

Vanderburgh County
Drainage Board Meeting
November 25, 1996

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The Vanderburgh County Drainage Board met in session this 25th day of November in the Commissioners' Hearing Room at 6:45 p.m. with President Richard J. Borries presiding.

President Borries: Good evening everyone, welcome on this very rainy night to the monthly meeting of the Vanderburgh County Drainage Board. I am the chairman for this year. I am Rick Borries; to my immediate left is Commissioner Pat Tuley; and to his immediate left is Commissioner Richard Mourdock; our County Auditor this evening is Mr. Bill Fluty Jr., who serves as Deputy Auditor; and Charlene Timmons is our official Recording Secretary for the minutes of this meeting. The Board of Commissioners sit as the County's Drainage Board, and this evening we have a lengthy agenda of which there are actually two items that will be new for us and certainly new for me as a member of the Drainage Board having sat on this Board for some time. They are the first two items that will appear on the agenda as we have published this evening and they indicate to you that these will be hearings of which this Board will then make a decision regarding the information that we receive from Mr. Bill Jeffers, who's the Deputy County Surveyor and our technical advisor by statute. Again, we will hear both of these matters and then render a judgement. Now, you probably have read in the news where there have been some legal matters that have taken as long as two months just to sit a jury, so I will assure you that I will try to ask both of the attorneys to be...or if there are attorneys representing both sides of these matters to be as brief as possible and, hopefully, that we'll be able to hear these in a matter of twenty minutes each. We do have extensive other plans that have to come under review this evening. At this time I think that I would like to have our County Attorney, Alan Kissinger, explain, very briefly, what the format is in relation to these. Although they are called old business they are certainly going to be new to us with relation to these hearings this evening.

Bassett - Petition to remove an obstruction
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Alan Kissinger: In consideration of the fact that the statute is quite lengthy and detailed, but it fails to really give us any specific instruction on how the hearing should be conducted, my suggestion to the Drainage Board is that the County Surveyor's Office present the petition as it was filed at the first Drainage Board meeting after it was received in the Commissioners' office. The County Surveyor's office could advise the Drainage Board as to its investigation and findings, and then it would be the opportunity for the petitioner, or the petitioner's representative, to make any statements or add any additional details for the benefit of the Drainage Board. Then the person responding to the petition, or that person's representative, could present the Drainage Board with, basically, their side of the story. After that is done I will advise the Commissioners as to what your alternatives are as far as findings are concerned. I think that the first thing, most appropriately, that should be addressed, Mr. Shively has filed what proposes to be a motion to dismiss the petition filed by Thomas and Rose Heerdink and William and Wilma Rose. The petition basically says that the hearing which is being held here tonight was supposed to be held at least 30 days after but not less than 90 days after the date of the filing of the petition. We have discussed this at a previous Drainage Board meeting and as I have advised the Drainage Board previously my interpretation of the statute, for your benefit, is that the petition is not considered to be filed until there is a Drainage

Board meeting and it is done at a public meeting. That was done 91 days ago. The 90th day would have been a Sunday, and all rules of legal procedure indicate that the next day after the Sunday or the holiday is the appropriate date. Mr. Shively also indicates that certain items that are supposed to be contained within the petition are not contained within the petition. I think that both petitions that are filed before the Board tonight meet with the spirit of the statute that we are proceeding under and I don't think that this statute anticipated that these petitions would constitute legal pleadings, that they would be treated with the same scrutiny as legal pleadings would be treated in a court of law. My recommendation to the Commissioners in reference to the motion to dismiss, if it be that, is that the Commissioners proceed with the hearing and, basically, indicate that the motion to dismiss is not well taken for the reasons that I have outlined for you. So I think that the appropriate place to start now, if the Drainage Board agrees with my interpretation, is to have Mr. Bill Jeffers from the County Surveyor's office address the Board in reference to the petition filed and his field study and investigation of the situation.

President Borries: Thank you, Mr. Kissinger.

Alan Kissinger: I'm sorry, Mr. Borries, if I may add so that these hearings do not become protracted hearings, as you may see in a courtroom, although this statute appears to give judicial authority to the Drainage Board, I do not believe that this statute was intended to make the Drainage Board a court of law where issues such as definitions of words in the statute, motions to dismiss, motions to compel and any other number of motions that Mr. Mourdock probably abhors more than anyone else on the Board. I don't believe that this statute was intended to make this Drainage Board a court of law that would deal with all of those questions. There is provision for appeal of this Board's decision and if definitions contained in the statute need to be argued in a legal forum, I believe that is where those arguments should most appropriately take place.

Commissioner Tuley: Just a point of order though, if I'm not mistaken the petition that you were addressing was reference to the Heerdink?

Alan Kissinger: Yes.

Commissioner Tuley: Okay, and then on our agenda the first one to be heard is the Bassett petition. Just so that we--

Alan Kissinger: Well, I beg your pardon. I was ahead of myself. Yes, if that is the case then I think it is appropriate now for Mr. Jeffers to address the Drainage Board in reference to the Bassett petition and his field study in reference to that petition.

President Borries: Again, I just want to say for the information of those here in attendance this evening the reason we are proceeding this carefully and the reason why you heard this lengthy discussion from Attorney Kissinger is that this statute is in effect new. It went into effect in July of this year and so I guess we are seeing a bit of history tonight. Maybe some history we'd all like to avoid, but nonetheless here we go. So, Mr. Jeffers, if you'd like to come forward at this time, please. Mr. Jeffers, again, is the Deputy County Surveyor, he, as evidence in this statute, is charged by us as our technical advisor to give us a report of his findings and we're asking him to do so at this

time.

Bill Jeffers: First of all, I have a notice of the hearing which was given to Joyce S. Tracy, the owner of the real estate commonly known as 5806 Ward Road, Evansville, Indiana, that a hearing will be held by your Board on November 25, 1996 at or about 6:30 p.m. I put this in her hand last week at her address. The petition was brought by Charles R. and Alta M. Bassett, owners of the property know as 5800 Ward Road which is next door to the property owned by Joyce S. Tracy. Attached to the Surveyor's report, you'll each have one of those, is the hand written petition by the Bassetts alleging that there is an obstruction located in a natural watercourse between the two homes. Unfortunately, the pictures that I have tried several ways to copy into the report are not very clear, but Mr. Bassett has with him, I understand, several pictures that will depict the condition more clearly. I've visited the property on approximately four different occasions and looked at the earth, or quantity of dirt and sod, that Mr. Bassett alleges constitutes an obstruction. I've talked to both Mr. Bassett and Mr. Tracy, who placed the dirt there, and Mr. Tracy has given me his reasons for doing so which, basically, was to outline the area that he would like to fill in with landscaping in such a way that he can access his backyard through his side gate. That's why there is a string line...in one of pictures you see a string line out near the roadway indicating approximately how wide this landscaping is going to be for him to take a work trailer or a boat trailer of some sort, some such thing back through his side yard and into his backyard. Basically, the line of sod that Mr. Tracy placed in this watercourse is right along the property line. During the last couple of rainstorms, none of which I observed during a rainstorm, but I observed the aftermath of the rainstorm and the storm water runoff is blocked to some extent by the sod that was applied along the property line and a portion of that runoff is cast over onto Mr. Bassett's ground or his side lawn, private property. I can't determine whether that quantity was more than was before or less than or...it is just the fact that it is blocking the flow line of that natural watercourse in such a way that when the water comes down and hits the sod that was applied there some of it's cast over onto his property that he alleges didn't go there before. Mr. Tracy also said he placed the soil and the sod to fill in a low spot where storm water puddled and caused long-term dampness to his lawn and killed the grass. There is evidence that is a true statement. I won't go into every detail of the report. You've read it and it can be entered into the record and it's available for the public to read as well, but I will only say that at this time in conclusion our office through the report encouraged the two individuals to work together to settle this by simply leveling out the dirt so that the watercourse between their two houses was restored to approximately its original configuration so that the water could travel down there uninterrupted and go into the drop basin that the County Garage provided out between their property lines at the edge of Ward Road. As of last Thursday, when I visited Mrs. Tracy and gave her the notice, that had not yet been done, so apparently the two parties are unable to come to that agreement. They are both here to represent their points of view and this is Mr. Bassett and Mrs. Bassett over here and this is Mr. Tracy over here.

Alan Kissinger: It would be appropriate at this time if the Commissioners have any questions for the Surveyor's Office in reference to their investigation, to ask those questions now.

Commissioner Mourdock: I have no questions at this point.

Commissioner Tuley: I don't either at this point.

Alan Kissinger: Bill, then for the record if I may ask you, you suggested putting some dirt in there and leveling it out. Is it your opinion that if that is done then the drainage problems that are being experienced by the Bassetts will be at least alleviated and that it will not cause additional problems for the Tracys?

Bill Jeffers: I think sufficient dirt has been placed in there if they would just use rakes and shovels and so forth to level that out so that the water travels along the same path as it did before, then the dirt would no longer represent an obstruction. I can't truly say that there is any damage being caused. It's just a matter--

Alan Kissinger: I beg your pardon, I should not have chosen that term, but you feel that the drainage can be restored and presumably without any damage to either property by properly contouring the dirt that has presently been laid?

Bill Jeffers: Yes sir. Very simply, it would only take a few hours to do that.

Alan Kissinger: Thank you.

Bill Jeffers: With hand tools.

President Borries: Thank you, Mr. Jeffers. I'd like to hear from the petitioner at this time. That would be the Bassetts. Mr. Bassett, for the record since this is a...will be a recorded hearing and transcribed verbatim, could you give your name and address for the record, please?

Charles Bassett: Alright, Charles Bassett, 5800 Ward Road. If you'll recall, you may not, I was here on September 23rd when I filed my petition. Like you and talking a while ago nobody really knew exactly what to do on this. It's not a court of law where we tried to get it. At the time I felt like I was, and I told Mr. Jeffers the same thing, I felt like I'd been a little bit chided because you people...I filed a petition and you people just chided me because I couldn't get along with this man. Now, they told me I had to talk to him. If you remember you told me I had to talk to him, so I tried to talk to him two days after I filed that petition and that was on September the 25th. The words he told me were you're just a cheap son of a bitch and I ought to take a knife and cut your head off. Well, I backed away from that. I'll have to admit, I backed off. I did report the threat to the sheriff, but as far as he is concerned I just...I don't consider that being a civilized method of operation and I haven't had anything to do with him. That's one of the big problems I've got there. So I notified Tracy by certified mail about our petition and sent a copy of what Mr. Jeffers just read to you there awhile ago, got a copy of that. That was mailed on October the 29th, that's a month later, and Tracy received it on October the 31st. The pictures may not, without seeing the property, they may not mean that much to you, but you see where the dirt was put in the swale ditch that just diverted all the water over to my property and every bit of the water from him goes down that swale ditch. He's had the tendency to complain about it being all..the ditch all being on him, but it's all his water. He's higher than I am and the next lot is a little higher, but those pictures...those pictures, one through six, were taken November the 7th when we had the two and a half inch rain, and the last two were taken on a dry day, November the

21st. Now when I wrote this up yesterday evening I said that nothing has been done since our original petition. I've got to correct that, something happened real early this morning. It was raining out there and I don't know whether he knocked down the dam that he had there or whether the water washed it out, but the dam was moved...the obstruction. Now as far as the wet ground there and growing grass, it's never going to grow grass until that is opened up at the east end of the swag ditch, or swale ditch, or whatever you want to call it. That was filled in a long time before they put the new ditch in there and when they put the new ditch in now there is no place for the water to go except across my driveway, across my yard and across my driveway. Those pictures should show that. I think I had some pretty good pictures, they're pretty ugly pictures--

Alan Kissinger: Mr. Bassett when that, what you referred to as the dam, was knocked down this morning did that begin to alleviate the drainage problem that you've been dealing with?

Charles Bassett: It had been...water had run around it so long that it continued to go in the same pattern where it moved on the pictures there I think the picture shows the water moving to the left on the first picture water moving...The clay in the bottom of the ditch and the sod. This should be going straight down here.

President Borries: Mr. Bassett, for the record on these pictures as I look at it, I see a brick structure on the right and then a yard. Is your home the brick structure or are you to the left?

Charles Bassett: Mine is brick, but I'm on the left.

President Borries: You're on the left.

Charles Bassett: Yes, I'm on the left.

President Borries: Okay, so the structure on the right--

Charles Bassett: This is Tracy's home.

President Borries: Okay, thank you.

Charles Bassett: See all the water that's coming across the backyard there right through this (inaudible) almost like a water gate, water comes down through there. Now it should be going through there, but it is over here on me now. It goes on out to the...I'm sorry I didn't realize--

Commissioner Mourdock: That's alright, I saw what I needed there.

Charles Bassett: I don't want to get into a building war where I keep having to put a higher dam up there to break water and he keeps putting stuff in the ditch. There's no reason for that. But as I read the petition what the surveyor...I have to give you another or re-submit of my petition. That's what--

Alan Kissinger: We are proceeding under your original petition.

Charles Bassett: You don't need this?

Alan Kissinger: No.

Charles Bassett: Alright. The only other thing that I can offer, it doesn't have anything to do necessarily with this ditch, it has

to do with all the ditches. This place, Tracy's property, has four ditches around it. Since this man has come on the scene, he has altered all four of those ditches at one time or another. They are still altered and all you have to do is go out there and look and you can see that somebody did it. Thank you. Do you want to keep those pictures?

President Borries: Okay, just a minute Mr. Bassett, some of the members of our Board may have some questions for you.

Commissioner Tuley: Not right now.

President Borries: Would anybody have a question at this time?

Commissioner Mourdock: The last statement you made, Mr. Bassett, you just said that the ditches, that there were four and they'd been filled in. Have you lived here quite a while?

Charles Bassett: Twenty years.

Commissioner Mourdock: Twenty years, okay. All of what you are saying has happened in the last several years?

Charles Bassett: Yes.

Commissioner Mourdock: Okay, and all of the pictures that you are showing, granted show water running on your property, I'm just curious, is the water backed up to any extent to where it is getting into your home or is it--?

Charles Bassett: Not, well, I don't know whether you can see it on there or not, but I had to put a little edger from that fence to turn the water because unbeknownst to me water was running out of his yard into my carport and it rotted out the shed in the corner of my house that holds up the roof of the carport and I had to repair that. Then I put this little garden edger, those rubber things that are probably plastic things, I put it in there about ten foot and that was enough to turn the water. The ditch was plenty deep, but it wouldn't turn the water. That's been there... I've had that in there for a couple of years or so and it's done a fine job there, but I'm apparently going to have to go all the way to the road.

Commissioner Mourdock: Okay, thank you.

Charles Bassett: Do you want to keep the pictures or do you need to?

President Borries: No, I don't believe we are going to.

Charles Bassett: Anything else?

President Borries: Not at this time, thank you.

Charles Bassett: Okay, thank you.

President Borries: If we could hear then from the next person, I think, the person is Mr. Tracy. If you'd come forward please, sir and give your remarks at this time. Mr. Tracy would you identify yourself for the record please and state your address?

James Tracy: James Tracey, 5806 Ward Road. I have some drawings here of the property which I would like to submit to you. I don't

have enough. I didn't realize how many people were on the Board.

President Borries: That's alright we can share.

James Tracy: A picture's better than a thousand words. (Inaudible comments made away from mike). In the first place, to begin off, I can't quite agree with Mr. Bassett in the things he said and what he's accused me of. I completely deny every bit of that. What should be a petty situation, I didn't get into all of that, that's not my concern. I'd like to resolve the problem that we are having here and I've had this problem for years. Now, if you look at that drawing there I hope that you can understand it. Where the water actually is on my property and it is in a shaded area there. I have my name, Tracy's property and Bassett's property. I am the one actually receiving the water from his property. The ditch is on my property. The ditch is not on his property. Water runs downhill, so what's it do, it goes in steps. This is...I show everything pertaining to where the water is coming from is his downspout, his drain, my downspout and I also indicated to you the water flow and the property line. Now his drain straddles the property line in the low area and his water off that drain backs up into the low shaded area where I have. I've attempted to repair that and I did it on a temporary basis by putting some sod along the property line to hold the water there and keep it from diverting into my property. I have wanted to put a barrier down through there to stop the whole problem, but every time I have mentioned about doing something on that piece of property, by the way I have spent a thousand dollars on this piece of property to improve it, and I'd like to also improve this particular area we are looking at. I'd also like to have access to the back, my backyard with a vehicle which I cannot do because the level and the softness of the ground. So I have proposed putting a solid barrier between the two property lines, this way he will get no water from my property whatsoever all the way to the front. He can take care of his own water problems with this barrier. That's all I've mentioned having done, but every time I suggest doing something he gets terribly upset about it, terribly upset. When I wanted to put a fence in, I mentioned to him I wanted to put a fence in, the guy was out trimming his trees--

Alan Kissinger: Mr. Tracy, with all due respect to the problems that you and the Bassetts have had, could you confine yourself to the issue before us tonight?

James Tracy: Well, I appreciate that. I was just trying to get a rebuttal of what I am dealing with, sir--

Alan Kissinger: I understand sir, and your character is not at issue here, so if you would just proceed with the facts in reference to the drainage.

James Tracy: Okay, that's fine.

Alan Kissinger: Thank you.

James Tracy: But, anyway, that's really the crux of the situation we have here. I'd like, by the way, this heavy rain today, this shaded area in here was standing in water about three or four inches deep. So the runoff is not really sufficient, this part of it. But all the runoff is on my property and it is in the area where I want to have access to my backyard. As long as I have this soft area and this kind of drainage I cannot do anything to have proper access to my backyard. I cannot use the other side of my

backyard because the house and the fence there is too close of quarters.

Alan Kissinger: Did you make some temporary modification today?

James Tracy: Yes, I...what today?

Alan Kissinger: Today or yesterday?

James Tracy: Today I went out and looked at it and there was water standing there and I stepped in the mud and the water flowed on through. The ground is so soft. By the way, these sods and dirt is only about this high, there's no large barrier there at all and the water flowed right on through. He also mentions in here about a rod in front of the drain. You've got a drain that's four inches in diameter and I got a rod about the size of my thumb in front of it and he's making a complaint about this. I think this is really ridiculous, you know?

Alan Kissinger: If it causes leaves and other things to gather there it could constitute an obstruction and that's what this document talks about.

James Tracy: Well I've moved the rod out a couple feet from there, so I don't think that should be any harm. The rod is there for more than one purpose. If I am trying to drive up there I cannot tell where the property line is because he is so ticklish about if I get on his property.

President Borries: Do you have anything indicated as a drainpipe where you have water flow in the downspout? Do you have a drainpipe that you say that he has on his property at all?

James Tracy: No, no drainpipe. He has drainpipe on mine and what it is we spent three hundred dollars--

President Borries: Well it's not on your property. I mean you don't indicate it's on your property. I just asking at this time you don't have a--

Commissioner Tuley: I don't think he is making reference to this one.

President Borries: Yeah, I'm asking on your property--

James Tracy: No, I have no drainpipe.

President Borries: You have no drainpipe?

James Tracy: No.

President Borries: Alright.

James Tracy: But, we spent three hundred dollars to have a survey made on this property to make sure the property line was correct. His drainpipe, as I indicated on the diagram, straddles the property line. Now I would like to put a barrier down and make an offer, and by the way we asked I think Mr. Jeffers if he was going to contact Mr. Bassett, and I told Mr. Jeffers what I proposed to do, put a barrier down between the property line which will divert all water off my property away, completely away, from him.

President Borries: What do you propose--

James Tracy: Now whether or not Mr. Bassett was contacted as matter of fact I have no idea.

President Borries: What do you propose, you describe as a solid barrier, what are you proposing?

James Tracy: Well, I was thinking and I've already called several people to try to get an estimate for putting the barrier down through there like railway ties or a concrete barrier in a decorated form. By the way, I do things right. I just don't jack leg everything down through there. I can fill this in and this was I can get rid of my water problem and I won't have any of his water problem because you see I also get his water as well. He's coming downhill just like I am into my area there. I don't know if that is clear or not, but I tried to indicate that.

Alan Kissinger: In the process of doing this and putting in these solid barriers, Mr. Tracy, will you cause water to be pushed off onto someone else's property? Is it going to cause a domino effect?

James Tracy: No, I would actually prevent any water being on his property.

Alan Kissinger: No, no I don't mean only his, I mean will there be any resulting water flow onto anyone else's property that's not presently occurring?

James Tracy: No, no, no. See, I corrected this same problem on the other side of my house. For example, the people on the other side had a whole concrete drive and backyard done in concrete. He is higher than I am and everybody...it all slants to me, but I did not go to that neighbor and make a complaint. I built a barrier between he and I and solved the problem and all the water runs to the street. Basically, that's what I'm asking to do here.

President Borries: Questions?

Commissioner Tuley: Bill, would you look at this real quick, these drawings and see if based on your observation if this is a true representation of water flow and...

James Tracy: I would like to say something else. I have attempted for a long time to correct this problem. Every time I've mentioned to do something this gentleman gets upset about it. I mentioned someday I might put in a driveway, he got upset about it. He immediately dashed in and called you people downtown one day, immediately. I wasn't even talking to him, I was talking to some highway people out there. He has tried to prevent me from doing anything on that side of the house ever since I've been there and I've been wanting to correct it for years. He just simply does not want me to put a driveway or nothing along there, but I've got a water problem, sir, just as much as he says he has one.

President Borries: Well, and we understand that Mr. Tracy. Let me just ask you this, whose house was there first yours or his?

James Tracy: His probably.

President Borries: Okay.

James Tracy: Ours is the last house built on the street.

President Borries: Okay.

Commissioner Mourdock: The area that you show on your drawing, Mr. Tracy, that says water stays in this area--

James Tracy: Stays in there until the middle of the summer, practically.

Commissioner Mourdock: Okay, have you--

James Tracy: It gets stagnant and it smells.

Commissioner Mourdock: Okay, and that's the area where you want to have access from the street to the back of your yard?

James Tracy: That's right and--

Commissioner Mourdock: Okay.

James Tracy: --that's the only area I can get to my backyard.

Commissioner Mourdock: Okay, I understand that.

President Borries: What kind of access though do you, will you envision, sir?

James Tracy: Well, I've had several thoughts on it, but I didn't know, I don't think I going to throw concrete in. I might make just a grass access because I've got a stone flower garden in the back which is my hobby and I have to get this equipment into my backyard to improve on that area rather than pack it all the way back in a wheelbarrow by myself. In other words, I am actually, the way it is, I am denied access to my backyard.

Commissioner Mourdock: in this area that is labeled on your drawing as water stays in this area have you added material to that across the entire width of that for the period of time to make it better?

James Tracy: Yes. That's what I did. I took some sod and I laid it along the property line. Then I took a little sod and I went parallel across there to see what effect it would have on water coming down there. I only done this for one purpose--

Commissioner Mourdock: Where did you lay that? The one was here and where was the other? Across here?

James Tracy: The front, no, right here.

Commissioner Mourdock: Okay, which way was it going there?

James Tracy: I've got sod here.

Commissioner Mourdock: Okay.

James Tracy: I put some sod (inaudible) right across here.

Commissioner Mourdock: Okay.

James Tracy: What it did, it held the water a little while, but what I am trying to determine is what's involved in having the situation corrected.

Commissioner Mourdock: Right.

James Tracy: It was just a temporary experimental deal to have a look at it. I'm calling people now to get an estimate on correcting the problem. Matter of fact what I am proposing--

President Borries: Mr. Tracy, I have to say with all due respect, sir, though, that I don't see where a solid barrier helps solve the problem. I'm not sure barriers do anything other than, in some cases, cause a worse situation by either holding water or moving it in a way that was not intended. See, where we are today is probably not to make neither you nor Mr. Bassett, frankly, happy in relation to trying to determine where drainage swales were originally intended for these pieces of property. I guess that's why I asked whose house was there first because these are not county property lines. They are there and they are put in by home builders or developers in order to ensure that water can move freely between property to property. However, the county does not maintain them and they are, however, intended to allow for water to flow so that no one's particular property can be impacted. I don't see, and would have to be convinced, but I don't think a solid structure helps alleviate this situation, sir.

James Tracy: Well, Mr. Borries since you're making this decision on it, would you ask me one question? How would you correct the problem where I don't have the problem?

President Borries: Well--

James Tracy: How would you do it? I would like to know this.

Alan Kissinger: I think Mr. Tracy--

James Tracy: I mean, because if we come up with a good solution I'm for it.

Alan Kissinger: Mr. Tracy, I think that Mr. Jeffers did make a suggestion as to what might be done to alleviate both of your problems. Mr. Jeffers is our expert; he is the Drainage Board's expert. Believe me, he knows about drainage.

Commissioner Mourdock: Bill, could you come forward for a second so I can point at a map and you could answer a question. In looking at Mr. Tracy's drawing, is that reasonably accurate? Is the drawing...I mean it would appear to me...

Bill Jeffers: Well, there are...and I am only going to refer to the drawing on top.

Commissioner Mourdock: Right.

Bill Jeffers: Drawing number one, let's call it.

Commissioner Mourdock: Okay.

Bill Jeffers: For a hand sketched drawing it accurately depicts the two houses in proximity to their property line and each other and so forth. On the side labeled Tracy the water does flow out of Mr. Tracy's backyard exactly or very nearly as he depicts it.

Commissioner Mourdock: And does it--

Bill Jeffers: From his backyard along his side of the property line as depicted here. You can see that from the photographs that were passed around. It came rushing out of his backyard and turned

and went down his side of the property line as he depicts it. Okay, the second thing I'd like to say is the water he shows coming out of Mr. Bassett's backyard, the side labeled Bassett, it does come out of the yard like that at approximately that location, but it is a very small almost insignificant amount of water coming out of Mr. Bassett's backyard. As you can see from those pictures that were passed around you can hardly see a rush of water coming out of Mr. Bassett's backyard and joining with that great volume of water coming out of Mr. Tracy's backyard. But the roof drain is in the location that he show it here on Mr. Bassett's house. The subsurface drainpipe is in the approximate location he shows there. It does extend a little bit farther out in proportion to the front line. The storm drain shown out here by the street was put in place very recently by the County Highway Department at the north end of Mr. Bassett's driveway pipe when all those pipes were joined together on the west side of Ward Road. It is slightly over on Mr. Bassett's side of the line, so the water has to come across Mr. Bassett's line at that location to enter the storm drain. There's been some landscaping and some grading of dirt by the Highway Department and by the individual property owners and Mr. Bassett alleges there is still a problem out there at that storm drain where all the water coming out of both their yards and running down this property line all the water is not getting into the storm drain. Some of it is hopping across his driveway and causing him damage. You can see that from the pictures as well. What's exaggerated here is the area labeled water stands in this area, that is grossly exaggerated. You can see the downhill rush of water from the back of both houses in the pictures traveling towards the street and you know that there is a sufficient grade to the property to the land, a natural grade, that's been created as they built the houses has been maintained in that place. That water runs downhill rapidly and it doesn't stand in an area nearly this big. That area where it stands might be more correctly shaded just around the word water.

Commissioner Mourdock: Okay, excuse me, Bill, you just used the magic words "natural drain". At least what I'm, in this new setting that we find ourselves in tonight, the words that I'm going to put a lot of weight on are natural drain because that seems to be what the statute is talking about. So, you are saying that Mr. Tracy's drawing is, aside from the area that this is somewhat exaggerated, this water stays area--

Bill Jeffers: Right.

Commissioner Mourdock: --that the basic drainage flow, natural drainage, is as he has depicted coming along through this way? Natural drainage flow?

Bill Jeffers: I should change the word drain to natural watercourse--

Commissioner Mourdock: Okay, thank you.

Bill Jeffers: --because it is a surface area of the earth--

Commissioner Mourdock: Okay.

Bill Jeffers: --across which rainwater travels in a definable direction according to the statute. That is accurately depicted, not exactly in scale, but accurately depicted by the arrows that Mr. Tracy has placed on this paper.

Commissioner Mourdock: Okay, thanks.

President Borries: Would you say that this natural watercourse was designed to allow water to go along, roughly, where the property line is located in a swale fashion?

Bill Jeffers: Yes sir, but basically on Mr. Tracy's side of that property line is where the natural watercourse existed. Most of it still exists there and it's partially blocked by the application of sod and dirt that you see in those pictures. Those pictures are very...they very clearly indicate what has happened out there. Yes, that is where the natural watercourse exists, but it is mostly on Mr. Tracy's side of the line.

Commissioner Tuley: This drainpipe is depicted as straddling the line, what is the purpose of that?

Bill Jeffers: That drain pipe is like a four inch black plastic flexible pipe that connects...that drains the Bassett's gutter drains, roof drains. Now their gutter downspout goes into a little catch basin and then that black plastic drainpipe takes it out into that natural watercourse. It is all underground until it comes out about, oh, twenty feet from the street, empties out onto the ground and heads toward that storm drain.

Commissioner Mourdock: Bill, do you--

Bill Jeffers: There use to be an open ditch there as you know.

Commissioner Mourdock: Do you have an opinion one way or the other on that placement of that pipe as to which side of the property line it discharges? I realize you didn't go out and survey the property line.

Bill Jeffers: I've been told at one time that the downspouts from both houses were connected to that underground drainpipe. That's why it's along the property line. That at some point in time somebody's downspouts were disconnected from that so that they go out on to the top of the ground rather than under this...underground through this drainpipe. I believe both, if my memory serves me right, both gentlemen confirm that.

James Tracy: May I correct that, please? My downspout has never, never been connected with that pipe. Never. I don't know where he got his information.

President Borries: Has there ever been a pipe--

James Tracy: Not quite accurate, sir.

President Borries: Has there ever been a pipe, Mr. Tracy?

James Tracy: No, there has never been a pipe in the yard. The downspout just dumps out on the side of the hill. It has always been that way.

Bill Jeffers: The reason I said what I did is that I asked Mr. Bassett why that black plastic pipe was right along the property line? Why wasn't it all on his side? He told me at one time both houses were connected to that. My memory may not serve me as well as I think, and Mr. Tracy may not have confirmed that, but I thought that he had.

Alan Kissinger: Bill, initially you recommended an appropriate contouring of the dirt that is already there. Do you feel that if that is done Mr. Tracy will also notice some alleviation of the problem of the standing water in his yard?

Bill Jeffers: Yes, sir. I think there is sufficient dirt out there that if the high spots were leveled out so that the--

President Borries: Swale.

Bill Jeffers: The swale is reestablished as the natural watercourse, as it was before and taking care to use some excess dirt to fill in the lower areas that the water will travel down through that natural watercourse in an appropriate way and not leave any damp spots.

Alan Kissinger: Thank you.

Bill Jeffers: It may take some applications of top soil from time to time in any area that might settle out. It may take a couple of summers to get it just perfect, but, yes, I think that can be done.

James Tracy: I want to say something. I attempted to do this before. Every time I've attempted to do something on that side, I get a lot of static. I've attempted to put dirt there before and I've got static.

Alan Kissinger: Mr. Tracy, do you understand that if you are following the specific instructions of the Drainage Board that the static will not make a whole lot of difference as long as it's done appropriately and in the way that you have been directed?

James Tracy: I have one other question.

Alan Kissinger: Do you, Mr. Tracy, but do you understand what I am saying? This is not--

James Tracy: I'm with you on that.

Alan Kissinger: Okay.

James Tracy: Thank you. I would still like to put a barrier between those two pieces of property. Really it is beneficial to both, and I'm not talking about a big stone ugly wall.

Alan Kissinger: Mr. Tracy, in response to that the only thing that I can tell you is the Commissioners cannot tell you not to put...the Drainage Board cannot tell you not to put those barriers in. However, if you put those barriers in and they do anything other than exactly what you have described to this Board you may be standing here again in a few months.

James Tracy: Very satisfied, I am satisfied with that.

Alan Kissinger: No, but you understand that is not permission of the Drainage Board to put those barriers in and you may very well end up right back here again if you cause more problems.

James Tracy: Without the permission of the Drainage Board you said, sir?

Alan Kissinger: Now I'm not saying that they can't give you permission and they can't withhold that permission, but if you

cause a drainage problem you're going to be back up here again.

James Tracy: Only if it causes a drainage problem?

Alan Kissinger: Now, Mr. Tracy don't take that as permission, okay? Do you understand what I am saying? You cannot get permission from the Drainage Board to put up those barriers. The only thing the Drainage Board can do tonight is to make a decision as to whether or not it is appropriate to implement the suggested modifications offered by the County Surveyor's office.

James Tracy: I understand that. Well, frankly and logically gentlemen, ladies and gentlemen, I see no harm in laying like a railway ties along the property line that holds all my water on my property and takes it straight to the drain. That's basically what I'm...that's all I'm asking, nothing more.

Commissioner Mourdock: Yeah, excuse me, and again to back up what Mr. Kissinger was just saying. You know, what our, and Alan correct me if I'm wrong on this, but what our duty is as the Drainage Board under the new statute is to try to determine whether natural drainage ways are in fact flowing as, I guess, nature or as nature intended. The question you raise in my mind when I hear you speak of a barrier...if, in fact, you started clear up here and put a barrier through here, well, yes, that would be great it would keep all this water from your side from going over on his side.

James Tracy: No, my side totally.

Commissioner Mourdock: Okay, fine, it would keep all the water on your side, that's what I am saying. But it would also cause the water which you've shown in your own drawing to be coming across this line to then no longer be within the natural drainage way and you drew this.

James Tracy: That's correct. I did draw it.

Commissioner Mourdock: Then it would be going back on their property.

James Tracy: So you're telling me that I've got to take his water on to my property even though I spent some money to try and improve it and, by the way, that is not a natural course. That ditch was dug along there. Nature did not create that course.

President Borries: But here is what happens. It becomes nature after people develop property. You have developed your property, he's developed his. We have almost two feet of water above normal for this year and that is nature. So these are designed to allow certain natural forces that Commissioner Mourdock has described here to happen. By putting a barrier in here you also, in my opinion, would worsen your situation because the water that would remain on your side of the property would never be able to get to the storm drain which appears to be along the right of way or near Mr. Bassett's property.

James Tracy: Well, Mr. Borries, evidently you're not understanding or I'm not making myself very clear. When I put this barrier up, I'll use railway ties and lay along the property line, I want to fill that dirt in so I can get rid of the wetness which would help me to get access and also takes all the water away from him. I'm not talking about some big wall and I had that thought. I can't have access to my property.

Alan Kissinger: President Borries--

President Borries: Mr. Tracy, thank you very much. At this time I need to ask some advice here from Attorney Kissinger regarding the statute.

Alan Kissinger: The pursuant to the legislation here, the alternatives to the Drainage Board at this time are: number one, if a finding is made that the obstruction of a drain or a natural surface watercourse exists, as alleged in the petition, and that the removal of the obstruction will promote better drainage of the petitioner's land and not cause unreasonable damage to the land of the respondents the Drainage Board shall find for the petitioner. If, however, the Drainage Board is unable to make the findings described as I just described the Drainage Board shall deny the petition. So, at this point, the Drainage Board needs to make a decision that, number one, the obstruction as described exists and that the removal will promote better drainage of the petitioner's land and not cause unreasonable damage to the land of the respondents. If you cannot make that finding then there must be a denial of the petition.

Commissioner Mourdock: I would assume, and, again, sorry folks this is new for all of us too here. I would assume then you would see under the statute, Alan, the need for, basically, a motion in the positive to agree with the petitioner. Is that correct?

Alan Kissinger: In consideration of this Board's procedure, yes.

Commissioner Mourdock: Okay, in that case I will move that we find for the petitioner in the petition of...and I've forgotten Mr. Bassett's name...

Commissioner Tuley: Charles

Commissioner Mourdock: In the name of the petitioner, Charles Bassett.

Commissioner Tuley: Second.

President Borries: There has been a motion in this matter regarding the Bassett petition. At this time I would--

Commissioner Tuley: Have a roll call vote, Alan?

Alan Kissinger: If you wish, sure.

President Borries: It's not an ordinance. Now I need to ask this Board what is your pleasure? This is not an ordinance, however, if you prefer a roll call vote I can call that or if at this point there is a consensus to decide here we can move forward in that fashion.

Commissioner Mourdock: I would like to speak to some of the people in Indianapolis right now who drafted this statute.

Alan Kissinger: Where we are procedurally is that there has been a motion and a second for a finding for the petitioner. The question now is should there be a roll call vote or should the President to the Drainage Board proceed by making that finding.

Commissioner Mourdock: My personal opinion, not being a lawyer as I have ample time to demonstrate, ample opportunity it seems, I

would not think the roll call vote is in order because it is not an ordinance. The only thing that, at least in my term on the Commission or the Drainage Board, that has required a roll call vote is an ordinance or a matter of zoning and since this is neither I think the motion and second ought to be sufficient.

Alan Kissinger: I agree with you, although, if you want to do a roll call vote there is nothing procedurally to stop you from doing so, but I agree with your first suggestion.

Commissioner Tuley: I think the Board finds for the petitioner.

Alan Kissinger: I would say then that it is appropriate for the President to say that the finding is so made.

President Borries: Okay, hearing that opinion I will speak for the Board unless I hear otherwise and say that this petition then is approved. Now what that means is that working together Mr. Bassett and Mr. Tracy must reshape the natural waterway in the fashion described by the County Surveyor.

Alan Kissinger: Alright, if I may, the second part of the procedure is that there must be a determination based on the evidence that has been presented to the Drainage Board tonight whether this obstruction was created intentionally by the respondent. If I may offer, the only thing that has been stated here in evidence tonight was by Mr. Jeffers that Mr. Tracy had in factor placed the dirt that appears to have caused the obstruction which was described. So, you need to make that determination of intent and I think once again that would be by motion, second, and a finding by the President or an indication that the determination of intent had been made by the President. So, if you want to say so moved I think the record is clear.

Commissioner Mourdock: Let me just clarify.

Alan Kissinger: Certainly.

Commissioner Mourdock: I understand intent meaning the difference between five yards and fifteen in grabbing the face mask, okay?

Alan Kissinger: Right.

Commissioner Mourdock: What's the effect in this situation between yes, intent or not intentional? What happens next?

Alan Kissinger: Okay, if I can go back just a little bit. As I said, Mr. Jeffers said that the dirt was placed there by Mr. Tracy and Mr. Tracy did not deny that. I think Mr. Bassett indicated the same thing and it was not an accidental placing. In this case the intent to place what is now constituted an obstruction appears to have been established. But, you know, was it his intent to cause an obstruction? I don't think you have to make that finding, I think you have to make the finding that what constitutes the obstruction was intentionally placed. That's a subtle distinction, but there is a distinction.

Commissioner Mourdock: Yes, there is a distinction and I clearly see the distinction. I will move then that this Board rule that this was an intentional placement of the filler material to alter the natural drainage way.

Commissioner Tuley: Second.

President Borries: That has been moved and seconded. Is there any response indicating otherwise from this Board?

Alan Kissinger: It would be appropriate at this time, Mr. President, for them to show that the determination of intent has been established.

President Borries: Okay, the motion then has been made. I have heard no comment to the contrary, so at this time I will indicate that the motion for intent has been established and approved. So what we're asking--

Alan Kissinger: One more step.

President Borries: Okay, one more step.

Alan Kissinger: I'm sorry, but I didn't write the statute. It would be appropriate now for the Drainage Board to enter an order directing Mr. Tracy to remove the obstruction at his own expense or directing the County Surveyor to remove the obstruction at the expense of the respondents. I suppose that may require some input from Mr. Tracy and a commitment on his part to work at the specific direction of the Surveyor's Office as far as this removal is concerned. So it's up to the Drainage Board now as to whether or not the obstruction will be ordered removed at Mr. Tracy's expense, I beg your pardon, whether Mr. Tracy will be directed to remove the obstruction at his expense, or whether the County Surveyor will remove the obstruction at Mr. Tracy's expense. So, it is now time to order the removal of the obstruction. The question is who shall remove it? Mr. Tracy or the County Surveyor's office?

Commissioner Tuley: Let me ask Bill a question. You can show either in written form or through direction the methodology that I am trying to say that he can accomplish what he is trying to accomplish without obstructing a natural flow, is that not what you said? With some rakes and some hand tools? You can give him some direction on what he needs to do?

Bill Jeffers: Right, since we're all forging into uncharted territory here I will take a volunteer or a crew to stand by if Mr. Tracy removes the obstruction to instruct them to stand by with a level and a level rod and make sure that the water will travel downhill without puddling. Our office can't do the work, but we'll be happy to assist him in establishing the grade and giving general directions on what...the same as we would do if we had to hire a contractor to do it with drainage funds and then have Mr. Tracy pay for it, reimburse the drainage fund. Because that's your other choice. If Mr. Tracy doesn't do it himself we'll have to hire a contractor and stand by the contractor and instruct him how to do it and then have Mr. Tracy billed for the work.

Commissioner Mourdock: I'm not sure I followed all of that, Bill. Were you suggesting initially that if Mr. Tracy does the work that at no cost to Mr. Tracy you would have somebody from you surveying crew check the grades? Was that the first option?

Bill Jeffers: I'm taking that liberty, yes.

Commissioner Mourdock: Okay, I just wanted to make sure.

Bill Jeffers: On this simple of a job, now I wouldn't do it on a big job.

Commissioner Mourdock: I understand, we're not--

Bill Jeffers: I'm not going to do it on the next one. I'm not going to make the same offer on the next job. On this simple of a job, I'm talking about a couple of wheelbarrows full of dirt.

Commissioner Mourdock: Okay.

Commissioner Tuley: Moving it in a certain direction. Then I'll so move that this Board order Mr. Tracy at his expense to remove the obstruction working in conjunction with the Surveyor's Office to determine at what method or how that should be done.

Commissioner Mourdock: I'll second.

President Borries: Further comment from the Board? If not, so ordered then.

James Tracy: Okay, I have one other question. I don't, where is the obstruction on this drawing that you want me to remove?

Alan Kissinger: Mr. Tracy, Mr. Jeffers is going to show you exactly.

James Tracy: Oh, okay.

President Borries: Mr. Jeffers is going to show you. He has done that report, sir.

James Tracy: I appreciate that.

President Borries: Okay, thank you. I want to thank Mr. Tracy and also Mr. and Mrs. Bassett here for being cooperative and allowing us to slowly proceed, very slowly, through this matter. Thank you very much. Next, we have another matter concerning the...there is a matter that has been sent to the Surveyor's Office, the Heerdink/Rose petition to remove an obstruction.

Approval of minutes

President Borries: While we're waiting for Mr. Jeffers, if I can get a few mundane matters out of the way here Board. May I have a motion to approve the minutes of our last meeting, an official meeting, that was held on October 28, 1996.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Borries: So ordered.

Approval of blue claims

President Borries: Are there numerous claims, Mr. Jeffers, tonight that we might be able to approve at this time for ditch maintenance?

Bill Jeffers: Sure.

President Borries: So that they can be entered into the record. Have they been reviewed and signed by you or Mr. Brenner?

Bill Jeffers: They have all been reviewed and signed by Mr. Brenner. All the necessary paperwork, required paperwork is attached. Everything bears Mr. Brenner's signature and it's all for regular annual maintenance to various legal drains.

Commissioner Mourdock: I will move acceptance of the payment of blue claims as recommended by the County Surveyor.

Commissioner Tuley: Second.

President Borries: So ordered. Okay, Mr. Jeffers at this time then are you ready to--

Heerdink & Rose - Petition to remove an obstruction

Bill Jeffers: Okay, same as on the last hearing the notice was provided by your County Attorney, Mr. Kissinger, and I hand delivered it to Mrs. Catherine A. Rasche. Rasche, trustee and owner of the real estate commonly known as 20 West Mill Road, Evansville, Indiana, that a hearing would be held at this time in this room concerning the alleged obstruction of a drain or a natural watercourse located on her property and that this hearing is a being held in response to a petition filed by Thomas and Rose Heerdink and William and Wilma Rose, her neighbors. I've provided everyone concerned with a copy of this report from the County Surveyor's office detailing discoveries that the County Surveyor's Office made with regard to the petition accompanied by pictures, or copies of pictures, that were provided by Mr. Heerdink. Mr. Heerdink has additional pictures and I think Mr. Rose has some as well. Basically, the pictures show that there was an open drain of the respondent's property which acted as a curtain drain intercepting storm water runoff from Stringtown hill as it came down the hill onto the respondent's property and then conveying that storm water due west along her property line adjoining the petitioner's property line through a pipe placed on the respondent's property and then off on to a parcel that she also owns that is shown on the plat maps as right-of-way for roadway purposes and conveyed through that strip of property out to Mill Road, approximately at her common corner with the Mill Road Baptist Church parking lot. The pictures also show the action alleged to have been ordered by the respondent, Floyd Staub Excavation placing dirt into the open drain from trucks owned by Floyd Staub with equipment owned and operated by Floyd Staub. The pictures also show the pipe that I'm talking about partially blocked with debris. I looked down inside the pipe and discovered it was at least...it was approximately half full of mud and other debris. The pictures also show the storm water backed up to the point that it overflows the drain and runs down through the petitioners' property. It shows the drain after it has been filled and landscaped and mulched and seeded and so forth. At this point in time, three months later, the grass has begun to grow and it a...no ditches, there is no longer a ditch there. Our report also, like I'm not going to...it has already been entered into the record and if it is not part of the minutes, I'd asked that it now be made part of the minutes along with all the other attached data. I'm not going to read the whole thing at this time. I will read the last paragraph.

"Restoration of the 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 the culvert and proper

maintenance of the entire waterway would promote better drainage of the petitioner's property by effectively intercepting and conveying storm water runoff away from the properties of the respondent and the petitioners."

Alan Kissinger: Bill, may I ask, am I correct that merely the first step described as the restoration would actually take place on the respondent's property? Am I correct about that?

Bill Jeffers: Everything in that paragraph which you may take as a recommendation or you may simply take as a finding or a statement will take place on the respondent's property.

Alan Kissinger: All of it on the respondent's property?

Bill Jeffers: All of it occurred on the respondent's property except for maybe a smudge of two of dirt that got across the line, but--

Alan Kissinger: Okay, thank you.

Bill Jeffers: --ninety nine and one half percent of it is on the respondent's property.

Commissioner Mourdock: So, even your words of a moment ago, "cleaning downstream" is also on the respondent's property?

Bill Jeffers: Yeah, the waterway downstream of the culvert. Now what she has back there...see, she owns a narrow lot that has a Mill Road address just like everyone else coming down Mill Road from Stringtown School and going towards North Park there is a tear of lots that all have narrow frontage and all the houses face Mill Road. She is the last house...the respondent owns the last home immediately adjacent to Mill Road Baptist Church parking lot. But right between her home and the Mill Road Baptist Church parking lot is, I believe, it's a twenty-five foot wide strip. I have a drawing of it attached in here. The very last page in the report. Does everyone or does anyone need a report?

President Borries: Yes.

Bill Jeffers: Okay, not all the reports have pictures attached, I ran out of copies of the pictures. Mr. Mourdock was looking at one that the Auditor has in her file which includes the pictures. But the last page of the report that you have in front of you shows Mrs. Rasche's house and then that narrow strip right adjacent to her lot which is addressed 20 West Mill Road. There's a narrow strip that was formerly right-of-way to access this strip of ground that she also owns behind all the homes from 20 West Mill up to number 8 West Mill. It's under the same tax code, 34-179-12, but it's a separate parcel, it had been a separate parcel previously, I believe, part of a parent track there apparently. When that subdivision was platted out apparently either the address known as 20 West Mill Road retained that or later acquired that and made it a part of their parcel. The water, the approximate direction of flow is shown by those squiggly arrows down Stringtown hill, through the back of those lots, through some woods, through a pipe on her property. Those two pipes on her property, I am assuming, were put there so that Mrs. Rasche could access this parcel back here across that existing ditch that's been there for a long time, to access them with mowing equipment so she can mow that long strip behind her house and behind the other houses, number 8, 10, 12, 14, and 18 West Mill Road. She maintains all of that. She owns it,

she maintains it mowed and those pipes were placed in the ditch, I assume, so she could put mowing equipment back there across the ditches and mow that ground. She maintains it very nicely, as a matter of fact, from the period of time that I've been out there. However, this open drain did exist as the pictures show. It was filled as the pictures show. As I paraphrase that last paragraph of our report, if it were restored it would promote better drainage of the petitioner's property as they allege it has been obstructed if it were maintained properly it would promote better drainage of the respondent's property as well. I don't have any pictures of the area that Mr. Mourdock asked about that's downstream of the culvert, but I can tell you it is over grown with small trees, a couple of large trees and someone has been cutting firewood size chunks and throwing them into the ditch or allowing them to roll into the ditch or whatever, possibly cutting them in place and leaving them in the ditch.

Commissioner Mourdock: Okay, but, again, Bill, the key question there is that on the respondent's property?

Bill Jeffers: All of it is on the respondent's property.

Commissioner Mourdock: Okay.

Bill Jeffers: All parts of that drain. Well, except as I've shown uphill of the respondent's property other people also have storm water draining into the same drain, but all parts of it that are affected by this report are on the respondent's property.

Commissioner Mourdock: Okay, the map you just had just point with your finger if you would where the area was that you just described that may have had firewood dumped into it or whatever. I thought you were talking about the downstream. Okay, you were talking downstream.

Bill Jeffers: This represents woods.

Commissioner Mourdock: Right.

Bill Jeffers: There are some larger trees that were being cut up and the firewood is in that picture there.

Commissioner Mourdock: Okay, and that's the pipe that's two-thirds full?

Bill Jeffers: That's where the pipe...that's where it's real brushy and trashy. All the rest of this was maintained nice and open.

Commissioner Mourdock: Was, past tense?

Bill Jeffers: Was, it's not there anymore.

Commissioner Mourdock: Right. Which of these two pipes is the one that you said is half filled or both?

Bill Jeffers: This one.

Commissioner Mourdock: Okay.

Bill Jeffers: That one is very open.

Commissioner Mourdock: Okay.

Bill Jeffers: Okay, now that brings up another point which you, I hope it's not going to be repetitive when Mr. Rose gets up here, but there is a yard barn in Mr. Rose's backyard which is addressed number 14 Mill Road, and that yard barn is approximately where the "R" in Rose's name is on my map. That pipe, which is the pipe that is open, and it's shown between the nine and the one in the tax code there, is pointed directly at that yard barn. That pipe is still there. Even though the ditch has been filled up, during a heavy rainstorm that pipe...I have personally observed water, or the evidence of water, topping that pipe and going around both sides of it. That's how much water comes down Stringtown hill. We're not talking about a small amount of water now. We're talking about, I believe, if I'm not mistaken that's either a fifteen or twenty four inch pipe, and it's running over full during these storms we've had. Not just those heavy storms of June 9th, May 5th and April 28th, but some of them since then that pipe has run plum full or over full and that's just like a shotgun pointed right at his yard barn where that ditch use to carry that water it's no longer there and that's the reason the petitioners have filed this petition, it's my understanding that's the reason. Because all of the water that runs through that pipe now runs across the line through Mr. Rose, or the Roses, they are both here, and the Heerdinks, who are both here, it runs through their yard down to a very small twelve inch drain located in the Heerdink's backyard just a little bit west of the letter "d" in their name. That was placed there by the city to intercept only excess water that the ditch couldn't handle. See that ditch has been there a long time. In the past, it is my understanding from the City Engineer's office and others, that when that ditch ran plum full before and some of it couldn't make it through Ms. Rasche's pipe directly behind her house the water that spilled out of the ditch and went on down farther downhill into the Heerdink's backyard the city put that pipe down there and ran that pipe...put a drop basin in the Heerdink's backyard and the pipe ran due west through, or somehow or another, through Ms. Rasche's backyard over into the open ditch in that right-of-way strip. But now that basin, that drop basin, is expected to take all this water and it's not doing it. I've observed after several rainstorms since the petition was filed, I've driven on to the Baptist Church's parking lot and seen damage caused to Ms. Rasche's backyard after a rainstorm from the overflow of water running through the Rose's and the Heerdink's backyard, under Ms. Rasche's fence, pushing her railroad ties out through her yard across her backyard and then this torrent of water rushing over her driveway and down into the open ditch along the Baptist Church's parking lot. I'm sure you'd go out there today and see the path that water took. That's why I also include the statement in that last paragraph that the restoration of the open ditch would also promote better drainage of the respondent's property as well as the petitioners'. The reason the pipe directly behind Ms. Rasche's property is half clogged with silt and other debris is because it's about a fifteen inch pipe, concrete pipe, and someone has stuffed a ten inch plastic pipe up inside of it either as a repair job or to extend it. That's like choking the pipe down farther and causing an obstruction inside the pipe itself that is causing silt to pile up in there and obstruct the pipe. That smaller pipe needs to be jerked out of the larger one and the larger one needs to be cleaned out and then that would restore it to its approximate original condition. It still won't be an ideal situation. I still think that having a fifteen inch pipe downstream of a twenty-four inch pipe is asking a lot. But it would be better than what you have now.

President Borries: What are we having there now did you say?

Bill Jeffers: The ditch is filled with dirt. There is no ditch left and all the discharge from that twenty-one inch pipe farther uphill is running right through Mr. Rose's and...Mr. and Mrs. Rose's and Mr. and Mrs. Heerdink's backyard full force. We're talking about a pipe this big around running full of water in a two inch rain storm aimed right at your backyard.

President Borries: Any questions at this time? Thank you, Mr. Jeffers.

Alan Kissinger: It would be appropriate at this time then to ask the petitioners perhaps through their legal counsel, and I would ask for the benefit of the Drainage Board, Mr. Reinlander, if whatever else you choose to address if you would specifically address the issue of placement of the obstruction.

Robert Reinlander: Thank you. For the record my name is Robert Reinlander, I represent the petitioners, Mr. and Mrs. Rose and Mr. and Mrs. Heerdink. I do have a few questions. I asked them to address some of the issues that Mr. Kissinger addressed, but also a few other things. But I would just like to clarify for the record, is the Surveyor's report part of the record with the photographs?

Alan Kissinger: Yes, as a matter of fact he submitted that or he requested that it be made a part of the record and we will do so.

Robert Reinlander: Were there any additional photographs supplied that were not attached to the Surveyor's report that are part of the record?

Alan Kissinger: Not as far as I know. The only thing that has been submitted at this point was the Surveyor's report.

Robert Reinlander: I will have a few additional ones. I also had some deeds...I would like to have those deeds made part of the record for one purpose and that is that there is, one of the issues is whether or not it is a mutual drain and the deeds, certified copies of the deeds show that the common owner of this property back in the early twenties and thirties was a Mr. Deever who deeded out his property to several of the predecessors in title...(inaudible).

Alan Kissinger: If you wish to make those part of the record, Mr. Reinlander, if you would just submit them to the record keeper Charlene.

President Borries: Charlene Timmons.

Robert Reinlander: We have one marked Deever deed which was Deever took title and then we have deeds chain of title to Heerdinks which is 18 West Mill Road, a chain of title to Rose which is 14 West Mill Road, and chain of title to Rasche which is 20 West Mill Road, but I confess in my review while I was waiting for the hearing to start that I find that the sixty foot strip that doesn't show it actually coming out Rasche to ultimately...I'm sorry, out of Deever ultimately to Rasche but there is several deeds in there in the chain of title showing it leading up to it.

Alan Kissinger: We'll note your confession in the record as well.

Robert Reinlander: Confession is good for the soul. At this time I would ask Mr. Rose just to come forward and just a little bit of

background since he is familiar with that area from, I think, 1937. Would you for the record state your name Mr. Rose?

Bill Rose: My name is Bill Rose. I live at 14 West Mill Road.

Robert Reinlander: And--

Commissioner Mourdock: Excuse me one second, Mr. Reinlander, we need to change the tape here.

TAPE CHANGE

Commissioner Mourdock: Okay.

Robert Reinlander: Give your name again, sir?

Bill Rose: Bill Rose, I live at 14 West Mill Road.

Robert Reinlander: How far back do you go in time as far as the residence where you live now?

Bill Rose: Well, I was five years old in '37, I'm sixty four now. We moved out there when I was five. My mom and dad built that house.

Robert Reinlander: When your mother and dad built the house how many houses were in the block?

Bill Rose: I believe we was the second house. In fact, I think the Heerdinks was the first house. I think we was the second house out there.

Robert Reinlander: The house where Rasche now lives was built sometime subsequent to that?

Bill Rose: Right.

Robert Reinlander: As far as your recollection, when was that drain there? Was it there when you moved in? When your family--

Bill Rose: The ditch was in there as long as I can remember.

Robert Reinlander: What about the culverts that are back there? There are two culverts?

Bill Rose: The one I can't say...right directly behind her house, I can't say when that was put in. But now, the one behind me that was put in about a year and a half ago or two years ago.

Robert Reinlander: But the downstream culvert has been there for many years?

Bill Rose: Right.

Robert Reinlander: Was it--

Bill Rose: As far as I know.

Robert Reinlander: Was it there prior to the Rasches moving to that house?

Bill Rose: I'm not really sure, but I think so.

Robert Reinlander: Now, prior to the latest action out there where the ditch was filled in, what was your situation with the water when you had a rain?

Bill Rose: We would get water. We live at the bottom of the hill, we're going to get water, but nothing like it is now. I mean, like you say...well, they call it milkweed now it comes right straight across into my backyard. As you say it's going to eventually get my yard barn.

Robert Reinlander: Since August when the ditch was filled in with dirt, what has been the affect of the rains?

Bill Rose: Every time...well, today, like Mr. Jeffers said, there is water back there today.

Robert Reinlander: Does it take an intense downpour in a short period of time to create a drainage problem?

Bill Rose: No, you know, like this spring, I don't care what kind of drainage you had you was going to get so much water this spring, you can't control all that especially at the bottom of the hill. But it was nothing like it is now.

Robert Reinlander: But unless it was one of the torrential downpours that we are use to having in the spring the ditch handled the water?

Bill Rose: As far as I know it did, but I don't remember it ever coming over that bank behind me. Now it may have one time before, but I don't remember it ever coming over.

Robert Reinlander: Now, since August, is it a regular occurrence for that water to come--

Bill Rose: Every time it rains, floods the whole ditch up.

Robert Reinlander: That's all the questions I have for Mr. Rose. Do the Board members have any questions?

Commissioner Mourdock: Not at this time.

Robert Reinlander: Would you state your name for the record for the Board?

Tom Heerdink: My name is Tom Heerdink. I live at 18 West Mill Road.

Robert Reinlander: Mr. Heerdink how long have you lived there?

Tom Heerdink: Ten years.

Robert Reinlander: Since you've been there has Ms. Rasche lived next door to you?

Tom Heerdink: Yes, she has.

Robert Reinlander: Now up until the last year or two what's been the situation as far as water in your backyard?

Tom Heerdink: Well, the water naturally comes down behind our property, our garages, there is a natural watercourse there, I guess, and that's what the drain always caught. Within the last

couple of years the culvert had become clogged, the one directly behind our home, and on heavy downpours the water would run over and run down in the drain, which the drain could pretty well handle. Like Mr. Jeffers said, that's I guess why the drain was put in to handle whatever it couldn't.

Robert Reinlander: Now, in the last couple of years did you have trouble with the drain getting clogged?

Tom Heerdink: Yes.

Robert Reinlander: What kind of materials was clogging the drain?

Tom Heerdink: Leaves, logs, silt.

Robert Reinlander: Did you bring that to the attention of Ms. Rasche?

Tom Heerdink: Yes, and I believe it was May of this year we sent a letter to her requesting that she maintain it; clean it and maintain it.

Robert Reinlander: Prior to that time had you talked with her and ask her to clean it out?

Tom Heerdink: Prior to that we had cleaned it out ourselves. We had kept the ditch...maintained it ourselves for her even though it was her property and we received a letter from her lawyer asking us to stay off her property especially in the ditch area.

Robert Reinlander: Did you observe firewood and that type of thing or cut logs rather in the ditch?

Tom Heerdink: There was a log in one of the pictures, I believe, that Mr. Jeffers has that was going into the east side of the culvert.

Robert Reinlander: Is that the downstream culvert?

Tom Heerdink: Yes.

Robert Reinlander: For the record, there are two culverts involved, one that comes down and points towards the Rose property?

Tom Heerdink: Yes.

Robert Reinlander: Then there is another culvert that is close down past your property line?

Tom Heerdink: Correct.

Robert Reinlander: Would be on Ms. Rasche's property?

Tom Heerdink: Yes, they are.

Robert Reinlander: The logs were downstream of that?

Tom Heerdink: Yes.

Robert Reinlander: The last culvert?

Tom Heerdink: Yes.

Robert Reinlander: Now you have some pictures for the Board that would show...these may be a little bit duplicitous of what you already have in the Surveyor's report, but that show the condition of the drain prior to August of '96?

Tom Heerdink: Yes. This is the upstream culvert, the 24 inch one that he had spoke of.

Commissioner Tuley: This one, Mr. Heerdink? Oh, it's this one up here.

Tom Heerdink: It ran into this ditch which ran across our property. This is the downstream culvert that's directly behind her house. This is my property right here. This is to the west of that culvert that Mr. Jeffers was talking about earlier that had all the cut logs in it on this property here. This is the ditch that runs adjacent to her property down towards Mill Road.

Commissioner Tuley: Which would be this ditch?

Tom Heerdink: Yes.

Commissioner Mourdock: And the dates...?

Tom Heerdink: Are in the corners.

Commissioner Mourdock: This was '95 and that was '96?

Tom Heerdink: Yes.

Commissioner Mourdock: That one is '96, and that one is '95, and that is '95.

Tom Heerdink: This was in February of this year real close to the time that she requested that we stay off her property. This is a picture of the ditch actually carrying the water that came through.

Commissioner Mourdock: Where is this on that?

Commissioner Tuley: Right here.

Commissioner Mourdock: Okay, that's looking--

Tom Heerdink: That's looking at it from Mr. Rose's property.

Commissioner Mourdock: Downstream?

Commissioner Tuley: Going this way.

Commissioner Mourdock: Okay, so we're looking upstream here the water would be flowing toward you?

Tom Heerdink: Yes.

Robert Reinlander: For the record, Mr. Heerdink, the developer put the date that the pictures was developed on the front of the pictures?

Tom Heerdink: Yes, well my camera does that.

Robert Reinlander: Your camera date stamps the, okay. Now--

President Borries: Mr. Reinlander, Mr. Heerdink, do you want these

submitted for the record or--

Robert Reinlander: Yes.

Alan Kissinger: --what's your intent?

Robert Reinlander: Yes, we'd like to have them submitted as part of the record.

President Borries: Okay, let the record show then these have been submitted.

Robert Reinlander: This past summer did you ask me to send a letter to Ms. Rasche regarding the cleaning out of the ditch?

Tom Heerdink: Yes.

Robert Reinlander: To your knowledge that letter was sent?

Tom Heerdink: Yes, it was sent.

Robert Reinlander: There was a response received back from her attorney?

Tom Heerdink: Yes.

Robert Reinlander: Saying that there basically wouldn't be any action taken?

Tom Heerdink: Right, and I believe that was in July.

Les Shively: I know we don't have any procedure here, but my client could be tagged with some big bucks here, so if you've got a letter let's put it in and let it speak for itself rather than (inaudible).

Bill Jeffers: It's a part of the Surveyor's report.

President Borries: Let the record show there was some comments made here by Mr. Shively, I'll give him the right to repeat those comments. The second comments were made by Mr. Jeffers. The letter that you were referring to--

Bill Jeffers: The letters that the gentleman at the podium are referring to are a part of the Surveyor's report.

President Borries: Okay, and those would be those mailed to Catherine Rasche dated September 4th, 1996.

Tom Heerdink: Prior to that.

Robert Reinlander: There should be a letter that's prior to that.

President Borries: August 7th...well, wait a minute, I'm sorry. I don't know if I see the other one.

Commissioner Mourdock: There's a letter May 23rd, 1996.

President Borries: Okay.

Bill Jeffers: I apologize for not numbering the pages or not all of them.

Robert Reinlander: After the first letter that's attached to the Surveyor's report of May 23, 1996 was sent to Karen Heard who was Ms. Rasche's attorney at the time did I give you a copy of a letter that was a response from an attorney on behalf of Ms. Rasche?

Commissioner Tuley: We have a copy of a letter dated July 3rd--

President Borries: July 3rd from Shively & Kent.

Robert Reinlander: After that letter of July 3rd what was the next action taken by or on behalf of Ms. Rasche that you observed?

Tom Heerdink: The letter dated July 3rd actually arrived at my house approximately two weeks after that and approximately a week after that, or two weeks after that, on August 5th the Floyd Staub trucks arrived to fill in the ditch.

Robert Reinlander: Were you and Mr. Rose present when those trucks came and equipment came from Staub company?

Tom Heerdink: Yes, we were.

Robert Reinlander: How many days did they work there?

Tom Heerdink: Better part of the week. I believe they were there all through Friday.

Robert Reinlander: What kind of work did they do to that ditch?

Tom Heerdink: They brought in tandem axle loads of dirt, at least five or six of my count. They had a backhoe, and they...I don't know what you call it, a dirt tamper where it actually packs the dirt into it and tightens it.

Robert Reinlander: Did you and Mr. Rose take pictures of the activity that was going on back there?

Tom Heerdink: Yes, we did.

Robert Reinlander: I would to ask you to show the members of the Board the photographs that you have here that showed some of the activity.

Tom Heerdink: Here's photos of the backhoe. A front loader where they are actually filling the ditch in.

Robert Reinlander: Now the area that the equipment is operating in, whose property is that?

Tom Heerdink: Ms. Rasche's.

Robert Reinlander: What's the approximate date of the activity depicted in the photographs?

Tom Heerdink: It would be the week of August 5, 1996.

Robert Reinlander: Would you tell the Board what's depicted in this photograph here?

Tom Heerdink: This is a picture of them and the ditch actually after it has been filled in with the backhoe still in the background.

Robert Reinlander: What is the significance of the string line and the concrete blocks?

Tom Heerdink: The concrete blocks were placed there by Mr. Rose. That's his property. After the ditch started overflowing he tried to protect his yard barn by placing those concrete blocks there. The string line was put up...one by Mr. Rose and then when Staub came they put up another one, I assume, so they wouldn't cross the property line when they were filling the ditch.

Robert Reinlander: So it's basically the property line between Rose and...?

Tom Heerdink: Rasche.

Robert Reinlander: Again, that was during the week of August 5th?

Tom Heerdink: Yes.

Robert Reinlander: We would ask that all those photographs be made part of the record. Now, do you have photographs that shows what the end product looked like after they finished the work there, they being Staub?

Tom Heerdink: Yes, we do.

Robert Reinlander: Would you show these to members of the Board and would you give them points of reference so they know where you're talking about?

Tom Heerdink: Okay, this is where the ditch use to be. This is the fence between Rasche's and my property. This is the string, this is where the ditch use to be. She left that portion of the ditch open just west of my property. You can see it's still left open. This picture is taken from Mr. Rose's yard straight down the property line where the ditch use to be.

Robert Reinlander: The string line on those photographs depicts the property line?

Tom Heerdink: The property line on...yes, along the backside of my property and Mr. Rose's.

Robert Reinlander: Prior to the latest activity filling up the ditch, how far from your back property line was the ditch?

Tom Heerdink: Approximately...the top of the ditch actually was right on my property line.

Robert Reinlander: Was the same true as part of Mr. Rose's property line?

Tom Heerdink: Very close.

Robert Reinlander: Then the ditch turned to the south running away from Mr. Rose's property, is that correct?

Tom Heerdink: Yes, to where the other culvert is. The one that feeds into the ditch.

Robert Reinlander: Finally, would you show these photographs to the Board members and tell them what it depicts and when it occurred and an approximate amount of rainfall that day?

Tom Heerdink: This was, I believe, a three inch rainfall. This was an all night rainfall of Friday night, Saturday morning. This is the upstream culvert taken from Mr. Rose's yard. This picture shows where the ditch use to be. The line is still there. The water would have come here and run right down the line, now it's running directly into Mr. Rose's yard. There's the yard barn that we spoke about, you see the culvert is right back here. This is the property line between, this is my yard and this is Mr. Rose's yard. This is the waterfall that comes down now. This is taken next to my garage.

President Borries: Is where I'm putting my finger here where the previous ditch use to be, approximately in that area?

Tom Heerdink: Yes, you can still see the string is still there.

President Borries: On this map would you indicate to me what has been filled in at this time then?

Tom Heerdink: Actually, she went a little beyond Mr. Rose's house this portion of the ditch wasn't used anyway. She has filled to right on our property line. So this portion of the ditch is still there between the culvert and my property and all of this ditch is filled. So she has filled in from here.

President Borries: What about this water flow as I'm describing that...in other words, is the culvert...was there any attempt to change this culvert right here?

Tom Heerdink: When they did the work?

President Borries: Uh-huh.

Tom Heerdink: They removed all the stone that was around it and they filled in with dirt--

Commissioner Tuley: All the riprap that was there?

Tom Heerdink: Yes.

President Borries: Removed the riprap?

Tom Heerdink: Yes, that was in front of it here and it's all been filled in with soil and actually elevated a little bit to shoot the water straight out.

President Borries: How about this natural waterway above, I guess, or to the...God, let's see what is that? To the south of the property identified as the Rasche property. Has this been altered or filled in here?

Tom Heerdink: No, that's not her property, but what she has done right here along this she's piled up approximately, I would guess, one or probably one truck load riprap right along here to, I guess, keep it from washing when the water comes through and actually washing away from it.

President Borries: So how would you estimate or how would you say that the water is now flowing?

Tom Heerdink: The water now flows directly and Mr. Rose's yard barn is approximately right here. It flows and comes directly and it comes around both sides--

President Borries: Okay.

Tom Heerdink: --and flows down through here.

Commissioner Tuley: Where's that pipe that Mr. Jeffers made reference to?

Tom Heerdink: Right about here.

Commissioner Tuley: That apparently goes under her ground and shoots out over here?

Tom Heerdink: Shoots out over here, that's correct. I think it comes more like this.

Robert Reinlander: After the ditch was filled in how many times have you had this flooding in your backyard and Mr. Rose's backyard?

Tom Heerdink: Anytime that we get significant rain. I mean if it's just a sprinkle obviously there's no water, but any type of heavy rain or just significant. An inch of rain would easily come through that pipe.

Robert Reinlander: Are these rains that would previously been contained within the drainage ditch?

Tom Heerdink: Yes.

Robert Reinlander: Even the three inch rain, you said it was a protracted rain, would the ditch typically have been able to handle most of that if it was over a period of time?

Tom Heerdink: I believe it would have if the downstream culvert would have been cleaned out which is what we initially asked to be cleaned out.

Robert Reinlander: Now, as far as the small pipe that Mr. Jeffers talked about that was put in the end of the downstream culvert, do you even know when that was put in?

Tom Heerdink: No, I didn't know it was there until he told me. I just assumed that the pipe was clogged from debris.

Robert Reinlander: During the ten year period of time you've been there prior to this summer, how had the flow of water through that ditch been holding up?

Tom Heerdink: Very well up until probably the last two and a half years is when we noticed that it was starting to back up more and more often.

Robert Reinlander: Did you observe someone helping out Ms. Rasche cutting wood in the area of the culvert?

Tom Heerdink: She had a tree down in a storm, I believe, it was this spring and a gentleman came out and cut the tree up and got it out of the ditch for her.

Robert Reinlander: Do you know whether that wood ended up in the ditch or not?

Tom Heerdink: I don't know.

Robert Reinlander: After the Staub folks filled in the ditch another letter was sent to Ms. Rasche's attorney?

Tom Heerdink: Yes, we sent a letter telling her that we had taken action with the Drainage Board asking her to please clean it out and we could work it out amicably if she would do so.

Robert Reinlander: Did Ms. Rasche take legal action at that point?

Tom Heerdink: Yes, and I believe it was in September we were served with a protective order claiming that we were harassing her and it was later dismissed.

Robert Reinlander: She dismissed it herself?

Tom Heerdink: Yes.

Robert Reinlander: Now if this ditch is cleaned out and put back to the state prior, as Mr. Jeffers recommended in his report, how would that benefit your property and Mr. Rose's property?

Tom Heerdink: Well, obviously it would keep Mr. Rose's yard barn from being flooded out. It would keep water away from my garage and the erosion factor. I don't know how much dirt I'm losing every rain, but I'm sure it's going somewhere.

Robert Reinlander: Does that water, in fact, go from your property then across Ms. Rasche's property?

Tom Heerdink: Yes, throughout heavy rains it has moved her railroad ties. I can see underneath the fence where the ties have been pushed away. Like Mr. Jeffers said he witnessed after that Saturday rain he came and saw that the railroad ties had been pushed away.

Robert Reinlander: Those are railroad ties just added in the last few months?

Tom Heerdink: Right before the ditch was filled in.

Robert Reinlander: They were moved out in the most recent rain?

Tom Heerdink: Well, the rain in September, yes.

Robert Reinlander: Gilling in this ditch has it aggravated the amount of water that is going over on her property as well as yours and Mr. Rose's?

Tom Heerdink: I think so.

Robert Reinlander: I think that's all the evidence we have. Any questions?

President Borries: I don't think so at this time. Thank you.

Robert Reinlander: Thank you.

Alan Kissinger: Now would be the appropriate time for the respondent or the respondent's representative to address the Drainage Board.

Les Shively: For the record my name is Les Shively representing the respondent in this matter. I hate to at this late moment

address the statute, but it's imperative to do so and I'm not just doing this, it's not legal ease. There is a statement once made that we are a nation, a country, even a county for that matter of laws not meant. This statute clearly says despite, and I've all respect for Alan, the statute clearly says the hearing has to be set within ninety days of the filing. What I have submitted to you is a copy of their petition which clearly has a file mark date of August 9th. Number two, the petition does not describe the track of land owned by the petitioner. It does not even describe the site of the obstruction as required by Section 10 of the statute. Most importantly, the subject property is within the corporate limits of the City of Evansville and this would be the first time that I know of that the County Drainage Board is going to exercise jurisdiction other than illegal drains on areas of corporate limits of the City of Evansville. Also, already in the record this evening is a letter of May 23, 1996 which contains the bulk of the complaints, alleged complaints, by the petitioner which proceed, which proceed the effective date of this statute. The Indiana Supreme Court has held, and held ten years ago it's still a good law in this state that one of the property rights every property owner has is the right to feign off surface water. What this statute does and what this Board is going to do, basically, is to ignore the property rights that have been vested in every property owner in this county by the Supreme Court. As I saw what took place in the hearing that proceeded this, not only that, but exact a penalty, if you will, on the property owner. You will hear in a moment from Mr. Andy Easley as to where the true natural watercourse is in this particular situation. We will show you pictures that show that the actual watercourse is not where this supposed ditch was. Furthermore, the petitioners presented no evidence to show or establish that the ditch was, in fact, naturally created. In fact, every indication right now would be that the ditch was man-made. The bulk of the so called obstruction by the petitioners' own admission is downstream which clearly evidences the fact that nothing has been done by this respondent to obstruct the condition. I'll have Mr. Easley speak here in a moment. We have some photographs to show you after he speaks. But let me say this to you, if the goal is to try to resolve a drainage problem my client stands ready, willing and able to work with the proper governmental authority, which I believe is the Board of Public Works, to effectuate a solution to this particular problem. With that, I guess, what I am really essentially asking you to do is to give us an opportunity to do that. If that doesn't occur obviously, I mean, I'm telling you now that we have no choice in an adverse ruling, but to pursue our judicial remedies, not the least of which will be to determine the validity of this statute. I can already tell you there have been two well known lawyers in this area, in the property law area, that does not include me, who have found this statute to have many problems. Now, we can all spend time and money and effort in the courts to do what the legislature should have done correctly or we can get to the people's business or at least these private property owners' business at solving a problem with the appropriate governmental entity which is the City of Evansville and the Board of Public Works. If you have no questions with regard to that I'm more than happy to have Mr. Easley address the questions as to the natural watercourse.

President Borries: Thank you, Mr. Shively. I think that your comments are quite appropriate and certainly deserve an immediate response from our attorney since I would assure you on behalf of this Board if there was anyway statutorily that we were not hearing this we would not be doing so.

Alan Kissinger: I can't address all of Mr. Shively's statements, but we do have a record in reference to the original postponement of this meeting and it was based on proper notice being given. I think the ninety first day is certainly within compliance with the statute anyway. I mean we, don't hold hearings on Sunday and Mr. Shively is fully aware that extensions of time for various reasons, or times are extended for various reasons for the consideration of Sundays and holidays, so I'm not particularly concerned about that. Not only that, the hearing on this matter was postponed as this very statute allows originally because of notice. So I'm not concerned at all about judicial review of the timing of this hearing. You know as far as conducting this hearing is concerned the Drainage Board is required by statute to conduct this hearing whether the Drainage Board likes this idea or not is not really the question, the statute says that you have to hold the hearing. I find, as Mr. Shively has indicated two other attorneys have found that this statute has many problems. I don't think it is well thought out. I don't think anyone anticipated the potential consequences of going into this. I think a whole lot of things need to be done to this statute. I think perhaps it might even be better, and Mr. Shively might agree with this, it might be better handled in the courts specifically instead of before, and don't take this wrong, but before a Board that is inexperienced in the application of legal procedure. You are not expected to do that, you should not be expected to do that, but here we are and I think that Mr. Shively's suggestion that he might seek judicial review might be welcomed by all, but as far as the timing is concerned we have minutes in reference to the timing of the placement of these obstructions. As to whether or not it fits the definitions in the statute, the Surveyor's office assures us that this is a mutual drain and I recommend that the Drainage Board continue with this hearing.

Commissioner Mourdock: May I follow that with a couple of questions because in your barrage there, Les, I caught five major points. The first one was the ninety days which our attorney has addressed. The second one was that the site of the obstruction was not described as the Rasche property in one of the documents and that's kind of matter of fact, if you will, so let me skip that one for a second. Alan, Mr. Shively also made the point about the date of the one letter being, I believe May 23rd, it actually precedes the date of the statute. From the point of view of procedure, given the statute is there any significance to that?

Alan Kissinger: Les, I understand the date of the statute to be...it was supposed to be effective July of this year. Am I correct?

Les Shively: That's right.

Alan Kissinger: So you're--

President Borries: Now wait a minute. The one on May 23rd, however, is not a letter addressed to this Board, it is a letter that is addressed to the client of Mr. Shively, if I'm correct on that?

Les Shively: This is correct. It's been attached to your Surveyor's report as a part of his official response or investigation of this matter and is evidence of the alleged problem, alleged condition and by the face of the letter it talks about a condition that precedes the statute. The problem precedes the statute.

Commissioner Mourdock: Okay, and then that is my question. If, in fact, the condition preceded July 1, the date of the statute, what legal bearing does that have?

Alan Kissinger: The legal bearing that has is that it is potentially an ex post facto law and if you will recall I addressed the Commissioners in reference to that, or the Drainage Board in reference to that previously. However, this Board is not a court of appeal.

Commissioner Mourdock: Okay, well let me ask a question then and maybe we can stipulate something here. Mr. Reinlander or Mr. Heerdink you said something about the trucks working out there and filling in this alleged ditch, wait a minute, Les, if we can maybe just stipulate this, was that in fact after July 1?

Robert Reinlander: There are two sets of circumstances. The first letter to, at that time I don't think it was Les's client, was in May and addressed some other types of obstructions. In August, which is after the date of the statute, the trucks rolled in with the dirt.

Commissioner Mourdock: Okay, would you agree with that Les?

Les Shively: Yes, I would.

Commissioner Mourdock: Okay, alright that resolves that in my mind then. The fourth issue is one that Alan was mentioning a moment ago, and while he didn't use the phrase...you didn't use the phrase, Alan, of the natural drainage way did I understand you that you were basically relying on the County Surveyor's report that as a historic drainage way that certainly opens the door for application of this statute however flawed it may be?

Alan Kissinger: Yes, because I don't think that anyone denies that it is a mutual drain.

Commissioner Mourdock: Okay, and the last one then from Mr. Shively's points, he said his client will work with the appropriate body but he believes that body to be the Board of Public Works since this is inside the city. Do you want to deal with that question?

Alan Kissinger: Once again, if he wants to work...or if his client wants to work with the Board of Public Works that is fine, but discussions have been had trying to solve this matter and while those discussions were going on it got worse. This Board has a right and under this statute it has the jurisdiction to proceed in this matter. According to the statute, which may change, I think you have an obligation to do so.

Commissioner Mourdock: Okay, thank you.

Les Shively: Let me also state for the record and Mr. Kissinger can respond or not respond I simply do this so it's not waived when we take it up, but no disrespect to this body or Mr. Kissinger because we are involving dealing with property rights and we are involved with something that would be a levy of not really a fine, but would result in a monetary result or impact upon a property owner certain minimal due process requirements have to take place. I know you all are trying to be fair, but this procedure and we're kind of doing it as we go here this evening, I have a real problem with whether what we employ here this evening complies with minimal

procedural due process. You need not respond. I know we were at this particular point, but there is some case law that indicates that if I'm going to raise that at a later time I need to make that for the record.

Alan Kissinger: Well, since he said with all due respect I accept his explanation.

Les Shively: At this time, though, I think the important thing is, and again I don't want to offend Mr. Kissinger again, but the statute does say...there is some wording in the statute that does give us some guidance. As ill-conceived as it is, it used the term natural watercourse and at this time I'd like Mr. Andy Easley to come forward, and in the interest of time I'm not going to Q and A him per se, but if Mr. Easley to come forward. Well, I think I will move along maybe with a little Q and A to get things moving along here. Andy, state your name for the record, please.

Andy Easley: Andy Easley.

Les Shively: Briefly, tell this body your professional background.

Andy Easley: I'm a registered civil engineer in Indiana and I've had a private consulting business for over twenty five years. I was formerly a county engineer and was Chief Assistant City Engineer for six years under McDonald, Sr.

Les Shively: Real quickly, what background if any or professional training if any have you had in the area of dealing with surface water?

Andy Easley: I think most people know that I have been involved in drainage and storm drains and natural runoff computation for a number of years.

Les Shively: Have you read Mr. Jeffer's report?

Andy Easley: Yes, I have.

Les Shively: He has in his report, he indicates that there is an area where at one point in time some sort of ditch or swale that he claims has been filled in?

Andy Easley: Yes, and I've seen photographs of that.

Les Shively: Now, have you also reviewed topographic maps of this area?

Andy Easley: Yes.

Les Shively: Have you been out there?

Andy Easley: Yes.

Les Shively: Is the area where these former ditches or swales are located within the natural watercourse?

Andy Easley: I would say, no. The ditch or swale in question was probably man-made. It wasn't very deep, most of it wasn't. It was deep near the culvert at the west end of it. But the swale was basically going somewhat parallel to the contour lines. Most natural watercourses tend to cross contour lines at right angles.

Commissioner Mourdock: Say that last thing again, please.

Andy Easley: Most natural watercourses tend to cross contour lines at right angles. I have a map here.

Les Shively: Are you marking these or what?

Alan Kissinger: Every thing is going to be in the record.

Andy Easley: This would be the natural watercourse. The swale that was constructed is more parallel to the contour lines.

Commissioner Mourdock: The swale being the red line?

Andy Easley: The red line.

Commissioner Mourdock: Okay, so you are saying it was more natural down here closer to these homes.

Andy Easley: Yeah--

Commissioner Mourdock: Okay, I've got you.

Andy Easley: Now what is the definition of natural?

Commissioner Mourdock: I understand.

Andy Easley: I would suspect that the swale was a man-made swale.

Commissioner Tuley: Mr. Easley just to make sure I understand what you said on that, okay these would be...this is Mill Road and these are homes located--

Andy Easley: This is Mill, these are homes along Mill. If you, when they first originally had Mill Road and they had Stringtown and there were no houses in here water probably followed the purple arrow.

Commissioner Tuley: Uh-huh.

Commissioner Mourdock: On this map would have come down across this way?

Andy Easley: That is correct. I think it would have followed the preponderance of the water would have come down in that penciled arrows someone along that little fence row or something there constructed a swale which took it over here. It wasn't very deep and I doubt if it would hold all of the runoff from the photographs I've seen.

Commissioner Mourdock: Then subsequent to that someone improved this swale with a ditch is that--

Andy Easley: No, no--

Commissioner Tuley: We just called a ditch a swale.

Andy Easley: Someone filled in the swale, but someone at some time someone constructed a swale or a ditch there.

President Borries: You're saying on their property someone filled in the swale?

Commissioner Tuley: No, no.

President Borries: Down here if that's a natural watercourse.

Commissioner Tuley: Well--

Andy Easley: The red arrow has got, the red arrow, the swale--

Commissioner Tuley: The swale in question is this that's been filled in. Supposedly filled in.

Andy Easley: The red arrows got filled in.

Commissioner Tuley: Right, you saying they used the word natural water flow. This is it.

Andy Easley: What is the definition of a natural waterway? This is probably the natural waterway. The penciled arrows are the natural waterway because that's where they had, in fact, put an underground conduit there. Are you aware of that?

Commissioner Tuley: Yeah, he made reference to that, Mr. Jeffers did.

Andy Easley: Yeah, but that was to pick up the water of the natural waterway. That probably overflowed this little swale here, but the water still tended to go down and find the old natural waterway. I'm just saying that was not a natural waterway if we're looking for the strict definition and interpretation.

Alan Kissinger: If I may, as far as definition and interpretation is says as used in this Chapter, I'm reading from Section 3 of Indiana Code 36-9-27.4-...well, I'll get the exact citation for Charlene. Nonetheless, it's the definition of natural surface watercourse and it 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. It doesn't say nature made it. It says because it is there the water naturally flows that way. That's the definition.

Andy Easley: So a man-made swale would qualify as a--

Alan Kissinger: Certainly, yes sir. Andy, it means if you have a contour of land and water falls on it and flows naturally because of the pull of gravity in a particular direction and a definable direction that is the natural flow of the water. They are not saying the watercourse is natural, but the flow of the water through whatever this course is, is natural. If we become bogged down on definition we'll be here at like nine tomorrow morning. With the understanding that Mr. Shively has a right to be heard on this, however, we...this body is not a court of law. You are not qualified, you're not expected to be qualified to define legal terms as they are set out in this statute. Inevitably, one of these cases, maybe there are cases already before courts in other counties, but that's why there is a provision in this statute for judicial review. You are not the appropriate body to conduct judicial review of every word and nuance in this statute.

Les Shively: Let me just say this. I'm not asking you for words or nuances, I'm asking you to use common sense. Now for crying out loud, if the intent of the General Assembly was to have you enforce or deal with every man-made drain and ditch, regardless of how it was put in, if the water goes this way and the ditch goes this way

and deal with an obstruction of it. Come on use some common sense, the statute in question is entitled, Natural Surface Watercourse. I just ask you to consider a former county engineer for this county who has presented to you many solutions to drainage problems on behalf of private property owners; to take in consideration where the natural watercourse is in relationship to the area for which this petitioner allegedly is seeking relief from this body. Do you have anything further for Mr. Easley?

President Borries: Thank you, Mr. Shively. Thank you, Mr. Easley.

Les Shively: I would like to Ms...if we could briefly we have some photographs also to submit if we could?

President Borries: Mr. Shively, for the record will submit some photographs.

Alan Kissinger: Les, if I can just briefly for the benefit of our recorder the statute that we are referring to is Indiana Code 36-9-27.4-1 Et Seq. "e" "t" one word, "s" "e" "q" period another word or another abbreviated word. Thanks, Les.

Les Shively: Why don't you state your name for the record?

Cathy Rasche: I'm Kathy Rasche and I live at 20 West Mill Road.

Les Shively: Ms. Rasche, I have some photographs here. I have let's see, one, two, three, four, five, six, seven photographs. Have you seen those before?

Cathy Rasche: Yes.

Les Shively: When were these photographs taken?

Cathy Rasche: November the--

Les Shively: 7th?

Cathy Rasche: 7th.

Les Shively: Of this year?

Cathy Rasche: Uh-huh.

Les Shively: Okay, now I'd like for you to step up here and we'll take them one by one and I'll...for the record--

President Borries: Yeah, you can do it.

Les Shively: Alright, I'm going to take this first photograph and have you explain briefly what that photograph depicts.

Cathy Rasche: This shows looking up towards the east side and this water that is coming out of here I have a drain tile that I had to put in so I could get my rider mower to the next level of my property. And here is--

Les Shively: Just show what the picture depicts.

Cathy Rasche: Uh-huh.

Commissioner Mourdock: On this map is that right here?

Commissioner Tuley: This is your house.

Commissioner Mourdock: This is Mill Road.

Cathy Rasche: No, no the one up here.

Commissioner Tuley: This one-

Cathy Rasche: The one that comes down and then onto the road right there, it should be right there. Also it doesn't show any water. This was taken after that storm or during that storm. There is no water running down this way that would go where they are saying there was a ditch. There's no water going that way, okay?

Les Shively: Okay, next photograph. Explain what that depicts and where it's located.

Cathy Rasche: This one depicts where the water comes down from that, you know out of that tile and it's open and then comes down here and this goes north. What they're saying there was this way is where that water is supposed to go like to the west. In other words, it comes down north and then it makes a sharp turn and goes eighty or ninety degrees to the west. It won't do that. Water comes down from the north it does not stop and all on its own go west.

Commissioner Mourdock: Right.

Cathy Rasche: So that shows that. See there's no water coming this way, that would be west.

Les Shively: Next photograph, explain what that depicts and where it's located.

Cathy Rasche: Okay, this is Neuschwanger's and that's where the trouble starts. All that water, Neuschwanger and Weasel up above me, are channeling onto mine. Here it shows coming in onto mine, it goes under through the tile here and that's when it comes on down where we had that... yeah, see where it comes down from up here. I have a tile up here right after Neuschwanger's.

Commissioner Tuley: Where is Neuschwanger's?

Cathy Rasche: Neuschwanger is the long one up--

Commissioner Tuley: This one right here?

Cathy Rasche: Yeah, this goes all the way down to the easement from the church, yeah, up against mine. This is the one that shows that height.

Les Shively: Okay, next photograph again what that depicts and where it is located.

Cathy Rasche: Okay, here it shows coming down from back at the tall end from Neuschwangers where it is channeled onto mine. There's that little gully like, if you will, going toward the west and there's nothing in it. The water goes straight down and goes down behind the houses like all those on Stringtown. That's where the water goes.

Commissioner Mourdock: Is this the dirt that you put in there on this side? The one that they're talking about in August?

Cathy Rasche: Yeah, what we did first, Staub did, he graded it down because it had like brush and stuff and some wild trees or whatever and so they went in and cleaned that all off. There was a swale further over and what they did, a lot of it was like I had some kind of grass that grew wild, I couldn't kill it, so they took some of that out and put topsoil on it. I've got the work order where it says how much topsoil and what they took out, how many dump trucks they took out. So it was taking some out and then also putting topsoil in so I'd have better grass.

Commissioner Mourdock: So, before you put all that topsoil in there that you're talking about, are you saying that this water would have come right here anyway?

Cathy Rasche: Yeah, yeah, because see it comes straight down.

Les Shively: Okay, once again explain what this photograph depicts and where it is located.

Cathy Rasche: Okay, this shows like the east side of my house, right here from my yard to the east and this is that stuff coming from Neuschwanger and Weasel and the whole Stringtown hill because there's no storm drain up there. I've got all their water and then it comes down under to my tile and crosses over. Then I am supposed to contain that water or they want me to have it ninety degrees turned.

Les Shively: Alright, again, what the photograph shows and where it's located.

Cathy Rasche: Okay, here's the water. There again, it comes from Neuschwanger and Weasel and not off of mine.

Les Shively: Again, the last photograph, what it shows and where that's located.

Cathy Rasche: Here it shows from Weasel and Neuschwanger's coming down onto mine across my strip and it doesn't show the part because it shows on those where it comes down on my property before it gets on Rose's it goes on down and it doesn't make a turn to the west because that water coming full force is not going to go west.

Les Shively: I'll be more than happy to answer any questions that the Drainage Board has at this time.

President Borries: Any questions from the Board? Thank you, Mr. Shively. Let the record show that seven photographs were submitted by Mr. Shively and Ms. Rasche during that testimony. At this time is the Board ready to make a decision? There are three parts, I guess, that Attorney Kissinger again will--

Alan Kissinger: Yes, the first part is if the Board finds that the obstruction of a drain or a natural surface watercourse that is alleged in the petition exists and the removal of the obstruction will promote better drainage on the petitioner's land and not cause unreasonable damage to the respondent's land the Drainage Board should find for the petitioner. If you can't make those findings then you should deny the petition. So, the first step is to either find for the petitioner or deny the petition.

President Borries: Would there be a motion that the Board would make at this time?

Commissioner Tuley: I'll move at this time then that we find for the petitioner.

Commissioner Mourdock: I'll second.

President Borries: Okay, that motion has been made, is there further discussion for the Board at this time? Do I take by consensus then that there is ruling to find for the petitioner or decision for the petitioner?

Commissioner Mourdock: That is my feeling.

Commissioner Tuley: Yes.

President Borries: Alright, then so ordered. This Board at this time finds for the petitioner.

Alan Kissinger: Alright, the second part of this proceeding at this point then is the Board shall determine based on a preponderance of the evidence that has been presented here tonight in both testimony and in document and the photographic form whether the obstruction of the drain or natural surface watercourse was created intentionally by the respondent or any of the respondents.

President Borries: Okay.

Alan Kissinger: So, the question is was the obstruction created intentionally by the respondent?

Commissioner Tuley: I'll move the obstruction was intentional.

Commissioner Mourdock: I will second.

President Borries: Is there discussion of that motion? Any dissention to that motion? Again, intentional is understanding here that there was some alteration of a, quote, natural watercourse.

Alan Kissinger: That the activity that took place was not accidental, inadvertent, or an act of God or nature or whatever.

President Borries: Alright, hearing no dissention the Board then finds that there was evidence that this obstruction was intentionally done.

Alan Kissinger: Then the third step is for the Board to enter an order directing the respondent to remove the obstruction at the respondent's expense or directing the County Surveyor to remove the obstruction at the expense of the respondent. You may at this point incorporate the recommendations of the County Surveyor as to the action of removing the obstruction. So the decision is shall it be done by the respondent at the respondent's expense or shall it be done by the County Surveyor at the respondent's expense?

President Borries: Mr. Jeffers you had made some...we, at this point are at the point then where we are going to follow your recommendation. You had indicated that you would supervise this removal or the removal of a prior case. Are you willing to do that at this time?

Bill Jeffers: No, sir.

President Borries: Okay, and would there be a reason for you not

offering to do that at this time?

Bill Jeffers: We could basically supervise the work on the other case in the matter of a few hours and do it generally from the roadway which is a public roadway or from even the petitioner's driveway which he would be amicable to, I'm sure. It is so simple, we are only talking about a couple of wheelbarrows full of dirt at the very most and a couple hours work. In this particular case if I were to make a recommendation it would be that the respondent...and I'm not making a recommendation, but if I were to make one I would say that the respondent should hire the same contractor she hired to fill the ditch and have that same contractor remove what he filled and he would know best what the existing condition of that ditch was before he filled it. I would think he would be much more familiar with it than our office and since he's done that for the better part of his life as his business he would be able to tell what dirt he brought in and when he reached the original dirt that was on site before he...when he reaches the level that the ditch was before he filled it he'll know. He'll know when he hits original dirt. That's the way I would handle it if I were to make a recommendation at this point.

Commissioner Tuley: I don't think we have the right to tell them who they should get, although, I agree with your recommendation. I'll move at this time that the respondent be the one ordered to remove the obstruction at their expense. Who they choose to do it, that's up to them.

Robert Reinlander: Excuse me--

President Borries: There is a motion, just in some procedure here Mr. Reinlander, would Commissioner Mourdock be willing to second that motion?

Commissioner Mourdock: Yeah, I will second although I--

President Borries: For the purposes of discussion before we act on that motion would you like to make a comment?

Robert Reinlander: We would ask that not be an open-ended order and that there would be some reasonable time limit given to Ms. Rasche to comply, so that we know if she hasn't what our, you know, what our remedies would be. The statute provides some remedies if they don't comply, but if you leave it open-ended I think we're just inviting that.

Alan Kissinger: Mr. Reinlander, I think the Drainage Board will ask the Surveyor's Office to go out and make an inspection of this site and report back at next month's meeting. So, that's about as quickly as we can act because of the spacing of our meetings.

Robert Reinlander: Okay, Oh, and the culvert was also in his recommendation, and I'm not sure exactly what you adopted as the plan of action, but the culvert was also mentioned in there.

President Borries: I think that we did effectively adopt that plan of action, didn't we?

Commissioner Tuley: Remove the obstructions, and if the obstructions included the culvert.

President Borries: The obstructions, what we are referring to this time, is a restoration of said open waterways that existed prior to

its filling with dirt, replacement of an undersized and partially clogged culvert behind the respondent's 20 Mill Road address, clearing and cleaning a part of subject waterway downstream of that culvert and proper maintenance of the whole subject waterway would promote better drainage of the petitioners. Now, certainly, that would be a proper maintenance on the respondent's property. Mr. Kissinger, did you give, again, I'm asking a procedural matter over here of the rest of the Board, any time frame or what was your--

Alan Kissinger: We didn't say anything about a time frame in particular, but I certainly think that there is an understanding with this order that it be done with, as quickly as is practicable. I indicated to Mr. Reinlander that the Board could ask the Surveyor's Office to make a report at next month's meeting of the Drainage Board in reference to any progress that has been made. Then if appropriate progress isn't being made then there are other things that the Board can consider.

President Borries: Okay.

Commissioner Mourdock: Or the parties involved?

President Borries: Okay, there was a motion made, comments made, the motion was seconded. At this time is there further discussion on this motion? Any dissention then from the Board at this point? Then I would say then that the third item then in regards to the removal of the waterway and the comments by Mr. Jeffers in his paragraph on Page 11 be approved and adopted. I want to thank everyone for their patience this evening. Believe me, this has not been very easy for this Board to consider. Alright, we have several item of new business at this time. I want to call Mr. Jeffers to the podium so we can proceed as quickly as possible to move forward on these item under new business.

Bill Jeffers: Lest anyone think that all that is easy to do on your part or anyone else's part, we're talking about centuries of English common law and American law where storm water was considered a common enemy and people went about doing just what Mr. Tracy did, or just what Mr. Tracy wants to do, put up a row of timbers and divert the water away from his property so it doesn't damage it. That's the way his granddaddy did it and his granddaddy did it. Then all the sudden we go from what was English common law and American law where storm water is a common enemy to where now under this thing that's probably unique to Indiana all the sudden you can't touch a man-made or God-made natural watercourse, can't touch it. You know, can't divert it, can't fight the common enemy that for centuries everyone looked at as a common threat. So it's not easy and you're talking to older guys, like Mr. Tracy, just cannot understand how a government can reverse the entire history of what he and his dad and his dad before him did. If you read the--

President Borries: I would, I would--

Bill Jeffers: --description of all this in the Farm Bureau publication you'll understand how some of these old timers are just going to never understand what we're doing here. It's not easy.

President Borries: Well, I would only say for the record this is probably one of the tougher meetings that I've ever faced. I'm not going to have too many more of these.

Bill Jeffers: You've never gone on private property like this.

You've never done this, gone onto people's private property and told them what they have to do.

President Borries: So, if you see me smile and chuckle about the number of meetings I have left like this, I--

Bill Jeffers: I don't think it is going to get any easier.

President Borries: It's hard for me to hold back my glee, you know looking at the other two members of this Board, but I would fully agree. I've never--

Commissioner Tuley: I want a recount. I think they got our numbers reversed.

President Borries: I think the conservative nature of this Board, the aspect of property rights, I guess, I would be very interested in finding out the background of the legislator, or legislators who passed this. If they were rural or urban, if it had to do with incorporated city limits versus other county--

Bill Jeffers: It's actually my understanding from somebody up north that the senator who introduced this did it because his drinking buddy, now this is what was told to me I didn't have the beer with the guy, had a problem with his neighbor and he said, I'll take care of it for you, I'm going to take care of this one for you. You can tell it was written pretty quickly.

Commissioner Tuley: And poorly.

Bill Jeffers: Okay on these...I don't even have an agenda anymore.

Commissioner Mourdock: Here you go.

Commissioner Tuley: I've got one. Let's get out of here as quick as we can.

Commissioner Mourdock: Maybe that means we're at the end?

Columbia Sussex Subdivision, Lots A & B - Final drainage plan

Bill Jeffers: Let's see, the first one is a final drainage plan for Columbia Sussex Subdivision, Lot A and Lot B only. These are the two lots immediately south of the parking lot for the Marriott Hotel. Rather than go through all the displays and everything...I have the map and everything, I've reviewed the drainage report and the calculations submitted by Morley & Associates under the stamp of Daryl James Helfert sitting right here in the front row. Everything is in order. It show detention equal to or in excess of that required by the new drainage ordinance for Lot A and Lot B of Columbia Sussex Subdivision. The surveyor recommends approval of the final drainage plan for those two lots.

Commissioner Mourdock: Pursuant to the recommendation of the County Surveyor, I'll move approval of the final drainage plan for Columbia Sussex, Lots A and B.

Commissioner Tuley: Second.

President Borries: So ordered.

Best Western Hotel - Final drainage plan

Bill Jeffers: Okay, the next one is the Best Western Hotel, which is located on U.S. 41 up at I-64 south of the Busler complex or right about where Arby's and McDonald's is. You're familiar with this subdivision. It's another hotel going in to what's becoming a subdivision of hotels. I've reviewed the drainage plans also submitted by Mr. Helfert from Morley & Associates. They are in accordance with the requirements of the drainage ordinance. There is a drainage basin etc. and our office, the County Surveyor recommends the approval of the final drainage plan for Best Western Hotel.

Commissioner Mourdock: Pursuant to the recommendation of the County Surveyor, I'll move approval of the Best Western Hotel drainage plan on U.S. 41 at I-64.

Commissioner Tuley: Second.

President Borries: So ordered.

Crossroads, Lot 6G - Final drainage plan

Bill Jeffers: The next one is the final drainage plan for Lot 6G, Crossroads Commercial Center. You are familiar with Crossroads Commercial Center where the Town and Country Ford Dealership located. This is another hotel. It's designed by Mr. Jim Farney, engineer at Bernardin Lochmueller & Associates. Again, it has a drainage basin located on the lot shaded in yellow here in front of the motel. We have two plans. One of them is for a wet basin if the hotel owner, Mr. Patell, has not yet decided whether he wants to put the fountain in the wet basin and put ducks around it or whether he wants a dry basin with a more formal fountain in it, but I have two designs here. Both of the designs, one for a dry basin, one for a wet basin, both comply with the requirements of the drainage ordinance. They both detain exactly the same amount of storm water and discharge it required lower rate and the County Surveyor's Office recommends approval of the final drainage plan for Lot 6G, replat of Lot 6, Crossroads Commercial Center.

Commissioner Mourdock: Pursuant to the recommendation of the County Surveyor, I'll move approval of the final drainage plan for Lot 6G at Crossroads Commercial Center.

Commissioner Tuley: Second.

President Borries: So ordered.

Four S Property - Preliminary drainage plan

Bill Jeffers: On our list of items we had preliminary drainage plans for Four S Properties which was formerly Silky's Auction property at Baseline and--

Commissioner Tuley: At 41?

Bill Jeffers: --41. They did submit a drainage plan that met the requirements of the county drainage ordinance, but I was told down here before the meeting that Mr. Keith Poff had prepared that and

got our office's recommendation of approval, so that he could forward with rezoning. That has been accomplished and he wants to come back later with the final drainage plan when the developer decides exactly how he is going to arrange his development which happens to be a sales lot for camper vehicles. The reason he wants to come back later is because they're going to use this drainage basin as a pond to situate the...what do you call them?

Commissioner Tuley: Camper trailers?

Bill Jeffers: Camper trailers around it like a campsite, you know what I am saying? So he wants to come back later for final drainage approval so I'm withdrawing that one temporarily.

Sycamore Hills, Section 4 replat - Preliminary drainage plan

Bill Jeffers: The next one was Sycamore Hills replat of lot...of Section 4. The developer is Gary Williams and the engineer is Nicholson. Your original approval of a final drainage plan for Sycamore Hills, 4 was predicated on the completion of all the modifications that would make Sycamore Hills 1, 2, and 3 comply with their drainage plan. That has not been completed. I inspected the site last week. Mr. Williams has not completed that and the surveyor's recommendation is to table any drainage plan for Sycamore Hills, Section 4 until Mr. Williams has completed his previous commitments on the drainage plan for Sections 1, 2, and 3.

Commissioner Mourdock: Probably need a motion on that one, don't you? I would think to table that?

Bill Jeffers: That's our recommendation. You don't have to make a motion. He's not here, so he's not here to speak. That would be our recommendation though if you want to make a motion, otherwise we can just withdraw it.

Commissioner Mourdock: Let me do that formerly since he's not here. The other one you withdrew and it was obviously voluntary for them to do that. But I'll move we table for one month the Sycamore Hills Number 4 replat.

Commissioner Tuley: Second.

President Borries: So ordered.

Willow Creek, Section E - Preliminary drainage plan

Bill Jeffers: Okay, I had Willow Creek, Section E, but neither the developer nor his engineer is here. I sent a Letter of Deficiency of Drainage Plan asking for additional information for Willow Creek Section E and so at this time we have no recommendation because I didn't get the information I asked for. The next one is Glenwood Hills, Section B which...is everyone out there or are they coming in? This may be a rather lengthy discussion, hopefully not. You may want to go to others wishing to speak if you think those would be briefer and maybe they're ready for breakfast by now.

President Borries: I think you have one individual and his lovely wife who have been here for some time. Perhaps, if we could, so that we can get everybody organized here.

Any group or individual wishing to address the Drainage Board

President Borries: Are there other persons that wish to speak at this time? Mr. Stocker thank you for being so patient. I bet you didn't know what you were--

Fred Stocker: I enjoyed it for a while then it got a little boresome. My name is Fred Stocker and I live at 12900 Martin Road, and that's across from the 4-H Center...the ground across from the 4-H Center. I would like to file a petition for drainage against the 4-H Center and I hate to tell you this, it just tears me up, because I love to live across from the 4-H Center and we get along great except on this one subject. I hate to be the bad guy, but my field floods all the time since they going to build a park and they stopped the drainage. I want to file a petition and get a hearing and get Mr. Jeffers opinion on this because I've tried four times, I've called Dan Demuth four times for a meeting. He said I'll talk to my secretary and get back with you and he never has. I called Arnold Bosse one night at 9:30 at night and told him my field was flooding. Of course, he didn't do anything about it, not that night. Anyhow, I want to tell you I hate to do this, but I'm forced into it because they will not give, I let them...I'll be very brief because I know you're tired and bored and everything. I let them use my field to land their helicopters in during the fair. They would mark off so if somebody gets hurt they can come into my field a helicopter will pick the injured person up and take them, you see. We've got along great up to this one point and I went to four meetings that they had when they was planning this and I told them this was the wrong place to put this park. At one meeting I even told them that my lawyer said if they put the park there and they ruin the drainage then we'd have to take it to court. Thankfully this law came along where it didn't have to go to court. But, anyhow, I wanted to file a petition and get Mr. Jeffers out to look at it.

Commissioner Mourdock: Mr. Stocker, just to clarify for a minute, you talking about building the park, do you mean the new handicapped accessible park right there by the gate?

Fred Stocker: Yes, yes and that makes me look even worse. At each meeting I told them that I was not against building a park, I was just against where they was building the park.

Commissioner Mourdock: Okay.

Fred Stocker: Now, we won't get into how many truckloads of dirt they've hauled in. They raised the ground two feet at least in most of the place and three in some. They've put in two pipes, two metal pipes, and twice the water has just washed the pipes away and they had to replace them. Anyhow, let's just say I want Mr. Jeffers to look at it and I hope we can come to some agreement before we have to come back, but I don't know how we can do it unless I call them and tell them, now look I went down to the Drainage Board and I've filed a petition against you and I want you to meet with me. I want to file the petition and I want it on record. I don't know what I have to do to file this petition, but whatever it is I want to do it so we can get the ball rolling and get it straightened out. I want to say one more thing, I think it's an honor to live across from the 4-H Center, but they forced me into it.

President Borries: Well, Fred, you've certainly, I think, have

stated your case well. We can authorize here, depending on what the Board wants to do, to have Mr. Jeffers do it. There are, you probably need to get with him. There are some procedural things you have to do because as we were talking about earlier, once you get this petition filed then it has to be heard within ninety days.

Fred Stocker: I'm sure that if he comes out and they are notified that he is checking it out, and I want his honest opinion, then I'm sure that maybe we could sit down and straighten it out without having a trial.

President Borries: Okay

Commissioner Mourdock: Do you have a letter or anything at this point to present to the Board so that we can formally say that we've accepted a petition from you to begin the whole process?

Fred Stocker: Well, I'll be glad to furnish you with one.

Commissioner Mourdock: Okay, because I think under, again, the letter of the law that's what we're going to need, something in writing that basically starts the clock running. It doesn't have to be anything very elaborate, just basically stating what you just said here tonight.

Alan Kissinger: The contents of the petition, the required contents, are a general description of the tract of land which you own, a general explanation of the need for the removal of the obstruction and a general description of the site of the obstruction.

Bill Jeffers: You might want to wait until next month to file your written petition because you also...once you include what Mr. Kissinger stated you also have to show proof that you requested that the particular obstruction be removed and you requested that of the property owner. You know, before we can take action and go out on the site you have to show proof that you asked them first--

Fred Stocker: Okay.

Bill Jeffers: --to remove that particular item.

Fred Stocker: Well, I'll call--

Bill Jeffers: If you can live with it for another month.

President Borries: We can get you a copy of this, but in the meantime we can authorize Mr. Jeffers if this Board is willing to do to inspect what Mr. Stocker has described and see if, hopefully, Fred, we can resolve this before you have to start the clock ticking on this.

Fred Stocker: Well I mean, I hate to see... I think it, like we just went through, I think this can be eliminated. I mean, I hope so. If Mr. Jeffers will come out I'll be glad to show him and you can look. They put the pipe in now at the sixth...there's a hundred acres draining right down here. It comes down Boonville-New Harmony Road from Hoing Road. Comes out Martin Road. Comes down Boonville-New Harmony Road from the railroad track and it goes right underneath here, underneath this road and its got a six foot pipe going underneath this road. They've got to close...the drainage going to their pipes, they got it zigzagged and they've got it closed up, so it doesn't carry the water.

Bill Jeffers: If I could see it from the public road and all that then I'll be happy to go look at it.

Fred Stocker: Sure, I mean you can--

Bill Jeffers: Then you can draw up this petition according to that estimate.

Fred Stocker: Yeah.

President Borries: Okay

Fred Stocker: I mean, I'm sure, at least I hope that will take care of everything.

Bill Jeffers: Sure.

Fred Stocker: Okay, thank you.

President Borries: Thanks for coming and waiting patiently. Board are you willing to...are you willing at this point to ask Mr. Jeffers to go out and inspect this?

Commissioner Mourdock: Yeah, I'll move--

President Borries: And offer his recommendations to Mr. Stocker?

Commissioner Mourdock: I'll move that we have Mr. Jeffers review Mr. Stocker's situation on Martin Road at the 4-H Center.

Commissioner Tuley: Second.

President Borries: So ordered.

Fred Stocker: Thank you.

President Borries: Thank you.

Burkhardt Square Minor Subdivision 1 - Preliminary approval
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Bill Jeffers: Also we have, I forgot, we have Mr. Frank Richardson here. What's going on now is Area Plan Commission is sending minor one lot industrial subs through us prior to site review which is fine. And you have the plat don't you?

Unidentified: Yeah.

Bill Jeffers: We have here on this plat Mr. Richardson's proposed minor one lot sub for industrial use or manufacturing M zoning, out on Wedeking Avenue across from his gas plant, Hoprich. He shows that minor one lot sub here and in this area there is an easement, in this area right here, with an existing pond in it and then a drainage easement leaving the pond going under the roadway...the platted roadway know as Fairfield Drive and then to Crawford-Brandeis Ditch. That drainage easement and pond easement is described on the plat under drainage easement, so it is attached to this minor one lot industrial subdivision and they will pull the maintenance on that to keep it in working order. There are only a very few minor details we'd like to work out before it's presented as a final drainage plan. So, I'm asking and recommending approval of the preliminary drainage plan for Burkhardt Square, Minor Subdivision 1, as shown on this plat. It will go to...then if you

approve it, it will go to Area Plan Commission site review next Monday for their review and come back to you at a later date as a final drainage plan.

Commissioner Mourdock: Pursuant to the recommendation of the County Surveyor, I'll move approval of the preliminary plan for Burkhardt Square, Minor Subdivision Number 1.

Commissioner Tuley: I will second.

President Borries: So ordered.

Raven Hills Minor Subdivision - Preliminary approval

Bill Jeffers: We also just received from the Area Plan Commission a staff field report dated November 21st where they now want us to look at this minor subdivision. I'm not criticizing them, it's just a surprise to me that we are starting to look at minor subdivisions all of the sudden this month. What this boils down to is that the Raven family has Raven Hills Minor Subdivision and then this is a replat of it showing...there is already a house built down, there is a huge lot, there is a house built down here on the lake on Bromm Road. They're giving a fifty foot access easement across Lot 1 for Lot 2. These lots are so large and so grassy, this is a meadow out there. It's all established, they just want to build a house on this two and a half acre lot. It doesn't require detention, so you should waive that and that is our recommendation. The only concern we have about it is that this is a natural watercourse running down through the meadow across Lot 1 through Lot 2 and then into the lake. All we're going to ask is for either language on the plat or details showing that there will be no obstruction of this natural watercourse with the construction associated with that house. With that recommendation...or with that statement, I would ask you and it is our recommendation for you to approve this as a preliminary plan. Then after they go to Area Plan Commission the first Wednesday of December they will come back with the final drainage plan which basically will just be statements on this plat not to obstruct the natural watercourses. Because there is no--

Andy Easley: Subject to that, I think they are anxious to get recorded rather than wait. Do you have a meeting in December?

Bill Jeffers: Oh, you don't have to go to Area Plan Commission?

Andy Easley: No.

Bill Jeffers: With a minor? I'm confused about these minors.

Andy Easley: This has a public hearing because it is a replat. It has to--

President Borries: Andy, you need to come forward here.

Bill Jeffers: Well, I think all you need to do is give preliminary approval of a preliminary drainage plan and after the public hearing turn a final drainage plan into our office and we'll check off on it and they can record it.

President Borries: Yeah I, I would--

Bill Jeffers: I don't even think it has to come back to you.

President Borries: I'd prefer to at least call a preliminary at this point until you've seen the final--

Bill Jeffers: Right.

President Borries: Your final recommendations.

Bill Jeffers: Okay, you can still record it and we'll come back at the end of the month with the final.

Commissioner Mourdock: Pursuant to the County Surveyor's comments, I'll move approval of the preliminary drainage plan for the Raven Hills Minor Subdivision.

Commissioner Tuley: Second.

President Borries: So ordered.

Glenwood Hills, Section B - Preliminary Drainage Plan
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Bill Jeffers: Thank you. Then our last item is, as I said before, Glenwood Hills Section B with which I have several problems which I stated and entered into the record last time and have communicated those. You ask me to list specifically for Mr. Morley's office exactly what we wanted him to respond to. At this time I believe he and other representatives of the developer have those responses ready for you.

Commissioner Mourdock: Okay, then before they give their responses we need to change tapes.

TAPE CHANGE

President Borries: Thank you, for those who have waited patiently. If we had some spokespersons here it would sure be helpful here at this late time so that we could all get out of here at some point. Bill Jeffers, you are saying then that these responses...who was to make the responses at this point? The developer?

Bill Jeffers: At the last meeting at which this subdivision was before you, which I believe was two months ago, Mr. Morley had pleaded to have a list of concerns and here it is. That was conveyed to him.

President Borries: Alright. By you?

Bill Jeffers: By me.

President Borries: Okay.

Bill Jeffers: You asked me directly to prepare a list of everything that bothered me about it.

President Borries: Alright.

Bill Jeffers: Okay, here it is.

President Borries: Has that been communicated with the developers and everybody else?

Bill Jeffers: I sent it to Mr. Morley's office by fax.

President Borries: Okay.

Bill Jeffers: Okay, over the past 45 or so days Mr. Helfert has communicated back to me various responses to these items. Then on November 21st I was still not satisfied so I sent a Letter of Insufficiency of Drainage Plan to Mr. Helfert by fax and since then he has been working to bring all the answers in. I'm not sure he has brought all the answers in, but that will be--

President Borries: In all fairness then to everyone, maybe that is the question. I think, for the record, if I get the other Board members here to agree if you're not...if you can't make a recommendation here this evening, then maybe we ought not go further unless...

Bill Jeffers: Okay, the only reason that I am not prepared to make a positive recommendation at this time that is a fact, however, because he made his original submittal of a drainage plan ten days prior to this meeting the ordinance allows him to state his case even though we don't have a positive recommendation. That's kind of the way the ordinance reads. He got in on time, so he can state his case. I still have a few concerns. In particular, the dam is leaking and then I have some concerns about the maintenance of new lakes that will be partially on property outside of the subdivision.

Commissioner Mourdock: Bill, what did you ever determine or what did IDNR determine as to who has this responsibility?

Bill Jeffers: That has not been determined.

Commissioner Mourdock: So that is still up in the air as well?

Bill Jeffers: In other words we originally felt that the dam required IDNR supervision in the construction of it or at least in the design of the construction. You have heard, of course, that the location of the dam was moved somewhat up the valley and that it decreased the height of the finished dam to lower than 20 feet, therefore, they are contending that it doesn't require IDNR approval. You will probably hear that again tonight. Then there may be additional information from engineers--

President Borries: Why do we want to hear this?

Bill Jeffers: --that the dam does not require DNR approve, however, I don't think DNR has ever been brought into that decision making process. Not to my knowledge.

President Borries: Well, I guess my question and correct me Board here if I am out of line is and, again, no offense to the folks who have patiently waited here, but if you can't make a recommendation and there are these unresolved questions then why are we going to hear this then?

Bill Jeffers: That's your determination to make. I am simply presenting it to the Board at the request of the developer and his engineer because it is their opinion that they have the right to make the request.

President Borries: They do have the right, I guess, we would have the right to delay this simply because as a routine, as a matter of ...I don't know if it is a matter of statute, but it just is a matter of custom that we don't act on anything that the County

Surveyor has not recommended per statute as our technical advisor. At least I don't.

Bill Jeffers: I've only known it to happen twice in 15 years.

President Borries: Well, don't--

Commissioner Tuley: Not once in the last four have we?

President Borries: --tell me if I did it, but anyway, that is our feeling. I mean, I guess we can go through what we need to here and hear the remonstrators, but we are not going to make a decision tonight if I am correct on this. Is that what your feeling would be, Board? Unless you want to--

Commissioner Mourdock: I would agree, I think, unless the County Surveyor's office is making a recommendation one way or the other it seems to me that we are walking out on a pretty long limb.

Jerry Atkinson: May I come up?

President Borries: Sure.

Jerry Atkinson: My name is Jerry Atkinson and I represent the developer. What has happened is that your representative has created a list of things that he feels need to be addressed. The engineer is here and feels that he has addressed each and every one of those things completely and fully and is able to explain that to you. The original engineer on the project has done a profile from available topographical information that he had before the construction and is able to establish to a certainty that the dam is 18.9 feet, I believe. Less than 19 feet from the bottom to the top which establishes beyond any reason that this is not subject to DNR approval. The only other issue that I am aware of has to do with a Homeowners' Association and I am prepared to demonstrate...I mean a Lakeowners' Association and I am prepared to demonstrate what is real about that. I think that the information available here for you this evening ought to also address Mr. Jeffers' concerns and might very well resolve the issue. It would not take long to do the explanation.

President Borries: Well, again, I don't want to speak for the Board, Mr. Atkinson, but if he cannot make a recommendation I do not want to act on it. I just want to see if the others have a different opinion on that.

Commissioner Mourdock: Let me ask a question, if I may. I heard you say, Mr. Atkinson, that you are willing to deal with the question of the Lakeowners' Association. Has that information, whatever it is tonight, has that been presented to Mr. Jeffers prior to tonight?

Jerry Atkinson: Yes, it has.

Commissioner Mourdock: Okay.

Jerry Atkinson: What I think is missing, perhaps, is a willingness to respond to the information that has been provided in a meaningful way. What is our recourse if Mr. Jeffers is for whatever reason antagonistic towards this? We are trying to make it right. We are trying to go forward. We are trying to do everything correctly and it is critical to the developer that he be allowed to proceed.

President Borries: Okay, and I think that is a fair question, so if we can get Bill back up here that might resolve part of that. The other thing is that there is another issue here that he brought up that has some serious ramifications that apparently he cannot or either is not going to be able to address tonight, but if the dam is leaking, again, I don't know how we would be able to act on that.

Commissioner Mourdock: Mr. Atkinson let me come back--

President Borries: Bill, would you be able to come forward and give, at least, at this point then some kind of recommendation? We'll hear what Commissioner Mourdock's comments are, but what has to be done so that we can resolve that point and maybe come back in December?

Bill Jeffers: Okay, as you see this was submitted to our office November 25, 1996.

President Borries: That, for the record, is today.

Bill Jeffers: So, yes, they have submitted to me a response dealing with some of the questions I posed as late as November 21st in the Letter of Insufficiency November 21st. Part of that deals with the Homeowners' Association which is going to pull maintenance on the entire drainage system proposed for Glenwood, Section B. Here is what is presented as a primary plat. It is a two part plat because it has so much language on it that it takes two sheets. Here is the rest of it. Under general notes it says:

"Natural swales across lots shall be maintained by the lot owners. The swales shall not be obstructed in any way that would limit the flow from public roads or other lands that drain into the swales. Any relocation or piping of the swales shall be subject to County Drainage Board approval."

Now, that sounds fine until you realize that they have removed the easements from those swales. I asked them to include the drainage through those swales to be inside of easements. For some reason they resist that. That is a question that I can't answer. Why are they resisting?

President Borries: Okay.

Bill Jeffers: They are showing the discharge of water from roads that they want accepted as public roads. They are showing the discharge through inlets out into a natural swale and they extend the easement out maybe 20 feet and then all of a sudden it is cut off, yet they are telling you that you are going to have to review any plans that future landowners come in with to alter those natural swales. Now, how can you do that if it is not in a drainage easement? Then down here--

Commissioner Tuley: Bill, is that a previously addressed...that's not a new question?

Bill Jeffers: That was in our list of things we asked them to respond to. You know, put the channels in the easements. Now that has been a requirement under the Subdivision Code since 1972. All drainage channels shall be in a suitable public easement. That has been carried forward through all...it's in the County Subdivision Code, not just the drainage ordinance. Then under Glenwood Homes,

the notices required by the new County Drainage Ordinance they have mixed and matched. Like number four, the Glenwood Hills Homeowners' Association shall be responsible for and under number four:

"Maintaining that part of the storm water drainage system which lies on his or her property."

That comes from Plan B. Down here under number five it says:

"Preventing all persons or parties from causing any unauthorized alterations..."

...blah, blah, blah...

"...which lies on his or her property."

In other words, this should read just like the ordinance says from Plan A, yet they are mixing Plan B in with it for a reason I do not know--

Commissioner Mourdock: Excuse me.

Bill Jeffers: --and I haven't had time to determine that since this submitted late on this date.

Commissioner Mourdock: Okay, that was going to be my question. You got that today? You said the 25th?

Bill Jeffers: This is on something that I received stamped November 25th. I am trying to be fair, but at the same time--

Commissioner Mourdock: Yeah, I understand that and I heard Mr. Atkinson say that there is a list of things which you've given them which you said needs to be addressed. I heard Mr. Atkinson say that the engineer thinks that all those things have been done. Obviously, we've got questions here that you simply have not had time to respond to that relate to what the engineer has done.

Bill Jeffers: I could go on, but it is all the same. The same comments apply to some more notes there. Then, of course, this also was received November 25, 1996 in the afternoon, which is fine. I've got nothing better to do than to look at these, so I am not complaining. On this one, now where I asked how is the maintenance going to be handled outside of the subdivision boundary this is a lake that backs water up onto Harry L. Hunter's property. He is not a part of this subdivision. Over here there is another lake--

President Borries: Yeah, that don't work.

Bill Jeffers: --where the dam extends over into a parcel that is not a part of this plat and backs water up and that is going to require maintenance. I've asked him how is that maintenance going to be handled? I suppose the reply is through a riparian lake maintenance and storm detention easement. I'm sorry, but I don't know what riparian means and I haven't had--

Alan Kissinger: Water rights.

Commissioner Mourdock: Waters rights.

Bill Jeffers: Water rights? Okay, but I had not seen that on any

previous plat, so that needed to be clarified. I'm sure that Mr. Atkinson has a explanation of how the Homeowners' Association is going to go on to property outside of the subdivision and pull maintenance and I am willing to listen to that, but I didn't know what riparian meant. Then, of course, we were told that there was a letter that would be presented eventually from Mr. Darrell Rice and that this letter would kind of tell you that the dam was in good shape. I have been waiting for that for three months now and the letter dated November 20th, 1996 received by Morley on November 22, 1996 and brought to us today. Highlights from the letter say a stream of water is flowing from the point of intersection between the old stream bed and the toe of the dam, usually an indication of seepage. Full staging of the pipe does not appear to be occurring. Change the principle spillway pipe from a flared inlet to a drop pipe. Of course, we saw three or four months ago a design from Mr. Easley's office which originally showed this dam with a drop pipe, but they decided to do it some other way. Riprap stone in the emergency appears to be moving due to excess flows. That was in our original report. Uneven settlement had occurred across the dam which is not uncommon for fill heights such as this. That is why when you get up to 18 or 20 feet you ought to be looking for some professional advice. That is why Mr. Hartman said, hey, when you are getting that high, when you're at 20 feet, let's let DNR handle it like they are supposed to. They are having settlement in that dam and as a matter of fact also presented to me today was a contour map that showed that some parts of the dam have settled lower than the elevation of the spillway. Then last, bring that...anyway, this is from Mr. Rice and, of course, we can enter that into the record if you wish.

President Borries: Okay.

Bill Jeffers: I'm happy to take any submittal at any time of day from anybody, but I am having a hard time bringing you a positive recommendation when there are still problems which we have been trying to address for three months. If there is any new information, sure, you know...

President Borries: Well, I think, what you have said then indicates, again, to emphasize that you are not prepared to make a recommendation with those comments. Perhaps we could all have a happy Thanksgiving. I guess I could say that on behalf of the Board here we could order tomorrow if you could get with Mr. Atkinson or whoever so that we could avoid again another same day proposal. Could Monday, as early as next Monday, December 2nd, could we get all of these questions worked out so that we could proceed through this? I think that is the important thing at this point. If we can't, well, I think the earlier the better unless the Commissioners have another idea here.

Commissioner Mourdock: Given the series of questions that Mr. Jeffers raised and given the fact that he did get the new set of data today I certainly don't think it is reasonable to expect that, especially given the other things that we knew were on our agenda tonight that would take quite a bit of time. I don't think it is reasonable to expect him to turn those around in such a short period, so I don't see that we have any choice but to defer this.

Commissioner Tuley: Until when?

President Borries: Until next month.

Commissioner Tuley: , I heard you say something about Monday and I

thought...

President Borries: The drainage plan would be held...man, if we don't have anymore hearings. I hope Fred can work his out. It would be the 23rd.

Commissioner Tuley: The 23rd?

President Borries: Yes.

Commissioner Mourdock: Of December?

President Borries: December 23rd. The 30th actually will be the fifth--

Bill Jeffers: Their goal is to go to Area Plan Commission on the first Wednesday of December.

President Borries: A commitment is not going to happen tonight. I mean, I am not prepared to act on it unless you are prepared to give a recommendation right now.

Bill Jeffers: Oh, no. I was just saying if you wanted to have a meeting between now and then.

Commissioner Mourdock: The only way that would be possible would be a special meeting on December 2nd.

Commissioner Tuley: Which would be conducted at the Vanderburgh Auditorium.

Commissioner Mourdock: Right, because that is also already scheduled as the public hearing for the Auditorium project.

President Borries: Well, in all fairness to the petitioners I just think there are some big questions here that have to be answered so that Mr. Jeffers can make a positive recommendation which he did in at least four other occasions here tonight.

Bill Jeffers: Seriously, I want everyone to understand nothing, in spite of anything that is perceived by my actions...I'll say that into the microphone. In spite of anything that anyone is perceiving by my actions over the past several months with regard to this, and in spite of anything that Mr. Atkinson may have hinted at, I would like nothing better than to give a positive recommendation for this subdivision so that they can go forward and complete their plans so that the other side of this lake that is already there can be maintained by homeowners. I mean, I do want to see it finished. I want to see it finished.

Commissioner Tuley: Is it feasible or possible to have a special meeting? Do you want to try and schedule a special meeting for next week?

Bill Jeffers: These lakes are not necessarily needed and there is hardly any necessity for a whole bunch more lakes for detention. They've already got a lot of detention.

Commissioner Tuley: It's a short week. Have you got any way to get this resolved?

Bill Jeffers: That's up to them. You know I am asking questions that I am not getting full answers to or I am getting mixed and

matched answers.

Commissioner Mourdock: It's not fully up to them, Bill. I think what the question is--

Bill Jeffers: It's totally up to them.

Commissioner Mourdock: Well, no just let me restate it. You've got tomorrow and Wednesday and Monday.

Bill Jeffers: That's right.

Commissioner Mourdock: Do you have enough time given your schedule that even if they do everything that you are asking them or are your days already booked? We've only got, basically, three days.

Commissioner Tuley: Three days.

President Borries: Plus, it's a crap shoot with us if we advertise tonight and then we don't have it, I guess we could always cancel.

Bill Jeffers: You can cancel it.

Commissioner Tuley: We could just continue this one. We wouldn't actually adjourn.

Alan Kissinger: You could continue this meeting or you can call a special meeting with unanimous approval of the Board without notice.

President Borries: Are you able to meet with Mr. Jeffers over the next two days? We can adjourn and continue the meeting.

Jerry Atkinson: It occurs to me that it might be very helpful, extremely helpful...we have the original engineer, we have the current engineer, we have a person that participated in the development, we've got the developer, we've got the attorney, we've got all the paperwork here. If we could meet with Mr. Jeffers right after you adjourn we could focus on each and every one of those issues.

President Borries: No offense, but Mr. Jeffers has been here a long time tonight. I think that is pretty unreasonable.

Jerry Atkinson: I was not trying to be unreasonable. I was only trying to help.

President Borries: Well, to ask him to do that particularly along the lines that he just received this information today and I think it deserves...I think they're giving us a hint to get the * out of here! I think it deserves some study.

Jerry Atkinson: My only thought was that we could probably in five or ten minutes eliminate all of the non-issue situation and we might better understand his perspective on those remaining issues and focus effectively on what it is. I will be glad to meet with him tomorrow or the next day or any time you wish.

Bill Jeffers: I think Wednesday morning would be great.

President Borries: Okay, Wednesday morning.

Bill Jeffers: Then if we don't resolve it, then just don't

readjourn on Monday.

Commissioner Tuley: Just adjourn.

President Borries: Just adjourn at that point.

Bill Jeffers: Excuse me, reconvene.

President Borries: We can recess can't we?

Alan Kissinger: Yes, we can recess.

President Borries: Okay, that's what we will do.

Jerry Atkinson: Thank you very much.

President Borries: Thank you very much.

Jerry Atkinson: Again, I did not mean to be offensive or oppressive about my request I am only trying to expedite this.

President Borries: Fine, fine. At this time there is no action being taken pending the meeting that will take place with Mr. Jeffers. At the end of this meeting we will recess. I have two other quick items. First, and I don't think they'll have debate, first just to read into the record or enter for the record that Christopher B. Burke Engineering has performed some preliminary inspections of the Laubscher Meadows Landfill. That was done on November 8th. They agree that the first inspection as per the contract would occur during April, 1997. The second is in conjunction with the Burkhardt Road widening project. Blankenberger Brothers, Inc. is required to construct a temporary right-of-way on Burkhardt Road for the Lloyd Crossing Shopping Center. In order to construct this temporary right-of-way Blankenberger must place a pipe in the Crawford-Brandeis Ditch. This thing...this has already been done. Why do I have this?

Commissioner Tuley: Is says to take action when?

President Borries: On October 28th. I would have to go back and look at the minutes. I think we've done that.

Commissioner Tuley: We did do that.

President Borries: Yeah, I can see that. That's it. That's the only other item.

Commissioner Tuley: That's the railroad tank car. Remember that discussion?

Commissioner Mourdock: Oh, yes, I do.

Bill Jeffers: The only question about that was the environmental soundness of it and I believe that came from an IDEM site.

President Borries: Let the record show that there was a letter from the West Side Improvement Association that was regarding the drainage problems in the Glenwood Subdivision. It just says that they had legitimate concerns, so, again, that matter has not had any further action tonight, so I will submit that for the record. I believe that concludes any business that we might have. Might I have a motion to recess this meeting?

Vanderburgh County
Drainage Board
November 25, 1996

63

Commissioner Mourdock: I'll move that we recess to reconvene on December 2nd.

Commissioner Tuley: Second and reminding everybody that the December 2nd meeting will be conducted over in the auditorium and not here.

President Borries: At the Vanderburgh Auditorium.

Commissioner Tuley: Don't come here.

Alan Kissinger: You should make it clear for purposes of the record, too, that this is not old business or new business, but we are recessed specifically for this reason only.

President Borries: Yes, and that is pending the matters discussed this evening in consideration for a preliminary drainage plan for Glenwood Hills, Section B. With that done I will say so ordered and thank everyone for the patience and bid them farewell this evening.

The meeting was recessed at 10:10 p.m.

Those in attendance:

Richard J. Borries
Patrick Tuley
Richard E. Mourdock
Alan Kissinger
Bill Fluty
Charlene Timmons
Bill Jeffers
Charles Bassett
James Tracy
Robert Reinlander
Bill Rose
Tom Heerdink
Les Shively
Andy Easley
Cathy Rasche
Fred Stocker
Jerry Atkinson
Members of the media
Others unidentified

Recorded by Charlene Timmons
Transcribed by Todd Hochstetler

Vanderburgh County
Drainage Board Meeting
December 2, 1996
(Reconvened from November 25, 1996)

The Vanderburgh County Drainage Board reconvened their meeting of November 25, 1996 on December 2, 1996 at 7:52 p.m. at the Vanderburgh Auditorium for the purpose of hearing the preliminary drainage plan for Glenwood Hills, Section B.

President Borries: I would like to call a continuation of a Drainage Board meeting, which began on November 25 and was recessed at that time, to order on this date, December 2nd. We are here to consider one project known as Glenwood Hills, Section B and at this time I would ask Mr. Bill Jeffers to come forward and present details and his recommendation for this project.

Bill Jeffers: At this time, I would like say that the developer, his engineer, his attorney and other persons associated with the project known as Glenwood Hills, Section B have responded positively to each of the items required for our review of the preliminary drainage plan. The County Surveyor, therefore, recommends approval of the preliminary drainage plan with the understanding that certain details will be included in the various documents and plans to be presented along with the final drainage plan at a later date. The details to which we refer have been discussed with the developer, his engineer and his attorney who are all working towards finishing the final drainage plan in accordance with your drainage ordinance and in compliance with the Surveyor's recommendation. Again, at this time the County Surveyor recommends the approval of the preliminary drainage plan for Glenwood Hills, Section B.

Commissioner Mourdock: Question, Bill. Is one of the items that you will be looking at critically between the preliminary approval and the final approval the leakage of the dam that you reported at last week's meeting? How does that fit in?

Bill Jeffers: Yes, sir, but I would like to revise my comments at this time to say leakage and/or seepage because we have been observing or had people observe for us the fluctuation in the water level of the lake. It appears to go down to a certain level and stabilize at that level which may indicate that the water is seeping into a rock ledge and when it reaches the level of that rock ledge it stabilizes rather than seeping out the underside lower level...you know, the lowest level of the dam at the very toe of the dam. Also, we've received a letter from Mr. Darrell Rice who recommends that we continue to monitor the water level in an attempt to discover where the leak or seepage may be occurring. That is why I would like to modify the previous usage of only the word leaking.

Commissioner Mourdock: You used that term before and now you are kind of--

Bill Jeffers: Right, now I am modifying it to say--

Commissioner Mourdock: --backing off a little?

Bill Jeffers: --it may also be seepage into a rock ledge.

Commissioner Mourdock: Okay, fair enough.

President Borries: Questions?

Commissioner Tuley: If he's ready to make a recommendation for

approval on the preliminary, then I would move for approval of such.

Commissioner Mourdock: I will second that motion for the approval of the preliminary plan. I am going to be watching and listening critically to the issue that you just brought up because I do have great concern about that for the final approval.

Bill Jeffers: So do we.

Commissioner Mourdock: Yeah, okay.

Commissioner Tuley: So that was a second?

Commissioner Mourdock: Yes, that was a second.

President Borries: There is a second and at this time I will say so ordered. The preliminary drainage plan then for Glenwood Hills, Section B has been approved. If there is no further business then this evening I'll ask for an adjournment at this time.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

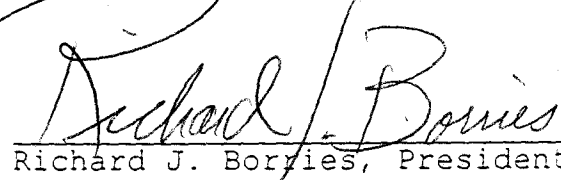
President Borries: It's been moved and seconded. So ordered. This Drainage Board is adjourned.

The meeting was adjourned at 7:56 p.m.

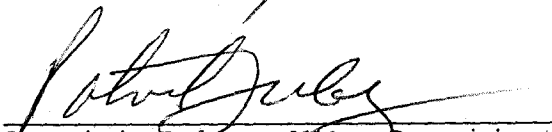
THOSE IN ATTENDANCE:

Richard J. Borries
Patrick Tuley
Richard E. Mourdock
Alan Kissinger
Charlene Timmons
Bill Jeffers
Others unidentified
Members of the media


VANDERBURGH COUNTY
DRAINAGE BOARD



Richard J. Borries, President



Patrick Tuley, Vice President



Richard E. Mourdock, Member

Vanderburgh County Surveyor
Room 325 Civic Center
812-435-5210

November 21, 1996

The following items will be brought before the Vanderburgh County Drainage Board by the Surveyor on Monday, November 25, 1996:

Under Old Business:

1. Hearing the Bassett Petition to Remove an Obstruction
2. Hearing the Heerdink/Rose Petition to Remove an Obstruction

Under New Business:

1. Final Drainage Plan for COLUMBIA SUSSEX
2. Final Drainage Plan for BEST WESTERN HOTEL
3. Final Drainage Plan for LOT 6G CROSSROADS
4. Preliminary Drainage Plan for FOUR S PROPERTY
5. Preliminary Drainage Plan for SYCAMORE HILLS 4 REPLAT
6. Preliminary Drainage Plan for WILLOW CREEK "E"
7. Preliminary Drainage Plan for GLENWOOD HILLS "B"

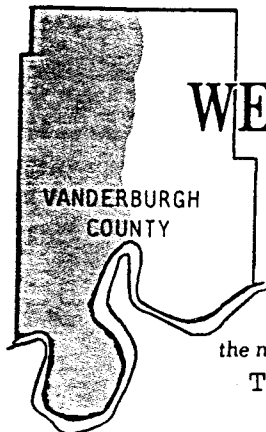
Under Other Business:

1. Payment of Blue Claims for Ditch Maintenance
2. Others wishing to speak to the Board

RWB/wrj

[Signature] 11/21/96

cc: Drainage Board
County Auditor



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.

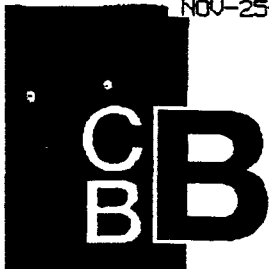
Since none of our members can be available for the Drainage Board meeting, we are using this letter to express our support for the neighborhood and request it be read into the record.

cc: Cindy Kettinger
File

RECEIVED

OCT 28 1996

Vanderburgh County Commissioners

**CHRISTOPHER B. BURKE ENGINEERING, LTD.**

National City Center Suite 1368 South 115 West Washington Street Indianapolis, Indiana 46204 TEL (317) 266-8000 FAX (317) 632-3306

November 22, 1996

Vanderburgh County Drainage Board
305 Administration Building
Civic Center Complex
Evansville, Indiana 47708-1833

Attention: Mr. Richard J. Borries
Commissioner

Subject: Inspection Services for Laubscher Meadows Landfill Stream Diversion
Proposed Inspection Schedule

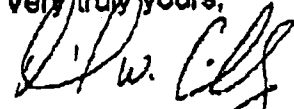
Dear Mr. Borries:

On November 8, 1996, staff of Christopher B. Burke Engineering, Ltd. (CBBEL) performed a preliminary inspection of the Laubscher Meadows Landfill operated by Browning-Ferris Industries (BFI). The inspection of the site and the associated stream diversion and wetlands was performed to note the site extent and establish coordination between the County, BFI and CBBEL. In addition, site plans and design reports were forwarded to CBBEL staff.

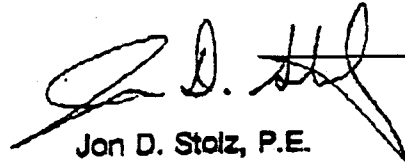
As part of our discussions, it was agreed that the first inspection of the site would occur during April, 1997. This first inspection will be performed in accordance with the agreement between CBBEL and the County. CBBEL staff will contact the County of an anticipated inspection date and timeline for producing our inspection report. CBBEL staff plan to produce the report in a timely fashion so that any deficiencies can be corrected by BFI or others prior to the report deadline as noted by the Corps of Engineers. We anticipate that any correspondence to the Corps will be in a letter format noting the compliance of permit conditions, if this is the case. This letter and any correspondence will, of course, be forwarded to the County and discussed prior to any contact with permitting agencies.

We hope this information is helpful to your office and County staff. Please let us know if there are any questions regarding this schedule and the subject inspection. Thank you for your assistance and the help provided by your staff.

Very truly yours,



David W. Eichelberger, P.E.
Project Manager

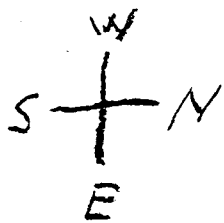


Jon D. Stolz, P.E.
Office Administrator

JDS/ee

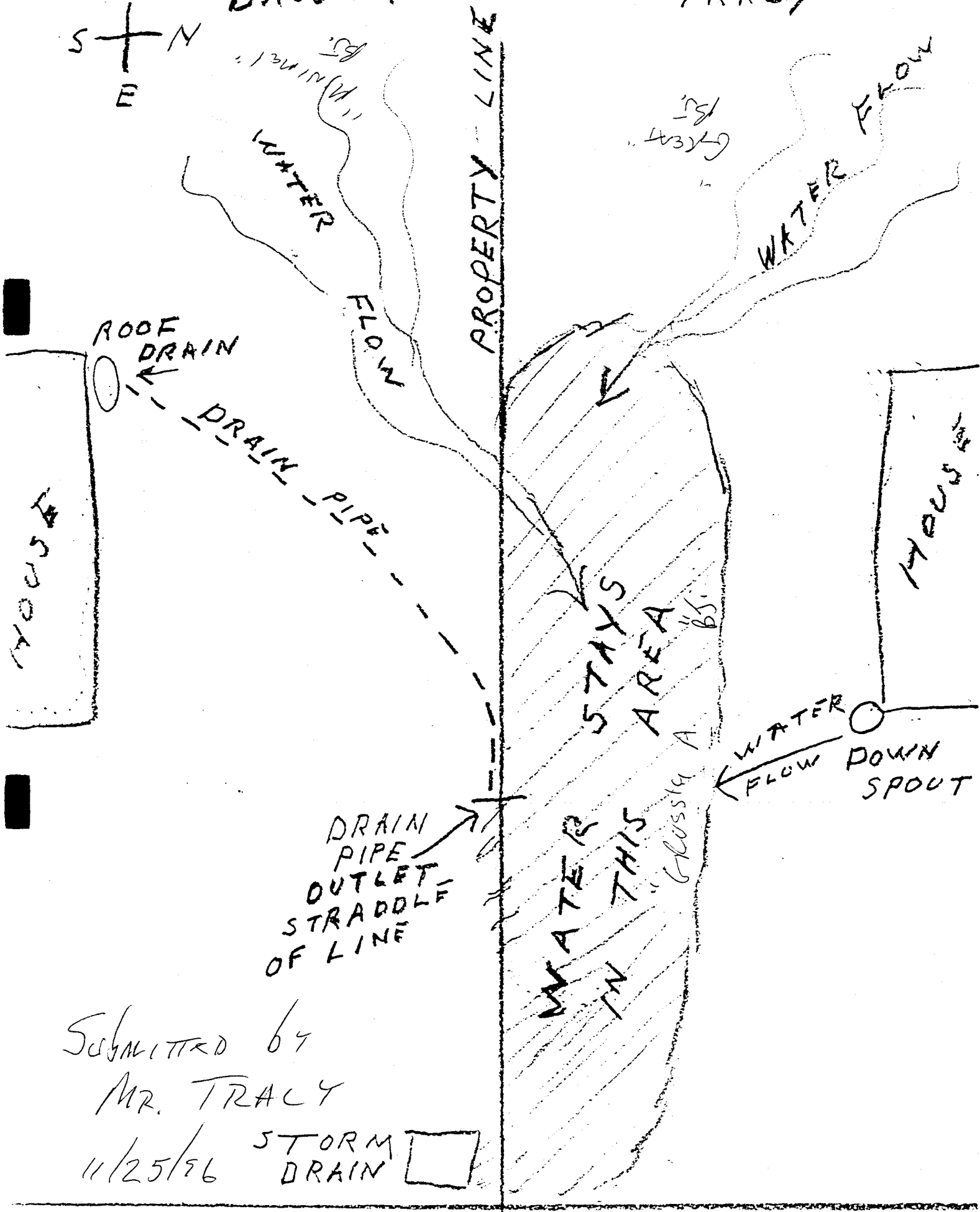
cc: Mr. Joseph D. Ballard
Executive Director, Vanderburgh Co. SWMD

LPRVAND.Y22



BASSETT

TRACY

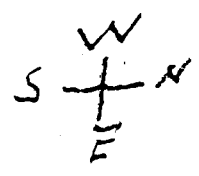


Submitted by
MR. TRACY

11/25/96 STORM DRAIN ☐

STREET

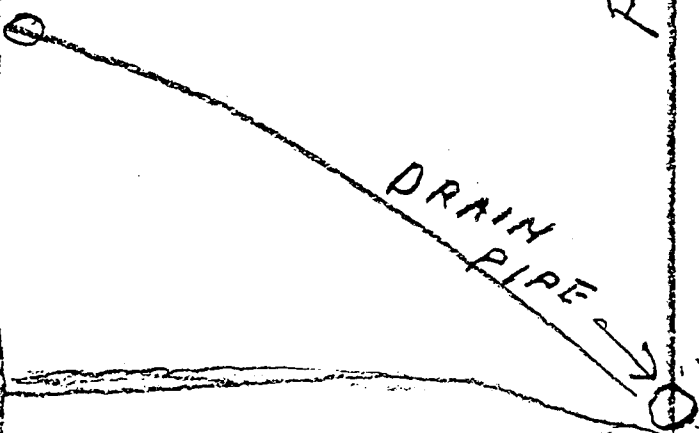
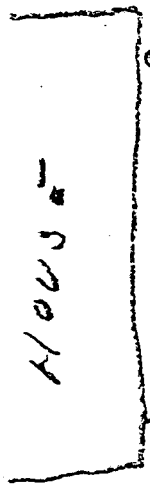
GROUND LEVEL VIEW



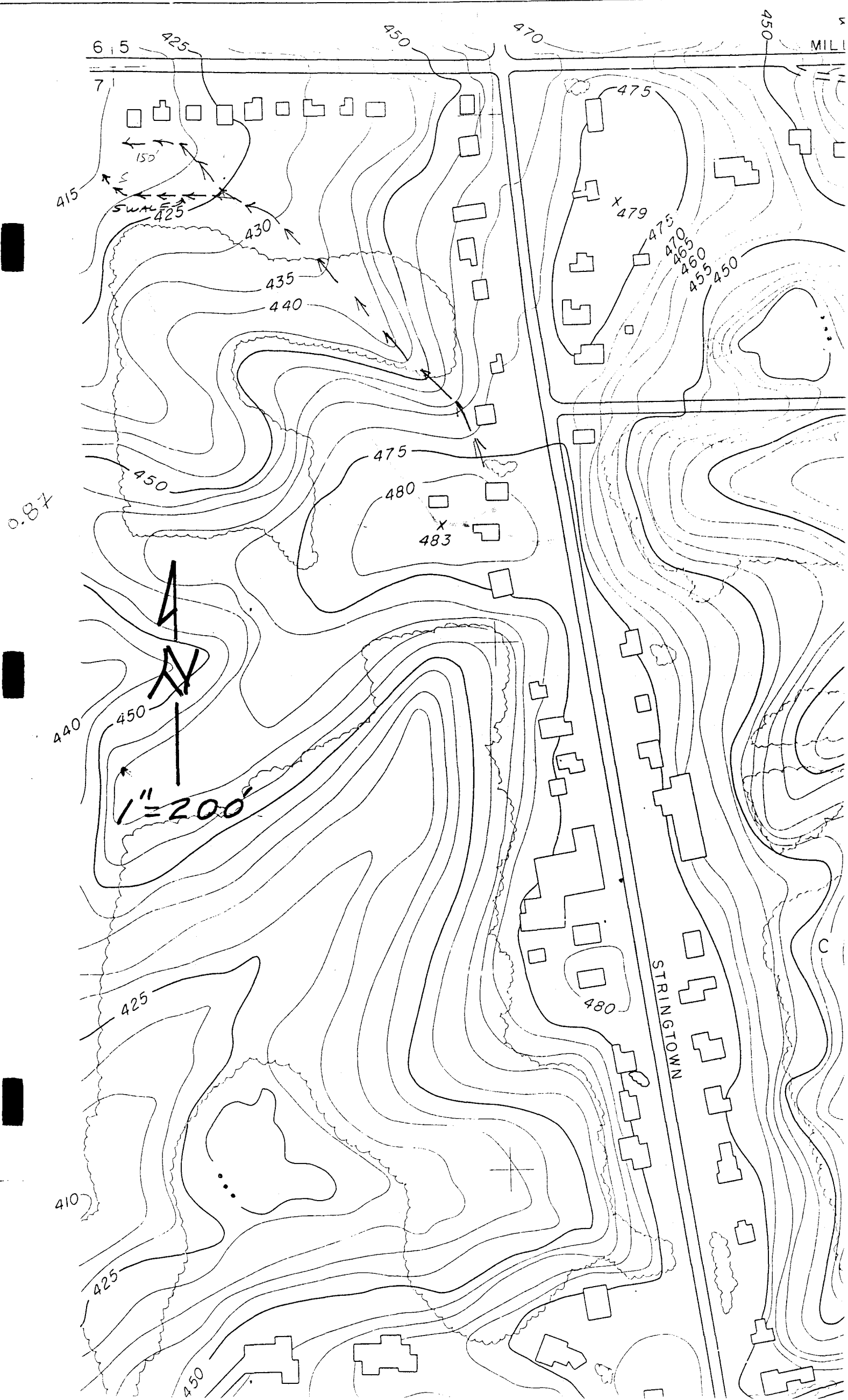
BASSETT

TRACY

PROPERTY LINE



WATER STAYS
IN THIS AREA



**VANDERBURGH COUNTY
DRAINAGE MEETING
November 25, 1996**

	NAME	ADDRESS	AFFILIATION
1.	Charles Bassett	5800 Ward Road	Home owner
2.	Alta W. Bassett	5800 Ward Rd	—
3.	Tim Lutz	11540 Northridge	Prop owner
4.	James Tracy	5806 Ward Rd	Prop owner
5.	Fred Stocker	12905 MARTIN RD	
6.	Jim Farney	3330 W. Mill Rd.	BLA
7.	Burdin	9200 Haddish	Willow Creek
8.	Don Swick	9200 Haddish	Willow Creek
9.	Don Jan Ballinger	4319 Krayville	re 20 W. Mill Rd
10.	Catherine Rasche	20 W. Mill Rd	Catherine A. Rasche
11.	Ray Buller	5407 FIELDING MANOR	ARCHITECT FOR F. RICHARDSON
12.	Frank Richardson	920 Canterbury Rd	Wedeking Investments
13.	Bird Johnson	Co. Surveyor	
14.			
15.			
16.			
17.			
18.			
19.			
20.			

(Please print name)

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: JOHN F MAURER

for ☒ annual -- ☐ additional maintenance to
_____ Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
Nov. 19, 1996, and was inspected by
our staff on Nov 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

11/20/96
Date

Additional Comments:

Vendor No. _____

JOHN MAUER

Dept. Fund Name HOFF-LINK DISCH
Account No. 734-070

for the sum of \$

TOTAL	0	473.54
-------	---	--------

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 NORTH 1/4 Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
50%+ COMPLETED NOV 23, 1996, and was inspected by
our staff on NOV. 23, 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

11/20/96
Date

Additional Comments:

Warrant No. _____
Claim No. _____

Date _____

TERRY R. JOHNSON

Vendor No. 1052

\$ 6,146.90

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name _____

Account No. _____

Allowed Nov 25 19 96

In the sum of \$
Richard L. Barnes
Richard L. Barnes
Richard L. 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

Robert W. B. 11/20/96
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
<u>96-FM-15A-50</u>		<u>Nov. 23, 1996</u>	<u>234-015</u>	<u>\$ 6,146.90</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL \$ 6,146.90

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: JOHN F MAUERER

for ☒ annual -- ☐ additional maintenance to
BAEHL DITCH Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
Nov. 19,, 1996, and was inspected by
our staff on Nov. 22,, 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

11/20/96
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.

VANDEBURGH COUNTY, INDIANA

VENDOR NAME JOHN F. MAURER # 1483
On Account of Appropriation for BAKHL DITCH # 234-007

Invoice No.	Itemized Claim	Amount	
	1996 FALL MAINT.		
	6,890 LF x \$ 0.125 = \$ 861.25		
96-FM-07-85	PAY 85% @ \$ 732.06 →	* 732	06
	15% RETAINAGE = \$ 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 F. Maurer
Name

Title

Date Nov. 20, 19 96

Noave

Wahl E. MAUERER

Vendor No. 1483

\$ 732.06

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name BACAL. DATED

Account No. 234-607

Allowed Nov 25 1996

In the sum of \$

Richard L. 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

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 NO.

INVOICE DATE

ACCOUNT NO.

AMOUNT PAID

96-FM-07-85

234.007

737.06

TOTAL	6	732.06
-------	---	--------

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I X *Denny J. Reitz*
(Signature in Ink)

representing *HENRY BILGE EXCAVATING*, 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: *HENRY BILGE EXCAVATION* VENDOR # *6048*

CONTRACT # _____ AND/OR ACCOUNT # *234-013*

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

COMPLETION DATE *AUG 26, 1996*
INSPECTION DATE *SEPT 7, 1996*

[X] WORK IS APPROVED

[] NOT APPROVED: COMMENTS: _____

R. H. W. Brune
VANDERBURGH COUNTY SURVEYOR

11-18-96
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 HENRY BIGLE EXCAVATION
Vendor No. 6048

\$ 2,008.12

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name EAGLE SLACK
Account No. 234-013

Allowed Nov 25 1996

In the sum of \$

In the sum of \$
 Richard J. Barrios
 Richard J. Barrios
 Richard J. Barrios

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

PURCHASE ORDER NO.	INVOICE NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
96-BAA-13-15		AUG 27, 1976	234-013	\$ 2,008.12
			TOTAL	\$ 2,008.12

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I

V. Began V. Bachman
(Signature in Ink)

representing SHIDELER SPRAY SERVICE, and presently
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on Kolg, 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: Kolg Ditch # 234-025

CONTRACTOR: SHIDELER SPRAY SERVICE VENDOR # 1851

CONTRACT # _____ AND/OR ACCOUNT # 234-025

☒ ANNUAL MAINTENANCE
☐ ADDITIONAL MAINTENANCE
☐ EMERGENCY MAINTENANCE

COMPLETION DATE Aug 22, 1996
INSPECTION DATE Sept. 3, 1996

☒ WORK IS APPROVED
☐ NOT APPROVED: COMMENTS: _____

[Signature]
VANDERBURGH COUNTY SURVEYOR

11-18-96
DATE

Warrant No. _____
Claim No. _____
Date _____

Superior Spray Service

Vendor No. 1351

\$ 109.06

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name _____

Account No. _____

Allowed Nov 25 1996

In the sum of \$

Richard L. Davis
Richard L. Davis
Richard L. Davis

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

11-18-96 Richard L. Davis

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>96-05-25-15</u>		<u>Aug 23, 1996</u>	<u>234-025</u>	<u>\$ 109.06</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL \$ 109.06

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I TERRY R. JOHNSON
(Signature in Ink)

representing TERRY JOHNSON CONSULT, 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 # 234-006

CONTRACTOR: TERRY R. JOHNSON VENDOR # 1052

CONTRACT # _____ AND/OR ACCOUNT # 234-006

☒ ANNUAL MAINTENANCE
☐ ADDITIONAL MAINTENANCE
☐ EMERGENCY MAINTENANCE

COMPLETION DATE AUG 26, 1996
INSPECTION DATE SEP 3, 1996

☒ WORK IS APPROVED

☐ NOT APPROVED: COMMENTS: _____

Robert W. Brennan

VANDERBURGH COUNTY SURVEYOR

11-18-96

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

Verste

11-18, 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.

Account No. _____

Auditor _____

Auditor

COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT

In the sum of \$
Richard L. Pomeroy
Richard L. Pomeroy
Richard L. Pomeroy

[illegible]

TOTAL \$ 436.07

FALL

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I TERRY R. JOHNSON
(Signature in Ink)

representing TERRY R. JOHNSON CEN. ST., 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: TERRY R. JOHNSON VENDOR # 1052

CONTRACT # _____ AND/OR ACCOUNT # 234-022

- ☒ ANNUAL MAINTENANCE
☐ ADDITIONAL MAINTENANCE
☐ EMERGENCY MAINTENANCE

COMPLETION DATE AUG 23, 1996
INSPECTION DATE SEPT 3, 1996

☒ WORK IS APPROVED

☐ NOT APPROVED: COMMENTS: _____

Robert W. Burn

VANDERBURGH COUNTY SURVEYOR

11-18-96

DATE

Warrant No. _____
Claim No. _____
Date Nov 25

TERRY R. JOHNSON

Vendor No. 1052

\$ 249.35
ON ACCOUNT OF APPROPRIATION
Dept. Fund Name KELN DIRCH
Account No. 234-022

Allowed Nov 25 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

Nov 25

11-18-96
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-FM-22-15</u>		<u>Sept 1, 1996</u>	<u>234-022</u>	<u>\$ 249.35</u>

TOTAL \$ 249.35

FALL

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I TERRY R. JOHNSON
(Signature in Ink)

representing TERRY R. JOHNSON CONSTRUCTION, 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: TERRY R. JOHNSON VENDOR # 105V

CONTRACT # _____ AND/OR ACCOUNT # 234-017

- ☒ ANNUAL MAINTENANCE
☐ ADDITIONAL MAINTENANCE
☐ EMERGENCY MAINTENANCE

COMPLETION DATE Sept 9, 1996
INSPECTION DATE Sept 9, 1996

- ☒ WORK IS APPROVED
☐ NOT APPROVED: COMMENTS: _____

R. H. W. BURN
VANDERSURGH COUNTY SURVEYOR

11-18-96
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 TERRY R. 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.

Auditor

COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT

In the sum of \$
Richard. Barnes
Robert Barnes
John Barnes

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
96-FM-17-15		SEP 9 1996	284-017	\$ 244.22
			TOTAL	\$ 244.22

TOTAL 244.22

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: DANIEL PAUL

for ☒ annual -- ☐ additional maintenance to
_____ Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
Nov. 11, 1996, and was inspected by
our staff on Nov. 12, 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

11-18-96
Date

Additional Comments:

VANDEBURGH COUNTY, INDIANA

On Account of Appropriation for WALLERMEYER DITCH # 234-040

[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.

Daniel J Paul
Name

Owner
Title

Date Nov. 11, 1996

TOTAL \$ 1,051.06

ALAN:

WE ARE READY TO MAKE THE FOLLOWING STATEMENT WITH REGARD TO THE ONLY ITEM OPEN FOR DISCUSSION AT TONIGHT'S DRAINAGE BOARD MEETING:

"THE DEVELOPER, HIS ENGINEER, HIS ATTORNEY AND OTHERS ASSOCIATED WITH THE PROJECT KNOWN AS GLENWOOD HILLS SECTION "B" HAVE RESPONDED POSITIVELY TO EACH OF THE ITEMS REQUIRED FOR OUR REVIEW OF THE PRELIMINARY DRAINAGE PLAN.

"THE COUNTY SURVEYOR THEREFORE RECOMMENDS APPROVAL OF THE PRELIMINARY DRAINAGE PLAN WITH THE UNDERSTANDING THAT CERTAIN DETAILS BE INCLUDED IN THE VARIOUS DOCUMENTS AND PLANS TO BE PRESENTED WITH THE FINAL DRAINAGE PLAN AT A LATER DATE.

"THE DETAILS TO WHICH WE REFER HAVE BEEN DISCUSSED WITH THE DEVELOPER, HIS ENGINEER AND HIS ATTORNEY WHO ARE ALL WORKING TOWARD FINISHING THE FINAL DRAINAGE PLAN IN ACCORDANCE WITH YOUR DRAINAGE ORDINANCE AND IN COMPLIANCE WITH THE SURVEYOR'S RECOMMENDATIONS.

"AGAIN: AT THIS TIME THE COUNTY SURVEYOR RECOMMENDS THE APPROVAL OF THE PRELIMINARY DRAINAGE PLAN FOR GLENWOOD HILLS SECTION "B"."

I PASSED THIS NOTE TO YOU HOPING THE COMMISSIONERS WILL CONSIDER RECONVENING THE DRAINAGE BOARD AT THE CONCLUSION OF THE AUDITORIUM HEARING PORTION OF TONIGHT'S MEETING JUST LONG ENOUGH TO ACT UPON THE SURVEYOR'S RECOMMENDATION.

Vanderburgh County
Drainage Board Meeting
December 23, 1996

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**Vanderburgh County
Drainage Board Meeting
December 23, 1996**

President Borries: I would like to call the meeting of the Vanderburgh County Drainage Board on this December 23, 1996 to order. Let me begin by saying thanks to my colleagues on the Drainage Board for their kind remarks that were made earlier in the County Commissioners meeting and also state for the record that on this day, having not had the final statistics, but I do believe it's probably important to mark historically, with the continued precipitation we've had today, that no doubt this year, 1996, will go down as the wettest year in Vanderburgh County history. When you think of the 1937 flood and 1950 the year, I don't remember much about 1950, but I remember a lot about 1961 because I was a senior in high school. I remember a lot of flooding on North Green River Road and some of my classmates who lived out in that area and 1961 was also a very bad year, but this one has been truly a record setter. Like it or not it certainly has been an issue not only with this Board, but in the campaigns. So, I guess if I was to wish immediate good wishes to my colleagues on the Drainage Board it would be that good wish would be for much less rain in 1997. Having said all that, I also want to express my gratitude to Mr. Bill Jeffers for his work throughout the years that we've been on this Drainage Board. He's steady and very thoughtful in all that he does. His thinking has had to be much deeper this year with all of our rainfall. So, Bill, I certainly want to express my gratitude to you too for your work over the years. I will turn the meeting over to you at this time, Mr. Bill Jeffers.

Bill Jeffers: Thank you for the compliments, and I'd like to let you know that I've really gained a lot by working with you in a constructive way, especially in the last two or three years. I think it's been very constructive and I just really enjoyed it.

President Borries: Thank you.

Bill Jeffers: I wish you well.

President Borries: Thank you.

Bill Jeffers: I hope you're not over in the School Board building and looking out at four or five feet of water in the street next spring. I know you'll be laughing at us as you are.

President Borries: I don't if I'll be laughing, but I'll tell you it'll be mighty, I tell you--

Bill Jeffers: It'll be different won't it?

President Borries: Yeah. I've learned that until a...maybe if that's the only wise thing I've learned is certainly not to criticize those who have been there. Anyone who has the courage and the guts to run for County Commission it's indeed the most unique office I think that you could ever, ever be in because you're never really your own person. There are three of you. You've got to form a consensus at some point. You've got to listen to what the others have to say and then kind of get something moving. It's kind of a in your face, out front kind of place and it's been even more so with all this rain this year and a lot of angry people. But it is truly a unique experience. So anybody who runs for the office, I sure won't ever criticize them and I won't always say that they know what they're in for until they get here, but, again, it's been a great ride and truly a unique experience.

Bill Jeffers: Now we have a pool going to see whether Pat gets Drainage Board or APC next year. Or both--

President Borries: Or both!

Bill Jeffers: --if anybody wants to get in the pool--

Commissioner Mourdock: How much are the tickets?

Commissioner Tuley: Inside betting, that's not fair.

Blue Claims

Bill Jeffers: Okay, the blue claims are signed and delivered to your desk there with the recommendation from the County Surveyor to pay the amount shown on each blue claim.

President Borries: Okay, may I have a motion to accept these blue claims which, again, are progress reports on various maintenance parts of legal drains? They have been signed by Robert Brenner, the County Surveyor.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Bill Jeffers: All the work is pretty much complete except for some additional maintenance that Big Creek is doing that's been hampered by the weather and the second half of Eagle Slough which has been under water most of the year or else very muddy when it's not under water. We're going to move forward with those at the first of the year because it's work that can be done whether it's a...well we're just waiting for the ground to freeze up solid.

Approval of minutes

Bill Jeffers: I believe the Auditor has some minutes for you.

President Borries: Yes, we have minutes from, let's see--

Commissioner Mourdock: November 25th.

President Borries: November the 25th. May I have approval of those minutes?

Commissioner Mourdock: I'll move approval of the November 25th minutes.

Commissioner Tuley: Second.

President Borries: So ordered.

Shallenberg Subdivision - Preliminary drainage plan

Bill Jeffers: The first subdivision for which we will recommend approval of the preliminary drainage plan is Shallenberg Subdivision. It's a small three lot subdivision located on Heinlein Road, south and west of Edinborough Subdivision, across from Burch Road. It's owned by the Effingers whose land was developed into Edinborough Subdivision and Fox Hollow Subdivision. The water from those other subdivisions passes along the north line

of Shallenberg Subdivision. I show that in a green stripe. Then it turns and flows along the west line out to Heinlein Road and into the side ditch along Heinlein Road. This is a preliminary drainage plan. The area of the subdivision is so small that it'll be very insignificant increase in runoff. We're asking the Board to waive the requirement for detention. I've marked some areas on that plan which will be returned to the developer's engineer. He already knows about it. The red marks indicate areas that need riprap or some form of ditch protection. Generally, the requirements that I'm forwarding to the developer's engineer are noted on that plan in front of you, things that'll be required for a final drainage plan. What we're doing now is recommending and asking you to waive the requirement for detention and recommending the approval of the preliminary drainage plan, so it may be forwarded to the Area Plan Commission in January.

Commissioner Mourdock: I'll move we waive a detention structure for the Shallenbergh Subdivision.

Commissioner Tuley: Second.

President Borries: So ordered.

Commissioner Mourdock: I'll move approval of the preliminary drainage plan for Shallenberg Subdivision.

President Tuley: Second.

President Borries: So ordered.

Willow Creek Subdivision, Section E - Preliminary drainage plan

Bill Jeffers: The second subdivision with a preliminary drainage plan is Willow Creek, Section E. I've outlined the area of this Section E in yellow outline for you. It's north of Section D which had final drainage plan approval a couple months ago. The developers engineer, Mr. Rodney Young, is here with the developer. They have submitted sufficient data that's been checked by our office to recommend approval of the preliminary drainage plan and allow them to go forward to the Area Plan Commission in January. I just showed you in blue there where the detention basin is. It's going to be a permanent standing pool of water. I showed a couple of the house sites in green to show that they do fit in between the pond and the street. Basically, there's some requirements for what we're looking for in the final drainage plan written in red down there. The engineer is aware of those, they're pretty standard. The Surveyor recommends approval of the preliminary drainage plan for Willow Creek, Section E.

Commissioner Mourdock: I'll move approval of the preliminary plan for Willow Creek Subdivision, Section E.

Commissioner Tuley: Second.

President Borries: So ordered.

St. Joe. Industrial Park, Lot 4 - Replat

Bill Jeffers: The next item is the replat of Lot 4 in St. Joe Industrial Park. This is located on St. Joe Avenue south of the County Garage and immediately south of Locust Creek Bridge that

you're familiar with. Locust Creek forms a partial boundary along the north or northeast line there. I believe that's Indiana Hi-Rail railway track back there, too. What I've done there is shown the detention swales in yellow; they're fine. Calculations were submitted; they've been checked and approved. I have a red patched area that shows an approximate floodway limit. What we're saying there is that we do recommend approval of the preliminary drainage plan for the replat of Lot 4, St. Joe Industrial Park, but when the final plan comes back we're going to need to see Indiana Department of Natural Resources' approval of construction in a floodway because part of the construction of the drainage facilities are in the floodway. We'd also like for them to confirm or establish the extent of the floodway so we know what area is definitely in the floodway. We provided the engineer with a copy of our study of that creek by the Corps of Engineers. He has given you an approximate floodway limit. We just want the DNR to confirm that and then the same as on Fretina Acres up in Hillsdale, they had to approve the construction of the detention basin in the floodway, which they'll do it.

Commissioner Mourdock: I'll move for preliminary approval of the replat of Phase 4, I'm sorry the replat of Lot 4 for the St. Joe Industrial Park.

Commissioner Tuley: Second.

President Borries: So ordered.

Sycamore Hills, Phase 4 - Replat

Bill Jeffers: Item number 4 under preliminary plans was the replat of Phase 4 of Sycamore Hills. I said tentative because we were waiting for the developer to finish some items. He called his engineer, Mr. Nicholson, this afternoon and said that those are either completed or near complete. I haven't had time to go out and inspect them and rather than going into real long complicated explanation of why we're holding this one up, I'm sure most of those notes are in Mr. Mourdock's laptop with regards to this development. It also has to do with a new development that the developer is proposing called Ascott or Astoria. It overlaps this one to some extent and I would really like another month to take a look at what he's done to make sure that it meets our punch list that we gave them a year ago.

Commissioner Mourdock: When did you get the information Bill?

Bill Jeffers: We gave Mr. Williams a punch list about a year ago and asked him to complete that before we went any further with Phase 4.

Commissioner Mourdock: Yeah but I heard you say a moment ago, maybe I misunderstood--

Bill Jeffers: He's been working on that for about the last week and he called this afternoon and said that he was either complete or nearly complete.

Commissioner Mourdock: Okay, so you still haven't--

Bill Jeffers: I have not been there personally.

Commissioner Mourdock: Okay.

Bill Jeffers: So I'm a little hesitant to make a recommendation without seeing it.

Commissioner Mourdock: Sure. So you're asking to defer that for a month?

Bill Jeffers: One month, please.

Commissioner Mourdock: Okay.

Bill Jeffers: I did, you know, I say all this because our ordinance allows the developer or his engineer to appeal to the Drainage Board at this time.

Commissioner Mourdock: Well, pending any appeal that might be made, I'll move the replat of Phase 4 for Sycamore Hills be deferred until the month of January Drainage Board meeting.

Commissioner Tuley: Second.

President Borries: So ordered.

Burkhardt Square Industrial Park - Final drainage plan

Bill Jeffers: Under final drainage plans we have Burkhardt Square Industrial which is Frank Richardson's one lot industrial subdivision across Wedeking Avenue from his present plant. We recommended approval of the preliminary plan last month and asked for two modifications to be made before the final plan came back. Mr. Morley's office made those modifications and we recommend approval of the final drainage plan for Burkhardt Square Industrial Park.

Commissioner Tuley: I'll move for the approval of final drainage plans for Burkhardt Square Industrial Park as recommended by the Surveyor.

Commissioner Mourdock: I will second.

President Borries: So ordered.

Burkhardt Crossings Detention Basin - Alteration to drainage plan

Bill Jeffers: The last final drainage plan is actually just an alteration being made to the Burkhardt Crossings detention basin. That's a Woodward project where we have an off-site detention basin on the east side of I-164 that is accessed from Oak Grove Road. It's located so that it takes in water from Nurrenbern Ditch before the excess storm water arrives down at the intersection of Burkhardt and Morgan. I'm sure you guys remember all that discussion. What happened is they had not discovered a gas line and had to dip down under the gas line, put a gooseneck in the pipe and they show that in the details here, if you'd like to see it. They're available here. They had to make some other minor alterations with regard to a flap gate being mounted directly on the pipe rather than on a head wall. Then they added a poured concrete slope wall on the intake end so that loose riprap, which was formerly there, would not tumble down into that gooseneck and stop it up. Okay, we are recommending approval of the alterations

they have made to the previously approved drainage plan for this detention basin, but we are still working with Mr. Morley and Mr. Woodward on the exact wording of how the detention basin is to be maintained by property owners within the subdivision itself because Mr. Woodward has indicated that in the future he may sell the land on which the detention basin is located. There's someone who has expressed some interest, apparently, in the land because there's a lake there now. We're working out some wording on annual maintenance by the property owners in the industrial sub on the intake pipes, the outlet pipes and the basin itself. So right now what we're doing is recommending approval of the design of the changes.

Jim Morley: Do you want to incorporate the proposed language within the motion or how did you want to handle that?

Bill Jeffers: I wanted to handle it at a later date.

Jim Morley: Okay.

Bill Jeffers: Because that...in other words, what Mr. Morley has forwarded to our office is some language on how to tie the responsibility for the maintenance of the pond to the property owners through a Lot Owners' Association which is probably going to be fine. That language will appear on the plat for the subdivision. That plat is brought to the County Surveyor's office to be checked prior to the recording of the plat. So between now and I would say probably in a couple of weeks he is going to want to bring that plat in for recording and we are going to work out the nuts and bolts of exactly how it should be worded to make sure that it is understood by everyone buying into Burkhardt Crossings that they will also have the responsibility to form a Lot Owners' Association and to pay an annual assessment and to go over and make annual repairs or maintenance on the site.

Commissioner Mourdock: I don't have a problem with what you're saying, Bill, and certainly I want to see what you just defined, see that done. I guess my question is what is it that we're accepting for final drainage plan approval then? The design?

Bill Jeffers: Well, I just put it under final drainage plan approval. Actually it's a alteration to a previously approved final drainage plan. All major alterations have to come before your Board.

Commissioner Mourdock: Okay, so the major alteration is this bit of design work that had to happen because of the gas line--

Bill Jeffers: Right.

Commissioner Mourdock: --and then you would bring back to us on another occasion the final wording of that subdivision or--

Bill Jeffers: Maintenance?

Commissioner Mourdock: Yeah, maintenance association wording?

Bill Jeffers: Yes, sir.

Commissioner Mourdock: Okay.

Jim Morley: Well, can I speak to that just briefly?

**Vanderburgh County
Drainage Board Meeting
December 23, 1996**

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Bill Jeffers: Sure.

Jim Morley: Whenever we needed to do an inverted siphon under the gas lines we incurred therefore some potential maintenance and you need to check out an inverted siphon on an annual basis and make sure it's not filling up with silt and can be cleaned out. We've got the concrete there and Bill wanted to make sure that now that we have that we had presented to you a way, you know your ordinance provides for two things. It provides that they pay a fee to provide for structure maintenance outside a public right of way, they could pay the county a fee, or they form a Home Owners' Association. This is not a home, this is commercial property. So, we have a little problem of the language strictly meeting the ordinance that we have and so I prepared what I thought was the correct language of assurances that would provide that those people who own the shopping center or hotel or whatever winds up being in this commercial center, that they have an obligation to join together and maintain that lake over there and the erosion control on it. I provided the proposed wording for that. I think what Bill wants to do is scrutinize that wording and perhaps he can have the attorney look it over. Mr. Woodward indicated he probably wanted to record the plat fairly soon, so I prepared the commitment wording, but your ordinance doesn't exactly cover commercial parks. So that was the reason for the wording and then for Bill's concern about that. You know I'm not sure the wording is exactly the way we want to say it, but I'm representing...I called Mr. Woodward, told him that we needed that commitment and he said sure. So, we're making that commitment and whatever modifications we need to work out with Bill we'll be glad to do it. I have stated what I thought was sufficient wording. Bill may want to add a few things. So that's really a part of what we're presenting is Mr. Woodward's commitment that the owners, the property owners, would be committed to that maintenance.

Bill Jeffers: So what it is really is a matter of time, he wants to crunch it through. So why don't we do this? Why don't we take Mr. Morley's wording, enter it into the record with a preliminary okay from our office, or a recommendation from our office to okay it, but our experience with Lot Owner's Association has been promise them everything and give them nothing because I have yet to see one be formed. I'm sorry I just...they're still out there. That's one of the reasons why I was hesitant to speak to Sycamore Hills, Phase 4 because I got a phone call from the man on whose property some of the repairs had to be made and he said, hey, he won't even let us form a Home Owner's Association. I can't talk about it because I have a letter from his attorney saying I can't talk about this situation, you know. Part of the deal is, hey, somebody is going to have to take care of this stuff because I don't think the County should have to take care of this particular design. In other words, Mr. Morley is submitting it saying it will work. And it will work, but this is the very same type of design that failed on the east side and caused the, where Mr. Borries use to live, you know the area that a year or two ago all of the sudden no one knew it and the gate had failed because there wasn't annual maintenance done on it.

President Borries: Indian Woods.

Bill Jeffers: Now that maintenance responsibility was the city's maintenance responsibility, you know it wasn't a Home Owners' Association.

Commissioner Mourdock: I guess I see two things and neither of

them are certainly insurmountable, but the Home Owners' Association, if that's the right language, in other situations, although it may not be here, traditionally haven't dealt with them very well and the fact that this one is physically removed by a quarter mile from the center itself, I mean, I guess my comments are to say that the wording on that needs to be very, maybe the right word is punitive. I don't know, I mean how do we get to that point when it's a quarter mile down the road from those people when the silt thing...when the siphon tube does plug up with silt, how are they going to recognize it as being their problem? It's one thing if it's at the foot of their property and it starts backing up and it's immediately on them. So and I'm sure that's your concern too, Bill.

Bill Jeffers: That's one of them. We have a lot of agreements with people. We have like about a ten page document with Skinner Broadbent that was done in '81, I believe. They're supposed to clean the debris off the grate, the protective grate behind Shoe Carnival. We allowed them to pipe to Harper ditch and we get phone calls two or three times a year. When are you all going to come out here and clean all these corn stalks? Well, it's not corn stalks anymore because there's no corn fields left out there, it's plastic Walmart bags and 72 golf carts, I mean shopping carts, that we took out there and blah, blah, blah. I guess as property managers change they have to be reminded that there is a recorded document. So, I'm just really going to pick apart any verbiage submitted by anyone. Like Mr. Mourdock is saying, you know, Joe Smith buys a lot, builds a plant and the first thing he wants to know is where is this? He can't see it, it's on the other side of the overpass embankment. Where are you talking about? So, yeah, it's going to be depicted. I want it depicted, explained precisely, set up as a legal document, you know sealed, recorded and attached to the proper documents that go to the purchasers of these lots so there's no question whatsoever. This thing could stop up and just stop working all together. I mean, if that gooseneck gets filled with silt the water will find the path of least resistance which is straight down Kelly Ditch. Anyhow, rather than belabor it tonight, I'm just saying I don't have any problem with Mr. Morley's submittal including the language he's submitted. I just not ready to give the Surveyor's blessing to the language document, although the design by Mr. Morley and his staff is adequate and receives our recommendation to approve it.

Commissioner Mourdock: So I'll move approval of the acceptance of the final design alterations for Burkhardt Crossing's detention basin.

Commissioner Tuley: Second.

President Borries: So ordered.

Commissioner Mourdock: I will look forward to hearing and seeing whatever that final wording is on the maintenance.

Jim Morley: Do you wish to have the attorneys review that also? Essentially, that's the question that we have. You, as the government agency, want to make sure these home owners or property owners out here maintain this in perpetuity. The only way we know of is this association formally recorded and started, but as Bill tells you, lots of times the subdivision home owners didn't do it. Here we're trying to make sure--

Commissioner Mourdock: I have two answers to having a lawyer

Vanderburgh County
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review it, yes and positively, because it's a different kind of animal.

Bill Jeffers: Right. It's just a matter, you know...if things were...if this was a year ago, I'd be asking you guys to give us the authority to review this outside of your Board and get together with your current attorney and hash it out with Mr. Morley and the developer's attorney. However, you know, the political reality is that would be asking too much at this time. I would feel like it would be asking too much.

Jim Morley: I understand, we are completely willing. It's not a problem of being unwilling, it's only a matter of the proper language.

Commissioner Tuley: Okay.

Bill Jeffers: Did you all approve those design changes?

Commissioner Tuley: Design change is approved.

Old business

Bill Jeffers: Okay, and then under old business I wanted to let you know that both of the hearings that you held on removing obstructions last month resulted in orders by the Board to have the obstructions removed. Neither of the obstructions has been removed--

Commissioner Tuley: Surprise, surprise!

Bill Jeffers: --and there is obvious defiance of your order by both obstructioners, what are they called? Respondents.

Commissioner Tuley: Obstructioners?

Bill Jeffers: Obstructioners.

President Borries: Obstructionists.

Bill Jeffers: Obstructors.

Commissioner Mourdock: It sounds like a Stephen King novel, The Obstructioners.

Bill Jeffers: One of them's running around talking to everybody that she can talk to and her son has been up to talk to me and blah, blah, blah. The other one has erected an American flag on top of the obstruction. What I'd like to do at this time is notify the Board that they will probably have to send a notice of some sort that if the obstruction is not removed that the Surveyor is going to have to go in and remove it physically which means we have to go through a contract and hire someone to do it. If all these cases, and we anticipate several more in 1997, end up with the obstructioner resisting--

President Borries: Continuing to obstruct.

Bill Jeffers: --then we would anticipate that the total amount of the contracts would exceed that which is allowed by emergency contracts whatever that is--

President Borries: It's \$25,000, I think.

Bill Jeffers: The law...the drainage statute states that if the total of all services of that kind exceed that amount we have to go through advertising. So number one, I'm going to ask you to think about how we're going to notify people. Here's an example of what the Surveyor would do if it was in a legal drain, give them a ten day notice then hire somebody and remove it because it's an emergency. We don't get very many of those so they don't ever exceed \$10,000 or \$20,000. People just don't do that, you know, in a legal drain. The second thing is you're going to have to send somebody to the County Council and get some money put into the General Drainage Fund because that's the designated fund from which we can draw payment to the contractors. Then, I guess, we need to be thinking about telling the Surveyor to go find a contractor, advertise for bidders, blah, blah, blah.

Commissioner Tuley: I'm sure glad as minority member I'm not going to be President of the Drainage Board next year.

Bill Jeffers: Yeah, that's another issue. That's another situation where you guys are changing. You know, you'll be changing philosophy to some extent and maybe personnel to some extent, so just something I'm passing onto you at the end of the year.

Alan Kissinger: Just take that one under advisement.

Bill Jeffers: I guess we're changing Richards.

Commissioner Tuley: Merry Christmas.

Alan Kissinger: You know I think, Bill, there's a part of that statute that indicates that if there is an American flag erected on the obstruction, it's the duty of the Chief Deputy Surveyor to remove that and make sure that there is no defiling of said flag. I believe that's how the statute reads.

Bill Jeffers: It's a, right, and it says something about it being exposed to the elements like rain, sleet, snow and then I have to fold it properly. I just don't know where to stick it.

Commissioner Tuley: Well, I can give you an idea.

President Borries: Man I tell you...

Commissioner Mourdock: We knew this drainage thing would bring us some constitutional implications, but we didn't know how much!

Commissioner Tuley: Right.

Commissioner Mourdock: Or how broad this would be!

Bill Jeffers: I'm looking at Fort Apache on Ward Road.

Commissioner Mourdock: I picture this up on the hill sort of like Iwo Jima, I don't know why but--

Bill Jeffers: Yeah really it's, it's--

Commissioner Tuley: Don't tread on me, don't take my flag.

Bill Jeffers: Right, it's, you know it's--

**Vanderburgh County
Drainage Board Meeting
December 23, 1996**

11

President Borries: You might have to call some law enforcement assistance on this one. I'm not sure I'd want to go out there.

Bill Jeffers: I talked to a guy that's kind of got my position up in Newton County, which is a farm community. There's just no urban development to speak of and these farmers are very conservative. He says every time they go out on an obstruction, which he's talking about obstruction of legal drains, he takes a couple of Deputy Sheriffs with him because just about every time he's been out on one he gets to meet old Mr. Browning. So, you know...?

President Borries: Well, on that note and on the, again, record rain, may you all have some droughty conditions next year, and maybe...no, I won't wish that on you, that you might have as many appeals next year if we have a below normal year in terms of rainfall. This one has--

Bill Jeffers: What was it you said about the fence in your backyard?

President Borries: Oh, I may be one of those citizens, you know. As we always say the highest office that you could ever run for is that of U.S. citizen. So as a citizen I may be back before that Board, that's right.

Bill Jeffers: I know you'll miss us.

President Borries: That's right.

Bill Jeffers: Like a sore thumb.

President Borries: Well, again thanks to everybody. I'll entertain a motion to adjourn at this time.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

The meeting was adjourned at 7:10 p.m.

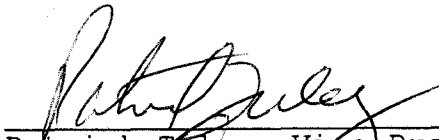
Those in attendance:

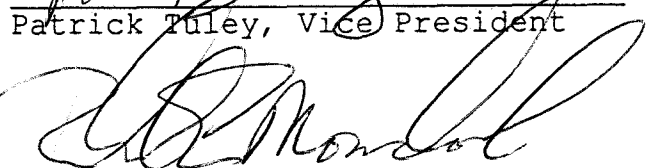
Vanderburgh County
Drainage Board Meeting
December 23, 1996

Those in attendance:

Richard J. Borries
Patrick Tuley
Richard E. Mourdock
Alan Kissinger
Bill Fluty
Kathy Burklow
Bill Jeffers
Jim Morley
Members of the media
Others unidentified

VANDERBURGH COUNTY
DRAINAGE BOARD



Patrick Tuley, Vice President

Richard E. Mourdock, Member

Recorded by Kathy Burklow
Transcribed by Todd Hochstetler

ITEMS COUNTY SURVEYOR WILL BRING TO
VANDERBURGH COUNTY DRAINAGE BOARD
MONDAY DECEMBER 23, 1996

I. PRESENT BLUE CLAIMS FOR PAYMENT OF DITCH
MAINTENANCE CONTRACT WORK.

II. PRELIMINARY DRAINAGE PLANS:

1. SHALLENBERG SUBDIVISION
2. WILLOW CREEK -- SECTION "E"
3. REPLAT LOT 4 -- ST. JOE INDUSTRIAL PARK
4. REPLAT OF "PHASE 4" -- SYCAMORE HILLS (TENTATIVE)

III. FINAL DRAINAGE PLANS:

1. BURKHARDT SQUARE INDUSTRIAL
2. ALTERATIONS TO DRAINAGE PLAN
BURKHARDT CROSSINGS' DETENTION BASIN

IV. OLD BUSINESS:

1. NOTICES TO REMOVE OBSTRUCTIONS AS ORDERED BY THE
BOARD LAST MONTH.

Warrant No. _____
Claim No. _____
Date _____

TERRY R. JOHNSON

Vendor No. 1052

\$ 5,203.86
ON ACCOUNT OF APPROPRIATION
Dept. Fund Name SENNTAG STAIRS
Account No. 234-038

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

12-23-96
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
<u>96-FM-38.85</u>	<u> </u>	<u>DEC 10, 1996</u>	<u>234-038</u>	<u>\$ 5,203.86</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL \$ 5,203.86

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 SONNTAG STEVENS DITCH # 234-038

Invoice-No.	Itemized Claim	Amount	
	1996 FALL MOW		
	10,705 LF X \$ 0.5719 = \$ 6,122.14		
96-FM-38-85	PAY 85% @ \$ 5,203.86 →	\$ 5,203	86
	15% RETAINAGE = \$ 918.33		

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 Dec 20, 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
_____ Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
DEC. 19, 1996, and was inspected by
our staff on DEC. 23, 1996, and is
☒ approved -- ☐ disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 12-23-96
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

Board of Commissioners

[illegible]

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 ASSOC. # 0986

On Account of Appropriation for POND FLAT LAT "E" # 234-034

Invoice-No.	Itemized Claim	Amount	
	1996 FALL MAINT.		
	3,616 LF. X \$ 0.12 = \$ 433.92		
96-FM-34-85	PAY 85% @ \$ 368.83 →	\$ 368	83
	15% RETAINAGE - \$ 65.09		

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 Big Creek Drainage Assoc INC.

Name

John J. Butler, Pres

Title

Date Nov. 27, 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: BIG CREEK DRAINAGE

ASSOC.

for ☒ annual -- ☐ additional maintenance to

POND FLAT LAT "E" Ditch, a legal drain in Vanderburgh County, Indiana, was completed on

Nov. 26, 1996, and was inspected by our staff on DEC. 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

12-23-96

Date

Additional Comments:

Warrant No. _____
Claim No. _____
Date _____

Union Twp. Ditch Assoc.

Vendor No. 1254

\$ 2,344.42
ON ACCOUNT OF APPROPRIATION
Dept. Fund Name BARNETT DITCH
Account No. 234-008

Allowed _____ 19____
In the sum of \$
Richard J. Bonica
Richard J. Bonica
Richard J. Bonica
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

12-23-90
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
96-5.D.-08-85		Nov. 22, 1996	234-008	\$ 2,344.42

TOTAL \$ 2,344.42

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: UNION TWP. DITCH ASSOC.

for [] annual -- [X] additional maintenance to
BARNETT Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
Nov 21, 1996, and was inspected by
our staff on DEC 8, 1996, and is
[X] approved -- [] disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 12-23-96
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

Warrant No. _____

Claim No. _____

Date _____

B. S. D. A.

Vendor No. 0986

\$ 510.00

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name PO40 FLAT LATE

Account No. 234-034

Allowed _____ 19__

In the sum of \$
Michael J. Dames
W. H. [Signature]
[Signature]

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

Dec 23, 196
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-AM-34-85</u>		<u>Dec. 13, 1996</u>	<u>234-034</u>	<u>\$ 510.00</u>

TOTAL \$ 510.00

ADD. MAINT.

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

ASSOC.

for [] annual -- [X] additional maintenance to
POND FLAT LAT "E" Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
NOV 27, 1996, and was inspected by
our staff on DEC. 13, 1996, and is
[X] 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

12-23-96
Date

Additional Comments:



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

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

Warrant No. _____

Claim No. _____

Date _____

RALPH REXING

Vendor No. 1228

\$ 332.84

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name LONG FLAT LAT B

Account No. 234-031

Allowed _____ 19__

In the sum of \$
Three hundred and thirty two and 84/100
Richard J. Barnes
Highway Dept.
City of St. Paul

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

Name

12-23-96
Robert W. Blum
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-FM-31-85</u>		<u>Dec-5-1996</u>	<u>234-031</u>	<u>\$ 332.84</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL \$ 332.84

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 # 1278

On Account of Appropriation for POND FLAT LAT "B" # 734-031

Invoice-No.	Itemized Claim	Amount	
	1996 FALL MAINT.		
	2,797 LF. X \$0.14 = \$391.58		
96-FM-31-85	PAY 85% @ \$332.84 →	\$332	84
	15% RETAINAGE = \$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.

X Ralph Rexing
Name

Title

Date Dec. 5, 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: RALPH REXINK

for ☒ annual -- ☐ additional maintenance to _____ Ditch, a legal drain in Vanderburgh County, Indiana, was completed on DEC 4, 1996, and was inspected by our staff on DEC 6, 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

12-23-96
Date

Additional Comments:

Board of Commissioners

TOTAL \$ 249.90

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 SINLER DITCH # 234-037

Invoice-No.	Itemized Claim	Amount	
	1996 FALL MAINT.		
	2,450 LF x \$ 0.12 = \$ 294.00		
96-FM-37-85	PAY 85% @ \$ 249.90 →	\$ 249	90
	15% RETAINAGE = \$ 44.10		

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 Reising Pres
Name
Rexing Enterprises Inc.
Title

Date DEC 3, 19 91

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: REXING ENTERPRISES

for ☒ annual -- ☐ additional maintenance to
SINGER Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
Dec 2, 1996, and was inspected by
our staff on Dec 6, 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

12-23-96

Date

Additional Comments:

Warrant No. _____
Claim No. _____
Date _____

ELDON 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 L. Barnes
Richard L. Barnes
Richard L. 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

12-23-96
Robert W. Brannon
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-EM-27-85</u>	<u> </u>	<u>DEC 6, 1996</u>	<u>234-027</u>	<u>\$ 131.26</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

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
DEC 6, 1996, and was inspected by
our staff on DEC 9, 1996, and is
☒ approved -- ☐ disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 12-23-96
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

Warrant No. _____
Claim No. _____
Date _____

ELDON MAASBERG
Vendor No. 1485

\$ 258.06
ON ACCOUNT OF APPROPRIATION
Dept. Fund Name KUEER DITCH
Account No. 234-024

Allowed _____ 19____
In the sum of \$ Two hundred & 58/100
Richard L. Barnes
Richard L. 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

12-23-96
Robert W. Gurneys
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-FM-24-85</u>	<u>—</u>	<u>—</u>	<u>234-024</u>	<u>\$ 258.06</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL \$ 258.06

VANDEBURGH COUNTY, INDIANA

On Account of Appropriation for KNEER DITCH # 234.024

[illegible]

Eldon Maasberg
Name

Name _____

Title

Date Dec. 3, 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: ELOCH MAASBERG

for ☒ annual -- ☐ additional maintenance to
KNEER Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
Dec. 2, 1996, and was inspected by
our staff on Dec 8, 1996, and is
☒ approved -- ☐ disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 12-23-96
Robert W. Brenner, Vanderburgh County Surveyor 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
-------------	--------------------	--------------	-------------	-------------

96-08-13-50 JAN 16, 1996 234-013 500 00

TOTAL 500.00

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 J. BIGGIE INC

for [] annual -- ☒ additional maintenance to EALIE 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 12-23-96
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

Board of Commissioners

PURCHASE ORDER NO.	INVOICE NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
96-FM-19-85		DEC. 13, 1994	234-019	\$ 4,518.34
				TOTAL \$ 4,518.34

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 HENRY DITCH # 234-019

Invoice-No.	Itemized Claim	Amount	
	1996 FALL MOW		
	3,179 LF x \$0.5619 = \$1,786.28		
96-EM-19-85	PAY 85% @ \$1,518.34 →	\$1,518	34
	15% RETAINAGE @ \$267.92		

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 DEC. 13, 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: TERRY A JOHNSON

for ☒ annual -- ☐ additional maintenance to
HENRY Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
DEC 13, 1996, and was inspected by
our staff on DEC 18, 1996, and is
☒ approved -- ☐ disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 12-23-96
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

Warrant No. _____
Claim No. _____
Date _____

TERRY R. JOHNSON

Vendor No. 1052

\$ 4,302.83
ON ACCOUNT OF APPROPRIATION
Dept. Fund Name E.S.U. N-1/2
Account No. 234-015

Allowed _____ 19____
(In the sum of \$ Four thousand three hundred and two and 83/100)
Richard L. Barnes
William J. Barnes
Robert W. 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

12-23-96
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
<u>96-FM-15-N-35</u>	<u>—</u>	<u>DEC 14, 1996</u>	<u>234-015</u>	<u>\$ 4,302.83</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL \$ 4,302.83

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 47703-1833
(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
E.S.U. NORTH 1/2 Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
DEC 14, 1996, and was inspected by
our staff on DEC 18, 1996, and is
☒ approved -- ☐ disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 12-23-96
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

Board of Commissioners

Auditor

TOTAL 453.29

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

RUSKER Ditch, a legal drain in Vanderburgh County, Indiana, was completed on

DEC 16, 1991, and was inspected by our staff on DEC 17, 1991, and is

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

Respectfully submitted by:

Robert W. Brenner 12-23-91
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

Warrant No. _____
Claim No. _____
Date _____

B.C.D.A.

Vendor No. 0986

\$ 3,513.56
ON ACCOUNT OF APPROPRIATION
Dept. Fund Name BARR
Account No. _____

Allowed _____ 19____
In the sum of \$
Richard L. Powell
Richard L. Powell
R. L. Powell
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

12-23, 96
Richard W. Blumens
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-M-09-85</u>	_____	<u>Dec-17</u>	<u>234-009</u>	<u>\$ 3,513.56</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL \$ 3,513.56

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 BAARS CREEK Ditch, a legal drain in Vanderburgh County, Indiana, was completed on DEC. 16, 1996, and was inspected by our staff on DEC 17, 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

12-23-96
Date

Additional Comments:

TOTAL \$ 6,800.00

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 ASSOCIATION # 0986

On Account of Appropriation for BUENTE UPPER BIG CREEK # 234-DLD

Invoice-No.	Itemized Claim	Amount	
	1996 ADDITIONAL MAINT.		
	1 Lump Sum @ \$8000.00		
96-AM-10-85	PAY 85% @ \$6,800.00 →	\$6,800	00
	15% RETAINAGE = \$1,200.00		

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.

John J. Bittner
Name

Pres
Title

Date Dec 17, 1996

ADDITIONAL MAINT.

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

ASSOCIATES

for [] annual -- [X] additional maintenance to BUENTE UPPER BIG CREEK Ditch, a legal drain in Vanderburgh County, Indiana, was completed on NOV. 27, 1996, and was inspected by our staff on DEC. 13, 1996, and is [X] 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

12-23-96
Date

Additional Comments:

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



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

TOTAL \$ 2,918.18

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 BUENTE LIPPEA BIG CREEK Ditch, a legal drain in Vanderburgh County, Indiana, was completed on DEC. 12, 1996, and was inspected by our staff on DEC. 13, 1996, and is ☒ approved -- ☐ disapproved for payment per the contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 12-23-96
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

Warrant No. _____

Claim No. _____

Date _____

B.C.D.A

Vendor No. 0986

\$ 5,440.00

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name POMM FLAR MARI

Account No. 234-029

Allowed _____ 19__

In the sum of \$

Approved J. Bonica
W. J. J. J. J.
K. J. J. J.

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

12-23-86
Robert W. Blumeyer
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-AM-24-85		DEC. 12, 1986	234-029	\$ 5,440.00

TOTAL \$ 5,440.00

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 # 234-079

Invoice-No.	Itemized Claim	Amount	
	1996 ADDITIONAL MAINT.		
	1 LUMP SUM @ \$6,400.00		
96-AM-29-85	PAY 85% @ \$5,440.00 →	\$5,440	00
	15% RETAINAGE @ \$960.00		

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.

John J. Bittner
Name

Executive
Title

Date Dec. 12, 1996

ADD. MAINT.

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 ASSOC.

for [] annual -- [☒] additional maintenance to _____ Ditch, a legal drain in Vanderburgh County, Indiana, was completed on Nov 27, 1996, and was inspected by our staff on Dec 13, 1996, and is [☒] approved -- [] disapproved for payment per the contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 12-23-96
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

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



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

Warrant No. _____
Claim No. _____
Date _____

Big Creek Drainage
Assoc.

Vendor No. 0986

\$ 3,445.66

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name POLICE FLAT MAINT

Account No. 234-029

Allowed _____ 19__

In the sum of \$
Richard J. Bonner
Richard J. Bonner

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

12-23-94
Robert W. Blum
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-FM-2985</u>		<u>Nov. 27, 1996</u>	<u>234-029</u>	<u>\$ 3,445.66</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL \$ 3,445.66

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
ASSOC

for ☒ annual -- ☐ additional maintenance to
POWELL FLAT MEADOW Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
Nov 26, 1996, and was inspected by
our staff on Dec. 3, 1996, and is
☒ approved -- ☐ disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 12-23-96
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

BIG SAFEK DRAINAGE
Assoc.
Vendor No. 0986

ON ACCOUNT OF APPROPRIATION

Allowed _____ 19 _____

In the sum of \$ Twenty - Dollars
Twenty Dollars
Edw. Howard

None

12-23 '86 Robert W. Bennett

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-FA-372-85		Nov. 27, 1996	234-032	\$ 921.67

TOTAL \$ 921.67

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 LAT "C" # 234-032

Invoice-No.	Itemized Claim	Amount	
	1996 FALL MAINT		
	9,036 LF X \$0.12 = \$1,084.32		
96-FM-32-85	PAY 85% @ \$921.67 →	\$ 921	67
	15% RETAINAGE = \$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.

X Big Creek Drainage Assn. INC.
Name
John J. Pittner
Title

Date Nov. 27, 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: BIG CREEK DRAINAGE

Assoc.

for ☒ annual -- ☐ additional maintenance to

POND FLAT LAT "C" Ditch, a legal drain in Vanderburgh County, Indiana, was completed on

Nov 26, 1996, and was inspected by our staff on Dec 2, 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

12-23-96

Date

Additional Comments:

Warrant No. _____
Claim No. _____
Date _____

JIM AXTON

Vendor No. 6047

\$ 323.00

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name _____
Account No. _____

Allowed _____ 19__

In the sum of \$ _____
Richard L. Bonner
Richard L. Bonner
Richard L. Bonner

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

12-23-86
Robert W. Bonner
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-FM-25-15</u>		<u>01-20-1996</u>	<u>234-025</u>	<u>P 323.00</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL \$ 323.00

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I Jimmie Axton
(Signature in Ink)
representing Jim Axton, 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:

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: Ko 16 # _____

CONTRACTOR: _____ VENDOR # _____

CONTRACT # _____ AND/OR ACCOUNT # _____

☒ ANNUAL MAINTENANCE
☐ ADDITIONAL MAINTENANCE
☐ EMERGENCY MAINTENANCE

COMPLETION DATE OCT 19, 1996
INSPECTION DATE OCT 21, 1996

☒ WORK IS APPROVED
☐ NOT APPROVED: COMMENTS: _____

Robert W. Brennum
VANDERBURGH COUNTY SURVEYOR

12-23-96
DATE

B.C.D.A.

ON ACCOUNT OF APPROPRIATION

Allowed _____ 19____

Board of Commissioners

None

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

Auditor

[illegible]

1/5 TOTAL 1,904.44

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

Nov 26, 1996, and was inspected by our staff on DEC 4, 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

12-23-96

Date

Additional Comments:

Warrant No. _____
Claim No. _____
Date _____

TERRY R. JOHNSON

Vendor No. 105V

\$ 3,559.73
ON ACCOUNT OF APPROPRIATION
Dept. Fund Name E.S.U. 5 1/2
Account No. 234-015

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

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
96-FM-15-15		OCT. 22, 1996	234-015	3,559.73

TOTAL \$ 3,559.73

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I TERRY R. JOHNSON,
(Signature in Ink)

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

certain maintenance on EAST SIDE DRAIN 5 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 DRAIN 5 1/2 # 234-015

CONTRACTOR: TERRY R. JOHNSON VENDOR # 1052

CONTRACT # _____ AND/OR ACCOUNT # _____

- ☒ ANNUAL MAINTENANCE
☐ ADDITIONAL MAINTENANCE
☐ EMERGENCY MAINTENANCE

COMPLETION DATE OCT. 14, 1996
INSPECTION DATE OCT. 21, 1996

☒ WORK IS APPROVED

☐ NOT APPROVED: COMMENTS: _____

Ralph W. Bunn

VANDERBURGH COUNTY SURVEYOR

10-25-96

DATE

None

RALPH REXING

Vendor No.

\$ 632.01

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name POND FLAT "A"

Account No. 23A-030

Allowed _____ 19

In the sum of \$

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

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

PURCHASE
ORDER NO.

INVOICE DATE

ACCOUNT NO.

AMOUNT PAID

96-FM-30-9.

Dec. 5, 1996

234-030

632.01

TOTAL \$ 637.01

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: RAIAD REXING

for ☒ annual -- ☐ additional maintenance to
POND FLAT LAT "A" Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
DEC. 4, 1996, and was inspected by
our staff on DEC. 6, 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

12-23-96

Date

Additional Comments:

Warrant No. _____
Claim No. _____
Date _____

RALPH BEXING

Vendor No. 234.033

\$ 544.90

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name Posto Flat Land

Account No. 234-033

Allowed _____ 19____

In the sum of \$

Richard L. Barnes
Richard L. Barnes
Richard L. 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

12-23-96
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-FM-33-85</u>	<u> </u>	<u>Dec 5, 1996</u>	<u>234-033</u>	<u>\$ 544.90</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

TOTAL \$ 544.90

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 "D" # 234-033

Invoice-No.	Itemized Claim	Amount	
	1996 FALL MOW		
	4,529 L.F. x \$0.14 = 641.06		
96-FM-33-85	PAY 85° @ \$544.90 →	\$ 544	40
	15% RETAINAGE = \$96.16		

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.

Ralph Rexing
Name

Title

Date DEC 5, 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: RALPH REXING

for ☒ annual -- ☐ additional maintenance to
POND FLAT LAT "D" Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
DEC. 5, 1996, and was inspected by
our staff on DEC. 6, 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

12-23-96
Date

Additional Comments: