

**VANDERBURGH COUNTY
DRAINAGE BOARD
FEBRUARY 2, 2010**

The Vanderburgh County Drainage Board met in session this 2nd day of February, 2010 at 6:08 p.m. in room 301 of the Civic Center Complex.

Call to Order

Commissioner Melcher: Okay, the Vanderburgh County Drainage Board is now open. The President last year, Lloyd Winnecke.

Appointment of Officers for 2010

Commissioner Winnecke: Mr. Chairman, I would move that we nominate Troy Tornatta to be President for 2010.

Commissioner Tornatta: Bless your heart.

Commissioner Melcher: Okay, I'll second it then, since it's been blessed. All in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

Commissioner Melcher: Troy, it's yours.

President Tornatta: Do we need—

Madelyn Grayson: Who's going to be Vice President?

Commissioner Melcher: Well, he's got to do that.

President Tornatta: I do? No, Lloyd's on a roll. Go ahead, Lloyd.

Commissioner Winnecke: Mr. Chairman, I will move that Steve Melcher be named Vice President.

President Tornatta: Second.

Commissioner Melcher: Thank you.

President Tornatta: All in favor?

All Commissioners: Aye.

(Motion approved 3-0)

President Tornatta: Alright, the ayes have it.

Commissioner Melcher: I was going to vote nay.

Announce 2010 Meeting Dates

President Tornatta: Mr. Jeffers? So long since we've had this opportunity.

Bill Jeffers: Yes, it's been a nice break.

President Tornatta: That wasn't very nice, Bill.

Bill Jeffers: Well, I enjoyed it. I was on vacation for part of it.

President Tornatta: Oh, so it wasn't me, it was the vacation.

Bill Jeffers: The vacation was nice.

President Tornatta: Oh, okay. Thank you.

Bill Jeffers: I think your next order of business is to, if you wish, you can announce the meeting dates, but, I guess, those just follow Commissioners?

President Tornatta: Yeah, motion to approve the meeting dates for 2010?

Commissioner Melcher: So moved.

Commissioner Winnecke: Second.

President Tornatta: A motion and a second. All in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

President Tornatta: Okay.

Bill Jeffers: That handles the statutory requirements for reorganization of the Drainage Board for 2010.

Approval of the December 15, 2009 Drainage Board Meeting Minutes

President Tornatta: I must approve the minutes before we get started.

Bill Jeffers: That's right.

President Tornatta: Okay, approve the minutes of the previous meeting?

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

President Tornatta: A motion and a second. All in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

President Tornatta: The motion is approved.

Deerfield Subdivision: Section Four: Final Drainage Plan

Bill Jeffers: We have one drainage plan tonight for Deerfield Subdivision, Section Four. It's really a technicality. You've already approved it twice. Once it had an extension of the cul-de-sac now, it had an extension down to Eissler Road, that was approved. Then, they removed the extension and terminated Carrington Drive in a cul-de-sac not connected to Eissler Road. That's been approved. But, technically we never had final Drainage Board approval of the drainage plan, which essentially remains the same as it did on the previous two approvals, and they want to record this plat, and Area Plan Commission requires a final drainage approval for plat—

President Tornatta: Bill, did we get all of the collection points satisfied?

Bill Jeffers: Yes.

President Tornatta: Okay, because there—

Bill Jeffers: They are not all completed, but they are all satisfied as to plan. They have been monitoring this point—

President Tornatta: Right.

Bill Jeffers: —that discharges onto the lady to the east and cleaning that up, she says they clean up the driveway every time it overflows and causes any siltation. There's an area over here that discharges water through a watercourse on to Winterbury Drive, and we get complaints each time that there's a torrential downpour of mud that needs to be cleaned from Winterbury Drive. I believe that is occurring too, possibly not as quickly as the residents would like it, but it does get cleaned up. Those are just ongoing issues that have to be monitored by Mike Wathen as to erosion control measures.

President Tornatta: But, then—

Bill Jeffers: But, the drainage plan itself—

President Tornatta: —the prior issues that we had, I think even Bill Nix was addressing at the time—

Bill Jeffers: Right.

President Tornatta: —have those been fixed?

Bill Jeffers: They have...the one that came to, I think Bill Nix brought to our attention, or was brought to his attention was up here at the upper end of the plat, there is mud coming down the hill, and water coming down the hill, this is a very steep hill here, and it was shooting across the street into this lady's driveway. I believe her name is, just a second, onto the Sisna property. They have installed, there was a clogged pipe run going up the hill, and John Stoll and his department went out there and pushed the repair of that, and Mr. Dentino has completed that repair. I believe that's the one you were referring to. So, that repair has been completed. But, construction

is ongoing. All of the problems have not, all of the problems associated with construction continue, and that needs to be monitored–

President Tornatta: Okay.

Bill Jeffers: –by the erosion control expert.

President Tornatta: I need a motion.

Commissioner Melcher: So moved.

Commissioner Winnecke: Second.

President Tornatta: A motion and a second. All in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

Bill Jeffers: Thank you.

Presentation for Opportunity for Regional Pigeon Creek Project

Bill Jeffers: Okay, we have a presentation for you tonight regarding an opportunity for a regional logjam removal and debris removal from Pigeon Creek that would include Gibson County, Warrick County, Vanderburgh County and the City of Evansville. Tonight Deborah Bennett-Stearsman from the Economic Development Coalition of Southwest Indiana is here to make that presentation. Teresa Hartwick from Commonwealth Engineers is also here to answer questions if you need. She's accompanied by David Hines who is a professional engineer that heads up the office for Commonwealth Engineering here in Evansville. Michael Stevenson the Gibson County Surveyor is here tonight. Tim Mosbey the Warrick County Commissioner and head of the Drainage Board is here tonight. Pat Keepes the City Engineer is here, and Phil Baxter may attend and may have had a previous engagement that is holding him up at the moment. He is the Warrick County Surveyor. But, we do have broad support for this, and I just wanted to name those people because, especially Ms. Stearsman and Teresa Hartwick have been very accommodating to us in pushing this forward. So, I would like to turn it over to Debra Bennett-Stearsman to give you the presentation.

President Tornatta: Wow, are you running for office? He mentioned you three times.

Debbie Bennett-Stearsman: I know, but, you know, just Debbie is fine.

President Tornatta: Debbie, how are you doing?

Debbie Bennett-Stearsman: I'm good. Good evening. It's my pleasure to be back before you again. It's been a while. Before I get started I'm going to give you some handouts. We always have to have handouts. There's two different handouts, if you would take one of each and then pass them down. I'll try to keep it a shorter version of what I'm handing out to you. You should have received, I hope everyone received an e-mail prior to the meeting tonight regarding the presentation. In the disasters of 2008, Indiana, 82 of the counties in Indiana were declared Federal disasters in three

separate FEMA related disasters. From this there were two pots of monies distributed through the State of Indiana for competitive or non-competitive funding. The first disaster there was \$60 million, and the second disaster there was \$380 million. From those two disasters there were different pots of money that were divided down into categories, and the category that I'm coming to talk to you about tonight is the category for debris removal. They have allocated \$15 million for debris removal. The application began being accepted January the 4th. At this point, there are no applications, because we had the workshop like that day, but, the criteria was, for waterway debris removal, was in coordination with the Department of Natural Resources, the Office of Community and Rural Affairs, that is the funding agency, it's Federal funds, intends to make funds available to local communities to address the impact of the 2008 storms on the waterways. Logjams and debris obstructions left unattended within a waterway will continue to grow in size and density over time. As these obstructions grow in size it takes smaller and smaller storm events to cause upstream flooding. The obstructions restrict, or may even totally cut off the flow of water in the channel, or they will completely re-route the flow of water in different directions. Flooding is frequent, flood depths are higher, and the duration of flooding is longer in those areas located upstream from an obstruction in the waterway. The resulting impacts caused by logjams and debris left within a waterway pose significant threats to public safety and economic development. That was the criteria that they put the \$15 million in. The two handouts that I gave you, the first handout is a small handout and it talks about the information needed to make the applications for the logjams and the obstruction removal. If you will look on page three, the two categories as defined by DNR that are eligible for this funding, is condition three, meaning two or more interlocked logs are located across a channel and sediment and debris are collecting on the logjams and water is flowing through the logjams. The second is logjam condition four, that means two or more interlocked logs are located in or across a channel and sediment and debris are compacted in the logjam, therefore little or no water is flowing through it, and water flows into the overbank areas through the logjam. There are five categories on that sheet that I gave you, only two are eligible. So, we went, the Coalition worked to get the information out to all of the counties. In talking through different personnel in the counties it became apparent that Pigeon Creek was probably a very large problem for three of the counties and the City of Evansville. Back up for a minute, each county can put in their own application if you've got a project that you think is more important than this, because everybody can put in their own project. It is on a first come first served basis. There is no required local match, however they expect a local match. Now, I can't tell you what that is, it can be anywhere from five percent to 25 percent, but if you have to do upfront costs, like flying over the area, or getting your package together to turn in, defining your project and the budget you can count that as part of your local match. Each county can put in their own application, or you can join to do one application and one county or one entity can apply on their behalf. That only counts for that entity's application. So, if the four of you went together and did this project, Gibson, Warrick, Vanderburgh and the city, and say the City of Evansville put it in, the other three counties could each put in another project of another area, however you are all competing against each other. So, if you're putting in one that affects your area and you put another one in, in my opinion only you're sort of defeating your purpose, but, you are allowed to do that. So, that's kind of the decision you are looking at tonight. If you choose to go forward on the Pigeon Creek project and join together, then we're going to have to come up with some way of making sure this whole project can come together and that everybody's doing their part in their particular area to get their packet together to turn in as one. The only thing we have to do, at this point, is decide if you want to go together. If you do go together then we have to define the areas that are jammed and get a proposed

budget on those and get an environmental review done. Once that is done, and getting that done sounds simple, it's probably going to be a 60 to 90 day process, the application goes in, it is non-competitive. So, your clock is ticking against anybody else in the other 82 counties and how they are doing that. If you decide you don't want to do that tonight and you have another area that you want to look at that you feel that you're compelled that doesn't go into this, then you're more than welcome to tell me what area that is, or think about it and get back with me and say we're not sure we want to do this. But, I just saw it as a nice regional opportunity because of the impact in all of the different areas. I think I mentioned in there that we weren't certain who the applicant was going to be, and we still are not. I posed the question to OCRA, is there any guide on which of the entities should be the applicant? They said no. The recommendation would be the county or the entity which the largest impact of a flood when it jams, how many residents are being affected. They may not have the obstructions, but they may get the impact of it. But, they told me that it did not have to be that entity. So, we haven't really decided which one, which entity, or if you would like to say, oh, I would like for it to be us, you could do that. So, I think I've given you all the information, I hope, and I'll ask for questions now.

Commissioner Melcher: It sounds like Gibson County ought to be it, because we get all the water from them, all of us. I'm just kidding.

Debbie Bennett-Stearsman: Well, everyone has agreed that...at this point, and individually and not in a formal meeting, every entity that I've talked to has said it's a problem, if we need to sponsor it we will.

President Tornatta: Right.

Debbie Bennett-Stearsman: Remember that by sponsoring it you're not taking responsibility for any, for all of the dollars to get it ready.

President Tornatta: But, it seems like it would probably be the City of Evansville.

Debbie Bennett-Stearsman: Pardon me?

President Tornatta: It seems to me like it would be the City of Evansville.

Debbie Bennett-Stearsman: I don't know who the largest impact...the only way we can determine that, we have, Gibson County, Michael Stevenson from Gibson County just gave me an aerial fly over of 2006. From the fly over most of the obstructions were in Vanderburgh County. Now that's not to say that the people impacted were not Gibson County by the back up.

President Tornatta: Yeah.

Commissioner Winnecke: To me it's six of one half a dozen of the other.

Debbie Bennett-Stearsman: Yeah, it's just you need to decide whether you're going to do it. It doesn't matter who's sponsoring it—

President Tornatta: Right.

Debbie Bennett-Stearsman: —we've got to work together.

President Tornatta: I think I'm in favor of moving forward with the four entities. It's, I guess, it would be up to you to filter out who would be the best applicant.

Debbie Bennett-Stearsman: Well, after I get formal permission, which we're scheduled to go to the other three entities formally and get their permission that this is a project, then I would be happy to do that. I will report back who that is going to be. That's, in my opinion, that's probably going to be the area that is impacted residentially by the most damage. It makes the most sense. Now, if for some reason the funding agency would come back to me and say, on the scoring, one of the others looked better, then I'll change it.

Commissioner Winnecke: Yeah.

President Tornatta: Does everybody on this board know what Debbie's capacity is?

Debbie Bennett-Stearsman: I'm sorry, I didn't even say who I was.

President Tornatta: Well, I mean, it just, at one point we were looking for the county to have somebody to go after funds and to try and be a grant writer and what not. Debbie has been able to step up, and, in fact, she's even got somebody that's helping her and they have been able to provide our county with that wonderful asset. So, that's why she champions this, but she not only does it for us, but with the Economic Coalition she does it for other counties. We kind of have a regional approach, which I think is beneficial at this point in time. So, we appreciate it. Do we have a motion?

Commissioner Winnecke: Mr. Chairman, at this time I'll move that this Board partner with Gibson County, Warrick County and the City of Evansville to pursue funding from the Office of Community and Rural Affairs for the purpose of breaking the logjams that clog Pigeon Creek.

Commissioner Melcher: I gladly second it.

President Tornatta: A motion and a second. All in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

Debbie Bennett-Stearsman: I appreciate it. Could I, you designate one person as a point of contact that I can contact once I meet the other three so that we can get the particulars together.

President Tornatta: I'll take care of it.

Debbie Bennett-Stearsman: Okay. Do you have anything to add, Bill? Thank you.

President Tornatta: Now, Debbie, we talked once before, the work that we've done prior to this does not count as that upfront money? Or we don't know that?

Debbie Bennett-Stearsman: I don't know that yet.

President Tornatta: Okay.

Debbie Bennett-Stearsman: Any work that you will be doing now will be counted as your match money, yes.

President Tornatta: Well, I mean—

Debbie Bennett-Stearsman: You won't be reimbursed for it, no.

President Tornatta: Right, but it would be the match money?

Debbie Bennett-Stearsman: Yes.

President Tornatta: Because Warrick County and Vanderburgh County are doing this—

Debbie Bennett-Stearsman: Everybody, each individual entity's work that they provide, and any expenses that they provide, however we decide how it's going to be, will be the match. That's what I anticipate would be the match for the project, and hope to get the construction 100 percent paid for.

President Tornatta: Great. Super.

Commissioner Winnecke: Thanks, Debbie.

Bill Jeffers: Yeah, just a second. I think what President Tornatta's question may have been alluding to is we've already, this Board has already spent \$12,000?

President Tornatta: Yeah.

Bill Jeffers: On a logjam that's right on the county line with Warrick County, and Warrick County and Vanderburgh County have already worked together to remove one that met the qualifications for type four. We do have pictures of it, etcetera. Were you asking whether that might apply towards match money?

President Tornatta: Right, that would be our buy in.

Debbie Bennett-Stearsman: But, you've already done the work though.

Bill Jeffers: Yeah, we've already done the work.

Debbie Bennett-Stearsman: The work I'm talking about is soft costs in preparing for it.

President Tornatta: Okay.

Debbie Bennett-Stearsman: Gathering your data on where the obstructions are and putting together your budget for it. That may be performed by either your County Surveyor or by a consulting firm. That is totally up to you.

President Tornatta: Okay.

Debbie Bennett-Stearsman: Either is allowed to do it and to sign the certificate.

President Tornatta: Alright.

Bill Jeffers: Okay, so, basically, I would just like to stress, first of all I would like to thank Debbie for all this work that she's done in the past and now, and Teresa Hartwick for bringing this opportunity to our attention. She's been before you before from Commonwealth Engineering to bring this to our attention that we have this opportunity, and Michael Stevenson, Phil Baxter, Tim Mosbey, Pat Keepes for cooperating in this. But, I want to stress the urgency, we need to get an application in March 1st if we can so we're right at the top, you know. I do expect others will put in applications. I hope ours is considered first. I think Warrick County is going to take a helicopter, hire a helicopter and fly their portion of the creek. I would like to encourage the Gibson County Commissioners and the Vanderburgh County Commissioners and the City of Evansville Board of Works to either come up with some money to help in that flight, or work in kind of some sort to compensate Warrick County and fly the entire thing from the mouth of Pigeon Creek all the way up to Princeton so that we get, so that we locate all of these logjams. We are going to need an interlocal agreement. I think we should strive towards that. Either have our legal staff write that or have a consultant retained to write an interlocal agreement so that all four entities are working together in concert. I don't think we would need to go out and hire a consultant for each jurisdiction. I think there should be one consultant, if we need someone to coordinate that. Our office is willing to do as much field work as we can possibly do towards that to keep the cost down, but the estimates should probably be done by someone who is professionally qualified to do those estimates after we present them with the information that we have.

Commissioner Winnecke: Bill?

Bill Jeffers: So, that's all I have on that.

Commissioner Winnecke: Quick question. Do you know how, what the estimated fly time for the entire region would be?

Bill Jeffers: Well, I would think that they could do it in one day. They could fly it in one day. If somebody knowledgeable is in that helicopter as they fly it, they could note landmarks that our field crew could then go out then in the City of Evansville and Vanderburgh County, my field crew could go out and GPS those locations. Now, I would ask you in addition to give me permission and my field crew permission to travel to the other counties, in county vehicles with county equipment and personnel, in case they need assistance, we can....Warrick County has their own GPS equipment and I believe Gibson County does too, but if there's some reason why those two counties or the City of Evansville would need additional assistance from our crew, I would like permission to travel to those counties outside our jurisdiction to perform work.

Commissioner Winnecke: So, I'll get back to that in a second. So, are you looking for an approval of funding tonight on the fly over assist? Like a level not to exceed?

President Tornatta: Commissioner Mosbey?

Tim Mosbey: Yes, Tim Mosbey, Warrick County Commissioner and President of the Drainage Board. At this moment we are still working and pricing trying to find a helicopter. It was brought to my attention that the Surveyor of Gibson County mentioned the State Police, hadn't crossed our mind. If you've got any ideas, we'll entertain anything, we're just trying to get this started. Debbie met with us individually, I guess, last week and the light bulb came on and we thought, you know, with the March 1st application we need to get started and get moving as soon as we

can. Once we find the most economical way to fly over, this time of year, I don't know if any of you have ever gotten in a canoe and tried to paddle down Pigeon Creek, but you're not going to be able to it. You've got to get a helicopter. The amount of time it's going to take, we're estimating, we're hoping we can do it in a day, I don't know because it depends on how many logjams we see. We'll have to stop, or hover with the helicopter and let a, whoever wants to go up....I'm not going up. I don't know if Jeffers wants to go up, but, you know, we envision two people with cameras, one on each side of the helicopter, and, you know, take off and get going as fast as we can. We will definitely keep all of the three counties and the city informed once we find the best....or if you guys have any access. We've contacted corporate citizens in our county, they're trying to help us out. I've contacted crop dusters, being a farmer myself, I know a lot of them. This time of year they are not very busy, I'm waiting on estimates depending on what they would charge us per hour. The trouble is they're all located two hours away, so you have to pay from the time they leave. So, we're looking for help.

President Tornatta: Okay.

Commissioner Winnecke: I know from a previous life, helicopters rent for \$400 to \$500 an hour.

Tim Mosbey: That's the cheapest we've found so far is \$465.

Commissioner Winnecke: Yeah.

President Tornatta: Okay.

Bill Jeffers: Well, my estimate was way off. I told Debbie I thought we might be able to do it for \$150 to \$200, but apparently not.

Commissioner Winnecke: You need to get out more, Bill.

Bill Jeffers: I do. I need to stop taking vacations and do more work. Okay, that's all I have unless there are other questions, but I am asking you for permission to travel outside the county.

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

President Tornatta: A motion and a second. All in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

President Tornatta: Bill, probably what I would recommend is just, we probably need, and, Commissioner Mosbey, we need to get those four point people and call in to somebody, whether it be you or Bill, even, and give him any opportunities that we might have. I mean, there are some things that we can look at in the city for opportunities with helicopters.

Bill Jeffers: Right, and our next meeting is the twenty, the 19th? In case we need to look into retaining a consultant, I guess we can come back on the 19th–

Madelyn Grayson: It's the 16th.

Bill Jeffers: The 16th with some idea of whether we're going to need a professional coordinator.

President Tornatta: While we're on t.v. let's throw it out there, if somebody does have the opportunity with a helicopter, and they want to give us a quote on that, we would happily accept it.

Bill Jeffers: I would like a licensed pilot.

President Tornatta: We're thinking that that would probably be—

Commissioner Winnecke: (Inaudible).

President Tornatta: Yeah.

Commissioner Melcher: A little over \$250.

Bill Jeffers: I'm not going up in any ultra light I'll tell you that.

President Tornatta: They would contact 812-435-5241 and reference helicopter.

Update on Royal Carwash Flooding Issue: Home Depot West

President Tornatta: Anyway, update on Royal Carwash flooding.

Bill Jeffers: Yes, I've sent several e-mails and I copied you, each one of you, you may have seen them, regarding, well, two particular contacts at Home Depot and I have not received a satisfactory response. The owner of the carwash, Heath Rupp, had indicated that he may want to speak tonight. I don't know if he's here tonight. Apparently, Heath Rupp is not here tonight. So, we can skip past that just with the notation that I have not received a satisfactory response. The picture of the site is on your overhead, and the carwash property is highlighted in yellow. The flooding is caused by all the excess water from these several acres of parking that rushes down this service road, out into Pearl Drive. There's a little hill here in front of Hacienda, and that acts as a dam and the water gets fairly deep out there in Pearl Drive, and then overcomes the carwash and rushes through the carwash and across his back property into the lake. It needs to be resolved. So, that's where it stands today.

Commissioner Winnecke: Hey, Bill?

Bill Jeffers: Yes, sir?

Commissioner Winnecke: Do we need to instruct the County Attorney to send a nasty gram to somebody?

Bill Jeffers: If you so wish. I did send one of those to just a generic contact person at Home Depot national, and have not received a response back other than thank you for contacting us.

President Tornatta: I ended up sending an e-mail out to their, to the gentleman that wrote back to you.

Bill Jeffers: Yes.

President Tornatta: But, I haven't heard anything back.

Bill Jeffers: Okay, whatever will work.

President Tornatta: They did say that they were going to address pond issues and address the erosion issues behind the carwash. That's what they did say.

Ted C. Ziemer, Jr.: Bill, if you could give me the information, we would be happy to write a really nasty letter.

Bill Jeffers: Okay, I'll e-mail you all of the....I had two, I had one computer crash, they rebuilt that one, it crashed. I got a new computer, so I've lost all of my e-mail contacts and I'm rebuilding those. That's why you didn't get a copy of all of this, Mr. Ziemer. I will forward you a copy of that.

Brenda Jeffers: Bill, I have all of those.

Bill Jeffers: Okay, with you? Okay. We'll forward Mr. Ziemer that information, and if he wishes he can use his skill to get their attention.

Update CSX Railroad Rock in Pond Flat/Rexing Creek

Bill Jeffers: On CSX Railroad, the rock that fell into Pond Flat and Rexing Creek was brought to your attention by property owners and farmers in that area. Linda put together some photographs of that. You saw that at the meeting in December. I did receive a response from CSX Railroad today, after I sent you an e-mail saying that I hadn't received anything yet. But, they responded today and they are asking for detailed maps with locations, pictures, etcetera. So, that indicates that they are ready to take a look at it. So, I would like to thank them for responding. All that information will be forwarded to CSX, and I'll tell you about that on the 16th.

Declare Emergency Hirsch Ditch/Norfolk Southern Railway

President Tornatta: Move up one.

Bill Jeffers: Move back up one, declare emergency on Hirsch Ditch at the Norfolk Southern Railway trestle. That's right at the Stockfleth Ditch intersection. The railroad contacted us and said that the trestle is in danger of failure. We knew that from our own study that was done by Structurepoint. They pointed that out. The railroad is now ready to immediately remove and replace that trestle with an open structure that would let a lot more water through. So, that works to our benefit. Our construction plans prepared by Structurepoint are ready to go. So, we could move ahead with ours if we had the money. The railroad would like to, and I would suggest that they piggyback on our permits, because our 401 and 404 storm water permits have been certified on July 2, 2009 and are ready to go. If the Corps of Engineers and IDEM will let them piggyback on those, they could go ahead with their plans right now. Those permits are good for two years, until July 2, 2011, at which time our project must be complete. The railroad indicated to me that if they could

piggyback they would do some of the work that we were going to do. That would save us some money. So, tonight I'm asking you to declare an emergency to authorize Structurepoint, who is our consultant on this project, to notify the Indiana Department of Natural Resources for a final field walk through of the site, and to cooperate with Norfolk Southern to remove and replace the failed structures in East Side Urban drain, including their request for a temporary ditch crossing during their construction, and to also authorize Structurepoint to prepare a bid package for our project at this time.

Commissioner Winnecke: So moved.

Bill Jeffers: And pending our ability to fund our project.

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

President Tornatta: A motion and a second. All in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

Bill Jeffers: Thank you.

Approval of Ditch Maintenance Claims

Bill Jeffers: Then I have a group of claims that are in order, and I ask you to have the County Auditor process those for payment to our ditch contractors.

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

President Tornatta: A motion and a second. All in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

Public Comment

Bill Jeffers: I believe, other than public comment, or any business that you may have, I am finished.

President Tornatta: Okay, that being said, any public comment? Boys in the back, any public comment? Nothing? Okay.

Eldon Massberg: You don't want my comments anyway.

Bill Jeffers: Excuse me, we all love Eldon Maasberg and his comments.

President Tornatta: Yes.

Bill Jeffers: And we will be, if there's anyone interested, we will be meeting with Eldon and the Big Creek Drainage Association for their annual tell the Surveyor what needs to be done in Scott and Union Township meeting, Thursday at noon, at the—

President Tornatta: (Inaudible).

Bill Jeffers: No, in Owensville, what's the name of that joint up there? The Hornville Tavern.

President Tornatta: That's what I said, Hornville.

Bill Jeffers: Oh, I'm sorry. I thought you said Silver Bell. If any of the Drainage Board would like to attend, we will be there.

President Tornatta: That's half chicken day, right?

Bill Jeffers: Anything you want day.

President Tornatta: Right, okay.

Eldon Maasberg: Wednesday is half chicken.

President Tornatta: Okay, alright.

Bill Jeffers: Thursday is pork chop day.

President Tornatta: Okay, now we've got it. Motion to adjourn?

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

(The meeting was adjourned at 6:35 p.m.)

Those in Attendance:

Troy Tornatta
Bill Jeffers
Brenda Jeffers
Eldon Maasberg

Stephen Melcher
Ted C. Ziemer, Jr.
Debbie Bennett-Stearsman
Others Unidentified

Lloyd Winnecke
Madelyn Grayson
Tim Mosbey
Members of Media

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Troy Tornatta, President

Stephen Melcher, Vice President

Lloyd Winnecke, Member

(Recorded and transcribed by Madelyn Grayson)

**VANDERBURGH COUNTY
DRAINAGE BOARD
FEBRUARY 16, 2010**

The Vanderburgh County Drainage Board met in session this 16th day of February, 2010 at 6:02 p.m. in room 301 of the Civic Center Complex with President Troy Tornatta presiding.

Call to Order

Commissioner Winnecke: TT?

President Tornatta: Hey, Bill?

Bill Jeffers: Good evening.

President Tornatta: Sorry, I forgot, I hold the honor of being President of the Drainage Board this year.

Bill Jeffers: You do indeed.

President Tornatta: I would say good evening.

Approval of the February 2, 2010 Drainage Board Meeting Minutes

President Tornatta: Motion to approve the minutes?

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

Bill Jeffers: The only order...the only item of business I brought-

President Tornatta: Hold on one second.

Bill Jeffers: Oh, you have to take a vote, don't you?

President Tornatta: Yeah.

Bill Jeffers: I'm sorry.

President Tornatta: We have a motion and a second. All in favor say aye.

All Commissioners: Aye.

President Tornatta: Okay.

Bill Jeffers: You gotta love the democrat process.

President Tornatta: Is there an agenda?

Bill Jeffers: No, sir, because I only have one item of business.

President Tornatta: That's okay. Okay, sorry.

Approval of Ditch Maintenance Claims

Bill Jeffers: I have a folder full of blue claim forms here. It represents about \$8,500 worth of work completed by ditch contractors, like Eldon Maasberg.

President Tornatta: Did he bid those?

Bill Jeffers: Some of them, yes. In that regard, the reason we take bids at Drainage Board is because State statute requires that if we spend over \$75,000 per year on ditch contracts that they have to be bid out. So, it's a statutory requirement in this instance. I would like to say I'm glad I'm not John Stoll, because he has a monumental amount of work to accomplish compared to what I do. He does a wonderful job coordinating that for the County Commissioners under whatever processes he goes through. I would also repeat what Eldon Maasberg said regarding the county roads, I've never seen them handled better than what I've seen them handled this year.

Eldon Maasberg: The city is not done.

President Tornatta: We're not bashing.

Bill Jeffers: I'm not going to—

President Tornatta: We're not bashing, we're just giving credit.

Bill Jeffers: Yeah, no bashing today for me. It is was it is out there. Just today. Anyway, I've asked that you approve these claims and pay the ditch contractors. Everything in this folder is in order.

President Tornatta: I'm looking for a motion.

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

President Tornatta: A motion and a second. All in favor say aye.

All Commissioners: Aye.

Discussion of MS4 Permit Renewal

Commissioner Melcher: And, I agree with you about John Stoll. I think both of you are top rated. Of all of the time that I've been in this with the city, for 17 years, I've never gotten the reports and answers back as quick as I do from you two.

Bill Jeffers: Well—

Commissioner Melcher: You know, you two just are good at what you do.

Bill Jeffers: Well, he's been a model for me really. I mean, he's been here for, well, 17 years as you said earlier in your meeting. He's very professional and he's been a model for me to follow. I would like to ask you just for your permission, as Commissioners, to let me work with him between now and the end of March on the

MS4 program, because I understand that the State has reset the date for their review of the MS4 program from August back to March. He's under a big crunch, because as you know his, one of his deputy engineers has been off–

Commissioner Melcher: Uh-huh.

Bill Jeffers: –and that was the deputy that took care of those things. I think between me and one other employee in my office we may have some time to contribute to John and do some of that paperwork for him while he does these more important projects for you. If that would be okay with you. I've worked with him on that before, and I think I would be happy to do that again.

Commissioner Melcher: I think that would work out great for us.

Bill Jeffers: It's generally just paper shuffling is what it is.

Commissioner Melcher: Okay, you might explain, for the public that are listening what MS4 means.

Bill Jeffers: Oh, that's the storm water program mandated by Indiana Department of Environmental Management. It requires the County Engineer to prepare reports, annual reports, updating the State on what the county has done to intercept storm water pollution before it runs off. For example, the County Highway garage lot, where they store the salt, how we intercept the pollution before it gets into the creeks and the waterways and ends up in the river. How we clean our streets, how we require new developments to put in structures to capture the runoff from parking lots or other hard structures and filter out the storm water pollutants so they don't get into our streams and our rivers. We're going for a new permit, you have to get a new permit every five years to prove to the State that we're doing this. It's an unfunded mandate. They don't provide us with any money. So, that puts the burden on the County Engineer to perform all of these tasks with nothing from the budget. Obviously, the County Council is strapped for funds and can't....so, really it's all done in the form of local work, you know, effort on our part. And, you know, John listed several projects that he's working towards, and they're major projects, I mean, these are major road building, bridge building projects, and now it falls on his shoulder to do all this just grunt work, to shuffle papers and get everything ready for a State audit, and I'm just offering my services, because I know I have some spare time in the office. I will find someone else in my office to help, just on a clerical basis, if it's okay with you.

President Tornatta: Thank you. That would be great.

Bill Jeffers: Okay. Thank you.

President Tornatta: Okay, with no other business, motion to adjourn.

Commissioner Winnecke: Did we approve the claims?

President Tornatta: Yeah, we approved the claims.

Commissioner Winnecke: Oh, we did, didn't we? Okay. So moved.

Commissioner Melcher: Second.

(The meeting was adjourned at 6:10 p.m.)

Those in Attendance:

Troy Tornatta

Bill Jeffers

Others Unidentified

Stephen Melcher

David Miller

Members of Media

Lloyd Winnecke

Madelyn Grayson

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Troy Tornatta, President

Stephen Melcher, Vice President

Lloyd Winnecke, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY
DRAINAGE BOARD
MARCH 2, 2010**

The Vanderburgh County Drainage Board met in session this 2nd day of March, 2010 at 6:30 p.m. in room 301 of the Civic Center Complex with President Troy Tornatta presiding.

Call to Order

President Tornatta: Mr. Jeffers?

Bill Jeffers: Good evening, Mr. Tornatta.

President Tornatta: We're going to open up the March 2, 2010 Drainage Board meeting. It's about 6:30.

Approval of the February 16, 2010 Drainage Board Meeting Minutes

President Tornatta: I need approval of the previous meeting's minutes, please.

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

President Tornatta: A motion and a second. All in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

President Tornatta: Okay.

Approval of the 2010 Specifications for Annual Ditch Maintenance

President Tornatta: Approval of the 2010 specifications for annual ditch maintenance.

Bill Jeffers: Yes, we have here the specifications that were completed by Linda Freeman today. The regular, general specifications that apply to all the ditches every year, updated, and then the special provisions for the work that we contemplate needs to be done under special circumstances for 2010. They are ready to go. We ask that you approve those.

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

President Melcher: A motion and a second. All in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

Ted C. Ziemer, Jr.: I would ask for a copy of that, but I don't know what you're going to charge me per sheet.

Bill Jeffers: A dollar a sheet, or you can come scan it and replace my light bulbs.

President Tornatta: That's a colored sheet too.

Bill Jeffers: Yes, oh, the color sheets are a dollar fifty.

President Tornatta: Good job, Bill. Way to use the marketing.

Bill Jeffers: I'll have Linda send one over to your office.

Permission to Advertise Notice to Bidders for Annual Ditch Maintenance

President Tornatta: Authorize notice to bidders to advertise and set March 30, 2010 as date for opening proposals.

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

President Tornatta: A motion and a second. All in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

President Tornatta: Alright.

Bill Jeffers: Okay, that's the notice to bidders.

Surveyor's Annual Report

President Tornatta: Okay, Surveyor's report.

Bill Jeffers: Very briefly, because you've had a long evening already. Your ditches are in good shape. Okay?

President Tornatta: Super.

Bill Jeffers: Of course, they are ditches so there is places that need to be repaired or revegetated, or need special attention. That's all covered in the special provisions. For example, we're going to do some work on Pond Flat Main between 41 and the 3,100 feet down to the CSX rail. We're going to do some silt dipping and bank repairs where it's sloped off. We're going to do, we're working with the railroad on that one place I've sent you e-mails about, we've got a problem there with a railroad trestle that's dilapidated. They are going to replace that. They are going to remove some pipes that are obstructions and old crossings that are no longer needed. Throughout the county we will have places where there are items that need to be addressed in 2010. That's covered in the special provisions. You know that the county has, or the city has annexed a great part of the county out there along Burkhardt Road, and so now all of our Eastside Urban south half, the south half of

Eastside Urban drains are all now inside the city limits. So, the only, out of 20 miles of drain that's called Eastside Urban, we only have about six miles remaining, north of Morgan Avenue draining to Pigeon Creek. The other 16 miles, 14 miles, whatever, is now in the city. That's a good thing. We continue to take care of it for them, and that shows that many things are already consolidated. We work together on those things. We continue to, they pay us, it's a good thing because all of that land that was annexed increases our ditch assessment, the draw into our ditch assessment by almost \$30,000. So, we have more money to work on the urban drains that will enhance a developer's ability to develop that TIF zone that you created, the Burkhardt Road TIF zone. We can do things to enhance the drainage in that area. So, we now have another \$30,000 to work with that will make it, hopefully, will make it more attractive to develop that TIF zone. So, and, I think the Union Township farmers want to start a, what we call dormant spraying, like we do up in Armstrong Township, and like we do in some of our eastside drains, where we go in...this time of year while everything is dormant, before it buds out, and we spray herbicides on woody vegetation, and that sticks to the bark and kills that type of woody vegetation before the grass emerges. The other, what we call beneficial vegetation, it doesn't affect that. So, it kills brambles and so forth, and then as spring comes around, the grass comes up and it's not affected by those herbicides and we end up with nice, grassy ditches, rather than brushy ditches. So, that's your Surveyor's report. I will probably update you on that as time is more at a premium than tonight.

Commissioner Winnecke: Hey, Bill, before you....excuse me.

Bill Jeffers: Yes, sir?

Commissioner Winnecke: Before you move on, just sort of under this, a couple of weeks ago there were some e-mails flying around about software availability. Were you able to get that, your questions satisfactorily answered?

Bill Jeffers: Oh, we did complete our ditch assessments this week. That's been worked out to our satisfaction this year. We may have to fine tune it when we start again next year. Bill Fluty's office, the Auditor's office has assisted us in that over the years, and we've been able to complete that. We had a little couple of rough spots that we worked through. The software, it turns out we don't need that...what was the name of that?

Brenda Jeffers: ProVal.

President Tornatta: ProVal.

Bill Jeffers: ProVal. We haven't decided whether we really need it or not. Pam and Brenda are going to examine that to see if we really do need ProVal.

Commissioner Winnecke: Okay, you'll get back to us on that?

Bill Jeffers: But, they just forged ahead and did it the old way. I would like to fine tune that and do it in a more modern fashion next year.

Commissioner Winnecke: Okay. Thank you.

Bill Jeffers: Yes, sir.

President Tornatta: Motion to approve the Surveyor's report?

Commissioner Winnecke: Second.

Commissioner Melcher: Second.

President Tornatta: A motion and a second. All in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

President Tornatta: Alright.

Discussion of Big Creek Drainage Association Meeting

President Tornatta: Real quick, just not to dip into too much, Bill, but last night you made a presentation to Big Creek.

Bill Jeffers: Yes, sir.

President Tornatta: Okay. Just something interesting, Bill does this and talks to farmers and those who help with regulated drains, I believe, and the group, but Big Creek's normally a nice group that helps out a lot with mowing and what not. He gave a presentation with Mike Wathen, and I think the most impressive thing that I took away from it, not being an individual that deals with drains all the time, was that the sense it made for not just this region, but for regions farther south in the drain line, once the watershed goes into the tributaries and into the bigger waters, including the Gulf, that the plan that they're looking at now is to do, and I'm going to ask you to do a 30 second here, but to do a different way of maintaining ditches which would keep the wildlife in the ditches, and also take the nitrogen out slowly along the way, enriching the land and also not putting all the nitrogen down there in the Gulf of Mexico, helping to kind of bring a healthier ecosystem back to this area. I think, Mr. Maasberg was there, but, I mean, that it was one of those "aha" moments where you could see that some of the technological thoughts that the botanists have had, and the environmentalists have had are actually taking hold, and potentially put to good use, especially in our county.

Bill Jeffers: Right. What you have down in the Gulf of Mexico is just billions and billions of tons of sediment that have washed out of the Mississippi River basin, the Ohio River basin, and the Missouri River basin, over thousands of years. But, of course, that's been accelerated in the last 150 years by methods of farming and methods of land development that haven't retained the soil as well as we could. Of course, there are naturalists and preservationists who have tried to tell us the day was coming, and the day is here, that all of that sediment, along with the nutrients that bind to the little particles, the clay particles, the silt and the clay, the nutrients that we put on the ground, on our lawns or on our fields, particularly nitrogen and phosphorous, bind up with those particles and are carried all the way down the river system and dumped into the Gulf of Mexico, and it has ruined, or is ruining the wetlands down there, the Barrier Islands and the swamps or bayous behind the Barrier Islands that are a cushion against those tropical storms that blow in and destroy New Orleans and other Gulf regions. So, everyone lives downstream from someone, unless you live at the very top of the Himalaya Mountains, someone lives, or you're looking upstream at the people that are throwing things down on you. It's time that we take better care of our ditch systems that pass through our urban areas

and our farm areas. What Troy is referring to is a two stage ditch system where we widen out the bottoms of the ditches, we leave the natural, little channel where the creatures live and the ecosystem originates, the micro invertebrates and the fish and so forth are left alone. We come up a little ways to what's called the ordinary high water mark, where that flow down there is maintained totally natural. Then we go out and have a shelf of heavy vegetation, so when the water comes up, and that's when the water is silty, it's carrying all of the sediments off of the farmland and the development land, and it's able to spread out and move more slowly across that heavily vegetated shelf. The vegetation is like a sponge, it soaks up that nitrogen. Grass loves nitrogen. It just soaks it up and grows lushly, and we filter out a lot of that. Then, at the top of the banks, when the water flows out over the edge of the banks, we have filter grass, you know, grass filter strips doing the same thing. So, basically, what we're trying to do is capture that nitrogen that causes algae blooms in salt water that destroys fish and wildlife. It's destroying the shrimp industry. It's destroying the shellfish industry. You said 30 seconds, I guess, I'm done, but you know.

President Tornatta: Yeah, enough. That's not shocking to me.

Bill Jeffers: I mean, it's very impressive. Working, Ohio, Brenda and I drove to Cleveland, Ohio for my heart surgery during a really rainy season, and the farther north we drove, the cleaner the water....it was raining harder and harder as we got towards Cleveland, and the water was cleaner and cleaner coming out of those fields. That's where this technology is coming from, the Nature Conservancy brought it over from Ohio, and it's very impressive to see how well it works to strain out sediments and chemical pollution.

President Tornatta: Well, to somebody, like I said, who doesn't study that enough, I thought it was very interesting.

Bill Jeffers: Well, you can learn a lot more about it at road school. I'm assuming you guys go to road school. I know there's other meetings you go to, but you might want to look on the agenda and see if there's anything about this type of technology on the agenda. Or contact NRCS, Natural Resource Conservation Service, which is Darrell Rice, 867-0729. Also, the SWCD staff at the same number, Soil and Water Conservation District, and they can turn you on to these people at the Nature Conservancy. Online just look up two stage ditch, grass filter strips, that type of thing. It's really something that we should move towards where it can be economically applied.

President Tornatta: Alright.

**Ben Kunkel Residence: 12430 Harvest Gate Court
Modified Final Drainage Plan**

President Tornatta: Applied modified final drainage plan for Ben Kunkel residence at 12430 Harvest Gate Court.

Bill Jeffers: Okay, several years ago Mr. Kunkel, Mr. Ben Kunkel bought a lot that had a creek running through it, and we worked with him for a for a few months, the creek ran right through where his house is now. We worked with him for a few months to develop a drainage plan to route the creek around the edge of his property. Half of it goes through a pipe, and then there is a flow area for higher flow

that runs along side the pipe. This has worked well for the past, I think, six or eight years. Mr. Kunkel comes back now with a drainage plan so he can add a garage on. I don't have that in the exact right position, but that's the general area that the garage will cover. So, the red outline there represents the new garage he would like to add on. It covers part of the overland flow area. So, I asked his engineer, Morley and Associates to prepare some calculations and a plan to show that under no circumstances during a 100 year rainfall would the original house, any portion of the original house or the new garage be inundated by overflowing water. They're proposing to install an additional pipe, plus regrading the yard for overflow. They're showing the pipe to be, they're showing the high water, during a 100 year storm, to be two feet lower than the new garage or the existing home. So, they have all of that documented and certified, and they have a plan, and they responded as I asked them to with all of the drawings and certification by James E. Morley, Professional Engineer. So, I'm recommending that we approve the modification, or the modified, final drainage plan for Ben Kunkel's residence at 12430 Harvest Gate Court, in accordance with these plans.

Commissioner Winnecke: I'll move approval.

Commissioner Melcher: I'll second.

President Tornatta: A motion and a second. All in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

**Approval of Vectren Power Line Relocation Plan:
Nurrenbern Ditch/Hirsch Family Farm: Oak Grove Road**

President Tornatta: Okay, approval of Vectren power line relocation plan, Nurrenbern Ditch/Hirsch family farm property on Oak Grove Road.

Bill Jeffers: Okay, that came to you last September. Don Fuchs, October, excuse me, last October you approved it. Let's see where are we? We're on Oak Grove Road and I-164 and Enterprise Lane, and Nurrenbern Ditch runs from this pipe right here, it comes under the road, and then it runs out from this pipe and along the Hirsch family farm. This substation has been upgraded, expanded, and they're bringing a huge long distance transmission line, overhead transmission line up from the south and then booting out from this transfer station. They were going to go right through the Hirsch's family farm about, oh, 50 or 100 feet out in the field. It's a valuable property, and they wanted to minimize the impact on that property, so they came to you and asked if we could put the lines along the ditch bank, between Enterprise Park Drive and Nurrenbern Ditch. I recommended that you approve that concept, and you did. Now, they come back with the final plan from Vectren Engineering, showing the exact locations of those power poles that will be placed there, and as they promised, the closest one is ten feet from the ditch bank, the top of the bank, right here between the road and the ditch, and then the subsequent poles as the ditch kind of veers away from the road, all the way down to Morgan Avenue they get to where they're around 20 feet from the top of the bank. They're spaced so that we can work around them. So, I continued to recommend it. So, I want to recommend the final plan, at this time, for approval, on the contingency that the Hirsch family farm comes to us with a signed agreement that they will put in a

minimum 25 foot wide grass filter strip on this side of the ditch, the east side of the ditch, for us to have as a maintenance pathway forever, maintained in grass. That will give us plenty of room to operate our equipment when we spray, mow, and otherwise maintain the ditch. Then, if necessary, I told Mr. Fuchs, if necessary, to come back with an encroachment agreement arranged between Mr. Fuchs, or between Vectren and Mr. Ziemer, I'm not sure that will be necessary, because we will never be able to ask them to move these poles. I mean, they are permanently installed poles. I'm telling you we can work around them, so long as we have the grass strip on the east side of the ditch.

Ted C. Ziemer, Jr.: So, who's going to make the determination as to whether we need it?

Bill Jeffers: Well, I'm afraid they won't sign it if the current form of the encroachment agreement says that you'll have to remove the poles.

Ted C. Ziemer, Jr.: You'll move it, right.

Bill Jeffers: I don't think Vectren will sign that.

Ted C. Ziemer, Jr.: No.

Bill Jeffers: So, I'm saying I don't think we need to ever remove the poles. It's the same as some of the other power poles on our other ditches, or the billboard standards, we've always worked around them. They're set in concrete, we know where they are, we've never had a problem with them. The overhead, where, you know, it would affect our booms and stuff is so high up in the air that we never encounter any problem whatsoever. So, only if you think we need it am I saying that that contingency would apply.

Ted C. Ziemer, Jr.: Well, why don't I talk to you tomorrow about that.

Bill Jeffers: Okay.

Ted C. Ziemer, Jr.: I mean, I'm going to need a little more detail.

Bill Jeffers: Okay. But, the reason I'm wanting to ask for approval of this now is I'm leaving, I'll be out of town beginning Friday afternoon, and I won't be back until the 16th or the 17th, you have a meeting on the 16th, they need to move ahead with this. So, all I'm saying is as soon as the Hirsch's sign that agreement that they'll put down a minimum 25 foot wide grass strip—

Ted C. Ziemer, Jr.: And who's drafting that? Is Fuchs drafting—

Bill Jeffers: That would be coming from Mr. Fuchs. Fuchs, yes.

Commissioner Winnecke: Has the Hirsch family already tentatively agreed to this?

Bill Jeffers: When I was out at their farm they said they didn't think that would be a problem. Okay, candidly here in front of God and country, you know that property could be valuable for development.

Commissioner Winnecke: Sure.

Bill Jeffers: Okay. If it were developed, what we discussed was they probably would not want to get too close to that ditch with a parking lot anyway. I'm asking for a 25 foot grass strip. They could put in a 30 to 60 foot grass strip and go to NRCS and get paid by the acre for setback, you know, for doing that, as a practice. If they want to go wider that's fine. I'm asking for a 25 foot minimum grass strip so that we always have a maintenance pathway. They're gaining by having the poles moved over on the west side of the ditch, they're gaining all that ground for development purposes.

Ted C. Ziemer, Jr.: So, the Vectren poles are going to be in the ditch right-of-way, is that right?

Bill Jeffers: Yes, sir, they will be in the right-of-way for Enterprise Park Drive and the ditch. They'll be between the pavement of Enterprise Park Drive and the ditch. So, they're in the right-of-entry for the ditch, and they may be, in some places, in the right-of-way for Enterprise Park Drive.

Ted C. Ziemer, Jr.: And what about the drive? Well, I mean, is there any possibility widening will be required or anything that would require moving those poles? That's what, I just don't know, Bill, I would have to have more information.

Bill Jeffers: Okay, that might involve the County Engineer, as far as the county road is....well, you know what, that's in the city now. It's starting to get really complicated, isn't it?

President Tornatta: Do we want to hold off on this?

Bill Jeffers: Okay, it looks like we're going to hold off on this now, because I've got to go....yeah, I was asking for it just to be approved on the basis of the contingency of the 25 foot strip, but now we're talking about the possibilities of expanding a roadway or right-of-way that belongs to the city now instead of the county. So, I hadn't thought of that.

President Tornatta: Okay, well, let's hold off on this.

Bill Jeffers: Okay.

Ted C. Ziemer, Jr.: Then what are we holding up by holding off?

Bill Jeffers: Just, they just want to move ahead.

Ted C. Ziemer, Jr.: Sure.

Bill Jeffers: Strike while the iron is hot. In other words, you know, if Vectren were to get cold feet, then—

President Tornatta: Then they don't get power out, right?

Bill Jeffers: No, no, no, then the power line might end up back over on the Hirsch's farm land, if Vectren gets cold feet and wants to move ahead and we haven't approved it.

Ted C. Ziemer, Jr.: So, this ditch is in the city?

Bill Jeffers: It is now. I just realized that they annexed this too.

Ted C. Ziemer, Jr.: I think you want to talk to David Jones.

Bill Jeffers: Yeah. So, I tell you what I'll do, I'll try to get as much done as I can before I leave town, but I'll be available while I'm out of town—

President Tornatta: Okay.

Bill Jeffers: —and Linda can bring it back if it has to be brought back on the 16th.

Commissioner Winnecke: Thanks, Bill.

Other Business

President Tornatta: Any other business?

Bill Jeffers: I don't have any other business to bring before you at this time, although someone in the audience may.

Public Comment

President Tornatta: Public comment? Come on up.

Bill Jeffers: Mr. Bivins has a St. Joseph Hills drainage plan that I sent a notice of insufficiency on by an e-mail that he gave to me. Is that the correct e-mail?

Mr. Bivins: Yes, but I did not get it. No, there's another "e".

Bill Jeffers: Where?

Mr. Bivins: S-p-e-e.

Bill Jeffers: Oh, I left out a letter in his e-mail, so the postmaster kicked it back. He didn't get this, but I'm thinking that the items that I'm asking for would have extended the work time beyond today anyhow. I sent that yesterday. If you would like to look at that and bring me a plan in our next meeting, that will be the best way to go.

Mr. Bivins: Okay.

Bill Jeffers: Thank you.

President Tornatta: Okay.

Bill Jeffers: I have no further business.

President Tornatta: Any other public comment? Seeing none. Motion to adjourn?

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

(The meeting was adjourned at 6:55 p.m.)

Those in Attendance:

Troy Tornatta
Bill Jeffers
Brenda Jeffers
Members of Media

Stephen Melcher
Ted C. Ziemer, Jr.
Mr. Bivins

Lloyd Winnecke
Madelyn Grayson
Others Unidentified

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Troy Tornatta, President

Stephen Melcher, Vice President

Lloyd Winnecke, Member

(Recorded and transcribed by Madelyn Grayson.)`

**VANDERBURGH COUNTY
DRAINAGE BOARD
MARCH 16, 2010**

The Vanderburgh County Drainage Board met in session this 16th day of March, 2010 at 6:10 p.m. in room 301 of the Civic Center Complex with President Troy Tornatta presiding.

Call to Order

President Tornatta: Opening the Vanderburgh County Drainage Board, Tuesday, March 16, 2010.

Approval of the March 2, 2010 Drainage Board Meeting Minutes

President Tornatta: I need approval of the minutes, please.

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

President Tornatta: A motion and a second. All in favor say aye.

All Commissioners: Aye.

Approval of Ditch Maintenance Claims

President Tornatta: Let's approve the blue claims, if we could.

Commissioner Winnecke: Mr. Chairman, I'll....go ahead. Do you have anything to say about them? The routine? Motion to approve as presented.

Commissioner Melcher: Second.

President Tornatta: A motion and a second. All in favor say aye.

All Commissioners: Aye.

President Tornatta: Any other, while we're loading, Linda, any other business while we're working on—

Linda Freeman: No, sorry. I wasn't aware that he was bringing video. We just had the blue claims, which are pretty routine. We had a couple of, additional work on a couple of ditches for slips and slides and things that got repaired.

President Tornatta: Okay.

Royal Car Wash: Pearl Drive Flooding Issue Update

Linda Freeman: This is Heath Rupp.

President Tornatta: Okay. Heath, if you want to work on that for a minute, you're more than welcome, and we'll kind of work around you.

Heath Rupp: Well, I don't think it's going to work. Sometimes these Windows media files are a little sensitive. If it shows that "x" like that, right off the bat, it's just not going to work. I played it on my laptop before I came in, maybe I should just bring my laptop next time and maybe we'll be able to show the video.

President Tornatta: Okay, that's fine.

Heath Rupp: I can follow up and tell you guys where we stand with the Pearl Drive flooding issue, what's been done—

President Tornatta: Okay.

Heath Rupp: —and what's happened. Like I said, I'm Heath Rupp, I'm with Royal Car Wash, I'm following up on, a couple of meetings ago I came before you with Mr. Morley from Morley and Associates to present our findings of an engineering study we had done to address some severe drainage problems we're having at our car wash. Since that last meeting the damage was significant enough that we weren't able to wait for the process to go, we had to go ahead and have Mark Naas and Sons install a smooth bore pipe, way oversized for our size property. We actually installed a 24 inch pipe at the cost of a little over \$11,500 to try and catch some of this water. The back of our property was just sliding off down the hill, just being washed away in a detention basin. Since then, the correspondence that my attorneys had with Home Depot's, Kevin Wilkerson, he's their real estate manager for this area, he stated that they feel they've built it to code and that nothing's wrong. Then further correspondence, that Bill Jeffers had with Luko Robinson, also of Home Depot, he kind of just cites up the issues, and, you know, said that they were willing to take a look at it and take care of it, but, ultimately, he came to the same conclusion that it was built to code. So, my intent was to play some video to show you, you know, kind of what code looks like, and that's it's, obviously, may have been approved to be built by code, but they didn't—

Commissioner Winnecke: They didn't execute it correctly?

Heath Rupp: They didn't execute the code correctly.

President Tornatta: Right.

Heath Rupp: So, I guess that maybe I'll plan to bring the video back during the April meeting.

President Tornatta: April, the first week is that—

Commissioner Winnecke: The 6th.

President Tornatta: April 6th? Okay.

Heath Rupp: April 6th I'll bring the video back, and, like, I noticed in your e-mail that we hoped to try to have some of this stuff taken care of before this rainy, you know, before the spring showers show up, but—

President Tornatta: Right.

Heath Rupp: —that might give me a little more time to gather some new video, as these videos were from May.

Commissioner Winnecke: Mr. Chairman? I'm wondering, given the apparent lack of response to the County Surveyor's office from Home Depot, if it would be appropriate that we ask our County Attorney to direct a letter to Home Depot asking them to address these issues? Maybe that would get their attention more than an overture from the Surveyor's office.

David Miller: We will certainly be happy to do that, if so directed. We have not been involved in this issue to this point, so that will require a little bit of time to get up to speed on it, but we will be happy to do it if directed.

Linda Freeman: We could forward a copy of the Morley report to them if they're not understanding maybe what the issues are, because Bill does agree with what Morley has written in his report about what happens out there when the rains come.

President Tornatta: Have you sent a letter yet?

Commissioner Winnecke: Have I?

President Tornatta: Uh-huh.

Commissioner Winnecke: No.

President Tornatta: Okay, I mean, I sent a corresponding e-mail. So, I mean, we'll kind of get that....Steve, I don't know if you've sent anything back.

Commissioner Melcher: No.

President Tornatta: I tacked something on with Bill's and sent it back to the individual. I still have not heard back from him either.

Linda Freeman: Bill has not, yeah, when Bill left March the 5th he had not heard anything yet when he left for vacation on that day. Then the other issue is John Stoll with the dam behind the lake. So, there's a few issues with Home Depot going on.

President Tornatta: Okay.

Heath Rupp: Which, to some of those issues, I was out in front with Home Depot to tell them, you know, that a beaver kept creating a dam, and was overflowing the retention pond. They've since corrected that in that they cleared the blockage, which the lake was probably up 20 feet and started to erode the back of it. The blockage may have been cleared, but the beavers are still back to work, and they are well on their way to blocking it again.

Linda Freeman: It looks pretty much blocked again. Mike Wathen went out today and took some pictures.

Commissioner Winnecke: I would make a motion that we ask the County Attorney to draft a letter to Home Depot to address these concerns, and then in the interim if you could get with Mr. Miller or whomever at his office that he directs so that they have all of the facts—

Linda Freeman: Right.

Commissioner Winnecke: —so they can draft it.

Linda Freeman: I'll get Bill's e-mails forwarded to him so he can see what's been going on.

Commissioner Winnecke: Yeah, that would be very, that would be great background for him.

Linda Freeman: Has your attorney been able to—

Heath Rupp: Mark Fine, Mr. Miller, has already been in contact with a couple of different people at Home Depot. So, he's got some correspondence that may be able to help you too.

President Tornatta: Okay. We have a motion.

Commissioner Melcher: Second.

President Tornatta: Motion and a second. All in favor say aye.

All Commissioners: Aye.

President Tornatta: Okay.

Heath Rupp: Thank you, gentlemen.

President Tornatta: Thank you, Heath.

Heath Rupp: Appreciate it.

Commissioner Winnecke: Thanks.

Public Comment

President Tornatta: Any public comment?

Commissioner Winnecke: Heath?

Linda Freeman: Heath?

David Miller: Don't go away.

President Tornatta: We'll be done in one second, Heath. Any public comment? Seeing none, motion to adjourn?

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

President Tornatta: All in favor say aye.

All Commissioners: Aye.

(The meeting was adjourned at 6:17 p.m.)

Those in Attendance:

Troy Tornatta
David Miller
Heath Rupp

Stephen Melcher
Linda Freeman
Others Unidentified

Lloyd Winnecke
Madelyn Grayson
Members of Media

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Troy Tornatta, President

Stephen Melcher, Vice President

Lloyd Winnecke, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY
DRAINAGE BOARD
MARCH 30, 2010**

The Vanderburgh County Drainage Board met in session this 30th day of March, 2010 at 5:00 p.m. in room 301 of the Civic Center Complex with President Troy Tornatta presiding.

Call to Order

President Tornatta: Okay, thank you, Mr. Jeffers. We're going to open up the Tuesday, March 30, 2010 Vanderburgh County Drainage Board. I need roll call.

Madelyn Grayson: Commissioner Winnecke?

Commissioner Winnecke: Here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Tornatta?

President Tornatta: Here.

Approval of the March 16, 2010 Drainage Board Meeting Minutes

President Tornatta: If we can have approval of the minutes?

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

President Tornatta: All, a motion and a second, all those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

Motion to Open Bids for Ditch Maintenance

President Tornatta: Motion to open bids for drainage?

Commissioner Melcher: So moved.

Commissioner Winnecke: Second.

President Tornatta: A motion and second. All those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

President Tornatta: Alright, is this where we take the intermission?

Bill Jeffers: Well–

Commissioner Melcher: No.

Bill Jeffers: –while we're opening bids, basically for anyone who may be interested, or is viewing remotely, what we're doing is we're opening bids for ditch maintenance on our regulated drains in Vanderburgh County. We have 30 drains we take care of, and we have, several bidders this year have submitted bids for such things as spraying, mowing, silt dipping, bank repair, bottom sterilization, various things you do to ditches to keep them clean and free flowing. The Drainage Board is responsible for examining the bids and letting contracts to the lowest, responsive bidder in accordance with State statute. Mr. Ted Ziemer, our attorney, is opening the bids, and he will examine them for, to make sure they're appropriate, filled out properly, have the proper bonding and so forth in the envelope, in the sealed envelope. Then he will pass them to Linda Freeman, the Chief Deputy Surveyor, and she will write down each of the bid prices on a sheet of paper here, and then I'll begin reading them shortly into the record. After we read them into the record, the Board will take those under advisement for a period of several days, and we will come back on April 6th and award contracts. That's the standard procedure we follow each year.

Discussion of Ditch Bottom Sterilization

President Tornatta: Alright, so any questions from the audience? Eldon, why don't you come on up here and let's talk?

Eldon Maasberg: Now what did I do?

President Tornatta: Yeah.

Eldon Maasberg: There or there?

President Tornatta: No, no, no, you don't have to approach the bench, just the microphone.

Eldon Maasberg: Well, why have I gotten in trouble this time?

President Tornatta: Explain the, you know, I'll be a Commissioner almost going on four years now, and it never ceases to, what is bottom sterilization?

Eldon Maasberg: Sterilization of the bottom is the same thing as clean till of farm land.

President Tornatta: Okay. Alright, that was as clear as–

Eldon Maasberg: Does that answer your question, Ted?

Ted C. Ziemer, Jr.: That's it.

President Tornatta: Okay.

Eldon Maasberg: You have a nice seed bed for his tomato stalks.

President Tornatta: Okay. Now, don't leave, don't leave.

Ted C. Ziemer, Jr.: There's certainly nothing funny about that.

Eldon Maasberg: I don't know—

President Tornatta: Did you receive—

Eldon Maasberg: — you thought it was pretty funny a couple of years ago.

Discussion of Pond Flat Main Proposed Ditch Repair

President Tornatta: Did you receive any calls from a neighbor farmer? Okay, and did we come to any consensus on that issue?

Eldon Maasberg: Well, I kind of agree with Bill and the way he's got it set up.

President Tornatta: Okay.

Eldon Maasberg: If you're talking about Larry Goebel?

President Tornatta: Yeah.

Eldon Maasberg: Being on 41, being that, it's, what do you call it, the Corps of Engineers looking down our throat on it, I kind of almost got to agree, which I would rather it wouldn't be on t.v.

President Tornatta: But, it is.

Eldon Maasberg: That Larry is wanting to pile it up and be able to farm up and then spread it after the crops are in, which, but we get our best seeding and less wash, it would do the work, what's the dates, August something to September something, wasn't it?

Bill Jeffers: Yes, sir. Basically, what my objection to the proposal to leave the spoil piled up until after the crops are harvested is two fold. First of all, I want to do this in complete conformance with the current rules. If we were to pile that up, it would be substantially mounded up. Just outside the waterway it might be three feet high, or whatever, higher than the natural ground is today, and should we have flooding or where the creek would naturally get outside of its banks, that would prohibit the water from spilling out naturally across the flood plain. We're only allowed to spread the spoil as thinly as we possibly can with no greater, no rise in elevation greater than six inches. That's the rule. So, and the reason for that is, because when you have natural flooding you don't want to choke the water down in the channel because, well, it would spread out either on the other side or it would go on down stream and cause flooding on other people's property greater than it would naturally. So, that's one objection I have to leaving it there until after crop harvest. The other is that—

President Tornatta: So, the first objection, if I may understand, it's not legal?

Bill Jeffers: Well, it's a rule to prevent additional flood hazard.

President Tornatta: Okay. Got it, okay.

Eldon Maasberg: It's also....pardon me, Bill.

Bill Jeffers: Go ahead.

Eldon Maasberg: It also would help, if it's knocked down, if we would happen to have a flood, you have less likely back up on 41.

President Tornatta: Got it.

Bill Jeffers: Right, so you're protecting your federal highway as well. That's true. And there's a pump station there that's owned by the Water and Sewer Utility. The second reason would be that we get our best seed sprouting and grass growth, so we get some root growth to hold the seeds in place, to hold the new grass in place we get the best response from the grass seed between August 1st and September 31st, and that's what I've outlined in our specifications. To get the work done, spread the spoil and begin seeding in the first week or so of August, and have it all completed by no later than September 15th, I believe, so it's all up and growing. Other than that, well, basically, we're just trying to follow the rules of the Corps of Engineers and the rules of nature.

Eldon Maasberg: I kind of told him that too this morning when I talked to him. We're talking about Larry Goebel, am I right?

Discussion of Two Stage Ditching

President Tornatta: Yeah. Where do we stand on, I know this is going to be a point of contention, but where do we stand on the two stage ditching?

Bill Jeffers: That was—

Eldon Maasberg: That is hard to sell. It would have been nice if we could have done some of that here. I think if we could have, I think Bill would be, or I shouldn't say Bill, the Corps of Engineers would be more lenient in what we're going to do than a three....I would prefer a three to one. We did finally talk them into two to one.

President Tornatta: Two to one?

Eldon Maasberg: Cause, three to one will lay that water back, it slows it down, it just makes a nicer, holds the banks better in the long run.

President Tornatta: Has anybody figured what you're going to lose with a two stage ditch? I mean, I know you're taking more ground, but over time are you losing that ground anyway?

Eldon Maasberg: It depends—

President Tornatta: And is it less fertile?

Eldon Maasberg: Maybe Bill could probably explain this better than I, but the further down....well, where did John go? Did he leave? He would be another one to explain it. He, the more water capacity you've got, the wider it's got. So, that, what you call

second stage, up at the beginning might want to be three or five feet and then you go to your three to one, but then if you go down closer to I-64, you're maybe talking about 20 foot down on each side. Are you following me?

President Tornatta: Uh-huh.

Eldon Maasberg: But, then you've got to bring it back in to get under the bridge and then you go back out again.

President Tornatta: Okay.

Eldon Maasberg: So, the water capacity is the same, you're just, the current is slowed down.

President Tornatta: Right.

Eldon Maasberg: I think that's what you're wanting.

President Tornatta: Well, it's slowed down, but it gets, I mean, the way it was presented it brings more nitrates back into the soils.

Eldon Maasberg: Well, the slower the water runs, the more fertilizer, silt, larger particles fall out.

President Tornatta: But, they'll fall out in the second stage?

Eldon Maasberg: Yes, it will fall out in that second stage.

President Tornatta: Through the vegetation?

Eldon Maasberg: Yeah, through the vegetation.

President Tornatta: So, the vegetation absorbs it, more nitrates end up in your fertile, in your soil making them more fertile?

Eldon Maasberg: Well, it don't really—

President Tornatta: And it doesn't go all the way—

Eldon Maasberg: —we're not farming this area. It's just, and as through the years that second stage or that plateau down there will eventually fill in to probably you would figure from the water to the other you may have a, what, five to one, six to one?

Bill Jeffers: Well, you might have to, in some cases you might have to clean out that lower stage—

Eldon Maasberg: Right.

Bill Jeffers: —every ten years or so you might have to remove some and reseed it, but what it does is it gives a bench for vegetation to grow on. Above the ordinary high water mark you have this bench with dense vegetation, as you saw in those films, that vegetation essentially sequesters the phosphates and the nitrates, keeps them in place right there and absorbs them rather than allows them to flow on down

stream into the Ohio, the Mississippi, and eventually the Gulf of Mexico. You don't want all those nutrients down in the Gulf blossoming and causing red tides and so forth like that. You know, feeding the algae and causing red tides. So, what we're doing is we're holding them up in place in the farmland where they're applied rather than allowing them to flow off into wetlands and marshlands and the ocean.

President Tornatta: At the end of the day it also saves the banks?

Bill Jeffers: Yes, because—

President Tornatta: Or the ditches?

Bill Jeffers: —the water is moving slowly so you have less—

President Tornatta: Erosion?

Bill Jeffers: —erosion. Correct.

Eldon Maasberg: Not only that, when you've got a one to one like they were dredged, because you've got to remember, back before I was born, about the time my dad was born they had the, the dragline was a barge, and as they went down, they started at the top, they were sitting on water and they flipped the dirt out on both sides and down through there they went. Well, they had a one to one bank. Now we're finally talking the people into two to one. I would love to see three to one. I really think that would be the route to go. Of course, it makes longer bridges, but I think it will be easier to keep it down the line. Now, Bill's got, he can explain this better than me, back when this all was done, all of this ground was bottom land. They started it when that barge went down through there, they flipped it out on both sides. That made what you call it, a highlands then?

Bill Jeffers: They call it upland—

Eldon Maasberg: Uplands.

Bill Jeffers: —but, basically, it's a spoil bank.

Eldon Maasberg: So, that became spoil lands. Then, now we keep dredging it we get higher and higher spoil banks now.

President Tornatta: And then you throw all your little critters up on the bank.

Eldon Maasberg: Our little critters?

Bill Jeffers: Well--

President Tornatta: Anything that's in that ditch, when you dredge it out, goes on top of that bank.

Bill Jeffers: Right, and we're trying to avoid that. We're trying to keep the bottom—

President Tornatta: Right.

Bill Jeffers: —what's called, below the ordinary high water mark where all the little critters live, we're trying to keep that undisturbed.

President Tornatta: Right.

Bill Jeffers: Right, and we're doing that with this project this time. To kind of close out the discussion of what the farmer, the single farmers objection might be. I did tell him we would be opening the bids today, and by April 6th we will be declaring the work that's going to be done, and he can go in and negotiate with the farmer he rents from, rents the land from, okay, they're doing the work so I'm not going to be able to plant within 50 feet of the ditch this year, I don't want to rent that 50 feet.

President Tornatta: Got it.

Bill Jeffers: Okay?

President Tornatta: Uh-huh.

Bill Jeffers: So, I think we're being fair. If it all breaks down, if the negotiations all break down, then we'll just do one side of the ditch, and leave the other side undone. That's the bottom line.

Ted C. Ziemer, Jr.: But it all gets sanitized, right?

Bill Jeffers: But, it will all be sani....the ditch bottoms will all be sanitized.

President Tornatta: Just the bottoms.

Bill Jeffers: Sterilized.

President Tornatta: Sterilized.

Bill Jeffers: Sterilized, excuse me. Sterilized. You're getting me confused down there. Do you want me to go ahead and start reading here?

Eldon Maasberg: Thirty feet--

President Tornatta: Sure.

Eldon Maasberg: --was only an acre. So, I mean--

Bill Jeffers: Right.

Eldon Maasberg: --actually--

Bill Jeffers: You're talking about 3,100 feet, and the loss--

Eldon Maasberg: Well, we're talking about Larry Goebel--

Bill Jeffers: Yeah, he's losing--

Eldon Maasberg: --and that's only a quarter of a mile--

President Tornatta: 3,100.

Eldon Maasberg: --and that would be about--

President Tornatta: A little bit over.

Eldon Maasberg: -31 to 32 feet width to make an acre.

Bill Jeffers: Right, so he might lose an acre and a half of crop, this year only. We can discuss it in greater detail between now and...the part, not the Commissioners, or the Drainage Board, but the parties involved can negotiate between now and April 6th and come back to you with a recommendation.

President Tornatta: Well, we were doing a fantastic job of killing time. So, thank you, Eldon.

Eldon Maasberg: Was that what you were trying to do? Put me on-

President Tornatta: On the hot seat? See how you can do two things at once, how efficient are we?

Eldon Maasberg: Well now, since I was taped on this meeting, am I going to get taped on the next meeting too?

President Tornatta: Yeah.

Eldon Maasberg: I ain't been finding it.

President Tornatta: Well, no they're not taping that meeting.

Eldon Maasberg: They're not taping that?

President Tornatta: I'm joking. You fell for that last time.

Eldon Maasberg: I'm not joking.

President Tornatta: You were on that, you got caught.

Eldon Maasberg: I can't find it on t.v.

President Tornatta: You can't find it?

Eldon Maasberg: That's right. I can't find the consolidation meeting-

Bill Jeffers: Do you have a remote, or do you still use one of those little click, click, click knobs?

Eldon Maasberg: I got a click, click knob.

Bill Jeffers: That's your problem right there.

Eldon Maasberg: I'm still....I'm too tight to pay for the cable and the other t.v.

President Tornatta: I hear ya.

Bill Jeffers: It's on channel two.

Eldon Maasberg: I don't have channel two.

Bill Jeffers: No, channel two.

President Tornatta: Hold on. Hey, Bill.

Eldon Maasberg: I don't have—

President Tornatta: Hey, Bill?

Bill Jeffers: Channel 12, nine. Excuse me.

President Tornatta: Let's read.

Reading of Bids for Ditch Maintenance

Bill Jeffers: Okay, we're going to read these, what we came to do is to read these bids into the minutes, and then get out of the way so the consolidation committee can gavel down at 5:30. So, let's go. We have, we're beginning with Pond Flat Lateral "A", RR Rexing Farms bids \$743.54; Pond Flat Lateral "B", RR Rexing Farms bids \$391.58; Pond Flat Lateral "D", RR Rexing Farms bids \$641.06; Baehl Ditch, John Maurer bids \$861.25; Hoefling Ditch, John Maurer bids \$537.10; on to Cypress Dale Maddox Ditch, Union Township Drainage Association bids \$5,160.30; Helfrich Happe Ditch, Union Township Drainage Association bids \$380.94; Barnett Ditch, Union Township Drainage Association bids \$1,828.80; Edmond Ditch, Union Township Drainage Association bids \$604.50; Kamp Ditch, no bid; Baehl Ditch, Eldon Maasberg bids \$1,102.40; Kneer Ditch, Eldon Maasberg bids \$410.40; Maasberg Ditch, Eldon Maasberg bids \$220.60; Wallenmeyer Ditch, Eldon Maasberg bids \$1,253.25; Barr Creek Ditch, Big Creek Drainage Association bids \$8,061.53; Buente Upper Big Creek, Big Creek Drainage Association bids \$4,039 and no cents; Maidlow Ditch, Big Creek Drainage Association bids \$3,174.07; Pond Flat Main, Big Creek Drainage Association bids \$5,527.80; Rexing Ditch, Big Creek Drainage Association bids \$2,051.52; Aiken Ditch, Shideler Spray Service, for dormant spraying bids \$376; Barnett Ditch, dormant spraying, Shideler Spray Service, \$271.44; Cypress Dale Maddox, for dormant spraying, Shideler Spray Service bids \$735.46; Eagle Slough, dormant spraying, Shideler Spray Service bids \$5,407.20; Eastside Urban south half, dormant spraying, Shideler Spray Service bids \$2,675.82; Edmond Ditch, Shideler Spray Service, dormant spraying, \$585.20; Henry Ditch, dormant spraying, Shideler Spray Service, \$349.69; Keil Ditch, dormant spraying, Shideler Spray Service bids \$283.12; Sonntag Stevens, Shideler Spray Service for dormant spraying bids \$621.45. Okay, the next group is for foliar spraying and broadleaf and brush. All the following are by Shideler Spray Service; Aiken Ditch, \$931.63; Barnett, \$271.44; Cypress Dale Maddox, \$735.46; Eagle Slough, \$4,806.40; Eastside Urban north half, \$1,985.93; Eastside Urban south half, \$2,675.82; Edmond Ditch, \$585.20; Harper Ditch, \$265.50; Keil Ditch, \$283.12; Kolb Ditch, \$402.75; Sonntag Stevens, \$621.45. The following bids are for sterilization of ditch bottoms, and the following are all Shideler Spray Service; Eastside Urban south half, \$1,878.40; Harper Ditch, three hundred, excuse me, scratch that, Harper Ditch, Shideler Spray Service, sterilization of ditch bottoms, \$236; Kolb Ditch, \$375.90; Sonntag Stevens, \$556. That's all the sterilization? Okay. The following bids are Mark Naas, N-a-a-s, until I say different the following will be from Mark Naas; Henry Ditch, \$995 plus \$22 per ton rip rap; Maidlow Ditch, \$3,825, that's for embankment repair. Pond Flat Ditch, the whole ball of wax from U.S. 41 to the railroad tracks, \$17,750. That's for the embankment repair that we were discussing earlier in the meeting. Aiken, for mowing, \$4,020. Also Mark Naas for Eastside

Urban south half, the Crawford Brandeis and Bonnie View extension, late spring and fall mowing, \$1,072.50. That will be for the subdivision area south of the Target Greatland complex. Mark Naas, Eastside Urban south half, mid-summer mowing, \$899; Harper, \$2,360 for mowing; Kolb, Section B, mowing, \$1,385.25; Kolb Ditch, fall mowing, \$1,504; Sonntag Stevens, late spring mowing, \$2,464; Sonntag Stevens, fall mowing, \$8,457. Allen Relleke, the following bids are submitted by him until I say different. Henry Ditch, \$1,242.50; Maidlow for the embankment repair, \$3,895; Pond Flat, the whole kit and kaboodle, \$12,433.52. Henry Ditch, Rust of Kentucky bids \$2,626.92, plus \$25 a ton for rip rap; Maidlow for the embankment repair, \$7774.30; Pond Flat Main for the entire project as described earlier in the meeting, \$24,776.78. Elliot's Excavating, for Henry Ditch, \$4,025, plus \$100 total for the rip rap; Maidlow, \$5,600 for the embankment repair; and Pond Flat, the project we were discussing earlier, \$43,480. This is it, right here?

Linda Freeman: (Inaudible. Microphone not on.)

Bill Jeffers: Okay. Vieira Brothers for the Maidlow embankment repair, as the others bid, they bid \$3,620.40; and for the Pond Flat Main project discussed earlier, \$20,708. Larry Georges Excavating for the Pond Flat project, \$6,975. I said earlier that we had no bid on Kamp Ditch, I was in error. We have a bid from Union Township Ditch Association, for Kamp Ditch, \$334.80. That concludes the bids we received.

BIDDER	DITCH	AMOUNT
RR Rexing Farms	Pond Flat Lateral "A"	\$743.54
RR Rexing Farms	Pond Flat Lateral "B"	\$391.58
RR Rexing Farms	Pond Flat Lateral "D"	\$641.06
John Maurer	Baehl Ditch	\$861.25
John Maurer	Hoefling Ditch	\$537.10
Union Twshp Ditch Assn	Cypress Dale Maddox	\$5,160.30
Union Twshp Ditch Assn	Helfrich-Happe Ditch	\$380.94
Union Twshp Ditch Assn	Barnett Ditch	\$1,828.80
Union Twshp Ditch Assn	Edmond Ditch	\$604.50
Union Twshp Ditch Assn	Kamp Ditch	\$334.80
Eldon Maasberg	Baehl Ditch	\$1,102.40
Eldon Maasberg	Kneer Ditch	\$410.40
Eldon Maasberg	Maasberg Ditch	\$220.60
Eldon Maasberg	Wallenmeyer Ditch	\$1,253.25
Big Creek Drainage Assn	Barr Creek Ditch	\$8,061.53
Big Creek Drainage Assn	Buente Upper Big Creek	\$4,039.00
Big Creek Drainage Assn	Maidlow Ditch	\$3,174.07
Big Creek Drainage Assn	Pond Flat	\$5,527.80
Big Creek Drainage Assn	Rexing Ditch	\$2,051.52

BIDDER	DITCH	AMOUNT
Shideler Spray Service	AIKEN	\$376.00
Dormant Spraying	BARNETT	\$271.44
	CYPRESS DALE MADDOX	\$735.46
	EAGLE SLOUGH	\$5,407.20
	EASTSIDE URBAN - S ½	\$2,675.82
	EDMOND	\$585.20
	HENRY	\$349.69
	KEIL	\$283.12
	SONNTAG STEVENS	\$621.45
Shideler Spray Service	AIKEN	\$931.63
Foliar Spraying on	BARNETT	\$271.44
Broadleaf & Brush	CYPRESS DALE MADDOX	\$735.46
	EAGLE SLOUGH	\$4,806.40
	EASTSIDE URBAN - N ½	\$1,985.93
	EASTSIDE URBAN - S ½	\$2,675.82
	EDMOND	\$585.20
	HARPER	\$265.50
	KEIL	\$283.12
	KOLB	\$402.75
	SONNTAG STEVENS	\$621.45
Shideler Spray Service	EASTSIDE URBAN - S ½	\$1,878.40
Sterilization Ditch Bottoms	HARPER	\$236.00
	KOLB	\$375.90
	SONNTAG STEVENS	\$556.00
Mark Naas	Henry	\$995.00 plus \$22/ton rip rap
Mark Naas	Maidlow	\$3,825.00
Mark Naas	Pond Flat Main	\$17,750.00
Mark Naas	AIKEN - Mowing	\$4,020.00
Mark Naas	EASTSIDE URBAN - S ½ - CRAWFORD BRANDEIS & BONNIE VIEW EXT-Late Spring & Fall Mowing	\$1,072.50
Mark Naas	EASTSIDE URBAN - S ½ - STOCKFLETH-Mid-Summer Mowing	\$899.00
Mark Naas	Harper - Mowing	\$2,360.00
Mark Naas	KOLB – Section B - Mid Summer & Fall Mowing	\$1,385.25
Mark Naas	KOLB – Section A - Fall Mowing	\$1,504.00
Mark Naas	Sonntag Stevens – Mowing – Late Spring	\$2,464.00
Mark Naas	Sonntag Stevens – Mowing – Fall	\$8,457.00
Allen Relleke	Henry	\$1,242.50

Allen Relleke	Maidlow	\$3,895.00
	Pond Flat Main	\$12,433.52
Rust of Kentucky	Henry	\$2,626.92 plus \$25/ton rip rap
	Maidlow	\$7,774.30
	Pond Flat Main	\$24,776.78
Elliott's Excavating	Henry	\$4,025.00 plus \$100 rip rap
	Maidlow	\$5,600.00
	Pond Flat Main	\$43,480.00
Vieira Brothers Excavating	Maidlow	\$3,620.40
	Pond Flat Main	\$20,708.00
Larry Georges Excavating	Pond Flat Main	\$6,975.00

Bill Jeffers: The County Surveyor recommends they be taken under advisement, and that the Board set April 6th as the date for announcing the contracts.

Commissioner Melcher: Okay, I'll move to take the bids under advisement.

Commissioner Winnecke: Second.

President Tornatta: A motion and a second, and then set the bid awards April 6, 2010. All in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

President Tornatta: And we stand adjourned.

(The meeting was adjourned at 5:26 p.m.)

Those in Attendance:

Troy Tornatta	Stephen Melcher	Lloyd Winnecke
Bill Jeffers	Ted C. Ziemer, Jr.	Madelyn Grayson
Linda Freeman	Eldon Maasberg	Others Unidentified
Members of Media		

**VANDEBURGH COUNTY
DRAINAGE BOARD**

Troy Tornatta, President

Stephen Melcher, Vice President

Lloyd Winnecke, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY
DRAINAGE BOARD
APRIL 6, 2010**

The Vanderburgh County Drainage Board met in session this 6th day of April, 2010 at 7:00 p.m. in room 301 of the Civic Center Complex with President Troy Tornatta presiding.

Call to Order

President Tornatta: Alright, let's get on with this Drainage Board meeting, please. It's seven up, 7:00, and we are at the Tuesday, March 16, 2010¹ Vanderburgh County Drainage Board.

Approval of March 16, 2010 Drainage Board Meeting Minutes

President Tornatta: Do I have a motion to approve the prior meetings' minutes?

Commissioner Melcher: So moved.

Commissioner Winnecke: Second.

President Tornatta: A motion and a second. All those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

Saint Joseph Hills Subdivision: Preliminary Drainage Plan

President Tornatta: Mr. Jeffers?

Bill Jeffers: Good evening, Bill Jeffers, County Surveyor. That's my other ball cap, room 325, Civic Center. Our drainage plan for tonight is Saint Joseph Hills Subdivision. It's a preliminary drainage plan. The proposed project is on your screen now, and it's located on St. Joseph Road near St. Wendel Road. You are familiar with the St. Joe community, St. Joe Catholic Church, St. Joe. Tavern, etcetera right there just a scant quarter mile to the east. Okay, it's an eight lot, large lot subdivision, as you can see. Each of the lots exceeds two and a half acres, with some of them being huge, as a matter of fact. There's two existing homes, one of them is in the middle of the project, and that in itself will be one lot with a long driveway that comes down to St. Joe Road. There's another home down here on the lot in the middle, and then the rest of those lots are vacant and will be available for building new homes, eight lots, eight homes total. When, part of my recommendation for the drainage plan will include the Drainage Board waiving the requirement for storm water detention, because it already has a huge lake that captures a lot of the water. That controls that much runoff, and because there's so much, we can look at some of the pictures and you can see what type of terrain we're talking about. It's farm ground, rolling farm ground. You have soybeans down here, corn fields, open areas that are bare dirt, some areas are conservation tilled, but what I'm saying is, when all of this becomes tightly turfed grass lawns, the C factor goes from like 31 percent runoff down to 15 or 20 percent runoff, because the

¹The correct date is Tuesday, April 6, 2010.

tight grass turf captures, holds that additional runoff and absorbs it into the ground or evaporates it into the atmosphere and there's no need for detention on such large lots. I believe there were some persons concerned at the last hearing. I don't know if they're here tonight. There are a couple, at least one gentleman, maybe two back here that may be concerned. They possibly live around the subdivision and may be concerned about additional runoff running through or towards their property. There is one large watercourse that starts up here in the north central area of the large lot, runs southward through this little wooded area, and at the corner of this lot here it then crosses over into adjacent property which is farm ground, or field, open fields, it runs through a wooded creek, down through these properties and then back towards the southwest through this last lot that is, doesn't have a home in it, but it is someone else's property. That creek then runs back through the very southeast corner of the project and under St. Joe Road. There's another watercourse that comes out of this large, adjacent property over here on the west side and runs down through one of the proposed lots, and, actually, it's hard to see because the scale is so large, or the picture is so large and the scale is so small here, but that watercourse then runs right down through this lot adjacent to these properties that are not a part of the project, but, the watercourse itself stays on the proposed project. I did have a concern originally about the outlet from the lake running down through this narrow easement alongside the driveway. That's why I delayed it last month because I didn't know if there was enough space in this driveway easement, or enough space in the drainage easement to house that watercourse without getting too close to the driveway. I think, if we look at some pictures....let me see the legend over on the left. Okay, wait, there we go, here's the driveway I'm talking about, and there is plenty of green space for a shoulder, and then the watercourse itself is a grassy watercourse that was created by the current owner, and it's plenty good distance away from the driveway. He does, even though there are some tall weeds in it right now, it's basically a grassy waterway that can be kept mowed. So, I no longer have any concern about that issue. The engineer for this project is Mr. Bill Bivins, land surveyor, registered land surveyor and professional engineer who has signed and stamped all the plans. He does show calculations for the existing flow from the land and calculations for what it would be when it's fully developed with large, grass lawns. It shows that there's no need for detention. He says it takes the runoff coefficient from 39 percent runoff, substantially down, and I'm saying probably in the neighborhood of 15 to 20 percent runoff after it's totally grassed. I do recommend approval of the plan. It's a preliminary plan, it will then go to Area Plan Commission, if there's any significant concerns about drainage that I have not covered or I've overlooked, they can be handled between now and such time as the final drainage plan is brought to you. They cannot obtain a building permit until the final drainage plan is approved. You also will be, or, well, John Stoll will be receiving some sort of erosion and pollution control, MS4 plan for each lot showing some sort of erosion and drainage control during construction. So, now, I guess, you should ask for persons from the audience to express their concerns.

President Tornatta: And we shall do that. Come on up. If you would, please, state your name and your address.

David Hellenberg: I'm Dave Hellenberg. I live at 10616 St. Wendel Road. That's my house just, almost straight up from the Gonnerman's there and the woods.

President Tornatta: Okay.

David Hellenberg: That's my house right there. In these drainage plans, I was reading on them, they are dated 1981, and my house has been built since then, and

a couple of others on St. Wendel Road there that have been built since then. There's a little valley right through here where that runoff runs right down in here and then there's another one that's coming right through here that's tying into it, and I'm concerned about creating a cesspool there, because they're talking about elevation. If they do any kind of elevation in this area here, it could cause it to hold water there, in my property there, right behind my house where the water is draining there. That's my concern.

President Tornatta: Okay. Any questions?

Bill Jeffers: Thank you. That's a legitimate concern. The gentleman is correct, there are two watercourses that join up right here, and that's the larger watercourse that runs down through this large lot. He's correct if they were to change elevations in this area and somehow block that watercourse, then, obviously, it would back water up onto his property. What I would say in that regard is, they can't do that, and if they do do that he can come to the Drainage Board and seek remedy and we would order, and the Drainage Board would order anyone who blocked that watercourse, causing water to back up on this gentleman's property, would be ordered to remove that blockage and restore the correct drainage. I don't think there's any part of the plan that would cause that. It would be a negligent action on the part of the property owner to do that, because the plan that was submitted, obviously, I believe, Mr. Bivins indicated to me that the house would be built in this area next to the lake. That's the plan at this time. This area up here would just, I guess, they would use it to ride their horses or something. That's what I would use it for. I would use it for planting tomatoes, but that's me.

President Tornatta: Hold on.

Bill Jeffers: But, I believe the house is going to be built here and there would be no excavation or fill necessary back in this area.

President Tornatta: Okay. Dave?

David Hellenberg: Right here on the plan it says "spot elevation". Right there, where I said. It says, "spot elevation" right there on this here. Now, I don't know if they're talking about raising the elevation here at (inaudible) 43, because that is right exactly on the spot where we're talking about. That concerned me when I seen it.

Bill Jeffers: Right, and I understand his concern. What the a, what spot elevation is, it's a point on a map, a topographical map that shows a high point. That's what they mean by "spot elevation", or a low point. In other words, that's the top of a hill, and when it says "spot elevation" that's just the topographer has picked a point and said this is 439 feet above sea level, and that's a reference spot. It doesn't mean they are going to move anything.

President Tornatta: Dave, do you understand that?

David Hellenberg: Yeah.

President Tornatta: Is that clarifying?

David Hellenberg: Yes, it does.

President Tornatta: Okay.

Bill Jeffers: Then, each of these purple lines is contour lines down from that spot elevation, each one graduates down either two and a half or five feet, depending on what scale the topographer used.

President Tornatta: Do you have any other questions, or any other concerns, as long as those two are addressed?

David Hellenberg: Yeah, as long as the elevation stays the same back here there shouldn't be a drainage problem.

President Tornatta: Alright.

Bill Jeffers: If there's a problem, call the County Surveyor's office and tell me to get on the person that caused the problem.

Ted C. Ziemer, Jr.: Until December 31st.

Bill Jeffers: Wait until December 31, 2012.

President Tornatta: Alright. Anybody else want to comment? Seeing none.

Commissioner Winnecke: Motion to approve.

Commissioner Melcher: Second.

President Tornatta: A motion and a second. All in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

President Tornatta: Okay.

Recommendation and Approval of Annual Ditch Bids

President Tornatta: Do we have a recommendation to approve the annual ditch bids?

Bill Jeffers: Yes, you do, but I need to make a couple of comments.

President Tornatta: Let's get the motion first.

Bill Jeffers: The sheets are in front of you—

President Tornatta: Hold on. We need a motion.

Bill Jeffers: To?

President Tornatta: To approve the annual—

Commissioner Winnecke: Well, he was going to make a couple of comments first. Didn't you?

President Tornatta: Oh, were we going to have an amendment then to the–

Bill Jeffers: Well, you voted on the drainage plan, right?

Commissioner Winnecke: Right.

Bill Jeffers: Okay, and then I'm going to present you with the–

President Tornatta: Okay.

Bill Jeffers: –bids. Okay, in front of you is a sheet, page one is on the front, page two is on the back to conserve trees and paper. It has every one of the ditches on which we received a bid. What you see is the lowest, responsive, responsible bidder in each instance. There was one low bid that was thrown out due to a submittal that did not conform to the specifications and the instructions that were sent out with the bid invitations. It would have prevented us from completing the project in the manner in which we proposed to complete the project. So, that was not a responsive bid and we cast it out. In all other cases, we did have three mathematical errors that Linda Freeman corrected, one was close to four dollars, and one was an error of five cents. In each case the correction caused the county to let a bid for a lower amount than what was submitted. So, the County Surveyor recommends approval of the bids as shown on the schedule that's presented to you.

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

President Tornatta: A motion and a second. All in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

President Tornatta: Okay.

Approval of Ditch Maintenance Claims

President Tornatta: How about some claims?

Bill Jeffers: I have an envelope of claims....I think there's only one claim, it's in order and it's on your desk, and the County Surveyor recommends approval.

President Tornatta: Okay. Any other business at this time?

Commissioner Winnecke: So moved on the claim.

Commissioner Melcher: Second.

Bill Jeffers: We've got another 15 minutes on camera.

President Tornatta: Motion...no, we don't. Motion and a claim–

Brenda Jeffers: He's got to be somewhere, Bill.

President Tornatta: –a motion and a second on the claim. All in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

Other Business

President Tornatta: Any other business to the Drainage Board?

Commissioner Winnecke: Ask Mike. Mike, do you want to say anything?

Mike Mahan: No.

President Tornatta: No? Because that’s the only public for public comment. Linda?

Bill Jeffers: Thank you for your patience tonight.

President Tornatta: Sure, with that being said, we’re going to wrap it up. Motion to adjourn?

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

(The meeting was adjourned at 7:15 p.m.)

Those in Attendance:

Troy Tornatta
Bill Jeffers
Brenda Jeffers
Members of Media

Stephen Melcher
Ted C. Ziemer, Jr.
David Hellenberg

Lloyd Winnecke
Madelyn Grayson
Others Unidentified

**VANDEBURGH COUNTY
DRAINAGE BOARD**

Troy Tornatta, President

Stephen Melcher, Vice President

Lloyd Winnecke, Member

**VANDERBURGH COUNTY
DRAINAGE BOARD
APRIL 20, 2010**

The Vanderburgh County Drainage Board met in session this 20th day of April, 2010 at 5:45 p.m. in room 301 of the Civic Center Complex with President Troy Tornatta presiding.

Call to Order

President Tornatta: Alright, Mr. Jeffers, we'll start the Tuesday, April 20, 2010 Drainage Board at about, what, 5:45?

Approval of the April 6, 2010 Drainage Board Meeting Minutes

President Tornatta: I would like a motion to approve the minutes, please, from the previous meeting.

Commissioner Melcher: Motion to approve.

Commissioner Winnecke: Second.

President Tornatta: A motion and a second. All in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

**Hirsch Family Farms/Vectren Power Pole Plans (Nurrenbern Ditch)
Encroachment Agreement & Easement**

President Tornatta: Mr. Jeffers?

Bill Jeffers: Good evening, Commissioner Tornatta, Commissioner Melcher, Commissioner Lloyd Winnecke. My name is Bill Jeffers, I'm the Vanderburgh County Surveyor and technical advisor to the Drainage Board. For those of you viewing, the Drainage Board is comprised of the three Commissioners, and they, by statute, make decisions and administer the maintenance of 80 miles of regulated drains, approve drainage plans, carry out other business associated with drainage, both in the city and in the county. Some of the responsibilities of the Drainage Board that are carried out in the county in the city would be done by the Board of Works, but the majority of the statutory assignments to the Drainage Board are carried out, county-wide, city and county, by this Board. Tonight I have one item that you need to address, it's the Hirsch family farm. We've seen it before, but it comes to us tonight in complete form. It's out here on Oak Grove Road, you cross Interstate I-164, or Interstate 164, on Oak Grove headed towards Warrick County. There's a very large Vectren electric sub-station just across I-164, and they've expanded that sub-station. You can see on your overhead projector that they've expanded that in the last couple of years, and now they're ready to install some high power lines to transmit more electricity through their system. In order to do that, they were going to place the line of power poles quite a few feet east of Nurrenbern Ditch, because there's a high pressure gas transmission line along the east bank of the ditch. That's about, I think, 100 feet wide, and, of course, Texas Gas Transmission does not want the power poles sunk in the ground over that gas line, so that would have put the power poles well out into the field. It's not so much that the Hirsch family farm would find that

difficult to grow corn and soybeans around, it's more of an issue that this is the Burkhardt Road TIF district that was established by the County Commissioners for the purpose of stimulating economic growth, extending infrastructure out through this area that is prime for commercial and industrial development. The transmission line is already there impacting the value of that property for development and its ability to be fully developed. The power poles would further impact the usable square footage. So, working together with Vectren, the Hirsch family farms and Don Fuchs, their attorney, came up with an idea to place the poles along the west bank of Nurrenbern Ditch, our regulated drain, even though it's in the city we still maintain it and the Drainage Board still administers the maintenance of it, and they were to place those in such a way that they would be outside the city right-of-way for Enterprise Drive, but within our right-of-entry to maintain the ditch. Vectren came up with a plan to sufficiently locate those that we will be able to continue maintenance of the ditch with no problem. There is one pole that's within a foot of the ditch, but that's where it first comes out of this sub-station and the ditch is very close to the road, and that's to be outside the city right-of-way, but still outside the ditch, it's kind of crowded. So, they are sinking a pile, like a casing, well below the flow line of the ditch to support that pole, and it will not damage the ditch bank and we'll be able to work around that. The rest of the poles are ten feet or greater from the ditch bank. We have a letter certifying the distance from a registered land surveyor. Danny Leek of Morley and Associates certifies the location of each pole. They're all, except for that one, ten feet or greater from the ditch bank. The Hirsch family farm has agreed to establish a 30 foot wide grass filter strip along the east bank of the ditch. That would be from this area here all the way to Morgan Avenue, almost to Morgan, there's a railroad track in between. But, that will increase the quality of the water that would then drain off the farm field and eventually drain off this as a development area, it will filter out pollutants, and it will add to our MS4 program, which it will enhance that and we'll be able to claim that with Indiana Department of Environmental Management as a water quality improvement. They were very gracious to do that, the Hirsch family farm was very gracious to do that with us. It will give us a 30 foot wide grass pathway to conduct all of our maintenance on and make it easier for us to maintain the ditch. The agreements that are required for this are the plan itself, from Vectren, that comes from a licensed engineer at Vectren who prepared the plan for the location of the poles, and the County Surveyor recommends approval of the plan. That would be the first part of your motion, if you choose to make it. The second part of the motion would be the agreement to encroach our right-of-entry along the west bank by the poles, which will be located on Hirsch family farm property. So, they are asking for the encroachment agreement. It is signed by their principals. Your attorney will tell you whether it's in order. If it's in order, my recommendation would be to pass it and enter into it. Then, the third part of the agreement would be to accept their grass filter strip as a maintenance pathway, to accept the easement for that. They are actually granting a 30 foot easement, and I would recommend that you do that so that they can establish this grass filter strip according to the National Resource Conservation Services guidelines. Then they will be able to be paid compensation for not growing crops on that 30 feet, they will be compensated for this conservation practice by the Department of Agriculture. So, those are the three parts and I recommend—

President Tornatta: You got that as a motion?

Commissioner Winnecke: I wrote them down.

Bill Jeffers: So long as it's all okay, the document, you know, the legal documents meet with your attorney's approval then I recommend adopting that.

Ted C. Ziemer, Jr.: Let me just say that we've been working together with Vectren and Mr. Fuchs for the Hirsch's and Bill to try to get this done for today's meeting so that they can begin installing those poles as early as tomorrow. Vectren is very anxious. So, very late this afternoon, prior to this meeting, I did receive the final, revised documents with the attachments. The easement, Bill, has been modified to provide that if there is damage to the grass strip area by the County in working on that area. Any action of ours in connection with that would be limited to that provided for by the statute and the standards for the grass strips. So, that's been changed to stay that. We have a certificate of insurance from Vectren in the required amount for any liability that might occur as a result of allowing this. So, we're satisfied that if you approve this from a substantive point of view, you can sign the documents.

Bill Jeffers: Mr. Don Fuchs is here, as the attorney for the farm, if there are any further questions. But, he was very instrumental in bringing all of this together with Mr. Ziemer and Vectren and the family farm. I certainly appreciate it because it will be a vast improvement. It preserves, this is Mr. Fuchs right here, it preserves the value of the property as development property in the TIF zone, but it enhances our, the water quality in our ditch.

Ted C. Ziemer, Jr.: If he says anything we're going to recommend that this not be approved.

President Tornatta: Okay, so—

Bill Jeffers: It sounds like I've said enough.

President Tornatta: Do we have a motion?

Commissioner Winnecke: Mr. Chairman, if I understand the recommendation, I will recommend approval, I recommend that we accept the Vectren plan, as presented, that we accept the accompanying encroachment plan, as well as accepting the easement of the grass filter strip.

Commissioner Melcher: Second.

President Tornatta: We have a motion and a second. All those in favor say aye.

All Commissioners: Aye.

President Tornatta: Opposed?

(Motion approved 3-0)

President Tornatta: Thank you very much.

Bill Jeffers: Thank you, and thank you for enduring my explanation. I have one claim, from Big Creek....oh.

Don Fuchs: If I could? Don Fuchs, I'm here on behalf of the various Hirsch family interests here that own this property. I just want to go on the record and thank, Bill Jeffers put a significant amount of time, came out on a couple of different times to

the site. Bill was very influential in moving Vectren to work out an accommodation in this matter, and it was very much appreciated, and also want for the record want to thank Mr. Ziemer. He was very instrumental in getting this documentation put together in short fashion. As Bill has indicated, Vectren is on a very close time frame here and both of these gentlemen were extremely helpful in getting that accomplished. So, I'm very much appreciative, and the Hirsch's wanted me to extend that to the County Commissioners.

President Tornatta: Thank you.

Madelyn Grayson: Mr. President, not to belabor the point, but I still need a recording check to record these documents.

Ted C. Ziemer, Jr.: Okay.

Don Fuchs: If you know what that is, I'll have that delivered to you tomorrow.

Madelyn Grayson: I'll give you a call in the morning.

Don Fuchs: That would be perfect. Ted, I have the documents if-

Ted C. Ziemer, Jr.: No, I got them by e-mail, and they're ready. We've got them.

Don Fuchs: Thank you.

President Tornatta: Thank you. Thank you, Mr. Jeffers.

Bill Jeffers: Have you all voted? I missed that part.

President Tornatta: Yeah, we did.

Bill Jeffers: Alright, okay.

President Tornatta: We did, even though he spoke.

Bill Jeffers: That's right. He waited until you voted and then he said that.

President Tornatta: Mr. Jeffers, we have three minutes to not go over to the next half hour.

Approval of Ditch Maintenance Claims

Bill Jeffers: Okay, three minutes. Let's approve a claim for Big Creek Drainage Association for Barr Creek. I recommend approval of that. It's for 600 and some odd dollars-

Commissioner Winnecke: \$639.23.

Bill Jeffers: -completes their work for the year.

Commissioner Melcher: Motion to approve.

Commissioner Winnecke: Second.

President Tornatta: A motion and a second. All of those in favor say aye.

All Commissioners: Aye.

President Tornatta: Alright.

(Motion approved 3-0)

Other Business

Bill Jeffers: We have one complaint from a resident who saw truck number 32, Jerry David Enterprise, wash out some concrete at the end of Twickingham and a ditch. I would like authorization to issue a ticket.

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

President Tornatta: A motion and a second on issuing a ticket. All those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

Bill Jeffers: And, brothers and sisters, that is it.

Public Comment

President Tornatta: Comments from the crowd?

Mike Mahan: No.

Commissioner Winnecke: Mike, come on.

President Tornatta: Nothing?

Commissioner Winnecke: Two meetings in a row, Mike.

President Tornatta: Yeah, I was going to say, you've got-

Mike Mahan: You're going to have get something more controversial.

President Tornatta: You've got like 72 seconds. That's all you....okay. Motion to adjourn?

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

(The meeting was adjourned at 6:00 p.m.)

Those in Attendance:

Troy Tornatta

Bill Jeffers

Don Fuchs

Members of Media

Stephen Melcher

Ted C. Ziemer, Jr.

Mike Mahan

Lloyd Winnecke

Madelyn Grayson

Others Unidentified

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Troy Tornatta, President

Stephen Melcher, Vice President

Lloyd Winnecke, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY
DRAINAGE BOARD
MAY 11, 2010**

The Vanderburgh County Drainage Board met in session this 11th day of May, 2010 at 5:55 p.m. in room 301 of the Civic Center Complex with President Troy Tornatta presiding.

Call to Order

President Tornatta: Okay, Vanderburgh County Drainage Board agenda, Tuesday, May 11, 2010.

Approval of the April 20, 2010 Drainage Board Meeting Minutes

President Tornatta: Could I get approval of the previous meeting's minutes?

Commissioner Melcher: So moved.

Commissioner Winnecke: Second.

President Tornatta: A motion and a second. All in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

Rudolph Fine Porter & Johnson Billing for Home Depot Issue

President Tornatta: Bill, did see the Rudolph Fine Porter and Johnson information. Got the letter from Mark Fine.

Bill Jeffers: They sent the billing to our office, and I'm going to hand it to you, and you can have Madelyn enter into your record. It should have gone to her, I believe. This is for the Home Depot issue that our attorney could not handle because of a conflict. I would also like to say, in relationship to that, the beavers are back. Mike Wathen got a phone call, I got a phone call from a resident. Mike went out and checked it and says there's more beavers in the Home Depot retention lake than ever before. So, that issue will have to go back to Home Depot for maintenance.

Approval of Ditch Maintenance Claims

Bill Jeffers: I have claims for ditch contractors. They are all in order, the paperwork is attached. The County Surveyor recommends payment of the ditch claims for our ditch contractors.

President Tornatta: I need a motion.

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

President Tornatta: A motion and a second. All in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

Approval to Stamp 2010 Ditch Maintenance Contracts

Bill Jeffers: I need the Board's permission for Madelyn to stamp the contracts for the 2010 ditch contractors, as they come in. She'll be using your signature stamp, unless you want me to bring them to you individually. You've approved those contracts already, it's just a procedure to stamp them and file them in her files.

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

President Tornatta: A motion and a second. All those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

Public Comment

Bill Jeffers: You've got three minutes, if you want to do some P.R.

President Tornatta: We want to move this on. So, anything else, Bill?

Bill Jeffers: No, sir.

President Tornatta: Anything from anybody in the audience? Seeing none, I'll entertain a motion to adjourn.

Commissioner Melcher: So moved.

Commissioner Winnecke: Second.

President Tornatta: We are adjourned.

(The meeting was adjourned at 5:57 p.m.)

Those in Attendance:

Troy Tornatta

Bill Jeffers

Others Unidentified

Stephen Melcher

David Miller

Members of Media

Lloyd Winnecke

Madelyn Grayson

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Troy Tornatta, President

Stephen Melcher, Vice President

Lloyd Winnecke, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY
DRAINAGE BOARD
JUNE 1, 2010**

The Vanderburgh County Drainage Board met in session this 1st day of June, 2010 at 5:32 p.m. in room 301 of the Civic Center Complex with Commissioner Melcher presiding.

Call to Order

Commissioner Melcher: I guess, we'll go ahead and start the Drainage Board meeting this evening.

Approval of the May 11, 2010 Drainage Board Meeting Minutes

Bill Jeffers: I'm sorry, on your agenda I failed to put approval of the minutes. That needs to be done first please.

Commissioner Winnecke: Motion to approve.

Commissioner Melcher: Second. Madelyn, do you want to read the roll, call the roll on that?

Madelyn Grayson: Commissioner Winnecke?

Commissioner Winnecke: Yes.

Madelyn Grayson: President Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: Or Vice President Melcher.

(Motion approved 2-0)

Bill Jeffers: If anyone needs a copy of the agenda, Madelyn has some extra copies.

**Arrowood Subdivision, Lot 7 & Lot 8: Modified Final Drainage Plan
4526 & 4527 Arrowridge Drive**

Bill Jeffers: The first order of business is a drainage plan, a modified drainage plan for lot seven and lot eight, Arrowood Subdivision. The addresses are 4526 and 4527 Arrowridge Drive. It's a realigned pipe and some elevation changes on the concrete pad for the driveway....that's not, oh, here it is on your screen. It's at the end of the cul-de-sac.... Arrowridge, right, lot seven and lot eight, and they just built two new homes. The change occurs on lot eight. There was to be some grading details that caused the driveway slab to be very steep in the area where you would park your vehicle outside your garage door, and that was dangerous for, if there were to be a handicap, a need for handicap access, it was too steep for that. So, the builder elevated that pad and made it more evenly graded, and that required realignment of the pipe. So, I asked, and realignment of the overflow drainage, you know, the emergency drainage, so I asked him for some new calculations, and they show that the pipe that was installed, an 18 inch culvert, flowing full was just one tenth of a cubic foot short of the 100 year flow rate. It was 8.78 rather than 8.88, so it was very, just very slightly short of the 100 year flow. With a six inch head over top of the pipe

it flowed much greater than needed for a 100 year flow, and you could expect at least six inches, that puts the water out in the street, in the cul-de-sac, that puts it just peeking out of the inlet. Not covering the street, but just barely coming out into the gutter it will flow at 19.6 cubic feet per second, which is well in excess of the 100 year flow. Now, if it were to get six inches deep out in the street, right on top of that inlet, it would flow twice the required amount for a 100 year flow, according to the calculations submitted by Andy Easley Engineering, Incorporated. He also notes that any water that might run across land, over land, would be two feet lower than the lowest elevation of the, finished floor elevation in the garage, of any structure involved. So, it would not flood the homes. With those calculations it will be on record forever, and the new plan, the County Surveyor recommends approval of the modified drainage plan for lot seven and lot eight, Arrowood Subdivision.

Commissioner Winnecke: Mr. Chairman, I'll move approval as presented.

Commissioner Melcher: I'll second it. Any discussion? Seeing none, any from the audience? All in favor say aye.

Commissioner Winnecke: Aye.

Commissioner Melcher: Aye.

(Motion approved 2-0)

**Drainage Complaint: Lot 307: Clear Creek Village
402 Reliance Drive: Patrick Gorman**

Bill Jeffers: We have about 25 minutes left in our allotted time, so I would ask anyone who speaks to this issue to be brief, including myself, so that we can get done without going into overtime with, on the t.v. station, and having to pay extra. We're going to go to Patrick Gorman's drainage issue. This is lot 307, Clear Creek Village. It looks to me as if Mr. and Mrs. Gorman are in the audience. They live at 420 Reliance Drive. Here's a picture of their home from the Assessor's website. Their complaint involves an incorrectly constructed drainage swale on homes behind them, causing problems on their yard. Now, you can see their home has already been constructed. Everything on Reliance Drive, the homes have been constructed. Then, beginning a year or two ago, they started constructing homes on the lots behind them on Sturchi Drive. At the time they started construction, you can see that the drainage swale for this entire block was in place, running down through here, in some areas it was already totally grassed, other areas there had been some disturbance from construction activities, but there is a silt fence up and the waterway is open and free flowing at the time that the construction of those homes began on the lot you can see behind the Gorman's home. So, we'll go to the drainage plan next, I believe. Yes, the first picture is a scan of the original drainage plan, and where I've highlighted in yellow, that shows, if we could blow it up, if you squint at your screen on your desk up there you can probably see it, the flow line is clearly indicated along the north side of the property line. Not...the flow line of the ditch, and the bottom of the ditch, in other words, is not on the Gorman's property, it's on the property of the homes behind the Gorman's. As you saw in the Assessor's website picture, the swales should be over on the property behind them. Some part of the slope might be on their property, but not the ditch itself. Okay, that's the drainage plan that was in place at the time construction started on the homes behind the Gorman's. We can just zip through these other photographs, there's an aerial

photograph from our website showing all of the yards behind the Gorman's on Sturchi Drive, were not built upon when all of the homes on Reliance were finished, and the swale, you can again clearly see it's over on the north side of the property line. That's just a close up, the same thing showing the Gorman's location in relationship to the rest of the properties.

Brenda Jeffers: (Inaudible. Not at microphone.)

Bill Jeffers: Yeah, just go down through one through whatever. That's the approximate property line. Basically, what you have is a 20 foot wide drainage easement. The eight foot on the Gorman's side, which is this lot right here with the telephone pedestal, power pedestals in it. The eight foot on the south side of the line is for utilities. The 12 feet on the north side of the line is where the drainage swale is supposed to be. This is after the homes were constructed. This is just the other day, about a week ago when it rained.

Patrick Gorman: May I make a comment on this picture?

Bill Jeffers: Yes. I was going to go through these pictures real quickly, and then let Mr. Gorman....I just want to....he's never seen these pictures. No one has ever seen them but Brenda and myself as we put this together. I just wanted to briefly show the pictures so that if he needs to call one up for his comments, he can. So, why don't we just go through them quickly. Again, that's the ditch, it's on the wrong side of the line, the line's over here. Next picture, there's the property line, the water, the earth from the houses uphill had slumped down and pushed the drain over on the wrong side of the line. Again, you can see water, this is almost right. The swale is still perceptible over here, but it's also been forced over here by sedimentation from the building sites. Same thing, same thing, I'm just showing you the path...this is Mr. Gorman's yard right here. Here's the property line, basically, and you can clearly see that the ditch is on the wrong side. I spoke with the builder, Mr. David Stevens, he said this particular yard slumped down, that there was water seepage out of the hill and the soil physically slumped down and encroached across the line. This is just showing you the conditions Mr. Gorman has to deal with when he's maintaining his yard. That's not supposed to happen. You're supposed to be able to run right across it with a lawnmower. This is just some wet conditions. Here is the line, you can see the ditch is on the wrong side of the line today. Same thing. That's it. So, I'm going to turn it over to him and let him make his statements. He can.... Mr. Gorman, when you look over here the slides are numbered and you can call up any one you want. Yes, sir.

Patrick Gorman: I'll be brief.

Bill Jeffers: They charge us another \$200 if we go past. (Inaudible) brief.

Patrick Gorman: I've since retired so I can....thank you for hearing us. I just wanted to point out that on that picture...that one, actually the property line, you can't tell it, it's about half way more to the right, to those-

Brenda Jeffers: Over here?

Patrick Gorman: Yes, there's a flower bed, my neighbor has a flower bed and the property line is right on the-

Bill Jeffers: See this little pointer here?

Patrick Gorman: Uh-huh.

Bill Jeffers: You can point right at it.

Patrick Gorman: The property line, actually, there's a flower bed that runs down through here, the property line is right on the corner of that flower bed. That's where the pin is. I paid quite a bit of money to get it surveyed a couple of years ago. Anyway, the rest of the pictures are pretty well, you saw how it is. The five lots that built above us are probably 30 feet higher in level, because it's quite a steep hill. They have no backyards, they're just like that. What the builder did was take the spoil from the basements, he dug all five basements, and then I was wondering what he was going to do with all of the dirt, well, now I know. They shoved it down the hill and totally took the easement. There's no water drainage on the people behind us at all. The drainage easement that is there is, I think 12 feet wide, maybe 20, but the water is running entirely on our property. I tried to go back there today to take some pictures and it's a marsh. You can't even walk on it. We can't cut the grass, you see the weeds, you can't get to it. We've asked him on a couple of occasions who's going to fix it? The last time my neighbor talked to him he said that he was going to take care of it. Well, he took care of it with somebody with a shovel and more or less dug a little ditch to kind of make the water flow. It doesn't, we have geese in the backyard now swimming in the water that's there as of today yet. I didn't know what else to do, so, I talked to Mr. Jeffers and he suggested that I come down here. So, that's my situation.

Commissioner Winnecke: Thank you. Bill?

Bill Jeffers: Thank you, Pat.

Patrick Gorman: Thanks.

Bill Jeffers: I apologize for that line being off there. I mean, what do you expect from a surveyor, a County Surveyor, but we could correct that in our next display. Basically, I sent a pretty detailed reply to Mr. Gorman's first submitted complaint indicating what his options were with regard to filing a petition or just asking the Drainage Board directly to take action under the drainage code. I have spoken, as I indicated, with David Stevens, who is down in Kentucky doing a residential development down there and will be back later this week or next week. He told me that he plans on correcting this this summer. I would suggest that he not try to plant grass, or not try to do it during this wet of a season, to wait until late July, early August, until he moves in there when the ground is suitable to be worked. And, specifically, because any grass he would plant, let's say in July, is not going to take hold. He needs to wait until mid-August to plant his grass. Definitely plant it before September 15th, add some wheat to the grass mix so it will take hold immediately this fall, and then by next spring it should look as well as it does going up the hill, because that was planted last year, okay? But, Mr. Gorman's complaint is valid. That ditch was supposed to be turned over to the property owners in a condition that could be mowed with a push lawn mower or a riding lawn mower, that's our code. It should be maintained as a grass lawn. It's not a ditch, per se, it's just a swale, and that's why the easement is 20 foot wide with 12 foot being dedicated solely to the drainage swale so that it would be nice and flat so you can ride right across it on a riding mower. You can see that it can't be maintained that way now because of the poor condition. However, I checked with John Stoll and his records indicate that the, well, his records show that the letter of credit was released, which would indicate that the ditch was looked at at some point in time in the past and adjudged to be stable,

but that obviously was before they built the homes uphill. What happened was Brad Sturchi finished the majority of the subdivision with his building, you know, he built the homes, then when he went over to Warrick County and opened a new subdivision he sold these last six lots to David Stevens and David Stevens built out those last six homes out of several hundred homes. So, the percentage of the lots that were left unfinished was such that it was allowable to release the letter of credit if everything was stable, and it was. So, the responsibility, in my mind, is to the developer, Mr. Stevens, to make the corrections. I told him that today. He agreed he would do that this summer. We just need to hold him to that. I also told him that we wouldn't release him from responsibility until the swale was adjudged to be stabilized and in its correct location and capable to be maintained with regular lawn maintenance equipment that a homeowner would have. Once it was released that the homeowners would be responsible, individually, for maintaining their property and collectively for seeing to it that each other does what's proper.

Commissioner Melcher: So, you're basically wanting him, which I think he should do, the whole swale, not just the Gorman property, but the other property too?

Bill Jeffers: The approximately five or six lots that are involved with this.

Commissioner Melcher: Right, he should do that whole swale back to where it was.

Bill Jeffers: Yes, sir, from where we started the pictures down to where the inlet is that carries this water out to the street, which is about six-

Commissioner Melcher: Right, I agree with you on that.

Commissioner Winnecke: Bill, did I understand you correctly in that his proposed mitigation can't really start until later in the summer, but needs to be started before the middle of September?

Bill Jeffers: It needs to be finished before the middle of September. Probably needs to be started after the first of August. That would be my recommendation. I simply had told Mr. Gorman, I mean, he's been very patient about this for a period of months, but he asked to be on the agenda. I said, please come down, and between the time that I told him that last week and today I was able to contact Mr. Stevens, and Mr. Stevens assured me that he would address the problem.

Commissioner Winnecke: Are there any more immediate remedies that could help the Gorman's in the mean time?

Bill Jeffers: Mr. Stevens also indicated that he was going to put in a sub-surface drain that would intercept some of the sub-surface water that's coming off the lot right behind Mr. Gorman and keeping that area so wet that it can't be mowed. That's one of the reasons why the owner is not able to mow that tall grass, supposedly is because there is constant water coming out of that hill. So, Mike Wathen and I are going to go out there, I believe, Friday, and we're going to try to meet with Mr. Stevens and give him some sort of suggestion or referral as to how to intercept that sub-surface water and drain it so that it doesn't constantly keep Mr. Gorman's property and the property behind him wet, even in between rain storms.

Commissioner Winnecke: Is this a recommendation that we should eventually commit to writing, to him, as a directive?

Bill Jeffers: I guess, my recommendation would be to persevere in this citizen issue until it's resolved either through an adequate response by Mr. Stevens or by an action of your Board, enforcing the code.

Commissioner Winnecke: Right. Okay.

Bill Jeffers: I think the first thing to do is to see if Mr. Stevens will follow through with his response to me today, which was a positive response.

Commissioner Melcher: I agree with you.

Bill Jeffers: And a responsible response.

Commissioner Melcher: You're going to meet with him Friday too, right?

Bill Jeffers: Yes, sir. I plan to call him and, hopefully, meet with him Friday, if he's back in town. He said he definitely wants to meet out there and he'll try to come back in town. He's down in Kentucky somewhere building homes. It's not an easy economic climate out there right now for home builders, and I don't want to impose a hardship on any party, but I don't want Mr. Gorman's problem to be ignored unduly.

Commissioner Winnecke: I agree.

Commissioner Melcher: Mr. Gorman, are you okay with what Bill is talking about, about meeting Friday, if he can?

Patrick Gorman: Sure, I just want it resolved.

Commissioner Melcher: No, I figured that.

Patrick Gorman: We've tried on several occasions to talk to him, and just like any other builder, he says, I'm going to get to it. All of a sudden you turn around and it's a year and half later and nothing's happened.

Commissioner Winnecke: We'll keep him—

Patrick Gorman: Perhaps it needs to be in writing, or, you know.

Commissioner Melcher: Well, it's going to be—

Patrick Gorman: Or something official.

Commissioner Melcher: —well, it's going to be in our minutes tonight, and then if it needs to get more official we can do that too.

Patrick Gorman: I understand it's going to take some time.

Commissioner Winnecke: We appreciate your patience. Mr. Jeffers will help us keep him on our radar.

Bill Jeffers: I'll keep you apprised of any progress or lack of progress and if at any point in time, if you just want to leave it open. You can direct me now, or you can direct me in the future to put it all in writing, and copy you as to what's going on.

Commissioner Melcher: Why don't we do this since we meet every other week, why don't we just go ahead and make a motion for you to put it in writing when you deem that that's the next step it should go. Then we don't have to wait for another meeting.

Bill Jeffers: Right, and I'll send copies to you folks, via e-mail, and copy Mr. Gorman as well.

Commissioner Melcher: That way when you believe that you've got to do that next, then that's when we'll do it.

Bill Jeffers: Okay, that's fine.

Commissioner Melcher: I'll make that, well, maybe you need to do that.

Commissioner Winnecke: I'll make that in the form of a motion.

Commissioner Melcher: I'll second it. Any further discussion? All in favor say aye.

Commissioner Winnecke: Aye.

Commissioner Melcher: Aye. Okay.

(Motion approved 2-0)

Public Comment

Bill Jeffers: Okay, I do not have any claims or other business. The only thing remaining would be public comment, if any.

Commissioner Melcher: Is there any other public comment this evening for the Drainage Board? Seeing none, we'll stand adjourned. Thanks, Bill.

Bill Jeffers: Thank you.

Commissioner Winnecke: Thanks, Bill.

(The meeting was adjourned at 5:55 p.m.)

Those in Attendance:

Stephen Melcher
Ted C. Ziemer, Jr.
Patrick Gorman

Lloyd Winnecke
Madelyn Grayson
Others Unidentified

Bill Jeffers
Brenda Jeffers
Members of Media

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Stephen Melcher, Vice President

Lloyd Winnecke, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY
DRAINAGE BOARD
JUNE 15, 2010**

The Vanderburgh County Drainage Board met in session this 15th day of June, 2010 at 8:03 p.m. in room 301 of the Civic Center Complex with President Troy Tornatta presiding.

Call to Order

President Tornatta: Okay, we're going to start the Vanderburgh County Drainage Board meeting agenda, Tuesday, June 15, 2010. Believe it or not, it is 8:03 in the evening.

Commissioner Winnecke: P.M.

Commissioner Tornatta: P.M.

Approval of the June 1, 2010 Drainage Board Meeting Minutes

President Tornatta: Approval of the previous meeting's minutes?

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

President Tornatta: All in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

**Drainage Encroachment Agreement: Roger & Paula Storms
Lot 124: Eagle Crossing Subdivision: Section 3B**

President Tornatta: Mr. Jeffers?

Bill Jeffers: Madelyn has in front of her a drainage easement encroachment agreement from Roger and Paula Storms, who own lot 124, Eagle Crossing, Section 3B. It is to put a fence within the drainage easement, within two feet of the subsurface pipe. I believe the form of the encroachment agreement is now correct?

Ted C. Ziemer, Jr.: Let me look at it again.

Bill Jeffers: There is a drawing that comes with it that has some scribbling on it that were instructions from me when he was in my office, and I would like that recorded along with the document. So, if we're two dollars short—

Madelyn Grayson: Mr. Storms gave me the additional money today.

Bill Jeffers: —okay, well, if we're short on the recording fee I would pay that, because I do need that recorded, as it is evidence. The County Surveyor recommends approval of the drainage easement encroachment agreement submitted by Roger and Paula Storms.

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

President Tornatta: A motion and a second. All those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

Approval of Ditch Maintenance Claims

Bill Jeffers: I have a folder full of claims from ditch contractors who have completed the work. The work's been inspected by our crews. The necessary paperwork is attached, certifying or attesting that the work was completed in accordance with the specifications. I would ask that you accept and pay these claims.

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

President Tornatta: A motion and a second. All those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

Drainage Problem at 10125 Lindar Lane: Paul and Kim DeWitt

Bill Jeffers: They're here with us, Mr. and Mrs. DeWitt from 10125 Lindar Lane on the far west side of the county, out near the county line road with Posey County. Their home is the one with the heavy yellow outline around the property. The County Highway Department in the past couple of years has cleaned out the ditch along the front of their property and their neighbor's property until the ditch then flows into a creek. The work has caused full and reasonable drainage from the properties, and one adjacent landowner occasionally and continually places obstructions in this ditch, and because it's within the county right-of-way I think it would be most simple simply to order the removal of this by the County Highway Garage at any time which it is found to lie within the ditch, rather than go through a formal hearing, as we would have to do if it was a privately maintained drain outside county right-of-way. The pictures explain themselves. The water in the ditch may look like it's deep, but it's only an inch or so deep. I think the county did an adequate job of cleaning out the ditch. Without a laser driven excavator there's no way to get it absolutely perfect. I think they did a darn good job. I don't know why this fellow puts a straw bale or a silt fence across his ditch. I'm not sure of his reasoning. I haven't had it satisfactorily explained to me. Something about he thinks there's sewage in the ditch, but Dwayne Calder¹ from the Health Department tells me his inspector has been out there. I believe the papers you have indicate there was an inspection made, at which time the inspector said that there was no evidence that

¹Should be Dwayne Caldwell.

the septic field on the DeWitt's property was failing. Mrs., Kim DeWitt is here and would, might want to make a brief comment in this regard, because she is the owner and can give you an eye witness account of everything.

Kim DeWitt: I think you said it all. Kim DeWitt, 10125 Lindar Lane. This has been an ongoing problem for approximately a year. I'm going to defer to your good wisdom. Thank you.

Bill Jeffers: And, as I offered in the e-mail, if you want me to write a letter to the adjacent property owner saying that, whatever you want me to say, I'll be happy to write that letter for you, but I think the simplest way would be to simply direct the County Highway Department that at any time Mrs. DeWitt or Mr. DeWitt calls and says there's an obstruction in this county roadside ditch that the County Highway Garage go out there and remove it.

President Tornatta: Well, within reason. I mean, I don't want that to happen five times. I mean, I think, at some point we need to get a letter out to this individual and tell them that they're on the clock and we're not going to continue to go out there and remove these things. They're going to have to do that or we're going to cite them for, and have them in a drainage hearing or whatever we need to do to get this to stop permanently. I mean, I don't see why we want to, I mean, I appreciate Chris offering his services, but at some point we need to address this and nip it in the bud.

Bill Jeffers: However you want to handle it. If you want your staff to write the letter, or you want me to write the letter. If you want your legal counsel to tell me what to put in the letter, however you want to do it.

Commissioner Winnecke: I'm confident that you can write the letter that has the appropriate language, and then, I agree with you, I mean, we shouldn't have to.... I think, we put them on notice and we go out and move it if they put it in there, and then, you know, after the first time, then I think we call them in. We take an additional step beyond the initial letter and action by the County Highway.

Bill Jeffers: Okay, it will be done.

President Tornatta: Well, make that in the form of a motion.

Commissioner Winnecke: I would move that we direct the County Surveyor to send a letter to the appropriate landowner directing them to either remove the drain impediment or the County Highway Garage will be directed to do so at the next offense.

Commissioner Melcher: No, I think the fence is already there we want them to remove it. So, I think you were okay until the end. Maybe just give them a date to remove it, and if it's still there we remove it.

President Tornatta: Is that, do we have any remedy back to that property owner? Either a citation or an expense to go remove that?

Bill Jeffers: If it were a regulated drain, rather than a County Highway side ditch, the County Surveyor would, with or without the Drainage Board's motion, would send out a ten day notice and say you've got ten days to remove the obstruction from the regulated drain. After that, we will have it removed at your expense.

President Tornatta: But, this is different?

Bill Jeffers: This is a roadside ditch, so it's your pleasure, or the advice of your counsel.

Ted C. Ziemer, Jr.: Is there an easement there?

Bill Jeffers: Yes, sir. It's the right-of-way for Lindar Lane.

Ted C. Ziemer, Jr.: Okay, there's a county ordinance you can't obstruct county easements, or put anything in the easement.

Bill Jeffers: I just offered to bring it to Drainage Board to save John Stoll the trouble. I mean, he's got way more important things to do than to be tied up with this.

Ted C. Ziemer, Jr.: No, I know, I think that's fine—

Bill Jeffers: Right.

Ted C. Ziemer, Jr.: —but I think we can order him to take that out. If you're violating, if nothing else, there's the general violation clause of county easements and fine them up to \$2,500.

Bill Jeffers: Right. I think you've already handled the ordinance whereby we can write tickets. Is that not correct?

Ted C. Ziemer, Jr.: Right.

Bill Jeffers: Okay.

Commissioner Winnecke: So, are we saying to send a letter just to put him on notice or not?

President Tornatta: I would send, I would recommend that we send a letter to put him on notice, and then if he continues then that would be done at his expense.

Brenda Jeffers: You still want him to remove the obstruction?

President Tornatta: Sure.

Commissioner Winnecke: Don't you think?

Bill Jeffers: Okay.

Brenda Jeffers: (Inaudible. Not at mic.) notice?

Commissioner Winnecke: Or—

Bill Jeffers: Is the motion—

President Tornatta: Or a ten day, I mean, if—

Bill Jeffers: The motion is for a letter. Now, the content of the letter is remove it within ten days or it will be removed, at your expense, and any future violations will be handled according to—

President Tornatta: The ordinance.

Bill Jeffers: —the ordinance, is that what the letter should say?

Ted C. Ziemer, Jr.: Yeah, we can send the next letter from our office you're violating the county ordinance and we're giving you this notice and if you continue to do this for two days we're going to fine you \$2,500.

Commissioner Winnecke: Yes, but what you said is good. That's the motion.

Bill Jeffers: That's the motion, and that's what will be done.

President Tornatta: Okay.

Bill Jeffers: As soon as you say aye, okay?

President Tornatta: We have a motion and a second. All in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

Bill Jeffers: Thank you.

President Tornatta: Thank you.

Commissioner Winnecke: Thanks, Kim.

Public Comment

President Tornatta: With that being said, any public comment? Anything back there.

Mike Mahan: No.

Commissioner Winnecke: Mike?

Bill Jeffers: Mike got a new ball cap.

President Tornatta: Do we—

Commissioner Winnecke: Motion to adjourn.

Commissioner Melcher: Don't we have claims?

President Tornatta: We've already approved them.

Commissioner Melcher: Oh, we did?

President Tornatta: Yeah.

Commissioner Melcher: I thought he said he had claims.

President Tornatta: Bill, any claims?

Commissioner Melcher: Yeah, he said he did. Do we need a motion for that?

President Tornatta: If we haven't, go ahead and give a motion.

Commissioner Melcher: I make a motion we approve the claims.

Commissioner Winnecke: Second.

President Tornatta: A motion and a second. All those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

President Tornatta: We have a first and second to adjourn. All those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

President Tornatta: We are adjourned.

(The meeting was adjourned at 8:14 p.m.)

Those in Attendance:

Troy Tornatta

Bill Jeffers

Brenda Jeffers

Others Unidentified

Stephen Melcher

Ted C. Ziemer, Jr.

Kim DeWitt

Members of Media

Lloyd Winnecke

Madelyn Grayson

Mike Mahan

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Troy Tornatta, President

Stephen Melcher, Vice President

Lloyd Winnecke, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY
DRAINAGE BOARD
JULY 6, 2010**

The Vanderburgh County Drainage Board met in session this 6th day of July, 2010 at 5:44 p.m. in room 301 of the Civic Center Complex with President Troy Tornatta presiding.

Call to Order

President Tornatta: Alright, Linda, good afternoon. We're going to start the Drainage Board meeting. It is approximately 5:45 in the p.m. on July 6th, still in room 301.

Approval of the June 15, 2010 Drainage Board Meeting Minutes

President Tornatta: I need a motion to approve the prior meeting's minutes.

Commissioner Melcher: So moved.

Commissioner Winnecke: Second.

President Tornatta: A motion and a second. All in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

Preliminary Drainage Plan: Heston Green River Estates Subdivision

President Tornatta: Linda, what good do you got?

Linda Freeman: Good afternoon, good evening, whatever. I have Heston Green River Estates. It's being presented by Justin Shofstall with Andy Easley Engineering. He's here if you've got any questions, but, basically, we just want to recommend preliminary approval for this plan so that he can go forward to the Area Plan Commission meeting on July 8th. It's up there at Millersburg Road and Newbury Road, English Way. I don't have your pretty little pictures up there.

President Tornatta: That's fine. The preliminary, looking for a motion.

Linda Freeman: Yes, it's just basically a preliminary. We still have final to, if there's any problems or remonstrators, which it doesn't look like we have any.

Commissioner Winnecke: Motion to approve.

Commissioner Melcher: Second.

President Tornatta: A motion and a second. All in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

President Tornatta: It passes.

Linda Freeman: Thank you.

President Tornatta: Thank you. Anything else?

Linda Freeman: That's all I have.

President Tornatta: Anybody else want to talk? We've got one minute. Okay. Make a motion to adjourn, please.

Commissioner Winnecke: Second. So moved, rather.

Commissioner Melcher: Second.

President Tornatta: There you go. A motion and a second. All in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

President Tornatta: Thank you.

(The meeting was adjourned at 5:47 p.m.)

Those in Attendance:

Troy Tornatta

Linda Freeman

Others Unidentified

Stephen Melcher

Ted C. Ziemer, Jr.

Members of Media

Lloyd Winnecke

Madelyn Grayson

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Troy Tornatta, President

Stephen Melcher, Vice President

Lloyd Winnecke, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY
DRAINAGE BOARD
JULY 20, 2010**

The Vanderburgh County Drainage Board met in session this 20th day of July, 2010 at 6:55 p.m. in room 301 of the Civic Center Complex with President Troy Tornatta presiding.

Call to Order

President Tornatta: Alright, we're going to immediately start the Vanderburgh County Drainage Board meeting, Tuesday, July 20, 2010. It's about five till seven.

Approval of the July 6, 2010 Drainage Board Meeting Minutes

President Tornatta: Motion to approve the previous meeting's minutes.

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

President Tornatta: A motion and a second. All those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

Green River Estates/English Way: Final Drainage Plan

President Tornatta: Bill, Green River Estates/English Way, final drainage plan.

Bill Jeffers: Right, Bill Jeffers, Vanderburgh County Surveyor, acting as technical advisor to the Drainage Board, recommends approval of Green River Estates/English Way final drainage plan, the same construction drawings that you approved as street plans under your Commissioners meeting a week or two ago.

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

President Tornatta: A motion and a second. All those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

Mesker Park/Allens Lane/Leisure Living West Concerns

Bill Jeffers: The second item on the agenda is discussion of Mesker Park Drive/Allens Lane/Leisure Living West some citizen concerns about drainage. Is there anyone here tonight that came to speak to that matter. Okay, as a prelude to the comments they may make, there are two residents present tonight that indicated they are going to make comments. Basically, Leisure Living West is on Allens Lane between St. Joe Avenue and Mesker Park Drive. These are the Leisure Living West

apartment units as were built prior to this 2005 photograph. Subsequently there were four more units built as shown by the red outlines overlaid on the 2005 photograph, those have been built since 2005. There was a natural open watercourse that ran down the property line between Leisure Living West, which has an Allen Road address, and the property shown by their names of the property owners on Mesker Park Drive, there was a natural drainage course that ran southward directly on the property line and then diverged from the property line and southeast over to Locust Creek. That was an open ditch. There is an extensive subsurface drain tile system that serves all of these properties that used to be a farm, and that same farm, the owner owned all of this property, Leisure Living West and all of the properties that you see on that screen. There is a subsurface drainage tile system that was installed beginning in the 1920's, it's comprised of clay tile, much of it was put in by hand, either spaded in by hand or chisel plowed in using a mule. So, it's very old, but as the properties were sub-divided and homes began to be built along Mesker Park Drive first, and then along Allen Lane later, many of these homes are, I suppose 70 to, 25 to 70 years old, bit by bit some of the drainage from the homes, the downspouts, the basement drains, the foundation drains I guess you would say, some of the curtain drains were tied into this extensive subsurface clay tile system, and all of that drainage outleted into this ditch along about in this area that I'm indicating with the laser. Some of it (Inaudible) into the ditch over here when this was still farmed. So, if we would consider that that drain tile system that was originally placed, essentially to drain farm ground so that it would be farmable, plowable, if we would consider that it became a mutual drainage system for the homes knowingly. Everyone knew that they were tapping into a drain tile system, and everyone knew that it ran through each other's properties and they maintained it the best they could, and they knew that it outleted down here in this ditch, that we could consider it a mutual drain, if that's the wishes of the Board to make that determination. Okay, now, Leisure Living West, the owner at the time hired an engineer to do the design work for the drainage plan that we approved, and the drainage plan sufficiently took care of all of the surface drainage from the project itself, along with all of the surface drainage that comes off of these various, numerous individual residential lots. It all arrived down to the same spot we're talking about, over the surface, and drained through this ditch. The drainage plan that we approved several years ago provided a series of inlets, and those are shown in some pictures we can go to.....there's, scan down some.

Brenda Jeffers: Which one?

Bill Jeffers: Oh, there's one. Okay, that's a typical inlet. You can see there's a drainage swale between the residential properties on the right of this picture to the west and the Leisure Living homes to the east, on your left, there's a swale there and in that swale is a series of inlets that picks up the surface water. Unfortunately, the drainage plans did indicate the subsurface drain tile system, because it was assumed by the engineers and by me, originally, that that subsurface farm drain tile system was defunct. It was built in the early 1900's, mid 1900's, it was a clay tile system, those are just little chunks of four inch clay tile butted together, over a period of time they separate, become useless as far as....and it's no longer a farm. So, we just assumed it was not in use. However, we have found out, as I explained earlier, it is in use. So, what's happening is some of that, some of the property owners you will hear from tonight, and their neighbors, are experiencing some problems on their property because the clay tile was cut through and interrupted by the drainage system placed in Leisure Living. When this was discovered, I asked the engineer working for the contractor who was finishing the project and who had taken over from the previous developer to go back and see if he could remedy this situation, and he

put in a French drain system that intercepts some of this seepage and underground water and attempts to put it into these inlets. There's some cutouts in the back of these inlet boxes and a series of plastic tile is trying to pick up what they cut through. That is not operating sufficiently. This week early, I think it was Monday morning, I believe or was it Friday, Friday maybe, I can't remember exactly now, but met out there with Mike Wathen, the neighborhood property owners and we looked at the backs of all these boxes. This is an area that's grown up in weeds simply because it's so wet and untenable that the property owner can't maintain it as he would wish. That's what we're trying to correct. We looked inside the inlet boxes and we noticed that it's not picking up any water, and it had rained several times a day or two, and I think even the day we went out there it had rained that night. You could tell it wasn't working properly. So, our best solution that Mike Wathen and I came up with was to attempt to convince the property owner of, the current property owner of Leisure Living West to hire or instruct the contractor he used to go back and provide stub outs from the backside of these inlets to pick up the three or possibly four known subsurface drain tiles and provide a stubbed out access to the back of those boxes for these individual property owners to reconnect their drain tile system to. Now, once we do that it's my plan to get that done and then those, there are, this system is in disrepair, so, even after we provide the stub outs, and if the property owners connect to those stub outs, there are still a lot of problems up through the entire area where tiles have separated and they will have to do some of their own work.

President Tornatta: Bill?

Bill Jeffers: But, basically what I'm after is to provide the access to the inlets, allow them to hook up and then they can fix their system as they wish.

President Tornatta: Okay, do you have that like in a recommendation form for, you know, from top to bottom, kind of how you see it?

Bill Jeffers: No, I haven't really worked that out yet.

President Tornatta: Okay.

Bill Jeffers: I would like to talk with the engineer that works for the contractor—

President Tornatta: Okay.

Bill Jeffers: — that put the drainage system in, and we're going to have to probe out each of those lines and find out how deep they are so we would know whether or not these three inlets are actually capable of receiving the (Inaudible).

President Tornatta: Okay, well, the reason why I asked that was this type of in-depth, because, I mean, this has obviously got multi-layers to it, it sure would be nice to bring that, and, obviously we'll hear it from the individuals.

Bill Jeffers: Right.

President Tornatta: But, it would be nice to bring that to us so we would kind of have that tangible task in front of us—

Bill Jeffers: Right.

President Tornatta: –because, I mean, I still think there’s probably some unknowns out there that we need to look into.

Bill Jeffers: Very true.

President Tornatta: You know, we’re hearing about it right now, but without those unknowns, I mean, it’s kind of tough to grab, put our hands around it, so to speak.

Bill Jeffers: Well, I guess, why I’m taking this tact is because we know a problem exists, we know what caused it, we know, we hope we know what will fix it, but in the meantime the property owners who are experiencing poor drainage have two legal options, one is to file an obstruction petition to reopen this ditch, okay? Two options with us, file an obstruction petition, we have to go through a hearing, and I don’t need to go into detail on that, or to file a complaint with the Drainage Board that the plan that was approved by the Drainage Board was insufficient and that certain terms of the drainage code was violated by not showing the subsurface drainage system. I want to avoid that because now we’re put in an adversarial position. You and I are, and they and I are, and they and you are, etcetera. Then their third option would be a legal option to go against the property owner, who I don’t believe at this time, the current property owner, should be held responsible for acts of a previous cause.

President Tornatta: Right, and what I would like to, I tell you what, let’s–

Bill Jeffers: They wanted to come tonight, and, so I just wanted to give you–

President Tornatta: Yeah.

Bill Jeffers: –I wanted to give what I gave, I’ve given it, and I’ll turn it over to them.

President Tornatta: Okay. Come on up. That’s fine. State your name if you would.

Bob Jeude: Bob Jeude, 3011 Mesker Park Drive.

President Tornatta: Spell your last name.

Bob Jeude: J-e-u-d-e. Notice that it’s spelled up here.

President Tornatta: Okay, got it, got it, got it.

Bob Jeude: It’s J-e-u-d-e.

Bruce Spaulding: My name is Bruce Spaulding, 3011, I mean, 3007 Mesker Park Drive.

President Tornatta: Okay, and you’re coming because you’re getting some, you’re getting the water back on your property?

Bob Jeude: Yes.

President Tornatta: Okay.

Bob Jeude: The, I, basically, Bruce and I have been representing multiple neighbors in this area. There are more involved properties that actually aren't on this drawing. I was actually representing them, a lot of these being elderly people—

President Tornatta: Right.

Bob Jeude: —that weren't sure exactly what approach—

President Tornatta: Sure.

Bob Jeude: —to take. Bruce and I both have been in contact with the contractor. This all started on April 27, 2009, after we noticed the development of the ends of our property staying extremely wet, and as he mentioned there are some problem areas on my property and my father's property line that we—

President Tornatta: That weren't there before?

Bob Jeude: There was a little bit of a situation, but that one particular area, actually water backed up into this field tile and started coming up into this area that needed work.

President Tornatta: Okay.

Bob Jeude: That's, and the fact that the surface water was staying more than it did in the past when it didn't actually go off...this actually, as I said, began April 27, 2009.

President Tornatta: Okay.

Bob Jeude: Then, the early part of June, Mr. Spaulding spoke to the contractor, he might be able to elaborate on what their outlook was, initially they said on November 3, 2009, we met with Sheffer Construction, the engineer, and also the main, Randy Sheffer, they agreed this would be taken care, they would tie lines in. If we located them they would tie them in and also install French drains. So, I went back through and crudely, multiple times, (Inaudible) this area, marking where we felt the lines were, and nothing was done until June, the early part of June when he spoke to Mr. Sheffer. He can elaborate a little more on what they actually said.

Bruce Spaulding: He just told us that we could, he would loan us his (Inaudible), trencher and stuff and we could do all that work ourself. We're not sure we should be responsible for something we didn't cause.

President Tornatta: Right.

Bruce Spaulding: I mean, we do have, obviously, where we can tell it's been backing up, we do have a little bit of issues ourself that we have to take care of. I mean, I know I have a broken drain tile, or field tile. I know I have to repair that, but with the ground so wet it's pretty hard for me to get in there and, you know, do anything. The water, I've been there 24, excuse me, 24 years, surface water has always got out and the surface water does get out again, but it's that subsurface drainage that it just stays in that one area where I've got the open tile. It has eroded it to where I can tell where that water is at all times. It keeps the ground wet. I don't know, they took some pictures the other day, you can see our ground is extremely—

President Tornatta: Right.

Bruce Spaulding: – green compared to the rest of the area.

President Tornatta: Sure.

Bruce Spaulding: So, you can tell there's a lot of subsurface water in that area, as she's shown there.

President Tornatta: Is, I just wonder if there's an opportunity that, and we would have to get Mr. Jeffers blessing on this, but he normally works well with several different sides, and that is to find out some of the issues with the properties that you all represent, to have a meeting with Mr. Sheffer to talk about what essentially he could do to remedy the problem and see if we couldn't come, somehow meet in the middle where everyone's problems get addressed. Obviously you had a little bit of issue before, so there's a little bit on you–

Bob Jeude: Right.

President Tornatta: –but if there's something on Randy and something that we could point out that would satisfy the problem without going to a big–

Bob Jeude: Sure.

President Tornatta: –full blown hearing, obviously that would be a better setup.

Bob Jeude: I mean, that's basically what, like we said, we've been talking for over a year now, and he keeps promising, and I don't know if it's his right to promise it or not, but he's been promising to fix it, and he keeps saying wait until it dries. Well, I don't know if it's ever going to dry completely.

President Tornatta: Right. I mean, is that, would that be a move forward for you if we were able to try and get some type of talks between everyone? Obviously, Mr. Jeffers goes out there and assessed the scope of the needs of that drainage.

Bob Jeude: We were looking towards the fact that he said, okay, on November 3, 2009 this will be taken care of. So, a short time after that I had areas on my property line, my father's line and the adjoining property lines, we realized we had some issues, had that all backhoed up, ready to go in, until this thing was draining we couldn't justify tying these things in and then all it's going to do is back up even worse than what it did. We're prepared to go and make repairs on our property lines. Bruce's holes are there, and like I say–

President Tornatta: Okay.

Bob Jeude: –and at least this was letting it (Inaudible) pressure someplace, and the interest also, the early part of June I talked to one of the neighbors, I actually apologize to you guys for the fact that, you know, this is weeded, it was a messy area back there, and I apologize for the fact of that and told them what the situation was, and, you know, they were trying to get this corrected. One of the residents themselves also stated that in heavy rains his backyard floods, a resident of Leisure Living, which I realize is second nature, but there are some problems there. They are unhappy. I think they are a little bit leery to say something against their developer or whatever. Kind of, in actually looking through this property and witching it, it looks

like these, basically the property lines came down, tied into a common line that opened into that ditch. So, that there was a common line that this actual field tile would open into the ditch–

President Tornatta: Right.

Bob Jeude: – that’s basically what they were saying. We located it, tied into the storm sewer that they had put in their situation–

President Tornatta: Okay.

Bob Jeude: I think the–

President Tornatta: Well, maybe, maybe we can come to some type of terms on that and get a timeline.

Bob Jeude: In witching that with, I mean, I realize that’s pretty primitive, but I haven’t found any better way of doing it, actually with the coat hangars, if you’re familiar with the procedure, if there’s a better way to do it we’d be glad....if there’s some other way to do it, if there’s some way to do it, but all indications are that there, these lines....we had it looking like, I told them the other day it looked like an Easter egg hunt out there with all the flags I had in there marking everything. But, it ties into a common line that went down, opened into this ditch, and then when that area was closed off then that’s when we started having problems.

President Tornatta: Is that a doable plan.

Commissioner Winnecke: I think it’s fine.

President Tornatta: Okay, if it’s okay with you I would like to direct Mr. Jeffers to try and, once again, find a happy medium. Okay?

Bob Jeude: If I may interject, I believe in looking at the drawings there’s another three or four units across the development at the end of what the existing buildings are now, these are at the ends of some other property, this could open up the same situation. In all practicality there’s the same basic system in witching, the property tiles come down–

President Tornatta: Right.

Bob Jeude: – just making you aware that I think this could be another issue in the next section of the development.

President Tornatta: Right.

Bob Jeude: I think Bruce will agree to that–

President Tornatta: I think that’s probably going to be taken up when we address the one issue.

Bob Jeude: Yeah, we understand, you know, there was no indication that these lines were there, it was probably 100 years when they were put in. We understand there was no indication they were there, and once it was identified that, you know, the problem that multiple things have been...my perimeter drain, I had a new field bed

put, some of the perimeter drains, curtain drains with permission of the Health Department, tied into these, (Inaudible) different, they're all lines we've been using and they've created some problems. But, until this property development was started everything worked fine. I mean, we had, like I said, we've got a couple of places on ours that will be resolved, but once this construction started then it just exacerbated the whole situation.

President Tornatta: Okay. Thank you then.

Bob Jeude: Thank you.

Bill Jeffers: Do you pronounce your name Jeude?

Bob Jeude: Jeude.

Bill Jeffers: Jeude? I want to make sure I pronounce that name correctly. That's a proud German name, Jeude.

President Tornatta: Alright.

Bill Jeffers: Yes, I'm glad that, by the way Mr. Jeude has an extensive chronological record of how all of this came about. It's been very helpful in discussion with him, and I really just wanted all of this to be on the record tonight, especially because in a little over two years I'll be gone and, hopefully, not in less time, but definitely in two and a half years. I want it on the record because development is slow right now, but when they do go to this next section, I'm telling you right now, on the record, that the approved drainage plan that exists today will have to be modified to account for an emergency overflow through this area that will be developed. Can we see the map again? This old ditch channel will have to be redefined on the surface as an emergency overflow to allow the water out through this next development phase, and as Mr. Jeude pointed out, these other houses may have drain tiles that connect back here, they will definitely have to be shown on the next set of drainage plans as a modification so that we don't repeat our, this mistake that I made in my review process.

President Tornatta: Any other questions on this one?

Evansville Health Campus/Cherry Hill Road Concerns

President Tornatta: Alright, moving on, Evansville Health Campus/Cherry Hill Road concerns.

Bill Jeffers: Okay, I sent an e-mail today that had this letter attached to it--

President Tornatta: Thank you, guys.

Bill Jeffers: --verifying that Mr. Effinger, Charles L. is that it?

President Tornatta: Luke.

Bill Jeffers: Charles Luke Effinger at 523 Cherry Hill Road had a legitimate concern, and so does his neighbor regarding some....this is the campus project over here for the Evansville Health Campus, there was an old creek that ran through there

draining Mr. Effinger's property along with everything out there in that subdivision that runs down through this watershed. I think the drainage plan is sufficient as it was approved. If it were put in correctly and maintained correctly, during an extreme high water event the water that wants to pass through this old channel would now pass through a large detention basin, and in worst case scenario it would back up in this very low area, it might back up ten feet onto the Effinger property waiting to get through there. The property used to have a lake on it, so when, this picture is from 2005, there used to be a pond there, so, at that time that the drainage plan was approved we foresaw that a little water might back up around the outlet of this lake. But, the way that the current project is being maintained, there's a haul road across there at a higher elevation, and, so, yes, as I explain in here Mr. Effinger's concerns are justified. If we had a severe rain storm it might back water way up on his property, much closer to his home than the plan would have allowed if it was put in correctly. So, with your permission I'll send that letter out. I don't know if Mr. Effinger received a copy of it. Is he here tonight?

President Tornatta: He's not here.

Bill Jeffers: Is there anyone here to speak to this at all? I guess, then I'll just ask your permission to forward this to the owners of the property who need to make some corrections.

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

President Tornatta: A motion and a second. All those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

President Tornatta: Thank you, Bill.

Bill Jeffers: Apparently, Mr. Effinger got a copy and is satisfied at this point in time, but he did indicate that he might want to come down here tonight.

President Tornatta: Okay.

Bill Jeffers: Does anyone need a copy of that letter? Madelyn does, I'm sure. Here's the original.

President Tornatta: Okay.

Approval of Ditch Maintenance Claims

President Tornatta: Ditch claims?

Bill Jeffers: Okay, I've placed what's known in the professional world as a gob of claims on your desk over there. They are all in order, with paperwork affixed, signed by the County Surveyor, with a recommendation to approve the ditch claims.

Commissioner Winnecke: Motion to approve as presented.

Commissioner Melcher: Second.

President Tornatta: A motion and a second. All those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

Other Business

President Tornatta: Any other business? That's the extent from me.

Public Comment

President Melcher: Any public comment at this point? Come on up.

Herman Bear: My name is Herman Bear, and I'm at 2645 Waterstone Drive.

President Tornatta: Okay.

Herman Bear: I've been at this residence for ten years, and there's a situation behind me at, on Winfield Drive. I don't know whether this has come up before or not, but in the drainage ditch just to the south of my property there's been a lot of changes been made that I understand have not been approved by the Drainage Board.

President Tornatta: Okay.

Herman Bear: I don't know whether you're aware of that or not.

President Tornatta: Probably not. That's where we will actually take down that information and get it to Mr. Jeffers at first. Then, if he sees that it needs to go somewhere else, then he will move it to that area.

Herman Bear: Well, I understand that, oh, you're here.

Bill Jeffers: How ya doing?

Herman Bear: Pretty good. How are you?

Bill Jeffers: Fine. Nice to see you.

Herman Bear: Yeah. I understand that there was a memo—

Bill Jeffers: Yeah, I talked to—

Herman Bear: Okay, there was memo out on May 25th stating that the encroachment of a fence and so forth, modification of the drainage ditch, which is due south of me, you did not approve it initially on May 25th, and then there was a June 7th memo which was put out that for some reason you changed your mind and approved it. But, anyway, the work has already been done back there, with the exception of the fence going back, encroaching into the drainage area. So, what happened was I called down to the office, and I got a hold of a Kristin Comer—

President Tornatta: Okay.

Herman Bear: Okay?

President Tornatta: Yeah.

Herman Bear: Now, I asked her if this had all been approved by the Drainage Board, she didn't know off hand, but she called back in about five minutes and said, no, this work had not been approved. In the meantime, all the ditch had been changed, and the fence people were getting ready to put the fence into the drainage area. So, she said, call the Sheriff immediately. Well, I was a little reluctant, but that's what she told me to do, and I did. The Sheriff Deputy came out, this was on July 6th, he looked at it and he stopped the fence people from coming into the drainage area, and he told me and he said he would tell the owners of the property the same thing, that all that had to be put back the way it originally was. Okay, it stopped the fence from going in, and also all the work that had been done in that area, be replaced, be put back where it was. So, that hasn't been done, that part of it has not been done. I think they're waiting for approval of the fence to go, to be placed in the drainage area. Now, backing up just a little bit, I know from living there for ten years that that ditch fills completely up with water when you get a three or four inch rain in say three or four hours, something like that, this just happened in Kentucky, in Hopkinsville last Thursday—

President Tornatta: Uh-huh.

Herman Bear: —so, it does happen. So, I've seen it three times in ten years, so, you can say every three or four years you're going to get one of these situations.

President Tornatta: Uh-huh.

Herman Bear: Now, so far this drainage ditch has handled that without spilling over into my property or my neighbor's property, Bill Miles over here—

President Tornatta: Uh-huh.

Herman Bear: —but, with the addition of all of the houses out there, and the pools and patios, and the fences that are there, that so far as I know are legal, in other words they come down to the easement line, the south easement line of the ditch, they do hinder the flow of water in that area, to some degree. Now, what we're concerned about is that if a fence is put clear down in that area, that's going to be much more of a hindrance to the flow of water and we think, under those conditions, which is not really extreme, you know, as compared to what happened in Nashville—

President Tornatta: Uh-huh.

Herman Bear: —earlier this year—

President Tornatta: Uh-huh.

Herman Bear: —that that water is going to come over and there's going to be a huge liability involved here with all sorts of plants and vegetation and so forth that we had placed in that area.

President Tornatta: Okay. Herman, let me hold you for one second—

Herman Bear: Sure.

President Tornatta: –and let me hear Bill’s explanation of what’s going on, and then we’ll come right back to you. Okay?

Madelyn Grayson: Hey, Bill?

Herman Bear: I have pictures here.

President Tornatta: Okay, that’s fine.

Madelyn Grayson: Bill, before you start, let me change the CD one more time.

Bill Jeffers: Okay.

Herman Bear: Okay.

Bill Jeffers: Can you give me your address? Your address?

Herman Bear: 2645 Waterstone.

Bill Jeffers: And, what is your name?

Herman Bear: Herman Bear. B-e-a-r. Just like the animal, bear.

Bill Jeffers: Do you have a picture of your backyard?

Herman Bear: Well, I’ve got a series of pictures.

Bill Jeffers: Of your backyard?

Herman Bear: No, not of my backyard.

Madelyn Grayson: Okay, we’re ready whenever you are.

Bill Miles: Yeah, I’ve got what it looks like when that swale gets stopped up. That was before, that’s his yard right there. I’m over here. His yard was plum full of water, until the developer, when they developed—

Bill Jeffers: Wait a minute. Okay, wait a minute.

Bill Miles: –I’ve been out there 13 years.

Bill Jeffers: First of all, I need to keep my thoughts straight. You live right directly behind?

Herman Bear: That is correct.

Bill Jeffers: Okay, I’m going to start at the back, at the end of his discussion and work the other way. His, Mr. Herman Bear of 2645 Waterstone, I believe lives north and just behind this subject property. Is your yard not completely landscaped within the drainage easement?

Herman Bear: Part of it is.

Bill Jeffers: With rocks and trees and—

Herman Bear: Well, yeah, there was a tree line—

Bill Jeffers: And, do you have, have you filled out one of these encroachment agreements with the Drainage Board for permission to put all of that improvement in your drainage easement?

Herman Bear: Uh, not—

Bill Jeffers: Or, you just did it?

Herman Bear: Comb's Landscaping did it.

Bill Jeffers: But, did they, do you have one of these agreements with the Drainage Board?

Herman Bear: No.

Bill Jeffers: Okay. So, what we have there, I wasn't prepared with pictures, or I would have them for you to look at, so, it's going to be kind of hard to describe, but Mr. Bear has a drainage swale on his side of the property line that carries water from his section of Windemere Farms, which I believe is Section Two, and then over here in the subject property owned by Christopher Lautner and Sarah—

Herman Bear: Schuler.

Bill Jeffers: —Schuler, they're in Section Three and they have a separate drainage swale that runs through their backyard. They come down and join at the northwest corner of the Schuler property, which is the southwest corner of the Bear property, and then all of the water from both swales join together, go into a pipe, run out to the street system. So, all of the water that's coming from the Schuler side stays separate from all of the water coming from the Bear side, until it joins at that corner and goes immediately into an inlet. All Ms., all the Schuler's wanted to do here was to put a swimming pool in. The swimming pool and all of the backfill from the swimming pool is outside the drainage easement. They've already done that. Then, they wanted to put their fence in, that's required by code to go around a swimming pool, they have to put a fence in, rather than crowd that drainage easement with the fence, they wanted to go across the drainage easement and put it all the way out to the property line, as shown on their drawing. The drawing was prepared by a professional engineer, Jim Farney. It shows the fence with wire mesh underneath the fence to allow the water to go through at the southwest corner. Their lot, coincidentally, is at a place in the drainage system where all of the water from the extreme east side of their lot flows eastward, away from Mr. Bear, and behind this gentleman's property to a separate pick up point. All the water from the east line through the rest of their yard flows westward, as I described earlier, so, there is not really that much of a watershed going into this swale. The swale is almost two feet deep. I intend to instruct them to keep the swale sufficiently deep to handle all of the water. This is the form that we normally take for permission to encroach a drainage easement. What they've done in the easement itself is to put a French drain in the bottom, and, unfortunately, whoever did that put the two outlets for the subsurface drain eastward, and I instructed Ms. Schuler yesterday to redirect those, have the contractor redirect them to the west the way they're supposed to go. I did not realize this form now had a certificate of insurance in compliance with our requirement, and has been

delivered to the meeting by, through the County Auditor, so, it is ready to go. If we would like to put this off until your next meeting on August 10th to discuss this in more detail with the neighboring property owners, who apparently have a problem, but themselves, at least one of them has encroached an easement without this document, we can go out there and discuss it in detail with the landscapers, the contractors, the pool contractor, the fence contractor, etcetera, and I'll have the engineer on site to explain his drawings. But, I really didn't see that much of a problem with it. I thought it would work out just fine. There's many fences out there that are in drainage easements without permission. There's a fence right next door that's rotting away because they put it down in the ditch and put the boards down against the ground. This is what I cautioned Ms. Schuler against doing. There's a long string of e-mails back and forth between the Schuler's and I arriving at this point. Previously the developer and the homeowners association of Windemere said they didn't want anything in any of the easements, and that's what I maintained for all of these years. I never brought one of these to you for this subdivision before, ever, because the homeowners association said they didn't want any fences or anything in any of the easements. All of a sudden Mike Reeder is now the homeowners association president and he told Ms. Schuler it was okay, so, I proceeded.

Herman Bear: (Inaudible).

Commissioner Melcher: Bill, do you need a motion to do what you just said? Come back on our next meeting?

Bill Jeffers: If that's the desirable thing to do, or to continue listening, that's fine, whichever you want to do.

Commissioner Melcher: Well, I think, if we can solve it, we might as well wait until the next....is that okay?

President Tornatta: Guys, the problem is, we get this fresh, we don't have any idea of this property from another. Without having recommendations of the Surveyor and seeing the property, there's no way that we can make a decision tonight.

Herman Bear: I do have pictures here.

President Tornatta: Okay.

Herman Bear: Of the work that's been done, if you want to see them?

President Tornatta: Oh, absolutely. You can bring them up, absolutely, but we'll have to keep them. Are you okay with that?

Herman Bear: Sure.

President Tornatta: Okay.

Bill Miles: Here, give them these.

Herman Bear: I do have a short (Inaudible).

President Tornatta: That's fine, yeah, and what we would like to do is we would like to be able to look at this and then ask questions—

Herman Bear: Sure.

President Tornatta: –once we've had time to digest what you're asking for.

Herman Bear: Sure.

President Tornatta: Okay?

Herman Bear: Our only concern is when we get a three or four inch rain–

President Tornatta: Right.

Herman Bear: –then this water, from what I have observed, will come over the (Inaudible) berm–

Madelyn Grayson: Mr. Bear, will you make your comments at the microphone so that we can get it on the record?

Bill Miles: This is what it looks like before they approved the swales.

President Tornatta: Okay.

Bill Miles: That's his backyard.

President Tornatta: Okay.

Bill Miles: Nobody wants that. I don't care if these people have a (Inaudible) fence–

President Tornatta: Right.

Bill Miles: –I can care less, but when you take a ditch that's two foot deep–

Madelyn Grayson: If you don't make your comments on the microphone, we can't get it on the record.

Herman Bear: Okay, come on back.

President Tornatta: Alright. Alright.

Bill Miles: I've lived there since 1997–

President Tornatta: Yeah.

Bill Miles: –when they developed Sections One and Two, which Mr. Bear's in One, Two don't start until it gets on the other side of the road, and then the section you are talking about is Three and Four. So, I've seen it all. We never had a problem whatsoever. I live, his neighbor, I have nothing in my swale, come out and take a look, nothing but grass. If it's dry you could mow it. Every time, when they first developed it, and I give you that picture showing his backyard and my yard, until, Dan Buck's the one that done it, until he was able to put a swale in there and get the water where it would run, I can remember where the breaking point was, but we had a surveyor out who surveyed it, that we paid for, and there's very little drain to either direction, but it worked, as long as there's nothing that went in that. But, then over time when they kept building houses, everybody knows the more concrete that you

put down, the more water you're going to have. I have nothing against that. That's fine.

President Tornatta: Uh-huh.

Bill Miles: But, we haven't had anything happen except in the last two or three years, and that's when people started working their way down toward that. Now, this lady I have nothing against her whatsoever. She's not even my neighbor. I don't even know her. She could be her. I don't know what she looks like. So, I'm not criticizing her, she can have her pool, but who gave her permission to put two four inch....we went back and talked to the contractor, to put two four inch drainage tiles in the bottom that ain't going to catch anything because it's not up high enough to come out. Then they kept throwing rock in. I went back with Mr. Bear and I talked to the contractor which was Lindauer pools, don't worry about it fellas, he said, the highest point is going to be next to the property you talked about where the fence is—

President Tornatta: Right.

Bill Miles: – draining that way. He said, we'll never have it any higher than that. Well, he told a bare faced lie because if you go out there now, the river gravel is all the way level with the top, you can see on the pictures, with the top of that berm.

President Tornatta: Right.

Bill Miles: So, he put two foot of gravel in. Now, anybody knows that if you take and fill in a ditch with the volume, you put rock in there, water will go through rock, but the volume isn't going to be there. It's going to come over that into his yard. As far as them getting approval, Dan Buck, Chris Combs built that house, he didn't build it, I built mine, when they built it and they done all that work back there. That man doesn't have a tree, those trees were the tree line. He didn't plant those trees. They were there. That man didn't plant anything, except up on top of the berm. What's that hurt? He's not down in the ditch. There's rocks just like we concreted it. Go look at it. You can't accuse them about it, because that would be a lie. He didn't do anything wrong, but these people have, with your permission. That's wrong.

Commissioner Melcher: Well, I think we just need to find out about it—

Bill Miles: It's not a problem today—

President Tornatta: Yeah.

Bill Miles: –but, if it starts raining tonight, he's going to have water in his house.

President Tornatta: Right.

Bill Miles: Who's going to pay for that?

President Tornatta: Right, and we're going to have to look—

Bill Miles: It will be you people.

President Tornatta: I understand. I understand. We're going to have to look into it, okay? But, we're not going to be able to make a decision tonight.

Bill Miles: But, we need somebody to look at it.

President Tornatta: Absolutely, and we'll do that.

Herman Bear: One other comment, the thing that concerns me here is I was told when I moved there that there was to be no obstruction whatsoever in the drainage ditch.

President Tornatta: Yeah.

Herman Bear: Okay?

President Tornatta: Uh-huh.

Herman Bear: Now, if something like this was approved, then that's going to set a precedent here, really in Vanderburgh County eventually, where it's going to really aggravate this type of problem.

President Tornatta: Have you met Mike Reeder?

Herman Bear: I have talked to him on the phone.

President Tornatta: Okay.

Herman Bear: And, he told me that he sent an e-mail to Mrs. Schuler-

President Tornatta: Uh-huh.

Herman Bear: -which stated that, okay, go ahead and put a fence in the easement area, in the drainage ditch, but if it entered the flow of water in any way, that fence comes out.

President Tornatta: Okay.

Herman Bear: That's number one. Number two, I asked Mike if anything had been discussed about changing the problem of the drainage ditch, modifying it in any way, he said that was never discussed.

President Tornatta: Okay.

Herman Bear: Okay? Alright.

President Tornatta: Alright.

Herman Bear: Thank you.

President Tornatta: Thank you.

Bill Miles: Thanks people.

President Tornatta: Anybody else?

Commissioner Melcher: Did you want a motion on that?

President Tornatta: No, we've made direction. We don't need a motion.

Commissioner Melcher: Okay.

Madelyn Grayson: Bill, are we going to address the other drainage easement encroachment agreement?

Bill Jeffers: I'm done.

Madelyn Grayson: Okay.

President Tornatta: Okay. With that being said--

Ted C. Ziemer, Jr.: Excuse me, we've got that other one for the other property.

Bill Jeffers: Okay.

Commissioner Winnecke: Motion to adjourn.

Commissioner Melcher: Second.

President Tornatta: Adjourned.

Bill Jeffers: Okay, well.

(The meeting was adjourned at 7:43 p.m.)

Those in Attendance:

Troy Tornatta
Bill Jeffers
Brenda Jeffers
Herman Bear
Members of Media

Stephen Melcher
Ted C. Ziemer, Jr.
Bob Jeude
Bill Miles

Lloyd Winnecke
Madelyn Grayson
Bruce Spaulding
Others Unidentified

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Troy Tornatta, President

Stephen Melcher, Vice President

Lloyd Winnecke, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY
DRAINAGE BOARD
AUGUST 10, 2010**

The Vanderburgh County Drainage Board met in session this 10th day of August, 2010 at 6:02 p.m. in room 301 of the Civic Center Complex with President Troy Tornatta presiding.

Call to Order

President Tornatta: Alright, while he's passing those out we'll go ahead and get started just a little bit after six, Tuesday, August 10, 2010, the Vanderburgh County Drainage Board will commence.

Approval of the July 20, 2010 Drainage Board Meeting Minutes

President Tornatta: We will need approval of the previous meeting's minutes.

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

President Tornatta: A motion and a second. All those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

Interstate Crossing Subdivision: Preliminary Drainage Plan

President Tornatta: Bill, good afternoon.

Bill Jeffers: Yes, sir. I have, first, from Bernardin Lochmueller and Associates, Matt Wallace, professional engineer has submitted a preliminary drainage plan for Interstate Crossing Subdivision. It's a commercial subdivision that will replace what commonly would be referred to as the Busler Truck Plaza at U.S. 41 and I-64. Matt and his two darling children are here in the audience to answer any questions if you have any. The plan comports with the drainage ordinance for a preliminary drainage plan. It does have the 10/100 detention required for the impacted area along 41. Your approval will move it forward to Area Plan Commission Thursday, and the County Surveyor recommends that approval.

Commissioner Winnecke: Motion to approve.

Commissioner Melcher: Second.

President Tornatta: A motion and a second on the recommendation from the Surveyor to approve. All of those in favor say aye.

All Commissioners: Aye.

President Tornatta: Opposed? Okay.

(Motion approved 3-0)

The Reserve at Hidden Lake: Preliminary Drainage Plan

Bill Jeffers: The second drainage plan is also a preliminary drainage plan, it was prepared by Glen Merritt, professional engineer with Cash Waggnner. I misspelled the name on the agenda. I must have been thinking of jellies and jams, it's actually Reserve at Hidden Lake, rather than Preserve. Sorry about that to the developer and his lovely wife, Dan Buck. He's not the wife, Dan's the developer.

Commissioner Winnecke: Clearly she's the attractive one.

Bill Jeffers: Clearly she's the attractive wife.

Commissioner Winnecke: We get it, right.

President Melcher: We understand.

Bill Jeffers: Glenn Merritt is sitting back there with them in case there is any questions regarding this. It does comport with—

Ted C. Ziemer, Jr.: Is his wife not here?

Bill Jeffers: She's here also. There's only two good looking women in the audience, and one at the (Inaudible), yeah, and one up here at your....okay, this is a condominium, so, I would just say it doesn't take the regular tract that a subdivision takes. It's approved by the State and so forth as an apartment project would be, but the preliminary plan does comport with the requirements of the local drainage code. It's located on Jobe's Lane. The Commissioners extended a sewer up there, I believe, along about 2004 with the State grant monies, and that allowed some expansion in that area as far as residential development. The County Surveyor's recommendation is to approve the preliminary plan for the Reserve at Hidden Lake.

Commissioner Winnecke: Based on the recommendation of the Surveyor, I would move approval.

Commissioner Melcher: Second.

President Tornatta: Motion and a second. All those in favor say aye.

All Commissioners: Aye.

President Tornatta: Opposed?

(Motion approved 3-0)

President Tornatta: While we're on that beating path, John, you did a, we did a speed study out on Jobe's Lane, could you just tell us about the speed study and what's going on ?

John Stoll: Yes, the Evansville MPO completed the speed study, and the recommendation out of the speed study was to post that at 30 miles an hour. We've got a work order submitted to the traffic department to get a sign posted.

Commissioner Winnecke: What's it at now?

John Stoll: It's not posted.

Commissioner Winnecke: Okay.

President Tornatta: For those of you who don't know, the rule for non-posting is?

John Stoll: If it's in a platted subdivision, it's 30. If it's not in a platted subdivision it defaults to 45, unless otherwise specified, and that's when we always request a speed study from the Evansville MPO to determine if a different speed limit other than 30 or 45 is appropriate.

President Tornatta: So, that was a request of somebody in the neighborhood. We followed through with that.

John Stoll: Yeah, the sign should be posted—

President Tornatta: Just so those who might care would know, 30 miles an hour.

John Stoll: It should be posted here shortly. The next couple of weeks would be my guess.

President Tornatta: Okay, thank you, John. Sorry, Bill.

Bill Jeffers: No, that's quite alright. It reminded me that I need to come to the Commissioners as a citizen resident of Malibu Subdivision and ask for a posting of our subdivision at 20 or 25, because there's just a few people who like to cruise down through there, especially on Sunday afternoons when there's lots of children walking and riding their bicycles, at excessive speeds. So, thanks for the reminder.

Ditch Maintenance Claims

Bill Jeffers: I do not have any ditch maintenance claims.

Other Business

Bill Jeffers: In other business, we have some unfinished business, there's a railroad bridge, gosh, I misspelled that too, but, anyway....ditch.

Brenda Jeffers: Oh, I did that.

Bill Jeffers: This is the project that I came to you and asked for a special deputy in the person of Bill Butz from Structurepointe Engineering who is working with the railroad. He's also our consultant for the improvements in Hirsch Ditch and Stockfleth Ditch, so that made sense. The railroad, after about six months, you'll remember about six months ago you declared an emergency because of the condition of the railroad trestle. Apparently, DNR doesn't recognize those kinds of emergencies, they got the permit this week. You can see the condition of the bridge is, it has to be shored up, that's why it's going to be removed and widened. That, hopefully, touches on another subject in your earlier meeting, hopefully, we'll increase the capacity of the ditch and possibly allow you to amend the flood plain maps, hopefully, down another half a foot or so, which will affect thousands of properties on the commercial area of the east side. Here's another picture that shows a pipe that's coming out, that's an old railroad crossing, a spur, that was

another obstruction to the free flow of water. That's coming out, so, again, we might want to do an update on our flood plain study maps to show the positive impact of removing that pipe. Anyhow, just wanted to update you on that, and let you know it's happening, finally, and it will help us reduce the flood plain elevations on the east side. Another hanging issue is Leisure Living West. I sent you a series of e-mails. If anyone needs a copy, Mr. Randy Sheffer included, at 11:19 today, his comment back to you showing you that he's more than willing to do what we've asked him to do, and even has gone over that to try to establish some public relations with the neighbors. I don't need to do anything but ask that be included in the record, I believe, with the rest....you are aware of those issues.

President Tornatta: That's fine.

Bill Jeffers: Lot Seven in Heritage Park, Section Two had an encroachment agreement that I passed over last week. Luckily I passed it over, because Heritage Park, Section Two is not a recorded sub, so therefore an easement does not exist. I think I've touched on that in an e-mail to you. So, we're trying to reassure you that the walking path and the little foot bridges they put in there are beautification issues, or items, and it gives the employees of that facility an opportunity to stroll a mile or two at lunchtime. I've looked at it, I don't see anything that would interfere with drainage. I don't see any danger to the county. I'm assuming that any liability remains that of the property owner who is allowing his employees to stroll along that path. So, I don't think that encroachment agreement is needed at this time, and I don't see how it's possible until the easement is recorded. The only other issue is the Windemere encroachment, that was Sarah Schuler. I went out there today, took some pictures, want to reassure you that the job being done by Chris Combs' Nursery is a beautiful job. They corrected most of the concerns, I think, that any neighbor would have about the adequacy of the waterway. They're currently sodding the lawn, the swimming pool is in, everything is in but the fence, and I'm awaiting Jim Farney's revised drawings to come back as the exhibits to be recorded with that encroachment agreement. The encroachment, basically, will be a fence over top of the waterway, with a wire guard beneath the fence to keep children, pets, etcetera from entering the yard and falling into the swimming pool. That's required. So, those are updates. I have no further business.

President Tornatta: Okay.

Public Comment

President Tornatta: Any public comment? Any other business to bring to this board. Seeing none, I will entertain a motion to adjourn.

Commissioner Melcher: So moved.

Commissioner Winnecke: Second.

President Tornatta: We are adjourned.

(The meeting was adjourned at 6:13 p.m.)

Those in Attendance:

Troy Tornatta
Bill Jeffers
Brenda Jeffers

Stephen Melcher
Ted C. Ziemer, Jr.
Others Unidentified

Lloyd Winnecke
Madelyn Grayson
Members of Media

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Troy Tornatta, President

Stephen Melcher, Vice President

Lloyd Winnecke, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY
DRAINAGE BOARD
AUGUST 24, 2010**

The Vanderburgh County Drainage Board met in session this 24th day of August, 2010 at 6:20 p.m. in room 301 of the Civic Center Complex with President Troy Tornatta presiding.

Call to Order

President Tornatta: Okay, let's go ahead and get started with the Vanderburgh County Drainage Board meeting, Tuesday, August 24, 2010. It is 6:20.

Approval of the August 10, 2010 Drainage Board Meeting Minutes

President Tornatta: I need approval of the previous meeting's minutes.

Commissioner Melcher: So moved.

Commissioner Winnecke: Second.

President Tornatta: A motion and a second. All of those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

President Tornatta: Alright.

Higdon Small Lake Subdivision: Final Drainage Plan

President Tornatta: Mr. Jeffers?

Bill Jeffers: Good evening. The first drainage plan is Higdon Small Lake Subdivision. It's a three lot subdivision on Hillview, or, excuse me, Hillside Road. One of the lots, the northern lot is on Watershore Road in Kahre Lake Subdivision. All three lots drain downhill into Kahre Lake, that's where all the water goes, except for some right out in the roadway for Hillside. There were not lakes, excuse me, no underground pipes, springs, seeps, anything, any discharge identified that would complicate or make necessary a full blown drainage plan. If it hadn't had been three lots, if it had only been two it would have been a simple minor subdivision and you wouldn't even see it. So, I'm asking and recommending that the Drainage Board waive all requirements for an expensive, detailed drainage plan, which is not necessary in this case, and approve the plan that was turned in by Easley Engineering, which we have a Power Point for, if you need to see it, but it simply shows all the drainage going into the lake. This would be a final plan.

Commissioner Winnecke: Motion to approve.

Commissioner Melcher: Second.

President Tornatta: On the recommendation of the Surveyor, we have a motion and a second. All those in favor say aye.

All Commissioners: Aye.

President Tornatta: Opposed? Thank you.

(Motion approved 3-0)

Wynnfield Section One: Revised Final Drainage Plan

Bill Jeffers: Our second drainage plan tonight is Wynnfield Subdivision, Section One. It's a revised, final drainage plan for section one. It's prepared by Keith Poff, a civil engineer, from Sitecon on behalf of the developer and his lending institution. Essentially, what's going on is the County Surveyor, the County Engineer, Mr. Poff and his staff, the legal staff from the bank holding the letter of credit, and representatives from the various developers who either have developed out here or are interested in developing out here have met to try to determine what is left to do in section one, what has been left undone still covered by the letter of credit, and what is complete and therefore eligible for a release of a certain amount of the letter of credit. This all came about due to our housing crisis, post 2008 situation where pretty much this development came to a screeching halt, and there's other complications involved, but what we're trying to do is determine an amount of the letter of credit that can be released to make this section of the development, section one, make it more attractive to another developer to come in and take over. But, he needs to know before he makes his decision to come in and develop the remaining lots, he needs to know exactly what it would cost, and if we modify this plan appropriately and in accordance with the plan that Keith Poff has shown us, then he can take that plan, plus our existing approved plans, to a contractor, and the contractor can give him a bid as to what's left to do and how much it would cost. So, what Keith has done is shown you in black everything at the site that is installed and complies with the layout for the originally approved plan, plus a few items that are no longer necessary because of existing conditions out there make them unnecessary to be incorporated into the plan. Then, in red, he shows you the deficiencies or the lack of structure, lack of infrastructure that does need to be completed, and that's basically what the contractor would be bidding on and submitting a bid to show a potential new developer this is how much it will cost to go forward. In the meantime, the bank can, and the engineers can determine what the new letter of credit or the remaining letter of credit would have to retain to guarantee the completion of the items in red. Now, this is only for section one. Subsequently, there will be another plan come in like this in the next few weeks for section two and section three, and along the boundaries of section one, you will see again some items that comprise components of the infrastructure, drainage infrastructure that are tied together, simply because they're on the adjoining, on the common line between the sections. If they're shown on this plan, they'll be shown again on section two. In our files, because the original developer used a different engineering company, but, in our files in the County Surveyor's office are the originally approved plans, and anyone can go in there, because they're public documents, and pull those plans out and fit the pieces of the puzzle together and determine what needs yet to be done and make a bid on that. So, because this modified, final drainage plan for section one does comprise and contain the necessary data to formulate the plan, the recommendation by the County Surveyor is to approve this modified plan for section one and move forward.

Commissioner Winnecke: Bill, which financial institution is involved?

President Tornatta: Bank of Evansville.

Bill Jeffers: I believe it's Bank of Evansville.

President Tornatta: It is.

Bill Jeffers: It's Bank of Evansville.

Commissioner Winnecke: Thank you. Motion to approve based on the Surveyor's recommendation.

Commissioner Melcher: Second.

President Tornatta: A motion and a second. All those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

**Drainage Easement Encroachment Agreement: Lautner-Schuler
2636 Winfield Drive: Lot 61, Windemere Farms Subdivision, Sec. III**

Bill Jeffers: Our next item is a drainage encroachment agreement submitted by Christopher Lautner and Sarah Schuler, 2636 Winfield Drive, which is lot 61, Windemere Subdivision¹, section three. This came before you a couple of weeks ago, and, I believe the form of the encroachment agreement documents were in order at that time, according to our attorney, but we did not take action on it because of some questions that remain voiced by residents, or property owners abutting. I was able to notify the one property owner abutting, and I believe he's here in the audience tonight. Subsequently, there has been some landscaping done that improved the drainage swale. The drainage swale on the Lautner-Schuler property now is a minimum one foot deep or deeper, and a minimum or greater one foot width along the bottom and the side slopes are laid back at the required three to one side slopes or flatter. Everything is in stable condition. It either has been sodded or it has been mulched with a semi-permanent decorative bark mulch. There are retaining walls, there is a gravel trench in the bottom of the swale that has a four inch pipe acting as a subdrain to direct all the water that enters the swale northward to the northwest corner of the lot where it discharges into the assigned drainage inlet that is on the adjoining neighbor's property, but that is the assigned drainage inlet for that swale. All the water that runs through that swale will be generated by the backyard of the Lautner-Schuler property, and the back half of their house. No other water from any other property goes into their swale, and, therefore, it being at least one foot deep, in many cases, most of the run of it is greater than one foot deep, and being sufficiently wide and sloped properly, there is no way possible that the water generated from their backyard and one half of their house will overtop that swale and flow onto the neighbors property, except through the designated outlet that goes directly into a pipe inlet that carries it out to the street system. So, having said all that, and having viewed the property, I've taken pictures of it....this is rough sketch of their backyard and how I say the property drains into the swale and then off into the pipe. There's pictures of their backyard....just any picture, start at the bottom or start at the top, makes no difference. This is the backyard standing at the east end of their property and looking west. Now I'm standing at the west end looking east.

¹Should be Windemere Farms Subdivision.

You can see all the water falls towards the camera. That used to be a damp spot that was a problem spot. The fence you see is not their fence, the fence is a neighbor's fence that needs to be removed, but what they've done is install an area drain there and sodded the damp spot so that the water from that damp area against the fence will come back to this drain. Let's see, go to the, the higher, the lower numbered pictures. That, okay, whoa, I can't see the numbers. Go way back to the lower....right there, what's that number?

Brenda Jeffers: Seven.

Bill Jeffers: Seven, okay, now I'm standing where that drain was that you last saw and I'm looking north, and you can see the water falls away to the north. Keep going backwards there. No, the other way. I'm confused. Anyway, we'll get this right here in a second.

Commissioner Melcher: I've got the idea of what you mean.

Bill Jeffers: Okay, then it goes into the pipe inlet there. Okay, so, basically, what they want to do now is put a fence up, and the reason they want to put a fence up across the easement is because they built a swimming pool and the law requires either they have a fence around the yard or a fence around the swimming pool. The easiest thing to do to exercise full use of their property is put a fence around the yard. So, the County Surveyor recommends approval of the encroachment agreement for Christopher Lautner and Sarah Schuler, 2636 Winfield Drive as submitted by their engineer, Jim Farney.

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

President Melcher: A motion and a second. All those in favor—

Bill Jeffers: Wait—

Commissioner Melcher: There's a remonstrator.

President Tornatta: Oh, sorry. My bad. Any remonstrators? Sorry.

Herman Bear: No, I'm fine.

Bill Jeffers: That's Mr. Bear, he's the neighbor to the north and you gave him an opportunity to speak.

President Tornatta: Anybody else? Okay. Seeing no remonstrators, all those in favor say aye.

All Commissioners: Aye.

President Tornatta: Opposed?

(Motion approved 3-0)

Bill Jeffers: Thank you. The original is with your secretary and she can pass it for your signatures.

Hirsch Ditch/Stockfleth Ditch: Construction Plans & Notice to Bidders

Bill Jeffers: I have a set of construction plans, this is a reduced set, a larger set will go out to bidders. This is for the Hirsch Ditch at Stockfleth Ditch. We've spoken about this many times, the railroad's been out there, I showed you pictures last meeting. They're almost complete with their part of the project, and we would like to move forward with our part. I have a set of specifications here that I'm asking you to approve tonight, along with a notice to bidders that's on your desk. I'm asking you to sign the notice to bidders and advertise that as is described in the notice, and receive those bids no later than noon, Tuesday, September 21st in the Auditor's office, and then bring them up here to be opened at our meeting. We would like to move forward with our project to improve Hirsch Ditch, repair the banks and give opportunity for more water to pass through our system out of that Burkhardt Road TIF district and into Pigeon Creek in a more orderly fashion.

Commissioner Winnecke: Motion to approve.

Commissioner Melcher: Second.

President Tornatta: A motion and a second on the Hirsch Ditch/Stockfleth Ditch—

Commissioner Melcher: That's hard to say.

Commissioner Tornatta: Yeah, all those in favor say aye.

All Commissioners: Aye.

President Tornatta: Opposed?

(Motion approved 3-0)

President Tornatta: Okay.

Approval of Ditch Maintenance Claims

Bill Jeffers: Ditch contractors claims, everything's in order, and I'm asking you to approve those claims and send them to the Auditor to be paid.

Commissioner Winnecke: Motion to approve.

Commissioner Melcher: Second.

President Tornatta: A motion to approve and a second. All those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

Bill Jeffers: Thank you. I'll bring those up for your signature.

Other Business

Bill Jeffers: Oh, just a moment, not to outdone by Gary Heck, I found fifty cents here, and I'm going to bring that up to Ms. Grayson to have her take that and put it in the appropriate account.

President Tornatta: And, I have a bag of cans, aluminum cans--

Madelyn Grayson: I'm turning it all in to accounts payable--

President Tornatta: --in my office--

Madelyn Grayson: --I mean, accounts receivable.

President Tornatta: --and you can get that too. That was brought up because I said there might be budget concerns. So, one of the people in our establishment here brought me a thing of cans. I said save your aluminum cans, so, they brought them. You can have those too.

Bill Jeffers: Before you adjourn, I would like to, because of our budgetary constraints this year, and our need to conserve every penny, I would beg Channel Nine to please forgive us five minutes and not bill us for the extra 30 minutes, please.

President Tornatta: Okay, good luck on that. Anybody else from the audience? Seeing none, motion to adjourn?

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

(The meeting was adjourned at 6:35 p.m.)

Those in Attendance:

Troy Tornatta	Stephen Melcher	Lloyd Winnecke
Bill Jeffers	Ted C. Ziemer, Jr.	Madelyn Grayson
Brenda Jeffers	Herman Bear	Others Unidentified
Members of Media		

**VANDEBURGH COUNTY
DRAINAGE BOARD**

Troy Tornatta, President

Stephen Melcher, Vice President

Lloyd Winnecke, Member

**VANDEBURGH COUNTY
DRAINAGE BOARD
SEPTEMBER 7, 2010**

The Vanderburgh County Drainage Board met in session this 7th day of September, 2010 at 5:52 p.m. in room 301 of the Civic Center Complex with President Troy Tornatta presiding.

Call to Order

President Tornatta: We'll open up the Drainage Board meeting, the Board of Commissioners, September 7, 2010. It's just about eight till six.

Approval of the August 24, 2010 Drainage Board Meeting Minutes

President Tornatta: We need approval of the previous meeting's minutes.

Commissioner Melcher: So moved.

Commissioner Winnecke: Second.

President Tornatta: A motion and a second. All of those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

**Supplemental #2: Structurepoint: Hirsch Ditch Reconstruction
Kolb Ditch at Audubon Lake Outlet Repair: Vieira Bros: Change Order**

President Tornatta: Mr. Jeffers?

Bill Jeffers: Yes, good evening. Tonight all I have for you is two change orders. One is from Structurepoint, Incorporated. It's supplemental number two, part time construction observation, inspection and reporting for Hirsch Ditch reconstruction. Basically, we're ready to go, we've advertised for bidders, and we will receive those bids two weeks from tonight. Hopefully we can take them under advisement for a day or two and have a special meeting and let the bids immediately, rather than wait another two weeks so that we can get the project going while the weather is still decent. That's embankment repair and some other structural repair for Hirsch Ditch. The total of supplement, or, the total that we're spending on this project is \$87,200, what I'm asking for tonight is an additional \$10,000 for construction inspection, engineering, so that we have a registered engineer on site during the reconstruction of a legal drain. We have \$103,000 in that account, so we have it all covered.

Commissioner Winnecke: Motion to approve, as recommended.

Commissioner Melcher: Second.

President Tornatta: A motion and a second. All those in favor say aye.

All Commissioners: Aye.

President Tornatta: Opposed?

(Motion approved 3-0)

Bill Jeffers: The second item of business is another change order, this is on Kolb Ditch at Audubon Lake outlet repair. To date we have spent \$23,776.40 on this project. Everything is complete. The flap gate is in place, but INDOT's highway culvert under I-164 has a lot of accumulated debris in the bottom and it still forces water back against the flap gate, and in unusually high water events some water leaks through the flap gate, under high pressure, and runs backwards and will cause erosion and damage to the \$23,000-\$24,000 worth of work we've already done. So, I'm asking for an additional \$1,200 in this change order to Vieira Brothers, Incorporated, the same contractor as completed the project, \$925 of that is for, is to furnish and install a 48 inch seal on the flap gate, this is a plastic or rubber gasket, and \$275 to repair some incidental erosion damage that's already occurred. A total of no, change order not to exceed \$1,200. That's on Kolb Ditch.

Commissioner Melcher: I'll make the motion to accept the report from the Surveyor.

Commissioner Winnecke: Second.

President Tornatta: A motion and a second. All those in favor say aye.

All Commissioners: Aye.

President Tornatta: Opposed?

(Motion approved 3-0)

Bill Jeffers: Thank you.

**IDEM Letter: Notice of Stakeholder Meeting:
Highland-Pigeon Creek Watershed Total Maximum Daily Load**

Bill Jeffers: The Chairman of the Drainage Board handed me this at the beginning of the meeting and it looks to me like it's a notice from the Indiana Department of Environmental Management inviting interested parties to a meeting at the Evansville-Vanderburgh Public Library, Central Branch, October 13, 2010 at 2:30 p.m. local time. What I think they're doing, TD, or TMDL is total maximum daily load of sediment or pollutants, and in this case it's E.coli and Nitrogen Phosphorous from fertilizer. They're asking if you have or anyone in your organization has any information to add regarding total daily loads of these pollutants into Pigeon Creek. So, I would forward this to John Stoll who's your MS4 Operator. He's preparing an annual report in this regard and he may have some information for IDEM, or may be interested in attending their meeting.

President Tornatta: Okay, thanks.

Bill Jeffers: That's all I have, sir.

President Tornatta: Alright.

Public Comment

President Tornatta: Anybody to speak from the audience? Seeing none, motion to adjourn.

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

(The meeting was adjourned at 5:55 p.m.)

Those in Attendance:

Troy Tornatta

Bill Jeffers

Others Unidentified

Stephen Melcher

Ted C. Ziemer, Jr.

Members of Media

Lloyd Winnecke

Madelyn Grayson

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Troy Tornatta, President

Stephen Melcher, Vice President

Lloyd Winnecke, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY
DRAINAGE BOARD
SEPTEMBER 21, 2010**

The Vanderburgh County Drainage Board met in session this 21st day of September, 2010 at 6:17 p.m. in room 301 of the Civic Center Complex with President Troy Tornatta presiding.

Call to Order

President Tornatta: We'll start Drainage Board immediately. Mr. Jeffers?

Approval of the September 7, 2010 Drainage Board Meeting Minutes

President Tornatta: Motion, looking for a motion to approve the previous meeting's minutes.

Commissioner Melcher: So moved.

Commissioner Winnecke: Second.

President Tornatta: A motion and a second. All those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

President Tornatta: Now we're going to open the meeting.

Opening of Bids: Hirsch Ditch Reconstruction Project

President Tornatta: Anyway, by the way, this is the Tuesday, September 21, 2010 Drainage Board meeting. It is, we started actually about a quarter after six. Mr. Jeffers?

Bill Jeffers: Good afternoon. Our first order of business is to open the bids on the Hirsch Ditch project. Before those are read into the minutes, the engineer's estimate prepared by Bill Butz of Structurepoint, Incorporated is six, excuse me, \$67,325. I believe Mr. Ziemer opened those during the Commissioners meeting, is that correct?

Ted C. Ziemer, Jr.: Yes.

Bill Jeffers: He must have read into the minutes then that the total bid amount was \$92,209 by Deig Brother Incorporated. Deig Brothers Lumber and Construction Company, Incorporated, Evansville, Indiana. So, the bid exceeds the engineer's estimate by \$25,000 more or less. What is your pleasure? We only had one bid, I'm sorry.

President Tornatta: Okay.

Commissioner Melcher: So, we need a motion—

President Tornatta: Normally on something like this I would suggest that we take this under advisement, see what the, have you look at it, have the, have John Stoll look at it and then we can make a determination at the next meeting.

Bill Jeffers: Which would be three weeks. Okay. If in the course of our examination we determine that the fact that it exceeds the engineer's estimate by that much we may come back with a rebid for you. Would that be appropriate? Because your next meeting is three weeks, if we were to come back with another notice to bidders to try to seek additional bidders, because, I think, we probably can't afford that amount within our budget.

President Tornatta: I would say that would be what I would recommend to this Board.

Commissioner Winnecke: Yeah, that's reasonable.

Bill Jeffers: That will be fine with us.

Ted C. Ziemer, Jr.: Yeah, you can just reject all bids, and then start over.

Bill Jeffers: Then start again.

President Tornatta: But, that would be rejecting them after we have looked at them and made sure that there aren't any—

Bill Jeffers: Right, make sure that I'm not missing something—

President Tornatta: —errors or omissions.

Bill Jeffers: —maybe there's an alternate in here that explains why—

President Tornatta: Correct.

Bill Jeffers: — it's the price it is. Okay.

**The Reserve at Hidden Lake (Condo Project on Jobe's Lane):
Final Drainage Plan**

Bill Jeffers: Our next, our first drainage plan is the Reserve, I must have been thinking of jellies and jams last time I brought this up, because I called it—

President Tornatta: Preserve.

Bill Jeffers: —Preserve. It's The Reserve at Hidden Lake. It's a condo project on Jobe's Lane. You approved the road plans earlier in your meeting, your Commissioner's meeting with John Stoll's recommendation. I've reviewed the drainage plans and find them to be, to conform with the drainage code and recommend approval of the drainage plan for The Reserve at Hidden Lake, a condo project on Jobe's Lane.

President Tornatta: Need a motion.

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

President Tornatta: A motion and a second. All those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

**Eagle Village Apartment Expansion (Student Housing @ Schutte Road):
Final Drainage Plan**

Bill Jeffers: Likewise, earlier in your Commissioner's meeting you approved the street plans for a project at Eagle Village Apartments. This is an expansion of the student housing apartments on Schutte Road just east of the campus. I've reviewed these plans, the drainage plans were prepared by Morley and Associates, and find that they comport with the drainage code and recommend approval of the drainage plans for Eagle Village Apartments expansion project.

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

President Tornatta: A motion and a second. All of those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

President Tornatta: Alright.

Approval of Ditch Maintenance Claims

Bill Jeffers: I have a small group of claims from your ditch contractors with completed work. One of the notable projects in here is the reshaping of Pond Flat Main from U.S. 41 to the railroad tracks, about three quarters of a mile. That job is complete after several years of it being on the books waiting for us to be able to afford to do that. Great job, and would ask that you approve these claims and pay your ditch contractors. The paperwork is in order.

Commissioner Winnecke: Motion to approve.

Commissioner Melcher: Second.

President Tornatta: A motion and a second to pay claims from the, for the ditch contractors. All those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

President Tornatta: Anything else, Mr. Jeffers?

Bill Jeffers: Well, it looks like that about cleared the room, unless there's someone here for public comment.

Public Comment

President Tornatta: Any public comment out there? No? We're looking at you. Okay, with that being said, I'll entertain a motion to adjourn.

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

President Tornatta: We're adjourned.

(The meeting was adjourned at 6:24 p.m.)

Those in Attendance:

Troy Tornatta

Stephen Melcher

Lloyd Winnecke

Bill Jeffers

Ted C. Ziemer, Jr.

Madelyn Grayson

Others Unidentified

Members of Media

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Troy Tornatta, President

Stephen Melcher, Vice President

Lloyd Winnecke, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY
DRAINAGE BOARD
OCTOBER 26, 2010**

The Vanderburgh County Drainage Board met in session this 26th day of October, 2010 at 6:20 p.m. in room 301 of the Civic Center Complex with President Troy Tornatta presiding.

Call to Order

President Tornatta: This is the Tuesday, October 26th live version of the 2010 Vanderburgh County Drainage Board. It is approximately 6:20.

Approval of the September 21, 2010 Drainage Board Meeting Minutes

President Tornatta: I would like a motion for the approval of the previous meeting's minutes.

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

President Tornatta: A motion and a second. All of those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

**Sheffer Carson Plaza: Preliminary Drainage Plan
ERB Equipment: Preliminary Drainage Plan**

President Tornatta: Alright, Linda.

Linda Freeman: At this time the Vanderburgh County Surveyor's office is recommending the drainage plans for the Sheffer Carson Plaza as a preliminary. We are waiting for them to present their INDOT approvals, which talking to Andy Easley's office with Justin Shofstall, he's got letters of recommendation, he just doesn't have the actual approval yet. As soon as that comes through, then we would recommend the final, but at this point we're looking at preliminary for the Sheffer Carson Plaza. Then, ERB Equipment, we're also just suggesting, or recommending that we have preliminary approval for that. Bill has some items that he wanted to be put in the minutes. If you would like for me to read those, I can, or I can submit those to Madelyn-

President Tornatta: Just submit those.

Linda Freeman: - in a (Inaudible) format. The Hirsch Ditch bid, we're still in limbo land with that with the railroad company.

Madelyn Grayson: Linda, I think they need to make a motion to accept those drainage plans.

Linda Freeman: Sorry.

President Tornatta: Okay, sorry. Okay, do I have a motion to accept the drainage plans of Sheffer Carson Plaza and ERB Equipment?

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

President Tornatta: A motion and a second. All of those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

The following is a submittal by the County Surveyors office for the Drainage Board record:

Sheffer Carson Plaza: Grumpy Pal Site on U.S. 41 North and Old State Road. Randy Sheffer is constructing Roca Bar Pizza. I have reviewed preliminary plans and when Randy or Chris Weil confirm that INDOT has approved the drainage into the highway right-of-way, our office recommends the drainage board approve the plan unless John Stoll's office has additional drainage requirements. Have Chris or Randy bring you a fresh set of plans exactly what INDOT reviewed and approved.

ERB Equipment: I found the calcs and have reviewed them. The following applies and I want it entered into the record as a part of the minutes. Not that it has to be read into the record, just published with the minutes and recorded thus. Don Adler needs a copy as well and he must transmit it to ERB with his comments and guidance to fulfill the needed longterm maintenance:

1. The approval at this time is for a preliminary plan and the final plan must address the following issues in writing or by depiction on the plan:
2. The approval of the drainage plan holds only so long as the lot remains rock. When the lot or any part of it is paved with a sealed surface of any kind, the owner of the property must resubmit drainage plans for approval.
3. The calculations, pipe sizing, basin capacity, etc., are based on rock surfaces and the entire drainage system is subject to reconstruction or enlargement when any part of the rock surface is paved with a permanently sealed surface such as asphalt or concrete.
4. The plan must be revised to clearly show an emergency overflow ten (10) feet wide and a minimum six (6) inches lower across the weir than the uniformly level remainder of the berm surrounding the basin. The overflow must direct the overflowing discharge immediately into the Seib Road side ditch.
5. The entire site is subject to the 100-year Zone A flood zone, and despite the fact that neither APC nor the Building Commissioner required a detailed site grading plan including Flood Protective Grade shown on the existing two finished floors, the county surveyor requires the plan clearly show a protective grade away from the building foundations with a six (6) inch vertical drop in the first ten (10) feet away from the building foundations in all directions.
6. The rock must be applied to the parking and storage surfaces in such a way as no place on the finished rock surface increases the elevation of the existing land surfaces across the site unless the resulting increased elevation of the land surfaces are established one and one half (1.5) feet vertically lower than the lowest finished floor elevation of either of the two buildings.
7. The finished grading of the rock surfaces must be maintained as shown on the plan regardless of wear, tear or displacement of the rock.

8. The plan must include a maintenance narrative made available in writing to the owner of the property which narrative must address the normal maintenance required to keep the drainage system operating sufficiently to prevent flooding hazards.

Hirsch Ditch Bid Update

President Tornatta: Okay, Hirsch Ditch limbo land.

Linda Freeman: Hirsch Ditch, yes, we're still waiting for the railroad contractor to finish up work there. So, we're still waiting to possibly recommend Deig Brothers for that bid.

Approval of Ditch Maintenance Claims

Linda Freeman: Then we--

President Tornatta: Claims?

Linda Freeman: We have claims. I've submitted those to Madelyn. They have all been checked and approved by our inspector, and signed off on.

President Tornatta: We need a motion.

Commissioner Winnecke: Motion to approve the claims as presented.

Commissioner Melcher: Second.

President Tornatta: A motion and a second. All those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

Other Business

President Tornatta: Anything else?

Linda Freeman: No.

President Tornatta: Okay.

Ted C. Ziemer, Jr.: Wow!

Linda Freeman: Zoom, zoom.

President Tornatta: Would like, have you heard anything about a particular dirt pile over by Elite Fitness?

Linda Freeman: No, I have not.

President Tornatta: Okay.

Commissioner Winnecke: What did you say? Say that again.

President Tornatta: A dirt pile by Elite Fitness.

Commissioner Winnecke: Like a new one, you mean?

President Tornatta: Well, it's been there for a while.

Commissioner Winnecke: Off 57?

President Tornatta: Yes.

Linda Freeman: What's the situation?

President Tornatta: It's just been there for a while, and the neighbors are wanting to know if that would go away. I don't know if there's a drainage issue with it. I don't know what the relevance of that pile would be.

Linda Freeman: Okay.

President Tornatta: But, maybe you and I can correspond sometime—

Linda Freeman: Alrighty.

President Tornatta: —and see if we can get that handled.

Linda Freeman: Yeah, okay.

President Tornatta: Okay?

Linda Freeman: Yahoo.

President Tornatta: Alright.

Public Comment

President Tornatta: Dave, public comment? Okay, we are without any public comment.

Commissioner Winnecke: Motion to adjourn.

Commissioner Melcher: Second.

President Tornatta: All in favor?

All Commissioners: Aye.

(Motion approved 3-0)

President Tornatta: Thank you.

(The meeting was adjourned at 6:25 p.m.)

Those in Attendance:

Troy Tornatta

Linda Freeman

Others Unidentified

Stephen Melcher

Ted C. Ziemer, Jr.

Members of Media

Lloyd Winnecke

Madelyn Grayson

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Troy Tornatta, President

Stephen Melcher, Vice President

Lloyd Winnecke, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY
DRAINAGE BOARD
NOVEMBER 9, 2010**

The Vanderburgh County Drainage Board met in session this 9th day of November, 2010 at 5:25 p.m. in room 301 of the Civic Center Complex with President Troy Tornatta presiding.

Call to Order

President Tornatta: Alright, we're going to start the Vanderburgh County Drainage Board meeting, Tuesday, November 9, 2010. It's about, we're just going to say it's twenty five after five.

Approval of the October 26, 2010 Drainage Board Meeting Minutes

President Tornatta: I need approval for the previous meeting's minutes.

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

President Tornatta: A motion and a second. All those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

President Tornatta: Alright. Okay, Mr. Jeffers?

Sheffer Carson Plaza: Preliminary Drainage Plan

Bill Jeffers: Good evening. Our first drainage plan is Sheffer Carson Plaza, preliminary drainage plan, I have here on the desk, along with a letter from Dale Setler, Senior Hydraulic Engineer, INDOT, recommending approval of the plan for discharge of storm water into the U.S. 41 Highway right-of-way. However, the permit has not been issued yet, so absolute approval has not been given by INDOT for discharge of storm water into their federal highway right-of-way. So, the recommendation is to approve the Sheffer Construction and Development plan for Sheffer Carson Plaza, a subdivision on north 41, going to Area Plan Commission Thursday, preliminary approval that allows it to move forward. I'll come back to you on the 23rd, hopefully, with final approval from INDOT. So, the recommendation is for approval of the preliminary plan.

Commissioner Winnecke: Motion to approve.

Commissioner Melcher: Second.

President Tornatta: A motion and a second on the recommendation of the Surveyor to approve the Sheffer Carson Plaza. All those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

President Tornatta: Alright, step two.

Bill Jeffers: Thank you, that was Justin Shofstall from Easley Engineering. He was the design engineer, and was here in case there were any questions.

ERB Equipment: Final Drainage Plan

Bill Jeffers: The second plan, I'm going to skip down to ERB Equipment, a final plan. ERB is a trucking firm on State Road 57, north of Kansas Road. They've obtained a variance for a gravel equipment yard expansion, and that's what the plan shows. So, the approval I'm recommending for final approval of their drainage plan is based upon gravel surface. If they ever pave that surface, and it's understood by them, I have a letter here, all of their answers are in red, my issues were in black, and they answer all of the issues sufficiently that they understand that if they ever pave that lot they will have to come back with a new drainage plan showing a larger basin to handle the additional runoff that would come off asphalt as compared to gravel. So, this is a final plan at this time. Their variances for an unknown number of months, to me it's unknown, and that's all between them and BZA at this point in time. I recommend approval of this final plan for ERB Equipment Company, U.S., I mean, excuse me, State Road 57.

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

President Tornatta: A motion and a second. All of those in favor of the ERB Equipment final plan say aye.

All Commissioners: Aye.

(Motion approved 3-0)

President Tornatta: Alright. The second on this agenda is—

Heritage Park: Section Two: Modified Final Drainage Plan

Bill Jeffers: Yeah, I'm trying to kill some time because a couple of the fellas aren't here yet.

President Tornatta: Oh.

Bill Jeffers: They were expecting your first meeting to take fifteen minutes longer.

President Tornatta: Okay.

Bill Jeffers: However, it's a plan for Heritage Park, Section Two. Basically, what's happening is Cinergy Corporation is becoming or selling to another entity, and, I believe it would be beneficial, or perceived as being beneficial by one or another of the entities, that the parcel of land that Cinergy is located on become lot seven in Heritage Park, Section Two. However, the plat has not been recorded yet facilitating that designation. So, it's still a parcel. In order for the plat to be recorded, the, we have to certify that the drainage plan was installed in accordance with the previously approved plan, which we're not able to do at this time because of some minor non-

conforming aspects of the side slopes. The only reason that the side slopes had to be flatter than the code requires—

Ted C. Ziemer, Jr.: Where are they on the drawing, Bill?

Bill Jeffers: Excuse me, let me....okay, Cinergy is located right here. That's like a, it has a big satellite farm there, they're a communications corporation. This would be lot seven if the hatched area were recorded as Section Two, Heritage Park. You see all of these lots; one, two, three, four, five, six, and then the large lot would be lot seven. However, because it's not recorded, there's simply an access easement, which will become Lant Davis Drive. There's an access to a parcel on which that corporation has built their headquarters, and their satellite farm. There's a large detention basin, part of that parcel, and also part of the rest of what will become the subdivision, and our code requires that the side slopes on a detention basin be four to one above the water line, above the pool, and they are. However, because of some slope instability that was encountered during construction because of a silt seam, there's some unstable soil below the water line, and we believe that to have been excavated out by Blankenberger Brothers and replaced with clay to conform with a soils analysis and recommendation that we had required they perform. That was performed by a soils engineer, he took borings, examined the silt layer, and said that it would only be stable if it were five to one below the water line, because it's saturated by the water and becomes more unstable. So, that was the recommendation. Below the water line it's probably only four to one, just like the side slopes. So, you get into an area where the safety factor is not achieved, if it were silt. Okay, now the contractor says that the silt was all excavated out, and the area was benched and refilled with clay soil and compacted sufficiently. There's no reason to doubt that, but because the water level filled back up and concealed that work before they were able, before they took soil borings to prove that, now we have a situation where we would have to drain the basin to take soil samples. This all happened over the last five years, and it appears to be relatively stable, however, when the requirement was that they take some soil borings, and, that, as I said, that didn't happen, and it appears to be stable. So, we had a soils scientist go out there recently and examine it visually, and she is not here yet, but she sent a letter saying that it appears to be stable, and I agree, it appears to be stable.

President Tornatta: Can I ask you a question?

Bill Jeffers: Yes, sir.

President Tornatta: What is your recommendation?

Bill Jeffers: It would probably, okay, my recommendation would be—

President Tornatta: And the only reason I ask that, Bill, is because you lost me about five minutes ago with the silt seams—

Bill Jeffers: Right.

President Tornatta: —and everything else. So, I guess, we have to rely on you to be able to give us that piece.

Bill Jeffers: Okay. I'll give you my recommendation, but I don't want you to necessarily make a motion and vote on my recommendation until you possibly have heard some other persons who may be in the audience. My recommendation at this

time would be if, it's a bad time of year to be draining the lake, and hoping that it will, you know, would have been a great time during the drought, but now we're in a time where it could start raining anytime. So, to drain the lake to take the soils samples, it's a bad time. If they want to move ahead, if all of this has to be resolved in time for the various business entities to conclude their deal, I think it would benefit the county and the business entities if someone would draft a legal document requiring insurance and indemnification on behalf of the county to relieve the county of any liability should some unforeseen, in my estimation, an unforeseen occurrence happen to destabilize the embankment. I want this document to prevent someone from saying, okay, they signed off on it, and, you know, it fall back on us.

Ted C. Ziemer, Jr.: What would be the, let's assume that it became unstable, what's going to happen? What kind of potential liability is there?

Bill Jeffers: The two potentials that I see, because there's no other building but this one on the property we're discussing, however there is a row of apartments in which retired persons live adjacent to the lake, owned by Spurling, on a separate parcel, that's right up against the lake, and they enjoy the view and I think they enjoy fishing there. The satellite farm might be adversely affected if the embankment began to slide, and the dwellings might be adversely affected if the embankment were to begin to slide and not be retained quickly enough.

Ted C. Ziemer, Jr.: So, that those people, the people in the dwellings and the owners of the satellite would have potentially an action against the county because we didn't require the same slopes and so forth here that we do ordinarily in drainage plans?

Bill Jeffers: No, that's the catch. The slopes that are here conform to or exceed the requirements of the drainage code, but there was an unforeseen layer of soil down below the water level that during construction manifested itself as being unstable. It's a type of soil we never thought we would encounter, and there we did, and when the water drains down and exposes that silty soil, it shrinks, and it moves, and it slides, and so forth, and the soil layers above it, twelve feet of layers above it could slide down into the basin. This is not something we normally encounter. They have most likely met or exceeded all of our code requirements. We imposed an additional requirement on them to stabilize that unstable soil that we coincidentally discovered.

Ted C. Ziemer, Jr.: Has this been reviewed by the County Engineer?

Bill Jeffers: He's been involved in it. We had an hour long conference call with some gentlemen in the audience and some who may appear here shortly, and he's very aware of it. You may want to ask him his opinion.

Ted C. Ziemer, Jr.: I would like to do that.

Bill Jeffers: Because, as you all know, I do not hold an engineering license, and this gentleman does. So, that's, there's a lot of weight to be considered there.

Commissioner Melcher: We understand that.

Ted C. Ziemer, Jr.: Well, no, you have more weight than he does.

Bill Jeffers: I wasn't speaking of physical weight, young man.

John Stoll: This came about whenever we were reviewing the as-built plans. Like Bill said, this exceeds the drainage ordinance requirements, but we've got a four to one slope above the water, based on the design plans, and a five to one was called for below the water surface, based on the soil evaluation that was done by the developer's engineer. So, rather than a two to one slope beneath the water surface, the geo-technical firm recommended five to one. The as-built plans came back and showed that it varies, but it's generally in the neighborhood of around three and a half to one. Like Bill said, the soils engineer said that we may provoke a failure if it's drained now, and, obviously we don't want to do that. The flip side of that is, we didn't want the county having any liability for saying this was okay when we've got an engineer's documentation that says it's not okay. With that, as Bill said, was based on the assumption that there is still silt down there and it wasn't replaced with clay like the developer said during our conversation earlier today. So, long story short, they can't do the soils evaluation again without draining the lake. That could cause the problem, so the only thing that we could come up with was whether or not there was some sort of paperwork that could be recorded that would hold the county harmless in the event that there ever was a failure. Like Bill said, there's not any reason to think there would be a failure, but we do have the soils evaluation that says that the factor of safety is insufficient based on a silty soil being out there.

Ted C. Ziemer, Jr.: The problem is that an indemnity agreement, as suggested by Bill, is only as good as the solvency of the party granting the indemnity agreement, and I don't have any question, I guess, about the solvency of the party granting it, but we don't know the extent of possible liability. So, I'm not sure at this point what kind of limits we would want to set on. I just don't want to take a straight indemnity agreement, because it could not be worth the paper that it's written on. I'm thinking maybe in terms of either a bond or a letter of credit to back up the indemnity agreement, but I would need to know more about what the prospective liability is. You described it, Bill, but I don't have any idea how that quantifies.

John Stoll: One of the things that the developer wants out of this, is to get out of the letter of credit too. So, that probably would be a problem for the developer's end of things, because they are wanting to close the book on this, get their existing letter of credit for the project released. If a new agreement required one....I'm not sure if they're here yet, but, on the assumption that he is trying to get out of the letter of credit, I don't know that they would be too interested in getting a new one for this situation.

President Tornatta: Okay, if, now this is what I'm curious about, if you have a situation where the developer said that he did a process, and he wrote that down that he did the process, yet he did not do the process, how would we be responsible? Because then that trips us to a different type of scenario, and a different type of code.

Ted C. Ziemer, Jr.: Well, I think, if I understand your question, Commissioner Tornatta, if the developer did not develop pursuant to the established specifications and liability occurred and a claim was made against the county, the county would go back against the developer. There we can only recover from the developer if the developer was solvent enough to answer the claim. That's with anybody that you sue. Here there is an opportunity in front to make this correct. We're all admitting, I guess, that it's a little difficult to make it correct, but—

President Tornatta: We don't know if it's correct. Is that what I'm understanding? I mean, it was said that there was silt. Then it was said that there was clay put in instead. If it was clay, then it would be stable.

John Stoll: Right.

President Tornatta: If it was silt, it would not.

John Stoll: Correct.

President Tornatta: So, assuming that all of the information that's been given us is correct, then, by code, it is okay.

John Stoll: Right, because we would have a flatter slope beneath the water than what was required. Based on what the soils engineer said this afternoon with the conversation we had, the slopes would be stable if it was clay at three and a half to one, give or take. So, if it's all been removed like—

President Tornatta: So, what we would be expecting from the developer is to give us a letter, with proof that that work had been done. If that work had been done, then we would have no obligation, or no liability, because it would be within code.

John Stoll: I don't know what documentation they might have. Maybe the contractor has some cross sections that he took showing what was taken out, but, just off the top of my head, I was trying to think of what documentation might exist to make that work.

President Tornatta: Well, A, you would have documentation that he said he did it, maybe there would be some type of documentation from the vendor that did that that would confirm what he did. At that point, then we would have, we would be out of the liability process.

Ted C. Ziemer, Jr.: I think the issue, from the County Attorney's perspective, is we don't want to start out a project with the possibility that the county's going to incur liability as a result of a defect in the development. Here, I'm hearing the County Engineer say, at least I thought I heard you say, that you thought the slopes were not in accord with the specs.

John Stoll: They do not meet the design plan.

Ted C. Ziemer, Jr.: They do not meet the design plans.

John Stoll: But, they are flatter than what the drainage ordinance requires. It was only because of the unstable silty soil that necessitate the flatter five to one slope. So, like Troy said, if all of the silt was removed, then the clay is more stable, and it would handle a steeper slope like the three and a half to one that was actually (Inaudible).

Ted C. Ziemer, Jr.: And, how would we find out if that was the case?

John Stoll: Like I said, the only thing I can think of off the top of my head would be whether or not the contractor took any cross sections when he was doing the excavation to replace the silt with the clay. To the best of my recollection, that hasn't been discussed.

President Tornatta: In all reality, how do we ever know that those numbers are exactly what they are supposed to be on that piece? I mean, you go out and look at it. You inspect it. If it's been inspected by an engineer, I guess, what I'm wondering is how many more qualifications do we need?

John Stoll: Whenever a developer is trying to close out the subdivision, they provide as-builts. They'll take cross sections at selected points through a basin, so it's always possible that there may be flatter or steeper slopes in areas that they didn't take cross sections. So, I mean, that's always—

President Tornatta: Right.

John Stoll: —potentially there. This one was just consistently steeper than what was shown on the soils report. That's all it amounted to on this end. Going way back to whenever it first occurred, I was out there, Bill Jeffers was out there, we all saw the failures, and that's what necessitated the extra soils evaluation to say that a flatter slope was required. But, in the end, if everything was done as was stated, the soils engineer was saying that the steeper slopes are suitable for the clay. We just don't have any verification that the clay was put in—

President Tornatta: Okay.

John Stoll: – and what (Inaudible) the clay was put in.

President Tornatta: Mr. Vincent, do you want to speak to that?

Jim Vincent: Jim Vincent, 9200 Petersburg Road. The, what happened, and this happened in 2005, there were recommendations that were provided by Kent Lautner of Hanson Engineering, and those recommendations defined kind of a variable of a safety factor. One being don't go below that, because there's a large potential for failure. One to two being acceptable, but still potential for failure. Then, above two being, John, help me, I can't remember the word that he used, but, preferred is probably a way of putting it. All of the features, there's only basically two features, there's a slope that's visible that goes below the water line, which we're kind of in a good situation today because we've had such a drought condition. The water line has dropped dramatically. What this all boils down to is the stability of the slope, the transition from the area above the water and the area below the water. We had a person named Becky Langford go out, who's a soils scientist, to evaluate the condition of the basin from the outside, and she has submitted plans and recommendations. I don't know if we actually, we had pictures of the basin too, all the way around in quadrants, and I don't know if we have that here tonight. Becky identified that there was no sloughing or instability issues. From Kent Lautner's perspective, you know, his position is if you performed testing on the work that was completed then you would be able to evaluate where you are within that range of safety factor. It's that testing that wasn't completed, which is not part of a requirement, per code or anything like that. I was there six years ago or whatever on site when this was taking place. Blankenberger was doing the work. The general process was build it within the factors of safety that the report that we received from Kent Lautner, and use the materials. The silt seam was benched and removed. In Mr. Lautner's report, you could theoretically have left the silt seam and tried to cover that with clay, but you would have had to have more dirt, more material and a greater, a more slight slope. Because they benched the silt out, them being Blankenberger, they felt like in the range of the safety factors that he had, finalizing a design where it was completely covered with clay, but was within that one point

five to two point oh was acceptable. From a code standpoint, like I said, I mean, nobody purposely or maliciously tried to not do something, but it was the, I think, agreement of everybody on site at the time where the work was being completed that we had done all of the borings, we had done all of the testing, and when they went back and reworked it, because they had put clay over the entire area and benched the silt out there was no need to do any further testing. I use the example today, when we build a road that we're going to dedicate to the county, you know, we obviously know we have to proof roll that road in order for it to be accepted. This particular situation it's not cut and dry. I mean, in hindsight it would be nice, I guess, to have some testing information, but you're still dealing with something that is kind of speculative on the part of engineering standards about what if one point oh or one point five to two point oh actually mean and does it predict failure, you know, or not. We do have the contours, because they were taken by Blankenberger, and that's what they used to construct the basin. So, we have a survey that encompasses the entire area under the water, which is where the cross sections come from. I kind of want to go back and explain, when we submit a subdivision design to go through Area Plan Commission, you're predicting in a drawing the way you think it should be designed. When we got on site, and just to tell you practically how this occurred, the water line was brought back down so that Blankenberger could harvest more soil from the west end of the basin. When they did that it exposed the silt condition. That's what we, a significant, fairly costly project, went back to bench that out and repair that and resolve that problem. Then the water was brought back up. If you've ever seen it, it's a very nice, functioning basin that we have photographs of, but, as I mentioned earlier, when you work on some aspects of a design, you're predicting the way it's going to function. So, when we made that change, just to cut to the chase here, we did not go back and change the plan that had been submitted to Area Plan Commission and the Drainage Board, because at the time we didn't know it had to be re-contoured in order to solve the problem that had been identified with the silt. What has happened is that we have re-submitted the plan to Drainage Board with the correct contours, per the survey from Blankenberger, from the vendor who did the project. I just want to note again that those contours are well within code, you know, for what would normally be required. What's in question here is whether a study that was provided by Mr. Lautner that provided recommendations for how to build it, and I may need to defer to the engineer here, Dave Stallings, who's got the drawings, if we're not above two point oh in some areas, which means some large percentile of lack of potential for failure, we're in between one point five and two point oh, from what I understand. I think that's only a limited area, you know, that that falls within, but, again, the guys who were on site, Blankenberger included, I believe felt like that was well within the safety factor that was acceptable, because they had benched the silt out of the side of the basin. So, I think there's an issue of interpretation here about if you remove the silt, does that change the factors of, you know, what the predictions were that Kent Lautner had provided? Anyway, that's probably way too much detail for 5:30 p.m. or 6:00 p.m., but are there any questions that I might be able to—

Commissioner Winnecke: I get it.

Jim Vincent: I would like to note, we've held this for seven years. Cinergy is working on a project that's pretty significant in size, and they've asked us if we will please get this recorded, which this is the last improvement in the subdivision, phase one or phase two that needs to be accepted. That's why we've, you know, gone to the trouble and brought some of the other professionals in to try and go and evaluate the basin in its current state. But, again, I mean, I feel kind of fortunate because we don't have something that appears to be failing, or has a problem. We have a basin

here that has been sitting there for seven years and we've held, and probably would have held it for a couple more years just because, from a timing standpoint it's not critical for us right now, but it is critical for one of our clients in the subdivision. We would like to get that resolved on their behalf.

President Tornatta: Okay.

Jim Vincent: Thank you.

Commissioner Winnecke: What does Ted think, on what we need?

Bill Jeffers: For my part, I don't dispute anything that Mr. Vincent represented here in front of you. I don't know if John does or not. I don't believe he disputes any of that. It really just boils down to this is a very unusual case that we have, to my knowledge, have not imposed upon any other developer, this special soils study, soils analysis and recommendation for slopes that exceed the standard that we impose upon other developments, but, like I said, we've only run into this soil condition at this one location. Some of the questions particularly that Mr. Tornatta asked are applicable, because had they not drained the lake down after it had been constructed, had they not drained it down to allow Blankenberger to go into the west end of the lake to acquire more borrow to do more work, to fill more land out here, we never would have discovered it. As long as the tank is full up to pool elevation, the soil engineer tells me, basically, the soil stays saturated. So, if it were still silt, if that layer were all still silt, it could be unstable underneath the water level, but the pressure of the water itself holds it in place. So, to draw it down, if it is silt, if it's still silt and they draw it down it could immediately become unstable. But, he has no way to prove that it's been replaced by clay. Of course, if it has been replaced by clay, they're well above the safety factor, the recommended safety factor that Mr. Vincent referred to several times as two point oh. That's the safety factor we're shooting for. One point five might be stable, but it's borderline. So, they're shooting for this safety factor designated by the number two point zero. If it's clay, it's achieved that. If it's still silt underneath the water level, it has not achieved two point zero. The only way to prove that is to drain it down and take soil bores.

Ted C. Ziemer, Jr.: What does that entail?

Bill Jeffers: Pumping a huge amount of water, several hundred thousand gallons, probably three million gallons of water out into the creek and taking the rig down there and physically boring down, like you see these little miniature oil derrick looking rigs on the back of trucks and they bore down there.

President Tornatta: Yeah.

Bill Jeffers: They take a soil sample back to the lab, saturate it, test it for stability, and use the various numeric factors to calculate when it will fail and when it won't fail.

President Tornatta: Are there any remonstrators? Have we heard of any remonstrators, Bill?

Bill Jeffers: The only remonstrators we had, at one time, the Spurlings were concerned about their shoreline, or, excuse me, their property adjacent to the south bank of this. When they drew it down to excavate soil from the west end to use on various....well, they used it underneath Cinergy's building. They had to build that up,

because it's all in the floodplain. When they took that soil out and the lake was drained down about ten feet down from its pool elevation, and that unstable soil was noticed, representatives, or persons in the Spurling organization noticed that unstable soil and became concerned.

Jim Vincent: I just want to make a quick comment that is important to the discussion. The silt area, Bill and John, I think can attest to this, was very visible. I mean, you know, I'm not an expert in this either, and when I went out on site to be with the contractors that were involved in working on it, that silt area was a small seam, but it actually did go up into the embankment area, and it is an indication today, I mean, obviously, we wouldn't want to pay the bill if they didn't do the work. Kent had pointed out to me that, you know, I said what clay specifically has to be used to cover this? He said everything you see here, with the exception of that silt seam is the clay that has to be used. But, that silt seam, if it were not done in those areas, would be clearly visible today. So, you know, like I said, went down probably to a depth of twelve to fifteen feet, is that what they, the report showed where they did the borings. I would say, today, we're probably down, from a water line standpoint, to at least ten or twelve feet from the point of where that started. So, just kind of an interesting thing to note.

Ted C. Ziemer, Jr.: Just a comment. If anyone wants to make a claim against the county for liability due to the slope that exists here, whether there's silt under the lake level or not, the county's expert witness would be the County Engineer. For me that means that, well, I think for the Commissioners it ought to mean, it doesn't matter what it means to me, just as your attorney, you should be concerned that either there is very little prospect of liability, or there is some real prospect of liability. In everything that you do there's always some prospect for liability. Our job is to try to minimize that for you. What I'm suggesting is that the best way to minimize this, to minimize liability is to have the County Engineer be satisfied with the solution that is reached. If you're at an impasse, and the only way the County Engineer can be satisfied is by removing 300 billion gallons of water, or whatever it is, which doesn't seem feasible, then the next issue is, well, what's the prospective liability? Sure, you take an indemnity agreement, I'm not sure who we take it from. I haven't heard that, but we take it knowing that the indemnity agreement is as good as the solvency of the entity or individual giving the indemnity agreement. You then go on, and your hope would be there's never any liability, and you don't have to act under the indemnity agreement and everything is fine. But, that's what you're weighing here today is whether there's liability that should or should not be assumed by the county. That's as much as I can say.

Bill Jeffers: I want him for my lawyer, because that's exactly what I would like to be able to say if I knew how to say it.

Commissioner Melcher: That's why he's our lawyer.

President Tornatta: That being said, Commissioners? This has been in place for seven years? Six and a half?

Bill Jeffers: To the best of my recollection, at least since 2004.

President Tornatta: Okay.

Commissioner Winnecke: So, just, your recommendation is to approve the preliminary....the modified—

Bill Jeffers: My recommendation would be to approve the newly submitted as-built plans, and accept them as the modified, final drainage plan, along with a letter from the soils scientist, Mrs. Becky Langford, with her recommendations to complete the installation of various grasses, sedges, and reeds along the shoreline, along with some cocoa logs, I think they're called, but, I think it's a rolled up cocoa mat to protect against some wave action in the, along the eastern shoreline of this tank, and to either (A) drain down the water and take the soils samples required to complete the analysis that was required by the original plan, or to obtain some sort of indemnification against future loss or damages that might fall or might become a liability for the county.

President Tornatta: Well said.

Commissioner Winnecke: So, the only question that we need to decide is either, if I heard you correctly, is to drain down the water to take the additional samples, or enter into some sort of an agreement?

President Tornatta: But, I think it would be an either or, right?

Bill Jeffers: Yes, sir.

President Tornatta: Yeah.

Bill Jeffers: Either or.

Commissioner Winnecke: Right.

President Tornatta: So, he would have to either provide—

Bill Jeffers: It would be two options that—

President Tornatta: Yeah, right.

Bill Jeffers: —the developer could take.

Commissioner Winnecke: I understand.

President Tornatta: So, if he came up with one of the two, we're good.

Bill Jeffers: I think the reason that I brought this in to have you belabor it at this time, rather than bring it in cut and dried, is because there's a more or less of a drop dead deal that falls between this meeting and our next meeting on the 23rd.

Commissioner Winnecke: I would make a motion to accept the recommendation of the County Surveyor.

Commissioner Melcher: Second.

President Tornatta: Motion and a second. All those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

President Tornatta: Okay.

Bill Jeffers: Thank you.

President Tornatta: Then we will direct that information to the County Attorney.

Bill Jeffers: Thank you.

Madelyn Grayson: Bill, is there any documentation that needs to be submitted for the record? Like this report or anything that I need to have on file?

Bill Jeffers: Yes, I will deliver everything that I spoke to, I will deliver, what I do have I will deliver to Mrs. Grayson for recording with her files, the originals, and copies will be in our files.

Ted C. Ziemer, Jr.: Do you know who will be indemnifying the county if we go that route instead of draining the lake?

Bill Jeffers: I would think it would have to be in the chain of title. So, whoever the initial owners are today, then that would have to be recorded so that future owners would have to pick up the—

Ted C. Ziemer, Jr.: What about the developer?

Bill Jeffers: I guess the developer owns six of the seven prospective lots, I'm assuming. The seventh lot is owned by Cinergy.

Ted C. Ziemer, Jr.: Well, I don't know, so, I guess I'll rely on you to give me the appropriate information. I'm hearing—

Bill Jeffers: Okay, I'll get that from the tax records and deliver it to you.

Ted C. Ziemer, Jr.: Okay. You know, I don't know about the willingness of those individuals to then sign the indemnity agreement that we would prepare.

Bill Jeffers: Right.

Ted C. Ziemer, Jr.: That's another issue.

Bill Jeffers: I don't either, and they all have their own legal representatives.

Jim Vincent: I can speak to that, Mr. Ziemer.

Commissioner Melcher: You'll have to come to the mic.

Jim Vincent: I can speak to that. I don't think we're opposed to that. Again, we've held this for seven years. We would logically like to have some limitation to the term of that so that it doesn't go on past us or whatever. You know, that might be a question we can ask Mr. Lautner if anybody has an opinion about, if after ten years, if that's the magic number, or something like that, but we, or Broadway Summit is the entity that owns the property and the only other person from a deed source perspective would be Cinergy Communications. So, if, I don't know if there's an example of something—

Ted C. Ziemer, Jr.: Cinergy would be unlikely to want to indemnify it seems to me. Aren't they acquiring this?

Jim Vincent: They bought it seven years ago.

Ted C. Ziemer, Jr.: Yeah.

Jim Vincent: They own the, part of the basin that you can see in the drawing there at the end. Dan King with Cinergy is here. I always love putting an attorney on the spot.

Commissioner Melcher: Right.

Jim Vincent: So, Dan, I don't know if you want to speak to that.

Dan King: I will. Mr. Ziemer, I mean, you bring up a good point. I, obviously, I can't, I'm not in a position to bind the corporation here tonight. You know, one of the things that I would point out is, that drainage easement, I mean, is basically an easement that's recorded on the plat. We didn't have any option, we didn't have anything to do with building that. So, I'm not trying to put Mr. Vincent in a position here, but that's definitely something that would have to be talked about, because I cannot speak to the willingness of the owners who purchased the property, you know, with the expectation that, well, we're buying a piece of property in a subdivision, a partial subdivision, we're not developing that and we didn't have anything to do with the actual building of that.

Ted C. Ziemer, Jr.: Sure. I appreciate that. I guess, the Commissioners, have you voted? Or is it just a motion? I forget.

Commissioner Winnecke: We voted.

Ted C. Ziemer, Jr.: You voted. So, the Commissioners have voted either to drain it down and do soil samples so that we can assure that the slope is correct, or to provide an indemnity to the county for any prospective liability. It will be my job to develop the indemnity agreement, which I'm, can readily do. It will be someone else's job to sign that. It will have to be somebody that protects the county. You wouldn't want Madelyn's indemnity, or mine, because we don't have anything to do with that property out there. So, I don't know who should sign it yet, and I think probably Cinergy ought to be involved. I think the developer ought to be involved, and, you know, maybe the contractor. I don't know. But, that's yet to be resolved, I guess.

Dan King: If I may also, and I don't know what the option is here, but if the parties in discussions, you know, from tonight on, come up with some third option that is reasonable to the County Engineer, you know, that they would find that perhaps it's not drawing down the, not completely drawing out all of the water and doing the bore sampling, but finding some third option that the parties agree upon, I'm just asking for information. How would that be presented to you all?

Ted C. Ziemer, Jr.: If, well, I don't speak obviously for the Commissioners, I just advise them, but from my part, if the County Engineer were to say I am satisfied with the construction of this swale, and I approve it, then I wouldn't want to require any kind of an agreement.

Dan King: Right, so it really comes down, which was what I was hearing here tonight. It's really, once the County Engineer is satisfied, then you're satisfied. Or, most likely that the counsel will be satisfied at that point.

Ted C. Ziemer, Jr.: Yeah, I think so.

Madelyn Grayson: Will you state your name for the record?

Dan King: My name is Dan King.

President Tornatta: Isn't our opinion that we want to make that the caveat?

Dan King: I'm the in-house counsel with Norlight, Inc., formerly known as Cinergy Communications Company.

Jim Vincent: Just a question. Is this a situation that might be appropriate for a site visit to just take into the reality of what you're dealing with in regards to the basin?

President Tornatta: I don't think it's necessarily us. I think it's more the Engineer and the Surveyor.

Jim Vincent: Okay.

Ted C. Ziemer, Jr.: Yeah, Jim, it's not really what it looks like. I could come out and look at it and I wouldn't know anything about it, and these fellows are more astute at that than I am, but none of us are as astute as the County Engineer in this respect, and that's really who we look to, that's why he has that job.

Jim Vincent: Sure. I don't mean to undermine that. I would expect John and Bill to be present if we did something like that. I just thought it might be valuable if you're contemplating whether something like this imposes a significant risk on the county.

President Tornatta: I would entertain a motion to add as a third option that if the Engineer sees that this particular—

Commissioner Winnecke: Is satisfied by an alternative measure.

President Tornatta: Could be, could be. I mean, I don't know if that's a good enough way to—

Ted C. Ziemer, Jr.: If John's satisfied, we're satisfied.

President Tornatta: Okay. Alright.

Commissioner Winnecke: Do you want that in the form of a motion?

President Tornatta: Sure.

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

President Tornatta: I don't know what that was, but, alright—

Commissioner Winnecke: Nobody does.

President Tornatta: –so, on the floor we have a motion that says that if the, as a third option, if the Engineer goes out there and finds that there is an alternative solution that satisfies–

Commissioner Melcher: Him.

President Tornatta: –him, and also takes care of the county's liability that we would leave that option open. So, we have a motion and a second. Go ahead.

John Stoll: I would suggest throwing in there too that if the developers engineers have any alternatives, because I really don't know any other alternatives at this point other than what we've discussed already. So, if they've got anything–

President Tornatta: Well, but you would have to approve that. So, that's all in that motion.

Commissioner Melcher: It's you too.

President Tornatta: Okay, we have a motion and a second. All of those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

President Tornatta: Thank you very much. Ditch claims?

Bill Jeffers: Just to reinforce what you just did. This isn't the first plan for this project that I've brought before you with a recommendation.

President Tornatta: Okay.

Bill Jeffers: It's not the second plan that I've brought before you with a recommendation, and I don't anticipate it will be the last. This is the case with many plans, many subdivisions. I bring you revised, revised, revised. So, yes, there's always another option. We try to work with all of the developers continuously to address any, I mean, you don't know what you're getting into until you get out there and start moving dirt. That's just the way it is. I thank you for your patience.

President Tornatta: Claims?

Bill Jeffers: No claims, no further business.

Public Comment

President Tornatta: Any other public comments? Seeing none.

Commissioner Melcher: No, wait a minute. Do you want to just go ahead and just state your name. You came in late for the Commissioners meeting, so you might as well be on the record for this one since you stayed.

Alvin Tucker: My name is Alvin Tucker.

Commissioner Melcher: And what school and what grade?

Alvin Tucker: New Tech Institute.

President Tornatta: Alvin Tucker from New Tech Institute. Okay.

Commissioner Melcher: Thanks for coming and staying with us this evening.

Jim Vincent: Troy?

President Tornatta: Yes?

Jim Vincent: I have one quick, you'll appreciate this. Evelyn Lee Hinderliter was born at 4:02 today. She weighed six pounds, twelve ounces and was 20 inches long. That's Keith's daughter, Audrey.

President Tornatta: Okay, that's great.

(Applause)

President Tornatta: Alright.

Madelyn Grayson: That's a first.

President Tornatta: There you go. Alright.

Bill Jeffers: And before you close your meeting, the grandmother of that child is a beautiful woman. Mrs. Hinderliter, yeah, I bet they're proud too.

President Tornatta: Alrighty then.

Commissioner Winnecke: Motion to adjourn.

President Tornatta: Thank you.

Commissioner Melcher: Second.

President Tornatta: All those in favor say aye.

All Commissioners: Aye.

President Tornatta: Good night.

(The meeting was adjourned at 6:20 p.m.)

Those in Attendance:

Troy Tornatta

Bill Jeffers

Madelyn Grayson

Dan King

Stephen Melcher

Bill Fluty

John Stoll

Others Unidentified

Lloyd Winnecke

Ted C. Ziemer, Jr.

Jim Vincent

Members of Media

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Troy Tornatta, President

Stephen Melcher, Vice President

Lloyd Winnecke, Member

(Recorded and transcribed by Madelyn Grayson.)

Jim Vincent:

**VANDERBURGH COUNTY
DRAINAGE BOARD
NOVEMBER 23, 2010**

The Vanderburgh County Drainage Board met in session this 23rd day of November, 2010 at 5:37 p.m. in room 301 of the Civic Center Complex with President Troy Tornatta presiding.

Call to Order

President Tornatta: We're going to start the Vanderburgh County Drainage Board meeting, Tuesday, November 23, 2010. It's about 37 minutes after five.

Approval of the November 9, 2010 Drainage Board Meeting Minutes

President Tornatta: I need a motion to approve the previous meeting's minutes.

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

President Tornatta: A motion and a second. All of those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

**Surveyor's Notification to Board of Emergency Work:
Aiken Ditch from Green River Road to I-164**

President Tornatta: Linda?

Linda Freeman: How are you gentlemen this evening?

President Tornatta: Wonderful.

Linda Freeman: Oh, and lady. We're asking, actually we're seeking a minimum of three quotes to remove beaver dams and log jams in Aiken Ditch from Green River Road northeastward to I-164. The Levee Authority and the City Transportation Department has been requesting this work to clear it out, because it's a possible southeast side flooding problem, which we don't want to contribute to. So, we're looking to get like three informal bids from some contractors to get those beaver dams and log jams out of the way. We'll bring those back to the December 7th meeting.

President Tornatta: What do you anticipate the cost will be?

Linda Freeman: Hopefully not too bad, but I....I mean, with the guys that we have, some—

Ted C. Ziemer, Jr.: You're under \$75,000.

Linda Freeman: Oh, definitely under \$75,000.

President Tornatta: Okay.

Linda Freeman: Because, I can't imagine, that would be like major demo work, maybe something else.

President Tornatta: These are in the fund?

Linda Freeman: Yes, yes.

President Tornatta: Okay, and that's that reoccurring fund? Or the assessment?

Linda Freeman: It's our legal drain fund. It's money that we, you know, it's an assessment against the watersheds.

President Tornatta: Okay.

Linda Freeman: So, yes, eastside, this is part of Eastside Urban. So, it's pretty, it's in the black—

President Tornatta: Okay.

Linda Freeman: —substantially.

President Tornatta: Okay.

Linda Freeman: So, we should, I...the guys—

President Tornatta: Will you do me a favor?

Linda Freeman: — that we bid, the small guys—

President Tornatta: Will you still, do you know Debbie Bennett-Stearsman that was just here from the Economic Development Coalition?

Linda Freeman: Okay.

President Tornatta: They actually have a fund to do this type of measure, I just don't know—

Linda Freeman: Well, this is in the regulated drain, so it's all within the realm of Vanderburgh County, or the County Surveyor to get this out, because it's a regulated drain.

President Tornatta: Okay.

Linda Freeman: It's not just something that we don't have any jurisdiction over. This is one of our regulated drains, and by state statute we need to get this out of there.

President Tornatta: Okay.

Commissioner Winnecke: Motion to allow the Surveyor to submit, to notify, to seek bids for this emergency work.

Commissioner Melcher: I'll second.

President Tornatta: A motion and a second. All of those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

President Tornatta: Thank you.

Linda Freeman: Thank you.

Approval of Ditch Maintenance Claims

Linda Freeman: We have some claims from the contractors that are all in order and we recommend approval and payment of, that Madelyn has in her possession.

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

President Tornatta: A motion and a second. All those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

Other Business

President Tornatta: Anything else?

Linda Freeman: That's all the Surveyor's office has.

Public Comment

President Tornatta: With seeing no one else in this building, other than us, I look for a motion to adjourn.

Commissioner Winnecke: There's Thomas B. Langhorne.

Linda Freeman: Oh, Happy Thanksgiving.

Commissioner Winnecke: Thomas B. Langhorne from the Evansville Courier and Press is here.

President Tornatta: That's right.

Commissioner Winnecke: He might have something to say.

Commissioner Melcher: So, there's no public input?

President Tornatta: Alright. Besides the fact that we wish you a Happy Thanksgiving, do I have a motion to adjourn?

Commissioner Melcher: So moved.

Commissioner Winnecke: Second.

(The meeting was adjourned at 5:40 p.m.)

Those in Attendance:

Troy Tornatta

Stephen Melcher

Lloyd Winnecke

Ted C. Ziemer, Jr.

Linda Freeman

Madelyn Grayson

Others Unidentified

Members of Media

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Troy Tornatta, President

Stephen Melcher, Vice President

Lloyd Winnecke, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY
DRAINAGE BOARD
DECEMBER 7, 2010**

The Vanderburgh County Drainage Board met in session this 7th day of December, 2010 at 6:30 p.m. in room 301 of the Civic Center Complex with President Troy Tornatta presiding.

Call to Order

President Tornatta: We're going to start Drainage Board immediately.

Commissioner Melcher: Go ahead, Bill.

President Tornatta: Welcome to the Tuesday, December 7, 2010 Drainage Board meeting.

Approval of the November 23, 2010 Drainage Board Meeting Minutes

President Tornatta: Approval of the previous meeting's minutes?

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

President Tornatta: Motion and a second. All of those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

Harrison High School Athletic Field: Final Plan

President Tornatta: Mr. Jeffers?

Bill Jeffers: Good afternoon. The only drainage plan I have for you this evening is Harrison High School ballfields, out there near Shoshoni Drive on a piece of park land. It's not owned by the Parks Department, it's owned by Harrison, but it's there near the soccer park, Price Park. Anyhow, it's, they're just adding a concession stand and some parking, a total of 1,760 square feet of new, hard surface, one building, a small building. It doesn't require detention because all of that drains into the existing system and goes through Indian Woods retention lake, and is controlled then out into the levee pump station. So, it's a very simple plan. John Stoll has also reviewed it. We both find it sufficient, and the County Surveyor recommends approval. This would be final approval. I spoke with John right before the meeting is the reason I had preliminary on there, but after speaking with him we agree it's a final plan.

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

President Tornatta: A motion and a second. All those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

Approval of Aiken Ditch Obstruction Removal Bid: Mark Naas

Bill Jeffers: We asked you, at our last meeting, if we could seek three bids for the removal of obstructions in Aiken Ditch. These are basically log jams outside the levee, but it's backing water up against K-1 pump station's levee gate under I-164, and causing the pooling of water in the staging area on the inside of the levee, and the Levee Corporation and the Board of Works has asked us to immediately remove the obstructions because they are having problems with their pump station. So, we sent out, since it's under \$75,000 we mailed out invitations to three people who do this kind of work for us on a regular basis. The bids are as follows; Allen Relleke Excavating, 3500 Mann Road, for mobilization and excavation, \$3,160. If he uses a dump truck for six hours an additional \$360. We don't anticipate the use of a dump truck for this project, although it's nice that he included that \$360 should we need one. That was \$3,160. The second bid is Vieira Brothers Excavating, 15820 Old Princeton Road, total bid for the entire work, \$2,377.23. The third bid, Mark Naas Farms and Excavating, will remove the eight log jams from the waterway and dispose of the debris as we directed him, \$920, plus \$120 per hour for any unforeseen ditching repairs, as we might direct him to do. So, if you take the \$920 and add another 12 hours of ditching work, should we need it, you still come in at \$920 plus \$1,440. That would be \$2,360, which is \$17.23 under the next highest bid. So, it's the County Surveyor's recommendation, at this time, to award the bid to Mark Naas Farms and Excavating, 9650 S. 450 W. Road.

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

President Tornatta: A motion and a second. All of those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

Other Business

Bill Jeffers: I have no other business at this time, unless there's a public comment or comment from the Board.

Public Comment

President Tornatta: Anybody public comment? Seeing none, motion to adjourn?

Commissioner Winnecke: Oh, do we have the claims?

Ditch Maintenance Claims

Bill Jeffers: Do we have, that's right, did she send claims to you?

Commissioner Winnecke: Oh, I apologize. I thought I saw something on-

Bill Jeffers: Oh, wait a minute, we normally do those on the third week of the month, and you're having a meeting on the 21st, is that correct?

Commissioner Winnecke: Yep.

Bill Jeffers: Okay.

Commissioner Winnecke: Sorry. Motion to adjourn, or second or whatever it was.

Commissioner Melcher: Okay, second.

Bill Jeffers: That's a privileged motion, you can do whatever you want.

President Tornatta: We're adjourned.

(The meeting was adjourned at 6:35 p.m.)

Those in Attendance

Troy Tornatta

Bill Jeffers

Others Unidentified

Stephen Melcher

Ted C. Ziemer, Jr.

Members of Media

Lloyd Winnecke

Madelyn Grayson

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Troy Tornatta, President

Stephen Melcher, Vice President

Lloyd Winnecke, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY
DRAINAGE BOARD
DECEMBER 21, 2010**

The Vanderburgh County Drainage Board met in session this 21st day of December, 2010 at 6:08 p.m. in room 301 of the Civic Center Complex with President Troy Tornatta presiding.

Call to Order

President Tornatta: Okay, we're going to open up the Vanderburgh County Drainage Board meeting, Tuesday, December 21, 2010.

Approval of the December 7, 2010 Drainage Board Meeting Minutes

President Tornatta: Motion to approve the previous meeting's minutes?

Commissioner Melcher: So moved.

Commissioner Winnecke: Second.

President Tornatta: We have a motion and a second. All of those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

Lincoln Dane Subdivision: Final Drainage Plan

President Tornatta: Linda.

Linda Freeman: Happy Birthday, Troy.

President Tornatta: Thank you.

Linda Freeman: Then, while I'm doing that, I might as well say Happy Holidays, Merry Christmas and hope everybody has a good New Year.

President Tornatta: We will. We will.

Linda Freeman: That's what I'm hoping for. We have, we're recommending approval for Lincoln Dane Subdivision. It's a two lot subdivision on Volkmann Road. I gave you a little overall aerial view. It's, like I said, it's a two lot. Bill looked it over and he's fine with it, and we recommend final approval for that.

Commissioner Winnecke: Motion to approve.

Commissioner Melcher: Second.

President Tornatta: A motion and a second. All of those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

President Tornatta: Thank you.

Inform Board of Intention to Re-Bid Hirsch Ditch Project

Linda Freeman: Then we would also like to inform you of the intention to re-bid the Hirsch Ditch project. We only had the one bidder, and because of the time constraints, in addition to just having the one bidder, some things have changed because the railroad has accomplished some of the items on the original project. So, we're looking at possibly rebidding that in the next year. Looking at a spring project for that.

President Tornatta: Okay.

Approval of Ditch Maintenance Claims

President Tornatta: Ditch claims?

Linda Freeman: I've presented ditch claims to Madelyn. They're all in order and we're asking for approval.

Commissioner Winnecke: Motion to approve.

Commissioner Melcher: Second.

President Tornatta: A motion and a second. All those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

President Tornatta: Thank you.

Other Business

President Tornatta: Any other business?

Public Comment

President Tornatta: Eldon?

Eldon Maasberg: No, I don't have anything.

President Tornatta: Nothing? Tom? This is the only time I'm answering your questions is right now. No, I'm joking. Okay.

Eldon Maasberg: One thing I will say is Merry Christmas to you.

President Tornatta: Alright, Merry Christmas to you, Eldon. Eldon says Merry Christmas to Vanderburgh County.

Linda Freeman: Exactly.

President Tornatta: Alright with all of the public comment out, I would look for a motion to adjourn.

Commissioner Winnecke: So moved.

Commissioner Melcher: Second.

President Tornatta: So ordered.

(The meeting was adjourned at 6:12 p.m.)

Those in attendance:

Troy Tornatta
Linda Freeman
Eldon Maasberg

Stephen Melcher
Ted C. Ziemer, Jr.
Others Unidentified

Lloyd Winnecke
Madelyn Grayson
Members of Media

**VANDERBURGH COUNTY
DRAINAGE BOARD**

(Not in Office When Approved)

Troy Tornatta, President

Stephen Melcher, Vice President

Lloyd Winnecke, Member

(Recorded and transcribed by Madelyn Grayson.)