5689<sup>69</sup>

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS  
DRAINAGE BOARD MEETING  
AUGUST 26, 1996**

Please print name below:

NAME	ADDRESS	AFFILIATION?
1. Tim Lutz	11540 Northridge	
2. Jerry A. Atkinson	123 NW 4 <sup>th</sup> St Ste 7	Attorney
Nita Smith 3. Mikki Heck Cindy Clements	11715 WALDUT RD	Hillsdale Sub.
4. Linda & John Crick	8004 Pine Creek Dr.	
5. Randy Cates	5077 Kenosha Dr.	
6. Leona Cates	5077 KENOSHA DR.	
7. Keith Poff	600 SE 8 <sup>th</sup> St - suite 2	SITECON, INC.
8. Dan Buck	828 HERMITAGE	Contractor DAN BUCK GENERAL
9. David Schminke		MORLEY & ASSOC., INC.
10. John Hunter	4141 ORCHARD RD.	Hunter Development Corp.
11. Mark Weber	11710 Gumbel Rd	Hunter Development Corp.
12. Tom Heerdink	18 W. Mill Rd	Heerdink - Rose
13. Ed Witte	709 SE 2 <sup>nd</sup>	
14. Jim Morley	8311 Remington Dr.	Morley & Assoc.
15. Daryl Helfer		Morley & Assoc.
16. Lee McClellan	2221 E. MULBERRY	MORLEY & ASSOC.
17. Bill Kattmann	120N MAIN	CB KATTMANN
18. RAAF F. STEVENS	2800 SENSMEIER RD	PROJECT ASSOCIATES
19. MICHAEL LASHER	505 BERRY CT.	PROJECT ASSE.
20. Don Chagle	5708 SPRING LAKE DR	B. HEARD - RICK
21. Shirley Chagle	5708 SPRING LAKE DR	Johnnie Crick Petition

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS  
DRAINAGE BOARD MEETING  
AUGUST 26, 1996**

**Please print name below:**

NAME	ADDRESS	AFFILIATION?
1. B. Seard	6911 DARMSTADT RD -	Creek-
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		

July 25, 1977

361

RE: REAL ESTATE TAX LIEN MATTER

The Penn Central Railroad Co. went into bankruptcy last year and this matter was discussed last week.

Mr. John said he had received a letter from the County Attorney, stating that they have to put in a claim to a bank in Chicago for a portion due the County in taxes. County Attorney Smith said this has been taken care of.

RE: RESOLUTION ON STOP SIGNS IN VALLEY DOWNS

County Attorney Smith was requested to prepare a Resolution, last week, for stop signs to be posted, as recommended by the Traffic Engineer, and approved by the Commissioners, in the Valley Downs and Valley Downs II Subdivisions. County Attorney submitted the Resolution, Amendment #18.1, at this time.

Commissioner Schaad moved that the Resolution be approved. Commissioner Willner seconded the motion. So ordered.

RE: ABSENTEE REPORT

Mr. Siebeking submitted the Absentee Report on the employees at the County Highway Garage for the past week. Report received and filed.

RE: AUTHORIZED TO ADVERTISE FOR BIDS

Mr. Brenner submitted a Road Project and requested the approval of the Commissioners to advertise for bids on Old Princeton Road Bridge.

He said there are three reasons for replacing the bridge, that it is extremely narrow and that it has been hit extremely hard in the center and on the end of it and has been severely damaged, that he has been trying to find out who hit it, since they would have a legitimate claim against the Insurance company, that it also hangs down, restricting some of the water flow in Pond Flat Main Ditch.

He said they are going to use the same abutments, but put in a new floor and sides, that he has money in his repair account, that it is a 50 foot bridge and should be around \$50,000.

He said he has had very little luck with the Sheriff's Department in finding out who hit it, that it has been within the past year, but they file accident reports by date and not by the name of the road where the accident occurred.

Commissioner Schaad moved that the specifications be approved and that the Auditor be authorized to advertise for bids. Commissioner Willner seconded the motion. So ordered.

The bids will be advertised for on July 28th. & August 4th, with the bids to be opened on August 8th. 1977.

RE: COMMENT ON PIGEON CREEK CONTRACT

Mr. Brenner said a contract was let for the cleaning of Pigeon Creek and the contractor hasn't been there for roughly three weeks to work on the log jam, that he has 90 days to do it, but isn't doing anything.

Commissioner Schaad said that Mr. Brenner had better notify the bonding company and Mr. Brenner said he will then proceed to do so.

RE: LITTLE PIGEON CREEK DRAINAGE PROBLEM ... Petition for legal drain

Mr. Brenner said there was a petition at the last Drainage Board meeting to take in an area of Little Pigeon Creek and in reading the drainage law, they have to have 10% of the area drained, on a petition, that there are 330 acres and they have 19 on the petition, that the petition spells out precisely how it is supposed to be and they couldn't accept it anyway. He said in getting 33 acres is going to be a problem, that other people that petition, if they wish to do this, is that the County Commissioners petition, based on helping to drain the road which it would do.

Commissioner Schaad asked Mr. Brenner if they wouldn't have to have hearings on it and Mr. Brenner said Yes, but the petition must come first and must be in a particular form, that he would prepare it.

Mr. Stephen said that someone has been disturbing a section of that ditch and causing problems and Commissioner Willner said there is a tree in there now, catching all the debris and the property owners on either side won't let them in there to even get the tree out.

Commissioner Willner said it also drains Highway 41 and he thought they called in to try to get some relief on it.

Commissioner Schaad said that if the Commissioners petition to make it a legal drain, after the petition is prepared, there will have to be hearings on it and of course, all those people in the watershed will pay for the maintenance of the ditch, but it would help to drain our county roads, such as Old State Road and Hillsdale Subdivision.

After further discussion, Commissioner Willner moved that the Commissioners petition Hillsdale Ditch to be a legal drain. Commissioner Schaad seconded the motion. So ordered.

Mr. Brenner said that he will prepare the petition.

RE: ROAD TO BE BUILT BUT NOT MAINTAINED BY COUNTY

Mr. Stephen said that Mr. Andy Easley wants to build a road that meets the specifications, in McCutchanville Court, but the Commissioners may not want to accept it, that they may want to approve it but not accept it for maintenance, that there is a 15% slope which is about one foot of elevation and because of the conditions when there is snow or ice, the Commissioners may not want to accept it. He said his recommendation would be to allow him to build the road if he wants to, but it should be noted that the road will never be accepted for county maintenance.

Commissioner Willner wondered why the Commissioners even have to approve it then, and Mr. Brenner said the Commissioners have to approve it because it enters into a county road.

Commissioner Willner said the Commissioners should then approve the curb cut and that is it, that he can put in his own road and let him do what he wants to and the Commissioners do nothing, in fact it will be better if the road is gravel because they will have better traction.

Commissioner Ossenberg said the Commissioners can then just approve the curb cut, and Mr. Stephen said they actually need a permit form of some type for these curb cuts.

Mr. Brenner said they have the road cut permit forms and they could make up something similar to these for curb cuts, that the guy out on Darmstadt Road, where they moved the driveway and put it right where he wanted to, not 20 feet from the one the Commissioners made him close, that he was suppose to report back to the Commissioners and nothing ever happened.

The Commissioners agreed that Mr. Easley be allowed to build the road but stated that the road will never be accepted by the County for maintenance.

Mr. Brenner said he will come up with some suggestions on curb cut permits.

The meeting recessed at 10:40 a.m.

PRESENT

COUNTY COMMISSIONERS

Tom Ossenberg  
Bob Schaad  
Robert L. Willner



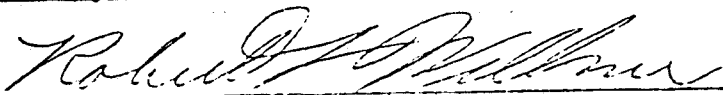
COUNTY AUDITOR

Curt John

COUNTY ATTORNEYS

Ed Smith Jr.  
Paul Wendel

Secretary: Margie Meeks

  
  
  
BOARD OF COUNTY COMMISSIONERS

270.  
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.

275

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 Ossenbergh 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.

~~July~~ Oct 31, 1977

535

Commissioner Schaad then moved that the claim in the amount of \$12,033.12 be approved. Commissioner Willner seconded the motion. So ordered.

Mr. Guillaum said they are also going to have some over-runs on First Avenue, without a doubt, that this is where they used the french drain, plus the fact that the deck had more extensive deterioration than they had anticipated.

Commissioner Ossenberg asked Mr. Guillaum if they ever found where that water came from that was seeping out.

Mr. Guillaum said that the letter from the Water Company said they couldn't find the problem, however the work crew dug a french drain down sixteen feet and it was pure muck and it was highly saturated fill, that the water is coming from some place, that the Water Company said it wasn't coming from the line but he didn't know where else it could be coming from unless there was an underground spring or something.

He said they also had to notch the mud wall to allow for the expansion of the shoe on the abutment, that without doing that, there wouldn't be any point in doing anything else, if they couldn't get any movement, so they are taking this all on a time and material basis, which he thought the fairest way to do it.

He said that Mr. Nussmeyer is now working on Maryland Street and there are a couple of minor things they are going to have to do here, since they have a little more deterioration on the west end than they had anticipated, also that they aren't sure about the plating underneath as to how they are going to handle it, but he wanted to tell the Commissioners that they may possibly have a couple more over-runs on these jobs, that they just don't know yet.

Commissioner Ossenberg asked Mr. Guillaum if he had been in contact with Mr. Eifler in regard to the L & N Railroad track being paved at the corner to make it smooth all the way through.

Mr. Guillaum said they were going to take their approach back to there, that the railroad tracks are less than 100 feet from the approach of the bridge, but they are essentially going to have a new bridge because they are going up and down, every square foot, with a jack hammer to tell where the rock and concrete are, but they kind of reach a point in wondering where they should draw the line, so they are trying to take it down until they reach good concrete in all cases, that this will mean a little more money, but it means that they are going to have a very good deck.

Commissioner Ossenberg asked about the tracks there, and said that they asked Eifler, in a meeting, if they couldn't get that smoothed out, that it seems crazy to put a new bed on that bridge and go all the way to the approach and then hit that railroad track, and Mr. Eifler was to try to find out if they have some money or if they could get L & N to do something about it.

Mr. Brenner said that L & N has no interest in it, that he finally went to Betty Lou Jarboe and she said that she would pick up the crusade and take it to the Works Board.

~~Mr. Guillaum said that Franklin Street was a nightmare also, that with the water continually draining through there, with the salt, it just eats them up.~~

Commissioner Ossenberg asked Mr. Brenner to keep in touch with Betty Lou Jarboe to see that she stays on those tracks, since this is the biggest complaint, that they can see that the street is going to be fixed now, but with the bad tracks, a car's front end could be knocked out of alignment.

#### RE: HILLSDALE DRAIN PETITION

Mr. Brenner submitted the Hillsdale Drain Petition to the Commissioners and explained that it is a formal petition from the County Commissioners, to themselves, as the Drainage Board, that the Commissioners are initiating the petition. The petition reads as follows:

In the matter of the Hillsdale Drain Petition, The Board of Commissioners of Vanderburgh County, Indiana pursuant to the 1965 Indiana Drainage Code, Chapter 305, Acts of 196 and as amended by Chapter 257, Acts of 1969, Article 2, Sec. 201-B-2 and Sec. 202-11 Petition the Vanderburgh County Drainage Board to provide a legal drain, herein call Hillsdale, for of a public highway known as Old State Road.

Attached is the and address of each landowner as shown by the tax duplicate and record of of Vanderburgh County, Indiana described by tax code number.



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This list describes an area of land equal to three-fourths (3/4) or more in area of all lands which will be affected by the improvements.

The general route of the proposed drain begins at the fork in Little Pigeon Creek in Center Township in a subdivision known as Hillsdale following the West branch to U.S. Highway 41 Northerly to Old State Road and continuing Northerly and North-easterly to Peck Road, thence Southeasterly to Boonville-New Harmony Road, thence East to Browning Road, thence Southerly to the third farm lane, thence Northwesterly, West, Southwesterly to fork in Little Pigeon Creek.

It is the opinion of the Board of Commissioners of Vanderburgh County that the costs, damages and expenses of the proposed improvement will be less than the benefits which will result to the owners of land likely to be benefited thereby, and that the proposed improvement will improve the public health, benefit a public highway in Vanderburgh County, and be of public utility.

Ed Smith is the Attorney representing the Board of Commissioners in the Drainage Petition.

The cost of notice and legal costs will be provided by Vanderburgh County.

Mr. Brenner said this matter will be taken up again at the Drainage Board meeting, but that they either had to get all the people in the drainage area to do this, or the Commissioners must initiate it, and he asked that the Commissioners sign this petition.

Commissioner Schaad moved that the Commissioners sign the petition. Commissioner Willner seconded the motion. So ordered.

#### RE: PROBLEM ON COUNTY RIGHT OF WAY

Mr. Brenner said that it has come to his attention that a gentleman on Browning Road has a large solid stone mailbox right in the County right of way, and there is another one that has a brick box around it and some lead pipes filled with concrete, also in the County right of way, and if someone hit them, the County would be responsible.

Mr. Guillaum said that according to A.D.T. and your average vehicle speed on a given County road, you must maintain a certain shoulder, that they had a problem on Oak Grove and St. George with guard rails, that the gentleman out there granted the County the right of way, but he said in return for that, he wanted some posts up around his property because he had a problem with people driving through his yard, but where he originally had them located was within two or three feet of the edge of the pavement and he had to tell the man that they would have to pull them back within eight feet of the pavement, or not at all, but according to the state specifications, they must maintain, be believed, about an eight foot shoulder, that it depends on the vehicle speed.

#### RE: JUNK TO BE SOLD

Mr. Siebeking said they are getting an awful surplus stockpile of junked culverts, posts and guard rails that they have had to remove at the garage and he wondered if the Commissioners could declare it as surplus junk and he can get some people out there to give him a bid on it so he can get it out of there. He said that the money they make on it will go into the Highway General Fund. The Commissioners agreed that Mr. Siebeking get a couple of junk dealers out there and let the highest bidder have it.

#### RE: RE: MR. STEPHENS

Mr. Stephens said they used up the money from the under-run on Feigel paving the four roads, by repairing four railroad crossings and one bridge and they still have possibly 50 tons of material.

He said he has one recommendation as to where to use it and that is out at the Old State Subdivision where one of the roads is pretty bad and while Feigel is out there, he would like to use the material to smooth up and cap over the area that has been rutted, that it is needed, and he would like to do it if it is okay with the Commission.

Commissioner Willner said they fixed the railroad track at Boonville-New Harmony and he wondered if they fixed Inglefield.

Mr. Stephen said that Inglefield isn't on the list, that they did Hogue Road, Allens Lane, Red Bank Road, Peerless and Boehne Camp.

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: AFEA 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 court. 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 informative which he did. He 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.

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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 always 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 deferred to the surveyor for a final report and then I'm demanded for the price. Mr. Ossenbergh 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

Bob Schaad  
Robert Willner  
Thomas Ossenbergl

COUNTY SURVEYOR

Robert Brenner

COUNTY ATTORNEY

Ed Smith, Jr.

Secretary: Brenda Hempfling

Bob Schaad  
Robert Willner  
Tom Ossenbergl  
VANDERBURGH COUNTY DRAINAGE BOARD

Vanderburgh County  
Board of Commissioners  
Special Drainage Board Meeting  
September 3, 1996

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**Vanderburgh County  
Board of Commissioners  
Special Drainage Board Meeting  
September 3, 1996**

President Borries: I would like to call the meeting of the Vanderburgh County Drainage Board to order this day, September 3, 1996 for a special meeting advertised for the one purpose of hearing the technical advisor, the County Surveyor, make a recommendation regarding a legal drain in Vanderburgh County which has been advertised for this particular meeting. That is, again, the only purpose for the meeting at this time so I will call Mr. Jeffers to the microphone and have him proceed.

Bill Jeffers: Twice in the last two months we have given you copies of the Surveyor's report. The second copy had a slight change to describe a point within the legal description that needed clarification. That copy with the Surveyor's signature is in the possession of the County Auditor. It has been advertised in the newspaper in accordance with I.C. 5-3-1 in both newspapers. Attached to the report that I have given you is a copy of a notice appearing in the Evansville Courier, Friday, August 23, 1996 which is ten days prior to today. The County Surveyor classifies Crawford-Brandeis Ditch as part of the East Side Urban Drainage System as described in this report, the portion of it described in this report, in need of reconstruction. We say that it is in need of reconstruction so that a public highway can be improved to carry traffic more efficiently and safely and still drain the lands that the ditch drains properly. I am just going through this briefly, you have read this and it is a matter of record. This is necessary due to the intense commercial development alongside the ditch. The Surveyor has determined that the best method of reconstruction is to pipe that portion of the legal drain shown on the plans that have been prepared by your consulting engineer and in accordance with those plans. We have determined that the affected land lies within the proposed reconstruction right-of-way for Burkhardt Road and that it is a thoroughfare constructed, owned and maintained by the Board of County Commission of Vanderburgh County and all the land that the ditch lies within, basically, is under your control and, therefore, the assessments to other property owners outside the boundaries described in here will not be affected and the schedule of assessments is that the Board of County Commissioners of Vanderburgh County shall pay 100% of the cost of the reconstruction. Before final adjournment of this hearing, basically, we are asking you to accept that report and before your final adjournment of this hearing in accordance with IC 36-9-27-52 Paragraph I:

"The Board shall determine in writing that the costs, damages and expenses of the proposed reconstruction as shown on the plans from your consultant will be less than the benefits accruing to the owners of the land benefitted by this construction."

The County Surveyor believes that is true especially when you consider the period of time over which these improvements will be used by the public. By doing that you will be adopting the reconstruction report of the County Surveyor and the schedule of assessments that we prepared for you which is that the County Commissioners shall pay 100%. If you do adopt that you must publish a notice in accordance, again, with I.C. 5-3-1, basically, no greater than 30 days from today identifying the drainage proceedings, the findings of this proceeding here, the order that your Board has made and that also will be, basically, the minutes of this meeting showing your actions and that they will be

Vanderburgh County  
Drainage Board Meeting  
September 3, 1996

available for public inspection in the office of the Surveyor for anyone who was unable to attend this meeting. If there is any public comment from anyone with regard to the reconstruction of the portion of Crawford-Brandeis, basically, between the Lloyd Expressway and Virginia Street, now is the time for them to come forward and make their comments.

President Borries: Do we have anyone at this time who wishes to make some comments regarding the reconstruction of a portion of Crawford-Brandeis Ditch, a legal drain in Vanderburgh County?

Alan Kissinger: I believe it is also appropriate for the Board at this time to make a finding that no formal objections have been filed.

President Borries: The County Surveyor has made a recommendation and we have heard that recommendation. Would there be at this time a motion from our Board?

Commissioner Mourdock: I'll move acceptance of the report of the County Surveyor regarding the improvement and repair of the East Side Urban Drain, Crawford-Brandeis Ditch.

Commissioner Tuley: Second.

President Borries: Do we need a roll call vote?

Alan Kissinger: No, a roll call is not required.

President Borries: Okay, it has been moved and seconded that the Surveyor's recommendation be approved and at this time, hearing no objections, I will say so ordered.

Alan Kissinger: Also, I think it is appropriate for the Board to consider moving to make a finding that the cost, damages and expenses of the proposed reconstruction will be less than the benefits accruing to the owners of land benefitted by the construction. That should be answered in the positive so if someone says, so moved and that is seconded, then that will fill the requirements of the statute.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second. Actually, third because I heard Bill Jeffers say that!

Alan Kissinger: I will prepare the notice for publication. Charlene is smiling!

Commissioner Tuley: Did you so order our motion and second?

President Borries: Yes, I will so order the second motion and second. There is discussion in terms of preparation of documents to advertise the proceedings of this meeting. Again, it was called specifically for this propose, so at this time, having completed all requirements, I will say that this meeting is adjourned.

The meeting was adjourned at 7:18 p.m.

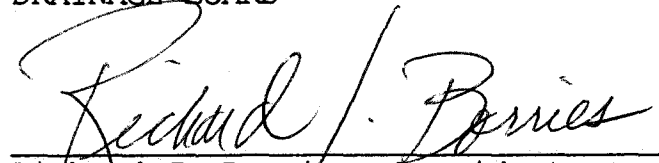
Vanderburgh County  
Drainage Board Meeting  
September 3, 1996

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THOSE IN ATTENDANCE:

Richard J. Borries  
Patrick Tuley  
Richard E. Mourdock  
Alan Kissinger  
Suzanne M. Crouch  
Charlene Timmons  
Bill Jeffers  
Others unidentified

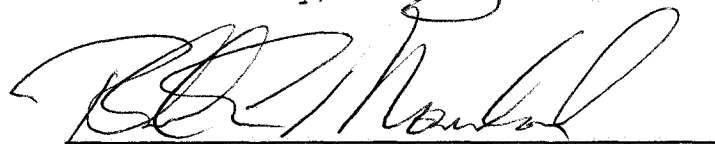
VANDERBURGH COUNTY  
DRAINAGE BOARD



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Richard J. Borries, President

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Patrick Tuley, Vice President

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Richard E. Mourdock, Member

Recorded and transcribed by Charlene Timmons



NOTICE

Notice is hereby given that, pursuant to I.C. 36-9-27-52, at a special meeting of the Vanderburgh County Drainage Board on September 3, 1996, a public hearing was held on the report of the Vanderburgh County Surveyor regarding the proposed reconstruction of Crawford-Brandeis Ditch, a regulated drain within Vanderburgh County, Indiana. The reconstruction report of the Vanderburgh County Surveyor was adopted by the Board, and a determination was made that no additional annual assessments for periodic maintenance would be required. The Board issued an order declaring the proposed reconstruction established. The findings and order of the Board have been filed and are available for public inspection in the office of the Vanderburgh County Surveyor.

VANDERBURGH COUNTY DRAINAGE BOARD  
Richard J. Borries, President  
Patrick Tuley, Vice-President  
Richard E. Mourdock, Member

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(Publication required, pursuant to I.C. 5-3-1-2(i), one (1) time in the Evansville Courier and the Evansville Press within thirty (30) days after the date of September 3, 1996.)

*Vanderburgh County Surveyor's Report*  
East Side Urban Drain -- Crawford Brandeis Ditch  
*Reconstruction*

Drain Classified "In Need of Construction"

The Vanderburgh County Surveyor files this Report to the Vanderburgh County Drainage Board in the matter of the proposed reconstruction of a certain portion of Crawford Brandeis Ditch, a lateral in the East Side Urban Drain, which portion of Crawford Brandeis Ditch the Surveyor hereby classifies as in need of reconstruction.

Portion of Drain in Need of Reconstruction

The portion of Crawford Brandeis Ditch in need of reconstruction shall be described generally as existing either side of the centerline of said ditch beginning at a point on the east side of Burkhardt Road which point is found nine hundred forty-nine (949.0) feet more or less South of the North Line of the Fractional Northwest Quarter of Section Thirty, Township Six South, Range Nine West thence extending Northward and generally parallel with the centerline of Burkhardt Road a distance of

three thousand five hundred ninety (3,590.00) more or less to a point at or about the North Line of the Fractional Southwest Quarter of Section Nineteen, Township Six South, Range Nine West.

The portion of Crawford Brandeis Ditch described above is depicted as existing between Station 0+710.00 and Station 1+805.00 on a set of plans titled "Burkhardt Road Plans, Project No. VC96-08-01" on file and available for public viewing at the office of the Vanderburgh County Surveyor.

#### **Surveyor's Classification of Drain**

The Vanderburgh County Surveyor determines the portion of Crawford Brandeis Ditch described above is in need of reconstruction because it can no longer serve the land which it drains without extensive repairs and alterations made necessary by expansive commercial development alongside said drain.

The intense commercial development and resulting volume of vehicular traffic demand converting all or part of the open drain to a tiled drain in order that Burkhardt Road may be widened along the project area herein described.

The best method of reconstruction of the described portion of Crawford Brandeis Ditch is to tile the presently open ditch.

The major change proposed by this report will be of public utility in that it will enable construction of a safe and adequate public highway to serve the developing commercial area along both sides of Burkhardt Road north of Lloyd Expressway.

### **Surveyor's Determination of Affected Land**

The Vanderburgh County Surveyor finds that the land affected by the proposed reconstruction lies within right-of-way of Burkhardt Road a thoroughfare constructed, owned and maintained by the Board of County Commissioners of Vanderburgh County.

The property affected by the proposed reconstruction of abovesaid portion of ditch is all that part of Burkhardt Road, Crawford Brandeis Ditch and associated public rights-of-way located within an area of land the boundary of which is described as follows:

Beginning at a point on the West Line of the Fractional Northwest Quarter of Section 30, Township Six South, Range Nine West which point is found South one (01) degree, seven (07) minutes, twelve (12) seconds West a distance of nine hundred forty-eight and seven tenths (948.7) feet south of the Northwest Corner of said Northwest Quarter of said Section Thirty; thence North one (01) degree, seven (07) minutes, twelve (12) seconds East a distance of nine hundred forty-eight and seven tenths (948.7) feet to said Northwest Corner and the Southwest Corner of the Fraction Southwest Quarter of Section Nineteen, Township Six South, Range Nine West; thence North zero (00) degrees, thirty-three (33) minutes, zero (00) seconds East and along the West Line of said Fractional Southwest Quarter of said Section Nineteen a distance of two thousand six hundred forty-one (2641.00) feet to the Northwest Corner of said Fractional Southwest Quarter of said Section Nineteen; thence East and along the North Line of said Fractional Southwest Quarter of said Section Nineteen a distance of eighty (80.00) feet; thence South and parallel with the West Line of said Fractional Southwest Quarter of said Section Nineteen to the South Line thereof and the North Line of said Fractional Northwest Quarter of said Section Thirty; thence continuing South and parallel with the West Line of said Fractional Northwest Quarter of said Section Thirty a distance of three hundred twenty-four and ninety-five hundredths (324.95) feet; thence Southwesterly to a point which is located South one (01) degree, seven (07) minutes, twelve (12) seconds West a distance of nine hundred forty-eight and seven tenths (948.7) feet South of the Northwest Corner of said Fractional Northwest Quarter of said Section Thirty and seventy-five and five tenths (75.5) feet along a line East a parallel with the North Line of said Fractional Northwest Quarter of

said Section Thirty; thence from just said point West and along a line parallel with the North Line of said Fractional Northwest Quarter of said Section Thirty a distance of seventy-five and five tenths (75.5) feet to the point of beginning of this described area of land and which area of land exists within rights-of-way acquired by or to be acquired by the Board of County Commissioners of Vanderburgh County Indiana for the purpose of constructing and maintaining Burkhardt Road and improvements thereto.

### **The Schedule of Assessments**

The Engineer's Estimate provided by the Vanderburgh County Engineer for the proposed reconstruction of the described portion of Crawford Brandeis Ditch initially shall be the amount of the assessment of costs assigned to said ditch reconstruction. The final costs of the finished improvement as determined and presented by the Vanderburgh County Engineer for payment by the Board of County Commissioners of Vanderburgh County shall represent one hundred (100) percent of the assessment due to be paid for said ditch reconstruction.

## Notice of Public Hearing

### NOTICE

Pursuant to I.C. 36-9-27-40, notice hereby is given that the Vanderburgh County Drainage Board will hold a special meeting at or about 7:00 P.M. on the Third Day of September, 1996, in Room 307 Administration Building, Civic Center Complex, Evansville, Indiana, for the purpose of holding a public hearing on the Vanderburgh County Surveyor's Report regarding the proposed reconstruction of Crawford Brandeis Ditch, a regulated drain within Vanderburgh County, Indiana. The Surveyor's Report is on file for public inspection at the office of the Vanderburgh County Surveyor, Room 325 of said Administration Building. The Surveyor's Report assigns all costs for the proposed reconstruction to the Board of County Commissioners of Vanderburgh County as all land affected by the proposed reconstruction lies within the right-of-way of a highway constructed, owned and maintained by said county commission; and no increased ditch assessments to individual private property owners will result from the proposed reconstruction.

Notice of Public Hearing  
NOTICE

Pursuant to I.C. 36-9-27-40, notice hereby is given that the Vanderburgh County Drainage Board will hold a special meeting at or about 7:00 P.M. on the Third Day of September, 1996, in Room 307 Administration Building, Civic Center Complex, Evansville, Indiana, for the purpose of holding a public hearing on the Vanderburgh County Surveyor's Report regarding the proposed reconstruction of Crawford Brandeis Ditch, a regulated drain within Vanderburgh County, Indiana. The Surveyor's Report is on file for public inspection at the office of the Vanderburgh County Surveyor, Room 325 of said Administration Building. The Surveyor's Report assigns all costs for the proposed reconstruction to the Board of County Commissioners of Vanderburgh County as all land affected by the proposed reconstruction lies within the right-of-way of a highway constructed, owned and maintained by said county commission; and no increased ditch assessments to individual private property owners will result from the proposed reconstruction:

**VANDERBURGH COUNTY BOARD OF COMMISSIONERS**

Patrick Tuley, President  
Richard J. Borries, Vice President  
Richard E. Mourdock, Member  
Alan Kissinger, County Attorney  
Attest: Suzanne M. Crouch, County Auditor

Recommend: Bill Jeffers, County Surveyor's Office

(Courier & Press August 23, 1996 A/O)



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**Notice to Bidders**

Sealed Proposals, or Bids, for contract number **VC96-09-02 Concrete Repair of Larch Lane & Pine Place** in Vanderburgh County, Indiana will be received at the office of the County Commissioners, Room 305, until 5:30 p.m. on **September 9th, 1996** local time, as prescribed by the Acts of the Indiana Legislature in Chapter 172, year 1957, at which time all bids will be publicly opened and read aloud in the County Commissioners Hearing Room 307.

Any bids received after the des-



AGENDA  
VANDERBURGH COUNTY DRAINAGE BOARD  
SEPTEMBER 23, 1996

A. APPROVAL OF MINUTES:

AUGUST 26, 1996 (Regular Meeting)

SEPTEMBER 3, 1996 (Special Meeting)

Surveyor requests additional time to proof read minutes

B. OLD BUSINESS:

HEERDINK & ROSE PETITION

Receive Surveyor's Report and hear others who may wish to speak

C. APPROVAL OF DRAINAGE PLANS:

1. FRETINA ACRES - LOT ONE: *FINAL PLAN*

FRETINA ACRES - LOT TWO: *PRELIMINARY PLAN*

2. REPLAT LOT 4-A - WATERFORD PARK: *FINAL PLAN*

3. HEARTLAND RIDGE - SECTION II: *PRELIMINARY PLAN*

4. COMFORT INN MOTEL: *FINAL PLAN*

5. LOT 10 - DARMSTADT HEIGHTS: *ALTERNATE PLAN*

6. GLENWOOD HILLS - SECTION B: *PRELIMINARY PLAN*

D. ADDITIONAL DITCH MAINTENANCE 1996

E. OTHERS WHO WISH TO SPEAK BEFORE THE BOARD

Mr. Tom Gretler regarding Browning Road Estates

F. NOTICE OF RECONSTRUCTION OF CRAWFORD BRANDEIS DITCH

G. PAYMENT OF CLAIMS

Sept. 23, 1996

Vanderburgh County Drainage Board:

We, Charles and Alta Bassett, of 5800 Ward Rd., respectfully petition the Drainage Board to cause the removal of an obstruction of the drain and a surface ditch, forcing the water from next door neighbor's property on to our property, creating an ugly situation on our property.

Chas and Alta Bassett Live at 5800 Ward Road, Lot 59 plus 5 feet of the south side of lot 58, Melody Hills Subdivision No 7.

Next door neighbor creating the problem is James and Joyce Tracy, 5806 Ward Road.

This is only one of many drainage problems we have had with Tracy and we have let them "slide by" in the past, but we feel we must put and end to Tracy's filling of ditches.

signed → Charles R Bassett  
Alta D. Bassett

Big Creek Drainage Association, Inc.

c/o John Bittner  
17700 Owensville Road  
Evansville, Indiana 47720-7028  
Telephone: (812) 963-5647

September 20, 1996

Vanderburgh County Drainage Board  
Room 305 Civic Center Complex  
One Northwest Martin Luther King, Jr. Boulevard  
Evansville, Indiana 47708

Dear Vanderburgh County Drainage Board Members,

Big Creek Drainage Association respectfully requests funds from the accounts of Buente Upper Big Creek, Pond Flat Main, and Pond Flat Lateral "E". Our Association will be continuing work on two of these legal drains from 1995, with work on Pond Flat Lateral "E" to release standing water in a culvert under I-64.

The proposed project on Buente Upper Big Creek will start at the abandoned rail line approximately one-half mile east of Maasberg Road. This was the ending point of the additional maintenance completed in 1995. This year's project will end at the junction of Buente Upper Big Creek with Maidlow Ditch, for a total length of approximately four thousand (4,000) feet. Costs are estimated to be \$8,000.00 (eight thousand dollars), based on \$2.00 (two dollars) per lineal foot. The landowners have given their permission. They will be responsible for spreading the spoil. The association proposes to maintain 2-1/2 or 3 to 1 side slopes.

The area to be worked on Pond Flat Main starts at the bridge on Darmstadt Road then continues east along the south bank to the bridge at Princeton Road for a distance of approximately three thousand two hundred (3,200) lineal feet. The property owners have given their permission and will be responsible for spreading the spoil. The association proposes to maintain 2-1/2 or 3 to 1 side slopes. We are requesting that the Vanderburgh County Drainage Board provide funds for the project estimated at \$6,400.00 (six thousand four hundred dollars).

The area on Pond Flat Lateral "E" is approximately one thousand feet of flow line work to alleviate standing water at a culvert passing under I-64. This will also facilitate drainage of farm field tiles in the area. The Big Creek Drainage Association is requesting six hundred dollars (\$600.00) for this work.

Time is of the essence with all these projects. The weather, cooperation of the landowners, and harvesting of crops in the fields are all major factors that come into play whenever work is to be completed on these legal drains. It has been brought to our attention by other association members that the time has come for these projects.

All of these projects will heighten the ability to serve the property owners and ease the maintenance of the legal drains. Our association looks forward to the future development of the Highway 41 corridor. Projects like these should help facilitate the growth of Vanderburgh County.

Thank you for your consideration,



David Ellison, President  
Big Creek Drainage Association, Inc.

cc: Vanderburgh County Surveyor

Robert W. Brenner, Vanderburgh County Surveyor



## VANDERBURGH COUNTY SURVEYOR'S OFFICE

Room 325 Civic Center Complex  
One Northwest Martin Luther King, Jr. Boulevard  
Evansville, Indiana 47708-1833  
Phone: (812) 435-5210

September 23, 1996

Vanderburgh County Drainage Board  
Room 305 Civic Center Complex  
One Northwest Martin Luther King, Jr. Boulevard  
Evansville, Indiana 47708

Dear Vanderburgh County Drainage Board,

In regard to Big Creek Drainage Association's request for funds to continue work on Buente Upper Big Creek, Pond Flat Main, and Pond Flat Lateral "E" legal drains, the Vanderburgh County Surveyor's office recommends approval.

Balances in each account are as follows:

<i>Account Number</i>	<i>Name</i>	<i>Est. Year End Balance</i>	<i>Requested Funds</i>	<i>After Requested Payments</i>
234-010	Buente Upper Big Creek	\$ 8,111.48	\$8,000.00	\$ 111.48
234-029	Pond Flat Main	\$11,163.96	\$6,400.00	\$ 4,763.96
234-034	Pond Flat Lateral "E"	\$ 766.56	\$ 600.00	\$ 166.56

The balances shown above reflect contracted payments that have not yet been actually paid. Fall payment credits have been added, based on amounts received in the fall of 1995.

A Surveyor's office employee has inspected the above legal drains. She reported back silt bars, meandering flow lines, slumped off banks, and an overall need of additional maintenance. These projects can be completed in 1996. All projects should be completed within thirty days of starting, barring adverse weather conditions.

With the Toyota project and further development of the Highway 41 corridor affecting the northern Vanderburgh County area, the drainage systems need to be carefully maintained and improved whenever the opportunity presents itself.

Sincerely,

Robert W. Brenner  
Vanderburgh County Surveyor

## ***Surveyor's Report to the Vanderburgh County Drainage Board***

**This Report Contains Information Gathered in an Investigation of the Obstruction(s) Alleged by the Heerdink and Rose Petition to Exist in a Drain or Natural Surface Watercourse on the Catherine Rasche Tract**

Submitted to Drainage Board  
September 23, 1996

On August 26, 1996, the Vanderburgh County Drainage Board (hereinafter called "the Board") received a petition (hereinafter called "the Petition") from Thomas L. & Rose M. Heerdink and William & Wilma Rose (hereinafter called "the Petitioners" when referred to as a group and "the Petitioner" when as an individual) alleging the existence of an obstruction in a natural surface watercourse or drain located on a tract of land owned by Catherine A. Rasche, named as "Trustee," (hereinafter called "the Respondent") and possibly others named as "successor Trustee" and "next successor Trustee" in a certain Deed in Trust recorded in Deed Drawer 6 on Card 972 in the office of the Vanderburgh County Recorder. A copy of the Petition is attached to this report. A copy of said Deed in Trust also is attached to this report.

Submitted with the Petition is a letter dated May 23, 1996, signed by Robert E. Rheinlander, representing the Petitioners, addressed to Ms. Karen M. Heard, then representing the Respondent, wherein Mr. Rheinlander, on behalf of the Petitioners, requests the Respondent to keep a certain ditch clear of dirt, leaves and other debris in order to prevent blockage of a culvert which blockage the Petitioners allege causes storm water to back

up and overflow onto property owned by the Petitioners. A copy of said letter of request is attached to this report.

Also submitted with the Petition is a letter dated July 3, 1996, signed by Leslie C. Shively, representing the Respondent, addressed to Robert Rheinlander, representing the Petitioners, wherein Mr. Shively asserts the Respondent is under no obligation to maintain a drainage facility to benefit the Petitioners' properties. A copy of Mr. Shively's letter answering Mr. Rheinlander's letter of request is attached to this report.

On August 26, 1996, after receipt of the Petition, the Board ordered the Deputy Surveyor to inspect the site of the alleged obstruction(s) and report findings to the Board. The minutes of the Board's August 26, 1996 meeting will reflect said order.

On Thursday, September 5, 1996, at or about 6:00 PM local time, the undersigned Chief Deputy Surveyor (herein called "the Deputy Surveyor") employed by the Vanderburgh County Surveyor (hereinafter called "the Surveyor") delivered into the hand of Catherine A. Rasche, the Respondent, at her 20 West Mill Road residence, a letter dated September 4, 1996, signed by the Deputy Surveyor, wherein the Respondent is notified that representatives of the Board and the Surveyor will enter onto the Respondent's tract of land for the purpose of gathering information as a part of an investigation required by IC 36-9-27.4-12. A copy of said letter of notification of entry is attached to this report.

On September 11, 1996, the Deputy Surveyor received a letter dated September 9, 1996, signed by Leslie C. Shively, representing the Respondent, wherein Mr. Shively acknowledges his receipt from the Respondent of a copy of abovesaid letter of notification of entry. A copy of said letter acknowledging receipt of said notice of entry is attached to this report.

On September 4, 1996, the Deputy Surveyor sent a signed copy of abovesaid letter of notification of entry, by Certified Mail, return receipt requested, addressed to the Respondent at her 20 West Mill Road residence.

A Receipt of Certified Mail showing said certified mail was sent from the office of the Surveyor is attached to this report.

On Friday, September 13, 1996, between 9:00 AM and 10:00 AM local time, the Deputy Surveyor obtained from the Petitioners, at their 14 West Mill Road and 18 West Mill Road addresses, several photographs of the watercourse or drain subject of the Petition which watercourse or drain is located on the Respondent's tract described in abovesaid Deed of Trust. The photographs show the waterway in various physical conditions over a period of time which may be determined by various evidence apparent on the photographs. Said photographs are attached to this report.

Photographs numbered one (#1), two (#2), three (#3), and four (#4) were obtained by the Deputy Surveyor from the Petitioner William Rose, resident of 14 West Mill Road.

Photograph #1 shows the open waterway subject of the Petition. A string line can be seen strung approximately along the property line separating the Respondent's tract on the south (left) from the Petitioners' properties on the north (right.) The waterway is shown to be mostly on the Respondent's tract. A small part of the top of the north (right) bank of the open waterway appears to be on the Petitioners' properties.

Photograph #2 shows a piece of earth moving equipment front loading dirt into the subject open waterway. A dump truck is seen in the background crossing the waterway at a pipe culvert set in the waterway to allow entry from the Respondent's back yard at 20 West Mill Road to the Respondent's tract on which the pictured part of the subject waterway exists.

Photograph #3 shows the same equipment continuing to load dirt into the subject waterway. Photograph #4 shows the same location as Photograph #3 with a dump truck in the background.

Photographs numbered five (#5), six (#6), seven (#7), and eight (#8) were obtained by the Deputy Surveyor from the Petitioner Rose Heerdink at her 18 West Mill Road residence.



Photograph #5 shows the subject open waterway at its location parallel to the south line of the Petitioner Heerdink's land near the southwest corner of the Heerdink property. The board fence is located along the west line of the Heerdink property separating that yard from the back yard of the Respondent. The structure at the end of the fence is a concrete headwall of the culvert pipe crossing shown with the truck atop it in Photograph #2.

Photograph #6 shows the subject open waterway entering the pipe crossing at the concrete headwall at the end of the fence also shown in Photograph #5. Photograph #7 shows the same location as Photograph #6 in the physical condition it existed, presumably on the date printed in the upper right corner of the photo, with the pipe opening partially blocked by a small log.

Photograph #8 shows the same location as Photograph #6 and Photograph #7 with the subject waterway and pipe partially obstructed with silt.

Photograph #7 also shows an area overgrown with vegetation in the background. Said overgrown area contains the subject waterway at the outlet end of the culvert pipe which the Petitioners requested the Respondent keep open to prevent storm water backing up and overflowing onto their properties.

The Deputy Surveyor viewed the subject open waterway located in the overgrown background area of Photograph #7 once on Friday,

September 13, 1996, between 9:30 AM and 10:30 AM local time, and again on Tuesday, September 17, 1996, between 9:00 AM and 10:00 AM local time and reports the following:

The subject waterway is filled considerably with various loose debris including but not limited to cut tree branches, standing live brush, cut brush, and fireplace-sized logs which appear either to have been placed intentionally or cut and left to lay within the subject waterway. Said debris reduce the subject waterway's capacity to convey storm water runoff.

On September 17, 1996, at the time stated just above, the Deputy Surveyor inspected and measured the the pipe shown in Photographs numbered 6, 7, and 8; and reports the following:

The inlet end of the pipe is a fifteen (15) inch concrete pipe set in a concrete headwall. The discharge end of the pipe is a ten (10) inch PVC truss pipe that has been stuffed into the larger diameter concrete pipe possibly in an attempt to repair or extend the larger pipe. As a result of the insertion of the smaller diameter pipe into the larger pipe, the volume of flow through the pipe is reduced. The interior of the pipe (or pipes as it were) is blocked by silt and assorted debris accumulated to a depth equal to approximately half the inside diameter of the culvert.

The physical condition of the culvert described just above severely reduces its capacity to convey storm water runoff.

Photographs numbered nine (#9), ten (#10), eleven (#11), and twelve (#12) were obtained by the Deputy Surveyor from the Petitioner Rose Heerdink at the same time and place as other aforesaid photographs.

Photograph #9 shows the subject waterway filled to capacity with storm water runoff at the intake end of the pipe shown in aforesaid photographs and described above in the report. Photograph #10 shows the same waterway at the same location overfilled with storm water runoff, and overflowing onto the Petitioner Heerdink's property along the west line of said property.

Photograph #11 and Photograph #12 show debris left on the Petitioner Heerdink's property after the storm water runoff shown in Photograph #9 and Photograph #10 subsided.

Photographs numbered thirteen (#13) and fourteen (#14) were obtained by the Deputy Surveyor from the Petitioner Rose Heerdink at the same time and place as other aforesaid photographs.

Photograph #13 was shot facing nearly due west and shows the subject waterway entirely filled with dirt. The land on the north (right) side of the string line in the shady foreground is the Petitioner Rose's property at 14 West Mill Road. The land on the north (right) side of the string line in the sunny background beginning about where the grass is freshly mowed thence to the board fence is the Petitioner Heerdink's property. The land on the

south (left) side of the string line is the tract owned by the Respondent Rasche.

Photograph #14 was shot facing eastwardly and shows the same waterway filled with dirt. The land on the north (left) side of the string line in the sunny foreground is the Petitioner Heerdink's property. The land on the north (left) side of the string line in the shade is the Petitioner Rose's property. The land shown filled with dirt on the south (right) side of the string line is the Respondent Rasche's tract.

The last two photographs submitted with this report, Photograph #15 and Photograph #16, were obtained by the Deputy Surveyor from the Petitioner Rose Heerdink at the same time and place as other aforesaid photographs.

Photograph #15 shows a backhoe filling the subject waterway with dirt near the southwest corner of the Petitioner William Rose's property. At the location depicted in Photograph #15 the subject waterway runs downhill from the south and crosses the Respondent Rasche's tract generally in the same alignment as the boom of the backhoe. Thence the subject waterway turns due west as shown in Photograph #15.

The concrete blocks shown just to the left of the string line in front of the backhoe bucket are the same blocks shown in Photograph #13. The blocks are sitting on a dirt berm, apparently placed to divert the downhill rush of water or water borne debris directed at the Petitioner Rose's property.

Photograph #16 shows the same area of the waterway as Photograph #15 filled with dirt. Photograph #16 is shot standing in the Petitioner Rose's back yard facing southward and looking across the Respondent Rasche's tract.

The pipe shown in Photograph #16 is a twenty-one (21) inch concrete pipe placed apparently so lawn care equipment can cross the subject waterway to an area of the Respondent Rasche's tract that lies east of the subject waterway. Since the subject waterway has been filled as shown in Photograph #13 and Photograph #14, nearly all the storm water runoff discharging from the pipe shown in Photograph #16 runs directly onto the Petitioner Rose's property at about the location of the concrete blocks shown in Photograph #13, or where the backhoe bucket is shown in Photograph #15.

On Thursday, August 29, 1996, the Deputy Surveyor visited the Petitioners' properties at about 9:30 AM local time and viewed mud and straw washed across the southwest part of the Petitioner Rose's property and under a yard barn on that property. The mud and straw were washed onto Petitioner Rose's property by a storm which occurred Monday afternoon, August 26, 1996, the same day as the Petition was presented to the Board.

The storm which occurred on just said date was intense enough to generate storm water runoff sufficient to top over the twenty-one (21) inch concrete pipe shown in Photograph #16.

The Deputy Surveyor has viewed the photographs obtained from the Petitioners and has verified the photographs as depicting the properties of the Petitioners at 14 West Mill Road and 18 West Mill Road and the subject waterway and the Respondent's tract all described herein above.


The Deputy Surveyor has viewed materials and conditions existing within the subject waterway in the form of dirt fill, live vegetation, cut brush, cut tree branches, fireplace-sized logs, other debris, silt, rip rap, and improperly installed pipe, which together and/or separately may be defined as "obstructions" if the Board determines the subject waterway to be a "drain" as defined by IC 36-9-27.4-1 (refers to IC 36-9-27-2.)

The subject waterway existed or still exists in a well defined form on two (2) or more tracts of land owned by two (2) or more individuals or separate parties. The subject waterway appears to have been maintained intentionally and continually by individual property owners for an undetermined number of years, although there is no testimony made available to the Deputy Surveyor confirming the subject waterway was "mutually established."

The subject waterway begins as a natural surface watercourse on properties in or about the 4500 block of Stringtown Road, and becomes a well defined open waterway where it crosses under a private lane between 4516 and 4522 Stringtown Road. The subject waterway runs west along the north side of said private lane then turns northward and crosses property

addressed as 4522 Stringtown Road, thence the subject waterway enters the Respondent's tract at the pipe location shown in Photograph #16. The course described above is drawn approximately on a map of the tracts of land over which the subject waterway runs. Said map is attached to this report.

Restoration of said open waterway as it existed prior to its filling with dirt, replacement of the undersized and partially clogged culvert behind the Respondent's 20 Mill Road address, clearing and cleaning of the part of the subject waterway downstream of just said culvert, and proper maintenance of the whole of the subject waterway would promote better drainage of the Petitioners' properties by effectively intercepting and conveying storm water runoff away from the properties of the Respondent and the Petitioners.

 9/18/96  
William R. Jeffers, Chief Deputy Surveyor  
Vanderburgh County Surveyor

RECEIVED

AUG 07 1996

Vanderburgh County Commissioners

August 7, 1996

Vanderburgh County Drainage Board  
Board of County Commissioners of Vanderburgh County Indiana  
Petition to Remove a Drainage Obstruction  
Room 305 Civic Center Complex  
#1 NW Martin Luther King, Jr. Blvd.  
Evansville, In 47703-1333

RE: Senate Bill Number 336 Removal of Drainage Obstructions

Dear Board,

The residents of 13 W. Mill Road and 14 W. Mill Road are petitioning the Drainage Board to inspect and order the removal of obstructions from a natural surface watercourse owned by Catherine Rasche, 20 W. Mill Road. This watercourse has been in existence for at least fifty years. Our properties lie to the north of and adjacent to Ms. Rasche's property, and at a lower elevation.

Obstructions in the watercourse causes the culvert which lies to the south and west of our properties to become blocked, causing drainage water to back up and overflow onto our properties. This overflow causes unnecessary flooding and damage to our land.

On August 5, 1996 Ms. Rasche employed Floyd I. Staub, Inc. to intentionally backfill this watercourse with soil. If Ms. Rasche is allowed to fill in this watercourse, drainage water will be funnelled directly onto our properties causing even greater damage. Flooding is already a problem in this area, without changes being made to a watercourses that has been in place for so many years. We are asking you to order the watercourse be restored and maintained to allow for proper drainage.

We are enclosing copies of letters requesting the watercourse be kept clear and free of debris, and her response to our request. Also we are enclosing photographs of watercourse with debris and blockage, and after watercourse has been intentionally backfilled.

Sincerely,

Thomas L. Heerdink      William and Wilma Rose

Rose M. Heerdink      Wilma Rose

Thomas L. and Rose M. Heerdink  
13 W. Mill Road  
Evansville, IN 47710  
423-5330

William and Wilma Rose  
14 W. Mill Road  
Evansville, IN 47710  
426-0226



(2)

91-02335

DEED IN TRUST

DEED DRAWER 6

CARD 972

THIS INDENTURE WITNESSETH, That Catherine A. Rasche CONVEY AND WARRANT to Catherine A. Rasche, as Trustee, or the Successor Trustee, under a Trust Agreement dated the 15<sup>th</sup> day of JANUARY, 1991, known as the Catherine A. Rasche Trust Agreement, for the sum of One Dollar (\$1.00) and other valuable consideration paid, my entire interest in and to the following described real estate located in Vanderburgh County, Indiana, to-wit:

Part of the Northwest Quarter of the Northwest Quarter of Section 8, Township 6 South, Range 10 West in the City of Evansville, Vanderburgh County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of said Quarter Quarter Section, thence East 78 feet, thence South 246.79 feet, thence West 78 feet; to the West line of said Quarter Quarter Section at a point 246.9 feet South of the place of beginning, thence North 246.9 feet to the place of beginning.

A strip 30 feet in width off the North side and a strip 25 feet in width off the West side of said real estate is reserved for highway purposes.

ALSO, Part of the Northwest Quarter of the Northwest Quarter of Section 8, Township 6 South, Range 10 West in the City of Evansville, Vanderburgh County, Indiana, more particularly described as follows:

Beginning at a point in the West line of said Quarter Quarter Section 306.9 feet South of the Northwest corner thereof, thence East 378 feet, thence North 60 feet, thence West 378 feet to the West line of said Quarter Quarter Section, thence South along the West line of said Quarter Quarter Section 60 feet to the place of beginning.

Full power and authority is hereby granted to the Trustee, or the Successor Trustee, with respect to the real estate or any part or parts of it, and at any time or times to: transfer, sell, lease, mortgage, give options or deal with in every way as would be lawful for any person owning it, even though different from the ways above specified.

In no case shall any party dealing with a Trustee in relation to the real estate be obligated to see to the application of any purchase money, the necessity or expediency of any act of the Trustee, or be obliged or privileged to inquire into any of the terms of the Trust Agreement. Every instrument executed by the Trustee in relation to the trust property shall be conclusive evidence in favor of every person relying on or claiming under such conveyance, or other instrument that: (a) at the time of the delivery thereof the Trust created hereby and by the Trust Agreement was in full force and effect; (b) such conveyance or other instrument was executed in accordance with the Trust, conditions and limitations contained herein and in the Trust Agreement and any amendment thereof and is binding on all beneficiaries; (c) the Trustee was duly authorized to execute and deliver every instrument; and (d) if the conveyance is made by a successor Trustee, that such successor Trustee has been properly appointed and is fully vested with all the title, estate, rights, powers, authorities, duties and obligations of the Trust.

According to the Trust Agreement dated the 15<sup>th</sup> day of JANUARY, 1991, upon the death or incompetency of Catherine A. Rasche, Robert Knott shall be the successor Trustee, and Laurens

RECEIVED FOR RECORD

at 1:16 P.M.

Feb 1 1991

BOB STEELE, RECORDER

VANDERBURGH COUNTY

ONLY ENTIRE FOR TAXATION SUBJECT  
TO FINAL ACCEPTANCE FOR TRANSFER.

FEB 1 - 1991

865

*Don Douglas*  
AUDITOR

Kemp shall be the next successor Trustee.

Also, so long as Catherine A. Rasche, as Grantor, continues as Trustee of this Trust and retains the capacity to fully manage her property, she shall have the power to act in her sole capacity as Trustee of this Trust.

IN WITNESS WHEREOF, the Grantor has executed this Deed in Trust this 18 day of January, 1990.

Catherine A. Rasche  
Catherine A. Rasche

STATE OF INDIANA, COUNTY OF Vanderburgh, SS:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Catherine A. Rasche who acknowledged the execution of the foregoing Deed in Trust to be her free and voluntary act and deed. SUBSCRIBED AND SWORN to before me this 18 day of January, 1990.

My Commission Expires:

August 22, 1992

Joann L. Phillips  
Jessie Phillips Notary Public

Residing in Vanderburgh County

This instrument prepared by Steven C. Bradley, Attorney at Law, NOFFSINGER, PRICE AND BRADLEY, Box 168N Der Buro Komplex, Jasper, IN 47546.

Send tax statements to: 20 West Mill Road, Evansville, IN 47710

rasche.dit

NEWMAN, TROCKMAN, LLOYD, FLYNN & RHEINLANDER

HOWARD P. TROCKMAN, P.C.  
JAMES F. FLYNN  
ROBERT E. RHEINLANDER  
BERNARD G. WINTNER  
WAYNE S. TROCKMAN

ATTORNEYS AT LAW  
20 NORTHWEST SIXTH STREET  
POST OFFICE BOX 3047  
EVANSVILLE, INDIANA 47730-3047  
TELEPHONE (812) 425-3353  
TOLL FREE (800) 338-7568  
FAX (812) 421-3170

MORTON W. NEWMAN  
(1905-1984)  
RUSSELL G. LLOYD  
(1932-1980)

May 23, 1996

Ms. Karen M. Heard  
Price, Bradley and Collins  
101 Plaza East Blvd.  
Suite 230  
Evansville, Indiana 47715

Re: Katherine Rasche  
20 West Mill Road  
Evansville, Indiana 47710

Dear Ms. Heard:

I represent Rose Heerdink and Thomas Heerdink who reside at 18 West Mill Road and Wilma Rose and William Rose who reside at 14 West Mill Road. The Heerdinks and the Roses are neighbors of your client, Katherine Rasche.

Part of your client's property at 20 West Mill Road lies south of and adjacent to the south lines of my clients' properties. According to my clients, Katherine Rasche has refused to keep the ditch that runs across this adjacent property clear of dirt, leaves and other debris. All of this material ultimately blocks the culvert which lies to the West of my clients' properties. When this occurs, the water backs up and overflows onto my clients' properties, as well as your client's property and causes damage to my clients' properties.

Your client's actions constitute a nuisance, private and possibly public, and also constitute an unreasonable interference with a natural water course.

My clients are not interested in unnecessarily elevating the level of conflict with your client. They merely want this ditch to be kept clear of debris so that the downstream culvert will not be clogged, creating a dam-like effect. Keeping this ditch clear will also benefit your client.

Ms. Karen Heard  
May 23, 1996  
Page 2

Please contact your client to discuss this matter with her, and then contact me as soon as possible to discuss your client's response to this letter.

Sincerely yours,



Robert E. Rheinlander

RER/dc

cc: Thomas and Mary Heerdink  
William and Wilma Rose

SHIVELY & KENT

Attorneys at Law

915 MAIN

P. O. BOX 3117

EVANSVILLE, INDIANA 47730

LESLIE C. SHIVELY  
DAVID W. KENT  
ROBERT R. FAULKNER

TELEPHONE 312 425-4555  
FAX 312 464-1007

July 3, 1996

Robert Rheinlander  
Attorney at Law  
P.O. Box 3047  
Evansville, IN 47730-3047

Re: Catherine Rasche  
20 West Mill Road  
Evansville, IN 47710

Dear Mr. Rheinlander:

Please be advised the undersigned represents Catherine Rasche.

I have reviewed your letter of May 23, 1996. My client's position is as follows:

1. There is no public easement of any type which runs across any portion of my client's property which would give your clients the right to drain surface water.

2. My client is under no obligation to maintain any drainage facilities which may benefit your clients' property.

3. My client has conducted no activities which would constitute a nuisance. In fact, conversely, your clients have continuously harassed Ms. Rasche with regard to interfering with her quiet enjoyment of her property.

The purpose of this letter is to demand that your clients refrain from any interference with Ms. Rasche's use of her property. All future correspondence and communications regarding this matter must be forwarded to the undersigned.

If you should have any further inquiries or need any further information regarding my client's position, please feel free to contact me at your convenience.

Very truly yours

SHIVELY & KENT

Leslie C. Shively

LCS/ps

CC: Rasche

*Vanderburgh County Surveyor*

Room 325 Administration Building  
Civic Center Complex  
#1 Martin Luther King, Jr. Blvd.  
Evansville, Indiana 47708

September 4, 1996

Catherine Rasche  
20 West Mill Road  
Evansville, IN 47710

Dear Catherine Rasche,

On August 26, 1996, the Vanderburgh County Drainage Board (herein after referred to as "the Board") received a petition from your neighbors, Thomas L. & Rose M. Heerdink of 18 West Mill Road and William & Wilma Rose of 14 West Mill Road.

In order to promote better drainage of their lands, the petitioners seek the removal of an obstruction or obstructions they allege to exist in a "watercourse" or "drain" on certain property owned by Catherine A. Rasche and successor trustees as shown on deeds recorded in Deed Drawer 6 on Card 971 and Card 972 in the office of the Vanderburgh County Recorder.

The petitioners are requesting the Board act under a new drainage statute, IC 36-9-27.4, effective July 1, 1996.

The above named petitioners also allege that employees of Floyd I. Staub filled the "watercourse" or "drain" with soil on August 5, 1996, presumably at your orders, and the filling will cause storm water to be directed onto the lands of the petitioners.

IC 36-9-27.4 Section 12 states, "If a petition filed under this chapter alleges the obstruction of a drain or a natural surface watercourse, the county surveyor of the county in which the obstruction is alleged to exist shall promptly investigate whether the obstruction exists."

Under IC 36-9-27.4 Section 25, the Vanderburgh County Surveyor (herein after referred to as "the Surveyor"), a member of the Board, or an authorized representative of the Surveyor or the Board has the right of entry over and upon abovesaid property (your land) as it contains a "watercourse" or a "drain" that is the subject of said petition.

Please consider this letter to be written notice to any and all owners of property assigned tax code 34-179-12, and described in abovesaid deeds, that the Surveyor and the Board will exercise said right of entry over and upon said property by sending authorized representatives of the Surveyor and the Board to enter upon said property from time to time over the next several weeks to gather information as part of the investigation required by IC 36-9-27.4.

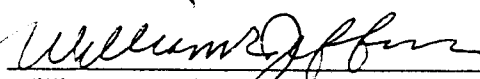
This notice shall extend to successor Trustees, Robert Knott and Laurens Kempf, to whom this notice should be given by Catherine A. Rasche as Trustee of said property.

If the Surveyor's investigation finds an existing obstruction in a "watercourse" or a "drain" located on said property, IC 36-9-27.4 requires the Surveyor to report such a finding to the Board, and requires the Board to set a date for hearing the petition.

If at the hearing it is determined that an obstruction or obstructions were placed "intentionally" in a "watercourse" or "drain", and if the Board orders the removal of the obstruction(s), the cost of such removal shall be paid by the landowner(s) of the property upon which the obstruction(s) exist.

It is the Surveyor's sincere hope that you and your neighbors can settle all differences in a friendly and neighborly fashion without the involvement of government boards, officers, or courts of law.

If you and your neighbors cannot resolve differences prior to the Surveyor's report to the Board on September 23, 1996, the process of hearing the petition and determining appropriate actions must go forward in accordance with IC 36-9-27.4.

  
William R. Jeffers, Chief Deputy Surveyor  
Vanderburgh County, Indiana

cc: petitioners  
files

Z 694 695 032



**Receipt for  
Certified Mail**

No Insurance Coverage Provided  
Do not use for International Mail  
(See Reverse)

Sent to <b>Catherine Rasche</b>	
Street and No <b>20 West Mill Road</b>	
P.O., State and ZIP Code <b>Evansville, IN 47710</b>	
Postage ✓	\$
Certified Fee x	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date <b>9/5/96</b> <i>JMN</i>	

PS Form 3800, March 1993



SHIVELY & KENT

Attorneys at Law

915 MAIN

P. O. BOX 3117

EVANSVILLE, INDIANA 47730

LESLIE C. SHIVELY  
DAVID W. KENT  
ROBERT R. FAULKNER

TELEPHONE 812 425-4555  
FAX 812 464-1007

September 9, 1996

Rec'd 9/11/96  
WJG

William R. Jeffers  
Chief Deputy Surveyor  
Vanderburgh County, Indiana  
Room 325 Administration Building  
Civic Center Complex  
#1 Martin Luther King, Jr. Blvd.  
Evansville, IN 47708

Re: Petition of Thomas L. & Rose M. Heerdink  
and William and Wilma Rose

Dear Mr. Jeffers:

Please be advised the undersigned represents Catherine Rasche. My client has presented me with a copy of your letter dated September 4, 1996 with regard to the above-referenced matter.

First, my client denies taking any action or causing any action to be taken which obstructed a "watercourse" or "drain." In addition, you should be aware that the Petitioners in this matter have engaged in continuous harassment of my client over several years. This Petition appears to be the latest act of aggravation on their part.

I would appreciate receiving a copy of your report and having the opportunity to meet with you to discuss this matter in more detail.

Very truly yours,

SHIVELY & KENT

Leslie C. Shively

LCS:1sh

cc: client

rasche\jeffers.let

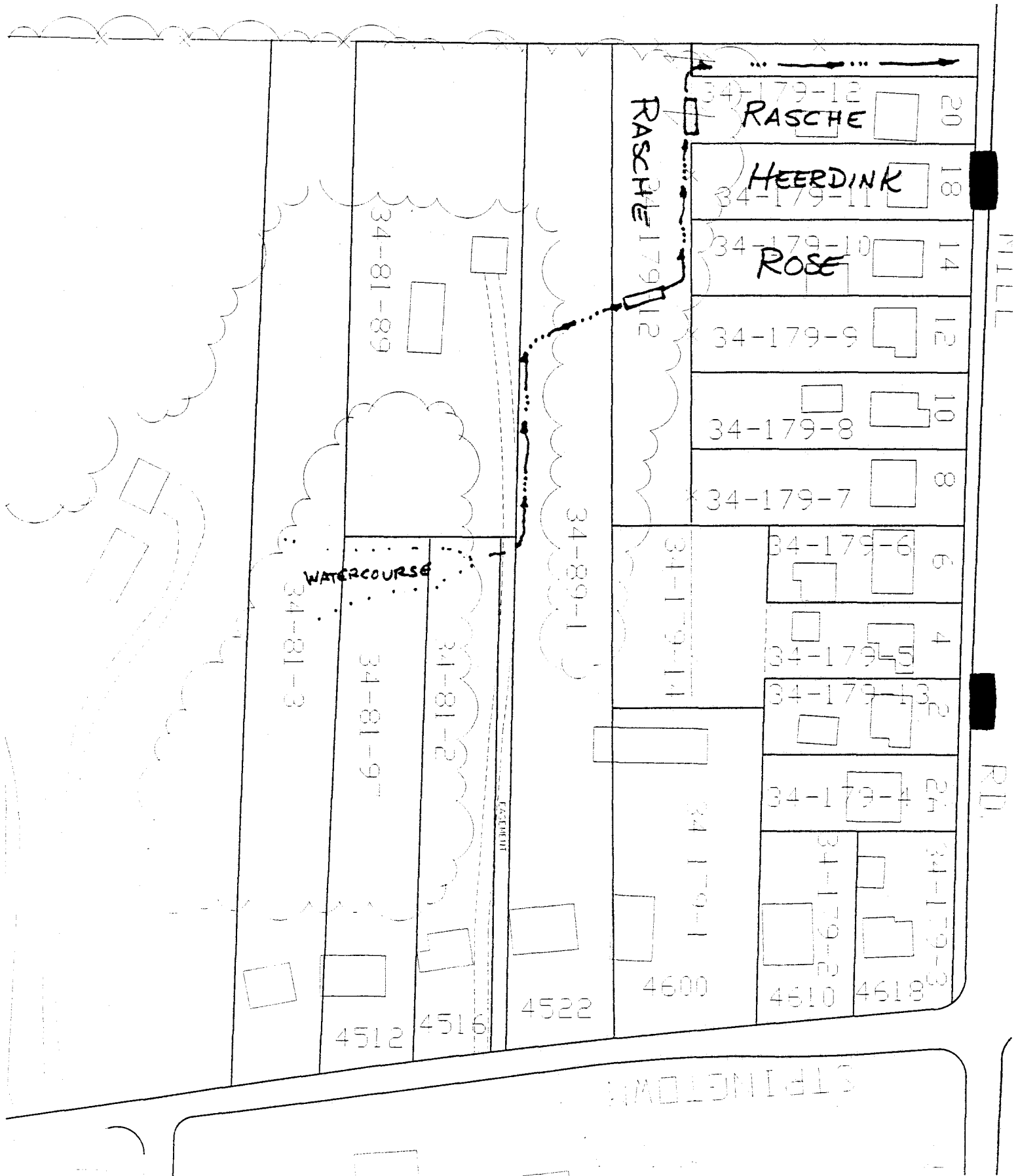
NOTICE OF  
ENTRY ONTC  
LAND

I delivered Letter to  
Rasche by hand

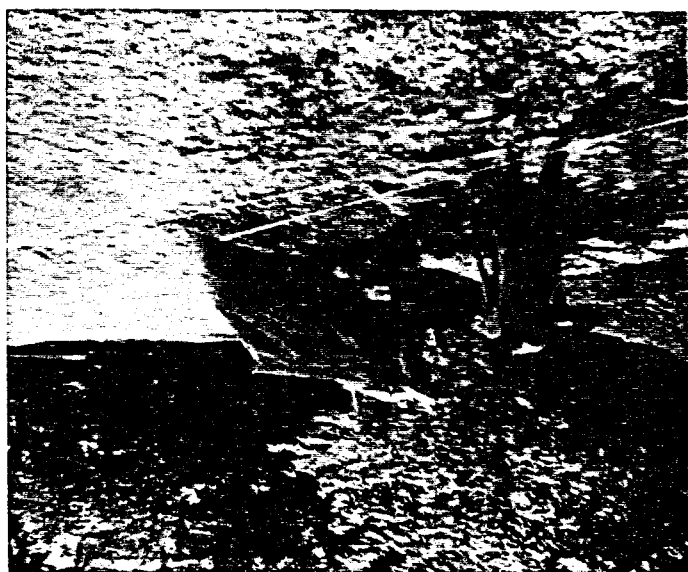
9/5/96 - 6:00 - 6:30 pm

WJG  
9/11/96

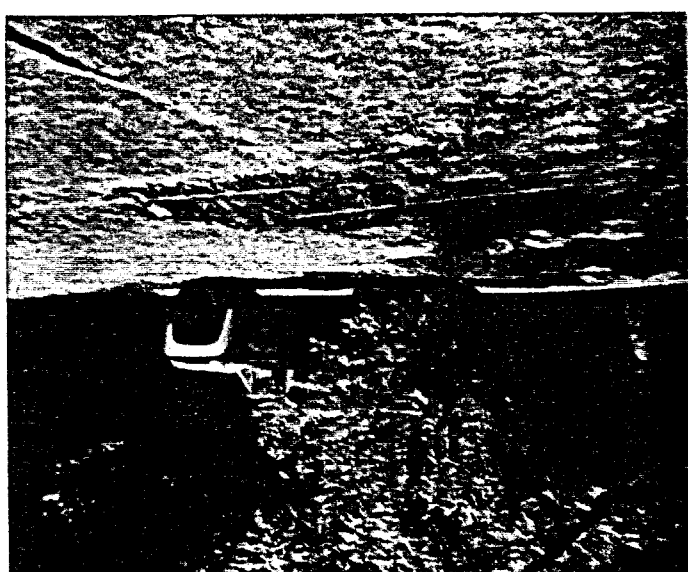
N 37 D



3#



4#



1#



2#



Warrant No. \_\_\_\_\_  
Claim No. \_\_\_\_\_  
Date \_\_\_\_\_

FERRY R. JOURNAL  
\_\_\_\_\_  
Vendor No. 1052

\$ 45.00  
ON ACCOUNT OF APPROPRIATION  
Dept. Fund Name SONHFA4 STEVENS  
Account No. 234-038

Allowed Sept 23 1996  
In the sum of \$  
Richard J. Barnes  
Richard J. Barnes  
Richard J. Barnes

Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except \_\_\_\_\_  
None

9-23-96  
Robert W. Brenner  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:  
That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

\_\_\_\_\_  
Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>96-EA-38-15</u>	_____	<u>July 16, 1996</u>	<u>234-038</u>	<u>\$ 45.00</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL \$ 45.00



CERTIFICATION OF PAYMENT  
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I TERRY R. J. HANSEN  
(Signature in Ink)

representing Terry R. Hansen Const., and presently  
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on SOMMERS STEVENSON DITCH, a regulated  
drain in Vanderburgh County, Indiana, do certify that I, and/or the  
firm I represent, have/has paid in full all expenses incurred for  
labor, supplies, and subcontracts except for any unpaid costs as  
specified herein under:

NONE

and further, that neither I, nor the firm I represent, will hold the  
Vanderburgh County Drainage Board responsible for any costs, or any  
claims arising from such expenses, except for the fifteen (15) percent  
of the total contract price which the Board presently holds in  
retainage pending the receipt of this Certification of Payment.

NAME OF DRAIN: SOMMERS STEVENSON DITCH # 234-033

CONTRACTOR: TERRY R. J. HANSEN VENDOR # 1052

CONTRACT # \_\_\_\_\_ AND/OR ACCOUNT # \_\_\_\_\_

☐ ANNUAL MAINTENANCE  
☐ ADDITIONAL MAINTENANCE  
☒ EMERGENCY MAINTENANCE

COMPLETION DATE July 16, 1996  
INSPECTION DATE July 16, 1996

☒ WORK IS APPROVED

☐ NOT APPROVED: COMMENTS: \_\_\_\_\_

Robert W. Brenner

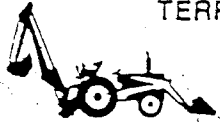
VANDERBURGH COUNTY SURVEYOR

9-23-96

DATE

# Proposal

Page No. \_\_\_\_\_ of \_\_\_\_\_ Pages



**TERRY JOHNSON'S CONSTRUCTION CO.**  
**GENERAL CONTRACTOR**  
 1902 N. 4th Ave.  
 Evansville, IN  
 425-2388



*Emergency B.I.L.*

SUBMITTED TO: <i>Surveillance office</i>	PHONE	DATE <i>6-24-96</i>
STREET	JOB NAME	
CITY, STATE AND ZIP CODE	JOB LOCATION	
ARCHITECT/ENGINEER	ATTENTION	

We are pleased to quote:

*SONNTAG STEVEN DITCH*

*CLEANOUT TRASH FROM TWIN DRAIN PIPES UNDER RAILROAD TRACKS*

*LABOR - BACKHOE - DUMP TRUCK - DUMP FEE \$300.00*

*KOPF DITCH*

*20' X 55' WASHOUT BANK AT POWER STATION (ELECTRIC)*

*BOULDERS TO FILL DITCH*

<i>1- Full center tile</i>	<i>\$253.04</i>
<i>1- Box securing pins</i>	<i>\$20.00</i>
<i>1- TRIPLE-AXLE LOAD 25 RIPS-RAP</i>	<i>\$300.00</i>
<i>2 HRS - BACKHOE</i>	<i>\$400.00</i>
<i>2 HRS - 2-LABORERS</i>	<i>\$160.00</i>
	<i>\$1133.04</i>

We propose hereby to furnish material and labor — complete in accordance with above specifications, for the sum of \_\_\_\_\_

Payment to be made as follows \_\_\_\_\_ dollars (\$ \_\_\_\_\_)

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature \_\_\_\_\_

Note: This proposal may be withdrawn by us if not accepted within \_\_\_\_\_ days.

**Acceptance of Proposal** — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance \_\_\_\_\_

Signature \_\_\_\_\_

Signature \_\_\_\_\_

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

Date \_\_\_\_\_

9-23, 96 Robert W. Brunner, Jr.  
Signature of Office Holder

Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Account No. 234-006

COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT

In the sum of \$

INVOICE NO. PURCHASE ORDER NO.

ACCOUNT NO.

AMOUNT PAID

23A-006

Aug 27, 1996 23A-006 2, A4-2.73

## Board of Commissioners

TOTAL \$ 2,442.73





FALL

Robert W. Brenner, Vanderburgh County Surveyor

VANDERBURGH COUNTY  
SURVEYOR'S OFFICE  
Room 325 Civic Center Complex  
One Northwest Martin Luther King, Jr. Boulevard  
Evansville, Indiana 47708-1833  
(812) 435-5210

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: TERRY R. JOHNSON

for ☒ annual -- ☐ additional maintenance to AIKEN Ditch, a legal drain in Vanderburgh County, Indiana, was completed on Aug 26, 1996, and was inspected by our staff on Sept 3, 1996, and is ☒ approved -- ☐ disapproved for payment per the contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner

Robert W. Brenner, Vanderburgh County Surveyor

9-23-96  
Date

Additional Comments:

Warrant No. \_\_\_\_\_  
Claim No. \_\_\_\_\_  
Date \_\_\_\_\_

SHOELEK SPRAY SERVICE  
Vendor No. 1851

\$ 618.03  
ON ACCOUNT OF APPROPRIATION  
Dept. Fund Name \_\_\_\_\_  
Account No. \_\_\_\_\_

Allowed Sept 23 1996  
In the sum of \$  
Richard Barnes  
Virginia P. Tubbs  
Clifford H. H. H.

Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except \_\_\_\_\_  
Naufu

9-23-96  
Robert W. Bennett  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:  
That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

\_\_\_\_\_  
Auditor

COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>96-05-25-85</u>		<u>Aug-23-1996</u>	<u>234-025</u>	<u>\$ 618.03</u>

TOTAL \$ 618.03



VANDERBURGH COUNTY  
SURVEYOR'S OFFICE  
Room 325 Civic Center Complex  
One Northwest Martin Luther King, Jr. Boulevard  
Evansville, Indiana 47708-1833  
(812) 435-5210

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: SHIDLER SPRAY

SERVICE

for ☒ annual -- ☐ additional maintenance to

K-3 Ditch, a legal drain in Vanderburgh County, Indiana, was completed on

Aug 20, 1996, and was inspected by

our staff on Sept 3, 1996, and is

☒ approved -- ☐ disapproved for payment per the contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner

Robert W. Brenner, Vanderburgh County Surveyor

9-23-96

Date

Additional Comments:

Claim No. \_\_\_\_\_

Date \_\_\_\_\_

LEARY B. 64451d

Vendor No. 1052

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name Kelly Dray

Account No. 234-022

Allowed Sept 23 1996

In the sum of \$

In the sum of \$                       
Richard. Barnes  
Wm. Barnes  
Wm. Barnes

Board of Commissioners

None

9-23-96

Robert W. Gurneier

Signature of Office Holder

**I have examined the within claim and hereby certify as follows:**

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

**Auditor**

COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
96-E2-27-15		JUL 18	234-022	\$ 169.96

TOTAL \$ 169.96



CERTIFICATION OF PAYMENT  
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I TERRY R. JOHNSON,  
(Signature in Ink)

representing TERRY JOHNSON CONST., and presently  
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on KEIL DITCH, a regulated  
drain in Vanderburgh County, Indiana, do certify that I, and/or the  
firm I represent, have/has paid in full all expenses incurred for  
labor, supplies, and subcontracts except for any unpaid costs as  
specified herein under:

NONE

and further, that neither I, nor the firm I represent, will hold the  
Vanderburgh County Drainage Board responsible for any costs, or any  
claims arising from such expenses, except for the fifteen (15) percent  
of the total contract price which the Board presently holds in  
retainage pending the receipt of this Certification of Payment.

NAME OF DRAIN: KEIL DITCH # 234-022

CONTRACTOR: T. JOHNSON VENDOR # 1057

CONTRACT # \_\_\_\_\_ AND/OR ACCOUNT # \_\_\_\_\_

[ ] ANNUAL MAINTENANCE  
[ ] ADDITIONAL MAINTENANCE  
[X] EMERGENCY MAINTENANCE

COMPLETION DATE JULY 18, 1996  
INSPECTION DATE JULY 17, 1996

[X] WORK IS APPROVED

[ ] NOT APPROVED: COMMENTS: \_\_\_\_\_

Robert W. Bennett  
VANDERBURGH COUNTY SURVEYOR

9-23-96  
DATE



# Proposal

Page No.

of

Pages



TERRY JOHNSON'S CONSTRUCTION CO.  
GENERAL CONTRACTOR

1902 N. 4th Ave.  
Evansville, IN  
425-2388



Emergency B.L.

SUBMITTED TO

Surveyor Office

PHONE

DATE

6-24-96

STREET

JOB NAME

CITY, STATE AND ZIP CODE

JOB LOCATION

ARCHITECT/ENGINEER

ATTENTION

We are pleased to quote:

SONNTAG STEVEN DITCH

CLEANOUT TRASH FROM TWIN DRAIN PIPES UNDER  
RAIL ROAD TRACKS

LABOR - BACKHOE - DUMP TRUCK - DUMP FEE \$300.00

KEIL DITCH

20' X 55' WASH CUT BANK AT POWER STATION (ELECTRIC)  
BEHIND WHIRLPOOL

1- Roll Geotextile

\$253.04

1- Box Securing Pins

\$20.00

1- TRI-AXLE LOAD OF RIG-RAP

\$300.00

2-12' - BACKHOE

\$400.00

2-42' - 2-42' RIGS

\$160.00

\$1133.04

We propose hereby to furnish material and labor — complete in accordance with above specifications, for the sum of

Payment to be made as follows

dollars (\$

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized  
Signature

Note: This proposal may be  
withdrawn by us if not accepted within \_\_\_\_\_ days.

**Acceptance of Proposal** — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance:

Signature

Signature

Warrant No. \_\_\_\_\_  
Claim No. \_\_\_\_\_  
Date \_\_\_\_\_

TERRY R. JOHNSON  
Vendor No. 1052

\$ 14,12.97  
ON ACCOUNT OF APPROPRIATION  
Dept. Fund Name \_\_\_\_\_  
Account No. \_\_\_\_\_

Allowed Sept 23 1996  
In the sum of \$  
Richard L. Brown  
Victor J. Brown  
Robert J. Brown  
Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

None  
9-23-96 Robert W. Brown  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:  
That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
96-EM-22-85		Sept 1, 1996	238-022	\$ 14,12.97

TOTAL \$ 14,12.97

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME TERRY R JOHNSON # 1052

On Account of Appropriation for KEL DITKIL # 239-072

Invoice No.	Itemized Claim	Amount	
	1996 FALL MOW		
	3,012 LF x \$ 0.5519 = 1,662.32		
96-FM-22-35	PAY 85% @ 1,412.97 →	\$ 1,412	97
	15% RETAINAGE = \$ 249.35		

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Terry R Johnson  
Name  
  
\_\_\_\_\_  
Title

Date SEPT 1, 1996

VANDERBURGH COUNTY  
SURVEYOR'S OFFICE  
Room 325 Civic Center Complex  
One Northwest Martin Luther King, Jr. Boulevard  
Evansville, Indiana 47708-1833  
(812) 435-5210

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: TERRY R JOHNSON

for ☒ annual -- ☐ additional maintenance to  
KEIL Ditch, a legal drain  
in Vanderburgh County, Indiana, was completed on  
AUG 23, 1996, and was inspected by  
our staff on SEPT 4, 1996, and is  
☒ approved -- ☐ disapproved for payment per the  
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 9-23-96  
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

## Board of Commissioners

TOTAL \$ 1,383.89



VANDERBURGH COUNTY  
SURVEYOR'S OFFICE  
Room 325 Civic Center Complex  
One Northwest Martin Luther King, Jr. Boulevard  
Evansville, Indiana 47708-1833  
(812) 435-5210

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: TERRY R JOHNSON

for ☒ annual -- ☐ additional maintenance to  
HARPER Ditch, a legal drain  
in Vanderburgh County, Indiana, was completed on  
Sept 7, 1996, and was inspected by  
our staff on Sept 7, 1996, and is  
☒ approved -- ☐ disapproved for payment per the  
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner

Robert W. Brenner, Vanderburgh County Surveyor

9-23-96  
Date

Additional Comments:

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

Vendor Name HENRY BULL EX.

*Robert W. Berman*  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / Incorrect.

Account No. 234-017

Allowed Sept 23 1976

In the sum of \$                       
Richard B. Jones  
Richard Jones  
R. B. Jones

## Board of Commissioners

[illegible]

5 TOTAL 5,689.69



A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME HENRY BIGGE EXCAVATING # 6048  
On Account of Appropriation for EAGLE SLOUGH # 234-013

Invoice No.	Itemized Claim	Amount	
	1996 BRUSH REMOVAL "A"		
	15,750 LF X 0.85 = 13,387.50		
	PREV PMT. @ 42.5% = 5,689.69		
96-BRA-13-43	PAY 42.5% THIS EST = 5,689.69	5,689	69
	15% RETAINAGE = 2,008.12		

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

\_\_\_\_\_  
Name  
\_\_\_\_\_  
Title

Date Aug 27, 1996

Robert W. Brenner, Vanderburgh County Surveyor

VANDERBURGH COUNTY  
SURVEYOR'S OFFICE  
Room 325 Civic Center Complex  
One Northwest Martin Luther King, Jr. Boulevard  
Evansville, Indiana 47708-1933  
(812) 435-5210

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: HENRY BILLIE ELL.

for ☐ annual -- ☒ additional maintenance to  
EAGLE SLough Ditch, a legal drain  
in Vanderburgh County, Indiana, was completed on  
AUG. 26, 1996, and was inspected by  
our staff on SEPT 3, 1996, and is  
☒ approved -- ☐ disapproved for payment per the  
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner

Robert W. Brenner, Vanderburgh County Surveyor

9-23-96  
Date

Additional Comments:

## Board of Commissioners

# Auditor

COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
96-FM-1531		Sept. 23, 1990	234-015	\$ 7,356. <sup>76</sup> / <sub>100</sub>
			TOTAL	\$ 7,356. <sup>76</sup> / <sub>100</sub>

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME TERRY R. JOHANSON CONST # 1052

On Account of Appropriation for EAST SIDE URBAN S<sup>1</sup>/<sub>2</sub> # 234-015

Invoice No.	Itemized Claim	Amount	
	1996 FALL MOW		
	38,936 LF x <sup>\$</sup> 0.6095 = <sup>\$</sup> 23,731.49		
	PAY PARTIAL PMT. OF 31% = <sup>\$</sup> 7,356.76	<sup>\$</sup> 7,356	76
96-FM-15-31	69% RETAINAGE = <sup>\$</sup> 16,374.73		

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,  
I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

\_\_\_\_\_  
Name  
\_\_\_\_\_  
Title

Date Sept 23, 1996

VANDERBURGH COUNTY  
SURVEYOR'S OFFICE  
Room 325 Civic Center Complex  
One Northwest Martin Luther King, Jr. Boulevard  
Evansville, Indiana 47708-1933  
(812) 435-5210

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: TERRY R JOHNSON

for ☒ annual -- ☐ additional maintenance to  
EAST SIDE URBAN SOUTH 1/2 Ditch, a legal drain  
in Vanderburgh County, Indiana, was <sup>PARTIALLY</sup> completed on  
SEPT. 23, 1996, and was inspected by  
our staff on SEPT 23, 1996, and is  
☒ approved -- ☐ disapproved for payment per the  
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner

Robert W. Brenner, Vanderburgh County Surveyor

9-23-96  
Date

Additional Comments:

NOTE - PARTIAL PMT. - 31% Completed J.J.

## Board of Commissioners

TOTAL	6	323	61
-------	---	-----	----

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

## VANDERBURGH COUNTY, INDIANA

VENDOR NAME JIM AXTON # 6047On Account of Appropriation for KOLB DITCH # 234-025

Invoice No.	Itemized Claim	Amount	
	<del>1996</del> SPRING MOUL		
	5,593 LF X 0.385 = 2,153.31		
	PREV. Pmt. @ 85% = 1,830.31		
96-SM-25-15	PAY 15% RETAINAGE = 323.00	\$ 323	00

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

X Jim Axton

Name

Title

Date July 2, 19 96

CERTIFICATION OF PAYMENT  
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, IX Jim Axton  
(Signature in Ink)

representing \_\_\_\_\_, and presently  
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on Kolb Ditch, a regulated  
drain in Vanderburgh County, Indiana, do certify that I, and/or the  
firm I represent, have/has paid in full all expenses incurred for  
labor, supplies, and subcontracts except for any unpaid costs as  
specified herein under:

NONE

and further, that neither I, nor the firm I represent, will hold the  
Vanderburgh County Drainage Board responsible for any costs, or any  
claims arising from such expenses, except for the fifteen (15) percent  
of the total contract price which the Board presently holds in  
retainage pending the receipt of this Certification of Payment.

NAME OF DRAIN: KOLB DITCH # 234.075

CONTRACTOR: JIM AXTON VENDOR # 6047

CONTRACT # \_\_\_\_\_ AND/OR ACCOUNT # \_\_\_\_\_

- ☒ ANNUAL MAINTENANCE
- ☐ ADDITIONAL MAINTENANCE
- ☐ EMERGENCY MAINTENANCE

COMPLETION DATE July 1, 1996  
INSPECTION DATE July 2, 1996

☒ WORK IS APPROVED  
☐ NOT APPROVED: COMMENTS: \_\_\_\_\_

Robert W. Bremmers  
VANDERBURGH COUNTY SURVEYOR

9-23-96  
DATE



Vanderburgh County  
Drainage Board Meeting  
September 23, 1996

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**Vanderburgh County  
Drainage Board Meeting  
September 23, 1996**

The Vanderburgh County Drainage Board met in session this 23rd day of September in the Commissioners' Hearing Room at 8:32 p.m. with President Richard J. Borries presiding.

President Borries: Welcome to the meeting of the Vanderburgh County Drainage Board. This is our regular monthly meeting and it occurs on the fourth Monday of the month which is today, September 23, 1996. In order to move this meeting along, I believe that it might be appropriate for some persons who have waited patiently to...if you do not have, let's say, a technical item on the agenda our usual procedure is to turn this meeting over to Mr. Jeffers, who is our technical advisor and Deputy County Surveyor, and he proceeds through the agenda. There may be some other persons here who are not here for a particular technical matter or Drainage Board plan, drainage plan or whatever. At this time, if there are persons here who would like to speak, please come forward, give your name and we will proceed at that point. Mr. Ellison, Mr. Bittner or anyone who wishes to speak before we go through the technical parts, Bill, if that is alright because then I think that we can just proceed through the technical agenda.

<b>Any group or individual wishing to address the Drainage Board</b>
--

Charlie Bassett: I'm Charlie Bassett. Don't get excited now, I live on Ward Road and you are familiar with the problem.

President Borries: Yes, sir. I'm not going to get excited, Mr. Bassett.

Charlie Bassett: I'm really not here to complain all that much. I am here pursuant to the new law, I believe it is 239, about the Surveyor checking for obstructions to drains and so forth. In other words, I have a petition for you, that is all I've got.

President Borries: Great.

Charlie Bassett: I've got a petition. I can read it, I can give it to you. It is in scribbled handwriting. I got in a hurry. I've been running around for a week trying to find the proper procedure. The County Engineer, I want you to know, and Morpew there at the County Garage, these guys have been great as far as cooperation.

President Borries: Thank you.

Charlie Bassett: I wanted you to know that.

President Borries: Thank you.

Charlie Bassett: I finally got down...I don't know how this rule worked out this way, but I finally got it down to where the Surveyor, why him I don't know, but he is the one that is supposed to check the way I understand this rule. He is the one who is supposed to check and let you know and let the people know. Anyhow, I have this and if you just want to put it on the record, I can read it, I don't care, whatever you want.

Bill Jeffers: Have you requested of the property owner, on whose property the obstruction exists, to remove it?

Charlie Bassett: I can't talk to the man. It is a neighbor

problem. I can't even talk to him. I have been down this road now for several years and it is just a buildup to like a boil. You know, it is ready to pop. I try to stay away from him. I'm sorry.

President Borries: But your petition does this?

Charlie Bassett: Yes.

President Borries: Well, I think if you give it to us, then we will refer it to Mr. Jeffers and he will probably talk to the man.

Bill Jeffers: I am just saying you may have to file it one more time to comply with the law, but we will be happy to take it.

Charlie Bassett: Do you want me to just give you a copy of this?

Commissioner Mourdock: Sure.

Charlie Bassett: Do you want me to give you a copy of this?

Bill Jeffers: No, present it to the Board and then they will forward it to the Surveyor.

Charlie Bassett: Okay. I'm sorry, I didn't have time to type it.

President Borries: That is fine.

Charlie Bassett: I think I have everything.

President Borries: Mr. Bassett, I think everything is fine. Has there been anytime...you say you can't talk to him, but there must have been at some point where you could talk with him, right? To decide, if for nothing else, that you can't talk to him.

Charlie Bassett: Yeah, right.

President Borries: At one point you talked to him.

Charlie Bassett: Well, your men had to call the Sheriff out there to restrain him! You know, I mean when they were digging up the ditch.

Commissioner Mourdock: Was that recently?

Charlie Bassett: I just have to stay away from him.

Commissioner Tuley: Yeah.

Charlie Bassett: Save him and me both from getting into serious trouble.

President Borries: Okay. Thank you, sir. We will refer this.

Charlie Bassett: That is all you need?

President Borries: If our attorney feels that we need further documentation just please get hold of Mr. Jeffers.

Charlie Bassett: Valerie has been out there several times. That is all that I have and I appreciate you letting me go.

President Borries: Thank you, Mr. Bassett.

Commissioner Tuley: Rick, was this under...?

President Borries: No, this was just to let those folks who have sat here patiently through the Commissioners to say their thing first before we start through the technical agenda.

Commissioner Tuley: Oh, I thought I stood outside long enough to get the meeting done.

President Borries: Good effort, but it didn't work, didn't work! Mr. Ellison?

<b>Additional ditch maintenance 1996</b>
--

David Ellison: This is for additional annual maintenance. It is kind of self explanatory. I'm David Ellison, President of Big Creek Drainage Association. We have got one on Upper Buente Big Creek, Pond Flat Main and Pond Flat Lateral E. As you see, in Pond Flat...well, we'll start with Buente Upper Big Creek first. It is an estimated 4,000 feet, \$2.00 per lineal foot which would be around \$8,000. We are recommending maintaining 2½ to 3:1 side slopes which is something that we have been pushing in the last five or six years. It is kind of a standard procedure that we do this anytime that we go in with continued maintenance. Pond Flat Main, we'll start at Darmstadt Road or Mosquito Road, whichever you want to call it, and go to Princeton Road for 3,200 lineal foot, the same thing 2½ or 3:1 side slopes estimated at \$2.00 per lineal foot for \$6,400. On Lateral E, which is up by I-64, we need to just about dig out 18 inches about 1,000 feet long where it comes under I-64 and it has got a plug there and the farmers and neighbors on the other side of I-64 their field tile won't drain until we get this block out of there. It is not a big problem or it is not a big job, but it needs to be done. As we always say, these projects will heighten the ability to serve the property owners and ease the maintenance of legal drains. Our Association looks forward to the future development of the Highway 41 corridor. Helping us with these projects enhances the 41 corridor and helps us, also, to make a living.

President Borries: Well, we want to do that. We also, at least I have always proceeded with the idea that this is your money anyway. You all pay into it, so if we've got the money and this is what Mr. Jeffers recommend, we will do it.

David Ellison: I'll turn it over to Mr. Jeffers.

President Borries: Bill, what is your recommendation?

Bill Jeffers: You have the letter from Big Creek Drainage Association signed by Mr. Ellison, the President, and then I just handed you a letter from the Vanderburgh County Surveyor, Robert W. Brenner, with the account numbers, the names of the ditches Mr. Ellison mentioned, the estimated year end balances after payment of all other claims aside from what he is requesting. The next column is his requested funds to complete the projects on his estimates and then what balance is estimated to be at the end of the year after we make the final payments if this is approved. It shows that all accounts would remain in the black and with other words from the County Surveyor, along with his recommendation to approve this request and allow this contractor to do this additional maintenance as a part of his regular annual contract with us.

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Commissioner Mourdock: Bill, refresh my memory here, but the Big Creek Association is the contractor right? You are not looking to fund the \$8,000...

Bill Jeffers: Yes, sir. On all three of these drains under those account numbers, Big Creek is the prime contractor for 1996.

Commissioner Mourdock: You are recommending approval?

Bill Jeffers: Yes, sir.

Commissioner Mourdock: I'll move the approval of the requested funds as recommended by the County Surveyor's Office for Big Creek Drainage for Buente Upper Big Creek, Pond Flat Main and Pond Flat Lateral E.

Commissioner Tuley: I will second.

President Borries: So ordered. The motion is approved, request is approved. Thanks for coming in. Are there other folks who did not see their item on the agenda?

Bill Jeffers: There was a Tom Gretler from Browning Road Estates. Has he left?

Commissioner Tuley: Yeah, he left. I talked to him and he spoke with Mike Wathen and since Mr. Gretler was here last week and made a long presentation he asked that the presentation from last week be added to the minutes of this week. Just make an attached copy a part of the record rather than stick around and tell us the same thing over again and that Mike told him where he was at, that he had been out there and where he was headed. At this point in time, he is satisfied with Mike's response to his problem, so we would just like to have the minutes of last week added to tonight's meeting in lieu of him sticking around.

<b>Approval of minutes</b>
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President Borries: Okay, so we have covered those. I, at this point before I forget, would like to ask for approval of minutes from our last, actually, we had two Drainage Board meetings. We had a special one on September 3, 1996 and a regular Drainage Board on August 26, 1996. May I have approval of the minutes of those meetings?

Commissioner Tuley: So moved.

Commissioner Mourdock: I will second.

President Borries: So ordered. Having done that, Mr. Jeffers, the agenda is yours.

<b>Old business</b>
---------------------

Bill Jeffers: Under old business, you have received a petition from the Heerdinks and the Roses living on Mill Road and you did order the County Surveyor to go out and inspect the alleged obstruction named by their petition and I have a report that I would like to present to you at this time. You had the draft of that report sent to you and I had neglected to put it through the final spell check on the word processor and the only changes to what I presented to

you and all other parties last week is up in the title of the report you will notice on your copy that in the fourth line, Katherine Rasche, her name runs up against the word t-h-e, the. Okay, so I added a space in there and then there was another place in the report where the word t-h-e was repeated and I omitted one of the t-h-e. Other than those changes this report is exactly as I presented it to all the parties involved in this petition and the only other thing that I have to do is to give you copies of the pictures that are mentioned in the report. They were laminated and they will go to the permanent file, all the pictures that are named in the report. If the lawyers for the various parties would like to see the original pictures they are here and then I was able to use the copier down in the Auditor's Office and get a reasonable facsimile of those in black and white, so I will hand those out. That is the report and I would like to submit it at this time. You may act as you please on that report.

President Borries: Do you have a recommendation or do we just take this under advisement tonight?

Commissioner Mourdock: I don't know that there is much we can do at this point other than take it under advisement, is there, Bill?

Bill Jeffers: The only thing that you could do would be to, basically, take the advice of your attorney on it. We are saying that...we are telling you what we saw. Let me find the page number for you, just a minute. Other than all the information that is mentioned in here with regard to the various letters sent back and forth between the attorneys and the respondent's attorney and the petitioner, who might be called the plaintiff, and the mention of all of the pictures and everything, I do say that the subject waterway is filled considerably with loose debris and then I name what that debris is and that the pipe that the petitioners originally asked the respondent to clean is about half full of silt and debris and that inhibits the flow of the water through the pipe. Subsequent to the first action by the petitioners requesting that the pipe be cleaned, the respondent went on to fill the ditch and I explained that; how the respondent ordered several loads of dirt placed in the ditch. I do mention, like on page nine, that I went out and viewed from the petitioners' property the effects of one or two storms. After all these alterations to the watercourse were made, mud and straw were washed directly onto the petitioners' property which otherwise may not of happened.

Commissioner Mourdock: Bill, your last line in the letter that you sent to Ms. Rasche would seem to be very applicable here. By the way, I thought this was an excellent report and I want to compliment you for it. The last paragraph, basically, says:

"That if you and your neighbors cannot resolve differences prior to the Surveyor's report to the Board on September 23, 1996 the process of hearing the petition and determining appropriate actions must go forward in accordance with IC 36-9-27.4."

What actions, since you know that act better than we do at this point, what actions do you see going forward as a result of this meeting tonight? I mean, we have accepted your report. We've accepted the petition.

Bill Jeffers: The last paragraph in the report does say that it is the Surveyor's Office opinion that the restoration of an open waterway, as it existed prior to filling with dirt, displacement of

the undersized and partially clogged culvert, clearing and cleaning that part of the waterway downstream of the culvert and then proper maintenance of the whole of the subject waterway would promote better drainage of the petitioners' property. The Board needs to determine whether the alleged obstruction, in fact, exists according to my interpretation.

Commissioner Tuley: We've already done that right there.

Commissioner Mourdock: You have just told us that removing it would open it up, so doesn't that mean if it is there to be removed that the obstruction does exist? I'm not trying to be cute, Bill. You're saying--

Bill Jeffers: I understand, I understand. We are obligated to promptly...under this statute, we are obligated to promptly investigate and we did that at your orders. If the County Surveyor, upon investigation, finds an existing obstruction in a drain or a natural surface watercourse in the location alleged by the petition the County Surveyor shall report the existence of this to the Board. We are doing that at this time.

Commissioner Mourdock: Okay.

Bill Jeffers: If upon receiving the report from the County Surveyor...or, upon receiving the report from the County Surveyor, the Drainage Board shall set the date for the hearing on the petition and then we go forward with the serving of the notice in accordance with Trial Rule 4.1.

Commissioner Tuley: So we need to set a hearing date?

Commissioner Mourdock: Set a hearing date, which, I guess, logically--

Bill Jeffers: The tricky part here now we need to determine whether that is a drain or a natural surface watercourse.

Commissioner Mourdock: Is it?

Bill Jeffers: Whether it fits those definitions.

Commissioner Mourdock: Is it, technical expert?

Bill Jeffers: We better be damn sure we know what we are talking about when we say that. That is the only tricky part. There is an obstruction in a waterway in the form of dirt and other assorted debris which I have named in this report and it does exist on the land of the respondent named in the petition at the approximate location that the petitioner has alleged that it existed. It is there and it is obstructing the flow of water and diverting it onto their land, onto the petitioners' land.

Commissioner Mourdock: Right.

Bill Jeffers: That is happening.

Commissioner Mourdock: The last difficult question for you then in this particular matter is--

Bill Jeffers: Is it a mutual drain?

Commissioner Mourdock: Or is it not? That's right.

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Bill Jeffers: I have sent a request to the State Senate to ask them to look at the way I worded that and tell me whether that is a mutual drain and I have not yet received a reply from the legal staff of the State Senate. A mutual drain, basically, is defined as a drain which was established...a drain which exists on two or more tracts of land owned by more than one person and established under the mutual consent of all parties.

Commissioner Mourdock: Does that imply that it is not a drainage way or mutual...what was your other word? Natural watercourse, it does not, right?

Bill Jeffers: A natural surface watercourse is more of something that would look like this.

Commissioner Mourdock: Right, but--

Bill Jeffers: It doesn't have a definite cut flow line.

Commissioner Mourdock: Right.

Bill Jeffers: A ditch--

Commissioner Mourdock: Right, but my point is regardless of whether it is mutual or not this structure, if it is obstructed, is a watercourse or a drainage way?

Bill Jeffers: Yes, it is.

Commissioner Mourdock: Okay. So that determination is also made, so we are back to the hearing date.

President Borries: Okay, I will entertain a motion.

Commissioner Mourdock: I'll move that the hearing date on this petition be at the next regularly scheduled Drainage Board meeting.

Commissioner Tuley: Second.

President Borries: So ordered.

Alan Kissinger: I will prepare the notices...the necessary notices of the hearing. I would ask that the Drainage Board designate the Vanderburgh County Auditor as the office that will serve this or be responsible for the service process through certified mail.

Suzanne Crouch: Who do we notify?

Alan Kissinger: I am going to provide you with that information. We have to follow specific rules and procedures and they have designated the procedure for us, therefore, I will ask that the documents, the notices that need to go out will emanate from your office, so that if it is necessary for someone to testify, yes, we do have service. I don't expect you to understand that, but they quickly referred us back to a rule of trial procedure. So there is some point at which some party not a member of the Drainage Board and not the Drainage Board's Attorney and not the Surveyor, all of whom will be witnesses, except for the County Attorney, may have to testify, yes, there was service of process and here is our proof of service by certified mail or whatever means. I will provide you with what you have to do and then ask that the Drainage Board designate the Auditor as the issuer of process for these purposes.



Suzanne Crouch: So someone will provide the list of the property owners that we notify?

Alan Kissinger: Yes, ultimately, if we can figure out who they all are!

Suzanne Crouch: Some kind of letter that you'll provide for us?

Alan Kissinger: Yes.

Suzanne Crouch: Thank you.

Alan Kissinger: If for some reason because we can't get notice out in reference to a particular piece of property, if we can't make our determination in a timely fashion, then I will prepare a notice that the hearing is vacated until such determinations can be made.

Commissioner Mourdock: When do we get fitted for our robes?

Alan Kissinger: Really, you have really been...you have been--

Commissioner Tuley: By god, I want their pay then.

Alan Kissinger: You have been put into a position...you've gone from quasi-judicial to absolutely judicial in this particular case.

Commissioner Tuley: I have never understood what they meant by Commissioners' Court, but I think I am about to find out.

Alan Kissinger: Here you are.

Bill Jeffers: Before you make a motion on that, could we just go with the motion saying Trial Rule 4.1, or whatever it is because if you only do it by certified mail...I did send a notice to one by certified mail and she will not sign.

Alan Kissinger: Understood, understood. Refusal of certified mail is considered to be good service under 4.1, nevertheless, yes, we need to comply with Trial Rule 4.1 and we will need the Auditor's assistance in doing so.

Commissioner Tuley: Using Alan's recommendation as a motion, I will so move.

Commissioner Mourdock: I will second.

President Borries: So ordered.

<p><b>Fretina Acres - Lot One, Final drainage plan approval</b> <b>Fretina Acres - Lot Two, Preliminary drainage plan approval</b></p>
--

President Borries: We have drainage plans then and the first would be the Fretina, Fretina?

Bill Jeffers: That is correct.

President Borries: Fretina Acres.

Bill Jeffers: Fretina Acres, Lot One. On this, Lot One will be a final drainage plan and on Lot Two of the same subdivision it is a preliminary drainage--

Commissioner Tuley: Preliminary...?

Bill Jeffers: --plan because they have not yet decided exactly what type of structures will be on Lot Two -- apartments, commercial property or what, but on Lot One it is the convenience store. This is located at the intersection of Hillsdale Road and U.S. Highway 41 North. I have shown you the flood line, or the floodway line, marked in pink. Everything above that in the creek is under the jurisdiction of the Department of Natural Resources. The bridge entering the project from Hillsdale Road known as Walnut Lane, the lane coming in from the north known as Walnut Lane, or Walnut Road, whatever it is called, that bridge has been...the permit for that has been approved by the Department of Natural Resources and the design is under their jurisdiction. Everything below that pink line comes under Drainage Board jurisdiction in this case. I have shown the detention basin in blue, the convenience store in yellow and they are taking the excess storm water runoff from its current rough pasture or agricultural use and putting it into that detention basin and releasing it into Little Pigeon Creek at the lower rate required by the ordinance. Everything is in order with the calculations and the Surveyor's Office recommends approval of the final drainage plan for Lot One of Fretina Acres and with that recommendation we would say that when Lot Two is shown to us to have the required detention we will make the same recommendation for the final drainage plan on it. However, at this time the preliminary drainage plan is that it will have detention.

Commissioner Mourdock: I'll move approval of Fretina Acres, Lot One, final plan.

Commissioner Tuley: Second.

President Borries: So ordered.

Bill Jeffers: If you would do a preliminary on Lot Two, they can go to the Area Plan Commission.

Commissioner Mourdock: Pursuant to the recommendation of the County Surveyor's Office, I will move preliminary approval for Fretina Acres, Lot Two.

Commissioner Tuley: Second.

President Borries: So ordered.

<b>Waterford Park - Replat Lot 4-A, Final drainage plan</b>
---

Bill Jeffers: The second drainage plan is Waterford Park, Lot 4-A, the final plan. Waterford Park is a large commercial subdivision at the intersection of Burkhardt Road and Vogel Road and we have approved a preliminary plan for the entire several acres long ago. As the individual lots come in, or are subdivided into smaller lots according to the proposed use, each user or builder has brought us individual drainage plans for individual lots. This is about the third or fourth plan that has come through for final approval. It shows in blue shaded area the areas in the parking lot and in the grass lawn where the storm water will be stored. The building is outlined in yellow and it shows to be about a foot and a half above any stored water.

Commissioner Tuley: How much?

Commissioner Mourdock: A foot and a half.

President Borries: It's 387?

Bill Jeffers: That is the finished floor elevation, 387.5 and the highest water is 386.6. If the water were to exceed that 25 year storage height it will spill out into the street, Vogel Road, out through the driveway entrance. I believe that we are asking for preliminary approval...

Commissioner Tuley: No, this is final.

Commissioner Mourdock: It's final.

Bill Jeffers: This is final on this one and at the request of the County Surveyor's Office the engineer raised the dumpster pad and made some minor adjustments to the details of the plan and we are recommending approval of the final drainage plan for Waterford Park Subdivision, Lot 4-A.

Commissioner Mourdock: I'll move approval of the final plan of Waterford Park, Lot 4-A as requested by the County Surveyor.

Commissioner Tuley: Second.

President Borries: So ordered.

#### **Heartland Ridge - Section II, Preliminary drainage plan**

Bill Jeffers: The next set of drainage plans is Heartland Ridge, Section II, which is a continuation to the west of Heartland Ridge Subdivision. Heartland Ridge Subdivision had approval, I believe, about a year ago. Rather than roll out all these plans this is a preliminary approval and I have examined the calculations submitted by Veach Nicholson Associates and it does require some alterations of the final plan of Heartland Ridge, Section I, but what they are basically doing is taking that storage volume and moving it over to a larger basin at the northwest corner of Section II and they are piping it over to that location and discharging it at the required rate of discharge into a natural creek. The drainage plans and the calculations submitted are sufficient for a preliminary plan and there are only some very minor details that I would like to work out with the design engineer that, basically, involve placing revetment at a certain point where the water comes out of a pipe and goes through an earthen channel. When we work out those details in about a month he will be back for final...or approval of a final plan. At this time, the County Drainage...or the Vanderburgh County Surveyor's Office recommends approval of the preliminary drainage plan for Heartland Ridge, Section II.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Borries: So ordered.

#### **Comfort Inn Motel - Final drainage plan**

Bill Jeffers: Comfort Inn Motel...

Commissioner Mourdock: The trick to this is always schedule it

during Colts' Monday night games, hey, Bill?

Bill Jeffers: Or just get started early.

Commissioner Mourdock: Keep it moving!

Commissioner Tuley: We started at 4:00!

Bill Jeffers: Oh, let's see. Comfort Inn Motel, Hotel, excuse me, is located on Lot Two of the Wannemuehler Minor Subdivision which is outlined on that sheet in pink. The hotel itself is the rectangle outlined in yellow. The other two yellow squares are duplex units. I think Arby's is directly to the, what? East of this along Highway 41 and McDonald's with the semi truck parking area is located directly to the north of this and then north of McDonald's you have Rusher Creek which is a legal drain there. The entire...basically, all of the drainage plans for all of these little subdivisions in that area have been approved, at least on a preliminary basis, and then as they come in for development like this we give them final approval. This shows a detention basin up in the northwest corner of the property and it is going to get about three and a half feet deep in water during the design storm and it discharges it out into an existing ditch which has been effectively carrying the discharge from this area up to Rusher Creek. All of it has been approved in the past and we are recommending approval of the final drainage plan for Lot Two, Wannemuehler Minor Subdivision, also known as Comfort Inn Hotel.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Borries: So ordered.

#### **Darmstadt Heights - Lot 10, Alternate plan**

Bill Jeffers: Lot 10, Darmstadt Heights. The tentative purchaser of that lot has decided to withdraw the plan from the agenda. He bought Lot 11 instead of messing with the drainage plan there. So that is off the agenda.

#### **Glenwood Hills - Section B, Preliminary drainage plan**

Bill Jeffers: Glenwood Hills, Section B, we discussed at the last meeting and unfortunately and reluctantly I must report that the Vanderburgh County Drainage Board...or the Vanderburgh County Surveyor's Office is still not ready to give a positive recommendation on that plan. I know this may pose a hardship on the developer who is chomping at the bit to get started with his dirt work before winter sets in and I apologize for that problem to him, but, basically, the Surveyor's Office feels that there are...that there is evidence of problems, or at least a problem, with the existing lake that needs to be investigated further. I have very little problem with the drainage plan that was submitted as a preliminary plan from Morley & Associates for Section B. I have very little problem with the calculations and the layout other than it seems to be a continuation of the developer's desire to present a plan to us that still extends out into areas where we have no knowledge of how those areas which are not a part of the plan before us are going to eventually be broken up into a development. The new plans shows another dam just like the one we

have now, another dam extending over into an area that is not a part of the plat. It shows a third basin that backs water up into an area which is not a part of the plat and the problem that we had with Section One is that we asked the developer over a period of several months in 1990 to show us what you really want to do here. Give us an overall plan, show us what you want to do and he was hesitant to do that at that time. He built a dam that has in the past held water up to the flow line of the discharge pipe, but is not doing so now. We have a question as to why that is occurring, but the biggest problem that I have with it is that what he is asking to do now to remove all doubt as to the jurisdiction of the dam, whether it is yours to decide or whether it is the Indiana Department of Natural Resources to decide, what he is proposing to do may include lowering the lake level and there are already owners of lots that extend out into the existing lake who are apprehensive about the lake level being lowered on property that they have already purchased and built homes on. At least one of those owners has told me that he is absolutely opposed to the lowering of the lake level and his lot extends out into the lake. In closing, I would say that one of our other major apprehensions is that originally a Homeowners' Association was supposed to be formed to take care of part of the street and drainage system out there and a Lakeowners' Association was supposed to be formed to take care of the lake. To the best of my determination, that lake has been mowed once in the last two years and it requires some additional maintenance that is not being performed and there is no vehicle or organization formed at this time to perform that maintenance. So, if you were to decide...like I said, I am not questioning the validity of the calculations or the plan that has been presented by Morley & Associates, but if you are to...if you end up deciding to approve the plan, basically, you will be in a position where the Drainage Board is saying that the impoundment is sufficient to take on a new drainage system that our office still has some doubts about its ability to do that.

Jim Morley: I would like to, as I told Bill earlier today, the problem that I have with what we have done here...we have prepared a preliminary drainage plan for Phase Two. As Bill said, he agrees with our computations. Bill has problems with the construction in Phase One. Some of his problems relate to things like maintenance, the grass has not been mowed enough. There was a question last month, we heard about well, is it a DNR jurisdiction or is it not DNR jurisdiction and there was testimony from the man who built the lake that there was a distinct rise in the valley at the point where he built the dam and he moved the dam over there to do that. We couldn't prove that. You heard testimony, but we couldn't attest to that, but what we could do, and did do, is we went out to the site we surveyed down at the toe of the dam, shot the elevations in the swale, we surveyed at the upper end of the lake and then drew a straight line across that and said, well, this is certainly the best engineering data of what elevation it might be at the center of the dam. We presented that to Bill. We presented that to the owner, John Hunter, and said, John, it appears to us that if you do a straight-line line that it doesn't support what Mr. Weber said about how high that was underneath the center of the dam. That it wasn't five foot higher, I think, as he testified last month, but, in fact, was only about three foot higher, not five, if you draw the line. Therefore, what we said to John was that you need to make a decision. You've either got to lower that lake by two feet from what you have it designed at or you've got to go through the procedure of soil borings and various other analysis of the dam safety and present everything to DNR to go over. Well, John thought about it for about a week and then called us back and

said I have decided to lower the lake two feet. We prepared drawings which we presented to Bill for a new surface spillway and lowering the lake two feet which then takes it, if you are using our survey data, takes it out of DNR jurisdiction. I am, basically, as an engineer at wits end. We have a preliminary plan for Phase Two. If there are certain instructions that John Hunter...if there are hoops that he must jump through we need to have those hoops. If John Hunter must mow the dam before we can be heard, if John Hunter must cut the spillway before we can be heard, if John Hunter must clean mud off of the road down in the cul-de-sac before he can be heard, if John Hunter must organize and properly record the Homeowners' Association before he can be heard then fine. I just need a list to give to John Hunter, but I am at wits end. There is nothing else I can do. So what I would ask of the Board is that if there are conditions before we approve the preliminary plat for Phase Two, then let's verbalize or document those conditions that John Hunter must go through so he can be heard on the plat. I can't do anything more from an engineering standpoint. The drawings are finished. The calculations are finished, but Bill doesn't want to hear it because he is concerned that some things under Phase One weren't done correctly. The plans were prepared by a different engineer and so I am at wits end. I don't know what else to do and it does no good for me to turn and walk out of the meeting and come back next month. Nothing is going to change next month. If there are conditions they need to be stated. If that is what it is going to take to get his preliminary plan heard, then we need to state those conditions.

Commissioner Mourdock: What is the dividing line between what you are referring to as Phase One and Phase Two? Phase One was the actual construction of the dam, is that correct?

Jim Morley: The phase was actually Section A, Glenwood Hills, there are homes out there.

Commissioner Mourdock: Okay, so Phase One is the same as Section A; Phase Two is Section B?

Jim Morley: Right and the next phase involves the other side of the lake and other homes on out. An additional mile of road going out into the wooded areas on his property. It is all off into another phase.

Commissioner Mourdock: Well, I think, those things that you just listed are a very prudent way of going about it and certainly on behalf of Mr. Hunter. Is there a reason, Bill, why we don't proceed in the way that Jim Morley just described, that you give him a list of what it is going to take to get you there?

Bill Jeffers: Well, I guess if I had a day to sit down and go through all the plans and list, you know, each item, yes, there would be a list that he could go through.

Commissioner Mourdock: Ultimately, that is what is going to happen anyway. It's just whether he is going to get it in advance or get it after the fact.

Bill Jeffers: Right, but my apprehension is based upon what happened from 1990 to 1996 which is...you know...I mean, you have a developer who will come in and show you stuff that he only has an option on. He only has an option on that land over there, but yet he will show you an overall development plan that he intends to carry out. Here, you have a guy that owns this land and won't show

you what his ultimate plan is. So we hacked around and dealt with this in 1990. You can read the minutes. They start off in June of 1990 and they end up in October of 1990. Drainage Board meeting after Drainage Board meeting. Why don't you show us what you really want to do here?

Commissioner Mourdock: Okay, time out for a second. Jim, is that something that your client can provide?

Jim Morley: A master plan for overall development of the site?

Commissioner Mourdock: Yes.

Jim Morley: Ah...yes.

Commissioner Mourdock: Okay.

Bill Jeffers: Well, I don't want to drag the meeting out forever, but...then after he got approval of Section A, their drainage easements were to drain to the end of a cul-de-sac, but because he had to cut through a slight rise or pipe through a slight rise to follow that easement line and get down to the lake with that discharge from the end of the cul-de-sac, I guess, was too expensive, so he went around the end of the cul-de-sac and brought this back across somebody's front yard and discharged it over into a different easement and left that natural and that is all eroded out and everything. Now, in Section B there is the same type of situation on one of the easements and I wonder if that is going to be the course that he takes when he gets down in the actual construction phase? The easement that Morley & Associates shows as the place to take the water off the street down to the lake because he has got a little hill there is he going to do the same kind of mickey mouse thing and take it through somebody's yard and go down through a different area? These are the kind of apprehensions I have about it if you want to get right down to it.

Commissioner Mourdock: And I understand those--

Bill Jeffers: I mean, can I list those all? I mean, do I have to list all these or can he commit to showing us an overall plan and this is the way that I am going to do it, I'm not going to come back to you later and build a lake. He has got another little pond in an area where he never showed that he was ever going to have a pond, there is no easement there for it, you know this...

Commissioner Tuley: Bill, correct me if I am wrong, but this sounds like this was done in 1990 in which our drainage plan was about one page and a half long where now we have, I keep using the term "as built". If we have the plan and if he violates or deviates from that plan we do not...I thought we could stop it?

Bill Jeffers: But in 1990 you also had an ordinance that required the formation of a Homeowners' Association to take care of the maintenance of the lake.

Alan Kissinger: That is another thing. Was it a Homeowners' Association or a Lakeowners' Association or both?

Bill Jeffers: Well, if you look at one plat that he recorded it says Lakeowners' Association will take care of the lake. That means that all other homeowners in the subdivision are excluded from that association and can't use the lake. Then on another set of documents it says that a Homeowners' Association would take care

of the entrance up there off of Orchard Road, the planters and the boulevard and so forth, neither one of them were formed.

Alan Kissinger: I would think at the very least he is going have to form that Lakeowners' Association and get...they are going to have to have a meeting and there is going to have to be some resolution as to whether or not that lake can be lowered two feet. Not whether or not it can be done from an engineering standpoint, but whether or not the Lakeowners' Association which has jurisdiction is going to allow it to be done.

Bill Jeffers: That is where my bottom line comes in. I've got one person who is communicating with me who doesn't want to come before the Board at this time, but wants me to convey that he is already dissatisfied with the maintenance of the lake. He owns a house on the lake, his lot extends out into the lake and he has expressed his concerns to the developer that the lake stood full of water for the first couple of years and ever since last year when it rains and fills up it goes back down to a lower level. Then when I said, now, if we go back in with this new plan and fix the dam, put a new spillway in and a new discharge pipe in that will probably stop whatever is going on there if the apparent leak is occurring somewhere in that spillway area, but the result will be that the lake level may be lower than it is today. That is when he said, well, I have a problem with that. Now he actually owns the shoreline and out into the lake a good distance. He is an owner of property that extends out into the lake. Can we at this time approve a plan that would change--

Alan Kissinger: As a consequence, his property rights are going to be affected and as I say, if a part of this plan is to lower the level of that lake, I think they're going to...well, I don't know if they are going to have to show us that they can do it, but if they can't do it then they are not going to be able to follow their plan. It seems to me that they ought to get that done first.

Bill Jeffers: I believe other than the developer himself there may only be two or possibly three landowners whose land is a part of the lake. There may be three individuals other than the developer involved with the lowering of the lake.

President Borries: Well, I don't know what we can resolve tonight, but we've got...and I know that you're both very busy people, but, Bill, could you meet with Jim, Jim Morley, to get this list together so that perhaps by next month we could vote one way or another to, you know, upon your recommendation.

Bill Jeffers: Yeah, that is what is going to have to be done and, yes, that is what we will have to do.

President Borries: Okay.

Jim Morley: That's really all I ask. If doesn't do it us any good to leave this meeting if we haven't reach some--

Commissioner Tuley: Some accord of what we have to do.

Jim Morley: --of what we want from Mr. Hunter. That's fine.

President Borries: I know that you are both busy, so can we just leave it to say that you guys will talk and call each other and arrange a time when you can meet?



Jim Morley: That's fine.

President Borries: Anything else, Bill?

**Notice of reconstruction of Crawford-Brandeis Ditch**

Bill Jeffers: We had a special meeting September 3rd, I believe it was, and as a result you decided that the benefits derived by the reconstruction of Crawford-Brandeis Ditch would exceed the estimated cost and the reconstruction would serve the public interest and utility and here is a notice to that effect that needs to be published in the newspaper within the next week or so. It already has the Surveyor's signature on it and then it would require the signature of the Board and the Auditor and sent to the newspaper.

Commissioner Mourdock: I'll move the publication of the notice of reconstruction of Crawford-Brandeis Ditch.

Alan Kissinger: Didn't we do one of those?

Charlene Timmons: Yes.

Alan Kissinger: I think we have done one of those.

Bill Jeffers: Well, the statute requires that you publish the findings of the Board and let the public know that the plans are on file at the Surveyor's Office.

Alan Kissinger: I believe that we have done all of that.

Bill Jeffers: Oh, you've already did that? After the meeting?

Alan Kissinger: Yes.

Bill Jeffers: Sorry.

Commissioner Mourdock: I withdraw the motion.

Bill Jeffers: I didn't know you all done it for me. You're wonderful!

**Payment of claims**

Bill Jeffers: The claims with all paperwork attached. The Surveyor's signature is affixed with the recommendation to pay these claims in the amount shown on the claims. I submit them to you and you may, if you wish, affix your signature or stamp.

President Borries: Do you recommend that they be approved?

Bill Jeffers: Yes, sir.

President Borries: Motion?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

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Alan Kissinger: Bill, I'm sorry. I should have communicated with you on that, but I prepared that notice immediately after the meeting.

Bill Jeffers: Oh, okay! Great! I didn't know that. It didn't take but five minutes to do that, so it wasn't any big deal.

President Borries: Anything else, Bill?

Bill Jeffers: No, sir.

President Borries: Thank you.

Commissioner Tuley: Motion to adjourn?

Commissioner Mourdock: One quick second. Bill, I got a call from Robert Sachs, of 816 Mels Drive, regarding a drainage issue and some siltation out there. Could you either give him a call or perhaps refer that one to John Stoll? I forgot to mention it to John earlier. Are you familiar with it? It is near University Heights.

Bill Jeffers: Right, I am going to be out there looking at the Heartland Ridge Estates that we just went over--

Commissioner Mourdock: Okay.

Bill Jeffers: --so I will cruise by there if you give me the address.

Commissioner Mourdock: Sure, it's 824 Mels Drive.

Bill Jeffers: And his last name is S-a-x?

Commissioner Mourdock: S-a-c-k-s, I believe, and I appreciate it.

Bill Jeffers: It's 824?

Commissioner Mourdock: He is at 816, the obstruction or problem is at 824.

President Borries: Further business?

Commissioner Mourdock: Move for adjournment.

Commissioner Tuley: Second.

President Borries: So ordered.

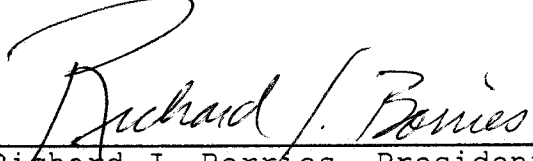
The meeting was adjourned at 9:32 p.m.

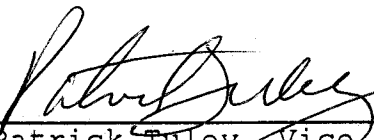
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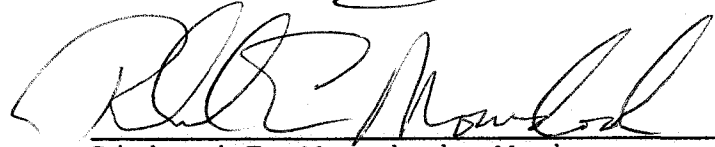
## THOSE IN ATTENDANCE:

Richard J. Borries  
Patrick Tuley  
Richard E. Mourdock  
Alan Kissinger  
Suzanne M. Crouch  
Charlene M. Timmons  
Bill Jeffers  
Jim Morley  
Charlie Bassett  
David Ellison  
Jim Morley  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
DRAINAGE BOARD

  
Richard J. Borries, President

  
Patrick Tuley, Vice President

  
Richard E. Mourdock, Member

**Vanderburgh County  
Drainage Board Meeting  
October 28, 1996**

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**Vanderburgh County  
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President Borries: We would like to begin the regular monthly October Drainage Board for Vanderburgh County. We have agendas that are printed. They will be changed very slightly. I understand that there are some folks here that...Bill Jeffers, who will be handling the meeting, we might be able to deviate on the agenda with these folks as well and I think add to our old business section, but, again, we do have agendas that are printed.

**Approval of minutes**

President Borries: The first item is to approve the minutes of our previous regular meeting which was held on September 13, 1996.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

**Old business**

President Borries: Bill Jeffers is Deputy County Surveyor, our technical advisor, and I am going to turn the meeting over to him at this time. We'll perhaps deviate slightly from our agenda, but we do have an agenda which we will proceed through at this time. Mr. Jeffers.

Bill Jeffers: Okay, under old business we're going to add Billy Nicholson, from Veach Nicholson Associates. The reason for adding him there is that the Area Plan Commission now asks the developer to notify adjoining property owners not only of the Area Plan Commission meeting, but also of the Drainage Board meeting so that those people have the opportunity to come in and have their say on the drainage plan before it is forwarded to the Area Plan Commission. Mr. Nicholson, this is the first couple of months that they have done that and Mr. Nicholson was not able to notify them the first time you reviewed the plans. He has notified them and told them that if they have any remonstrances or other comments for or against Heartland Ridge drainage plan that they should come tonight and make those statements. He notified them in a timely manner and I am asking now if there are any people who would like to speak for or against or make comments on Heartland Ridge Subdivision drainage plan. If there are none then, Mr. Nicholson, it is always lovely to see you.

Commissioner Tuley: Goodbye!

President Borries: Let the record show that there was no one who was here to remonstrate, so that will be entered for the official record.

Bill Nicholson: Thank you very much.

Commissioner Mourdock: So we don't need to vote on any of the action?

Bill Jeffers: You have already received the recommendation to pass that drainage plan in its preliminary form. You have passed it in its preliminary form.

Commissioner Mourdock: Right.

Bill Jeffers: If I do get any calls I'll let them know that it has not received final approval and give them an approximate time that they can come and speak.

Commissioner Mourdock: Okay, thank you.

President Borries: Bill, maybe we can take care of the folks in the back under old business as well, so they can perhaps...

Bill Jeffers: Okay, I am not familiar with exactly what they have to say. However, I would like to say that Glenwood Subdivision is on Middle Mount Vernon Road. It is out right before you get to Jobes Lane. I believe it is almost immediately adjacent to Douglas Drive. It is on the north side of Middle Mount Vernon Road. It has a drainage plan that was reviewed by the City Engineer. The drainage plan was drawn by Three I Engineering. It received the recommendation of the City Engineer and was approved by the Board of Public Works of the city of Evansville. It is within the city of Evansville and they are experiencing some erosion and other drainage problems. Our office did not review the plan and I am not sure if this Board has any jurisdiction.

President Borries: It is in the city of Evansville?

Bill Jeffers: Yes, sir, it is.

President Borries: What about the road itself? Is that also in the city of Evansville then?

Bill Jeffers: The entire subdivision is in the city of Evansville and the drainage from the subdivision is discharged into the city of Evansville. There is some silt built up on the south side of the road in a public utility easement that is currently being used as a sewer easement, a sanitary sewer easement, but I believe there may be some feeling that the water should have been carried down through that easement to a creek. It is not...it's hard to describe, but it would take a ditch about four or five feet deep down through that easement to get the water out and down to the creek. Right now it is just standing there four or five feet deep. The culvert under Middle Mount Vernon Road is a four foot culvert and there is nowhere for the water to go through that cornfield. That is not by way of trying to cut these people off, I am just trying to give you some background that it was drawn by Three I Engineering, approved by the city and it is in the city, just as background information.

President Borries: We do have a letter from the West Side Improvement Association and they've asked that this be addressed. Are you folks aware then that you are...do you have a spokesperson, John, or anyone want to...you know we can forward this matter, it appears, and express some concerns here to the city of Evansville, but we can't repair the road. It would be on city right-of-way then?

Bill Jeffers: Yes, sir. It is a city street.

Cindy Kettinger: Okay, whenever I talked to Shirley--

Commissioner Mourdock: You need to state your name and address.

Cindy Kettinger: Oh, Cindy Kettinger, 4723 Meadow Crest Court,

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Evansville, and I live in the Glenwood Subdivision. The road is eroding. I mean, it is not going to last much longer. The water is going underneath. I have sent this to the City Council. We came to the meeting about the erosion and we need something done. There are school buses that come and pick those kids up. We are going to have more traffic now that all the roads are going to be closed on the west side. You know, we are going to have a lot more traffic there. It is not going to last much longer because you can see on the sides you can see ground into the concrete. You can see underneath the road where it is eroded and it is all ate out. It is only going to continue to get worse now. We were told that since we were in Vanderburgh County that we could come to you, too.

President Tuley: Who...can you tell me who told you that?

Cindy Kettinger: I have talked to so many people.

President Tuley: You don't remember, okay.

Cindy Kettinger: I've sent the petition that we signed probably to ten or fifteen city offices and county offices and I have talked to so many people and they said first we need to come to these meetings. We need to show our support and show our concerns. I mean, if we need to go some place else maybe you can tell us who we need to go to.

Commissioner Tuley: If I heard Bill correctly--

Alan Kissinger: Coincidentally, the City Council is meeting tonight.

Commissioner Tuley: That is what I was getting ready to say. You are in the right--

Cindy Kettinger: Do we have to be on the agenda, though, to go down there?

President Borries: Well, we always--

Bill Jeffers: Well, we have done that for years, but as you saw tonight we added people to our agenda.

President Borries: We always provide some opportunity for people to speak here. That is why we always try to get you all up realizing that you have busy things.

Cindy Kettinger: Are they meeting now?

President Borries: Yes, they are.

Commissioner Tuley: Yeah, they just started.

President Borries: Or they will be by 7:30 or do they meet at 7:00?

Commissioner Mourdock: Toby Shaw just walked by the window, so I think they are almost ready to get started.

Bill Jeffers: Theirs starts at 7:30.

Commissioner Mourdock: Yeah, it is 7:15 now.

Bill Jeffers: They are very short.

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Alan Kissinger: You might...their meeting room is just right around the corner and down the hall here. Mr. Toby Shaw is their attorney. You might just tell them that the Drainage Board referred you to them because of the location of the problem that you are referring to here and ask if you can be heard briefly tonight.

President Borries: Here is what we can do. We will forward comments of Mr. Jeffers to them. I would assume it would be the Board of Public Works that would handle this?

Bill Jeffers: Yes, sir.

President Borries: Particularly the streets.

Bill Jeffers: Everything that I have heard this lady say and everything that I have heard some of the people that have called our office say, I went out and looked at it, it is all true. It is unfortunate that it is in the city.

President Borries: By that, we don't work on city property unless...well, we do all the bridges.

Unidentified from audience: You're going to need one out there!

Cindy Kettinger: Yeah, we're going to need one soon. There is going to have to be one installed because we are not going to have a road pretty soon.

President Borries: Well, we have enough to do there. But what we will do is to voice our concern and support for this. Also, we'll contact members of the Board of Public Works. I think Mr. Jack McNeely is the current President of that Board, the City Engineer.

Commissioner Tuley: You guys were at our two weeks ago meeting? We could forward a copy of our minutes of that meeting along with a cover letter from us to the Board of Public Works.

Cindy Kettinger: Okay, that would be appreciated because right now we need all the help we can get because it seems like everybody that I talk to it is like well, you need to call this person. I bet I have talked to 25 different people.

Commissioner Tuley: He's going to shoot me for this, but if that truly is in the city, get a hold of Councilman David Mosby.

President Borries: Yeah, I have written his name on here.

Cindy Kettinger: I have sent him a copy of it and I have never heard from him.

Commissioner Mourdock: You might grab him before the meeting starts right next door.

Commissioner Tuley: Go see him face-to-face.

Cindy Kettinger: I'll do that. Okay, I'll do that.

Commissioner Tuley: He'll shoot me tomorrow, but that's okay.

Commissioner Mourdock: Sorry to send you on a chase here.

Cindy Kettinger: That's alright. At least we know where we are



going.

President Borries: We will definitely forward this information to them. You definitely do need to make contact with your city officials on this.

Cindy Kettinger: Okay, thanks.

President Borries: Ask to submit something for the record in the City Council. The Works Board meets every other Wednesday or is it every Wednesday?

Bill Jeffers: They meet every Wednesday morning around 9 or 9:30.

President Borries: Yeah, around 9:00 and it is over also in the Council Chambers. Every Wednesday, the Board of Public Works.

Cindy Kettinger: I work 8:00 to 5:00 and there is just no way.

Unidentified from audience: I quit work, so I can go anytime!

President Borries: John, you can make it down.

Cindy Kettinger: Okay, well we'll go down there and see...

Commissioner Tuley: John knows who David is.

Cindy Kettinger: I know who David is.

President Borries: Okay, thank you. This might clear up our mystery too because I kept looking at Glenwood and then Glenwood Hills and I thought, man, this was pretty interesting here tonight.

Cindy Kettinger: Okay, thank you.

President Borries: Alright, the other items here that at this point, where we are is that, Mr. Jeffers, at this point you have further items here that will not be heard this evening, I understand.

Bill Jeffers: Okay, on Glenwood Hills we did, as requested by your Board, provide the developer and his engineer with a list of items that needed answers on Glenwood Hills Section B, and they're still working on that.

<b>Postpone Hearing of Heerdink Petition</b>
--

Bill Jeffers: Under B, I believe you may or may not receive a recommendation, but basically that's the wording I used because of, can you help me on this one, Mr. Kissinger? Is it a notification situation that we're in because of those...?

Alan Kissinger: In reference to these hearings?

Commissioner Mourdock: The Heerdink?

Bill Jeffers: The alternate trustees that are named in the deed, or something, for Mr. Heerdink.

Alan Kissinger: Oh, yes. We need to prepare notices for all property owners regardless of how they may be named and...

Bill Jeffers: It's kind of a complicated deed and it named two other people in that deed as successor trustees, or something.

Commissioner Mourdock: And the Drainage Board needs to do that, not the petitioner?

Alan Kissinger: We have to. It is the Drainage Board that is required to provide the notice to the offending party, to the alleged offending party. Well, they've definitely offended someone, they just may not have committed an offense.

Bill Jeffers: So we're postponing that in a required statement to the Board that there is a need for postponing the hearing --

Alan Kissinger: Right, and we need to advertise it and we will advertise it. I will prepare the notices for the Auditor who has been designated our clerk for these purposes to send out to the allegedly offending property owner.

#### Surveyor's Report - Bassett Petition

Bill Jeffers: Okay, and then under new business, you had a Mr. Bassett, Charles R. Bassett, bring a handwritten petition to you last month and that's attached to the Surveyor's report along with some pictures that were provided to me by Mr. Bassett and the copies are very, I couldn't get the copy machine to give you good copies. But take my word for it, they show some very minor and petty attempts at doing something there in that drain. That's all explained in the report. I sent copies to all of you folks and the only person who does not have a copy at this time is Mr. Bassett and the Traceys and I will take a copy of this report out to them tomorrow. It's a very minor situation. It should be resolved between the two property owners and that's why I took the liberty of actually making some recommendations on that last page. There's four recommendations that, I think, if they just get their heads together on that, they can resolve that themselves. I certainly hope this doesn't go to a hearing. This is a wheelbarrow of dirt.

#### First Church of God - Final Drainage Plan

Bill Jeffers: The second thing under new business is under your new Drainage Ordinance just about anything that lays down 20,000 square feet or more of hard surface has to have a drainage plan now and the First Church of God, to be built on Baumgart Road at the intersection of Kansas -- is it at the intersection of Kansas Road?

Unidentified: Mt. Pleasant.

Bill Jeffers: Mt. Pleasant, excuse me. At the intersection of Mt. Pleasant and Baumgart Road. This is a final drainage plan. I outlined proposed buildings, the Church and the education building in yellow. There's a little utility building also in yellow. The parking lot and the driveway are in blue to show you the extent of the hard surface. Then they have a very nice plan to carry that water back to the detention basin which is shaded in pink and the reason I feathered it out over there to your right is that it does actually just feather out to lawn there. Then they discharge it out of pipe into the natural waterway. It's fine plan. Mr. Lee McClellan from Morley and Associates is here to answer any questions you might have about it and the Surveyor's Office recommends approval of the final drainage plan for the First Church

of God on Baumgart Road.

President Borries: Questions of Bill or of the plan? Okay, motion?

Commissioner Mourdock: Pursuant to the recommendation of the Surveyor's Office, I move approval of the final drainage plan for the First Church of God on Baumgart Road.

Commissioner Tuley: Second.

President Borries: So ordered.

<b>Willow Creek, Section D - Final Drainage Plan</b>
--

Bill Jeffers: The next item under new business is the Surveyor is ready to make a recommendation to the Drainage Board for approval of the final drainage plan for Willow Creek Section D. The plan shows the curtain along the south line of Section D as requested by the Board that will capture all the runoff from the backyards of those houses before that runoff would cross over into Section C and cause the type of bad feelings that may have happened somewhere on down around Section A & B. So the only comment I have on it is that area shaded in pink, the natural terrain of the land is such that rather than have that swale graded to the east, the developer has already gone out and established that curtain drain or that swale along the south line and it does continue to flow westwardly and into the gutter of Willow Creek Drive. There's no problem with that, the street system can handle that. The only problem is that on the plan itself it shows directional arrows in the opposite direction and so with that condition, we still recommend approval of the final plan for Willow Creek Section D as shown before you there.

President Borries: Questions?

Commissioner Tuley: Your neighbors obviously don't know you're here?

Bruce Hatfield: We notified them for both sections.

Commissioner Tuley: You must be doing something okay out there now.

Bruce Hatfield: (Inaudible - comments not made from microphone) -- as far as the other two, I don't know. But I had several volunteer to come down if I needed them.

Bill Jeffers: I've been out there today because it rained over the weekend. Mr. Hatfield has the swale in place. He has erosion control fences in place along the swale and he has seeded and mulched it and there is grass coming up. He's also done quite extensive work down in Section B replat and Section C, installing some new pipes and filling the lots, seeding them and mulching them. I also viewed the detention basin around which the shoreline has been graded, dirt laid nice and even and it's been seeded and remulched. Other than some silt that was still discoloring the detention basin, which I expected to see when you have water coming from a construction site into a basin and it doesn't concern me that much at this time because that basin has been extremely over-excavated. It's very deep and that amount of silt will probably not fill it up in the next year or so. Everyone seems to be satisfied with the work that has been done in that regard and Mr. Wathen, before he left, said that everything out there is okay with

him at this time. Excuse me, Mike. I'd hate to be a little critter out in the woods with you behind me. I never saw him! He's well camouflaged. We do recommend this...

Commissioner Tuley: Section B?

Bill Jeffers: Right.

President Borries: And the modification that Mr. Jeffers explained occurs on lot 76, it has been corrected on the plat.

Commissioner Tuley: With those comments in mind, I would move for approval of the final drainage plan for Willow Creek Section D.

Commissioner Mourdock: Second.

President Borries: So ordered.

Commissioner Tuley: I'd like to commend you, Mr. Hatfield, because it sure is nice to have you up here under these conditions as opposed to how we've been before.

#### Willow Creek, Section E - Preliminary Plan

Bill Jeffers: The fourth item, and please don't take this as a reversal of what you just finished saying, but at this time the Surveyor's Office is not in possession of sufficient information on which to base a positive recommendation on Willow Creek Section E and we do have drawings submitted by Mr. Rodney Young, who is a professional engineer and land surveyor, here in the audience representing Mr. Hatfield. Those drawings do show a layout that is workable of the lot layout and streets and so forth, but we are waiting at this time for some information accompanying those drawings that we need to analyze some of the details required in the storage basin, the storage capacity, the freeboard available in the basin, and we really anticipate that the basin he shows on there may be larger than what is shown right now and our drainage ordinance requires a little bit more information before we can give you the positive recommendation. In other words, the work so far looks fine, but we need more information.

President Borries: Okay. So that means that E will be heard later.

Bill Jeffers: Yes, sir.

#### Payment of claims for ditch maintenance

Bill Jeffers: Okay, I've got some blue claims on 1996 ditch maintenance where the maintenance work is complete and all the paperwork is in order. All the claims are recommended for payment by the Vanderburgh County Surveyor and signed under his name.

Commissioner Mourdock: I'll move approval of the blue claims.

Commissioner Tuley: Second.

President Borries: So ordered.

**Sign Cover Sheets - Seasons Subdivision & Fox Hollow Subdivision, Phase II**

Bill Jeffers: I have two cover sheets of two drainage plans which you previously gave approval. Morley's office likes to have those mylars signed by you so that they are complete sets in their files. If you will affix your signature to those, I'll guarantee you that you have already approved those plans and we will put the proper dates on them and take them back to Mr. Morley's office.

President Borries: You say we've already previously approved them?

Bill Jeffers: Yes, sir. One, about two months ago, and one, three months ago. One is the Seasons Subdivision done by Jagoe, that got final approval and the other one is Fox Hollow Subdivision Phase II where Mr. Kattmann came up and explained the situation and you gave it final approval with our recommendation, I believe that was about a month ago.

President Borries: Okay, so we will take no action, but simply sign here. I'm not sure I have a mylar pen, though, or anything. John, do you have a mylar?

Commissioner Tuley: I see my signature on there somewhere, was that the road plans or drainage?

Bill Jeffers: You signed the roadway plans (inaudible - comments not made from microphone) Patrick Tuley's name (inaudible) take a signature here for the drainage plan.

President Borries: Okay.

Bill Jeffers: Same thing on this one. The roadway plans have all three of your signatures, the Drainage plan will just take the president, I suppose.

**Status report - Rudolph Project**

Bill Jeffers: Okay, a brief report on the Rudolph project. That's out at the Rudolph Batch Plant on Stockwell Road which is on a part of East Side Urban Drain where Harper Ditch intersects the Old Wabash-Erie Canal and where the Rudolph Company is anxious for us to make some repairs to the south bank of the ditch to prevent their driveway access from being washed into the Pigeon Creek. We have finished our plans and forwarded those plans to the city engineer's office, who has agreed to finalize them, draw up the specifications and take them before the Board of Works, pay for the repair, and supervise the construction of the repair. But he needs some more time to get it funded and they're hesitant to do the construction at this season, they want to wait until spring when they can get some good dirt work done and get the grass growing and so forth. I was asked to bring that report to you to let you know it's on their table and that they're working on it.

**Proposed Project - Carpenter Creek**

Bill Jeffers: I was also asked to bring this report to you. The County Surveyor, Mr. Brenner, was asked to push this idea of cleaning out Carpenter Creek and we had a nice big map ready to come with nice big lettering and everything and it got caught in our plotter and jammed up, ripped and everything, looked like hell,

so I brought you the draft copy here and --

-- -- Commissioner Mourdock: That's the kind of thing that comes through just before the budget request for the funding of the new printer!

Bill Jeffers: On your right, the longer of the two yellow lines is Carpenter Creek. On your left, for lack of a known name for that creek, we're calling it Red's Creek. It runs behind Red Mosby's house and he's been one of the fellows who has been very active in pushing this improvement for his neighborhood. The area of Carpenter Creek we're going to the city with a request for starts at Lloyd Expressway up by Schnucks and runs south and downstream under your new overpass area to Henderson Road in that same general vicinity. Red's Creek starts on Broadway behind the new school and runs downstream southwardly until it joins what may be called Bayou Creek and then goes over and joins with Carpenter Creek also. The entire stretch of those two creeks is in very poor shape. The city has some sort of bond issue coming up, they have a master drainage plan. It includes improving these two channels. They're formulating some cost estimates. I don't have a complete report to bring you, but due to the West Side Improvement Association's interest in this and some other just local residents interest in it, we were asked to bring this up and tell you that it will be pursued under a city bond issue and they will be drawing up specifications which hopefully will result in the cleaning of these creeks up to a condition that would be acceptable to the Drainage Board to be declared a regulated drain. In other words, when they are done with their project, hopefully, you fellows could go out and take a look at it and say yes, that meets with the qualifications for a regulated drain and we will now take it over and maintain it as a regulated drain.

Commissioner Mourdock: You mean as a legal drain?

Bill Jeffers: Yes, sir.

Alan Kissinger: Bill, don't we have to get the property owner's petition consent, etc., in order for it to be declared a legal drain?

Bill Jeffers: We would have to go through all those hearings, yes, sir. But they would have already acquired, the city would have already acquired the right-of-way and done the work so we wouldn't have -- in other words, we wouldn't be going to people and saying it's going to cost you \$500 a year to pay for the reconstruction. Its already been done, we'd just be going to them and say we need \$5.00 a year to maintain it.

Alan Kissinger: An annual assessment.

Bill Jeffers: Right.

Commissioner Mourdock: But regardless of the rate that the annual assessments would be, we still have to have, I thought I heard in this meeting before, so many percentage of the land owners within the watershed signing off on it. Right?

Bill Jeffers: That's correct.

Commissioner Mourdock: So how could, I mean, I understand what you're saying as far as funding the part of it to do the physical clean out, but as far as making it a legal drain for that long term process, are you saying that through the hearings the city is going

Vanderburgh County  
Drainage Board Meeting  
October 28, 1996

11

to have, you think they're going to have sufficient people sign to get that designation?

Alan Kissinger: Bill, let me see if I understood you correctly.- I think Mr. Jeffers anticipated that one of the big stumbling blocks for getting the property owners to agree to this petition was going to be the cost of construction and cleaning out the ditch because the initial cost would be like some \$500 or so the first year, maybe. Now, the city is going to do all of that work so if we can tell the petitioners or the property owners your annual ditch assessment is going to be about an additional \$5, he thinks the chances of success during those hearings will be much better. Am I correct, Bill?

Bill Jeffers: That's exactly correct.

Commissioner Mourdock: And do we know what the percentage of landowners is, is it 50% plus one, or by acreage? I presume it's by acreage.

Alan Kissinger: I don't know if Bill still has it in his head, but he did cite it to us one night and I read it, but I don't know. I don't know what the exact percentages are.

Commissioner Mourdock: You know, I'm not against doing this, I'm just curious as far as how the mechanism works.

Bill Jeffers: Well, the best scenario would be that over a period of time, the city will accomplish this monumental task and fund it and everybody will be so used to the fact that it's happening, that they'll think it's great and go along with turning it into a legal drain. And the worst thing that could happen would be that the city would just go clean it out and it would take another thirty years to get as bad as it is today. So, either way, you win.

Commissioner Mourdock: Or the city could add it to the water bill.

Bill Jeffers: But anyhow, some folks wanted us to bring that to you and let you know where it stood because they are going to continue to push it until it becomes a well-drained waterway.

Commissioner Mourdock: The total irony, will be all the work that's gone into the wetlands at Howell Park and they have that designated, and they'll clean this out, and they'll probably dry up their wetlands, is the way that looks.

Commissioner Tuley: I'm just glad that Alan Julian isn't here, Bettie Lou is not here, since we're going to call this one Red's Creek. We'd be reading about that tomorrow.

Bill Jeffers: I was hoping that they would at least read the minutes. You might still get Red's name in there.

Commissioner Mourdock: They are publicly available.

Alan Kissinger: I think, Mr. Tuley, we should call it Mosby's Creek.

Commissioner Tuley: Let's not be confused by who --

Bill Jeffers: For all time! As far as wetlands go, they used to call them swamps, didn't they?

President Borries: Yes.

Commissioner Mourdock: That was a polite term for what they used to call them.

Bill Jeffers: And wildlife habitat used to be called brush or jungle.

Commissioner Mourdock: Yeah, enhanced wildlife habitat used to be called real thick swamp.

#### Miscellaneous Reports

Bill Jeffers: Okay, where are we at here?

Commissioner Tuley: D.

Bill Jeffers: The only report that I was requested last month that I could remember was Mr. Mourdock asked me to go see Mr. Sachs. I've called Mr. Sachs and been out there and it happens to be a problem along the street and he's contacted Mr. Bill Morpew and I believe they're working together and have got their problem about worked out.

Commissioner Mourdock: Alright, thank you, Bill. I appreciate you doing it.

Bill Jeffers: And not the least, but certainly the last, Mr. Stoll has asked you as the Drainage Board to approve the use of 90 to 96" diameter railroad tank cars, which are made out of steel plate, as a temporary crossing of Crawford-Brandeis Ditch from Burkhardt Road into the project that I'm going to call Gershwin, Gershman?

President Borries: Lloyd Crossing.

Bill Jeffers: Lloyd Crossing, thank you. This diameter exceeds the capacity of the pipes that have been in place there for years, since 1982 widening of Burkhardt Road. Tank cars have always been sought after and used for temporary and even permanent crossings of waterways. They hold up a long time. We have no problem with it and we would be happy to recommend the use of those if placed properly within Crawford-Brandeis Ditch as a temporary crossing from Burkhardt Road into Lloyd Crossing.

Commissioner Mourdock: Is this going to be supplied by a contractor? We do not have any old tank cars, I presume.

John Stoll: No, we don't. This is going to be supplied by Blankenberger. That's part of their contract on the Burkhardt project is to provide this entrance and these tank cars have been used previously for a temporary entrance up on St. Joe for BFI and they are just going to reuse the same tank cars.

Commissioner Mourdock: I would, just as a suggestion, tell them that before we would allow this to be used, you'd like a letter from the contractor stating that the tank car is environmentally clean, there's no toxic or hazardous substances that have been in it that will otherwise get into the creek that it's going through.

John Stoll: Okay.

Bill Jeffers: Those came from a site that was under monitoring by



Indiana Department of Environmental Management.

Commissioner Mourdock: That's fine. Just a letter.

Bill Jeffers: Yeah, but I understand your concerns, yes sir.

President Borries: So do we need to take action here at this point, then? Can I have a...

Commissioner Mourdock: I'll move the approval for use as a temporary crossing, the railroad car provided by Blankenberger Brothers for the Lloyd Crossing project.

Commissioner Tuley: Second.

President Borries: So ordered. I think the last thing that I had, Bill, I appreciate your work here, we've completed a lot this evening, was one item that Alan Kissinger, our County Attorney, entered into and discussed in the Commissioners meeting, but we need to take official action at this meeting regarding selection of the Christopher B. Burke Engineering Firm for the engineering services which will include the inspection services for Laubscher Meadow Landfill stream diversion of Locust Creek. As discussed in this meeting, they, meaning Christopher Burke's group, will perform this service semi-annually for a period of five years for a total contract of \$25,000. They will bill the Drainage Board for time and materials, but we have very clearly indicated that those time and materials will not exceed \$5,000 per year and the Drainage Board has also, per this agreement, will receive the money to pay Christopher B. Burke Engineering Firm from Browning-Ferris Industries, the owners of the Laubscher Meadows Landfill. Having said all that, could we approve this agreement for Christopher B. Burke Engineering Firm to provide these inspection services?

Commissioner Mourdock: I'll move the approval of the Burke contract with the Drainage Board pursuant to the receipt of a not to exceed clause based at \$5,000 a year for five years and also pursuant to the reimbursement by BFI for the payment of the Drainage Board for those services.

Commissioner Tuley: Second.

President Borries: So ordered.

Alan Kissinger: Ms. Timmons, if you would, please, would you incorporate our other comments in reference to this contract from the regular meeting by reference to this meeting? Thank you.

President Borries: So should I pass these along to Charlene? I wrote on there not to exceed. I have not signed it at this time, but we will sign the final documents when they are amended?

Commissioner Mourdock: Right.

President Borries: I believe that is it. Bill, thank you for your work and if there is no further business this evening we are adjourned in time to watch the Chicago Bears.


The meeting was adjourned at 7:50 p.m.


**THOSE IN ATTENDANCE:**

Richard Borries  
Patrick Tuley  
Richard Mourdock  
Alan Kissinger  
Bill Fluty  
Charlene Timmons  
Bill Jeffers  
Cindy Kettinger  
Bruce Hatfield  
John Stoll  
Other unidentified  
Members of the media

VANDERBURGH COUNTY  
DRAINAGE BOARD

  
Richard J. Borries, President

  
Patrick Tuley, Vice President

  
Richard E. Mourdock, Member

AGENDA  
VANDERBURGH COUNTY DRAINAGE BOARD  
OCTOBER 28, 1996

- I. APPROVAL OF MINUTES OF PREVIOUS MEETING(S)
  - A. SEPTEMBER 13, 1996: REGULAR MONTHLY MEETING
- II. OLD BUSINESS
  - A. RECEIVE RECOMMENDATION TO POSTPONE APPROVAL OF PRELIMINARY PLAN FOR GLENWOOD HILLS SECTION "B"
  - B. RECEIVE RECOMMENDATION TO POSTPONE HEARING OF HEERDINK PETITION
- III. NEW BUSINESS
  - A. RECEIVE SURVEYOR'S REPORT ON BASSETT PETITION
  - B. RECEIVE POSITIVE RECOMMENDATION ON DRAINAGE PLAN FOR FIRST CHURCH OF GOD -- BAUMGART ROAD -- FINAL PLAN
  - C. RECEIVE POSITIVE RECOMMENDATION ON DRAINAGE PLAN FOR WILLOW CREEK SECTION "D" --FINAL PLAN
  - D. RECEIVE RECOMMENDATION TO POSTPONE APPROVAL OF PRELIMINARY PLAN FOR WILLOW CREEK SECTION "E"
- IV. PAYMENT OF CLAIMS FOR DITCH MAINTENANCE
- V. REPORTS AND COMMUNICATIONS
  - A. SIGN COVER SHEETS FOR TWO (2) APPROVED DRAINAGE PLANS
  - B. BRIEF REPORT ON RUDOLF PROJECT STATUS
  - C. BRIEF REPORT ON CARPENTIER CREEK PROPOSED PROJECT
  - D. OTHER REPORTS @ REQUEST OF BOARD MEMBERS
- VI. OTHERS WISHING TO SPEAK TO THE BOARD
- VII. ADJOURNMENT

**SUBDIVISION  
STAFF FIELD REPORT  
OCTOBER 24, 1996**

Docket Number: 27-S-96  
Name of Subdivision: Willow Creek Subdivision - Section E  
Location: East side of McDowell Road, north of Streuh-Hendricks  
Representative: Michael F. Feldbusch  
Developer: Willow Creek Development Corporation/Bruce Hatfield,  
President  
Owner: Same  
Size of development: 10.727 acres  
Number of lots: 35

**LAND USE**

Existing zoning: Agricultural  
Existing land use: vacant and undeveloped  
Proposed land use: single-family residential development  
Comprehensive Plan: This area is designated as an area of agricultural and residential development in the Comprehensive Plan.

**GENERAL INFORMATION**

**FLOOD ZONE:** No portion of this site lies within the floodplain.

**UTILITIES:**

Water Requires extension and letter of credit.  
Sewer Requires extension and letter of credit.  
Storm sewer Drainage easements are shown on the plat.

**TRAFFIC/STREETS/ACCESS:**

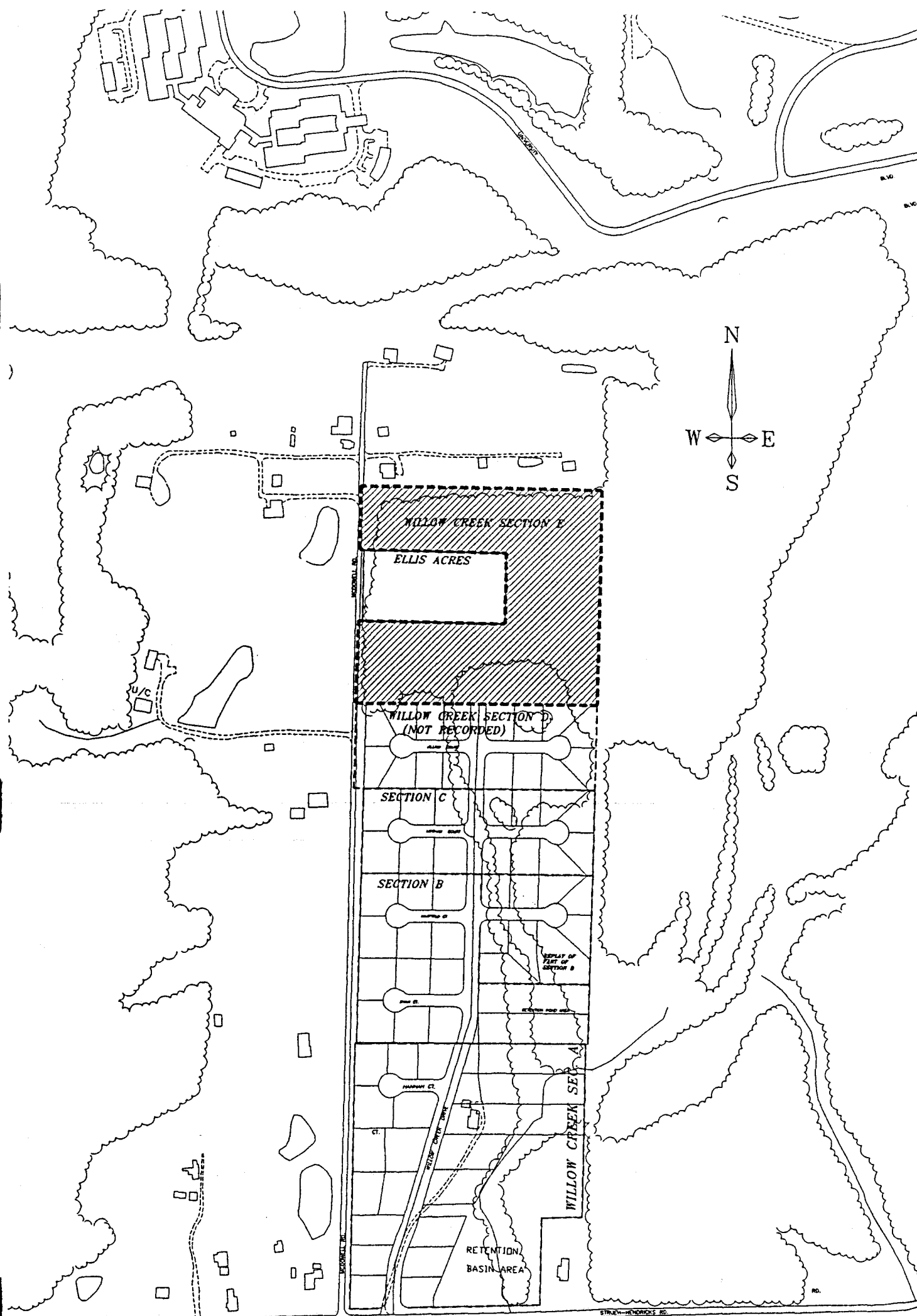
The implementation of this 35-lot Section "E" expansion of Willow Creek Subdivision involves the installation of a new cul-de-sac street (Bonnie Belle Court) which extends east from McDowell Road, a northerly extension of Willow Creek Drive, and a new cul-de-sac street which extends west from the northern end of Willow Creek Drive. County Engineer John Stoll and EUTS have stated that Bonnie Belle Court must be built as a 29-foot road and that McDowell Road must be widened to 16 feet from Streuh-Hendricks Road to Bonnie Belle Court to allow for two-way traffic flow (from Streuh-Hendricks to Bonnie Belle.) Widening of McDowell must be completed prior to recording of Section E.

**DRAINAGE PLAN/APPROVAL:**

Approval of the drainage plan by the Drainage Board is required prior to hearing by the Area Plan Commission

**COMMENTS/ADDITIONAL INFORMATION**

Subdivision Review Committee met October 8, 1996 and reviewed this subdivision plat. Section "D" must be recorded prior to recording Section "E", and improvements to McDowell Road must be made prior to recording Section "E". Sidewalks will be required along the east side of Willow Creek Drive, along the north side of Allison Court, and along the south side of Bonnie Belle Court connecting to the sidewalk along Willow Creek Drive. Developer must comply with IDEM Storm Water/Soil Erosion Regulations and all other State and Federal regulations.



27-S-96

# AREA PLAN COMMISSION

WILLOW CREEK SUBDIVISION SECTION E  
LOCATION MAP

SCALE 1" = 400'

DRAWN BY *JMC*

DATE	10/24/96
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CHK'D BY	
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EVANSVILLE-VAN BURG COUNTY

CAD NO.  
037.DWG

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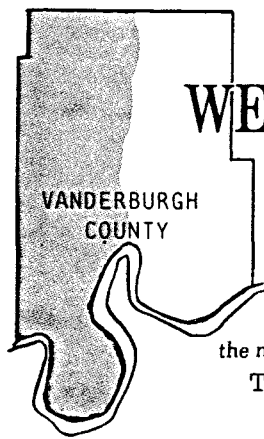
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# WESTSIDE IMPROVEMENT ASSOCIATION

INCORPORATED

P. O. BOX 6172, WEST WABASH STATION, EVANSVILLE, IN 47719-0172

Exerting influence upon public and private sectors to accomplish those objectives which will enhance the natural environment of the west side of Vanderburgh County, and serve the common goal of the residents.

Telephone: 812-422-0564

October 26, 1996

Fax: 812-422-8933

TO: Members of the Drainage Board  
FROM: Shirley James, President  
Westside Improvement Association

SUBJECT: DRAINAGE PROBLEMS IN THE GLENWOOD SUBDIVISION

Westside Improvement Association thinks the residents of the Glenwood Subdivision have legitimate complaints about the drainage difficulties in the their neighborhood. Our organization also has received complaints in the past about the developer, Mr. Railey, not following through on his commitments.

WIA thinks it is very important to repair Middle Mt. Vernon Road as quickly as possible because we believe it will become heavily used as an alternate thoroughfare while INDOT is repairing Highway 62 from Wabash Ave. to Red Bank Rd.

Since none of our members can be available for the Drainage Board meeting, we are using this letter to express our support for the neighborhood and request it be read into the record.

cc: Cindy Kettinger  
File

RECEIVED

OCT 28 1996

Vanderburgh County Commissioners

**Surveyor's Report to Drainage Board  
Regarding Charles and Alta Bassett's Petition  
Alleging an Obstruction in a Drain or Surface Watercourse**

Submitted to Drainage Board  
October 28, 1996

On September 23, 1996, Charles R. and Alta M. Bassett submitted a petition to the Vanderburgh County Drainage Board alleging an obstruction exists in a drain or surface watercourse along their joint property line with James and Joyce Tracy. A copy of said petition is attached to this report.

Charles R. and Alta M. Bassett own the property commonly known as 5800 Ward Road. Joyce S. Tracy owns the property commonly known as 5806 Ward Road. Both properties are lots or parts of lots in a residential subdivision known as Melody Hills Subdivision No. 7.

The undersigned deputy surveyor visited the site of the alleged obstruction twice between the submittal of said petition and the submittal of this report.

On the first visit the deputy surveyor talked with James Tracy who confirmed he placed a small quantity of soil and sod in the area along abovesaid joint property line. Said soil and sod is shown in pictures attached to this report.

Mr. Tracy said his purpose in placing the soil and sod is to fill a low spot where storm water puddled and caused long term dampness in the lawn.

Mr. Tracy also confirmed he set a string line between two upright pins or wooden stakes. Mr Tracy said the purpose of the string line is to display the location of a drive entrance for which he wishes to obtain a permit from the county engineer. The string line is shown in pictures attached to this report.

On the second visit to the site the deputy surveyor spoke with Charles R. Bassett. Mr. Bassett confirmed he considers the dirt and sod placed by Mr. Tracy to be an obstruction of the original direction of flow of storm water from his back yard and Mr. Tracy's back yard, between the houses and out to the roadside drainage system.

Mr. Bassett contends Mr. Tracy deliberately set the obstruction so that storm water which previously traveled along the property line and in the surface watercourse now is diverted by the dirt fill and sod clumps and onto his property.

Mr. Bassett also contends the iron pin to which the string line is attached is driven directly in front of the outlet of his gutter drain thereby partially blocking that drain pipe. The location of the iron pin is shown in pictures attached to this report.

Mr. Bassett further contends that after the county highway department set new drain pipes along the west side of Ward Road in front of both subject properties, Mr. Tracy deliberately regraded the surface of the lawn at 5806 Ward Road so that storm water conveyed through the subject watercourse and discharged from abovesaid roof drain is diverted away from the new inlet set by the highway department to capture said storm drainage and roof drainage.

Mr. Bassett contends that the diversion of said drainage away from said inlet causes said drainage to cross his driveway and causes damage by carrying away gravel.

No pictures are available at the printing of this report depicting the yard grading and new storm inlet described above. In one of the four pictures attached to this report the subject surface watercourse can be seen curving from the above described iron pin thence in a southeasterly direction toward Mr. Bassett's gravel driveway.

The old alignment of said watercourse is approximately recreated by the new regrading which occurred subsequent to the construction of abovesaid inlet.

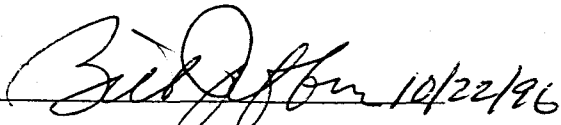
After observing field conditions described in this report the undersigned chief deputy surveyor recommends:

1. Charles R. Bassett and Alta M. Bassett send a written request to Joyce S. Tracy, owner of 5806 Ward Road, by certified mail (return receipt requested) asking Mrs. Tracy to remove and/or regrade all dirt fill and sod clumps described herein, shown in pictures attached hereto, and existing along or nearly along the joint property line between 5800 Ward Road and 5806 Ward Road so that the original, unobstructed surface watercourse is recreated as it existed prior to the placement of said dirt and sod (or as nearly as it can be recreated and still eliminate the damp spot.)

2. Charles R. Bassett and Alma M. Bassett include in their request to Mrs. Tracy that she also remove the iron pin, dirt and sod from in front of above described outlet of the Bassett's roof drains.

3. Charles R. Bassett and Alma M. Bassett finish grading subject watercourse as any part of it exists on their land so that it conveys storm water into the inlet provided by the highway department near the north edge of their driveway.

4. That if the Bassett's requests to Mrs. Tracy are not accomplished prior to the next drainage board meeting (scheduled for November 25, 1996,) the Bassetts resubmit their petition with abovesaid written request to Mrs. Tracy attached with some pictures proving that said request went unanswered.

 10/22/96

Bill Jeffers, Chief Deputy Surveyor

Sept. 23, 1996

Vanderburgh County Drainage Board:

We, Charles and Alta Bassett, of 5800 Ward Rd., respectfully petition the Drainage board to cause the removal of an obstruction of the drain and a surface ditch, forcing the water from next door neighbor's property on to our property, creating an ugly situation on our property,

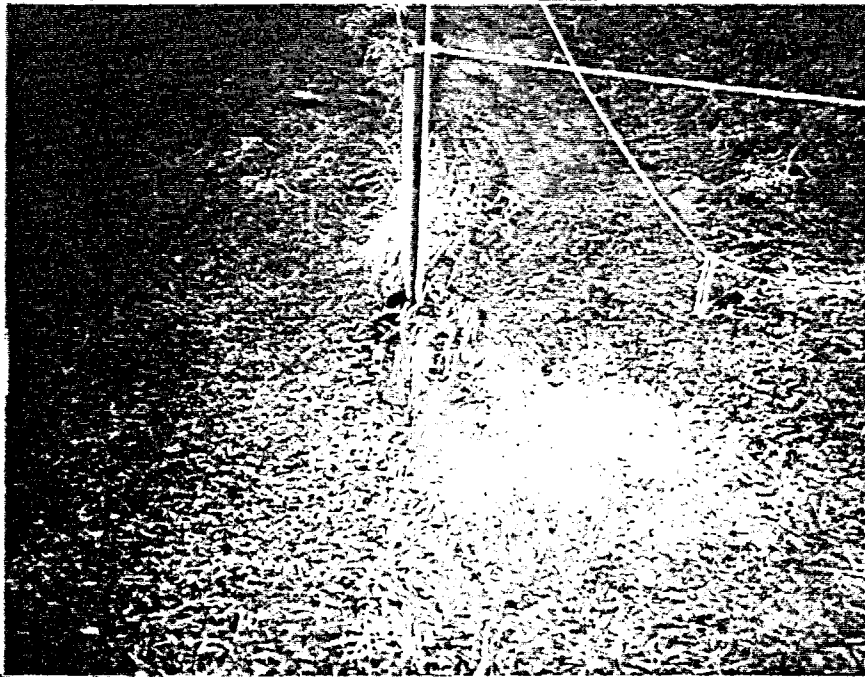
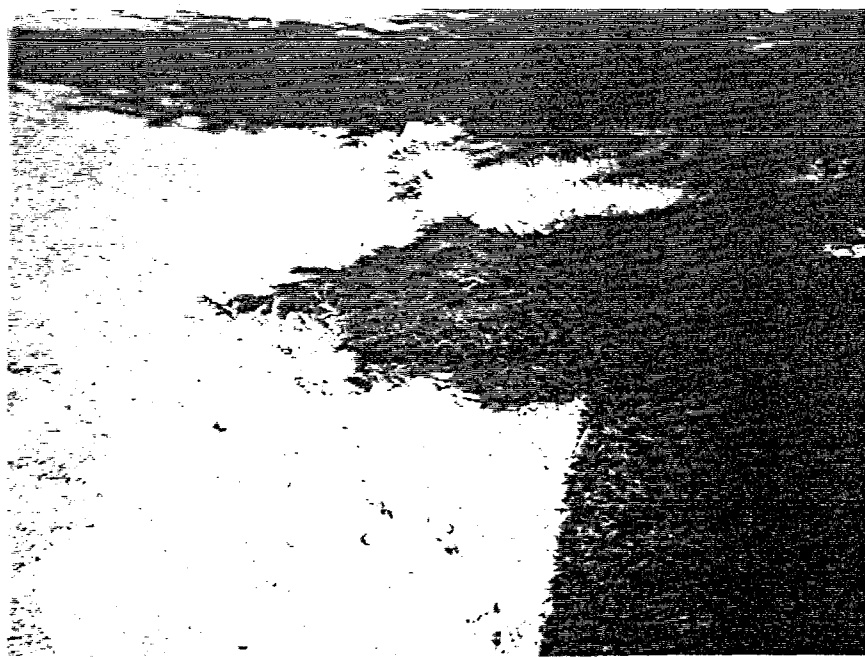
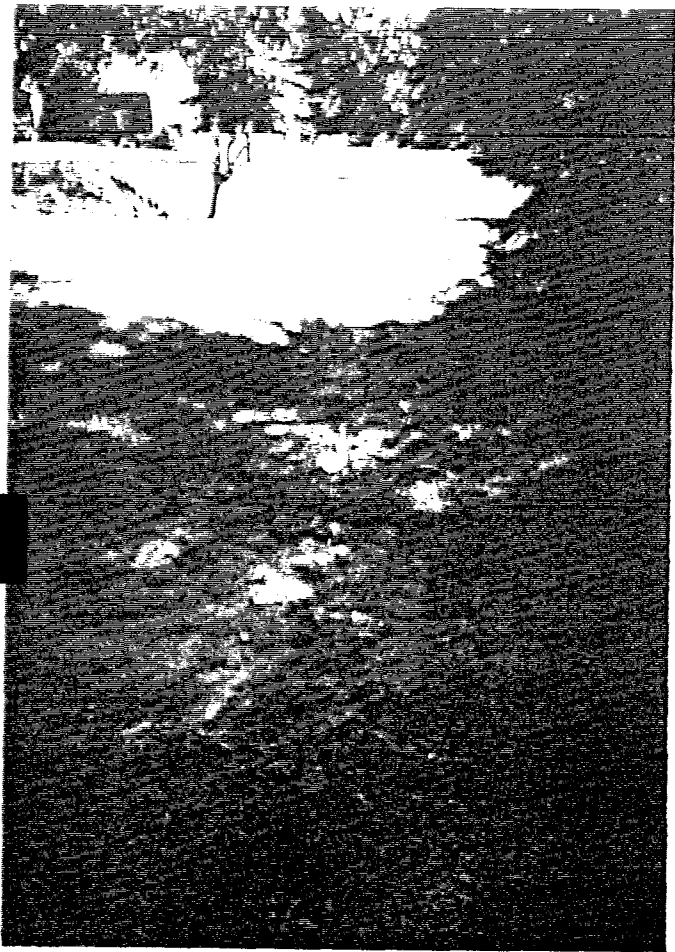
Chas and Alta Bassett Live at 5800 Ward Road,  
Lot 59 plus 5 feet of the south side of lot 58,  
Melody Hills subdivision No 7.

Next door neighbor creating the problem is  
James and Joyce Tracy, 5806 Ward Road,

This is only one of many drainage problems we have had with Tracy and we have let them "slide by" in the past, but we feel we must put an end to Tracy's filling of ditches

signed

Charles L Bassett  
Alta D. Bassett







I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

Vendor Name SHOGLQ SPRAY SEAL  
Vendor No. 1851

ON ACCOUNT OF APPROPRIATION

**Auditor**

In the sum of \$

Board of Commissioners

COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
96-SP-17-15		JULY 17, 1996	234-017	\$ 57.52
TOTAL				\$ 57.52

TOTAL Ø 57.52

CERTIFICATION OF PAYMENT  
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I X Debra Damm  
(Signature in Ink)

representing SHIDLER SPRAY SERVICE, and presently  
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on HARPER DITCH, a regulated  
drain in Vanderburgh County, Indiana, do certify that I, and/or the  
firm I represent, have/has paid in full all expenses incurred for  
labor, supplies, and subcontracts except for any unpaid costs as  
specified herein under:

NONE

and further, that neither I, nor the firm I represent, will hold the  
Vanderburgh County Drainage Board responsible for any costs, or any  
claims arising from such expenses, except for the fifteen (15) percent  
of the total contract price which the Board presently holds in  
retainage pending the receipt of this Certification of Payment.

NAME OF DRAIN: HARPER DITCH # 234-017

CONTRACTOR: SHIDLER SPRAY SERVICE VENDOR # 1851

CONTRACT # \_\_\_\_\_ AND/OR ACCOUNT # 234-017

☒ ANNUAL MAINTENANCE  
☐ ADDITIONAL MAINTENANCE  
☐ EMERGENCY MAINTENANCE

COMPLETION DATE July 16, 1996  
INSPECTION DATE Aug 1, 1996

☒ WORK IS APPROVED  
☐ NOT APPROVED: COMMENTS: \_\_\_\_\_

Ralph W. Brown

VANDERBURGH COUNTY SURVEYOR

10.25.96

DATE

Warrant No. \_\_\_\_\_  
Claim No. \_\_\_\_\_  
Date \_\_\_\_\_

SUPPLER SPRAY SEAL

Vendor No. \_\_\_\_\_

\$ 58.73

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name Kell District  
Account No. 234-022

Allowed \_\_\_\_\_ 19\_\_

In the sum of \$  
Twenty Five Dollars  
and Eight Cents

Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

None

10-25-96  
[Signature]  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:  
That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

\_\_\_\_\_  
Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>96-58-22-15</u>	_____	<u>July 17, 1996</u>	<u>234-022</u>	<u>\$ 58.73</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
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_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL \$ 58.73

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME SHIDLER SPRAY SERVICE # 1851

On Account of Appropriation for KEIL DITCH # 234-022

Invoice No.	Itemized Claim	Amount
	1996 DITCH BOT. STABILIZATION	
	3012 LF @ 0.13 = 391.56	
	PREV. PMT @ 85% = 332.83	
96-SP-22-15	PAY 15% RETAINAGE @ \$ 58.73 =	\$ 58.73

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

X Regan J. Dorch  
Name  
X Anne  
Title

Date July 17, 1996

BOTTOM STABILIZATION

CERTIFICATION OF PAYMENT  
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I X Bryan A. Bosh  
(Signature in Ink)

representing SHIDLER SPRAY SERVICE, and presently  
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on KEIL DITCH, a regulated  
drain in Vanderburgh County, Indiana, do certify that I, and/or the  
firm I represent, have/has paid in full all expenses incurred for  
labor, supplies, and subcontracts except for any unpaid costs as  
specified herein under:

NONE

and further, that neither I, nor the firm I represent, will hold the  
Vanderburgh County Drainage Board responsible for any costs, or any  
claims arising from such expenses, except for the fifteen (15) percent  
of the total contract price which the Board presently holds in  
retainage pending the receipt of this Certification of Payment.

NAME OF DRAIN: KEIL DITCH # 234-022

CONTRACTOR: SHIDLER SPRAY SERV VENDOR # 1851

CONTRACT # \_\_\_\_\_ AND/OR ACCOUNT # 234-022

- ☒ ANNUAL MAINTENANCE  
☐ ADDITIONAL MAINTENANCE  
☐ EMERGENCY MAINTENANCE

COMPLETION DATE July 16, 1996  
INSPECTION DATE AUG 1, 1996

- ☒ WORK IS APPROVED  
☐ NOT APPROVED: COMMENTS: \_\_\_\_\_

[Signature]

VANDERBURGH COUNTY SURVEYOR

10-25-96

DATE

**Board of Commissioners**

0 TOTAL 1,830.31

VANDEBURGH COUNTY, INDIANA

On Account of Appropriation for KOLB DITCH #234-025

[illegible]

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Title

Date OCT 20, 1996



Robert W. Brenner, Vanderburgh County Surveyor

VANDERBURGH COUNTY  
SURVEYOR'S OFFICE  
Room 325 Civic Center Complex  
One Northwest Martin Luther King, Jr. Boulevard  
Evansville, Indiana 47708-1833  
(812) 435-5210

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: JIM AXTON

for ☒ annual -- ☐ additional maintenance to \_\_\_\_\_ Ditch, a legal drain in Vanderburgh County, Indiana, was completed on OCT. 19, 1996, and was inspected by our staff on OCT 21, 1996, and is ☒ approved -- ☐ disapproved for payment per the contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner  
Robert W. Brenner, Vanderburgh County Surveyor

10-25-96  
Date

Additional Comments:

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

Verste

10.25.96

1000,000

Signature of Office Holder

\$12,815.00

ON ACCOUNT OF APPROPRIATION

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Auditor

19

the sum of \$  
 1000.00  
 1000.00  
 1000.00

## Board of Commissioners

COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT

PURCHASE  
ORDER NO.

INVOICE NO.

INVOICE DATE

ACCOUNT NO.

AMOUNT PAID

96-FM-15-

OCT. 22, 1996

234-015

\$ 12,815.00

TOTAL \$ 12,815.<sup>00</sup>

5 12,815<sup>00</sup>

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME TEORY R JOHNSON # 1052

On Account of Appropriation for EAST SIDE URGAN 5/1/72 # 234-015

Invoice No.	Itemized Claim	Amount	
	1996 FALL MOW		
	38,936 LF x \$ 0.6095 = \$ 23,731.49		
	PREV. PMT @ 31% = \$ 7,356.76		
96-FM-15-54	PAY 54% @ \$ 12,815.00 → \$ 12,815.00		00
	15% RETAINAGE = \$ 3,559.73		

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Name

Title

Date OCT. 22, 1996

FALL MOW

Robert W. Brenner, Vanderburgh County Surveyor

VANDERBURGH COUNTY  
SURVEYOR'S OFFICE  
Room 325 Civic Center Complex  
One Northwest Martin Luther King, Jr. Boulevard  
Evansville, Indiana 47708-1833  
(812) 435-5210

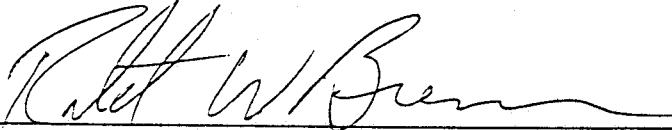
SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: TERRY R. JOHNSON

for ☒ annual -- ☐ additional maintenance to EAST SIDE URBAN SOUTH 1/2 Ditch, a legal drain in Vanderburgh County, Indiana, was completed on OCT 19, 1996, and was inspected by our staff on OCT. 21, 1996, and is ☒ approved -- ☐ disapproved for payment per the contracted price indicated on the claim herewith attached.

Respectfully submitted by:



Robert W. Brenner, Vanderburgh County Surveyor

10-25-96

Date

Additional Comments:

Date \_\_\_\_\_

Next Abbots Dorrington

Vendor No. 1851

\$ 478.00

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name EAGLES SLOUGH

Account No. 23A-013

Allowed \_\_\_\_\_ 19

In the sum of \$

Richard L. Barco  
Richard L. Barco  
Richard L. Barco

## Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

Verde

10-21 96

Signature of Office Holder

**I have examined the within claim and hereby certify as follows:**

That it is in proper form; that it is duly authenticated as required by law, that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

**Auditor**

COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	ORDER NO.
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100	100

ACCOUNT NO.

AMOUNT PAID

96. PL. 13.15

July 26, 1996

234-013

4.78  $\frac{1}{2}$

TOTAL \$ 478.00



CERTIFICATION OF PAYMENT  
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I Bryan A. Broden  
(Signature in Ink)

representing SHIDLER SPRAY SERVICE, and presently  
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on EAGLE SLOUGH, a regulated  
drain in Vanderburgh County, Indiana, do certify that I, and/or the  
firm I represent, have/has paid in full all expenses incurred for  
labor, supplies, and subcontracts except for any unpaid costs as  
specified herein under:

NONE

and further, that neither I, nor the firm I represent, will hold the  
Vanderburgh County Drainage Board responsible for any costs, or any  
claims arising from such expenses, except for the fifteen (15) percent  
of the total contract price which the Board presently holds in  
retainage pending the receipt of this Certification of Payment.

NAME OF DRAIN: EAGLE SLOUGH # 234-013

CONTRACTOR: SHIDLER VENDOR # 1851

CONTRACT # \_\_\_\_\_ AND/OR ACCOUNT # 234-013

☒ ANNUAL MAINTENANCE  
☐ ADDITIONAL MAINTENANCE  
☐ EMERGENCY MAINTENANCE

COMPLETION DATE \_\_\_\_\_  
INSPECTION DATE \_\_\_\_\_

☒ WORK IS APPROVED  
☐ NOT APPROVED: COMMENTS: \_\_\_\_\_

Ralph W. Brun  
VANDERBURGH COUNTY SURVEYOR

10-21-96  
DATE

Warrant No. \_\_\_\_\_  
Claim No. \_\_\_\_\_  
Date \_\_\_\_\_

SHIOLEA SPRAY & SERVICE  
\_\_\_\_\_  
Vendor No. 1851

\$ \_\_\_\_\_  
ON ACCOUNT OF APPROPRIATION  
Dept. Fund Name \_\_\_\_\_  
Account No. \_\_\_\_\_

Allowed \_\_\_\_\_ 19\_\_\_\_\_  
In the sum of \$ \_\_\_\_\_  
Agencies of Baries  
Michael J. Hughes  
John J. Ward  
Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except \_\_\_\_\_  
NONE

10-25-96  
Robert W. Green  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:  
That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

\_\_\_\_\_  
Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>96-48-15-15</u>	_____	<u>July 18, 1996</u>	<u>334-015</u>	<u>\$ 334.34</u>
_____	_____	_____	_____	_____
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_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL \$ 334.34





1996 HERB.

CERTIFICATION OF PAYMENT  
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I X Raymond A. Boehm  
(Signature in Ink)

representing SHIDOLEA SPRAY SERVICE, and presently  
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on E. S. U. South 1/4, a regulated  
drain in Vanderburgh County, Indiana, do certify that I, and/or the  
firm I represent, have/has paid in full all expenses incurred for  
labor, supplies, and subcontracts except for any unpaid costs as  
specified herein under:

None

and further, that neither I, nor the firm I represent, will hold the  
Vanderburgh County Drainage Board responsible for any costs, or any  
claims arising from such expenses, except for the fifteen (15) percent  
of the total contract price which the Board presently holds in  
retainage pending the receipt of this Certification of Payment.

NAME OF DRAIN: E. S. U. South 1/4 # 234-015

CONTRACTOR: SHIDOLEA SPRAY SERVICE VENDOR # 1851

CONTRACT # \_\_\_\_\_ AND/OR ACCOUNT # \_\_\_\_\_

- [ X ] ANNUAL MAINTENANCE  
[   ] ADDITIONAL MAINTENANCE  
[   ] EMERGENCY MAINTENANCE

COMPLETION DATE July 17, 1996  
INSPECTION DATE July 29, 1996

- [ X ] WORK IS APPROVED  
[   ] NOT APPROVED: COMMENTS: \_\_\_\_\_

Robert W. Brennan  
VANDERBURGH COUNTY SURVEYOR

10-25-96  
DATE

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

Date \_\_\_\_\_

SHIOLEA SPRAY SERVICE.

Vendor No. 1851

\$335.34

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name \_\_\_\_\_

Account No. \_\_\_\_\_

Allowed \_\_\_\_\_ 19\_\_\_\_

In the sum of \$

## Board of Commissioners

VANDERBURGH COUNTY

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 08-22-2011 BY 60322  
UCBAW/BJ

OCT 20 1986

Suzanne M. Couch  
AUDITOR

10-25-96

*Kate W. Brew*

Signature of Office Holder

**I have examined the within claim and hereby certify as follows:**

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

**Auditor**

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
96-48-15-15		Aug 18, 1996	234-015	335.34
				<del>334.34</del>

TOTAL 335.34

TOTAL \$ 677.01



CERTIFICATION OF PAYMENT  
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I X Byron J. Barker  
(Signature in Ink)

representing SHIDLER SPRAY SERVICE, and presently  
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on EAST SIDE URBAN South 1/2, a regulated  
drain in Vanderburgh County, Indiana, do certify that I, and/or the  
firm I represent, have/has paid in full all expenses incurred for  
labor, supplies, and subcontracts except for any unpaid costs as  
specified herein under:

NONE

and further, that neither I, nor the firm I represent, will hold the  
Vanderburgh County Drainage Board responsible for any costs, or any  
claims arising from such expenses, except for the fifteen (15) percent  
of the total contract price which the Board presently holds in  
retainage pending the receipt of this Certification of Payment.

NAME OF DRAIN: EAST SIDE URBAN S 1/2 # 234-015

CONTRACTOR: SHIDLER SPRAY SERVICE VENDOR # 1851

CONTRACT # \_\_\_\_\_ AND/OR ACCOUNT # 234-015

☒ ANNUAL MAINTENANCE  
☐ ADDITIONAL MAINTENANCE  
☐ EMERGENCY MAINTENANCE

COMPLETION DATE JULY 18, 1996  
INSPECTION DATE JULY 29, 1996

☒ WORK IS APPROVED  
☐ NOT APPROVED: COMMENTS: \_\_\_\_\_

Ralph W. Brun  
VANDERBURGH COUNTY SURVEYOR

10-25-96  
DATE

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

Vendor Name SHIDLER SPRAY SERV,

Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect;

**Auditor**

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

Richard. Davies

AMOUNT PAID

July 15, 1996

15/00

TOTAL 57.00





CERTIFICATION OF PAYMENT  
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I X Deborah Dan  
(Signature in Ink)

representing SHIDLER SPRAY SERVICE, and presently  
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on SCHULTZ STEVENS DITCH, a regulated  
drain in Vanderburgh County, Indiana, do certify that I, and/or the  
firm I represent, have/has paid in full all expenses incurred for  
labor, supplies, and subcontracts except for any unpaid costs as  
specified herein under:

NONE

and further, that neither I, nor the firm I represent, will hold the  
Vanderburgh County Drainage Board responsible for any costs, or any  
claims arising from such expenses, except for the fifteen (15) percent  
of the total contract price which the Board presently holds in  
retainage pending the receipt of this Certification of Payment.

NAME OF DRAIN: SCHULTZ STEVENS DITCH # 234.038

CONTRACTOR: SHIDLER SPRAY SERVICE VENDOR # 1851

CONTRACT # \_\_\_\_\_ AND/OR ACCOUNT # 234-038

- ☒ ANNUAL MAINTENANCE  
☐ ADDITIONAL MAINTENANCE  
☐ EMERGENCY MAINTENANCE

COMPLETION DATE July 16, 1996  
INSPECTION DATE Aug 1, 1996

- ☒ WORK IS APPROVED  
☐ NOT APPROVED: COMMENTS: \_\_\_\_\_

Ralph W. Brown

VANDERBURGH COUNTY SURVEYOR

10.25.96

DATE

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

Vendor Name SILVER STAR SERV.

Vendor No. 1851

\$ 208.75

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name \_\_\_\_\_

Account No. \_\_\_\_\_

Allowed \_\_\_\_\_ 19\_\_\_\_

In the sum of \$

Harvey. Barnes  
Robert M. Barnes  
C. R. Barnes

## Board of Commissioners

**Auditor**

Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
96-BJ-38-15		July 17, 1996	234-038	208.75

**TOTAL** 208.75

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME SWIDLER SPRAY SERVICE #1851  
On Account of Appropriation for SOUNTAG STAGENS DITCH

Invoice No.	Itemized Claim	Amount	
	1996 BOTTOM STERILIZATION		
	10,705 LF X \$0.13 = 1,391.65		
	PREV. PMT. @ 85% = 1,182.90		
96-B5-38-15	PAY 15% RETAINAGE = 208.75	208	75

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

\_\_\_\_\_  
Name  
\_\_\_\_\_  
Title

Date July 17, 1996

1996 BOT.  
SPECIALIZATION

CERTIFICATION OF PAYMENT  
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I X Deborah Don  
(Signature in Ink)

representing SHIDLER SPRAY SERVICE, and presently  
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on SOVINTAG STEVENS DITCH, a regulated  
drain in Vanderburgh County, Indiana, do certify that I, and/or the  
firm I represent, have/has paid in full all expenses incurred for  
labor, supplies, and subcontracts except for any unpaid costs as  
specified herein under:

None

and further, that neither I, nor the firm I represent, will hold the  
Vanderburgh County Drainage Board responsible for any costs, or any  
claims arising from such expenses, except for the fifteen (15) percent  
of the total contract price which the Board presently holds in  
retainage pending the receipt of this Certification of Payment.

NAME OF DRAIN: SOVINTAG STEVENS DITCH # 234-038

CONTRACTOR: SHIDLER SPRAY SERVICE VENDOR # 1851

CONTRACT # \_\_\_\_\_ AND/OR ACCOUNT # 234-038

- ☒ ANNUAL MAINTENANCE  
☐ ADDITIONAL MAINTENANCE  
☐ EMERGENCY MAINTENANCE

COMPLETION DATE July 16, 1996  
INSPECTION DATE Aug 1, 1996

- ☒ WORK IS APPROVED  
☐ NOT APPROVED: COMMENTS: \_\_\_\_\_

Ralph W. Brennan  
VANDERBURGH COUNTY SURVEYOR

10-25-96  
DATE