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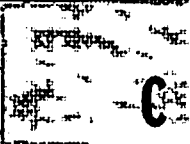
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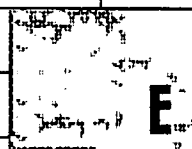
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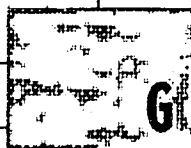
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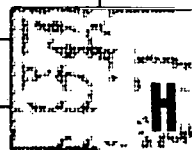
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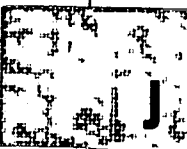


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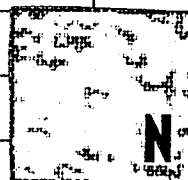


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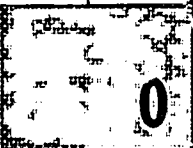
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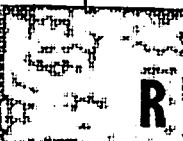
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Towne & Country Ford Dealership 2/27

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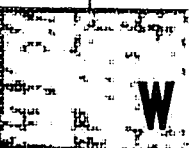
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Vogel Road Commercial Park, Section II 7/24

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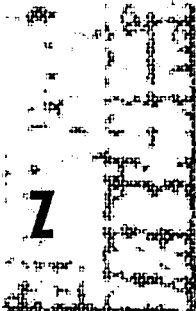
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JANUARY 17, 1995

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MINUTES
SPECIAL DRAINAGE BOARD MEETING
JANUARY 17, 1995

The Vanderburgh County Drainage Board met in session on January 17, 1994 at 8:15 p.m., in the Commissioner's Hearing Room 307, with President Richard Borries presiding.

RE: OLD BUSINESS: "AZTECA":

A. Purpose of granting Azteca Milling permission to repair ditch.

Bill Jeffers: "Gentlemen, on November 21, 1994, your Board held a Special Drainage Board meeting for the purpose of reviewing and accepting the drainage plan for Azteca Milling Company on the north side of Baseline Road at U.S. Highway 41. You accepted that drainage plan, which allowed Azteca to proceed immediately with groundbreaking. The approved plan included the necessity of removing the accumulated silt from a stretch of Pond Flat lateral "B" immediately north of Baseline Road so that the ditches and culverts constructed by Azteca will drain properly, including the new county bridge which is being built so that Baseline Road can be widened.

" On the piece of 17"x 11" piece of paper in front of you is laid out the first 1000 feet of Pond Flat "B" which needs to have a small amount of silt dipped out of the bottom, and you're aware of that need. Azteca expressed a desire last week to go ahead and have their contractor, Blankenberger Brothers Incorporated of Haubstadt, Indiana do the work and Azteca pay for it in full rather than wait for our lengthy bidding process, which would of taken us into February or March. Therefore, I've shown you a copy of 36-9-27-75.¹ Section 75 allows your Board to accept gifts, or grants from any source for the purpose of paying all, or part of the cost of constructing reconstructing, or maintaining a drain under this chapter of the Indiana Code. The gifts, or the grants shall be used to reduce the cost assessed to the affected landowners. Therefore the County Surveyors Office is recommending to the Drainage Board to accept this gift from Azteca Milling of the total cost of removing the silt from the first one thousand feet (1,000') of Pond Flat Lat "B", and allowing their contractor Steve Blankenberger to complete the work as soon as possible. If you so move, and pass on that we will be in the field tomorrow morning to stake the first one thousand feet with instructions to Blankenberger Brothers Incorporated as to how much silt to dip out of the bottom of that ditch, and where to deposit it. I have notified the landowner, Ralph Rexing, who's farm you see on the right hand side of the drawing, and told him of this meeting tonight, and if he had any objection that he wished to express to your Board, where to come to express that objection, and he is not here in the audience. I also told him I would meet him in the field to show him the exact affects of the project on his ground."

Commissioner Borries: "Any questions of Bill? Bill your recommendation."

Bill Jeffers: "To accept the gift from Azteca for completing the work, and bearing the complete cost of the work."

Commissioner Borries: "May I have a motion to approve that recommendation?"

¹Copy of 36-9-27-75 Acceptance of grants or gifts included with the 1-17-95 minutes.

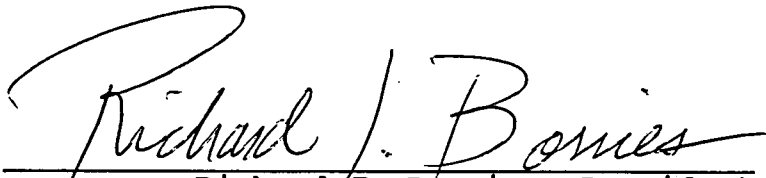
SPECIAL DRAINAGE BOARD MEETING
JAUNUARY 17, 1995

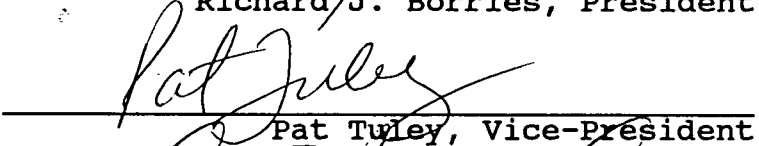
Motion made by Commissioner Tuley and seconded by Commissioner Mourdock. So ordered.

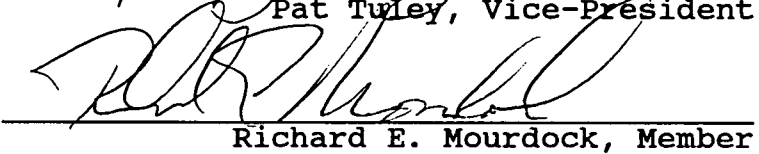
There being no further business the meeting was adjourned at 8:25 p.m.

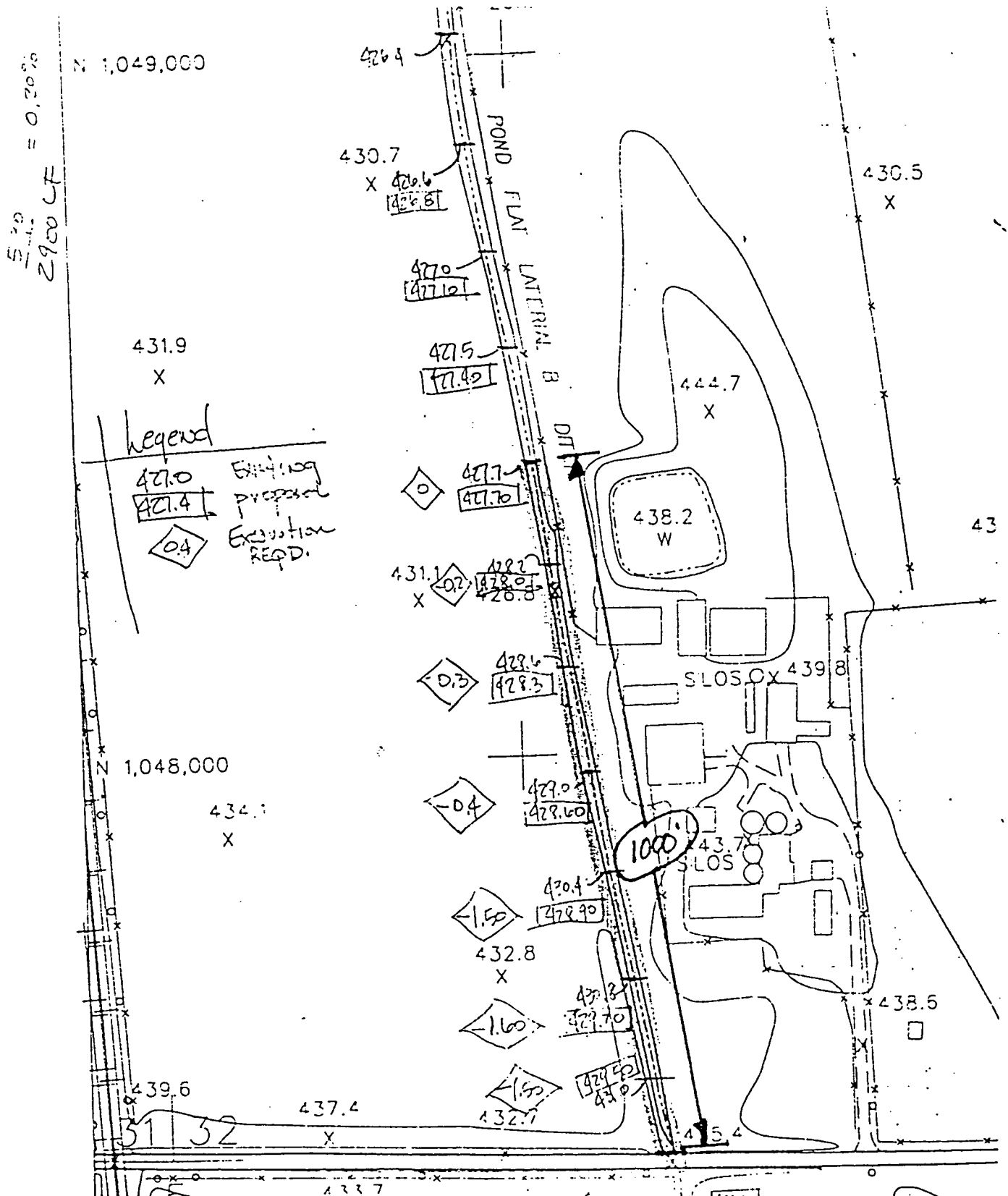
PRESENT:

President Richard J. Borries
Vice-President Pat Tuley
Member Richard E. Mourdock
Alan Kissinger, Attorney
Suzanne M. Crouch, Auditor
Bill Jeffers, Chief Deputy Surveyor
Julie Hinton, Secretary


Richard J. Borries, President


Pat Tuley, Vice-President


Richard E. Mourdock, Member



36-9-27-75 Acceptance of grants or gifts

Sec. 75. The board may accept gifts or grants from any source for the purpose of paying all or part of the costs of constructing, reconstructing, or maintaining a drain under this chapter. The gifts or grants shall be used to reduce the costs assessed to affected owners. *As added by Acts 1981, P.L.309, SEC.101.*

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MINUTES
DRAINAGE BOARD MEETING
JANUARY 23, 1995

The Vanderburgh County Drainage Board met in session on January 23, 1994 at 7:05 p.m., in the Commissioner's Hearing Room 307, with President Patrick Tuley presiding.

RE: RESOLUTION ADOPTION

A. To Reorganize and to Appoint New Officers:

Commissioner Borries: "I would like to open the Regular Drainage Board meetings for 1995, and at this time conduct elections here to reorganize the Board for 1995.

Motion made by Commissioner Borries to nominate Patrick Tuley for President of the Drainage Board for 1995, and seconded by Commissioner Mourdock. So ordered.

Commissioner Borries: "Congratulations."

Commissioner Tuley: "Thank you."

Motion made by Commissioner Tuley to nominate Commissioner Borries for Vice-President of the Drainage Board for 1995, and seconded by Commissioner Mourdock. So ordered.

Commissioner Tuley: "Congratulations"

Commissioner Borries: "Thank you."

Commissioner Borries: "We want to welcome aboard Commissioner Mourdock who certainly will be a valuable addition to this board."

Commissioner Mourdock: "Thank you."

B. To Set Meeting Dates for 1995:

Commissioner Tuley: "To set meetings for 1995, basically we've always held the meetings on the fourth Monday immediately following the regular scheduled Commissioners Meeting."

Motion made to accept for approval the Resolution in accordance with Indiana Code 36-9-27-8, that establishes the meeting dates for 1995 by Commissioner Borries and seconded by Commissioner Mourdock. So ordered.

RE: APPROVAL OF DRAINAGE BOARD MINUTES

A. Regular Drainage Board Meeting (12-27-94):

Motion made for approval for the December 27, 1994 Drainage Board Minutes by Commissioner Borries and seconded by Commissioner Tuley. So ordered.

Motion made for approval for the Special Drainage Board Minutes "Azteca" January 17, 1995 by Commissioner Mourdock and seconded by Commissioner Borries. So ordered.

RE: NEW SUBDIVISION DRAINAGE PLANS

A.¹12th Avenue Baptist Church New Location at Boehne Camp Road and Hwy 62:

¹Copy of the Twelfth Avenue Baptist Church Drainage Plan attached to the 1-23-95 Drainage Board Minutes.

Bill Jeffers: "Good evening. 12th Avenue Baptist Church drainage plan, the location is on Boehne Camp Road. Between Boehne Camp Road and Miller Road. It's north of Indiana State Road 62, and across the street from Mission Viejo Apts on the westside. Jim Farney, from Bernardine Lockmueller, engineered this project and is here tonight to answer your questions, if any. I believe he brought this Drainage Plan to you, because of the amount of the dirt that's going to be moved. It's location adjacent to this branch of Carpenter Creek may attract the attention of certain individuals. I can assure you after reviewing the plans for the 12th Avenue Baptist Church that great care has been taken to match, or blend the cuts, the fills, and the otherwise disturbed parts of this project into the natural surrounding terrain. Our only comments are:

(1) It is known from adjacent projects such as Mission Viejo Villas Apts., that Bedrock is very close to the surface at this location and some modifications are extra measures may become required as work progresses.

(2) It is known that every other project of this size, or larger along this branch of Carpenter Creek, has caused off site siltation, and resulting in remonstrants after the fact.

(3) The developer of this site would be well advised to seek and follow the advice of the Natural Resources, Conservation district previously called SCS. Possibly include measures equal to the requirements of "rule five" on a five (5) acre commercial site. For the plans, and the calculations presented by Mr. Farney conformed to your new Ordinance for a Commercial site, and we recommend approval."

Commissioner Borries: "Question Bill. For the record, and appreciate to hear your comments, if I'm correct on this, I don't believe that Carpenter Creek here is a legal drain, is it?"

Bill Jeffers: "No sir, but the Westside Improvement Association, and other neighbors keep an eye on it."

Commissioner Borries: "I know. There are no legal drains west of Pigeon Creek."

Bill Jeffers: "No sir, that's correct."

Commissioner Borries: "As I certainly commend the vigilance of the Westside Improvement Association, but I would also want to say, and commend the developer here. Basically, these are the things he would be following our Ordinance anyway with your recommendations. Is that correct?"

Bill Jeffers: "Yes sir, and normally a church site would not even come before you, but they just wanted to cover all bases, and they have a nice set of plans here that I've looked at, and they look real sharp. Has detention on site for the parking lot, and the building."

Commissioner Borries: "Okay. Do you recommend then even though it's not a legal drain, we do not have to sign anything on this, do we? Do you recommend we sign it, or what is your recommendation?"

Bill Jeffers: "Just to recognize our review of it, and grant whatever approval might be necessary to get it through site review. To show that we have signed off on it for site review when it comes to them."

Commissioner Borries: "Okay."

Motion made for approval by Commissioner Borries and seconded by Commissioner Mourdock. So ordered.

B. ²CrossRoads Subdivision:

Bill Jeffers: "CrossRoads Subdivision Plan, the location is the northwest corner of the intersection of Lloyd Expressway, and I-164, a long the east bank of Nurrenbern Ditch. You may be familiar with this site. Drainage Plans were approved by the Drainage Board for Nurrenbern Commerce Subdivision in January of 1994, and received a review from the Area Plan Commission of March, 1994. Those plans are no longer applicable due to changes in the road design, and development plans. Part of your motion tonight may be to withdraw January, 1994 drainage approval for Nurrenbern Subdivision. For the purpose of reviewing the drainage plans for what is now called CrossRoads, we've broke the plan into four (4) parts. Lot #1, and Outlot #2 is shaded green on the map in front of you. Lots #2, #3, #4, and #5 facing the Lloyd Expressway are shaded yellow. Lot #6 is the huge forty-four (44) acre lot cross-hatched in pink on your map. Then the street, and street drainage plan has been left uncolored, and is presently being reviewed by your County Engineer, John Stoll. On November 28, 1994, your board approved a request by JAS Corp. of Louisville, Ky. to relax the right-of-way for Nurrenbern Ditch so that Town and Country Ford could locate on lot #1. Presently they are ready to proceed, and they want to also maintain outlot #2, and the basin #2A. Your board also approved the drainage plan for lot #1, and outlot #2, and the Surveyors office has reviewed the information now submitted by Jim Farney, the Civil Engineer who designed this project, and found his plans, and calculations to be in conformance with the New Drainage Ordinance. Mr. Farney from Bernadin Lochmueller is in the audience if you have questions. County Surveyor will reaffirm our recommendation for approval of the final drainage plan for CrossRoads lots #1, and outlot #2 with the following conditions:

(1) That the owner/developer submit a final site plan prior to construction through the site review committee, which will show that all storm drainage from within the property lines, except a minimal amount of fringe drainage, is directed into the basin on outlot #2.

I have spoken with Jeff James of Jo James Construction, Louisville, who is designing, and supervising the construction of Town & Country Ford, and he is aware of this condition.

If there is any question at this time, basically I'm just saying that everything in outlot #2, and lot #1, which is Town and Country, shaded green should go through that basin before it enters the ditch, or the streets. Except for what you might think of as fringe drainage along the curb side, and the entrances to the parking lots. You can't hardly control that. Some of that is going to go back into the street.

(2) That the outlet drop box from basin #2A into Nurrenbern Ditch, be covered by grates specifically designed to catch all debris that might otherwise collect on the face of the twin outlet pipes."

Commissioner Borries: "Why did we go with twin outlet pipes?"

Jim Farney: "My name is Jim Farney. I am with Bernardin

²Copy of the Crossroads Subdivision Drainage Plan attached to the 1-23-95 Drainage Board Minutes.

Lockmueller. The purpose of the twin pipes is something that we couldn't get around. Between the basin, and the Nurrenbern Ditch, the outlet point there are two Texas Gas pipelines that run north/south. We worked, and worked with Texas Gas to try to come up with some way to be able to cross those lines, and not impair their lines. The only way we could achieve that is to try dual pipes. So what we have done in order to try and satisfy Bill on that matter is design a drop box in front of these pipes that will have trash grates on it so that the debris can't get to the pipes as he suggested."

Commissioner Borries: "That's a good idea. I'm not an advocate of dual pipes, but I understand what your saying."

Bill Jeffers: "My Farney is aware of our dislike for dual pipes unless absolutely necessary, and we're just trying to cover that by saying that the grate would catch any debris that would normally block those pipes."

(3) That the recorded plat include concise language notifying the affected parties of their exact maintenance responsibilities.

I am saying this for lot #1, and outlot #2, but it should go for each and every lot, outlot, and parcel outside street right-of-way.

(4) That the basin #2A be operating as a storm water detention and temporally silt control basin prior to, or in conjunction with initial construction on lot 1. That's to provide excess storm water holding while they're constructing, and a place for the silt to be gathered while they're constructing, and then of course as of a part of finished construction they would clean that out, and make it operable as planned.

(5) An erosion control plan in conformance with rule "five" be submitted to the Natural Resources Conservation District for lot #1, and for outlot #2. The Surveyors Office remains available to review, and with the Boards permission to sign off on any plans forthcoming as a result to these five (5) conditions of approval. In otherwords anything that might go through site review, or subsequent to this meeting, or we could sign off on simple things. If we think it's complicated enough, or necessary to come back to you, we'll bring it back to you.

The second part of our review is lots #2, #3, #4, and #5 shaded yellow, and along the front line facing the Expressway. Again the calculations, and plans are in conformance with your Ordinance. Mr. Farney is here to address any questions. Our recommendations is to approve the final drainage plan for lot #2, #3, #4, and #5 in CrossRoads with the following conditions. The reason I scratched what was number one is because that particular corner it has just been explained to me is being retained by the Heartmann Trust for an entrance sign announcing the subdivision, and naming it. Then the maintenance of that small eighty-eight hundred foot (8800') outlot will be split. The maintenance cost, and responsibility will be split among all the participants in this development. All the stores will pay a common maintenance fee. So now I understand that, and I scratched what was #1.

So the following conditions are that if in the review of the street plans it is found that the fringe drainage from lots #1, and lot #6 require more capacity in the street pipes, or the basins that the engineer will recalculate, and resubmit adequate design.

(2) That basin #1 be constructed, and operating as a storm

water detention facility, and temporally silt basin prior to, or in construction with initial construction on #2, #3, #4, and #5.

(3) That an erosion control plan in compliance with rule "five" be followed with Natural Resources Conservation District, for Lots #2, #3, #4, and #5, or any part thereof.

(4) That the recorded plat include the same type of maintenance notice as for lot #1 spelled out above.

So those take care of what I would consider the two (2) final drainage plans. The next division of our review is for lot #6. This is a huge lot, forty-four (44) acres, which does have the potential of being divided into a number of smaller parcels with the patch work of parking lots, and buildings. The resulting system of drainage pipes, channels, easements, etc. will require more detail before we can recommend a quote, "final drainage plan". Again Mr. Farney has submitted accurate, and correct data for us to recommend approval on a preliminary plan under the terms of your ordinance, and we do so with the following conditions:

(1) There should be shown a piped connection between basin 2B and 2A, and it is shown on the street plans, but it should be shown on the drainage plans. So I'm saying show it in detail on the street plans, and all subsequent drainage plans.

(2) That the drainage basin #3 remain located at the northwest corner of the development.

(3) That the right-of-way for Nurrenbern Ditch remain, and be shown on the recorded plat as seventy-five feet (75') along the west line of lot #6.

Commissioner Mourdock: "It would be this area from Virginia Street to here. Maintain all that green?"

Bill Jeffers: "Since the basin, and the Texas Gas transmission line prohibits development up there, we'll use that side to maintain from our ditch.

(4) The final details of the drainage facility require to serve any subsequent development within lot #6 be presented to the board as a final drainage plan as they start dividing it up, and marketing it.

(5) That the plat not be released for recording until lot #6 is shown in it's final development configuration with all necessary easements facilities, and a notice of maintenance responsibility, the same as all other lots in the subdivision.

Okay, so what we are really saying there is they have to have drainage approval to move forward to Area Plan Commission the first Wednesday in February. He has submitted sufficient data for us to give him preliminary approval on lot #6. But, when you look at forty-four (44) acres you know that that's half of the size of Eastland Mall, and it can, and will change as they market it. The rest of the subdivision we can say is final. The plans are sufficient in there to be final."

Barbara Cunningham: "So we've never seen these lots. This is just a market. When you said lot #6, what we have is coming as lot #1, outlot A, and outlot B, and lot #2. So I've not seen this with the other four (4) lots."

Bill Jeffers: "You haven't filed a primary that looks like this?"

Barbara Cunningham: "You haven't filed this. You've got the other one filed, and this. Is that right?"

Jim Farney: "Barbara what you will be receiving tomorrow, because tomorrow is the final deadline, of something that is termed replat of lot #2."

Barabara Cunningham: "Okay, a replat of lot #2. I just wanted to make it clear that this is not what we have on the agenda for next week."

Jim Farney: "Right, what you have shows the green, lot #1, the outlot #2 above it. Outlot #1, then all the rest is term lot #2 on the plat."

Barbara Cunningham: "Okay."

Bill Jeffers: "The last division of our review on CrossRoads Subdivision is the plan is to build, and drain the streets. The plan to build, and drain Virginia Street directly into Nurrenbern Ditch is acceptable, but the Surveyor recommends that the precast box culvert be sized, and placed so that the inside surface of the box is at elevation three eighty-two point zero feet (382.0') above sea level, at the flow line shown on the plans to dredge the ditch which were given to Mr. Farney by the County Surveyor. That the outside top surface of the box be at three eighty-seven (387.0'), or higher than the existing tops of banks if possible. He's aware of that. We've talked about that out in the hall. These are approximate measurements which may be rounded off to the appropriate culvert size available from the supplier. Street plans should also be reviewed by the County Engineer, which they are so being at the time. With the attention given to all the fringe drainage impact from areas of adjacent lots, such as right-of-way, green space, ramped entrance pavements into the parking lots. That is to say that the developers engineer now is showing, or assuming that all, or most of the storm drainage from the lots are going directly to the basins, when in fact some of it may get into the street depending on individual site plans, and field modifications. Again the Surveyors office remains available to participate in the review, and inspection of the subsequent details provided as a part of the street drainage plans. We recommend your approval on the "Preliminary" street drainage plan shown on this part of the submittal. You'll get the final street plans from John Stoll with his recommendations, what I am saying there.

So to conclude the County Surveyor has reviewed the drainage plans for CrossRoads Subdivision, and with the conditions given above recommends your action, and approval per the following:

- (1) Final Drainage Plans for lot #1, and outlot #2 approve.
- (2) Final Drainage Plans for lots #2, #3, #4, and #5 approve.
- (3) Preliminary Drainage Plan for lot #6 approve.
- (4) Preliminary Drainage Plan for streets shown approve.
- (5) Then the boards withdrawal of the approval of the old drainage plan which is known as Nurrenbern Commerce.

In closing I received this today from Area Plan Commission the staff field report. At the bottom of the page it said the drainage board should address maintenance of the outlots, and basins, and that has been addressed in my report."

Commissioner Tuley: "Questions of Mr. Jeffers?"

Commissioner Mourdock: "Bill on the "Preliminary" plan for lot #6, there is what looks to be a contour line somewhat limiting the contour line. I presume that is going to be a secondary,

contingency line depending to what the development is here to that they would be adding the retention space?"

Bill Jeffers: "Mr. Mourdock, I believe from reading the report, and viewing it the way you have...and Mr. Farney can correct me if we're both wrong...that that shows the extent to which the basin maybe excavated if the ground cover of that large forty-four (44) acre area, the hard surface ground cover requires enlarging the basin. That's what he's given you as of a contingency, correct?"

Commissioner Mourdock: "Okay, that's what I thought it⁰ was then. Does this line assume one hundred percent (100%) hard type coverage? In otherwords, is that a worse case plan? Do you know?"

Bill Jeffers: "We always assumed seventy-five percent (75%). Isn't that what your calculations show, Mr. Farney, potential of seventy-five percent (75%)."

Jim Farney: "We have a weighted c-factor that is calculated assuming it's a shopping center with paving parking. You never use a hundred percent (100%), but it's seventy, eighty percent, somewhere in that range."

Commissioner Mourdock: "That's what this line represents? (referring to the map)."

Jim Farney: "The outer line there as Bill said, represents the basin that's shown shaded, the portion that shaded was the portion that's necessary, and would probably would be constructed, and obtained (inaudible) material for the road construction. It's going to be occurring very shortly as soon as the weather permits. The additional area that's shown on there is not dirt that will be required for the roadway construction. So it won't be excavated at this time. If the owner of that, or the developer of that lot shown in pink decides to utilize that basin as we have it started, and wants to expand it so to speak to meet his requirements, it would basically take that larger area for him to be able to store the amount of water that he has to store."

Commissioner Mourdock: "Okay. So if development went the way I guess optimately would seventy-five percent (75%) of this would be considered hardtop, and at that point this would be adequate."

Jim Farney: "Right. If that is his only holding facility, it will have to be enlarged to that outer line. A smaller line would not accommodate the storage requirements."

Commissioner Mourdock: "The reality would be somewhere between here, and here probably. (Referring to the map.)"

Jim Farney: "Right."

Commissioner Mourdock: "Okay."

Bill Jeffers: "There is also a note on there as well that the owner is retaining the right to move, or alter the configuration of the drainage basins in accordance with what he finds out to be the need to provide space for various commercial ventures that require certain amount of square footage. However, the end results will be the same volume that's shown in his calculations. Volume of storage will be the same as what he showing in his calculations. Which we have reviewed and recommend approval of."

Commissioner Tuley: "Any other questions?"

Joe Ream: "My name is Joe Ream representing the Hartmann Family Land Trust. I have a question that maybe between the two engineers maybe they can answer it. On page 4, #5 That the plat not be released for recording until lot #6 is shown in its final development configuration with all the necessary easements, facilities, etc.. I guess my concern is twofold, and maybe it isn't a problem, but maybe if you could answer it that we want to be sure that we can record enough that lot #1 will be okay to build on and all that. Then also this large lot, lot #6 we want to be sure that if we have to reconfigure that in some way based on customers desires. Let's say that one of them want half of lot #6. We want to be able to do that. Those are my concerns. Maybe you, and Jim could answer that please."

Bill Jeffers: "Okay, real simple, I reviewed drainage plans and everything is okay with me how you subdivide, and breakup lots. Mrs. Cunningham's department handles that process, so I just made note of it in that sentence."

Jim Farney: "I think to try to clarify what Joe's concern about is, the way that Joe's reading item #5 is understanding of the, or the interpretation of that is, it's saying that one of the main concerns at this point is to be able to record a plat that shows lot #1 for the Towne and Country Ford. The lot #6 showing pink there (on the map) which is lot #2 on the plat that's currently in submittal of the northern portion of it. That lot has not been marketed yet. So what I'm trying to say is that we cannot present it at this time the final drainage plan for the pink. However, we need to have the ability if the plat is approved on February 1st, that we can record that subdivision which shows lot #1, and #2 at that time or shortly there after. Without being asked to come back and present a final drainage plan for the pink when it is not even sold yet. We need to record the plat for the sake of lot #1. The way this sentence reads it kind of leads us to believe that we have to show the final drainage plan for the pink area before we can present a plat to record lot #1. I don't know if you gentlemen are reading it that way or not. That's the concern that Joe is concerned about."

Bill Jeffers: "Okay. I think that I have messed up there. When I mean final, I mean after all the replats are said and done. Maybe I didn't word it right."

Barbara Cunningham: "Right now all I have on file is two outlots, and two lots."

Bill Jeffers: "Right."

Barbara Cunningham: "You can go ahead if it's approved with that."

Commissioner Borries: "That's basically what we're doing on this drainage plan, and it has final approval on the lots #1 thru lot #5. It does not indicate anything on the large lot #6."

Bill Jeffers: "Preliminary approval on lot #6, which may be replatted, before the replats, before the last of the replats is recorded, we need to have final details of the drainage plan for all parts of what's now shown as lot #6. I just worded it wrong. I'm sorry."

Commissioner Mourdock: "Does that put your mind at ease Joe?"

Joe Ream: "Yes. Thank you."

Commissioner Tuley: "Everything else has been suggested by the

Surveyor. Is that right?"

Bill Jeffers: "Yes."

Commissioner Tuley: "Bill on this one point, you said you talked to this Jeff James. You said he is aware of the conditions. Does that mean he agrees to it?"

Bill Jeffers: "He said that a representative of Mr. Farney's office had called him, and told him that would be the case. He knew that, and he was trying to design it. To conform, yes."

Commissioner Tuley: "Okay. Any other questions? Why don't we take these in the manner in which Bill's laid them out for us."

Motion made by Commissioner Borries for final drainage plans for lot #1, and outlot #2 to be approved and seconded by Commissioner Mourdock. So ordered.

Motion made by Commissioner Borries for the final drainage plan for lot #2, #3, #4, and lot #5 be approved and seconded by Commissioner Mourdock. So ordered.

Motion made by Commissioner Borries that the "Preliminary" drainage plan for lot #6 be approved and seconded by Commissioner Mourdock. So ordered.

Motion made by Commissioner Borries that "Preliminary" drainage plan for all streets shown be approved and seconded by Commissioner Mourdock. So ordered.

Motion made for a withdrawal of approval on what was known as the old drainage plan passed in 1994, for what was called at that time Nurrenbern Subdivision, and I move that that be withdrawn and seconded by Commissioner Mourdock. So ordered.

RE: ³REQUEST PAYMENT FOR BLUE-CLAIMS

The following Blue-Claims were submitted as follows:

DITCH	CONTRACTOR	AMOUNT
DANIEL J. PAUL #3590 WALLENMEYER #234-040 94-FM-40-15	8,355 L.F. @ 0.145=\$1211.48 PREV. PMT. 85%=\$1,029.76 PAY 15% RETAINAGE=\$181.72	181.72
ELDON MAASBERG #1485 KNEER #234-024 94-FM-24-40	3036 L.F. @ 0.10=\$303.60 PREV. PMT. 45%=\$136.62 PAY 40% = \$121.44 RETAINAGE 15% = \$45.54	121.44
ELDON MAASBERG #1485 MAASBERG #234-027 94-FM-27-40	2206 L.F. @ 0.07=\$154.42 PREV. PMT. @ 45%=\$69.49 PAY 40%=\$61.77 RETAINAGE 15%=\$23.17	61.77
JOHN MAURER #1483 HOEFLING #234-020 94-FM-20-15	5571 L.F. X 0.10=\$557.10 PREV. PMT. 85%=\$473.54 PAY 15% RETAINAGE=\$83.56	83.56
RALPH REXING #1228 POND FLAT MAIN LAT "A" #234-030 94-FM-30-40	5311 L.F. X 0.14=\$734.54 PAY 40%=\$297.42 PREV. PMT.=\$334.59 15% RETAINAGE=\$111.53	297.42

³Copy of Blue-Claims attached to 1-23-95 Drainage Board Minutes.

RALPH REXING #1228 POND FLAT MAIN LAT "B" #234-031 94-FM-31-40	2997 L.F.X 0.14=\$391.58 PAY 40%=\$156.63 PREV. PMT.@45%=\$176.21 15% RETAINAGE=\$58.74	156.63
RALPH REXING #1228 POND FLAT MAIN LAT"D" #234-033 94-FM-33-40	4579 L.F.X 0.14=\$641.06 PAY 40%=\$256.42 PREV. PMT.@45%=\$288.48 15% RETAINAGE=\$96.16	256.42
REXING ENTERPRISE INC. #4476 SINGER #234-037 94-FM-37-15	2450 L.F.@0.11=\$269.50 PREV. PMT.=\$229.08 PAY 15% RETAINAGE=\$40.42	40.42
TERRY R. JOHNSON #1052 EASTSIDE URBAN N.½ #234-015 94-FM-15-15	21127 L.F.@0.2995=\$6327.54 PREV. PMT. 85%=\$5378.41 PAY RETAINAGE 15%=\$949.13	949.13
UNIONTOWNSHIP ASS'N #1259 BARNETT #234-008 94-FM-08-40	8358 L.F.@ 0.06=\$501.48 PAY 40%=\$200.59 PREV. PMT.@ \$225.67 RETAINAGE 15%=\$75.22	200.59
UNIONTOWNSHIP ASS'N #1259 CYPRESS DALE MADDOX #234-012 94-FM-12-40	23887 L.F.@0.06=\$1433.22 PAY 40% @ \$573.29 PREV. PMT. @ 45%=\$644.95 15% RETAINAGE=\$214.98	573.29
UNIONTOWNSHIP ASS'N #1259 KAMP #234-021 94-FM-21-40	11160 L.F.X 0.06=\$669.60 PAY 40%=\$267.84 PREV. PMT. @45%=\$301.32 15% RETAINAGE=\$100.44	267.84
TOTAL		3,190.23

Bill Jeffers: "All of the Blue-Claims are in order."

Commissioner Borries: "Have they been reviewed by the County Surveyor?"

Bill Jeffers: "They have all been reviewed by the County Surveyor, or by the Deputy Surveyor. Each one is signed on the back by the Surveyor, and attached are the Surveyors reports, and other necessary paperwork all in order. The Surveyor recommends approval of these Blue-Claims. There all for annual normal maintenance to ditches."

Motion made to approve by Commissioner Borries and seconded by Commissioner Mourdock. So ordered.

RE: ⁴J. H. RUDOLPH COMPANY:

Alan Kissinger: "It has been brought to my attention that there is a piece of property belonging to J. H. Rudolph Company. It is located I believe on Stockwell Road. That property I believe is bordered by, or is in the immediate area of what is a county legal drain. But, I believe that that drain was also the subject of a contract, or an agreement entered into between the city, and the county some years ago in reference to who would maintain the drain, who would make certain improvements on it, etc.. The situation there now is that apparently the drain is not draining in the manner that it should have. The part of the J. H. Rudolph Real Estate is eroding away, and the access road to the J. H. Rudolph

⁴Copy of J. H. Rudolph Company in regards of notice of possible claim for damage due to erosion of ditch bank attached to 1-23-95 Drainage Board Minutes.

property may be cut off as a result of this erosion sometime in the very near future. There is a situation now that must be taken care of very soon, or the county and perhaps the city and whomever else, may find themselves in the midst of a law suit. I don't know what kind of presentation Mr. Jeffers has prepared, but I will say this...this is kind of akin situation in which two fire departments from different jurisdictions watched the house burn down while they argued over who should put it out. Something needs to be done out there. I would advise that the Commissioners instruct the County Surveyors office to take whatever type of temporary remedial action they can on an emergency basis. Probably write out the jurisdictional problems here, and also if the County Surveyors office can provide me with any documents concerning any agreements that would show that the city of Evansville is in fact responsible for this maintenance, then I can deal constructively with the city attorneys office. That's my recommendation in reference to this situation."

Commissioner Mourdock: "What can you tell us Bill?"

Bill Jeffers: "The location of the problem is the south bank of what is known as the Wabash & Erie Canal. The damaged area is along side the asphalt drive entrance to J. H. Rudolph Company's Plant, just east of Stockwell Road, and has an address of Stockwell Road. Specifically, 1251 North Stockwell Road, Evansville, Indiana. The drain is the old Wabash & Erie Canal from the 1800's. Reopened as a storm drain that serves that part of the east side south of Morgan Avenue. West of the Warrick County line. North of Lincoln Avenue, and east of Stockwell Road. So you can imagine the size, and acres we're dealing with, and the type of development that's in that area, such as Eastland Mall, thence east through everything that has been built since. All the survey, and design work done for this project was done during the mid, and late 1970's, initiated by the city board of works under Russell Lloyd, and the city engineers department. Including that portion of the ditch extending approximately three quarters of a mile east of Green River Road, which at that time, and until 1988 was the city county line. The board of County Commissioners about 1979 agreed to pay a hundred thousand dollars (\$100,000.00) for the part of the work that was done in the county. The value of that work was approximated at a hundred sixty thousand dollars (\$160,000.00) and the County Commissioners paid a hundred for that. That was from Green River Road out to Complete Lumber. After the construction was completed the Drainage Board also agreed to maintain part of the drain that lies inside the city, because the city had no funds for legal drain maintenance, and because everyone felt it was necessary to keep the ditch clean in order to convey a huge amount of water passing through it, and into Pigeon Creek. Basically, the partnership between the city, and the county develop, because the city has always had the ability to design, and fund large projects, and no money to maintain drainage projects after they have been built. The county has always had the means to maintain large public ditches, but no money to build them. So the symbiotic relationship was to let the city design it, and build it, and for us to maintain it. The design included fourteen foot by ten foot (14' x 10') structural arch pipe to replace a four foot (4') diameter pipe at the same location. On your map that I've given you the fourteen foot by ten foot (14' x 10') arch is marked in yellow. The little four foot (4') steel pipe that was there to begin with is marked out in pink. The fourteen by ten foot (14' x 10') arch replaces the four foot (4') diameter pipe at the same location where Mr. Kissinger has pointed out, Rudolph is now experiencing an erosion problem. In otherwords, the designers of this project called for a new pipe eight times (8) the capacity of the old pipe. The new pipe was to be placed under a railroad spur

shown on your drawing in such a way that it would carry the ditch straight west, and under Stockwell Road instead of curving off to the south/west, and winding around under Stockwell Road, and back under a couple of other railroad tracks until it finally got over to Pigeon Creek. The old forty-eight inch (48") pipe was to be plugged with concrete as I have highlighted in the old also shown clearly on the design plan. The old channel was to be backfilled and regraded as shown so that the south bank of the existing ditch would be moved well north of Rudolph's entrance drive. The pink shaded area in front of the little pipe is the area that was going to be filled up. That's the area that's now eroding back in, and under Rudolph's asphalt drive. That's the area that should of been filled was shown clearly on the plans to be filled, but was not. The city encountered difficulties with the railroad company in developing a time table for closing the tracks. The pipes were never installed as planned. The railroad company said; hey, you're closing down our track too long. We can't hack it, forget it. The old forty-eight inch (48") pipe, and the channel leading into it were left as is, and eroded over time resulting, and it's true, it will result in a possible loss of an entrance drive onto the Rudolph property. Rudolph notified the various city, and county boards with this letter here, March 10, 1988, notice of claim. Upon the receipt of this notice the County Surveyor instructed the county maintenance contractors to cease all maintenance activity on the part of the ditch along Rudolph's property line. In order to prevent any further grounds for a claim due to say the weight of the machinery running along the top of the bank, and possibly causing it to cave in more. No county contractual personal, or maintenance machinery has entered onto, or across Rudolph's property since the 1988 notice. The only County Surveyors personnel that have entered onto that site since, are those on foot inspecting the ditch and making reports on the condition. County Surveyor, and the County Drainage Board have done everything in their power to my knowledge to keep the post development runoff back to the pre-development rate of runoff in all the developments running into Harper Ditch, and into Eastside Urban Ditches which outlet through this pipe. In otherwords, whenever you did Wal-Mart, K-Mart, this that and the other, we had detention basins. We've insisted on those. The pipes that leave the county under Green River Road for this ditch at the intersection of Morgan Avenue, and for Harper Ditch back at Shoe Carnival have not been enlarged since the original design of those pipes, and the construction that took place. So they cannot now carry anymore water from the county into the city than they did when they were first installed in 1979, and 1981. On the city side of the line developments like Eastland Mall, and Woodland Center are built without detention basins. Morgan Avenue widening was constructed by the State of Indiana, and allowed to drain directly into the Wabash & Erie Canal without any detention. I might add at this point that whenever the state sends us highway plans, I've got a set right now that came to us in December that said the response...if you do not respond within thirty (30) days, we assume that you approved. I'm supposed to bring them to you. The date of the letter was September 17, 1994. I got it in December. The state ignored all the County Surveyors comments on Morgan Avenue widening project with regards to drainage and bridge elevation, and you'll remember in 1983, the first year that Morgan Avenue was widened the bridge that we asked them to raise and it went underwater up to the guardrails. That bridge is over this drain. The County Surveyor remains available to help design and assist the laying out of any corrections to the problem facing J. H. Rudolph Company. We'll gladly help them. Sufficient county drainage funds do not exist in this account for the construction of anything that would correct this problem. Just off the top of my head I'm talking a hundred

(\$100,000.00)...to hundred and fifty thousand dollars (\$150,000.00). The County Surveyor does not know of any cause for a claim resulting from this problem to be laid against the County Surveyor, the County Drainage Board of the County Commissioners. We feel we have acted in good faith. We were asked by the city to maintain that ditch. We did maintain it until we received a claim, or a notice of claim stating that damage was being done, and that they base their claim on negligent acts and omissions. I believe if I remember correctly I was sent out there by the drainage board to look at it when you guys received this back in 1988. The first thing I saw was the bank was being undermined, I didn't want any tractors riding along the top of that bank, so we just said that's it. If you will stand on Green River Road and look down that ditch, towards Stockwell you'll see that that ditch is perfectly maintained until you get to where Harper Ditch comes out from Eastland Mall, and then all of a sudden that's where we've stopped, and it hasn't been touched since 1988. We also stopped maintaining the part that goes through Wesselman's Woods, or Wesselman's Nature Woods, because the state put up a fence. There is a sign put up every three feet (3') that says don't touch anything in here. We stopped maintaining that. However we feel that the ditch itself is adequate, and that we've not done anything to cause this problem. However, again we remain very willing, and open to finding a solution as suggested by your counselor. But, I'm going to tell you it's going to take some serious construction just to hold the bank. Maybe a hundred thousand dollars (\$100,000.00). The way the pipes were designed to go under there, several hundred thousand dollars, (\$100,000.00). A portion of this track is scheduled for abandonment by Southern Railroad, or their successor, but it's not this portion here."

Commissioner Mourdock: "Bill did I just hear you say that will take at least a hundred thousand (\$100,000.00) to maintain the bank using the present...the pink line you have here...and several hundred thousand (\$100,000.00) if you did the yellow as it was originally designed. Is that correct in what your saying?"

Bill Jeffers: "Yes sir. I could see wire basket gabions with boulders, step down, being placed there to hold...That's a one and half to one slope. That's just unheard of anymore to put a ditch that size in a one and half to one slope and expect earth to hold. I talked to Steve Rudolph, and let him know that we are willing to work with him on this, and I don't have any indication at the time that he would be unwilling to let us lay the thing back farther onto his property. His main concern is getting in and out of his asphalt plant, on a road that is right there and he's always been able to use up until recently it's not been a problem for him. This is only trying to protect his right to enter his property. I am sure he would be willing to work with us to get something done. There also an issue of overlapping property. I think the Wabash & Erie Canal is wider than his deed shows, but I don't want to get into any of those kind arguments. Eventually no matter how wide our right-of-way is, it's going to encroach onto his property. It's just going to keep eating it's way back. I think it should be those pipes that were designed and surely they got funding for it."

Commissioner Borries: "Has he seen this report?"

Bill Jeffers: "No sir. I just finished it today. This is not a complete report. This is just if Mr. Kissinger brought it up tonight. There's a lot more involved. In otherwords, he's asked me to provide him with documentation. The discussion started in the Commissioners minutes, and in the drainage board minutes it starts like in 1977, and the discussion

doesn't end until 1981. This is a major project you guys went through. This cut six miles off the route that water took. So it use to that water went straight up to Pigeon Creek."

Commissioner Borries: "We want to avoid a law suit. Bill can we...we've done this before as you know a long another stretch. I'm sure this is already even considered an urban drain. Isn't it, at this point or not?"

Bill Jeffers: "Yes sir. It's part of Eastside Urban."

Commissioner Borries: "Okay. We just don't have that kind of money."

Bill Jeffers: "We have siltation problems back in front of what was Complete Lumber. We have water standing back there that needs to be dredged out. We have to dredge out the ditch for the Ford Dealership, so that they can pave the bottom of it for us. We're running right on the redline for money right now, and it's all in that one account...Eastside Urban S½. We don't have the money to do what we have to do right now...in the counties portion of this ditch. We were maintaining it as a favor to the city. This portion."

Commissioner Borries: "Your not aware though on your research then were there any formalized agreement between the city on there?"

Bill Jeffers: "Whenever the city annexes property from the county into the city, they go through a formal ordinance of some sort asking us to continue to maintain their ditches. I'm sure that took place and is in their minutes, and in the board of works minutes. I haven't gotten into their minutes yet. We went through the State Board of Accounts on this also, can we go into the city and do this? They said as long as the county legal drain, as long as the proper flow of water, basically as long as we have to do this to maintain the proper discharge of water through the city, yes we can use county legal drain funds to keep that way clear. We've already checked that out several times whenever they annexed part of our ditches. Sonntag Stevens is another example. That's all in the city now."

Alan Kissinger: "Bill are you saying that the original project if completed as designed would have solved the problem? Or would have kept this project from arising?"

Bill Jeffers: "Yes sir. That's exactly what I'm saying."

Alan Kissinger: "Are you also saying then that the city did not complete that project which the county contributed some hundred thousand dollars (\$100,000.00) to?"

Bill Jeffers: "Yes sir."

Alan Kissinger: "So am I safe in assuming that they didn't spend some of our money?"

Bill Jeffers: "Oh no. Our money covered that part east of Green River Road, which was spent and completed."

Alan Kissinger: "Okay."

Bill Jeffers: "I'm saying they may not have spent some money that was appropriated for this pipe that wasn't placed under the railroad spur, and another pipe that was not placed under Stockwell Road."

Commissioner Mourdock: "They spent it somewhere else."

Bill Jeffers: "1979 dollars will not do what needs to be done in 1995."

Alan Kissinger: "Is there anything that you know of based on your background and experience that would at least slow down the progression of this erosion?"

Bill Jeffers: "Sheet piling, the cheapest way would be just to drive sheet piling straight down, and have a straight vertical wall. That could be done for less than a hundred thousand (\$100,000.00), and would be a quick fix. I don't think we can do the sheet piling, no...but that would be the quickest, cheapest way. To do it properly I am saying would be over a hundred thousand (\$100,000.00)."

Alan Kissinger: "So it is not your position that this is the city's responsibility? Am I correct?"

Bill Jeffers: "Yes it is my position, that's it's the city's responsibility."

Alan Kissinger: "Do you have any documentation that will help me approach the city, and convince them that it is their responsibility?"

Bill Jeffers: "I will gather that up and bring it to you."

Alan Kissinger: "Great. Thank you."

Commissioner Mourdock: "It sounds like the heart of that is simply what the plan was verses the other plan that was executed."

Bill Jeffers: "I believe Mr. Kissinger is asking for specific pages out of the books of the minutes of the Board of Works, and the Drainage Board."

Commissioner Mourdock: "Right. I understand that, but the big yellow line that showed this thing all being rerouted was part of the plan that the city had...."

Bill Jeffers: "Absolutely. They ran into a problem with the railroad saying that we will not shut line down for the period of time that it would take to do that."

Commissioner Tuley: "This goes back to what we talked about..."As-built" verses what was shown to us."

Alan Kissinger: "Thanks Bill."

Commissioner Borries: "If you could get that information to Alan Kissinger, I know that he would appreciate it. I guess at least their construction firm, I don't know maybe somehow, or another we can work them to resolve this, and say obviously we have a major interest in this."

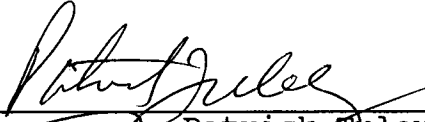
Bill Jeffers: "I have every indication that they're willing to work with you, and no indication that they really want to sue you."

There being no further business the meeting was adjourned at 8:04 p.m.

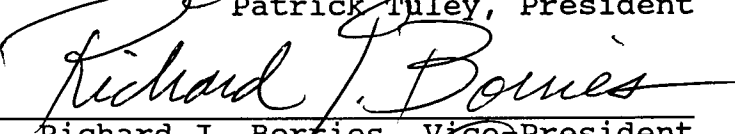
PRESENT:

President Patrick Tuley
Vice-President Richard J. Borries

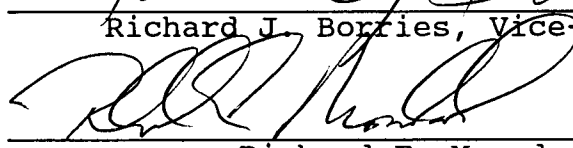
Member Richard E. Mourdock
Alan Kissinger, Attorney
William Fluty, Chief Deputy Auditor
Bill Jeffers, Chief Deputy Surveyor
Julie Hinton, Secretary
Jim Farney, Bernadine Lochmueller
Joe Ream, Hartmann Family Land Trust



Patrick Tuley, President



Richard J. Borries, Vice-President



Richard E. Mourdock, Member

TWELFTH AVENUE BAPTIST CHURCH DRAINAGE PLAN

LOCATION: BETWEEN BOEHNE CAMP ROAD AND MILLER ROAD
NORTH OF INDIANA S.R. 62
ACROSS THE STREET FROM MISSION VIEHO APARTMENTS

JIM FARNEY, FROM BERNARDIN LOCHMUELLER, ENGINEERED THIS PROJECT,
AND IS HERE TONIGHT TO ANSWER YOUR QUESTIONS.

I BELIEVE HE BROUGHT THIS DRAINAGE PLAN TO YOU BECAUSE THE
AMOUNT OF DIRT TO BE MOVED, AND ITS LOCATION ADJACENT TO THIS
BRANCH OF CARPENTIER CREEK MAY ATTRACT THE ATTENTION OF CERTAIN
INDIVIDUALS.

I CAN ASSURE YOU AFTER REVIEWING THE PLANS FOR 12TH AVENUE
BAPTIST CHURCH THAT GREAT CARE HAS BEEN TAKEN TO MATCH OR
BLEND THE CUT, FILLED, OR OTHERWISE DISTURBED PARTS OF THIS
PROJECT INTO THE NATURAL TERRAIN.

OUR ONLY COMMENTS ARE:

1. IT IS KNOWN FROM ADJACENT PROJECTS THAT BEDROCK IS VERY
CLOSE TO THE SURFACE AT THIS LOCATION, AND MODIFICATIONS
OR EXTRA MEASURES MAY BECOME REQUIRED.
2. IT IS KNOWN THAT EVERY OTHER PROJECT OF THIS SIZE OR LARGER
ALONG THIS BRANCH OF CARPENTIER CREEK HAS CAUSED OFF-SITE
SILTATION, AND RESULTED IN "REMONSTRANCE AFTER THE FACT."
3. THE DEVELOPER OF THIS SITE WOULD BE WELL ADVISED TO SEEK AND
FOLLOW THE ADVICE OF THE NATURAL RESOURCES CONSERVATION
DISTRICT, PREVIOUSLY CALLED SCS; POSSIBLY INCLUDING MEASURES
EQUAL TO THE REQUIREMENTS OF "RULE 5" ON A 5 ACRE COMMERCIAL
SITE.
4. THE PLANS AND CALCULATIONS PRESENTED BY MR. FARNEY CONFORM TO
YOUR NEW ORDINANCE, AND WE RECOMMEND APPROVAL.

4(6)

CROSSROADS SUBDIVISION DRAINAGE PLAN

LOCATION: IN THE NORTHWEST CORNER OF THE INTERSECTION OF
LLOYD EXPRESSWAY & I-164
ALONG EAST BANK OF NURRENBERN DITCH

GENTLEMEN:

YOU MAY BE FAMILIAR WITH THIS SITE. DRAINAGE PLANS WERE APPROVED BY YOUR BOARD FOR "NURRENBERN SUB" IN JANUARY, 1994. THOSE PLANS ARE NO LONGER APPLICABLE DUE TO CHANGES IN THE ROAD DESIGN AND DEVELOPMENT PLANS; AND PART OF YOUR MOTION TONIGHT MAY BE TO WITHDRAW THE JANUARY, 1994 APPROVAL FOR NURRENBERN SUB.

FOR THE PURPOSE OF REVIEWING THE DRAINAGE PLANS FOR WHAT IS NOW CALLED "CROSSROADS" WE BROKE THE PLAN INTO FOUR PARTS:

- * LOT 1, AND OUTLOT 2, SHADED GREEN ON YOUR MAP;
- * LOTS 2, 3, 4, AND 5, FACING LLOYD EXPRESSWAY, SHADED YELLOW;
- * LOT 6, THE HUGE 44 ACRE LOT CROSS-HATCHED IN PINK ON YOUR MAP;
- * THE STREET AND STREET DRAINAGE PLAN.

ON NOVEMBER 28, 1994, YOUR BOARD APPROVED A REQUEST BY JAS CORP OF LOUISVILLE TO RELAX THE RIGHT-OF-WAY FOR NURRENBERN DITCH SO TOWN & COUNTRY FORD COULD LOCATE ON LOT 1.

YOUR BOARD ALSO APPROVED THE DRAINAGE PLAN FOR THE LOT 1 AND OUTLOT 2; AND THE SURVEYOR'S OFFICE HAS REVIEWED THE INFORMATION SUBMITTED BY MR. JIM FARNEY, THE CIVIL ENGINEER WHO DESIGNED THE PROJECT, AND HAS FOUND THE PLANS AND CALCULATIONS TO BE IN CONFORMANCE WITH THE NEW DRAINAGE ORDINANCE.

MR. FARNEY, FROM BERNARDIN LOCHMUELLER, IS HERE IN THE AUDIENCE.

WE WILL REAFFIRM OUR RECOMMENDATION FOR APPROVAL OF FINAL DRAINAGE PLAN FOR CROSSROADS LOT 1 AND OUTLOT 2 WITH THE FOLLOWING CONDITIONS:

1. THAT THE OWNER/DEVELOPER SUBMIT A FINAL SITE PLAN PRIOR TO CONSTRUCTION, THROUGH THE SITE REVIEW COMMITTEE, WHICH WILL SHOW THAT ALL STORM DRAINAGE FROM WITHIN THE PROPERTY LINES, EXCEPT A BARE MINIMAL FRINGE DRAINAGE, IS DIRECTED INTO THE BASIN ON OUTLOT 2.

I HAVE SPOKEN WITH JEFF JAMES OF JO JAMES CONSTRUCTION, LOUISVILLE, WHO IS DESIGNING AND SUPERVISING CONSTRUCTION OF TOWN & COUNTRY FORD, AND HE IS AWARE OF THIS CONDITION.
2. THAT THE OUTLET DROP BOX FROM BASIN #2A BE COVERED BY A GRATE SPECIFICALLY DESIGNED TO CATCH ALL DEBRIS THAT MIGHT OTHERWISE COLLECT ON THE FACE OF THE TWIN OUTLET PIPES.
3. THAT THE RECORDED PLAT INCLUDE CONCISE LANGUAGE NOTIFYING THE AFFECTED PARTIES OF THEIR EXACT MAINTENANCE RESPONSIBILITIES.
4. THAT BASIN #2A BE OPERATING AS A STORM WATER DETENTION AND TEMPORARY SILT CONTROL BASIN PRIOR TO OR IN CONJUNCTION WITH INITIAL CONSTRUCTION ON LOT 1.
5. THAT AN EROSION CONTROL PLAN IN CONFORMANCE WITH "RULE 5" BE SUBMITTED TO THE NATURAL RESOURCES CONSERVATION DISTRICT.

THE SURVEYOR'S OFFICE REMAINS AVAILABLE TO REVIEW, AND WITH THE BOARD'S PERMISSION, TO SIGN OFF ON PLANS FORTHCOMING AS A RESULT OF THESE 5 CONDITIONS OF APPROVAL.

THE SECOND PART OF OUR REVIEW IS LOTS 2, 3, 4, AND 5.

AGAIN, THE CALCULATIONS AND PLANS ARE IN CONFORMANCE WITH YOUR ORDINANCE, MR. FARNEY IS HERE TO ADDRESS ANY QUESTION; AND OUR RECOMMENDATION IS TO APPROVE THE FINAL DRAINAGE PLAN FOR LOTS 2, 3, 4, AND 5 IN CROSSROADS WITH THE FOLLOWING CONDITIONS:

~~1. THAT THE 8559 SQ. FT. SHOWN AS "OUTLOT NO. 1" BE ELIMINATED BY COMBINING IT WITH LOT 2. THIS IS TO ELIMINATE CONFUSION AS TO WHO IS GOING TO MAINTAIN THAT CORNER, AND TO MAKE IT AVAILABLE FOR USE IF BASIN NO. 1 NEEDS TO BE ENLARGED.~~

~~THIS CONDITION IS FLEXIBLE, AND SHOULD BE VIEWED AS A RECOMMENDATION. WE DO NOT INTEND TO INFRINGE UPON THE DEVELOPER'S LAND USE RIGHTS.~~

1. THAT IF IN THE REVIEW OF THE STREET DRAINAGE PLANS, IT IS FOUND THAT "FRINGE" DRAINAGE FROM LOT 1 AND LOT 6 REQUIRES MORE CAPACITY IN THE STREET PIPES AND BASINS, THE ENGINEER RECALCULATE AND RESUBMIT AN ADEQUATE DESIGN.
2. THAT BASIN NO. 1 BE CONSTRUCTED AND OPERATING AS A STORM WATER DETENTION FACILITY AND TEMPORARY SILT BASIN PRIOR TO OR IN CONJUNCTION WITH INITIAL CONSTRUCTION ON LOTS 2, 3, 4, AND/OR 5.
3. THAT A EROSION CONTROL PLAN IN COMPLIANCE WITH "RULE 5" BE FILED WITH THE NATURAL RESOURCES CONSERVATION DISTRICT FOR THE AREA SHOWN AS LOTS 2, 3, 4, AND 5.
4. THAT THE RECORDED PLAT INCLUDE THE SAME TYPE OF MAINTENANCE NOTICE AS FOR LOT 1, SPELLED OUT ABOVE.

THE NEXT DIVISION OF OUR REVIEW IS FOR LOT 6. THIS IS A HUGE LOT, 44 ACRES, WHICH HAS THE POTENTIAL OF BEING DIVIDED INTO A NUMBER OF SMALLER PARCELS WITH A PATCHWORK OF PARKING LOTS AND BUILDINGS. THE RESULTING SYSTEM OF DRAINAGE PIPES, CHANNELS AND EASEMENTS WILL REQUIRE MORE DETAILS BEFORE WE CAN RECOMMEND A "FINAL" DRAINAGE PLAN.

AGAIN, MR. FARNEY HAS SUBMITTED ADEQUATE AND CORRECT DATA FOR US TO RECOMMEND APPROVAL ON A "PRELIMINARY" DRAINAGE PLAN UNDER THE TERMS OF YOUR ORDINANCE; AND WE WILL DO SO WITH THE FOLLOWING CONDITIONS:

1. THAT THE PIPED CONNECTION BETWEEN BASIN 2B AND 2A BE SHOWN IN DETAIL ON THE STREET PLANS, AND ON SUBSEQUENT DRAINAGE PLANS.
2. THAT DRAINAGE BASIN NO. 3 REMAIN LOCATED IN THE NORTHWEST CORNER OF THE DEVELOPMENT.
3. THAT THE RIGHT-OF-WAY FOR NURRENBERN DITCH REMAIN AND BE SHOWN ON THE RECORDED PLAT AS 75 FEET ALONG THE WEST LINE OF LOT 6.
4. THAT FINAL DETAILS OF DRAINAGE FACILITIES REQUIRED TO SERVE SUBSEQUENT DEVELOPMENT WITHIN LOT 6 BE PRESENTED TO THE BOARD AS "FINAL" DRAINAGE PLANS AS THE DEVELOPMENT PROCEEDS.
5. THAT THE PLAT NOT BE RELEASED FOR RECORDING UNTIL LOT 6 IS SHOWN IN ITS FINAL DEVELOPMENT CONFIGURATION WITH ALL NECESSARY EASEMENTS, FACILITIES, AND A NOTICE OF MAINTENANCE RESPONSIBILITIES THE SAME AS OTHER LOTS IN THIS SUBDIVISION.

THE LAST DIVISION OF OUR REVIEW ON CROSSROADS IS THE PLAN TO BUILD AND DRAIN THE STREETS.

THE PLAN TO DRAIN VIRGINIA STREET DIRECTLY INTO NURRENBERN DITCH IS ACCEPTABLE; BUT THE SURVEYOR RECOMMENDS THAT THE PRECAST BOX CULVERT BE SIZED AND BE PLACED SO THAT THE INSIDE SURFACE OF THE BOX IS ~~ONE FOOT (1')~~ ^{382.0} ~~LOWER THAN~~ ^{AT} THE FLOWLINE SHOWN ON THE PLANS TO DREDGE THE DITCH WHICH WERE GIVEN TO MR. FARNEY BY THE COUNTY SURVEYOR'S OFFICE, AND THAT THE ~~INSIDE~~ ^{AT 387.0} TOP SURFACE OF THE BOX BE LEVEL ~~WITH~~ OR HIGHER THAN THE EXISTING TOPS OF THE BANKS ^{IF POSSIBLE}

THESE ARE APPROXIMATE MEASUREMENTS WHICH MAY BE ROUNDED OFF TO THE APPROPRIATE BOX CULVERT SIZE AVAILABLE FROM THE SUPPLIER.

THE STREET PLANS ALSO SHOULD BE REVIEWED BY THE COUNTY ENGINEER WITH ATTENTION GIVEN TO "FRINGE" DRAINAGE IMPACT FROM AREAS OF ADJACENT LOTS SUCH AS RIGHTS-OF-WAY, GREEN SPACE, AND RAMPED ENTRANCE PAVEMENTS INTO THE PARKING LOTS. THAT IS TO SAY THAT THE DEVELOPER'S ENGINEER IS SHOWING OR ASSUMING ALL OR MOST OF THE STORM DRAINAGE FROM THE LOTS GOING DIRECTLY INTO THE BASINS, WHEN SOME OF IT MAY GET INTO THE STREETS DEPENDING UPON THE INDIVIDUAL SITE PLANS AND FIELD MODIFICATIONS OF THOSE PLANS.

AGAIN, THE SURVEYOR'S OFFICE REMAINS AVAILABLE TO PARTICIPATE IN THE REVIEW AND INSPECTION OF SUBSEQUENT DETAILS PROVIDED AS PART OF THE STREET DRAINAGE PLANS; AND WE RECOMMEND YOUR APPROVAL OF THE "PRELIMINARY" STREET DRAINAGE PLANS SHOWN AS A PART OF THIS SUBMITTAL.

SO TO CONCLUDE, THE COUNTY SURVEYOR HAS REVIEWED THE DRAINAGE
PLANS FOR CROSSROADS, AND WITH THE CONDITIONS GIVEN ABOVE
RECOMMENDS YOUR ACTION AND APPROVAL OF THE FOLLOWING:

1. FINAL DRAINAGE PLANS FOR LOT 1 AND OUTLOT 2. *RB/RM*
2. FINAL DRAINAGE PLANS FOR LOTS 2, 3, 4, AND 5. *RB/RM*
3. PRELIMINARY DRAINAGE PLANS FOR LOT 6. *RB/RM*
4. PRELIMINARY DRAINAGE PLANS FOR ALL STREETS SHOWN. *RB/RM*
5. THE BOARD'S WITHDRAWAL OF APPROVAL ON THE OLD DRAINAGE PLAN
PASSED IN JANUARY, 1994, FOR NURRENBERN COMMERCIAL SUB. *RB/RM*

VANDEBURGH COUNTY, INDIANA

On Account of Appropriation for Wallenmeyer Ditch 234-040

[illegible]

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

Daniel J Paul x
Name

Title

Date Nov. 2, 1972

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

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

representing same as above, and presently
under contract with the Vanderburgh County Drainage Board to perform

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

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

NAME OF DRAIN: Wallen meyer #

CONTRACTOR: Daniel J. Paul VENDOR # 3590

CONTRACT # _____ AND/OR ACCOUNT # 234-040

- [☒] ANNUAL MAINTENANCE
[] ADDITIONAL MAINTENANCE
[] EMERGENCY MAINTENANCE

COMPLETION DATE OCT 27, 1994
INSPECTION DATE Nov 1, 1994

- [☒] WORK IS APPROVED
[] NOT APPROVED: COMMENTS: _____

VANDERBURGH COUNTY SURVEYOR

11-4-94
DATE

VANDEBURGH COUNTY, INDIANA

On Account of Appropriation for Kneet Ditch

Date Dec 12, 1994

Robert W. Brenner, Vanderburgh County Surveyor

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

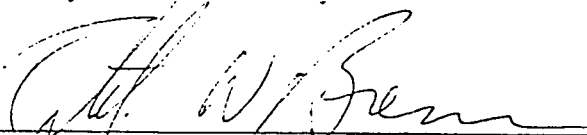
SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

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

for ☒ annual -- ☐ additional maintenance to
Krook Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
Nov 1, 1992, and was inspected by
our staff on Dec 13, 1994, and is
☒ approved -- ☐ disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:


Robert W. Brenner, Vanderburgh County Surveyor

12-21-94
Date

Additional Comments:

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

VANDEBURGH COUNTY, INDIANA

VENDOR NAME Eldon Maasberg # 1485

On Account of Appropriation for Maasberg Ditch

Invoice No.	Itemized Claim	Amount	
	2206 L.F. x 0.07 = \$154.42		
	PREV. PMT @ 45% \$69.49		
94-FM-27-40	Pay 4090 →	\$61	77
	1590 Retainage = 23.17		

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

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

X Eldon Maasberg
Name

Title

Date DEC. 17, 1984

Robert W. Brenner, Vanderburgh County Surveyor

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

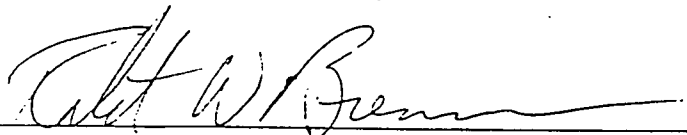
SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

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

for ☒ annual -- ☐ additional maintenance to
Maasberg Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
Nov. 1, 1994, and was inspected by
our staff on Dec. 13, 1994, and is
☒ approved -- ☐ disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

 12-21-94
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

VANDEBURGH COUNTY, INDIANA

On Account of Appropriation for Hoebling Ditch 234-020

[illegible]

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

John Mauer x
Name

Name

Title

Date Oct 28, 1974

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I

John Maurer X
(Signature in Ink)

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

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

NONE

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

NAME OF DRAIN: Hoeftling Ditch

CONTRACTOR: John Maurer VENDOR # 1483

CONTRACT # _____ AND/OR ACCOUNT # 234-020

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

COMPLETION DATE OCT. 28, 1994
INSPECTION DATE Nov. 2, 1994

[X] WORK IS APPROVED

[] NOT APPROVED: COMMENTS: _____

Chas W. Bann
VANDERBURGH COUNTY SURVEYOR

11-4-94
DATE

VANDEBURGH COUNTY, INDIANA

On Account of Appropriation for Pond Flat Main Lat. A. 234-030

[illegible]

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

Ralph R. Reine
Name

Title

Date DEC. 9, 1994

Robert W. Brenner, Vanderburgh County Surveyor

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

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

for ☒ annual -- ☐ additional maintenance to
Pond Flat Main Lat. A. Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
Dec. 1, 1994, and was inspected by
our staff on Dec. 3, 1994, and is
☒ approved -- ☐ disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 12-14-94
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

VANDEBURGH COUNTY, INDIANA

1228

234-031

[illegible]

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

Ralph R. Reising
Name

Name _____

Title

Date DEC. 9, 1994

Robert W. Brenner, Vanderburgh County Surveyor

VANDERBURGH COUNTY
SURVEYOR'S OFFICE
Room 325 Civic Center Complex
One Northwest Martin Luther King, Jr. Boulevard
Evansville, Indiana 47708-1933
(812) 435-5210

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

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

for ☒ annual -- ☐ additional maintenance to
Pond Flat Main Lat. B. Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
DEC. 1, 1994, and was inspected by
our staff on DEC. 8, 1994, and is
☒ approved -- ☐ disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 12-14-94
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

Robert W. Brenner, Vanderburgh County Surveyor

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

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

for ☐ annual -- ☐ additional maintenance to
Pond Flat Main Lat. D. Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
DEC 9, 1994, and was inspected by
our staff on DEC 9, 1994, and is
☒ approved -- ☐ disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner
Robert W. Brenner, Vanderburgh County Surveyor

12-21-94
Date

Additional Comments:

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

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Rexing Enterprises Inc. # 4476

On Account of Appropriation for Singer Ditch 234-037

Invoice No.	Itemized Claim	Amount	
	2450 L.F x 0.11 = \$269.50		
	PREV. PAYMENT = \$229.08		
94-FM-37-15	Pay 1570 Retainage \$40.42	\$40	42

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

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

Shirley Ann Rexing Pres
Name
Rexing Enterprises, Inc
Title

Date Nov. 3, 1994

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I Shirley Ann Rexing Pres
(Signature in Ink)
representing Rexing Enterprises Inc, and presently
under contract with the Vanderburgh County Drainage Board to perform
certain maintenance on Singer Ditch, a regulated
drain in Vanderburgh County, Indiana, do certify that I, and/or the
firm I represent, have/has paid in full all expenses incurred for
labor, supplies, and subcontracts except for any unpaid costs as
specified herein under:

None

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

NAME OF DRAIN: Singer Ditch # _____

CONTRACTOR: Rexing Enterprises VENDOR # 4476

CONTRACT # _____ AND/OR ACCOUNT # 234-037

- ☒ ANNUAL MAINTENANCE
☐ ADDITIONAL MAINTENANCE
☐ EMERGENCY MAINTENANCE

COMPLETION DATE Nov 3, 1994
INSPECTION DATE Nov 4, 1994

☒ WORK IS APPROVED

☐ NOT APPROVED: COMMENTS: _____

Colt W. Burn

VANDERBURGH COUNTY SURVEYOR

11-7-94

DATE


VANDEBURGH COUNTY, INDIANA


VENDOR NAME Terry R. Johnson # 1052

On Account of Appropriation for Eastside Urban N. Half 234-015

[illegible]

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


Name


Title

Date Nov. 7, 1994

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I Terry R. Johnson,
(Signature in Ink)
representing Terry R. Johnson Const., and presently
under contract with the Vanderburgh County Drainage Board to perform
certain maintenance on East side Urban N 1/2, a regulated
drain in Vanderburgh County, Indiana, do certify that I, and/or the
firm I represent, have/has paid in full all expenses incurred for
labor, supplies, and subcontracts except for any unpaid costs as
specified herein under:

NONE

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

NAME OF DRAIN: East side Urban N 1/2 # 1052

CONTRACTOR: Terry R. Johnson VENDOR # 1052

CONTRACT # _____ AND/OR ACCOUNT # 234-015

- [☒] ANNUAL MAINTENANCE
[☐] ADDITIONAL MAINTENANCE
[☐] EMERGENCY MAINTENANCE

COMPLETION DATE Nov. 4, 1994
INSPECTION DATE Nov. 7, 1994

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

[Signature]

VANDERBURGH COUNTY SURVEYOR

11-10-94

DATE

VANDEBURGH COUNTY, INDIANA

On Account of Appropriation for Barnett Ditch 234-008

Date Dec. 22, 1994.

Robert W. Brenner, Vanderburgh County Surveyor

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

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

Union Township Ditch Ass'n.

for ☒ annual -- ☐ additional maintenance to
Barnett Ditch, a legal drain

in Vanderburgh County, Indiana, was completed on
Dec. 21, 1994, and was inspected by
our staff on Dec. 27, 1994, and is
☒ approved -- ☐ disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 1/18/95
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

VANDEBURGH COUNTY, INDIANA

On Account of Appropriation for Cypress Dale Maddox Ditch 234-012

[illegible]

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

X John A Rollett
Name
Treasurer UTDA
Title

Date Dec. 22, 1994

Robert W. Brenner, Vanderburgh County Surveyor

VANDERBURGH COUNTY
SURVEYOR'S OFFICE
Room 325 Civic Center Complex
One Northwest Martin Luther King, Jr. Boulevard
Evansville, Indiana 47708-1933
(812) 435-5210

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: Uniontown Ship Drainage Assn.

for ☒ annual -- ☐ additional maintenance to
Cypress Dale Maddox Ditch Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
Dec 21, 1994, and was inspected by
our staff on Dec 27, 1994, and is
☒ approved -- ☐ disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W Brenner 1/18/95
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

Robert W. Brenner, Vanderburgh County Surveyor

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: Union township Ditch Assn.

for ☒ annual -- ☐ additional maintenance to
Kemp Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
Dec 21, 1994, and was inspected by
our staff on Dec 27, 1994, and is
☒ approved -- ☐ disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W Brenner 1/18/95
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

J. H. RUDOLPH COMPANY
NOTICE OF POSSIBLE CLAIM FOR DAMAGE
DUE TO EROSION OF DITCH BANK

LOCATION: SOUTH BANK OF WABASH & ERIE CANAL
ALONG ASPHALT DRIVE ENTRANCE
J. H. RUDOLPH COMPANY PLANT
EAST OF STOCKWELL ROAD

1. THIS DRAIN IS THE OLD WABASH & ERIE CANAL REOPENED AS A STORM WATER DRAIN SERVING THAT PART OF THE EAST SIDE SOUTH OF MORGAN AVENUE, WEST OF THE WARRICK COUNTY LINE, NORTH OF LINCOLN AVENUE, AND EAST OF STOCKWELL ROAD.
2. ALL THE SURVEYING AND THE DESIGN WORK FOR THIS DRAIN WAS DONE DURING THE MID AND LATE 1970'S BY THE CITY BOARD OF WORKS AND THE CITY ENGINEER'S DEPARTMENT, INCLUDING THAT PORTION OF THE DITCH EXTENDING APPROXIMATELY 3/4 MILE EAST OF GREEN RIVER ROAD AND INTO THE COUNTY.

AT THAT TIME AND UNTIL 1988, THE COUNTY LINE WAS GREEN RIVER ROAD
3. THE BOARD OF COUNTY COMMISSIONERS ENTERED INTO AN AGREEMENT CIRCA 1979 TO PAY \$100,000.00 FOR THAT PORTION OF THE WORK VALUED AT ABOUT \$160,000.00 WHICH LAY OUTSIDE THE CITY.
4. AFTER CONSTRUCTION THE DRAINAGE BOARD ALSO AGREED TO MAINTAIN THE PART OF THE DRAIN THAT LIES INSIDE THE CITY FOR TWO REASONS.
 - A. THE CITY HAS NO FUNDS FOR LEGAL DRAIN MAINTENANCE.
 - B. IT IS NECESSARY TO KEEP THE DITCH CLEAN TO CONVEY THE HUGE AMOUNT OF WATER PASSING THROUGH IT.
5. BASICALLY, THE PARTNERSHIP BETWEEN THE CITY & COUNTY DEVELOPED BECAUSE THE CITY HAS THE ABILITY TO DESIGN AND FUND SUCH DRAINAGE PROJECTS, BUT NO MONEY TO MAINTAIN THEM; AND THE COUNTY HAS THE MEANS TO MAINTAIN LARGE PUBLIC DITCHES, BUT NO MONEY TO CONSTRUCT THEM.
6. THE DESIGN INCLUDED A 14 FOOT BY 10 FOOT STRUCTURAL ARCH TO REPLACE A FOUR FOOT DIAMETER PIPE AT THE SAME LOCATION WHERE RUDOLPH IS NOW EXPERIENCING THE EROSION PROBLEM.

IN OTHER WORDS, THE DESIGNERS CALLED FOR A NEW PIPE WITH ABOUT EIGHT TIMES THE CAPACITY OF THE OLD PIPE.

7. THE NEW PIPE WAS TO BE PLACE UNDER A RAILROAD SPUR IN SUCH A WAY AS WOULD CARRY THE DITCH STRAIGHT WEST AND UNDER STOCKWELL ROAD, INSTEAD OF CURVING SOUTHWESTERLY AND UNDER RUDOLPH'S ENTRANCE DRIVE. (SEE DRAWINGS ATTACHED.)
8. THE OLD 48 INCH PIPE WAS TO BE PLUGGED WITH CONCRETE, AND THE OLD CHANNEL WAS TO BE BACKFILLED AND REGRADED SO THAT THE SOUTH BANK OF THE DITCH WOULD BE MOVED WELL NORTH OF RUDOLPH'S ENTRANCE DRIVE.
9. THE CITY ENCOUNTERED DIFFICULTIES WITH THE RAILROAD IN DEVELOPING A TIME TABLE FOR THE CLOSING OF THE TRACKS, AND THE PIPES WERE NEVER INSTALLED AS PLANNED.
10. THE OLD 48 INCH PIPE AND THE CHANNEL LEADING TO IT HAVE ERODED OVER TIME, RESULTING IN A POSSIBLE LOSS OF ENTRANCE ONTO THE RUDOLPH PROPERTY BY THE EXISTING DRIVE.
11. RUDOLPH NOTIFIED THE VARIOUS CITY AND COUNTY BOARDS AND OFFICES OF THEIR POSSIBLE CLAIM CIRCA NOVEMBER, 1988.
12. UPON RECEIPT OF THE NOTICE, THE COUNTY SURVEYOR INSTRUCTED THE COUNTY MAINTENANCE CONTRACTORS TO CEASE ALL MAINTENANCE ACTIVITY ON THE PART OF THE DITCH ALONG RUDOLPH'S PROPERTY TO PREVENT ANY GROUNDS FOR A CLAIM DUE TO MACHINERY WEIGHT LOADS ALONG THE TOP OF THE ERODING BANK.
13. NO COUNTY CONTRACTUAL PERSONNEL NOR MACHINERY HAS ENTERED ONTO OR ACROSS ANY RUDOLPH PROPERTY SINCE RECEIVING THE 1988 NOTICE; AND THE ONLY COUNTY SURVEYOR PERSONNEL THAT HAVE ENTERED THE SITE SINCE ARE THOSE ON FOOT INSPECTING THE DITCH AND MAKING REPORTS OF ITS CONDITION.
14. THE VANDERBURGH COUNTY SURVEYOR AND THE VANDERBURGH COUNTY DRAINAGE BOARD HAVE DONE EVERYTHING IN THEIR POWER TO KEEP THE POST-DEVELOPMENT RUNOFF TO THE PRE-DEVELOPMENT RATE IN ALL THE DEVELOPMENTS RUNNING INTO HARPER DITCH AND THE EAST SIDE URBAN DITCHES WHICH OUTLET THROUGH THE SUBJECT SITE.
15. THE PIPES UNDER GREEN RIVER ROAD FOR THIS DITCH AND FOR HARPER DITCH HAVE NOT BEEN ENLARGED SINCE THE ORIGINAL DESIGN AND CONSTRUCTION TOOK PLACE; SO THEY CAN CARRY NO MORE WATER FROM THE COUNTY'S SIDE THAN THEY COULD BEFORE.
16. ON THE CITY SIDE OF THE LINE, DEVELOPMENTS LIKE EASTLAND MALL AND WOODLAND CENTER ARE BUILT WITHOUT DETENTION.

17. THE MORGAN AVENUE WIDENING WAS CONSTRUCTED BY THE STATE TO DRAIN DIRECTLY INTO THE WABASH & ERIE WITHOUT DETENTION.
18. THE STATE IGNORED ALL THE COUNTY SURVEYOR'S COMMENTS ON THE MORGAN AVENUE WIDENING PROJECT WITH REGARD TO DRAINAGE AND BRIDGE ELEVATIONS.
19. THE COUNTY SURVEYOR REMAINS AVAILABLE TO HELP DESIGN AND ASSIST THE LAYING OUT OF CORRECTIONS TO THE PROBLEM FACING J.H. RUDOLPH COMPANY ALONG THE WABASH & ERIE DITCH.
20. SUFFICIENT COUNTY DRAINAGE FUNDS DO NOT EXIST FOR CONSTRUCTION OF ANYTHING THAT WOULD CORRECT THE PROBLEM.
21. THE COUNTY SURVEYOR DOES NOT KNOW OF ANY CAUSE FOR A CLAIM RESULTING FROM THE PROBLEM TO BE LAID AGAINST THE COUNTY SURVEYOR, THE COUNTY DRAINAGE BOARD, OR THE COMMISSIONERS.

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MINUTES
DRAINAGE BOARD MEETING
FEBRUARY 27, 1995

The Vanderburgh County Drainage Board met in session on February 27, 1995 at 7:05 p.m., in the Commissioner's Hearing Room 307, with President Patrick Tuley presiding.

RE: APPROVAL OF MINUTES: (1-23-95)

Motion made by Commissioner Mourdock and seconded by Commissioner Borries to approve the Drainage Board Minutes of January 23, 1995. So ordered.

RE: APPROVAL OF MINUTES: (12-23-91 & 3-23-92):

Commissioner Tuley: "The next item is minutes dating back to (12-23-91 & 3-23-92) for the signature of Commissioner Borries only at this time, because you were the only one of the three members that were present then."

Commissioner Borries: "Let me say that to the best of my knowledge these minutes reflect what took place in that meeting."

RE: SUBDIVISION DRAINAGE PLANS:

Commissioner Tuley: "Okay. It looks like at this time we have three Subdivision Drainage Plans up for approval tonight. First one is Joe Elpers II Subdivision."

A. JOE ELPERS II SUBDIVISION:

Bill Jeffers: "Joe Elpers II Subdivision is located off Henze Road, north of Mill Road, west of Indiana State Road 65, known as Big Cynthiana Road. On this plan Joe Elpers I is a roll of narrow long lots that you are familiar with. Joe Elpers II is composed of large lots, two and half (2½) acres or so, or larger up to five (5) acres. The developer is Joseph Elpers. The engineer is Billy T. Nicholson here in the audience. Mr. Nicholson has submitted enough information to qualify as a preliminary drainage plan. His calculations are made in accordance with the new requirements, and they are okay. The overall plan needs some fine tuning before it can be resubmitted as a final drainage plan. That is to say we need to work out some details so that it fully conforms with the final drainage plan. The developer will not be able to record a subdivision without your final approval of a final drainage plan, so therefore, no building permits can be issued until the final drainage plan is approved. Mike Wathan from Soil Conservation Service, and myself will be visiting this site on Tuesday, March 7, 1995, and making comments to Mr. Nicholson to apply to a final drainage plan. Then Mr. Nicholson will be back before you next month, more or less at the same time as the final street plans come in through Mr. Stoll's Office. He will present you with the final drainage plan at that time. Tonight we would recommend the Drainage Board approval of his Preliminary Drainage Plan which meets the requirements for Preliminary Drainage Plan under your New Ordinance, so that Mr. Elpers can go forward to the Area Plan Commission Wednesday, of this week. The Area Plan Commission can feel assured from our review to date that a final drainage plan is possible, and will work for this site when those details are worked out."

Commissioner Tuley: "Bill just a quick comment here, and I am reading from the Staff Field Report. It says there's been complaints about drainage on Joe Elpers Subdivision I."

Bill Jeffers: "Yes sir. There is an agricultural style basin right along Henze Road that was a source of complaint, because it backed water up over Henze Road."

Commissioner Tuley: "Okay. That's what it was."

Bill Jeffers: "That's going to be removed, and it's storage capacity is going to be moved down into this new subdivision that has huge lots. Much larger lots, and has a larger area for that water to be stored in. The other complaints that were generated from this subdivision were along the back line...on here....(referring a map). There's a steep, not a real steep, but there's a pretty good downhill grade along the back line of that first subdivision all along the north/south line of it. That ditch started to erode, and Mr. Elpers tried a lot of make shift band-aid cures for that, until he finally went with Soil Conservation's Plan to put in agricultural style "W.A.S.C.O.B." Water and Soil Conservation Basin."

Commissioner Borries: "Has that worked?"

Bill Jeffers: "Pretty much, but what Mr. Nicholson, that's the details we're going to work out is that which one of these we're going to remove, which ones are we going to leave in place, and turn into the type of smaller basins that a person wouldn't object to having in their lawn. But the big one that gave you trouble, and backed water up over the road is in that old right-of-way, and that's going to be removed."

Commissioner Tuley: "So basically, what I'm hearing is, that is not only the plans that you've seen so far are going to take care of Subdivision II. We're going to have to check the problems out in Subdivision I?"

Bill Jeffers: "Yes sir. Then we're going to go back, and do some detail work with Mr. Nicholson, Mike Wathan and I to make sure that we take care all of those sore points."

Commissioner Borries: "Did you handle the Drainage Plan on the first subdivision?"

Mr. Nicholson: "No. That was done by Sam Biggerstaff."

Commissioner Borries: "It was an old plan."

Mr. Nicholson: "Actually it was an old plan that they tried to intercept to turn that water that now comes across the road into these basements that we are going to change, and break down into our graded piers."

Commissioner Tuley: "Excuse me, Bill she is not picking you up."

Commissioner Mourdock: "You need to come to the microphone."

Mr. Nicholson: "They tried to turn that water down along the back of these lots, and it wasn't handled properly. It was too steep of grade, and it eroded. There's one section of that ditch that was over my head deep. It eroded all the way down to the rock."

Commissioner Borries: "It was almost one to one slope. I mean it was really...."

Mr. Nicholson: "It was a bad situation."

Commissioner Borries: "Well with you working on it, if you'll work with Mr. Jeffers. I don't want to sound negative to Mr. Elpers at all, but it appeared that we had some real

difficulties for some time getting some communication going as to what had to be done out there. We've had a gentleman this evening in our other meeting express some concerns about Henze Road. So it's very important that we conform to this new Drainage Plan Ordinance that we have. I just want to say that for the record."

Bill Jeffers: "Our positive recommendation for the approval of his Preliminary Plan is made knowing that:

(1) He's not going to get a building permit until his final plan is approved.

(2) Mr. Nicholson is willing to come back next month with that final drainage plan, but regardless the final drainage plan will not receive our recommendation for approval until it does fix the problems, and address the problems that could occur in the new portions."

Commissioner Borries: "Okay."

Bill Jeffers: "So that would be the incentive that Mr. Elpers has is to give up whatever easements, and make whatever provisions are necessary to make sure that we don't repeat the same mistakes twice."

Commissioner Borries: "Okay."

Commissioner Tuley: "Any other questions or comments? Motion to approve."

Commissioner Borries: "What are we approving?"

Commissioner Tuley: "Preliminary Plan."

Bill Jeffers: "Preliminary Plan, and saying to the Area Plan Commission that we can work out the final details before it's recorded."

Motion to move by Commissioner Borries and seconded by Commissioner Mourdock. So ordered.

B. BAEHL SUBDIVISION:

Commissioner Tuley: "The next item up is Baehl Subdivision."

Bill Jeffers: "Baehl Subdivision is located on Baehl Road. It's a very simple five (5) lot subdivision which is being divided off in the intent it represented by Mr. James Baehl is that those five (5) lots will go to members of his family. At such time as they wish to build a house, they may build a house on the lot that's given to them. We don't expect the construction to take place all at once. We expect it to take place one house at a time as the family member decides to build a house there. I believe he has five (5) children. It's located at the crest of a hill, and the water flows each way from that roadway that he's reserving as a field entrance to his agricultural fields behind the subdivision. It's a very simple plan. The only drainage required is along the roadside of Baehl Road, and within the right-of-way that's he's granting. He's granting sufficient right-of-way for that roadside ditch to be adequate. The fact that he's turning an agricultural field into a grassy subdivision lowers the amount of water that actually comes off that land. So detention is not required. Our office recommends the approval of the drainage plan for Baehl Subdivision as a final plan. We recommend that the Board wave the requirement for detention because the amount of storm water leaving the site after the development. It will be less than that that leaves it at the

located at the crest of a hill, and the water flows each way from that roadway that he's reserving as a field entrance to his agricultural fields behind the subdivision. It's a very simple plan. The only drainage required is along the roadside of Baehl Road, and within the right-of-way that's he's granting. He's granting sufficient right-of-way for that roadside ditch to be adequate. The fact that he's turning an agricultural field into a grassy subdivision lowers the amount of water that actually comes off that land. So detention is not required. Our office recommends the approval of the drainage plan for Baehl Subdivision as a final plan. We recommend that the Board wave the requirement for detention because the amount of storm water leaving the site after the development. It will be less than that that leaves it at the present time. He will not need a "Rule Five" erosion control plan, because they will never disturb five (5) acres at one time. This would give his children opportunity to build a house in Vanderburgh County."

Commissioner Borries: "I understand that. I move for acceptance."

Commissioner Mourdock: "With the stipulation about the waiver on the retention."

Bill Jeffers: "Right."

Commissioner Mourdock: "I second."

Commissioner Tuley: "So ordered."

C. BROWNING ROAD ESTATES WEST SECTION II:

Bill Jeffers: "Browning Road Estates West Section II is an extension of Browning Road Estates which have been developed over a number of years by Mr. Bill Wedeking, Sr. and his father. Mr. Wedeking is here in the audience at this time. He's now the developer. This portion is eleven (11) lots pretty much in the middle of the land owned by Mr. Wedeking and his family. The lots are greater than $\frac{1}{2}$ acre in size. During the previous development retention was not required of Mr. Wedeking's Development. This particular expansion of his development was planned and actually approved. The drainage plan was actually approved sometime ago, but he failed to act within eighteen (18) months, so now it comes back to us at this time. We have asked Mr. Wedeking to set aside a portion of his next development for detention, and to carry the required amount of detention from these eleven (11) lots, down into a basin on the next portion of development, which would be south and along Maple Gate Road you will be carrying that continuing south into a basin. The calculations were made by Fred Kuester's Company. Mr. Kuester is here in the audience."

The Commissioner's are looking over the map in regards to the Browning Road Estates West Section II Subdivision for Drainage Plans.

Commissioner Mourdock: "What your saying is that this basin is sized not just for this..."

Bill Jeffers: "No it's sized for this right now."

Commissioner Mourdock: "Okay."

Bill Jeffers: "Here's the basin which the basin is down this road here. I am going to read the note, I am going to show it to you. (referring to the map) What we're doing here is that we're setting aside a basin on Mr. Wedeking's other ground that he will develop in the future, and this basin will handle

permanent within his next development. This is all in accordance with what our office recommended to Mr. Wedeking to do, so that he can go forward with these eleven (11) lots. Detain the excess water from them, before discharging into that creek. This does not flow through that troublesome pipe below Hunters Ridge. This is down stream of that. However, it is the same creek which goes on through..."

(Inaudible Remarks due to unidentified person in audience did not speak into the microphone.)

Bill Jeffers: "Right. The same comments apply to this one is applied to Joe Elpers Subdivision. Which is sufficient information to qualify as a Preliminary Drainage Plan has been submitted. The calculations are correct, and in accordance with our requirements. It does need some fine tuning. He cannot record a plat, or require a building permit without your approval of a final drainage plan. This is a Preliminary Drainage Plan. Mike Wathan, and I will be visiting this site also on Tuesday, March 7, 1995, and making comments to the engineer, Mr. Fred Kuester. Mr. Kuester will be back next month with a final drainage plan. We will recommend approval of this preliminary plan, so that they may go forward to Area Plan Commission with the assurance to the Commission that this plan will work with some fine tuning. The reason I keep saying Mike Wathan and I are going out next week is because we've got three (3) dates to go out in the month of February, and I had to break all three (3) of them to finish these specifications and that's how it turned out."

Commissioner Mourdock: "Mr. President I move that we except the Preliminary Drainage Plan for the Browning Road Estates West Section II."

Commissioner Borries: "I will second."

Commissioner Tuley: "So ordered."

Bill Jeffers: "I misplaced my agenda."

Commissioner Mourdock: "CrossRoads Commercial Center."

Bill Jeffers: "You approved that last month. So our office will just reaffirm that you approved CrossRoads Commercial Court Drainage Plan, and it can go forward to APC, Area Plan Commission. You all recall that don't you?"

Commissioner Tuley: "Yes."

Commissioner Borries: "Yes."

RE: NEW BUSINESS:

A. RECEIVING SURVEYOR'S REPORT, AND ADOPTING 1995 SPECIFICATION FOR MAINTENANCE TO LEGAL DRAINS:

Bill Jeffers: "What I placed in front of you is the Surveyor's 1995 Report To The Drainage Board On Regulated Drains In Vanderburgh County. We would like this entered into the minutes as it's a requirement of the statute. It tells you what the conditions of the drains are, and which ones we feel need additional attention above and beyond normal annual maintenance. So you've received that report."

Then we are asking you to adopt a 1995 Specifications to accomplish all the maintenance on all of our Legal Drains. It consists of two sections:

(1) The regular maintenance for those ditches that only require regular maintenance.

(2) It contains the special provisions addressing the special problems that exist in the drains. (Which are noted on the Surveyor's Report).

B.¹SIGNING AND SENDING NOTICE TO BIDDERS TO BE ADVERTIZED TWICE IN EACH NEWSPAPER:

Second page of this hand out is the "Notice to Bidders", which we are asking you to sign your approval of, and for Mrs. Hinton, to forward that to the Evansville Courier and the Evansville Press.

This basically is exactly the same specifications as were approved last year with the some minor rewording to make it more clear to read. With the exception that in the special provisions we are addressing other ditches such as Eagle Slough, Sonntag-Stevens, and Kamp Ditch. Pretty much everything remains the same. Then we added the very last page if you happen to mess up a blank bid form."

Commissioner Mourdock: "The question I have here again, my lack of background will show through but, as this package has been bid previously, is it done through Lynn Ellis, or typically put it out directly through the Surveyor's Office?"

Bill Jeffers: "The interested contractor is instructed in the "Notice To Bidders" to come to the Surveyor's Office to receive all these documents, plus any special plans, maps, and directions."

Commissioner Mourdock: "How do you identify the interested contractors? Just from the newspaper?"

Bill Jeffers: "From the newspaper ad. Then we have a list of previous contractors we send courtesy notice to. Then anyone who has come in over the period of the last year, and asked about it...do you do this to ditches...do you do that? We send them a courtesy notice."

Commissioner Mourdock: "Okay."

Bill Jeffers: "Anyone here would like to suggest we would also be happy to send them a courtesy notice. We do encourage as many bidders as possible."

Commissioner Borries: "Okay. You need us to take any action then on this?"

Bill Jeffers: "Your signature on the "Notice To Bidders", I'm asking for that to also reflect your adopting of these specifications as the ones we will use for 1995."

Commissioner Borries: "Okay."

Commissioner Borries: I so moved that the "Notice To Bidders" be signed, and seconded by Commissioner Mourdock. So ordered.

C. SETTING MARCH 27TH AS DATE TO RECEIVE, OPEN, AND TAKE BIDS UNDER ADVISEMENT:

¹Copy of Signature Sheet for Notice To Bidders attached to minutes of 2-27-95.

Bill Jeffers: "The advertising date should be no later than March 3, 1995, and again no later on, or no later than March 17, 1995, which gives us ten (10) days from that date to the opening and reading of the bids, March 27, 1995, which you should now set as the date to receive, open and take those bids under advisement."

Commissioner Borries: "Let me just ask one item here, and we don't have to discuss this tonight. You may have heard mentioned that we are creating a Tiff Zone to issue, or at this point to gain some revenue to issue bonds to do Burkhardt Road on the eastside. As you know Burkhardt Road is always intimidated us a bit, because of that Eastside Urban Drain that goes along that area there."

Bill Jeffers: "That's about ten (10) feet deep."

Commissioner Borries: "Yes. One of the options that we are looking at is to use the drain as a median, in the middle."

Bill Jeffers: "Yes."

Commissioner Borries: "To pipe it is going to cost an enormously higher amount of money than that we might be able to capture through this Tiff Zone and cost that. Commissioner Mourdock has also mentioned that we might be able to move the ditch. Well whatever we need to do I think we are going to have to look at quickly. So again, without discussing it, a lot today since you have not had the opportunity to react to that, I would like to ask you to, if this Board agrees, to go out and view that too, and maybe give us some recommendations by next month, because as things proceed here we're going to have to move pretty quickly. These guys are going to want to get their shopping center in, they think by next year. If we move the ditch there could be some impact on the southside and not on the other. So I just don't know. We're going to have sixty (60) feet that they're going to dedicate over on the otherside of the ditch."

Bill Jeffers: "That's just about enough for your roadway."

Commissioner Borries: "Yes. We can probably get the roadway in. One of the reasons this was suggested doing it that way, I don't know if the feds would go for this, but this is not going to be a Federal Project. We are still going to go by Federal guidelines, and all of that type of stuff since it goes into Lloyd Express Way. I'm not sure, but maybe we can concrete the bottom of the ditch to maintain the basin, and everything, or at least the integrity, and the length of it. Anyway we're looking at some alternatives, and I would like for you, and your group to go out and give us a look and maybe you might want to give some suggestions here before we get to far along on that."

Commissioner Mourdock: "On that same subject Bill, I would very much encourage you and would even offer, maybe you, and I and John Stoll could meet out there. Because, obviously John Stoll is very involved in the whole thing too. I feel we need to look at whatever options that we've got. Commissioner Borries is absolutely right. We are really going to have to move quickly on whatever it is we do."

Bill Jeffers: "Well I'll tell you right now that we've been thinking about it too, and that everything basically from what Cross Pointe, the Regency Development has already developed. Everything from that point to Burkhardt Road does drain into that ditch very slowly. So any developer will have to go along with strict detention. Especially if that ditch can never be widened, or otherwise. It won't ever be able to be widened

again if it's in between the two (2) roadways. You could declare it an impacted drainage area under your New Ordinance. Everything from Lloyd Express Way, up to Old Boonville Hwy. If you could just declare it an impacted drainage area which would immediately mean that they would have to go through the most vigorous planning for detention. What their already trying to do..."

Commissioner Borries: "We should do that, because I think if we envision what this is going to look like in twenty (20) years."

Bill Jeffers: "We may ask them to set aside a large area for a common detention basin to avoid all the little dinky ones that are springing up."

Commissioner Borries: "Maybe that wouldn't be a bad idea."

Bill Jeffers: "Yes, we'll get back with you on that."

Commissioner Borries: "Okay. I wanted to call that to your attention, because we can't afford to have anybody out of the loop here at this point. This thing is going to go pretty quickly here."

D. SETTING APRIL 3RD, OR APRIL 10TH AS SPECIAL MEETING DATE FOR RECEIVING SURVEYOR'S RECOMMENDATIONS, AND AWARDDING 1995 CONTRACTS FOR DITCH MAINTENANCE:

Bill Jeffers: "So see you've already set March 27, 1995 is the date by that notice to receive, open. I am telling you now we're going to take those bids under advisement as we normally do every year for a week or two. Then you should expect April 3, 1995, or April 10, 1995 to have a Special Drainage Board Meeting. Please take a look at your calendars, and decide whether you want it on the 3rd or the 10th of April. Because our contractors will be able to start operating as the earliest of the 15th with spraying."

RE:²REQUEST PAYMENT OF BLUE CLAIMS-DITCH MAINTENANCE:

Bill Jeffers: "Then we have the request of payment of Blue Claims. As usual they are all in order. Mr. Brenner signed everyone of them personally. Attached to them is the proper paperwork according to statute. The Surveyor's recommendation is to pay the vendor the price shown on the Blue Claim for each of these ditches. We would like to submit them to you at this time for your approval, and signature as you wish."

THE FOLLOWING BLUE CLAIMS WERE SUBMITTED AS FOLLOWS:

ALBERT STECKLER #1243 BAEHL #234-007 94-FM-07-15	6,890 L.F. @ \$0.125 = \$861.25 PAY 15% RETAINAGE = \$129.19 PREV. PMT @ 85% = \$732.06	129.19
UNION TOWNSHIP ASS'N #1259 BARNETT #234-008 94-FM-08-15	8,358 L.F. @ \$0.06 = \$501.48 PAY 15% RETAINAGE = \$75.22 PREV. PMT. @ 85% = \$476.26	75.22
BIG CREEK ASS'N #0986 BUENTE UPPER BIG CREEK #234-010 94-FM-10-15	20,668 L.F. @ \$0.17 = \$3,513.56 PAY 15% RETAINAGE = \$527.04 PREV. PMT @ 85% = \$2,986.52	527.04
UNION TOWNSHIP ASS'N #1259 CYPRESS DALE MADDOX #234-012 94-FM-12-15	23,887 L.F. @ \$0.06 = \$1,433.22 PAY 15% RETAINAGE = \$214.98 PREV. PMT. @ 85% = \$1,218.24	214.98

²Copies of Blue Claims included with the 2-27-95 minutes.

UNION TOWNSHIP ASS'N #1259 EDMOND #234-016 94-AD-16-15	15,395 L.F. @ \$0.45=\$6,927.75 PAY 15% RETAINAGE=\$1,039.16 PREV. PMT. @ 85%=\$5,788.59	1,039.16
UNION TOWNSHIP ASS'N #1259 HELFRICH HAPPE #234-018 94-AD-18-15	12,698 L.F. @ \$0.45=\$5,714.10 PAY 15% RETAINAGE=\$857.11 PREV. PMT. @ 85%=\$4,856.99	857.11
UNION TOWNSHIP ASS'N #1259 KAMP #234-021 94-FM-21-15	11,160 L.F. @ \$0.06=\$669.60 PAY 15% RETAINAGE=\$100.44 PREV PMT. @ 85%=\$569.16	100.44
ELDON MAASBERG #1485 KNEER #234-024 94-FM-74-15	3,036 L.F. @ \$0.10=\$303.60 PAY 15% RETAINAGE=\$45.54 PREV. PMT. @ 85%=\$258.06	45.54
ELDON MAASBERG #1485 MAASBERG #234-027 94-FM-27-15	2,206 L.F. @ \$0.07=\$154.42 PAY 15% RETAINAGE=\$23.17 PREV. PMT. @ 85%=\$131.26	23.17
BIG CREEK ASS'N, INC. #0986 MAIDLOW #234-028 94-FM-28-15	18,671 L.F. @ \$0.15=\$2,800.65 PAY 15% RETAINAGE=\$420.10 PREV. PMT. @ 85%=\$2,380.55	420.10
BIG CREEK ASS'N, INC. #0986 POND FLAT MAIN #234-029 94-FM-29-15	36,852 L.F. @ \$0.13=\$4,790.76 PAY 15% RETAINAGE=\$718.62 PREV. PMT. @ 85%=\$4,072.14	718.62
RALPH REXING #1228 POND FLAT MAIN LAT "A" #234-030 94-FM-30-15	5,311 L.F. @ \$0.14=\$743.54 PAY 15% RETAINAGE=\$111.53 PREV. PMT. @ 85%=\$632.01	111.53
RALPH REXING #1228 POND FLAT MAIN LAT "B" #234-031 94-FM-31-15	2,797 L.F. @ \$0.14=\$391.58 PAY 15% RETAINAGE=\$58.74 PREV. PMT. @ 85%=\$332.84	58.74
BIG CREEK ASS'N, INC. #0986 POND FLAT MAIN LAT "C" #234-032 94-FM-32-15	9,036 L.F. @ \$0.12=\$1,084.32 PAY 15% RETAINAGE=\$162.65 PREV. PMT. @ 85%=\$921.67	162.65
RALPH REXING #1228 POND FLAT MAIN LAT "D" #234-033 94-FM-33-15	4,579 L.F. @ \$0.14=\$641.06 PAY 15% RETAINAGE=\$96.16 PREV. PMT. @ 85%=\$544.90	96.16
BIG CREEK ASS'N, INC. #0986 POND FLAT MAIN LAT "E" #234-034 94-FM-34-15	3,616 L.F. @ \$0.12=\$433.92 PAY 15% RETAINAGE=\$65.09 PREV. PMT. @ 85=\$368.83	65.09
BIG CREEK ASS'N, INC. #0986 RUSHER #234-035 94-FM-35-15	4,444 L.F. @ \$0.12=\$533.28 PAY 15% RETAINAGE=\$79.99 PREV. PMT. @ 85%=\$453.29	79.99
TOTAL BLUE CLAIMS SUBMITTED		4,724.73

Motion made by Commissioner Borries for approval of Blue Claims and seconded by Commissioner Mourdock. So ordered.

RE: OLD BUSINESS:

A. BLUE CLAIM FROM ASPLUNDH ON EAGLE SLOUGH:

Bill Jeffers: "I am holding back one (1) claim from Asplundh from a year or so ago on Eagle Slough. Originally they said they finished a project. We said they didn't. We argued about it for about a year. We told them we thought they finished a certain percentage of it. They did not agree. They came back a couple of weeks ago, and said; "we now agree, we'll take what you said we finished." What I'm asking for at this time is not approval of this, but your permission for me to consult with your attorney to make sure we are handling this properly, because we are still holding their bond. I'll get back to you on that with a recommendation from our office, "Surveyor's

Office" next month if you'll allow me to talk to your attorney, Alan Kissinger."

Alan Kissinger: "Bill what are they going to do about the part that they didn't complete?"

Bill Jeffers: "We just let it go. We're only going to pay them for the part that they completed. We're going to prepare a letter, and have them sign that letter that they agree that they only completed thirty-five (35) percent. That we're only going to pay them thirty-five (35) percent. The part I wanted to talk to you about is releasing their bond. We don't want them as bidders anymore, and we'll go forward from here with new specifications, and get the job done. They did in fact complete a certain percent, and we prorated that out at thirty- six hundred sixteen dollars, and eighty-two cents (\$3,616.82)."

Alan Kissinger: "What I was curious about is...is this mowing?"

Bill Jeffers: "It was mowing, clearing brush."

Alan Kissinger: "Is the rest of the contracted area still in need of mowing? Are we going to have to go out, and hire someone else to do it, and at a higher price?"

Bill Jeffers: "We're going to have to hire someone else to do it again. I hope not at a higher price. Most likely not any higher. They left it as is. It has never been mowed in fifteen (15) years. It was always sprayed. See what happened was we used to have it sprayed with an airplane."

Commissioner Borries: "Heppler used to do it, didn't he?"

Bill Jeffers: "Yes. Bill Heppler, "The Green Grasshopper" used to do this every year, and all that did was retard the growth. When he retired we could never find anyone else to spray it. So the first time we tried to send somebody out there to mow it, it was wild wooly mess. About half of it still is a wild wooly mess. They didn't mess anything up. They just never finished."

Alan Kissinger: "Okay. Just give me a call."

Bill Jeffers: "Okay."

B. TOWNE & COUNTY FORD DEALERSHIP ALONGSIDE NURRENBERN DITCH IN CROSSROADS SUBDIVISION:

Bill Jeffers: "The update on Towne & Country Ford can wait until next month. Basically, we're still mowing over whether a concrete paved bottom of the ditch, is the way to go, because we've gone out, and looked at some state highway projects where we didn't think were the cats pajamas. We want to take another look at that. There's a lot of utilities that still need to go under that ditch, and we don't want to mess things up and spend money unnecessarily. I'll come back to you next month with that report."

Commissioner Tuley: "Okay."

Bill Jeffers: "I have no further business myself."

Commissioner Tuley: "So moved."

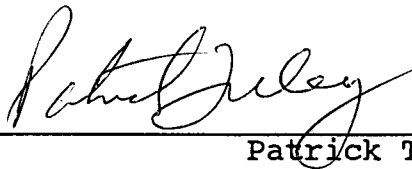
Commissioner Mourdock: "Second."

Commissioner Tuley: "So ordered."

There being no further business the meeting was adjourned at
7:40 p.m.


PRESENT:

President, Patrick Tuley
Vice-President, Richard J. Borries
Member, Richard E. Mourdock
Alan Kissinger, Attorney
William J. Fluty Jr., Chief Deputy Auditor
Bill Jeffers, Chief Deputy Surveyor
Julie Hinton, Secretary
Billy T. Nicholson, Engineer for Joe Elpers II Subdivision
Bill Wedeking, Developer for Browning Road Estates West
Section II Subdivision
Fred Kuester, Engineer for Browning Road Estates West Section
II Subdivision



Patrick Tuley, President

Richard J. Borries, Vice-President



Richard E. Mourdock, Member

NOTICE TO BIDDERS


This Instrument shall serve as Public Notice that: Sealed Proposals for the maintenance of Regulated Drains in Vanderburgh County by Mowing, Herbicide Application, Excavation, Tree and Brush Removal, and Debris Collection and Disposal shall be received by the Vanderburgh County Auditor until 4:30 P.M. local time on Monday, the 27th day of March, 1995, at which time proposals received shall be delivered to the Vanderburgh County Drainage Board, opened and read aloud in the County Commissioners' Hearing Room. Any proposal received unsealed or past the designated time shall be returned to the Bidder unopened.


Proposals must be submitted on approved forms, properly executed, and accompanied by a Certified Check, Cashier's Check, or other approved security in the amount of five (5) percent of the bid; or a bid bond in the amount of one hundred (100) percent of the bid may accompany the proposal.


Proposals and securities shall be sealed together in an envelope bearing the name and address of the Bidder, and the title of the work; and all prepared according to such particulars as shall be described in this document and other documents available from the Vanderburgh County Surveyor, Room 325 Civic Center, Evansville, Indiana 47708.

Improperly completed proposals may be disregarded by the Board. Successful Bidders shall sign Contracts with the Board within five (5) days of the Award. A Performance Bond may be required by the Board. Bid Bonds of the unsuccessful bidders will be returned within thirty (30) days of the Awards.

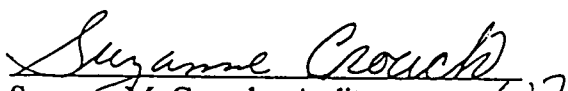
APPROVED BY THE VANDERBURGH COUNTY DRAINAGE BOARD:


Patrick Tuley, President


Richard J. Borries, Vice President

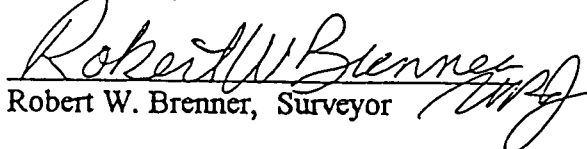

Richard E. Mourdock, Member

ATTEST:


Suzanne M. Crouch, Auditor

3-27-95
(date)

CERTIFIED:


Robert W. Brenner, Surveyor

3/27/95
(date)

F-1

VANDEBURGH COUNTY, INDIANA

On Account of Appropriation for Bachl Ditch 234-007

Date Aug. 18, 1994

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I Albert J. Steckler X,
(Signature in Ink)

representing _____, and presently
under contract with the Vanderburgh County Drainage Board to perform
certain maintenance on Bachl Ditch, a regulated
drain in Vanderburgh County, Indiana, do certify that I, and/or the
firm I represent, have/has paid in full all expenses incurred for
labor, supplies, and subcontracts except for any unpaid costs as
specified herein under:

NONE

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

NAME OF DRAIN: Bachl # 234-007

CONTRACTOR: Albert Steckler VENDOR # 1243

CONTRACT # _____ AND/OR ACCOUNT # 234-007

☒ ANNUAL MAINTENANCE

COMPLETION DATE _____

☐ ADDITIONAL MAINTENANCE

INSPECTION DATE _____

☐ EMERGENCY MAINTENANCE

☒ WORK IS APPROVED

☐ NOT APPROVED: COMMENTS: _____

Ruby W. Brennan

VANDERBURGH COUNTY SURVEYOR

12-16-94

DATE

VANDEBURGH COUNTY, INDIANA

On Account of Appropriation for Bennett Ditch 234-008

[illegible]

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

John A. Bluth X
Name

President U T D A
Title

Date Dec. 22, 1994

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I John A. Pollett X
(Signature in Ink)

representing Union Township Ditch Assn, and presently
under contract with the Vanderburgh County Drainage Board to perform

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

NONE

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

NAME OF DRAIN: Barnett # 234-008

CONTRACTOR: Union township Ditch Assn. VENDOR # 1259

CONTRACT # _____ AND/OR ACCOUNT # 234-008

- ☒ ANNUAL MAINTENANCE
☐ ADDITIONAL MAINTENANCE
☐ EMERGENCY MAINTENANCE

COMPLETION DATE 12-21-94
INSPECTION DATE 12-27-94

☒ WORK IS APPROVED

☐ NOT APPROVED: COMMENTS: _____

Ruby W. Brennan

VANDERBURGH COUNTY SURVEYOR

1-25-95


DATE

VANDEBURGH COUNTY, INDIANA

On Account of Appropriation for Buente Upper Big Creek 234-010

[illegible]

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

X  _____
Name

X Pres _____
Title

Date AUG. 15, 1994

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I

X. [Signature]
(Signature in Ink)

representing BIG CREEK DRAINAGE ASSN INC, and presently
under contract with the Vanderburgh County Drainage Board to perform

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

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

NAME OF DRAIN: Buente Upper Big Creek

CONTRACTOR: Big Creek Drainage Assn VENDOR # 0986

CONTRACT # _____ AND/OR ACCOUNT # 234-010

☒ ANNUAL MAINTENANCE

COMPLETION DATE Nov 15, 1994

☐ ADDITIONAL MAINTENANCE

INSPECTION DATE Dec 14, 1994

☐ EMERGENCY MAINTENANCE

☒ WORK IS APPROVED

☐ NOT APPROVED: COMMENTS: _____

[Signature]
VANDERBURGH COUNTY SURVEYOR

12-16-94
DATE

VANDEBURGH COUNTY, INDIANA

On Account of Appropriation for Cypress Dale Maddox Ditch 234-012

Date DEC. 32, 1994.

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I X John A. Rollitt,
(Signature in Ink)
representing Union Township Ditch Assn, and presently
under contract with the Vanderburgh County Drainage Board to perform
certain maintenance on Cypress Dale Maddox, a regulated
drain in Vanderburgh County, Indiana, do certify that I, and/or the
firm I represent, have/has paid in full all expenses incurred for
labor, supplies, and subcontracts except for any unpaid costs as
specified herein under:

NONE

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

NAME OF DRAIN: Cypress Dale Maddox

CONTRACTOR: Union Township Drainage Assn. VENDOR # 1259

CONTRACT # _____ AND/OR ACCOUNT # 234-012

[☒] ANNUAL MAINTENANCE
[] ADDITIONAL MAINTENANCE
[] EMERGENCY MAINTENANCE

COMPLETION DATE Dec 21, 1994
INSPECTION DATE Dec. 27, 1994

[☒] WORK IS APPROVED

[] NOT APPROVED: COMMENTS: _____

Carl W. Burr
VANDERBURGH COUNTY SURVEYOR

1-25-95
DATE

18-4

VANDEBURGH COUNTY, INDIANA

On Account of Appropriation for Edmond Ditch 234-016

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

John A. Pollitt _____
Name

Treasurer UTDA _____
Title

Date Dec 22, 1990

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I John A. Rollett X,
(Signature in Ink)

representing Union Township Ditch Assn, and presently
under contract with the Vanderburgh County Drainage Board to perform

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

None

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

NAME OF DRAIN: Edmond Ditch # 234-016

CONTRACTOR: Union Township Ditch Assn VENDOR # 1259

CONTRACT # _____ AND/OR ACCOUNT # 234-016

[] ANNUAL MAINTENANCE

COMPLETION DATE DEC. 21, 1994

[X] ADDITIONAL MAINTENANCE

INSPECTION DATE DEC 27, 1994

[] EMERGENCY MAINTENANCE

[X] WORK IS APPROVED

[] NOT APPROVED: COMMENTS: _____

CH W. Brem

VANDERBURGH COUNTY SURVEYOR

1-25-95

DATE

5.2

VANDEBURGH COUNTY, INDIANA

On Account of Appropriation for Helfrich Happe Ditch 234-018

f.2

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I John A. Rollitt,
(Signature in Ink)

representing Union Township Ditch Ass'n, and presently
under contract with the Vanderburgh County Drainage Board to perform

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

None

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

NAME OF DRAIN: Helfrich Happe Ditch # 234-018

CONTRACTOR: Uniontown Ditch Ass'n. VENDOR # 1259

CONTRACT # _____ AND/OR ACCOUNT # 234-018

☐ ANNUAL MAINTENANCE
☒ ADDITIONAL MAINTENANCE
☐ EMERGENCY MAINTENANCE

COMPLETION DATE DEC 21, 1994
INSPECTION DATE DEC 27, 1994

☒ WORK IS APPROVED

☐ NOT APPROVED: COMMENTS: _____

Robert W. Brown
VANDERBURGH COUNTY SURVEYOR

1-25-95
DATE

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

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Uniontownship Ditch Assn. # 1259

On Account of Appropriation for Kamp Ditch 234-021

Invoice No.	Itemized Claim	Amount	
	11,160 L.F. X 0.06 = \$669.60		
	PREV. PMTS. @ 85% = \$569.16		
94.FM-21-15	Pay 15% RETAINAGE →	\$100.	44

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

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

John A. Rollitt x
Name

Treasurer U T D A
Title

Date Dec 22, 1994

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I John A. Rollitt ^(Signature in Ink)

representing Union Township Ditch Assn., and presently
under contract with the Vanderburgh County Drainage Board to perform

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

None
_____;
_____;

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

NAME OF DRAIN: Kamp Ditch #

CONTRACTOR: Union Township Ditch Assn. VENDOR # 1239

CONTRACT # AND/OR ACCOUNT # 234-021

[☒] ANNUAL MAINTENANCE

COMPLETION DATE DEC 21, 1994

[☐] ADDITIONAL MAINTENANCE

INSPECTION DATE DEC 27, 1994

[☐] EMERGENCY MAINTENANCE

[☒] WORK IS APPROVED

[☐] NOT APPROVED: COMMENTS: _____

Robert W. Bunn

VANDERBURGH COUNTY SURVEYOR

1-25-95

DATE

5.4

VANDEBURGH COUNTY, INDIANA

On Account of Appropriation for Kneet Ditch

f.2

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I Eldon Maasberg
(Signature in Ink)

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

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

None

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

NAME OF DRAIN: Knecht Ditch

CONTRACTOR: Eldon Maasberg VENDOR # 1485

CONTRACT # _____ AND/OR ACCOUNT # 234-024

[☒] ANNUAL MAINTENANCE

COMPLETION DATE Nov 1, 1994

[☐] ADDITIONAL MAINTENANCE

INSPECTION DATE Dec 13, 1994

[☐] EMERGENCY MAINTENANCE

[☒] WORK IS APPROVED

[☐] NOT APPROVED: COMMENTS: _____

Kath W. Bunn
VANDERBURGH COUNTY SURVEYOR

12-21-94
DATE

VANDEBURGH COUNTY, INDIANA

On Account of Appropriation for Maasberg Ditch 234-027

[illegible]

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

X Elton Masaberg
Name

Title

Date Dec. 17, 1994

f.2

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I Eldon Maasberg,
(Signature in Ink)

representing Shmc 22 2600, and presently
under contract with the Vanderburgh County Drainage Board to perform

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

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

NAME OF DRAIN: Maasberg Ditch

CONTRACTOR: Eldon Maasberg VENDOR #: 1485

CONTRACT # _____ AND/OR ACCOUNT # 234-027

- ☒ ANNUAL MAINTENANCE
☐ ADDITIONAL MAINTENANCE
☐ EMERGENCY MAINTENANCE

COMPLETION DATE Nov 1
INSPECTION DATE Dec 13, 1994

☒ WORK IS APPROVED

☐ NOT APPROVED: COMMENTS: _____

Ralph W. Brenner
VANDERBURGH COUNTY SURVEYOR

12-21-94
DATE

5.7

VANDEBUBGH COUNTY, INDIANA

On Account of Appropriation for Maidlow Ditch 234-028

[illegible]

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

X-1 13 Ellen

Name _____
Title _____

Date Nov 15, 1994

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I *David R. Ellen*,
(Signature in Ink)

representing BIG CREEK DRAINAGE ASSN INC., and presently
under contract with the Vanderburgh County Drainage Board to perform
certain maintenance on Maidlow Ditch, a regulated
drain in Vanderburgh County, Indiana, do certify that I, and/or the
firm I represent, have/has paid in full all expenses incurred for
labor, supplies, and subcontracts except for any unpaid costs as
specified herein under:

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

NAME OF DRAIN: Maidlow Ditch # 234-028

CONTRACTOR: Big Creek Drainage Assn. Inc. VENDOR # 0986

CONTRACT # _____ AND/OR ACCOUNT # 234-028

[☒] ANNUAL MAINTENANCE

COMPLETION DATE _____

[☐] ADDITIONAL MAINTENANCE

INSPECTION DATE _____

[☐] EMERGENCY MAINTENANCE

[☐] WORK IS APPROVED

[☐] NOT APPROVED: COMMENTS: _____

Robert W. Brennan

VANDERBURGH COUNTY SURVEYOR

12-16-99

DATE

5-7

VANDEBURGH COUNTY, INDIANA

On Account of Appropriation for Pond Flat Main 234-029

[illegible]

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

X. R. Ellis
Name

X Name _____
Title _____

Date Nov. 15, 1994

F-2

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I *James R. Ehlman*,
(Signature in Ink)

representing BIG CREEK DRAINAGE ASSN INC, and presently
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on Pond Flat Main 234-029, a regulated
drain in Vanderburgh County, Indiana, do certify that I, and/or the
firm I represent, have/has paid in full all expenses incurred for
labor, supplies, and subcontracts except for any unpaid costs as
specified herein under:

NONE

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

NAME OF DRAIN: Pond Flat Main

CONTRACTOR: Big Creek Drainage Assn. Inc. VENDOR # 0986

CONTRACT # _____ AND/OR ACCOUNT # 234-029

- ☒ ANNUAL MAINTENANCE
☐ ADDITIONAL MAINTENANCE
☐ EMERGENCY MAINTENANCE

COMPLETION DATE Nov 15, 1994
INSPECTION DATE DEC 14, 1994

☒ WORK IS APPROVED

☐ NOT APPROVED: COMMENTS: _____

Cliff W. Brown

VANDERBURGH COUNTY SURVEYOR

12-21-94

DATE

5-7

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I Ralph R Rexing
(Signature in Ink)

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

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

None

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

NAME OF DRAIN: Pond Flat Main Lat. A.

CONTRACTOR: Ralph Rexing VENDOR # 1228

CONTRACT # _____ AND/OR ACCOUNT # 234-030

☒ ANNUAL MAINTENANCE

COMPLETION DATE DEC. 1, 1994

☐ ADDITIONAL MAINTENANCE

INSPECTION DATE DEC. 8, 1994

☐ EMERGENCY MAINTENANCE

☒ WORK IS APPROVED

☐ NOT APPROVED: COMMENTS: _____

Ruth W. Beaman

VANDERBURGH COUNTY SURVEYOR

12-14-94

DATE

5.7

VANDEBUBGH COUNTY, INDIANA

1228

234-031

Title

Date Dec 9, 1994

F-2

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I

Ralph P. Rexing
(Signature in Ink)

representing Same as above, and presently
under contract with the Vanderburgh County Drainage Board to perform

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

None

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

NAME OF DRAIN: Pond Flat Main Lat. B.

CONTRACTOR: Ralph Rexing VENDOR # 1228

CONTRACT # _____ AND/OR ACCOUNT # 234-031

- [☒] ANNUAL MAINTENANCE
[] ADDITIONAL MAINTENANCE
[] EMERGENCY MAINTENANCE

COMPLETION DATE DEC 1, 1994
INSPECTION DATE DEC 8, 1994

- [☒] WORK IS APPROVED
[] NOT APPROVED: COMMENTS: _____


Ralph W. Bean
VANDERBURGH COUNTY SURVEYOR

12-14-94
DATE

VAN DERBURGH COUNTY, INDIANA

On Account of Appropriation for Pond Flat Main Lat. c 234-032

[illegible]


Name

Date Nov. 17, 1994

f.2

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I 
(Signature in Ink)

representing BIG CREEK DRAINAGE ASSN INC., and presently
under contract with the Vanderburgh County Drainage Board to perform

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

NONE

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

NAME OF DRAIN: Pond Flat Main Lat. C.

CONTRACTOR: Big Creek Drainage Ass'n Inc. VENDOR # 0986


CONTRACT # _____ AND/OR ACCOUNT # 234-032

- [☒] ANNUAL MAINTENANCE
[] ADDITIONAL MAINTENANCE
[] EMERGENCY MAINTENANCE

COMPLETION DATE Nov. 16, 1994
INSPECTION DATE Dec. 8, 1994

[☒] WORK IS APPROVED

[] NOT APPROVED: COMMENTS: _____


VANDERBURGH COUNTY SURVEYOR

12-14-94
DATE

5.7

VANDEBURGH COUNTY, INDIANA

On Account of Appropriation for Pond Flat Main Lat. D 234-033

[illegible]

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

Ralph R. Rexing
Name

Title

Date DEC 8, 1990

E.2

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I Ralph R Rexing
(Signature in Ink)

representing Samco 2600C, and presently
under contract with the Vanderburgh County Drainage Board to perform

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

NONE

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

NAME OF DRAIN: Pond Flat Main Lat. D.

CONTRACTOR: Ralph Rexing VENDOR # 1228

CONTRACT # _____ AND/OR ACCOUNT # 234-033

☒ ANNUAL MAINTENANCE

COMPLETION DATE DEC 8, 1994

☐ ADDITIONAL MAINTENANCE

INSPECTION DATE DEC 9, 1994

☐ EMERGENCY MAINTENANCE

☒ WORK IS APPROVED

☐ NOT APPROVED: COMMENTS: _____

[Signature]

VANDERBURGH COUNTY SURVEYOR

12-21-94

DATE

VANDEBURGH COUNTY, INDIANA

On Account of Appropriation for Pond Flat Marsh Lot. E 234-034

[illegible]

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

Edward R. Ellen
Name

X Pratt
Title

Date Nov. 15, 1994

F.2

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I

(Signature in Ink)

representing BIG CREEK DRAINAGE ASSN INC., and presently
under contract with the Vanderburgh County Drainage Board to perform
certain maintenance on Pond Flat Main Lat. E, a regulated
drain in Vanderburgh County, Indiana, do certify that I, and/or the
firm I represent, have/has paid in full all expenses incurred for
labor, supplies, and subcontracts except for any unpaid costs as
specified herein under:

None.

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

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

CONTRACTOR: Big Creek Drainage Assn. Inc. VENDOR # 0986

CONTRACT # _____ AND/OR ACCOUNT # _____

☒ ANNUAL MAINTENANCE

COMPLETION DATE Nov. 15, 1994

☐ ADDITIONAL MAINTENANCE

INSPECTION DATE DEC. 13, 1994

☐ EMERGENCY MAINTENANCE

☒ WORK IS APPROVED

☐ NOT APPROVED: COMMENTS: _____

[Signature]

VANDERBURGH COUNTY SURVEYOR

12-16-94

DATE

VANDEBURGH COUNTY, INDIANA

On Account of Appropriation for Rushek Ditch 234-035

[illegible]

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

Name Harold R. Ellis

X Pres
Title

Date Nov 15, 1994

f.2

3

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I David R. Ellis
(Signature in Ink)

representing BIG CREEK DRAINAGE ASSN INC., and presently
under contract with the Vanderburgh County Drainage Board to perform

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

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

NAME OF DRAIN: Rusher Ditch # _____

CONTRACTOR: Big Creek Drainage Assn Inc. VENDOR # 0986

CONTRACT # _____ AND/OR ACCOUNT # 234-035

[X] ANNUAL MAINTENANCE

COMPLETION DATE _____

[] ADDITIONAL MAINTENANCE

INSPECTION DATE _____

[] EMERGENCY MAINTENANCE

[] WORK IS APPROVED

[] NOT APPROVED: COMMENTS: _____

Ruth W. Bren

VANDERBURGH COUNTY SURVEYOR

12-21-94

DATE

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MARCH 27, 1995

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MINUTES
DRAINAGE BOARD MEETING
MARCH 27, 1995

The Vanderburgh County Drainage Board met in session on March 27, 1995 at 6:55 p.m., in the Commissioner's Hearing Room 307, with President Patrick Tuley presiding.

RE: APPROVAL OF MINUTES (2-27-95)

Motion made by Commissioner Mourdock and seconded by Commissioner Tuley to approve the Drainage Board Minutes of February 27, 1995. So ordered.

RE: RECEIVE, OPEN AND READ 1995 CONTRACT BIDS FOR DITCH MAINTENANCE INTO THE DRAINAGE BOARD MINUTES:

Bill Jeffers: "I'd ask the Board to request that the County Attorney, Alan Kissinger begin opening the bids, and while he's opening the bids and examining those bids we can go ahead with item #5, and come back to item #4."

Commissioner Tuley: "Okay. At this point and time then would you motion to have Alan Kissinger, the County Attorney open the bids for the ditch maintenance?"

Motion made by Commissioner Mourdock to move the approval of the opening of the bids and seconded by Commissioner Tuley. So ordered.

Bill Jeffers: "Okay. Then if we wait to come back to item #4 after Mr. Kissinger opens all of those bids, we can move on with item #5."

RE: REQUEST PAYMENT OF BLUE CLAIMS-MAINTENANCE:

Bill Jeffers: "The last two (2) Blue Claims for 1994 to Big Creek Drainage Association for their maintenance of Barr Creek. Both the last forty percent (40%) that we owe them for the maintenance and forty-five percent (45%), it would bring it to eighty-five percent (85%) that we're paying them here. Both claims have been signed by the Surveyor and have the proper attached paperwork. One of them is for eighteen hundred sixty dollars and twelve cents (1,860.12). The other one is for sixteen fifty-three dollars and forty-four cents (1,653.44)."

¹The following Blue Claims were submitted as follows:

BIG CREEK DRAINAGE ASS'N #0986 BARRS CREEK #234-009 94-FM-09-45	2,0668 LF @ 0.20=\$4,133.60 PAY 45%....\$1,860.12 RETAINAGE 15%	1,860.12
BIG CREEK DRAINAGE ASS'N #0986 BARRS CREEK #234-009 94-FM-09-40	2,0668 LF @ 0.20=\$4,133.60 PAY 40%....\$1,653.44 RETAINAGE 15%	1,653.44
TOTAL		3,513.56

Motion made for approval of the Blue-Claims by Commissioner Mourdock and seconded by Commissioner Tuley. So ordered.

Bill Jeffers: "Under "B" I don't have the Blue-Claim for Asplundh ready to bring to you. So we will continue that under old business on the next agenda."

RE: REQUEST FOR APPROVAL OF FINAL SUBDIVISION DRAINAGE PLANS:

¹Copies of Blue Claims included with the 3-27-95 minutes.

²A. JOSEPH ELPERS II SUBDIVISION:

Bill Jeffers: "Commenting on this I would like to say first, you may have seen the Area Plan Staff Field Report on this subdivision, which states that the subdivision was continued from the March Area Plan Commission, because of improper notification. It will come up again April 5, 1995 before the Area Plan Commission. Also on the Staff Field Report is a note that there have been complaints about drainage on Joe Elpers Subdivision, part I, and drainage must be carefully addressed by the Drainage Board. That's like a red flag, if I were in your seats. So therefore I went over to Area Plan Commission this afternoon, an hour or so after I received this report, and there were no written complaints on file. There was no record of the nature of the complaints that was provided for me. That's not to say that there aren't problems. Some of us may remember the nature of those problems, but what I wanted was the exact nature of each complaint, so I could tell you whether, or not those particular complaints have been addressed either in the past by something Mr. Elpers has already completed, or whether those complaints have been addressed by the plans that his engineer presented to us as a part of the second part of the subdivision. Not being able to do that I can't address the notations in the Staff Field Report. The next thing I would say is that I have personally received phone calls from at least two property owners adjacent to this property, asking me to come out and look at particular items. I have done so. I have also examined the submittal by Veach Nicholson, who is the engineer for Elpers, and at this time I would like to continue to work with Mr. Nicholson towards the end of getting his final drainage plans into conformance with the requirements of your New Ordinance. That may take another couple of weeks. The last thing I would say about it is I'm confident that Mr. Elpers, and Mr. Nicholson will have a plan that will conform to all of your requirements. At this time we have not reached that point. However, the message should be continued to be sent over to Area Plan Commission that they do have Primary Approval in the last Drainage Board Meeting. We feel that they will get a Final Approval. Nothing that I have seen would alarm me in any way, or should prevent them from acting, and going forward with their meeting the first Wednesday in April."

Commissioner Mourdock: "Is there a representative here for Mr. Elpers Subdivision?"

Bill Jeffers: "No sir. I will convey that to them if that is the action that we take."

Commissioner Tuley: "I don't remember what the particulars were, but I remember in the Preliminary Hearing there was discussion with regard to some problems in section I, and the only reason I remember that is because Billy Nicholson stood up here, and if my memory serves me right, said the way that they're going to do Section II will correct, or eliminate any problems that they did have in Section I. I remember stating that to the Area Plan Commission."

Bill Jeffers: "Mr. Elpers spent a really substantial amount of money correcting the problems that he did have out there over the years. He made those corrections with the guidance of the Soil Conservation Service."

Commissioner Tuley: "Alright."

Bill Jeffers: "Many of those structures that he put in place are still there today, and they're operating properly. Some of them have some minor problems. There is one in particular that all of us

²Copy of the Staff Field Report for Joseph Elpers II Subdivision is attached to the 3-27-95 minutes.

would like to see removed, because it's partially within the right-of-way of Henze Road, and we would all like to see it out of there. Other than that I would say that some of the off-site, and downstream problems as I told the property owners who's the creek runs through after it leaves Mr. Elpers Subdivision are experiencing problems that are natural problems. Erosion that is being caused by natural causes. But, I cannot not guarantee that that erosion will not be accelerated, or will not continue after this subdivision goes in. None of us can guarantee that it will not continue, or will not accelerate. All we can do as I told them is work towards the end of providing the best possible plan we can provide, and council them in what they can do to protect their private property. Basically, what that amounts to is that the creek runs dead straight through Mr. Elpers, and then it gets down to his south line, and goes under a bridge, and goes through a series of hair pin curves before it gets to Mill Road."

Commissioner Mourdock: "So your looking Bill, just tonight from us for some direction as far as meeting with....?"

Bill Jeffers: "Come back at our next meeting."

Commissioner Mourdock: "Okay."

Bill Jeffers: "I would say that we're probably going to have at least one, and probably two, or three possible meetings to take care of these bids."

Commissioner Mourdock moved that Bill Jeffers go forward with that direction and seconded by Commissioner Tuley. So ordered.

³B. BROWNING ROAD ESTATES WEST SECTION II:

Bill Jeffers: "Browning Road Estates West Section II, you've already discussed tonight, so you know the location. I would have some of the same comments on that one. Mr. Wittekindt is still here in the audience. His engineer, Mr. Kuester is on vacation this week. He has presented the Surveyor's Office with a set of Drainage Plans which are more advanced than the last set he gave us, but there is still room for improvement before we get into total compliance with the New Ordinance. Most of these things have to do with channel widths, and easement widths, and I just want to get together with these developers, and their engineers, and explain what this Ordinance really requires with regard to drainage channels. How their going to have to be improved, and what width they're going to have to be to be able to maintain those improvements. I don't think anyone really is understanding what the New Ordinance is doing here with regard to that. It is simply stated that we have had year after year, after year, after year, after year, hundreds of people call us and say; "How can you let this happen in a new development?" They don't understand that you can't cure every conceivable act of nature with regard to water running through a ditch, but we are going to try to get as close as we can. We need a couple of more weeks to also to work with Mr. Kuester, and Mr. Wittekindt. Again, I would say to the Area Plan Commission they have Preliminary Approval. This gives them the ability to come before the Area Plan Commission next week, and it also doesn't prohibit them from getting that first building permit that one whole parcel can get, but in order to get the other eleven (11) building permits their going to have to get final approval."

Commissioner Mourdock: "Since Mr. Wittekindt is still here in the audience, I just want to give him a chance to comment on this. Basically, obviously Mr. Jeffers is just asking us for approval to continue to work with you, to bring this up to the standards of the

³Copy of the Staff Field Report for Browning Road Estates West Section II Subdivision included with the 3-27-95 minutes.

Drainage Ordinance."

Mr. Wittekindt: "That's fine with me. I want to do what the book says. I am not an engineer, so I can't comment on widths, and etc. I am going to have to work with Mr. Kuester, and Mr. Jeffers on this, but I will work with this Board, and the Commissioners on doing what is proper. That's the best I can say."

Mr. President, I Commissioner Mourdock move that we go ahead and direct the Surveyor's Office to continue to work with Mr. Wittekindt and seconded by Commissioner Tuley. So ordered.

Bill Jeffers: "The only other comment I have on that is that to make sure that the Area Plan Commission understands if there are any remonstrators in there audience, that all the water being discharged from this portion of Mr. Wittekindt's development is down stream of that particular pipe that caused the problem with Hunters Ridge. This is all downstream, and will not effect that pipe."

Commissioner Tuley: "(Inaudible Remarks)"

Bill Jeffers: "Same creek, but it's downstream and will not pass through that pipe."

Commissioner Tuley: "Okay."

RE: REQUESTS FOR APPROVAL OF PRELIMINARY DRAINAGE PLANS:

4A. BROWN OAK ESTATES:

Bill Jeffers: "Under item #7-A Brown Oak Estates, which I believe has been requested by the APC-Area Plan Commission to be called Replat of Out lot "A" Oak Meadow. This development in his first submittal from Easley Engineering and Mr. Easley is here in the audience, has shown us enough information to recommend approval of a Preliminary Drainage Plan that would allow them to go forward to Area Plan Commission next Wednesday for action by Area Plan Commission, and then again we will be working closely with Mr. Easley to iron out a few small details that I was working with his engineer in the office who's name is Denise Keller. Ms. Keller and I are working on some minor details to bring this into conformance with all of the requirements of your Drainage Ordinance. She will be resubmitting this in it's final form within the next thirty (30) days."

Commissioner Tuley: "Okay Bill, so to summarize then you have seen enough information to recommend approval on Preliminary?"

Bill Jeffers: "Yes sir."

Commissioner Tuley: "Okay."

Bill Jeffers: "Mr. Easley is here if you have any questions of him. Does anyone have any comments to make on that? Do you want to see the plan?"

Commissioner Mourdock: "Sure, I would like to look at it."

Andy Easley: "This was an outlot in the Oak Meadow that was in the boundary of Oak Meadow Subdivision. Brown Oak Development has owned it ever since they bought it from Dick Heath. They're proposing to develop it now. It's kind of steep ground, and it really doesn't....and there are large lots."

Commissioner Mourdock: "For the record where is Pine Gate Road? I

⁴Copy of the Staff Field Report for Oak Meadow Estates is attached to the 3-27-95 minutes.

see on Rose M. Zigenfus comment here it says; therefore Pine Gate Road should not be permitted to cul-de-sac."

Due to not speaking into the microphone the person, or persons speaking is inaudible.

Commissioner Tuley: "These are really some nice size lots."

Andy Easley: "Yes. This is a ridge (referring to the map)."

Bill Jeffers: "There is a detention basin down here in this corner. It doesn't show on this plat, but you can store water down there."

Andy Easley: "This is a primary (plat). This is not a copy. The drainage plan shows that detention basin."

Mr. President, I Commissioner Mourdock move for a Preliminary approval of the Drainage Plan for the replat of Outlot "A" in Oak Meadow and seconded by Commissioner Tuley. So ordered.

Bill Jeffers: "So Area Plan Commission should get our message that that one has Preliminary Approval, and we don't see any problem with working out the details."

Commissioner Tuley: "Okay."

⁵B. CROSS POINTE-SECTION 3:

Bill Jeffers: "Next one is Cross Pointe-Section 3. This one had prior approval back in 1990, or 1991. It's a part of Cross Pointe. Basically, what's going on here is that they missed their deadline for filing their final plat, or something, and it came back to us through Area Plan Commission to make sure that everything was copacetic. I have a letter that I would just like to enter into the minutes explaining what their doing. All they really did here was go back, and correct drainage basin by reworking the outletting structure. So it will store more water and have a lot more capability. It's a three (3) lot subdivision; a part of Cross Pointe. After they modify the outletting structure it will store forty six thousand (46,000) cubic feet. This new volume of storage will accommodate them being able to cover their commercial lots up to seventy five percent (75%), or eighty percent (80%) hardsurface coverage. When the lots sell they are going to go ahead, and do the work to the basin to get it ready, and then when the lot sells they will come back with the site plan for each of the three (3) lots, and the site plans will show no greater than eighty percent (80%) hard top coverage. They will contain construction details that will conform to every part of whatever the contemporary County requirements are at the time they come back. We're asking you to approve their plan, and let the Surveyor's Office, and the County Engineering Office sign off in the site plans when they come back, if they conform to your current requirements at that time. You're probably familiar enough with Cross Pointe Subdivision not have to look at a map or anything. So our recommendation is to approve the plan they submitted, and then as the site plans come in for each of the three (3) lots we will check them to make sure that they are in conformance"

Motion made to move the acceptance of the Final Drainage Plan for Cross Pointe-Section 3 by Commissioner Mourdock and seconded by Commissioner Tuley. So ordered.

RE: SHELL SERVICE CENTER DERSCH ENERGIES, INC:

Bill Jeffers: "The Shell Service Center, property owned by Dersch

⁵Copy of the Staff Field Report for Cross Pointe Section 3 is attached to the 3-27-95 minutes.

Energies, Incorporated. Also within Cross Pointe Subdivision this would be at the entrance to Cross Pointe immediately to your right, the little piece of ground that was left after Builder Square took fifteen (15) acres, and right on the frontage road that will go over to the Ford Dealership. The one way frontage road. Here's a site map. Here is the site plan for it. Very briefly what the site plan is a convenience store, gas station. The two (2) entrances off Cross Pointe Blvd, and one (1) entrance off the service road to the front, and one (1) exit out into the north into Builder Square. The report that was submitted, I'll give that to Mrs. Hinton for inclusion of the minutes. Basically, what they're showing is after the improvements are made to what we just reviewed as Cross Pointe 3, and all the improvements that have been made to the other detention basins throughout Cross Pointe Subdivision, including the ones that were installed by Builder Square, three (3) of them. There is sufficient storage within Cross Pointe Subdivision sufficient storage volume for stormwater that exceeds what the original plan that was approved by your Board required. So they have met their storage volume for the entire Subdivision without any additional storage being required by this small parcel that was left in the corner here. (Referring to the map) Therefore, they're going to discharge directly into the front ditch that runs over to Nurrenbern Ditch. There is a twenty-four (24) inch pipe that that ditch would restrict any water in access of that which was designed to go in that ditch anyway. All of their calculations have been reviewed by the Surveyor's Office, and were approved. We're asking for approval of their site drainage plan as submitted to the Surveyor's Office with the stipulation that on this sheet here they remove the existing spillway from Builder Square Pond C...I crosshatched that in red...so that it does not flow through their dumpster in their parking lot, and move that spillway over to the green striped area that I show between the two (2) parking lots. And as we are saying here, grade the grassy area to act as the overflow for that pond, and install a paved grade ribbon. That would be a concrete ribbon from the spillway all the way down to the front ditch; to direct any overflowing water in an extremely high rainfall to run down through that grassy area directly into the ditch thereby not adversely affecting the parking lot, parked cars, dumpsters, that type of thing. Then also in that yellow area out front which is the ditch, we're asking them to rework this area to serve as additional storage volume, should that storage volume become necessary by whatever else goes in out to the east there from that Outback Steak House. Yes, Out Back Steak House is going in too, in next to El Chicos. El Chicos is getting ready to be built, and the next thing will be Outback Steak House right next to it. All of those people are going to pave those areas completely as much as they can."

Commissioner Mourdock: "Are you asking then Bill for approval of this site plan as a "Preliminary Site Plan" with this stipulations?"

Bill Jeffers: "No, this is Final."

Commissioner Mourdock: "So your asking for the final one with these stipulations."

Bill Jeffers: "With the stipulation that they move the spillway over, and come back at a later date, and show us how they might rework this front ditch for additional storage volume if it could be used. And yes, we are satisfied with their site plan and with the calculations that were submitted as a part of it."

Commissioner Mourdock: "Alan we're acting on a "Final Plan" here with stipulations to it. Do you have any advise for us? Is that a

⁶Copy of the report from Shell Service Center Dersch Energies, Inc. is attached to the 3-27-95 minutes.

good thing to do? My point is as long as they agree to these things, and Bill's saying this is what we need to do, that's fine, that's what we need to do. But, we vote tonight to accept this, and they come back, and say uh-uh we aren't doing it, what position are we in then?"

Bill Jeffers: "Well is Daryl Helfert still here? I'm sorry to interrupt."

Commissioner Mourdock: "That's alright."

Commissioner Tuley: "You are going to voice an opinion one way, or the other. Do you agree with what Bill's recommending?"

Bill Jeffers: "I guess what I'm saying is like this grassy area belongs to Builder's Square, and what we're saying is that he has to go to Builder's Square, and work it out with them to put that spillway in there."

Commissioner Tuley: "Right."

Commissioner Mourdock: "We're back to my point then. What if they were to say no? I just don't want to get us in a jam here where we act without the consent of the parties."

Alan Kissinger: "Quite frankly we could have a problem there. Although, I know as practicality - as a practical matter, the Drainage Board does approve these things based upon these recommendations, yes they could turn sour on us."

Commissioner Tuley: "But, if the motions made subject to those recommended changes, if those recommended changes don't go into affect, then you don't have approval."

Alan Kissinger: "Well, they have approval but, they're in violation of their agreement. So they can't technically. Mr. Jeffers could go out, and stop the project."

Commissioner Tuley: "Okay."

Commissioner Mourdock: "Okay I just wanted to be sure. Do you have anything to add to that Mr. Helfert?"

Daryl Helfert: "Daryl Helfert, with Morley & Associates. We did the drainage, and site work for Dersch Energies. We haven't had a chance to talk to Mr. Dersch specifically about these proposed changes, but I don't see him having a problem with doing it as long as he works it out with Builders Square. What Bill is talking about is really minor as far as cost, and disturbing anything else out there. So I don't know why they would have a problem."

Bill Jeffers: "Before you make a motion or anything else, let me tell you what I told Mr. Helfert before I wrote this on the site plan, okay. What I told them was if they leave the spillway where it is, and water in an extra high rainfall runs out, and takes trash out of the dumpster area, and runs it up against the parked cars, or if this area that he has shown through the parking lot gets extra deep, and floods a little sports car, we're washing our hands of it right here, and now March 27, 1995. I will not have anything to do with anybody that calls us, and says how did you let that happen? That's all I am saying. Now, if they can't work out an agreement with Builder Square, and they leave that spillway there and what I just described, or anything like it happens I have said here at this meeting that we will have nothing to do with it, and I will refer all of my calls back to Mr. Dersch, or his lawyer rather than to you, or to your lawyer. That's what I am saying. I know that he could go out there, and run across a problem, and not be able to do it. This is what we recommend, and we're going and above our duty by showing them what to do rather than just saying

no. So if he floods these handicapped areas, or it's the same thing that is on the other one that we just approved, he has some statement on there that the owner reserves the right to pave, and landscape easements. I totally disagree with that, but I told them you can put that on the plat if you want to, but I wash my hands of it. If somebody from one of those hospitals, or office buildings out there says how come you let some plat go through that you could put bushes in a drainage easement. We don't take care of commercial property. We have a fund that will take care of residential property problems. We don't have any fund, or any maintenance responsibilities when they go out here, and stick a pipe in a ditch covered up, and put a parking lot on it for El Chicos. I've said this in a site review, and I brought it up here now. They can put what they want to on these plats, but the Drainage Board is going to be protected, I think by our statements from the Surveyor's Office that we'll have nothing to do if they don't go along with some of these kind of recommendations, or stipulations. If they don't do it they're on their own as far as I'm concerned."

Mr. President, I Commissioner Mourdock move acceptance of the Final Site Drainage Plan for the Shell Service Center, Dersch Energies at Cross Pointe, with the recommended changes of the County Surveyor and seconded by Commissioner Tuley. So ordered.

Bill Jeffers: "The only other thing that I would say is that next week is the 3rd of April, 1995, which may be a little soon for a Special Drainage Board Meeting for all of this over here. I just don't think we will have time to do it that night. So the next Monday would be April 10, 1995. We should have a Special Drainage Board Meeting on that Monday for the purpose of receiving recommendation on the bids that Mr. Kissinger has opened and possibly the following Monday, April 17, 1995."

Commissioner Tuley: "And possibly the 17th?"

Bill Jeffers: "I think you should set aside those two (2) dates. In case some of these "Preliminary Plans" come back for final approval. They'll want to start getting their building permits. Is there any problems with that?"

Commissioner Tuley: "No. You were asking about advertising. Apparently we've had this question before. As long as your aware of it, and we're aware of it."

Bill Jeffers: "I think we mentioned this in the last regular meeting we said; that we were going to set dates for Special Drainage Board Meeting. I think that was in the advertisement that went to the paper."

Commissioner Tuley: "Right. The only thing you may have on the 17th we may have...and this doesn't matter I don't guess, but we may have a late night, because of that also being Rezoning night."

Bill Jeffers: "Well, we may not have any business to bring to you either. I just want to make sure that the opportunity is there to do it if we have to. But, I would make that for receiving recommendations, and taking actions on those recommendations for the bids, and also for any Final Drainage Plans that would come back by that time."

Commissioner Tuley: "Okay. So any of those that the two (2) in particular that your talking about that we had denied them, so if they can get their stuff together, and get it ready for you then you want to be able to act on them?"

Bill Jeffers: "Yes sir, because building season is coming up pretty quick."

Commissioner Tuley: "Right. That's fine."

Bill Jeffers: "I would also like to point out that there was a small mistake in the advertisement that we sent to the newspaper. It said that it required a 100% Bid Bond, and it should of said a 5% Bid Bond. A 100% is a Performance Bond. That was a typo on my part, and I went ahead, and sent out a notification to all of the bidders to that with a copy of the appropriate State Statute that showed it was 5%. I hope that wasn't any problem for anyone. I would also like to ask you to allow us to re-advertise, because I noticed that we did not get any mowing contracts, did we? Do you see any mowing contracts on East Side Urban?"

Alan Kissinger: "East Side Urban...no I saw some spraying contracts."

Bill Jeffers: "So, is there some way we can re-advertise as quickly as possible for any work that we sent out for bid that was not bid on only for work that was not bid on in this round here? Is there some motion that we could have that...that would allow the Surveyor's Office to go to the Auditor with another advertisement to appear in the paper, and to as quickly as possible re-advertise only for work for which we did not receive a bid this time. For any specified work that we did not receive a bid on?"

Motion made by Commissioner Mourdock to solicit bids for any work that we have specified for which we have not yet received a bid and seconded by Commissioner Tuley. So ordered.

Bill Jeffers: "There is one other item I'd like to bring to the Auditor's attention. Some months ago the Board approved payment for additional work done on Maidlow Ditch that was the installation of some tire mats along Kraft Nursery, and the last several printouts we have received from the Auditor's Office did not show that that payment has been made yet."

Commissioner Tuley: "Have we had any phone calls?"

Bill Jeffers: "This fellow back here, Mr. Ellison ask me to check, and see if there was a glitch in the paperwork there on Maidlow Ditch. I think it's in the amount two thousand dollars (\$2,000.00), is that correct? Two to three thousand dollars (\$2,000.00-\$3,000.00). I'll check our claims. I'll have Mr. Pasco check them, and see what the total amount is, and get with the Auditor's Office, and find out if there is a hangup in the paperwork somewhere."

Alan Kissinger: "While we're waiting I would like to mention that I've received another letter from David Clark, the attorney representing J.H. Rudolph about their ditch erosion problem. I promised him I would bring it up at tonight's Drainage Board Meeting, and advise him of the progress, if any."

Commissioner Mourdock: "Do you wish to advise us as the progress?"

Alan Kissinger: "I wished to be advised by Mr. Jeffers of any progress, if there is any."

Bill Jeffers: "I'm sorry...Mr. Clark?"

Alan Kissinger: "David Clark. He's the attorney for J.H. Rudolph."

Bill Jeffers: "Right. The attorney for the city, have we had any response from him after forwarding the information gleaned from the Board of Public Works Records with regard to their bonds of three million dollars (\$3,000,000.00) that financed the project?"

Alan Kissinger: "I don't know. I haven't received anything."

Bill Jeffers: "I haven't either."

Alan Kissinger: "Did you forward that to them?"

Bill Jeffers: "No sir. I forwarded it to the attorney for the Drainage Board."

Alan Kissinger: "Oh, you did. I didn't...I know the material that your talking about, but quite frankly I didn't understand it. I'll have to get together with you, and find out what it says."

Bill Jeffers: "Basically, what happened there is that the Board Of Public Works began designing all East Side Urban Drainage Improvements in the early 70's. In the mid 70's they began soliciting bids for various parts of the Drainage Improvements, and the bids came in in quite healthy sums of money. So in the late 70's they took all of the bids under advisement along about 1977, or 1978 and they began...what do you do with bonds? Floating bonds, whatever you call them...selling bonds, municipal bonds. For about three million dollars (\$3,000,000.00) and to finance the East Side Urban Drainage Improvements so that such things as Eastland Mall could be built. They finished designing the work in the City Engineer's Office, and yes the Drainage Board entered into the project by signing their names to it after the City Engineer designed it. All of the design work was done by the City Engineer. All of the bond money was city bond money. The bids were solicited by the Board of Works, and the contracts were signed by the Board of Works. The work was done under the supervision of Board of Work inspectors. Certain parts of it were not completed. Board of Works, or the city then ask the county to just maintain the ditch that they did build, basically the same way we maintain all of our ditches. Other than a hundred thousand dollars (\$100,000.00) donation by the county the rest of the money was city money. We then have maintained those ditches by spraying, and mowing until such time we were notified in 1988, that J. H. Rudolph Company may have a claim against us along with the city. At that time we ceased crossing that property. I think I said most of this before, but that's the same progress report I got today. I will also say that while I was researching the Board of Works minutes, there were a lot of little pieces of sticky paper attached to pages all through there, and every page that one of them was attached to had a notation on the page, and sometimes had a pencil arrow pointing to those paragraphs that was talking about East Side Urban Project, or East Side Drainage Project. So that someone has been through the entire record just looking at East Side Urban Drainage Project. It made it real easy for me to find it. Someone else has done this research too. I'm not the only one that knows about it. They're just waiting to see what we're going to do. Personally, we could go out there, and design a state project like taking some sheet piling and driving it down there and back filling it with some coarse rock. It's going to cost money. I just wonder what happened to three million dollar (\$3,000,000.00) of bond money. I'm sure it was spent all on the project but, I just wondered if all of those bonds were paid off. If there is a little surplus money, or interest money there somewhere."

Alan Kissinger: "Who would be the appropriate party for me to communicate with in city government?"

Bill Jeffers: "Toby Shaw."

Alan Kissinger: "And then who will he go to? I mean do you have a counterpart over there who will?"

Bill Jeffers: "Well, when you get into something like this if you go to Mr. Butler, Herb Butler, the city engineer, and it gets into legal things like this he immediately refers you to Toby Shaw."

Alan Kissinger: "Okay."

Bill Jeffers: "Herb Butler, when I passed through there he'll say

something like..."How's it going with that out there? Have you all figured out a way to...?" So everybody knows how to fix this problem. Nobody wants to pay for it."

Alan Kissinger: "Yes, and your saying your position is that the county should not be required to pay for it because of the previous agreement we had with the city that they would build it. Am I correct?"

Bill Jeffers: "I'm not sure if that's exactly what...I guess what I'm really saying is we didn't initiate the project, we didn't design it. We didn't pay for it. The hundred thousand dollars (\$100,000.00) we put up was expressly designated for the area between Green River Road, and Complete Lumber. Which is right in front of Knight Lumber. That's the hundred thousand dollars (\$100,000.00) we put up. It was expressly designated Green River Road east to approximately where Knight Lumber is today. All the rest of that was done with city money, and I contend that it was the money raised through the sale of municipal bonds by the City of Evansville, authorized by the Board of Works."

Alan Kissinger: "Therefore, is it your conclusion based on what you know about the situation, that since it was the city's project they should maintain it. I'm not asking you for a legal conclusion, I'm asking you for guidance as to how I approach them."

Bill Jeffers: "I think you should use the word that they should maintain it. I'll say that they're responsible for the design work that was done, and if that fails they're responsible to design a solution for a fix."

Alan Kissinger: "It's their design, their design has failed, and therefore they should go in and remedy that situation, and then we should thereafter do the normal things that the County is required to do."

Bill Jeffers: "If they ask us again to maintain it, and we have the money to do so, and the authority to do so, yes. We have to maintain it."

Alan Kissinger: "Alright."

Bill Jeffers: "Our maintenance is pretty much limited to spraying the bottom of the ditch, and mowing the side banks."

Alan Kissinger: "Okay."

Bill Jeffers: "We've never done anything else in that area."

Alan Kissinger: "Okay. Thanks Bill."

Bill Jeffers: "Yes sir."

RE: RECEIVE, OPEN AND READ 1995 CONTRACT BIDS FOR DITCH MAINTENANCE INTO THE DRAINAGE BOARD MINUTES:

The following 1995 Annual Ditch Maintenance Bid Recap was submitted as follows:

BIDDERS NAME	DITCH	AMOUNT
1. SHIRLEY REXING REXING ENTERPRISES, INC.	SINGER	269.50
2. RALPH REXING	POND FLAT LATERAL "A"	743.54
3. RALPH REXING	POND FLAT LATERAL "B"	391.58
4. RALPH REXING	POND FLAT LATERAL "D"	641.06
5. DANIEL J. PAUL	WALLENMEYER	1,211.48

6. JOHN MAURER	BAEHL	861.25
7. JOHN MAURER	HOEFLING	557.10
8. ELDON MAASBERG	BAEHL	1,033.50
9. ELDON MAASBERG	KNEER	303.60 154.42
10. ELDON MAASBERG	MAASBERG	154.42 132.36 66.18
11. ELDON MAASBERG	WALLENMEYER	405.60
12. UNION TWP DITCH ASS'N	BARNETT	501.48
13. UNION TWP DITCH ASS'N	CYPRESS DALE-MADDOX	1,433.22
14. UNION TWP DITCH ASS'N	EDMOND	153.95
15. UNION TWP DITCH ASS'N	HELFRICH-HAPPE	126.98
16. UNION TWP DITCH ASS'N	KAMP	3,682.80
17. SHIDELER SPRAY SERV.	EAST SIDE URBAN N½	2,049.32
18. SHIDELER SPRAY SERV.	EAST SIDE URBAN S½	3,776.80
19. SHIDELER SPRAY SERV.	HARPER	286.15
20. SHIDELER SPRAY SERV.	KEIL	292.17
21. SHIDELER SPRAY SERV.	SONNTAG-STEVENSON	974.85
22. CHEM-TROL CHEMICAL CO.	LRG-MANILA ENVELOPE TO BE ASSOCIATED WITH THE FOLLOWING CHEM-TROL CHEMICAL CO. BIDS	0.00
23. CHEM-TROL CHEMICAL CO.	EAST SIDE URBAN N½	1,626.77
24. CHEM-TROL CHEMICAL CO.	EAST SIDE URBAN S½	2,842.32
25. CHEM-TROL CHEMICAL CO.	HARPER	619.50
26. CHEM-TROL CHEMICAL CO.	KEIL	632.50
27. CHEM-TROL CHEMICAL CO.	SONNTAG-STEVENSON	1,025.10
28. THE DALTONS INC.	DECLINED TO BID	0.00
29. SCOTT BOILER SERVICE	KAMP	4,825.24
30. SCOTT BOILER SERVICE	SONNTAG-STEVENSON	13,232.50
31. BIG CREEK DRAINAGE ASS'N, INC.	BARR'S CREEK	4,133.60
32. BIG CREEK DRAINAGE ASS'N, INC.	BUENTE UPPER BIG CREEK	3,433.15
33. BIG CREEK DRAINAGE ASS'N, INC.	MAIDLOW	2,240.52
34. BIG CREEK DRAINAGE ASS'N, INC.	POND FLAT MAIN	4,053.72
35. BIG CREEK DRAINAGE ASS'N, INC.	POND FLAT LATERAL "C"	1,084.32
36. BIG CREEK DRAINAGE ASS'N, INC.	POND FLAT LATERAL "E"	433.92
37. BIG CREEK DRAINAGE ASS'N, INC.	RUSHER CREEK	533.28

Motion made to approve by Commissioner Mourdock and seconded by Commissioner Tuley. So ordered.

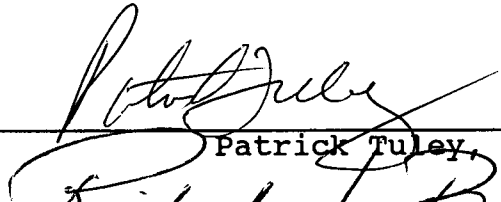
Commissioner Tuley: "Is that all you have Bill?"

Bill Jeffers: "Yes sir."


There being no further business the meeting was adjourned at 7:50 p.m.

PRESENT:

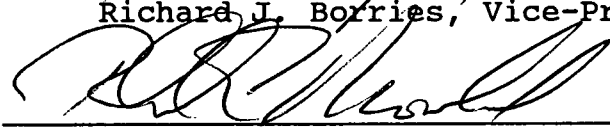
President Patrick Tuley
Vice-President Richard J. Borries
Member Richard E. Mourdock
Alan Kissinger, Attorney
William J. Fluty Jr., Chief Deputy Auditor
Bill Jeffers, Chief Dupty Surveyor
Julie Hinton, Secretary



Patrick Tuley, President



Richard J. Borries, Vice-President



Richard E. Mourdock, Member

Robert W. Brenner, Vanderburgh County Surveyor

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: Big Creek Drainage Assn.

for ☒ annual -- ☐ additional maintenance to Betts Creek 234-009 Ditch, a legal drain in Vanderburgh County, Indiana, was completed on FEB 25, 1995, and was inspected by our staff on MARCH 2, 1995, and is ☒ approved -- ☐ disapproved for payment per the contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner MB 3/27/95
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

Robert W. Brenner, Vanderburgh County Surveyor

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

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for ☒ annual -- ☐ additional maintenance to Betts Creek 234-009 Ditch, a legal drain in Vanderburgh County, Indiana, was completed on Feb 25, 1995, and was inspected by our staff on March 7, 1995, and is ☒ approved -- ☐ disapproved for payment per the contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 3/27/95
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

AREA PLAN COMMISSION
STAFF FIELD REPORT

Preliminary Approval
Rm HT
to come back -

DATE March 23, 1995

PLAN COMMISSION NUMBER 30-S-94

LOCATION east of Henze Road north of Mill Road

SUBDIVISION Joseph Elpers Subdivision II

OWNER Joseph and Delores Elpers

PETITIONER Joseph and Delores Elpers REPRESENTATIVE Bill Nicholson

PRESENT ZONING Agricultural REQUESTED ZONING _____

FLOOD ZONE No

SANITARY SEWER AVAILABLE? No - individual septic system

STORM SEWER AVAILABLE? No

CITY WATER AVAILABLE? German Township Water Dist.-must be extended to site

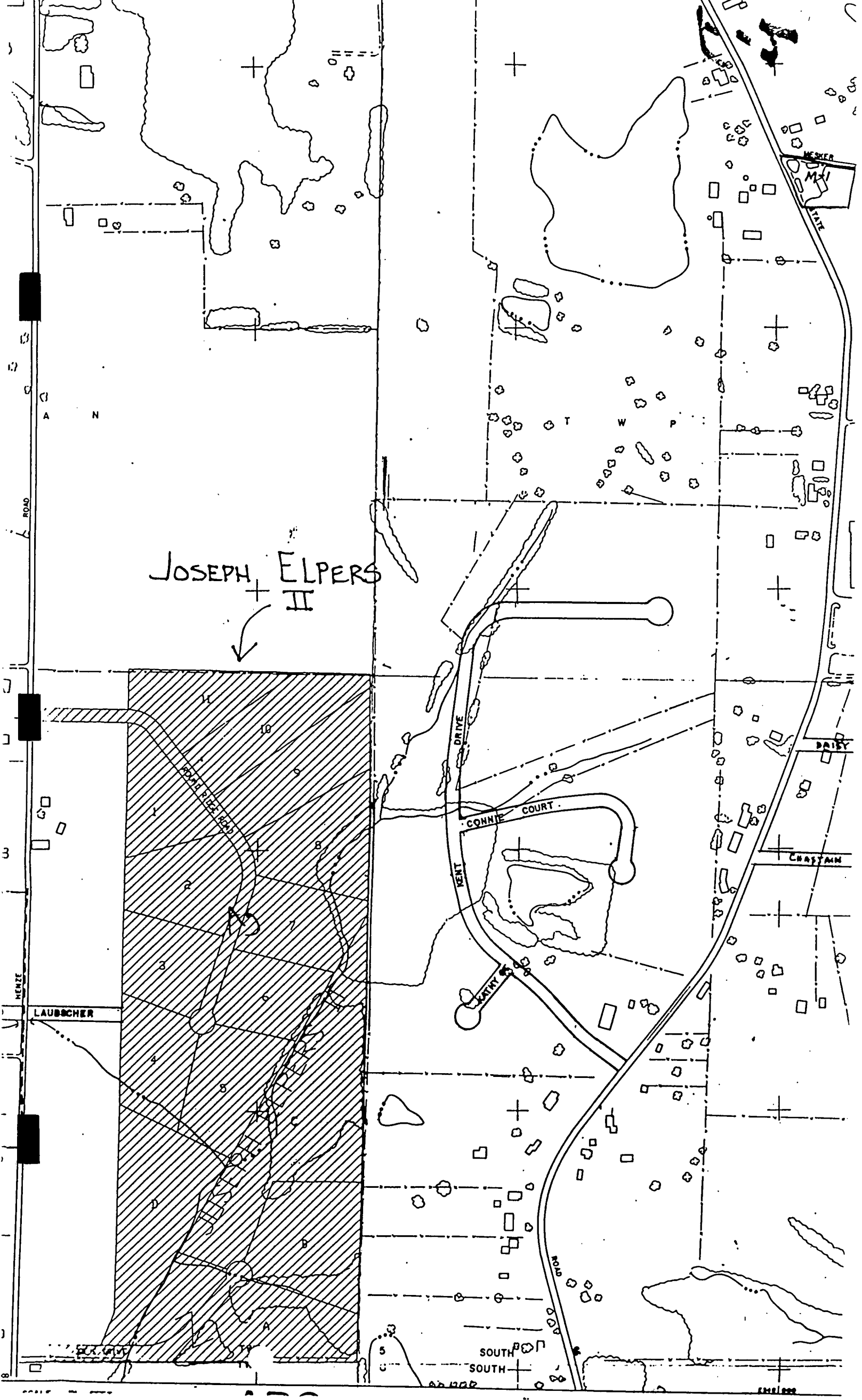
PRESENT USE OF THE PROPERTY vacant

PROPOSED USE OF THE PROPERTY 15 lot residential subdivision (57.22 acres)

ANY ADDITIONAL CIRCUMSTANCES PERTINENT TO THE REQUEST This subdivision lies above the existing Elpers Subdivision which fronts on Henze Road.

COMMENTS Subdivision Review Committee met February 14, 1995. Health Department response form states that septic placement could be difficult on lots 2, 9, A and D. Approval from the Health Department for location of the septs are required. Letter from Health Department of December 5, 1994 should be incorporated into the motion. There have been complaints about drainage on Joe Elpers Subdivision One. Drainage must be carefully addressed by Drainage Board. Developer must comply with IDEM Storm Water Management/Soil Erosion Regulations and all other State and Federal regulations. UPDATED INFORMATION - MARCH 23, 1995 - THIS SUBDIVISION WAS CONTINUED FROM THE MARCH AREA PLAN COMMISSION MEETING BECAUSE OF IMPROPER NOTIFICATION.

JOSEPH + ELPERS
II



AREA PLAN COMMISSION
STAFF FIELD REPORT

Preliminary Approval
RM/PT

DATE March 23, 1995

PLAN COMMISSION NUMBER 4-S-95

LOCATION south of Boonville New Harmony Road north of Browning Road

SUBDIVISION Browning Road Estates West (Section Two)

OWNER William J. and Rose Wittekindt

PETITIONER Wm. J. and Rose Wittekindt REPRESENTATIVE Fred Kuester

PRESENT ZONING Agricultural REQUESTED ZONING _____

FLOOD ZONE No

SANITARY SEWER AVAILABLE? must be extended to site

STORM SEWER AVAILABLE? must be extended to site

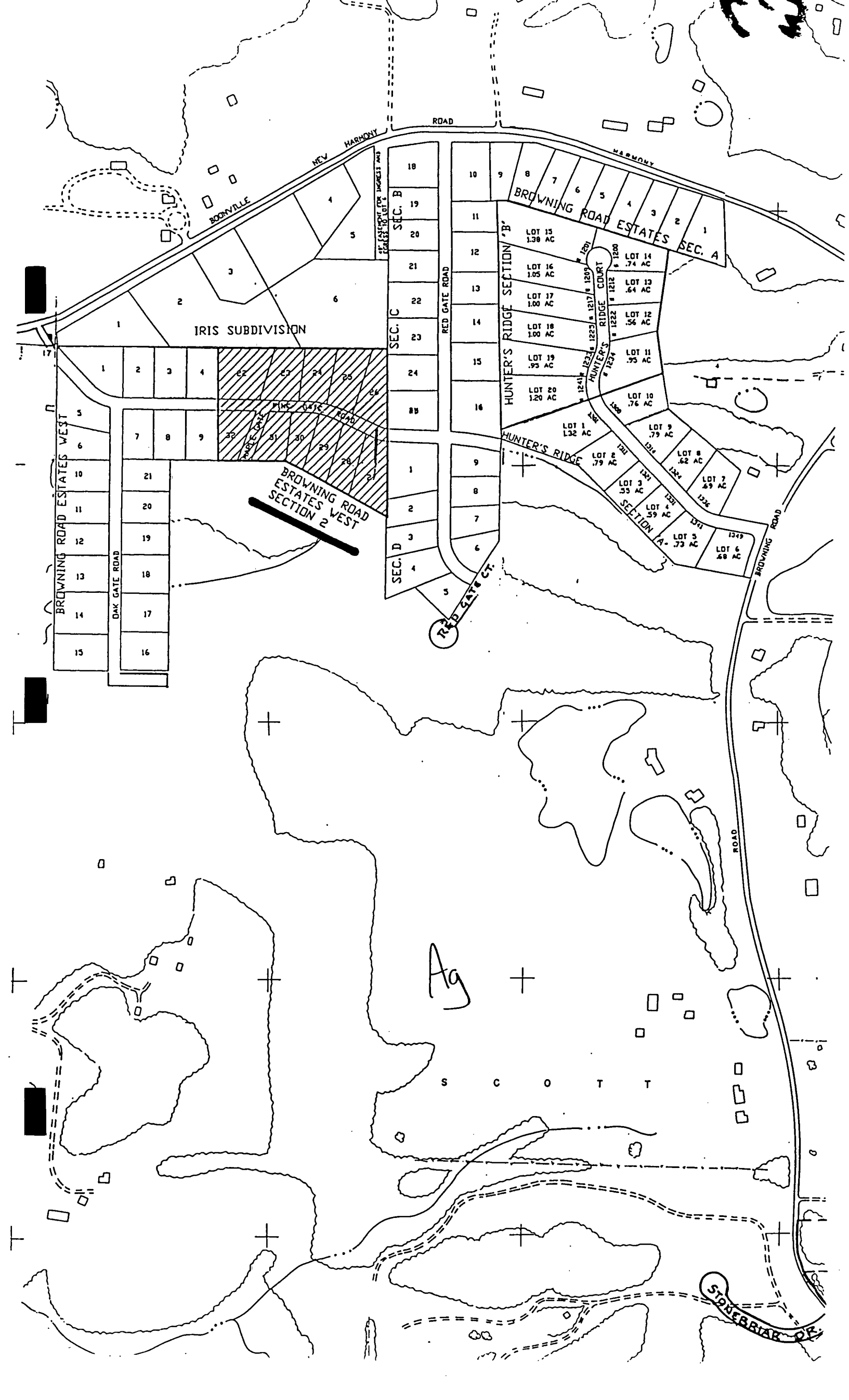
CITY WATER AVAILABLE? must be extended to site

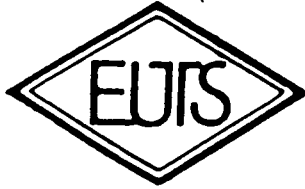
PRESENT USE OF THE PROPERTY vacant

PROPOSED USE OF THE PROPERTY 11 single family residential lots (7.88 acres)

ANY ADDITIONAL CIRCUMSTANCES PERTINENT TO THE REQUEST _____

COMMENTS Area Plan Commission approved Browning Road Estates Section 2
February 4, 1987 with the condition that a deceleration lane be constructed
within the right-of-way of Boonville-New Harmony Road as requested by EUTS.
August 5, 1988 - APC granted a one year extension for recording the
subdivision. July 3, 1989 - Petitioner called APC office and said he would
not be recording the subdivision at this time and would refile with APC at
a later date. This plat is the same plat as was approved in 1987.
Subdivision Review Committee met February 14, 1995. The Water and Sewer
Department require some additional sewer and water extensions. Sanitary
sewer has not been accepted for maintenance by the utility department, and
a letter of credit will be required for extensions and held until acceptance
by Utility. A public utility easement between lots 22 and 23 is also
required. Drainage plan approval is required by Drainage Board. Developer
must comply with IDEM Storm Water Management/Soil Erosion Regulations and
all other State and Federal regulations. UPDATED INFORMATION - MARCH 23,
1995 - THIS SUBDIVISION WAS CONTINUED FOR 30 DAYS AT THE MARCH AREA PLAN
COMMISSION MEETING TO RETURN TO SUBDIVISION REVIEW COMMITTEE TO ALLOW
RE-REVIEW OF THE ENTRANCE TO THE TOTAL SUBDIVISION. SUBDIVISION REVIEW
REQUESTED THAT EUTS SUBMIT A DETAILED REPORT PRIOR TO APC MEETING.





EVANSVILLE URBAN TRANSPORTATION STUDY

Civic Center Complex, Room 316, 1 N.W. Martin Luther King, Jr. Blvd. Evansville, IN 47708-1833 (812) 426-5230
FAX-(812) 426-5399 Hearing Impaired/TDD (812) 426-5483

ROSE M. ZIGENFUS, M.P.A.
EXECUTIVE DIRECTOR

TO: Area Plan Commission Members

FROM: *RV* Rose M. Zigenfus, Executive Director, EUTS

SUBJECT: April Subreview Comments

DATE: March 23, 1995

4-S-95

Browning Road Estates West (Section 2)

The above referenced subdivision is located south of Boonville-New Harmony Road west of Browning Road. Boonville-New Harmony Road is a 20' wide, collector roadway with an average daily traffic volume of approximately 1,350 (1992) vehicles a day and a posted speed limit of 45 mph. The Pine-Gate Road and Red Gate Road intersections with Boonville-New Harmony Road are existing access roads.

Normally when a subdivision has more than 50 lots, it is recommended that two or more access points be provided for traffic flow and safety purposes. Considering the size of the fully developed Browning Road Estates subdivision, both the Pine Gate Road and Red Gate Road subdivision entrances should be accessible to the existing and future sections of the subdivision. Therefore, Pine Gate Road should not be permitted to cul-de-sac.

According to the EUTS Access Standards Manual, the minimum stopping sight distance must be provided at every access point for a site or subdivision. The minimum stopping sight distance is defined as the distance travelled along a roadway such that motorists can perceive, react and stop for any potential conflict at an intersection. The national standard for minimum stopping sight distance at a speed limit of 45 mph is 400 feet. Due to a curve on Boonville-New Harmony Road west of the Red Gate Road intersection, it is questionable whether the minimum stopping sight distance is available for the Red Gate Road entrance. The developer/engineer should analyze the sight distance for the Red Gate Road entrance and compare the actual sight distance with the standard value acceptable for minimum stopping sight distance. Should the standard value not be met, the developer/engineer should provide a mitigating measure, such as a deceleration lane, to offer added safety at the Red Gate Road entrance to the subdivision.

RMZ/PLS/jw

E-3

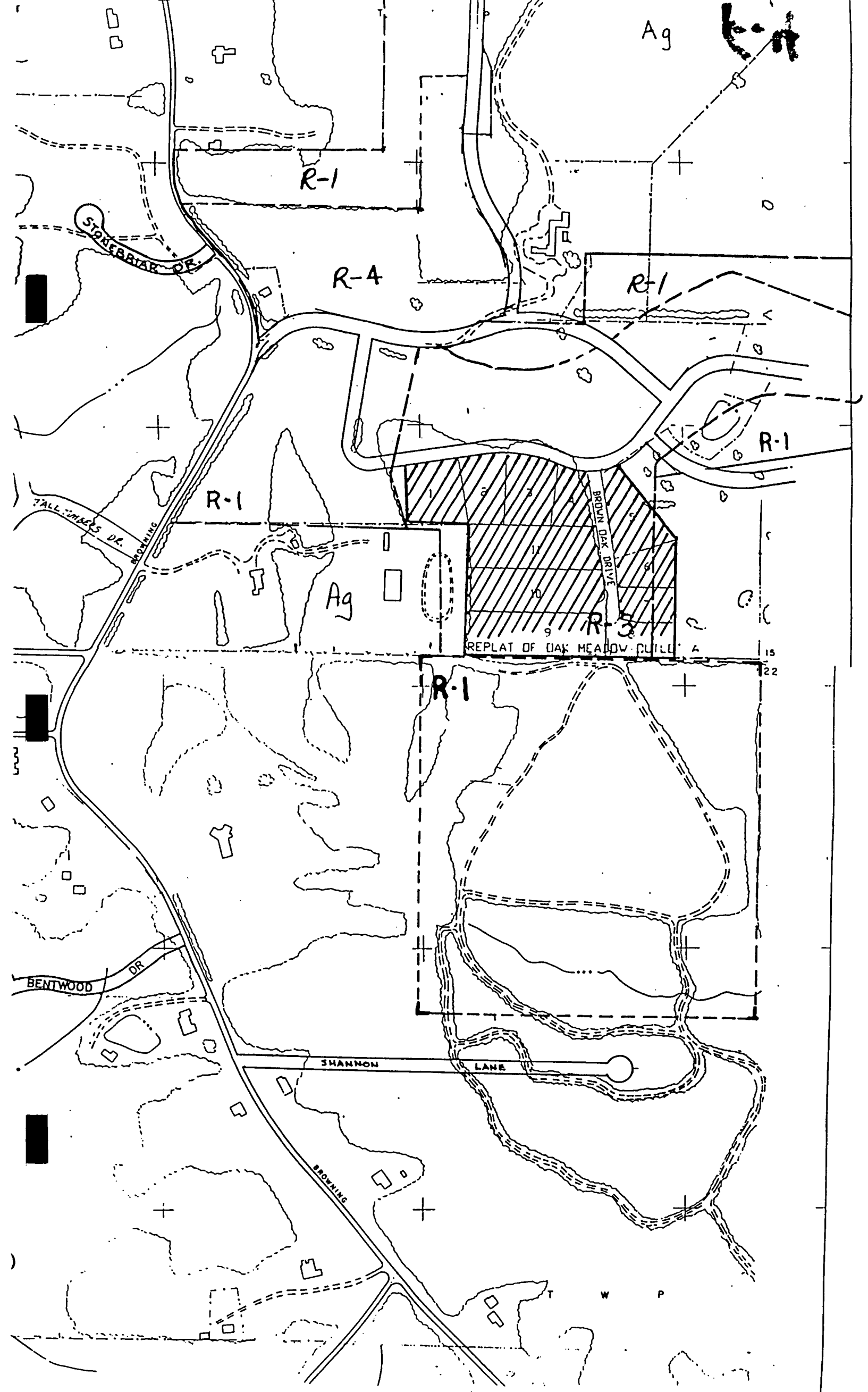
AREA PLAN COMMISSION
STAFF FIELD REPORT

Preliminary Approval
Rm/PT *P.S. Jones*

DATE March 15, 1995

PLAN COMMISSION NUMBER 8-S-95
LOCATION east of Browning Road south of Oak Meadow Drive
SUBDIVISION Oak Meadow Estates, Replat of Outlot A
OWNER August Koch
PETITIONER August Koch REPRESENTATIVE Ralph A. Easley, Jr.
PRESENT ZONING R-3 REQUESTED ZONING _____
FLOOD ZONE No
SANITARY SEWER AVAILABLE? must be extended to site
STORM SEWER AVAILABLE? must be extended to site
CITY WATER AVAILABLE? must be extended to site
PRESENT USE OF THE PROPERTY vacant
PROPOSED USE OF THE PROPERTY eleven lot single family subdivision
ANY ADDITIONAL CIRCUMSTANCES PERTINENT TO THE REQUEST _____

COMMENTS Subdivision Review Committee met March 14, 1995 to review Oak Meadow Estates, Replat of lot A. The existing roads in Oak Meadow Estates are not dedicated to the public and have been privately maintained. The proposed Brown Oak Drive is to be dedicated but must remain privately maintained due to its detachment from County dedicated roads. Drainage easements must also be privately maintained. Responsibility for maintenance for all improvements must be defined by the homeowners association. A correction is needed on lot 1 which shows an existing sanitary sewer manhole outside the easement. Engineer must address questions from Water and Sewer Utility Department concerning manhole location and lateral extensions. The secondary plat must not show trees within the right-of-way. Easement currently labeled "DR" should be labeled drainage. Due to the location and elevation of this site as it relates to the airport, this property appears to require notification to the Federal Aviation Administration to comply with the State of Indiana's tall structure act. Developer must comply with IDEM Storm Water Management/Soil Erosion Regulations and all other State and Federal regulations.



AREA PLAN COMMISSION
STAFF FIELD REPORT

Preliminary Approval
Rm/PT

DATE March 16, 1995

PLAN COMMISSION NUMBER 9-S-95

LOCATION north of Indiana Street, west of Cross Pointe Blvd.

SUBDIVISION Cross Pointe Section 3

OWNER James R. McKinney

PETITIONER James R. McKinney REPRESENTATIVE Morley and Assoc.

PRESENT ZONING C-4 REQUESTED ZONING _____

FLOOD ZONE No

SANITARY SEWER AVAILABLE? yes, not accepted on lot B-16

STORM SEWER AVAILABLE? yes

CITY WATER AVAILABLE? yes

PRESENT USE OF THE PROPERTY vacant

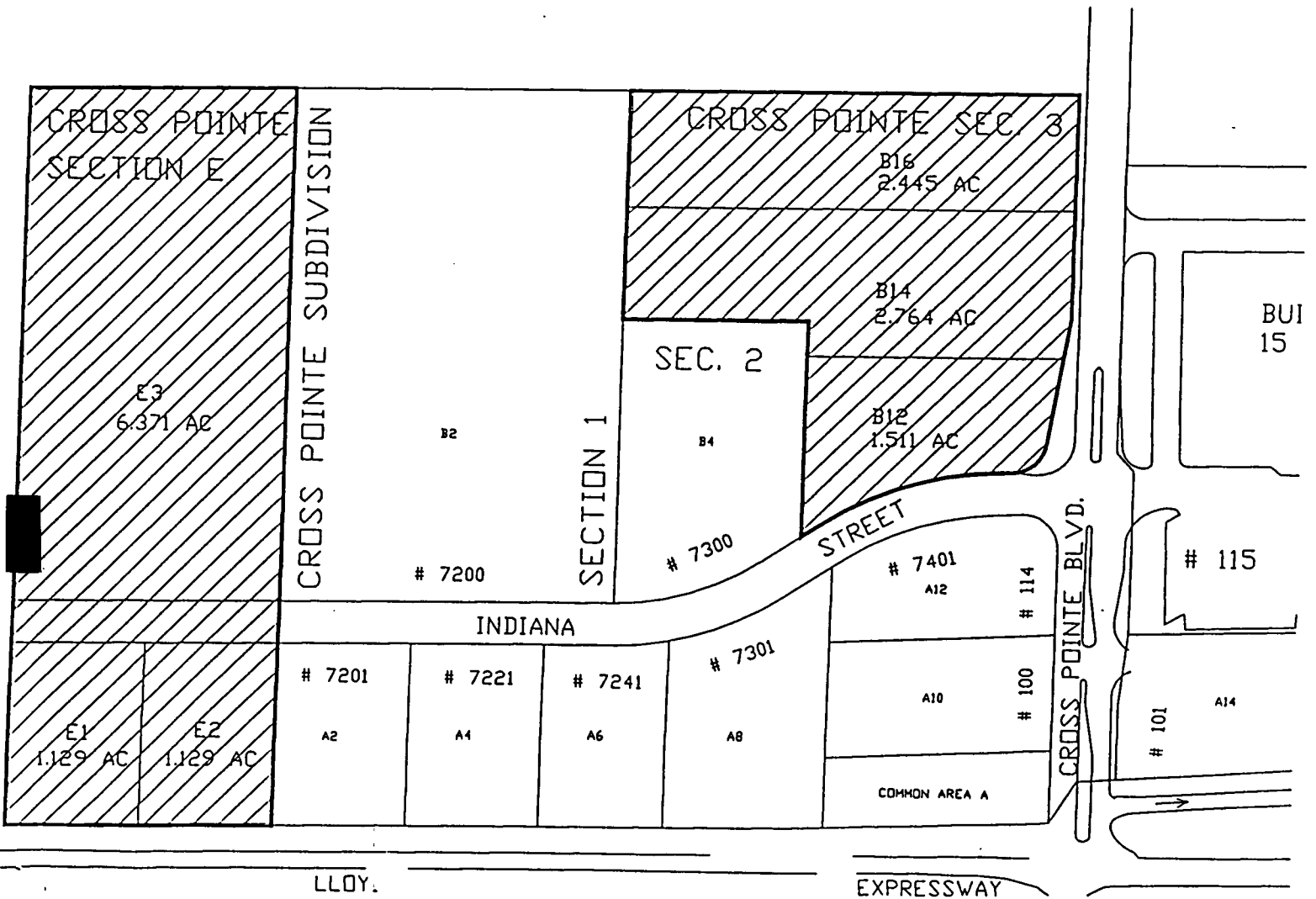
PROPOSED USE OF THE PROPERTY three lot commercial subdivision

ANY ADDITIONAL CIRCUMSTANCES PERTINENT TO THE REQUEST _____

COMMENTS Subdivision Review Committee met March 14, 1995 to discuss Cross Pointe Section 3. Water and sewer utility requests an additional easement on lot B-14 due to the depth of the sewer at this location. Sewer to Lot B-16 is not accepted. Some clarification is needed within the "easement language" in the owners certificate. Cross Pointe Blvd. is dedicated right-of-way. Indiana Street is not dedicated right-of-way and must be dedicated. Agreement for maintenance of the detention basin must be referenced on the plat. Developer must comply with IDEM Storm Water Management/Soil Erosion Regulations and all other State and Federal regulations.

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RECEIVED
FEB 23 1995
APC

AREA PLAN COMMISSION NOTIFICATION AND RESPONSE FORM		RETURN TO AREA PLAN COMMISSION RM. 312 CIVIC CENTER COMPLEX 1 N. W. M L KING BLVD. EVANSVILLE, IN 47708									
DATE: FEBRUARY 23, 1995		FOR: 8-S-95									
TO: EVANSVILLE URBAN TRANSPORTATION STUDY		TITLE: CROSS POINTE SECTION THREE									
REVIEW: PLEASE review the attached summary notification and indicate your response below. Give a detailed explanation when necessary. If you have any questions, contact this office.											
RESPONSE IS DUE MARCH 14, 1995											
<p>1. This agency does not have a comment on this project. _____</p> <p>2. We want more information on the project although no conflict is indicated. (specify below) _____</p> <p>3. We desire a conference with the applicant (explain below). _____</p> <p>4. The applicant should be informed of certain regulations which affect the project. (explain below) _____</p> <p>5. This agency endorses the project _____</p> <p>6. This agency rejects the project. (explain below) _____</p> <p>7. Comments attached _____</p> <p>EUTS recommends that the developer be required to dedicate Indiana Street as a public roadway. Indiana Street is a crucial part of the transportation network for this commercially developing area and is intended for use as a frontage road between Cross Pointe Boulevard and Burkhardt Road. It is imperative that the motoring public be assured of continued access to and full development of Indiana Street as a frontage road.</p> <p style="text-align: right;">RECEIVED MAR 23 1995 AREA PLAN COMMISSION</p> <p style="text-align: center;">(use back if necessary)</p> <table border="1"><thead><tr><th>REVIEWED BY:</th><th>NAME/TITLE</th><th>INITIAL</th><th>DATE</th></tr></thead><tbody><tr><td></td><td></td><td>EUTS</td><td>3-22-95</td></tr></tbody></table>				REVIEWED BY:	NAME/TITLE	INITIAL	DATE			EUTS	3-22-95
REVIEWED BY:	NAME/TITLE	INITIAL	DATE								
		EUTS	3-22-95								

65

March 17, 1995

Vanderburgh County Drainage Board
c/o Vanderburgh County Surveyor
Room 325 Civic Center Complex
Evansville, IN 47708
Attn: Mr. Bill Jeffers

RE: CROSS POINTE SECTION 3
DRAINAGE PLAN
OUR PROJECT NO. 95-3031-4

Dear Board Members:

The Vanderburgh County Drainage Board approved the storm retention "master plan" for the Cross Pointe development on March 26, 1990. The project was subsequently divided into phases, with first Section 1 and then Section 2 being platted, recorded and developed. Marketing considerations caused various changes in property division, street layouts and drainage patterns.

Cross Pointe Section 3 consists of Lots B12, B14 and B16, totaling 6.72 acres. A portion of all three lots is presently occupied by Retention Basin #2, which was constructed in 1991. The basin was designed to provide storm detention for runoff from Lots B12, B14 and B16, as well as Lot B4 in Cross Pointe Section 2, resulting in a drainage basin of 9.01 acres. Design plans were submitted to the Drainage Board on August 23, 1991 by this office, indicating that the retention basin contained sufficient storage volume for detention of stormwater runoff from the 9.01 acre drainage basin. A copy of the revised basin design from 1991 is included with this plan. The drainage calculations were performed for pre-developed conditions using the five year storm and for post-development using the 25 year event. The resultant required storage volume was 1.06 acre-feet (46,138 cu.ft.).

Based on field survey information on Retention Basin #2, the elevation required to obtain the required storm volume is 388.05 feet. The peak allowable discharge from the basin at the 25 year storm level is 4.68 cfs, which is the 5 year pre-developed peak runoff rate. The weir outflow structure was originally designed to allow a discharge of 4.68 cfs at a depth of 0.5 feet, which does not coincide with the water level required to provide the necessary storage volume. The outflow structure will have to be modified to restrict the discharge to 4.68 cfs at a storage depth of 1.05 feet. Calculations to modify the outflow structure indicate that the weir opening should be 1.31 feet wide with a minimum height of 1.05

feet. Revised details for the modifications to the weir structure are included with this submittal, as well as the original design.

No other drainage structures are presently proposed for the three lots in Section 3 because there are no definite plans for their development. Appropriate drainage structures will be incorporated into the specific site plans during the design of each lot. All drainage structures will conform to the standards and specifications of the Vanderburgh County Drainage Ordinance, adopted November 28, 1994. Storm sewers will be constructed with approved materials and will be designed in accordance with the drainage ordinance. Drainage swales at grades less than 0.8 percent will be constructed with concrete ribbon liners to maintain flowline grades. All drainage structures will be constructed to minimize disturbance to existing ground and will be treated accordingly to protect against erosion through the use of vegetation, riprap or other appropriate measures.

The 6.72 acre Cross Pointe Section 3 site consists of two soil types: Evansville silt loam (Ev) and Patton silty clay loam (Pa). The Evansville silt loam covers approximately 92 percent of the site and the Patton silty clay loam covers the remaining 8 percent. Both soil types are typically on very flat slopes of 0 to 2 percent and are poorly drained with a seasonally high water table.

Due to the uncertainty in how Section 3 will actually be developed, the possibility exists that the retention basin may be modified in the future to accommodate construction. Should this become necessary, the owner or developer will submit revised drainage plans to verify that sufficient storm detention will still be provided.

The owner is hereby requesting that the proposed revision to the original master plan as shown on the enclosed plan be approved. Please review this request and present it to the drainage board at their next scheduled meeting (March 27, 1995).

Sincerely,



Daryl J. Helfert, P.E.
Project Manager
D W S
DJH/djm

Encls: Phase 2 Storm Retention Plan
Originally approved Storm Retention Master Plan
Construction Drawing of Retention Basin #2
Proposed Cross Pointe Section 3 plat

cc: Dave Wanninger

File

605 S.E. MARTIN LUTHER KING, JR. BLVD./EVANSVILLE, INDIANA 47713-1797/(812) 464-9585/FAX (812) 464-2514

Morley and Associates
CONSULTING ENGINEERS/LAND SURVEYORS/ARCHITECTS

F-6

Morley and Associates INC.

CONSULTING ENGINEERS/LAND SURVEYORS

ASSOCIATES
James Q. Morley
Lee A. McClellan
Danny K. Leek
James A. Farny

August 23, 1991

Vanderburgh County Drainage Board
c/o Vanderburgh County Surveyor
Attn: Mr. Dan Hartman
Room 325 Civic Center Complex
Evansville, IN 47708

RE: CROSS POINTE BASIN DESIGN
OUR PROJECT #91-2152-4C

Dear Board Members:

The Vanderburgh County Drainage Board approved a storm retention "master plan" for the Cross Pointe development on March 26, 1990. The project was shortly thereafter phased and a plat of Cross Pointe Section 1 was created. Within the boundary of said plat (see enclosure) Basin #1 was constructed as approved.

Marketing of the property has led to required changes in the property to be divided under future sections. Lot B4 as shown on the enclosed marketing map has recently been sold and is now known as Cross Pointe Section 2. Cross Pointe Boulevard has also been revised north of Indiana Street.

The revised drainage area for Basin #2 will include Lots B4, B12, B14 and B16 as shown on the Marketing Map. This area is best represented on the original master plan by 100% of Basin #2, 15% of Basin #1, and 50% of Basin #3. The storage requirement attributed to the original basins totaled 0.65 acre feet.

The comparative original requirements were:

15% of Basin #1 (represented by the original Lot B4)	=	0.12 ac/ft
All of Basin #2	=	0.19 ac/ft
50% of Basin #3	=	<u>0.34 ac/ft</u>
		0.65 ac/ft

The basin being redesigned and presented herewith for approval suggests a storage requirement of 1.06 acre feet. This increase is due to the owner's request to increase the lake capacity to accommodate developed conditions equal to 80% impervious surfaces versus the original plan which was approved using 55% impervious surfaces after development.


Vanderburgh County Drainage Board
c/o Mr. Dan Hartman
Vanderburgh County Surveyor
RE: Our Project #91-2152-4C
August 23, 1991

Page Two

The increase is also due to the current five year pre-developed versus 25 year post-developed analysis required by the city engineer and the utility board. The original plan was submitted using a 25 year pre-developed versus a 25 year post-developed analysis.

The owner is hereby requesting that the proposed revision to the original master plan as shown on the enclosed plan be approved. Please review this request and present it to the drainage board at their next scheduled meeting (August 26, 1991) .

Sincerely,



James A. Farny, P.E., L.S.
Project Engineer

jaf/tac

Encls: Phase 2 Storm Retention Plan
Originally approved storm detention master plan
Construction drawings of proposed Basin #2
Proposed drainage easement

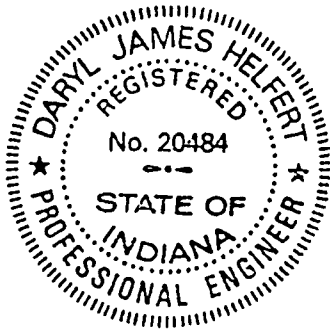
cc: Regency Management - Dave Wanninger
File

Morley and
Associates INC
CONSULTING ENGINEERS/LAND SURVEYORS

605 S.E. SEVENTH STREET/EVANSVILLE, INDIANA 47713-1797/(812) 464-9585

CERTIFICATE OF COMPLIANCE
DRAINAGE PLAN

I, Daryl James Helfert, do hereby certify that I am a Registered Professional Engineer, of the State of Indiana; that the Drainage Plan was prepared in accordance with the criteria set forth in the Herpic County Storm Drainage Manual for a 25 year, one hour storm minimum.



Daryl James Helfert
Daryl James Helfert, P.E.
Indiana Registration No. 20484

INDEX
SPECIAL DRAINAGE BOARD MEETING
APRIL 10, 1995

Meeting Opened 8:40 p.m.	1
Recommendation of Approval for 1995 Annual Ditch Maintenance Bids	1
Request for Approval of Final Subdivision Drainage Plans . . .	2
A. Alexander Estates Subdivision	2
Meeting Adjourned 8:45 p.m.	3

MINUTES
SPECIAL DRAINAGE BOARD MEETING
APRIL 10, 1995

The Vanderburgh County Drainage Board met in session on April 10, 1995, at 8:40 p.m., in the Commissioner's Hearing Room 307, with President Patrick Tuley presiding.

RE: RECOMMENDATION OF APPROVAL FOR 1995 ANNUAL DITCH MAINTENANCE BIDS:

Bill Jeffers: "Surveyor's recommendations for awarding contracts for the maintenance of regulated drains in Vanderburgh County. First of all, this meeting and another one next Monday night has been advertised in the paper twice for the purpose of receiving these recommendations, and acting on them. Recommendations have been published, and are sitting over here for the news media, and for everyone here to see. What has been published out there shows each ditch name, account number, the contractor who we are recommending the ditch work be awarded to, and the amount of the bids submitted, which we recommend that amount to be approved by the Drainage Board for the work that was bid on. Rather than read these into the minutes I will ask you to simply accept this, and publish it as a part of your minutes. The last page states that the Vanderburgh Drainage Board has re-advertised for bids on any maintenance to Legal Drains for which no bids were received on March 27, 1995. The drains on which you received no bids are indicated on this sheet along with the bids that were received. We have advertised for additional bids to be received, and opened at your next regular meeting on April 24, 1995, for only those ditches on which no bids were received. All the recommendations made by the Surveyor to award these contracts, at these prices, are based on the Surveyor's determination of the lowest, and best bid prices that were received and in accordance with that reparable Statutes in past practices. Basically, we're asking you to approve this list, and allow us to go forward, and receive additional bids on April 24, 1995, for only those ditches we received no bids on March 27, 1995."

Motion made to approve by Commissioner Mourdock and seconded by Commissioner Borries. So ordered.

1995 ANNUAL DITCH MAINTENANCE BIDS

ACCOUNT	DITCH	BIDDERS NAME	AMOUNT
234-006	AIKEN	NO BIDS RECEIVED	0.00
234-007	BAEHL	JOHN MAURER	861.25
234-008	BARNETT	UNION TWP. DITCH ASS'N	501.48
234-009	BARR'S	BIG CREEK DRAINAGE ASS'N	4,133.60
234-010	BUENTE UPPER BIG CREEK	BIG CREEK DRAINAGE ASS'N	3,433.15
234-012	CYPRESS DALE MADDOX	UNION TWP. DITCH ASS'N	1,433.22
234-013	EAGLE SLOUGH	NO BIDS RECEIVED	0.00
234-015	EAST SIDE URBAN N½	CHEM-TROL CHEMICAL COMPANY	1,626.78
234-015	EAST SIDE URBAN S½	CHEM-TROL CHEMICAL COMPANY	2,842.33
234-015	EAST SIDE URBAN	MOWING-NO BIDS RECEIVED	0.00
234-016	EDMOND	UNION TWP. DITCH ASS'N	153.95
234-017	HARPER	SHIDELER SPRAY SERVICE	286.15
234-017	HARPER	MOWING-NO BIDS RECEIVED	0.00
234-018	HELFRICH HAPPE	UNION TWP. DITCH ASS'N	126.98
234-019	HENRY	NO BIDS RECEIVED	0.00

234-020	HOEFLING	JOHN MAURER	557.10
234-21	KAMP	UNION TWP. DITCH ASS'N	3,682.80
234-022	KEIL	SHIDELER SPRAY SERVICE	292.16
234-022	KEIL	MOWING-NO BIDS RECEIVED	0.00
234-024	KNEER	ELDON MAASBERG	303.60
234-025	KOLB	NO BIDS RECEIVED	0.00
234-027	MAASBERG	ELDON MAASBERG	154.42
234-028	MAIDLOW	BIG CREEK DRAINAGE ASS'N	2,240.52
234-029	POND FLAT MAIN	BIG CREEK DRAINAGE ASS'N	4,053.72
234-030	POND FLAT LATERAL "A"	RALPH REXING	743.54
234-031	POND FLAT LATERAL "B"	RALPH REXING	391.58
234-032	POND FLAT LATERAL "C"	BIG CREEK DRAINAGE ASS'N	1,084.32
234-033	POND FLAT LATERAL "D"	RALPH REXING	641.06
234-034	POND FLAT LATERAL "E"	BIG CREEK DRAINAGE ASS'N	433.92
234-035	RUSHER	BIG CREEK DRAINAGE ASS'N	533.28
234-037	SINGER	REXING ENTERPRISES, INC.	269.50
234-038	SONNTAG STEVENS	SPRAYING-SHIDELER SPRAY SERVICE	974.85
234-038	SONNTAG STEVENS	SPECIALIZED EXTRA WORK SCOTT BOILER SERVICE	8,657.50
234-038	SONNTAG STEVENS	MOWING-NO BIDS RECEIVED	0.00
234-040	WALLENMEYER	DANIEL J. PAUL	1,211.48

RE: REQUEST FOR APPROVAL OF FINAL SUBDIVISION DRAINAGE PLAN:**A. Alexander Estates Subdivision:**

Bill Jeffers: "The only other item of business before you tonight is Alexander Estates Subdivision, for which a "Preliminary Drainage Plan" was approved earlier this year. For which a "Final Drainage Plan" has been submitted to the Surveyor's Department by Mr. Andy Easley here in the audience, who is the Engineer for the Alexander's. The plat reflects all of the conditions we asked for for a "Final Approval", along with a report to be transmitted to the owner of the small subdivision, which gives him a check list, or punch list to go by to take proper care of his dams, lakes and other maintenance responsibilities that fall upon the owners of the subdivision, and we recommend "Final Approval" of the "Final Drainage Plan" for Alexander Estates Subdivision, so that the Alexander's can go forward, record their plat, and get their building permit."

Commissioner Borries: "Based on the Surveyor's recommendation I move that the "Final Approval" of the Subdivision Drainage Plan for Alexander Estates be approved and seconded by Commissioner Mourdock. So ordered.

Commissioner Tuley: "Is that it Bill?"

Bill Jeffers: "I have no further business, except to tell you that I have notified those bidders who responded to any bids in the past of our need for additional bids on April 24, 1995. The same list we used in the last several years. They were re-notified, and it was re-advertised in the paper twice."

Commissioner Tuley: "People that who had bid, and had done work

with us before that did not respond this time?"

Bill Jeffers: "Did not respond this time for whatever reason. We re-notified all the same ones on that same list."

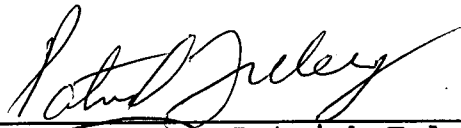
Commissioner Tuley: "Okay."

Mr. President, I Commissioner Borries move that the meeting be adjourned and seconded by Commissioner Mourdock. So ordered.


There being no further business the meeting was adjourned at 8:45 p.m.

PRESENT:

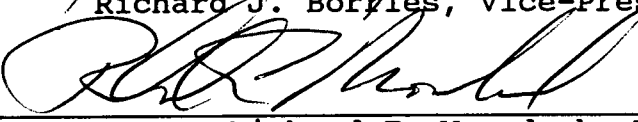
President Patrick Tuley
Vice-President Richard J. Borries
Member Richard E. Mourdock
Alan Kissinger, Attorney
William J. Fluty Jr., Chief Deputy Auditor
Bill Jeffers, Chief Deputy Surveyor
Julie Hinton, Secretary



Patrick Tuley, President



Richard J. Borries, Vice-President



Richard E. Mourdock, Member

**SPECIAL
DRAINAGE BOARD MEETING
APRIL 17, 1995**

**VANDERBURGH COUNTY SPECIAL DRAINAGE BOARD MEETING FOR APRIL 17,
1995 WAS CANCELED DUE TO THE FOLLOWING:**

- A. NO BIDS TO BE AWARDED THIS MEETING.**
- B. NO FINAL SUBDIVISION DRAINAGE PLANS FOR APPROVAL.**

INDEX
DRAINAGE BOARD MEETING
APRIL 24, 1995

Meeting Opened 6:40 p.m.	1
Approval of Transcribed Drainage Board Minutes	1
A. Regular Drainage Board Meeting	1
B. Special Drainage Board Meeting	1
Receive, Open and Read 1995 Bids for Ditch Maintenance into the Drainage Board Minutes	1
Sign Contract Ditch Maintenance	1
Requests for Approval of Preliminary Drainage Plans	2
A. Replat Out Lot I, Knob Hill Estates	2
B. Cross Pointe Subdivision E, Lot (1) and Lot (2)	2
Requests for Approval of Final Drainage Plans	2
A. Joseph Elpers II Subdivision	2
B. Browning Road Estates West Section II Subdivision	2
C Brown Oak Estates	5
Request Payment of Blue Claims for Maintenance of Ditches	6
New Business	6
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Meeting Adjourned 7:06 p.m.	9
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MINUTES
DRAINAGE BOARD MEETING
APRIL 24, 1995

The Vanderburgh County Drainage Board met in session on April 24, 1995, at 6:40 p.m., in the Commissioner's Hearing Room 307, with President Patrick Tuley presiding.

Commissioner Tuley: "Since Bill is here we'll go ahead and open the meeting and get started. Welcome to the Drainage Board for April 24, 1995."

RE: APPROVAL OF TRANSCRIBED DRAINAGE BOARD MINUTES:

It looks like the first item on the agenda is Approval of Transcribed Drainage Board Minutes for the Regular Drainage Board Meeting of (3-27-95) and a Special Drainage Board Meeting of (4-10-95).

Commissioner Mourdock: "I'll move acceptance of the minutes for March 27, 1995, and April 10, 1995."

Commissioner Borries: "I second."

Commissioner Tuley: "I have so ordered both of them."

RE: RECEIVE, OPEN AND READ 1995 BIDS FOR DITCH MAINTENANCE INTO THE DRAINAGE BOARD MINUTES:

Commissioner Tuley: "Item #3 is to receive, open and read 1995 bids for Ditch Maintenance into the Drainage Board Minutes. I guess Bill that is where you take it over."

Bill Jeffers: "You want to skip those and wait for Mr. Kissinger to open?"

Commissioner Tuley: "Yes, I guess we better."

Commissioner Borries: "Where is he? If we can get him in here, we can start. It doesn't look like there are a lot though, are there Bill?"

Bill Jeffers: "No sir."

Commissioner Tuley: "It looks like three different individuals."

Commissioner Mourdock: "There is Alan."

Commissioner Tuley: "Alan, I guess item #3 is for us to receive, open and read the 1995 bids for the Ditch Maintenance into the Drainage Board Minutes."

Commissioner Borries: "Mr. President I authorize the County Attorney to open the bids for 1995 Ditch Maintenance."

Commissioner Mourdock: "I will second."

Commissioner Tuley: "So ordered."

Commissioner Tuley: "I guess item #4 goes with #3, so we can come back to it. Is that correct?"

Bill Jeffers: "Yes."

RE: ¹SIGN CONTRACT DITCH MAINTENANCE:

Commissioner Tuley: "Okay. #5 sign contracts for Ditch Maintenance. Is that from previous openings that we did?"

¹The Original Signed Ditch Maintenance Contracts are in the Auditor's Office.

Bill Jeffers: "Those are the bids that you approved two (2) weeks ago."

Commissioner Tuley: "Okay. So now here's where you come into play then."

Bill Jeffers: "They have been reduced to contract form. Standard Contract from the last several years, naming the contractor, which ditch and what type of maintenance he's doing to it. The amount that we will pay him at finishing of it. Several terms of the contract. The back page with his notarized signature that he agrees to all the terms...he or she. Then I flagged the signature page for the Drainage Board along with the County Auditor and a date. So here's the contracts which we prepared for you at this time for all those maintenance projects that you approved two (2) weeks ago."

RE: REQUESTS FOR APPROVAL OF PRELIMINARY DRAINAGE PLANS:

A. Replat Out Lot I, Knob Hill Estates:

Commissioner Tuley: "Okay. Item #6 is requests for approval of Preliminary Drainage Plans: A. Is replat Out Lot I, Knob Hill Estates."

Bill Jeffers: "That's to be continued because we need greater detail shown on the Drainage Plan before considering it."

B. Cross Pointe Subdivision E, Lot (1) and Lot (2):

Commissioner Tuley: "Okay. Then item "B" is Cross Pointe Subdivision E, Lot (1) and Lot (2)."

Bill Jeffers: "That Drainage Plan was not completed in time or submitted to our office before closing of the office today."

Commissioner Tuley: "Alright then that one needs to be continued as well then. Okay."

Commissioner Borries: "This is going to be a faster meeting than we thought here, Mr. Jeffers is speeding along."

RE: REQUESTS FOR APPROVAL OF FINAL DRAINAGE PLANS:

A. Joseph Elpers II Subdivision:

Commissioner Tuley: "We're speeding right along here. Okay item #7 requests for approval of Final...here's where it slows down...Final Drainage Plans, item "A" is Joseph Elpers II Subdivision: Part of the east half of the southwest quarter of section 33, township 5, range 11 west, located east of Henze Road north of Mill Road."

Bill Jeffers: "There is no representative here, and I do not have a Final Drainage Plan in our office at the close of the business day today, so we're asking that to be continued."

Commissioner Tuley: "Just keep right on going. But I see the next two (2) guys here though."

B. Browning Road Estates West Section II Subdivision:

Bill Jeffers: "Yes. Item "B" Browning Road Estates West Section II Subdivision; identified on the agenda by it's location within a section range and township and located off of Boonville New Harmony Road, west of Browning Road. The developer is William J. Wittekindt, Jr. here in the audience. His Engineer is Fred Kuester, also here in the audience. The Drainage Plan has been submitted to us and was approved in it's Preliminary form by your board several

weeks ago. ²All of the details that were asked for by our office, for a Final Drainage Plan, had been submitted on these two (2) sheets, along with several statements by the developer as to his willingness to abide by the New Drainage Ordinance, and along with that I have a signed statement that I want to enter into the record signed by Mr. Wittekindt agreeing to maintain. Okay, what Mr. Wittekindt is wanting to do is to leave the natural creeks that are running through his woodland development, in as near as natural condition as is possible, and we agree that it should be done that way, because if he goes in there and scalps all of the cover off just to achieve the three (3) to one (1) side slope in this wooded area, he may do more damage than good. This is not a corn field development. Therefore, he has agreed to maintain all waterways, basins, and their embankments that exist only within the drainage easements serving said subdivision, in a stable condition at his expense for a period of one (1) year past the final installation made only by said Developer, his workmen, his subcontractors, SIGECO, Evansville Water and Sewer Utility, Cable, and Ameritech, within those drainage easements. In other words, if they go in there and run along the side of the ditch and tear it up, he agrees to, for only one (1) year past the final installation of all this (inaudible), he agrees to repair that. And he agrees to use rip rap, retaining walls, erosion control fabrics, and other appropriate materials and effective methods, descriptions of which may be had from the Water and Soil Conservation district and the County Surveyor, in the accomplishment of the one (1) year guarantee. He also agrees to notify the original lot buyer(s), (that is of each lot); how much time, at the time the lot buyer(s) buys a lot he will tell them how much time remains on that one (1) year guarantee; and he will tell the lot buyer that the lot owner is going to be responsible for getting Drainage Board approval for any modifications to the original drainage facilities put in by the developer, and he's going to tell the lot buyer that any erosion, or unstable conditions occurring to the above stated embankments after the one (1) year period, or due to causes other than by those specific persons, or entities stated up here above is the responsibility of the lot owner. He's going to attach a notice to the plat. Mr. Wittekindt has signed this, and that's a pretty good guarantee that will alleviate a lot of problems when people call in and say; "Hey, somebody came down through here and tore this up... what are we going to do?"

Commissioner Mourdock: "Just for the record Bill, would you say Mr. Wittekindt's offering in doing that, is routine, normal, customary?"

Bill Jeffers: "No sir, it's above and beyond what's routine, normal and customary."

Commissioner Mourdock: "Okay."

Bill Jeffers: "But, it would set my mind at ease for him to have a natural creek as a drainage channel, and a beautiful wooded subdivision. I think he's agreed to maintain it for one (1) year and that's plenty of time for a lot owner to see how to go forth from there. So, I like it and recommend that you accept it. He also wants to use Plan "B", wherein he will submit two (\$2.00) dollars per linear foot, for all drainage pipe outside of county accepted right-of-way for perpetual maintenance. Attach that notice to the plat to that affect. If you all would like to look at that you may and then pass it to your secretary. I would kind of like to make that customary for people that are developing in woods, who would want to leave creeks more natural to get them to guarantee that they'll look after them for a year, until the lot owner has a grasp on the situation."

²Copy of Agreement for Browning Road Estates West-Section 2 included with the 4-24-95 Drainage Board Minutes.

Commissioner Mourdock: "At one point I heard you say, or I thought I heard you say; look after them for a year after the final lot is sold?"

Bill Jeffers: "No, after the final utilities are put in."

Commissioner Mourdock: "Okay."

Bill Jeffers: "That's where our problems come up. Say the water company comes down through there and they do an okay job. Then the next guy that comes down through there and he messes something up, this will also I think stimulate Mr. Wittekindt to tell all those utilities to get in, get it over with, do it right and get out, so I can go on with building these houses."

Commissioner Borries: "Well maybe we need to add that to our Drainage Ordinance at some point. We have it on computer and you may want to see how this works, but it may be something we might want to consider to add to our Drainage Ordinance. What I like about it is the communication between the developer in this case Mr. Wittekindt, and the buyer."

Commissioner Tuley: "Yes."

Commissioner Borries: "Letting him or her know what their responsibilities are in this situation."

Bill Jeffers: "We have a lot of that in the Drainage Ordinance but it never really comes out and says; you have to go tell them. It's on the plat, or it's available to them. I think after the first building season we should go back and look at what did work and what didn't work in the Drainage Ordinance. Maybe next Christmas time make some amendments, because I know I have already found a few things that's are catch 22's."

Commissioner Tuley: "Mr. Wittekindt, I think, has a comment to make."

Mr. Wittekindt: "For the record my name is Bill Wittekindt, Jr., and I live at 12431 Red Gate Road. The only question I have it just came up today is, let's say; SIGECO finished an electric line today, now does that start from today, for one (1) year? And then let's say cable comes in three...a month from now. Do you guarantee to talk when they're finished? That's what I...I just thought about that when we were explaining it to..."

Bill Jeffers: "The one (1) year guarantee starts when the last utilities installation is made."

Mr. Wittekindt: "(Inaudible Remarks)."

Commissioner Mourdock: "But just to follow up on that question. We define utility here as SIGECO, Evansville Water and Sewer Utility, Cable, and Ameritech, so my interpretation of that and Alan can correct me, I don't see you having to wait on any other utilities that may be out there in the future somewhere. That would seem to pretty well get them all."

Mr. Wittekindt: "The only thing there is sometimes cable if someone doesn't want cable."

Commissioner Mourdock: "Right. That will slow you down."

Mr. Wittekindt: "That is going to slow me down. Sometime I might not want it."

Bill Jeffers: "Would you like to cross cable out before they accept it?"

Mr. Wittekindt: "Yep, we could. Because I've seen them..."

Bill Jeffers: "Don't you have cable at your other subs out there?"

Mr. Wittekindt: "Yeah, but they put them in to you on section B, they put them in let's say a year or two years after it was in."

Commissioner Mourdock: "Certainly of all the utilities out there the one that's going to be I would think least troubling to you would be when they would put cable out there. I mean they're not going to tear it up like water lines."

(Inaudible remarks due to more than one person talking at the same time)."

Mr. Wittekindt: "(Inaudible remarks)...I mean they have come in a year, a year and half after everything was in to put cable up."

Commissioner Borries: "They don't make a lot of cuts on the road do they, where they are there? Or not?"

Commissioner Mourdock: "I've never seen cable cuts...."

Commissioner Tuley: "But if it would ease his mind since he's going over and above what's required of him, why don't we just slide it out and tell him to scratch cable out. That ought to ease your mind there, shouldn't it?"

Mr. Wittenkindt: "Yeah it would. We are going to have to have telephone or the rest of it. Cable you can do without."

Commissioner Mourdock: "Excellent legal question; whether cable can even use the utility easements."

Commissioner Borries: "I would at this point note then and move that we approve an omission of the word cable from the agreement on Browning Road Estates West-Section II."

Commissioner Mourdock: "I'll second."

Commissioner Tuley: "So ordered."

Commissioner Tuley: "Have we accepted the plan as submitted?"

Bill Jeffers: "This is a Final Drainage Plan."

Commissioner Mourdock: "I will move that we accept the Final Drainage Plan as submitted for the Browning Road Subdivision."

Commissioner Borries: "I will second."

Commissioner Tuley: "So ordered."

Commissioner Borries: "Thank you Bill, Fred."

Mr. Wittekindt: "Okay."

Mr. Kuester: "Thank you."

Commissioner Tuley: "I don't see anyone here from Brown Oaks."

C. BROWN OAK ESTATES:

Bill Jeffers: "Brown Oaks also needs some additional details added to their Final Drainage Plan before it can be considered by your Board. I thought they would be ready today, but they weren't."

Commissioner Tuley: "Okay."

Commissioner Borries: "Well just as a quick comment there, I think it's good that your monitoring this. We know that it's going to be a little slower process, on the other hand, hopefully, home buyers and the public will be better served by this Ordinance. It takes a little more time, but hopefully it's going to work out."

Bill Jeffers: "Trying to answer the questions that are generally the ones that generate the complaints. Telephone complaints and so forth, that shouldn't be taking up all your time. It should be answered ahead of time."

Commissioner Tuley: "It's good Bill that you sit down and really go over these things and give them a good once over, or twice over, whatever; so by the time they get here you're ready to make a recommendation or send them back to the drawing board for another month."

RE: ³REQUEST PAYMENT OF BLUE CLAIMS FOR MAINTENANCE OF DITCHES:

Bill Jeffers: "Okay, the next item will be a Blue Claim. I have one (1) Blue Claim in favor of Big Creek Drainage Association for their work on Maidlow Ditch which included excavation, placing tire mats for ditch stabilization. The work was done in 1994, as a part of the agreement with the County Commissioners, and the County Drainage Board. Your minutes are dated (9-27-93) and (9-26-94). Those two (2) meetings you agreed to pay a total of thirty-five hundred (\$3,500.00) dollars, which is approximately one half ($\frac{1}{2}$) cost of the project. Big Creek Drainage Association paid the other half, and supplied the labor. It was finished on, or about September 15, 1994. It was continually inspected during the project. Necessary paperwork is attached, and the claim is signed and we recommend paying thirty-five (\$3,500.00) hundred dollars to Big Creek Drainage Association."

Commissioner Borries: "So moved."

Commissioner Mourdock: "Second."

Commissioner Tuley: "So ordered."

RE: NEW BUSINESS:

A. READ CORRECTED BID AMOUNT INTO MINUTES:

Bill Jeffers: "The next item I have is to read a corrected bid amount into the minutes. Inadvertently an amount was read into the minutes at the opening of the bids in March, which was incorrect. The correct amount is shown here on a copy of the front page, part I, form 96. The bid is from Daniel J. Paul. His bid on Annual Maintenance to Wallenmeyer Ditch in the amount of twelve hundred, thirty-six dollars, and fifty-four cents (\$1,236.54). I'll submit this copy for inclusion of these minutes to correct the incorrect amount."

Alan Kissinger: "That mistake in reading has been explained to me. I read the portion which was for work already completed, and it was the incorrect amount. The amount that Mr. Jeffers gave you is the correct amount."

Commissioner Borries: "I move that we enter this corrected bid amount into the minutes of April 24, 1995."

Commissioner Mourdock: "I'll second."

Commissioner Tuley: "So ordered."

³Copy of Blue Claim included with the 4-24-95 Drainage Board Minutes.

Bill Jeffers: "I'll check that amount against any other possible bids that came in, and make sure that Daniel J. Paul is still low. If he's not, we'll have to award the bid to another bidder who may have been lower. I think the other bidder was Eldon Maasberg. So we'll need to check to see if Eldon Maasberg bid a lower amount than twelve hundred thirty-six dollars and fifty-four cents (\$1,236.54). We have not signed a contract with Mr. Paul yet, we're holding that until the next time to make sure that he is in fact the lowest and best bidder."

Commissioner Mourdock: "What date was that meeting Bill?"

Bill Jeffers: "March 27."

Commissioner Borries: "1995?"

Bill Jeffers: "Yes sir."

RE: READING OF THE 1995 BIDS FOR DITCH MAINTENANCE INTO THE DRAINAGE BOARD MINUTES:

Bill Jeffers: "I guess that brings us back to reading the 1995 Bids, and then take them under advisement."

Alan Kissinger: "The 1995 Annual Ditch Maintenance Bid Recap."

1995 ANNUAL DITCH MAINTENANCE BID RECAP

BIDDERS NAME	DITCH	AMOUNT
1. TERRY JOHNSON	AIKEN-MOWING	2,371.30
2. TERRY JOHNSON	EAST SIDE URBAN N½	9,124.75
3. TERRY JOHNSON	EAST SIDE-MOWING S½	19,837.89
4. TERRY JOHNSON	HARPER-MOWING	1,274.11
5. TERRY JOHNSON	HENRY-MOWING	1,373.00
6. TERRY JOHNSON	KEIL-MOWING	1,300.88
7. TERRY JOHNSON	KOLB-MOWING	2,415.62
8. TERRY JOHNSON	KOLB-DIGOUT	18,168.91
9. TERRY JOHNSON	SONNTAG STEVENS-MOWING	4,340.60
10. SHIDELER SPRAY SERVICE	EAGLE SLOUGH	4,826.40

REFERRING TO #10 SHIDELER SPRAY SERVICE, EAGLE SLOUGH DITCH:

Bill Jeffers: "I need to read into the minutes right now that that is for twenty-one thousand, four hundred and fifty-five linear feet. The reason we didn't get bids last time is because no one wanted to spray from WaterWorks Road to Kentucky Avenue. So we cut that out in our description. We're starting at Kentucky Avenue and going east to (½) mile east of Green River Road. That is twenty-one thousand four hundred, and fifty-five feet (21,455'). That's how we readvertised it."

Commissioner Borries: "Have we ever used...we've never used that have we?"

Bill Jeffers: "Yes sir. Shideler has sprayed your other ditches for two years."

Commissioner Borries: "Oh, have they really?"

Commissioner Mourdock: "I've lost track since Bill Hefler."

Commissioner Tuley: "Grasshopper."

Bill Jeffers: "That's right. No one has sprayed Eagle Slough since

then."

Commissioner Borries: "Alright. Okay. We rejected one (1) bid on Eagle Slough didn't we?"

Bill Jeffers: "Yes."

Commissioner Borries: "Okay."

Alan Kissinger finished reading the following 1995 Annual Ditch Maintenance Bid Recap:

BIDDERS NAME	DITCH	AMOUNT
11. WOODWARD BACKHOE SERVICE	KOLB-ADDITIONAL MAINTENANCE	34,500.00
12. KOBERSTEIN TRUCKING, INC.	KOLB-PIPE REPLACEMENT	6000.00

Commissioner Borries: "Mr. President, I move that these bids now open and ready for the record be referred to the Surveyor's Office and taken under advisement until our next meeting."

Commissioner Mourdock: "I'll second."

Commissioner Tuley: "So ordered."

Bill Jeffers: "Can we have a Special Meeting? We're getting into May here."

Commissioner Borries: "Sure."

Bill Jeffers: "Okay. Next Monday would be election eve, and you may have this room occupied by others."

Commissioner Borries: "I don't think so."

Commissioner Tuley: "I don't think so."

Commissioner Borries: "That's usually a pretty dull one. Pretty brief too."

Bill Jeffers: "Let's do it May 8th, if you be so kind."

Commissioner Borries: "No, May 1, 1995 you mean?"

Commissioner Tuley: "No, May 1. I'm not going to be here May 8th."

Bill Jeffers: "May 1, 1995. Excuse me."

Commissioner Borries: "Do we have enough time to advertise Julie?"

Julie: "Yes."

Commissioner Borries: "Mr. President I move then that we call a Special Drainage Board Meeting for May 1, 1995, for the purposes of awarding 1995 Annual Ditch Bids."

Commissioner Mourdock: "I'll second."

Commissioner Tuley: "So ordered."

Alan Kissinger: "I would like briefly for the record to show that there was a packet of bids delivered to me earlier. It's from Jim Straub Mower Service, It's bid number is #CE-9505. Apparently was in this packet of bids. I'm going to return this to the clerk, and then if they'll drop off it at Purchasing, please."

Commissioner Mourdock: "Is this normal Bill for this much work, just to have the one (1) bidder?"

Bill Jeffers: "Mowing has been for the past several years that we have been unable to elicit bids from other than one (1) contractor on the large ditches on the eastside."

Commissioner Mourdock: "Is that right? Because one (1) guy, I was just amazed."

Bill Jeffers: "Most of the people that used to mow ditches have gone on to other types of construction activity. No one wants to mow them by hand anymore."

Commissioner Mourdock: "Right."

Bill Jeffers: "The people who were mowing them with machinery went on to other types of construction activity. If you'll recall this has been advertised twice in one (1) year."

Commissioner Tuley: "No one responded the first time."

Bill Jeffers: "No one responded the first time. The second time we got one (1) response."

Commissioner Mourdock: "Okay."

Commissioner Tuley: "Do we have any other old business?"

Bill Jeffers: "I don't."

Commissioner Tuley: "Motion for adjourn."

Commissioner Borries: "So move."

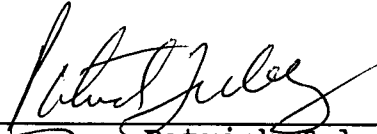
Commissioner Mourdock: "Second."

Commissioner Tuley: "So ordered."


There being no further business the meeting was adjourned at 7:06 p.m.

PRESENT:

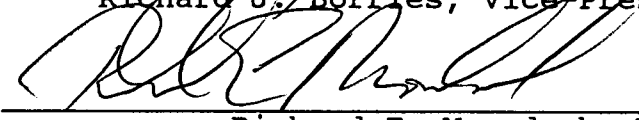
President Patrick Tuley
Vice-President Richard J. Borries
Member Richard E. Mourdock
Alan Kissinger, Attorney
William J. Fluty Jr., Chief Deputy Auditor
Bill Jeffers, Chief Deputy Surveyor
Julie Hinton, Secretary



Patrick Tuley, President



Richard J. Borries, Vice-President



Richard E. Mourdock, Member

BROWNING ROAD ESTATES WEST -- SECTION 2

APRIL 24, 1995

The undersigned William J. Wittekindt, Jr., Developer, wishes to keep the waterways in Browning Road Estates West -- Section 2, Project, in a near natural condition as possible, and therefore agrees:

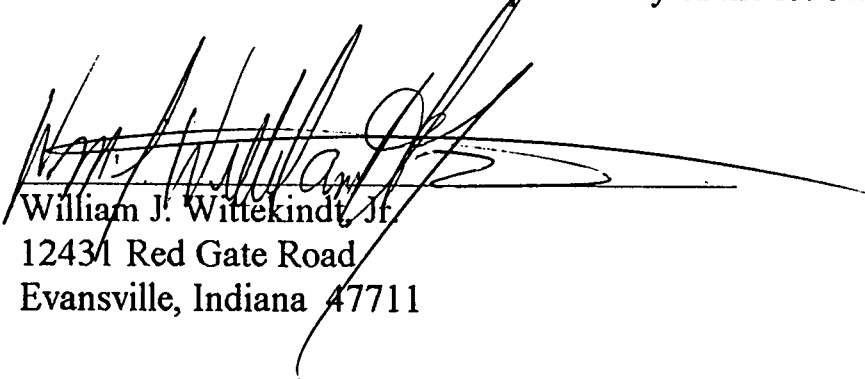
1. To maintain all waterways, basins, and their embankments that exists only within the drainage easements serving said subdivision, in a stable condition at his expense for a period of one (1) year past the final installation of utilities, roadways, storm drainage pipes, ditches, and other improvements made only by said Developer, his workmen, his subcontractors, SIGECO, Evansville Water and Sewer Utility, ~~Cable~~, and Ameritech, within said drainage easements.

WJW 4/24/95

2. To use rip rap, retaining walls, erosion control fabrics, and other appropriate materials and effective methods, descriptions of which may be had from the Water and Soil Conservation District and the County Surveyor, in the accomplishment of the one (1) year guarantee.

3. To notify the original lot buyer(s):

- a) How much time remains on the one (1) year guarantee stated above.
- b) That the lot owner is responsible for getting drainage board approval for any modifications to the original drainage facilities put in by the Developer.
- c) That any erosion or unstability occurring to abovestated embankments after the one (1) year, or due to causes other than by those specific persons or entities stated above is the responsibility of the lot owner.


William J. Wittekindt, Jr.
12431 Red Gate Road
Evansville, Indiana 47711

f2

Choose one of the two methods given below and add language to plat:

**RESPONSIBILITY FOR MAINTENANCE OF
THE DRAINAGE FACILITIES**

PLAN A: LOT OWNERS ASSOCIATION

The Lot Owners Association shall be responsible, including financially, for the maintenance and repair of the entire storm water drainage system, its parts, and easements within or attached to this subdivision and outside of county accepted road rights-of-way including:

- (1) Mowing grass, controlling weeds, and maintaining the designed cover of the waterways, storage basins, and easements in accordance with applicable ordinances.
- (2) Keeping all parts of the storm water drainage system operating at all times as designed and as constructed; and free of all trash, debris, and obstructions to the flow of water.
- (3) Keeping the channels, embankments, shorelines, and bottoms of waterways and basins free of all erosion and sedimentation.
- (4) Maintaining and repairing the storm water drainage system in accordance with the conditions described on the approved street and/or drainage plans on file in the County Surveyor's and/or the County Engineer's Office; and in compliance with the County Drainage Ordinance.
- (5) Preventing all persons or parties from causing any unauthorized alterations, obstructions, or detrimental actions to any part of the storm water drainage system and easements within or attached to this subdivision.
- (6) NOTICE: Any pipe, fence, wall, building, pool, patio, planting, stored material, excavation, fill, or other construction, improvement, addition to, or alteration of the land within a drainage easement in this subdivision requires the prior written approval of the County Drainage Board.

These maintenance methods are for residential subdivisions only. Commercial and Industrial subdivisions are maintained by property owners totally at their expense or by arrangements made by and between the developer and the owner(s.)

Plan B requires a payment to the county-held maintenance fund of two (2) dollars per lineal foot of pipe outside of county road right-of-way.

**RESPONSIBILITY FOR MAINTENANCE OF
THE DRAINAGE FACILITIES**

PLAN B: COUNTY-HELD REPAIR FUNDS

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

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

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

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Big Creek Drainage Assoc. # 0986

On Account of Appropriation for Maidlow Ditch 234-028

Invoice No.	Itemized Claim	Amount	
	Excavation		
	Placed Tire Mats for		
	ditch Stabilization.		
		3500.	00
	This work was done in		
	1994 as per agreement		
	with County Comm. in		
	minutes dated 9-27-93		
	9-26-94		
		3500.	00

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

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

Big Creek Drainage Assoc. INC
Name

John J. Bettner Treas.
Title

Date 4-20, 19 95

Warrant No. _____
Claim No. _____
Date _____

IN FAVOR OF

Vendor Name Big Creek Drainage
Assco.
Vendor No. 0986

\$ 3500.00

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name Maidlow Ditch
Account No. 234-028

Allowed _____ 19__

In the sum of \$

Three thousand five hundred
and no/100ths
Richard J. Burns
Chairman

Board of Commissioners

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

4/24, 95

Robert W. Zimmerman
Signature of Office Holder

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

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

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
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_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL

Robert W. Brenner, Vanderburgh County Surveyor

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

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

for [] annual -- ☒ additional maintenance to
MADLOW Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
OR ABOUT SEPT 15, 1994, and was inspected by
our staff on OR ABOUT SEPT 15, 1994, and is
☒ approved -- [] disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 4/24/95
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

This project and payment of \$3500.00
was approved by Board, completed
by BCDA members, and ~~inspect~~ designed
and inspected by Jim Jessie, VCS Office.

Bill Jones 4/24/95

INDEX
SPECIAL DRAINAGE BOARD MEETING
MAY 1, 1995

Meeting Opened 7:22 p.m.	1
Awarding Contracts to Certain Successful Bidders for Maintenance to Regulated Drains in Vanderburgh County, Indiana received April 24, 1995	1
Replat of Outlot "A" in Oak Meadow-Section I	2
Meeting Adjourned 7:38 p.m.	5
Footnote	F1

SPECIAL
DRAINAGE BOARD MEETING
MAY 1, 1995

The Vanderburgh County Drainage Board met in session on May 1, 1995, at 7:22 p.m., in the Commissioners' Hearing Room 307, with President Patrick Tuley presiding.

Commissioner Tuley: "The meeting is now opened. The Drainage Board for Special Meeting May 1, 1995. Mr. Jeffers has the floor."

RE: SURVEYOR'S RECOMMENDATIONS FOR AWARDING CONTRACTS TO CERTAIN SUCCESSFUL BIDDERS FOR MAINTENANCE TO REGULATED DRAINAGE IN VANDERBURGH COUNTY, INDIANA RECEIVED APRIL 24, 1995:

Bill Jeffers: "This meeting was announced at the last Regular Meeting of your Board, and advertised in the paper. The proof of the advertisement is in the Auditor's Office. You have before you the recommendations for the Awards of Contracts on the Bids you received April 24, 1995, for Maintenance to your Regulated Drains in Vanderburgh County. Then the sheet shows the ditches on which we advertised for additional maintenance, or regular maintenance. The low bidder determined by examining the bids on each of the eleven (11) projects, and in the far right hand column the amount of the bid which we recommend you accept on each of these eleven (11) projects. In the bottom block a statement that the Vanderburgh County Surveyor recommends that the Drainage Board Award Contracts to the above bidders in the amount given above, and to direct the Surveyor to obtain signed contracts from the bidders, and notify the bidders to proceed with the work."

Commissioner Tuley: "If there's not a problem with the other Commissioner's, rather than read off each one of these I would like to submit these into the record with the recommendation of the County Surveyor's Office."

Commissioner Mourdock: "I'll also move acceptance of these as recommended by the County Surveyor."

Commissioner Borries: "I will second."

Commissioner Tuley: "I will so order."

¹RECOMMENDATIONS FOR AWARDS OF CONTRACTS ON BIDS RECEIVED APRIL 24, 1995 MAINTENANCE TO REGULATED DRAINS IN VANDERBURGH COUNTY IS AS FOLLOWS:

AIKEN DITCH-MOWING	TERRY JOHNSON CONSTRUCTION	\$2,371.30
EAST SIDE URBAN N $\frac{1}{2}$ -MOWING	TERRY JOHNSON CONSTRUCTION	\$9,124.75
EAST SIDE URBAN S $\frac{1}{2}$ -MOWING	TERRY JOHNSON CONSTRUCTION	\$19,837.89
HARPER DITCH-MOWING	TERRY JOHNSON CONSTRUCTION	\$1,274.11
HENRY DITCH-MOWING	TERRY JOHNSON CONSTRUCTION	\$1,373.01
KEIL DITCH-MOWING	TERRY JOHNSON CONSTRUCTION	\$1,300.88
KOLB DITCH-MOWING	TERRY JOHNSON CONSTRUCTION	\$2,415.62
SONNTAG STEVENS-MOWING	TERRY JOHNSON CONSTRUCTION	\$4,340.60
EAGLE SLOUGH-HERBICIDE APPL.	SHIDELER SPRAY SERVICE	\$4,826.40
KOLB DITCH-XK-95 REMOVE SILT	KOBERSTEIN TRUCKING, INC.	\$13,160.00
KOLB DITCH-XK-PC CLEAN PIPES	WOODWARD BACKHOE SERVICE	\$5,425.00

¹Copy of the signed Recommendations for Awards of Contracts on Bids Received April 24, 1995, for Maintenance to Regulated Drains in Vanderburgh County is attached to the 5-1-95 minutes.

RE: REPLAT OF OUTLOT "A" IN OAK MEADOW-SECTION I:

Commissioner Tuley: "A question has arisen. Andy Easley is here, and he has a little bit of an emergency. Since this is a Special Meeting my question is we didn't advertise anything, but this, can we do anything else?"

Alan Kissinger: "Yes we can, but only if the decision is unanimous."

Commissioner Tuley: "Go ahead and proceed Bill. I mean if our decision is unanimous in terms of approving it, or willing to?"

Commissioner Borries: "Approve the addition of the extra item here?"

Alan Kissinger: "You can approve putting it on the agenda, and you have to be unanimous in your approval of the plan."

Commissioner Tuley: "Okay."

Commissioner Borries: "I will move that. That means that this matter of Out Lot "A" for Oak Meadow, Phase I, be added to our Special Drainage Board Meeting of May 1, 1995."

Commissioner Mourdock: "I'll second."

Commissioner Tuley: "So ordered."

Andy Easley: "The Preliminary Drainage was approved I guess a couple of weeks ago, or before it went to Plan Commission Meeting in April, that was several weeks ago. They want to record the four (4) lots that front on the existing road in Oak Meadow, and no street has to be built, no drainage structures have to be constructed, and they have a sell for this lot 20. They were hoping to sell it about the first of March. They didn't realize that they had to go through a major subdivision procedure, and it's really going to hurt things if we have to wait until the regular scheduled Drainage Board Meeting. But, again there's no roads that have to be built, no culverts, and it's...we'll do whatever is reasonable to use the plan."

Bill Jeffers: "So, I had planned to talk to Mr. Easley, and the Engineer on the project, Denise Keller, about a couple of conditions I wanted to add and I have written those conditions in green on the plan in front of you. Basically, I've been out and examined this piece of property. There are two (2) existing drainage pipes coming across from Oak Meadow onto Lot #19. Those are shown. They have shown drainage easements for a natural drainage way that leaves those two (2) pipes. Those pipes actually are dropped down into a natural drainage way that existed there before these houses, or roadways were built. Then those two (2) natural drainage waterways come together at the south/east corner of Lot #19, and then travel on down through the subdivision. Mr. Easley has shown us a plan to put a detention basin down in Lot #6. All of that met with our approval as a Preliminary Drainage Plan, and the only reservations I have at all are shown on this plan in front of you in green, and that is that Lot #19 is impacted by these natural drainage ways to the extent that a site plan would be required at the time that the purchaser for Lot #19 comes in to get a building permit. That could be flagged and Area Plan Commission would see that whenever the person for Lot #19 came in for his or her building permit they would have to submit a site plan showing where the house is...swimming pool, that sort of thing to make sure that if they have to grade the lot, or move these waterways in any way, shape, or form, to give us a drainage plan just for that lot."

Commissioner Mourdock: "Would you not be looking for that Bill, regardless of what happened here?"

Bill Jeffers: "No, not normally. We have too many houses being built in Vanderburgh County to go out on each one. This is the only one in here that I have that reservation about, because it's crisscrossed by natural drainage ways."

Commissioner Mourdock: "Your comment regarding the access road to the sewer pump."

Bill Jeffers: "On that, there is an existing sewer line running down this easement that has an irregular shape; and that sewer line is in place and there is a pump station down here I think, near the south/west corner of Lot #20, where all those easements come together. What I'm saying basically, is even though water may travel down that road as it does down many roads, that is simply an access road to that pump station. Whoever maintains that pump station is responsible for maintaining the surface for that access road. It should not be considered a drainage easement, or a drainage way, or the responsibility of your Board, or our office to monitor the condition of the surface of that access road. That's going to be the utility's responsibility, or whoever maintains that pump station."

Commissioner Borries: "Is that an Evansville utility or the City of Evansville pump station Bill? Or is that a private...?"

Bill Jeffers: "Has it been accepted yet by Evansville Water and Sewer Utility, Andy?"

Andy Easley: "I'm not positive whether everything in Oak Meadow has been accepted. I'm not for sure."

Commissioner Borries: "That better be written on there then somewhere."

Andy Easley: "Well it's available for the developer to use, is all I know."

Commissioner Borries: "I can think of another subdivision on the western side of the county where there was a pump station because of some financial problems, that literally the county at some point, IDEM was saying; that we had to accept."

Andy Easley: "That was the sewage treatment plant."

Commissioner Borries: "Well."

Andy Easley: "Sewage treatment plant in University Heights, wasn't it?"

Commissioner Borries: "It was a sewer treatment facility."

Andy Easley: "Plant."

Commissioner Borries: "No, there's a plant out there. But, my point is that the county...we don't have in our county, even in government, any way to maintain or have access to pump stations, anything of that nature."

Andy Easley: "That system is maintained even by...I believe it's the Evansville Sewage Treatment, or Evansville...."

Commissioner Borries: "Is it the waters...?"

Andy Easley: "Evansville Sewer Utility."

Commissioner Borries: "Okay, well that's what I wanted to know. Alright."

Bill Jeffers: "The other note that's on the plan in front of you is

that if any of the owners of any of the lots wish to regrade the lots, or move the natural, or platted drainage easements, or waterways they would have to come back and submit a site plan if it's only on one (1) lot; or if it's a combination of lots they would have to come back with a new drainage plan for your approval. I don't foresee that, but if they really get into any serious dirt moving they need to come back with a site plan. Then like what Mr. Wittekindt signed for you last week, I would like for this developer to sign the same type of thing, which I'm going to read into the minutes, because I did not have time to type one out. The title would be:

REPLAT OF OUTLOT "A" IN
OAK MEADOW-PHASE I

MAY 1, 1995

The undersigned August Koch Developer, wishes to keep the waterways in this project in as near a natural condition as possible, and therefore agrees:

1. To maintain all waterways, basins, and their embankments that exists only within the drainage easements serving this subdivision, in a stable condition at his expense for a period of one (1) year past the final installation of utilities, roadways, storm drainage pipes, ditches, and other improvements made only by said Developer, his workmen, his subcontractors, SIGECO, Evansville Water and Sewer Utility, and Ameritech, within said drainage easements.

2. To use rip rap, retaining walls, erosion control fabrics, and other appropriate materials and effective methods, descriptions of which may be had from the Water and Soil Conservation District, and or, the County Surveyor, in the accomplishment of this one (1) year guarantee.

3. To notify each of the original lot buyer(s):

a) How much time remains on the one (1) year guarantee as stated above.

b) That the lot owner is responsible for getting drainage board approval for any modifications to the original drainage facilities put in by the Developer. (I would like to add) And for any actions noted in green ink on the Final Drainage Plan submitted to us (5-1-95) which will be kept on record in Vanderburgh County Surveyor's Office.

c) That any erosion, or instability occurring to the above stated embankments after the one (1) year guaranteed period, or due to causes other than by those specific persons, or entities stated above is the responsibility of the lot owner.

That would be signed by the Developer of Brown Oak, Inc. I would like to say also at this time that Mr. Easley has been instructed and has agreed along with the Developer, that this will be definitely a Lot Owner's Association Maintenance, because Oak Meadow has a Home Owner's Association and the requirements of your New Ordinance with regard to a Lot Owner's Association Maintaining these drainage easements and facilities must be incorporated into the covenants and restrictions of this subdivision as well as printed on the plat that's recorded. With all of that the Surveyor's Office would recommend your approval of a Final Drainage Plan including all these comments, and notations as made here tonight."

Commissioner Tuley: "Andy, do you agree?"

Andy Easley: "Yes that's agreeable with the Developer."

Commissioner Tuley: "All the things that he's mentioned? Okay."

Commissioner Borries: "Having said that I move approval for the Replat for Outlot "A" and Oak Meadow Phase I."

Commissioner Mourdock: "I'll second."

Commissioner Tuley: "So ordered."

Commissioner Mourdock: "Before the meeting is officially adjourned I don't think it has been Bill, just by chance did you get a chance to talk to Mr. Rucker today."

Bill Jeffers: "Mr. Mourdock called this morning and asked me to examine a problem in Oak View Subdivision, north of St George and I did call that fellow a couple of times today and didn't get an answer, but I will continue. I might run out there tomorrow after I finish delivering strombolis, if it's still raining. But yes, I will get in touch with him, and examine that problem."

Commissioner Mourdock: "Okay. I move for adjournment."

Commissioner Tuley: "Wait a minute, I'm sorry."

Martin Woodward: "I have a question. My name is Martin Woodward, I'm owner of Woodward Backhoe Service. I'd like to get a copy of the tonight's awarding bids."

Commissioner Tuley: "Here you go. Ask, and you shall receive Martin."

Martin Woodward: "Thank you very much."

Commissioner Mourdock: "I will move for adjournment."

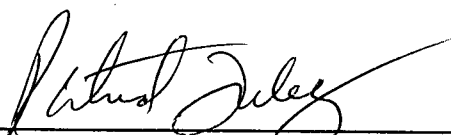
Commissioner Borries: "I will second."

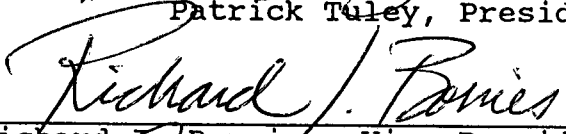
Commissioner Tuley: "So ordered."


There being no further business the meeting was adjourned at 7:38 p.m.

PRESENT:

President Patrick Tuley
Vice-President Richard J. Borries
Member Richard E. Mourdock
Alan M. Kissinger, Attorney
Suzanne M. Crouch, Auditor
Bill Jeffers, Chief Deputy Surveyor
Julie Hinton, Secretary



Patrick Tuley, President


Richard J. Borries, Vice-President


Richard E. Mourdock, Member

RECOMMENDATIONS FOR AWARDS OF CONTRACTS
ON BIDS RECEIVED APRIL 24, 1995
MAINTENANCE TO REGULATED DRAINS
IN VANDERBURGH COUNTY

AIKEN DITCH MOWING	TERRY JOHNSON CONSTRUCTION	\$2,371.30
EAST SIDE URBAN N. 1/2 MOWING	TERRY JOHNSON CONSTRUCTION	\$9,124.75
EAST SIDE URBAN S. 1/2 MOWING	TERRY JOHNSON CONSTRUCTION	\$19,837.89
HARPER DITCH MOWING	TERRY JOHNSON CONSTRUCTION	\$1,274.11
HENRY DITCH MOWING	TERRY JOHNSON CONSTRUCTION	\$1,373.01
KEIL DITCH MOWING	TERRY JOHNSON CONSTRUCTION	\$1,300.88
KOLB DITCH MOWING	TERRY JOHNSON CONSTRUCTION	\$2,415.62
SONNTAG STEVENS MOWING	TERRY JOHNSON CONSTRUCTION	\$4,340.60
EAGLE SLOUGH HERBICIDE APPL.	SHIDELER SPRAY SERVICE	\$4,826.40
KOLB DITCH XK-95 REMOVE SILT	KOBERSTEIN TRUCKING, INC.	\$13,160.00
KOLB DITCH XK-PC CLEAN PIPES	WOODWARD BACKHOE SERVICE	\$5,425.00

The Vanderburgh County Surveyor recommends that the Board award contracts to the above bidders in the amounts given above, and to direct the Surveyor to obtain signed contracts from said Bidders, and to notify said Bidders to proceed with the Work.

William D. Jeffery 5/1/95
Deputy Surveyor

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MAY 22, 1995

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MINUTES
DRAINAGE BOARD MEETING
MAY 22, 1995

The Vanderburgh County Drainage Board met in session on May 22, 1995, at 6:20 p.m., in the Commissioners' Hearing Room 307, with President Patrick Tuley presiding.

Commissioner Tuley: "Let's bring to order the Drainage Board Meeting for May 22, 1995."

RE: APPROVAL OF TRANSCRIBED DRAINAGE BOARD MINUTES:

Commissioner Tuley: "We have two (2) sets of transcribed drainage board minutes to consider. The regular drainage board meeting of (4-24-95) and a special drainage board meeting of (5-01-95). I have a motion to approve the regular drainage board meeting of (4-24-95)."

Commissioner Borries: "Mr. President I move that the minutes of the two (2) previous meetings that you mentioned; the regular drainage board of (4-24-95) and a special drainage board called on (5-01-95) be approved."

Commissioner Mourdock: "I'll second."

Commissioner Tuley: "So ordered."

Commissioner Tuley: "Mr. Jeffers I think at this point and time we'll turn it over to you."

RE: REQUEST PAYMENT OF BLUE CLAIMS-MAINTENANCE:

Bill Jeffers: "I have the final payment for work done on Barr's Creek by Big Creek Drainage Association. It's the fifteen percent (15%) retainage held until we received certification of payment of all their workman and suppliers. It's in the amount of six hundred twenty dollars and four cents (\$620.04) and it's signed. We recommend it to be paid."

Commissioner Tuley: "Motion to be approved."

Commissioner Borries: "I move then that...this is a claim on Barr's Creek?"

Bill Jeffers: "Yes sir."

Commissioner Borries: "I move that the claim be allowed."

Commissioner Mourdock: "I'll second."

Commissioner Tuley: "So ordered."

RE: CONTRACTS AWARDED FOR DITCH MAINTENANCE TO BE SIGNED:

Bill Jeffers: "I have about twenty (20) contracts from various contractors to whom you awarded contracts on maintenance for 1995, but I anticipate a rather long meeting tonight and if you want me to hold these until next month I'll simply say all of the contracts are in order. You've already taken action by awarding the bids last month and most of these contractors have received their notice to proceed. Do you want me to hold those until next month?"

Commissioner Borries: "Sure."

Commissioner Tuley: "That will be alright."

RE: DRAINAGE PLAN REVIEW FOR KNOB HILL ESTATES:

Bill Jeffers: "Then the first order of business under drainage

plan review is Knob Hill Estates for which five (5) fellows in the back row are representing are from the engineering company that represents the developer for Knob Hill Estates. I think most of the rest of the people here are residents of the neighborhood immediately adjacent to the proposed development. The engineer for the developer is SiteCon, Inc. as I said; represented here tonight by Christopher Weil, Keith Poff, Jerry Wildman, several other fellows back here. The developer is Betty Buck, and who else is on there? They may have another plat that's...I'm showing you the drainage plan. The plat has mostly other information on there."

Commissioner Mourdock: "Just for the record we can't find it on here quickly. You said Betty Buck and Dan Buck?"

Bill Jeffers: "What is your dad's name?"

Dan Buck: "Alfred."

Bill Jeffers: "Alfred and Betty Buck are the developers."

Dan Buck: (Inaudible. Did not approach podium)."

Bill Jeffers: "I have reviewed the report that was submitted along with the calculations. Calculations appear to be accurate. The proposal is to direct all the runoff from the Knob Hill Development into a basin at the southwest corner of the development at the intersection of Knob Hill Drive and Ward Road. I think I have that shaded in pink."

Commissioner Borries: "Shaded in yellow."

Bill Jeffers: "I have that shaded in yellow on yours. There is an existing house at the top of the hill where Mr. Borries hand is placed on the plan. The developers proposed to subdivide the entire five (5) acres into six (6) lots, 2½ acre lot for the existing house and a little bit less than ½ acre lots, five (5) lots a little less than ½ acres each for the other five (5) homes. I delivered Friday after an inspection with Mike Wathen on Thursday. Mike is with the Soil Conservation Service and after an inspection with Mr. Wathen I delivered a letter known as a Notice of Insufficiency of Drainage Plan to SiteCon, Inc. listing what I thought to be deficiencies in the plan along with some other comments. And SiteCon's engineer responded. This is all under the guidelines of your New Ordinance. This is how you're supposed to handle that. They responded with an appeal to remain on the agenda for today and gave response to each one points that I made in the Notice of Insufficiency. Also attached...I'm going to give all these documents to you for the record and also attached is a letter from Timothy Grimm who is adjacent property owner immediately to the south of proposed basin. And a letter from Michael Sanderfur who is an adjacent property owner also immediately south of the proposed development at it's south/east corner. I believe both of those persons here present here in the audience. Briefly my points of insufficiency were that the entire hillside has evidence of springs and seeps on all the sides that I inspected which would be the west side that has a substantial spring on lot 6 and evidence of other springs along Ward Road. And the east side has two (2) seeps that keep the roadway damp indicating that there is a lot of ground water coming out of that hill even after several days of rainfall. That's this would cause chronic wetness in the waterways and the basins that they propose to construct and that the plan that they presented did not have paved channel liners or a paved low flow (inaudible) through the basin that would prevent chronic wetness and chronic wetness I feel would hinder the property owners ability to properly maintain the channels and the basins by

mowing the grass. I had testimony from neighbors that spring ran well into the summer and even after a very long dry spells the bottom of the ditch was always damp along Ward Road. After getting a proper education from Mr. Wathen from Soil Conservation Service with regard to the type of soil that's present at this site. I made note that springs and seeps are common to this type of soil. There's a shallow dredge pan and that led me to believe notching basements into the hillside the developer might encounter springs and seeps that would cause damage over a long period of time to basement walls if they weren't properly engineered to be waterproof and if certain other steps weren't taken to direct subsurface water and surface water away from foundations. There were no locations of the houses given on the plan and according to the Ordinance that is one (1) thing we could ask for on a preliminary plan is the approximate location of houses and driveways so that we can assure ourselves that we aren't recommending a building site that would be adversely affective by springs and subsurface soil conditions. There is a wall that actually exists within the right-of-way for Ward Road that has collapsed in a couple of places and is diverting the flow of water along Ward Road up against the pavement and onto the pavement for Ward Road. The developers engineers's pointed out that may be the responsibility of the highway department, even though the wall was installed by a private individuals owning property uphill of the right-of-way. Our concern from the drainage stand point is that any additional waters that would fall into that ditch would just make the problem worse, regardless of who's responsibility it is to maintain it. I believe at least two of the Commissioners are familiar with the long time roadway problems on Knob Hill that had been addressed by a considerable amount of expense and the repaving of those roadways, but that has resulted in the roadways being paved nearly up to the top of the curbing, so we were somewhat concerned about the water sheeting off this development and onto the road surface across the curbing, because there's no gutters left and the water would then cross over and go onto downhill properties. The developer addressed that by including on the plan a shallow ditch all along the perimeter of the property on the east and south side. I've shaded that in yellow. The private roadway that's presently serves the existing house is being called a private roadway, because it would under the proposed development serve other houses within the subdivision their driveways would come out onto it. We felt that the apron of that roadway is constructed in such a way as would direct any water across the road and onto the property owned by Mr. Grimm, and we forwarded the idea of having a slotted drain installed there which hasn't been added to the plan as of yet to prevent the water from entering onto Knob Hill and possibly crossing the roadway onto properties lying south of the road. Also Mr. Wathen and I went onto all of the adjoining properties and especially on the south side of Knob Hill discovered several seeps and springs coming out of the same type of soil which just reinforced our superstition that that hill is full of seeps and springs which are adversely affecting houses built out there already and reinforced our feeling that the homesite should be extremely and carefully selected within this development. Regardless of whether you use "Rule Five", or whether you use the Building Commissioners guidelines for erosion control, during heavy rainfall events as we've experience over the last couple of weeks nothing controls erosion and off-site siltation. Subdivisions that were under strict observation and were using exact methods of erosion control and off-site siltation all experienced substantial erosion and off-site siltation over the last two (2) weeks. When such sites are way out in the country or in undeveloped areas, corn fields, hay fields or whatever and don't have any downstream neighbors other than farms or woodland the affects of this off-site siltation is

not as readily noticed and can be cleaned up before it becomes a problem, even if the clean up takes a month or two. But when your developing within a stable neighborhood; any small amounts of off-site siltation could radically affect fully developed properties that have been there for years, and there are several properties who have expended a great deal of money immediately downhill of this site to prevent damage to their basements and other structures and that's why we're taking such a tight scrutiny on this particular project. If it were out in a vacant piece of property or a piece of woodland or farm field we might not be so nit-picky on it. But we have seen the affects of off-site siltation and we don't want this to happen in a stable neighborhood.

There are some more items of a more detail nature which can be discussed with the developer and his engineers if this plan goes forward. At present the engineers are asking for approval of a preliminary plan; which will allow him to go to Area Plan Commission Wednesday, June 7, and return to you with all the details in place on a final plan as early as June 26. The developer cannot obtain building permits, nor can he record the plat until he has approval of final drainage plan. So if a preliminary drainage plan is approved tonight the developer still cannot build a house until the final drainage plan is approved, which can be no sooner than June 26. We also ask the engineer, or the developer to consider consulting with the developer about reducing the number of homesite's to three (3), using terraces to slow down the flow of the water, and slow down the travel time of that water and with three (3) homes rather than five (5) and terraces rather than a basin we feel that possibly a detention basin would not be needed and these diversion channels may not be needed. So therefore the maintenance of the various yards would be a lot simpler and it would also make it easier to find suitable building sites along the Ward Road side of the hill that we feel that is extremely impacted by seeps and springs. We have not had a response yet to that other than engineer saying; that the developer still wishes to develop five (5) homes.

The only other serious reservation we have beyond those I've already mentioned is that the plan in front of you may take some amount of water in an extremely heavy rainfall exceeding the calculated one from it's natural drainage pattern and divert it over into Ward Road, which already has severe off-site restrictions such as no ditch in some places, shallow ditch in other places, clogged pipes, driveway pipes have clogged, that type of thing. What I'm saying there is that to take this water from here around into the pond is fine with us so long as you don't exceed the calculated flow. (Referring to the map that the Commissioners are looking at) But once you do the additional flow would be traveling down this ditch which has it's problems and then in terms of those who have any acres, which I'm sure you see both homes on and then down past Mr. Buck's house where as originally half of it flows down this way straight into this pipe that goes through (inaudible). However the response from the developers engineer is correct. He did timely submit his plan. We have reviewed it. We were rather late in getting him the Notice of Insufficiency. He immediately appealed it. He made his correct points and that he has submitted a plan to you, which contains most of the requirements for a preliminary plan. But I would also point out that no preliminary plan shall be recommended to the drainage board by their technical advisor unless the preliminary drainage plan shall be a workable plan according to the same criteria as and capable as being incorporated into a final drainage plan. At this time we feel it still needs additional details before we can make that recommendation, and there are others here in the audience that may wish to speak to you at this time."

Commissioner Tuley: "At this time I think that we will just ask for a representative from the developer to address some of the issues raised by County Surveyor's Office, Mr. Jeffers. Those of you that are here will be given a chance to speak, the rest of you, so don't be alarmed. Who wants to...?"

Dan Buck: "Commissioners my name is Dan Buck, I am sort of unprepared. I wasn't notified of this meeting until late this afternoon. I think that in the past that my reputation has exceeded any problems of any drainage that has come before the board. We have taken care of everything. Everything that I have ever said I would do, I've done. If there is a problem with any drainage I have full confidence that the engineer's can work a sufficient plan to take care of any water runoff. I have two (2) concerns: One is the ditch along Ward Road. If there is no ditch there and there was at one time the county needs to be informed so they can re-dig it out and maintain that area. I don't think it's the responsibility of the developer to take care of other properties that were developed earlier. The second thing is the letter that was written to SiteCon from Mr. Jeffers on the last page, the third paragraph down kind of concerns me and I would hate that the drainage board or people working for the drainage board would use this as a tool to justify density on property. It concerns me that they are recommending that I reduce a number of homes from five (5) to three (3), and it sort of sounds like if we do that you know everything is hunky-dory and I don't like standing in front of you today worrying about that. These lot sizes for these homes are adequate. The homes going in the subdivision will be the same restrictions that are in there now. I can justify the people being here from Knob Hill showing concern that there might be some water problems if things aren't done right and I'm telling you that they'll be done right and adequate to take care of any problems that might arise. Any springs in ground I think when a building contractor builds a home he knows how to take care of any basement problems, water proofing and I don't think that that should come up before this board this evening on how builders should take care of any drainage problems on site. Tonight I think that what we're concerned with here is the subdivision as a whole. Do you have any questions of me?"

Commissioner Borries: "No, I don't at this time Dan."

Commissioner Tuley: "I don't either. Do you have any questions at this time?"

Commissioner Mourdock: "No, I want to hear more on this."

Commissioner Borries: "Yes. Thanks."

Dan Buck: "Thank you."

Commissioner Tuley: "Others who may wish to speak, neighbors or whomever."

Tim Grimm: "My name is Tim Grimm, I reside at 2401 Knob Hill Drive. That's the property due south and most importantly downhill from the proposed subdivision. It's right outside my front door of my residence. I have first hand experience with drainage matters in the area from the last several years there. Current situation is one of which is the east Ward Road ditch is at or above it's capacity. Sustained rainy periods result in a currently overflowing ditch with little...no where for the water to go with any repetitively of speed. What happens is the ditch overflows and I get runoff back into my yard. Which renders my yard unable to be used or maintained properly from time to time. The ditch is never dry. There is always constant flow down in that area. There's always some

seepage of some kind. The overflow from above Knob Hill Drive which is located by lots 4, 5, and 6 as he said; the developers pointed out, actually overflows across the top of Knob Hill Drive. It overflows the culvert there. It doesn't all currently go through it which then ultimately dumps into my yard. The overflow runs across Knob Hill Drive the intersection of which with Ward Road is a steep downhill grade, which under periods of heavy and heavy flow makes that a difficult stop sign to slow down for. In addition we currently have heavily...we have heavy flow off of the hill between myself and Mr. Sanderfur at 2425. The worst point of it is at the driveway, or the private road that currently exists there. It causes washouts continually which require some maintenance. Of course, what I have described means I can't use my yard for several days at a time after a heavy rain period now. It also results in some wet basement walls, and wet basement floors currently for myself, Mr. Sanderfur, and Mr. Halcomb, who is directly south of me along Ward Road. Not to mention the washout and erosion of both Halcomb and my yard from the sustain heavy flow. The situation is not a good one, but it's tolerable. It doesn't prevent us from living in our homes in any fashion, but it's also something that we have to put up with as a result of living there. While reading SiteCon's drainage report I notice several things where they discussed a rerouting of the drainage from lots 2 and 3 by putting in a ditch there as was described by Mr. Jeffers. That water currently comes down where he has lots 2 and 3 there down thick grass slopes and that allows some of that rainwater to be absorbed into the ground. It also helps to slow down some of the runoff. The building of homes on those two (2) slopes isn't going to slow that down any. The roofs, patios, driveways, etc. are not going to absorb anything. Those same constructions don't slow down the runoff, they accelerated down our way. If there is already a driveway there causing consistent drainage we have worries about two (2) additional driveways and what they might do to the runoff and the erosion end of the hill. The rerouting of the water from lots 2 and 3, and their natural historical drainage pattern over to a site basin, or storm water runoff basin where it drops it into a ditch. Currently during regular heavy rains; problems occur. If we take all the runoff from lots 2 and 3 and drop them into that basin, what you're going to have is an overflowing ditch for even regular normal rain, you're going to be...I see in their site report where they talk about releasing it at a controlled pace, but their talking about releasing it at controlled pace that keeps that drain, that ditch at capacity all the time. Which means the drain...which rains that wouldn't normally cause me or Mr. Halcomb, who's directly to my south there any troubles are now going to adding, their going to adding additional volume off that hill that's going to cause us sustained periods of drainage overflow from that ditch. Even, even if the flow is not increased, even if they reduce the flow from that basin somewhat and dump it into that ditch, it does mean that the overflow periods are going to exist for a longer period for me. Instead of having water overflow period existing for an hour or two after a heavy rain, if you got that ditch continuing, or got that basin continuing to dump it's water into an already overflowing ditch, it just means even if it's at a rate that's acceptable for that ditch, it means I'm going to have an overflow period that lasts substantially longer than the present hour or two that follows a heavy rain storm. Well if I'm going to have longer periods of overflow from that ditch I have to believe I'm going to have more damage or inconvenience, whatever you want to call it, from sustained periods of runoff. Rerouting of the drainage from lot 4, 5, and 6, is going to speed up flow from that area into an already congested area. Some of the relief that my part of the area gets is that there is some backup along with currently existing 4, 5 and 6, and that's

not good for 4, 5 and 6 but, nobody lives there. I happen to live just south of lot 4 there. And any relief that I'm getting by allowing it to back up that way a little bit, it's just going to get it in to my area that much quicker and cause an already congested area to overflow. The back up that occur on lot 5 currently that SiteCon refers to are an uninhabited area. Simply relocating the existing problem without fixing it doesn't seem to me to be a happy solution for any of us that lives just south of that hill. As far as the proposed detention basin goes, my first questions are of course maintenance related. As it's drawn there are several ditches that lead to and from that basin. There's also a culvert right there that leads under Knob Hill Drive. My first worries were with construction of structures. Everybody knows that when they go to cut into that hill, where's the mud going to go? It's going to go in that ditch and it's going to clog that basin, or it's going to clogs the ditch passages in some fashion. Not to mention construction site garbage and whatever occurs from development. Those are going to be sustained maintenance problems for me until a house goes on that lot, I presume, not to mention the construction of structures there are also seasonal of structures like grass clippings. It's an extremely leafy wooded area. Those are going to constant measurers of concerns for the continued flow of all that water through both the culvert leading under Knob Hill as well as the ditches leading to and from that basin. I question who's responsibility the maintenance of that flow is going to be. If it's a local homeowner, I don't have any guarantees any homes ever going to be built on that lot 4. If this basin has a somewhat questionable attractiveness to someone who would potentially wish to build on that lot and the developer were able to perhaps recoup his investment in such a fashion that it was no longer profitable for him to place a home on lot 4, if that doesn't turn out to be the least desirable of those lots. Do I have any guarantees there will ever be anything but an absentee property owner for the maintenance of that basin in additions that lead to it. My experience with prior absentee property owner's is that they only respond whenever the county or the city requests certain maintenances. I also have a set of questions that with regard to the basin that was...that's going to appear right outside my front window. I spoke with this at length with the other property owners from across Ward Road yesterday. None of us were aware of this current drainage, this preliminary drainage plan until Friday. The other two (2) individuals, Timothy Lancaster and Lisa Osbourne who is not listed on that site as a....she's a new homeowner there. She just recently bought it. Both of them had significant and grave concerns about the prospect of looking out their front window into an as yet undescribed storm water runoff basin. Most of us have nightmares about those that are temporary lakes. Mostly mud bottom and have to do with a lot of cattails and marshy areas. The detention basin lends itself to all kinds of questions as a homeowner that's got to live across from one. If it is a marshy dry bottom allegedly...I think dry bottomed in this case might be kind of a misnomer. There's questions of mosquitos, there's questions of maintenance, there's questions of appearance, there's questions of how deep is it going to be and when the water hits it what's to keep people out of it. We also worry about the overflow potential and I'm the guy downhill from it. It actually being constructed at a level higher than my front door. I worry about that. I worry about the stop sign sitting there and the water, if there's blockage under the culvert, and where's that water going to go? First of all it's going to go in my yard, but second of all it is going to go across the intersection there, which it doesn't create a safe condition. The construction conditions, or questions that I had related to SiteCon report are just how are they going to make it? Is it going to be something that just one guy on a riding lawn

mower can maintain on a Saturday afternoon when he's cutting his yard, or is it something that is going that requires life long difficult maintenance on the part of somebody? Is it going to be concrete? Is it going to be plastic? Is it going to be just simple mud? Is it going to be allegedly grass that grows when the water doesn't stand (inaudible)? I have all kinds of questions like that before I feel comfortable with a basin, which is potentially an eye sore right outside my front window. I'm not completely against development of this hill, but I have questions about the drainage itself. Can't there be some alternatives? Is it unrealistic of me to ask that someone fix the downstream problems before adding upstream problems on this hill? Why develop the top of the hill knowing that problems exist downhill? That water has got nowhere to go but my yard, the guy downhill from me's yard, and everybody else's driveway and front yard down Ward Road. Would it be possible to move the location of the basin to some area that is less congested? Would it possible to increase the size of the a Ward Road East Ditch? Could you divert the flow of water from on lots 2, and 3 down Pine Tree Drive? Could you take the flow of water from lots 2 and 3, and place in the pond that's just downhill and to the east of lots 2 and 3? Mr. Jeffers addressed the idea of reducing the number of lots. Would that result in their not having to be a storage basin there in a highly congested flow area? Would no developments of lots 2 and 3 result in not having to have any consistent storm water runoff concerns for my area as a result of lacking development of those lots? They are all questions that I have about the current plan in front of you and we only found out about this plan. We only got a copy of it in our hands last Thursday. I appreciate the developers problem with the late notice with regard to this meeting. But I've spoken to the three...to the two other people that is going have this basin in their front yard. Neither of them found out about it until yesterday. They have Ms. Osbourne as a...is a divorced mother of two. She couldn't find a sitter on short notice to attend this meeting and hear her concerned issues. Mr. Lancaster had to work in the evening. They both like very much to express their opinions, but they don't have an opportunity this evening. Would it be unreasonable to ask for delay so our neighborhood could react to this in a timely fashion before you guys address it? That's all I had to say, and I want to thank the board for their consideration of my comments and just want to ask how you'd react if you were presented with a plan on Thursday that placed an unspecified storage basin right outside your front door less than a hundred feet away."

Keith Poff: "My name is Keith Poff, I am a project engineer with SiteCon, Inc.. A couple of things that I would like to point out. The Knob Hill Subdivision was platted in 1947. The area immediately south of the proposed basin we have is listed as being a lake. Somehow and I'm really not aware of the procedures that outlot was turned in to a building site. So I sympathize with some of the neighbors concerned about the water that's the way the hill was going. This is where it ends immediately south of the basin. Sometime it was a basin the reason it's there. We had...now I do want to remind you that the plans that we submit to you are all stamped preliminary. That is the type of plan that we are trying to get approval for. Our original submittal for this plan....this is the second plan that we had sent in. The original plan that we had, I had proposed that we would provide a detention basin for this site. The required volume that we need for this area is approximately eighteen hundred (1800) cubic feet. However that idea was rejected by the Surveyor's Office due to the fact that the downstream problems which are not part of our property of course. With that in mind we had no idea how far to chase downstream problems. Therefore the alternative was to provide a detention basin facility on our property. We

proposed this plan having intercept ditches to take care of any water that would come off our developed site prior to reaching the public roadways or anybody else's private property provide they go into our basin and be detained. The pipe size that we have under the twenty-five (25) year event will allow us to only outlet seven (7) cfs (cubic feet per second) verses eleven (11) cfs (cubic feet per second) which is the natural flow. The proposals for paved channels to address some of the so called springs or seeps, those will only speed up the flow. Those are not a unnecessary but I think that you know paving those areas will cause other concerns site and then you're going to see water a little bit faster than you want to. We would like to have that water stay in the ground. That's where it came from. The objections to the detention basin...I feel that we provided a design that makes the basin as gradual as it can be for that hillside application. Three to one slopes is what we're allowed to have on our basins, and I think we have four to one slopes on the interior. I don't feel that the basin is going to be an eyesore. If it's properly maintained and it's proposed at this time to be in vegetation then it will be not a problem. The recommendation that a slotted drain be used for the driveway I think is a reasonable proposal and I think that's something can be worked out. The additional driveways that will connect to the Knob Hill Drive, perhaps they should also have slotted drains to prevent the water from continuing across the north edge of Knob Hill Drive. That's the way the water goes right now. Currently there is no roadside ditch on the north side of Knob Hill Drive. There is a slight one on the west end of the property before you get to Ward Road. Not much on the east end."

Commissioner Tuley: "Keith."

Keith Poff: "Yes."

Commissioner Tuley: "You just made a statement a minute ago about that if it's properly maintained."

Keith Poff: "Yes."

Commissioner Tuley: "Through the plot or whatever, how's it and you may have said this, or somebody might have said this and I've already missed it, but who is to maintain the pond or the detention area?"

Keith Poff: "That would be the responsibility of the lot owner. There is not a purchaser of the lot or the building purpose then it's still the developer. As I understand it the developer is going to live in....am I correct on this Dan?"

Dan Buck: "Yes."

Keith Poff: "They're going to live in the existing structure. They're going to live on lot 1."

Commissioner Tuley: "We have a room full of people. Is there anybody else here that wishes to...?"

Keith Poff: "I appreciate Mr. Jeffers efforts in explaining. I think he covered the situation and location adequately. I would like to emphasize that this is a preliminary plan. We will have to come back before the same body with the final plan for purposed to."

Commissioner Tuley: "Anybody else?"

Mike Rudolph: "Good evening, I'm Mike Rudolph. I'm a property owner at 2509 Knob Hill Drive. The gentleman from SiteCon had

mentioned that many years ago that there was a lake or a small pond at the intersection of Ward Road and Knob Hill Drive which basically now is where the house of Mr. Grimm sits. My family moved out on Knob Hill Drive in 1956 when there were four (4) homes up there, four (4) or five (5). So I know the history of that pond that was there because I used to swim in it. I don't think at that time it served any purposes for a retention pond whatsoever. It did catch some water coming off of Knob Hill Drive and maybe some off of Ward Road, which allowed it to fill up every time there was a rain. But basically it was a man made lake. I believe Mr. Rothley the original developer up there created the lake more or less for the aesthetic appearance of coming in off of Ward Road and here sat a nice pond and as you come up Knob Hill Drive around there sits the large man made lake. The reason based on my recollection of history and the reason that pond was done a way with was because it was protested by a bunch of the neighbors. The lake was allowed to get a...the water would get out of the lake. Moss grew up. It was not maintained by the property owner. It became an eye sore. Neighborhood kids swam in it. Mosquitos, you name it, kind of infested around that area. So eventually bulldozers came in and knocked out the man made dam and the lake was done away with and then years later was developed. He developed his lot. At my residence at 2509 Knob Hill Drive I don't anticipate much of a drainage problem on my property. I don't have much of a problem right now. Water does get onto my property from the large hill across the street, but I think that I can work out either through my own resources or with the developers any kind of problems going to be created to the Rudolph property. I'm actually here in a capacity a...I have the coveted title of being the President of Knob Hill Subdivision committee. So I'm here representing a group of people that live on Knob Hill Drive and Pine Tree Drive that could not attend but did want to have a few concerns expressed. Paramount among that concern is this detention basin. Other than my wife I don't know of any other engineers that live upon the hill, but so we don't speak from an engineering standpoint. But, we think the detention basin will best create an eye sore. We think it presents a potential for danger to young children as that fills up. We have enough problem with neighborhood kids playing in the lake already. We don't think we need another body of water out there. Some of the concerns are while this detention basin is still saturated could it become a breeding ground for mosquitos or insects, or snakes? We don't want to see that happen. It does need to be maintained as the gentleman said; the property owner will be responsible for maintaining that and we would certainly hope that's the case. However, none of the neighbor's are interested in seeing a retention pond utilized as a remedy for some of the drainage problems up in that area. We also wonder about with that retention pond in there just exactly what will be the marketability of lot #4. We questioned who would purchase lot #4 knowing that that retention pond is in there. We questioned whether or not anybody would purchase it and it may remain in the hands of the owner and again we trust that it would be maintained, but the fact that there is a potential for a lack of marketability of lot #4 means that the maintaining of that could eventually fall back on Knob Hill Drive. Mr. Jeffers appears to have a long list of reservations and we've got some property owners here that will echo his concerns as well as express a few of their others their own concerns. I wonder about the process whereby their submitting a preliminary plan for approval tonight and then taking that to the Area Plan Commission and then coming back after that meeting for final approval. I'm not that familiar with this particular process, but I was under the impression that the Drainage Board had to okay a final plan and then submit it to Area Plan Commission and it sounds like maybe they're getting the cart before the horse asking for preliminary approval. Dan

Buck has assured the Commissioner's that he would provide a proper plan and has mentioned his reputation and past record from complying with all drainage related problems on his developments. I don't think that any of the neighbors, I know none of the neighbors have concern about the reputation of the Bucks or the Buck Development Company. We're only asking that a plan be submitted in full and final to the Drainage Board and then that plan be accepted by the Drainage Board and presented to the Area Plan Commission for approval. I would be glad to answer any questions of you, otherwise I appreciate the opportunity to speak to you."

Commissioner Tuley: "Thank you. Anybody else?"

Mike Sanderfur: "My name is Mike Sanderfur. I'm a resident by the Knob Hill Estates. I live on lot 36. This is the one just to the south of the hill. It's probably where the most of the water goes. Right now it's in a sheet flow form. It's tolerable. It flows off, flows across the road, it flows in the pine cones, flows through the grass. We have a nice little swale there. The water diverts around the house. So everything works pretty good right now. Of course that goes on downstream and of course it's going slow though. That's what counts is that it's going slow it's not carry so much energy, it's not carrying so much sediment with it. In regard to that I have a few concerns with the plan here page 3 there is reference to a no new significant drainage problems. Well here is a picture that is showing the driveway across from the a property showing the gully there that is about a foot deep and now I'm facing three (3) driveways like that. My second problem that I'm looking at would be the a ditch that is going to be on the north side of the road across from me. It's going to be I guess approximately one (1) foot wide and one (1) foot deep. If I have one (1) event in which that ditch fills up and sediment comes across the road on me, it's going to fill that little swale up that's so nicely diverts that water around my house and it's going to come directly on the house foundation and it's subsequently it's going to be in the basement. It's just going to take one (1) time, one (1) event and I'm going to be out considerable amount of money in correcting that. So that's enough of my problems, individual home problems there I think there fairly substantial, but I appreciate Mr. Jeffers and Mr. Mike Wathen, Soil Conservation Service for looking into that. I want to talk a moment about the sediment basin. I have the same concerns on that. I also have a degree in environmental protection, so I have quite a bit of experience in sediment controls, erosion control plans and so forth as a manager of Environmental Services of Sigeco. I know what the sediment can do. I know how fast it can build up in a ditch. I know how fast it can fill a sediment pond. It can do it right now. One good rain if the preparation hasn't been made, if the hills aren't sodded in, the whole nine (9) yards isn't taken care of it just takes one (1) event. We've been assured that it's going to be taken care of, that's it's going to be managed well and all of this. This is the second picture. This is a picture of the driveway going up to Buck's house. You can see that we've already got a weed problem right there at the driveway. So I'm very concerned that if your they're not taking care of the driveway now, how much are they going to take care of the sediment basin in three (3) or four (4) years when they move out and go someplace else. So that's a second concern there. There's also...this plan...it's a good plan. I think it addresses the absolute minimum resources needed to get the job done. It doesn't look out for the adjacent homeowner's. It doesn't look out for any of the existing homeowner's that have come here. (inaudible). Right now to do this right part of this water should be diverted down Pine Tree probably, which would take a considerable amount of work for it. You're going to have to put a new ditch in there.

You're going to have to go through driveways and so forth. That's the way it should be done. It shouldn't be done in a way which leaves the homeowners or leaves the area residents the liabilities that are associated with that basin. So it can be done right. That's all the comments that I have. I don't know if you have any questions for me or not."

Commissioners replied that they had none.

Bob Bell: "Gentlemen my name is Bob Bell. I'm a resident at 2500 Anthony Drive. My concerns this evening just as of a couple of days ago we found out about the Buck's wanting to develop the top of Knob Hill. That was really the least of my concerns. As I sit here this evening and listen to everybody and when I chose to come down here, I had not much knowledge about what it was going to take to develop that area. Really no concern. I thought that the area could stand to be used. It's five (5) acres of ground that might choose to be done and done in a nice tasteful way and make our neighborhood look nice. Sitting here listening to some of the statements that was made. One of them was the fact that whoever lives down the hill wasn't their problem. So I'm starting to have a tend to disagree with how my feelings were when I walked in the door. I'm very nervous about this. I'm very upset about this. Presently at 2500 Anthony Drive we have a severe water problem. The water problem has been man made. It has been done because over the years of developing the area no one has taken control about drainage ditches. Their proper flow, driveway, tiled under the driveways. We even have driveways in our area that have gotten new concrete driveways where they concreted them completely down and closed the ditches. The ditch that runs behind my home presently, that is part of the county, the water coming off of Knob Hill down Ward Road has been directed from going down Ward Road as it was initially designed to do to turn and go in to that little small ditch behind my home. When it's a normal rain I have water come across my own personal property, not an easement, my own personal property. The rains we had the other day cost me a tremendous amount of money. From that point it was a situation to where our existing problems that we already have in that neighborhood didn't control the water properly and we couldn't handle it. We had a power failure, we lost our basements, we lost a lot of things. As it traveled between my house and the house east of me it goes onto Anthony Drive, goes down Anthony Drive to the bottom of the hill and now goes into the new and I'm sorry I don't know Oak Hill or whatever that is, subdivision that they've just built there and is going in the backside of those peoples homes. As far as the Buck's developing the top of Knob Hill probably would be one of the prettiest things that could happen to it done tastefully. As far as us being prepared for that as a neighborhood we are far from it. We have some real problems that we need to discuss about our area as it is today. It just scares me to death to think what would happen if we added a gallon more water coming down the road as it is right now. We have taken ditches which people that have lived there all their lives tell us it that it used to exist which would have handled the water properly that we had the other day, which none of us would have reaped any damage and we have filled them up completely and not put any drainage tiles or any way of flowing any water what soever. So once you leave the corner of Ward Road and Knob Hill Drive, it is history. It goes where ever it chooses to go. There is no control. Most of that is dumped on Anthony Drive if not all of it. We at this particular point are faced with a real--real problem right there. Again, going back to why we're here, talking about the Buck's situation and their construction of that up there and done properly. I'm not an engineer. But I am concerned about my friends and people that are going to lose their personal property as we are today. Not much thinking of a change. I

would really like to discuss this further about our problems that's not why we're here this evening. I would also like to thank you folks for taking the time to listen to what I have to say. Before we even begin to consider doing anything with the construction of Knob Hill we need to think about those people that's tried to make that a beautiful neighborhood to live in as long as we don't have the water problems. Thank you so much for your time."

Keith Poff: "We have a natural situation. It's the rain out there is what everybody is concerned about. That's what's causing most of these concerns. The options that we have we have a requirement to do detention. That's required. Our first proposal was rejected to not provide detention to let the sites stay as it is without disturbing soil. That idea was rejected. We have a plan that provides detention. It will do that if we're allowed to build the intersect ditches and send this into our basin. People are objecting to that. Proposal was made to terrace the site. Well terracing the site that has this severe grade that's not that long you're going to see considerable amount of soil disturbance to do that. Granted there will be significant amount of soil disturbance where they're going to build these houses on the lots, but that is out of the developers control. The homebuilders will have that responsibility. The Building Commissioner will have the opportunity to review their plans and to address what they do. I don't see there's an easy solution to it because terracing will not provide the significant detention. We just don't have the length to do that."

Bill Wazney: "My name is Bill Wazney and I reside at 2535 Anthony Drive. I'm a little further downhill than Mr. Bell on Anthony and on the opposite side of the road. I've just found out about this proposed development about two (2) days ago and the lot that I live on was developed, that area was developed by my father about twelve (12) years ago. There was not a water problem back then. During the past twelve (12) years a lot of the ditches have filled in. Nobody's dug them back out. Some people have put small culverts in and covered them up. Other people have put big ones in. There's a few clean outs on Anthony Drive. During a normal rain water gushes out of the clean outs instead of into them. The water is running across the road and down Anthony Drive. It's washing out ditches. I know a lot of that water comes from the Knob Hill area. I'm not an engineer. I don't know how many gallons fall on that area, but I know as natural ground cover some of it is absorbed in the ground. The trees absorb some of it. You go tearing out the trees and covering up the ground with concrete and buildings, and then put down spouts in, that water is not going to be absorbed in the ground anymore, it's all going to run out and eventually comes down Anthony Drive and that's my main concern. How can you put more water on the bottom of that hill when it can't handle it now? I think before any development be made or a preliminary plan approved they need to look at the bottom of that hill and see that they can handle the water when it gets there. I mean a plan to handle water getting it off the top of the hill is great, but when it gets to the bottom of the hill it's got to go somewhere."

Ralph Taber: "My name is Ralph Taber. I'm neighbor of Mr. Bell. About four (4) or five (5) years ago I built a new house on Ward Road. All that mud come down from that house and stopped the ditch up. Filled my basement up with water. Cost me twenty-two hundred dollars (\$2200.00) to get it fixed. I called the engineer out there and I've never heard nothing about it."

Commissioner Tuley: "Which engineer?"

Ralph Taber: "The engineer down...city engineer. That water last week when it rained there was four inches (4) of water going down that road. My clean out where that low tile goes down the street I've got a seventeen (17) inch tile and that clean out just pours the water over on the road that keeps going down the road. If it wouldn't be for that my basement would be full of water all the time. I've been living out there twenty (20) years. When they built that house up there I got water in my house. Now I have to dig up around my house to get the tile unstopped. Nobody paid for it but me. Thank you for your time."

Commissioner Tuley: "Bill is this a ditch everybody is referring to I know your anxious to get up and we're going to let you get up and speak, but this is not a legal drain out there that everybody's talking about being reconstructed or dug out or anything. Correct?"

Bill Jeffers: "No or yes that's correct. It is not a legal drain. Mr. Grimm referred to it as Ward Road East Ditch meaning that's it's the side ditch for Ward Road on the east side of Ward Road."

Commissioner Borries: "In the county right-of-way."

Bill Jeffers: "In the county right-of-way. And it flows directly south from the intersection of Knob Hill and Ward Road for about three or four hundred feet to the south line of Mr. Halcombs property which is also the north line of Anthony Estates. These other fellows from Anthony Estates have been telling you at that point that side ditch turns at a right angle and goes due east along the north line of Anthony Estates for a couple of three hundred (300) feet and then it turns again at another right angle and goes between two homes. I have not had the opportunity to check out the statement of the one man who said; not through an easement, I don't know if there is a drainage easement there or not, I do know that even if it were drainage easement it is still a private property as he says. And then it goes out into the right-of-way for Anthony Drive where again takes a right angle turn and goes right down the right-of-way of Anthony Drive to the bottom of the hill which is Oak Ridge Subdivision. Then it takes another right angle turn and goes through a couple of pipes and over to a large diameter that runs and takes another right angle turn and runs completely under Oak Ridge Estates until it comes out behind all of that Presbyterian Church and empties into (inaudible) Creek. The problem they're experiencing is that all along the way beginning at the southwest corner of the proposed development for the entire length of the water run that I just described during any kind of drain storm, two (2) inch rain storm in a couple of hours or above which is like a ten (10) year or a twenty-five (25) year storm let's say. Anytime that happens and we're supposed to be designing all roadway drainage to handle a twenty-five (25) year storm. Even before we reach a twenty-five (25) year level of rainfall, that entire waterway is running above capacity through peoples yards, across county streets, through drainage easements, private property and other utility easements until finally it gets down to (inaudible) Creek and gets a good chance to take a curvy shot down to Pigeon Creek. So I've only seen it when I've been called out on emergency runs or like when Mr. Mourdock asked me to go see what it looked like in Mr. Ruckers backyard and I waited until it rained and went and looked at it. These people are describing what they see every time we have a good healthy rainfall."

Commissioner Tuley: "Some gentleman up here first has not had a chance to speak yet. You don't mind?"

Chris Weil: "Commissioners my name is Chris Weil. I'm with SiteCon. I guess I'd like to clarify maybe for some of the people in the audience the purpose of submitting the engineer drainage plan, we have an ordinance now in place for drainage. I think it's due to the lack of maybe storm water drainage in the past. We're required to design for and accommodate the additional impervious surfaces added with the development. We have designs for that. We have reduced the flow from our site from only our site four cubic feet per second for the required storm duration. Unfortunately we don't have any control of the downstream areas that may be having restrictions and water problems. I'm not sure that since we've reduced the flow of our site why the developer should be penalized for the downstream problems. I sympathize with the problems and I spoke with John Stoll of it, the county engineer and he said that if there are downhill restrictions that perhaps a letter could be drafted to him and he would forward it to the garage to see about getting some of these items taken care of. But, again I would like to emphasize that we have...we are required to design for our site and our site alone and we have reduced that flow four cubic feet per second from a post develop point of view in comparison with the natural flow as it is right now."

Tim Grimm: "The only thing that that neglects to mention is that they redirected the flow of the drainage off of lots 2 and 3 from it's natural progression down across 24, 25 as well as down Pine Tree and redirected that flow and all the volume of the rain that goes with that and all of the water that goes off with that to the Ward Road East Ditch. There in lies the biggest problem everybody's worried about. Your bringing all that extra water from lots 2 and 3 that doesn't normally go. It doesn't normally go. It doesn't run down the hill to the Ward Road Ditch. It normally goes across Sanderfur's property and across the property back to him or else it goes down Pine Tree Drive. Your now dumping all that down that ditch. That's the only problem I see."

Bob Bell: "I only want one thing clarified about the Ward Road East Ditch. As Mr. Halcomb and evidently you have pictures there I wish I had one. Mr. Halcombs property line east on Ward Road on the east side of Ward Road. From what I have been informed being a neighbor out there that that was a substantial ditch at one time. Capable of handling Knob Hill water everything else downhill. Whenever he took care of back filling that property changing the area to construct his home. He then took that Ward Road east side ditch that they're speaking of went to the south corner of his property, took it and turned it from going east on the east side of Ward Road turned it to go down behind Anthony Estates as they call it from my house. The neighbor next door doesn't even have a drain culvert and the way it is constructed now it can't even pursue the next two properties to go on down to a storm sewer. It's been dumped from that large ditch that was....use to run east of Ward Road and has been turned into what I call a sanitary ditch is where the county had back then septic systems dumping into. Which is a ditch a foot deep and eight to ten inches wide. So all of the water that comes off of that hill and down that east ditch that doesn't exist anymore, it doesn't have a tile in it, it isn't a ditch any longer. It runs down, now turns at that property line and dumps into that little tiny stream which goes into my backyard and into my neighbors yard. And then eventually out onto Anthony Drive. If that particular spot was corrected and was tied back together and went on east down Ward Road there's a storm sewer down there to accept that. In fact and it was before my time they the county came out and blacked topped Anthony Drive. When they did that they stopped in the middle of black topping that and put a culvert underneath the road right there, considering

the fact that the water was going to backup. That was wonderful. The water can't even get there. The backup on all of the people that are standing here complaining and making this a long meeting, is basically because somebody has taken it upon themselves to turn that water on to the lower residents of Anthony Drive. And if anybody would like to come out there I would be more than glad to show you how that runs. Because, I don't think anybody ever looks at it. It does not take as we're being told a twenty-five year rain. It takes your normal springtime rain to fill that ditch up to fill my yard up. That really needs to be addressed. It's not a problem up the hill, the whole ditch needs to be re-cut. Then maybe they wouldn't have a problem up on top of Knob Hill."

Commissioner Mourdock: "Just for the record the previous speaker was Bob Bell of Anthony Drive and the prior speaker to that was Mr. Tim Grimm of Knob Hill Drive. Because we're keeping notes we need to make sure if you have something to say give your name and address please."

Commissioner Tuley: "This is dragging on. Does anybody have any new information or another comment, be that from the developer or the engineers? Bill?"

Bill Wazney: "I'm Bill Wazney from Anthony Drive. I've just got one other comment that Bill I guess he's your resident engineer?"

Commissioner Tuley: "He's our Surveyor, Deputy Surveyor."

Bill Wazney: "Our Surveyor. When he first got up to speak he said; it's the developers job to submit a preliminary plan that he initially approves and I was under the impression that he did not approve their plan as it submitted, so I think it needs to go back to the developer until they can come up with an acceptable preliminary plan before anything else is done. That's all."

Commissioner Borries: "That was going to my point. I wanted to get Mr. Jeffers back up here to see what could be suggested. Let me just say too for the record that as I appreciate all of the very thoughtful comments that people had made here this evening. There is no greater task probably on the face of this earth than to figure how water will run on a flat piece of paper. I want to tell you. And it makes it especially difficult when we have had the third wettest May on record in this county and we're not over with yet. So I certainly share your concerns and I know this board will in so far as trying to address some of these problems. Where we run into extreme difficulty is if there are not legal drains your talking about working on private property and frankly that is an illegal thing we cannot do. We have in the past worked from the idea that if a developer, property owner can produce and develop a plan that will retain and will not impact any worse on others that that is acceptable. And I think that as many of you have pointed out tonight it becomes very difficult because we have lots of pieces of the puzzles to fit together after awhile. And the only alternative frankly is to not build at all and frankly I don't find that acceptable in the county of this size because then we begin to have all kinds of negative impacts if we don't build. And I would say; and I have said this before that I would certainly feel that as we can resolve these issues that you should indeed feel some comfort and be fortunate that I've seen and have worked with Mr. Buck on a variety of other developments. Some off of Newburgh Road that he has done and in the city of Evansville and others, and he will do what he says he will in so far as being a quality developer. You could have a much worse situation. Much--much worse, believe me. Because we have fought in many occasions

with others that have not been as conscientious as he in so far as providing drainage. Adequate drainage. We are faced in this particular situation again with six lots. I would like to know at this point Bill, are there alternatives to what Mr. Grimm has suggested in so far as the detention basin, and the detention as I understand it is going to have some water in it, but then it will drain. It detains the water. It will not retain in a sense of being able to have it, it would not be designed at any given time to continually have water in it. Are there some alternatives there? What is it that you feel you need to at least give it preliminary approval. I guess that's what I would need to know."

Bill Jeffers: "I would have to go back to some of the comments that have been made along the way as well. Mr Poff's said; the original plan was submitted to the Surveyor without a basin and it showed only a modest increase in the runoff from the site and they felt because of the small amount of the additional runoff that they didn't want to have a basin at all. Possibly that would of made some of the people here in the audience happy not to have the basin. However, our ordinance requires that if there is a limiting restriction downstream and off site, if the downstream channel or storm sewer system is not adequate to accommodate the release rate provided, then the release rate shall be reduced to that rate permitted by the capacity of the receiving channel or storm sewer system, and I think you heard sufficient comments tonight to know that the downstream storm sewer system and channels are not adequate to handle what's there today. Therefore we asked for detention, that's correct."

Commissioner Borries: "Okay."

Bill Jeffers: "After the plan was submitted with detention it was called to our attention by residents that there was a continual spring generating water into the Ward Road side ditch and the plan included a new channel being cut carrying the Ward Road side ditch through the basin. That the reason for the engineer doing that is because all of the water from the entire site needs to be put into that basin so that it can be released at a slower rate that can be accommodated by the downstream ditches and pipes that are insufficient at this time. But, by taking that spring water through the basin you would have a chronic wetness problem and I suggested not only paved channel liners, I didn't recommend them, I suggested them and as in addition I suggested they might look into subsurface drain tiles to absorb the moisture as well. If they don't like channel liners maybe they should look into some subsurface drain tiles to pull that water down and dry that basin all the way out so they can mow it. But, Mr. Buck doesn't like me making suggestions or recommendations, whether it be reducing homes, or terracing or anything else so you can be sure I will not make anymore suggestions, I will simply say it's a sufficient plan or it's not a sufficient plan. At this time it still needs some additional details to assure us that the drainage facilities will operate properly and not represent a maintenance problem and that the drainage plan will not represent a misdirection of water, or redirection of water that would become a problem as some people here have said it would be. Mr. Poff said that's the way the water goes now. Across the street and down through Sanderfur's and Grimm's yard. Because there is no ditch on the north side of Knob Hill Drive. That's a true statement. That's the way the water goes now. But actually there use to be curbs and gutters and curb inlets that served the same purpose as a side ditch and those inlets picked up the water before it crossed over the street to the other side and down onto those properties. Those curb inlets are none functional. No one knows where they go, just down the block a couple of fifty or sixty feet

boiling up out of the ground again. So we don't even know where that water is going. Another comment made here tonight was that we should continue to let the water go down Pine Tree Drive. Yes, if Pine Tree Drive had a sufficient side ditch. That's the way the water should go. There's an inlet at that corner at the southeast corner of this proposed development there is an inlet. The water goes into the cast iron inlet and stands there. You cannot tell if it's going down or not. The engineers have not told me which way the pipes that leave that inlet go. They don't know. But I do know that on the south side of the road right at Sandefur's northeast corner the water boils up from underneath the pavement. Then it runs down across his driveway. Then the next driveway it runs across that driveway. That side ditch is all messed up and the driveway pipes are messed up. Insufficient. That's what I'm talking about when I referred to a limiting restriction down site from here. So something has to be done if there is going to be any increase in water what soever. Because what we are telling these folks here tonight is; hey you've got a bad situation out there, but we promise you it ain't going to get any worse. Well I'm just here to make sure it doesn't get any worse. I recognize it's already bad. But we cannot pass a plan that would make it worse. So yes it does need to be...what's flowing that site now is not being handled properly under today's conditions, so we cannot increase the amount of water that's going off there now. I've been told here tonight by Mr. Poff that they don't have enough ground there to accomplish terracing so I'm sorry I suggested that as well."

Commissioner Borries: "Could I, I mean I guess one of the reasons we are here tonight this is for the information for those folks in attendance, we do have a regular drainage board meeting on the 4TH Monday of every month. So that's why we're considering this tonight. Do I understand Mr. Poff that you would want to get some kind of preliminary approval for the Area Plan Commission in June? Is that your plan?"

Keith Poff: "Yes it is."

Commissioner Borries: "Well Mr. President might I suggest that some of these questions, this seems to be a very difficult situation here tonight. Could we advertise here for a Special Drainage Board Meeting on Tuesday, May 30th to try to resolve some these issues? Just to see if we can get to the Area Plan or not? What do you think?"

Commissioner Mourdock: "Let me add a comment if I may Bill while you are coming to the podium. It would seem to me that one of the questions here and I think that Mr. Jeffers referred to it somewhat off handedly a moment ago, it's just that the preliminary and do we suggest something to the "APC", Area Plan Commission that is ready for a final approval based on the preliminary form. In your earlier remarks you made the comment that, and I totally agree that we should not accept this preliminary plans, something that is not ready to meet the final plan to mustard the final plan. Obviously this plan that we're looking at has gone through several generations and it would appear to me that tonight we need to give direction. If we say yes, it goes on, if we say no, the obvious outcome to that is the engineering folks is going to go back and put another plan together. I guess maybe I don't understand quite what you're asking for Rick as far as a special plan. Do you not feel having received the information that we received tonight that you're comfortable with voting on the approval or disapproval of the preliminary plan?"

Commissioner Borries: "Yes. I guess that's what I'm saying. What we've done with our drainage plan, also for the information of folks here, is make it tremendously more

complicated than it ever has been before. That doesn't help your water problems now and hopefully it will help some in the future. I mean there are lots of hoops now that everybody has to go through that were not there before. So all I'm saying is even the preliminary is not a, not a final approval. But to get to where we can get to a preliminary approval, do we need to have another meeting on the 30th?"

Bill Jeffers: "Yes. And for everyone here present, especially the fellow that got up here and questioned whether we should have a preliminary plan before you go to Area Plan Commission, I think it was Mr. Ruldolph I'm not sure, but maybe we should have a final plan before it ever goes to Area Plan Commission. I need to briefly explain that. The Area Plan Commission will not hear any subdivision in it's regular monthly meeting until it has at least a preliminary plan approved. That's due to fact that the Area Plan Commission is a body which has no technical advisors present at their meeting with drainage knowledge. They have all the other folks there but they count on this body here and your technical advisors to handle all drainage problems so that their not discussed in Area Plan Commission with no one there present to explain it."

Commissioner Mourdock: "Excuse me one second so that everyone here in the audience and everyone on this board understands it fully and I am obviously is pointing to myself when I say it that way. The only difference that we have between a preliminary plan and a final plan is what we call a preliminary plan and a final plan and approve it as such. Is that right?"

Bill Jeffers: "There are additional details required of a final drainage plan and I'm getting to that, that require extensive field research beyond what's required of a preliminary plan and it requires extensive office work on the part of the engineers as well. I'm talking about the consulting engineer. So the problem would arise if we required a final drainage plan with all it's details and the needed field work by the survey crew hired by the developer and the engineering crews drawing and draftsman work and everything that's paid for by the developer. Theoretically you could have a subdivision go before Area Plan Commission with a ten or fifteen thousand dollar plan. The developer owning the engineer fifteen thousand dollars and some political reason in front of the Area Plan Commission you have someone vote enough votes to turn that down and for one (1) year you would have an engineer waiting to be paid fifteen thousand dollars until his developer had to wait a year to go in there and ask again. And I think that's an unreasonable burden, unreasonable financial burden for a developer or and engineering company to bear because of the particular present setup and so we allow a preliminary plan which requires twenty-five percent of that expenditure and then if the Area Plan Commission says; okay everything else about this subdivision is good. They come back and find in the drainage. I think that's a very reasonable and workable way to handle it."

Commissioner Tuley: "To go a little further, what we've done and we've done this since the first of the year since this new plan was put in, we've passed some preliminary plans that the Surveyor's Office has expressed concerns, comments, suggestions. During that same meeting though we've heard the developer and the engineers for the developer say; okay we concur we can make those changes and make it work. Pass it on to Area Plan come back and see that that final review those things have been done. And unless this has just been a long meeting or I'm not listening I'm not hearing that tonight. That's why I would like to have another week to try to get the developers and our technical advisor together to come back and

say okay we've had a meeting of the minds we're willing to make these changes, or do this or that to satisfy you and your people so they're come to us and say; we can recommend approval on preliminary based on the following changes that are going to be made and we can come back and make a recommendation at the final hearing after it goes to Area Plan. It gives us a meeting of the mind to meet some of the concerns of the people that live out there, our technical advisor and yet it does not necessary hold up the developer with their plans. We're asking, or I think your asking for a week to get a meeting of the mind of the developer and the engineers and the County Surveyors Office."

Bill Jeffers: "There are at least three (3) or four (4) other options that haven't been explored yet to drain this piece of property. With and without the detention."

Commissioner Borries: "Well I would say that if we could get that done by next week, then one way or another we either have to vote on to approve or disapprove because you are going to run out of time for Area Plan and then it does delay us another month. But, we do have the luxury at least of having another meeting if this board feels that they want to do that."

Commissioner Tuley: "I feel more comfortable if we do that."

Commissioner Borries: "That puts a crunch on everybody but, hopefully we can resolve these issues to again gain as Mr. Jeffers has said; the preliminary approvals here to at least move it forward in that case."

Commissioner Tuley: "We've got Sanderfur and Mr. Buck. Then we're going to have to call..."

Commissioner Mourdock: "Dan you need to come up and identify yourself please."

Dan Buck: "Dan Buck again. Anytime during this next week I will be glad to meet with Mr. Jeffers and the County Engineer out there to discuss on cleaning out the ditch along Ward Road. I feel this ditch is cleaned back out the way it was originally attended. It will hold any amount of water that comes off Knob Hill Development, whether there's a detention pond or not. And along with neighbors so, the neighbors can leave their phone numbers and names, and if we can sit up a meeting between the engineer and Mr. Jeffers and myself and SiteCon meet out there and discuss what can be done this week and put it all behind us and go on."

Commissioner Tuley: "Step in the right direction."

Mike Sanderfur: "Mike Sanderfur, Knob Hill homeowner. I can't understand why we're trying to hurry so much. We're carving out the people of Knob Hill and Ward Road out of this process. We've barely got the plans this time to even review them. Now we're going to run through the whole plans again and come in with a whole new set of submittals and nobody is going to have a chance to see them. The very people that is going to be affected the most."

Commissioner Tuley: "I think he just suggested that he will meet with the neighbors as well when they go through and discuss this stuff."

Mike Sanderfur: "All in the next seven (7) days."

Commissioner Borries: "Well, that only gets us to a point to resolve some of the ..."

Commissioner Tuley: "Some of the initial concerns. That won't solve all of them maybe. But, it may address enough that we can approve preliminary only even if he goes to Area Plan and gets approval from Area Plan he stills has to come back before this board for a final approval before we can put that first permit up to start building."

Mike Sanderfur: "Well there's still a lot of homeowners' that haven't even got up to speak yet on the situation. So I hate to see it move forward so fast take the people who is going to be impact the most out of the circle. Thank you."

Bill Jeffers: "First time I ever heard government criticized for moving too fast."

Commissioner Borries: "That's for sure."

Commissioner Mourdock: "I would just add to that not add to Bill's comment. I don't want to add to that one. There are those other chances for the public input. The Area Plan Commission and as Commissioner Tuley was saying; when it comes back through this way, and for all of you who are residents of Knob Hill, Anthony Drive, Pine Drive whatever, I would ask Dan Buck if he would before he leaves maybe to have a note book or something over here, where if people do want to contact you, you leave your name, phone number, maybe the time he can get with you. For this it's a bit of a challenge. If he doesn't get back to you and you've called and left a message or whatever, obviously we need to know that too. So you do have those other chances to respond."

Commissioner Tuley: "Before we move on to the next one, Mr. Sanderfur I don't want you to misunderstand. I am not taking lightly your concerns or your comments. Okay? But we've got to try to meet the needs of your concerns and your neighbors concerns as well as not prohibit if you might the ability of the developer if he can submit some good plans that will work. His ability to develop that and continue on."

Mike Sanderfur: "Okay."

Commissioner Borries: "It seems to me the only way we're rushing this is I think Commissioner, or both Commissioner's have pointed out that there are lots of hoops that we have to go through. But, we've got to focus a dialogue here at this point to figure out exactly what we can do here to resolve that. I think that some of the immediate concerns and move forward from that aspect. So that's the only reason we're putting another meeting in here is to try and do that because, frankly it's a pretty complicated situation and don't think we're going to get out of here at any decent hour tonight if we don't at least take a time out and have everybody kind of talk about this and go from there."

Mike Sanderfur: "Do you know when that special meeting would be?"

Commissioner Borries: "Special meeting would be immediately following the County Commission meeting on Tuesday, May 30, 1995. We start at 5:30 on our Commission meeting. I we don't have any glitches, well who knows. We never know how long those will last Mike but, I would say probably let's say roughly 6:30-7:00. If you were here at 6:30 I think you would be here in plenty of time."

Commissioner Tuley: "That's what I was going to suggest. Be here at 6:30 and if we're done by 7:00 fine. At least you won't miss anything."

Commissioner Borries: "Then the Area Plan Commission meeting is what? The 7th?"

Commissioner Tuley: "The 7th, yes. The 7th of June."

Commissioner Borries: "And then even to get a final approval we would be talking about what Bill Jeffers?"

Bill Jeffers: "The regular Drainage Board meeting June."

Commissioner Borries: "On June 28. No I'm sorry, man I'm off. June 26, I'm sorry, yes."

Mike Sanderfur: "Regular meeting of the?"

Commissioner Borries: "Drainage Board."

Commissioner Tuley: "June Drainage Board meeting."

Unidentified person: "The final will be accepted on June 26th, at the regular meeting of the Drainage Board and then we have to go back to Area Plan?"

Commissioner Borries: "No sir, not at that time."

Bill Jeffers: "They can record their plat and begin building if they have final approval."

Commissioner Borries: "Mr. President I move that a Special Drainage Board Meeting be called on Tuesday May 30, 1995, at approximately 6:30 p.m. for the purpose of considering a Preliminary Drainage Plan for development known as Knob Hill Estates."

Commissioner Mourdock: "I'll second."

Commissioner Tuley: "So ordered."

RE: RICH-LYNN ESTATES:

Bill Jeffers: "Ruby Kay Sub, is this Ruby Kay? Is this Ruby Kay?"

Commissioner Borries: "Rich-Lynn it says."

Commissioner Tuley: "Replat of Rich-Lynn."

Bill Jeffers: "Oh Rich-Lynn excuse me. Rich-Lynn, replat of lot #5, actually belongs, that actually belongs somewhere between a simple site plan and minor subdivision. But it falls in the category of a major sub because it was a major sub and they're re-platting one (1) lot. Okay, so what they're doing is just taking lot #5, carving a flag lot off the end of that cul-de-sac at the far west end, and providing an additional building site of about an acre and a half (1½) I believe, for one (1) home. Has no need for any drainage plan. It should all be handled by the Building Commissioner. I concur with the letter submitted by Mr. Easley. There's one little bitty corner in the southwest corner of the lot that has a creek bank in it, and that person is going to have to maintain that creek bank. That's all. So it doesn't wash out. We recommend that the Vanderburgh County Surveyor's office recommends that you waive the requirement for detention as there is none needed. And to allow them to proceed with the simple site plan submitted to the County Building Commissioner at the time that they seek a building permit."

Commissioner Borries: "Okay, I'll move that what is known as Lot #5 in Rich-Lynn Estates be waived from the Vanderburgh

County Drainage Ordinance."

Commissioner Mourdock: "I'll second."

Commissioner Tuley: "So ordered."

Commissioner Borries: "Then I would move that Lot #5 in Rich-Lynn Estates be forwarded to the Area Plan as what's called a minor sub."

Bill Jeffers: "No they can't do that. They've got to take it as a major sub."

Commissioner Borries: "Oh."

Bill Jeffers: "Anyway, pass the drainage plan as submitted."

Commissioner Borries: "I would move then that the drainage plan as submitted be approved."

Commissioner Mourdock: "I'll second."

Commissioner Tuley: "So ordered."

Bill Jeffers: "They're still going to call it a major sub even though it's not."

Commissioner Tuley: "Ruby Kay."

RE: RUBY KAY SUBDIVISION:

Bill Jeffers: "This is on the extreme west side of Vanderburgh County, off of old 460. Then off of Denzer Road where it turns into County Line Road, goes south there where Wagner use to live, the German Township Assessor use to live."

Commissioner Tuley: "Gary?"

Commissioner Borries: "Gary Wagner."

Bill Jeffers: "Gary Wagner use to live down in there, or does. It's a large open field being divided into I believe five (5) lots. Five (5) very large lots. Normally there would be no need for detention in that large of a lot. Three (3) to four (4) acres, one of them is five and a half (5½) acres with only one (1) home on it. However, there are some agricultural terraces and "WASCOB's" particularly back along the creek bank. This is a pretty large creek here. And there is one (1) natural waterway leaving one of the terraces that's shown in the thirty (30) foot drainage easement. My comments are attached over in the left hand side of the page that the Vanderburgh County Surveyor's office recommends approval of this as a preliminary drainage plan. I'm going to send it back to Denise at Easley Engineering for the inclusion of some minor details along the creek bank, and the little agricultural basins and ask her to prepare a report to be given over to the homeowner's simply describing how these agricultural terraces and basins operate so that when they begin turning it into an residential lawn that they know what they're looking at and how to take care of it."

Commissioner Mourdock: "Have you had some preliminary discussions with her then Bill about your items one (1) through four (4)?"

Bill Jeffers: "Yes sir."

Commissioner Mourdock: "Okay."

Bill Jeffers: "We spoke about that on the phone and Mr. Easley who's her employer is here present to answer any questions you have other than what Denise and I spoke about on the phone."

Commissioner Mourdock: "Okay. My preliminary question aside from the technical one's. Item number two (2) said; a Homeowner's Association will be created. Obviously that's not a small item not that it takes a lot of legality to do that but is there a consensus to do that?"

Bill Jeffers: "That's included number ten (10) in the general notes over here. I was speaking to that."

Commissioner Mourdock: "Okay."

Bill Jeffers: "They do intend to create a "Lot Owner's Association" which is required as one of the two methods of maintenance by your Ordinance."

Commissioner Mourdock: "Okay, I withdraw the question."

Bill Jeffers: "So that that "Lot Owner's Association" needs that booklet to know how to take of those basins back there."

Andy Easley: "Did Denise say that the developer was in favor of the "Home Owner's Association"?"

Bill Jeffers: "I just assumed that because it's on the plat."

Andy Easley: "Okay, I didn't know that. That may have been a note that got repeated that was in the word processor."

Bill Jeffers: "Okay, I think what Andy is saying; is when he comes back with the final plan that might convert over to "Plan B" where they pay two dollars (\$2.00) per linear foot for pipe, but we'll show that in the final plans if that's what's happening here."

Commissioner Borries: "I move that Ruby Kay Subdivision Drainage Plan with written comments from the technical advisor, Mr. Jeffers, be approved."

Commissioner Mourdock: "I'll second."

Commissioner Tuley: "So ordered."

RE: CROSS POINTE SECTION E:

Bill Jeffers: "We're up to Cross Pointe, Section E, being developed by Regency as an extension of their nearly fully developed Cross Pointe Subdivision. At this time we have done some preliminary field work."

(Referring to map)

Commissioner Borries: "This isn't Outback?"

Bill Jeffers: "No Outback would be in the original sub. Okay let's turn it. This is Outback, this is El Chicos, and this is O'Charley's."

Commissioner Tuley: "Okay, so it's west of the intersection."

Bill Jeffers: "Well it was turned the wrong way."

Commissioner Mourdock: "North is that way."

Commissioner Borries: "Okay, got you."

Bill Jeffers: "So this is Cross Pointe, here's the Lloyd, Burkhardt's down here."

Commissioner Borries: "Got you."

Bill Jeffers: "This I believe would be as far west as Regency could go because the next piece of property would be that large development that's being talked about at the intersection of Lloyd and Burkhardt. Basically, this is sandwiched in between the existing Cross Pointe Subdivision and the proposed shopping center at Burkhardt. Originally I had indicated to the developers engineer who is Morley and Associates, represented here by Daryl Helfert that we would examine the possibility of taking water from at least two (2) lots, the two (2) your looking at in front, lot 1 and 2, and taking it over to O'Charley's storage basin if we thought it could be shown that the Cross Pointe storage system, retention system could handle it. And Mr. Helfert supplied us with substantial amount of calculations that showed that it could be handled over there in that storage basin and still all of Cross Pointe would meet the original required storage volume. However, since that point in time Dirsch Oil came in with their site plan for the Shell Station and Convenient Mart and it was requested by the developer, same developer, and the same engineer that we allow Dirsch Oil to come in without retention, because there was still available storage surrounding Dirsch and we allowed that and now that puts the use of that, what's left of the storage facilities in the original Cross Pointe down to a very bare minimum. We also went out there and did some cross sections of this piece of ground and found in fact that the entire piece of ground drains slightly to the west, slowly and flatly to the west, to the west property line. Then it drains north up into the Dirsch's property and then it drains west in the Crawford Brandeis Ditch. It does not drain any part of it, into Nurrenbern Ditch. #3: Nurrenbern Ditch is operating at, or above capacity now. It's being severely taxed by recent and proposed, recent development we feel proposed development will over burden it if we don't monitor it very closely. The present land owners have maintained the drainage to the west and then to the north, that's the distort drainage pattern. And we're very uncomfortable about..., went out there and examined the storage system immediately after the rainfall and then again about twenty-four (24) hours later. There was still standing water in the parking lot of Builders Square as long as thirty-five (35) hours after that twenty-five (25) year storm. That's the way it was planned. When the ditch runs full there's no where else to store water but in a small part of the parking lot that's very rarely used and the engineer for Builders Square designed it that way, but it stood there for thirty-six (36) hours. That would indicate to me that the Nurrenbern Ditch and Cross Pointe are operating at capacity and operating properly during a twenty-five (25) year storm which we had last Thursday. I'm uncomfortable and unwilling to recommend that Cross Pointe, Section 3, excuse me, Cross Pointe E be approved with any portion of it draining into and through Cross Pointe to O'Charley's storage basin. And therefore the recommendation from the Surveyor's Office is that this particular drainage plan not be approved at this time. Mr. Helfert is here if you need to hear his side of the story."

Daryl Helfert: "I'm Daryl Helfert with Morley and Associates. Bill and I have discussed this quite a bit over the past couple of months. This Cross Pointe has been bounced back and forth between what was going to happen there. What he said is essentially true as far as the capacity of the basins in that area. There is sufficient storage volume there as far as the numbers work out, to handle the front two (2) lots off Section

E. As far as increasing the peak flow into the Nurrenbern Ditch, this additional two (2) lots would not do that. It would add additional volume over the course of the storm, whether it's a six (6) hour storm, or a twenty-four (24) hour storm. But, as far as making an impact that's going to increase the elevations in the ditch I don't think that will happen. So, I guess I feel like the additional of approximately two and a half (2½) acres to the Nurrenbern Ditch water shed would probably not prove to be a significant impact, but I can understand Mr. Jeffers concerns about this. And like I said we've talked about it quite a bit and before this week I know Bill had not really decided what he was going to do until we had these heavy rains lately. So, you know we're kind of in a position where we were looking to get a preliminary approval tonight on this plan, so that we could move forward with this and I know there's a lot of other issues involved besides just drainage."

Commissioner Borries: "Mr. Helfert let me ask you then here on this. Bill has put on here, Bill Jeffers, recommends Section E drain to Crawford Brandeis Ditch."

Daryl Helfert: "Right."

Commissioner Borries: "Yell. So I mean he's pretty well ruled out Nurrenbern on that. I'm mean can you live with that?"

Daryl Helfert: "I suppose if we had to."

Commissioner Borries: "Apparently you can approve that can't you? Bill?"

Bill Jeffers: "Yes, he doesn't show that but we would approve that."

Commissioner Borries: "Have you read his red marks?"

Daryl Helfert: "No I haven't, I haven't seen that yet."

Commissioner Borries: "That's the problem."

Bill Jeffers: "Do you want to read that into the record real quick?"

David Schminke: "May I have a comment?"

Bill Jeffers: "I'll supply her with a copy so she can put that into the record."

Commissioner Borries: "But, I mean he needs to see that to react to it."

David Schminke: "My name is David Schminke. I work with Morley also. One of the concerns here is that like Daryl mentioned the effect of the two (2) small lots to the surface elevations of the ditch involved would be very minimal and probably, I don't think anybody could ever quantify it. as far as elevation goes. I think the reason why we're trying to push this is partly due to the uncertainty of the method of getting water northward. Because of the impending development, Virginia Street's playing into it, the other developments north of there, which eventually that will be worked out, no doubt. And it's not really a problem. But, what we're looking to do is try to accommodate these two (2) lots to the south because that basin is (100%) percent complete. The pipes could be stubbed to those lots right now and the questions are answered. If we have to go northward we throw those two (2) lots in with the larger lot, in that we don't know the future of it. In other words we have to work something out, which

could be of considerable cost and involve a lot of length of ditch work or pipe work to the Crawford Brandeis Ditch."

Bill Jeffers: "I'm sorry I mispronounced Daryl's last name, it's Helfert. It's "HELFERT". I'm a little sensitive about that having been called "Jeffries" all my life."

Daryl Helfert: "Well as far as Bill's comments like I said; I agree with basically with what he has said. And as Dave pointed out, the reason for taking the front two (2) lots to the existing basin was more of a way to expedite those two (2) lots as far as their usage goes. And reduce the amount of uncertainty involved with the entire development of nine (9) acres. So, I guess if you insist, if the board would insist that we do not take that water that way it can be handled going to the north. But it would just make the situation, I think more difficult for the overall development."

Bill Jeffers: "That's my way of saying if they went to the north and then to Crawford Brandeis Ditch they would have to acquire easements across other people's property for the drainage channel to handle the out flowing water from this entire new subdivision. And the reason, I guess, that we're not only concerned about Nurrenbern Ditch, but we're also concerned about the existing Cross Pointe Subdivision. Because during that rain last week, the water came up out of the, what they've done out there is O'Charley's started it, they needed additional parking so they paved over a ditch out there and stuck a pipe in it. Without anybody down here knowing about it. Or no one on this board or our office knew about it. And then El Chico's came in and they wanted the same privilege to cover over an existing drainage easement, put a pipe in that open ditch and supply additional parking. And I happened to be in the site review committee meeting and caught that, but it went on through anyway. So now Outback Steakhouse, which you'll listen to next, they wanted the same privilege of filling over an open drainage ditch and we caught that one in time in site review and it had to go to each one of the utilities and ask their permission to cover over that easement. Now they're showing a stub out over onto what's in front of you as Section E. So, what's going on is we're developing like restaurant row out there. Every one of the restaurant's are super popular, need additional parking. They're going to pave from lot line to lot line, cover up all the existing drainage facilities they can and try to pipe the water over to this one pond. Hey, I think it'll be okay, but we no longer have an open ditch we can look down in there and say; hey everything looks like it's okay and if it's not we can scoop the silt out and it'll be okay tomorrow. Now what we have is an enclosed plastic pipe, under a parking lot, and when I went out there like I said thirty-five (35) hours after the storm that pipe was standing full of water and the inlet it was within six (6) inches of still being up on the pavement in each one of those new parking lots. I just feel like we're asking for a situation where maintenance is going to be tough enough as it is. We're begging off on it. We're saying this drainage board is not going to have anything to do with you guys that did this without our permission or that want to do it now with our permission. We're not going to assume any maintenance responsibilities. But, what happens when we take a piece of ground that's supposed to drain to Crawford Brandeis and drain it through the same system in some problem does arise and they can get a fancy lawyer to say it was because of that."

Commissioner Mourdock: "Bill excuse me for a second. Dave if you would, the context of your remarks was after Daryl had gotten the map would you hold the map up and just point with your finger as far as what your development options were as

far as how that impacts the timing of what you were trying to do. You were speaking of that and I couldn't picture it in my mind, since you weren't talking at the podium."

David Schminke: "I guess I'm discussing timing of being able to sell a lot."

Commissioner Mourdock: "I understand. And wave your finger over that and tell me how that all comes to be."

David Schminke: "Okay, these are the two (2) lots that we're talking about."

Commissioner Mourdock: "Right."

David Schminke: "Okay, what we're saying is; that this is a small area which is neglectible when you throw it into the big picture."

Commissioner Mourdock: "But if you send it to the direction that you just pointed to then you're agreeing with Bill?"

David Schminke: "No."

Commissioner Mourdock: "Which is red line on there. Is that not right Bill? You're saying you want to send it east also?"

David Schminke: "No. What Bill was talking about doing is taking the entire development and going north with it."

Bill Jeffers: "Northwest."

Commissioner Mourdock: "Well wait a minute then. What you have on there is a red line."

David Schminke: "Bring it back this way if you would please."

Daryl Helfert: "Bill, I think Bill's red line is showing what we want to do. Which is take that water off of this area over to O'Charley's Place."

Commissioner Mourdock: "Okay, I thought all these being recommendations in red, his line was his recommendations in red but, it's not. Do you want to take it this way? If Bill wants to take it that way it solves a lot of confusion in my mind."

David Schminke: "Okay."

Bill Jeffers: "As far as I know this plan has never been before Area Planning Commissions subdivision review, or did not get a recommendation there, and it will not be able to go on June 7, is that correct?"

David Schminke: "Right."

Daryl Helfert: "That's correct."

Bill Jeffers: "So basically, as far as marketing goes what they're telling you is they want to be able to tell a prospective buyer that they feel confident they can sell them this lot and they'll be able to build a restaurant on it in the next couple of months. But they haven't really, they've have no opportunity what so ever to build on it until they go to the Area Plan Commission anyway. And they're not going to be able to go the Area Plan Commission until July."

David Schminke: "One quick comment on that, I think the owner still has the right to build and develop provided he keeps the

lot as a whole. I think that the question is whether or not he can subdivide, and the obvious question is the fate of Indiana Street and the road system out there which we've beat to death."

Bill Jeffers: "If Indiana Street is not built as shown on this plan, then you'll have to resubmit a drainage plan anyway because you have facilities on Indiana Street shown in this drainage plan that if Indiana Street straightened out and runs due west of Burkhardt, you'd have to resubmit a drainage plan."

David Schminke: "I guess there could be a possibility of several minor variations having to take place. I guess our stand is that basically there's nine (9) acres there and there's not much else you could do with it but, run Indiana Street west or some type perimeters of a street straight through it. Eventually we feel like that's what's going to happen. If the situation that the final situation ends up a whole different obviously we'll have to come back with a new plan. We'll have to scrap what we're doing. But right now we're just asking for a blessing so that we can go to Regency and say we can make this work if you decide to move ahead with it."

Commissioner Borries: "Well, the first thing I'd be happy to give you that blessing if our technical advisor agrees to that. But it puts us in a difficult position here because we ask him as the statutes say to be our technical advisor and I think that our evidence in terms of what we've done out there is certainly in behalf of development. But, I believe that it's got to be some kind of 50-50 here. I mean I don't at this point feel it's unreasonable for him to ask you to do what you're doing. At least to insure that in the future 25 year events and others that we're going to have enough capacity here that we don't get in a real crisis situation out there. Because you are covering a very flat area with a lot of pavement at this point and I don't know, can we wait a month on this then or not? I mean are you guys going to continue to talk on this or what's our dead line then at this point? That's what I'm trying to figure out here."

Bill Jeffers: "The earliest they could, I think today may have been the filing deadline for site review, or for a subdivision review committee for the month of June. So they might be up into August to pull "APC" right now. I don't see any rush on it from my point of view. But I am really uncomfortable about someone being able to say; look here the State Highway Commission drained all of Lloyd Expressway in front of this over to Crawford Brandeis. Historically the farmers who have farmed this have drained it all over to Crawford Brandeis. But you in all your wisdom took it over to O'Charley's. There was a Mazarde parked out there over that inlet and water got up in the cab. I don't know, call me a chicken."

Commissioner Borries: "May I ask you gentlemen to then to defer this for, I'm sorry to keep you waiting, but could we do this until June, I mean is there a deadline that you have to do it tonight? It's tough for us to come up here."

David Schminke: "I think the reason we're trying to do this premature is so that we can go ahead and get it resolved so that when the time comes we don't have this same discussion when we're under the heat."

Commissioner Tuley: "Let them come back next week. Let them meet in another week."

Commissioner Borries: "You can either do that I'm prepared to

make a motion to accept the drainage plan that goes to Crawford Brandeis Ditch, if that's going to resolve it. Because it's difficult for me as one member on this board to go against what our technical advisor has said."

David Schminke: "I understand that."

Commissioner Borries: "I'm not disputing your figures, but if we don't get a consensus here, and this guy has to advise us every month, I have a problem and I'm not disputing your word but I on the other hand we've got look the whole picture."

Bill Jeffers: "I think that you all are doing a wonderful job on Cross Pointe."

David Schminke: "Let me get something straight. That we're not disputing, we're not disputing his word. We stand behind his thoughts. No doubt about it. We realize that it was a real questionable area and the dividing line here is somewhere in the vicinity of where we are, it's not real clear cut and there's no doubt about one thing, is anything west of here, obviously has got to go to Crawford Brandeis Ditch. I don't think there's any question about that. But, you know we just felt like we were in the gray area and the developer has asked us to try to get these two (2) lots into the developed basin. So, we don't have a problem with his decision."

Commissioner Tuley: "With his recommendation?"

David Schminke: "Whatever he decides."

Commissioner Borries: "Ok, then I move that Section E, drain to what is known as the Cross Pointe, Section E, be drained to the Crawford Brandeis Ditch as outlined by the County Surveyor."

Commissioner Tuley: "Let me ask you something. Does that mean, basically in essence what we're doing is breaking down this drain, is that what we're doing?"

Commissioner Borries: "Yes."

Commissioner Mourdock: "I think you'd want to reword the motion."

Commissioner Borries: "Okay. I move that the Cross Pointe section E, drainage plan be approved."

Commissioner Mourdock: "I'll second."

Commissioner Borries: "Can we have a roll call Mr. President?"

Commissioner Tuley: "I believe we can, that one is in order. Commissioner Mourdock?"

Commissioner Mourdock: "Based upon the recommendation of the County Surveyor I'll vote no."

Commissioner Tuley: "I have to, using your words, be consistent and follow the advise of our technical advisor, I'll have to vote no."

Commissioner Borries: "Mr. President I move that, recommend that Cross Pointe Section E, drainage plan with comments added by the Surveyor's office be approved to drain to Crawford Brandeis Ditch."

Commissioner Mourdock: "I'll second."

Commissioner Tuley: "There's no roll call necessary on this one, we've got a motion and a second. The reason I'm hesitating is that you guys don't have a whole choices at this point in time unless you come back."

Commissioner Mourdock: "You mean the motion you're putting on the floor basically is kind of."

Bill Jeffers: "We'll send that to limbo."

Commissioner Mourdock: "Right."

Commissioner Borries: "And we just don't have enough time and energy to address Indiana Street and everything else tonight, but we're just trying to get this thing off the square to send you a message. I mean, it's either that or you come back next week and frankly I think we're going to have a plate full with that other one. So, I don't know if you want to sit through that."

Commissioner Mourdock: "To come back to your motion of a moment ago Rick, I don't really know that we needed that motion."

Commissioner Tuley: "I not up to us to make a motion or second motion. I don't think it is. I think our action is to either approve or disapprove of this one."

Commissioner Borries: "Okay. We've done that. Bill is there anyway we can move some of this stuff to next week? Are they going to get any tougher than this or what?"

RE: ONCOLOGY CENTER:

Bill Jeffers: "Oncology Center Drainage Plan was previously approved several years ago. But, Columbia Street is going to be extended through a portion of the subdivision and they have redesigned lot 2 for a proposed Imaging Center. And they've located a basin there to retain the excess water. And then lot 1 they have not assigned a use for lot 1 so they put a paved ditch along the south and the west line of lot 1 and carried that water out into Columbia Street as well. They need approval of this drainage plan with all the language shown on the plat so they can record this plat and issue a building permit for the Imaging Center and the Surveyor's has worked closely with Mr. Morley and reviewed all of his calculations and agrees and recommends approval of Oncology Center Subdivision as submitted."

Commissioner Borries: "I move that the Oncology Center Subdivision be approved."

Commissioner Mourdock: "I'll second."

Commissioner Tuley: "So ordered."

Bill Jeffers: "I have a claim for Asphalt for old work I'd like to submit it to the lawyer and discuss it with him as to whether we can pay that claim as presented and bring it back to you at the next meeting."

Commissioner Borries: "Okay. These other ones then relinquishment of part of drainage easement of Green River Road, and the review site drainage plan for the Outback?"

RE: NEW BUSINESS:

A. Relinquishment of Part of a Drainage Easement Green River Estates:

Bill Jeffers: "Ok, you're looking down on a house that's built on a ninety-five (95') foot wide lot. On the right hand side you see a little chimney that's five (5') foot off the right hand side lot line. That's allowed by Area Plan Commission, that's the minimum set back from a side line of a lot in a residential subdivision. The way that this house is constructed the garage on the left hand side of the drawing, the doors are out onto this concrete apron. They do not face the street. That's the way the house is designed. That requires a pullout apron so you can pull out of your garage and then drive out of the driveway and that puts the edge of your driveway within two (2"), or three (3") of the lot line. On a ninety (95') foot lot. Unfortunately the person next door to this house has the identical house and there's an eight (8') foot drainage easement over there, and so he's three (3') foot in it. The person who wants to build this house wants the same privileges of building an identical house within five (5') foot of the lot line which will require also to be three (3') foot in to the existing drainage easement. We've gone out and surveyed it, located the pipe, the pipe's within eight (8") inches of being centered right down the middle of the easement. The next few pages on what you have before you is Mrs. Loehrlein, Michelle Loehrlein efforts, she has succeeded in getting a relaxation from the Evansville Water & Sewer Utility. She has succeeded in getting a promise of relaxation from Sigeco, it's also a utility easement, TCI, Ameritech have all agreed to allow the chimney of this house to be within five (5') feet of the lot line, thereby relaxing three (3') feet of the total easement. I figure if you do it, the guy over here he did it on his own by mistake, she wants that, everybody's willing to do it for them, we ought to do it too. So I prepared an agreement to allow the relaxation of the drainage easement."

Commissioner Borries: "I move that the agreement allowing a relaxation of a drainage easement along, or in a portion of what is known as Green River Estates be approved."

Bill Jeffers: "It has conditions. And the conditions are there listed."

Commissioner Borries: "As I say, I'm."

Bill Jeffers: "Right. I'm stalling you until Alan reads them, because I don't know if they are any good or not."

Commissioner Mourdock: "That was going to be my question is; if Alan had reviewed this obviously the lady has seen it that signed it."

Bill Jeffers: "Do you have the copy of her signature?"

Commissioner Mourdock: "Yes."

Bill Jeffers: "Okay. I just got her to sign it this afternoon. And then I have an identical agreement for lot #142 which is the neighbors house. And it's identical in everything except that the description describes a three (3') foot piece over on his side. She's suppose to notify everyone that's associated with this particular easement. Then if we don't hear back from them in a month, then we will okay it next month for reopening."

Commissioner Mourdock: "With the County Attorney's blessing then I will second the previous motion."

Commissioner Tuley: "So ordered."

Commissioner Borries: "I would move that we approve an

agreement for lot #142 of Green River Estates."

Commissioner Mourdock: "I'll second."

Commissioner Tuley: "So ordered."

Bill Jeffers: "Julie just keep the signed copies and I'll take it out and have the property owner sign it too."

B. Review site Drainage Plan for Outback Steakhouse:

Bill Jeffers: Bob Cornet of the Roberts Group in Lexington, KY is asking that we allow him and his corporation to build Outback's Steakhouse, and pave the lot out over the twenty-five (25') foot drainage and utility easement, along the front line of that lot, and Cross Pointe Subdivision next to El Chico's the same as El Chico's and O'Charley's paved that twenty-five (25') foot public utility easement. In our letter recommending approval we say we have no objection for parking facilities, standard lighting, non elevated signs, and that the drainage ditch along the Lloyd Expressway will be piped and filled to construct the parking lot and the County will not be responsible for maintaining, or repairing the storm system that they install. The only recommendations we have made to them is that they should back fill that plastic pipe with flowable fill in areas where it's not covered by the asphalt. Because they intend to go back and stick a sign on top of it and other people might digging out there and hit that plastic pipe. We're just recommending that they encase it that way. We also are recommending that they not stub out on to this unplatted piece property that you just saw as Cross Pointe Section E. The reason we recommend a not stub out onto that is because it's not a platted piece of property and that stubbed into the pipe would be on a piece of land that's not in an easement and if somebody ruptured that pipe while it was full water like it has been for the last week or two that water would spill on to that land and somebody would come say to us, why did you approve it? So, we think it should be stubbed on the land that they own. If they want to give Section E, access to that pipe later, so be it. I don't they should give it to them now because they don't have a subdivision over there now. With those comments we recommend approval."

Commissioner Borries: "I move that for approval."

Commissioner Mourdock: "I'll second."

Commissioner Tuley: "So ordered."

Commissioner Borries: "Mr. President I move that we adjourn."

Commissioner Mourdock: "I'll second."

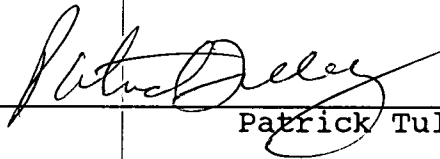
Commissioner Tuley: "So ordered."

There being no further business the meeting was adjourned at 8:54 p.m.

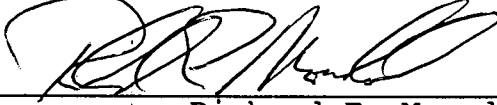
PRESENT:

President Patrick Tuley
Vice-President Richard J. Borries
Member Richard E. Mourdock
Alan Kissinger, Attorney
William Fluty, Chief Deputy Auditor

Bill Jeffers, Chief Deputy Surveyor
Julie Hinton, Secretary
Keith Poff, SiteCon, Inc.
Chris Weil, SiteCon, Inc.
Dan Buck, Dan Buck Gen. Construction, Inc.
Skip Francis, SiteCon, Inc.
Jerry Wildman, SiteCon, Inc.
Bob Bell, Home Owner
Bill Wazny, Home Owner
Ralph Taber, Home Owner
Tim Grimm, Home Owner
Michael Sanderfur, Home Owner
Daryl Helfert, Morley & Associates
Davis Schminke, Morley & Associates



Patrick Tuley, President

Richard J. Borries, Vice-President

Richard E. Mourdock, Member

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MINUTES
SPECIAL DRAINAGE BOARD MEETING
MAY 30, 1995

The Vanderburgh County Drainage Board met in session on May 30, 1995, at 7:04 p.m., in the Commissioners' Hearing Room 307, with President Patrick Tuley presiding.

Commissioner Tuley: "If we might go ahead and call this meeting to order. Special Drainage Meeting in reference to a Preliminary Drainage Plan for Knob Hill Estates Subdivision, located at Ward Road and Knob Hill Drive. I didn't realize that Mr. Jeffers wasn't here when I opened the meeting, because we do need him to be here. While we are waiting, he's been called?"

Commissioner Borries: "Julie is going to go call him."

Commissioner Tuley: "Okay. There's a lot of you here as is apparent to everybody sitting in here. We do not try to conduct closed door meetings or anything like that. We do try to limit the length of the conversation only in the fact that everybody is welcome to speak who wants to but, in the best interest to everybody in terms of time, if there's fifty (50) people in here I really wish that we wouldn't have fifty (50) people saying the same thing. Once we get into the discussion if we can add something new, something that hadn't been said, or hadn't been thought about that can be brought to the attention of everybody involved that would be helpful. We had a good discussion last week. It was conducted in a professional level in everybody's behalf. The residents there conducted themselves like ladies and gentlemen as did the representatives from the developer. And I hope the Commissioners' did so as well. We would like to do that again tonight. So we will ask for everybody who wishes to speak, because this has to be recorded to be typed out for the official record, that if you wish to speak that you do come to the microphone, state your name and your address. Comments that are made over in the corner, or back in the back somewhere, we will not be able to pick them up and they won't add a whole lot to the discussion."

Commissioner Borries: "Mr. President, I might add too, there are many residents who on this 30th day of May, we've all in this county survived the wettest May we've ever had in terms of rainfall, thirteen (13) inches plus. And I know that there are some who are concerned about the drainage problems within their area and maybe at some point we need really to divide these issues, because one of the issues before us this evening is to review this drainage plan and I know that there are others who are very concerned about the drainage in their areas. Again, I need to emphasize that we are really looking at two (2) separate items in this particular meeting this evening. So, it is important I think we consider that. I think the last time we had some suggestions concerning some ditches that could be along county right-of-way widened at some point and maintained. And we need to do a better job of that and I hope that we will be able to do that. When these swales and ditches get on private property I think that it is important for you to remember that the county cannot work on private property, and that becomes a real dilemma for us, because I will assure you in my ten (10) years on this board there is nothing more difficult to handle than water. It is really a tough problem for us. And I say sometimes the only alternatives that we would have is to shut down all development and I'm not sure you want that and certainly I don't believe that I could support that in the interest of this county. We want it to be good development. And we will work with you as best we can to work through a lot of the drainage problems in your area. It would be very helpful if you would convey some of the those concerns to our County Surveyor's office. County Surveyor is by Statute the technical advisor for this board. That's why Mr. Jeffers who we are waiting for here is by Statute or at least the County Surveyor, Mr. Bob Brenner, is our technical advisor. And that means that as we get this unenviable job from time to time of sitting on the Drainage Board in addition to being Commissioners we do ask for advice from the Surveyor's office. The other factor that

goes into this is that the County Surveyor is not an engineer, so that's why you also get the County Engineer's office involved in these processes as well, so you'll hear Mr. Jeffers from time to time refer to the County Engineer as well. Also with us this evening Mr. Mike Wathen from the Vanderburgh County Soil & Conservation Service is here. I know that he has done some inspections. Mr. Bill Jeffers is here. Welcome Bill. I have been giving a little lecture to these good folks about your role and our role and the difficulty of controlling water in various areas. And urged them to contact you in terms of getting some advice. You are our technical advisor in relation to kind of separating these issues. Not only this particular drainage problem, but also the issue of the existing drainage problems that are out in that area. But also so that we could get advice from you in a working fashion to see what we can do to help. Thank you Mr. President."

Commissioner Tuley: "Thank you Mr. Borries. Bill we will let you have the spot light first. Bring us up to date into what kind of meetings that transpired in the last week. I honestly would of hoped that tonight there would not be all this many people in here because we came to some sort of meeting of the minds. But I'm going to guess off the top of my head with all these people sitting here we haven't quite done that yet."

Person Unknown: "Does anybody here want to give the audience their home phone number?"

Commissioner Tuley: "I'm in the book."

Commissioner Borries: "Yes."

RE: KNOB HILL ESTATES:

Bill Jeffers: "The plat in front of you is for Knob Hill Estates. It's the plat that will be presented to Area Plan Commission on June 7th, should the drainage plan gain preliminary approval tonight. And that's what the developer is asking for at this time is preliminary approval, or approval for a preliminary plan for Knob Hill Estates. That would enable him to move forward to Area Plan Commission June 7th, for consideration of all the other items that the Area Plan Commission looks at besides drainage."

Commissioner Tuley: "Bill, along that note, because there is a lot more people here tonight that weren't here last week, with the New Drainage Ordinance, would you kind of walk through that process with this being a preliminary approval? The process that we go through from here."

Bill Jeffers: "Right. The reason we allow approval of a preliminary plan as opposed to a final plan, is because the Area Plan Commission is a large body of individuals representing many facets of the Evansville community. There's councilman from the city council, councilmen or women from the County Council. Commissioners. Representatives appointed by the Mayor. Representatives appointed by the County Commissioners. People from building trades, builders, civic leaders, bankers, whatever. And these people have their own expertise in their fields as well as access to technical advisors in many fields. Traffic, traffic engineer's, traffic planner's, density planner's, School Board has representatives for the safety of the school children, and the routing of the school buses, etc. The one thing that the Area Plan Commission does not have is an on staff technical with regard to drainage and they depend solely upon the Drainage Board for recommendation as to the feasibility of a drainage plan. Therefore, they will not consider any subdivision for final Area Plan Commission approval until it has gained at least approval of a preliminary drainage plan from the body here, the Drainage Board, which is made up of the three (3) County Commissioners'. The

Drainage Board...I have never seen the Drainage Board approve a plan that was not recommended by their technical advisors. Which as Mr. Borries has pointed out include representatives of the Highway Department, the County Highway Engineer, the County Surveyor's office, and the Soil Conservation Service, which is now called the Natural Resources Conservation District. They look to those technical advisors for a recommendation of approval or recommendation not to approve of any specific drainage plan that comes before them. The reason that we have preliminary or approval of a preliminary plan is because in many instances either a large subdivision or subdivision with many inherent natural problems would take such a detailed study, or a prolonged activity of the engineer representing the developer, that it's conceivable that that developer would be up around ten thousand (\$10,000.00), fifteen thousand (\$15,000.00) dollars in engineering fees before a final plan would be sufficient for approval. That may not be the case for this particular sub, but you can imagine a subdivision that had two (2) or three hundred (300) lots. Several detention basins, a half (½) a mile of roadway, or a mile (1) of roadway in it. And in all of the appurtenances to that if they had to give every little detail of every drainage facility before they got approval to go forward to Area Plan Commission they may owe that to engineering company, ten (10), or fifteen (15) thousand dollars. Then they might go forward to Area Plan Commission and for some traffic reason or density reason be denied subdivision only to...can't realize a profit on that forty (40) acre piece of ground, but they still owe ABC Engineering ten thousand (\$10,000) dollars, and we don't think that's right. So, what we've allowed in our Ordinance is the opportunity to come and ask for approval of a preliminary plan and then after Area Plan Commission approval come back with all the final details in a more costly form of a plan. A developer cannot acquire a building permit. I take that back. He can require building permit on the site without final drainage plan approval. Because each individuals track of land whether it's a subdivision or not is entitled to one (1) home. This one already has one (1) home so that takes care of that. He cannot come back for additional building permits until he has final drainage plan approval and has recorded the plat. I guess that's an efficient explanation of preliminary and final plans."

Commissioner Tuley: "Okay."

Bill Jeffers: "The bottom line is Area Plan Commission does not want to hear drainage problems, they want them all answered before it comes up there. Mr. Buck has contracted with SiteCon, Inc., and SiteCon, Inc. has presented a second report. It's called the "Revised Preliminary Drainage Report for Knob Hill Estates". They have responded to each of the issues that were addressed in the letter of insufficiency that we sent from the Surveyor's office to them. On the issue of the drainage restrictions along Pine Tree Drive and Knob Hill Drive, they say that according to the Vanderburgh County Engineering office, Knob Hill Drive and Pine Tree Drive pavements are maintained by the Vanderburgh County Highway Department. However, the storm drainage structures alongside those pavements are not currently maintained by the county. With regard to the rock retaining wall along Ward Road that's collapsing and partially blocking the ditch alongside Ward Road. They acknowledge that that's happening and offer no remedy for it at this time. And my comment is this should be addressed between now and final approval by the Highway Department as to who's responsibility and who's cost it will be to clean, restore and maintain the side ditch. So it does not adversely affect Ward Road. However, I would like to point out that's a situation that does exist and may continue to exist even after this subdivision if it gains approval is constructed. It still should be addressed by the County Highway Department. They acknowledge that current curb inlets along Knob Hill Drive are silted in due to lack of maintenance and serve little or no purpose for drainage. That's the inlet at the intersection Pine Tree and Knob Hill. And another

inlet at the entrance of a private drive that goes up to the existing home. There is no public record that these drainage structures exist or are maintained by the County. And a thorough field investigation is inconclusive as to where these inlets drain to. My comment on that is that we still need to find out if the subdivision covenants for Knob Hill Drive addressed the cost and duty of the maintenance of these, or whether it's up to the Highway Department to figure out how to fix them. The developer has committed to cleaning out the culvert, which is an eighteen inch (18") vitrified clay tile culvert under the entrance of Knob Hill Drive with it's intersection of Ward Road at the developer's cost. This was the main restriction that was addressed by the Surveyor's report of which we felt caused the runoff, whether existing, or after development runoff from passing through that eighteen inch (18") tile. Rather it went over the top of the pavement and spread across an area outside the ditch that it should remain in."

Commissioner Mourdock: "Excuse me Bill. Where was the location of that drain? Which one? Since you all couldn't see where he pointed on the map, it's at the intersection of Knob Hill and Ward Road."

Bill Jeffers: "It would be at the northeast corner of Mr. Grimm's property. Excuse me, northwest. Northwest corner of Mr. Grimm's yard. And it's the clay tile that goes under Knob Hill Drive right at the intersection of Ward Road. Again, the developer has committed with this new report to clean that out so that it will run at full capacity. The report also acknowledges that the private roadway leading up to the existing house carries runoff rapidly and unobstructed downhill and across Knob Hill Road. And he addresses that problem by planning to install diversions which would look similar to speed bumps so that the water coming down the private roadway would be diverted into the drains that he intends to build on the north side on the pavement and carry down to the detention basin at the southwest corner of the property he is developing."

Commissioner Tuley: "Bill are you talking about the detention basin II now?"

Bill Jeffers: "(Referring to the map) Building speed bumps here so the water coming down here would be cast over to the basin shaded green." (Basin III @ S.W. corner Lot 4)

Commissioner Mourdock: "So, literally they would be speed bumps on the private drive?"

Bill Jeffers: "In essence they would look like speed bumps, asphalt speed bumps on the surface of the asphalt private road. That's what they would look like. Their purpose actually would be to divert surface water traveling down the roadway into the basin. Vanderburgh County Surveyor's comment on that particular idea is that we would much rather see a trench drain across the entire roadway, private roadway surface. A trench drain would be substantially more expensive than the so called speed bumps. Four (4) maybe five (5) thousand dollars is what it would cost. However, we would feel it would serve much better than speed bumps which could be altered or removed. And that's an issue we feel needs to be resolved between now and the time that the final drainage plan is presented. The engineer for the SiteCon has stated that he used the rational method to compute the storm water runoff, and that the post development controlled peak release rate storm water from the basins, he now has two (2) basins, one of each. One at the southeast corner of the subdivision and one at the southwest corner of the subdivision. The post development control peak rate of runoff during a twenty-five (25) year return periods storm event from the entire project is designed not to exceed the peak release rate during a ten (10) year return period storm event from the same land area in it's existing condition. If that statement on the part of the engineer is true, and if his calculations pan out, then the

design engineer has met with the requirement of the Drainage Ordinance with regard to allowable discharge of excess storm water. In the layman's terms; if the engineer has provided mathematic calculations that prove that the basins he has designed will release a twenty-five (25) year storm such as occurred two weeks ago at a lower rate equal to the discharge from a ten (10) year event which is much milder event, then he has met the requirements of the Drainage Ordinance. That flow is measured in cubic feet per second, and what you do is you hold it in the basin and choke it down through a smaller pipe discharging it back out into the ditch, or onto the surface of the road at a slower rate so that the downstream facilities can handle it pretty much the same as they handle it today. We know that does not cure all of the problems that have been put in place. All the obstructions that have been put in place downstream of this site."

Steve Bohrer: "Steve Bohrer, 2708 Pine Tree Drive. Okay now say what he is going to have for a ten (10) year storm versus the twenty-five (25) year storm. He sounded like the first time he was talking about if he can make a twenty-five (25) year storm appear like a ten (10) year storm, or is he going to make a ten (10) year storm appear like a twenty-five? Which way is it going to be that he has to meet the requirements for?"

Commissioner Mourdock: "The first way you just said it. It's definitely what Bill was saying. If there's nothing done on the property."

Steve Bohrer: "There's nothing done right now. And if a twenty-five (25) year storm hits when he get's done, it's going to be equivalent of a ten (10) year storm when he get's it or is it flip flopped?"

Commissioner Mourdock: "I think you said that right."

Commissioner Borries: "That's right. That's right."

Steve Bohrer: "That's right. So actually he's going to make that better than what it is right now. Nothing was touched. We're going to have less water coming down when he get's done. Right?"

All the Commissioners' replied yes.

Bill Jeffers: "The Vanderburgh County Drainage Ordinance which was adopted in 1994, established a release rate. The post development controlled peak release rate of storm water during a twenty-five (25) year storm from a project shall not exceed the peak release rate during a ten (10) year storm from the same land area prior to it's development. So, what that means is after they developed this land and put additional homes and driveways on it, then if we have a twenty-five (25) year storm on that land at that location, the peak release rate from that twenty-five (25) year storm shall not be, the rate of release shall not be higher than the rate of release from a ten (10) year storm prior to the development without the houses. That forces the detention of storm water on site and it forces the developer to release that stored volume of water through a pipe or a structure at a lower rate over a longer period of time. If there is an increase volume of water collected there, yes there's more water over a longer period of time, but it's at a lower rate, so that if the ditches are sufficient to handle a ten (10) year storm from the point of release all the way down to Pigeon Creek. Since we're releasing it at a lower rate the ditches should handle it. It shouldn't be any worse than it is today at any particular moment in time during the storm or after the storms completed. If the calculations are correct then the engineer has met the requirements of the Ordinance."

Commissioner Tuley: "Bill, just for clarification. You strongly

used that word "if" several times here. Have you not had time to check the calculations yourself up to this point?"

Bill Jeffers: "Yes I checked the calculations prior to coming to the meeting."

Commissioner Tuley: "Okay."

Bill Jeffers: "I'm just going through his synopsis right now."

Commissioner Tuley: "Okay."

Bill Jeffers: "For simplicity the engineer assumed that all developed areas would be two (2%) to five (5%) percent grade before or after development. And that's beneficial because it shows less pre-development runoff and restricts him further on his post development runoff. That's for the homesites. He will not have a basin in drainage area #1, which is composed of basically lot 1 with the existing house, because there's no anticipated additional hard surface to be applied up there. All that water flows northwardly along Knob Hill Drive and down to the lake. Area #2, which is basically part of lot 1, that flows to the south. And all of lot 2 and a very small portion of lot 3 will flow into what's being called basin #2 at the southeast corner of lot 2. That's at the intersection of Knob Hill and Pine Tree. And then basin #3, is over at the southwest corner of lot 4, and it will take all the water off of lot 4, 5, and 6, and any off site upstream water that's coming from on up north on Ward Road. So that's your two (2) basins. In the controversial basin which is basin #3, for which there were objections last time, he still plans to take the water from along side Ward Road. The off site water and channel it through that basin using a pipe rather than an open ditch this time. The reason for changing to a pipe is that he is convinced now that the hillside is too steep to put a channel in and it's going to require a pipe. In that regard we're asking for it in the final drainage plan. We're asking for detail bedding plans, detailed inlet, outlet elevations, and an agreement with the Vanderburgh County Highway Department, formulated by the Vanderburgh County Highway Engineer for the use and maintenance of that portion of the right-of-way for Ward Road that will house that pipe and that ditch structure to bring it into the pond. In other words we don't want to assume on Vanderburgh County any responsibility for maintaining a pipe structure and diversion channel to bring that water in off his development, back in onto his development and through the pond. The Highway Engineer unfortunately could not be here tonight due to an illness. But, I have heard that he is working on coming up with an agreement with the developer on the use of the right-of-way and the maintenance of half of the developers expense. For subsequently the property owner's expense after the lot is sold, with regard to the drainage area that flows north and northeasterly off of the existing homesite in lot 1, down along the north and northeast side of Knob Hill to the north and eventually into the lake. This would be in the direction that Mrs. Schlottman and other persons who have called. The developer has committed to clean the entire system from the northeast corner of his subdivision all the way down to the lake. And that would only be the portion of the system that carries water from his northeast corner to the lake. He's not going to go up in anybody's yards up the hill or anything. He's just going to follow the trail of his water from his northeast corner of his subdivision, down to the lake and if there are any obstructions or cleaning necessary he's committing to do that. Excuse me, he's committing to do that if it is determined not to be the responsibility of the knob Hill Homeowner's Association. Then the developer will commit to that. There's still some question as to whether Knob Hill Homeowner's Association has any responsibility for cleaning these various drainage systems throughout the subdivision. I thought I had addressed that earlier. I've asked several homeowners if they've seen any of those restrictions and

I've asked people who have lived out there for fifteen (15), twenty (20) years and they're unaware of any responsibility on the part of the homeowners to maintain any of the drainage system other than the lake itself. If that turns out to be the case that the Knob Hill Homeowner's Association does not have any responsibility for cleaning the drainage system, the Buck Developers commit to clean it where needed."

Commissioner Mourdock: "Excuse me Bill, is that commitment then, is that one (1) time during the construction phase or is that something your committing to longer to?"

Dan Buck: "One (1) time."

Commissioner Mourdock: "Okay."

Bill Jeffers: "Detention Basin #2, which is the basin at the southeast corner of lot 2, basically across the street from Sandefur's, Carlisle's and Bohrer's will be a triangular shaped dry basin with a long spillway, to provide sheet flow as an emergency release very similar to the sheet flow that occurs at that point now. The side slopes will be a maximum of four (4) to one (1) in steepness so that they may be mowed by a riding lawn mower. Intercept swales will feed the basin by intercepting water from the biggest part of lot 2 and carrying it into the basin. (referring to map) What they're going to do is to intercept swales in this direction to direct the water down into the triangular shape basin, and the overflow will be all at once your very thin sheet will pass over the top of the berm and go down into the street the same way it comes off the yard now."

Commissioner Mourdock: "And since it's a dry basin, I take it your thinking is that there would not be any kind of drainage pipe or culvert coming out of that?"

Bill Jeffers: "There will be one small pipe coming out of that that would again discharge the amount of water calculated to be discharged during a ten (10) year event directly into that drop structure. Anything over that will sheet over the top of that spillway and occur as sheet drainage."

Commissioner Mourdock: "So that pipe...then they would have to make a road cut going under the road with that pipe?"

Bill Jeffers: "We haven't gotten to that. There have been several statements made that there's a possibility that that basin is connected to a pipe that does go underneath the road and discharge down onto Pine Tree Drive. Although that has not been discovered. There's been a statement made by a member of the neighborhood that they might be interested in having that water directed down into the lake so that the lake would have a greater water supply during dry spells, because there's a feeling that there's more water needed in the lake. That would require easements, and offsite work down through private property. None of this has been negotiated at this time. My personal feeling, my recommendation as a technical advisor to you is to investigate the possibility of the Highway Department going down Pine Tree Drive and restoring the drainage ditches that use to exist along each side of Pine Tree Drive. I have aerial photographs from 1969 that show that there were ditches on each side of Pine Tree Drive which subsequently have been piped or filled in by the property owners. This is not an uncommon occurrence throughout the county that a property owner with this type of roadway has no curb and gutter. It has side shoulders and side ditches. Ditches are not easy to maintain. There a pain in the tail to maintain. Therefore, it's very common for property owners to, with the advice or with help from the Highway Department as to sizing the pipe, installing the pipe and covering it with dirt that's acquired from other ditch projects throughout the county. Very common for property owners to fill these ditches with pipe and

grade the yard right flat out to the edge of pavement. It's not uncommon. When you have the advice and the consent of the Highway Department, it's legal. And generally it works well. And everyone is happy. When somebody just does a pirate operation where they roll a pipe out in the ditch, they don't find out what the adequate size would be and they backfill it in any manner possible. And they don't provide inlets spaced out adequately to take in surface water. The roadway which in the case of Pine Tree Drive has been paved so many times that the roadway now probably is four (4) to six (6) inches higher than it was in 1969. And the yards come right down to the edge of the pavement and there's no inlets to capture any surface water what soever. Some inlets exist. Most of them don't have them. There are not adequate inlets out there to capture all of the surface water, therefore it runs across the surface of the yards, across the pavements, into the next neighbor's yard, across his yard or her yard, and up against the foundation of the houses. If it was due to bad planning on the part of the highway engineer or the highway crew then they can point a finger to us. But when they call us and complain about it and we go out there and find out the it's some moonlight operation or that it was engineered in all good intentions by someone that didn't know what they were doing. Our only recommendation is is to dig it up and start over again and do it right the second time. This condition is not isolated on Knob Hill Road. As I said; it's a condition that's prevalent throughout Vanderburgh County and I'm sure other counties. No one wants to mow a ditch. Can't do it with a riding lawn mower. I wouldn't want to mow a ditch. But unless you provide adequate inlets and keep those inlets open, your going to have sheet flow right across the top of the yards and across the roads into your neighbors yards. And these photographs from 1969 show clearly defined ditches all along Pine Tree Drive and Knob Hill Road and through the area right here (referring to map) which used to be Anthony Estates. As a matter of fact if you hold that up to the light, because here's 1991, you hold that up to the light you'll see that the natural water course is right down the middle of Anthony Drive. All of this water use to come down this side ditch for Ward Road and then down Anthony Drive. Or it came down the side ditches from Pine Tree until it arrived at what is now Oak Ridge Subdivision. Where there is a forty-two (42") inch pipe that collects that water and carries it to Firlick Creek. Now if an eighteen (18") inch pipe up here at Knob Hill Drive and a forty-two (42") inch pipe down here at Oak Ridge Place, how in the world did anyone decide that twelve (12") inch pipes would do in between? So that's what I based my cruel assessment on is that there are not sufficient pipes under the driveways, or in the front yards and they are not sufficient inlets to pick up this water. Therefore we must and it is our responsibility to see to it that these detention basins hold that additional flow of water that would be created by these new roof tops and discharge it at a slower rate. Otherwise we are negligent in proceeding any further. So, that takes us to the calculations. The developer's engineer has used the runoff coefficients dictated by the Ordinance found on page 81. Has used the rainfall chart provided by Purdue University, which is also a part of our Ordinance. Which indicates how many inches per hour the rain would fall during a ten (10) year event, soforth. And he has computer generated, I guess you call them nomographs, something like that. He has these computer generated what we call Form 800, which is just basically dictated by the Herpic manual that comes out of Purdue to show what the rate of rainfall would be on a undeveloped piece of ground during a ten (10) year event and then what it would be during a twenty-five year event after the homes are in place. That gives you an increased volume that has to be stored in that basin and an allowable rate of discharge from the basin to meet the requirements of the Ordinance. In the case of basin #2, which is on lot 2 directly across the street from Mr. Sandefur, the allowable rate of discharge is 2.4 and depending on if you round it off it's either 2.43 or 2.42 cubic feet per second. That's the allowable rate of discharge. Using that allowable rate

of discharge on this form it shows a required storage of 327 cubic feet at the peak. The peak would occur at ten minutes into the storm. And the basin that was designed for that location will store approximately 1,000 cubic feet, which is 306 percent or three times greater than the required rate of storage. So this basin is over designed by 300 percent approximately or it's three times larger than it would be required to be under our Ordinance. For the basin located at, we're calling it basin #3, which is at the southwest corner of lot 4 across the street from the Grimm's. The allowable rate of discharge is again depending on how you round it off, 9.32 cubic feet per second or 9., well that's how I rounded it off too, so we're in agreement there. 9.32 cubic feet per second for a ten (10) year storm. Twenty-five (25) year storm would discharge 11.5 cubic feet per second. So the storage rate using 9.32 as the outflow rate gives you a required 2,709 cubic feet of storage. And it's actual holding capacity at peak storage is 3,588 cubic feet. Which is approximately 130% of required storage or about $\frac{1}{3}$ greater storage than required at that point. Any issues that the Vanderburgh County Surveyor's office has with this drainage plan are very technical in nature except for the trench drain which we think is absolutely the best way to go. We may be out argued on that. The engineer may be able to prove that he can construct a speed bump type diversion that would be adequate however, at this time we are strongly in favor of a trench drain to capture all of the water coming off there. It's our understanding that if he's granted preliminary approval tonight for approval of a preliminary plan that he intends to come back for approval of a final drainage plan in sections. And the way this would be sectioned off would be; section one would be lot 4, 5 and 6. Which his intentions is to market as quickly as possible for three (3) homes. If he is able to obtain final drainage approval on those three (3) lots as section one, he would be able to record that section of his subdivision and acquire building permits for lots 4, 5 and 6. He has basically committed preliminarily to install the drainage basin on lot 4 before initiating construction on any of those three (3) lots. He's declared his intention to not come back for an extended period of time for any final approval of lots 2 and 3."

Mike Sandefur: "Mike Sanderfur of 2425 Knob Hill. Bill can you tell what extended period would be?"

Bill Jeffers: "No I cannot. That would have to be answered by the developer. Out in the field it was, "as long I'm alive". Okay? Mr. Al Buck, is that correct? Mr. Al Buck said; as long as I'm alive I intend to live in this house and I don't want to see any houses built in that area down there which I intend to maintain as my front lawn. I'm paraphrasing him, but that's about what he said in front of me and others here including Mr. Sandefur. Mr. Dan Buck said; "if I move into the house after my dad moves out or has passed away, I don't intend to see any houses built down there or I don't want any houses built down there". However, I'm not nearly as much as a business man as some people here in the audience. I have a very small business, but as a business person if someone came up to me and offered thirty-two thousand (\$32,000.00) dollars for lot 2, I'd have a hard time reminding myself I said that. And I would probably proceed immediately to record that section and sell that lot if I were unable to sell the other three (3) lots over here and I could sell this lot to offset my cost, yes I would do it. People are entitled to change their mind. I do so frequently. Mr. Buck is entitled to say; okay, I don't want to live here anymore, and move away. And the next person could come in and get a final drainage plan approved. That's what the concerns that Mr. Sandefur is raising by his question. And I understand them because anybody here in the audience would do the same thing when put in a certain financial position of, I could sell this lot right now and I'm having a heck of time selling these three (3) over here. But the fact remains that he would have to come back with a final drainage plan and get final drainage plan approval prior to recording section II, which would be made up of lots 1, 2 and 3."

Until we got final approval on that section he couldn't get a building permit. The other issues we would like to pursue if Mr. Buck is granted preliminary approval tonight would be on the final drainage plan we would like to see a clearly, he's done so here to some extent, but I would like to see an explicitly and clearly delineated area on lot 6, which Mike Wathen and I both considered to be a natural spring and/or springs with an attached pond of some sort that that spring water gathers in. We feel that's an impacted area that's located on lot 6 and that any filling of it crossing of it with a driveway, building on top of it with any kind of structure what soever, you would have to have a very detailed engineered plan as to how you're going to build that so that it didn't become a nightmare for the homeowner if it happened to be under his driveway or under a swimming pool or a cabana or what have you. They have delineated that pond and that spring on the preliminary plan, but I would like to see a very clearly delineated area with concise language warning the potential buyer and alerting him as to the need for an engineered drainage plans specifically for that lot. There is an area up near the northeast corner of lot 6, which is suitable for a building site if it is carefully selected and carefully excavated. And there is a way to bring a driveway out along the north line of lot 6 on the Ward Road. And if it's done properly in such a way that it would not impede the flow of storm water down along Ward Road. So having said all of that there is sufficient data which I have checked the calculations, attached that data and comments made. There are sufficient comments made by the developer and his engineers for the Vanderburgh County Surveyor's office to recommend approval of a preliminary plan so that this subdivision may go forward to Area Plan Commission with the expectation and requirement that any part of it whether it be Phase I, Phase II, or the whole thing, must come back with a fully detailed drainage plan in accordance with the requirements for a final drainage plan to be presented to you before any part of this subdivision may be recorded and building permits acquired for new homes on these sites."

Commissioner Tuley: "There's several people I'm sure chopping at the bit here Bill, but I want to hear from the other technical advisors and then we'll get into the homeowners. Mike Wathen would you?"

Mike Wathen: "My name is Mike Wathen. I represent the Vanderburgh County Soil & Water Conservation District. I was just handed this at 6:30. To be honest with you I really haven't had any time to go out there and look at it. I made every attempt to today to try to run one of these down. From what I understand it was not made available until just probably before the meeting. I have went out there and looked at it with a couple of the residents. Some comments that I'll make real brief. In regard to erosion control a lot of it is fairly steep 10% or greater as shown on the map. There is going to be a need for erosion control. Particularly during construction time. I don't know if there are going to be any basements in any of the houses. That would be something to look at not only from the erosion stand point. But the soil type out there from what Bill Jeffers and I can gather lends itself to a winter spring real bad. And then it's got a lot of seep water. Now we found one I'm not sure the name of the road Bill, but it's the one that we run basically north and south."

Bill Jeffers: "That's the one on lot 6."

Mike Wathen: "Okay. Up at that corner there's a fair amount of water coming out of that hill and the only thing that I can account for is a winter spring. I couldn't come up with any other explanation and we looked it over pretty good. At any rate that would indicate to me that the soil type lends itself to certainly being careful with as far as putting in basements. Putting in curbs and drains and that type of thing to make sure that you only have

the drainage problems not only on the surface of the yard but the subsurface water which would affect the basement. As far as preliminary approval I think what our feelings would be and I haven't really had a chance to talk with the other staff members of the office. And like I said I wasn't given this until just before the meeting. I'd like to look over it and give it a glance. Bill hasn't said anything that I disagree with. At the same time though I'd like to walk over it. And when I walked over it initially I did not go downstream. And I would like to go downstream a little bit farther and look at where some of the water is ultimately going to end up. I also wouldn't mind walking out there when it's not raining. It was raining the last time I was there and I would like to see what that hill looks like when it's not raining. In the event that it is given preliminary approval, I think the erosion concerns for some need to be addressed definitely. Whether it's given preliminary or not. I think Bill's pretty much addressed the main concerns that we are ultimately going to have all (inaudible) for us drainage part of it."

Commissioner Tuley: "Mike let me ask you this. We'll play "what if". If preliminary approval is given tonight, the condition of that was that you have at least a week to receive and review a final drainage plan prior to the night they want to be heard. Is that sufficient time? I know you keep a pretty tight schedule."

Mike Wathen: "The schedule I've got right now it's...I would do the best I could. I would give it that. I wouldn't want to make any commitment. I scheduled somebody for August today. I'll put it this way. If that is what it would be based on and holding everybody up, I would do what I could and to work the schedule in such a way that it would be assessable. I tried to be assessable this evening by getting here a half hour early. But, it's just not enough time to do it."

Commissioner Tuley: "Okay. Do you have any more comments that you want to add?"

Mike Wathen: "No."

Commissioner Tuley: "Okay. Thanks Mike."

Commissioner Borries: "Thanks Mike."

Commissioner Tuley: "Tom Goodman from the County Engineer's office is here."

Tom Goodman: "Good evening. I'm Tom Goodman representing the County Engineer's office. First of all we got notice of this last week ourself and spent a couple of hours with representatives from SiteCon and a few neighbors on Anthony Drive. Also looking at that problem there which they have just as bad a problem. I don't know if there is a simple solution to this like right away. But, Bill has pretty much addressed everything as far as the development. Which our concern is we also want to look at the offsite drainage. Because we've walked all the way down Pine Tree Drive and it seems like water just dumps into the drainage easement into another development called Oak Ridge. And we need to make sure that everything will work out there also. So there's several other issues that still need to be looked at as far as the drainage in that area."

Commissioner Borries: "Tom if the Highway Department were able to do so, and I think Bill Jeffers had mentioned this in his remarks as a separate issue from what we're considering here this evening. Would the engineers be available, or the engineer's office be available to suggest to those persons out there who may have pipes along certain drainage easements that may not be the proper size, can we make recommendations out there and be able to do this? To resolve some of the other problems that you're referring to at this

point?"

Tom Goodman: "I think there are some areas. Of course there is a drainage ditch directly on the north line of the Anthony Acres Sub., which we couldn't find an easement for. But, there is water diverted on that north sub line and then between two (2) lots in that sub. And all that is buried between the two (2) lots. It use to be an open ditch I believe years ago. I don't think we have a problem with our staff recommending sizing of the pipes, because I understand there are undersize pipes that are buried out there. When they were put in I couldn't tell you. I don't know if it's the previous property owners or the present. It's hard to tell because this has been an on going thing for several years. But we could definitely come up with some proper sizing of pipes. I think that's something that needs to be addressed, because that's the problem further down, is a lot of undersized pipes."

Commissioner Tuley: "Okay Tom. Hang around would you please?"

Tom Goodman: "Sure."

Commissioner Tuley: "I think at this time that we start to open it up to the homeowners. I know last week that Mr. Sandefur and Mr. Grimm kind of was the representatives for the property owners around that area. There were several others of you here, but they seemed to take the lead roll so to speak, so I think I'm going to start with either one of those two at this time."

Tim Grimm: "My name is Tim Grimm. I reside at 2401 Knob Hill Drive. I spoke at length last week prior or to the Commissioners' and as a result of that meeting we had a compromise meeting at the site with the developer. I have to apologize your opening statements where; "I can't believe we have this many people here tonight." Well as, a result of that compromise meeting things in several peoples eyes from the neighborhood went from bad to worse. And that's why it resulted in a larger representation here tonight. In fact it's five (5) different neighborhoods that are here tonight. We have people here from Anthony's Drive. We have people here from Ward Road. We have people here from Knob Hill Drive. We have people here from Pine Tree. We have people here from Oak Ridge. You've already heard your own experts discuss all of the different areas that are impacted. People from all of those areas are here tonight with the desire to speak out about some of the things that they've heard. This happens when you start redirecting and rerouting flows of historic drainage patterns from the top of a twenty-five (25) year old developed area. Everybody at the bottom of that area is going to end up hearing or having problems with where that water is going to go. If it's going to go somewhere that it went before. When we spoke with the developer with regard to possible compromises, such questions did come up as the runoff of water into the near by pond on Knob Hill Drive. Questions did come up regarding the increasing of the size of the Ward Road East Ditch. Questions came up with regard to diverting the flow off of lots 2 and 3 somewhere other than the detention basin in front of my house. Questions came up as far as making this a discussion of only lots 4, 5 and 6 without any plan being done on 2 and 3, or perhaps dividing them into two (2) complete and separate drainage plans. We felt like we asked for some compromises that we didn't exactly hear any move to compromise on. You're still presented with a plan that involves all five (5) or six (6) lots. One of those lots is already developed. But it still involves all six lots. It still involves detention basins. In fact now it involves more detention basins. It still involves redirected flows of drainage water. When we speak about redirecting flows, principally your going to find that most of the people that are here tonight are worried about the flow off of lots 2 and 3. The developers attempted to address by adding a detention basin which none of us were aware of until we heard it from Bill Jeffers this evening. The developer thinks this is about

houses. He thinks that nobody wants to look at houses on those lots. If that's the case I cannot understand why there is so many people here who can't even see those lots from their home. This story is about drainage. This argument tonight is about water and where it goes. By the developer's own initial survey, as best I could read it as a layman. It was concerned with flow, because the Ordinances are written about flow. And from what I saw they were discussing a flow of 11, or 14 some odd cubic feet per second coming from the whole thing and ending up in front of my house. And some portion of that was represented as the flow of lots 2 and 3. That figure of flow off of lots 2 and 3 represented about a 1/3 of the flow from the development. So the best I understood it we were talking about redirecting the...approximately a 1/3 of the flow from lots 2 and 3 to a gathering point in front of my house. Now as best I understand it we're talking about the flow that would normally occur as a sheet off of lots 2 and 3, where there is no curb, I know that at our site compromise meeting with them they kept referring to a three (3") inch tall curb on either the south or the north side of Knob Hill Drive across from lots 2 and 3. I just walked that Saturday. There are no curbs on either side of lots 2 and 3. So, the flow that normally goes across lots 2 and 3 goes across Sandefur's is handled by the landscaping on his house to divert the flow down behind him across the people then ultimately ending up in Anthony's Drive. As best I understand it what we've heard tonight that sheet flow will be redirected to a basin at the intersection of Pine Tree and then as best I call it Mr. Jeffers said was, we haven't decided yet whether it will go into a ditch or on a surface of the road at Pine Tree Drive. Later we heard that the questions that the Surveyor had with regard to this current proposal were very technical in nature. The question where does the water from storage basin go, storage basin #2 at the intersection of Pine Tree and Knob Hill? Where does it go? Doesn't strike me as a very technical question in nature. Some of the initial concerns that I had with this entire development plan were with regards to detention basins. Now I have two (2) of them. They were with regard to the maintenance, the size, the location, the say the desirability of any having basins. Immediately following this meeting and during the compromise meeting that we had at the site, or immediately following the meeting we had a week ago, and at the compromise meeting that we had at the site, I asked the developer where I could go look at a dry bottomed detention basin that they had constructed. I had received assurances from the County that I didn't have many worries with regard to the development, but or the drainage that this developer had produced. Unfortunately he was not able to point out one to me that he had ever built before. I know they must be simple because everybody talks about them like they're simple, but I haven't had the opportunity to go look at a Buck constructed dry bottom storage basin. If that's the case I wonder if that's because they're not normally considered as a dryable item or perhaps they're more difficult to keep dry than what's currently being told to me. I don't have any answers for that. I only have questions with regards to those. During the compromise meeting tempers tended to flare from time to time because it wasn't conducted at all times in as civil a manner as what this meeting is being conducted this evening. But we were struck by the lack of compromise that we felt we were greeted with. Only because at every opportunity to bring up compromise we heard how it was not the best way; that the developers way was the best way. We heard comments like "well if you don't like this we can always put up a ten thousand (10,000.00) square foot pole barn. How would you like that?" That didn't seem to strike a particularly harmonious note with those of us that were there. At one point there was the question, "Well we'll just drop it and what they acknowledge to be a dead end storage or a dead end drain right at the corner of Knob Hill and Pine Tree and let the Neighborhood Association take care of it. It will be their problem then." All of those statements lead us to believe that perhaps there was no common good solution to this. We worry about the maintenance of those basins and we've heard here last week and we heard at the compromise meeting from

Mr. Buck, the property owner, that he intended to live there at that site. And he wouldn't let anything be bad to look at. He wouldn't let anything be there bad for the neighborhood. His manner of assuring us this was, or reassuring us with this regard was to notify us that in the thirteen (13) different neighborhoods he lived in over the course of his adult life, he'd never left any of them in a bad way. We seem to think that an indicator he was going to take on a fourteenth (14) neighborhood to live in might be an indication of his that this was not what we would consider a permanent arrangement on his part. He did not state anything otherwise, we just took that number to be representative of itself. The initial plan as it was put before us represented a flow of seven (7') cubic feet per second exiting the storage the detention basin in front of my house. It was represented as a good thing for the neighborhood that the flow was being reduced down that ditch to that point. Now it's being represented as something at 9.32 cubic feet per second as the normal, as the peak rate of flow through that, or out of that detention basin and into the ditch. Does that mean that this plan is by that percentage less acceptable than the original plan that was represented for the people that live along Ward Road East Ditch? I continue to have questions with regard to the desirability, the size, the location, the safety and the maintenance of that basin in the years to come. I have question about redirecting the flow of water off of lots 2 and 3 and dumping it onto the exposed surface of Pine Tree. I have difficulty in you all approving this for a preliminary plan before any of those questions are answered to anyone's satisfaction here. Appreciate your concern with this matter and willingness to hear and find a mutually amicable agreement. To me it begins to look more and more apparent like either of two solutions come to mind. One of those was your own Surveyor, your technical advisor who initially with regard to this project advised you that almost all of the drainage problems that we were discussing here would go away if there were only three (3) lots and they were terraced in such a fashion that the water would be slowed down as it removed from that hill. Or perhaps let's just not build on that hill. That's not necessarily a bad thing. Considering that there are so many neighborhoods built around this hill that is going to receive the water from it if you allow them to redirect and reroute the drainage problem. Thank you sir."

Keith Poff: "My name is Keith Poff. I'm project engineer with SiteCon Incorporated. The revised plan that we have put together and it is before this body now, addressed some requests made by the remonstrators. One of those was to send the water in the natural direction that it currently goes. We did that. That is why there was a basin on lot 2. To take the natural water and leave it where it's going to. Secondly, the broad crested spillway that we're using, there is a control pipe outlet that takes that basin #2 directly into the curb in it. That broad crested spillway was across from Mr. Sandefur. And Mr. Sandefur was the individual that we were talking to at the compromise meeting who, I mean we were discussing with him that a basin was going to be placed there. How would he like to see it? His opinion was, "I want to see sheet flow greater than a spillway flow", but you usually have ten foot (10') width. Well we accommodated that and that's what's on this plan."

Commissioner Mourdock: "Excuse me Keith if you would, I have a question for you on that subject. I had scribbled a note on here and I've made the comment when Bill Jeffers was at the microphone that coming off of the detention basin, it does not show a pipe or culvert. And he added that below the discharge area where the sheet flow would come across, it would have to be piped so that it's not constantly water. So it truly is a dry basin. If there is a pipe coming through, are you going to make a road cut to lead that down through there?"

Keith Poff: "It's behind the street pavement."

Commissioner Mourdock: "It's what? I'm sorry."

Keith Poff: "It's behind the street pavement. This bold line represents the storage pool elevation. You would have constant release in the situation that we exceed this volume. It spills from here all the way to there."

Commissioner Mourdock: "Right. I understand."

Keith Poff: "This is the pipe control, and outlet connects to that end. This is the edge of the pavement. This is all grass."

Commissioner Mourdock: "Okay. Which edge? Where's the other edge of the pavement? Okay, there it is. Okay, so it's going into a culvert here, and from there it is going underneath the road."

Commissioner Tuley: "So it's just a hole in the ground that collects water? I don't mean to be so simple minded about it."

Keith Poff: "As far as we can tell, yes. Doesn't seem to be installed with an outlet. Clay pipe. Twelve inch (12") clay pipe coming in from a yard that's natural graded this way, and natural graded that way. There's four (4) inch line coming to the west. That is one location that we do not know very much."

Mike Sandefur: "Mike Sandefur, I reside at 2425 Knob Hill Drive. That's lot 36 directly south of lots 2 and 3."

Commissioner Tuley: "Folks please give everybody the same attention that you were given. Please."

Mike Sandefur: "I've got a couple of comments here. One of them that actually addresses the old plan. I've got some copies here I'd like to pass out in regards to that. And even though it addresses the old plan, it addresses the plans here that's a very important point. The point is is that this original plan we were able to get ahold of it the constituents of Knob Hill, and so forth about seven (7) days before this, and we weren't really able to look at this. We weren't able to digest, and understand what's going on, so we were kind of left in the dark. And the remonstrators all commented to Mr. Borries that they weren't happy with the fast pace this thing was going. In response to that we turned around, and eight (8) days later had a special drainage board meeting, and here we are tonight, and nobody knows anything about this drainage plan. That's the first time I've looked at it, so it's all new to me. But, I would like to point out something about the old one. The old drainage plan indicated that from the drainage basin which was the only drainage basin on the corner of Ward, and Knob Hill Road that it was going to leave at a maximum rate of 7.0 cubic feet per second. Well, I started looking at the numbers, and doing some calculations, (that will be the third paragraph down). What it indicates is that that wasn't really true. They used the 7 cubic foot per second as the discharge rate, but then later in the calculations they used 11.45 as the discharge rate, and let the drainage basin have a 7.0 cubic foot per second. So, essentially between the offsite runoff, and the runoff coming from lots 2, 3, 4, and actually 6. They proposed a twenty-one hundred, and forty-two cubic foot detention basin when actually a seven thousand square foot cubic foot detention basin was required. So, I just want to point out that's one reason I think that it's really important that people get a chance to look at these. I haven't looked at this one. It may be a 100% right. But, it took me over a week to get the assistance I needed to look at this, and I'd like that same opportunity again. There were numerous other mistakes, but that's the major one. There were several others that shouldn't have been, but in my opinion the plan should have been laughed out of this office anyway. In regards to further communications I spoke with Indianapolis. And this is a very delicate hill they're building on, simply because of the erosion factors. The drainage

factors associated with that. It's going to impact five (5) neighborhoods. Some worse than others. And one thing that Indianapolis has is they use a storm event for a one hundred (100) year storm event, and a ten (10) year discharge. So they don't have the same problems because they addressed some in the beginning. And perhaps we should look at this subdivision as a problem child. Perhaps the standards that we're trying to put it to aren't correct. Thirdly, I would like to discuss some of my concerns on lots 2, and 3. The engineer would have you think that I was the one that proposed that basin. My statement was; I don't have drainage problems now. And I made that clear at the last meeting that it comes down the hill, comes across the road, a sheet flow. Goes into a well designed swale, and goes around the house. So I don't have problems. I don't have any drainage problems. Okay? I had one during this major event in which a driveway cut across, and that was a problem. Okay? But, I like the way the water flows now at my place. I don't have a problem. Other people below me do, I'm sure. But, what I do have concern with is erosion problems. And I have had no assurance whatsoever regarding erosion problems. I put together some rough calculations here, and there's some assumptions, and estimates made here. But, basically I look at what's normal erosion on a grass waterway, and if we look at #2 there, what we see is just a normal erosion on that hill with no development there. That basin is going to accumulate (97) cubic foot a year of sedimentation. Vegetation, and sedimentation basically. Then we look down at #3. We look at those set of numbers there. And what I've done there I've taken acreage, and I had to make some assumptions there because I didn't have the plan, and I didn't know what was going on, but I was suspect of it. What we have there is a hundred, and twenty (120) tons per year, per acre potential erosion if that site is disturb. And each one of those lots have fifty percent (50%) disturbed soil on it. And in that calculation takes into the fact that it's only one quarter of the year. Okay, one quarter of the year, fifty percent (50%) of the lot disturbed. Okay at that point there could be the potential on an average. Now this is an average. This is not a peak, or a low of four hundred, and seven (407) cubic feet of mud coming down that hill. Okay. Now what you have to understand is that as this rainfall increases the energy within that rainfall coming down the hill increases, so you could actually have an increase of five fold in that. So, basically during that period you could have as much as two thousand (2,000) cubic feet of mud coming down that hill."

Keith Poff: (Inaudible due to not approaching podium)

Mike Sandefur: "No, no. That's with half the lot disturbed. Half of both lots disturbed."

Keith Poff: "Is that existing conditions?"

Mike Sanderfur: "The existing conditions were ninety-seven (97) cubic feet. That includes the grass that you wash in there, and soforth. It's very low number I think. Okay."

Keith Poff: "Did it wash across the street?"

Mike Sanderfur: "Yes it did. It washed across the street, went into the swale, and went around me, and went into the ditch. So understanding those conditions...I'm not getting any erosion...It goes...it's carried on, and goes into the Ohio like it should. Ideally it doesn't exist. But that's only an ideal. That's an enormous amount of mud. Okay? If that swale fills up then I am going to have drainage problems. Okay? Then I am, because I'm going to have substantial amounts of mud coming across the street filling up that swale which works so beautifully, and it's going to then come right against the house. And not only is there going to be substantial problems with the yard, and cleaning it up there's a very good chance that it's going to damage the basements. And I

think there is a lot of people here represented that can talk about damaged basements already before we start increasing the...well not increasing the flow...I guess adding more flow to the system. Now to give you an idea of what's going on, I took some pictures of the subdivision. I guess this is Cypress Hill. The one that is currently being worked on. There's not a lot of open dirt up there. The ridges have some dirt, but there not all that long of slopes, and so forth. And if this occurs at my house, it's over, it's over. And it could. Now I'm not accusing Mr. Buck of not doing what was right. I'm just saying whatever he did was inadequate. Okay? I'm just saying whatever occurred was in adequate. And if it occurs here it's going to be a horrible mess. It's going to be extremely expensive for me. I'll give these to you, and I would like to pass these around to the other people." (Referring to pictures of Cypress Creek Subdivision on Hillsdale Road.)

Dan Buck: "My name is Dan Buck. In this development you'll see that all the infrastructure was put in from excavation of the streets. Sigeco's come in, put all their utilities in. As you can see along the road there was soil erosion control barrier, and bales of straw. The reason why there might be...I haven't seen the pictures...the reason there might be mud in the street is because the street acted as another detention basin during construction. We didn't allow that mud to flow through the storm sewer system, and fill up a detention basin that is out there. So that system worked properly. Bill Higgins who is the inspector for the county on roads, and things said; that with the amount of rainfall we had that one night that this system worked really well."

Commissioner Mourdock: "What area is this?"

Dan Buck: "That's at Cypress Creek."

Commissioner Mourdock: "Is that the one right off Hillsdale?"

Dan Buck: "Hillsdale Road. Right. There was also disturbance of probably twenty (20) acres there instead of one, and a half (1½) acres."

Mike Sandefur: "I recommend you go look at that detention basin that he's referring to. You'll find that it's not quite as soil free as you would have him believe. That's all the comments I have. It's just that there's some erosion control problems there that aren't being addressed. They're simply not being addressed. And like I say; I may well agree with Dan that he took what precautions he thought was necessary, but they're not adequate. They weren't adequate there, and if there not adequate on Knob Hill, there's going to be a lot of people with some bills."

Keith Poff: "Keith Poff again. I'd like to address the comment made by Mr. Sandefur. The previous plans calculations. I will admit that there were some round off errors that occurred. Our computer spreadsheet that we utilize those numbers were using four significant figures, well, we displayed only two. So there were some round off numbers. Relative to the outflow from only that basin was on that second plan. The allowable outflow was 11, I'm sorry, nine (9) cfs (cubic feet per second) at that time. We were providing the detention volume, and at the same time that we provided that twenty-five (25) year storm volume, we were releasing less than the undeveloped rate. And I take exception that he calculated numbers differently. If he can show that those numbers are incorrect, I have an obligation to admit it if that's the case. But I don't think they are in error."

Commissioner Mourdock: "So very briefly, and I guess part of that went over my head."

Keith Poff: "We're talking about the old plan now."

Commissioner Mourdock: "I understand."

Keith Poff: "Okay."

Commissioner Mourdock: "And his note here saying that it was at 11.45, and you said 9. And the current one you said 7."

Keith Poff: "I'd have to look at the numbers that he's referring to. I work with numbers all day. They get very confusing. I would have to...that's not my copy."

Commissioner Mourdock: "This is what he gave us. 11.45."

Keith Poff: "No I can only make comments with the one that I prepared. I haven't reviewed any of the others."

Bill Jeffers: "The comments that Mr. Sandefur made with regard to the previous plan, he will be making the same comments with regard to the present plan, because they still are using a twelve (12") inch concrete pipe to discharge from basin 3, at the southwest corner of lot 4. And that pipe still will only discharge seven (7) cubic feet per second."

Commissioner Mourdock: "Didn't you say earlier tonight that it was going to nine (9), Bill?"

Bill Jeffers: "The allowable discharge is nine point three two (9.32)."

Commissioner Mourdock: "Okay."

Bill Jeffers: "Okay. The Herpic Manual that we're directed to use that comes from Purdue, basically has a chart, and you just plug in numbers. All you do is plug these numbers in, and you can take a calculator, or you can do it with a pencil, or you can do it on a computer if your computer is set up with a chart in it. And the figure you plug in of nine point three two (9.32) is the allowable discharge. And then you plug in a figure representing what kind of rainfall event that will occur after the house is built, or houses are built, and the chart starts clicking out there, and the computer starts printing it out, and it hits a peak, there's a certain period of that storm, that theoretical storm occurs, and you have a peak amount of water that arrives at that basin. In this case after ten (10) minutes of rainfall that peak amount requires a storage of point o six two two acre (.0622') feet, with the allowable discharge rate of nine point three two (9.32). That's why that figure of nine point three two (9.32) is in there. I think maybe because there are so many methods of calculating the storage, Indianapolis may use one, Henderson, Kentucky may use another, we use this one. That led Mr. Sandefur to assume that the difference between in this case nine point three two (9.32), and seven (7) cubic feet per second, would require more, and more storage, but it doesn't. We still only require the peak storage that would occur when your using the allowable rate of nine point three two (9.32). Because what we're calculating here is the difference between the allowable rate, and the rate that will arrive at that basin, that's the amount of storage that's required. He's still only discharging seven (7) cubic feet per second until he reaches that peak. And when he reaches that peak the excess water will spill over the spillway, and go down into that ditch. That's when you reach your twenty-five (25) year storm, and we are not holding greater than a twenty-five (25) year storm. I'd like to point out in the case of Indianapolis, Purdue, Tecumseh County, or I think Tippecanoe County, and some other counties are using this ten (10) year before event, and hundred (100) year after event. And that's fine. Bully for them. Okay? But the state only required, and still only requires that we use a fifty (50) year event for one (1) square mile of drainage area, or greater, and they leave it up to the

county as to what storm event you use for less than one (1) square mile of drainage area. This is less than one (1) square mile of drainage area. And all of the facilities that we built below this point is only capable of handling a twenty-five (25) year storm. So why should we design for a hundred (100) year storm when everything downstream can only handle a twenty-five (25) storm? That's why we chose a twenty-five storm. I'd also like to point out that Indianapolis's Drainage Ordinance is as thick as Evansville's phone book. I showed you that when we were doing this Drainage Ordinance. I brought in Indianapolis Drainage Ordinance, it was that thick. And they threw the whole damn thing out, and they're only using two chapters of it right now. So, I don't know what they're using up there. They found that what they formulated, and what they did up there was so complicated, so restrictive, so unenforceable, and so outlandish that they threw out everything, but Section 400, and 600. That's all they're operating on up there. And went back to the Drainage Ordinance that they adopted in 1972, which is less restrictive than ours. So you can compare our Drainage Ordinance to any number of them. As you remember, I've brought in stuff from Indianapolis, Louisville, Cincinnati, and cities way bigger than ours. No ours isn't perfect. Ours is far from perfect, but we still stand by it until such time as we can amend it to accommodate each little thing we run across in the next several years."

Commissioner Tuley: "Okay. There's still a lot of you out there. Does anybody else have a comment?"

Bob Bell: "My name is Bob Bell. I was at the last meeting. I live at 2500 Anthony Drive. I came this evening to listen. One of the gentlemen, and I'm sorry I don't remember names, but made the statement about when we were on our visual walk through the neighborhood, I am concerned on Anthony Drive solely with the conditions we've got now. When we started this meeting we talked about two different areas. During the discussion that he was making, he brought up the point of the East Ditch running down Ward Road. Running to a smaller ditch at the backside of my property on Anthony Drive, turning going into what he called an adequate size tile running between myself, and Mr. Savage, which is present this evening, on out to the street on Anthony Drive. All I want to clear up is that Mr. Jeffers has got photos of the last construction done in our area concerning Ward Road, someone chose to take it on themselves to turn that, and run it into a sanitary ditch behind my house, and dump all the water that we're talking about in this project be it go on, or not, I'm still going to see that water on top of Knob Hill, Mr. Sandefur's water, everybody else's water coming to a ditch that has been relocated, and is not in the proper place. All I ask is that the Buck's be allowed...you know if you people feel fit that's what it's going to take...do the top of Knob Hill. But, please consider what mismanagement, misuse of construction has already done to our neighborhoods, and we dearly need to have that corrected. Mr. Jeffers has got diagrams showing the water travel to go down Ward Road to Anthony, turning on Anthony, and running in front of our properties. That little change in itself be it whether this project goes on, or not, will allow five (5) of us residents to not have anymore damage like we have already received. Please take it in consideration that that ditch does not belong there. The person that chose to divert it that way, whoever it might of been, and we can't seem to find out, we need that change. That will help some of Anthony Drive's problem. I only brought this up, because it was brought up about the inadequate pipes, or drainage tiles that are in them. And they are twelve (12") inch. They were put in beside our house before I bought it a year, and a half (1½) ago. They are adequate providing we wasn't getting everything from the top of Knob Hill that comes down Ward Road. Thank you so much."

Commissioner Tuley: "Any further comments?"

Judy Bryant: "My name is Judy Bryant. I live at 5840 Oak Ridge

Drive in the Oak Ridge Subdivision. My concern with being here tonight is my property is at the end of Pine Tree Drive where it deadends. And my concern is that anymore water diversion down Pine Tree will dump right into my property. I have a picture to show you what type of drainage I have there. This is my storage building in the back of the house."

Keith Poff: "Would you be willing to show of hands how many people are here that live in Knob Hill? In Knob Hill Estates? In Pine Tree, Knob Hill Subdivision? Thank you. How many Anthony Acres? Anybody from Roman Estates?"

Unidentified Person: "They're the same thing."

Keith Poff: "Same street. Two different subs. Anybody else? Oak Ridge? Thank you."

Robert Halcomb: "5805 Ward Road. I guess I missed the meeting. I was out of town on business last week, but I guess I'm the mother load of the gateway to the whole problem. (Referring to map) I guess my concern is everything that Anthony Estates, and all these other people that are here with a problem. It passes my land. And depending on the volume at the time, it takes two routes, but when I built the house in 1988 we had a lot of problems. I worked with the county engineer, and we dug up our driveway, and increased the size of drainage. We're trying to determine like Bob Bell was...been questioning when this event diverted. And sometime in the early 70's is what we found out. But, basically my question is, when is something going to be done, and who is the policeman? Who is the authority when things happen? Because when I was building in 1988, I was assured that we had on tap a plan, a master plan. That the west side of Ward Road was going to be opened up. They had people that closed this up, and if you come out there when it rains, we have this sheet flow that comes across Ward Road. Okay at that time the drainage that I had designed in front of my yard about four hundred, and thirty (430') feet long, and had tapered would hold normal quote, unquote "ten (10) year activity". Okay, when I pick up water from the west side of Ward Road, then it starts diverting around one side of my house, and coming into the back of Bell's house. And then it goes on down to Anthony Road, and over to Oak View. So I wasn't sure within three (3) years we would open up the west side of Ward Road. By hook a crook, you know these people they stop it up. And if you come out during a rain you're going to see some interesting things. People just built driveways, and just did no provisions, and a tile would be holding water, and it just goes up in the air, and then it goes across the street. I mean this is unacceptable, and it's almost like who's the police here? I mean are the blinders on? I mean these gentlemen here they have an education. They're telling you there's a problem. Let's address it. Let's go for it. Why keep compounding the problem? With no focus on solving the problem, or getting some kind of plan to do something. Than to just say; well let's put a forty-two (42") inch drain down here, and like the gentleman said the other day; his kid's basketball went in that drain, and it was gone. You know it could suck people in it. I mean that was our answer. Let's go all the way down at the end of the hill, and put a forty-two (42") inch drain. That's bull. We have to have a plan. I'm just wondering who's the policeman here? I'm getting tired of just years click by, and click by, and now we've got another problem that's going to add to it. When is there going to be a plan? When is there going to be...someone is going to sit down and say; hey, let's don't hurry up. Let's don't present another drainage plan at 6:30, and not let all of these people have access to that plan. And let's go ahead, and give a preliminary approval, because he's a nice guy. Builds nice houses. That's fine. We have a problem. We're here tonight saying; let's get something going. Anything is better than nothing. And that's what we're trying to say."

Jan Theurer: "I'll be brief. Because I'm just re-iterating what everybody else's said. I'm Jan Theurer. My husband Walt, and I live 2609 Pine Tree Drive. Our drainage problem, well it wasn't a problem until Mr. Halcomb built his house. And I admire him for owning up to the problems that he has caused, and also that he's wanting to solve. But, when he built his house, more water came behind our lot on Pine Tree, and we're having some erosion problems. I went through the extra credit tonight. (Referring to a diagram) Water comes in a sheet down Pine Tree Drive, and turns down our driveway. And the center of our backyard there has washed away once, but we've got that fixed now. We've put top soil, and got grass growing. So I can live with what comes down Pine Tree now, but the water that comes along the back of the lot is causing some pretty severe erosion, but I can live with that. If there's anything added to the top of the hill though, we're going to go under. If there's more water coming down Pine Tree, we're going to be in trouble. If there's more water coming from Ward Road we're going to be in trouble. I don't think I can hold still for the highway department coming in, and cutting down thirty year old pine trees, and digging up my front yard to put in a big culvert. Everything's fine there if it's left alone. We can't handle anymore water. I can't see putting more houses on the top of the hill. Thank you."

Steve Crooks: "I'm Steve Crooks, and I live on 2719 Pine Tree Drive. I live in the southeast corner of the subdivision. I'm the very last house in the subdivision, so I get a lot of water that comes by me. First thing, the lake is about a three (3) acre lake. It's got a bad dam on it. It leaks. That lake can't really hold anymore water. You could walk in in midsummer, and it's got seepage in that dam. So really the water should not be diverted to another lake, because that lake can't really hold it. And I do have a twelve (12") inch culvert pipe in front of my yard. I get a lot of water through it, except if that was an open ditch that people below me in the subdivision would get a lot more. And they have a lot of water problems. Then I have a ditch behind me that comes past Jan, and comes towards me, and it probably gets fifteen (15') foot wide, and probably two (2') feet deep, and it goes into that forty-two (42") inch pipe. And that pipe really can't hold it. I've seen kids play in that water back there. And I've seen a squirrel...if somebody got into that pipe, it would kill them. We threw a cat in there one time, and that cat never did come out."

Commissioner Tuley: "Who lost the cat?"

Steve Crooks: "It was in the neighborhood. I hope they're not here. Except that's been about a year, and a half ago. So, if some kids were playing in that, now we're talking water problems, so now we're talking lives. I have ran kids off from there many times. If we get anymore water that pipe can't hold it. And we did lose a cat."

Mike Wathen: "Okay, with the office that we work with, and I know that the Commissioners' know this. I don't know if a lot of the people in the audience do. We work with drainage everyday. We'd be happy to help you out, and assist you with your problems. Keep in mind when you look at a drainage problem, you know it's sort of a stair step thing, as you get towards the bottom your dealing with more, and more water. And I don't mind coming out, and looking at it, and trying to help some of the people. I can tell you right now we're not going to make everybody happy. But I would at least offer if, and another thing we just physically, I do not have time to go out on each individual person. But I would have time to do this. Maybe set up a meeting with neighborhoods that would work out from drainage standpoint. Maybe talk with ten (10), or fifteen (15) at once. And maybe we'll just take a half (½) day field trip, and walk around, and look at the various problems. Then I could follow it up with a letter with some suggestions, and then we could get Bill's comments as well, or something along those lines. If that would be

of value I would be willing to do that. What I'm hearing here tonight is a lot of people I think that have problems that are in some ways unrelated to certain aspects we're about. And some are related, some are not. But that service is available. If anybody here was not aware of that they are now."

Commissioner Tuley: "Okay it's almost 9:00 p.m. I'm not going to deprive anybody the right to speak, but basically I'm going to give you one last chance. Last call. Two guys just stood up real quick. We'll take you both. Just one at a time."

Earl Savage: "My name is Earl Savage. I live at 2510 Anthony Drive. The only question I have is the gentleman that spoke awhile ago of the ditch, the East Ditch on Ward Road, that would take the water from Knob Hill to Anthony Drive. I have lived there since 1978. And there's never been any way that water can run from Knob Hill to Anthony Drive. It runs to the south edge of this gentleman's property. (Referring to Robert Halcomb) The man that developed Anthony Estates is no longer alive as far as I understand. At the time he developed this his property line joins this gentleman here. (Robert Halcomb) He did not put a culvert underneath of his driveway. Instead he built a vertical wall of concrete block to keep the water from proceeding south."

Commissioner Borries: "Is that the wall that they're talking about Mr. Savage, that's deteriorating?"

Earl Savage: "Not that I know of."

Bill Jeffers: "That's the diversion that everybody's blaming on someone. Now we're finding out who that really is."

Earl Savage: "As far as I know I do not blame this man for building the wall, but I'm assuming that he evidently did, or had it done because it's on his property. This gentleman here is in no way responsible for that, because there is no way water could leave his ditch, and proceed south, because there is a blockage there. There's not only; and since then a man has built a concrete driveway across where the ditch would...should be."

Bob Halcomb: "He's raised the level?"

Earl Savage: "Yes he's raised the level. So I don't know what information this gentleman has as far as the water going south on Ward Road in the East Ditch. Because after it passes this gentleman's property, it has to turn to the east. There's no way it can jump up over the driveway, and proceed south. It has to go east, and when it goes east then it comes to my property, which floods my yard, and floods Mr. Bell's yard. And there is an erosion there, but I mean I'm not condemning this man for what he intends to do. But we have a problem that should of been taken care of at least prior to 1978. Because that's when I moved there, and every drop of water that falls in Knob Hill that is in the area of Pine Tree Drive, or Ward Road has to end up in my yard, and his. We live next door to each other. There's no way it can go any other way. I mean I don't know where your information came from that it proceeds south to Anthony Drive."

Bill Jeffers: "It did. It did proceed south to Anthony Drive."

Earl Savage: "I don't know how it could of. Was that when the lake was there? Are you aware that there was a lake on that property?"

Bill Jeffers: "It has nothing to do with this. Here's the house that built the wall. (Referring to map) Here's Anthony Drive. This house built the wall. Are you the next house down?"

Earl Savage: "I'm the second one. I live in the second house on

Anthony Drive off of Ward Road."

They continue to speak as they are referring to the map. Not picking up on the microphone.

Commissioner Tuley: "I believe one of the gentleman back there stood up. Anybody else want to raise your hand that wants to speak? If you feel that you've got something to add that hasn't been said, I want you to have your opportunity to speak, but at the same time we need to start wrapping to a close."

Bill Wazney: "My name is Bill Wazney, and I reside at 2535 Anthony Drive. I've sat here, and listened to a bunch of conversations tonight. They're all about the same story. What I would like to remind everybody, is the first issue, is the preliminary approval of Mr. Buck's drainage plan. And I think a separate issue is all our existing water problems. Going back to the first issue. I've heard the gentleman from the Soil Conservation Office. Said he just received the copy of the preliminary plan like 30 minutes before the meeting, and he would like time to examine the area, and to examine the plan. So, I don't see how it could be approved tonight. I heard the Surveyor's Office. They stated that they wanted a trench drain, and not a speed bump across the private drive. That sounds like a pretty big issue to me. I mean a speed bump couldn't cost but a couple hundred dollars. And digging up a road, and putting a trench drain in, I know is several thousand. So that seems like a pretty big point that the Surveyor's Office does not agree with in the preliminary plan. So I don't feel how it could be approved tonight. We've heard from some gentlemen about the draining basin #1, which we're not given cubic feet per second flow rates on the ten (10) year, the twenty-five (25) year, or any other plan. We weren't given any waterflow rates for basin #1, because they said; it's going to dump in the lake. If there's problems with the lake, and the dam on the lake, I don't see how the plan could be approved on that either. To go back to most of our problems here we can't handle the existing water problems until something is done with it. I don't see how you can change water flows, and diverting them, until you figure out what has to be done with the existing area. That's all I've got to say."

Commissioner Tuley: "Bill, can you come up for one final wrap up? We've heard a lot of information, and I want to go back, and remember what you said earlier."

Bill Jeffers: "I'm ready to recommend approval of a preliminary drainage plan without a trench drain, because I feel like I'm probably going to insist on one for a final drainage plan. Unless like I said in my presentation, unless the developers; engineer can truly convince me that speed bumps is going to handle the situation. So, I'm not uncomfortable with recommending a preliminary drainage plan without the trench drain being shown at this time."

Commissioner Tuley: "With the understanding that you will ask for that."

Bill Jeffers: "I'm asking for that right now."

Commissioner Tuley: "Okay."

Bill Jeffers: "I asked for it in the office down there before the meeting. I do recognize it will cost five thousand dollars (\$5,000.00), and I wouldn't want to shell that out either. But whether it's a speed bump, or something else, if it can do the job, or equivalent to a trench drain, I will consider it in the final drainage plan. But right at this moment, I'm looking for a trench drain. Basin #1, the reason there is no calculations given is that's just a natural drainage area on which the existing house was originally."

Commissioner Mourdock: "When we heard the term Basin #1, really we're talking about lot 1. Is that right?"

Bill Jeffers: "The reason we're referring to it as Basin #1 is because if it were found, if at some point in time they add additional hard surfaces to lot 1, greater than ten thousand (10,000) square feet, that might be a large swimming pool, tennis court. A hundred by hundred piece of tennis court would require us putting a basin up there. Okay? So, we've left the #1 there incase it has to have a basin. Right now there's no increase in flow, so it's going to go directly down the existing drainage facilities to the lake just as it does today. Just in the same amount that it does today because there's no additions planned. If he puts a tennis court, swimming pool, and cabana up there there will be a basin #1. At this time there's no need for it. We're just reserving that number. Basin #2 is on lot 2, and basin #3 is on lot 4. So I hope Mr. Wazney understands that explanation, and still with what I've heard, and what I've said earlier, yes there are many, many, many drainage problems in the area. Some caused by poor planning in the 70's when there wasn't a drainage board review of anything, other than legal drains. There wasn't a subdivision ordinance requiring any type of review before Area Plan Commission. None of these people sitting here in front of you today were officers in this government. Especially since Mr. Borries has taken office there has been a strong push for a drainage ordinance that would control the situations that have happened, that use to happen because there were no drainage reviews. When Anthony Acres, or whatever it's called, Anthony something, or another was developed. There was no review of the drainage plan at that time, and there was no drainage plan to review. When Roman Subdivision was presented back in the 70's, which is the rest of Anthony Drive, there was no drainage review. When Knob Hill was presented in the 40's or 50's, or whenever, there was no drainage review. The only other two actions that have taken place out there since then in the 80's was a couple of replats, or minor subs. One of which Mr. Halcomb resides within. There wasn't a drainage review of that because it was a minor sub, or one (1) house was built. And all I see that Mr. Halcomb has done that I can see with my own eyes is fill in, somewhat fill in the front ditch along Ward Road. I wish he hadn't done it. I'm sure it makes it easier to mow, but it needs to be scooped back out so more water can travel down through there. Without jumping out, running across his yard, and into the backyards of five (5) different people who stood up here today, and said it runs in their backyards. There's people who are saying that water from his yard runs behind their yards in Pine Tree Drive. There is no earthly way that water should run behind them unless it's jumping out of the ditch along Ward Road. That ditch needs to be scooped out, and revegetated. Of course Mr. Halcomb would like to see it sodded, but that's not the way it's done. You just get the Gradall out there, you scoop it out to handle the water, and it will resod itself. If he would like when the Gradall is out there, if you've got a good operator that can scoop the sod off, and lay it up in his yard, when they finish digging the ditch out he can put it back into the ditch. Stake it down. We can work with people on these things, as I've shown Mr. Savage. The water that's running between him, and Mr. Bell, his water that was diverted by a previous property owner back in the 70's, with inconsideration, and if it had happened to me, I would of initiated a civil action. That water should go down to Anthony Drive, turn, and run down the right-of-way of Anthony Drive. Again the Highway Department, Soil Conservation Service, the Highway Engineer, the County Surveyor, and others are available for counciltation with the residents of all these streets. Some of what we're going to say, your not going to like to hear, because it involves undersized pipes, and incorrect filling of ditches. And some of what we had to say would help you tremendously if we can all get together, and do it. Be that as it may, my feeling is if you deny this developer the opportunity of planting three (3) houses at this time, you might as

well deny every other lot out there, because there's no lot out there that's not going to create the same problem individually. One lot, one house on one lot, will create the same problem for everyone downstream as these three (3) lots that he's asking for to go through this basin. So, if we're going to declare moratorium on building between the airport, and Oak Hill Road, and between St. George Road, and Heckel, let's get on with it. Let's just declare moratorium. No more permits. No more houses. Everybody on the west side of Ward Road has filled the ditch in so, and there's an obvious ditch on that photograph I showed these two gentlemen. OBVIOUS that there was a ditch. Anyone that lived out there at that time, and there's several here in the audience who would get up, and tell you this is true that water ran from way up Ward Road all the way to St. George never crossed the road. Now that it's filled in, it crosses the road, and that's more water that goes down through Mr. Bell, and Mr. Savage's yard. Mr. Halcomb's as well. So your choice is basically the way I see it. I may be way off base, but your choices are to proceed with this plan for at this time, three (3) new, potentially three (3) new homes in the near future, and possibly two (2) more after that. That's five (5) new homes with detention basins designed in accordance with our new subdivision Ordinance, or just simply say; there will be not one more building permit issued north of St. George, east of the Airport, and west of Oak Hill Road. Because these problems exist all through Oak View, Oak Ridge, all the subdivisions are adversely affected by new homesite's being built if what you have heard here tonight is true. Because many, many, many of those subdivisions are built without detention basins. What I hear here tonight there's several, there's two (2) unbuilt lots still down there on Pine Tree Drive. I guess we shouldn't build any houses there either at the bottom. We're holding water at the top of the hill so as not to adversely affect the bottom of the hill. Our recommendation is as it existed earlier in the meeting."

Mike Sandefur: "Bill. I have a question for Bill. If the grate across in front of the existing drive going up Knob Hill is important, I assume it's going to be incorporated for all the drives that are going to be entering that property?"

Bill Jeffers: "Yes sir. We would like to either see a grate, or when you get down to the street, the driveway, the newly constructed driveway, no because we're not asking them to completely reconstruct this drive. Just install a trench drain. On the new drives they could be constructed so when they enter the street there was a dip before they got to the street that diverts the water down to the basin. There might be a trench drain necessary at that point if they properly design each driveway that enters onto Knob Hill."

(Inaudible due to not speaking into the microphone)

Bill Jeffers: "That's up to the builder, and his engineer. If they can't do it, then they need a trench drain as well."

Commissioner Mourdock: "Let me define that a little bit Bill, just so I'm sure I understand you. You're saying the new drives on all lots 1 thru 6, those go on to Ward Road you want trench drain on?"

Bill Jeffers: "No. Lot 4, and 5."

Commissioner Mourdock: "Just yes or no. Those on Ward Road you want a trench drain?"

Bill Jeffers: "Lot 4, and 5 will enter on the private drive."

Commissioner Mourdock: "Okay. And you want a trench drain on those?"

Bill Jeffers: "On two, and three. A trench drain, or something

equivalent to divert the flow of water, so it does not enter Knob Hill. Slotted drain, trench drain, or a dip in the pavement as it's poured to divert the water into the basins. So it does not enter onto Knob Hill."

Commissioner Mourdock: "Okay."

Bill Jeffers: "Lot 6 isn't an issue on that."

Commissioner Mourdock: "Right."

Mike Sandefur: "I have a question for Bill. Bill where does the water in basin 2 go? Right now we're being told that there's a drain right there, and it's our problem. Is that how you see it?"

Bill Jeffers: "Right now, where does the water from lot 2 go?"

Mike Sandefur: "If that basin was there. If that basin 2 was installed."

Bill Jeffers: "It would empty onto Knob Hill Drive between the inlet that does not currently operate to a point approximately fifty (50') feet west."

Mike Sandefur: "Is there a stand pipe, or something in that? Or is that, or is there a pipe in that somewhere?"

Bill Jeffers: "Right. Yes. It's very similar to (inaudible)."

Mike Sandefur: "So that pipe will discharge at what point?"

Bill Jeffers: "Immediately into the drop basin on Knob Hill Drive at it's intersection with Pine Tree."

Bob Halcomb: "I have another question for Bill while he's up there. If preliminary approval is given tonight on the plan as it exists today, does that mean that preliminary approval is automatically given on lots 2, and 3, even though it's stated that they don't want to develop that right now? So that it could go before the Area Plan Commission at some indeterminate time in the future, and the Area Plan Commission would receive a request to replat lots 2, and 3. Working with the assumption as a result of this vote that you would have already given preliminary approval for lots 2, and 3 to be developed. And if that's the case then we are voting on more than whether, or not he can build three (3) houses tonight. We're voting on whether, or not Area Plan Commission would receive a preliminary plan that's already on the books in spite of the questions we have with regard of the drainage on 2, and 3, at some date, months, years in advance as a result of an okey dokie today."

Bill Jeffers: "Okay. The plat before you, and the plat that will arrive at Area Plan Commission, is for the entire subdivision known as Knob Hill Estates. It is a unit. And it's a primary plat, and it cannot be considered for a subdivision unless there is approval for a preliminary plan for the entire area inside the boundaries of that one subdivision."

Commissioner Tuley: "I'm sorry, don't mean to interrupt you. Take his question one point further. If this goes on with preliminary, goes through Area Plan, comes back for final, can it be restricted to just lots 4, 5, and 6 from that point final?"

Bill Jeffers: "It's my understanding at this time that after it receives preliminary approval if it does tonight, it will go to Area Plan Commission as an entire subdivision. If it receives approval of Area Plan Commission, it will come back to you in sections. Section I will be lot 4, 5, and 6. And they wish to proceed with the marketing of those three lots. Section II will be

lots 1, 2, and 3. And they don't intend to come back with that, in Mr. Buck's words; so long as he lives in that house."

Commissioner Tuley: "So if I understand what you just said; then my assumption is correct, that when it comes back from final, final can be given on 4, 5, and 6, because that's the only one that's going to be submitted to us for final approval. Initially."

Bill Jeffers: "Yes sir. But they can't consider this entire subdivision without granting preliminary approval at this time."

Commissioner Tuley: "That's okay. Where I'm concerned."

Bill Jeffers: "I thought maybe that's where the misunderstanding was."

Commissioner Tuley: "Okay."

Bill Jeffers: "It has to go up there with preliminary approval for the entire subdivision on all six (6) lots."

Commissioner Tuley: "But it will come back for final under at least two (2) sections?"

Bill Jeffers: "That's what they're telling me. Yes."

Keith Poff: "The clarification for the subdivision procedure we're required to prepare a primary plat that addresses all the property we wish to develop. We want the big picture, not just the different pieces, because there's been many cases where piece meal work was proven to be ineffective in good planning. The opportunities for recording the sections of the subdivision, once there is approval from the Area Plan Commission, and of course in this case we're proposing a preliminary drainage, we would also like to have the final drainage plan approval of a section. The recording opportunities are eighteen (18) months from the date of the Area Plan Commission approval. There is a time limit, and you'll have to record the next section, or request an extension to keep the primary plat still valid for the last two (2) lots. Okay. That is a process if he will have to continuously update in order to keep those available as building sites. But without final drainage plan, they wouldn't be building sites anyway. Did I confuse you?"

Commissioner Tuley: "Just at the very end there."

Bill Jeffers: "Without recording, they can't get a building permit, so they could not become a building site without final drainage plan approval. They do not become building sites without the plat being recorded in section II."

Commissioner Tuley: "Right."

Bill Jeffers: "Because you can't get a building permit until you record the plat."

Commissioner Tuley: "Okay."

Bill Jeffers: "So he has to continually update. He has to continually ask for eighteen (18) months extensions."

Commissioner Tuley: "On those last two (2) lots? The one that seems to be the biggest bugaboo with everybody?"

Bill Jeffers: "Right. If he let's it lapse he'll have to come back all over again."

Keith Poff: "He has to refile a primary plan all over again if any of those time periods are passed. Normally your looking at eighteen (18), and twelve (12) at a minimum."

Commissioner Tuley: "Bill my question; the runoff from this development if it approves, based on your review of their plan, there will be minimal, or at least within the Ordinance runoff?"

Commissioner Mourdock: "Before you answer that Bill, why don't you come back to the microphone, because I'm just going to leave you with a couple of questions I have for you. And don't feel too bad, at least your getting the walk. Because the old saying; the brain can only absorb what the butt can endure. And the rest of us are getting to that point here, so."

Bill Jeffers: "The plan that they have presented to you along with the calculations that accompany the plan, demonstrates that the rate of flow from this subdivision using the basins that they have designed will be at, or lower than the rate of flow required by your Ordinance. That was Mr. Tuley's question."

Commissioner Tuley: "Thank you."

Bill Jeffers: "Was that correct?"

Commissioner Tuley: "That was my question."

Commissioner Mourdock: "Let me rephrase that question. Drainage basin #1. Does it materially change the drainage from the existing situation out there right now, as far as downstream people? Will they see an increase in water?"

Bill Jeffers: "No."

Commissioner Mourdock: "Drainage basin #2. Does it change any drainage from the existing drainage pattern if it's built? Is there going to be more water?"

Bill Jeffers: "That's two (2) questions. Pattern, and volume is two (2) questions."

Commissioner Mourdock: "Okay. Answer both."

Bill Jeffers: "Okay. There will be a moderate change in pattern. In that it will direct most of the water from lot 2, to an area beginning at the extreme southeast corner of lot 2, around to the extreme southwest corner of lot 2. At this time the reason I say there's a slight change in pattern, at this time the curbing along the east boundary of lot 2, is nonexistent because the street has been paved so many times that it's paved up to the top of the curbing allowing water to run across the street. It will not change the pattern existed historically years ago before those pavings occurred when there was a curb, and gutter along the side of that block. So yes, it will change the pattern from what it is today back to the pattern it was designed in the 50's when the subdivision was first built. There is some small amount of water that crosses the pavement, and runs down between the Bohrer's, and the Carlisle's runs across the street. It should never have gone that way. It was not directed that way when the subdivision was first built. So basically, we're restoring the drainage pattern to what it was originally at that point from basin #2."

Commissioner Mourdock: "Did the calculations that you have used, and that Mr. Poff has used, incorporate an increase impermeable surfaces as result of development on those lots?"

Bill Jeffers: "Yes sir. It gives I think twenty-four hundred (2,400) if I remember correctly without looking. Twenty-four hundred square foot of roof top plus thousand for driveways, and patios, etc."

Commissioner Mourdock: "Will the problems that Mr. Savage, and Mr.

Bell be exacerbated by this plan?"

Bill Jeffers: "They may experience water over a longer period of time but, not in a greater number of cubic feet per second. What was the word again?"

Commissioner Mourdock: "Exacerbated."

Alan Kissinger: "Make it worse."

Bill Jeffers: "I know what it means. I can't say it. I can't pronounce it. That's part of the second question you actually asked. Will there be more water? There is always more water when you add roof tops. What our Ordinance addresses is that there not be anymore rate of water so that the downstream facilities can handle it. If you have a ditch that can handle twenty cubic feet (20') per second, you don't put twenty-five cubic feet (25') per second in it. You hold back the five cubic feet (5') per second. So that's what we're addressing. So if exacerbated means making it worse, then that means that there's going to be additional water over a longer period of time, "yes", but not at a higher flow rate per second."

Unidentified Person: (Inaudible due to not speaking into the microphone)

Bill Jeffers: "Well ma'am I must tell you that every house that each one of you lives in created more water for those people living downstream of you, and we allowed each, and everyone of them to be built. And we must because what are we suppose to do?"

Unidentified Person: "Then it has to stop. Somewhere."

Bill Jeffers: "And I will have to go back to my statement you have to declare a moratorium on every new house on the north side."

Commissioner Tuley: "I'm going to take a risk. You just line me up against the wall, and shoot me here. The only way that we are going to correct the problem downstream is for everyone of you that's either, maybe it's nobody in this room, but it's either fill in one of those ditches, or put in a pipe that's too small, allow us to come on, dig up those pipe, dig up those trenches, and replace them. That's the only way downhill..."

Comments are being made from several people in the audience.

Commissioner Tuley: "Replace them at your cost?"

Comments are being made from several people in the audience.

Alan Kissinger: "No it's for every house out there. It's for every house there. And we can't come onto private property to do this, but these people have all told you the same thing. There are problems down there that weren't caused by this development, and those problems are going to exist if they develop it, or not."

Commissioner Tuley: "I have Mike that wants to say one more thing. And we're starting to get a little too testy here, so it's time to close."

Mike Sandefur: "I don't want to muddy the waters, or whatever you want to call it, but we're dealing with two things here. We're dealing with drainage. What our office primarily deals with is erosion. I don't know what the vote is going to be, but even it's preliminary, or not, if it's going to be developed you're still dealing with a very steep slope. And not from a drainage, but from an erosion standpoint, there needs to be measures in place. Assurances in place. The two work hand in hand, yet they're still separate issues. If soil leaves that hill, and silts in a ditch

downstream that did carry a certain volume of water, and no longer can carry it, it's affected the capacity of the ditch, and ultimately affected the drainage. So the erosion contributed to the drainage problem. So my point is this. There on a steep hill, probably the steepest hill out there, I would make the suggestion, or our office would make the suggestion that erosion concerns be given the utmost priority. I'll be happy to work with Mr. Buck, or whoever needs to be in order to get it accomplished. I suspect we're going to need some silt fence. There may be some need for some mulching. For all I know they may have already had plans to have do some of this. But that is something that will be important in the drainage as well. It's something that we had already talked about tonight, and it's a key player in this. The ditch can't fill in if mud doesn't get to it. I'm saying keep the mud on the hill, and you've at least helped your problem."

April Sandefur: "I'm April Sandefur. I live at 2425 Knob Hill. I have a question for Bill. The drainage basin #2 I understand is going to discharge into the inlet of the corner of Knob Hill, and Pine Tree. Correct? Who's responsible for the maintenance of that inlet? We've been led to believe that the Association Members of Knob Hill Subdivision were responsible for the maintenance of that inlet. Is that correct?"

Bill Jeffers: "I'm not sure at this time who is."

April Sandefur: "Okay. If the Association Members of Knob Hill Subdivision are responsible for the maintenance of that inlet, then Mr. Buck is intending to dump the water from lots 2, and possibly from lot 3, into that inlet, then was that inlet designed to handle that extra water? And why should we pay for the maintenance of more water going into that inlet than was originally designed? Because new subdivision will be the one dumping it into that, not our subdivision."

Keith Poff: "There was an inlet placed at that location some years ago for some reason. It is meant to collect water. That's it's purpose. Someone can show me the design calculations for it, or come up with a reasonable capacity of that structure I think you could find out that it can probably handle the flow that we're sending to it. The flow of that's intended to release into that curb inlet is from the natural area above that inlet. It's going to go that direction anyway. Whether it actually makes the curb because of the way the asphalt is constructed, and gets to that inlet, I think that opportunity is long gone."

Commissioner Tuley: "This has gone on. The one thing that I think that needs to be made clear, and I don't know what the outcome of this vote's going to be, but if there is approval on preliminary plans, it still will come back before the Drainage Board, June 26th. That's the next drainage board meeting. By then Mike, I will get with you myself, and we'll walk it. We'll go over it. Look at it. Anybody else. Residents that want to meet. I'm in the phone book. I don't hide behind an unlisted number, or anything else. If you want me to come out, and meet with you, and it's "TULEY", so don't try to find it under "TOO" because you won't find me. Find it under the correct spelling, you will find me. I can be reached during the daytime at 479-9660 if you can't reach me at night. You will always get an answering machine at my home, but I will pick up if I'm there. I'll just give you the number to save you the trouble of looking it up. It's 476-7635. I'm not totally convinced that everything's going to work out at this point on preliminary. That's why I want to walk it. But I don't want to hold up the developer. That's my personal opinion. At least we're going forward, but it still gives us at least another month. There's nothing that says on June 26th it has to be approved at June 26th meeting. But I think for tonight tempers are starting to get a little testy. There's too much oxygen being cut off to the brain from sitting down too long."

And I think it's time to bring this to some sort of vote. Either take it forward at least with the preliminary, or cancel it."

Mike Sandefur: "Excuse me, I have just have one question. Is there anybody here that has the desire to see the print for the plans as to what's going on? Nobody here has seen them."

Unidentified Person: "We all need to see them. This is all happening too quick. Just because the night is late we'll close it up, and say okay that is fine? There are too many unanswered questions. It's getting late. Let's say; okay let's go, let's go. (Inaudible due to not approaching the podium)."

Commissioner Tuley: "I have a feeling we could discuss this all night, and there's no way if this came to a vote that we would walk out of here with everybody in agreement with what happened."

Commissioner Borries: "Mr. President I want to compliment the folks for their patience, and their comments this evening. They do have some concerns. I want you to go back just very briefly covering what Bill Jeffers said. And also address one comment by Mr. Halcomb, I think. If your looking for a plan that literally covered everything that began back in the 1970's, or earlier in that area there is no one plan. We do these case by case basis. Often times when your area was developed as Mr. Jeffers said; there were literally no drainage plans developed. If it gets back to the heart of the matter, and the central question if the developer has at this point according to our technical advisor, according to our Ordinance taken steps to say that the impact, and the water that he has at this point has currently on his property is not going to...that he is taking steps to take care of that particular area, and that it will not worsen the impact on someone else. That is what we must go by. And that has continually been the rule out there. I would suggest further to address some of the other issues because of not only the time, but because we don't have complete information. Perhaps we can schedule a special meeting out in the area of what they're saying. And again, realizing full well that some of them may not want to open some ditches, and talk about some of the things that have been mentioned tonight. It may be the only way that we'll be able to make some lasting improvements in the entire area. But at this time our preliminary approval, and I emphasize "PRELIMINARY". I move that the Knob Hill Estates Drainage Plan be approved. On preliminary approval."

Commissioner Mourdock: "Let me explain. There will be a role call vote in just a minute, but I will second that motion for the vote."

Commissioner Tuley: "We have a motion and a second. And because it is a Ordinance, or a change of request in the Ordinance. And I think Mr. Mourdock has also requested just for the record, even though it's not required, there be a role call vote, one will be taken."

Commissioner Mourdock: "One of the things you learn when your the minority member on the board, you always get to vote first. Well, sometimes that's good. Sometimes it makes it a little bit more difficult. First of all regarding Mr. Buck's developments, having watched them come up over the years, I have alot of faith in what he's done with his erosion control plans, and I don't think it's fair to judge his plan necessarily based on one event out at a time of construction at Cypress. Having listened to all the different arguments here, and Commissioner Borries summed them up a moment ago. The key is are we going to do anything that is going to negatively have an impact on other folks? Certainly having gone through discussion last week, and this week, I clearly see that there are several issues. And I think Mr. Wazney made the point very well; that there are several issues here. One is this development. I think a lot of this goes beyond drainage. It is additional houses even though someone said; that isn't the case."

But Mr. Wazney is right, and that there are several different aspects to this. The downstream drainage being a unique set of problems, and as Commissioner Borries just commented, I would certainly like to see us deal with those problems separately, and individually. Having said all of that when I went through my list of questions here a minute ago with Mr. Jeffers, I was going to vote yes for this to give it preliminary approval. However, the question that I asked regarding; will there be additional problems for Mr. Savage, and Mr. Bell? Will they be exacerbated by this plan? It was too long a pause, and I didn't feel comfortable with that. So I will vote no. However, again as Commissioner Borries just said; this is a preliminary plan. If this plan is approved, and it comes back either this month, next month, whenever, the one thing that I want to see that's incorporated in the plan, is the question of the issue that Ms. Sandefur just brought up which is those drainage ways. Mr. Poff referred to the one at the southeast corner where apparently there's a hole, and water just disappears, and no one knows where it goes. To me it's unacceptable to try to continue this plan into that condition. It may not be fair to ask the current developer, or Mr. Buck to try to look after that problem, but the other one is the continuing preputial maintenance of the drainage way over off of parallel to Ward Road going under Knob Hill Road. Both of those I think are problems that if they're going to be any part of this plan, need to have the comment that they will be maintained as an interval part of this plan. So having said that I vote no. And if it comes back I certainly want to see those several issues better defined."

Commissioner Tuley: "Commissioner Borries."

Commissioner Borries: "I vote yes."

Commissioner Tuley: "And the disadvantage of being president sometimes you have to cast the deciding vote one way, or the other. I have some of the same concerns you have Commissioner Mourdock. Although, I think the key thing here is is the development. Will it create such an adverse affect? It will have some apparently, but what it will force us to do is to deal with a problem that has been there for a number of years. This will force our hand to deal with the drainage problems that exist in those other subdivisions. I will vote yes on a preliminary plan with an understanding that some of your concerns, and that hole is one of them. It will have to be addressed before I will vote yes on a final drainage plan."

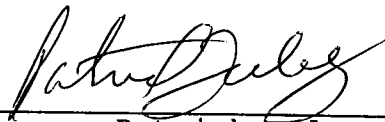
Commissioner Borries: "Thank you for coming."

There being no further business the meeting was adjourned at 9:45 p.m.

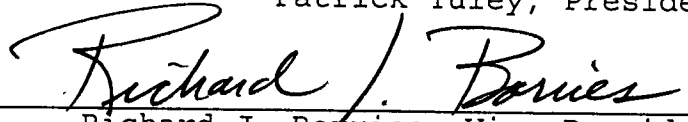
PRESENT:

President Patrick Tuley
Vice-President Richard J. Borries
Member Richard E. Mourdock
Alan Kissinger, Attorney
Suzanne M. Crouch, Auditor
Bill Jeffers, Chief Deputy Surveyor
Julie Hinton, Secretary

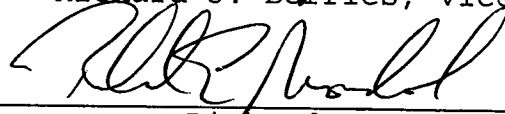
*Signature list attached to the (5-30-95) Drainage Board Meeting.



Patrick Tuley, President



Richard J. Borries, Vice-President



Richard E. Mourdock, Member

SPECIAL
VANDERBURGH COUNTY DRAINAGE BOARD MEETING
MAY 30, 1995

Please sign in below:

Name	Address	Affiliation?
1. Judy Bryant	5840 Oak Ridge	Knob Hill Subdivision
2. Bob Costner	2616 Pine Tree	Knob Hill Subdivision
3. Ellen Costner	2616 Pine Tree	" "
4. Mike Rudolph	2509 Knob Hill Dr.	Knob Hill Subdivision
Mary & Eugene	2600 Knob Hill	" "
6. Bob Halcomb	5805 WARD RD.	"
7. Mike Sandefur	2425 Knob Hill Dr.	Knob Hill Subdivision
8. April Sandefur	2425 Knob Hill Dr.	Knob Hill Subdivision
9. Timothy R. GRIMM	2401 KNOB HILL DR	KNOB HILL RESIDENT
10. Sandy Musick	2910 Meadowgate Ct.	OAKRIDGE SUBDIVISION
11. Wade & Barbara	2830 Meadowgate Ct	Oak Ridge Sub Division
12. Karen Bruckner	2900 Meadowgate Ct	Oak Ridge Sub.
13. Paul Bruckner	2900 Meadowgate Ct	Oak Ridge Sub.
14. Susan Gail	2512 Pine Tree Dr.	Knob Hill Subdivision
15. Bob Gail	2512 Pine Tree Dr	Knob Hill Subdivision
16. Linda Korff	2601 Pine Tree Dr	"
17. Jerry Korff	"	"
18. Sam Shauer	2609 Pine Street	Knob Hill Sub.
19. Joe & Therese	"	"
20. John Puckett	1623 W Main Corridor	"
21. Ralph & Taber	2518 Anthony Dr	
22. Earl Sawyer	2510 Anthony DR	
23. BOB BELL	2500 ANTHONY DR	

SPECIAL
VANDERBURGH COUNTY DRAINAGE BOARD MEETING
MAY 30, 1995

Please sign in below: .

Name	Address	Affiliation?
1. Bill Wazny	2535 ANTHONY DR	HOMEOWNER
2. Gary L. Kolp	2534 Anthony Dr	Home owner
3. David Kolp	2534 Anthony DR	Home owner
4. Patti Dee Wazny	2630 ANTHONY DR	HOMEOWNER
5. Mike WATHEN	13321 Woodland Ln	S W C D
6. JAMES BAKER	2711 KNOB HILL DR	HOME OWNER
7. GLORIA BAKER	2711 KNOB HILL DR	HOMEOWNER
8. Steve Broster	2708 Pine Tree Dr	HOMEOWNER
9. Steve Crooks	2719 Pine Tree Dr	Home owner
10. Judy Crooks	2719 Pine Tree Dr	Home owner
11. Lavanu Corn	2601 Knob Hill	Knob Hill Subdivision Homeowner
12. Duane Corn	" " "	Knob Hill Subdivision
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MINUTES
DRAINAGE BOARD MEETING
JUNE 26, 1995

The Vanderburgh County Drainage Board met in session on June 26, 1995, at 7:10 p.m., in the Commissioners' Hearing Room 307, with President Patrick Tuley presiding.

Commissioner Tuley: "Let's bring to order the Drainage Board Meeting for June 26, 1995."

RE: APPROVAL OF TRANSCRIBED DRAINAGE BOARD MINUTES:

Commissioner Tuley: "First item on the agenda since we have opened the meeting; is the approval of the transcribed drainage board minutes. The regular drainage board meeting of (5-22-95)."

Commissioner Mourdock: "I'll move approval of the May 22, 1995 drainage board meeting."

Commissioner Tuley: "I'll second. So ordered."

RE: DRAINAGE PLAN REVIEW:

Heartland Ridge Estates: North of Hogue Road, west of Peerless Road.

Bill Jeffers: "Heartland Ridge Estates is forty-three (43) lots around a quarter acre to a third of an acre in size. It's located on Hogue Road between Peerless, and Eichoff Road on the north side of the road. It's immediately west of, and adjacent to Woodward Subdivision. The plan that was presented to us along with the calculations was for this size subdivision a most complete set of plans that have been submitted to our office under the new ordinance, and comes very very close to meeting all of the requirements of a final drainage plan. It's accompanied by street plans which are under review by your county engineer, John Stoll. The notes that I have hand written on the sheet before you are all that I intend to hand back to Mr. Nicholson for consideration, or inclusion in the final drainage plan. They really are very minor in nature. If you see anything on there that you have a question on you may ask Mr. Nicholson, or myself. After that I would be prepared to make a recommendation for acceptance of the drainage plan for Heartland Ridge Estates, the preliminary plan to be approved tonight."

Commissioner Mourdock: "What is over here on the west side of this? You've got a sediment basin here."

Bill Jeffers: "Immediately to the west, and Mr. Nicholson's also is here to add to this, but immediately to the west of that basin is an empty agricultural piece of ground that's south of Chapel Hill Subdivision, and west of this subdivision. The sediment basin empties into a low creek like, or a dry creek bed, that runs off down to a branch of Wolf Creek. It's grown up in brush, and trees, and I've indicated that this developer should approach that property owner, and acquire at least a temporary easement, and maintain that easement until such time as the off-site effects of his development are under control. I've conveyed that to the developer, and he's presently negotiating with the adjacent property owner to purchase a large amount of that property for future development."

Commissioner Mourdock: "Is that an incised basin then, or just a dam type basin?"

Bill Nicholson: "I'm sorry, I didn't understand what you said."

Commissioner Mourdock: "Is it an incised basin meaning; dug below the existing ground level, or are you changing the contours, and building a berm, and holding water back?"

Bill Jeffers: "It's an excavated basin for a earth berm."

Commissioner Mourdock: "Okay."

Bill Nicholson: "Yes, it has an earth berm."

Commissioner Tuley: "There's no confusion. When I start getting my attention is when I look out there, and see a whole bunch of people other than the developers, or engineers. I don't see anybody tonight, so I don't think we have many problems here. If Bill's ready for a recommendation."

Bill Jeffers: "The only problems that you may encounter subsequent to Area Plan Commission, or if you attend Area Plan Commission, is the owner of a piece of property immediately across the street, is very concerned about a natural beautiful creek that runs behind his house through which the drainage from this will flow. I'm sorry, I forgot his name. A nice elderly gentleman. We just need to ensure that everything is in good working order, so that his creek isn't adversely affected. And then John Stoll is wanting to make sure that all of the roadside ditch that enters into that sixty-six (66") inch county maintained culvert, is within county right-of-way. So there may be some additional right-of-way that would have to be granted along from this subdivision."

Bill Nicholson: "That's been changed. There's a number of claims that's been added on the plans. Down at the entrance we have widened this out right here. There's a widening strip that goes with the papers that don't show up on this plan. We have to road ditch that, and we have widened the entrance, or the right-of-way of Hogue Road at that point. About fifteen (15') feet, I believe it is."

Bill Jeffers: "Other than that I don't anticipate any controversial aspects popping up on this one. And one of the beneficial things about this subdivision is that it's extending sanitary sewer lines into an area that could possibly serve Woodward Subdivision, and Chapel Hill Subdivision, neither of which are on sanitary sewers at this time."

Bill Nicholson: "Sanitary sewers are designed to handle about two hundred (200) additional homes, including this subdivision. It will tie into the Key West lift station."

Bill Jeffers: "And again with the comments that you've had; the Surveyors Office is recommending approval of the preliminary plan for Heartland Ridge Estates, with a final plan to be presented subsequent to Area Plan Commission."

Commissioner Tuley: "Are all of the plans for tonight preliminary, Bill, or are there some final?"

Bill Jeffers: "Yes, we do have some final."

Commissioner Mourdock: "I'll move acceptance of the preliminary drainage plans for Heartland Ridge Estates as submitted for preliminary acceptance by Mr. Jeffers."

Commissioner Tuley: "I'll second, and so ordered."

RE: NEW BUSINESS:

Joe Elpers Subdivision II, Lot D.

Bill Jeffers: "For the second item we would have to skip down to new business."

Commissioner Tuley: "Okay."

Bill Jeffers: "It's Joe Elpers Subdivision II, lot D. What's happened here is that the purchaser of Lot D was unaware of the new drainage ordinance requirement for a final approval before acquiring a building permit, and he sold the house he was living in, and has to be out in a certain number of days. He needs somewhere to live. So in an attempt to help the fellow, I asked Mr. Nicholson to present a final drainage plan for lot D "ONLY" of Joe Elpers II. He did so, which only required that he add a sufficient easement along the creek, "which I have shaded in total yellow", a fifty (50') foot easement. And he shows in the bottom left hand corner of this sheet a ditch section with the fifty (50') foot easement, and instructions to Mr. Elpers to peel the ditch bank back at a three to one side slope. Then over on your right hand side of the page, excuse me, upper right hand side it says; existing ditch side slopes shall be laid back with the large trees, and brush removed. And within two days after completion, the ditch must be seeded, and mulched. That's in accordance with the new drainage ordinance. He shows the approximate location of the house, and the pole barn with directions to grade the yard, so that the water flows away from the foundation. He shows the basin section kind of in the middle bottom of the page, with the instructions to construct the detention basin south slope in accordance with the drainage ordinance. He shows all the different structures that exist out there. The only thing remaining for Mr. Elpers to be able to facilitate this lot owner's attempt to get a building permit, would be that he needs to give his cost estimates for the gravel roadway known as ; Joe's Drive. And submit a letter of credit through Mr. Stoll, county engineer, which he can do it the next regular meeting of your County Commissioners, and he could get a building permit. Our office does recommend this sheet as a final drainage plan for Joe Elpers Subdivision II, Lot D, and then it will be incorporated into the final drainage plan for the rest of the subdivision at a later date."

Commissioner Mourdock: "I'll make a motion that we accept lot D, of the Joe Elpers Subdivision."

Commissioner Tuley: "Second, and so ordered."

RE: DRAINAGE PLAN REVIEW:

Rich-Lynn Estates, Section A, Replat of Lot 5, west of Schutte on Rich-Lynn Drive.

Bill Jeffers: "Rich-Lynn Estates, Section A, Replat of Lot 5, has already been approved as a final drainage plan. However, I missed one item, which is the requirement for a drainage easement on both sides of the channel running through lot 5. Since it was sent back to subdivision review for some roadway comments, it gave us the opportunity to ask Mr. Easley to add a thirty (30') foot easement through lot 5, which he was kind enough to do to rectify my mistake. We would like to recommend this new final drainage plan for approval, so that that thirty (30') foot easement will be included upon the final plat that will be recorded after it goes to Area Plan Commission at the first of the month."

Commissioner Mourdock: "I'll move that we accept the revised plan for Rich-Lynn Estates, Section A, Replat of Lot 5."

Commissioner Tuley: "Second, and so ordered."

Ruby Kay Subdivision: West of County Line Road, south of Denzer Road.

Bill Jeffers: "I am skipping to Ruby Kay, because that's also by Mr. Easley. Ruby Kay Subdivision which is located on County Line Road west, south of Denzer Road. It has received approval of a preliminary drainage plan, I believe at your last regular meeting. I asked Mr. Easley's office to include the exact location of some

drainage pipes, which they have done. And to widen the easement along the creek to seventy-five (75') feet, so that there would be ample room at the top of the bank for the Homeowner's Association, which they are creating to travel back, and forth incase they have to share maintenance cost, and maintenance activities. All of the information that we asked Mr. Easley's office for has been provided. You have already waived the requirement for detention. These are like four, and five acre lots, and it's being converted from a soy bean field to grass lawns. The creek is being left natural. There are huge trees out there. We don't want to disturb that. It would cause more problems than it would solve. The only note that I have on this one is, and I've already conveyed it to the developer today on the telephone; that he should consult with John Stoll, or a representative from the county engineer's office on driveway pipe sizes, and the highway side ditch along County Line Road. Which he said he wants to do to make sure his driveway pipe sizes are correct. And with that our office recommends the acceptance for final approval of this final drainage plan for Ruby Kay Subdivision."

Commissioner Mourdock: "I'll move acceptance of Ruby Kay Subdivision plan as recommended by Surveyor's office."

Commissioner Tuley: "Second, and so ordered."

Brownwood Estates, Replat of Lot 10.

Bill Jeffers: "This is the preliminary plan for Brownwood Estates, the replat of lot 10. Lot 10 is being redivided into four lots. Lot 3 has the existing house, and an existing barn that was built by the owner of lot 10. Who apparently wants to subdivide lot 10 into three more (2½) acre parcels. We're prepared to recommend the preliminary drainage plan at this time, and the notes on there are the notes that we will pass back to Daryl Helfert, who is here representing Morley & Associates, and the developer. He's showing you the driveway culverts, eighteen (18") inch reinforced concrete pipes onto lots 1, and 2. A twelve (12") inch reinforced concrete pipe onto lot 4. He also shows you two twenty-four (24") inch reinforced concrete pipes up in a valley that passes through lots 1, and 2. The reason I'm emphasizing reinforced concrete pipes is that his reports said; or equivalent. I don't want there to be any misunderstanding in any point in time that they will either be reinforced concrete pipes, or the equivalent will be re-specified, and brought back to your board. And the reason I say that is if you look at lot 3, you'll see that someone decided to stick in a twelve (12") inch plastic pipe, which is acceptable according to your new ordinance. But, we don't know what kind of plastic pipe. If it has a smooth interior it will carry just as much, or more as a twelve (12") inch concrete pipe. But, if it has a rough interior it won't. Then you will see that up the driveway someone stuck in an eight (8") inch corrugated metal pipe, which is not allowed, because it's less than twelve (12") inches. So I'm just saying; if they do want to change from the reinforced concrete pipe to any other type, they need to come back, and ask for the new material, and the bedding of it to be re-approved. We're asking to show the approximate location of the houses. The finished floor elevation has been set by Roger Lehman, at I believe four hundred, and twenty-two (422') feet above sea level, so they need to show the exact location of that house. Then the approximate location of the other houses would be helpful. We're asking for some details on the large creek that I have shaded in dark red, because I believe they need greater than a fifteen (15') foot easement to incorporate what part of the channel lies on lot 1 along with a twelve (12') foot maintenance along the top bank. Other than that which are very simple modifications, our office recommends approval of preliminary plan to go forward to Area Plan Commission, and come back next month with a final drainage plan to incorporate those few details."

Commissioner Mourdock: "I'll move acceptance of the Brownwood

Estates, Lot 10, preliminary plan as recommended by the County Surveyor."

Commissioner Tuley: "Second, and so ordered."

Belle Court Subdivision: Part of the northeast quarter of the southeast quarter of section 32, township 4 south, range 11 west, located on Baehl Road east of State Road 65.

Bill Jeffers: "Belle Court is a two lot subdivision, which would of come under minor subdivision, except that they are extending a roadway, and under definition of the Area Plan Commission that makes it a major subdivision. However, the Area Plan Commission staff has asked our office, and other offices to review it as an minor sub, so my only comments are; I'd like to go out there, and look at that one dark red shaded area to make sure. It appears that a ditch may be necessary there to keep the water from flowing down onto a house that's built to the north of there on Baehl Road. Other than that I have no problems about recommending approval of a preliminary drainage plan, and I'm sure that you'll see a final drainage plan. I'm just asking you to let us move this through the "inter" office between Area Plan Commission, Highway Department, etc, and I'll bring it back to you, and show you what we've done at a later time."

Commissioner Mourdock: "I'll move acceptance of the Belle Court Subdivision preliminary drainage plan as proposed by the County Surveyor."

Commissioner Tuley: "I'll second, and so ordered."

RE: NEW BUSINESS:

Bill Jeffers: "Under new business I was to bring you some letters that I've transmitted, but my word processor battery is low, and I have to leave it on all the time to keep it charged, and Friday we had an electrical storm that turned it off. I can't bring those letters up. The first letter was a letter to Mike Wathen, of Soil Conservation Service. I brought a copy down to President Tuley. I'm going to bring copies of all these at the next meeting. Basically, showing our support for his suggestion of an erosion control plan to be applied to Knob Hill, and giving you backup on that to show that your new drainage ordinance allows you to apply additional conditions to any approval of any plan."

Commissioner Tuley: "Bill, they've been in contact with you. When they brought this in front of Area Plan this month, I want to say they withdrew. They put it on hold, because the Knob Hill people that hired Les Shively, they're negotiating with Dan Buck, basically going back to square one. Cutting down the number of lots, if they're going to do anything. Have you been included in any of those discussions?"

Bill Jeffers: "Keith Poff, and Mike Sandefur told me on the telephone exactly what you just told me. That they are negotiating to basically build the three (3) houses on Ward Road, but only to build one (1) house on Knob Hill Drive. There's no drainage basin whatsoever on the intersection of Knob Hill, and Pine Tree. And to redesign the basin at Knob Hill, and Ward Road to make it look more like a rock garden, or something more beautiful than just a hole in the ground. I've not heard anything else."

Commissioner Tuley: "Okay."

Commissioner Mourdock: "Who is negotiating? Do you know? I mean that's going to end up being critical to a couple of landowners, and then the rest of the landowners aren't going to agree with them."

Bill Jeffers: "It's apparently the Knob Hill Homeowners, "spear chuckers". Mr Rudolph, Mike Sandefur, and Dan Buck."

Commissioner Tuley: "The people down below are not involved?"

Bill Jeffers: "The people down below will have the same problems that they have today, regardless of what happens. How many houses are built, etc."

Commissioner Tuley: "Right. Now along that line, I've been contacted again by Mr. Bell. The people on the lower end would like for us to hold a drainage board meeting. Special, or whatever, somewhere in that general vicinity."

Commissioner Mourdock: "Geographically."

Commissioner Tuley: "Geographically, so that we can get as many people to come in, and they're going to try to pull this together so those people will listen to our recommendations, and agree to do what needs to be done to solve their problems."

Bill Jeffers: "They do have a substantial number of problems, and we're not going to be able to solve all of them at anytime in the future."

Commissioner Tuley: "Right."

Bill Jeffers: "If we do begin solving them, it's going to take quite sometime to solve a good number of them."

Commissioner Tuley: "I guess what I'm looking for is; would it be beneficial to do what they're asking?"

Commissioner Mourdock: "Seriously Pat, I don't have a problem doing that at all. We've got to listen, and they've got to listen to us. They're not going to like probably what they end up hearing. But, I think we owe it to them to go out there, and do that."

Commissioner Tuley: "I guess then what I need to do basically, the question is; obviously if we change our location it has to be advertised, because people expect to meet here."

Bill Jeffers: "You have remote meetings for highway projects out at Day School, and it's the meeting of the Commissioner's to hear. It's a hearing. It's a public hearing. It's very common."

Commissioner Tuley: "How much time do we need to give notice? I would like to do it on a regular drainage board meeting night. I really don't want to have a special meeting just for that."

Alan Kissinger: "You'd have to give at least ten (10) days notice of that change."

Bill Jeffers: "I would do it after the building season is over."

Commissioner Tuley: "Really?"

Bill Jeffers: "Next month you will be looking at a two hundred, and ten (210) lot subdivision."

Commissioner Tuley: "Okay, next month is out of the question. Do you think September? We're getting near the end of building season by September."

Bill Jeffers: "A lot of what they're asking for can be done in the dead of winter."

Commissioner Mourdock: "But, I'm not sure Bill, that that's necessarily being expedient as we need to be. What difference does

it make as far as the building season? Are you saying it's strictly from your work load point of view? Because obviously it doesn't matter to those folks."

Bill Jeffers: "I wasn't thinking of the work load for our office. I was thinking of marathon drainage board meetings on your part. Three, or four hour long meetings."

Commissioner Tuley: "I think what you were saying; is that we're going to have a lot of plans to review."

Bill Jeffers: "Right. Tonight is a very simple night, and it's still going to take an hour for this meeting. And then what you're going to be listening to if you're trying to accommodate even more people than those who were here last time, is another two, or three hours."

Commissioner Tuley: "I may rethink that. Maybe we ought to hold a special meeting just for the purpose of discussing that."

Commissioner Mourdock: "Do it like we did, back to back weeks. Have one a regular drainage board meeting, and then a special drainage board meeting."

Bill Jeffers: "It doesn't have to be held on a Monday. A special meeting can be held any day of the week."

Commissioner Tuley: "Let me call out there at the union house, and see if I can get 808 donated to us for that meeting, since it's fairly close to all of them out there. Let that kind of dictate when we might do it, based on the availability."

Commissioner Mourdock: "I think the direction that we're going with this plan, it might correct some problems. It isn't necessary to have a cast vote that night."

Commissioner Tuley: "No."

Commissioner Mourdock: "It's just to let everybody have their chance to say what they have to say. And let Bill make his suggestions to what we need to have done, and Mike. Then we can all add our two cents to it."

Commissioner Tuley: "I don't think that we're going to cast a vote. I think it's basically to sit down, and hear what's on their minds, and let them hear from our point of view what we legally can do, or can't do."

Alan Kissinger: "It's very simple. You cannot make any improvements on private property."

Commissioner Tuley: "Right. I guess somewhere along the line though, there's been discussions that, if you provide the pipe, we'll put it in. Even though it's on private property."

Alan Kissinger: "We'll, by doing that you're donating labor. You're violating the law. It's as simple as that."

Bill Jeffers: "There are improvements that can be made within existing right-of-way."

Alan Kissinger: "Within the right-of-way. I agree."

Bill Jeffers: "And then there are improvements that can't be made except at the property owners expense."

Commissioner Tuley: "Well then that's why we need to have this meeting. Lay that all on the line for them, and we'll have to show them what we can do, and what we can't do."

Commissioner Mourdock: "Maybe what we ought to do is have a plat up where everyone can see, and have you suggest, or say; the best conditions to solve this problem, here's this map, and this is where we need to use them, right here."

Commissioner Tuley: "Now we're going to get back into what he said. We're going to get back into the end of building season."

Bill Jeffers: "By the same time that map could include existing rights-of-way, and what could be done in those that could alleviate some of the problems."

Commissioner Tuley: "Right."

Bill Jeffers: "This is what we can do now. This is what you'll have to donate, or pay for, if it's going to be solved at all."

Commissioner Tuley: "People are wanting plans approved. We just held a June meeting, and it's not going to be a July meeting. People who are trying to develop are going to want these things approved. You're probably going to get a ton of these for July, August, and September."

Bill Jeffers: "Area Plan Commission told me to expect a big stack at our next meeting. One of them like I say; is two hundred, and ten (210) lots."

Commissioner Tuley: "Maybe we ought to address them, and tell them what we would like to do, and do that here. Then when we actually get on that, that way to go, we'll call a special meeting to conduct it out there. How about that?"

Commissioner Mourdock: "How are you going to do that for them? Have them come in for a preliminary meeting?"

Commissioner Tuley: "I'm just going to call Bob Bell, and tell him that he's been the point of contact, and this is the way we want to do it, and if he'd like to come down for a regular meeting, we'll just put it on the table what we would like to do. He's conversing with all the neighbors out there already anyway."

Commissioner Mourdock: "Are we going to ask all of those exposed? We have their addresses. We might even want to send them a letter to let them know."

Commissioner Tuley: "Those that live in the subdivision down the hill?"

Commissioner Mourdock: "Those who spoke at the special drainage board meeting for Knob Hill."

Commissioner Tuley: "Right. That's not a bad idea."

Bill Jeffers: "There is a sign-in-sheet of everyone that was there with thirty-five names."

Commissioner Tuley: "Okay."

Bill Jeffers: "The second letter that I was to bring was to John Stoll, with a copy to Bud Bussing, and the homeowner, Myra Peak, at 8440 Burch Park Drive, who notified us of a bursted drainage pipe in her backyard. Basically, I notified John Stoll, and he notified Mr. Bussing that he was still under his one (1) year guaranteed period. That's moving forward. Then another letter went to Shirley James, which I gave a copy to Mr. Mourdock, because he was interested in that originally. That was for the ongoing discussion

should Carpentier Creek be a legal drain. ¹Basically, it was an information sheet about the history of Carpentier Creek, and then if it becomes a legal drain again, a brief synopsis of the process you have to go through, along with the watershed map showing approximately eight (8) square miles that would be in that watershed."

Commissioner Mourdock: "Excuse me one second, Bill. Maybe the kind of meeting that you're suggesting is pushing too hard at this point. Maybe that's something that you would like to keep in mind."

Bill Jeffers: "Mrs. James had invited our office to their regular monthly meeting at USI, and I attended, and handed that information to her, and other members of her organization."

Commissioner Mourdock: "This past Wednesday?"

Bill Jeffers: "Yes sir."

Commissioner Mourdock: "Oh great! I was suppose to be there, and I couldn't make it. I'm glad that you were there. Thank you."

Bill Jeffers: "Also under new business; Out Back Steakhouse is going to ask for additional parking, because as "restaurant row" is growing out there. Cross Pointe Subdivision people are parking out in the streets. They anticipate that O'Charley's customers will be parking in El Chico's, and El Chico's customers will be parking in Out Back. So Out Back is going on out into a vacant field, and asking for additional parking. I previously had said; that that area would have to drain to Crawford Brandies, but we went out, and did a topographic study of the area, and a small portion of it does drain to Nurrenbern Ditch, so we will be bringing you a new drainage plan to add to Out Back's, showing some additional parking, and have it drained through their property over towards Nurrenbern Ditch. Also under new business; your new ordinance requires that the County Auditor set up an account in which to hold the funds under plan B, maintenance, for drainage improvements for these new subdivisions. That would be the two dollars (\$2.00) per linear foot that the developer submits for all pipe outside of county roadway, right-of-way. I bring that up at this time, because we're starting to approve final drainage plans, and they're going to start bringing you those checks. So, we need to get together on that, and set up an account with a book that shows which subdivision that has donated so much money, and etc."

RE:² REQUEST PAYMENT OF BLUE CLAIMS-MAINTENANCE:

A. Koberstein Trucking Company, Inc., Kolb Ditch.

Bill Jeffers: "I have a claim from Koberstein Trucking Company, for work that they have done on Kolb Ditch under contract with you. It's a partial payment of three thousand, forty-three dollars (\$3,043.00). The claim is signed by the Surveyor. It's accompanied by an itemized bill from Koberstein, and it's accompanied by the Surveyors report indicating that the work has been inspected, and approved."

B. Martin Woodward Backhoe Service, Kolb Ditch.

Bill Jeffers: "I have a claim from Martin Woodward Backhoe Service, for work on Kolb Ditch on a project under contract with you for the cleaning of pipes through which the ditch passes. He has finished

¹Copy attached to the (6-26-95) drainage board minutes of CARPENTIER CREEK "Preliminary General Information".

²Copy of Blue Claims-Maintenance attached to the (6-26-95) drainage board minutes.

cleaning three of them. We're withholding a retainage. The amount that we're recommending that you pay him is one thousand, six hundred, thirty-six dollars, and twenty-five cents (\$1,636.25). The claim is signed by the Surveyor. It's accompanied by the Surveyors report indicating that the work has been inspected, and approved. It's accompanied by a bill from Martin Woodward Backhoe Service."

C. Scott Boiler Service, Sonntag Stevens Ditch.

Bill Jeffers: "I have a claim from Scott Boiler Service, for additional work on Sonntag Stevens Ditch; also under contract with you. It's a progress payment along with extra work which we authorized, and we're asking you at this time to approve our authorization of the extra work. The total of the extra work came to one thousand dollars (\$1,000.00). The breakdown on that is the removal of twenty-four inch (24") diameter tree at Inland Container. A fifty-four inch (54") diameter tree in the Sports Park. Both of which were obstructing the ditch, and had to be removed to complete this work. The total of the work at this time is seven thousand, sixty dollars, and twenty-five cents (\$7,060.25). The claim is signed by the Surveyor, and accompanied by a report indicating that the work was inspected, and approved. Also an invoice from Scott Boiler & Burner Service is attached. The only complication on any of that is we're asking you to approve our authorization for one thousand dollars (\$1,000.00) of additional work to remove two (2) trees that were obstructing the channel at Sonntag Stevens. Which we had hoped to work around, but weren't able to work around it once we got to moving."

Commissioner Mourdock: "I'll move acceptance for the Blue Claims forms as submitted by the County Engineer."

Commissioner Tuley: "Second, and so ordered."

RE: PRESENT AND DISCUSS A CLAIM FROM ASPLUNDH:

Bill Jeffers: "I still have not discussed the claim from Asplundh with your attorney, so I don't want to present it at this time."

RE: SIGN CONTRACT FOR DITCH MAINTENANCE:

Bill Jeffers: "I'm still holding several maintenance contracts, all of which have been signed by the contractors. All of which have been notarized, but I would like to bring them to you all at the same time when all three Commissioner's are here to sign them, so we don't have to bring them up to you twice."

Commissioner Tuley: "Okay."

Bill Jeffers: "While your signing, I will tell Mr. Kissinger that the survey crew has begun working on the Rudolph property, and we have investigated several methods of stabilizing that bank using very modern materials that are less expensive than the (inaudible), and different things that we used to talk about. We hope to have at least a preliminary plan at your next meeting for stabilization of the bank at the Rudolph property on Stockwell Road."

There being no further business the meeting was adjourned at 7:55 p.m.

PRESENT:


President Patrick Tuley
Member Richard E. Mourdock
Alan Kissinger, Attorney
William Fluty, Chief Deputy Auditor
Bill Jeffers, Chief Deputy Surveyor
Julie Hinton, Secretary
Andy Easley, Easley Engineering
Daryl Helfert, Subdivisions
Bill Nicholson, Heartland Ridge Estates

Regular Drainage Board Meeting
June 26, 1995


11

ABSENT:

Vice-President Richard J Borries
Suzanne M. Crouch, Auditor



Patrick Tuley, President



Richard J. Borries, Vice-President



Richard E. Mourdock, Member

Vanderburgh County Surveyor
CARPENTIER CREEK
"Preliminary General Information"

Carpentier Creek was established as a legal drain beginning in 1894, and finalized in 1899.

The upper end of Carpentier Creek legal drain was just south of the intersection of Diefenbach Road and Upper Mount Vernon Road.

The creek flows Southeastwardly along the old L&N tracks, for about one (1) mile, until it reaches the Evansville City Limits.

Then it meanders generally South for about two and one half (2-1/2) miles to South City Limits line.

The creek then flows another half mile or so to its southerly terminus at Old Henderson Road.

The total length of the old "legal drain" portion of Carpentier Creek is approximately four (4) miles.

All legal drain waterways and banks were maintained until 1965 by "allotments." That is, each property owner along the watercourse maintained the portion of the creek flowing through or alongside his/her property.

In 1965, the county commissioners held hearings, mandated by the state legislature, to determine which of the county's several legal drains would be maintained according to the provisions of the state's new drainage statutes.

The new drainage statutes required all property owners within the watershed of a legal drain to share the costs of maintaining the waterway, rather than placing the entire burden just on those owning property alongside the ditch.

Any legal drain for which greater than fifty percent (50%) of the property owners within its watershed agreed to pay their share of maintenance costs continued to be a legal drain.

Less than fifty percent (50%) of the property owners within the watershed for Carpentier Creek agreed to share the maintenance costs; and Carpentier Creek lost its legal drain status beginning January 1, 1966.

State statutes allow a waterway to regain status as a "regulated drain" through a petitioning process detailed in the state drainage codes.

Basically, all property owners within the watershed must be notified of a series of public hearings whose purpose is:

1. To determine the cost of clearing the waterway and side banks of trees, brush, and other obstructions; and stabilizing the ditch banks and bottom.
2. To determine the cost of opening the waterway and all pipes, bridges, and culverts through which it passes to a size to carry all the flow of water.
3. To determine the annual cost of maintaining the waterway in an acceptable condition.
4. To determine a per acre share in the costs to be paid by each property within the watershed.
5. To determine if greater than fifty percent (50%) of the property owners within the watershed are willing to pay their share of the costs.

The watershed for Carpentier Creek is approximately eight (8) square miles, or five thousand one hundred ten (5,120) acres.

Approximately six (6) square miles, or three thousand eight hundred forty (3,840) acres lay in the county; and approximately two (2) square miles, or one thousand two hundred eighty (1,280) acres lay within the city.

f-1

As Carpentier Creek would have to be declared an "urban drain," due to the urban pressures applied to it by existing and anticipated development, the county drainage board would:

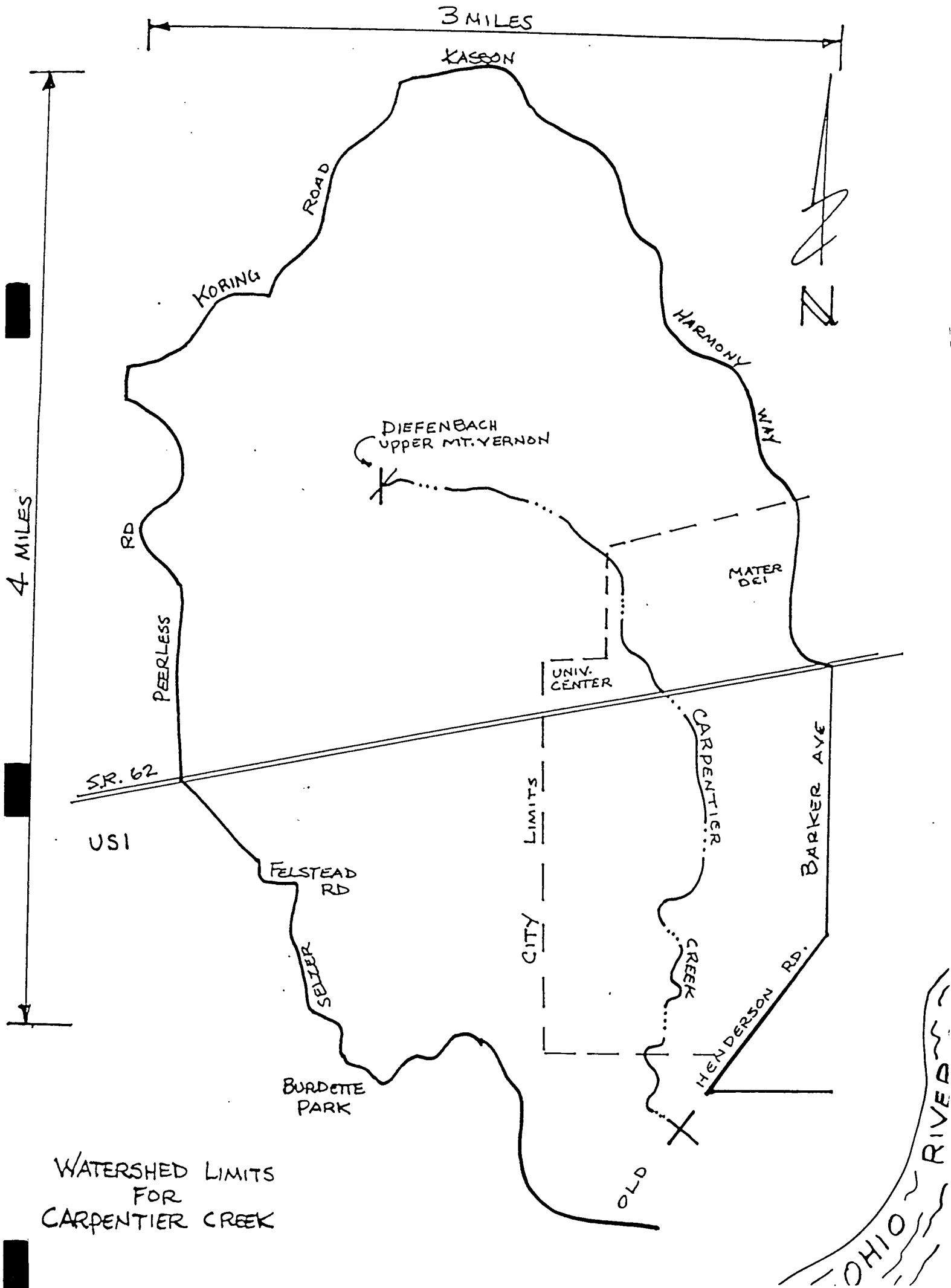
1. Collect an assessment on all rural acres outside the city limits estimated at about two dollars (\$2.00) per acre for annual maintenance.
2. Collect an assessment on all developed land with hard surface coverage exceeding fifteen percent (15%) at a rate of about twenty-five dollars (\$25.00) per acre.
3. Collect a minimum assessment on small residential lots of five dollars (\$5.00) per year.
4. Collect all assessments within the city limits at the urban rate of about twenty-five dollars (\$25.00) per acre, for a cost to the City of Evansville of approximately ~~ninety-six thousand dollars~~ (\$32,000.00) per year.
Thirty-two thousand dollars

The initial costs of opening Carpentier Creek as a "regulated drain" are not available at this time, but could be expected to exceed two million dollars (\$2,000,000.00) which would have to be paid off in three years by assessments to the properties within the watershed; or by municipal bonds for capital improvement projects.

Projects of this size accomplished on the Eastside from 1977, through 1981, were initiated, designed, bid out, and supervised by the Board of Public Works, with cost sharing by the county drainage board; and are now maintained by the drainage board as outlined above.

Please see attached map for reference.

NMG 6/21/95



Warrant No. _____
Claim No. _____
Date _____
Kobert Stein Trucking
Inc. RFR #3
Box 363 Princeton, TN 37470
Vendor No. 0201

\$ 3,043.00

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name Kolh Ditch
Account No. 234-025

Allowed _____ 19____
In the sum of \$ _____

Richard Jones
Chairman

Board of Commissioners

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

None

6/26/95 Robert W. Zuercher
Signature of Office Holder

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

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

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>ADA-25-1-K</u>	_____	<u>JUNE 23, 1995</u>	<u>234-025</u>	<u>\$ 3,043.00</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL \$ 3,043.00

Robert W. Brenner, Vanderburgh County Surveyor

KOLB DITCH - PARTIAL PM
ADDITIONAL MAINT,

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: KOPERSTEIN TRUCKING INC.

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

Respectfully submitted by:

Robert W. Brenner 6/26/95
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

6.2

APPLICATION FOR PAYMENT

FROM: KOBERSTEIN TRUCKING, INC.
R. R. #3, BOX 363
PRINCETON, IN 47670

TO: VANDERBURGH COUNTY DRAINAGE BOARD
ROOM 325 CIVIC CENTER COMPLEX
ONE NORTHWEST MARTIN LUTHER KING, JR. BLVD.
EVANSVILLE, IN 47708-1833

PROJECT: ADDITIONAL MAINTENANCE KOLB DITCH
SILT & DEBRIS REMOVAL

DATE: JUNE 20, 1995

APPLICATION NO. 1

DESCRIPTION	ESTIMATED QUANTITY	QUANTITY THIS MONTH	QUANTITY TO DATE	BALANCE
PHASE 1	\$2,080.00	\$0.00	\$0.00	\$2,080.00
PHASE 2	\$7,500.00	\$0.00	\$0.00	\$7,500.00
PHASE 3	\$3,580.00	\$3,580.00	\$3,580.00	\$0.00
TOTALS	\$13,160.00	\$3,580.00	\$3,580.00	\$9,580.00

1. ORIGINAL CONTRACT SUM	\$13,160.00
2. CONTRACT SUM TO DATE (LINE 1 + 2)	\$13,160.00
3. TOTAL COMPLETED TO DATE	\$3,580.00
4. RETAINAGE	\$537.00
5. TOTAL EARNED LESS RETAINAGE	\$3,043.00
6. LESS PREVIOUS APPLICATIONS	\$0.00
7. PAYMENTS RECEIVED	\$0.00
8. CURRENT PAYMENT DUE	\$3,043.00
9. BALANCE TO FINISH, PLUS RETAINAGE	\$10,117.00

\$3,043.00

6-2

Board of Commissioners

✓ TOTAL 16,36 35

2.7

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: MARTIN WOODWARD
PAVING SERVICE
for [] annual -- ☒ additional maintenance to
KOLB Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
JUNE 23, 1995, and was inspected by
our staff on JUNE 23, 1995, and is
☒ approved -- [] disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 6/26/95
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

THIS IS WORK IN SUBDIVISION
LARGE PIPE UNDER POLLOCK
REMAINS TO BE FINISHED

WJ

Martin Woodward Backhoe Service

15515 N. Posey Co. Line Road
Poseyville, IN 47633

VANDERBURGH COUNTY DRAINAGE BOARD
305 CIVIC CENTER COMPLEX
EVANSVILLE, IN 47708

23 JUNE 1995

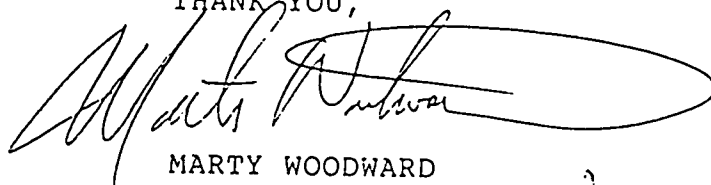
INVOICE FOR REMOVAL OF DEBRIS FROM THREE ELIPTICAL CONCRETE
PIPES IN EASTLAND SUB-DIVISION.

CLEANING OF THREE PIPES.	\$1925.00
--------------------------	-----------

15% RETAINAGE	288.75
---------------	--------

INVOICE TOTAL	\$1636.25
---------------	-----------

THANK YOU,



MARTY WOODWARD

F-2

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

Vendor Name SCOTT BOWLER-BURGER
Vendor No. 4204 SEPUBS

Account No. 234-038

Edward T. Jones
Edward T. Jones

TOTAL \$ 7060.35

6.2

Robert W. Brenner, Vanderburgh County Surveyor

PARTIAL PMT.

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: SCOTT BOLLER & BURNER

SEWER
for [] annual -- [X] additional maintenance to
SCOTTAGE STEVENS Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
JUNE 73, 1995, and was inspected by
our staff on JUNE 23, 1995, and is
[X] approved -- [] disapproved for ^{PARTIAL} payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner APR 4/26/95
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

EXTRA WORK NECESSARY TO
REMOVE TREES OBSTRUCTING
WATERWAY
Wm J. G. G.

SCOTT BOILER & BURNER SERVICE

111 E. WASHINGTON • P.O. BOX 517
CHANDLER, IN 47610
PHONE (812) 925-7203

Invoice

INVOICE No. 900346

INVOICE DATE JUNE, 23, 1995

SOLD
TO

VANDEBURGH COUNTY DRAINAGE BOARD
ROOM 208 CIVIC CENTER COMPLEX
1 MARTIN LUTHER KING, JR. BLVD.
EVANSVILLE, IN 47708

SHIPPED TO

SAME

OUR ORDER NO.	YOUR ORDER NO.	SALESMAN	TERMS	SHIPPED VIA	Ppd. or Coll.
900346	B. JEFFERS	SCOTT	BID		
QUANTITY	DESCRIPTION	PRICE	AMOUNT		
	BASE BID \$8657.50 minus 70% balance of \$2597.25				
1	1 Progress payment of 70% of total bid for a total of.....		\$6060.25		
1	Remove tree at Inland container and buried as directed..24".dia.....		\$ 300.00		
1	Remove tree at east end of ball park and bury as directed. .54" dia.....		\$ 700.00		
	TOTAL.....1.....1.		\$7060.25		

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INDEX
DRAINAGE BOARD MEETING
JULY 24, 1991

Meeting Opened 8:00 p.m	1
Approval of Transcribed Drainage Board Minutes	1
Request Payment of Blue Claims-Maintenance	1
Present and Discuss a Claim from Asplundh	2
Sign Contract for Ditch Maintenance	2
New Subdivisions Drainage Plans	3
A. Vogel Road Commercial Park, Section II	3
B. Ryan Commercial Park, Section II	3
C. Malibu Park IV Subdivision	4
D. EVSC Athletic Fields for Harrison High School	4
E. Joseph Elpers Subdivision II, Lot A	5
F. Keystone Subdivision	6
Old Business	10
A. Cross Pointe Section E	10
B. Knob Hill Estates	11
C. Heartland Ridge Subdivision	13
D. Belle Court Subdivision	17
Meeting Adjourned 9:20 p.m	18

MINUTES
DRAINAGE BOARD MEETING
JULY 24, 1995

The Vanderburgh County Drainage Board met in session on July 24, 1995, at 8:00 p.m., in the Commissioners' Hearing Room 307, with President Patrick Tuley presiding.

Commissioner Tuley: "Let's bring to order the Drainage Board Meeting for July 24, 1995."

RE: APPROVAL OF TRANSCRIBED DRAINAGE BOARD MINUTES:

Commissioner Tuley: "First item on the agenda then would be the approval of the Drainage Board Minutes. The special drainage board meeting held (5-30-95). The regular drainage board meeting held (6-26-95)."

Commissioner Borries: "Mr. President I move that the minutes of the special meeting of (5-30-95) be approved."

Commissioner Mourdock: "I'll second."

Commissioner Tuley: "So ordered."

Commissioner Mourdock: "I'll move the approval of the regular drainage board meeting minutes from (6-26-95) be approved."

Commissioner Tuley: "I will second. So ordered."

RE:¹ REQUEST PAYMENT OF BLUE CLAIMS-MAINTENANCE:

Commissioner Tuley: "Item #3 is the request payment of Blue Claims-Maintenance."

Commissioner Borries: "I'll move the claims be allowed."

Commissioner Mourdock: "I'll second."

Commissioner Tuley: "So ordered."

Commissioner Tuley: "Next item to present, and discuss the claim from Asplundh."

Bill Jeffers: "I have added one that's for² Koberstein, on Kolb Ditch, extra work. Total of eleven hundred and fifty dollars (\$1,150.00). Authorized by the County Surveyor, and we're asking you to approve that authorization. It's from Pollack Avenue, southeast to the levee, and there's work necessary to be done in conjunction with the project there on the contract."

Commissioner Tuley: "He presented a claim for additional leveling of spoils for Koberstein Trucking."

Bill Jeffers: "It's for about another five hundred (500') feet of ditch work that had to be done to get that pipe to drain properly. Same contractor. Same price per foot. I think it's even cheaper actually."

Commissioner Mourdock: "I move acceptance of the claim for Koberstein Trucking."

Commissioner Borries: "I'll second."

Commissioner Tuley: "So ordered."

¹Copy of Blue Claims-Maintenance for Ditches attached to (7-24-95) Drainage Board Minutes.

²Copy of Claim for Koberstein, on Kolb Ditch, extra work attached to (7-24-95) Drainage Board Minutes.

RE:³ PRESENT AND DISCUSS A CLAIM FROM ASPLUNDH:

Bill Jeffers: "The claim from Asplundh is the one that I've been holding to try to find a chance to talk to Mr. Kissinger about. We have never found a time that both of us are free. So, I would like to present this to him with some attached data. Basically, Asplundh did some work for us in 1994 I believe. But they didn't complete the contract as exactly specified because of weather conditions, and equipment failures. And we did not allow the claim during that year. Later after negotiating with them, we decided that they did complete a percentage of what they contracted with us to complete. They didn't agree with that amount, and negotiations dragged on for another year. Then finally they came back, and said; "well if you'll pay us for that percentage, we will accept it". The only reason I'm turning them over to Mr. Kissinger at this time, is to make sure that it's legal for us to pay percentage of the contract."

Alan Kissinger: "We can pay a percentage Bill, but did we have additional cost in completing the project?"

Bill Jeffers: "No, we did not finish. It was Eagle Slough, and we just left it as is. Went out and checked it and said they only completed a certain part of it, and that's all we would pay them for, and we left the rest of the contract unfinished."

Alan Kissinger: "Are you satisfied with the percentage that you've arrived at? That is the percentage that is in fact completed?"

Bill Jeffers: "Yes sir."

Alan Kissinger: "Okay. You can certainly pay on that basis if it is the product of negotiating settlement."

Commissioner Mourdock: "Are you stipulating Bill that they agree on the percentage?"

Bill Jeffers: "Right. If we pay them this they won't come back. They just want us to release their bond, so they won't have that hanging over their head with the insurance company."

Alan Kissinger: "If the Commissioners seek then to do that with all the other reasons, and explanations that Bill has given, you certainly have the legal authority to do that."

Commissioner Borries: "I'll move the claim be allowed for the percentage then that is recommended by the Surveyors Office."

Commissioner Mourdock: "I'll second."

Commissioner Tuley: "So ordered."

RE: SIGN CONTRACT FOR DITCH MAINTENANCE:

Bill Jeffers: "The next item is several contracts that we've been holding for a couple of months, because each one of our drainage boards went marathon session. I kept saying that I would bring them back to you to sign. But since this looks like another long one, how about if I present them to you, you approve them, they're all correct, they're just the same as they've been year after year. Possibly your staff could stamp those on your authorization, so it won't take up any of your time tonight. That's your contracts for this year with all the ditch maintenance contractors."

Commissioner Tuley: "Okay. Which we've already had all the

³Copy of the Claim from Asplundh is attached to the (7-24-95) Drainage Board Meeting.

particular information."

Bill Jeffers: "Everything has been approved in a meeting. It's just your signature on the contract that's needed."

Commissioner Mourdock: "Bill, the item on the agenda under Eagle Slough, is this additional maintenance contracts?"

Bill Jeffers: "Right. I just brought the rest of them with that."

Commissioner Mourdock: "Okay. I'll move the approval of the Eagle Slough; additional maintenance spraying."

Commissioner Borries: "I'll second."

Bill Jeffers: "And all the rest of the Annual Contracts for 1995 that I have been holding for a couple of months."

Commissioner Borries: "And they're all the same?"

Bill Jeffers: "Everyone of them are the same, just different contractors on each contract."

Commissioner Mourdock: "I'll move acceptance of the contracts as submitted by the Surveyors Office."

Commissioner Borries: "I will second."

Commissioner Tuley: "So ordered."

Commissioner Borries: "Is it agreeable then we can have these stamped? We approve?"

Commissioner Tuley: "Yes."

Commissioner Mourdock: "Yes."

RE: NEW SUBDIVISIONS DRAINAGE PLANS:

- A. Vogel Road Commercial Park, Section II:
- B. Ryan Commercial Park, Section II:

Bill Jeffers: "Under new subdivisions drainage; Vogel Road Commercial Park, Section II, and Ryan Commercial Park, Section II; are actually one drainage plan. Half of it's being developed by one developer, and half of it by another developer, but they have been kind of doing it together all along. Both of them retain the same engineer. I believe one of them is Dick Reinhardt, and one of them is Mr. Bryan. I'm sure you're familiar with that. That's on Vogel Road east of Sam's, at the intersection of Royal Avenue on your way to Burkhardt Road. I have Vogel Road in yellow, and Royal Avenue in yellow that's already been built by you. Then the extension of Royal Avenue to the south towards Kenny Kent near the Expressway is the green to show you the location of the street that splits the two subdivisions. The blue areas denotes the drainage basins which the calculations were originally from Morley Associates. This was approved by your board back around 1988. Then all of the design work along the lower part of the page showing the details of the catch basins, and the outlets, and paved ditches are the details that bring it up to speed with your new ordinance. And those details are provided by Jim Farney, from Bernardon, Lochmueller Associates, etc. who is here in the audience to answer any questions if you have any. The calculations meet, or exceed those that were approved previously for this subdivision, and the details as I've said; bring it up to snuff with your new ordinance. The Surveyors office recommends approval of the final drainage plan for Vogel Road Commercial Park, Section II; and the final drainage plan for Ryan Commercial, Section II."

Commissioner Borries: "It's flat."

Bill Jeffers: "It's very flat. It's about the best you can ask for. I will say that this same drainage plan has worked. The section that is currently being developed immediately north of here in this particular plan has worked without the paved bottom, or the other details (inaudible)."

Commissioner Borries: "Do you want separate motions for them?"

Commissioner Mourdock: "(Inaudible) You have written in with red (inaudible). Is that what you're suggesting? (Inaudible)."

Bill Jeffers: "That is what is agreed to according to the new ordinance, and they do have it included there. I just didn't have a blue pen in my hand. I shouldn't write in red."

Commissioner Mourdock: "That's why I asked (inaudible)."

Bill Jeffers: "It's alarming, right. This is a done design. Finished and completed."

Commissioner Mourdock: "I'll move acceptance of the Vogel Road Commercial Park, Section II drainage plan as recommended by the Surveyors Office."

Commissioner Borries: "I'll second."

Commissioner Tuley: "So ordered."

Commissioner Mourdock: "I'll move acceptance of the Ryan Commercial, Section II drainage plan as recommended by the Surveyors Office."

Commissioner Borries: "I'll second."

Commissioner Tuley: "So ordered."

Bill Jeffers: "That is a final drainage plan to be recorded."

C. Malibu Park IV Subdivision:

Bill Jeffers: "Malibu Park, Section IV Subdivision is being suspended until the next meeting."

D. EVSC Athletic Fields for Harrison High School:

Bill Jeffers: "The next item is EVSC Athletic Fields for Harrison High School, located on Covert Avenue near Indian Woods. Actually it's the intersection of Covert, and Shoshoni Drive. I didn't get a chance to mark this one up for you, but basically what you're looking at is two soccer fields, one softball diamond, a rock parking lot off of Shoshoni, and a bus parking lot with a large circular turn around. It was designed by the school corporations consulting engineers to their specifications. And then we asked for a grading plan which shows how the water is to leave the playing fields, and the parking lot, and all be directed to the west, and southwest into a large basin along Hoosier Avenue. And I'm sure that Mr. Borries is familiar with that basin. It's the one along Hoosier that was adjacent to your neighborhood when you lived there."

Commissioner Borries: "Yes."

Bill Jeffers: "That parcel is owned by the city of Evansville, and it's a detention area that was designed, and built with municipal bonds to particular specifications, and is able to handle at least this much water, and more in addition to what it already handles."

And there's note number eight under general notes; the city engineer has approved the alterations of existing grades as shown; meaning on this plan; that the city owned property adjacent to the basin to allow drainage from the school corporations property to flow into the retention basin. In other words they'll be altering this area right here to allow the water to come into the retention basin. And note number seven; the grading contractors shall finish all grading along the south end of the property so that all drainage is away from adjacent properties. There were a few remonstrators along this property line who had comments about a school being built in this area. I don't believe any of their comments were about drainage, but I just wanted to make sure that they had no grounds for remonstrance to this board on account of drainage. Our office has reviewed this, and does recommend approval of the EVSC of the drainage, and grading plan for the Athletic Fields for Harrison High School located at Covert, and Shoshoni Drive."

Commissioner Tuley: " Bill is this a final as well?"

Bill Jeffers: "This is a final drainage plan. They'll come back with actually a finished plan when they start building the school. They just want to get the kids out there playing soccer and softball. They're using a rock lot, and portable concession stands. Later they'll come back with an entire plan that includes the new school."

Commissioner Mourdock: "When (inaudible)?"

Bill Jeffers: "As soon as possible what I understood. They're looking for a building permit. Site plan review committee sent it through our office. We're actually holding them up about two to three weeks right now."

Commissioner Mourdock: "For the drainage plan can you tell (inaudible)."

Bill Jeffers: "No sir. This is all surface drainage. There's a few area inlets that they're directing some water to those area inlets that drain into the existing road drains system on Covert Avenue."

Commissioner Mourdock: "I'll move the acceptance of the EVSC Athletic Field drainage plan at Harrison High School."

Commissioner Borries: "I'll second."

Commissioner Tuley: "So ordered."

E. JOSEPH ELPERS SUBDIVISION II, LOT A:

Bill Jeffers: "On Joseph Elpers Subdivision II, Lot A, we have another situation as we did last month. Mr. Elpers has a buyer for one lot, and the rest of his subdivision drainage plan is not yet ready for a final drainage plan. However, this one lot that is shaded in green is called lot A. Last month you approved lot D, so someone could build a house. Lot A as I understand it, the neighbor that I've shaded in green, Mr. Stephen Frey would like to buy that lot as an investment, and possibly build a new home on it. There are no drainage facilities on that lot except for the main creek channel that runs through the middle of the entire subdivision. We're including the same stipulations on this that we did on lot D, that the easement be fifty (50') feet wide. That Mr. Elpers put it into stable condition of a grassy waterway, and Mike Wathen from Soil Conservation and myself from our office will monitor this, and approve it when he matches the condition that's of our new ordinance. This will allow him to record that one lot, and acquire a building permit in close with you. This is the last time I am going to bring you a single lot from this sub. What it basically boils down to; is Mr. Elpers is a wonderful man who is a middle age

farmer, with a good hard head, and he's coming around to our way of thinking, but he has a lot of his own ideas. Mr. Nicholson who is here in the audience, that's his engineer. And between Mr. Nicholson, Mr. Wathen, and myself, and Mr. Elpers has really come up with some great ideas about how he wants to finish this off, and he's coming around to agreeing with the new ordinance. Maybe not as quickly as we wanted to, but he's coming around. I expect that the rest of this subdivision will not be like pulling the two teeth that we had to pull on the first two lots. Our office recommends an approval of a final drainage plan as shown to you tonight for Joe Elpers Subdivision II, Lot A."

Commissioner Borries: "I'll take you at your word, Mr. Jeffers. I'm going to move approval for Joe Elpers Subdivision II, Lot A."

Commissioner Mourdock: "I'll second."

Commissioner Tuley: "So ordered."

F. KEYSTONE SUBDIVISION:

Bill Jeffers: "Keystone Subdivision is a large subdivision approximately one hundred and twenty (120) acres. I've colored this one up so you can kind of see what's going on there. Down at Mr. Mourdock's left hand is St George Road, coming from Whirlpool. It intersects with Oak Hill Road, which then runs north past that Presbyterian Church up to Heckel, then you will take your right on Heckel, and go east on Heckel to Greenriver Road. So half this subdivision faces on Oak Hill down at it's intersection with ST. George, north half of the subdivision exits out onto Heckel Road. It's one hundred and twenty something acres. It's one huge lake, and one large lake. The portion that's in the flood plain along the perimeters is the lake, they're lifting dirt out of the lake excavation, and applying it to lots that lie along the lake, and bring them above the flood plain. The flood plain line is marked in red with little orange dots."

Commissioner Borries: "Is there going to be Bill, you're saying; St George continue on this way?"

Bill Jeffers: "No sir."

Commissioner Borries: "It's not going to continue on?"

Bill Jeffers: "No sir."

Commissioner Borries: "Okay."

Bill Jeffers: "It will terminate at that intersection like it always has, then you will take a left on Oak Hill, and go up maybe just a block, and then there's an entrance into the subdivision. This development is being done by W.C. Bud Bussing, who is here in the audience. And David Schminke, from Morley & Associates who is representing Mr. Bussing as his engineer. It's an extremely large two hundred and fourteen lots I believe. This is a preliminary plan. I've kind of colored or shaded some areas in where the engineer and our office have been talking about with the developer, with specific drainage conditions that exist out there that we're trying to address. They intend to do this in small sections starting down here at Oak Hill Road and St George, and moving into the project west, and completing a section at a time. Each section will have extremely detailed drainage and street plans submitted one at a time for final approval to both your county engineer and to our office."

Commissioner Mourdock: "Does that include Bill; that the drainage side that also maybe I missed it there, but I understand that they're going to do the construction from here going eastward. Will this lake be developed, and all the drainage correspondingly

developed as this whole thing progresses?"

Bill Jeffers: "I have not asked them that question yet. But the ordinance requires that the drainage facilities serving the lots be constructed prior to houses being built on lots. So maybe not the entire lake will be built at one time. But they will have to build a large enough portion of the lake each time they move to the east to accommodate the water runoff from the section that they're developing."

Commissioner Mourdock: "And I understood you--that the dirt or fill coming out of this lake is going to be placed on the lots that are along the hundred year (100) flood plain?"

Bill Jeffers: "Yes sir. In other words a hundred year (100) flood plain is approximately three hundred and eighty-four (384') feet above sea level. So the finished floor elevation of each house along the lake will have to be three hundred and eighty-six (386') feet above sea level. And as they're presently down around three eighty-two and a half (382½), three eighty-three (383) they'll have to be lifted substantially for those yards to be high enough to build a home. So they will have to excavate the lake to acquire the fill."

Commissioner Mourdock: "And what depth will the lake be then as it's progressing?"

Bill Jeffers: "They show a detail in the upper left hand corner a minimum of four (4') foot, that would be to prevent cattail growth, but I would imagine that there will be portions of that lake that will be substantially deeper than four (4') feet. But that will be a question that you should address to the engineer for this project. Because I don't have all the volume calculations in front of me for the amount of the dirt that they might remove from there. This would prevent them from having to scalp down the top of the hills to acquire a fill. I mean they can take the fill out of the lake and leave the hills more natural."

Commissioner Mourdock: "They're also building a berm clear on the southeast?"

Bill Jeffers: "They're building an earth berm which on the detail up here it's showing it's ten (10') feet wide at the top. Four to one side slope for ease of mowing. Right now the maximum height between the water line and the top of the berm is two (2') feet. The backside of that berm obviously might be three, four, five feet tall because it's going back down in the flood plain. I doubt the back side of the dam would be more than five, or six feet tall."

Commissioner Mourdock: "And there's a minimum of twelve feet between the toe on the back side of the property line?"

Bill Jeffers: "One detail shows a minimum of twelve feet between the toe of the slope and the creek bank which is shaded in orange, and then basin 2 would show the minimum of twelve feet between the earth berm and the property line. But I've scaled that out and the minimum I've found over there between the adjacent property owners and the earth berm was thirty feet. So there would be a nice wide maintenance path back there for dam maintenance."

Commissioner Borries: "There will be a homeowners Association, or some group that will understand that they'll be maintaining the lake?"

Bill Jeffers: "It's my understanding at this time that Mr. Bussing would like to continue to pay the per lineal foot price on the pipe located outside of county right-of-way as he's done traditionally, so that the county would maintain, or repair any failures to the pipes after the one year guarantee period. But that he also in his

covenant may have a homeowners group maintain the shoreline just made up of the lot owners along the lake. Association, however he formulates it in the covenants will take care of the lake maintenance, but then he will be submitting two dollars (\$2.00) a foot for the pipe outside county right-of-way that will be put into the Auditors fund incase of pipe failure, or structure failure that the county would come in and repair that. So that's the best of both worlds for us. The reason that that's got a bright orange stripe down the east line is there is an area adjacent to there that a resident had come into our office, and had told me some historic back ground on some water that had stood there from time to time, or water that backed up during heavy rainfall. Mr. Bussing, Mr. Schminke, and Mr. Biggerstaff who's going to do the earth work worked it out with Dr. Williams who owns that property to commit to excavate some type of border line ditch that would drain his property, drain it back through the basin, and along the property line to that branch of Licking Creek that's down by the orange arrow. That would actually be an improvement for that fellow who's experienced some chronic wetness, and some high water problems. And it would relieve the county side ditch along Heckel Road that's also been a problem over the years at that location. Your ditch is plenty sufficient as you go towards Greenriver Road. But that particular location has had it's problems."

Commissioner Mourdock: "Not that it's a terribly important question, but why two lakes? I know there should be a foot difference in the elevation."

David Schminke: "No particular reason."

Commissioner Mourdock: "Okay."

Bill Jeffers: "That may be Mr. Schminke's assessment. I thought possibly they were holding water in the upper lake too, so it would flow down into lake one, and create a current that would keep that water moving so it wouldn't get stagnant."

David Schminke: "My name is David Schminke, representing Morley & Associates. That is true, but I guess the point to make is that we have an excess of storage. I think the required volume was in the neighborhood of three hundred thousand cubic yards, and we're providing nine hundred thousand. So, we could of done a lot of things a lot different. The lakes could have been down sized. But this is what we chose to make it reasonable for earth work in the first phase."

Commissioner Mourdock: "There's three hundred thousand cubic yard which will move out of here in place of it?"

David Schminke: "No that's the volume. I've not computed the total amount of earth work right now. I've only gotten an estimate of probably a hundred and twenty thousand. With the excess capacity our theory behind this is to reduce the out flow in the end substantially from what's there right now."

Commissioner Mourdock: "Is the hundred and twenty thousand yards based on the four foot minimum? My question is just primarily concern of the four foot minimum."

David Schminke: "No. We've finished some calculations on the phase one today, and we're looking in the neighborhood of eight feet. So far it seems to be the target for making the earth work balance in that area."

Commissioner Mourdock: "The eight feet represents eight yardage?"

Bruce Biggerstaff: "(Inaudible)."

Bill Jeffers: "Bruce's statement basically was that it would be

around seven and a half feet deep. One of the good things about this plan is that the twenty-five year storm, according to the calculations that was presented to me, and reviewed by our office, the twenty-five year storm is detained in the first one foot in the elevation between the full stage, and the depth he would achieve after a twenty-five year rain. So those are big lakes. It can hold all that water, all that storage capacity in the first foot of elevation. Then they still have a half of foot before they start spilling out the emergency spillway, which means they'll be real close to storing the hundred year rainfall in the next half of foot before they even start spilling out into the adjacent creeks. So by the time they get to the top of that berm that whole area on the outside of the dam would be flooded by Pigeon Creek before this water ever gets out into the flood plain after they build the dams. So it's really a huge volume of storage capacity. There's about three times what would be required of them."

Commissioner Borries: "This is a preliminary plan?"

Bill Jeffers: "This is a preliminary plan. The pink area that I've outlined there happens to be adjacent to Schmidt Lane which has a very steep south shoulder, and I'm just calling that out, calling attention to that that there's going to be very careful yard grading that may require very careful grading between the houses for any water that spills off Schmidt Lane which is not a part of this property. Schmidt Lane is a county road, and a very narrow right-of-way. It has no curb, or gutter, or noway to keep water from spelling off of it. I'm just saying; this area by outlining it in pink has to be carefully designed so that the water will either be carried directly west to Oak Hill Road side ditch, or in between every other house, or so to get down to their streets, and picked up on their streets. It can be done, and there's no problem with it as long as the dirt contractor, and the people that build the houses cooperate, and don't block that flow after the dirt contractors complete the grading. That's no different than any other hillside development, it's just something that has to be done so we don't have (lower) creek."

Bob Bell: "My name is Bob Bell from Anthony Drive. My property lays west of Oak Hill Road in the area that we're talking about. I wasn't aware of the development coming up, and I only have one question as we've got the plans in front of us. Where all of that church would be. Can you help me? I don't know where it would be on the map what area it would be at Oak Hill, and St George there. Will this in anyway have a problem with that area as far as flooding in all that ditch that went across that property down there? The reason why I'm bringing this up is the reason for me being here is our problem with our drainage situation up in Knob Hill area, and down through my neighborhood, and this is in adjacent to the ditch that we're told we're suppose to be dumping water into. Which it can't find it's way there. I have no objection to something that's not by no means, but would like to be accounted for in our concerns about the fact; are we doing something with that water that now presently collects in front of those churches, and along Oak Hill Road there?"

Bill Jeffers: "That is the same creek, Licking Creek, which passes from Oak Ridge Estates through the backside of Olivet Presbyterian Churches yard, and then under Oak Hill at that bridge. And through this property that is being developed by Mr. Bussing, that the farmer who previously owned that has let some trees, and brush grow up in that creek. And we are presently talking to Mr. Bussing, and his engineer about how to address that brushy growth, and Mike Wathen, and myself are going to take a field trip out there with the engineer, and ensure same thing. We've got to have a stable bank, we've got to have a stable waterway. But in as far as water leaving Olivet Presbyterian Churches yard, it's their responsibility to get it into the waterway. This development here like I said; is detaining far more water than it has to. As a

matter of fact where it shows two twelve inch pipes, those two twelve inch pipes are designed to discharge the twenty-five year storm at a ten year rate. And when they do that the water level will only rise one foot. We looked at some calculations with the engineer that indicated he could take out one of those pipes and only discharge with one twelve inch pipe which would be half of what he is allowed to do, and the water level would not top the dam in a fifty year event. So there are ways that we could actually hold back more water from that creek, if the developer chooses to have a larger volume of water in his lake."

Commissioner Mourdock: "So the bottom line to Mr. Bell's question is; no as far as the effect of this water, and how it would otherwise?"

Bill Jeffers: "None of this water should back up onto all of Presbyterian Church, because it will be leaving at a slower rate and it will be leaving after the storm has already passed. And it can be held back even more if it were a problem, if one of those pipes could be shut off."

Bob Bell: "So basically we are still draining into that ditch?"

Bill Jeffers: "We have no plans to eliminate that natural drain we have there."

Bob Bell: "They're not eliminating that creek?"

Bill Jeffers: "No they will not eliminate that creek."

Commissioner Mourdock: "It's not being eliminated in the potential flow into that creek after major precipitation of that would be less, not more."

Bill Jeffers: "They can't eliminate that creek. It's naturally there, and it does drain all the upstream properties."

David Schminke: "Something that I've noticed out there on the hill inspection that there's quite a bit of silt in and around the bridge area within the right-of-way. Mostly from the upstream side, and that might be one thing that you might want to consider looking at that might improve that situation."

Commissioner Mourdock: "That's in the current drain?"

Bill Jeffers: "When Mike Wathen and I go out, and look at this creek, we'll make a point to look at that bridge, and if there is an accumulation of silt that's blocking it, we'll turn that information into the county engineer for his bridge crew to address that."

Commissioner Borries: "With the discussion noted, and their remarks indicated here on the sheet, I would move for a preliminary approval of the Keystone Subdivision."

Commissioner Mourdock: "I'll second."

Commissioner Tuley: "So ordered."

RE: OLD BUSINESS:

A. CROSS POINTE SECTION E:

Bill Jeffers: "Under old business we have Cross Pointe Section E. We thought it would be ready for tonight, it's not ready. But I will say we're making progress on that, and as far as getting Indiana Street dedicated, and as far as finding a way to drain that property which we previously had thought would not be able to drain to the east. We found a portion of it that can drain to the east,

and we're working with Regency, and their engineers so that they can continue to develop along the Lloyd Expressway."

B. KNOB HILL ESTATES:

Bill Jeffers: "The next thing under old business is Knob Hill Estates. Neither the developer, nor their engineers are here tonight to present that, and I'm not going to present it for them without an engineer."

Commissioner Tuley: "Bill, along those lines, because Mr. Bell is here. He's here because of that subdivision, plus the problems there they have. Remember we talked last month about trying to get a neighborhood meeting?"

Bill Jeffers: "Right."

Commissioner Tuley: "For the people that live on Anthony Drive, and what have you."

Bill Jeffers: "Right."

Commissioner Tuley: "What we're trying to do is identify the problems, and indicate, basically just about by residence, what has to be done, and who can do what. And meet with the residents out there. Now initially I suggested that we have a meeting out there, and someone said; let's kind of pull together some sort of plan before we go out there. Maybe we can have a special drainage board meeting in there somewhere. Maybe Local 808 facility out there. But I think what the question, or the point is; where are we on that? Is that something that we can see if we can do? August, or September? Like tonight you have a heck of a lot of plans, and I know you are going to have a lot more between now, and September. Everybody's trying to get everything done before the building season really ends."

Bill Jeffers: "Right. We intend to leave Knob Hill Estates on each agenda as we did tonight under old business incase somebody such as Mr. Bell, or such as yourself would like to make comments on the ongoing issue of Knob Hill, and all the downstream properties. But at this time Mr. Wathens schedule has been so heavy from his office, he's been assigned every erosion control plan subdivision, and everything by his boss, and he's just one guy. Mr. Stoll, your county engineer has been extremely busy in his office, and we have just not been able to get together, and put together even the most preliminary plan to present to you, or to the residents with any degree of details, or information we've gathered from the field. We haven't even gathered that much information from the field. Each one of us has sent inspectors out, or has been out there personally, but we just haven't been able to get together, and put down any details on paper at this time. But you're right we need to have some type of at least a preliminary plan to look at that addresses what the county can do, and what the individual property owners have to do without the county's help."

Commissioner Tuley: "Mr. Bell."

Bob Bell: "Again Bob Bell, 2500 Anthony Drive. The only point that I have is, and I want everyone to realize how much we appreciate everybody taking their time coming out, and spending a couple of hours on a walk through in my neighborhood. We were well represented by a lot of people who knew exactly what they were doing, and I grant you we don't. Okay? But, since that walk through, and the point that I would really like to strongly make, I had a lot of neighbors that wanted to come this evening. There was a lot of positive thinking neighbors since that walk through. Discussed the point that probably for this time I should just come down, and see where we stood, or see where we were going with it. Walking, talking, looking at each individuals personal problems and

concerns out there in there in the area it is just terrifying to the fact to what we're losing from the residents stand point, and also from what the county is losing. Roads, curbs, ditches, erosion, streets that are going to fall in. Found out after the walk that, and I'm not very intelligent when it comes to this type of thing, but it's not hard to visually be able to see when you've got dirt, and stuff that has actually washing out in your existing roads. And I think up the hill further there are some of the problems that the county's already had, and had to go in there, and take care of that same basic thing. So it's not only we as residents out there, it's also the county in itself of what we have got an opportunity to lose over the next year, or two years as far as roads, curbs, existing drainage system. That type of thing. We talk about this being the "Knob Hill Thing". This all started with the development up there, the concerns up there. Now I think those folks, since we down lower have brought things to their attention, our concern about the basic drainage problems that we have. Whether that development goes on, or whatever happens on top of that hill. When we lost a little ten year old boy over the weekend during that little storm we had Sunday night that drowned in the pipe. That forty-two inch drain standing open down there, and the way that water runs...lordy. That gentleman that was here that night was talking about the cat, which was totally out of place I thought, could have been a child. And it's wide open, and it's a bad situation. All of it draining in that particular direction. When I brought up the construction of the new places at St. George Road across the street there, that you people have brought, all of our water goes into the new development below us that is called Oak Ridge Estates that's new yet. Though across it it's being deteriorated. Ate out underneath those brand new roads, and streets. And ends up in that small ditch down beside the church there that goes somewhere. So I didn't know when I stepped up here a while ago what I was talking about, but my concerns are great. We're still trying to get rid of this water up here in a peaceful manner. And where we're taking it to their going up on the other side of that hill and building, and coming this way. It sounds like it's a big creek at the bottom of that hill to me. So please help us do what we can, and get together, and look at it. But we are going to lose a lot of neighborhood out there. And that takes in quite a bit of area."

Commissioner Mourdock: "Do you think Mr. Bell, that Commissioner Tuley's suggestion about having folks get together out there to see what would have to be done, lot by lot basis would be well attended?"

Bob Bell: "Yes. Definitely."

Commissioner Borries: "Understand me. Please don't misinterpret here what I'm saying; is not supportive of your efforts, and concerns. And believe me I have a little water problem in my backyard myself that upsets me from time to time. Particularly in these hard rains. But when we get into this that this is going to be a recommendation only, and there could be some property owners who may not participate in this whole plan."

Bob Bell: "I've done faced with that."

Commissioner Borries: "Okay. We cannot over step our bounds, and I just want to emphasize that. I guess I get a little conservative on this, but we can't promise miracles. I mean we can give all the technical advise we can, but we're going to get to a point here where if you don't get everybody else to kind of fall in line with what this overall suggestion would be, we can't force them to do it. I guess that's the point."

Bob Bell: "No. This situation lies in the fact that there's going to be, and there's already been people stating those opinions. In the short period of time that we've had, showing what damage is

being done, then their totally ignorant of that on their own property. Then it's absolutely nothing but to the benefit of the value of their properties, their homes, and we're still going to have problems. But if we can find that the county is willing to go this far, with what we're willing to do, then we will attack that."

Commissioner Borries: "I mean it's a good thing in what your doing. As we said before, there's nothing that is a stranger situation in my life to have to try to prove, as we do, on flat pieces of paper, and figure out how this water is going to go; and the best we can do just as we did with Mr. Bussing tonight is with the lakes, and the situation he does, and recommendation of our technical staff, at this point has submitted a plan that verifies he'll keep it on his property. But when you start putting all of these things together, and people change them, it's tremendously difficult. I just hope that having gone through this so much, we'll accept the heat, and everything else. But I guess we would not want to take the hit to say; "well the county came out here, and didn't do anything", or didn't do this, that, or the other. Because basically all we can do at this point Mr. Bell is to recommend."

Bob Bell: "At this particular point, if there's a recommendation made, and you would be gracious enough to have a meeting out there, I'll put a letter out. A personal one."

Commissioner Borries: "That's no problem, just as long as you understand, and I think you do, that it's a recommendation. We don't want to get setup in a situation to say; that this thing didn't work."

Bob Bell: "All we're looking at, at this particular point, is basically to get it back into the banks where it belongs, and try to have some type of relief. A quick fix it, easy, cheap type of way, there isn't an answer for that area. Totally is not an answer. Am I right? Totally not an answer. Help yes. It's been diverted by other folks, and that can be changed."

Commissioner Borries: "That's a good point. That's right."

Commissioner Tuley: "Part of what I told Mr. Bell we would try to do is identify what we can and can't do prior to that meeting so we don't walk away with the fears that you have that people think we are going to come out there, and perform miracles, and do all this for them. We'll identify the areas that we can participate, to what degree we can participate. But I would like to have all of that in play so it doesn't become a free for all once we get there. Although I will add that the morning that we walked in the rain the two hour talk we were talking about, most of the people out there were pretty congenial, and it was not a combative situation."

Bob Bell: "We're looking for help, not a fight."

Commissioner Tuley: "Right. The people down the hill weren't trying to fight."

Commissioner Borries: "So we are going to try, and set up a meeting?"

Commissioner Tuley: "Right. Now again, we're here almost in August, and I know it's going to be a lot of work put on Bill, a lot of work put on John Stoll. People trying to get everything done before the end of the building season. So Bill if you can kind of keep me informed sort of speak, as we go along on this I'll keep Mr. Bell; because I think he's kind of been appointed, so to speak, as the liaison between the county, and the residents out there."

C. HEARTLAND RIDGE SUBDIVISION:

Bill Jeffers: "The next subdivision under old business is Heartland

Ridge Subdivision. You saw this last month, and gave approval to a preliminary drainage plan. This is the final drainage plan. This is twelve to fifteen pages. It includes the grading plan, and some of the street plans. All of the drainage plans. Mr. Tom Haas is the developer. He's in the audience tonight, and Mr. Bill Nicholson is the engineer, and he's here tonight. They have incorporated the request that we made. One of them specifically to enlarge the right-of-way. This is on Hogue Road west of Peerless Road. The property immediately adjacent to the east Woodward Subdivision, and that would be towards you, the Woodward Subdivision. On the right hand side of the page adjacent is Chapel Hill Subdivision. And then at the top of the page the adjacent property is agricultural. Then on the left hand side your page is Hogue Road, and the entrance to the subdivision itself. John Stoll asked that the entire road side ditch along Hogue Road be incorporated in the right-of-way, and they're expanding that to incorporate that. Our office ask that they acquire an off-site easement from this basin where a pipe is discharging onto this agricultural property."

Commissioner Mourdock: "You mentioned that last month. Right?"

Bill Jeffers: "Right. I mentioned that last month if the ordinance requires an off-site easement which they have acquired from Vondell and Nellie Gauger, for a period of three years after the basin has been put in place and is operating. The developer agrees to repair any off-site erosion, siltation, and other damage that may be caused by that. And to leave that in a stable condition. Shows the drawing of the off-site easement is approximately one hundred by ninety-five feet adjacent to lot 17. We asked for a few other minor details in the drainage plan to be altered slightly. For some easements to be widened for better maintenance. Everything that we've asked for has been incorporated into the plan. We will right now make a recommendation for final approval, or approval of the final drainage plan. Mr. Bill Reiners from Woodward Drive, 324 Woodward Drive is in the audience, and may wish to make a comment on his behalf, or some of the neighbors behalf. Like I said; Tom Haas the developer, and Bill Nicholson is also here if there are any questions.⁴ After you read it, pass that agreement to your recording secretary. I would like that to go into the minutes, because we have other copies that will be signed if the plan is approved by Area Plan Commission. Mr. Haas has decided he wants the Homeowners Association to take care of all drainage basins, pipes, ditches, and other drainage structures within the entire subdivision. Which will be plan A, Lot Owners Association under your new ordinance. If there is anyone who has a question, or wishes to speak now is the time."

Bill Reiners: "My name is Bill Reiners, I live at 324 Woodward Drive. Our neighborhood along with Chapel Hill has had some concerns with this sub. Basically along two lines. And that's drainage, and traffic. Your only concern is drainage, so I'll limit it to that. I have a little sketch here. We have consulted with an engineer, and he's going to report back to us on the plans, but they couldn't get the numbers to us before the meeting. I would say that Bill Jeffers has been forthcoming. I've had no problems getting information. So we do thank him for that. What you see is these three yellow lines basically coming down to the south west corner of the property is how Woodward Drive, or Woodward Subdivision drains now. We have a lot of problems with drainage along that back line between these two subdivisions. And at the lower part of that is where the drainage comes in. It will flood up, it will come all the way back up. It will be fifteen, twenty feet wide. But the main problem with the drainage out there is the fact that the septics do not work too well. That ground is almost none workable. We have all the new septic systems in there that the

⁴Copy of the Temporary Drainage Easement attached to the (7-24-95) Drainage Board Minutes.

county has required. We have the dosing tanks, the large septic tanks, the alarm systems. If we get anymore water; we feel on us it's just going to add to our problems out there. I realize this has been, this plan the Haas's have have come up under the new standards. I have a couple of problems with that. In the fact that Homeowners Association, just how adequate are they going to be? We have problems in Woodward place right now where lot 7 has raised his property along lot 8. I know that to be a fact, because I live on lot 8, and until the water gets so high it won't go over. And you don't want to go to war with your neighbor over a foot of dirt back there because that will only make the problem worse. I'm sure that ordinance was passed with the best intentions, but I have some real concerns on how a Homeowners Association which is different people moving in and out; and Haas's sub will have even more people going in and out because of the size of homes, and for that matter I think the average right now is seven to twelve years that you live in a house is probably going down. It goes down when the market is hot, and goes up when the market is cold. So that's some of the concerns that we have. We have some current concerns about the sewer that's being brought over there, and about our ability to tap onto it. Is that beyond the scope of this board?"

Commissioner Borries: "If I understand it won't be on septic. This has to be on city sewer."

Bill Jeffers: "His neighborhood is not, and they would like to tap in if they can."

Commissioner Mourdock: "That's going to be between you, and the sewer water utility company. And I'll tell you this; you need to move quickly because I don't know what kind of or size lines, or anything else that they're moving there. But the size of these lots there's no way that the septic..."

Bill Reiners: "It's surface runoff that we're concerned with before your board."

Commissioner Borries: "Is this agricultural now?"

Bill Jeffers: "It's a corn field."

Bill Reiners: "So that's basically our concerns of the two subs over there. There's about nineteen houses in our sub, and probably an equal amount over in Chapel Hill. Maybe a little bit less. So that's basically the concerns that I wanted to bring forward tonight. And we have had a meeting with the Haas's last Thursday, which I think some of the fears were taken care of with the drainage."

Commissioner Tuley: "Bill, didn't you say during a preliminary plan this is one of the most comprehensive plans that's been submitted since we adopted the new ordinance?"

Bill Jeffers: "Right. This is the most comprehensive and complete plan that has been introduced at one time since the drainage ordinance has taken affect. It covered everything but some very small details that we've been able to work out in the last thirty days with Mr. Nicholson. By the way this is all hand drawn, and each detail that had to be changed had to be re-hand drawn. It's not computer assistant drafting. There's a lot of work there. Many pages. There is a problem that Mr. Reiners has pointed out with his drawing. Basically if you'll arrange his drawing so that it lays over here, this water that he's talking about travels down this line right here, until it gets down here towards near Hogue Road, and it goes through these bends, and it gets really deep here, and then it turns around and goes back (Inaudible). Now, that amount of water, a large amount of water coming off of Woodward's place as Mr. Reiners has accurately drawn it, and it runs right down basically near the line between his subdivision and his proposed subdivision."

And when that was pointed out Mr. Nicholson and his staff has an intercepting ditch, (referring to map) to capture all the drainage that now, right now the drainage from this empty corn field that you have drawn as a plan in front of you, goes across that line and joins with the water that Mr. Reiners has pointed out. That's a pretty good volume of water going down that hill and joining with that water. That will be intercepted right at the east line, and carried through a drainage basin, and detained before it's discharged. And when it's discharged, it's being discharged directly into the culvert that goes under Hogue Road. So it will not go through that curlicue."

Commissioner Borries: "Okay. So even if it's going to be detained it shouldn't negatively impact that culvert."

Bill Jeffers: "Even after it's detained it's being put right directly into the culvert at a lower rate of flow. So what Mr. Reiners has pointed out to you is not inaccurate, I'm not sure that the water gets that close to the line in all those places, but it's an adequate depiction for all practical purposes. But I think that Mr. Reiners will agree that some of the water that he has drawn in yellow there is coming off this corn field, and this new plan will intercept it before it gets on the Woodward place, and carry it through a basin, and discharge it directly into the pipe so there will less adverse affect on Woodward Subdivision, and on that creek corner down there where it has eroded in the past."

Commissioner Tuley: "Bill, now is that this new drainage ditch, or whatever you want to call it, this is a result of the meeting after Area Plan, and when you had a meeting with the residents? Or has that been on there the whole time?"

Bill Jeffers: "That has been on there from the get-go."

Commissioner Tuley: "Okay."

Bill Jeffers: "It was a condition that was noticed by, I didn't notice it, someone in Mr. Nicholson's office noticed it. It was the first plan that I saw that had that intercept ditch on it, and it took it down to that basin. We never had an issue with that, we only had an issue with the discharge from this other basin onto neighboring property. And the alignment of the pipe we asked them to realign that pipe so it discharged directly into the culvert rather than into the front ditch. And just a couple of other little details. The plan if he had submitted it earlier last month, and I'd gotten to it earlier, would of been ready for final approval last month."

Bill Reiners: "Bill I have a question. What kind of teeth does that new ordinance have....(regarding enforcement)."

Bill Jeffers: "Mr. Reiners question is what kind of teeth does our new ordinance have with regard to maintenance by the Homeowners Association of the various drainage facilities that go under several names. Detention basins, ditches, sloughs, or whatever. You have the ability to send out your technical advisors. And your technical advisors also have the ability to go out on their own during construction to monitor any phase of the street and drainage construction. And to report violations to your board, and your board has a variety of actions they can take against the violator. All of which they are specifically enumerated in the ordinance. After construction and occupation, say three, five, ten years from now, if the Homeowners Association is not working properly, if some of the neighbors begin obstructing the proper drainage, or filling in, or changing whatever, altering adversely affecting the facilities, your ordinance specifically gives us the ability to enter onto the property, and determine whether or not an unauthorized alteration is taken place. The only way an alteration can take place is for it to be brought before the drainage board,

and be an improved alteration. So if somebody does some backyard engineering, adversely affects his neighbors, whether in this sub, or outside this sub, we can do it. We can go in there. Now, we're not going to be crawling around all over the county looking at everybody's backyard twenty-four hours a day. But if we were to get a call from you, that you noticed a violation, the same way when you called the Health Department, we have the ability to go out there, and site that person. If they don't correct it within a certain number of days, we can send a private contractor into the easement, make the correction, and set a tax lien against that property until they pay it. Which means that house will not be sold until that bill is paid. I'll give you a copy of the drainage ordinance, and you can look it over. But that's kind of how it goes."

Commissioner Borries: "There are, Mr. Reiners, more teeth in the ordinance than we've had in the past. But by nature, because frankly of a small staff, and a huge amount of property, and drainage matters, we are more reactive than pro-active in a sense that as he points out we simply don't have the manpower, or can we go out to every subdivision. We pretty well act to certain complaints. Now I'm not sure that some of these older subdivisions we've talked about earlier wouldn't be grandfathered in under the previous ordinance anyway would it?"

Bill Jeffers: "In some cases."

Commissioner Borries: "I don't even know if they were drainage plans in some of those areas out there. I don't think they were. Were they?"

Commissioner Tuley: "The concerns that you have were just exactly what we were talking about to Mr. Bell. It's exactly what's happened over the years. People were putting four inch drain pipes underneath their driveways after it starts off the top of the hill with twelve inch."

Commissioner Borries: "Conceivably, and I know this always sounds crazy, because when you're talking about an agricultural lot, and it's undeveloped, yes you're going to have roof tops, and you're going to have streets in here either concrete, or asphalt. But conceivably if this plan is implemented the way they say it will, and as he's addressed with this ditch that addresses your major concern, this could really help some of the drainage rather than not. Because sometime with undeveloped land you've got a lot of runoff that just goes anywhere. I wish I could say that we're going to be hundred and one percent, but I think that Mr. Jeffers has said that it's comprehensive, and I think that it would have to be in this type of development here. He's dotted a lot of i's, and crossed a lot of t's in this particular plan here."

Commissioner Tuley: "Any other discussion on this then?"

Commissioner Mourdock: "I'll move that we accept the final drainage plan as submitted for the Heartland Ridge Subdivision and as recommended by the County Surveyor."

Commissioner Borries: "I'll second."

Commissioner Tuley: "So ordered."

D. BELLE COURT SUBDIVISION:

Bill Jeffers: "Okay last item is Belle Court Subdivision, which like I said last time was basically a minor subdivision; but because it had a new road to access the two lots. It's a two lot sub. It's called a major sub, so it came through our review. And I went out, and looked at it, and there's this one area behind an existing house, that area that I've drawn about fifty feet wide is

just where the farmer has (it's a soybean field) graded it in such a way that the water from his field would not run down into the backyard of the home in front of him. So what I'm doing is I'm laying aside a fifty foot drainage strip. I'm not asking to build a ditch. I'm just saying do not alter the terrain within this fifty feet, except to flatten it a little bit just enough to grow grass. So that that earth that that farmer has graded there will be maintained in such a way that there will not be a necessity for ditch, because the water will drain down to that roadway that they're going to construct. So we're calling it a drainage easement, but basically we're just calling to say just leave that land alone. Don't change it so the water from your yard will not drain onto your neighbors. And with that comment I told Fred Kuester there's no reason for him to show up. I was just going to recommend final approval of that plan so they can go ahead, and record it."

Commissioner Mourdock: "I'll move final approval of the Belle Court Subdivision as recommended by the County Surveyor."

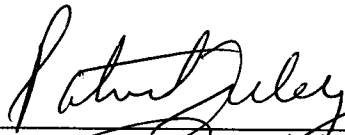
Commissioner Borries: "I'll second."

Commissioner Tuley: "So ordered."

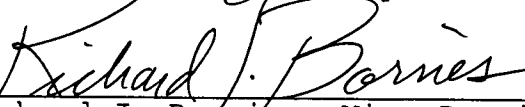
There being no further business the meeting was adjourned at 9:20 p.m.

PRESENT:

President Patrick Tuley
Vice-President Richard J. Borries
Member Richard E. Mourdock
Alan Kissinger, Attorney
William Fluty, Chief Deputy Auditor
Bill Jeffers, Chief Deputy Surveyor
Julie Hinton, Secretary
Bill Reiners, Heartland Ridge Subdivision
Bruce Biggerstaff, BMB INC.
W.C. Bussing, Keystone Subdivision
David Schminke, Morley & Associate
Bob Bell, Anthony Estates
Bill Nicholson, Heartland Ridge Estates
Tom Haas, Haas Development
Jim Farney, Bernarden, Lochmueller Associates



Patrick Tuley, President



Richard J. Borries, Vice-President



Richard E. Mourdock, Member

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

VANDERBURGH COUNTY, INDIANA

VENDOR NAME

James R. Jones

1052

On Account of Appropriation for

Aiken Ditch

234-006

Invoice No.	Itemized Claim	Amount	
45-5M-06-85	2,450 LIN FT @ 0.4319^2		
	PAY 85% = 5899.44	5899	44
	15% RETAINAGE = 5158.72		

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

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

James R. Jones

Name

Owner

Title

Date July 18, 1995

6.1

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: TEARY R. JOHNSON

for ☒ annual -- ☐ additional maintenance to _____ Ditch, a legal drain in Vanderburgh County, Indiana, was completed on July 17, 1995, 1995, and was inspected by our staff on July 17, 1995, and is ☒ approved -- ☐ disapproved for payment per the contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 7/27/95
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

F-1

VANDEBURGH COUNTY, INDIANA

1052

234-025

[illegible]

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

Name

Title

Date July 18, 1995

f-l

Robert W. Brenner, Vanderburgh County Surveyor

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: TERRY R. JOHNSON

for ☒ annual -- ☐ additional maintenance to
KOLB Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
July 17, 1995, and was inspected by
our staff on July 17, 1995, and is
☒ approved -- ☐ disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner
Robert W. Brenner, Vanderburgh County Surveyor 7/24/95
Date

Additional Comments:

f-1

VANDEBURGH COUNTY, INDIANA

1052

Härper Ditch

234-017

61

Robert W. Brenner, Vanderburgh County Surveyor

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

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

for ☒ annual -- ☐ additional maintenance to
HARPER Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
July 20, 1995, and was inspected by
our staff on July 20, 1995, and is
☒ approved -- ☐ disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W Brenner 7/24/95
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

f.1

KOBERSTEIN TRUCKING, INC.

R. R. 3, Box 363

Princeton, IN 47670

Phone: 812-385-2695 Fax: 812-385-8971

Date: 07/14/95

PROPOSAL

Proposal submitted to:
Vanderburgh County Surveyor
Room 325 Civic Center
1 N.W. Martin Luther King Blvd.
Evansville, IN 47708-1835

Work to be performed at:
South of Pollack Avenue

We hereby propose to furnish the materials and perform the labor necessary for the completion of:

A. Clean out ditch south of Pollack Avenue to levee culvert

\$850.00

B. Any additional leveling of spoils

ADD \$300.00

Submitted by: Marion Koberstein

If quotation approved please sign and return. Thank you.

Signature Robert W. Brenner Date 7/24/95

Terms Net 10th Price guaranteed for 90 days only

Richard J. Davis
Robert W. Brenner

6.2

CLAIM No. WARRANT No.

IN FAVOR OF
NAME AND ADDRESS

ASPLUNDH
708 BIRCH MILL RD
WILLOW GROVE PA 19090-1784

\$3,616.82

ON ACCOUNT OF APPROPRIATION

ACCOUNT NO. 234-013

PURCHASE ORDER NO.

INVOICE NO. 104288

PURPOSE FALL DIRT MOW FULL SLOUGH

Allowed 19

Richard J. Bonica
In the sum of

Richard J. Bonica

Patricia J. Juley 881

Commissioners County

VANDERBURGH COUNTY
FILED

JUL 26 1995

Suzanne M. Couch
AUDITOR

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

That it is in proper form.

That it is duly authenticated as required by law.

That it is based upon contract. statutory authority.

That it is apparently correct. incorrect.

Auditor

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

and was in accordance with contract, except none.

AS PER DENOVAGE BOARD MINUTES

7/24/95

7/26 19 95

Robert W. Zimmerman

F-3

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

Vanderburgh County, Indiana

To.. ASP LUNDH..... Dr.

On Account of Appropriation For EAGLE SLUGH # 234-013

[illegible]

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

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

Date.. OCT. 17., 19 94.....

X Christie E. Walters Title

X Vice President

ASPLUNDH

STATEMENT OF ACCOUNT

708 BLAIR MILL ROAD

WILLOW GROVE, PA 19090-1784

PHONE 215/784-4200

FAX 215/784-4493

FOR SERVICES
PERFORMED BY:

ASPLUNDH TREE EXPERT CO.

PAGE 1

TO

VANDERBURGH COUNTY
MR ROBERT BRENNER
ROOM 208 - CIVIC CENTER COMPLEX
EVANSVILLE, IN 47708

THIS STATEMENT REFLECTS ALL

PAYMENTS RECEIVED BY 05/06/95

IMPORTANT
THIS IS NOT AN INVOICE. PLEASE SUBMIT
REMITTANCE COPY OF ORIGINAL INVOICE
WITH YOUR PAYMENTS.

THE BALANCES ON THIS STATEMENT DO NOT INCLUDE ITEMS OF LESS THAN 45 DAYS MATURITY.
IF PAYMENT HAS BEEN MADE, PLEASE DISREGARD THIS STATEMENT.

INVOICE DATE	INVOICE NO.	INVOICE AMOUNT	FOREMAN	PERIOD ENDING	CUSTOMER REFERENCE
10-07-94	104288	3,616.82	RR STONE	03-06-93	
OVER 45 DAYS	-00	OVER 60 DAYS	OVER 90 DAYS	OVER 120 DAYS	OVER 180 DAYS
-00	-00	-00	-00	3,616.82	-00

DO NOT PAY - STATEMENT ONLY PROBLEMS? CALL LENNY LEE OR BALANCE
BOB SMITH AT 800-248-TREE EXT. 1320 OR 4269

\$ 3,616.82

6.3

01/11/95.

ACCOUNTS RECEIVABLE MANAGER MASTER LIST

OVER 60 DAY ITEMS
FOR C L MATTERS ENDING 12/31/94

INVOICE NO 4201 INVOICE PERIOD INVOICE DATE
AMOUNT ENDING DATE
UTILITY COMPANY 002770 LOUISVILLE GAS AND ELECTRIC COMPANY
FOREMAN CREW NO SPK MGR SUP GE DIV ORDER NO PURCHASE ORDER NO

	NON-RETAINAGE	RETAINAGE	TOTAL AMOUNT
TOTAL OVER 180 DAYS	.00	.00	.00
TOTAL OVER 150 DAYS	.00	.00	.00
TOTAL OVER 120 DAYS	.00	.00	.00
TOTAL OVER 90 DAYS	.00	.00	.00
TOTAL OVER 60 DAYS	656.80	.00	656.80
UNAPPLIED CASH	76.97CR		76.97CR
TOTAL UTILITY COMPANY	579.83	.00	579.83

UTILITY COMPANY 003650 VANDERBURGH COUNTY

	NON-RETAINAGE	RETAINAGE	TOTAL AMOUNT
TOTAL OVER 180 DAYS	.00	.00	.00
TOTAL OVER 150 DAYS	.00	.00	.00
TOTAL OVER 120 DAYS	.00	.00	.00
TOTAL OVER 90 DAYS	.00	.00	.00
TOTAL OVER 60 DAYS	3,616.82	.00	3,616.82
UNAPPLIED CASH	.00		.00
TOTAL UTILITY COMPANY	3,616.82	.00	3,616.82

P003/006

3179844744

1992 FALL MOW

013

CERTIFICATION OF PAYMENT

By this instrument, I, X Chester E. Patton, representing:
X Asplundh Tree Expert Co., and presently under contract with
the Vanderburgh County Drainage Board to perform certain maintenance work on:
Eagle Solough Ditch, a regulated drain in Vanderburgh County
Indiana, do certify that I and/or the firm I represent have/has paid fully all
expenses incurred for labor, supplies and subcontracts (if any) except for any
unpaid costs as specified herein, to wit:

NONE

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

INFORMATION

DITCH NAME: FALLS SLOUGH

CONTRACT # 234-013

☒ ANNUAL MAINTENANCE [] ADDITIONAL MAINTENANCE [] EMERGENCY MAINTENANCE

WORK COMPLETED ON: MARCH 6, 1993 INSPECTED ON: JUNE 9, 1993

WORK IS: ☒ APPROVED [] NOT APPROVED

COMMENTS: * 34.4% OF WORK WAS COMPLETED IN ACCORDANCE
WITH THE SPECIFICATIONS.

Department Head

(date)

6.3

shall return a successful bidder's check or bond when he enters into a contract with the board.

(c) At the hour specified in the notice for receiving the bids, the board shall open and examine all bids. The board shall then promptly award the contract or contracts to the lowest bidder or bidders it finds to be qualified. In determining whether a bidder is qualified, the board shall consider the complexity and magnitude of the work to be performed, and the skill and experience of the bidder. Within five (5) days after the acceptance of a bid, the successful bidder shall enter into a contract with the board that complies with subsection (d). If a successful bidder fails to enter into such a contract, he forfeits to the board, as liquidated damages, the check or bond deposited under subsection (b).

(d) The contract between the board and a successful bidder must provide:

- (1) that the contractor will perform the work under the supervision of the county surveyor and in accordance with the plans, specifications, and profiles adopted by the board;
- (2) that a claim for payment under the contract will not be approved by the board until the work for which the claim is presented has been approved by the surveyor;
- (3) the time within which the work must be completed;
- (4) that fifteen percent (15%) of the contract price shall be withheld by the board for a period of sixty (60) days after the completion of the work, for the purpose of securing payment of suppliers, laborers, and subcontractors; and
- (5) for other terms that the board considers appropriate.

(e) Upon execution of the contract, the successful bidder shall give to the board a bond payable to the board, in an amount fixed by the board but not less than the amount of the bid, and with a corporate surety licensed to do business in Indiana. The bond must be conditioned on the faithful performance of the contract and the payment of all expenses and damages incurred under the contract, including payment of all suppliers, laborers, and subcontractors.

However, in lieu of a corporate surety bond, the board may accept:

- (1) a cash bond;
- (2) a property bond; or
- (3) a bond from a sufficiently financed private bonding company.

As added by Acts 1981, P.L.309, SEC.101. Amended by Acts 1981, P.L.45, SEC.82; Acts 1981, P.L.317, SEC.27; P.L.350-1983, SEC.3.

36-9-27-79 Repealed

(Repealed by Acts 1981, P.L.57, SEC.45.)

36-9-27-79.1 Contracts estimated not to be more than \$25,000; procedure

Sec. 79.1. Notwithstanding sections 77 and 78 of this chapter, the following provisions apply whenever the board estimates that the amount of the contracts to be let is not more than twenty-five thousand dollars (\$25,000):

- (1) The board need not advertise in the manner provided by section 78 of this chapter. If the board does not advertise, it shall mail written invitations for bids to at least three (3) persons believed to be interested in bidding on the work. The invitations shall be mailed at least seven (7) days before the date the board will receive bids, and must state the nature of the contracts to be let and the date, time, and place bids will be received.
- (2) The board may authorize the county surveyor to contract for the work in the name of the board.
- (3) The contracts may be for a stated sum or may be for a variable sum based on per unit prices or on the hiring of labor and the purchase of material.
- (4) The contracts shall be let in accordance with the statutes governing public purchase, including IC 36-1-9.
- (5) The board may for good cause waive any requirement for the furnishing by the bidder of a bid bond or surety and the furnishing by a successful bidder of a performance bond.

As added by Acts 1981, P.L.57, SEC.42. Amended by P.L.355-1987, SEC.1.

36-9-27-80 Subcontracts

Sec. 80. A person who enters into a contract with the board under section 78 or 79 of this chapter may not subcontract any part of the contract without the written consent of the board. The board may withhold its consent only for good cause. *As added by Acts 1981, P.L.309, SEC.101.*

36-9-27-80.5 Construction contract changes in specification; change orders

Sec. 80.5. (a) If a change in the original specifications of a contract for the construction or reconstruction of a drain becomes necessary during the construction or reconstruction, the county surveyor may issue a change order to add, delete, or change an item in the contract. A change order issued under this subsection becomes an addendum to the contract.

(b) The county surveyor may issue a change order under subsection (a) without obtaining prior approval from the board. The county surveyor shall report a change order issued under subsection (a) to the board at the next meeting of the board following the issuance of the change order.

(c) A change order issued under subsection (a) must be directly related to the drain project that is the subject of the original contract.

(d) The amount of a contract plus the amount of all change orders to the contract issued under this section may not exceed the following by more than twenty percent (20%):

(1) The construction costs estimated by the county surveyor under section 61(8) of this chapter.

(2) The reconstruction costs estimated by the county surveyor under section 49(c) of this chapter.

As added by P.L.154-1993, SEC.8.

36-9-27-81 Partial or progress payments to contractors

Sec. 81. The county surveyor may, without first obtaining the approval of the board, authorize partial or progress payments to a contractor for work performed in amounts not in excess of eighty-five percent (85%) of the contract price of

the work then completed. The surveyor shall report such an approval to the board at its next meeting. The surveyor may not give an approval under this section unless he has first inspected the work done. *As added by Acts 1981, P.L.309, SEC.101.*

36-9-27-82 Final payment upon completion of contract; approval of work by county surveyor

Sec. 82. (a) Whenever a contract under this chapter calls for a payment to be made to the contractor on the completion of work, the county surveyor shall inspect the work done and file with the board a written report approving or disapproving the work. The board may not allow a claim for the payment until the surveyor's report shows the work to be approved.

(b) After the acceptance of the work by the county surveyor, the contractor shall file with the board a verified statement that all expenses incurred for labor and material, except for any expenditures specified in the statement, have been paid in full. *As added by Acts 1981, P.L.309, SEC.101.*

36-9-27-83 Subcontractors, laborers, etc.; claims

Sec. 83. (a) A subcontractor, laborer, or other person may file a claim with the board if:

(1) at the request of a contractor, he has performed any work or other service or has furnished any material used under the contract; and

(2) he has not been paid.

The claim must be filed within sixty (60) days after the performance of the work or service or the furnishing of the material, and must state the amount due and describe the work done or materials furnished. The board shall withhold the amount of the claim from the final payment due the contractor unless the claimant files a written withdrawal of the claim with the board.

(b) If, sixty (60) days after acceptance of the work by the surveyor, the contractor files with the board a written acknowledgement of the correctness of all claims, and if the amount

TEMPORARY DRAINAGE EASEMENT

VONDELL GAUGER AND NELLIE GAUGER (Grantor) of Vanderburgh County, State of Indiana, do hereby GRANT and CONVEY to HAAS DEVELOPMENT INCORPORATED (Grantee) but subject to the terms hereof an easement to maintain and repair a drainage waterway across the following portion of Grantors land:

Part of the Southwest Quarter of the Southwest Quarter of Section 20, Township 6 South, Range 11 West, lying in Vanderburgh County, Indiana described as follows:

Beginning at a point located by commencing at the Northeast corner of said Quarter Quarter Section thence South 88 degrees 19 minutes 50 seconds West along the North line of said Quarter Quarter Section a distance of 653.69 feet, thence South 0 degrees 33 minutes 24 seconds East a distance of 154.51 feet to the place of beginning, thence continue South 0 degrees 33 minutes 24 seconds East a distance of 95.01 feet, thence South 89 degrees 14 minutes 27 seconds West a distance of 100.00 feet, thence North 0 degrees 33 minutes 24 seconds West a distance of 95.01 feet, thence North 89 degrees 14 minutes 27 seconds East a distance of 100.00 feet to the place of beginning.

This easement shall be in effect for a period of three years after the Vanderburgh County Surveyors Office grants approval of the As-Built Drainage Plans of Heartland Ridge Subdivision. During this time the Grantee shall maintain and repair any erosion damage to said drainage waterway as caused by the release of storm water runoff from a storm water detention basin as required by the Heartland Subdivision Drainage Plan. These repairs may include the placement of seeding, mulching, erosion blankets, or stone rip-rap and the reconstruction of eroded portions of said drainage waterway to the original contour.

BTS 7-24-96
** FENCE SHALL BE REPAIRED IN ORIGINAL CONDITION.*
IN WITNESS WHEREOF, the said VONDELL GAUGER and NELLIE GAUGER have hereunto set their hands and seal this _____ day of _____, 1995.

Vondell Gauger
VONDELL GAUGER

Nellie Gauger
NELLIE GAUGER

STATE OF INDIANA, COUNTY OF VANDERBURGH, SS:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named VONDELL GAUGER and NELLIE GAUGER, who acknowledged the execution of the foregoing Easement to be their voluntary act and deed.

Witness my hand and notarial seal this _____ day of _____, 1995.

My Commission Expires _____

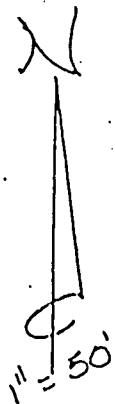
(Notary Public)

(Printed Name)

Residing in _____ County, State of Indiana

This Instrument Prepared by Billy T. Nicholson, L.S.

6.4



VONDELL & NELLIE
GAUGER

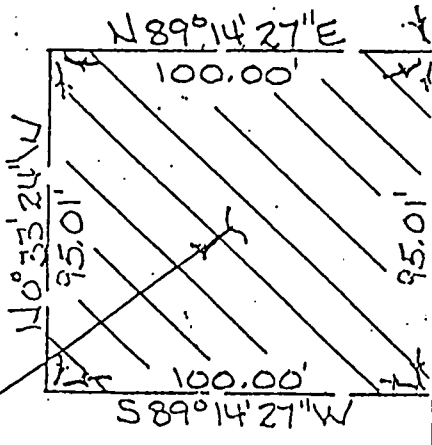
S 88° 19' 50" W 653.69'
NE COR.
SW 1/4, SW 1/4
SEC. 20-6-11

LOT 15

LOT 16

RIDGE SUB.

P.O.B.



TEMPORARY DRAINAGE
EASEMENT

LOT 17

HEARTLAND
DEVELOPMENT

LOT 18

PROPOSED
HAAS

CHARITY CIRCLE

NOTE: FENCE SHALL BE
REPLACED IN
ORIGINAL CONDITIONS

[Signature]
BILLY T. NICHOLSON, L.S.

DATE 7/19/97

VEACH, NICHOLSON ASSOCIATES
1830-A W. FRANKLIN ST., EVANSVILLE, IN 47712

F-4

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AUGUST 28, 1995

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MINUTES
DRAINAGE BOARD MEETING
AUGUST 28, 1995

The Vanderburgh County Drainage Board met in session on August 28, 1995, at 7:04 p.m., in the Commissioners' Hearing Room 307, with President Patrick Tuley presiding.

President Tuley: "We'll go ahead and call the meeting to order for the Drainage Board, August 28, 1995."

RE: APPROVAL OF TRANSCRIBED DRAINAGE BOARD MINUTES

President Tuley: "First item on the agenda is the Approval of Transcribed Drainage Board Minutes. The regular Drainage Board Meeting held (7-24-95)."

Commissioner Borries: "Mr. President I move that the minutes of our last meeting be signed and dispense with the reading."

Commissioner Mourdock: "I'll second."

President Tuley: "So ordered."

RE:¹ REQUEST PAYMENT OF BLUE CLAIMS-MAINTENANCE

President Tuley: "Next item is request payment of Blue Claims-Maintenance. Mr. Jeffers?"

Bill Jeffers: "We have several Blue Claims to pay for maintenance projects on our Legal Drains and I would say that all of them have been signed by the Vanderburgh County Surveyors Office. Attached to each claim is the required reports and forms signed by the Surveyor, and the invoices from the vendors and contractors. They're all in proper order, and I'd like to submit them for your signatures."

Commissioner Mourdock: "I'll move that we approve the Blue Claims as submitted and recommended for approval."

Commissioner Borries: "Second."

President Tuley: "So ordered."

RE: NEW SUBDIVISION DRAINAGE PLANS

A. Malibu Park IV Subdivision:

Bill Jeffers: "Under item #4, new subdivision drainage plans, Malibu Park IV has been temporarily withdrawn and will be on the agenda again next month, because we need a few more details to be added to the drainage plan before it's presented to you."

B. Jack Miller Subdivision:

Bill Jeffers: "Second subdivision, Jack Miller Subdivision, is actually a replat of Lot 2, into two (2) parcels. It's breaking a five (5) acre parcel into two (2) parcels each with (2½) acres. It's submitted on behalf of the owner, by Bill Nicholson, of Veach Nicholson Associates. It's a very simple straight forward plan to break the five (5) acres into two (2), (2½) acre lots. It has one (1) natural drainage channel draining both lots which will be left in a natural condition. Then there's a new easement platted between the two (2) proposed new homes to carry the water from those two (2) homes back to the natural creek. Mr. Nicholson is asking that

¹Copy of Blue Claims-Maintenance for Legal Drains attached to (8-28-95) Drainage Board Minutes.

in that cover² letter for a waiver of storm water detention. In fact when these two (2) lots are converted into residential lawns, there will be a decrease in the storm water run-off, because their present cover is rough brush and a lot of trees that will be removed. They're brushy, good for nothing trees that are going to be removed and turned into a lawn. Our office recommends that detention not be required for these two (2) homes, and that you accept the Drainage Plan as submitted in the drawing, and approve it for Jack Miller Subdivision, Replat of lot 2."

Commissioner Mourdock: "Just for the record, so I'm sure I understand it. You're making that recommendation subject to it being converted to a residential type lawn, or are you saying that once that happens, it's going to work better towards your plan, but your not making a condition?"

Bill Jeffers: "No I'm not making a condition. The intent is to build two (2) houses on these two (2) lots, and when that happens there will be a decrease in storm water run-off from the two (2) lots. If it's left in it's present condition it remains the same anyway."

Commissioner Mourdock: "Okay."

President Tuley: "Questions or comments?"

Commissioner Mourdock: "I'll move acceptance of the Drainage Plan for the Jack Miller Subdivision, Replat of Lot 2 that is submitted by the County Surveyor."

Commissioner Borries: "I will second."

President Tuley: "So ordered."

RE: CORRESPONDENCE

A. ³Oaklynn Park LLC: (Two Memos Sent)

Bill Jeffers: "Okay, under Correspondence, that was added as an item on your agenda, because our office has sent out some correspondence to individuals. The first thing is two (2) memos to Oaklynn Park LLC. I sent copies of these to the President of the Drainage Board who has copies in his hand. I'd like to enter these two (2) copies into the minutes to be recorded there. Basically, both memos speak to some problems that were noticed during an inspection of that subdivision and adjacent drainage. Unless there are questions about those two (2) memos we can go on to the next item."

Commissioner Borries: "I assume then that the letters have been received?"

Bill Jeffers: "They've been received by Oaklynn Park LLC, and they're presently trying to address the contents of these two (2) memos with our office."

Commissioner Borries: "Alright. I don't think you need any official action on our part then."

Bill Jeffers: "If you have questions on them we can talk about it at the next meeting."

²Copy of the Cover Sheet by Bill Nicholson, Veach, Nicholson, Associates, in regards of Replat of Lot 2, Jack Miller Subdivision.

³Copies of 2 Memos sent to Oaklynn Park LLC, attached to the (8-28-95) Drainage Board Minutes.

B. ⁴Notices to Remove An Obstruction:

1. SKINNER BRADBENT ASSOCIATES

Bill Jeffers: "The next two (2) items of Correspondence are Notices to Remove An Obstruction from a Regulated Drain in Vanderburgh County. One of them is addressed to Skinner Broadbent Associates for Harper Ditch reminding them that they signed an agreement with the County in 1981 to do certain maintenance. Especially to remove obstructions from a large grate covering a large pipe that runs under Shoe Carnival. That has not been done yet this year. Attached is the certified notice that they received the Notice to Remove the Obstruction, and within the body of the notice is a sentence that reminds them that if it's not removed within (30) days of the receipt of this notice, that we can send a contractor in to do the work, and bill them."

Commissioner Mourdock: "Bill, when was the agreement signed?"

Bill Jeffers: "1981."

Commissioner Mourdock: "Okay, that's what I thought you said."

Bill Jeffers: "Usually they monitor that pretty well. Apparently the new property manager is unaware of it and I just wanted to make him "real" aware of it."

Commissioner Mourdock: "Okay."

2. FORBES FINANCIAL GROUP

Bill Jeffers: "Then another Notice to Remove An Obstruction was sent to Forbes Financial Group at 520 Kimber Lane. Basically what happened is a contractor working for Forbes Financial Group during the landscaping of their ground decided to dump a bunch of dirt or whatever he happened to remove from that lot back into our ditch. I've drawn a sketch of where the debris is, and given them (10) days to remove it. Also, if it's not removed within that (10) days we have the statutory right to go in and have it removed by a contractor, and bill the property owner. Attached to that one also is a certified receipt that it was received by Forbes Financial Group. I'd like to enter those two (2) also into the record and we'll take the appropriate action, but I wanted to notify the Board that we were doing that."

RE: OLD BUSINESS

A. KNOB HILL ESTATES SUBDIVISION

Bill Jeffers: "Okay, Knob Hill Estates Subdivision needs no introduction as to it's location, etc. The reason it's before you today is that it's been resubmitted to Area Plan Commission as a four (4) lot subdivision, rather than a six (6) lot subdivision, which requires that the developer and his engineer resubmit a drainage plan addressing it as a four (4) lot subdivision, rather than six (6) lot. It's basically the same drainage plan scaled down to handle the excess storm water run-off from the three (3) lots along Ward Road. Those will be the only three (3) lots that have additional structures placed upon them, so that would be where the excess storm water run-off would be generated from. My comments on this is that #1, which all of my comments are highlighted in yellow on your copy with the comments made in green. (referring to the map)

#1. The developer is digging a new intercepting ditch along the

⁴Copy of 2 Notices to Remove An Obstruction, attached to (8-28-95) Drainage Board Minutes.

west edge of Knob Hill Drive across from the Rudolph property, to catch the run-off coming downhill from the existing home on lot 1, before it enters the roadway as shown on that plan.

#2. The developer is committing to clean out the drainage system from that lot at the northeast corner, thence northward along Knob Hill Drive and into the pond that exists out there. Basically, what the narrative says, is if the cleaning is not the responsibility of the Knob Hill Homeowners Association, this developer Al Buck is committing to clean that out and put it into good working order.

#3. The developer proposes to construct a detention basin prior to recording the plat. That means he will be constructing the detention basin before he acquires building permits for lots 2, 3 and 4.

#4. The developer is committing to clean out the eighteen (18) inch tile which runs under Knob Hill Drive at the intersection with Ward Road. That clay tile also has a ten (10) foot aluminum extension on it which he's going to clean out.

#5. The developer proposes to install a trench drain across the entrance of the private roadway. This was a commitment he made in a previous meeting. The reason for that is to prevent run-off from coming down that private drive and crossing Knob Hill Drive onto the Grimm's property on the south side of Knob Hill.

#6. The depth of the stored water in this new downsized detention pond, maximum depth will be (3) feet.

#7. There is on the design a main drain for the small basin, which is out fitted with a grate to cover the drains, so that, for example: a child or a pet would not be able to get caught in the drain and be washed downstream. Detail of that structure I'm speaking of is right here. Detail is shown on the drainage plan in the lower right hand corner of that drop structure, it has a grate on top of it so that the fifteen (15) inch pipe leaving the drop basin is not a danger to anyone. There are representatives of the Engineering Company in the audience. The developer is here as well as Mr. Bodkins who represents one of the homeowners. Vanderburgh County Surveyors Office has reviewed the calculations and the plans for Knob Hill Estates Subdivision as they are before you, and we recommend approval of this Preliminary Drainage Plan."

Commissioner Mourdock: "One question Bill, before you leave the podium, please. In the detention basin, I just want to be sure that I understood what you said regarding the construction of that prior to building permits. That is true even if, let's say, as you said it, lots, 2, 3, and 4. If lot 4 was the only one ever developed, that would still need to be constructed, correct?"

Bill Jeffers: "The way I read the report, yes sir."

Commissioner Mourdock: "So it's not lot 2, 3, and 4, it's anyone of -- _?"

Bill Jeffers: "Before he records the plat is the way it's stated in the report here. What page is that on? Page 4 or 5?"

Commissioner Mourdock: "Page 5."

Commissioner Borries: "Yes, page 5."

Bill Jeffers: "Okay, page 5 of the submitted report, paragraph 2, sentence 2, reads: "This basin is proposed to be constructed prior to the recording of the plat, containing lots 2, 3 and 4." Until you record a plat you can't acquire a building permit."

President Tuley: "Bill, does the¹ letter that was submitted to our office today from Mike Wathen, was there any particular comments? I'm reading it and it doesn't really say a whole lot. It's pretty general in it's context, but I understand you've talked to him too."

Bill Jeffers: "Right. I'm sorry. I forgot that. I meant to tell you that Mr. Wathen has had an extensive schedule of subdivision review lately. I believe he's still out in the field. He said if he wasn't here he'd probably still be out in the field, because they were going out to look at some erosion control plans that had been implemented at various subdivisions today and tomorrow. I do have a copy of that letter. What we need to do is enter that letter into the record. It's addressed to Al & Betty Buck and basically, it passes the Soil & Conservation's recommendations for an Erosion Control Plan on to the developer, inviting the developer to enjoy the services of the Vanderburgh County Soil & Water Conservation District. We do agree with Mr. Wathens recommendations that are found within this letter, to develop an Erosion Control Plan that would prevent off-site siltation and especially, any off-site siltation that would adversely affect Ward Road, because it is an established traveled way. We would want to keep any mud from washing onto Ward Road, and adversely affecting travelers from other subdivisions. A question came from your Board sometime ago, "Did the Board have the ability to attach the requirement for the Erosion Control Plan to the drainage plan? The Ordinance does allow you to attach reasonable requirements as conditions of your approval of this plan. So, if your Board is of a mind to attach the requirement for an Erosion Control Plan to the acceptance of the entire drainage plan, you may do so."

Commissioner Borries: "Are these reasonable in your opinion?"

Bill Jeffers: "Yes sir."

Commissioner Borries: "Has the developer seen them?"

Al Buck: "May I react to that? My name is Al Buck. My wife and I are petitioners in this matter. I met with Mike Wathen for about an hour last week, Monday. We are in agreement that houses built on lots 3 and 4 should not have basements. We have agreed that the house built on lot 2, is ideal for a walkout basement. Knowing the condition of the soil in Vanderburgh County, and being connected with the builder, we will insist that the walls of any basement would be poured walls, reinforced poured walls. I have assured Mr. Wathen that I will work with him and meet any requirement that he directs to maintain Erosion Control. There is a natural basin on lot 4 that's just like a bowl. I've had this luck one time before. You'll find that run-off water will go into that bowl, and will serve as a catch basin as that lot is developed, lot 4. Mr. Wathen did suggest that around any pile of dirt that there would be a material that would surround that pile of dirt that would deter erosion. Okay, now this will be carried out."

President Tuley: "Mr. Bodkin, are you ready to speak?"

Tom Bodkin: "My name is Tom Bodkin, attorney with the Vanderburgh Law Firm here. I represent Mike Sandefur who is one of the neighbors who lives in the older part of the subdivision just across the entrance, if you will. My client apologizes for not being here tonight. Sigeco's got him doing something else so he couldn't come, and I got to do it. His major concern as I understand it from talking with him today, deals not so much with the safety issue which I think has now been addressed by the developer, with the grate that prevents anybody from falling into

¹Copy of the letter by Mike Wathen attached to the (8-28-95) Drainage Board Minutes.

the pipe. The major issue he has remaining as I understand it, is the question of responsibility to maintain the drainage basin that's proposed, and it's his wish at least that the Commissioners' seek a commitment with the developer that he'll create for these new lots a structure, if you will, a legal structure as a part of his platting process that requires those lot owners collectively to be responsible to keep it cleaned and keep it maintained as opposed to the possibility of only one lot doing it, or worse yet, intentionally other lot owners having to deal with it who doesn't even have any control of it at all. I know that there has been some discussions in the past about the possibility of the lot owner where the basin itself exists being responsible for the basin. My client believes that you as the Commission, as the Drainage Board, pardon me, can use your persuasive powers on the developer to talk about the possibility of having a Homeowners Association for the parcels themselves be responsible, so that we know we've got more than one piece of real estate that's got to keep it cleaned out. We have a grate in the bottom of the bowl, and as you know gentlemen that's a wooded area, lots of trees, leaves and things around, and the odd's are pretty good that somebody will throw something out of their car going along Ward Road, and it's all going to find itself right on top of that grate. Somebody's got to keep it clean. My client actually lives physically fairly close. So, he has some additional concerns about looks, but predominantly, it's a question of who's going to have the responsibility to keep it clean, because we recognize you don't. We elect not to take it as it were in terms of power. That would be the only point in terms of drainage that my client basically wanted to address."

Al Buck: "May I react to that?"

President Tuley: "Sure."

Al Buck: "I find this a very reasonable request. I will instruct Jack Schroeder to draw up such a paper that will make all three property owners responsible for any repair on the catch basin."

Commissioner Mourdock: "Repair, just so we're not arguing over which _ _ _?"

Al Buck: "Repair and maintenance."

Commissioner Mourdock: "Thank you."

President Tuley: "Other comments?"

Commissioner Borries: "Mr. President I move that this Preliminary Plat of Knob Hill presented at this meeting, let's say that this is Mr. Jeffers from the point of discussion a "Revised" Preliminary Plat. Would that be correct?"

Bill Jeffers: "Yes sir."

Commissioner Borries: "With the comments and recommendations made by the County Surveyors Office, Mr. Jeffers and the Developer, Mr. Buck's comments included that this Drainage Plan be approved."

Commissioner Mourdock: "Since I was a "no vote" on this last time, let me say that I appreciate Mr. Buck your willingness to change some of the plans around, do things differently, address the questions and concerns that are obviously very legitimate from the point of view of the neighboring homeowners, and especially tonight your willingness to deal with the drainage basin with a Homeowners Association or however that's defined. I appreciate you doing those things and seeing that, with this plan I will second the motion on the floor."

President Tuley: "Counsel just advised me to make sure that what everybody understands, that motion doesn't include Mr. Bodkins

comments with Mr. Buck agreeing to do that. I want to make sure that comes across very clearly, so there's no misunderstanding that we all just kind of agree, but it was never a part of the motion."

Commissioner Mourdock: "I think the minutes will show and I know you all were just talking, so let me say it again. I appreciate the fact that Mr. Buck did make those changes as requested by Mr. Bodkins on behalf of his client, that there would be established a permanent Homeowners Association of Lots 2, 3 and 4 to repair and maintain the drainage of that basin. With that understanding I will second the motion."

Tom Bodkin: "Thank you."

Al Buck: "I have one more question. I noticed that the engineers plan for a ditch. The middle of Knob Hill Drive is here. There is a minimum of a six (6) inch drop from the middle of that drive to the curb. Now, I'm willing to dig the ditch which is supposed to be two (2) feet wide at the bottom, but it's going to be an unsightly ditch. I think that when the Association out there takes a look at it, they're not going to want this to happen, and for the life of me, I cannot see that water coming off of a grassy slope that has a six (6) inch fall from the center of the street to the curb, will ever be a problem warranting a ditch as we have now, that I'm expected to do, and I'm willing to do it, but it's going to be an unsightly mess."

Commissioner Mourdock: "Bill just so I understand it, will you identify the plat here?"

Bill Jeffers: "That's the ditch referred to as #1."

Commissioner Mourdock: "Clear over here?"

Bill Jeffers: "Right."

Al Buck: "All I'm asking for is, if the Association agrees with the final analysis of this thing, that we be allowed "not" to put that ditch there."

Bill Jeffers: "I would of been willing to make the recommendation to accept this Preliminary Drainage Plan without that ditch. I just didn't want to go into it at this time, because it could be revised on the Final Drainage Plan."

Commissioner Borries: "Yes. It is Preliminary and your point is well taken, so when this thing is stamped final, if it has it on or has it off, I think you could continue to talk about it."

Al Buck: "I worked with him out there, and they wanted it kept on."

Commissioner Borries: "Right."

President Tuley: "Okay. We have a motion and a second. I will so order."

Commissioner Borries: "Thank you all very much."

RE: NEW BUSINESS

A. WATERFORD PARK:

Bill Jeffers: "The last subdivision is under new business and it's called Replat of Lot 3, Waterford Park Subdivision. This is located on Vogel Road, the new extension of Vogel Road at the intersection of Burkhardt. This is a subdivision that the Drainage Plan was approved in such a way that the individual lot owners were made responsible for providing a drainage plan for each lot as they developed it. That's because this is one of those commercial

subdivisions that's perfect for franchises to come in, and usually a franchise has a floor plan including a site plan for a certain number of square feet, and from time to time you'll find that we need to replat lots into smaller lots, because for example: Tooter Time Day Care Center only needs exactly what they're showing you here. That's on lot 3. Then on lot 3-A is a Hair Replacement Clinic that only needs exactly what they're showing you there in the number of square feet. Basically, what they've done is come back to us with a drainage plan that will serve just those two (2) areas with those two (2) buildings on them. This is extremely flat ground. It drains gradually to the west into Stockfleth Ditch and it has an assigned run-off factor (.2), which for agricultural ground shows you it's extremely flat, that only 20% of the water runs off of agricultural bare ground. Mr. Jim Farney from Bernardin Lochmueller & Associates, has developed this plan, and I have highlighted on your set the two (2) basins. Basin #1 is up on lot 3-A, wraps around the north and west sides of the building, and then basin #2 runs through the common area between the two (2) lots in the grassy area between the two parking lots. Both basins discharge to a manhole structure numbered 1147, right on the west line of the lots. Then from there it runs through a twelve (12) inch concrete pipe out to the front, and discharges into the side ditch that the County Highway Department maintains for Vogel Road. In the book they had proposed an additional basin in front of the building on lot 3, which is a Day Care Center. They proposed to store another six hundred (600) cubic feet of water in the parking lot in front of the Day Care Center to meet the amount that was needed. During the review our office thought that that was asking for trouble when say for example: single head of household was possibly pushing a baby carriage and toting another toddler on their arm and walking into a Day Care Center, and you can't control when it rains and I thought that was asking too much to store six (6) or eight (8) inches of water out in the parking lot there. That could happen and would impose a health risk or a danger to a person trying to get into the Day Care Center with children. So, we would ask the Board to waive the requirement for "total" detention, because it was such a small amount that they were detaining out there that could be made up for at a future site within this subdivision at a later date. Six hundred (600) cubic feet is not hard to find a place to store that small of amount of water. So, with those comments, Mr. Farney has responded to all of our suggestions and dialogue, we recommend final approval of the drainage plan for lot 3 of Waterford Park Subdivision. All we're really asking you to do is just waive the requirement for that additional six hundred (600) cubic feet of storage in the parking lot, with the understanding that we will try to find a place to make up for that at a later time, because this is quite a large subdivision. I think that we can find a place to do that. Mr. Joe Ream is in the audience, he is the Developer and Mr. Farney is here to answer any questions if you have any."

Commissioner Borries: "I don't have any. Based on your comments and the intent here to make up the additional six hundred (600) cubic feet, I move the plan be approved."

Commissioner Mourdock: "I'll second."

President Tuley: "So ordered."

Bill Jeffers: "I'd like to thank Mr. Farney for coming from a family gathering. I told him he had to be here. Sorry Jim. In case there was a question that I couldn't answer. Sorry Jim."

Jim Farney: "That's alright. Thank you very much."

Commissioner Borries: "Thank you. Sorry to have to have you come in. When it's on a flat piece of ground it's a little easier than those hills."

RE: GENERAL DISCUSSION

Bill Jeffers: "I had general discussion on the agenda in case something came up, like for an example: Strawberry Hill, or also I just wanted to make one very brief comment, (if that's possible for me) and that is these little projects like the one we just did might seem real nice, calm, and gentlemanly when I'm standing here in front of you guys, but sometimes in our office we really get to haggling with these developers' and their engineers'. I mean engineers' are hired by the developer to represent the developer, and they do a great job of it. Every one of them does. The developers' are out there trying to take flat agricultural ground on the east side and convert it to valuable commercial development ground. They're taking ground that only runs off 20% of the storm water that hits it, and convert into ground that runs off 75% of the water that hits it. There's 3 or 4 major developers' out there like Mr. Ream, and each one of them has options and outright ownership or whatever, of parcels of ground all out through there. Then they have people come to them like these two places are both franchises. The Golf Shop, which is under review right at the moment, is another one. All of the restaurants are franchises, and they come in there and they say, "Okay, who's selling ground in Vanderburgh County? We want some ground." They go out and start talking to 3 or 4 of these guys and then the next question is, "How much a square foot?" That's why these developers' are trying to avoid building one big common detention facility for two reasons. If they happen to choose the wrong place to put it, and that's where that particular franchise wanted to locate because that's the lot that fits their need, then they have to come back to us and move the basin to a different location and go through all of that redesign work that costs so much an hour that they have to pay to the engineer. So, all of these costs are prorated out into the cost per square foot. That's the second reason is because the cost is prorated out per square foot for each buyer. So what's happening is say Hair Replacement Center comes in and Joe Ream didn't give them the best price, they would have gone somewhere else, and that somewhere might be Warrick County or Henderson County. So, what I'm going to try to work on, I just want to present it to you, is I do believe there is some economic development money available from the State of Indiana through the Lottery, and I do believe that Marion County gets about 90% of it a year, and the rest of the 91 Counties get about 10% or 15% a year, and I think Vanderburgh County deserves more than that. If there's a way for us to get a hold of some of that economical development money, I believe we ought to get it and go out here in some of this what might be considered least valuable land or waste land. Land that Koesters Contractor has already dug the borrow out of to build I-164 would be a great place, some of the borrowed pits along I-164, or the question came up when Simon was wanting to come in here to develop. There is a piece of ground right about where Columbia Street comes into Burkhardt that's really low and would require alot of fill would be a beautiful place to dig a lake. If the County could get this economic development funds, rather than float bonds or come out of the general fund or the drainage fund, and build large detention facilities and then design the road system so that they discharge into these detention facilities before they discharge into our Legal Drains, we would be going a long way towards making the area north of the Lloyd Expressway and south of Morgan Avenue, much more attractive to commercial development."

Commissioner Mourdock: "Let me ask you a question Bill, because this is a very pertinent discussion here. Is there through the magic name out there, Koester obviously, like waving my red flag here as far as possible conflict. Are you saying with that, that there's two possibilities? #1 would be, if the County went out, had the money to acquire large tracks to buy ground, such a pond could be put in and then you would basically set up a drainage pattern in advance for all these other folks with drainage easements? And #2, if I'm right with #1, is that not possible with that existing

property that's out there now? In otherwords, could you establish drainage easements?"

Bill Jeffers: "Well the one pond north of Oak Grove Road is right directly on Nurrenbern Ditch. It's a borrowed pit that was used to build the Oak Grove Road overpass over I-164. It lies right along side Nurrenbern Ditch. It has no value whatsoever other than say a Pay Lake, would be it's only commercial value. We could fence that off and put a twenty-five (25) foot or thirty (30) foot maintenance easement all around it, and then devise a way to take excess storm water out of Nurrenbern Ditch and store it in that pond, and release it back into Nurrenbern Ditch after the storm has passed. That will alleviate some of the need for storage on this more valuable commercial ground down here at the Expressway."

Commissioner Mourdock: "But, can you do that without having easements in advance? Let's say, some folks at Burkhardt and Lloyd (inaudible)."

Commissioner Borries: "Gerschwin & Brown?"

Bill Jeffers: "I was referring to it as Simon."

Commissioner Borries: "It's Gerschwin & Brown."

Commissioner Mourdock: "Okay, let's say that property that's there right now they have the option on or maybe to exercise, maybe they haven't. Would the property north of Oak Grove be of any value at all if we do not have existing drainage easements already in place to do that?"

Bill Jeffers: "No. For them I was thinking of that piece of ground that's real low where all that area that Gerschwins looking at, plus some area that's now called, trying to be platted as Cross Pointe Section E, all of that ground flows into a real low area that would require about six (6) or seven (7) foot of fill to build on."

Commissioner Borries: "Who owns it now?"

Bill Jeffers: "The Hirsch family. I know it's going to cost some money, that's why I'm wanting to go to the lottery to get the money. But, we could dig out that area and make a huge impoundment, and then the dirt we take out of there could be stocked piled and sold to developers' who are looking for dirt, to recoup some of the money and then it could be turned into a legal drain. That pond could be a legal drain."

Commissioner Mourdock: "Let me give you another alternative. Tell me if this will play into what you're saying, and this goes back to a discussion that we had in another meeting some months back. That area out there, basically is between I-164, Burkhardt, Morgan and the Lloyd. Everyone, all of us who are politicians here complain about poor planning. What if, we were to use that awful word, "eminent domain" and establish easement for the roads that are out there or that we know eventually we will need, and with the easements that would be acquired for those roads, incorporate drainage now or at the same time to go ahead and get all that drainage up into that type of (inaudible)."

Bill Jeffers: "The only problem with that is you have to pay for what you take."

Commissioner Mourdock: "Sure."

Bill Jeffers: "That's part of the discussion that would of made it a longer discussion I guess and now we're getting there is, our method of development is that we ask the developers' to put the roadways in as the development comes in and that saves the County

a lot of money, and we don't have to pay for what we take that way. Because it's a condition of the development that they provide the roads. Where if we went out there and set aside easements and roadway, right-a-way and this, that and another, we may be put in a position of having to pay for that. But, I think we know pretty much where the roads are going to go from the master plan and so forth. Not that we would go out and do it, just look at the possibility of locating some potential drainage basins that would be located so that you could easily drain the streets that we know are coming, you could drain that street system into these big basins. Like a common lake. It's being done in other Counties. I don't know where they're getting their money, and they're being maintained as legal drains in Tippecanoe County."

Commissioner Borries: "We'll, it's an interesting idea. Maybe if you could get some information on how they're doing it in Tippecanoe. I would be interested in finding out. I share your concern. I don't want to reveal what I understand may have been some of the potential purchase price. Frankly, I don't know if any money has changed hands on that Gerschwin & Brown thing, but we're talking some major bucks."

Bill Jeffers: "Major bucks."

Commissioner Borries: "Major bucks, and also given some of the persons involved we're talking some hard negotiations I'm sure too. So, it is an interesting idea, and I think that probably if there's a way in which we could access some money to do this, if you could find out through Tippecanoe County what they're doing there."

President Tuley: "Some of the less valuable land out there I'd buy myself for \$50,000.00 an acre."

Commissioner Mourdock: "Well I'll tell you what, if a plan were in place showing right now where those roads are going to be, and where that drainage is, the price of that ground just went even higher if you're the landowner."

Bill Jeffers: "Especially if they know they're not going to have to build the detention on the ground."

President Tuley: "That's right."

Commissioner Mourdock: "Exactly."

Commissioner Borries: "Well, we think, we know. There are continuing negotiations going on with one developer out there because we're looking at this Tiff Zone, and the bottom line for me will be in that, that the County particularly in terms of property tax will have no liability, should we be able to create this Tiff Zone. Now, what could go in that Tiff Zone in relation to other improvements besides Burkhardt Road, I'm not sure. But, that might be something else that we could explore on this. What I do not, and you hit this right on the head earlier, what I do not propose, I want to be very clear on this, is that the County build anymore roads, however than we currently have on a public right-a-way known as Burkhardt Road. We have as you have pointed out, insisted that and worked with developers' to build that infer-structure according to county standards, and then accept it once those recommendations are made. By doing otherwise, and I've told one developer this, we set some pretty dangerous examples for other developers' who are going to be looking at this and say, "why did you change the rules"? You're talking about drainage, and that would obviously be different from constructing roads, so if there's somehow we can explore that, I'm now looking at our attorney here, within the Tiff, we might be able to do that, but I want again to be very clear on separating the roads in an infer-structure from the Tiff. Roads are different from the drainage."

Bill Jeffers: "Right. The only reason I brought the roads up is that then most logical way to get the water to the basins would be to let the developers' pipe it directly into the road drainage system, and then take the road drainage system to the basin."

Commissioner Borries: "Because it's going to have a road, curve, and gutter in it."

Bill Jeffers: "Right, and underground pipes in some cases, and then from the basin release it at a slower rate into Crawford Ditch."

Commissioner Mourdock: "If 20 years from now we see the type of developments along Burkhardt Road that we have along Green River Road right now, which I think every indication is that it's going to happen. The size of the piping, everything else that's going to be out there is going to be enormous. Even with one of the basins like the Oak Grove Road basin or the one on the east side out off of I-164. I mean those are big bodies of water, but still there will be a lot more going into them."

Bill Jeffers: "The only other answer is to let the city do it, because well they did. They pulled a \$3,000,000.00 bond and built one down in Hoosier behind Indian Wood Subdivision. And that's the only reason they've been able to develop Indian Woods and on out Covert Avenue is because they put an eighty-three (83) inch sewer underground, and took it to a big huge lake and then discharged it out of a forty-eight (48) inch sewer. We don't float municipal bonds like the city does. If they're willing to do what I'm talking about that's one thing, but if the county has to do it, because it's so rapidly developing out there, I'm saying let's go get some Lottery money. The thing is as soon as we get through doing all this for them, they're going to annex it."

Commissioner Mourdock: "I thought I heard you calling for consolidation?"

Bill Jeffers: "No."

President Tuley: "Annexation, not consolidation."

Commissioner Borries: "I'm not sure how that annexation works, because it seems to me that a certain amount of the annexation that took place all the way to, literally, the city limits of Evansville, had a lot to do with the residential areas, and even as you described? Are they able to annex?"

Bill Jeffers: "When they started on the north side they annexed around the residential areas, and took in only commercial and industrial. They started at the Airport, and their line went right along the edge between industrial, being all that around Bergdolt, Hitch Peters Road and they left out Melody Hills. They went all around Melody Hills, all the way down to Lynch Road. Then when they got out Lynch Road extension they started dodging around. They got the apartments, but they didn't take the houses."

Commissioner Borries: "What constitutes a city annexation?"

Alan Kissinger: "One of the requirements of annexation is that a percentage of certain services already being placed, and that the annexing authority be able to guarantee that a 100% of those services will be in place within a period of time. Those services include water and sewage treatment, law enforcement, fire department."

Bill Jeffers: "Street lighting, so forth and so on."

Alan Kissinger: "The reason that they want to avoid subdivisions in some cases is because those subdivisions are serviced by the city sewer system and they can't incorporate it into the system

(inaudible)."

Bill Jeffers: "So, I guess what I'm getting around to saying, is they did that in 1988, so they can do it again in 1998. They'll probably come after the most valuable commercial land that you guys have struggled with all this time."

Alan Kissinger: "In any area where the city sewer facilities, the sanitary sewers facilities already exist are prime targets, because they don't have to come in and provide that service after the fact of annexation."

President Tuley: "Interesting concept. You said something about Strawberry Hill. Did you get a chance to talk to the four houses?"

Bill Jeffers: "No."

Commissioner Borries: "That was at Strawberry Hill. That was the last time. There on the Old State Subdivision I believe, which is going into part of expansion in Petersburg Place. Bill, I thought that that might be a legal drain behind there that they were referring to, and I can't remember what the ditch is back there. You may be familiar with that area. I think it's a legal drain, but I can't think what the name of the ditch is back there. It's not on there Bill, but they were saying that there was some debris in the ditch and wanted it cleaned out. I told them that we're not able to work on private property obviously, so if this is not a legal drain we would have difficulty helping them there. Isn't that a legal drain?"

Bill Jeffers: "No, I'll tell you where you're coming up with that memory, is that at one time there was a whole bunch of people in here from Petersburg Place and these other subdivisions, including Shady Hills and Strawberry Hill who wanted a petition to make it a legal drain. Remember that? About '90 or '91."

Commissioner Borries: "Right."

Bill Jeffers: "And it never got off the drawing board. It's the drain that continues down and goes through Hamilton Golf Course. It's generally referred to as Little Pigeon or Little Creek."

Commissioner Borries: "And that is not a legal drain?"

Bill Jeffers: "It's not currently a legal drain."

Commissioner Borries: "Okay."

Bill Jeffers: "There's large property owners that still farm it. It used to be an old oil well field."

Commissioner Borries: "Right."

Bill Jeffers: "There's a lot of debris in the creek. Some of that debris floated up against your new bridge on Petersburg Road, and broke a trestle. There is a lot of debris in there."

Commissioner Borries: "So, they would have to go through a process."

Bill Jeffers: "A petitioning process."

Commissioner Borries: "A petitioning process, and we have to determine a water shed and the whole bit."

Bill Jeffers: "We've done all of that."

Commissioner Borries: "You have?"

Bill Jeffers: "Yes, Linda Freeman worked on that for about a year."

Commissioner Borries: "Is it current?"

Bill Jeffers: "It's fairly current, and the only reason it never went forward is we looked at that watershed, and figured we'd never get 51% of the people in that watershed to vote for a legal drain, because there's so many residential parcels that are not adversely effected by what's happening down at the lower end. If you wanted us to proceed we could, but that also would include Evergreen Acres that would be in that watershed. Lot's of people have no problems whatsoever, and you have to get 51% of the property owners to agree to it."

Commissioner Mourdock: "Mr. Poehlius when he was here tonight, he had basically two concerns, that being one. The other one was just having a different type of drainage structure out there. I think he mentioned, John, did he not meet with someone from your office?"

President Tuley: "Dave Franklin."

Commissioner Mourdock: "Yes, maybe someone from your office could give us something as well?"

Bill Jeffers: "It's possible that there's small remedies that could help isolated areas, but at one time that whole general area had some flooding problems associated with Little Pigeon Creek, and they wanted us to clean out the entire thing from Sarto Retreat House all the way up to it's upper reaches, and that would have required a lot of money and would have required about a year of public hearings to declare it a legal drain. There's several thousand residential parcels."

President Tuley: "Could you try to call him and just kind of explain that? He has an address on there, I think."

Commissioner Borries: "And how the process works."

Bill Jeffers: "Right."

Commissioner Borries: "Give us a month and if we hear more, I think you're right. I mean obviously, there's not going to be folks standing in line."

President Tuley: "Not to pay more money."

Commissioner Borries: "We've had a lot of success with Big Creek and the legal drains and the people who do take active rolls in maintaining those ditches."

Bill Jeffers: "This one is more like Carpenter Creek."

Commissioner Borries: "Yes it is."

Commissioner Mourdock: "In regarding that other thing, certainly I think we have consensus here to look in to..., was it Tippecanoe County?"

Commissioner Borries: "Yes."

Bill Jeffers: "Or other Counties."

President Tuley: "Do we have a motion to adjourn?"

Commissioner Borries: "So moved."

Commissioner Mourdock: "Second."


Drainage Board Meeting
August 28, 1995

15

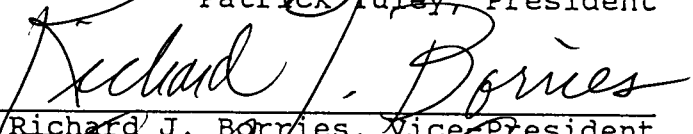
There being no further business the meeting was adjourned at 8:05 p.m.

PRESENT:

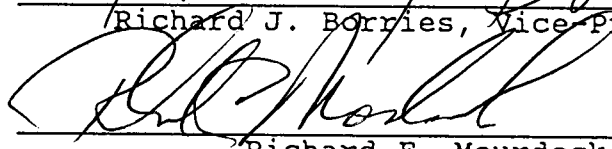
President Patrick Tuley
Vice-President Richard J. Borries
Member Richard E. Mourdock
Alan Kissinger, Attorney
William Fluty, Chief Deputy Auditor
Bill Jeffers, Chief Deputy Surveyor
Julie Hinton, Secretary
Al Buck, Developer
Tom Bodkin, Attorney
Keith Poff, Sitecon, Inc.
Chris Weil, Sitecon, Inc.
Joe Ream, Developer



Patrick Tuley, President



Richard J. Borries, Vice-President



Richard E. Mourdock, Member

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

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Scott Boiler Service #

On Account of Appropriation for Santaggy Steuen Ditch 234-038

Invoice No.	Itemized Claim	Amount
	ADDITIONAL MAINTENANCE CONT	
	CONTRACT BID PRICE = \$8,657.50	
	EXTRA WORK APPROP	
	& COMPLETED	
	1-24" TREE REMOVAL = \$300.00	
	1-54" TREE REMOVAL = 700.00	
	TOTAL = \$9,657.50	
	PREVIOUS PNT = \$7,060.25	
	85% OF CONTRACT & EXTRA WORK = \$8,208.88	
	LESS PREV. PNT @ \$7,060.25	
AM-95-38-85	= 1,148.63	\$ 1,148 63
	65% RETAINAGE = 1,448.62	

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

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

Stuart L. Scott

Name

Title

Date AUG. 11, 1995

Robert W. Brenner, Vanderburgh County Surveyor

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

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

for [] annual -- ☒ additional maintenance to
SOMMERS STEPHENS Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
APR 2, 1995, and was inspected by
our staff on APR 11, 1995, and is
☒ approved -- [] disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 8.28.95
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

6.1

SCOTT BOILER & BURNER SERVICE

I N V O I C E

111 E. WASHINGTON P.O. BOX 517

Invoice no. 900345

CHANDLER, IN 47610 ph. 928-7957

Invoice date AUG. 18, 1995

FED. ID# 35-1471229

SOLD TO: VANDERBURGH COUNTY SURVEYOR
ROOM 312 CIVIC CENTER COMPLEX
#1 MARTIN LUTHER KING, JR BLVD
EVANSVILLE, IN 47710-1897

YOUR PO # SONNTAG-STEVENSON JIM JOSEY

TOTAL CONTRACT PRICE	AMOUNT \$8657.50
EXTRA WORK COMPLETED	\$1000.00
TOTAL	----- \$9657.50
85% OF CONTRACT PRICE AND EXTRA WORK COMPLETED	\$8208.88
LESS PREVIOUS PAYMENT	\$7060.25
AMOUNT DUE THIS BILLING	----- \$1148.63

6-1

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

VANDEBURGH COUNTY, INDIANA



VENDOR NAME Martin Woodward Backhoe Service # 3583

On Account of Appropriation for Kolb Ditch 234-025

[illegible]

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

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


 Name

 Title

Date 8/25, 1995

Robert W. Brenner, Vanderburgh County Surveyor

VANDERBURGH COUNTY
SURVEYOR'S OFFICE
Room 325 Civic Center Complex
One Northwest Martin Luther King, Jr. Boulevard
Evansville, Indiana 47703-1833
(812) 435-5210

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

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

BACKHOE SERVICE

for [] annual -- [☒] additional maintenance to

KOLB Ditch, a legal drain in Vanderburgh County, Indiana, was completed on

AUG, 25, 1995, and was inspected by our staff on AUG 25, 1995, and is [☒] approved -- [] disapproved for payment per the contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner
Robert W. Brenner, Vanderburgh County Surveyor

8-28-95
Date

Additional Comments:

6.1

Martin Woodward Backhoe Service

15515 N. Posey Co. Line Road
Poseyville, IN 47633

VANDERBURGH COUNTY DRAINAGE BOARD
305 CIVIC CENTER COMPLEX
EVANSVILLE, IN 47708

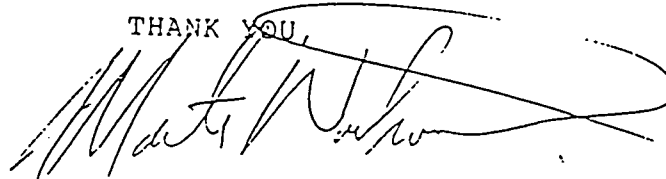
28 AUGUST 1995

FINAL INVOICE FOR REMOVAL OF DEBRIS FROM ELIPTICAL CONCRETE
PIPES ON KOLB DITCH.

TOTAL CONTRACT	\$5425.00
85 % OF CONTRACT	4611.25
AMOUNT ALLREADY BILLED AND COLLECTED	-1636.25
TOTAL DUE	=====
	\$2975.00
	=====

TOTAL RETAINAGE OF 15 % DUE AFTER 60 DAYS	\$ 813.75
--	-----------

THANK YOU,



MARTY WOODWARD

61

Aug

Form Prescribed by the
State Board of Accounts

1245

Revised County
Form No. 17

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

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Terry R. Jen # 1052

On Account of Appropriation for Henry Ditch 234-019

Invoice No.	Itemized Claim	Amount	
	3,179 LF x 0.4319 = 1,373.00		
95-FM-19-85	Pay 85% = 1,167.05 →	1,167	05
	15% RETAINAGE = 205.95		

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

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

Terry R. Jen
Name

Owner
Title

Date Aug. 22, 1995

6-1

Robert W. Brenner, Vanderburgh County Surveyor

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: TERRY R. JOHNSON

for ☒ annual -- ☐ additional maintenance to
HENRY Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
AUG 22, 1995, and was inspected by
our staff on AUG. 22, 1995, and is
☒ approved -- ☐ disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 8-28-95
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

Robert W. Brenner, Vanderburgh County Surveyor

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

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

for ☒ annual -- ☐ additional maintenance to
FABLE SLOUGH Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
July 26, 1995, 1995, and was inspected by
our staff on AUG. 25, 1995, and is
☒ approved -- ☐ disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner

Robert W. Brenner, Vanderburgh County Surveyor

8-23-95

Date

Additional Comments:

VANDEBURGH COUNTY, INDIANA

On Account of Appropriation for Roll N. Tech 234-025-

4-1

Robert W. Brenner, Vanderburgh County Surveyor

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

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

for [] annual -- ☒ additional maintenance to
KOLB Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
July 24,, 1995, and was inspected by
our staff on July 25, 1995, and is
☒ approved -- [] disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 8-27-95
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

F1

APPLICATION FOR PAYMENT

FROM: KOBBERSTEIN TRUCKING, INC.
R. R. #3, BOX 363
PRINCETON, IN 47670

TO: VANDERBURGH COUNTY DRAINAGE BOARD
ROOM 325 CIVIC CENTER COMPLEX
ONE NORTHWEST MARTIN LUTHER KING, JR. BLVD.
EVANSVILLE, IN 47708-1833

PROJECT: ADDITIONAL MAINTENANCE KOLB DITCH
SILT & DEBRIS REMOVAL

DATE: JULY 27, 1995

APPLICATION NO. 2

DESCRIPTION	ESTIMATED QUANTITY	QUANTITY THIS MONTH	QUANTITY TO DATE	BALANCE
PHASE 1	\$2,080.00	\$2,080.00	\$2,080.00	\$0.00
PHASE 2	\$7,500.00	\$7,500.00	\$7,500.00	\$0.00
PHASE 3	\$3,580.00	\$0.00	\$3,580.00	\$0.00
C.O. #1-DITCH SOUTH OF POLLACK AVENUE	\$850.00	\$850.00	\$850.00	\$0.00
TOTALS	\$14,010.00	\$10,430.00	\$14,010.00	\$0.00

1. ORIGINAL CONTRACT SUM	\$13,160.00	
CHANGE ORDER #1	\$850.00	
2. CONTRACT SUM TO DATE (LINE 1 + 2)	\$14,010.00	
3. TOTAL COMPLETED TO DATE	\$14,010.00	
4. RETAINAGE	\$2,101.50	
5. TOTAL EARNED LESS RETAINAGE	\$11,908.50	
6. LESS PREVIOUS APPLICATIONS	\$3,043.00	
7. PAYMENTS RECEIVED	\$3,043.00	
8. CURRENT PAYMENT DUE		\$8,865.50
9. BALANCE TO FINISH, PLUS RETAINAGE	\$2,101.50	

F-1

588116 M/SW

Robert W. Brenner, Vanderburgh County Surveyor

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: TREPPY R. JAMES

for ☒ annual -- ☐ additional maintenance to
KEIL Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
July 29, 1995, and was inspected by
our staff on 8-1, 1995, and is
☒ approved -- ☐ disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 8-28-95
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

F-1

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

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

for ☒ annual -- ☐ additional maintenance to
SOMMERS STEVENS Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
7-25, 1995, and was inspected by
our staff on 7-26-95, 1995, and is
☒ approved -- ☐ disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 8-28-95
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

E-1

VANDEBURGH COUNTY, INDIANA

On Account of Appropriation for Sonntagg Stevens 234-038

Date July 29, 1995



Robert W. Brenner, Vanderburgh County Surveyor

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

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

SERUKE

for ☒ annual -- [] additional maintenance to SOUTALL STEVENS Ditch, a legal drain in Vanderburgh County, Indiana, was completed on July 23, 1995, and was inspected by our staff on Aug 11, 1995, and is ☒ approved -- [] disapproved for payment per the contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner

Robert W. Brenner, Vanderburgh County Surveyor

8-28-95
Date

Additional Comments:

6.1

SPRING MOU

Revised County
Form No. 17

VANDEBURGH COUNTY, INDIANA

1052

East side Urban

[illegible]

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

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

Tanya R. [Signature]
Name

Owner _____
Title

Date July 30, 1995



SPRING MON

Robert W. Brenner, Vanderburgh County Surveyor

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: TERRY R. JOHNSON

for ☒ annual -- ☐ additional maintenance to
EAST SIDE DRAIN 5 1/2 Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
JULY 28, 1995, 1995, and was inspected by
our staff on JULY 29, 1995, and is
☒ approved -- ☐ disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 8-28-95
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

6.1

A4425

Form Prescribed by the
State Board of Accounts

1245

Revised County
Form No. 17

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

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Shideler Spray Service # 1851

On Account of Appropriation for Harper Ditch 234-017

Invoice No.	Itemized Claim	Amount	
	1995 SPRAY		
	2,950 LF @ 0.097 = \$286.15		
95-SP-17-85	PAY 8.5% = \$243.23 →	\$243	23
	1.5% RETAINAGE = \$42.92		

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

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

Byron J. Berke

Name

owner

Title

Date JULY 28, 19 95

6-1

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

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

for ☒ annual -- ☐ additional maintenance to _____ Ditch, a legal drain in Vanderburgh County, Indiana, was completed on July 27, 1995, and was inspected by our staff on Aug. 2, 1995, and is ☒ approved -- ☐ disapproved for payment per the contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner

Robert W. Brenner, Vanderburgh County Surveyor

8-28-95
Date

Additional Comments:

6-1

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

VANDEBUBRGH COUNTY, INDIANA

VENDOR NAME Shidelet Spray Service # 1851

On Account of Appropriation for Keil Ditch 234-020

[illegible]

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

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

Byron Borchers

Name

one

Title

Date JULY 28, 1995

f-1

Robert W. Brenner, Vanderburgh County Surveyor

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

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

for ☒ annual -- ☐ additional maintenance to
KEIL Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
July 27, 1995, and was inspected by
our staff on AUG 11, 1995, and is
☒ approved -- ☐ disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 8.28.95
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

F-1

A49

Form Prescribed by the
State Board of Accounts

1245

Revised County
Form No. 17

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

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Chemitrol Chemical Co. # 5282

On Account of Appropriation for Eastside Urban South Hail 234-015

Invoice No.	Itemized Claim	Amount	
	1995 DITCH STERILIZATION		
	34,986 LF. X \$0.073 = \$2553.98		
95-SPR-15-85	PAY 85% = \$2,170.88 →	2,170	88
	15% RETAINAGE = \$383.10		

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

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

CHEMI-TROL CHEMICAL CO.

BY: Jane Hall Name

Title Gen. Mgr. Chem. Group

Date July 27, 1995

61

Robert W. Brenner, Vanderburgh County Surveyor

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: CHEM-TROL CHEMICAL Co.

for ☒ annual -- ☐ additional maintenance to
_____ Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
July 26, 1985, and was inspected by
our staff on Aug 13, 1985, and is
☒ approved -- ☐ disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 8-28-85
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

F-1

Veach, Nicholson, Assoc.

Consulting Engineers & Land Surveyors
1830-A W. FRANKLIN ST., EVANSVILLE, IN 47712-1812, 424-2936
DARRELL A. VEACH, P.E., L.S.
BILLY T. NICHOLSON, L.S.

August 28, 1995

Drainage Board
Vanderburgh Co. Surveyor's Office
Civic Center Complex
Evansville, IN 47708

Attn: Bill Jeffers

RE: Replat of Lot 2 - Jack Miller Sub.

Dear Mr. Jeffers:

Lot 2A and 2B are 2.5 acre lots in Jack Miller Subdivision. The lots are covered with several large trees and underbrush.

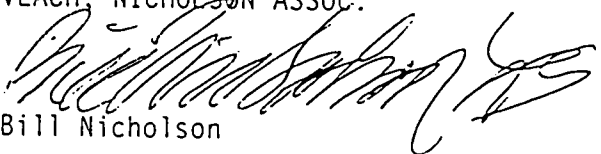
The houses will probably be built on the front portion of the lots as shown on the attached sketch with lawns running back to the cross drain.

This part of the lots total approximately 1.8 acres of the total 5.0 acres in the subdivision.

Using the 1.8 acres in calculating the additional runoff shows very little increase over the existing conditions. On behalf of Mr. Miller, we are, therefore, asking for a waiver of storm drainage plan.

Yours truly,

VEACH, NICHOLSON ASSOC.

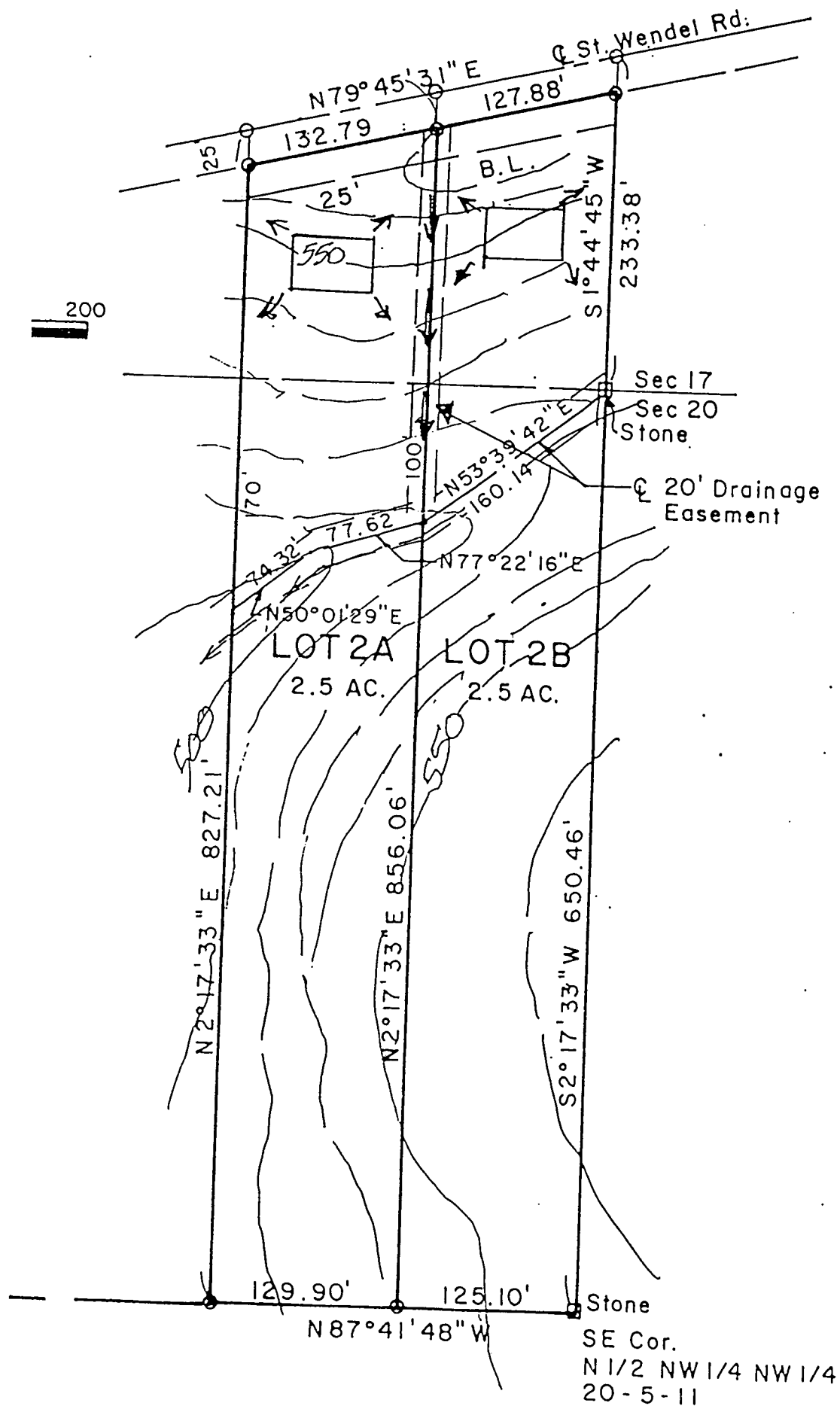

Bill Nicholson

BTN:bar
encl.

6-2

REPLAT OF LOT 2
JACK MILLER SUBDIVISION

AS RECORDED IN PLAT BOOK MS 205
IN THE OFFICE OF THE RECORDER VAND. CO., IN



Vanderburgh County Surveyor
Room 325 Civic Center
Evansville, Indiana 47708

August 4, 1995

OAKLYNN PARK MEMO #1

TO:

Oaklynn Park LLC
Dan Buck, President
Bradley O. Sterchi

Dear Sirs:

Sonntag-Stevens Ditch, a regulated drain in Vanderburgh County, forms the north boundary of your project known as Oaklynn Park Subdivision.

Regulated drains are maintained by the County Surveyor and County Drainage Board specifically in accordance with state statutes.

Our ditch maintenance contractor for Sonntag-Stevens reported that he could not mow the ditch with his tractor rig due to several obstructions placed along the top of the south ditch bank by SIGECO. He mowed the ditch by hand, increasing his cost per foot beyond bid price.

We inspected the ditch on Thursday, July 27, 1995; and found several utility boxes installed by SIGECO within the forty (40) foot wide Urban Drain Easement set aside solely for ditch maintenance in the drainage plan for your project approved by the Drainage Board.

Please recall the County Drainage Board's relaxation of the maintenance right of way along the north boundary of your project so that Oaklynn Park LLC could develop more square feet of residential property. (See the attached board minutes: 10/24/94.)

In exchange for the Board's consideration, Oaklynn Park LLC agreed to several specific stipulations (see attached agreement to the County Surveyor's positive recommendation of your drainage plan signed by both development partners.)

Among the stipulations and agreements are:

1. That the developer would grade the land within a line forty (40) feet south of and parallel with your north property line in such a way as to leave approximately thirty (30) feet from the new top of the ditch bank as a flat maintenance pathway in which to run spraying, mowing, and silt dipping equipment. (see page 2; drainage board minutes; 10/ 24/ 94.)
2. That no obstructions of any kind be allowed within forty (40) feet of the ditch centerline. (see item I-A-6-b of our recommendations.)
3. That any alterations damaging the "flat maintenance pathway" within said forty (40) feet would result in repairs at the property owners' (presently your) expense. (see item I-A-6-c.)
4. That the developer repair damages to the drainage facilities caused by utility installations during the period of time of the developer's supervision of the project. (see item V-A-4.)
5. That the property owners' (in this case Oaklynn Park LLC) prevent all persons and parties from causing obstructions within all drainage easements. (see your covenants: 30-e.)

F.B.

6. That the developer immediately seed and mulch areas within the forty (40) foot easement; and continuously maintain the area in grass cover until sold to individual buyers (see I-A-5.)
7. That alterations of the approved drainage plan require prior written approval of the County Drainage Board. (see your covenants; section 30-g.)

It is the County Surveyor's position that the drainage plan approved for Oaklynn Park specifically prohibited above-ground installations of any kind what-so-ever within the first forty (40) feet south of your north property line, unless those installations existed prior to the start of the project (sewer manholes) or unless you obtained board approval prior to such installations.

Further, it is the Surveyor's position that the ten (10) foot wide public utility easement shown south of and parallel to the pre-existing sewer easement on the recorded plat for Oaklynn Park Section One was added *only* for the purpose of housing the existing sanitary sewer within an easement; as the sewer line was found to be installed partially outside of the easement originally platted for it, and recorded in Deed Record 568, Page 485.

At no time did our office ever anticipate any other utilities housed within the additional ten (10) foot wide easement, except for individual sewer taps and clean-outs serving the new homes.

The Surveyor has determined that the SIGECO boxes will obstruct various ditch maintenance contractors' ability to perform regular and normal ditch maintenance duties required by state statute; and paid for by special drainage assessments collected from neighboring properties.

Obstruction of proper maintenance of Sonntag-Stevens Ditch will result in poor drainage, undesirable weed growth, and possible damage to private and public property.

Therefore, the first order of business is to remove all above-ground utility appurtenances and other obstructions to ditch maintenance per County Surveyor and Drainage Board specifications; and move forward with grading, seeding, and mulching the areas within forty (40) feet south of the centerline of Sonntag-Stevens Ditch per the recommendations to which you agreed as a condition of drainage plan approval for Oaklynn Park Subdivision.

Sincerely,


Bill Jeffers

Chief Deputy Surveyor

cc: Pat Tuley, Board President

Sitecon

Oaklynn Park file

F-3

Vanderburgh County Surveyor
Room 325 Civic Center
Evansville, Indiana 47708

August 4, 1995

OAKLYNN PARK MEMO #2

TO:

Oaklynn Park LLC
Dan Buck, President
Bradley O. Sterchi

Dear Sirs:

On Thursday morning, July 27, 1995, we inspected Sonntag-Stevens Ditch along the north line of your project known as Oaklynn Park Subdivision. A memo titled Oaklynn Memo #1 has been transmitted to you, the County Drainage Board, and Sitecon with regard to our findings.

While we were at the site, we noticed two foundations, one on Lot 67, and one on Lot 68, which appeared to be low in comparison to the elevation of the embankment of Basin "A."

We advised Mr. Brad Sterchi of our concern that the back yards of the lots along the south side of Nicole Drive should be graded to drain into Basin "A" and to the waterway draining Basin "A" to the west, in order to conform to the drainage plan approved for your project.

At that time the foundation for the house on Lot 67 was topped only by sill plates, floor joists, and sub-floor decking; and the foundation on Lot 68 was bare block without even the vents set.

We did not notice any other foundations set on lots on the south side of Nicole Drive to the west of Lot 68 on Thursday, July 27, 1995.

Our crew returned to the site on Wednesday morning, August 2, 1995, to check the elevation of the drainage facilities directly behind and south of Lot 67; in particular, Pipe Structure # 628, and the top of the earth bank of Basin "A."

Our data shows:

1. The invert elevation of #628 = 385.08' -- or just 1" higher than planned (acceptable.)
2. The top of the earth bank of Basin "A" = (average) 388.0', or about as planned (acceptable.)
3. The dirt pad elevation for House #67 = 387.2', or about 1'-3" lower than planned.
4. The top row of blocks for House #67 = 387.8', which is lower than the basin embankment.

While at the site on 8/2/95, we noticed the houses on Lot 67 and Lot 68 were framed; and that work was progressing on at least two more foundations immediately to the west of Lot 68. The top row of blocks for the other three foundations on the south side of Nicole Drive appeared to be at or lower than the elevation of Lot 67, indicating that Mr. Sterchi continues to set foundations without regard to the dirt pad elevations assigned each lot per the plan.

This is disturbing for several reasons, among them:

1. The back yards will not drain into the drainage facilities as designed and shown on the approved drainage plans.
2. If storm water tops Basin "A" in a severe rain, or due to an obstruction in the downstream pipes and spillways, surface water may run against or under the foundations of the houses.
3. Draining the back yards of the houses on the south side of Nicole Drive into the street, rather than as planned, may overload (flood) the street inlets, gutters, and downstream detention basins.
4. The existing dirt grades indicate that the fill required to achieve the planned elevations clearly designated for each lot has never been put in place.
5. Underground facilities including drainage pipes, sewer lines, etc. may not be covered by sufficient dirt fill to protect them from damage by frost, utility trenching, fence post setting, etc.

It is our sincere hope that the seeming disregard of the assigned dirt pad elevations for the homes along the south side of Nicole Drive will not result in severe drainage problems for your home buyers; or cause unacceptable overloading of the street drainage system.

Our office remains at your service, and ready to assist you in resolving the issues enumerated above. It is our hope that such resolution will be speedy, complete, and acceptable those concerned.

Sincerely,

Bill Jeffers

Chief Deputy Surveyor

cc: Pat Tuley, Drainage Board President

Sitecon

Oaklynn Park file

6-3

NOTICE TO REMOVE AN OBSTRUCTION
from
A Regulated Drain in Vanderburgh County, Indiana

August 11, 1995

TO: SKINNER BROADBENT
AKA: EVANSVILLE ASSOCIATES
Mr. Robert N. Skinner
Mr. George P. Broadbent
201 North Illinois Street, 23rd Floor
Indianapolis, Indiana 46204

RE: HARPER DITCH

Sirs:

Please be advised that an obstruction to the proper and necessary drainage of storm water through Harper Ditch, a Regulated Drain in Vanderburgh County, exists in the form of assorted debris lodged against the steel bar grate and concrete structure at the pipe opening located at the rear (east property line) of your development known as Eastland Place shopping center; specifically behind Shoe Carnival.

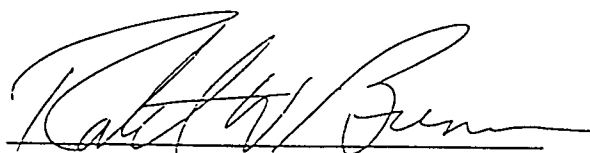
In November, 1981, Evansville Associates, a general partnership consisting of the two gentlemen named above, hereinafter referred to as "Owner", entered into an agreement with the Vanderburgh County Drainage Board whereby said Owner agreed to "maintain, repair, and inspect and be responsible for the total upkeep of said Harper Ditch running under the property of the Owner's in perpetuity in such a manner that said Harper Ditch will be kept free from obstructions and will in no way impede the flow of drainage through the Harper Ditch system."

The frequency of phone calls from this office over the past fourteen (14) years made to notify your property manager of the need to remove debris from the pipe entrance indicates a lack of his/her inspections sufficient to cause the timely removal of repeated obstructions from Harper Ditch as agreed by the Owner.

Such obstructions occur at regular intervals numerous time each year.

Therefore, the Vanderburgh County Surveyor is exercising his duty per Indiana State Statutes (IC-36-27-9,) and per the County's agreement with the Owner, by giving a ten (10) day notice of the existence of an obstruction to Harper Ditch located as described herein above; and further notifying the Owner that if said obstruction is not removed within thirty (30) days of the receipt of this Notice, or by September 15, 1995, whichever date shall occur sooner, the Surveyor shall assign a contractor to perform all work necessary to remove said obstruction, and shall bill the Owner for the costs of the required maintenance.

Please note that the statute referenced above enables the repair costs to be attached to the property as a tax lien should such costs not otherwise be paid by the property owner(s.)



Robert W. Brenner
Vanderburgh County Surveyor

8-11-95
(date)

F-4

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

SKINNER, BROADBENT
201 N. ILLINOIS ST.
23rd Floor
INDIANAPOLIS, IN 46204

5. Signature (Addressee)

6. Signature (Agent)

[Signature]

PS Form 3811, December 1991; I.R.U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

I also wish to receive the following services (for an extra fee):

1. ☒ Addressed Address

2. ☐ Restricted Delivery
Consult postmaster for fee.

4a. Article Number

13

4b. Service Type

- ☐ Registered
- ☒ Insured
- ☐ Certified
- ☐ COD
- ☐ Express Mail
- ☒ Return Receipt for Merchandise

7. Date of Delivery

8-11-95

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

F-4

NOTICE TO REMOVE AN OBSTRUCTION
from
A Regulated Drain in Vanderburgh County, Indiana

August 11, 1995

TO: FORBES FINANCIAL GROUP
Mr. Frank Forbes, President
Mr. Brad Ford, Secretary

520 Kimber Lane; P.O. Box 5267
Evansville, Indiana 47716

RE: STOCKFLETH DITCH

Sirs:

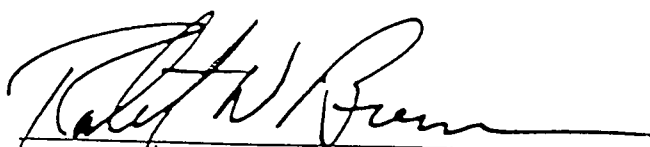
Please be advised that an obstruction to the proper and necessary drainage of storm water through Stockfleth Ditch, a Regulated Drain in Vanderburgh County, exists in the form of dirt, sod, other spoil, and debris originating from a recent construction and/or landscaping project at your property known as 520 Kimber Lane, Evansville, Indiana, and willfully placed within said ditch at the rear (west line) of said property by a contractor reportedly working for you, either at or without your direction; and that said obstruction must be removed, and the waterway, embankment, and vegetative cover previously thereon be restored to a condition equal to or better than that which existed prior to the damage caused by the action(s) described generally herein above.

All corrections and repairs to the waterway, embankment, and area(s) within twenty-five (25) feet from the top of the east bank of Stockfleth Ditch on your property, as well as any area(s) under the jurisdiction of the Vanderburgh County Drainage Board, which area(s) have been or will be adversely affected or damaged by the above described action(s), or subsequent action(s,) including the movement downstream of said obstructing materials, shall be completed as follows:

F-4

1. In accordance with Indiana State Statutes found in IC 36-27-9;
2. By you or by a person, persons, or firm(s) hired by you, and within ten (10) days of your receipt of this notice, or by August 25, 1995; whichever date shall occur sooner;
3. Or, after said time limit expires, by a contractor designated by the Vanderburgh County Drainage Board and/or the Vanderburgh County Surveyor;
4. To a specific finished condition as directed by the Vanderburgh County Surveyor, and approved by the Vanderburgh County Drainage Board;
5. And all costs of such repairs as are necessary to achieve an approved condition with regard to this notice shall be paid by the Forbes Financial Group and/or the owner(s) of the property commonly known as 520 Kimber Lane, Evansville, Indiana.


Please note that the statute referenced above enables the repair costs to be attached to the property as a tax lien should such costs not otherwise be paid by the property owner(s.)



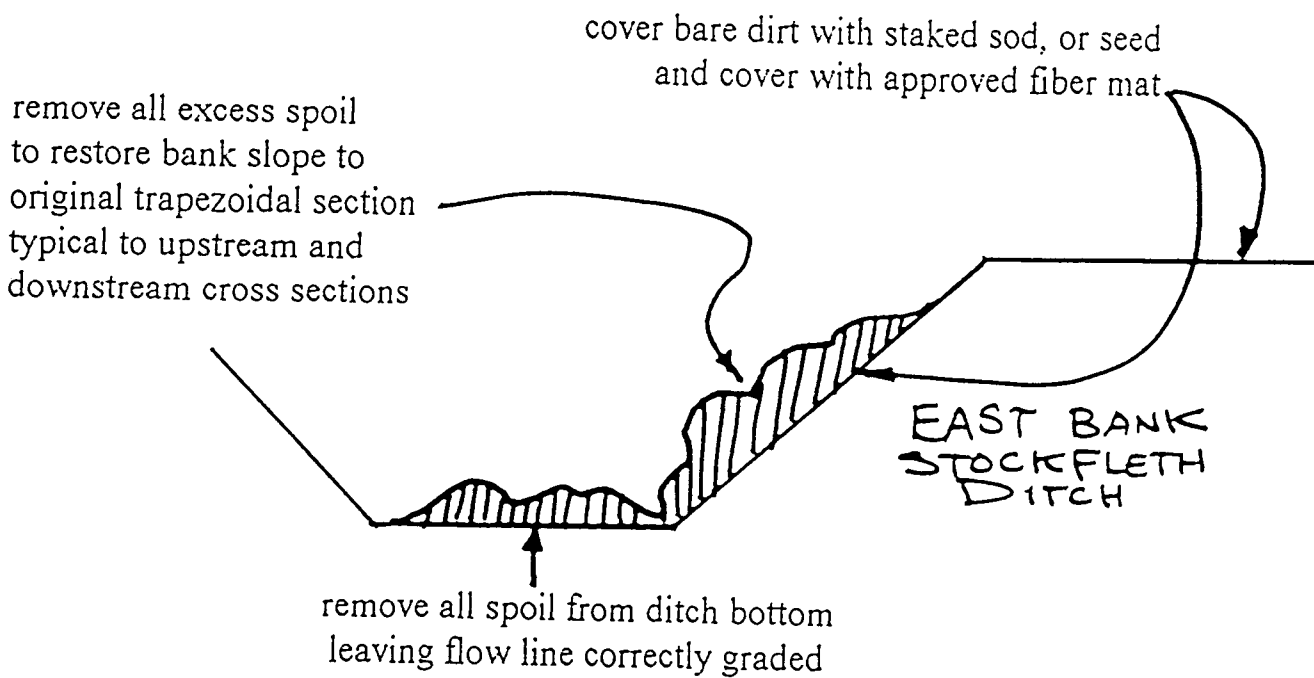
Robert W. Brenner
Vanderburgh County Surveyor

8-11-95
(date)

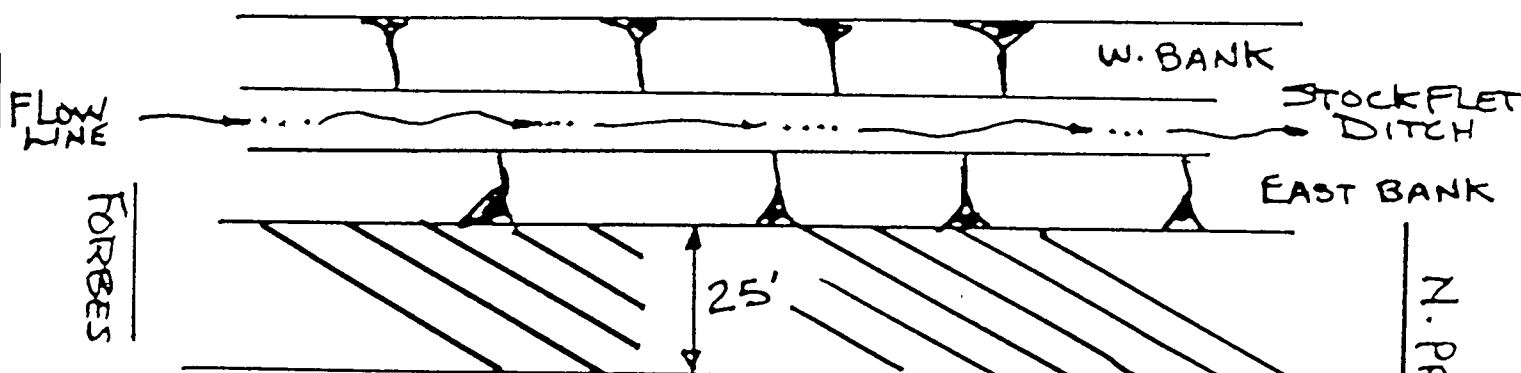
See Page 3 for Details



Typical Cross Section View:



Typical Plan View:



All damaged, and correctly regraded areas within waterway and to a distance of 25 feet east of the top of the east bank must be covered with staked grass sod and/or must be re-seeded with approved grasses and covered with approved erosion control fabrics.

These drawings represent general instructions. The County Surveyor will make an inspector available at your request for specific instructions to complete necessary repairs. Call Bill Jeffers or Jim Josey at 435-5210 or 435-5211, Monday through Friday, 7:30 a.m. to 4:30 p.m.

Bill Jeffers
8/11/95

SENDER: • Complete items 1 and/or 2 for additional services. • Complete items 3, and 4a & b. • Print your name and address on the reverse of this form so that we can return this card to you. • Attach this form to the front of the mailpiece, or on the back if space does not permit. • Write "Return Receipt Requested" on the mailpiece below the article number. • The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: FORBES FINANCIAL GROUP FRANK FORBES, PRES. 520 KIMBER LANE, P.O. BX 527 EVANSVILLE, IN 47716		4a. Article Number	
4b. Service <input checked="" type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input checked="" type="checkbox"/> Return Receipt for Merchandise		7. Date of Delivery NOV 1991	
5. Signature (Addressee) <i>Frank Forbes</i>		8. Addressee's Address (Only if requested and fee is paid) EVANSVILLE, IN 47716	
6. Signature (Agent) <i>Alvin J. Bates</i>		PS Form 3811, December 1991 EVS. APO: 1993-352-714	

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

F-4



August 22, 1995

Al & Betty Buck
2400 Knob Hill
Evansville, IN 47711

Dear Al & Betty,

I enjoyed meeting with you to discuss your proposed subdivision.

As we discussed the soil is rated severe for residential use on the three (3) proposed lots. The soil type that is most prevalent is WeE2 and WeD3.

Runoff is rapid on this soil, and further erosion is the major hazard in use and management. Because of slope, depth to bedrock, and the hazard of further erosion, this soil has severe limitations for residential development.

Erosion control measures and proper foundation drains should be installed on all lots.

Soil movement during construction will be critical due to the possibility of sedimentation problems at the proposed retention pond downstream.

Please feel free to call our office (867-0729) if we can be of assistance.

Sincerely,

Mike Wathen

Mike Wathen
Resource Conservation Specialist
Vanderburgh County
Soil & Water Conservation District

MW/bb

cc: County Commissioners
Surveyor's Office

All programs and services of the Soil and Water Conservation District are offered on a Nondiscriminatory Basis, Without Regard to Race, Color, National Origin, Religion, Sex, Age, Marital Status or Handicap.



FS

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SEPTEMBER 25, 1995

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VANDERBURGH COUNTY
DRAINAGE BOARD MEETING
SEPTEMBER 25, 1995

The Vanderburgh County Drainage Board met in session on September 25, 1995, at 7:15 p.m., in the Commissioners' Hearing Room 307, with President Patrick Tuley presiding.

RE: APPROVAL OF TRANSCRIBED DRAINAGE BOARD MINUTES

President Tuley: We need approval for the regular Drainage Board Meeting of August 28, 1995.

Commissioner Borries: Mr. President I move that the Drainage Board Minutes of August 28, 1995 be approved as engrossed by the Auditor and dispensed with the reading.

Commissioner Mourdock: I'll second the motion.

President Tuley: So ordered.

RE:¹ REQUEST PAYMENT OF BLUE CLAIMS-MAINTENANCE

President Tuley: Item #3, request payment of blue claims-maintenance.

Commissioner Borries: Mr. President I move the claims be allowed.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

RE: NEW DRAINAGE PLANS:

A. Malibu Park IV Subdivision

President Tuley: Item #4, new drainage plans. First one up is Malibu Park IV Subdivision located on Caribou Drive north of Oak Hill Road west of State Road 57.

Bill Jeffers: Malibu Park is where Mr. Tuley described it, off of State Road 57. It's a section of an existing subdivision where the original developers son would like to add lots 1 through 10 and 13 through 15 for a total of 12 additional lots. He only wants to add 13 through 15 on the other side of the street and hold off on the last two. He's going to go a head and plat them, but they don't want to extend the road up that spur. This really is straight forward and simple. It used to be a corn field, so it had a high run-off factor. The streets are already in and serviced by existing stormwater facilities for the existing subdivision on the other side of the street for lots 1 through 10 and lots 13 through 15. What the developers engineer is asking for tonight is preliminary approval so they can go to Area Plan Commission. He wants to further reduce the flow of water off his ground by converting in addition to the yards he's planning. He's wanting to convert an additional area one hundred (100) feet by the entire distance along the street. He's going to convert that into lawn back there as a buffer zone between those houses and the creek. The calculations, because it's flat ground, show that he will reduce the flow of water off of that developed ground below the ten (10) year required rate. Then he's going to come back to you with a final plan with all the details of street drainage on it as a street plan to present to our department and to John Stoll to address any potential problems of street drainage. Then we'll give him final approval on that final plan. When the developer is ready to extend his development all the way back to the creek we're going to require a detention basin to serve these fifteen (15) lots plus

¹Copy of Blue Claims-Maintenance for Legal Drains attached to (9-25-95) Drainage Board Minutes.

possibly about an other eight (8) lots. The location of the detention basin will be back in this area here. What we'll do is come up here with a cul-de-sac, come around here and try to get about six (6) or eight (8) more lots. There will be some waste ground for the detention area right here.

Commissioner Mourdock: Will they be using that material to fill right here then?

Bill Jeffers: He'll probably use that material for fill, back towards the creek, generally to the north of the entire area. He will use some of it for street grading, because eventually he wants to cross that creek and get to another piece of farm ground on the other side of that creek for a larger development. Our office recommends approval of the preliminary drainage plan.

Commissioner Borries: Based on that I move that the preliminary drainage plan of Malibu Park, Section IV be approved.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

B.² Keystone Phase One

President Tuley: Item #4-B, Keystone Phase One is located on Oak Hill Road at St. George.

Bill Jeffers: Keystone Subdivision, Section I was previously put in front of you as an entire subdivision beginning at the intersection of St George Road and Oak Hill Road and extending in a "L" shape around to Heckel Road. I've outlined section I in yellow on your site plan. Vanderburgh County Surveyors Office recommends approval of the drainage plan as submitted for Section I with the following conditions:

1. That in all the areas designated as "Drainage Easements" only, that no other utilities be allowed to install above-ground equipment. These areas are highlighted in pink on the Site Plan; specifically:

- A. The twenty (20') foot wide drainage easement along the south side of Schmitt Lane from the northeast corner of Lot 7, west to the east line of Oak Hill right-of-way. That should be for drainage only with no above-ground utility equipment.
- B. The twelve (12') foot wide easements between Lot 11 and Lot 12; also between Lot 214 and 213; and between Lot 208 and Lot 209.
- C. The ten (10') foot wide easement along the shoreline of Lake #1 that would be from the high water mark ten (10') feet back on the land side of the lots bordering the lake.

Commissioner Mourdock: That's what you're calling basin #1 on the map?

Bill Jeffers: Basin #1 on the map, that's correct.

- D. Then ten (10') foot wide easement that must be added from along the north edge of the basins earth work and along the west side of the sanitary sewer easement; both of those are within Lot 214.

²Copy of the Final Drainage Plan for Keystone Subdivision Section One attached to the (9-25-95) Drainage Board Minutes.

If there's no earth work at that point that easement is not necessary, but if that earth work is above-ground and has to be maintained as a dam the easement is necessary.

- E. The entire easement as shown on the site plan and designated quote "Drainage, Detention and Lakeshore Maintenance". That would be the entire lake and dam all the way out to the center line of the creek.
- F. As well as within the right-of-way for Oak Hill Road from Keystone Hills Drive south to the drainage easement along the north bank of Licking Creek.

That just means we don't have any above-ground utility appurtenances along that right-of-way line, so if we have to take a tractor in under the new ordinance we have a way to get into that creek. I might say at this time that there is no intention shown on any of the plans that I've reviewed from the engineer that they intended to put any above-ground utility equipment there. I just want to make it real clear, because we've had a problem in another sub or two.

2. That in all the areas designated as "Drainage and Public Utility Easements", which designates "combined use" easement, that no above-ground equipment be allowed in the portion of the easement that is highlighted in pink on your Site Plan; specifically:

- A. The twelve (12') foot wide portion of the twenty (20') foot easement along the south line of Lots 24 through 28 on Cobble Field Drive.
- B. The twelve (12') foot wide portion of the twenty (20') foot easement along the east line of Lots 29 through 32 on Sand Ridge Drive.
- C. The twelve (12') foot wide portion of the twenty-four (24') foot wide easement along the west line of Lots 38 through 42 on Sand Ridge Drive.

On this plan before you there, is a notation to the effect that, they don't intend any above-ground utilities in those easements, but I just want to make sure that's in the minutes.

3. That there be no above-ground equipment or parts anywhere within the twenty-five (25') feet of the top of the north bank of Licking Creek.

They don't show a utility easement along there and I hope that that remains clear for maintenance purposes.

4. That there be no above-ground utility equipment or parts anywhere within the five (5') foot wide roadway easement along Schmitt Lane; except, of course, the fence required by Area Plan Commission. The five (5') foot strip that was added for the fence it's called the five (5') foot "roadway shoulder easement".

The reason has nothing to do with drainage, but I stuck it in there, because the neighbors want to mow that strip of ground behind the fence.

5. That a "temporary swale" that is shown along the southeast side of Lot 207 be constructed and maintained stable; and used solely for the purpose of draining the unpaved sub-grade of Keystone Hills Drive until such time as that road is paved into Section II; at which time the "temporary swale" shall be filled and regraded and seeded by the developer so that lot owner 208 is not left with a mess.

6. Item 6 on page 3, that the Owner/Developer of Section One has

declared his intent and his wish to keep the part of Licking Creek that passes through his property in a "near natural" condition. He wishes to leave a tree-lined and not re-channel the creek. This is for aesthetic reasons as well as economic reasons.

The Surveyors office has no problem with this so long as the Owner/Developer commits to maintaining the creek in such a way that any tree, brush or other obstruction that happens to block the waterway or cause the waterway to become unstable or erode the creek bank or endanger the dam for the lake be removed immediately and the damage repaired by the Owner/Developer.

The Owner/Developer is encouraged to use guidelines available from Indiana Department of Natural Resources, the Natural Resources Conservation District, previously known as (SCS) and other sources which give standards for maintaining creeks stable while letting them remain in a natural or near natural condition.

We don't have any problems with it because he's reducing the out fall of water from this property into that creek, substantially, because of the size of the basins he's installing, so whatever water passes through that creek will be less than before development so we feel he should be allowed to leave it in a near natural condition so long as he repairs any damage that might happen to occur from a tree falling across the creek or up rooting and etc.

So the Bottom Line is: the Owner/Developer must commit to maintaining all areas within his development, which are not sold to individual lot owners, meaning areas that he retains to himself in a stable condition free of obstructions to the flow of storm water runoff and to repair immediately any damages to the waterways, lakes or to provide in the covenants and restrictions for Keystone Subdivision the means for providing adequate maintenance and repair of "common" areas such as a Homeowners Association.

7. The Owner/Developer of Keystone Subdivision has provided the drainage report with a "Standard Grading Plan" and I've stapled that to the lower right hand corner of your copy. This is from HUD, "Housing and Urban Development" for dwellings, and the County Surveyors office makes the recommendation to approve the final drainage plan only if:

- A. The Standard Grading Plan is made available to each initial lot buyer and/or the initial home builder and his/her subcontractors.

I might point out that the Standard Grading Plan that you have looks like this, but that HUD puts out a series of four (4) or five (5) of them that show also for Hill Side Developments flat developments, where one house is higher than the other such as what we'll hear about later today. These are the Grading Plans I'm referring to. I just happened to staple a typical one to your plan. Also that the Standard Grading Plan is made available to each initial lot buyer or the initial home builder in his/her subcontractors.

- B. That the restrictions and the covenants for Keystone Subdivision include language that directs the direct lot owner and/or the initial home builder and subcontractors to achieve positive stormwater drainage away from all building foundations in accordance with the Standard Grading Plan.
- C. That the restrictions and covenants for Keystone Subdivision include language that makes it the responsibility of the property owner of record to maintain positive drainage away from his/her buildings as provided by the initial lot grading and/or subsequent re-grading in accordance with the Standard Grading Plan and other

regulations of record.

- D. That the restrictions and covenants for Keystone Subdivision include language that makes it specifically clear that adverse drainage conditions caused by any alterations of the lot grades and/or drainage system after the initial lot grading and/or drainage system is accomplished in conformance with the Standard Grading Plan and the Drainage Plan are totally the responsibility of the property owner of record to correct at his/her cost.
- E. And lastly that the restrictions and covenants for Keystone Subdivision include language that clearly states that the maintenance of the stormwater drainage system as designed and constructed outside the rights-of-way of the county accepted streets is solely the responsibility of the property owner of record for the individual property on which the system or part of the system thereof exists; except as provided in the new County Drainage Ordinance.

That is to say we're giving them one good way to show them how to do it right the first time. If it's done right it will work. If somebody comes along and messes it up it's the responsibility of the property owner on which the mess occurs to straighten it up except as provided by the County Drainage Ordinance.

With those conditions our office recommends approval of the final drainage plan for Keystone Subdivision, Section I. Before you act you may wish to know that Mr. Morley the developers engineer; and Mr. Bussing for whom I have the utmost regard, I want to say that none of what I've said here should be a reflection of any short comings on his part in any other development and just the way it is now. He's an excellent developer. He's in the audience and other people from Mr. Morleys staff are here as well as two gentlemen who are residents of Schmitt Lane are also in the audience if they wish to make comment at this time.

Jim Morley: We have not been able to fully access all of Bill's letter which we didn't have earlier. Did you pass out the grading diagram, Bill?

Commissioner Mourdock: Yes.

Jim Morley: Around the home. The one with all of the flow arrows. Not the single sheet, but the other one. Bill, would you please pass that out to the board members?

Commissioner Mourdock: The one we have Jim is the cross section. You mean something beyond that?

Jim Morley: Yes. The other one that is more clear is right out of Indiana's HUD minimum property standards developed by the Department of Agricultural. That is one of four (4) typical home grading plans that was developed and by the Indiana Soil Conservation Service Department of Agriculture. That particular drawing you have "exhibit 4" is one of the most common problem areas and that's how it's constructed on a hillside where the rear of the lot drains down towards the house. What Bill's asking is to have these restrictions and covenants, personally, if all of the home builders and homeowners who had homes built, understood the restrictions that Bill's asking to have added to the covenants of the subdivision, would certainly make your life a lot easier when you deal with after the fact home construction that causes problems and I do realize that. This is a first in which we have excerpted those portions of the County Drainage Ordinance relating to home construction and are now asking home subdivision developers to create a set of restrictions that or a set of covenants that include the language or essentially the language out of the Drainage Ordinance into their covenants. If that's your wish then

everything that's to come before you from here on out you should be consistent. Certainly we have no reason to single out Mr. Bussing as a developer for instance. In other words, from here on out you shall have covenants and you shall write them all in and tell everybody that. That will be the future requirements and everybody does it. As I said, Bill's pretty well gone through these things about how you should build homes. This is a whole new way of doing it to require the developer to create the covenants and create all the language and pass along those exhibits as a part of the covenants of subdivision and record it. Obviously I don't have a real big objection to it, but it's a big step on your part on making that move and saying everybody's going to have covenants and everybody's going to put that in there. I kind of started with the last first, so perhaps you'd--

President Tuley: You already understand, but I'll tell you what, if really want to understand it stick around for items 5-C and some of the other ones on here.

Jim Morley: I'll stay. I guess I'm asking, are you comfortable that you like this idea of telling them how to grade, build these houses and grade them and stick it in covenants with every subdivision? You know covenants are not required to be recorded with subdivisions. You don't have to have covenants.

President Tuley: I personally would rather deal with the problem early on before it's built and listen to the developers if they have a problem with it, than this group of people that's here tonight come in after the fact and want to try to have us correct it. That's just my opinion.

Roger Lehman: Roger Lehman Building Commissioner. I would remind the board, and I'm sure we'll be reminded of it frequently in a little bit, that the building code basically deals with the construction of the house and the grade of the yard ten (10') feet outside the house and that's where the building code stops right now. So what you're looking at, is I believe what you're looking at, is taking care of areas beyond that ten (10') foot little box that we have control over at this time. So what you're looking at now I think probably is currently in no mans land as far as who can make who, do what, to whom, for what. Perhaps it is time that we give a serious look to starting to say this is how it will be done and then maybe we won't be here with these other issues as often right off.

Jim Morley: The reason for my concern about the covenants as you've perhaps heard before, Barbara Cunningham's told you that, "Well I don't care what any of the covenants say, they're not enforceable by the Plan Commission". Covenants as I understand are only enforceable by the neighbors in the subdivision who have a property interest within that subdivision, and so placing these good practice of drainage in requiring the home builder to place in covenants still doesn't leave any governmental body with the ability to enforce the covenants. I'm a little concerned about the covenant issue. I suppose that it does give the neighbors the right to institute somekind of corrective action if this were within the covenants, but it looks to me like we still have a problem. You won't enforce the covenants. Is that not correct Roger?

Roger Lehman: We'll I was going to address a question to Mr. Kissinger. If the board adopts this as a condition of approval of the drainage plan, then does that become an enforceable rule by a government agency?

Alan Kissinger: Yes.

Roger Lehman: County Commissioners' can say Building Commission... they're not meeting the requirements that we said they had to go out and take care of.

Alan Kissinger: Yes, but not because of the fact that it is covenant, but...

Roger Lehman: It's a condition of approval of a drainage plan.

Alan Kissinger: In coincidence with the covenant, yes. If you make it a condition then yes it's enforceable, but covenants generally are not are not enforceable.

Roger Lehman: The fact it's covenant simply gets it to the owner early on hopefully in the beginning and maybe with an understanding of what they're going to be dealing with for informational purposes.

Alan Kissinger: Yes. Mr. Morley said if you don't have a governmental body to enforce, then you have(inaudible), but that is the only remedy, but if that is a condition to approval then in spite of the fact that is a covenant then it can be enforced.

Jim Morley: I really am not totally comfortable with this approach of what we're doing. The principals of what Bill has set forth here on how to build a house and how to do a drainage plan, that's exactly the way it ought to be done. I'm a little concerned that maybe just sticking in a covenants is not far enough. Except with the problem with the condition of the drainage plan is that you're approving a drainage plan for Mr. Bussing, and he builds this subdivision and there are a hundred (100) home owners out here later and Mr. Bussing is not around and someone out here plugs up the "drainage swale" between the lots. You can't enforce it because the only thing that's in there is covenants, and Mr. Bussing is gone, you know he may be gone for twenty years (20) away from this subdivision, and we have an action and I don't understand how it's enforceable by you, or this vote of this action tonight still leaves a bit of a problem of what happens in the future, and I don't know, maybe Bill has given some thought to that.

Bill Jeffers: I guess I'm not as deep a thinker as Jim, because all I was really trying to do was to give you a mechanism by which you could say, this is the condition under which we approved it. These are the conditions, and Mr. Bussing observes those conditions by including that in his covenants. Then it's off his back because he put them in the covenants, and it's off your back because you made them go into the covenants. Now it's on the back of the individual property owners, one by one down the line, to follow those covenants and if they don't they've caused their own problem. If they do an addition to their house that goes out into that grading plan that we initially gave them to follow, so they would do it right the first time, and they go out into that grading plan without thinking ahead, that this part of my new room addition, this part of my new house addition also has to be graded like that, I better give it some thought. That's their problem at this point. When they come down and want to know who's going to enforce it and who did this or who did that, all they need to do is read the minutes and then read their covenants, and they'll know how it happened. I'm not asking Mr. Bussing to enforce it, and I'm not asking the drainage board to enforce it. I'm just trying to make the information available to each individual lot owner so that they'll use good common sense when they build their houses and they build their room additions and swimming pools.

Jim Morley: Mr. Bussing do you have any comment about that provision? I'm sure you were going to develop covenants. Do you have any problems?

(Inaudible Remarks)

Bill Jeffers: Could you get that on tape, please?

Jim Morley: He said he would add those restrictions. Perhaps then the thing that we do right now is that as Mr. Bussing said, that he'll add those to the covenants for his subdivision, perhaps between Roger and yourselves and the Surveyors office you haven't done far enough to really kind of understand how you're going to enforce them later on and maybe you could look into that just a little bit deeper, and determine whether or not you should do more. Okay, I would like to revisit part of the first item, the utilities to install above-ground equipment on the face of it I'm not sure exactly...I don't know if a manhole lid is above-ground equipment for instance. We can drive over it but obviously what we're after here is transformers and telephone pole boxes. And a few years ago we clearly said, "You shall not have anymore above-ground utility structures within the limits of the "drainage swale" and now what Mr. Jeffers has asked us to add to the plat are some expanded access easements, so that if need be that the county would have the room to drive in and over and the utilities are sometimes hard to please. If they get a transformer in the wrong place within that limit, who makes them move it? We've left the ditch area you understand? Now we're into the access areas and saying no above-ground utilities. One of the areas he listed was along side your Oak Hill Road and you guys are going to put signs up there. There's some there right now.

Commissioner Mourdock: Let me see if I can define that a little bit just for the purposes of discussion. If Bill your point of that is in fact not to impede access is simply language which would state "no above-ground utilities" which would impede access necessary for maintenance. Is that sufficient for your purposes and does that solve your problem Jim?

Jim Morley: I'm concerned about, ultimately, do you go back to, if you can get around it and it's not a problem and it's not in the "drainage swale" you know, is it a major problem? What if Sigeco gets a transformer that sticks three (3") inches over into this easement, then what? I don't know, it's awfully strict language and part of the areas he mentioned are areas...the area around Oak Hill Road you're going to have signs there. So you're going to be impeding that same mower with an above-ground sign structure, although, maybe that's not a utility, so the County Commissioners' are exempted. But it's going happen, there will be an above-ground obstructions. I'd like to soften the...I understand the intent...I like to soften the language just a little bit to make it reasonable.

Commissioner Mourdock: What language would you accept? Don't go away Bill, you need to vote yes or no here.

Jim Morley: Well, you stated it very well, that it would not unreasonably restrict access.

Commissioner Mourdock: Okay.

Jim Morley: That word that any utility above-ground that would not unreasonably restrict access, because a manhole lid certainly does not keep a tractor from driving over it.

Commissioner Mourdock: Okay, with that type of language Bill, does that meet what your goal was?

Bill Jeffers: What they're actually asking for is the minimum width easements, their minimum that we will allow under the new ordinance, and then the ordinance requires that you show on combination (inaudible) easements, where you're going to place utilities and they didn't show them.

Commissioner Mourdock: I didn't hear Mr. Morley use the word "width" there, I heard it just a question of height regarding blocking the access. It sounds like you've accepted the width.

Bill Jeffers: I've accepted the width so long as I can say that there is no above-ground utilities in a portion of twelve (12') feet wide. I'd like for anyone here to tell me how we can get a tractor if he sells a lot that's eighty (80') foot by one hundred and twenty-five (125') foot and that person fences right back to the easement line, and we have twelve (12') feet from the back of their fence to the top of their ditch and our ordinance requires us to go in and remove an obstruction, because some hard head won't do it, and we have to go in and do it. I want some room to get in there and do it.

Commissioner Mourdock: I'm getting befuddled. I hear that as a question of "width". Originally, the question was about an "above-ground utilities".

Bill Jeffers: Okay, I don't care about sewer manholes that are six (6") inches above-ground.

Commissioner Mourdock: Okay, so as far as--

Bill Jeffers: But, Sigeco will go into anything marked easement, anytime they want to and put anything they want in there.

Commissioner Mourdock: I understand.

Bill Jeffers: Then if you hit it they want \$5,500.00 to repair a box that's only worth \$55.00. We're having to move some in Oaklynn Subdivision right now, because they went in to a sewer easement, stuck a bunch of boxes up there and we can't mow the ditch.

Commissioner Mourdock: So they were above-ground?

Bill Jeffers: (Inaudible).

Commissioner Mourdock: Okay, I go back to my question from before. If the language says that it is, as you said, that there be no above-ground utility, which would impede whatever you have to put in there to clean it. Can you live with that?

Bill Jeffers: No, because that's too ambiguous, it doesn't define what wouldn't be beforehand. Now it's up to someone's lawyer. Is our lawyer better than that lawyer?

Alan Kissinger: Your lawyer will tell you right now that if you put that language in there "reasonable, unreasonable", etc., you better define every possible circumstance where that word may have to be applied.

Jim Morley: Most of the items that Bill has listed are already shown on our plat. He has spelled them out and as we revise the drainage plan, most of the things that he has listed we do have clearly shown on our drawing. Is that not correct Bill?"

Bill Jeffers: Very good work.

Jim Morley: Okay. So most of these things are already on there. We don't have a problem. Just concerned me about these utilities and I understand the battle, but sometimes I just don't know what we can try.

Bill Jeffers: If there happens to be any specific part of any easement that I've designated for drainage, only that has to be used for utility, we'll consider on a case by case basis as an amendment to the drainage plans.

Jim Morley: Okay I can live with that. That's much better than an absolute. I can live with that.

Mr. Bussing: I don't know, I hadn't seen it until close to a half

an hour ago.

Bill Jeffers: I got the drainage plan at 2:30 this afternoon.

Mr. Bussing: What's that?

Bill Jeffers: I got the drainage plan at 2:30 this afternoon.

Mr. Bussing: Then you know who's fault it is.

Jim Morley: The roadway shoulder easement along Schmitt Lane, I'm not so sure Bill that there's not a telephone box out somewhere along there right now, today.

Bill Jeffers: Pre-existing, I don't really know.

Jim Morley: Okay, well, okay. So, I think there are some things that may be there right now.

Bill Jeffers: Probably are.

Jim Morley: So we'll have to-- There's no intent to put new out there, but--okay. As I said, most of these items are things that are on the plan.

Commissioner Borries: With the attached documentation that has been submitted here by the Surveyors Office, I move that the final drainage plan for Keystone Subdivision, Section One be approved.

Commissioner Mourdock: With the acceptance of what Mr. Morley and Mr. Bussing has regarding that one easement situation judging on a case by case basis, I would that you add that to your motion.

Commissioner Borries: I amend my motion.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

Bill Jeffers: That was a final drainage plan, so they can go ahead and record and build.

President Tuley: Okay.

C. Azteca Wastewater Facility

Bill Jeffers: The next item on your agenda is Azteca. It's an addition to their existing project on Baseline Road at the intersection with US 41. This particular addition is located just west of the CSX RR tracks across from Farney's Turkey Farm. It's a wastewater treatment facility that will take the wastewater from Azteca's Milling Operation and run it through a filtration plant to get out the corn husk and straw and solid matter. Then the water itself will be taken up to those two earth basins. That would be the southwest corner of the one hundred and fifty-seven (157) acre parcel they're using for their label treatment ponds. I've got them outlined in kind of a purple color there. I'm not sure of the proper pronunciation, but it's like "aerobiotic" or "aerobic" or something--treated. Then pumped down to the next pond and subsequently pumped into about one hundred (100) sprinkler heads. The reason for this is that water is very alkalined when it comes out of the facility from the line that's used to husk the corn and then it has to be brought back to a more balance PH before it's sprinkled out on to this, basically, hay field. They're taking a corn field and they're converting it to a very densely covered hay field with a mixture of grasses that should survive all weather conditions. Then the dense ground cover will absorb the excess processing water and because scientifically this is about three (3) miles over my head. I asked two (2) of the engineers from Azteca's

consultants to come up here from Austin, Texas, I believe, and they're in the audience here tonight. Mr. Ramirez and Mr. Garcia. They can cover any extremely technical points after I surrender the podium here, but our basic thing, well, I'll show you the sprinkler layout. Our basic look at this was to make sure that they were in compliance with "Rule 5" and it's my understanding at this time that they already have a permit for "Rule 5" on their initial site and this is an amendment or addendum to it. The next thing that I wanted to make sure was that there was no excess water or any stormwater exceeding what currently comes off of that corn field. They've proven that in fact it's a reduced amount that comes off the corn field after it's been converted to dense cover. Then my last thing that I've looked at in our review was; under the most extreme thunderstorm conditions that we could conceive of happening, would those two basins flood and let that lime water spill out into a near by stream or so forth and pollute the stream? So they've modeled a really extreme thunderstorm that even at one point exceeded a hundred (100) year storm and still had around six (6") or seven (7") inches of free board before they hit the top of their earth work. Then the emergency spillway if it were topped for some reason would spill into some type of a sump area that would pump that spillage back into the proper place. They've also insured me that they're covered by Indiana Department Environmental Management Regulations and so forth and so on. Like I say our primary objective is to make sure that no excessive stormwater would run off this. They're only covering about 5% with hard surface. Then they're converting the road crops very dense hay type cover crop using timothy, alfalfa, I think some clovers or something that...they can explain that to you. I think there's a hundred (100) of those heads, but I'm not sure. The engineers are in the audience if you have any questions, but our office recommends approval from a drainage standpoint.

Commissioner Mourdock: Before you leave the podium or surrender the podium Bill, on the first section you've given us, you've got basins 1 through 5, I guess 6. I presume those are basically just small drainage areas, small watersheds?

Bill Jeffers: Right. They use the soil conservation method to calculate this, because it exceeded two hundred (200) acres in the watershed area and where you see the word basin that really should in our thinking that means; watershed area #1, watershed area #2.

Commissioner Mourdock: Okay.

Bill Jeffers: They've divided the entire watershed areas in to "sub basins" is the technical word that the Soil Conservation Service method used, as we call "small watersheds". The actual basins that are holding water are just those two (2) purple outlined earth tanks.

Commissioner Mourdock: Just so I understand, our purpose here unlike a normal drainage board function, if you will in approving the watershed size or the basin size to the watershed, basically, our purpose is just to approve the aeration process of that water being used over the, what did you say, a hundred and fifty (150) acres? It doesn't look that big.

Bill Jeffers: I think it's a hundred and fifty-seven (157) acres. They're not using the entire hundred and fifty-seven (157) acres.

Commissioner Mourdock: Right, maybe a hundred and twenty (120) or so. Okay.

Bill Jeffers: What I was looking at is that our real purpose is protecting downstream and off stream property owners and our own interest, because this flows directly into Pond Flat Lateral "B" and we want to make sure that our Pond Flat drainage system is not adversely affected by either the covered crop or any of the

additional water. That's how I looked at it.

Commissioner Mourdock: Okay. It is a little different from--

Bill Jeffers: Yes. It's not really an industrial site, it's not really an development site, it's a treatment site as Mr. Ramirez will explain to you.

Albert Garcia: Good evening gentleman, I'm Albert Garcia. I'm the President of MRV Engineers and Constructors. We're the Design Built Firm that Azteca has contracted with. I would like to first express my sincere gratitude for the warm reception we've received in Vanderburgh County and the excellent participation among all of the professional staff and not just from the county, but from the SCS and local professional community. I also appreciate everyone's concern that we get to work while the construction weather is good. If I can sum it up a little bit and sort of conceptualize the project. We're a Design Build Firm registered in the State of Indiana. We like to build what we design and like to design what we build. In this case we also have a three (3) year operating contract with the wastewater treatment facility for Azteca or the (inaudible) Corporation. So any promises I make before you tonight about how the facility will be operated I can assure you I can enforce, because I have the operating contract for the next three years for that facility. I would also like to simply state how the system works. There's smoking mirrors here. We've taken a hundred and sixty (160) acre parcel of land that was in continuous corn and soybeans and we're converting it to hay meadow. In actual fact what this does is it reduces the stormwater flow for the downstream, the people downstream that normally receive the over land flows from this watershed. There is a complicated treatment train involved, yes that's true. When the water is received from the Azteca Plant it is slightly alkaline, however, under natural conditions it quickly acidifies and by the time it gets applied to the land it's usually around PH 7 or 7.5. Which in this case is good because for good hay crops as most people know you've got to add lime in this part. The SCS recommends about a ton to the acre of lime and in this case it won't be necessary because the water is going to somewhere be between 7 to 7.5 as it's applied. The treatment system removes something like 92%, 93% of your organic load of the wastewater. I also want to make it very clearly stated for the record, this wastewater is the wastewater that comes out of the food side of the process plan and does not include any sanitary waste or any toxic waste. Essentially this is the water that's washed off the corn that's processed into their eatable products, so we're dealing just with the wash water from the corn cooked process and nothing else. It's our intention to use this water in a solid set bearing irrigation system and contract with local farmers for the hay crop. I'm an old professor, so I could get a board up here and we can go for a long time, but as O.J. said, "I'm mindful of the stamina of the jury". So, let me ask if there are any questions.

Commissioner Mourdock: Marsha Clark said, "I have a question, but you have the courage to go to the microphone". Just a couple of questions. Bill Jeffers made the comment about it being over his head and certainly it will get over the head of ours' real quickly too, if it isn't already. In putting the water out there you're obviously talking about the PH, but there's other things to look at other than PH. Where you were at BOD wise, sulfates--

Albert Garcia: Actually this water is quite benign, because as it comes out of the corn cooked process it's nitrogen deficient. So we're still looking at having to add commercial fertilizer like any local farmer would to make a safe crop. It's mostly cooked starch that's in the water to start with and as it goes on the land. We have a contractual agreement with Azteca that we never apply any amounts greater a thousand parts from BOD. So as wastewater treatment goes that's pretty good for a land applied. Now we have

applied to IDEM. For the way IDEM goes, you have to get two (2) permits. One is a construction permit where they review your design. The second is operating permit to place in operation. We have applied under IDEM's "Rule 5", which very strictly stipulates not only organic loading that we put to the soil, but also the hydraulic loading and the year around operation and quite a few other considerations.

Commissioner Mourdock: What does IDEM have as part of their process regarding monitoring? In other words, I presume you periodically check water going in and checking run-off?

Albert Garcia: We routinely do that. We have a licensed operator on staff that will be in about three months a resident in Evansville community. He will do that routinely 3 to 4 times depending on the perimeter. That plan is submitted to IDEM and then IDEM requires us to follow through that. We need to do that to operate the facility anyway. We don't operate in the dark.

Commissioner Mourdock: How about run-off water from the acreage that you're --

Albert Garcia: Run-off water in the definitions, none of the water we apply through the sprinkler system is allowed to run-off.

Commissioner Mourdock: Okay. Then how about ground water monitor?

Albert Garcia: The only requirement from IDEM on ground water is that we not use land where the ground water is closer than three (3') feet to the surface is the state rules, but they have not given me my operating provisions yet, so I want to be frank with you about that. In the normal process when we submit the operating plan they will give us a list of operating provisions that that will, I guess restrict and enforce certain measurements. They could have a site review annually or whatever. Operating provisions vary from state to state. There are usually a dozen items or so that carefully limit how we operate the plan. I've not received that from IDEM yet. However, their considerably more strict. You have in your state code a law on organic loading that's pretty good, separate from hydraulic.

Commissioner Borries: Where were you a professor? University of Texas?

Albert Garcia: Texas A & M, as a former life. No I'm actually from University of Missouri, Columbia. I lived 7 years up here. I live in Austin now.

Commissioner Borries: Okay, I move that the Azteca Milling Plan, Erosion Control Plan be approved.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

Albert Garcia: Did you approve our drainage plan, too? The Drainage Plan and the Erosion Control Plan?

Bill Jeffers: The Drainage Plan is the one that we had to approve. The Erosion Control Plan is completely monitored by IDEM --

Commissioner Borries: I move that the drainage plan for Azteca Milling Company be approved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

RE: OLD BUSINESS:

A. Oaklynn Park LLC

Bill Jeffers: On Oaklynn Park it's simply a matter that one of the developers decided to locate the Sigeco above-ground electrical boxes in a sewer easement along the top of Sonntag Stevens Ditch and our contractor with whom we contract to mow Sonntag Stevens Ditch couldn't bring his tractor in to the subdivision to mow the ditch. Had to mow it by hand and informed us that he'll take what we pay him this year, but if they're still there next year he's upping the ante substantially on his contract bid. I'm working with the developer of Oaklynn to have those boxes moved. We had originally stated that we didn't want anything within forty (40') feet of the north line of the subdivision. I'm trying to work out a way where we can relax that down to thirty-five (35') or thirty-four (34') feet so there will be a approximately sixty (60') feet out there that they can relocate the Sigeco boxes. So I'm just going to continue to try and handle that outside of the board meetings and report back to you next month on it.

B. Willow Creek Subdivision

Bill Jeffers: The next item would be Willow Creek on which I have no comment until after you call upon those who petitioned you to speak tonight have their turn.

Dan Swidron: I'm Dan Swidron, one of many homeowners present tonight from the Willow Creek Estates. Just for the record I would like to go over some of the courses of events that brought us back to this drainage board meeting one (1) year later after we first started. We started at the first drainage board meeting in September 26th of last year, and we presented many violations that we felt that Bruce Hatfield was in violation as far as drainage. Many other personal problems. We just had a lot of items that we wanted to discuss and at that time Mr. Borries did state in the minutes that Mr. Hatfield has to follow the plat that he submitted. If he doesn't have it on the plat, he has to replat it and show all the changes on the plat that he changed from his original plat. We found out that there has been many changes since his original plat. From there we went onto another meeting which was September 28th, I guess that was one of the meetings, then October 21, the Engineer's Office of the county sent Bruce Hatfield the letter stating that he was in violation of eight (8) items, which included drainage and the city streets or the county streets, I should say the county roadway. The eight (8) items had to be corrected before the county would take over that roadway. A year later none of the items have been corrected and we still have the problems with the streets. October 24th, we had another drainage board meeting and at that time Mr. Tuley says that the board will..that Bruce Hatfield has to submit a drainage plan to the board and when they approve it we will find out all of the details of the plan. That he has to comply with what the rules are. Mr. Hunter says that the ponds that are presently located in Little Creek Estates has to be cleaned out and that will be approved by the county engineer's office before the homeowners take over the ponds. That hasn't been completed. On October 28th, we had a special hearing which Bruce Hatfield was supposed to bring in written proof that he had some documentation to all of the violations that he was in. Mr. Shaw attended that meeting and there's a lot of comments said that he will, by Mr. Shaw, that he will hear to the violations and get them corrected. Here we are again. November 4th, we had another meeting. Mr. Borries stated that he will complete all the items before it's turned over to homeowners. Mr. Hunter also said that he will follow "Rule 5" that's part of the erosion problem. Mr. Jeffers says that embankment around the ponds will be protected from any erosion. That hasn't been completed. Then November 22nd, IDEM made Mr. Hatfield comply with the erosion plan, which he submitted an erosion plan, and out of the forty (40) questions that were on the erosion plan, Mr. Hatfield didn't answer twelve (12) of them. He still has to answer those twelve (12). Some of those are very

important about where the actual drainage pipes, storm sewers do lie in our community. If they're on homeowners property in the right-of-way of the county under the streets, we have no idea where they're at. November 28th, Mr. Borries did state and that was our final meeting, Mr. Hatfield cannot proceed to go with Phase IV and Phase V prior to total approval by this board, by the county engineer's, by the Surveyor's office that everything is up to power before the homeowners take over the development. That brings us here, right now at this point nothing has been taken care of. We hear now that he has approval to start Phase IV that he's going to be putting the streets in next month. Now we were suppose to be notified when he would try for a permit. I guess he has to go through the board. We were not notified. Now I understand approval was given to put in the streets. The last statement that we had, and I have all the minute meetings here, all underlined and everybody says that he will complete all of the items in the first three (3) phases before he is given anymore permits to build further. Now he keeps building homes in the area. He doesn't follow the erosion plan. We still have sediment in the streets. All of our sewers are blocked up. We have sandbags there that's suppose to protect the mud from going into the sewers. Well he never cleaned out the sewers in the first place and the sandbags are broken. He replaced the sandbags. There is mud in the streets and according to his erosion plan that he submitted and it's forty (40) pages long. One says he will clean the streets daily if necessary. He doesn't clean them in a year and I don't know how daily it's going to be. I have all of that information here and right now we're wondering where we stand. He hasn't been fined for any violations. He has crawl space violations, which I see Mr. Roger Lehman's here. Maybe he can address some of those also. I know it's a drainage board meeting, but that was covered at the drainage board meeting back in November. So there's several items that Mr. Shaw thinks at this point he corrected all the items and he made that statement today. We've had two (2) inspectors come out to the crawl spaces and one of them was Mr. Morley which he was at my home and he's got a written report. Mr. Hatfield said, he will not do anymore correcting of any violations until he receives word from Mr. Morley and the crawl spaces and as far as the other items I think he's done. He's not going to do any of the things that we need. We have ponds that have weeds going all around them. We're lucky he's cut the weeds, the weeds are three (3) feet tall. He's comes out there and cuts them maybe once every two months. So we're asking the board to address these here problems and I know there's a couple of other homeowners who would want to speak, but at this point nothings been done since last year. How long do we have to live with mud in our streets? He just avoids the whole situation. He's building homes right now. He's got a home with no erosion control. He's suppose to have a twelve (12') foot rock driveway six (6") inches deep. He's just carrying mud from that area out into the streets. We're tired of sweeping the streets everyday. Mud all over the place, weeds. Erosion fences are falling down. Mud crawling underneath the erosion fences, so there are many violations and we're hoping that the IDEM will get involved and take care of some of the other problems. But nothing has happened. Thank you.

Bart Gander: Bart Gander, 9209 Marfield Court, Willow Creek Subdivision. One of the issues that we wanted addressed was the acceptance of Marfield Court and Meghan Court by the county, and the continuation of Willow Creek Drive, which is the main street that runs through the subdivision. We have a letter from the county engineering department from October 21 last year of 1994 asking Bruce to complete a list of eight (8) items, then there was one side note that he wrote in from Mr. Higgins, county engineering department. To our knowledge at this time most of the items have not been completed. One of the items Mr. Swidron was the question of where the storm sewers are. Now we don't know where a lot of these things are. I did draft a letter to the homeowners advising them of this meeting and some of the things that we were going to be discussing. Our concerns that eventually we will be responsible

for these things that we don't even know the specifics about. Bruce is evidently responsible for letting us know, letting you know where these things are and he doesn't seem to want to be compelled, doesn't want to comply in a lot of areas. One comment we're going to refer back to some of the board meetings we've been to in the past. High points, we can't read the minutes word for word, but some of the things I think that are important is that one of the commissioner's, Commissioner Borries stated in part of many other statements was that they will take every, that we will take every step legally to insure and make him do things that he should of done before. One of the things that I thought was interesting was that Commissioner Hunter who's not here on the board anymore, but he made the comment, "that I did one thing that I'm sorry about, is that you all didn't come here earlier, because it sounds like you've been putting up with a lot of mickey mouse for a long time". My wife and I when we started coming to the board we had only been in the subdivision for a couple months, so we feel like we did come up and make some points fairly soon after we had moved in. One solution or motivating factor would be an idea that Mr. Tuley had, to say what we did in another particular problem we had, we stopped any future building permits. It's amazing how quick when you tell a builder that he can't get anymore permits in the subdivision how quick he will come in and try to solve some of the problems he has created already because he's not going to get anymore money if he's not building. There's just a lot of things that we've talked about. We've been given some direction. With us this evening is Mike Wathen. I think he's with the Soil Conservation Office. I've talked to Mike on many occasions. Mike has done several things to motivate Bruce. He seems to be one of the only people who motivates Bruce to get things done, to solve some of the problems that we have. On several occasions I have talked to Roger Lehman and Jim Nunning from his office. A couple of times with Jack Hilly from his office. We seem to have a problem of getting follow up on the things that Mr. Hatfield is asked to do. At the November 7, 1994 drainage board meeting, Mr. Lehman stated that speaking of Mr. Nunning and Mr. Hilly that he was to have them to go to each house in the subdivision and record the address of each house that is in violation of the 2% slope. We were talking about slope away from the house. To this point we don't know that they've been out to every house. He made the comment that he would do that. We would like to know when that's going to be done. The crawl spaces would be reviewed. The crawl space, slopes, sump pits require collection of violation within sixty (60) days. We have had some action on our crawl space and we've not been given anything in writing yet that the things that Bruce has been asked to do had been completed. It seems that every, when we start making a lot of phone calls we get a lot of action, then we quit calling, the people seem to disappear and seem to forget who we are. Our main concern, one of the big concerns is the lower retaining basin if you will, one at the entrance to the subdivision. We don't know for a fact that that is up to code and would like that issue addressed by the Drainage Board. Something to maybe give some more direction as to how to motivate Bruce. We've been here several times. We've been told by Mr. Kissinger that we possibly should seek legal counsel. On a personal basis we all have personal problems, but there are big problems with the subdivision as a whole. In the letter I sent to the homeowners I just expressed that eventually we're going to be the ones that are going to be paying for this if Bruce disappears. Personally I haven't seen Bruce for two (2) months. I'm sure he's out there on occasion. It's his subdivision and we just feel that he needs to pay a little more attention and get some things done. Thank you.

Commissioner Borries: Thank you.

President Tuley: Mike or Roger, where do we stand from your point of view?

Mike Wathen: Mike Wathen Soil--

President Tuley: You weren't in here, but he eluded to the fact you seem to be the only one that can get motivation out of Mr. Hatfield, so help us out. Tell us what we can do.

Mike Wathen: I met with him and basically told him what he was going to have to do to stay in compliance and told him if he didn't do it we were going to turn him in. I went over with him what needed to be done and tried to be real thorough in laying it out. I don't think there was any misunderstanding it. He wrote the items down himself on a piece of paper that I asked him to complete. We made a copy of that piece of paper, which we both signed. I put it in a file at the office. Made the appropriate documentation regarding that matter in the computer. I've sent him some certified letters on various matters of which I thought that needed to be done and pursued. In all fairness to him I think he has made a reasonable attempt in some areas and I think there's some other areas that probably a little bit more needs to be done.

Commissioner Mourdock: Alan if I may ask, obviously this board has legal authority, does it have any mechanism for enforcement authority?

Alan Kissinger: I guess Mr. Jeffers could probably answer that better than I, but our enforcement authority basically in the past has been with by refusing additional building permits.

Commissioner Mourdock: I presume at this point Mr. Hatfield has no permits pending before either Building Commission or Drainage?

Roger Lehman: As far as pending permits residential permits are issued on the spot, so there is no time lapsed between when you apply for one and you get one, approved subdivision. He does have several houses under construction now, and I would assume he has probably other houses that are going to be under construction in the future.

Commissioner Mourdock: Okay, but those..maybe I should of phrased the question differently. Those homes are on already previously approved, or in previously approved subdivisions as far as their plans are considered?

Roger Lehman: Yes we will not issue permit on house that is not in an approved subdivision. Because Area Plan won't issue one and we won't issue one unless Area Plan does.

Commissioner Mourdock: Okay.

Mike Wathen: I didn't go into the office today, but I did stop by there before I came down here. When I did this was on my desk. It's basically a³ Warning of Noncompliance related to that development.

President Tuley: Is this the new one or the one previously talked about?

Mike Wathen: I should say, my understanding is that it's the one that there talking about. I've not had an opportunity to talk to Bruce about it and my understanding of the letter is that it refers to some paperwork as opposed to actual matters that are out there in the development as so.

Commissioner Mourdock: Do you know of any case like where IDEM has used any enforcement power other than simply saying there will no permits granted in the future?

Mike Wathen: Yes.

³Copy of Warning of Noncompliance attached to (9-25-95) Drainage Board Minutes.

Commissioner Mourdock: What have they done else where?

Mike Wathen: I did not hear this directly from an IDEM employee, but I was told they got the power to fine up to \$10,000.00 a day. I know of an incident that there was a letter that was not sent in or a response not given back by a certain date. My understanding is they fined them \$1,500.00 just for that. I wanted to interject one thing. Our office, the Soil & Water Conservation District, we sent out letters to Mr. Hatfield as well as we did a lot of other developers in the area. We've taken the attitude that we would try to get everybody in to compliance and then we would come down to inspect it, in which time they were not in compliance then we would then work with IDEM as the next the next step. For the most part I think we've probably done a real thorough job in getting that accomplished. In this particular incident there could be some more effort shown I think. Where you run into a catch 22 is the way "Rule 5" is set up. My understanding of it from IDEM is a sediment needs to leave the site in order for it to be out of compliance. So therefore, if you've got a basin or something that is not appropriately done inside, it may not be functioning properly or it hadn't rained in two months either. So it's like it hasn't had the opportunity to fail yet, but I can't go out there and make assumptions. I mean I know in my mind that's a strong likelihood that that will happen, but it has not happened yet simply because it hasn't rained. We did have an inspection last week and I was with the IDEM representative, and we went over through the Hatfield Subdivision and as far as he's concerned it's technically in compliance, but we noted several things that we'd like to see done. The reason I guess that you can have those two scenario is is if it doesn't rain I guess there's not going to be an erosion any. Since the time I started pushing it it hadn't rained.

Commissioner Borries: I know that we all have sympathies to all of the folks that are out there they're frustrated, we get frustrated, we have sent all of the technical people out there. We've asked for opinions from the state. We do not have a system of fines. We cannot put this gentleman in jail, we cannot sue him. You all as homeowners are going to have to have some kind of legal action I would think in terms of what you can do to him or against him. We cannot do too much to him other than as Mr. Lehman has said in future areas here to stop building where we can do so, where ever possible. We've sent out all our technical staff. Mr. Kissinger, I mean I don't know anything short of...we can't publicly flog anyone. We have no system of fines. I'm saying this, because we've heard this, we sympathize with them. We have reacted. I don't know what else at this point that we can do short of what private legal action that they can do on their own.

Alan Kissinger: I don't know either, except as you said Mr. Borries, I know that in the past the commissioners' have seen fit to refuse additional building permits in subdivisions that were in violation or not in compliance and I think that certainly is appropriate, but that's about the extent of our team.

Commissioner Borries: Mike Wathen cannot spend everyday out there, because of all of the other developments we have in the county. We can, again, ask Mr. Jeffers to write and summarize all of the areas in which he at this point none fulfilled his obligations in what we see is his obligations and sending those through certified mail and ask him to do that.

Tina Gander: Tina Gander, 9209 Marfield Court. What we would like to see and what we would like to add in closure is that we are here, we are coming to you and we're asking you to stop him from building anymore. Money is the greatest motivator with that man. Mike Wathen and his team have proved that. We are asking you tonight to not issue anymore building permits. He sold the lot next to us. He hasn't gotten a building permit for it yet. If you deny it I can guarantee you that man will do what it takes so that he

can fill his pocket again. You've not promised us, but we have it in writing where Pat Tuley has said that you've done it before. What does it take?

Commissioner Borries: You just had to hear what we were talking about in terms of where we have denied it before was on a new subdivision where the developer was not in compliance. His drainage plan was not adequate. There was no building that had been done there. Where we would have to seek I believe legal counsel is whether or not we can deny a building permit in an existing area that has previously been approved.

Alan Kissinger: If the plan has been approved and it's not in compliance, then I think, yes we can.

Commissioner Mourdock: We can? Let me go back. Mike Wathen a moment ago made the comment about not being in compliance in these subdivisions and I don't know which ones he's working in currently, but Roger this is the key question. Are the plans that he's submitting now..and this board doesn't approve individual building permits..are the building permits that are being issued in subdivisions, that are not in compliance?

Roger Lehman: If this subdivision is not in compliance then the answer is yes.

Commissioner Mourdock: Okay.

Roger Lehman: Because without a letter from the commissioners' barring this person's permits, I don't think we have a legal right to do this.

President Tuley: If this is not we'll create Phase I, Phase II, Phase III-- We'll create A-B-C and D.

Tina Gander: I guess I'm Phase III. I'm the last of the Phase.

Commissioner Mourdock: Were the Phases approved intermediately as we have in the past? So in affect there were, are (3) subdivisions if you have A, B and C.

Tina Gander: Did he submit a drainage.. I mean that was part of the mystery. We don't even know if there has been an approved drainage, whatever, submitted on the part we're in.

Commissioner Borries: Had to have, other words he couldn't of built period. He had to go to Area Plan Commission. He has to get a drainage plan.

(Inaudible Remarks)

Commissioner Borries: Mr. Swidron, we've all been here a long time and you can't rebut everything I say without coming to the microphone sir. I'm trying to give you information as best I can.

Tina Gander: All of us are homeowners. That's what we're here tonight for. You know we've put up with it for a year, we've done everything that we can without..you know..we stayed away for a year. We've tried to use other agencies to motivate Mr. Hatfield and they have done all that they can. Now the ball is in your court.

Commissioner Borries: Have you motivated Mr. Hatfield by seeking a law suit against him?

Tina Gander: Are you going to finance that for me?

Commissioner Borries: No.

Tina Gander: Well then the answer would be no, because all of my money is sunk in that house and nobody's going to want it, because it's washing out into the middle of the road. See and--

Dan Swidron: That wouldn't be personal problems anyway. This is a drainage problem that should be addressed by the board. He doesn't follow the plat. Mr. Morley stated himself that there's something different with the plat. Then Mr. Jeffers stated the same thing back last year. He's not following the plat. There's pipes in the ground that were never on the original plat--

Tina Gander: We don't even know where they're at--

Dan Swidron: So, it is drainage problems--

Tina Gander: You don't even know where they're at--

Dan Swidron: The board has to address that. You're talking about personal problems, we got a hold of Mr. Shaw and Mr. Shaw came out after that three weeks ago they finally built a berm behind my house. You'd think he would of sodded that or seeded or put straw on it. Bruce Hatfield didn't do it. Mud is coming down. He's got a berm there now.

Commissioner Mourdock: In which subdivision do you live in? A, B or C?

Dan Swidron: A.

Commissioner Mourdock: A, okay. Let me ask just a couple--

Dan Swidron: I've been there three (3) years now and for three (3) years I've been putting up with mud and water going through my yard and my crawl space.

Commissioner Mourdock: Let me ask a question and maybe we can move somewhere. Bill, if you would, the Section A that they're talking about and Mike do you consider those in compliance at this point according to the approved plan? Are you in a position to say, yes or no?

(Inaudible Remarks)

Commissioner Mourdock: You need to go to the mike. Sure, I understand that, would you just go to the mike and say it again? We apologize for our sound system.

Mike Wathen: I would need to see where the lines are dividing A, B and C to probably answer that question correctly.

Commissioner Mourdock: Okay, Bill do you have a comment one way or the other? Do you know? Okay, he's shaking his head he does not know.

President Tuley: You don't know if he's in compliance or not? Is that what you're saying?

Bill Jeffers: On Section A I would say that I would have to look at the drainage basin that Mr. Gander mentioned at the lower end of the subdivision to see if it's in compliance or not. But it's my feeling that it's probably still completely full of silt and has not been maintained or reconditioned to a sufficient configuration at this time, but I haven't been there in over six (6) months.

President Tuley: If the only recourse that we have is to stop these building permits if he's not in compliance, then why can't we give these gentlemen a week to go out and view everything and hold a special meeting next week and I stand ready if he's not in compliance with the approved plans, then we'll go ahead and write the letter and stop him from building. I don't know what other

choice that we have.

Commissioner Mourdock: I don't know what other choice we have and I don't know anything else to be appropriate. I heard Alan say a moment ago and correct me Alan, you know I'm very good at misquoting you, did I not hear you say that if in fact those subdivisions are not in compliance, then we would have the right not to issue building permits for specific lots within that subdivision?

Alan Kissinger: That's correct and if this is in three (3) different sections as it has been represented and he tries to build in C and C is not in compliance, then yes you would have the authority to do that.

Commissioner Mourdock: But if he's not in compliance in C, but he is in compliance in B, we still cannot keep from issuing him a building permit in B.

Alan Kissinger: That's correct.

President Tuley: That's what I'm saying, if they have time to check all three, if the developments are still going on in all three. Is A filled or is A still--

Dan Swidron: There's still lots open and he's developing in B right now.

President Tuley: B and C?

Tina Gander: Yes and it was also our understanding that you gentlemen weren't going to allow him to even go into Phase IV and V if he wasn't in compliance with the other ones. Now you are changing the rules on us.

Dan Swidron: That's the last statement that we had--

Tina Gander: We have those in the..you know I mean..don't say it unless you know it, because we live by what you say.

Dan Swidron: We really thought that everything was going to be taken care of and handled--

Tina Gander: I don't want to be rude, but you perhaps prolonged some of the different individuals and the development from getting attorneys, because of some of the things that we have in the minutes that you said we cling to those things. Wouldn't you cling to hope in a situation like this?

Commissioner Mourdock: Sure.

Tina Gander: You know when you say these things that you're not going to allow him to go on to Phase V, we thought this is great. Bruce you know as soon as this gets filled up, he is going to need the money. He is going to have to come back and fix these problems. Now we find out "NO" he can go right on just keep building, building and building. So tonight that is what we want. We want some closure on this. We would like to see him not to be able to build. Not in any of the phases. If he is in violation anywhere it is ludicrous that he can go on building. If I lose my drivers license I can't go on driving if I have an offense. Why is he allowed to continue?

Dan Swidron: Everybody knows the problem that I have with my home with the two homes running water on my property. Mr. Shaw came out, Bruce Hatfield, Roger Lehman, Jack Hilly came out, Mr. Nunning, just for the record, Mr. Nunning is probably one of the most congenial and personal inspector you have in the Commissioners Office. He is very gracious to help us out with any problem that we

have. However, they all came out and we taped this whole conversation, because we asked the gentlemen if we could tape it. We'll needless to say I'm twelve inches, I have to take twelve inches of soil away from my house ten feet out in order to be in compliance. How could that be over looked when my house was built twelve inches of soil to get the ground level below my rafters and crawl space.

Tina Gander: The same issue happened with us. Now you're talking about writing it in the covenant, I just think you're opening up a big scary ball of worms when you go into that, because I'm just wondering if..I mean it just sounds like to me that we were better off not spending all of this money on a new home and buying a home in an older subdivision and just not dealing with it. That's what you're putting new people..people who want to better themselves and buy these expensive homes that's what you're putting them into. You are forcing them to hire an attorney to put a privacy fence. To put a swing in their backyard, because that could change the flow of water, and then who is to say that it was right to begin with. Are the building inspectors going to come out and say that that flow of water was correct before that person purchased a home or is it before they moved in the home? That earlier statement..that is a very scary thing to get into. Then I would like to know if that means that Bruce can go back in, add it into our covenants? Can he go back and say okay now you're responsible for the flow of land on your whole lot?

Bill Jeffers: It's already in your covenants.

Tina Gander: Is it? That's not right.

Commissioner Mourdock: That question aside for the moment. Mr. Jeffers and Mike Wathen, the two of you can you find some time this week in line with Commissioner Tuley's comments a moment ago, to get out and look at this?

Mike Wathens comments inaudible.

Commissioner Mourdock: Bill can you get out and look at it?

Bill Jeffers comments inaudible.

Commissioner Borries: We are off of the microphone here and we're not picking up the voices.

May I make a comment, please?

Commissioner Borries: Sure.

Commissioner Mourdock: Identify yourself, please.

Bernadette Swidron: I'm Bernadette Swidron. You said the same thing last year in the minutes, why don't we send somebody out and check to see if their in compliance? We have it. He's not in compliance. The man that you sent out sent us letters stating that he's not in compliance. We have letters saying that the sewers are supposed to be flushes. We have letters saying the ponds weren't in compliance. Now you're saying the same thing that you said a year ago. Let's send the men out again in a couple of weeks and write some more letters and then what? It will be next year and we'll be back here again and are you going to turn around and say the same thing again? We went through this whole thing. One, two, three and four. We did exactly what you said. You sent the people out, we have the letters. The letters he hasn't fulfilled. He's in violation. I know for a fact my home wasn't inspected by the builders. My crawl space wasn't inspected. How come, when I moved in to that home? Why? That's why I have such a mess as it is now, because the job wasn't done properly and now you're telling me just..oh well.

Dan Swidron: We don't have electric disconnect in our bonus room. We've got a hot tub in that bonus room. There's a motor down sitting in the ground there and he said, oh that will be okay, but every time it rains that switch pops, so we know that the building inspectors weren't out there.

Bernadette Swidron: They admitted that they weren't out there.

Dan Swidron: There's a trench around the whole crawl space. I know that Mr. Morley tried, but he can't crawl in a seventeen (17") inch space. No one can. I couldn't. I know that there's a trench around there and everybody that came out there and inspected cannot get into that crawl space.

Bernadette Swidron: They sent a gentleman out to inspect my crawl...David I believe. Five violations, they fined Bruce a \$100.00. Have they been done? NO. No one has enforced it. Why? I have six (6) inches of water in my crawl. Would you like six (6) inches of water in your crawl? I have two asthmatics in my house. Me and my daughter. Now she's going to start shots. You know why? Because there's mold and dry rot. You know what she's allergic to? Highly mold, everything. Is anything being done? No. You haven't done anything in three years with my complaining, complaining, complaining. Now you're starting the same thing, we'll send somebody out. You did. We have it all.

Dan Swidron: One more comment here. There's neighbors moving out of our subdivision because of the problems that we have. We have one neighbor who the floor was collapsing because of the water that was under the floor. She sent the letter to you last year. It was Ms. Dugan. She sold her house within a week. A week after it was put on the market. Guess who sold that house? Margaret Harp from Emge, who sells all of the lots there. Also sold that house within week. Why would anybody buy a house when the floors are collapsing? She sold it though. So there's some violation. There's something going on.

Mike Wathen: I talked with Bill. He's going to be unavailable next week when I would be available, so I told him I would go ahead and adjust my schedule to where we can make it Wednesday of this week.

Bart Gander: My comment was, I guess, I thank you to Mr. Wathen. I was unable to get a hold of him after lunch today and he was able to show up here. It was his day off and we really do appreciate him coming out.

President Tuley: Mike, you're going to take care of that Wednesday? Can you report either by letter or to us in person next Monday night?

Mike Wathen: Next Monday night?

Commissioner Mourdock: Your suggestion by letter is fine. All I want is a yes or a no. There's either 100% compliance in A, B and C or there is one item in any one of those three that is not in compliance. Either yes or no; up or down.

Mike Wathen: (Inaudible)

Commissioner Mourdock: If it's out of compliance, it's out of compliance. Just put it in writing, please.

Unidentified Person: So that means if the subdivision--

Commissioner Mourdock: Please identify yourself.

Dave Halbig: Dave Halbig.

Commissioner Mourdock: Thank you.

Dave Halbig: 9205 Marfield Court. So that means that if the subdivision is noncompliance he cannot even sell a lot in that subdivision?

Commissioner Mourdock: As I understand the way and Roger can--
(Inaudible Remarks)

Dave Halbig: So, the only power you actually have, is stopping him from building in that subdivision? You can't stop any other contractor from building in a noncompliance subdivision?

Commissioner Mourdock: No.

President Tuley: We can only stop him from getting a permit. I don't think we can stop--

Dave Halbig: That doesn't make sense does it?

Commissioner Mourdock: No, I don't agree with that. Go ahead Alan.

Alan Kissinger: We can put a moratorium on the subdivision from this if the subdivision or that portion of subdivision was not in compliance, yes.

Commissioner Mourdock: Regardless of the builder?

Alan Kissinger: Yes.

Dave Halbig: It's a bad thing. It's sad to have to come down here and complain like this. I had previous problems with property and you know unless you deal with this everyday you don't know the ends and outs of it. Unfortunately, we're kind of like a victim of poor planning I guess you'd call it on the whole layout of the situation is just...I don't think it should of been approved to begin with. It's just a problem. It just needs to be corrected and it's corrected periodically over seen, I don't think you'll ever have another problem with it. It's just this guy, you slap his hand, he's not going to do nothing. He's just going to come right back and do it again. Couple of hundred dollars is nothing to him. If you make him do what he's suppose to do and kind of up hold it, just like he said, if you enforce the law and you make it to where the laws going to be this way or no way that's the way you'll get it every time. If you're consistent, you stay consistent, it's good all the way through. You can't change for certain people, certain things or certain situations. I mean the law is the law, period.

President Tuley: Okay. This point in time, I don't mean to cut you off, but we still have several items on the agenda. Mike you're going to do the report Wednesday? You're going to give us something?

Mike Wathen: Mike Wathen, Soil & Water Conservation District. What direction do you want me to proceed with if Mr. Hatfield contacts me tomorrow morning? We're going to meet with him out there Wednesday and he's willing to put everything in place tomorrow?

President Tuley: If he has it corrected by Monday nights meeting he doesn't have a problem, but I'll bet you he can't get it done between now and Monday. Now I'm not talking about just plan, I'm talking about actual corrections.

Mike Wathen: We're going to be inspecting it Wednesday.

President Tuley: Okay, I know, but you're going to be reporting to us by a letter or person or something next Monday night. If your letter says that's in compliance--

Mike Wathen: I guess what I'm asking is should I contact him and

give him the opportunity to get the development in compliance, because I've got really no reason to believe it's going to be otherwise?

Commissioner Mourdock: I think you're going to need to do that, because certainly if we are going to review this whole situation at a special drainage board meeting, he needs to be advised of that.

President Tuley: Now I don't have a problem with contacting him. I don't want to come in here next Monday night and elude a fact that we told these people we're going to address the problem and I don't mean "we" as in "you", because you haven't been here to have them to continue to come back here. I think he's been served notice and the only way we can seem to get his attention, is we've said it before and now it's time to back up what we've said and do it.

Mike Wathen: Okay what I'll do then is meet with Bill Jeffers, in the Surveyor's office, and Mr. Hatfield on Wednesday and then I will inspect it Monday of next week and I will get a letter to you by the drainage board meeting Monday of next week.

Commissioner Mourdock: Do you expect you'll be here Monday yourself Mike and I'm not asking you to, but if you are, would you please bring your file of whatever correspondence you have regarding these properties?

Mike Wathen: Yes, thank you.

Bill Jeffers: Can I share your dump truck to bring mine? Okay, I want to make sure that I understand clearly of what you want. You want any violation on any of the three (3) subdivisions?

Commissioner Mourdock: I presume there are only three (3).

Bill Jeffers: Well, however many there are.

Commissioner Mourdock: Right.

Bill Jeffers: Is that violations of the original drainage plan?

Commissioner Mourdock: If it is not in compliance.

President Tuley: That's what we're after the word, either he is or he is not in compliance with the drainage plan.

Bill Jeffers: The original drainage plan. How about with the drainage ordinance under which he built it? The 1986 Drainage Ordinance passed by the County Commissioners'?

President Tuley: Well yes, if I understand your question, I don't see how we can make you come in compliance--

Bill Jeffers: You want to know if he's out of compliance with the 1986 Drainage Ordinance?

Alan Kissinger: Yes.

President Tuley: Yes.

Bill Jeffers: Yes he is.

President Tuley: He is?

Bill Jeffers: Right now.

President Tuley: Well then we don't need another inspection.

Bill Jeffers: Okay do you want to know if he's out of compliance with any building codes with any of those, six inch (6") fall in

the first ten (10) feet away from the house, on any house out there?

President Tuley: Bill, what enforcement does the drainage board have if he's in violation of the building code?

Bill Jeffers: Commissioners' have enforcement powers too.

Alan Kissinger: Not as drainage board.

Bill Jeffers: We have enforcement powers that had to do with "Rule 5"?

Alan Kissinger: Yes, but what we're meeting on right now is the drainage board. What the drainage board has enforcement authority on.

Bill Jeffers: Okay, he was supposed to finish his retention basins and other drainage improvements outside the right-of-way within a certain period of time and form a Homeowners Association, after he completed those improvements including the basins and the pipes and everything he was suppose to send a written letter to John Stoll or the county engineer, whoever that might of been at the time, and ask for an inspection. He didn't do that. Then the county engineer would inspect them or have an inspector inspect them and say yes or no they passed and after they do pass after they finally passed according to the 1986 Ordinance he has to guarantee them for a period of one year past that date. Then after that date the Homeowners Association would maintain the basins and the pipes. He has not formed a Homeowners Association to my knowledge. He has not finished the drainage improvements.

President Tuley: To your knowledge or a fact? Here's the situation folks, don't misunderstand--

Bill Jeffers: In paraphrasing John Stoll, "there is no correspondence on file indicating that the developer of Willow Creek Subdivision is ready for final inspection of any street or drainage improvements made since December 5, 1994 or that any improvements have been made to the retention basins since the time the developers attorney". Now this is me talking, that's what John said, now I'm saying, since the developers attorney stated, "that Mr. Hatfield would be submitting the finished detention basins for approval to Mr. Stoll's department" and that statement was made November 7, 1994 by the developers attorney.

President Tuley: All I'm asking you for is the right to ask for a motion to stop his building tonight and have somebody back me up if he sues me if he's in compliance and you haven't been out there and are not aware of it.

Bill Jeffers: Right and then he's going to be suing me.

Commissioner Mourdock: Let me break the question down a little bit further, because it is very explicit here between subdivisions A, B and C at what we would direct in a letter as far as which of those areas would no longer be receiving permits. You made the comment, he's out of compliance. Well is he out of compliance in A or B or C or D, all of the above, two of the above, which one(s)?

Bill Jeffers: If my memory serves me correctly on A and B--

Commissioner Mourdock: With all respect, I mean--

Bill Jeffers: I'm not going to be here next week. I'm going to be out of town Friday at midnight until Thursday at 9:00 p.m.. I'm just --

President Tuley: The only problem I have with this is if you're

sure he's out of compliance and whatever ones you know he's out of compliance in and you're willing to go to court with me if we're wrong and he sues us, let's go for it, but if you're not I don't need to stand up there in front of that judge and explain why I stopped him from getting a building permit.

Bill Jeffers: Can a drainage board really suspend building permits or does it have to be the county commissioners'?

President Tuley: I would think that if it's a drainage matter there would be no reason why it wouldn't.

Alan Kissinger: Drainage board has the authority. County Commissioners' can do it too.

Inaudible Remarks

Bill Jeffers: I will be happy to go out there with Mike Wathen on Wednesday and submit a written report. I can't be here in person Monday.

President Tuley: I don't know that you need to be here if you have a written report.

Commissioner Mourdock: No. I'd rather have a written report. I mean that's what the minutes are for of course, anyway.

President Tuley: The letter backs us up.

Commissioner Mourdock: That's right.

President Tuley: We can give that to Roger with our letter. Unless it pours down rain between now and the next Monday night--I want assurance from someone that he is out of compliance. That can be in letter form and if we have that next Monday night. I'm willing to ask for a special drainage board meeting next Monday night. When we receive that letter on hand, we'll open up the meeting at that time that the letter is there's that says he's out of compliance, then we can act on stopping his permit. At least I will vote and I'll tell you right now if he's out of compliance I'll vote to write a letter to stop the permits.

Commissioner Mourdock: Yes, I will certainly do the same, unhesitating. I'll write it in blood if you like.

Tina Gander: These commissioner meetings, when are they?

Commissioner Mourdock: Immediately before the drainage board.

Tina Gander: Okay if we go to one of those meetings also, can we get it--we have enough building code violations, can we get it to where he can't build anywhere? I'm serious. Why should he be allowed to do this to other people in other subdivisions, to anybody, it's ridiculous. It's ridiculous that it's gone on this long. Is it yes or is it no?

Alan Kissinger: No.

Tina Gander: Why is that? How can he keep building and be violated?

Alan Kissinger: I can't debate it with...I can just tell you.

Tina Gander: What does it take as far as violations to get someone to stop building a home? Can he keep building--

Alan Kissinger: The one thing that you need to understand is that the government can do so much and up to that point--

Tina Gander: You issue the permits.

Alan Kissinger: beyond that point then the property owner who is the person who has suffered the loss must bring an individual action in their own behalf.

Tina Gander: No what I'm saying is you're issuing permits to an obitual offender. That's like giving a drivers license to an obitual offender.

Alan Kissinger: At this point he has not engaged in any activity that is defined by statute as being criminal.

Tina Gander: Okay--

Dan Swidron: (Inaudible remarks)

Alan Kissinger: Sir, I can't debate that with you, I'm just telling you.. I'm trying to answer this ladies question. You should be here at the microphone--

Tina Gander: You have to see our point. We have seen with Mike Wathen and his team that money is the motivator with Bruce Hatfield. Okay? We have seen that and now we are saying to ourselves, because we have lots of violations on our homes, he's not coming back, he's not fixing them. There not helping, I'm referring to the building commissioners', because they seem to think they're powerless. We want to know who we can go to to stop it from happening. I don't think it would be right for me to know that this man is doing this to other people and let it happen. I don't see how you guys can do that. I don't see how he can do that. You know somebody is doing crappy work, why do you keep giving them a building permit? Where can I go to stop it?

Dan Swidron: The county general will stop it if it has to be, because he's doing unethical practice. He's not a fair builder. Everybody that he builds for has a problem with him.

Tina Gander: Everyone!

Commissioner Mourdock: Those facts as you just stated may be a 100% accurate, I don't know, but that's not important. All we can deal with are those items which by statute we are obligated to deal with.

Tina Gander: Can you tell me who, which city, if by government--

Commissioner Mourdock: There is no city government authority or county government authority that can do the type of thing you're asking. Because #1 as Mr. Kissinger said (and I'm not an attorney and you'll find that out real quickly if you haven't already) we cannot do something like that. The difference between what you just described as an obitual offender comes back to the word criminal. If there's someone out there doing sloppy work and he manages to survive in the market place by doing sloppy work, and he manages to survive, we can't change that.

Tina Gander: He manages to survive because you guys give him a stamp of approval. Your giving him a permit.

Commissioner Mourdock: We've already explained to you what our action will be next week upon the facts being (inaudible) out as you reported them to be and I take that in good faith. I expect that's the word that we're going to get next week. We've told you what the statutes will allow us to do and you've heard Commissioner Tuley say it and heard me say it. I wasn't here for your other discussions, but I'm willing to act on that and that's the limit of authority that we have.

Tina Gander: So there's no other.. what I'm worried about is you're going to find maybe something in Phase I and my phase and the phase in the middle that doesn't have a retention basin, he's going to be able to continue to build there and there are a couple of lots there.

Commissioner Mourdock: That's entirely possible, because there's nothing statute wise that can give us the authority to do anything else.

Tina Gander: Do you fight to put things on the books that allow these things not to happen? I'm sure you get this everyday. It's ridiculous. I mean how can Roger do his job effectively when he knows that there's nothing he can do to make someone straighten up?

Commissioner Mourdock: You'll have to ask Roger that question, I don't know.

Dan Swidron: We sent complaints to the attorney general as well as Mr. Kissinger. We sent complaints to the attorney general, does the attorney general have the power to stop someone from building? This is a consumer problem--

Alan Kissinger: Yes in that respect, yes, but as to what consumer protection in the Attorney General's office would do I have no impression. I've never dealt with that section of government.

Dan Swidron: They made it sound like, because I spoke with Pamela Carter and she made it sound like she could take it all the way, if she wanted to. So I'm just asking you.

Alan Kissinger: They have significantly greater enforcement and authority than this body or the county commissioners' or the building commission or any of these other bodies that you're dealing with.

Dan Swidron: Thank you.

President Tuley: May I have a motion to hold a special Drainage Board Meeting solely for the purpose of dealing with the issue in hand next week?

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered. There will be a special Drainage Board Meeting. Bill and Mike if you will report to us by writing by Monday nights meeting, please.

Commissioner Mourdock: Let's clarify the advertising for that meeting. Is that required Alan, special meeting?

Alan Kissinger: It is required that you advertise a special meeting next week.

Commissioner Mourdock: Do we have the time?

President Tuley: Wait a minute. We've gone down this road before. I didn't think--

Alan Kissinger: We can recess this meeting--

President Tuley: Right, we'll recess this meeting to be continued next week. So you'll have the report, you'll go out there Wednesday, you'll have a report to us next Monday night. I don't know how we can make blood brothers out of this or whatever. I will at that time entertain a motion to issue a letter to Roger to stop any permitting in any sections that has violations. That's the best

that we can offer you tonight. We need to move on. We've got about five or six more items.

Commissioner Borries: Mr. Jeffers, is there anything here that we can postpone until next meeting?

Bill Jeffers: Put drainage appeal down under new business at the bottom, because that's what it is. Okay, sign easement along Nurrenbern Ditch, does that have to be done tonight? I won't be here.

President Tuley: Wait a minute. I won't have a problem with that. I will have a problem with the fact that you'll be here and I'll be here and if this is a reference to the property I think it is, I can't vote on it.

Inaudible Remarks--

President Tuley: We have to deal with that tonight, because I'm going to abstain from voting on it tonight anyway.

RE: NEW BUSINESS:

A. GOLF STORE DRAINAGE PLAN

Bill Jeffers: Okay, Golf Store Drainage Plan located at the corner of Royal and Virginia. It's in lot 16 of Metro Center east. The plat said that the drainage plan has a pre-approved drainage plan. So long as they submit a plan that is in conformance with that to the site review committee, we can sign off on it and I did last Monday, a week ago. I am reporting that to you and at some future time I'll bring the plan to you and show it to you.

B. Old Boonville Hwy Commercial Development

Bill Jeffers: Old Boonville Hwy Commercial Development is not a subdivision, but it is a commercial development being done by Woodward. It was a circumventing drainage review by not being a subdivision and I finally talked Mr. Woodward in coming up with a drainage plan that would serve the remaining five and a half (5½) acres of the total seven (7½) or so acres. It looks real good and I'd for you to give me permission to sign off on it after I work out a few details with his engineer, Mr. Morley.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

C. Big Creek Drainage Association

Bill Jeffers: Big Creek Drainage Association would like to do some additional work on two ditches and the total bid price to Big Creek, in other words, Big Creek is our prime contractor, this is additional work in the amount of \$9,000.00 to a sub contractor of Big Creek who is Steve Blankenberger. It's on two ditches. We have all of the paperwork, the maps and everything. Mr. Ellison was here to present it to you. It's work that is needed to improve the ditches and get them to work better. They are volunteering to put up \$4,500.00 if we will match the funds. We do have the funds in the accounts. We do recommend the work so long as the board see's fit to allow us to spend \$4,500.00 to match their \$4,500.00 funds to pay a sub contractor, Steve Blankenberger to do work for the contractor, Big Creek Drainage Association.

Commissioner Mourdock: Just so I know, how was that done? How was Mr. Blankenberger chosen? Was it a bid project or how are we deciding that he's going to do the work?

Bill Jeffers: Is there a limit under which you don't have to go out for bids?

President Tuley: Limit I want to say \$25,000.00.

Bill Jeffers: What we do is, Big Creek from time to time has extra funds in their accounts to do work and they're already the contractor. The drainage law requires that they name a sub contractor anytime they hire a sub-contractor and they're naming Steve Blankenberger who they got a time and material bid from of \$9,000.00 and they're asking us to match half of that.

Commissioner Mourdock: Okay just two questions here, since Alan is out of the room and County Auditor you said that limit is \$25,000.00?

Suzanne M Crouch: Yes.

Commissioner Mourdock: It could be done less than that. Mr. Ellison I'll ask you, you probably know the answer to this, is Mr. Blankenberger out there where he lives? Is he one of the benefactors of this? He's on the Big Creek watershed, I presume?

David Ellison: Sure.

Commissioner Mourdock: Okay, and the answer was sure?

David Ellison: Yes sir.

Commissioner Mourdock: Okay. Was part of the reason in issuing or in trying to issue to him for that fact that he was in the watershed..one of the neighbors out there..is that accurate? I'm not trying to trap you Dave.

David Ellison: No, that's not accurate.

Commissioner Mourdock: Okay. You'll need to come to the microphone now that it's more than a word or two.

David Ellison: (Inaudible)--He's a fine contractor. He does us a good job and he works on all kinds of material and he's one of the cheapest contractors that in years past that we've found that would do that kind of work.

Commissioner Mourdock: Okay, he's bided in the past?

David Ellison: Yes, he does I'd say 85% to 90% of our work all of the time.

Commissioner Mourdock: Okay and for the record that's David Ellison.

David Ellison: Right. We're doing close to 2 miles of work, so these are the ditches that he will be doing.

Commissioner Mourdock: Again, for the record Bill, you were presenting this to the board with a recommendation that we proceed along this course?

Bill Jeffers: Yes.

Commissioner Mourdock: I'll move that we proceed as directed by the County Surveyor for the cleaning of Big Creek.

Commissioner Borries: Second.

President Tuley: So ordered.

Bill Jeffers:⁴ Here are the account numbers and the amount of money that is available in those accounts.

David Ellison: Gentlemen do you need to see additional maps?

President Tuley: You're okay Dave.

Commissioner Mourdock: Based on the recommendation of the surveyor, you're in good shape.

D.⁵ Regency Corporation

Bill Jeffers: Regency Corporation wants to put a dirt service road ten (10') feet wide along the west side of Nurrenbern Ditch from Virginia Street up to the location immediately adjacent to I-164 for Nurrenbern Ditch passes under I-164, so that they can erect a commercial billboard sign. We ask them to stay back of the ditch five (5') feet, so there would be a grass strip five (5') feet wide to filter any silt from running into the ditch. They show that on the plan, then they show a ten (10') foot wide dirt access road. It will have a buried electrical conduit going up to the sign. I just want to clarify, is there any crossing of the ditch required or is it all on the west side of the ditch by the legal description?

Jim Morley: The sign is on the east side.

Bill Jeffers: You better look at that.

Jim Morley: I don't have a map.

General Discussion

Bill Jeffers: If the entire roadway, sign and everything is on one side of the ditch mainly the west side of the ditch and it does not require crossing of the ditch, the surveyor will recommend approval of allowing them to do this. If it requires a crossing of the ditch we need to see a detail of how the electrical conduit crosses the ditch or the roadway if it does.

President Tuley: I don't think you'll have that much of trouble, because I think you've got to cross that ditch and there's not going to be any sign there that I know of, it isn't going to get to it.

Jim Morley: The proposed sign location is on the west side of the ditch, so it's essentially a farm field road along the side of the ditch, but because it's commercial, Mr. Jeffers felt that that should come..it's essentially the same thing that you have as your farm in road all along your legal drains, but it's within the legal drain and there is no instruction activity that is going to limit your maintenance of the drain.

Bill Jeffers: It's all on one side of the ditch. It will actually help us, because then our mowing tractor can use the same road to mow.

Commissioner Borries: I'll move the request for a 10 foot access along legal drain known as Nurrenbern Ditch be approved.

Commissioner Mourdock: I'll second.

⁴Attached is a copy of account numbers and amounts in the fund for Big Creek Drainage Association.

⁵Copy of a Letter of Transmittal for Cross Pointe Sign Easement that was approved is attached to the (9-25-95) Drainage Board Minutes.

President Tuley: I have to abstain.

Commissioner Borries: So order.

RE:⁶ DRAINAGE APPEAL

A. Oak Ridge Subdivision:

David Garrett: My name is David Garrett and I'm here tonight with my Co-Applicant, Myron Rucker to answer questions that the board might have regarding our appeal which was dated September 11, 1995.

Commissioner Borries: Mr. Garrett, what is the nature of what...? I'm not sure everyone has all of this. I guess in the interest of time tonight, if you could allow us to take this under advisement. I'm not sure that Mr. Jeffers has had the opportunity to respond to any of these things.

Commissioner Mourdock: Is that right, Bill? Have you not seen this?

Bill Jeffers: Yes I've seen it.

Commissioner Mourdock: Okay.

David Garrett: I would like to emphasize I did follow the appropriate procedure in bringing copies down and getting on the agenda, so I feel like I've properly handled the compliance aspect of filing this.

Commissioner Borries: I'm not saying anything about your compliance, I just want some information as to whether or not--

(General discussion of where it's located)

Commissioner Mourdock: Now knowing where it is, what is it we're trying to do?

David Garrett: We've completed a complete section with a proposal to try to first of all state the problems. There's a real crazy quilt situation, so there's many many factors that have been involved, so that's outlined as well in detail. Then we've put together a complete section with a proposal. We've worked very closely with the county engineer and his staff in compiling this. We've asked him to fact check our appeal, so I think it's all detailed in the document you have.

Alan Kissinger: I've talked to Mr. Stoll, but I think it would be appropriate to get some input from him on this. I know that you did work with Mr. Stoll. He wanted to stay and he did have some comments on this, but he was not able to. So, I think it would be appropriate to consult him before we do anything final on this.

David Garrett: Can I get a copy of that also?

Commissioner Borries: Have you had the opportunity to read through this?

David Garrett: Read through this document I was just handed?

Commissioner Borries: Yes.

David Garrett: Only at a very cursory level.

Commissioner Borries: Well in all fairness to everyone involved at

⁶Copy of Oak Ridge Section "B" information related to Garrett's Drainage Appeal attached to (9-25-95) Drainage Board Minutes.

this point so that we have time to re-act to this, because we haven't seen it either as well as to be able to digest to see how we're going to, and if we can fund some of your requests. I would move that perhaps this could be considered at our next Drainage Board Meeting. That would be the regular Drainage Board Meeting.

David Garrett: I want to emphasize one other point that I...some new information just came to life just today. As a matter a fact that there is a topographical map that was located that may not have been taken into account in the 1985 approval. I believe you're familiar with that map.

Bill Jeffers: Right, it's part of what I handed down. Basically, you go down to the end of Anthony Drive and the county maintenance of Anthony Drive terminates at the western right-of-way line of...what I'm loosely calling a right-of-way line...it's a thirty (30') foot set aside in a plat of Roman Acres that anticipates that when the farm land was going to be developed on the east side that they also would dedicate thirty (30') feet and they could build a roadway known as Knob Hill Road. However, that never took place. So I'm calling this a thirty (30') foot set aside in the plat of Roman Acres for one half ($\frac{1}{2}$) the right-of-way of road that would of been known as Knob Hill Road. We were sent out there in the '80's to investigate some various complaints and were told by the commissioners' that nothing would be done from this point of termination of the accepted portion of Anthony Drive, which is right here. Then subsequently, a development plat came in known as Oak Ridge Estates, and during the review of the drainage plan in the minutes that I have attached. The minutes are April 28, 1986, for the record. I state that the twenty-four (24") inch pipe they wanted to locate at this point which is known as point 5 on the plans was insufficient to handle the amount of water that arrived there, and that our office recommended a thirty (30") inch minimum size pipe. County engineer has verified that that pipe is thirty (30") inches or larger by his own measurements. Second thing that I said was that the pickup point known as pickup point 5 was substantially distant from the natural drainage way that this farmer had going down through his field. The water came down off of Mullen Estates down this way, and went through there. Came down off of Knob Hill and joined with that and went up here. And I said that this should be the pickup point 5, or else they needed to show a plan how they're going to take this water, cover this ditch up, take this water over, actually run it upstream to this point. Which they did show. Easley Engineering submitted this plan to you as a part of the street and drainage plans for Oak Ridge Estates, Section B, and they clearly show that pickup point 5 which is about (150') feet north of Mr. Garretts corner where the natural drainage was, they show little ticks on here, elevation ticks to show that they are grading that ditch downstream until it hits that pipe. It's out in the right-of-way, this thirty (30') foot set aside for a right-of-way for what would of been known as Knob Hill Road. They did that so that Mr. Garrett and Mr. Rucker, and their neighbor Mr. Watkins who is also a co-applicant would have full use of their backyard. The ditch would actually be out in that unused right-of-way, because they were told that the County Commissioners' and the County Highway Department would not ever maintain this right-of-way. It was never accepted and the only use for it was more or less a public utility easement. In fact, two (2) sewer pump stations are located at the southwest corner of Mr. Watkins property, excuse me, northwest corner and the sewer department uses the access to get from Anthony Drive down to their sewer pump stations. Unfortunately, the grading of that ditch was never fully accomplished out in the right-of-way. It still follows it's same path that it used to follow, wonders up into Mr. Rucker's yard. I don't think there's any place where it's in Mr. Garrett's yard, it's all outside of his yard, because I went out there and uncovered all of his property corners last week. Do you see those? Would you agree that that ditch is in no place on your yard?

David Garrett: (Inaudible due to not speaking into a mike)

Bill Jeffers: The question was, "Is that ditch at any point in it's course, is that water way on your property?"

David Garrett: (Inaudible due to not speaking into a mike)

Bill Jeffers: Did you see your property corners that I uncovered for you? Was that ditch on the east side of those property corners or out on the west side?

David Garrett: (Inaudible remarks)

Bill Jeffers: I guess I'm not going to get an answer. My point is that the ditch is at no point on Mr. Garrett's property. It is on Mr. Rucker's and Mr. and Mrs. Watkin's. The source of the gravel which is mentioned in the drainage appeal is a private drive which a homeowner back over here has located in this unused right-of-way and he's using that right-of-way for private rock drive that goes back to his house. When the water comes down and crosses that, it drags gravel with it and goes down into this ditch which is just outside Mr. Garrett's west property line and I guess when the ditch gets full it washes gravel over the top of the bank, because it's insufficiently sized to handle the water and it also then cuts across Mr. Rucker's corner there. He has a dogpen and his fence is located down inside the waterway and so it's being adversely effected, both the waterway and the fence. Then the sewer department has without regard to...I say, without regard to any sizing or taking into account any proper cover of the galvanized pipe. Stuck a pipe here to access their sewer pumps which are partially within and partially outside of the platted easement and the pipes are being crushed down by the heavy trucks they take in there, because they didn't put enough cover on top of it. It's got rip-rap clogging one or the other end of it. Then the pipe end of the thirty (30") or thirty-three (33") inch that runs from point 5 due east and out of the subdivision into that pipe is not being maintained properly. It's all clogged up with trees and so forth and so on. So it's not able to take as much water as it's designed to take and my final point would be that (although I'd like all of this submitted for the record because it's so much more orderly than the way that I progress through that discussion). Not quite my final point, but point number 3, the Homeowners Association was to be created. This was the developers choice at the advice of his engineering consultant, and it's in the minutes that I've mentioned, April 28, 1986, he committed to forming a Homeowners Association with the assessment powers for the purpose of maintaining the drainage system of Oak Ridge Subdivision and put in notice on the plat stating that encroachment within open channels or drainage easements by fences, trees or any permanent structures such as the pipe that the sewer department put in there, such as the fence that's in there is prohibited, and that either the final drainage plan be incorporated into the final plat stored at the Area Plan Commission which would be recorded at the Records Office or that the final drainage plan would be recorded in miscellaneous records in the County Records Office. That was something he committed to. That condition was made by our office so that Mr. Garrett or other homeowners, individual or whether they were members of the Homeowners Association which apparently was never formed would have access to the final approved drainage plan "regardless" of whether responsibility shifts back and forth with regard to storing drainage plans.

Commissioner Mourdock: Excuse me Bill, you said your item #3, this was the developers choice?

Bill Jeffers: Yes.

Commissioner Mourdock: But then I got the impression that although it was his choice, the Homeowners Association was never put

together?

Bill Jeffers: What I'm saying is he could have taken another means of perpetual maintenance of the drainage system, but he opted for the Homeowners Association method of collecting assessments and making repairs and so forth.

Commissioner Mourdock: So that mechanism is in place?

Bill Jeffers: No, not to my knowledge, no. Otherwise, he should be making his appeal to the Homeowners Association.

Commissioner Mourdock: Okay.

Bill Jeffers: If there were a Homeowners Association created by the developer with assessment powers to take care of the drainage system, then the appeal should be made to the Homeowners Association.

Commissioner Mourdock: So he chose to do it and then didn't do it?

Bill Jeffers: That's my impression.

Commissioner Mourdock: Okay.

Bill Jeffers: Then lastly the ditch that we're talking about is in an unaccepted right-of-way that may or may not of been dedicated to the county, but is not the property of the county, it's not been accepted by the county, the county only accepts rights-of-way that have improvements put in them according to specification. That's where the ditch is or it's on personal property, private property. My point is number 8, it's on property that is not maintained by Vanderburgh County Commissioners, County Engineer, the County Surveyor, the County Drainage Board or the County Highway Department. In fairness to the engineer, the engineer took the time to go through the minutes and respond to them by coming up with all the different details and plans to get that water to go down to the proper pickup point and either the dirt contractor or the developer decided it was complete, when in fact it wasn't. I did show you down here, approved by the Board of County Commissioners roadway plans. You did approve a set of plans that responded to what was asked for in April 28, 1986 minutes. In other words, you met your responsibility, you approved the plans, and you assumed those plans were to be put in place.

Commissioner Borries: Based on those comments, Mr. Garrett, if we could take this under advisement perhaps by next month we can have some kind of idea here. There are obvious concerns that Mr. Jeffers is saying, that the county doesn't own or have legal rights to some of the property that has been described here, so then the county can't get on it.

David Garrett: Is that point 8, Commissioner?

Commissioner Borries: Yes.

David Garrett: If I could get some advice maybe on it very briefly. What are the statutes with respect to a condition that did not happen? In other words, I believe, Mr. Jeffers is saying that this set aside was the intent to have a through road for this Knob Hill Road? Roman Acres Subdivision is abandoned? Is the Drainage Plan...is it compelled to look at it at that point when that subsequent event did not happen?

Bill Jeffers: There is no drainage plan involved with Roman Acres.

David Garrett: I understand. I guess what I'm saying is as in relation to our specific problem there, was a drainage plan that was approved that had the intent that that Knob Hill Road would

have been a through road and I assume an accepted road for county maintenance. The corresponding jurisdiction for the drainage would then with the county, so we've got a subsequent--

Bill Jeffers: No that's not a correct statement. I don't think that there was ever a time that the County Commissioners' anticipated that what is shown there as Knob Hill Road would ever be built. Especially since at the time that you approved the roadway plans and the drainage plans there was a requirement that the minimum right-of-way would be fifty (50') feet for all county roads and there's only thirty (30') feet there. So there was an obvious intent on the part of the developer, Mr. Bauer not to set aside an additional twenty (20') or thirty (30') feet for an acceptable roadway. So, at that point and time you're talking about a thirty (30') foot strip of ground that has no use other than a public utility easement. The sewer department shows to use to put sewers in and the developer chose to use it to put his drainage ditch in, or his engineer designated it as the place to put the drainage ditch. There are many parcels of property all over the county, all over the state that are dedicated as right-of-way that are never accepted. I can guarantee you that the Vanderburgh County Commissioners' are not paying tax on that parcel of property and do not assume any ownership whatsoever of it. I would guess that the adjacent property owners in Roman Acres are the ones paying the tax on it, or it's not having tax collected on it at all. One of the two.

Commissioner Mourdock: I echo what Commissioner Borries said a moment ago. There's obviously a lot infest in this one. I guess I would ask two things. We could take this under advisement to the next meeting and Bill, specifically, if you would in looking at that, could you address the comments regarding the proposal we have here? I know you've put in the way you see this, the way you always do it. That's not a complaint, that's just a statement. I mean here are the facts how you see them. Mr. Rucker and Mr. Garrett have made some proposals. Would you give us recommendations as to the specific proposals?

David Garrett: I want to cite a concern here. I must be very candid, I've been very confused as to who's in charge of the drainage. I've been trying to work with the county engineer and yet Mr. Jeffers is here tonight. We have some new information which has come to life. Would it be appropriate for me to receive a copy of that and ask the engineering folks to do their piece again? Because I really think that's some compelling information that needs to be folded into what they've helped us with thus far.

Commissioner Mourdock: What are you describing as the new information?

David Garrett: The piece that is laying right there. This new map. That was not available to us throughout any of our earlier work.

Commissioner Mourdock: Sure.

Commissioner Borries: Sure. What happens here is the surveyor is our technical advisor--

David Garrett: Okay.

Commissioner Borries: Basically the drainage board handles drainage plans when they are created, when they are developed. What you see in regards to a staff here tonight is what you get. It's pretty thin.

David Garrett: Okay, sure.

Commissioner Borries: The only other thing that the County Drainage Board does is to except claims and approve maintenance on

what is labeled as a legal drain. So what Mr. Jeffers has described to you is fairly common all over the county in the sense that we approve in time when they are submitted for approval drainage plans and then once the plans are approved it's forwarded to the Area Plan Commission. So basically, that's our duties. Now so far as the engineering work since either Mr. Jeffers nor the county surveyor would be professional engineers', that's when the engineer gets involved in so far as the engineering staff. And again, also what I'm saying is that the county can't do any work unless it's on county property.

David Garrett: Okay and that's certainly agreeable to defer this until next time, so I can receive a copy of that and we have some authorization to continue to work with the engineer's office on how that might impact what they've observed today. We can also plan for next time to have some type of ruling on who really owns that ground, because we've been told repeatedly that the county does in fact own that thirty (30') foot right-of-way as it's been described. So the concept to set aside is a new one.

Commissioner Borries: Just as Mr. Jeffers pointed out to you unless it was accepted, unless there's some kind of documentation that was accepted from maintenance by the county, which implies it could have been regarded as a county right-of-way. I mean whatever is put on a map. There are so many parcels of property here, we can't keep track of all of this stuff, and what changes and what doesn't happen in terms of on a day to day basis. If a developer for example says this, but doesn't go to get it recorded, if it never gets into the county then in effect it is still the property owner's land. Unless there is some kind of documentation that was accepted by the county, it is owned by some other private property owner.

Commissioner Mourdock: Just to add one thing to that, you made the comment a few moments ago about, you didn't infer it, you stated that the county would of accepted Knob Hill Drive. The county has never done that.

David Garrett: It never done what?

Commissioner Mourdock: Accepted Knob Hill Road or Drive.

David Garrett: Yes, they have not done that. The question was if Roman Acres had continued, would that not have been a through road and was that not a reason for stating the drainage plan as it was in '86?

Commissioner Mourdock: I have no idea what the answer is on that.

David Garrett: Okay. I guess all I'm saying is that next month is fine and we'll do our work with the engineer's department. I sense that we're going to come back and still have a question of jurisdiction if that property issue is not resolved. Is that a matter that can be taken into advisement by Mr. Kissinger or someone on your panel?

Alan Kissinger: I can pretty well answer your question right now, Mr. Garrett. If it was dedicated for right-of-way purposes, that does not mean that the county becomes the owner of that real estate. We have no authority to go onto that real estate for maintenance purposes unless in fact we have made some improvement on it and we have not done so. We're talking about that portion of the road dedicated for Knob Hill, whatever it was. It was dedicated for that purpose, but it is not in fact a legal right-of-way.

David Garrett: Are you inferring that it's owned by the residents on the other side?

Alan Kissinger: It is owned by the residents. It is not owned by

Vanderburgh County.

President Tuley: Right.

Bill Wazney: Bill Wazney, I live on Anthony Drive. Just a quick question; if the sewer board or the sewer commission or whatever, has put a gravel road on part of that right-of-way, wouldn't that constitute acceptance of it?

Alan Kissinger: I don't want to give you the run around, but we ain't the sewer board.

Bill Wazney: Okay.

David Garrett: We'll be glad to continue our matter for the next drainage meeting, and can I assume that someone will mail me a copy of this new plan so we can commence our work with county engineers'?

Commissioner Mourdock: Sure. Bill, do you have Mr. Garrett's address? I presume you do.

Bill Jeffers: I'll mail it to you, or might save some money and give it right directly to Mr. Stoll.

David Garrett: That would be fine, thank you.

Commissioner Borries: Mr. Chairman I move the--

President Tuley: As much as I hate--two guys sitting back in this corner have been here all night. I know that Mr. Bell has been here and I've got a feeling--

Bob Bell: Basically I'm tired and I want to go home. You guys have worked hard tonight. We just came by to address our problems again with you. Would like to get back with you and get involved in it, because our situation is changing daily in our neighborhood with new construction, new buildings, driveways, the things that are going to really restrict the already on going problems that we have, so rather than to take anymore time, that's what we were here for this evening and we would like to come back and discuss that with you gentlemen.

Commissioner Mourdock: I would love to make a motion that we adjourn, but I will only make a motion instead that we recess this meeting to be reconvened next Monday immediately after the regular Commissioners' meeting.

Commissioner Borries: Second.

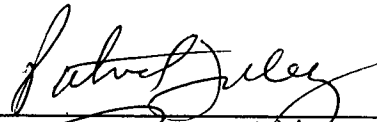
President Tuley: So ordered.

Meeting recessed at 9:55 p.m.

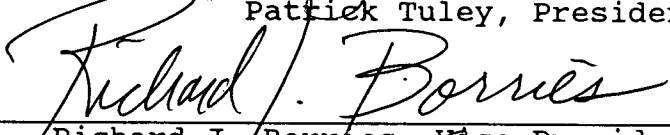
PRESENT:

President Patrick Tuley
Vice-President Richard J. Borries
Member Richard E. Mourdock
Alan Kissinger, Attorney
Suzanne M. Crouch, Auditor
Bill Jeffers, Chief Deputy Surveyor
Teri Lukeman, Recording Secretary
Julie Hinton, Transcribed

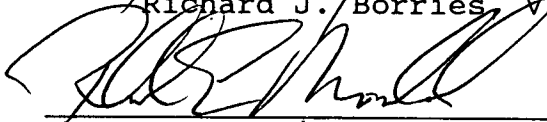
Attached is a copy of the sign in sheet



Patrick Tuley, President



Richard J. Borries, Vice-President



Richard E. Mourdock, Member

**VANDERBURGH COUNTY DRAINAGE BOARD MEETING
SEPTEMBER 25, 1995**

Please sign in below:

Name	Address	Affiliation?
1. A. GARCIA	MRV 13915 BURNET, SUITE 350 AUSTIN TX	CONTRACTOR
2. Tony Bernadette	9200 HANNAH CT	WILLOW CREEK
3. Bart & Tania Jander	9209 Marfield Ct.	" "
4. David Helling	9285 Marfield ct	" "
5. Ken Semmel	9010 Marfield ct	" "
6. David Woodruff	9700 Meghan Ct	" "
7. G. A. MICHELL	2425 WILLOW LA DR	" "
8. STEVE PARKER	2515 WILLOW CREEK DR	" "
9. Dave Garrett	5720 oak ridge Dr	Appeal - Drainage
10. Myron Baker	Oak Ridge Dr.	Appeal - Drainage
11. Bill WAZNY	2535 ANTHONY DR	HOME OWNER
12. ML BOUTINGHOUSE	3512 SCHMITT LANE	HOUSE OWNER
13. ROBERT WAGGAMAN	3300 SCHMITT LANE	" "
14. Robert J Lee	2500 Anthony Dr	" "
15.		
16.		
17.		
18.		
19.		
20.		
21.		
22.		
23.		
24.		

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

VANDEBURGH COUNTY, INDIANA

VENDOR NAME

1052

On Account of Appropriation for

Harper Ditch

234-017

[illegible]

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

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

Terry R. Gels
Name

Name _____

Owner

Title

Date AUG. 27, 1995

f-1

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

Vendor Name Terry Johnson
Vendor No. 1052

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

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

Dept. Fund Name Hatch Ditch
Account No. 234-017

Allowed _____ 19_____

In the sum of \$
Three Dollars
Richard J. Barnes
Att. at Law

Board of Commissioners

COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT

[illegible]

TOTAL 1,082.99

Robert W. Brenner, Vanderburgh County Surveyor

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

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

for ☒ annual -- ☐ additional maintenance to
HARPER DITCH Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
AUGUST 26, 1995, and was inspected by
our staff on AUG 26, 1995, and is
☒ approved -- ☐ disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W Brenner MD 9/25/95
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

F-1

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

VANDEBURGH COUNTY, INDIANA

VENDOR NAME

1052

On Account of Appropriation for

Aiken Ditch

234-006

[illegible]

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

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

Terry R. Sch
Name

Name

ASNR
Title

Title

Date Aug, 25, 1995

f.1

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

Vendor Name Terry Johnson Const.
Vendor No. 10521

ON ACCOUNT OF APPROPRIATION

Auditor

In the sum of \$

Retros Future

Richard L. Davies

Edw B. Mansford

TOTAL \$ 2,015.61

Robert W. Brenner, Vanderburgh County Surveyor

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: TERRY R. JOHNSON

for ☒ annual -- [] additional maintenance to
AIKEN Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
AUG 24, 1995, and was inspected by
our staff on AUG 24, 1995, and is
☒ approved -- [] disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner
Robert W. Brenner, Vanderburgh County Surveyor

9/25/95
Date

Additional Comments:

f.1

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

VANDEBURGH COUNTY, INDIANA

VENDOR NAME

1052

On Account of Appropriation for

Kolb Ditch

234-025

[illegible]

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

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

Terry R. J.
Name

Owens
Title

Date July 18, 1995

f.1

Warrant No. _____
 Claimed by _____
 Date _____

IN FAVOR OF

Vendor Name Terry Johnson
Vendor No. 1052

\$ 362.34

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name Kolk Dietz
Account No. 234-025

Allowed _____ 19____

In the sum of \$

Natural Jule

Richard J. Borsus

Richard J. Borsus

Board of Commissioners

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

Date _____

IN FAVOR OF

Vendor Name Terry Johnson

Vendor No. 1052

\$ 362.34

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name Kolk Dietz
Account No. 234-025

Allowed _____ 19____

In the sum of \$

Natural Jule

Richard J. Borsus

Richard J. Borsus

Board of Commissioners

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

Date _____

IN FAVOR OF

Vendor Name Terry Johnson

Vendor No. 1052

\$ 362.34

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name Kolk Dietz
Account No. 234-025

Allowed _____ 19____

In the sum of \$

Natural Jule

Richard J. Borsus

Richard J. Borsus

Board of Commissioners

Signature of Office Holder

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

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

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
95-SM-25-15		July 18, 1995	234-025	\$ 362.34

TOTAL ~~\$~~ 362.34

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

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

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

NONE

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

NAME OF DRAIN: Kolb Ditch # 234 025

CONTRACTOR: Terry Johnson VENDOR # 1052

CONTRACT # _____ AND/OR ACCOUNT # 234-025

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

COMPLETION DATE July 17, 1995
INSPECTION DATE July 17, 1995

- [X] WORK IS APPROVED
[] NOT APPROVED: COMMENTS: _____

[Signature]
VANDERBURGH COUNTY SURVEYOR
Robert W. Brenner

9/25/95
DATE

f.1

Sept

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

VANDERBURGH COUNTY, INDIANA

VENDOR NAME SCOTT BOILER & BURNER SERVICE # 4204

On Account of Appropriation for EAST SIDE URBAN S. 1/2 234.015

Invoice No.	Itemized Claim	Amount	
	EXTRA MAINT. - STOPLETH		
	DITCH TO REMOVE OBSTRUCTIONS		
	ALONG W. SIDE FORBES FINANCIAL		
	GROUP PROPERTY 520 KIMBER LN		
	ILL. S. @ \$ 448.00		
95-E.M.-15-85	PAY 85% = \$ 380.80 →	\$ 380	80
	15% RETAINAGE = \$ 67.20		

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

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

Stewart R. Scott
Name
Manager
Title

Date SEPT 11, 1995

fol

Warrant No. _____
Claim No. _____
Date _____

Vendor No. 4204

\$ 380.80

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name East Side Library
Account No. 234-015

Allowed _____ 19__

In the sum of \$
Three hundred and eighty and 80/100
Richard J. P. P. P.
Richard J. P. P.

Board of Commissioners

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

9/25, 95 Robert W. P. P.
Signature of Office Holder

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

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>95-EM-15-85</u>	_____	<u>Sept. 14, 1995</u>	<u>234-015</u>	<u>\$ 380.80</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL \$ 380.80

Robert W. Brenner, Vanderburgh County Surveyor

EXTRA MAINT.
STOFFLETH DITCH

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: SCOTT BOWEN & BURNER

SERVICE

for [] annual -- [☒] additional maintenance to
EAST SIDE URBAN 5 1/2 Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on

SEPT. 6, 1995, and was inspected by
our staff on SEPT. 7, 1995, and is
☒ approved -- [] disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner
Robert W. Brenner, Vanderburgh County Surveyor

9/25/95
Date

Additional Comments:

6.1

SCOTT BOILER & BURNER SERVICE

111 E. WASHINGTON P.O. BOX 517

CHANDLER, IN 47610 ph. 925-7957

FED. ID# 35-1471229

I N V O I C E

Invoice no. 900357

Invoice date SEPT 11, 1995

SOLD TO: VANDERBURGH COUNTY SURVEYOR
ROOM 312 CIVIC CENTER COMPLEX
#1 MARTIN LUTHER KING, JR BLVD
EVANSVILLE, IN 47710-1897

YOUR PO # VERB. JIM JOSEY

CLEAN AND SEED SECTION OF SOFLET DITCH BEHIND FORBES BUILDING.

\$36.00 PER HR @ HR

\$448.00

TAX EXEMPTION NU. if appc.

TOTAL CHARGE

\$448.00

61

FALL MOW
PARTIAL PMT.

Form Prescribed by the
State Board of Accounts

1245

Revised County
Form No. 17

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

VANDERBURGH COUNTY, INDIANA

VENDOR NAME

Jerry R. Gold

1052

On Account of Appropriation for East side Urban S. Half 234-015

Invoice No.	Itemized Claim	Amount
	1995 FALL MOW - PARTIAL PMT.	
	TOTAL BID PRICE = $38,936.46 \times 0.5095$	
	= 19,837.89	
95-FM-15-45	PAY 45% = \$8,927.05 →	\$ 8,927 05
	55% RETAINAGE = \$10,910.84	
	-	

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

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

Jerry R. Gold
Name
Owner
Title

Date SEPT 25, 1995

f.d

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

Vendor Name Terry Johnson

52/6 95

Robert A. Ziemer *was*
Signature of Office Holder

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

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

3/2/94

Auditor

COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT

on the sum of \$

[illegible]

TOTAL \$ 8927.05

Robert W. Brenner, Vanderburgh County Surveyor

FALL MOW
PARTIAL PMT.

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: TERRY R. JOHNSON

for [☒] annual -- [] additional maintenance to
EAST SIDE URBAN 5 1/4 45% Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
SEPT 25, 1995, and was inspected by
our staff on SEPT. 25, 1995, and is
[☒] approved -- [] disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner WRB 9/25/95
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

45% COMPLETE

45% OF TOTAL JOB COMPLETED,
TO DATE, SATISFACTORY

WRB

F.1

Sept

Form Prescribed by the
State Board of Accounts

1245

Revised County
Form No. 17

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

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Kohrstein Trucking Inc. # 0201

On Account of Appropriation for Kolb Ditch 234-025

Invoice No.	Itemized Claim	Amount	
	TOTAL BID PRICE = 13,160 ⁰⁰		
	+ APPROVED EXTRA WORK COMPLETED = 850 ⁰⁰		
	= 14,010 ⁰⁰		
	PREV PAYMENTS @ 85% = 11,908 ⁵⁰		
ADM-25-3-K	PAY 15% RETAINAGE = 2,101.50 →	2,101	50

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

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

Marion Kohrstein : X
Name

V. P. ...
Title

Date July 25, 19 95

Fd

Warrant No. _____
Claim No. _____
Date _____

Robert Stein Trucking
Inc.
Vendor No. 0201

\$ 2,101.50
ON ACCOUNT OF APPROPRIATION
Dept. Fund Name Kelb Ditch
Account No. 234-025

Allowed _____ 19____
In the sum of \$ _____
Richard J. Davies
Richard J. Davies
Board of Commissioners

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

9/25/95
Kelb W. Davies
Signature of Office Holder

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

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT			
INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO. AMOUNT PAID
ADM-25-3-K		July 25, 1995	234-025 \$ 2,101.50

TOTAL \$ 2,101.50

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I Maxine Koberstein X
(Signature in Ink)

representing KOBERSTEIN TRUCKING INC, and presently
under contract with the Vanderburgh County Drainage Board to perform

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

None

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

NAME OF DRAIN: Kolb Ditch # 234-025

CONTRACTOR: Koberstein Trucking VENDOR # 0201

CONTRACT # _____ AND/OR ACCOUNT # 234-025

☐ ANNUAL MAINTENANCE
☒ ADDITIONAL MAINTENANCE
☐ EMERGENCY MAINTENANCE

COMPLETION DATE July 24, 1995
INSPECTION DATE July 25, 1995

☒ WORK IS APPROVED

☐ NOT APPROVED: COMMENTS: _____

Ruth W. Brennan

VANDERBURGH COUNTY SURVEYOR

8-28-95

DATE

F.1

APPLICATION FOR PAYMENT

FROM: KOBBERSTEIN TRUCKING, INC.
R. R. #3, BOX 363
PRINCETON, IN 47670

TO: VANDERBURGH COUNTY DRAINAGE BOARD
ROOM 325 CIVIC CENTER COMPLEX
ONE NORTHWEST MARTIN LUTHER KING, JR. BLVD.
EVANSVILLE, IN 47708-1833

PROJECT: ADDITIONAL MAINTENANCE KOLB DITCH
SILT & DEBRIS REMOVAL

DATE: JULY 27, 1995

APPLICATION NO. 2

DESCRIPTION	ESTIMATED QUANTITY	QUANTITY THIS MONTH	QUANTITY TO DATE	BALANCE
PHASE 1	\$2,080.00	\$2,080.00	\$2,080.00	\$0.00
PHASE 2	\$7,500.00	\$7,500.00	\$7,500.00	\$0.00
PHASE 3	\$3,580.00	\$0.00	\$3,580.00	\$0.00
C.O. #1-DITCH SOUTH OF POLLACK AVENUE	\$850.00	\$850.00	\$850.00	\$0.00
TOTALS	\$14,010.00	\$10,430.00	\$14,010.00	\$0.00
1. ORIGINAL CONTRACT SUM			\$13,160.00	
CHANGE ORDER #1			\$850.00	
2. CONTRACT SUM TO DATE (LINE 1 + 2)			\$14,010.00	
3. TOTAL COMPLETED TO DATE			\$14,010.00	
4. RETAINAGE			\$2,101.50	
5. TOTAL EARNED LESS RETAINAGE			\$11,908.50	
6. LESS PREVIOUS APPLICATIONS			\$3,043.00	
7. PAYMENTS RECEIVED			\$3,043.00	
8. CURRENT PAYMENT DUE				\$8,865.50
9. BALANCE TO FINISH, PLUS RETAINAGE			\$2,101.50	

FD

Sept.

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

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Tony R. Johnson # 1052
On Account of Appropriation for Kolb Ditch 234-025

Invoice No.	Itemized Claim	Amount	
	1995 FALL Mow		
	5,593 LF X 0.4319 = \$ 2,415.62		
95-FM-25-85	PAY 85% = \$ 2,053.28 →	\$ 2,053	28
	15% RETAINAGE = 362.34		

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

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

Tony R. Johnson
Name
Owner
Title

Date Sept. 22, 1995

Fd

Warrant No. _____
Claim No. _____
Date _____

IN FAVOR OF

Vendor Name Terry Johnson
Vendor No. 1052

\$ 2,053.28

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name Kelb Ditch
Account No. 234-025

Allowed _____ 19__

In the sum of \$ _____
Richard J. Bowers
Board of Commissioners

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

None

9/25 95
Robert A. Bowers
Signature of Office Holder

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

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

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>95-FM-25-85</u>			<u>234-025</u>	<u>\$ 2,053.28</u>

TOTAL \$ 2,053.28

FALL NOW

Robert W. Brenner, Vanderburgh County Surveyor

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: TERRY R. JOHNSON

for ☒ annual -- [] additional maintenance to
KOLB Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
Sept. 21, 1995, and was inspected by
our staff on Sept. 21, 1995, and is
☒ approved -- [] disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 9/25/95
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

6.1

Sept

Form Prescribed by the
State Board of Accounts

1245

Revised County
Form No. 17

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

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Terry R. Fisher # 1052
On Account of Appropriation for Harpeth Ditch 234-017

Invoice No.	Itemized Claim	Amount	
	2950 L.H.F.T. X [#] 0.4319 = \$1274.11		
	PREVIOUS PMT. @ 85% = \$1,082.99		
95-SM-17-15	PAY 15% RETAINAGE = \$191.12 →	\$ 191	12

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

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

Terry R. Fisher
Name
Owner
Title

Date July 21, 1995

601

Warrant No. _____
Claim No. _____
Date _____

IN FAVOR OF
Vendor Name Terry Johnson
Vendor No. 1052

\$ 191.12
ON ACCOUNT OF APPROPRIATION
Dept. Fund Name Harpert Ditch
Account No. 234-017

Allowed _____ 19____
In the sum of \$ One hundred ninety one and 12/100
Richard J. Barnes
Richard J. Barnes
Board of Commissioners

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

None

7/25 95 Robert Barnes
Signature of Office Holder

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

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
95-SM-17-15		July 21, 1995	234-017	\$ 191.12

TOTAL \$ 191.12

CERTIFICATION OF PAYMENT.
FOR MAINTENANCE TO A REGULATED DRAIN

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

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

None

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

NAME OF DRAIN: Harper Ditch # 234-017

CONTRACTOR: Terry Johnson VENDOR # 1052

CONTRACT # _____ AND/OR ACCOUNT # 234-017

- ☒ ANNUAL MAINTENANCE
☐ ADDITIONAL MAINTENANCE
☐ EMERGENCY MAINTENANCE

COMPLETION DATE July 20, 1995
INSPECTION DATE July 20, 1995

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

Robert W. Bunker 9/25/95
VANDERBURGH COUNTY SURVEYOR DATE

F-1

Sept.

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

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Terry R. J. [Signature] # 1052
On Account of Appropriation for Aiken Ditch 234-006

Invoice No.	Itemized Claim	Amount	
95-SM-06-15	2,450 LIN. FT. x 0.4319 = 1,058.16		
	PREVIOUS PAY @ 85% = \$ 899.44		
	PAY 15% RETAINAGE = \$ 158.72 →	\$ 158	72

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

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

Terry R. J. [Signature] Name
Owner Title

Date July 18, 1975

f.1

Board of Commissioners

None

9/25 95

Robert A. B...
Signature of Office Holder

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

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

Auditor

COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT

[illegible]

TOTAL \$ 158.72

SPRING MOW

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

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

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

NONE

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

NAME OF DRAIN: AKIN # 234-006

CONTRACTOR: TERRY R. JOHNSON VENDOR # 1052

CONTRACT # _____ AND/OR ACCOUNT # _____

- ☒ ANNUAL MAINTENANCE
☐ ADDITIONAL MAINTENANCE
☐ EMERGENCY MAINTENANCE

COMPLETION DATE JULY 17, 1995
INSPECTION DATE JULY 17, 1995

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

Robert W. Brumby
VANDERBURGH COUNTY SURVEYOR

9/25/95
DATE

61


KEYSTONE SUBDIVISION SECTION ONE
FINAL DRAINAGE PLAN

September 25, 1995

Phase One is outlined in **Yellow** on your Site Plan.

The Vanderburgh County Surveyor's Office recommends approval of the Drainage Plan as submitted with the following conditions:

1. That in all the areas designated as "Drainage Easements" only, that no other utilities be allowed to install above-ground equipment. These areas are highlighted in pink on the Site Plan; specifically:
 - a) The 20 foot wide drainage easement along the south side of Schmitt Lane from the northeast corner of Lot 7, west to the east line of Oak Hill right-of-way."
 - b) The 12 foot wide easements between Lot 11 and Lot 12; between Lot 214 and 213; and between Lot 208 and Lot 209.
 - c) The 10 foot wide easement from the shoreline of Lake #1 thence into the land side of the lots bordering the lake.
 - d) The 10 foot wide easement that must be added along the north edge of the basin earthwork and along the west side of the sanitary sewer easement both within Lot 214.
 - e) The entire easement as shown on the site plan and designated for "Drainage, Detention, and Lakeshore Maintenance."
 - f) as well as within the right-of-way for Oak Hill Road from Keystone Hills Drive south to the drainage maintenance easement along the north bank of Licking Creek.

 9/25/95 F-2

2. That in all areas designated as "Drainage and Public Utility Easements," which designates "combined use" easements, that no above-ground equipment be allowed in the portion of the easement that is highlighted in pink on the Site Plan; specifically:

a) The 12 foot wide portion of the 20 foot easement along the south line of Lot 24, Lot 25, Lot 26, Lot 27, and Lot 28 on Cobble Field Drive.

b) The 12 foot wide portion of the 20 foot easement along the east line of Lot 29, Lot 30, Lot 31, Lot 32 on Sand Ridge Drive.

c) The 12 foot wide portion of the 24 foot wide easement along the west line of Lot 38, Lot 39, Lot 40, Lot 41, and Lot 42 on Sand Ridge Drive.

3. That there be no above-ground utility equipment or parts anywhere within 25 feet from the top of the north bank of Licking Creek.

4. That there be no above ground utility equipment or parts anywhere within the 5 foot wide "roadway shoulder easement" along Schmitt Lane; except, of course, the required fence.

5. That the "temporary swale" shown along the southeast side of Lot 207 be constructed and maintained stable; and used solely for the purpose of draining the unpaved subgrade of Keystone Hills Drive until such time as that road is paved into Section II; and that at the time Keystone Hills Drive is extended into Section II, the "temporary swale" is filled, regraded, and seeded by the Developer so that the buyer of Lot 208 is not left with a mess.

F-2

6. The Owner/Developer of Section One has declared his intent and wish to keep that part of Licking Creek which passes through this project in a "near natural" condition. That is, he wishes to leave it tree-lined and not re-channel the creek. This is for aesthetic as well as economic reasons.

The Surveyor's office has no problem with this so long as the Owner/Developer commits to maintaining the creek in such a way that any tree, brush, or other obstruction that block the waterway, or cause the waterway to become unstable due to water washing around the trunk, roots, etc., thereby eroding the creek bank or endangering the lake's dam be removed immediately; and the damage repaired by the Owner/Developer.

The Owner/Developer is encouraged to use guidelines available from the Indiana Department of Natural Resources, the Natural Resources Conservation District, (SCS) and other sources which give standards for maintaining creeks stable while in a natural or near natural condition.

Bottom Line: the Owner/Developer must commit to maintaining all areas within his development which are not sold to individual lot owners in a stable condition, free of obstructions to the flow of storm water runoff and to repair immediately any damages to the waterways and lakes; or to provide in the covenants and restrictions for Keystone Subdivision the means of providing adequate maintenance and repair of the "common" areas.

6-2

7. The Owner/Developer of Keystone Subdivision has provided with the drainage report a "Standard Grading Plan" for dwellings, and the County Surveyor's office makes the recommendation to approve the final drainage plan only if:

a) The Standard Grading Plan sheet is made available to each initial lot buyer and/or the initial home builder and his/her subcontractors.

b) The restrictions and covenants for Keystone Subdivision include language that directs the initial lot owner and/or the initial home builder and subcontractors to achieve positive storm water drainage away from all building foundations in accordance with the Standard Grading Plan.

c) The restrictions and covenants for Keystone Subdivision include language which makes it the responsibility of the property owner of record to maintain positive drainage away from his/her buildings as provided by the initial lot grading and/or subsequent re-grading in accordance with the Standard Grading Plan and other regulations of record.

d) The restrictions and covenants for Keystone Subdivision include language that makes it specifically clear that adverse drainage conditions caused by any alterations of the lot grades and/or drainage system after the initial lot grading and/or drainage system is accomplished in conformance with the Standard Grading Plan and the approved Final Drainage Plan are totally the responsibility of the property owner of record to correct at his/her cost.

e) That the restrictions and covenants for Keystone Subdivision include language that clearly states that the maintenance of the storm water drainage system as designed and constructed outside the rights-of-way of the county accepted streets is solely the responsibility of the property owner of record for the individual property on which the system or part thereof exists; except as provided in the County Drainage Ordinance.

F-2

RECEIVED 6
SEP 21 1995



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live

Evan Bayh
Governor

Kathy Prosser
Commissioner

100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
Telephone 317-232-8603
Environmental Helpline 1-800-451-6027

September 8, 1995

VIA CERTIFIED MAIL Z 339 767 527

Mr. Bruce A. Hatfield
4613 Sweetser
Evansville, IN 47714

Dear Mr. Hatfield:

Re: Notice of Intent (NOI) Letter
Willow Creek Subdivision Section C,
Vanderburgh County

Warning of Noncompliance

This Office sent you a Notice of Deficiency on January 4, 1995 in response to the above-referenced Notice of Intent Letter. As of this date, the required information has not been received. According to the estimated timetable provided in your NOI, construction on your project has begun. In accordance with 327 IAC 15-5-6, all information required under 327 IAC 15-3 and 15-5-5 (Rule 5) shall be submitted to the commissioner prior to the initiation of land disturbing activities. Therefore, you are currently in violation of this rule and operating without a permit.

It is the belief of this Office that this violation is of a serious nature and deserve your immediate attention to return to compliance with the terms and conditions of Rule 5. It is therefore required that you advise this Office in writing, within 15 days of the date of this letter, of the reasons for the violations herein noted, and any mitigating circumstances. **Failure to respond to this notice may result in further enforcement proceedings being initiated.**

A copy of the Notice of Deficiency is enclosed for your convenience. If your project has been completed, a Notice of Termination letter must **also** be submitted to this Office in accordance with 327 IAC 15-5-11. Any questions regarding this matter may be directed to Ms. Anne Burget at 317/233-1864 or 800/451-6027 ext. 31864.

Sincerely,

Reggie Baker, Jr., Supervisor
NPDES Special Projects Group
Office of Water Management

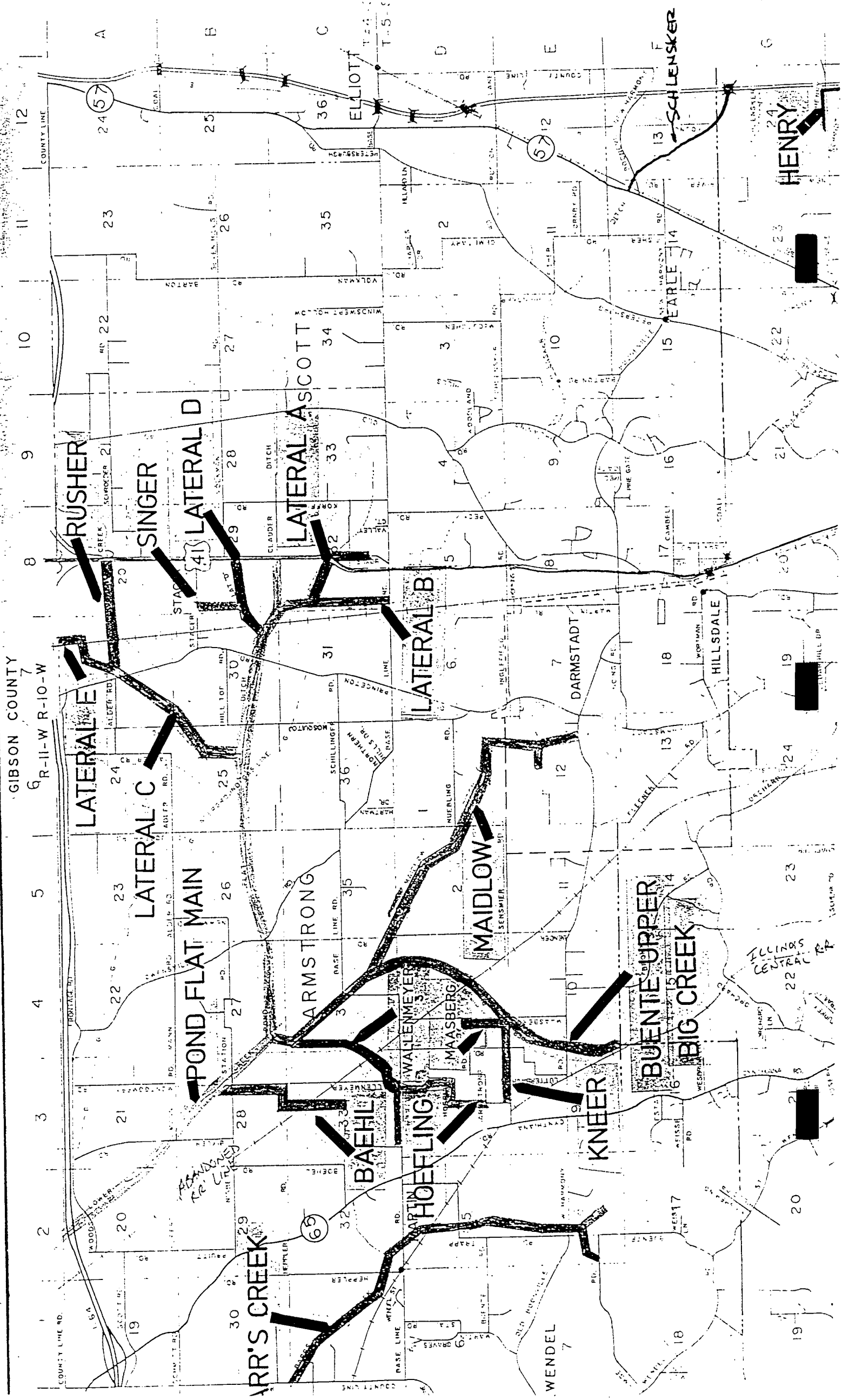
AB/bes

Enclosure

cc: Betty Brown, Compliance
DNR contact or SWCD contact

An Equal Opportunity Employer
Printed on Recycled Paper

63



Big Creek Drainage Association, Inc.

17700 Owensville Road
Evansville, Indiana 47720-7028
Telephone: (812) 963-5647

September 22, 1995

Vanderburgh County Drainage Board
Room 305 Civic Center Complex
One Northwest Martin Luther King, Jr. Boulevard
Evansville, Indiana 47708

Dear County Drainage Board Members,

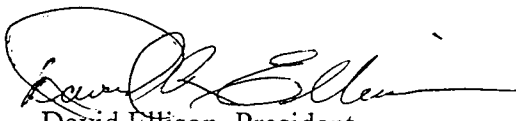
Big Creek Drainage Association respectfully requests matching funds from the accounts of Pond Flat Main and Buente Upper Big Creek. Our Association will be continuing work on these two legal drains from 1994.

The area to be worked on Pond Flat Main starts at the junction of Buente Upper Big Creek then continues east along the north bank of Pond Flat Main for approximately one mile. This area is directly across from the portion of Pond Flat Main worked on in 1994. The project in 1994 was about one-half mile of the south bank of Pond Flat Main. The property owners have given their permission and will be responsible for spreading the spoil. The association proposes to maintain 2-1/2 or 3 to 1 side slopes. We are requesting that the Vanderburgh County Drainage Board match funds for the project estimated at six thousand dollars (\$6,000.00). This is based on an estimate of the job taking forty hours, with equipment costs at one hundred fifty dollars (\$150.00) per hour. The Drainage Board's contribution from the account of Pond Flat Main will be three thousand dollars (\$3,000.00).

The proposed project on Buente Upper Big Creek will start at the east side of the Illinois Central railroad near the southeast corner of section 9-5-11 continuing north under Boonville-New Harmony Road then northeastwardly under Maasberg Road and stopping at the abandoned rail line approximately one-half mile east of Maasberg Road. The work will be on the north and west sides. The landowners have given their permission. They will be responsible for spreading the spoil. The association proposes to maintain 2-1/2 or 3 to 1 side slopes. We are requesting that the Vanderburgh County Drainage Board match funds for the project estimated at three thousand dollars (\$3,000.00). This is based on a time estimate of twenty hours, with equipment costs at one hundred fifty dollars (\$150.00) per hour. The Board's contribution from the account of Buente Upper Big Creek will be fifteen hundred dollars (\$1,500.00).

Both of these projects will enhance the ability to serve the property owners and ease the maintenance of the legal drains. Our association looks forward to the future development of the Highway 41 corridor. Projects like these should help facilitate the expansion of Vanderburgh County.

Thank you for your consideration,


David Ellison, President
Big Creek Drainage Association, Inc.

cc: Vanderburgh County Surveyor

f-4

Robert W. Brenner, Vanderburgh County Surveyor



VANDERBURGH COUNTY SURVEYOR'S OFFICE

Room 325 Civic Center Complex
One Northwest Martin Luther King, Jr. Boulevard
Evansville, Indiana 47708-1833
Phone: (812) 435-5210

September 25, 1995

Vanderburgh County Drainage Board
Room 305 Civic Center Complex
One Northwest Martin Luther King, Jr. Boulevard
Evansville, Indiana 47708

Dear County Drainage Board,

In regard to Big Creek Drainage Association's request for matching funds to continue work on Pond Flat Main and Buente Upper Big Creek legal drains, the Vanderburgh County Surveyor's office recommends approval. Balances in each account are as follows:

<i>Account Number</i>	<i>Name</i>	<i>Balance</i>	<i>Matching Funds</i>	<i>After Paying Matching Funds</i>
234-010	Buente Upper Big Creek	\$ 9,604.80	\$1,500.00	\$ 8,104.80
234-029	Pond Flat Main	\$14,078.73	\$3,000.00	\$11,078.73

The balances shown above reflect contracted payments that have not yet been actually paid. Additional funds will be credited to the accounts after fall payments are posted.

These projects can be completed in 1995. Pond Flat Main should be completed within a week of starting. Buente Upper Big Creek should be finished within two or three days of starting.

With the possibility of another large project coming to Northern Vanderburgh County, i.e., Toyota, the drainage systems in the area need to be scrupulously maintained and upgraded whenever the opportunity presents itself.

Sincerely,

Robert W. Brenner
Vanderburgh County Surveyor

F-4

605 S.E. MARTIN LUTHER KING, JR. BLVD.
EVANSVILLE, INDIANA 47713-1797
(812) 464-9585/FAX (812) 464-2514

LETTER OF TRANSMITTAL

RETRANSMITTED SEPT. 25

DATE	September 13, 1995	JOB NO	1884-4(Q)
ATTENTION			
Mr. Bill Jeffers			
RE			
Cross Pointe Sign Easement			

TO County Surveyor's Office
Room 325 - Civic Center Complex
Evansville, IN 47708

WE ARE SENDING YOU BY ☒ MESSENGER ☐ US MAIL ☐ UPS ☐ OVERNIGHT SERVICE

☐ Shop drawings ☐ Prints ☐ Copies ☐ Plans ☐ Specifications

☐ Copy of letter ☐ Change order ☐

COPIES	DATE	NO	DESCRIPTION
1	9/13/95	1	Legal Description for 10 Foot Access Easement with Exhibit
1	9/13/95	2	Legal Description for Sign Easement with Exhibit

approved 9/25/95

THESE ARE TRANSMITTED as checked below:

☐ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval

☒ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution

☐ As requested ☐ Returned for corrections ☐ Return _____ corrected prints

☐ For review and comment ☐

REMARKS

Subject to your review, please present these documents to the Drainage Board for approval to grant proposed access within legal drain.

Jim McKinney
Greg Kahre
Pat Tuley

COPY TO

File

SIGNED:

David W. Schminke
David W. Schminke, P.E.

/sjb-m

If enclosures are not as noted, kindly notify us at once

LEGAL DESCRIPTION
ACCESS & ELECTRIC SERVICE
LINE EASEMENT

Part of Lot 4 in Semonin's Subdivision of the North Half of Section 19, Township 6 South, Range 9 West, an Addition lying near the City of Evansville, as per plat thereof, recorded in Plat Book F, pages 142 and 143 in the office of the Recorder of Vanderburgh County, Indiana, more particularly described as follows:

Commencing at the northeast corner of the southwest quarter of said section; thence along the north line of southwest quarter of said section South 89 degrees 41 minutes 08 second West 5.69 feet to the point of beginning; thence parallel with and 5 feet westerly of the westerly top of bank of the Nurrenbern Ditch for the following 8 calls:

- 1) thence South 33 degrees 40 minutes 43 seconds West 17.24 feet;
- 2) thence South 21 degrees 46 minutes 59 seconds West 20.55 feet;
- 3) thence South 03 degrees 16 minutes 06 seconds West 21.92 feet;
- 4) thence South 00 degrees 17 minutes 05 seconds West 222.03 feet;
- 5) thence South 00 degrees 21 minutes 08 seconds West 199.23 feet;
- 6) thence South 00 degrees 22 minutes 13 seconds West 200.31 feet;
- 7) thence South 00 degrees 03 minutes 10 seconds East 198.86 feet;
- 8) thence South 00 degrees 15 minutes 42 seconds West 36.25 feet to

the north right-of-way line of Virginia Street; thence along said north right-of-way line South 89 degrees 26 minutes 35 seconds West 10.00 feet; thence parallel with and 15 feet westerly of the westerly top of bank of the Nurrenbern Ditch for the following 13 calls:

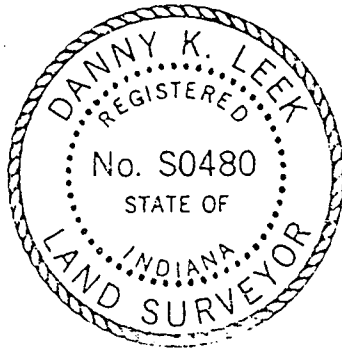
- 1) thence North 00 degrees 15 minutes 42 seconds East 36.36 feet;
- 2) thence North 00 degrees 03 minutes 10 seconds West 198.87 feet;
- 3) thence North 00 degrees 22 minutes 13 seconds East 200.35 feet;
- 4) thence North 00 degrees 21 minutes 08 seconds East 199.22 feet;
- 5) thence North 00 degrees 17 minutes 05 seconds East 222.28 feet;
- 6) thence North 03 degrees 16 minutes 06 seconds East 23.81 feet;
- 7) thence North 21 degrees 46 minutes 59 seconds East 23.22 feet;
- 8) thence North 33 degrees 40 minutes 43 seconds East 35.31 feet;
- 9) thence North 17 degrees 26 minutes 25 seconds East 12.34 feet;
- 10) thence North 01 degrees 17 minutes 13 seconds East 24.07 feet;
- 11) thence North 00 degrees 42 minutes 21 seconds East 200.94 feet;
- 12) thence North 00 degrees 02 minutes 08 seconds East 197.75 feet;
- 13) thence North 00 degrees 18 minutes 35 seconds East 203.45 feet;

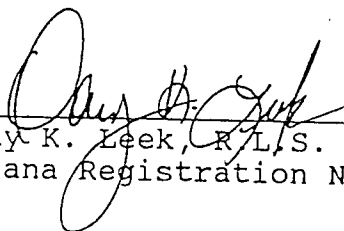
thence North 00 degrees 07 minutes 16 seconds East 144.44 feet; thence North 30 degrees 41 minutes 25 seconds West 46.09 feet; thence North 59 degrees 18 minutes 35 seconds east 15.00 feet to the southwest right-of-way line of Interstate 164 as recorded in Deed Drawer 3, Card 7031 in the office of the Recorder of Vanderburgh County, Indiana; thence along said right-of-way line South 30 degrees 41 minutes 25 seconds East 40.47 feet; thence South 00 degrees 07 minutes 16 seconds West 156.97 feet; thence parallel with and 5 feet westerly of the westerly top of bank of the Nurrenbern Ditch for the following 6 calls:

6.5

- 1) thence South 00 degrees 18 minutes 35 seconds West 203.45 feet;
- 2) thence South 00 degrees 02 minutes 08 seconds West 197.79 feet;
- 3) thence South 00 degrees 42 minutes 21 seconds West 201.05 feet;
- 4) thence South 01 degrees 17 minutes 13 seconds West 25.54 feet;
- 5) thence South 17 degrees 26 minutes 25 seconds West 15.19 feet;
- 6) thence South 33 degrees 40 minutes 43 seconds West 18.45 feet to the point of beginning, containing 0.412 acres.

Witness my hand and seal this 12th day of SEPTEMBER 1995.



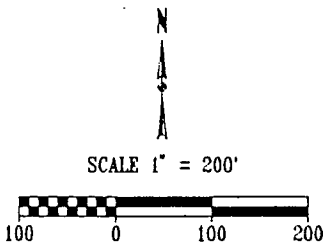


Danny K. Leek, R.L.S.
Indiana Registration No. S0480

Exhibit

← Lot 3

Lot 4
Semonins Subdivision
Plat Book F,
Page 142



PROPOSED SIGN LOCATION
SIGECO GAS PIPELINE
GARTH ESMT
(D.R. 168, p.492)

17+68.52

N30°41'25"W

17+00

N00°07'16"E

16+00

N00°07'16"E

15+00

N00°07'16"E

14+00

N00°07'16"E

13+00

N00°07'16"E

12+00

N00°07'16"E

11+00

N00°07'16"E

10+00

N00°07'16"E

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N00°07'16"E

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N00°07'16"E

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N00°07'16"E

3+00

N00°07'16"E

2+00

N00°07'16"E

1+00

N00°07'16"E

0+00

N00°07'16"E

17+68.52

N30°41'25"W

17+00

N00°07'16"E

16+00

N00°07'16"E

15+00

N00°07'16"E

14+00

N00°07'16"E

13+00

N00°07'16"E

12+00

N00°07'16"E

11+00

N00°07'16"E

10+00

N00°07'16"E

9+00

N00°07'16"E

8+00

N00°07'16"E

7+00

N00°07'16"E

6+00

N00°07'16"E

5+00

N00°07'16"E

4+00

N00°07'16"E

3+00

N00°07'16"E

2+00

N00°07'16"E

1+00

N00°07'16"E

0+00

N00°07'16"E

17+68.52

N30°41'25"W

17+00

N00°07'16"E

16+00

N00°07'16"E

15+00

N00°07'16"E

14+00

N00°07'16"E

13+00

N00°07'16"E

12+00

N00°07'16"E

11+00

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10+00

N00°07'16"E

9+00

N00°07'16"E

8+00

N00°07'16"E

7.35
ACRES

STATE OF INDIANA
(D. DR. 3, CO. 7051)

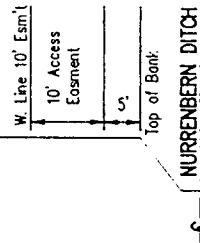
Users of this Ten Foot Access and Electric Service Line Easement indemnifies and holds harmless the Vanderburgh County Drainage Board and its staff in their duties of maintenance on the ditch commonly known as Nurrenbern Ditch within the drainage easement provided for such activities with the understanding that such indemnity and holding harmless is not given for gross negligence or willful damage by the Drainage Board and its staff.

Station & Offset

W. Line 10' Esm't to
Q. of Garth Esm't

Station	Offset
0+00	0.5' Rt
1+00	0.3' Pt
2+00	1.1' Pt
3+00	1.3' Rt
4+00	1.3' Rt
5+00	1.4' Rt
6+00	1.3' Rt
7+00	0.7' Pt
8+00	0.6' Pt
9+00	3.8' Pt
10+00	25.5' Lt
11+00	22.0' Lt
12+00	18.0' Lt
13+00	14.7' Lt
14+00	12.4' Lt
15+00	10.7' Lt
16+00	9.1' Lt
17+00	7.8' Lt
17+68.52	19.2' Rt

Section A-A
Not to Scale



75' LEGAL DRAIN EASEMENT
(FROM TOP OF BANK)

75' LEGAL DRAIN EASEMENT
(FROM TOP OF BANK)

R/W

N00°15'42"E 36.26'

S 00°15'42"W 36.25'

Station 0+00

S 89°28'35"W 10.00'

VIRGINIA STREET
R/W DEDICATION
D.D.R. 3, CO. 7646 & 7648

R/W

Note: Stationing based on West Line of 10'
Access and Electric Service Line Esm't

SIGECO GAS PIPELINE
GARTH ESMT
(D.R. 168, p.492)



Morley and Associates inc.

605 S.E. M.L.KING JR. BLVD./EVANSVILLE, IN. 47713

PHONE: (812) 464-9585 FAX: (812) 464-2514

Proj. No.: 95-1884-4	Filename: Easel.dwg	Date: 9/13/95	Chk. By: D.K.LEEK	Drawn by: M.A.W.
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LEGAL DESCRIPTION
SIGN EASEMENT

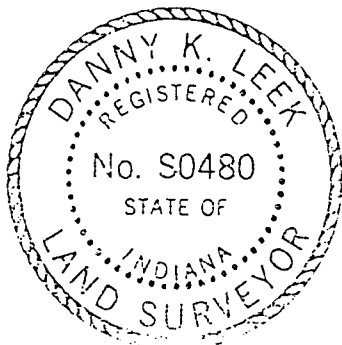
Part of Lot 4 in Semonin's Subdivision of the North Half of Section 19, Township 6 South, Range 9 West, an Addition lying near the City of Evansville, as per plat thereof, recorded in Plat Book F, pages 142 and 143 in the office of the Recorder of Vanderburgh County, Indiana, more particularly described as follows:

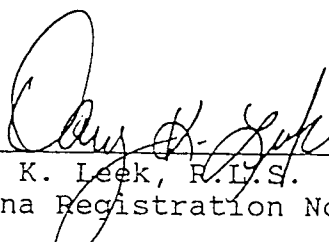
Commencing at the southeast corner of the northwest quarter of said section; thence along the south line of said quarter section South 89 degrees 41 minutes 08 seconds West 5.69 feet; thence parallel with and 5 feet westerly of the westerly top of bank of the Nurrenbern Ditch for the following 6 calls:

- 1) thence North 33 degrees 40 minutes 43 seconds East 18.45 feet;
- 2) thence North 17 degrees 26 minutes 25 seconds East 15.19 feet;
- 3) thence North 01 degrees 17 minutes 13 seconds East 25.54 feet;
- 4) thence North 00 degrees 42 minutes 21 seconds East 201.05 feet;
- 5) thence North 00 degrees 02 minutes 08 seconds East 197.79 feet;
- 6) thence North 00 degrees 18 minutes 35 seconds East 203.45 feet;

thence North 00 degrees 07 minutes 16 seconds East 156.97 feet to the Southwest right-of-way line of Interstate 164 as recorded in Deed Drawer 3, Card 7031 in the office of the Recorder of Vanderburgh County, Indiana; thence along said right-of-way line North 30 degrees 41 minutes 25 seconds West 40.47 feet to the point of beginning; thence South 59 degrees 18 minutes 35 seconds West 106.06 feet to the west line of said Lot 4 in Semonin's Subdivision; thence along the said west line North 00 degrees 31 minutes 45 seconds East 204.63 feet to the Southwest right-of-way line of said Interstate 164; thence along said right-of-way South 30 degrees 41 minutes 25 seconds East 175.00 feet to the point of beginning, containing 0.213 Acres.

Witness my hand and seal this 2th day of SEPTEMBER, 1995.





Danny K. Leek, R.L.S.
Indiana Registration No. S0480

6.5

Exhibit

Lot 4
Semonins Subdivision
Plat Book F,
Page 142

PROPOSED SIGN LOCATION

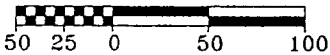
P.O.B.

N30°41'25"W 40.47'

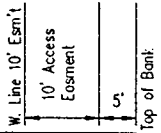
Q SIGECO GAS PIPELINE
GARTH ESM'T
(D.R. 168, p.492)



SCALE 1" = 100'



Section A-A
Not to Scale



Station & Offset
W. Line 10' Esm't to
Q of Garth Esm't

Station	Offset
0+00	0.5' Rt
1+00	0.3' Rt
2+00	1.1' Rt
3+00	1.3' Rt
4+00	1.3' Rt
5+00	1.4' Rt
6+00	1.3' Rt
7+00	0.7' Rt
8+00	0.6' Rt
9+00	3.8' Rt
10+00	25.5' Lt
11+00	22.0' Lt
12+00	18.0' Lt
13+00	14.7' Lt
14+00	12.4' Lt
15+00	10.7' Lt
16+00	9.1' Lt
17+00	7.8' Lt
17+68.52	19.2' Rt

75' LEGAL DRAIN EASEMENT
(FROM TOP OF BANK)

Note: Stationing based on West Line of 10' Access and Electric Service Line Esm't. Station 0+00 is the intersection of the W. Line of 10' Easement and the north right-of-way line of Virginia Street.

N 89°41'08" E

S89°41'08"W

N 89°40'59" E

544.34'

10' Access & Electric
Service Line Easement

SE COR.
NW 1/4
SEC. 19-6-9

S89°41'08"W 5.69'

7.35
ACRES

I - 164
STATE OF INDIANA
(D. DR. 3, CD. 7031)



Morley and Associates inc.

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

Proj. No.: 95-1884-4	Filename: Ease2.dwg	Date: 9/13/95	Chk. By: D.K.LEEK	Drawn by: M.A.W.
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75' LEGAL DRAIN EASEMENT
(FROM TOP OF BANK)

6.5

OAK RIDGE SECTION "B"
INFORMATION RELATED TO GARRETT'S DRAINAGE APPEAL


The Vanderburgh County Drainage Board approved a Preliminary Drainage Plan for Oak Ridge Subdivision on April 28, 1986. The minutes of that meeting record that the Vanderburgh County Surveyor's recommendation to approve said plans included several conditions including:

1. That the pipe located at the northwest corner of Lot 44 (5810 Oak Ridge Drive) be sized at least 30" inside diameter. The County Engineer has verified that said pipe is 30" or larger.
2. That the pipe described above be located either at the natural pick-up point for surface water drainage entering the west line of Oak Ridge Subdivision which point was at or near the northwest corner of Lot 42 (5720 Oak Ridge Drive,) or that there be "construction of a suitable open channel ... along the west line of the sub to direct the drainage from the existing pick-up to Point 5."

Such an open channel is included in the Street and Drainage Plans approved by the County Commissioners on 8/10/ 87.

The channel is shown within the 30 foot wide "right-of-way" for what is called Knob Hill Road, running along the west line of the Oak Ridge Subdivision.

The grade points shown on said street and drainage plans clearly show that the ditch drains from the end of Anthony Drive, north to the pipe at Point 5 (the northwest corner of 5810 Oak Ridge Drive.)

 9/25/95

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3. That a Homeowners' Association be created (this was the developer's choice at the advise of his engineering consultant) with assessment powers for the purpose of maintaining the drainage system of Oak Ridge Subdivision.

4. That a notice appear on the subdivision plat stating encroachment within open channels or designated drainage easements by any fences, trees, or any permanent structures other than those designated by the drainage plan for this subdivision is prohibited.

This condition intended to prevent such things as the fence mentioned in Garrett's appeal; as well as other unauthorized potential obstructions such as the metal pipe at the sewer pump stations.

5. That either the "Final" drainage plan be incorporated into the final plat submitted to the Area Plan Commission which plat would be recorded in the County Recorder's office; or that the "Final" drainage plan would be recorded in miscellaneous records in the County Recorder's office.

This condition was made so that the Homeowner's Association or individual homeowners such as Mr. Garrett always would have access to the final approved drainage plan regardless of any "shifting of responsibility" with regard to storage of drainage plan files as mentioned in Mr. Garrett's appeal.

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CONCLUSIONS:

1. The developer's engineer followed up on the condition to install a larger pipe at Point 5.
2. The developers engineer designated an open channel to carry storm water from the end of Anthony Drive to the pipe at Point 5.
3. The open channel was not constructed, as depicted, totally within the 30 foot so-called right-of-way of Knob Hill Road; but wanders back and forth across the property lines of Lot 44, Lot 43, and Lot 42.
4. It is not known to the Surveyor whether or not a homeowners' association was created to maintain the drainage facilities of Oak Ridge Subdivision.
5. A fence is located within the waterway behind Lot 43, and trees and brush have been allowed to grow in the ditch along the back line of Lot 44 and Lot 45 causing partial obstruction of the pipe at Point 5.
6. There is no end section on the pipe at Point 5; and it lacks a head wall which would help develop enough headwater pressure to drive more water through the pipe.
7. The location of the metal pipe to access the pump stations was done apparently without any careful consideration as to proper sizing, cover, location, affect on bordering property, or future maintenance.
8. The ditch, the pipes flowing into it and from it, and the source of loose gravel are located either on private property and/or property maintained by others than the Vanderburgh County Commissioners, Engineer, Surveyor, Drainage Board, or Highway Department.

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SPECIAL DRAINAGE BOARD MINUTES

OCTOBER 2, 1995

Meeting Opened 6:25 p.m. 1

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VANDERBURGH COUNTY
SPECIAL DRAINAGE BOARD MEETING
OCTOBER 2, 1995

The Vanderburgh County Drainage Board met in session on October 2, 1995, at 6:25 p.m., in the Commissioners' Hearing Room 307, with President Patrick Tuley presiding.

RE: WILLOW CREEK SUBDIVISION

President Tuley: We're going to call to order and reconvene the Drainage Board Meeting from last week to continue the discussion on Willow Creek Estates.¹ I have a letter in front of me that you may or may not of seen. It's dated September 26th. It's addressed to the drainage board from the undersigned Deputy County Surveyor Bill Jeffers; and Mike Wathen Resource Conservation Specialist, of the Soil & Water Conservation District, of which they stated that they inspected on September 26, 1995 Willow Creek Subdivision. It says the purpose of inspection was to determine compliance with:

1. Rule 5;
2. The approved drainage plan(s) for the subdivision(s);
3. County codes and ordinances with regard to subdivision drainage.

First statement says: Mike Wathen determined that Rule 5 was not being violated at the time of inspection (12:30 p.m. to 1:15 p.m.)

However, Bill Jeffers reported the following violations of the approved drainage plans and it goes on. It's about a little more than one page of discrepancies and notes where things were not built as to the plans that were approved. I guess at this point and time you guys weren't here last week at the drainage board meeting. Although, it does appear that at least Mr. Toby Shaw did receive a copy of the facts as of September 26th. I would assume at this time then there is some sort of response.

Malcolm Gwinn: My name is Malcolm Gwinn and I work with Mr. Shaw. Mr. Hatfield is also here. There are a number of issues that we want to address and I want to do it in a format of Mr. Jeffers report. Starting with what he identifies as Basin One. For your information Basin One is a privately owned lake. The owners of the property that adjoin that lake include a Mr. Terry Gamblin, a Tom Benthall, a Ken Sumerall and also Willow Creek. In July of this year those owners decided that they wanted the lake to be drained and that it be made larger so that it would be more efficient as a lake. At that time then a trench was dug and the process of draining the lake began. So, it's a correct statement I guess to say that at this point the work is not completed. The lake was redone at the request of the owners of the lake and it's our observation that their reworking and re-draining of that lake has not caused any detriment or harm to any other homeowner whatsoever, and the only work that has to be done was contracted for in July and in coordinate with that work. The work that is to be done on or before November 30th. Now in looking at Mr. Jeffers report in order to comply, basically, what has to be done is the reduction of the slope and that will be done as a part of the enlargement of the lake, because as dirt is taken from one end of the lake, it will be moved to the other end so that the slope then meets the requirements and at that time one of the owners has made arrangements for equipment, which will not be available until November to install the appropriate drainage pipe and of course with the instructions of an engineer. The other thing to keep in mind, is that if you look through the plans, the lake that is being constructed greatly exceeds the capacity of the lake that was approved and the result of that is that the drainage capacity of

¹Copy of a Report to Vanderburgh County Drainage Board on Willow Creek Subdivision attached to the (10-2-95).

the new lake will be nearly as twice as great as the plan that was submitted. So I think the result of the project and the result of the request of the owners of the lake will be that all of the members of the subdivision will benefit. So we don't dispute that there's work to be done. It was done purposely in July and so that's the status of where we are. With regard to his comments on where he describes as Basin Two, that lake was built. I think it was understood that after that was done it would be subject to inspection. I interpret Mr. Jeffers report to be just that. His inspection with regard to the slope area there is additional land in that area around the lake to more or less enlarging the lake in that area and address the slope. Now my client did not want to have to do that, but he will if he's directed to do so. The reason he did not want to have to do that is this; in that area as the lake is presently constructed there is an access or service road that he purposely left in the dimension that it is so that emergency vehicles could access the part that sits in behind that area. If he is directed to go ahead and in fact enlarge the lake to address the slope issue then that will be lost. He would prefer not to do that, but if that is the decision of the drainage board he will do that and that work can be done at the time that the other lake is enlarged. There's an issue there and I think there may be some confusion with regard to the plans of the depth of what is identified as Jeffers Basin Two. The original plans that Mr. Easley submitted and were approved indicated that that particular basin would only have a storage depth of three (3') feet. Not the four (4') feet listed in the report. So I think there may be some confusion there. The other basin was to have storage depth of four (4') feet, but this particular basin from the very beginning was only going to have a storage depth of three (3') feet and the drawings that we've submitted indicate that in most locations of the lake as determined by work engineering, there is nearly a four (4') foot storage depth in all areas of the lake. The other thing to keep in mind is that originally this basin was designed to be a point four (.4) acre foot lake, it is now nearly twice that size. So again, the effect of the construction is that what you have is you not only have a basin that meets the storage depth of three (3') feet that was approved, but in addition it has been enlarged to again nearly double the capacity of that basin to hold surface water. So we would ask that there would be some serious consideration as to whether or not there's a problem. With regard to both of these basins and the formation of a Homeowners Association under the restricted covenants of the subdivision that is not required to be done until all of the lots have been built. All of the lots have not been built and therefore the Homeowners Association has not formed and it doesn't really make sense in our perspective at this time to do that for this reason; the cost that is being absorbed now are not in the nature of repair or maintenance expenses. They are by their very nature expenses in the nature of construction expenses. The Homeowners Association will not be required to bear construction cost, but only in the future will they be required to bear maintenance and repair cost. So it's premature not only in terms of the restricted covenants to require the formation of a Homeowners Association, but it also doesn't make sense because of the cost that is being paid now are not in the nature of repair maintenance expenses as it relates to each one of these basins. With regard to this open channel this was a matter that my client wanted to speak with Mr. Jeffers about prior to the meeting and is not able to do that. Basically, what he wants to do is one or two things. He would prefer designing a covered pipe system of the capacity that would allow greater utilization of the real estate, and if that would not be approved by Mr. Jeffers then he would propose to simply rip-rap the existing drainage ditch. One reason that he doesn't want to do that is that tends to be unsightly over time with the growth of weeds and what not. It becomes a headache for the property owner, which ultimately will be his duty to address. The other question with regard to the easement we're not quite sure what his statement means. We're assuming that the natural ditch that exists must in some places flow outside the

drainage easement that is dedicated in the plat to the extent that that exists that is not a problem to address at this time, because of the necessary I guess enlargement of the easement can easily be attained if in fact that is the problem, because the ownership of that particular lot is such that we can still attain more or less an expansion of the platted drainage easement as it pertains to that particular lot.

President Tuley: Alan the first question that comes to mind is if there's a change, for be it, maybe for the betterment of the drainage plan, does it not require that you come back before the drainage board and get approval of those changes?

Alan Kissinger: Yes.

President Tuley: The next question becomes really of a legal question. If the approval of the drainage plan requires the formation of the association the argument being that there's not need for one now, because they're still doing the construction, but I don't understand how it wouldn't of been made that they would be in formation, but it would not be turned over to the association until after --

Alan Kissinger: The association can't be formed prior to, but it may be premature in the consideration with the fact that their responsibilities do not begin until it's actually turned over to the Homeowners Association.

President Tuley: Okay. So that in itself is not a big issue?

Alan Kissinger: Quite frankly, I'm not certain if there was a commitment as to when the Homeowners Association was going to be formed.

President Tuley: Okay.

Malcolm Gwinn: The only commitment that I know of that it is set forth in the restrictive covenants, and it indicates clearly that it would occur after construction. Which to me is logical, because we anticipate and expect the developer to bear all of the cost of these items and then after they've been turned over really for inspection and I would assume that in any process once I build it and you come and look at it you're going to have comments; we want you to do this; we want you to do that. I then do that and you come back and inspect and once that process is completed then at that point of course some warrantee period is involved, but at that point then it's right for us to tender then the responsibility of that matter to Homeowners Association.

President Tuley: Okay. I won't argue with you on that point about the formation of the association, because I agree with you that it's logical to form it afterwards, after everything has been approved and ready. However, if we have drainage plans and they're approved and we go change them without the board being made aware of those changes, there's no need to approve them, because you can go out there and do what you want and we'll never know the difference. So, I would suggest whatever plans you have for changing approved plans and you get them submitted to the Surveyors office for review, you need to get them before the drainage board for approval before you continue to make changes. That's the only way that we have the ability to stay on top of it and know what you're doing. This Association, and I'm glad I don't live in this development, because it has become a nightmare for the people that live there and quite honestly it's becoming a nightmare for us commissioners who have to listen to this about every six (6) months. We come in and have these meetings, things are going to get changed and then if the people don't come back and complain to us, some of these things aren't getting done. I don't know...did you happen to get a chance to see this too, in terms of a check that

was done by Bill Higgins, from the county engineers with regard to the roads?

Malcolm Gwinn: No, I think the only document that I had was Mr. Jeffers document. I believe the date was September 26th of this year.

President Tuley: This is dated today's date, I don't think that you probably did receive it since it does not indicate that this was forwarded to Mr. Hatfield or to Mr. Shaw. But, basically, it's a follow up to a letter that was sent October of last year. It's telling him things that had to be done with regard to roads, curbs, what have you, within that subdivision. The inspection was made after our meeting last week and there are a few of those things that have been done and yet there are still five (5) things that they've made comment to that the corrective action has not been taken since October of last year.

Malcolm Gwinn: The only thing that I can say in that is that we have not had an opportunity to review that and really aren't in a position to respond to it.

President Tuley: Okay and I believe you probably haven't seen this. It is dated today's date and I do not see where anything was carboned or it was faxed to you. I'm at a real quandary here as to how we get these things done to meet the codes. How we can encourage your client to quickly submit new plans of any changes he's made and deviated from the original approved drainage plans? I don't understand if there's something that we don't want to do now, because we think we've got something better, (inaudible) talking about the park or something...those arguments are made at the time of the drainage plan it should be raised upon approval.

Malcolm Gwinn: Okay, I understand what you're saying. Basically, with regard to that basin, let me present it in this light. That basin has been built, okay?

President Tuley: Yes.

Malcolm Gwinn: As a part of the process then as I understand it someone comes out and inspects it to determine if there are any deviations or things that need to be done. With respect to that basin that's where I understand that we are, and this is the initial report saying; okay, you've got this basin, these are some things that you need to look at. Alright, with regard to the controversy of three (3') to four (4') feet we don't think there is a problem, because we just think that there's a misunderstanding as to what's what and that it was always three (3') feet there's not a problem. With regard to the slope issue what we're telling you is we can solve that problem. You've told us that's a problem. We can solve it if you want us to. We can get the emergency vehicle thing and in essence scrape that area out, which decreases the slope, we don't have a problem. That's not a problem we won't want to commit to, so in terms of that where I really see where we are is, we've got a product here, your officials come out and looked at it and said; "you know it's alright, but you've got this slope problem particularly here you need to address", we don't have a problem with that, because we perceive that as part of the regular process. With regard to the bigger one that one was probably done and the homeowners who own that lake came to us and said, "We would like a bigger lake. We want a bigger lake and we want a deeper lake, will you do it for us?" So I guess if we made an error, what we did is we assumed that if we acted in accordance desires we wouldn't have a problem.

President Tuley: How long have you been developing Mr. Hatfield?

Bruce Hatfield: Five years.

President Tuley: Okay. Is this the only development that you've done?

Bruce Hatfield: Yes.

President Tuley: Okay. I grant that you may not of realized that you had to come back and deviate if you've only been in business five years and you've only done one development. However, how quickly can you re-submit a plan of what you actually are trying to do?

Commissioner Mourdock: Excuse me, you'll need to go to the microphone. Our sound system isn't very good, thank you.

Bruce Hatfield: The changes we made...when we were required to make them so big, but we didn't change that, we just made them bigger. So it still does what the county wanted us to do in the beginning.

President Tuley: Right and if you'll forgive me I want my technical advisor to tell me that in a meeting where these people have the right to come in and hear what's being said and being done. That's the reason we come back, so if there are problems these people who live out there have a chance to come in and say, hey, this isn't apparently working and we need to look at this a little closer. That's why we have a technical advisor and we rely heavily on that person, being the surveyor. That's why they require you to come back in. I'm giving you the benefit of the doubt that maybe you didn't realize that. However, we do need and if your calculations and your engineers calculations are right then the technical advisor will come into the drainage board and say, "I've reviewed it and I've done the calculations. Their calculations are correct and it will do a better job than the original plans". Then they will recommend approval and it won't be a problem from that standpoint. I'm really mixed as to where we go from here. We've still have these road problems that you need to deal with and I'm sure you haven't seen this. I'll--

Bruce Hatfield: John just gave me a copy of it. Some of those weren't on the old one.

President Tuley: Yes ma'am.

Bernadette Swidron: You still mention the road problems and that, also the lift station hasn't been taken over yet either. From what you're saying, if I'm not mistaken, it seems like a re-run of last years meeting. You said the same thing and if we did not come to complain to you again, Mr. Hatfield would not be submitting new drainage plans. He would just go ahead and do what he has always done, whatever he wants.

Tina Gander: Tina Gander, 9209 Marfield Court. Last year it all came to this again and you gave him so many days. Like that letter from October 30th to get the roads in gear. You gave him so many days to get the things...he was supposed to call you out and have the drainage basins inspected. All of this is a big repeat of last year. We are here tonight once again requesting you to do what we asked for in the other meeting. We know how to motivate Mr. Hatfield from our past experiences. We are asking you to use our past experiences with him and motivate him in his only way that he can understand. I don't see how you can allow other homeowners to buy lots in Willow Creek knowing full well what is going on out there. No other lots should be sold until these problems are rectified. No other homes should be built until these problems are rectified, especially by Mr. Hatfield.

Dan Swidron: I just want to clarify a few things. First of all we didn't see the reports from the surveyor or from Bill Higgins who made the inspection. I did talk to John Stoll. We would like you to

read those to us. Also Mr. Gwinn did say something about Basin One that it's owned by the four lot owners' and there's actually five lots up there. One's owned by Bruce Hatfield and he did mention something that Willow Creek also will share into that Basin One. Did you say that? Or this is strictly the five lot owners' on that lot?

Malcolm Gwinn: I indicated that those were the individuals who owned property on that plat.

Dan Swidron: Okay last year September 26th Mr. Laney brought this up to the meeting that there was some kind of an agreement between Bruce Hatfield...and Mr. Borries says that no agreement should of been made because it's still on our covenants saying that the Homeowners Association will be responsible for that basin. We do not want to be responsible for a basin that's on private property, so that definitely has to be taken off any of the plats or any of the covenants. Basin Two, Mr. Hatfield talks about access road so he can get emergency equipment back there I guess to the park. Incase someone falls off of the swing there's not enough room back there for a golf cart to get through. I went through there yesterday with a golf cart and I couldn't get through the first section, so if that is an access road it has to be widened. If he's saying he can't open the pond out, supposedly that's suppose to be a twenty-five year storm pond. Does that mean it's suppose to flood over every time it rains every two to three hours? It suppose to not flood over for a twenty-five years? Once every twenty-five years if I'm not mistaken. So that pond floods over every time it rains two to three hours. He says he can't increase the width of the pond. That's not because it's too close to the access of the road. It's next to the creek and there's only a little natural drain that goes from that pond and goes into the creek. Your talking about the plat. He's changed the plat so many times that we requested that we want a new plat, we wanted a updated plat. Last year at this time the same thing, we do not see an updated plat. We don't have one. Margaret Harp sent us a letter stating that there are several homes out of the flood plain zone area now and the elevations been changed. We don't know that because Mr. Morley said last week none of the zones have been changed. So that's another violation. If you go over streets, there was nine items last year and I think that Mr. Stoll said there's only been a couple and that's probably half erosion completed, nothing else has been completed. The curb has been replaced. He's building a home out there right now on Ryan Court. He's submitted an erosion plan and it says it should be six (6") inches of stone, twelve feet (12') wide. There's just mud there, so I don't know how the construction truck can get in there to put the foundation. He's got all the bricks there to mortar, however, there's no erosion control on that lot. I would like you to read... and if he said there's only to be a point four (.4) acre of pond I don't think that pond is three (3') feet, because you can take a stick and it sticks in the mud. So that's got to be dug out and there's erosion control around the embankment of that pond which it states in the last violation that you sent him a letter that he was suppose to bring in writing proof of everything that he's doing that there suppose to be embankment control. So that pond, Basin One and Basin Two is both in violation. So I would like you to read the violations now so all the homeowners can hear, because some haven't been subject to all of the violations.

Bart Gander: Bart Gander, 9209 Marfield Court. I'd just like to make two comments. First comment referring to the last meeting. Mr. Gwinn made the comment that I'm assuming that we're going to try to get something in writing and get these things done at the last meeting. We asked for something like that. I forget which commissioner it was, but the comment was made we have something better than that. We have his attorney, at the time it was Mr. Shaw saying that he was going to do these things. Excuse me, I lost my train of thought. So my concern is that we're getting the same

thing as last year and once again it's that point over and over.

President Tuley: Here's where we're headed Mr. Hatfield and Mr. Gwinn. These people are here because they were here last year and we assured them that all of these changes and all of these corrections were going to be made or we were going to request that you not be issued anymore building permits in that subdivision until you brought them up. They're back here again last week and this week and that's what they're asking for. Not only is that what they're asking, but that's what they're demanding that we do. I would like for you to stand up and say--

Malcolm Gwinn: Let me just say this. I haven't heard anyone say that they're...and Mr. Jeffers report does not indicate that what he identifies is Basin Two is inadequate in terms of handling surface water. His report does not say that. It does not say that. So that should tell you something. That should tell you that it is adequate. The engineering reports that have been submitted to the county by Warrick Engineering certify what the capacity of that basin is, and it's in the numbers. It exceeds what was approved. So we know since Mr. Jeffers report is not indicating that that basin fails to handle the surface water as planned that it does. Okay, and no one is in here saying that Mr. Hatfield's basin there fails to do that. Now granted there may be occasions in which in any situations we may get water leaving a basin, but it's not designed to be a perfect system. But Mr. Jeffers does not say that the holding capacity of that basin in any way is defective. We don't have these erosion problems that we're eluded to. It's in the first paragraph of the report. We don't have any erosion problems. You know the statements that these people want to exert control over a private lake. They don't have any right over a private lake. The Homeowners Association in the restricted covenants clearly says common areas. Common areas are not my property or anybody else's property. It's property that other people have. We cannot help that they want to exercise control over a lake that adjoins somebody else's property. You don't hear anybody here who's property that adjoins that basin, the one that was drained, complaining. There's nobody here complaining about that. There's got to be a reason why. There's got to be a reason why. If they felt that their property was being damaged over the past year because of the drainage and expansion of that, they'd be here. They're not. I think their silence tells you a lot, that there aren't any problems being created. They're not and not only that we haven't had any rain for I can't remember how long.

Commissioner Mourdock: Before any other comments are made in this area, and I think you probably know Mr. Gwinn, I was not here for the sessions last year. I just joined this board in January. So, everything that I know about this I've learned in the last two weeks.

Malcolm Gwinn: Correct. As I look at it since last year, both of the basins have been constructed. One has just been recently inspected and the real problem that we have from our prospective is there is a slope issue that can be readily addressed. We don't have a problem with that. With regard to the other one in that year's period of time, it was constructed at the request of the homeowners who were on that lake, it has been drained and the process of enlarging it has begun. That's what's happening. The other aspect of his report deals with, what apparently is as I understand it, an old natural drainage ditch on lot, I believe is 23, which apparently the natural boundary lies outside the easement of the plat which is a problem that is easily addressed at this particular point and there's a request that the banks be rip-rap, but again my client has made an effort to contact Mr. Jeffers about an alternative plan that they're to allow the greater utilization of other real estate in that area.

Commissioner Mourdock: Right there I think you've, at least from

my point of view and again, this is less significant to me than what I've learned in the last two weeks, and I'm not an attorney, but I've heard many times that attorneys are taught when the facts are on your side argue the facts and when they aren't argue the law. It strikes me in hearing your presentation that you're arguing the law a little bit with us here.

Malcolm Gwinn: Well I don't know much of the law in this area to be honest with you and all I've got are the facts. With regard to this drainage ditch area that we're talking about, it goes across a lot upon which there is no home.

Commissioner Mourdock: That may or may not be true. I'm not that familiar with it, but the facts are that sometime ago Mr. Hatfield submitted a drainage plan. The facts are a plan was approved. The facts are a subdivision has been built subsequent to the approval of that plan. The facts are as you stated here even in your first review you said, quote, "It is correct that at this point to say that the lake is not completed" end of quote. With Basin Two you said, "He doesn't want to comply with the existing plan, but will if it's the will of the drainage board" end quote. Those are no longer issues of debate. Those are the facts. To say that, well, we've got this plan, but I don't want to comply with it, throws the whole thing to me out in an area that isn't plausible. The fact is the plan was approved and these comments made by Mr. Jeffers and made by Mr. Wathen are simply reflections on those facts that the plan was approved.

Malcolm Gwinn: I agree, but one point that I want to make is that there is a question of substantial compliance. The purpose, and I understand, but the concern is that we want to have basins that will handle the overflow. I think that's where the technical people need to look at, and is there a problem? Okay? When we look at what's built, and again, I refer to Mr. Jeffers comments that's not the problem, alright. There's an area where there's a slope problem which is easily addressed.

Commissioner Mourdock: Then why hasn't it been addressed by now?

Malcolm Gwinn: It has just been pointed out in a report dated September 26th, of this year. It was inspected in accordance with the rules and procedures and a report was issued indicating that the slope on that basin is too steep. We're now on October 2 and as I indicated in my presentation that as a part of the expansion of the other basin for which there has been a request that the revised plans be submitted. That in essence the extension of that bank and the lowering of the slope will be accomplished. So, I mean, it's very difficult for Mr. Hatfield between the receiving of that report or that basin and tonight to finish that work. Alright, with regarding that lot, the drainage situation, he has attempted to contact Mr. Jeffers about an alternative to rip-rapping an existing ditch with regard to putting in concrete, pipe and what not, under ground in doing that. He simply has not been able to meet up with him and I am aware of his efforts to meet with Mr. Jeffers on that. He will agree if there's not going to be any agreement to allow him to use alternative methods which are recognized and permitted to go ahead and rip-rap it. It's not his preferred method because of the aesthetics involved and he knows what it's going to look like in the future, but he'll do it. Again, there's a report made that says you ought to do this. He wants the opportunity to respond, which he has done. There's just some give and take on that.

President Tuley: We're talking about retention #1, Basin One?

Malcolm Gwinn: As to what?

President Tuley: Changing the slope?

Malcolm Gwinn: No. That's what Mr. Jeffers identifies as #2 and

that should be the same one where he raises a question as to a four (4') foot depth.

President Tuley: Okay.

Malcolm Gwinn: I've got an engineering drawing on that. That particular one showing the depth certified by a professional engineer, and you can follow that if you'd like to look at that.

President Tuley: There was a problem with Basin One identified in a letter that was sent out December 5, 1994 with instructions. I'll read it to you. In order to correct these deficiencies these two things need to be done:

1. The design engineer for your subdivision needs to design an emergency spillway for the retention basin and size a pipe to discharge storm water from the basin.

2. When this is done these plans and drainage calculations must be submitted to the county surveyors office for review and recommendation to the drainage board. Once these plans have been approved the construction is complete and another inspection of Basin One can be made.

Malcolm Gwinn: Okay that's not a problem and I understand that. Just very briefly, the installation of that pipe is in fact the last aspect of the construction of a drainage basin. I don't want to spend a lot of time on that, but I just want to explain it as simply as I can. The reason that's the last thing that is done is because it's probably one of the most crucial and that work is never done as indicated in the letter without engineering drawings, because what you're doing in that process is this: You have a basin, a particular capacity that you want it to hold. It will only hold that based on where you put the drainage pipe, because obviously if you put the drainage pipe too low, the water will flow out of it too quickly and not allow the basin to hold the capacity. Alright? So, with regard of that it's at the point in which Mr. Hatfield completes that basin that's not a problem. The problem is as the basin was being constructed the homeowners who I identified came to him and said we want to make it larger. Now water had already flowed into this area, because if you are familiar with that area you know that once it's a natural drainage into that area, it could not be enlarged without draining the water that was already there and that is what was done. So I mean we can't...I understand that work is to be done and we understand that, but it can only be done when it's completed.

President Tuley: I guess the point of me reading this to you Mr. Gwinn is, the claim that he didn't realize he had to come back and submit new plans as we made changes. This letter states clearly that he's to resubmit plans once they've been approved and then construction is done, then there will be an inspection. There's never been a new plan submitted. This is December of 1994 and we're into October of 1995 and getting ready to get into a season where he can't do those things.

Malcolm Gwinn: The only thing that I want to differ with you on, that is, we know that at the point that a basin is constructed, that an engineering report and an engineer has to be brought in to tell us where that pipe is to be put. That's what that statement is saying. We've never just regarded that we understand that, alright?

President Tuley: Where are the plans that you're operating from right now to make these changes? Where are those plans? They don't exist. At least not in the eyes of the drainage board. It has never been submitted to the drainage board.

Malcolm Gwinn: (Inaudible Remarks)

Commissioner Mourdock: And that we come back to my earlier redundant phrase of, "where we are with what are the facts", and the facts are and again to use your words "substantial compliance". Mr. Wathen has in his file over 40 pages. Forty pages of correspondence going back and forth to the developer sighting problems over a period of time. As Commissioner Tuley just read to you we have one there from December 5th very specific to what you're argument is. The simple fact is there was a drainage plan approved and that drainage plan has not been abided by. It is not in the state of the plan today is not as drawn and is not as submitted and approved to the drainage board. That's the fact that we have to deal with. If you want to argue substantial compliance, I guess if there was substantial compliance, there probably wouldn't be a room full of people behind you. If it were one or two things, people just kind of live with it, but having to come in to the middle of it which is to say not having been on this board for the previous episodes. What other conclusion can I draw, but to say that your client has not faithfully acted on the requirements of the plan, and unless we take some action at this point, cannot be expected to act on the plan. Certainly, that's what I'm prepared to do tonight.

Malcolm Gwinn: Well again, I made my comments about strictly with Basin Two. Basically there's three issues. There's Basin One, Basin Two and this trench. I don't know how we can say there's not substantial compliance with the trench when basically he's saying we want you to put rip-rap in an existing natural drainage. Again, he's been told you need to do this. All he wants to do is say, I will do that, but there is another method that he hasn't been forwarded that opportunity at this particular point. With the order of Basin Two I think he is substantially in compliance. There's only one matter that has to be addressed based on our engineering drawings and what's been approved. That's a slope issue and with regard to Basin One what he done he's acted in accordance with the people who are served by that basin to enlarge it. Now, you have an argument that, alright he can't do that, and it will defy your authority to do that. Alright? I understand that, but then the other question with regard to that and those are the only three matters tonight is who has he harmed in doing that? Nobody. He hasn't harmed anybody in that. Again, if there were water problems being created because of that, it would effect the people right there. The people right on that basin, and they're not here saying that because he enlarged this and drained it at our request it is now causing surface water to come onto our property. That's where the surface would go. It would go onto their property, but it's not a problem and they're not complaining because they know what the finished products going to be. If anything has to be done to order him, is you want to know with regard to Basin One, Jeffers Basin One, actually in the plans it's in reverse, but I wanted to use, is that you want plans with regard to what the finished product of Basin One is. I mean that really is the only area I think that Mr. Hatfield probably has angered you as it relates to those three issues. He sort of in an interesting position as you are. If he does what the people on that basin want to do he's in trouble and if he doesn't he may be in trouble because he's not acting in accordance with their desires. It's an interesting dilemma for him. He doesn't have a problem submitting either going back to the way it was and telling them they're out of luck and if they want to do it it's their property and they can do it or submit their revised plans.

Dan Swidron: Talking about the basins, that's the main issue here. Even though Mr. Hatfield wanted to beautify our development by putting in basins that he's says it's going to be real nice. You go down to Basin Two which Mr. Gwinn calls #2, you couldn't get close to the basin even if you wanted to stock it with fish. There's so many weeds that's five (5'), six (6') feet. He's talking about the slope. He's right, there is no slope. So you can't get near the basin even if you wanted to sit around the basin. If you're talking

about the neighbors on Basin One, it's not true the statement, that they haven't complained. You can read the minutes of the meeting. Who was here for Basin One and you can look at the agenda who reported in for several meetings that we had. This last week one of the neighbors came here and Mr. Sumerall...they said Mr. Sumerall was here. They are disgusted with the basin. It was supposed to be completed in August. Mr. Hatfield keeps draining it, draining, draining and draining it and the weeds have grown so deep around there that...he hasn't done anything with the basin. If that's not an issue...the only reason he keeps them under control because they still have items in our house and I've been living here a year and a half...they still have items in their homes that haven't been completed. That's the same thing with me. I've had items in my home...Mr. Hatfield keeps making promises that he was going to correct it. I'm still here, because I feel this is for our development. If we're going to take it over as a homeownership, we want the development where it should be. We have culverts in front of our development that should be dug out. It's a safety hazard for any driver that goes out into the street, because he can't see past the trees. There's trees in the middle of the culvert. Now should it be there? Now we're going to be responsible for that and Mr. Gwinn stated that we will not become a homeownership until all the lots are developed. Is that true?

Malcolm Gwinn: (Inaudible) I believe that what I said is accurate.

Dan Swidron: Then Mr. Gwinn and Mr. Toby Shaw doesn't talk about the covenants I guess, because he made the statement here tonight that it won't be turned over to homeowners until all of the lots are completed and developed. Last meeting we came here Mr. Shaw says we can turn it over right now, but Mr. Hatfield doesn't want to do it. Well that's why we're here at these meetings. We don't want the development. We don't want the homeownership until everything in that development is completed. The plats have to be up to date and we know from right now here's a² letter that was sent to a special drainage board meeting October 28th. It tells that Bruce Hatfield was supposed to bring all the proofs of the detention basins, proof in writing to the county engineer that he made for final inspection. Then in #5 he says, In absence of the above, a written statement that you intend to complete the required work, obtain approval, guarantee the completed basins and drainage system, and record corrected plats, covenants, and restrictions containing the required language and notices, all in accordance with the applicable ordinances, codes, and procedures. Do you have a written letter from Mr. Hatfield? Nope. There's nothing, so at this point I think that he's in violation. Whatever Bill Jeffers said, whatever Mr. Higgins said and the building commissioner, he still has violations on homes and they haven't been corrected. The neighbors are here tonight because we want these corrected. Thank you.

Bart Gander: Just a couple of more brief comments. Bart Gander, 9209 Marfield Court. Mr. Gwinn made some pretty sweeping comments about some of the homeowners. Referred to us wanting to have control over the private lake. I don't think anybody who lives on the lake wants control of that lake. He's making an assumption there. Made the comment of the homeowners who are not here this evening, they're being silent basically because they don't care. Well we do have a letter signed by Margaret Harp, secretary of Willow Creek Development Corporation, dated September 24, 1994. They want us to appoint a spokes person. So it seems to me they don't want to talk to all of us. They just want to talk to small groups. We tried to accommodate in those areas. Mr. Jeffers last week did make the comment about the front lake, that lake #2 that it was full of silt and that's probably on the record. The three

²Copy of the letter sent to Bruce Hatfield October 21, 1994 attached to the drainage board meeting (10-2-95).

words that stick in my mind was "full of silt". A lake that's full of silt to me isn't three (3') or four (4') feet deep, it's full of silt right up to the top. Just have to keep the points in mind that people have made comments about these things and hopefully we can hold the people to their comments and stick with the facts.

President Tuley: Hang on a second Mr. Swidron, just one second, please. Mike you have been trying to get a word in, please do so.

Dan Swidron: Maybe he can put some light on it, because talking about the silt, he has to stop the erosion first. He has to flush out the inlets and then do the ponds, because if he doesn't do that the ponds will be filled up again.

Mike Wathen: Mike Wathen, Soil & Water Conservation District. Let me make a couple of points here off the get go. There's a big difference between drainage and erosion problems. What Bill Jeffers does for the Surveyors office, works with the drainage. What I do at the Soil & Water Conservation District is to work with erosion. While the two may go hand in hand, they're still somewhat separate. Okay having said that, I was with Bill the day we looked at it and I agree with everything that Bill put down on the letter. As in regards to the accuracy of it I stand behind it 100%. As far as the intentions of somebody may or may not have that's not something that I was asked to do. I was asked to assess what was out there and that's what I did. I didn't assess peoples intentions. Regarding the maintenance I started working with Bruce, probably my documentation would show give or take sometime in the spring or the summer of this year 1995. When I first looked at it it needed a fair amount of things done to it to stay in compliance with Rule 5 and I told Bruce that. We made a list. I met with him on numerous occasions, which are documented. We've sent him some letters. Bruce has done probably more I would say in the last from that time frame until now that had been prior. One thing that I do wish would be done more of and to be quite honest with you the only reason that I didn't put down that he wasn't in compliance, because of this one aspect was the maintenance and it just flat hadn't rained. I think that when it does rain there's going to be some things out there from a maintenance standpoint, which is in Rule 5, which is what I was asked to judge this off of last week that he is going to have to make some corrections on in order to stay in compliance. I will be happy to work with Bruce and assure him that happens, but that is why I put on there that he's in compliance. If it had rained prior to us going out there I probably would of put down that he's not in compliance, because the maintenance aspect needs some work. But, I would say that he's made a fair effort up to this point, but I just wanted to make sure that you guys knew maintenance was a part of Rule 5 and it's a biggie. Regarding the pipe on Basin One, with no pipe in there--

Commissioner Mourdock: Is this the Basin One on this memo or Basin One on the plans? I understand that there's two.

Mike Wathen: This would be the Basin that would be the furthest north location of the subdivision. Closest to the top of the hill.

Commissioner Mourdock: So which one is that?

Mike Wathen: That would be One, I believe.

Commissioner Mourdock: Okay, which would be Two on this?

Mike Wathen: It's the one furthest to the north.

Malcolm Gwinn: It would be Number One on Bill Jeffers--

Commissioner Mourdock: Okay thank you.

Mike Wathen: Okay, it's Basin One and the item that I referred to

is B. There's no pipe in there and if we would get a big rain, well, it's going to wash and then there is going to be an erosion problem, but there again, I was asked to look at it the way as the way it looked when we were out there and it hadn't rained. So I guess it's a matter of which comes first--

President Tuley: Mike let me interject here. I'm not trying to put you on the spot per se, but what you're saying is because it was dry, he's in compliance, but your gut is that if it rains he's not in compliance? That's what I'm hearing, is that not what you're saying?

Mike Wathen: Let me put it in my own words. The maintenance aspect of Rule 5 is going to require some improvement from what it is right now if it rains in order for him to be in compliance.

President Tuley: So in other words he's just darn lucky with all of these people that it hadn't rained?

Tina Gander: But it has rained all summer and we suffered the consequences.

Mike Wathen: I run into a real dilemma out there. I know what it's going to do when it rains, but it hadn't rained. I assessed and it didn't rain a significant enough amount to create a problem. If we get a one (1") inch rain, there's going to probably be a thing or two that needs addressed from the maintenance standpoint of Rule 5, but since it had not rained and I went out there the very next day with Bill, I did not put those on that item because as far as I'm concerned the sediment that's on the street out there right now is rather insignificant. He's taken alot off. There was a time and space when there was a whole lot on there, but he took it off and got rid of it. There are sandbags out there. Now they may be in need of some repair, but there is sandbags on the site. Let me make a couple of other things here real quick. We did send Bruce a certified letter. It was dated about three weeks ago. I'm not sure exactly what day it went out, I can check it for you. We did get a response from Bruce on our voice mail. I believe it was Thursday of last week, and there again, if you need that I can check that for you, too. That response did not come back in the time in which the letter asked for the response to come back. I do not know if Bruce was maybe out of town or whatever. I do know that somebody signed for the letter, though. If you need copies of any of this I'll be happy to provide to where ever it's necessary. One other item is, Bruce did install a new WASCOD on his own initiative. I don't mean this in a negative way, but I think just from a standpoint of ignorance it wasn't installed all that great and I think he did make a good attempt to put something in and I'll be happy to work with him in trying to get that thing lined up, but if we get a big rain it's probably not going to survive it to be honest with you. The holes in the riser are way way too small. There's no way to that they could take the water and the basin is constructed with some questionable fill. But, there again it does show an initiative that's it's not in my opinion going to last a rain of any consequence. That's all I've got unless anybody has any question. I've tried to be as accurate as possible and fair to both sides as I could be.

Commissioner Mourdock: Okay.

Mike Wathen: I do stand 100% behind any documentation that I've provided you with this evening. I reviewed the documentation that Darrell has entered. Darrell is not here tonight to speak, but I've got confidence in Darrell and as far as the particulars though I could probably only answer questions regarding the time that I've worked with Bruce.

Commissioner Mourdock: Okay.

President Tuley: John.

John Stoll: John Stoll County Engineer. I've just got a couple of verifications. First of all on the two inspections that have been done by Bill Higgins in my office, the list that was done back in October of '94, the majority of those items have been taken care of. I just want to point that out. The items that were listed on his letter of today are minor. A couple of them have been added since the previous inspection like the utility cut across Willow Creek Drive. Most of his comments concerned on going maintenance like Mike had talked about that the erosion control needs to be maintained and second of all the letter of December 5th, I believe it was, last year that I had written concerning the discharge pipe we later found a copy of drainage calculations that had sized that discharge pipe at ten (10") inches and that's where Bill Jeffers refers to in his letter on Basin One, Section B, that there was never a location or an elevation or anything like that was put together. The ten (10") inch pipe was never defined as far as this location and elevation on the basin, so we've never seen a plan where that discharge pipe was part of the drainage plan. It was sized properly, I'm assuming it was sized properly, but it was never installed when it was never shown on the plans. It was just shown in the calculations as best as I could find.

President Tuley: But, it would of been a requirement for that plan. I mean if it was submitted without those calculations the plan wouldn't have been approved. Correct?

John Stoll: Right. That was to regulate the outflow from the lake at the proper rate and without that the lake is going to fill up and the water is going to spill over the dam. It's going to fill up once and be basically useless.

President Tuley: Okay.

Carol Wilson: Carol Wilson 9210 Meghan Court. First I would like to say that I appreciate your support. I think you see very clearly what our problems are. Regardless of the inspection that happened when it hadn't rained. It has continued to rain and I would like...I mean maybe we could get an idea of how many times it's rained over an inch this summer. But the mud has poured down the streets and into the sewers from that rain. My property alone which my house was started a year ago in July and is still not completed. The mud from my property is flowing down the street. There has been sandbags. The water is so deep people can't see the sandbags. They're driving over the sandbags and the sandbags I guess are going into the sewers also. At one time Mr. Hatfield did accuse Tina and I of stealing those sandbags, but I can't imagine why we would do that to damage the property that I'm going to be paying for. This has continued to be a problem. When I started building a house out there, no one let me know what was going on. This has happened to so many homeowners out there. They put their money in there, they built a house they thought they had their dream home. We don't have it. Without your support we're not ever going to have it. If you're going to continue to let other people build out there this is just an outrage. Bruce Hatfield has never done what he says he will do. As far as him not responding on time to that letter he has never responded on time to any letter. I myself have left him a voice mail everyday for a week. He has not responded. Finally I called his partner and she responded for him, but he's yet to respond to me, other than when I stopped him in the parking lot tonight. This is typical of his behavior, it will continue until someone puts a stop to it. Obviously we can't. There are some of us that have gotten attorneys. What can we do? Bruce has been telling me through his attorney since April of this year that he will complete my home. It has yet to be completed. The brick was just put on my house last week. I still have no yard. I still have piles of brick in my yard. I still have mud going out of my yard probably tonight into the sewers and I just think it's an outrage if you

allow this to continue. I can't imagine why you would.

Commissioner Mourdock: I have a motion. Given the ongoing nature of violations and failure to comply with the approved drainage plans for the Willow Creek Subdivision, I move that the drainage board submit to the county commissioners' a letter recommending the suspension of issuance of building permits to Mr. Bruce Hatfield until the drainage plan is fully complied with at Willow Creek Subdivision.

President Tuley: Okay. Just to point a clarification. To come in compliance then he needs to address, basically, it requires in resubmitting of drainage plans for approval based on the letter here dated September 26, 1995 from Bill Jeffers and Mr. Mike Wathen. Correct?

Commissioner Mourdock: I will amend my motion to include that. I would add to that not so much as the motion, but just clarification, the county engineer has submitted a number of things here regarding the pavement and such. Obviously the drainage board goes a little bit beyond our scope, but I certainly think the commissioners' should take all of that into consideration as they review actions by Mr. Hatfield pursuant to a suspension of new building permits.

President Tuley: I'll second your motions. So ordered. What we need to do then at this point is the drainage board and the commissioners' are the same people. It's two boards. The drainage board now will recommend to the County Commissioners' that they write a letter to Roger Lehman stopping the permitting for Willow Creek Subdivision, until such time that the points outlined by Mr. Jeffers and Mr. Wathen have been addressed. Which in my understanding of that is since there was a deviation from the approved plans, they will need to resubmit plans and go before the drainage board, get approval of those plans at that time request to Roger Lehman can be rescinded. This is not going to address all of your problems. Okay? It's a start. We'll never make you completely happy, because there are other things that are going to be beyond our control, but this is a step to try to work to solve your problems. It's unfortunate that we have to come to this, but I'm afraid there's a history here unless we do this there's not going to be a change.

Dan Swidron: Just on behalf of the homeowners' who would like to thank the board for helping us with our problem, and we're sorry too, that it had to get this far and we hope that Bruce Hatfield will comply with all of the violations. Thank you. Will we hear from the board and receive the letters that you have in your file right now?

Commissioner Mourdock: We will give you copies immediately following this meeting.

Dan Swidron: Thank you.

President Tuley: Thank you.

Dan Swidron: Will we receive communications of the next meeting when this approval will take place or when the plans are submitted?

Alan Kissinger: If you could call the Surveyor's Office or you can call the County Commissioner's Office and they can tell you when it's going to be on the agenda. The drainage board meets once each month.

President Tuley: You all are welcome to come back up here and sit through these meetings. If his assessment of the calculations are right that the drainage plans will meet, we'll have to judge that on that merit that these have been reviewed by the Surveyor's

Office. So long as he follows them and recommends approval they'll get approved.

Dan Swidron: We would like a copy of that plat that shows all of these improvements or whatever, so incase in the future when the homeowners come here and says he's building something different to the plats, we're going to get an engineer involved in this, it's going to happen.

Alan Kissinger: If you're an adjourning property owner you'll receive notice, but if you're not, then as I said, you can call the Commissioner's Office or the Surveyor's Office and they will tell you if that plan-is on the agenda.

President Tuley: The normal drainage board meetings are always the fourth Monday of the month, okay? So if you mark your calendars you can start calling to see if they've submitted plans so that you'll know for a fact when they're going to present those to the drainage board.

Dan Swidron: I know you're talking about the joining property owners. You're talking about the basins. We're talking about other drainage problems that's not on the plat.

Alan Kissinger: We're talking about the drainage plans.

Dan Swidron: Okay.

President Tuley: Those meetings are the fourth Monday of the month if you want to call. Mark your calendar. The next one for this month is whatever the fourth Monday is. Call up and say, "Are there plans being submitted before the drainage board tonight in reference to Willow Creek?"

Dan Swidron: There's a fifteen (15") inch pipe between lots 10 and 11 that doesn't show on the original plat either. That takes all of the water from the McDowell's Road, across the road and comes into our development.

President Tuley: I'm not trying to discourage you, but what I am trying to tell you is if their calculations are right, and by him expanding this and doing these things, they say on paper if they work, they'll have to be approved. Then you'll have to kind of monitor and make sure nothing changes, and then here we go again if it does.

Dan Swidron: Is that going to change the covenants too, because on the covenants it says that we will maintain that Basin One that Bill Jeffers...and homeowners do not want to be maintaining that?

Commissioner Mourdock: We're not in the situation to say what your covenants say and what they don't say.

Dan Swidron: That's submitted with the plans though. When he built his development this was all part of it that was okayed by the county. It's kind a basic property homeowners covenants, however, it does state on there that the homeowners will maintain Basin One, and yet they made a specialty of that Basin One is really privately owned. So if it's privately owned the homeowners on the rest of the properties do not want to maintain it.

President Tuley: So you want that spelled out then on the new plans?

Dan Swidron: Definitely.

President Tuley: Okay.

Dan Swidron: Someone gets hurt on that lot or if the easement or

something breaks through, the homeowners are going to pay for it? No. The lot owners will pay for it.

President Tuley: I will put the challenge on you then to stay with the Surveyor's Office on that fourth Monday, because believe you me, I'm not going to think to call to you, because when I walk in here and it's here, then it will be too late to call you.

Dan Swidron: Mr. Jeffers put in his notes last time what the covenants should read.

President Tuley: Those are the times to come up and say, this is what we anticipate. If it is something that we do have control over that we can do, it can be done then, but it's up to you now to stay with this, and I'm sure you will.

Dan Swidron: We've been here for every meeting since September except for the summer months.

President Tuley: We do know all of you by face. We don't know all of you all by name, but we do know you by face that's for sure.

Dan Swidron: Okay. Thank you very much.

President Tuley: Thank you.

Tina Gander: Excuse me. Once he has the plans approved, what is the time limit then as for as...are we going to have some restrictions on when those improvements have to be completed? We had a mention of a date of November 30th. Are there any constraints? Are we going to be back here next fall saying, "well it was approved, but we still don't have it done and we still have a problem?"

President Tuley: It basically goes back to what Mr. Gwinn was saying. They'll submit some plans, the plans then will be reviewed by the Surveyor's Office and then they'll be presented to the drainage board. Then if approval is given, they'll do whatever construction it is, and then there is to be an inspection. At that point either the Surveyor will come back in and say they didn't build it or they did build it, we'll have to go from there. I can't tell you that yes they'll come in here in December and say okay, and then by January you've got to have this done.

Tina Gander: Okay. What about the problems with the streets from last year? Mr. Stoll have an answer for that, as far as the conditions on the street not meeting the inspection? They're still not inspected by the county as far as we know.

Alan Kissinger: That's not drainage board business.

Tina Gander: We'll he was up here earlier and he addressed that. He said that the things that were left were minor, and I don't think it's minor when our roads haven't been accepted.

Alan Kissinger: I know and I know that you want to get all of these, but I have to tell the drainage board members that they can't consider this--

Tina Gander: So we should come back to a regular commission meeting and ask them that?

Alan Kissinger: These drainage board members are also members of the County Commissioners'.

Tina Gander: Okay. We'll come back and ask that later.

Alan Kissinger: If you want to come back you're welcome, but they know it.

Tina Gander: What I'm saying is that I need an answer. When will my street be accepted? He thinks that it's something minor. I don't think that the fact that my street is not accepted is minor.

President Tuley: Let's calm this and put this in perspective as we can. Number one is that roads will never be accepted by the county unless they're built to county accepted standards. Okay? So, when John looked at that and even though he says it's minor, and it's a problem that does not meet standard, he's not going to come to the Commissioners' when Mr. Hatfield says, I want the commissions to take over these roads and make a recommendation. Now, our concern and I bounce this off of Mr. Mourdock and that's the reason he said when the commissioners' convene you'll have to watch for this. We've had cases in the past where the developer never did, and I'm not saying Mr. Hatfield, I'm just saying other developers have never presented and ask for acceptance. They sold the lots and disappeared. Then you guys when those roads fall apart want us to fix them and they're your roads. Okay? The drainage board is about to be ended.

John Stoll: I just talked with Mr. Hatfield about the streets letting him know that "as built" plans have to be submitted in conjunction with us accepting the streets as a requirement through the new drainage ordinance. So once the items are taken care of that are on the list that was prepared by Bill Higgins, plus any other drainage issues, then the "as built" plans would be prepared and then I could bring that to the County Commissioners' for recommendation for acceptance. So once that's done we can move ahead with accepting the streets. They're substantially okay at this point, but there are a few minor things like some cracked sealings and some debris removal that still has to be taken care of.

President Tuley: To ease their minds so to speak, those minor things would prevent you from coming to the Commissioners' and recommending acceptance until those were corrected?

John Stoll: Right. At this point I would not recommend that they be accepted, but once those are complete then we get the plans.

Inaudible Remarks

President Tuley: They're not our roads ma'am. If they're not presented to us for acceptance--

Tina Gander: Our argument here now is, now Bruce has no way of income, so tomorrow he just forgets it. Then we're stuck unless we as homeowners go out and do this. When I bought my home nobody told me this stuff. My last home you guys took care of the road. Why would anybody want to go live in a subdivision if you have to put up with all of this crap?

Dan Swidron: Mr. Stoll made a statement about the roads. They have cracks in front of their house and I just want to say something about the roads. The county owns my road. However, I'm waiting for the mailman to fall into the hole before the county comes out and does something, because it's cracking, it's collapsing. It collapsed with my driveway. It's only going to be a matter of time for that road to collapse. Now if that's made to standard, your standards aren't correct, because in front of my house that road and this (Inaudible) because we spent too much money on USI. Well I'm a homeowner and I pay taxes. Some one is going to get hurt on that street and I will come back to the county, and say some one got hurt. I hope it's a federal official like the postman, because I've been complaining about this road for two years now. I sweep out the rocks every weekend, every weekend the rocks are coming out of the road, but Bill and Mr. Higgins says, sorry no money to pay for it. But yet they're going to expand (inaudible) Hendricks and assess the homeowners for expansion. I don't think so. If they do

expand (inaudible) Hendricks, Mr. Hatfield will pay for any assessments to expand it, because we don't want the development.. He doesn't live by the covenants himself. I want to ask Mr. Gwinn who suppose to live by the covenants right now that we have, if Mr. Hatfield made these covenants, do we live by it or is he supposed to live by it before we're homeowners? There's cars parked in the streets all of the time. There's just so much here that we're going to have to come to the Commissioners' meeting. Thank you.

Mike Wathen: Mike Wathen Soil & Water Conservation District. I've talked with Bruce and we've got an appointment set up for Thursday to look at what's going to need to be done with regards to Rule 5.

President Tuley: Bruce you need to stay in close contact with the Surveyor's Office. You need to see how fast you can get a plan to him, because the drainage--

Bruce Hatfield: (Inaudible Remarks)

President Tuley: Comply with the original plan? As soon as you get that done you need to contact those guys and get it inspected so that they can let us know that you've done that.

Commissioner Mourdock: I'll move for adjournment.

President Tuley: I'll second.

There being no further business the meeting was adjourned at 7:40 p.m.

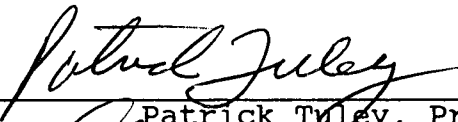
PRESENT:

President Patrick Tuley
Member Richard E. Mourdock
Alan Kissinger, Attorney
Suzanne M. Crouch, Auditor
Julie Hinton, Secretary

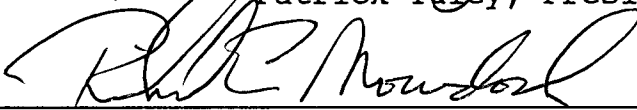
ABSENT:

Vice-President Richard J. Borries
Bill Jeffers, Chief Deputy Surveyor

Attached is a copy of the sign in sheet.



Patrick Tuley, President



Richard E. Mourdock, Member

This signature page is amended (10-30-95) to reflect the names of the board members that were actually present at the drainage board meeting.

DRAINAGE
VANDERBURGH COUNTY COMMISSIONERS MEETING
OCTOBER 2, 1995

Please sign in below:

NAME	ADDRESS	AFFILIATION?
1. Steve Smith	8612 Bison Ln Ind, IN	Southwestern
2. Harlan Vanderpool	7705 Lincoln Trl Perthfield, IN	Carlisle Equil.
3. Roger Robinson	4755 Kade Santa Claus, Ind	Coast. Mch. Corp.
4. Deppan Ellis		Purchasing
5. STEVE PARKER	2515 WILLOW CREEK DR	
6. Malcolm S. Ewin	1911 Lincoln Ave	Willow Creek
7. Lou DAVIS	2435 Willow Creek	
8. Carli Bernadette Jordan	9200 HANNAH CT	WILLOW CREEK
9. Carol Hickson	9210 Meghan	Willow Creek
10. Pat & Lenny Handu	9209 Mayfield Ct.	Willow Creek
11. Cherie Michael Miller	2525 Willow Creek Dr.	Willow Creek
12. Jerry Dennis	2410 Willow Creek Dr	"
13. JERRY MICHELL	2425 Willow Creek DR	"
14. JAME JARVIS	9215 HANNAH Ct.	"
15. CONNIE JARVIS	9215 HANNAH Ct	"
16.		
17.		
18.		
19.		
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22.		
23.		
24.		

A REPORT TO VANDERBURGH COUNTY DRAINAGE BOARD
ON WILLOW CREEK SUBDIVISION

September 26, 1995

On September 26, 1995, and at the direction of the Vanderburgh County Drainage Board, the undersigned Deputy County Surveyor, Bill Jeffers, and Mike Wathen, Resource Conservation Specialist with the Soil and Water Conservation District inspected Willow Creek Subdivision.

The purpose of the inspection was to determine compliance with:

1. Rule 5;
2. The approved drainage plan(s) for the subdivision(s);
3. County codes and ordinances with regard to subdivision drainage.

Mike Wathen determined that Rule 5 was not being violated at the time of inspection (12:30 p.m. to 1:15 p.m.)

Bill Jeffers reports the following violations of the approved drainage plans:

For the original drainage plan submitted by Andy Easley Engineering, and approved by the county drainage board:

1. Basin One, now located partially within Section "B" and partially within the Replat of Lots 33 through 36 of Section "B," is not constructed in compliance with the approved drainage plan in that:

- a) The side slopes of the interior embankment of the dam are steeper than the specified 4:1 ratio across much of the face of the earthwork.
- b) The calculated allowable storm water discharge is not controlled by a ten (10) inch diameter pipe as dictated by the plan.
- c) The required storage depth of three (3) feet cannot be achieved because a deep cut has been made through the dam, draining the basin nearly dry; and the depth of storage during a storm would be less than one (1) foot.

F-1

Basin One (continued)


d) The homeowners' association required by county drainage ordinance, and specified by the approved drainage plan, has not been formed; and the maintenance of the basin by that association, also required by county drainage ordinance and specified by the approved drainage plans, has not been performed.

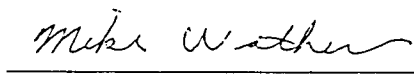
Basin Two, located in Section "A," does not conform to the approved drainage plans in that:


- a) The earth embankment around the east side of the basin does not have uniform 4:1 side slopes as specified in the approved drainage plan.
- b) The storage depth available in the basin is less than the four (4) feet [?] specified in the approved plan.
- c) The homeowners' association has not been formed to provide the maintenance required by the approved plan and the applicable county drainage ordinance; and the maintenance has not been performed as required and specified.

Open Drainage Channel located in Lot 23, Section "B," 9212 Ryan Court, is not in compliance with the Vanderburgh County Subdivision Code, Chapter 151.36, "Flood Control and Drainage" in that:

- a) The channel is not constructed inside a suitable public easement including sufficient area to permit access for the operation of maintenance equipment (per 151.36A.)
- b) The channel lacks bank and stream bed stabilization required in channels where velocities are sufficient to cause bank or invert erosion (per 151.36E.)


Bill Jeffers, Deputy County Surveyor
9/26/95


Mike Wathen, SWCD

COPY FAX TO M: WATHEN 4:15pm 9/26/95
COPY FAX TO TOBY SHAW 5:15pm 9/26/95
THIS COPY LEFT UNDER COMMISSIONER'S DOOR 5:30pm 9/26/95 



VANDERBURGH COUNTY ENGINEERING DEPARTMENT

201 Northwest Fourth Street • Suite 307
Old Vanderburgh County Courthouse
Evansville, Indiana 47708 • Tel. (812) 424-9803

October 21, 1994

Mr. Bruce Hatfield
4613 Sweetser Avenue
Evansville, Indiana 47714

Dear Bruce:

Per our conversation on Wednesday, following is a list of requirements that need to be completed in Willow Creek Subdivision for our office to recommend to the Vanderburgh County Commissioners acceptance of Marfield Court, Meghan Court, and the continuation of Willow Creek Drive.

1. Replace one section of rolled curb at intersection
2. Cut joint in curb (across from damaged curb)
3. Complete sealing of all joints in new streets
4. Clean storm sewer inlets
5. Install erosion control for all lots
6. Backfill behind all curbs
7. Remove all debris and building material from streets
8. Clean all streets of dirt and mud

When this items have been accomplished, please contact our office for a final inspection.

Thank you for you attention to this matter, I remain

Yours truly,

cc: John Stoll
Sub file

William Higgins

6-2

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DRAINAGE BOARD MINUTES

OCTOBER 23, 1995

Meeting Opened 6:34 p.m.	1
Approval of Transcribed Drainage Board Minutes	1
A. Regular Drainage Board Meeting (9-25-95)	1
B. Special Drainage Board Meeting (10-2-95)	1
Request Payment of Blue Claims-Maintenance	1
Sycamore Hills Estates Phase IV	1
A. Preliminary Drainage Plan approved	
Sycamore Hills Estates Phase III	3
A. Plan approved to vacate the (175') Drainage Easement at the southeast corner of lot 16 retaining the (50') ditch setback along the south line of the same lot for Schlensker Ditch and accepted for platting purposes only.	
Drainage Appeal (Oak Ridge Subdivision Drainage Plan Sec. B.)	3
A. Approval was given with regards to Mr. Jeffers proposal submitted.	
Meeting Adjourned 8:03 p.m.	24
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VANDERBURGH COUNTY
DRAINAGE BOARD MEETING
OCTOBER 23, 1995

The Vanderburgh County Drainage Board met in session on October 23, 1995, at 6:34 p.m., in the Commissioners' Hearing Room 307, with President Patrick Tuley presiding.

RE: APPROVAL OF TRANSCRIBED DRAINAGE BOARD MINUTES:

President Tuley: We have minutes to be approved from the regular drainage board meeting of September 25, 1995 and a special drainage board meeting of October 2, 1995. May I have a motion of approval please?

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

RE:¹ REQUEST PAYMENT OF BLUE CLAIMS-MAINTENANCE:

Bill Jeffers: Blue claims for ditch maintenance have all been checked, signed by the surveyor with the required attached certification papers and so forth. The Vanderburgh County Surveyor recommends payment of the blue claims in the amount shown on the face of the claims.

President Tuley: Okay having heard that from the Deputy Surveyor I have a motion for approval of blue claims.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered. I know Mr. Garrett's here. He's out there so let's go on with the agenda. Bill are you here for Sycamore Hills?

Bill Nicholson: Yes.

President Tuley: You're here, so let's go a head and get that out of the way.

RE: SYCAMORE HILLS ESTATES PHASE IV:

Bill Jeffers: This is Sycamore Hills Estates Phase IV, which I'm showing you the drainage plans here. Mr. Nicholson is here and he has the primary plat that's going before Area Plan Commission November 1, Wednesday. This is an extension of the Sycamore Hills project which is in Phase I, II, III and now this is IV. It's out off of Schlensker Road and McCutchan Road. Schlensker Ditch or Schlensker Creek, however you wish to call it, passes through the south part of this development. There's a large common area that's presently still owned by the developer Mr. Gary Williams. When a certain percentage, I think it's about two-thirds, when two-thirds of the lots have individual lot owners with homes on them, they are to form a Homeowners' Association. The Homeowners' Association will maintain and repair all drainage facilities as well as other facilities that will be under their care. That is not exactly per our new Drainage Ordinance, however, because this is a continuation of an existing development that's been ongoing for the last eight years or so, the intent is there. We have a large common area that will go over to the Homeowners' Association at the same time and in that common area is Indian Lake which serves as a detention facility and also a small detention basin down at the bottom across from lot 26 that captures some water that couldn't otherwise be

¹Copy of Blue Claims for ditch maintenance attached to the minutes.

captured in Indian Lake. It discharges directly into Schlensker Ditch. Large detail of that basin is over on the right hand side. Included on the plat are sufficient details of the drainage easements and facilities. I would like to recommend approval of a primary, excuse me, a preliminary drainage plan. I've reviewed the calculations submitted by Mr. Nicholson and they are in order. Everything is sufficient to recommend to you approval of a preliminary drainage plan. There's some very minor details that we're going to have to work out before he comes back with a final drainage plan. I'd also like to visit the site with Mr. Wathen with regard to soils and so forth, because I'm not familiar with that part of the review and we'll come back to you next month with a recommendation on a final drainage plan. But the preliminary drainage plan will allow him to go to Area Plan Commission Wednesday, November 1. I would like to say one other thing at this time that he does pretty much have lot 23 sold. That roadway has been extended and does terminate at that cul-de-sac there at lot 23. Do you see where that lot 23 is? (referring to the plat) I will probably go over to Area Plan Commission and sign for a building permit just for that one lot. I think he's entitled to build one house on this large parcel. Then for building permits on the rest of the parcels will require a final drainage plan to be approved by you at the end of November.

Commissioner Mourdock: How does that work Bill that they could do just one lot? I don't have a problem with it, I'm just curious.

Bill Jeffers: Well in the past before our drainage ordinance went into effect, I think it's still true over at Area Plan Commission, each large area as a parcel is entitled to have one home on it.

Commissioner Mourdock: So, in that sense, they're viewing this whole subdivision as one whole parcel?

Bill Jeffers: Well this section is like one big parcel. He extended that cul-de-sac back there. He may have planned at one time to build his own house there. See what I'm saying? Then for economic reasons he says I'm going to sell that lot and proceed with this development, I'll carve myself out another lot later. There is a buyer for lot 23 and I wouldn't want to hold them up because of the details that I'm talking about. The final details are so minimal and they don't affect lot 23. They're down here by the ditch in a different watershed area. On down here around lot 26 and 27 are the details that I would like to work out. I feel comfortable that lot 23 is sufficiently served by existing roadways and drainage facilities.

Commissioner Borries: These are big lots. How big are they? Are they all five (5) acres?

Bill Jeffers: Somewhat.

Commissioner Borries: They will have their own systems in, septic system?

Bill Nicholson: The Health Department looked at the property and made their recommendation...(inaudible remarks)

Commissioner Borries: Those comments are made by Mr. Bill Nicholson, the engineer.

Bill Nicholson: Bill Nicholson. The Health Department has looked at the lots and have given a report their acceptance for mound sewage disposal systems.

Commissioner Borries: I move that the preliminary drainage plan for Sycamore Hills Estate Phase IV be approved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

RE: SYCAMORE HILLS PHASE III:

Bill Jeffers: While we're on the subject of Sycamore Hills and while we have the engineer still here present. Sycamore Hills Phase III there was this one lot called lot 16 that had a one hundred seventy-five (175') foot drainage easement at it's southeast corner, that's shaded in green down there, that was to have a drainage basin in it and it would flow directly into Schlensker Ditch. You see the fifty (50') foot ditch setback there, that's for Schlensker Ditch. However, one of the lot owners north of lot 16 on lot 15, they decided they wanted the lake up there, because they wanted some lake frontage on two (2) lots instead of just one (1), so they moved the lot line over on the southeast lot line. The darker line, that's the new lot line and they built the lake up there and put a pipe in that discharges down along the west lot line, that's shaded in red and it says a thirty (30') foot drainage easement. That takes it down to Schlensker Ditch through that pipe. The reason they did that apparently was to increase the value of the two (2) lots rather than just have the lake on one. However, Mr. Williams was not aware at the time that the new drainage ordinance would require that that lake have a easement all around its outside perimeter. He does have a buyer for lot 16. It's been to our office. He loves the lot, he wants to buy it, but he doesn't want this one hundred seventy-five (175') foot drainage easement to remain at the southeast corner of his lot, because it serves no purpose. He wants to be able to use that area for private use. The lake serves the purpose of what the one hundred seventy-five (175') foot drainage easement was to serve, but Mr. Williams went back to his engineer, and has his lawyer here to represent him also, Mr. Shively, Mr. Nicholson his engineer then resurveyed this area and drew a ten (10') foot easement all around the outside of the existing lake. That's shaded in blue and he drew a thirty (30') foot easement down the east line shaded in red for the pipe to discharge into Schlensker Ditch and what they're asking you to do at this time is to vacate the one hundred (175') foot drainage easement that was formerly intended to have a lake in it. Retaining the fifty (50') foot ditch setback for Schlensker Ditch. The Surveyors Office has looked at this plan and finds nothing wrong with it and recommends approval and would ask you to vacate the one hundred seventy-five (175') drainage easement at the southeast corner of lot 16 of Sycamore Hills Phase III retaining the fifty (50') foot ditch setback along the south line of the same lot for Schlensker Ditch and accepting for platting purposes only. Not for maintenance purposes. Just accepting for platting purposes the ten (10') foot easement around the lake that is actually established as shown in blue. Again, this falls under the Homeowners Association method of maintenance. After two-thirds of the lots are occupied they will form a Homeowners Association and they will maintain all these facilities shown on this drawing.

Commissioner Borries: Based on the Surveyors recommendation I move that the plans described on this plan be approved for Sycamore Subdivision Phase III, lot 16 and lot 17.

Commissioner Mourdock: Based on the Surveyors recommendation I will second that motion.

President Tuley: So ordered.

RE: DRAINAGE APPEAL (OAK RIDGE SUBDIVISION DRAINAGE PLAN SEC. B)

Bill Jeffers: I'm going to make a couple of hand outs. I might make a couple of comments and then Mr. Garrett can present his appeal. The first display I gave to you does not need to be entered in the minutes and it's the map. It's basically a quarter section sheet and it shows you in pink, Mrs. Watson, Mr. Rucker and Mr. Garrett's lots. It shows you in yellow a portion of Anthony Drive

that was accepted on December 8, 1980, seven hundred and thirty-eight (738') feet. Here's a copy of the minutes of the Commissioners' meeting wherein it was accepted.

Commissioner Mourdock: But the road has not been built from here to here? (referring to the map)

Bill Jeffers: That was accepted way back.

Commissioner Mourdock: Okay.

Bill Jeffers: This is just to show you that it was originally a cul-de-sac.

Commissioner Borries: Is it a road?

President Tuley: That is.

Bill Jeffers: Yes this came down to a cul-de-sac.

President Tuley: The driveway still looks like a cul-de-sac.

(General conversation referring to the map.)

Bill Jeffers: This was before any of the present members were sitting on the commission in 1979 or '80. You must of been out of town Mr. Borries.

Commissioner Borries: I wasn't on there then..

Bill Jeffers: Oh, you came on in '81. Okay, so we are dealing with an accepted roadway from Ward Road all the way down to the west line of what's called Knob Hill Road. But that's as far as any pavement has been put in place and it's as far as the county maintains. Then I've shaded in orange the area that was platted as Knob Hill Road, but within which no roadway was ever built to county standards.

Commissioner Mourdock: Where does it end then?

Bill Jeffers: Knob Hill Road?

Commissioner Mourdock: Yes.

Bill Jeffers: It's platted all the way up--

Commissioner Mourdock: Is it platted and built, just not to standards? Is that what you're saying?

Bill Jeffers: None of it has a road that's built in it.

Commissioner Mourdock: Okay so the only access that Watson, Rucker and Garrett have is to the east on Oak Ridge?

Bill Jeffers: Yes sir. The way that that developed historically was that the developer for Oak Ridge Subdivision in which Mr. Rucker and Mr. Garrett live, decided that they wanted to access interior streets only. Meadow Gate, Woodside, Oak Ridge Drive, etc. and in the minutes of the Area Plan Commission meeting or meetings that went on during the review and approval of Oak Ridge Subdivision, it specifically states that these are not double frontage lots and that access shall not be given to any lot from the rear, because the developer did not want to set aside another thirty (30') foot for Knob Hill Road and build a county roadway along that alignment. He wanted to access St George down here with Oak Ridge and configure his lots in the way that you see it on this plat.

Commissioner Mourdock: The orange that you have shaded in Bill,

that could continue on north, right?

Bill Jeffers: That does continue on north. I only shaded the portion that I think affects our discussion.

Commissioner Mourdock: Okay.

Bill Jeffers: But yes sir, as a matter of fact are other plats--

Commissioner Borries: I'm a little confused Bill. I know that I drove this. I came in on Knob Hill from Ward Road and then I drove up and around, then I came back and I hit Pine Tree Drive. Does it dead-end back down here?

Bill Jeffers: Yes sir.

Commissioner Borries: It does? Alright.

Bill Jeffers: There is no such thing as Knob Hill Road except--

Commissioner Borries: Gotcha.

(General discussion of the map)

Bill Jeffers: Knob Hill Road exists only on paper. It's a dedicated right-of-way that was never built in or with county roadway.

Commissioner Borries: I see.

Bill Jeffers: I don't want to confuse the issue anymore, but Sigeco has like a sixteen (16') foot easement running up through there too, within Knob Hill Road. I had a hard time documenting that, but I do know that it's there, I just can't prove it at this time so I didn't show it on there. The reason I gave you all that is because basically Mr. Rucker in his appeal, I mean Mr. Garrett excuse me, in his appeal is asking for a resolution to all these problems. In this handout that I've given everyone except Mr. Kissinger (Mr. Jeffers then handed him one and Mr. Kissinger said thank you). Basically what I'm saying is that we need to resolve the ownership of that thirty (30') foot strip.

Commissioner Borries: It's obvious that if we don't maintain it and if it's obvious that we're not receiving any kind of financial monies coming back--

Bill Jeffers: From the state.

Commissioner Borries: On anything else that we have accepted as for county road or thereby for county maintenance and we are not having any taxpayers paying into what is set up as a legal drain, then it does not belong to Vanderburgh County. That's really clear.

Bill Jeffers: That's clear to me. Now to a layman, possibly, that doesn't work with these things like you and I do, the rest of the board and fellows out at the county garage, a lot of people think that when they see the word right-of-way they automatically assume that the county owns and is responsible for maintaining that. That's why we need to clear that up and I'm referring to down here at the bottom of that page to the case of Huffman VS. State. I have the Indiana appellate number, court numbers, etc., and this is the case that the city uses on cases such as this. The court clearly stated that it is the firmly established rule of this state that the owner of lands abutting upon a public highway owns the feet to the center thereof, subject only to the easement which the public has for highway purposes. And further the right of the owner of the land yields only to the greater rights of the public. As the courts said the only right the public has is simply an easement affording a passage over and along the highway. So in the language that you

and I might use, if there is a public roadway there the property owners on either side of it or in this case on one side of it, because they are the side that dedicated the thirty (30') feet, own that land right up through the roadway. You represent the public. The Board of County Commissioners' represents the public and the greater right of the public is only an easement across that land for passage of vehicles along the highway. So you maintain the highway in accordance with certain standards to give the public safe passage over a highway within that easement. However, in reverse what I'm saying is since no highway was ever built and since thirty (30') feet is not sufficient within which to build a standard county roadway, that strip is of no use to the Commissioners' for the purpose of maintaining a highway or in today's terms a road. (Back in 1899 they called everything a highway that wasn't a dirt path.) So if you have no use for that as a public roadway and if no one has any intent to dedicate another twenty (20') feet to make a fifty (50') foot right-of-way, and it think that's the case, you'll never be able to build a road in there to county standards, so therefore, I'm proposing to you that you vacate that thirty (30') feet shown in orange which will make it totally revert back to the adjacent property owners to the west with no rights with the public to pass across it and then have those owners rededicate it as a public utility and drainage easement, because that's it's current use. It currently is being used by a variety of utilities and it's currently being used as a drainage easement. We would like to go to them and say, "Would you rededicate this as a public utility and drainage easement", with the provision that those people who own the ground and are rededicating them to us also are allowed to maintain driveway accesses to their private property, because without that lot #13 and 16 would not have driveway access without that provision in there. They currently do have it.

Commissioner Mourdock: I think I'm following what you're saying Bill, but am I correct then to do this and actually to provide access to lots 13 and 16 we've got to in the vacation, get all the existing property owners to agree to the terms that you just decided.

Bill Jeffers: Yes.

Commissioner Mourdock: And one bad apple would spoil the whole barrel. I mean if one person says no, everything's--

Bill Jeffers: Possibly.

Commissioner Mourdock: Possibly depending on which property it was. Maybe they could get access out the other way.

Bill Jeffers: Correct. Or maybe they don't need access. In other words ---

Commissioner Mourdock: Thirteen (13) and sixteen (16) certainly would.

Bill Jeffers: Sixteen (16) may belong to seventeen (17). I'm not sure.

Commissioner Borries: Now wait a minute. How do they get out?

Bill Jeffers: Right now sixteen (16) does not have a home on it and it may be owned by seventeen (17), but thirteen (13) does have a home on it and does presently have a driveway access.

Commissioner Mourdock: Thirteen (13) has driveway access which way? To Knob Hill then goes north?

Bill Jeffers: To Anthony Drive. Yes sir. It's the source of some of the gravel that is a part of the appeal.

Commissioner Borries: Now to follow up on what Commissioner Mourdock said. Can we not vacate the right-of-way? Do we have to have all of the--

Commissioner Mourdock: No. In step one what Bill is suggesting, and I'm sure you'll correct me if I'm wrong, if you take step one we could just vacate it and then we're out of it.

Commissioner Borries: We have to do that in a Commissioners meeting.

Commissioner Mourdock: Right. What Bill is suggesting that as part of the vacation that we have the landowners agree that they would be granting right-of-ways for public utilities and for driveway use so that we would vacate this and the county would be out of it, but in return we need these people to agree to do the driveway.

Commissioner Borries: And that's the second part here that's appropriate to ask them to do that.

Bill Jeffers: I think so.

Commissioner Borries: Now, if they would not, and let's say we have vacated it, the property still belongs to at that point everybody on the west side of this?

Commissioner Mourdock: No.

Bill Jeffers: It still belongs--

Commissioner Mourdock: Fifteen (15') feet either way then?

Bill Jeffers: No sir. I think it all belongs to the properties on the west side because that's the properties from which it came.

Commissioner Mourdock: So for lot thirteen (13) to get driveway access would only require the agreement of lot eighteen (18)?

Bill Jeffers: Right.

Commissioner Mourdock: Wouldn't require 40, 41 and 23?

Bill Jeffers: No.

Commissioner Borries: And would not require anybody that is known as Oak Ridge Sub over here.

Bill Jeffers: This is one quarter (section). Here's the corner. All of the deeds are drawn from this stone this way, they dedicated the thirty (30') feet thinking these people over here would later do the same.

Commissioner Mourdock: Did I hear you say that sixteen (16) in fact belongs to seventeen (17)?

Bill Jeffers: I believe it does.

Commissioner Borries: Where's the other corner did you say?

Bill Jeffers: Section corner is up here. (Referring to map)

Commissioner Borries: Okay.

Bill Jeffers: I'm trying to limit the description of it to just those properties that are affected by this problem.

Commissioner Borries: Alright.

Bill Jeffers: Just an idea. Then of course you could help address

these other problems by encouraging...that's that middle section in there...there's nothing you can do to force the sewer department to do anything. We're trying to take the good guy, helpful point of view we can encourage all these other things in the middle here to happen.

Commissioner Mourdock: Have we and I presume we've not had any contact with landowners to know if they would go along with this kind of proposal?

Bill Jeffers: I have not. No sir, I'd like to ask you permission to pursue if you think it's a good idea. If you think it's a waste of time I'll drop it. It's just an idea I wanted to present to you as a potential resolution to the problem. If you think it's not worth it I'll drop it.

Commissioner Mourdock: Mr. Garrett and Mr. Rucker does that seem to address the problems that you all brought before us?

David Garrett: That would take care about one-third of the situation. Last time when we met there was a new piece of information. It was a map that had been found and Bill had reflected that in his write up. It's exhibit ORDA-1. If you remember from the last meeting we followed up and met with John Stoll and the finding was that, and I might ask John to come up and speak for himself on this, but the thought is if we maybe now have the basis for asking Bauer Construction to put that ditch in the way it should of been put in the first place. The problem in the past is we didn't feel we had a basis for any type of a compliance check.

Commissioner Borries: Where are you talking about Mr. Garrett, where the ditch would go?

David Garrett: On ORDA, exhibit ORDA-1.

Commissioner Mourdock: Where is the ditch located?

David Garrett: The ditch lies east of Knob Hill Road and it travels in this case north to that thirty (30") inch pipe.

Commissioner Mourdock: Turn it around and put your finger on it. (referring exhibit ORDA-1)

David Garrett: Right here. This ditch.

Commissioner Mourdock: Okay.

Commissioner Borries: We're back to what you're referring to as Knob Hill Road which is this easement. You're talking about putting a ditch in that easement?

David Garrett: Now there's an existing ditch and we have found... actually it came up the evening of the last meeting in September. A new map which tends to indicate that you could clearly make a point that that ditch was not put in properly. So I guess my point is since last meeting we now feel that we have a basis for a compliance check which will certainly demonstrate that that ditch is not put in correctly and we would like to ask the commissioners to use their enforcement powers to ask Bauer's Construction to essentially put it in the right way.

Commissioner Mourdock: Is the wavy line that's drawn on here Mr. Garrett, is that fairly accurate? So it cuts across the corner of your lot and the corner of Mr. Rucker's and barely catches this lot. Is that accurate?

David Garrett: I believe so.

Commissioner Mourdock: And how should or what's your contention, that it wasn't put in correctly? Are you saying that it isn't running a straight line or it wasn't built to spec, in the right place?

David Garrett: I might ask if it's appropriate to have John Stoll come up and talk, but my understanding is is that ditch has actually been placed further west and essentially the existing waterway would not even be where it is today. That ditch would be essentially a straight line from where it starts and terminate at that thirty (30") inch pipe.

General Discussion of the map.

John Stoll: Here is where the rock is depositing on Mr. Garrett's property. So based on the way this original survey was done it appears that it may of been just graded from this point on towards the pipe verses from Anthony Drive all the way back.

Commissioner Borries: Who graded what though? I mean the problem is as I see it, is who's ownership is it back here in Knob Hill. If it is as Mr. Jeffers says it is, it belongs to all of the people on the west and if I'm correct that Mr. Bauer developed Oak Ridge on the east, then I don't see how Mr. Bower's gets in there to do anything on property he doesn't own. Am I correct on that?

Commissioner Mourdock: Let's go back to your first question. Who put in the ditch?

Bill Jeffers: Basically what happened is everyone assumed that that would never be a road because it's only thirty (30') feet wide. Sigeco has a sixteen (16') foot easement, out of the thirty (30') feet they have a sixteen (16') foot easement bordering Mr. Rucker, Mrs. Watson and Mr. Garrett's property.

Commissioner Mourdock: So the ditch runs in and out of their easement.

Bill Jeffers: Then there's a six (6') foot public utility easement on the Rucker, Watson and so forth. Sigeco has a sixteen (16') foot easement running along this edge, inside the orange. There's a six (6') foot easement inside the subdivision. There's a twenty-two (22') foot public utility easement there and the design engineer was Bill Bivins. Bill Bivins designed the ditch on the road plans that was submitted to the County Commissioners in or around '86 or '87, somewhere in there. Mr. Bivins submitted a set of road plans to the Commissioners' that showed the ditch that is behind these three peoples' houses to be just inside Knob Hill Road right-of-way. Also just inside the sixteen (16') foot public utility easement built by Sigeco. Everybody thought that was a great idea, because the only thing that that strip was being used for was Sewer Department access, Sigeco, Bell Telephone, so forth and so on. So it's being used as a combination public utility and drainage easement and we all approved of that design. Which indicated that Bauer Construction who is developer of the subdivision would instruct their dirt contractor who was Blankenberger Brothers to dig a, basically, straight ditch as Mr. Garrett has described from the end of Anthony Drive, north to the thirty (30") inch concrete pipe. However, long about 1990 or '91 the three (3) lots that these folks who are appealing owned, still did not have a house built on it. I imagine that ditch had been put in at some point in time, because obviously, it had to be put in or the water would of been flowing south instead of north. In other words the water naturally used to flow southward to the end of Anthony Drive and across Mr. Garrett and Mr. Rucker's property to the east. That old ditch was filled and regraded to flow north. So that had to of been accomplished. However, there weren't three houses there. (It just keeps going on and on and on, but I didn't think it was going to get this complicated.) Then the three lots were sold, I can show

you aerial photographs that show that those houses had to of been built after 1990. So there's a four year period of time when that was just vacant ground. Then here comes the home builders. There may have been one guy that built all three houses, and there may of been three different people that built the three houses when they were grading those yards and the Sewer Department was putting their service road back there. Dirt starts getting pushed around and it ended up that the ditch was a little wavy there. It wanders in and out of Ward Road easement that wanders out on to Mr Rucker and so forth and so on. I don't know who caused that. It was well after any compliance check would of taken place. The compliance check would of taken place back in '86 when the subdivision was finished. When the ditch was originally put in and the thirty (30") inch concrete pipe was originally put in someone from the Engineers Office went out there and said, everything is copacetic and they accepted the road and drainage system. That's the compliance check. Then four or five years passes and someone comes along and starts building homes and pushing dirt around and now you've got what you've got there. Basically what I'm saying is there should of been a Homeowners Association formed. That was one of your requirements in '86. The developer agreed to it.

Commissioner Borries: That's one of them that you have on here.

Bill Jeffers: Right. The developer agreed to form a Homeowners' Association with assessing powers to gather funds to take care of this. Now I'm trying to show a way that you can prove it is not the county's responsibility to maintain or correct this problem. The problem has developed over a period of time during which the county has no responsibility for the problem developing and no responsibility for correcting the problem. If you took care of all that in 1986 and '87 when you approved a certain set of plans and a certain number of conditions attached to those plans, that you thought would of carried out, would of addressed the problems. That's what I'm trying to say and I'm not trying to be a bad guy to anybody out there, but that's the way it goes down.

President Tuley: When that Knob Hill thing first came up and we all went out there and met that one morning with all of the homeowners, we came down Ward Road and came down Anthony Drive here, (referring to map) we started up this way and that's what you're talking about, all of this meandering little ditch in here. All of this development happening over here. It's not much of a ditch to begin with.

Bill Jeffers: No it's not. That's correct.

President Tuley: Then you keep going up this way and you find this lake up here somewhere.

Bill Jeffers: Right.

General conversation between the board and Mr. Jeffers with regard to Knob Hill map.

Bill Jeffers: It only runs down to this point, then they've got a pipe down here. That's where the cat disappeared, right there.

President Tuley: I remember the story of the cat.

Bill Jeffers: This all runs down to that pipe and this all comes down to that pipe. Natural waterway goes right through here and down through here.

Commissioner Borries: I've got you now.

Commissioner Borries: Mr. Garrett, there just isn't any way that we're going to be able to address everything that you have in writing. Have you had the opportunity to review Mr. Jeffers memos,

sir?

David Garrett: Yes sir. Absolutely.

Commissioner Borries: Okay. I have not seen all of this. He has put some extensive information down that we can do, but the bottom line I think to me is real clear in what he just said. Bill Jeffers for all practical purposes and probably two or three other people in his office are the only people that we have available in the Surveyors Office to inspect and to provide research on plat development and drainage developments when they occur and then when a developer says that they are finished. We do not nor can we have any on going, literally, "maintenance staff" for every drain in Vanderburgh County. The County Engineer and his small staff is the same way. We do not have compliance officers. There is no way we have compliance officers. You may have a civil suit here between you and the developer of your area, but as Mr. Jeffers has said to me, I will be supportive of the efforts that he has listed to resolve some of the issues here, but when you are talking about compliance in 1995 compared to the last inspection that we would have done here in 1990, we do not have people, we do not have a staff that can go back day after day, month after month, year after year for compliance in all parts of the county. We cannot do that.

David Garrett: What is the ordinance standpoint? No doubt the taxpayers have certain rights with respect to lack of performance by their contractors. I'm sure that's one of the reasons why we have approved plans. What are we entitled to by the statute?

Commissioner Borries: You are entitled to by the statute for the developer, when he or she installs the plan, to have done so according to county specifications at that time.

Commissioner Mourdock: Let me add one to that. Our attorney is sitting down there, so if we get out on a wrong limb here, but certainly as a purchaser of the property, Alan's going to agree with me on this one, as the purchaser of the property when you did the title work for it, and I'm sure you did, probably it was some of these things that were noted from the survey report. I would think when you purchase property one of the things that was done was the survey and at least the illustration here that's shown of the ditch getting up into your property, should have been noted in the survey. In that it would seem to me in the title review should of raised a bit of a question. Alan.

Alan Kissinger: A lot of residential real estate is sold without benefit of a survey, so it would not have shown.

Commissioner Mourdock: Like I said, I was on a wrong limb.

Bill Jeffers: It depends on the bank's regulation whether that particular institution requires what they call a banks certified survey...

Commissioner Borries: You need to come up here, I know you're probably tired and it's getting late too, but they're not going to pick up what you said. That was Bill Jeffers comments. I guess what I'm trying to say to get some kind of closure here on this, is that the county cannot do work on private property. If there is any speculation that this is quote, county right-of-way which the county in my opinion has never accepted from what I see here, we can take steps to vacate this right-of-way. I would certainly support and I will make a motion or ask one of my fellow Commissioners in a Commission meeting to do this. We cannot do work on private property. We can only do work in this drainage to do several things. We approve drainage projects and plans according to county specifications based on our technical advisors and they are Mr. Jeffers as County Surveyor, and Mr. Stoll as County Engineer. Second, we authorize legal drain maintenance and funding for

projects along legal drains, where in effect taxpayers basically pay into a fund and we administer the funds. Beyond that, I'm not sure we really have...we're going to run into a situation here where we can jawbone all we want and we can encourage as he has put, encourage, encourage, encourage, but notice he has stayed away from the word "mandate". We cannot mandate this because it is private property. It is a civil dispute between you and some other people here who have not followed the original drainage plan. Am I clear on that Bill? Is that what you would see it as? Or at least not follow the...I shouldn't say that. Julie you might want to correct here. They may have followed the original drainage plan, but subsequent to that, after that people have gone in and changed the drainage plan for whatever reason. Is that a fair assessment?

Bill Jeffers: That's a very fair assessment. It may at one time had been implemented according to the original drainage plan. Subsequently, the Sewer Department came in and put in two pump stations. The Sewer Department put in a corrugated culvert to access those pump stations. They put it in this ditch to cross the ditch to get over to that pump station. Anytime you have this construction activity going on, especially when you dig a big hole in the ground, put a pump station in, you usually put two of them in and had to waste some of that dirt somewhere, I suspect that original ditch that was installed there and Mr. Bauers said, I'm done. Pay Mr. Blankenberger for doing what he did. Subsequent to that some dirt has been moved around in that area and some people have possibly wasted some of that dirt into what was the original ditch. No one has maintained it. Trees are growing up in it that weren't there in '86. I would say every tree in that easement behind the three individuals homes that we're talking about, every tree is less than ten years old. I would say every tree is less than seven years old, which indicates that what's growing back there has been allowed to grow back there since the maintenance of it should have been turned over to the property owners. Brush and everything.

John Stoll: One of the problems that we found since I've checked into our files is that there was no inspection report done. So we can't say for absolute certain it was done correctly or we can't say it was done incorrectly. Whoever was in the Engineer's Office at that time did not put together a report stating the condition of that ditch whenever Bauer had completed the subdivision.

Commissioner Mourdock: Having heard all that--

Bill Jeffers: The only thing that I want to add before you say this, if you don't mind me interrupting Mr. Mourdock, is that also it's very evident that that was very low ground. As a matter of fact the old waterway that passed through Mr. Rucker and Mr. Garrett's property, the lowest point out there is what I'm saying, the old waterway was filled in, so that was the lowest ground. You can't see it on this. You have to see it-- (referring to map)

Commissioner Borries: You can see it exceptionally from that, because you can certainly see where the hills are.

Bill Jeffers: Here is the old topographic map that shows a waterway coming down out of the-- It actually went right across Mr. Garrett and Mr. Rucker's property. They filled this in and made the water flow directly through here.

Commissioner Borries: I see.

Bill Jeffers: So what I'm saying basically is you have one hell of lot of dirt that's been moved around back there since 1988. When you look at that 1990 photograph that's in front of Mr. Mourdock, the 1990 photograph shows there were no houses there. Mr. Rucker, Mr. Garrett and Mrs. Watson's house was not there. So if you move that much dirt around whatever had been there once the developer

left it could of easily been altered substantially. Because they had to move enough dirt onto Mr. Garrett's lot to build his house sufficiently high enough that that old waterway would not flow through it. The same with Mr. Rucker. The water now, the natural water comes up almost to Mr. Rucker's patio. That's what started this. So obviously they have filled it up substantially to prevent it from coming through his house. So I'm saying there has been a lot of dirt moved around back there and even if there were a compliance check that said, yes it was done right, whoever moved that dirt around changed that dramatically.

Commissioner Borries: One of the things that is so critical in this whole process that's never been done here that Mr. Jeffers has pointed out, is the formation of this Homeowners' Association that should of been done. And it still needs to be done so that you can meet with your fellow neighbors or your residence here to provide for some kind of planning, and again, I'm only suggesting at this point that the Board of Commissioners consider vacating this just to end all speculation that this is quote, "county property" because it is not county property. We don't maintain it. We cannot work on it. It would be illegal for us to do that. Unless we decide that we would have and as he said, we normally have to have I'd say sixty (60') feet right-of-way. When you begin to look at twelve (12') to fifteen (15') feet, shoulders, everything else, I mean sixty (60') feet is reasonable than what we would normally ask for.

Bill Jeffers: Fifty (50') feet is your bare minimum.

Commissioner Borries: Yes, that's tight. We would have no plans at this time to, at least in my mind, and normally we have the money, to ever build the road. I'm not sure that you want a road immediately right in your back yard anyway at any time. Which is what you'd have. The other part of the confusion here about all this is the fact that this was never to be determined as...I mean it's labeled a road easement, it was never even determined to be a drainage easement, was it?

David Garrett: No.

Commissioner Borries: If we can be of assistance to resolve these issues that have been discussed here and I want some further time to research what Mr. Jeffers, he's done extensive amount to reply to some of the things. I mean I'd be happy to support you there, but what the county can do at this point or this drainage board can do, quite frankly is limited. It will become in the final analysis what you can do and what you can do as a Homeowners Association later. And again, whether or not there's grounds for a civil suite, I don't want to say, but I think that's a matter that you have to decide on this.

David Garrett: What ordinance is this matter going to be governed by? Can we get an opinion on that?

Commissioner Borries: What ordinance?

David Garrett: Is the current drainage ordinance?

Commissioner Borries: No.

David Garrett: Or the ordinance in effect at the time that the plan was approved?

Commissioner Borries: Yes. I'll tell you this, if we had to look at current codes on certain buildings according to certain earthquake requirements now, there wouldn't be a building in Evansville that would probably stand up, anything built before 1985. I mean we couldn't allow people to go into those buildings. We have to go by the code for what it was at that...or the ordinance for what it was at that time. In fact we even gave a

grandfather clause for what a couple months so that some people could get in compliance, because we've got a tremendously complex ordinance now. Much more so than we ever did back in those days.

David Garrett: Let me ask on this sheet that Bill Jeffers has distributed. In some of these matters such as encouraging the Sewer Department to pave it's access drive. Encouraging a Homeowners formation of that Homeowners' Association. You're saying that would be all that the Drainage Board could really do, is to either verbally or send a letter and say, "Hey Bauer Construction, hey Sewer Department we recommend that you do this"? There's no--

Commissioner Borries: Unless we have documentation by the Surveyor or the County Engineer that these were not built to certain code on the day that, except everything else. If they said, no you should not accept, don't accept, blah-blah-blah, then we would go back and he's saying that at this point the records are so sketchy that we don't even have any inspection report. I will say that, and I can't apologize, frankly there is no way in this complex job that we can take...We're here tonight, we're listening to what you're saying, but I don't know where the records are and I don't know who's responsibility that was at that point. We may have made a mistake. I don't know.

David Garrett: Sure. The only point I want to make is and John you can help me out here. My understanding was from last meeting this new map would clearly show that the ditch was not put in as planned independent of any type of subsequent event.

Commissioner Mourdock: What are you calling the new map? The 1990 map?

David Garrett: Exhibit ORDA-1.

President Tuley: If that statement was made, I think that would be hard to prove whether it was or it wasn't, because there's been too many years that has passed. There's no record--

Commissioner Borries: And that's where he said, to use the term, there's a hell of lot of dirt--

Bill Jeffers: Basically that now is no longer... I'm not saying it wasn't, I'm saying that now it does not exist where it was indicated to where it should of been put. It ain't where it was supposed to be. It doesn't mean it never was. It just isn't now.

Commissioner Mourdock: What does it say to us Bill, that your 1990...this is a 1990 map, right?

Bill Jeffers: Yes.

Commissioner Mourdock: Okay, obviously all that dirt was moved. The drainage is different here than on whatever it appears this is.

Bill Jeffers: That's '85 or '86.

Commissioner Mourdock: Okay. This was done in '87, the Oak Ridge Subdivision? Is that what you said earlier?

Bill Jeffers: Basically it was built between '86 and the present day.

Commissioner Mourdock: Okay. So the building permit that would of allowed for the building of these homes was based on the plan that was in effect in '86?

Bill Jeffers: Correct.

Commissioner Mourdock: And somewhere between the issuance of that

plan that the topography changed to be what this is for 1990?

Bill Jeffers: That's correct.

Commissioner Mourdock: And the houses were built after 1990?

Bill Jeffers: So it's changed even more since 1990.

Commissioner Mourdock: Yes, but my point I'm trying to get to Mr. Garrett's question here as far as saying, to be blunt here, could a building permit be issued, should a building permit have been issued given this topography was in place? If it were known that this topography were in place, would the building plan have been issued?

Bill Jeffers: Yes.

Commissioner Mourdock: I guess we're back to Commissioner Borries point.

David Garrett: Let me ask you. Is the real issue the ownership?

Commissioner Mourdock: Yes it is as far as what we can do.

David Garrett: Okay. I know I talked to you on the phone, but I don't know if that's been really formally nailed down. I've got a letter here from Mr. Stucki saying that it is the county's property. I know Bill was saying he thought there was a statute that would override that, but we've got it right here in writing that that is clearly a piece of Vanderburgh County property.

Alan Kissinger: Are you saying that the road is Vanderburgh County property?

David Garrett: The entire thirty (30') foot including the road.

Alan Kissinger: The easement for right-of-way, no. If Mr. Stucki said that, I don't know what kind of a question was presented to him. Even if the county builds a road over that property, the property underneath that road does not belong to the county. It is not county property.

David Garrett: Let me read the letter if that will be of any help. I don't know that we finalized this issue of ownership and that's why I'm bringing this up, because it seems like once the issue of ownership is set, out oh that's not ours, so forget it we've got to send us into closure. So I just want to make sure that we don't jump the gun here. Letter dated October 6, from Alvin Stucki, Center Assessor.

Mr. Garrett,

Knob Hill Road has been platted with Roman Acres from St George to the rear of Roman Acres. Oak Ridge Sub Section A and Section B lie east of Knob Hill Road. In order to make any changes you need to go to the County Commissioners' and see if they can have Knob Hill Road vacated.

Commissioner Borries: If Mr. Stucki felt that there was road here, there isn't a road here.

Commissioner Mourdock: What there is is a right-of-way. That was his term. And a right-of-way does not mean that we own it. The right-of-way simply means that it is a dedicated space if at some point in the future there is a road built, if it meets county standards and if the county wishes to accept it, we can do that. But still the real estate as Alan was saying, the real estate is owned by the property owners.

Alan Kissinger: That's right. That's true on Main Street. The people who own the properties inside of Main Street own it all the way out to the center of Main Street. The city has the right-of-way for the purpose of maintaining the road there.

Commissioner Mourdock: If a road is built there.

Alan Kissinger: Yes, but they don't own the land.

Commissioner Mourdock: But if there's no road built there then we don't have the obligation to maintain it either. That is why I think the question that's critical in this whole from what you've discussed is the ownership. We cannot go out on property we do not own and start doing things.

Commissioner Borries: If we did, it would be a Pandora's box. Not against you personally, but every time we would have an easement somewhere and they'd say, "Well, you did it over here in Oak Ridge Subdivision, why can't you come out here in XYZ place and do the same thing for me?"

Alan Kissinger: It's really no difference than the county going through and putting rock on your neighbors driveway. You would expect some too.

Bill Jeffers: It goes much farther than that. It's the way it should be because it also protects the public. In other words if they owned to the middle of the road they can never be denied access. Let's get really conservative here. The public's only right is to use that traveled way. It doesn't mean that you can stop anywhere you want to and start picking pecans up off the road because it's a public right-of-way. Those pecans and that tree still belongs to that man. You can't go out on a county road and start shucking corn just because it's growing inside the right-of-way. That's not your corn. That's that man's corn. So this protects the property owners. We're not just trying to shove off our responsibility for maintaining something. It's actually protecting the private property owner and his rights and that's the way it should be.

Commissioner Mourdock: Let me give you another example that I've run into many times in my career and that's when coal seam goes underneath the road, somebody mines the coal. So everyone's knee jerk reaction is oh, then you've got to pay the state or you've got to pay the county. No it's the landowner's coal.

Bill Jeffers: The surface rights to that roadway is at the surface.

Myron Rucker: Myron Rucker Oak Ridge Drive. You know we've got problems with people on down the other end of Roman Acres on the low end of Roman Acres. What's to stop them from further modifying their drainage places and sending more water down our way? Our problems is only going to get that much worse than it already is.

Alan Kissinger: You would then Mr. Rucker, if they undertook something like that and you saw it was designed to cause more water to flow across your property under those circumstances, you would have a civil cause of action against them to restrain them from doing it.

Commissioner Borries: What you would do is go back to those plans and see what they had restricted the flow and ask for a judgement against them.

Commissioner Mourdock: Yes and if they did that today it would have to be done pursuant to today's drainage plans. I mean if they were going to do any kind of modification, it would have to be brought to this board--

Commissioner Borries: That's right.

Commissioner Mourdock: Which we would have to approve and obviously the thing that we would be looking at, and this came up not too long ago in this same thing, what would be the effect downstream with those kind of changes?

Myron Rucker: With the retention basin down the other end of Ward Road our problem is not going to get any better. I mean it's just going to be a slower swale behind our house.

Commissioner Mourdock: I'm not sure I'm following what you said there as far as how that's changing and how it's affected.

Myron Rucker: Well eventually it's going to come down to our end, the lower end of Ward Road or Anthony Drive I meant to say.

Commissioner Mourdock: Okay, let me go backwards. You posed what I thought was a hypothetical question a minute ago. What if somebody changes the drainage that's going to negatively affect you, true.

Myron Rucker: On Anthony Drive.

Commissioner Mourdock: Okay. And my response to that was if that drainage plan is presented and if it has that negative affect, then this board would have to keep this in mind as it's looked at. Now what you said about the retention basins and all of that, I'll have to get Bill involved, because I'm not--

President Tuley: Talking about the Knob Hill Subdivision?

Commissioner Borries: Here's what happens. Let me try to explain a little bit of this too based on that, and again I've said this over and over. There is nothing more difficult for human beings on this earth than to decide where their water is going to go on a flat piece of paper. This is really tough. But what we do is, a rule of thumb that I've always had is, is if our technical advisors and in this case Mr. Jeffers and Mr. Stoll review this and say that in their opinion at this time that this plan keeps the water on their piece of property and does not adversely affect the flow. In their opinion if that works and they recommend approval then that's what we must do. Our problem is we can't make a drainage plan for the entire Vanderburgh County because it doesn't all develop at the same time. We approved one for you, because at this particular time that's what worked out here. We approved one over here and we will do so at Knob Hill because at that time based on what they say, if it actually said, we have turned them down before, I remember one off Darmstadt Road where the solution was, the drainage plan was to drain on somebody else's property. We said, no that isn't going to work. That will not work. You have to have a plan that keeps it on your property and it has to work on your property and your engineers and based on our technical review and the flow and everything else says it will work on this property. Now if it doesn't, then it gets back to what Mr. Kissinger has just said, then you have some grounds for a civil suit here at that particular point, because we then can maybe go back at least on the initial plan and tell them that they are not in compliance, blah-blah-blah. But over a period of time is where we're running into difficulties exactly with what you're pointing out here. We have several different drainage plans that are all now fitted in and we apparently have some people that have not complied with these. And that's where you all are running into problems.

Myron Rucker: I'd say. I mean behind my house is not a ditch, it's an erosion. I mean it stops behind his house and then from there it swales and then it's an erosion. You might call it a ditch. I call it an erosion. I haven't been there but three years and the last two years have been something to see. It's like an international

waterfall.

Commissioner Borries: Believe me, you're talking to a person who has a little bit of an idea...I have a large lot and it's pie shaped...I understand what you're saying.

Commissioner Mourdock: How deep is the ditch right behind your house Mr. Rucker?

Myron Rucker: It's not a ditch at all. I mean what's in it is silt and it might go down a foot below where it's eroded. He has a ditch, but it's not lined up and so it swales and--

Commissioner Mourdock: Who's he?

Myron Rucker: Dave has a partial ditch on the end of that twenty-four (24") inch pipe. As it comes past my house it jogs in maybe twelve (12') foot to the east and that's where it swales. What's left of my property is gone through the thirty (30") inch pipe. I do remember a slope when I moved there, but I don't remember a ditch. I've been there since October of '92 and I don't remember anything other than open area behind his house and a slope on the end of my property.

Commissioner Borries: The sad thing and the difficult thing for us to do is we can't maintain it. That's exactly why we're talking about all this business about property. The county does not have any jurisdictional right or any legal right to get on anyone's property, because we don't own it. I think that Mr. Jeffers has pointed to some ways this Homeowners Association would provide you with a lot of ways in which to begin to pool your resources and to petition these developers and to gain some clout if you will in relation to some maintenance problems and issues that affect your subdivision. I would encourage you to follow these recommendations that he has pointed out.

David Garrett: I assume these recommendations are what the Drainage Board is going to do? I assume the Drainage Board is going to encourage the Sewer Department to pave?

Commissioner Borries: We can do all of these things.

Bill Jeffers: Some of those things may have to be done by the Commissioners'.

Commissioner Borries: Certainly the Commissioners' are going to have to consider vacating the easement here. Consider vacating that. I'll certainly do that, for no other reason than to simply resolve ownership on this. If there's some confusion--

David Garrett: We need to resolve ownership.

Alan Kissinger: Ownership is resolved.

Commissioner Borries: It's been resolved before.

Alan Kissinger: Believe me, I have absolutely no reason to misrepresent this. The county does not own that property. Any one who tells you that the county does own it, tell them to call me and I'll discuss it with them. If it's Mr. Stucki, I'll be glad to talk to him about it, but that letter does not say that the county owns the property.

David Garrett: The letter was not well written, but I will--

Alan Kissinger: The letter does not say the county owns the property.

Commissioner Mourdock: That may be part of the point. The right-

of-way that's there is for a road, period. The only way the county can do anything with that is if there were a road there, and then the county could only do anything with it, if we accepted the road for maintenance purposes. If the county wanted to put a landing strip in there and give it to a utility or whatever, because it was a right-of-way for a road we're prohibited in doing that. It's a right-of-way for a road. I agree with Alan. The three of us who were elected were elected to serve the public and believe me we don't like to do what we're doing right now, because we're telling you we can't serve you. It's very frustrating for us too. We're politicians and we like to make people happy and we know we're not doing that tonight. I wish there were a way that we could easily say, yeah we'll get in there on that right away and we'll clean that ditch out and do that. That would be the easy answer for us, but we can't do that. A question here, Bill with your comment and I think it comes back to what you were just saying Mr. Garrett too, to encourage the Sewer Department to pave it's access drive within thirty (30') foot wide strip. Are you talking that whole strip?

Bill Jeffers: If you hadn't been out there to see it, basically what I'm saying is that, their access drive lies within the thirty (30') foot strip and goes up to a pump station and it crosses out of that thirty (30') foot strip over to the pump station. What I'm saying is--

Commissioner Mourdock: You're suggesting paving the whole thirty (30') foot?

Bill Jeffers: No. It starts right here and it goes up here to the pump station.

President Tuley: Where the cat disappeared?

Bill Jeffers: Yes.

President Tuley: Okay.

Bill Jeffers: I'm saying to encourage them to pave that so that the gravel is not loosened and no longer goes over to Mr. Garrett's yard. I think that Jim Williams indicated they would be willing to pave it if it was causing a problem for the neighbors.

Commissioner Borries: Who built your subdivision Mr. Garrett?

David Garrett: Bauer Construction.

Commissioner Borries: Okay. Have you contacted him concerning a Homeowners Association?

David Garrett: No we have not.

Commissioner Borries: Are all of the lots now finished in what's known as Oak Ridge Subdivision?

David Garrett: Yes.

Commissioner Borries: Everything is built out? The whole thing is completely done?

David Garrett: Right.

Commissioner Mourdock: Bill did you not say that was one of the things in their plan was to form a Homeowners' Association?

Bill Jeffers: Yes.

Commissioner Mourdock: Put number three and number five together, you may begin to find some resolution. (Speaking of Mr. Jeffers proposal to resolve certain issues)

Commissioner Borries: Yes.

Commissioner Mourdock: Of the houses out there how many of them are affected by poor drainage in your estimation?

David Garrett: We'd have to poll the neighborhood. We couldn't really just-- Are you talking about for this specific matter or over-all drainage?

Commissioner Mourdock: Over-all.

David Garrett: We'd be glad to put a petition around, but we couldn't answer that.

President Tuley: Can we not by letter encourage number three and five to take place?

Commissioner Mourdock: Sure.

President Tuley: Who's responsibility is it? The developer and the homeowners or just the homeowners? Who's responsibility is it?

Commissioner Borries: I think both. I think you'd have to have some kind of consensus, but it is required. Bill probably has minutes that indicate that.

President Tuley: (Inaudible)...Write to Mr. Bauer and to the property owners within that subdivision. They may not be effected by it. They may not be in too big of a hurry to jump up and down to pay assessment fees.

David Garrett: Is the funding retroactive or how would something like that--?

Commissioner Mourdock: It would depend if there were any rules within the subdivision when it was set up establishing on how that would be done. Probably they aren't there I would guess. So then you would come back to Bill's suggestion #5, Encourage the original Homeowners' Association, when formed, to assess its members to make funds available.

Bill Jeffers: The original drainage plan was approved by the Drainage Board on April 28, 1986 and the minutes of that meeting are available. In April 28, 1986 there wasn't a drainage ordinance other than the subdivision code passed by the Area Plan Commission in 1984. There was two and a half pages of drainage related language. This was prior to the drainage ordinance that was passed by the Commissioners' in November of 1986. It preceded it by about six months or so. However, the basic idea about a Homeowners' Association was known and the Commissioners' at the time knew that this drainage ordinance was coming in November of '86. It was proposed by the Homebuilders' Association of Evansville. It was being written by Keith Wallace who was the counselor for the Homebuilders' Association and the Commissioners' knew that the proposed drainage ordinance included provisions for a Homeowners' Association. So at the Commissioners request I included as item #8 in the recommendations, I'm reading from the (4-28-86) minutes, the creation of a Homeowners' Association with assessment powers for the purpose of maintaining the drainage system of Oak Ridge Subdivision until such time as the maintenance of the system is assumed by some other agency. And then I said, "We've been doing this right along", meaning that we had done this on several other subdivisions prior to Oak Ridge. Mr. Willner said, "Yes, no problem." Then setting out a notice on the plat that encroachment within open channels, etc. by fences, trees, shrubs, etc. be prohibited. The Board concurred with these recommendations. Those were among some recommendations. Now, what really concerns me is not only these three individuals, but the fact that that Homeowners' Association has never been formed means, that when that

large thirty (30") inch concrete pipe starts separating, we're going to have six or ten other individuals coming in here wanting to know how to fix it.

Commissioner Mourdock: How many folks within the subdivision have their drainage going through that thirty (30") inch concrete pipe?

Bill Jeffers: That thirty (30") inch concrete pipe passes along the back lot line of probably twenty (20) homes.

Commissioner Mourdock: So right now there's twenty (20) people who ought to be able to donate. I shouldn't say donate...be willing to-

Bill Jeffers: The entire drainage system all inside the boundary of that subdivision is supposed to be maintained and repaired if it fails by a Homeowners' Association that has never been formed. I do feel for these three individuals with a simple open ditch problem, but its going to be a nightmare when we have twenty or thirty people coming in here that have no way of fixing what could become serious problems.

Commissioner Mourdock: I'll move that the Drainage Board draft a letter to the homeowners within the Oak Ridge Subdivision suggesting that they form the Homeowners' Association as originally described in the approved drainage plan.

Commissioner Borries: I will second.

President Tuley: So ordered.

Commissioner Borries: Further it may be a bit redundant for what Commissioner Mourdock said, but I would move that the proposal submitted by Mr. Jeffers to resolve certain issues in this area known as Oak Ridge Section be approved.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

David Garrett: I'm sorry, could you repeat that last motion?

Commissioner Borries: I moved that the recommendations that Mr. Jeffers had prepared be approved.

David Garrett: Okay.

Commissioner Mourdock: Which would have the effect of having the Commissioners' act to vacate the right-of-way and encouraging the Sewer Department in those things.

Commissioner Borries: It re-enforces...that's why I didn't want to be redundant to Commissioner Mourdock, but we will send a letter. Perhaps we can even send a copy of your recommendations to all affected homeowners in this subdivision so that they understand what needs to be done here. And we'll send a copy to the developer.

Bill Jeffers: You may want to condition your motion on our ability to vacate it. It may turn out for some reason or another that we can't vacate all of it. In other words, if we can't get the property owners to go along with this, we may not be able to vacate all of it.

Commissioner Borries: We however, in the utility easement part of it is being used for utility easement...is that correct?

Bill Jeffers: Sigeco has some sort of documentation that they had to use the sixteen (16') feet of it. Some of the property owners may petition against vacating. They may actually come and say no we

don't want you to vacate it, then you may be in a hard spot there.

Commissioner Mourdock: But your letter kind of is conditioned on that, so the motion was accepted.

Bill Jeffers: Right. We'll go out and contact those people and see if they go along with the vacation.

Commissioner Borries: And the other thing is Commissioner Mourdock has pointed this out very clearly, and I tend to ramble a little bit on it, this easement was to be used as a road easement. It is not a drainage easement. So what we're vacating is basically the rights that the county is not going to build a road in there and that's all that the easement was originally intended for in the first place.

David Garrett: To rap up, unless you have anything further. On a couple of points that were declined this evening, we'd like to explore those a little bit further. We're going to need some request for documents. Who would we work with on...the Commissioners or your--?

Commissioner Mourdock: What kind of documents do you need?

David Garrett: We're not sure yet, but we're going to try to explore some of this non-accepted road and charter of Drainage Board, etc., so who would be our--?

Commissioner Mourdock: The plat plan is on file in the Records Office. Just go in there and tell them what you need and I would think that would get you largely what you need.

Commissioner Borries: I don't follow where you're headed.

David Garrett: I'm not headed anywhere tonight. I'm just trying to establish, who would we contact with request for documents, for some of these points of our appeal that were declined?

Commissioner Borries: Specifically what?

David Garrett: Specifically the point about the inability to straighten the ditch and second point being the inability to do anything with the water coming down from Anthony Drive that runs over that. Just over land drainage. Those two points.

Commissioner Borries: Specifically, I mean under what documents do you think would give the county authority to straighten the ditch when the county didn't put the ditch in in the first place?

Commissioner Mourdock: Wait a minute. Is that what you're asking for?

David Garrett: Let me make it even more general. I guess what I'm saying is, if we elect to pursue further these two aspects of our appeal, who would we reach to provide us with some documents that would allow us to at least have the facts of the matter?

Commissioner Mourdock: The two items being the Homeowners' Association?

David Garrett: No. Straightening the ditch. The point that was declined because the county does not own the property.

Commissioner Borries: Not only that..did the county install the ditch?

David Garrett: Pardon me.

Commissioner Borries: Did the county build the ditch?

David Garrett: Did the county build the ditch?

Commissioner Borries: Yes.

David Garrett: I don't know, but it doesn't appear that they did.

Commissioner Borries: Okay, then that should answer your one question. There aren't going to be any documents.

Commissioner Mourdock: I don't understand either Mr. Garrett. I mean you're asking us to tell you where there's a document to do something--

David Garrett: No.

Commissioner Mourdock: Other than what we say we can do.

David Garrett: Do we have a contact point? Do we have some one that if we elect to pursue further some of these points that we can contact them? Is that somebody on the Commissioners that would say, here's the issue we've raised? Is that Mr. Kissinger?

Alan Kissinger: It is not.

David Garrett: Okay. That is your name, but it's not you though.

Commissioner Borries: He's our attorney.

David Garrett: Okay. You don't have anyone that helps you with documentation matters related to appeals?

Commissioner Mourdock: Mr. Jeffers with the Surveyors office.

Commissioner Borries: Mr. Jeffers has just done eight hours worth of research on this.

David Garrett: Okay.

Commissioner Borries: I can't quite figure out where you're headed.

President Tuley: Correct me if I'm wrong, Mr. Garrett, but I'm almost hearing a legal question. Show me something that says that's not my ground, it's not my ditch, so therefore, I have no responsibility to fix it.

David Garrett: You can interrupt as legal if you like, I wasn't really edging it that way. I guess all I'm saying is as taxpayers who have filed an appeal, two key elements have been declined and we'll respect that for this evening. I guess all I'm saying is if we have further research that we'd like to do along these lines, do you have a contact? Is it Mr. Jeffers that we have worked with in trying to ascertain? Do we have any additional rights that may have been over looked?

Commissioner Mourdock: I think that maybe I understand your question a little bit better. If you want to pursue it from that point a view, it sounds like you are choosing to look at it more from a legal standpoint than simply one of drainage. I would say whoever your attorney is, if you have a meeting with them and they raise some points and they have questions then certainly have that attorney contact Mr. Kissinger. He's always happy to talk with another attorney.

Alan Kissinger: But I'm afraid that I will tell that attorney if one ever comes to me, exactly what you've been told at this meeting. The remedy to your problem does not lie with this body.

Changing of tape.

Commissioner Borries: (inaudible) is available in a public meeting of which this is one is available to you. The Auditor would have public records of every Drainage Board meeting that's probably held since the beginning of Vanderburgh County. The drainage plans would probably be on file with the Surveyors office.

Bill Jeffers: Yes.

Commissioner Borries: Those are public records. The plats would be on file with the Area Plan Commission and Records office. The technical information I think would have to come from the gentlemen that you have mentioned here and those things are always opened for your inspection at anytime.

David Garrett: Alright, thank you.

Commissioner Borries: Thank you Mr. Garrett.

President Tuley: Is old business going to be held over until the next meeting?

Bill Jeffers: Yes.

President Tuley: Motion to adjourn.

Commissioner Borries: I move.

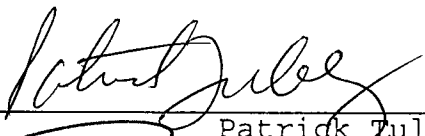
Commissioner Mourdock: I'll second.

President Tuley: So ordered.

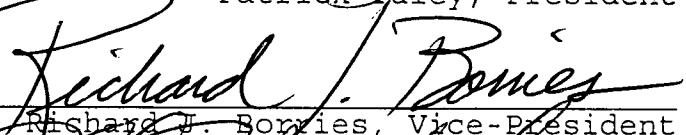
There being no further business the meeting was adjourned at 8:03 p.m.

PRESENT:

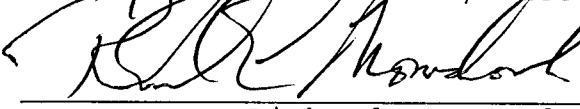
President Patrick Tuley
Vice-President Richard J. Borries
Member Richard E. Mourdock
Alan Kissinger, Attorney
Bill Fluty, Chief Deputy Auditor
Bill Jeffers, Chief Deputy Surveyor
Julie Hinton, Secretary
Bill Nicholson, Engineer
Les Shively, Attorney
David Garrett, Oak Ridge Subdivision
Myron Rucker, Oak Ridge Subdivision



Patrick Tuley, President



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Richard E. Mourdock, Member

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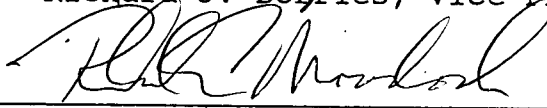
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Les Shively, Attorney
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Myron Rucker, Oak Ridge Subdivision



Patrick Tuley, President



Richard J. Borries, Vice-President



Richard E. Mourdock, Member

This signature page is to reflect the amendment on page 23, paragraph 18, the word "interrupt", it should be "interpret".

Oct

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

VANDERBURGH COUNTY, INDIANA

VENDOR NAME SCOTT BOWLER & BURNER SERVICE # 4204

On Account of Appropriation for EAST SIDE URBAN S 1/2 234-015

Invoice No.	Itemized Claim	Amount	
	EXTRA MAINT. - STOFLETH DITCH		
	TO REMOVE OBSTRUCTIONS ALONG		
	W. SIDE FORBES FINANCIAL GROUP		
	PROPERTY 520 KIMBER LAKE		
	I.L.S. @ \$ 448.00		
	PREV PAY @ 85% = 380.80		
95-EM-15-15	PAY 15% RETAINAGE \$ 67.20	\$ 67	20

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

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

X Stuart R. Scott
Name
Manager
Title

Date SEPT. 16, 1995

f-1

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

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Shideler Spray Service # 1851
On Account of Appropriation for Kel Ditch 234-022

Invoice No.	Itemized Claim	Amount	
	1995 SPRAY		
	TOTAL - 3,012 LFT X 0.097 = \$292.17		
	PREV. PMT @ 8.5% = \$248.34		
95-SPR-22-15	PAY 15% RETAINAGE = \$43.83 →	\$43	83

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

Byron Orcher
Name
owner
Title

Date July 28, 19 95

F-1

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I

Stewart R. Leath
(Signature in Ink)

representing SCOTT BOILER & TURNER SERVICE, and presently
under contract with the Vanderburgh County Drainage Board to perform

certain maintenance on EAST SIDE URBAN 5 1/2", a regulated
drain in Vanderburgh County, Indiana, do certify that I, and/or the
firm I represent, have/has paid in full all expenses incurred for
labor, supplies, and subcontracts except for any unpaid costs as
specified herein under:

NONE

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

NAME OF DRAIN: EAST SIDE URBAN 5 1/2" # 234-015

CONTRACTOR: SCOTT BOILER & TURNER SERVICE VENDOR # 4204

CONTRACT # _____ AND/OR ACCOUNT # 234-015

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

COMPLETION DATE _____
INSPECTION DATE _____

[X] WORK IS APPROVED

[] NOT APPROVED: COMMENTS: _____

Robert A. Zuercher
VANDERBURGH COUNTY SURVEYOR

10/23/85
DATE

F-1

SCOTT BOILER & BURNER SERVICE

I N V O I C E

111 E. WASHINGTON P.O. BOX 517

Invoice no. 900357

CHANDLER, IN 47610 ph. 925-7957

Invoice date. SEPT 11, 1995

FED. ID# 35-1471229

SOLD TO: VANDERBURGH COUNTY SURVEYOR
ROOM 312 CIVIC CENTER COMPLEX
#1 MARTIN LUTHER KING, JR BLVD
EVANSVILLE, IN 47710-1897

YOUR PO # VER8. JIM JOSEY

CLEAN AND SEED SECTION OF SOFLET DITCH BEHIND FORBES BUILDING.

\$36.00 PER HR 8 HR

\$448.00

TAX EXEMPTION NO. if appl. -----

TOTAL CHARGE

\$448.00

6-1

Oct 23 SPRAY

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

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Shideler Spray Service # 1851
On Account of Appropriation for Harper Ditch 234-01/27

Invoice No.	Itemized Claim	Amount	
	1995 Spray		
	2,950 LF X 0.092 = \$ 286.15		
	PREL. PMT @ 85% = \$ 243.23		
95-50-17-15	PAID 15% RETAINAGE = \$ 42.92 →	\$ 42	92

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

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

Byron J. Borden
Name
owner
Title

Date July 28, 1995

F-1

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

VANDEBURGH COUNTY, INDIANA


VENDOR NAME TERRY R. JOHNSON # 1052


On Account of Appropriation for AIKEN DITCH 234-006

[illegible]

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

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


Name _____


Title _____

Date AUG 25, 1995

F-1

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I Byron J. Barker
(Signature in Ink)
representing Shideler Spray Service, and presently
under contract with the Vanderburgh County Drainage Board to perform

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

None

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

NAME OF DRAIN: Harper Ditch # 234-017

CONTRACTOR: Shideler Spray Service VENDOR # 185-1

CONTRACT # _____ AND/OR ACCOUNT # 234-017

- ☒ ANNUAL MAINTENANCE
☐ ADDITIONAL MAINTENANCE
☐ EMERGENCY MAINTENANCE

COMPLETION DATE July 27, 1995
INSPECTION DATE Aug 2, 1995

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

Robert W. Brenner
VANDERBURGH COUNTY SURVEYOR

10/23/95
DATE

6-1

SPRING Moun
oct

Form Prescribed by the
State Board of Accounts

1245

Revised County
Form No. 17

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

VANDERBURGH COUNTY, INDIANA

VENDOR NAME

Tony R. Jones

1052

On Account of Appropriation for

Heil Ditch

234-022

Invoice No.	Itemized Claim	Amount	
	1995 SPRING ADJUST		
	3,012 LF. X \$0.4319 = \$1300.88		
95-SM-22-15	PREV PMT. @ 85% = \$1,105.75		
	PAY 15% RETAINAGE →	\$195	13

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

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

Tony R. Jones
Name

Owner
Title

Date Aug. 1, 1995

F-1

SPRING Mower
oct

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

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Tony R. John # 1052
On Account of Appropriation for Sonntag Stevens 234-038

Invoice No.	Itemized Claim	Amount
	1995 SPRING Mower	
	1,730 LF. X D.4319 = \$747.19	
	PREV. PNT @ 85% = \$635.11	
95-SM-38-15	PAY 15% RESIDUAL = \$112.08	

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

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

Tony R. John
Name
Dwain
Title

Date July 26, 1995

F-1

SPRING 1995

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I Terry Z. Johnson
(Signature in Ink)
representing Terry Z. Johnson Const., and presently
under contract with the Vanderburgh County Drainage Board to perform
certain maintenance on Keil Ditch, a regulated
drain in Vanderburgh County, Indiana, do certify that I, and/or the
firm I represent, have/has paid in full all expenses incurred for
labor, supplies, and subcontracts except for any unpaid costs as
specified herein under:

None

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

NAME OF DRAIN: Keil Ditch # 234-022

CONTRACTOR: Terry Johnson VENDOR # 1052

CONTRACT # _____ AND/OR ACCOUNT # 234-022

[X] ANNUAL MAINTENANCE COMPLETION DATE 7-29-95
[] ADDITIONAL MAINTENANCE INSPECTION DATE 8-1-95
[] EMERGENCY MAINTENANCE

[X] WORK IS APPROVED
[] NOT APPROVED: COMMENTS: _____

Robert W. Brenner 10/23/95
VANDERBURGH COUNTY SURVEYOR DATE

F-1

FALL 140W

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

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

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

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

None.

_____;

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

NAME OF DRAIN: AKIN DITCH # _____

CONTRACTOR: TERRY R. JOHNSON VENDOR # 1052

CONTRACT # _____ AND/OR ACCOUNT # 234.006

- ☒ ANNUAL MAINTENANCE
☐ ADDITIONAL MAINTENANCE
☐ EMERGENCY MAINTENANCE

COMPLETION DATE AUG 24, 1995
INSPECTION DATE AUG 24, 1995

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

Robert W. Brenner
VANDERBURGH COUNTY SURVEYOR

10/23/95
DATE

F-1

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I Terry R. Johnson,
(Signature in Ink)
representing Terry R. Johnson Const., and presently
under contract with the Vanderburgh County Drainage Board to perform
certain maintenance on Henry Ditch, a regulated
drain in Vanderburgh County, Indiana, do certify that I, and/or the
firm I represent, have/has paid in full all expenses incurred for
labor, supplies, and subcontracts except for any unpaid costs as
specified herein under:

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

NAME OF DRAIN: Henry Ditch # 234-019

CONTRACTOR: Terry Johnson VENDOR # 1052

CONTRACT # _____ AND/OR ACCOUNT # 234-019

☒ ANNUAL MAINTENANCE
☐ ADDITIONAL MAINTENANCE
☐ EMERGENCY MAINTENANCE

COMPLETION DATE Aug 22, 1995
INSPECTION DATE Aug 22, 1995

☒ WORK IS APPROVED
☐ NOT APPROVED: COMMENTS: _____

Robert A. Brinner 10/23/95
VANDERBURGH COUNTY SURVEYOR DATE

F-1

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

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Scott Boiler Service #

On Account of Appropriation for Sawntag - Steven Ditch 234-038

Invoice No.	Itemized Claim	Amount	
	ADDITIONAL MAINTENANCE CONT.		
	CONTRACT BID PRICE \$ 8,657.50		
	EXTRA WORK COMPLETED \$ 1,000		
	TOTAL = \$ 9,657.50		
	PREVIOUS PAYMENTS @ 85% \$ 8,208.88		
AM-95-38-15	PAY 15% RETAINAGE \$ 1,448.62	\$ 1,448	62

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

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

Stuart R. Scott
Name

Title

Date Aug 11, 1995

F-1

Oct.

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

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Shideler Spray Service # 1851

On Account of Appropriation for Sonntag Stevens Ditch 234-038

Invoice No.	Itemized Claim	Amount
	1995 SPRAY	
	10,050 LIN. FT. @ 0.097° = 974.85	
	PREVIOUS PMT @ 85% = 828.62	
95-SPR-33-15	PAY 15% RETAINAGE = 146.23	

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

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

Byron J. Bucher

Name

5-2-95 owner

Title

Date July 29, 1995

F-1

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I Stuart P. Scott
(Signature in Ink)

representing SCOTT BOILER SER., and presently
under contract with the Vanderburgh County Drainage Board to perform

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

NONE

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

NAME OF DRAIN: SCHWITAGG STEVENS # 234-038

CONTRACTOR: SCOTT BOILER SERVICE VENDOR # 4204

CONTRACT # 234-038 AND/OR ACCOUNT # _____

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

COMPLETION DATE AUG 2, 1985
INSPECTION DATE AUG 11, 1985

[X] WORK IS APPROVED
[] NOT APPROVED: COMMENTS: _____

Robert W. Brenner
VANDERBURGH COUNTY SURVEYOR

10/23/85
DATE

F-1

SPRING MOUNTAIN

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I

Terry R. Johnson

(Signature in Ink)

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

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

NONE

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

NAME OF DRAIN: Sonntag Stevens # 234-038

CONTRACTOR: Terry Johnson VENDOR # 1052

CONTRACT # _____ AND/OR ACCOUNT # 234-038

☒ ANNUAL MAINTENANCE

COMPLETION DATE 7-25-95

☐ ADDITIONAL MAINTENANCE

INSPECTION DATE 7-26-95

☐ EMERGENCY MAINTENANCE

☐ WORK IS APPROVED

☐ NOT APPROVED: COMMENTS: _____

Robert W. Bunn
VANDERBURGH COUNTY SURVEYOR

10/23/95
DATE

F.1

OCT 23 SPRING MOW

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

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Terry R. Fisher # 1052
On Account of Appropriation for East side Urban S. Half 234-015

Invoice No.	Itemized Claim	Amount	
	1995 SPRING MOW - E.S.U. S 1/2		
	25,612 LF x \$ 0.5095 = \$ 13,048.30		
	PREP. PMT @ 85% = \$ 11,091.06		
95-SM-15-15	PAY 15% RETAINAGE = \$ 1,957.24 →	\$ 1,957	24

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

Terry R. Fisher
Name
Owner
Title

Date July 30, 1995

F-1

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

VANDERBURGH COUNTY, INDIANA

VENDOR NAME SHIDLER SPRAY SERVICE # 1851
On Account of Appropriation for Eagle Slough 234-013

Invoice No.	Itemized Claim	Amount	
	LIN FOOTAGE SPRAYED = 14,078'		
	X \$0.261 = \$ 3,674.36		
	- PREV. PMT. @ 85% = \$ 3,123.21		
95-SP-13-15	PAY 15% RETAINAGE = \$ 551.15 →	\$ 5.51	15

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

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

X Gyena J. Bove
Name
June
Title

Date July 27, 1995

F-1

SPRING MOW

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I Terry R. Johnson
(Signature in Ink)
representing Terry R. Johnson Const., and presently
under contract with the Vanderburgh County Drainage Board to perform
certain maintenance on EAST SIDE URBAN 5 1/2, a regulated
drain in Vanderburgh County, Indiana, do certify that I, and/or the
firm I represent, have/has paid in full all expenses incurred for
labor, supplies, and subcontracts except for any unpaid costs as
specified herein under:

None

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

NAME OF DRAIN: Eastside Urban S. Half # 234-015

CONTRACTOR: Terry Johnson VENDOR # 1052

CONTRACT # _____ AND/OR ACCOUNT # _____

<input checked="" type="checkbox"/> ANNUAL MAINTENANCE	COMPLETION DATE <u>7-28-95</u>
<input type="checkbox"/> ADDITIONAL MAINTENANCE	INSPECTION DATE <u>7-29-95</u>
<input type="checkbox"/> EMERGENCY MAINTENANCE	

☒ WORK IS APPROVED
☐ NOT APPROVED: COMMENTS: _____

Robert C. Brenner 10/23/95
VANDERBURGH COUNTY SURVEYOR DATE

F-1

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I X Byron J. Borker
(Signature in Ink)
representing Shideler Spray Serv., and presently
under contract with the Vanderburgh County Drainage Board to perform

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

NONE

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

NAME OF DRAIN: EAGLE SLOUGH

CONTRACTOR: SHIDELER SPRAY SERVICE VENDOR # 1851

CONTRACT # _____ AND/OR ACCOUNT # 234-013

☒ ANNUAL MAINTENANCE
☐ ADDITIONAL MAINTENANCE
☐ EMERGENCY MAINTENANCE

COMPLETION DATE JULY 26, 1995
INSPECTION DATE AUG. 25, 1995

☒ WORK IS APPROVED
☐ NOT APPROVED: COMMENTS: _____

Robert W. Brenner
VANDERBURGH COUNTY SURVEYOR

10/23/95
DATE

F-1

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I Byron J Barker X
(Signature in Ink)

representing Shideler Spray Service, and presently
under contract with the Vanderburgh County Drainage Board to perform

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

NONE

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

NAME OF DRAIN: Keil Ditch # 234-022

CONTRACTOR: Shideler Spray Service VENDOR # 1851

CONTRACT # _____ AND/OR ACCOUNT # _____

- [☒] ANNUAL MAINTENANCE
[☐] ADDITIONAL MAINTENANCE
[☐] EMERGENCY MAINTENANCE

COMPLETION DATE July 27, 1995
INSPECTION DATE AUG 11, 1995

[☒] WORK IS APPROVED

[☐] NOT APPROVED: COMMENTS: _____

Robert W. Brenner 10/23/95
VANDERBURGH COUNTY SURVEYOR DATE

F-1

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I Byron J Bricker x,
(Signature in Ink)
representing Shideler Spray Service, and presently
under contract with the Vanderburgh County Drainage Board to perform

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

None

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

NAME OF DRAIN: Sonntag Steven # 234-038

CONTRACTOR: Shideler Spray Service VENDOR # 1851

CONTRACT # _____ AND/OR ACCOUNT # 234-038

☒ ANNUAL MAINTENANCE
☐ ADDITIONAL MAINTENANCE
☐ EMERGENCY MAINTENANCE

COMPLETION DATE July 28, 1995
INSPECTION DATE AUG 11, 1995

☒ WORK IS APPROVED
☐ NOT APPROVED: COMMENTS: _____

Robert W Brenner
VANDERBURGH COUNTY SURVEYOR

10/23/95
DATE

F-1

oct

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

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Chemitrol Chemical Co. # 5282

On Account of Appropriation for Eastside Urban South Half 234-015

Invoice No.	Itemized Claim	Amount	
	1995 DITCH STERILIZATION		
	34,986 LF. @ 0.073 = 2,553.98		
	PREVIOUS PMT @ 85% = 2,170.88		
95-SPR-15-15	PAY 15% RETAINAGE = 383.10 →	\$ 383	10

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

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

CHEMI-TROL CHEMICAL CO.

BY. Paul H. H. H.

Name

Title Gen. Mgr. Chem. Group

Date July 27, 1995

F-1

OCT

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

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Terry R. John # 1052

On Account of Appropriation for Henry Ditch 234-019

Invoice No.	Itemized Claim	Amount
	$3,179.45 \times 0.4319 = 1,373.00$	
	PREV. PAYMENT @ 85% = 1,167.05	
95-FM-19-15	PAY 15% RETAINAGE = 205.95 →	205 95

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

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

Terry R. John
Name
Owner
Title

Date Aug 22, 1995

F-1

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I *Paul Hill*
(Signature in Ink) Gen. Mgr., Chem. Group
representing Chemi-Trol Chemical Co., and presently
under contract with the Vanderburgh County Drainage Board to perform

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

None

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

NAME OF DRAIN: EAST SIDE URBAN S 1/2 #

CONTRACTOR: CHEMI-TROL CHEM. CO VENDOR # 5282

CONTRACT # AND/OR ACCOUNT # 234-015

☒ ANNUAL MAINTENANCE
☐ ADDITIONAL MAINTENANCE
☐ EMERGENCY MAINTENANCE

COMPLETION DATE July 26, 1995
INSPECTION DATE AUG 18, 1995

☒ WORK IS APPROVED
☐ NOT APPROVED: COMMENTS:

Robert H. Brenner 10/23/95
VANDERBURGH COUNTY SURVEYOR DATE

F-1

F-1

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

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Martin Woodward Backhoe Service 3583

On Account of Appropriation for Kolb Ditch 234-025

Invoice No.	Itemized Claim	Amount	
	PIPE CLEANING - KOLB DITCH		
	TOTAL CONTRACT PRICE = \$5,425		
	PREV. PMTS @ 85% = \$4,611.25		
AM-95-25-15	PAY 15% RETAINAGE = 813.75 →	\$813	75

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

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

X Martin Woodward
Name

Title

Date AUG 25, 1995

6-1

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: TERRY R. JOHNSON

for ☒ annual -- ☐ additional maintenance to
EAST SIDE URBAN 14" H/L Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
50% - OCT. 19, 1995, 1995, and was inspected by
our staff on OCT. 20, 1995, and is
☒ approved -- ☐ disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 10/23/95
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

F-1

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I

(Signature in Ink)

representing Woodward Backhoe Service, and presently
under contract with the Vanderburgh County Drainage Board to perform

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

NONE

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

NAME OF DRAIN: Kolb Ditch # 234-025

Back Hoe

CONTRACTOR: Martin Woodward Service VENDOR # 3583

CONTRACT # _____ AND/OR ACCOUNT # 234-025

☐ ANNUAL MAINTENANCE
☒ ADDITIONAL MAINTENANCE
☐ EMERGENCY MAINTENANCE

COMPLETION DATE AUG 25, 1995
INSPECTION DATE AUG 25, 1995

☒ WORK IS APPROVED

☐ NOT APPROVED: COMMENTS: _____

Robert W. Brunner
VANDERBURGH COUNTY SURVEYOR

10/23/95
DATE

F-1

Martin Woodward Backhoe Service

15515 N. Posey Co. Line Road
Poseyville, IN 47633

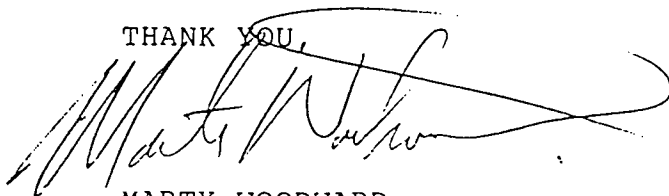
VANDERBURGH COUNTY DRAINAGE BOARD
305 CIVIC CENTER COMPLEX
EVANSVILLE, IN 47708

28 AUGUST 1995

FINAL INVOICE FOR REMOVAL OF DEBRIS FROM ELIPTICAL CONCRETE
PIPES ON KOLB DITCH.

TOTAL CONTRACT	\$5425.00
85 % OF CONTRACT	4611.25
AMOUNT ALLREADY BILLED AND COLLECTED	-1636.25
	=====
TOTAL DUE	\$2975.00
	=====
 TOTAL RETAINAGE OF 15 % DUE AFTER 60 DAYS	 \$ 813.75

THANK YOU,



MARTY WOODWARD

F-1

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

VANDEBURGH COUNTY, INDIANA



VENDOR NAME TERRY R JOHNSON # 1052

On Account of Appropriation for EAST SIDE URBAN 3 1/2 234-015

[illegible]

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

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


 Name

 Title

Date OCT 10, 1995

FD

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: TERRY A. JOHNSON

for ☒ annual -- ☐ additional maintenance to
EAST SIDE URBAN 5 1/2 Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
OCT 9, 1995, and was inspected by
our staff on OCT 10, 1995, and is
☒ approved -- ☐ disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 10/23/95
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

F-1

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NOVEMBER 27, 1995

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**VANDERBURGH COUNTY
DRAINAGE BOARD MEETING
NOVEMBER 27, 1995**

The Vanderburgh County Drainage Board met in session on November 27, 1995, at 7:00 p.m., in the Commissioners' Hearing Room 307, with President Patrick Tuley presiding.

RE: APPROVAL OF TRANSCRIBED DRAINAGE BOARD MINUTES:

President Tuley: We will go ahead and call the meeting of the Drainage Board for the November 27, 1995 to order. We have some official business to take care of in terms of drainage board approval of the minutes. The regular drainage board meeting of (10-23-95). Motion to approve please.

Commissioner Borries: Mr. President I move that the minutes of October 23, 1995 be approved.

Commissioner Mourdock: Second.

President Tuley: So ordered. Then there's a little matter Commissioner Borries has to take care of from a couple of years ago.

Commissioner Borries: I had submitted a statement to Suzanne Crouch that I did review these, there were some minutes that were done from various years, 1989, 1991. As best I could recall, they are in order. Some Mr. Jeffers, did have your name on it. I was able to unravel one mystery where they had referred to Billy and the record showed that Billy is Mr. Billy Nicholson as we all called Billy Nicholson, Veach Nicholson and Grigg's, so we were able to do that. I found these minutes in order. I believe it can be appropriate then based on that for me to sign these. So I am doing so at this time.

RE: PAUL DAVIS COMMERCIAL MINOR SUBDIVISION:

President Tuley: Item 3 then is to accept the Surveyor's recommendation on Paul Davis Commercial Minor Subdivision.

Bill Jeffers: We have site review committee meetings every Monday at 9:30 a.m. held by the Area Plan Commission to which various technical people from many departments in the city and the county do attend. At those meetings we look at sites usually that have a change of use or additional buildings being put on the site, so forth and so on and the various technical advisors from the water department, sewer department, highway department, board of public works, city engineer's, county surveyors, etc. general sign off on smaller projects. One of them came upback at the beginning of November and it's called Paul Davis Commercial Minor Subdivision. It's a one lot parcel about one hundred feet wide and about four hundred feet deep. It's located on Colonial Gardens Road. I've prepared a map for you to look at if the discussion requires clarification. The parcel that's called Paul Davis Commercial Minor Subdivision is in orange on that map. It's located at the intersection of Colonial Gardens Road and Mimosa Drive behind the Eagles Country Club. It's western boundary is the Crawford Brandies Ditch which is a legal drain and across the ditch from that is Miller Trucking Company some people may be familiar with. About a quarter mile west of Burkhardt Road, maybe a quarter mile north of Morgan out near I-164 where the Lynch Road extension will connect. The reason I bring it to you tonight is because I was asked to look at it from the view point of was the drainage sufficient and was Crawford Brandies Ditch, which is a regulated drain, properly located and the legal drain setback on the plat, was it correct so forth and so on and did it require detention? I signed off on it last week so that they could record this plat, this is the drainage plat, but it looks just like this, what they recorded for the Minor Subdivision and one of the neighbors who I have highlighted in pink on the map. Joanne Bryant had some comments she would like to make

to the Drainage Board I assume with regard to drainage and I say that now because I do recommend that that drainage plan that was submitted by Andy Easley Engineering for Paul Davis Commercial Minor Subdivision as described by me here be approved. And it does have detention before it passes into Crawford Brandies Ditch and they do show a seventy-five foot legal drain setback. I may come back to you in the future and ask you to relax that down to thirty so that Mr. Davis can expand, if he likes, his parking area or his building. I also don't have any problem with that, but I'm not asking for that at this time. The Surveyor's recommendation is to approve the drainage plan that was submitted for Paul Davis Commercial Minor Subdivision. Ms. Bryant as I said is here in the audience to make her comments.

Commissioner Borries: Would you give your name for the record, because our transcribing secretary records everything word for word.

Joanne Bryant: My name is Joanne Bryant. The only thing I wanted to ask is we have a water problem out there we've always had. When you drain this lot, is this drainage going to be adequate? See this, where he put this is a natural drain. When they put the subdivision in they put drainage and everything and they calculated the water and everything, but I believe they didn't quite get it, we've got a lot of surface water and it drains right across this lot and I was just wondering if since he's built the lot up to like three eighty through three eighty-four, if this plan will be adequate. That's all I want to know.

Pat Bryant: My name is Pat Bryant, I'm Joanne's husband. We've had a problem out there with water like when it backs up. Miller Trucking has raised his property, I don't know how much he's raised his, ten foot at least. We've had several instances out there where Colonial Garden Road north of where Paul Davis is putting his subdivision in there where this road has been under water. Everybody is raising their property out there, so where's all this water going to go? I mean you've got residences on both sides of this subdivision. The three south of his subdivision they've had water up there before all of this ground was raised. Now they're filling in where everything drains off now where the ditches are running. The ditches are running, well they use to be ditches, when Davis put the other subdivision where he put the houses in he done away with ditches. There is no ditches there anymore. People are using them for driveways and stuff. We have the only ditch there circling our property. That crosses under Colonial Garden and goes over to Brandies Ditch. And where he's putting all his subdivision in that water don't have no place to drain anymore. I mean the subdivision retention pond or dry lake or whatever they want to call that, that's been full before and that drains into Brandies and waters been backed up in the subdivisions over there. According to his map now I mean what I'm addressing here might be in Area Plan Commission, but his property or whatever he's putting in there his water, he's got a hundred and two foot down there. The property is only ninety foot, I don't see how's he's going to fit a hundred and two foot in a ninety foot. I mean it looks like he's got a problem here already that he hasn't addressed or whatever and they're already putting the dirt in and putting the building up. So I'm just wondering where all this water is going to go? I mean maybe I'm going to have a lake out there if we get another good heavy rain.

Bill Jeffers: The area in fact is within the one hundred year flood plain as was most of the Country Trace Subdivision and all the homes along Colonial Garden Drive are located within the hundred year flood plain. In 1961 and again in 1965 when we had hundred year flood Colonial Gardens Road was indeed inundated and there has been a finished floor elevation of three eighty-six assigned to this building that's being erected on Paul Davis Commercial Minor Subdivision. The building is ninety-six by forty

feet. The natural ground around it was around three seventy-eight, which is below flood plain. The flood plain is three eighty-four and the Building Commissioner assigned a finished floor elevation floor elevation of three eighty-six. So the mound of dirt that's it's being built on has been put in place and compacted and the building is being built two feet above the hundred flood plain as are all other commercial buildings in Vanderburgh County unless they have a variance. This one does not have a variance and it is built two feet above the hundred year flood plain. The water that drains onto the lot naturally from the various areas that the Bryant's have pointed out will be directed around both sides of the building along the side property lines, through swales or shallow ditches to the back of the property or west end of the property and into the Crawford Brandies Ditch. So any water that does drain across the property from a neighboring areas outside the property's boundaries will be directed along the property's boundaries and controlled and released into Crawford Brandies Ditch.

Commissioner Mourdock: Does Crawford Brandies need some drainage or need some cleaning out there Bill, or is it such a low grading out there that it doesn't drain very well?

Bill Jeffers: It drains very well. It drained dry this summer. It was bone dry.

Commissioner Mourdock: Okay.

Bill Jeffers: Any of our ditches could use a little dressing up unless it's been done in the last two or three years. Any of our ditches could use some fine tuning or dressing up, but I consider Crawford Brandies Ditch at that location to be in good shape. Not excellent, but good shape.

Commissioner Mourdock: The houses in Country Trace, are they all at three eighty-six and (inaudible) on them?

Bill Jeffers: All of the houses in Country Trace were assigned a finished floor elevation two feet above the flood plain and I assume that they were built that way. I do not know of any house in Country Trace that has ever flooded.

Commissioner Mourdock: But then it wasn't there in '65 either was it? You said '61 and '65--

Bill Jeffers: No. All they've ever experienced in the way of a torrential down pour would be this June they did experience a twenty-five year storm.

Commissioner Borries: We also had the third wettest May ever on record this past year as well.

Bill Jeffers: Right.

Commissioner Borries: We had a lot of rain early and very little late.

Bill Jeffers: Right. It dried up towards the second half of the summer. At the time the Country Trace was developed all of us were very skeptical that it could be developed without problems in that low lying area. The Bryant's lived there at that time. They had skepticism and so did the other neighbors along Colonial Gardens Road and so did people in our office and so did Elvis Douglas and other people at Soil Conservation Service. We worked very closely with the developer and his engineer in particular who is Sam Biggerstaff to make sure that that plan would work. We did experience problems during construction and Mrs. Bryant and her husband experienced problems during and immediately after construction and that's why that wet detention basin was filled in and the dry detention basin, the horizontal area, was enlarged so

that there would not be the erosion that was being experienced there. At one time it was around nine feet deep. Now it's about three or four feet deep. It's well grassed, it's under control. There is no erosion like there used to be. The water that used to cause a problem for the Bryant's is directed around their property through a series of swales and then through a twenty-seven inch pipe that's shown as the black slashed line along Colonial Garden Road and through this proposed subdivision.

Commissioner Borries: Okay.

Joanne Bryant: May I say something?

Commissioner Borries: Yes ma'am.

Joanne Bryant: I don't doubt that they did everything they could and what was legal. What I'm here to say is your swales and your ditches become play grounds. They become filled in. He has erosion right now on this dry lake he's talking about. It's rolling down the man behind his backyard into the dry lake. The swales are full of trees and brushes. See the thing is you all make these plans and the people pay no attention to them. They fill in your ditches. The subdivider has filled in your ditches on the subdivision. That's what I'd like you all to get after him and make him put the ditches back and keep what you all made your swales and your ditches. Fill them like they should.

Commissioner Borries: Ms. Bryant I think that I've said this so many times it sounds like a broken record. It becomes frankly an act of magic to try to determine off of a flat map exactly what's going to happen with water. Where it's going to go. It also becomes doubly compounded when none of us have any control over water.

Joanne Bryant: How come you don't have any control over the people though? (Inaudible)

Commissioner Borries: We do have control over our ditches if they are legal drains as we do on Crawford Brandies. We do not have, and you're not going to get all your comments here on tape, we do not have control in every instance over persons who have not followed the Ordinance or at least the instructions that we have given them. Particularly if essentially swales are on someone else's property. Private property. And the county basically with Bill Jeffers is our technical advisor and the small staff that we have through the Surveyors Office we have absolutely no means of maintaining any ditches except those that have been determined as legal drains. So what has to happen is and I don't know if a Neighborhood Association or a Homeowners Association was put up at the time that this particular basin was set in. What we can insist upon compliance with that plan and that's what we try to do. What we don't have is the staff to go back day after day, month after month, year after year to check every subdivision in the county and that's where sometimes problems do arise. Unfortunately that's where in some cases it becomes a legal, a private legal between you and certain individuals who in effect have not cooperated or not followed that plan.

Joanne Bryant: (Inaudible due to not speaking into the microphone.)

Commissioner Borries: It is a low lying and we have taken great steps to ensure that our Drainage Ordinance is much more frankly involved precise than it ever has been before. What Mr. Jeffers is saying basically too, rule of thumb is that this drainage plan according to his calculations and as our technical advisor will not affect you, because the drainage is designed at this point to drain backward to Crawford Brandies Ditch and not towards you. Now I will tell you that in a hundred year event and we do have those, nothing works. The person upstairs literally, nothing works. We do not have

plans in this county, I mean there is such things as floods and so I think that becomes the most frustrating part about being on this drainage board, there are natural phenomenon and occurrences that we cannot do. The only other alternative would be to stop every development in every single area in the county of which I don't think any of us could also do that. And in some cases strangely enough drainage plans, not strangely enough in most cases they do work and they do improve the drainage if they are carried out properly.

Bill Jeffers: What I would like to do is ask you to at least recognize that I have signed my approval on this as a site plan. I can't even tell you why it's a Minor Subdivision. It's a one lot Minor Subdivision. I've never seen anything like it. This man bought a parcel of property approximately a hundred feet by four hundred feet from the Catholic Diocese and for some reason it came through as a Minor Subdivision.

Commissioner Borries: Is that Area Plan's idea?

Bill Jeffers: There must be some reason why, because it's zoned M-1 and it's in agricultural area. I don't know, but for some reason it's a Minor Subdivision. I looked at it as a single lot and signed off on it as a site plan.

Alan Kissinger: Has it been separated from a larger piece of property?

Bill Jeffers: At one time a long time ago, yes.

Alan Kissinger: Oh, then it shouldn't be a Minor Subdivision.

Bill Jeffers: But it was a long time ago, because I think someone left it in their will to the Catholic Diocese and it sat there vacant for a long long time. Anyway I want you to recognize that I've done that. If you don't want to act on it tonight that's fine. Second thing that I would like to do is give Mrs. Bryant and her husband a map of the area around their house and let them mark out any problem areas they have with regard to drainage only. I don't want to get into driveways, unpermitted driveway cuts, trees or condition of the road, this, that and the other, but if there's anything that is adversely affecting the Bryant's and their property because of the subdivision or any other development around them, I'd like them to mark that on that plan and if there's something that our office or your board can do about it we will be out there doing it.

Commissioner Borries: Okay.

Bill Jeffers: But at this point and time I've been out there three times in the last week and I see nothing but improvements over what it has been in the past ten years. I don't see anything going backwards, I only see it getting better. So, if there's something I should be aware of, that I'm not making myself aware of, I'd really appreciate them to point that out to me and before the next Board meeting I'd like to take care of it for them.

Commissioner Borries: I think that is acceptable. At this time I would move then the approval of the Paul Davis Commercial Minor Subdivision.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

Commissioner Borries: Bryant's if you all could do as Mr. Jeffers responds there to give him your concerns, I think he will be happy to work with you.

Joanne Bryant: I plan to. (Inaudible)

RE: PRELIMINARY DRAINAGE PLANS FOR EAGLE CROSSING SUBDIVISION:

President Tuley: Next item up is the Preliminary Drainage Plans for Eagle Valley Subdivision.

Bill Jeffers: Eagle Valley Subdivision consist of eighty-four lots. Here's the primary plat that's been presented to Area Plan Commission and was reviewed at subdivision review committee.

President Tuley: Bill just for clarification, because I'm looking on my agenda as Eagle Valley Sub and on the staff report it says Eagle Crossing Sub. Which is correct?

Bill Jeffers: Did you change names?

Jim Morley: Eagle Crossing, A.P.C.'s, information said Eagle Valley has been used before and they didn't want us to use Eagle Valley for a subdivision.

Bill Jeffers: I will change that on my records. It's Eagle Crossing Subdivision.

President Tuley: Okay thank you.

Jim Morley: That's the way it will be recorded.

Bill Jeffers: Eagle Crossing...all of my plans I will strike what it says and I'll put the correct name on it. Here's the drainage plan for Eagle Crossing. The preliminary drainage plan for Eagle Crossing Subdivision showing all of the drainage areas and the pipes and the direction of flow through the pipes and the ditches and so forth. Here's the report that was submitted by Morley & Associates. Particularly by the Registered Engineer Daryl James Helfert who's here in the audience representing BSH who's the developer. I've reviewed this set of calculations and compared it to the plans that they've submitted. But rather than show you that plan which is only of the subdivision I've prepared another locality map, I guess you'd call it, so you'd see what's really going on out there. Everything in green is Eagle Crossing. The east boundary of Eagle Crossing is Seib Road which runs north from the intersection of State Road 57 and Kansas Road. At that intersection I guess a landmark for your benefit would be Sunbeam Plastic Plant. The south of that intersection you turn west on Kansas Road and immediately turn north on Seib and go up about a half a mile and there's the entrance to Eagle Crossing on the east end. The west side of Eagle Crossing the entrance is off of Petersburg Road maybe a quarter mile or so, a little over a quarter mile south of the Hornet's Nest. So that's your entrance on the west end and that road runs through here and has several curves and turns before it exits on Seib Road, so it's not a straight shot across there that would become a short cut or anything like that. It's very curvaceous. Then on the south side of...oh down here in this area is McCutchan Community Park where the soccer fields are. I'm just trying to make everyone familiar with the area. And this parcel in yellow is the parcel that Evansville Vanderburgh School Corporation either optioned or recently purchased from BSH Development. On your map striped in yellow in between the Vanderburgh County School Corporation property and the subdivision I've striped in yellow the area that will be a golf course. It's presently a agricultural field as is the school ground and the subdivision itself is mostly agricultural field at this time. There is some woods and a lot of creek. In blue is the retention lake for the subdivision. You'll notice it's located outside the boundary of the subdivision. It's proposed also to be used as a water trap for the golf course. An irrigation lake for the golf course during dry weather and general beautification. The reason for locating it outside the subdivision is that they wish to detain a large amount of water in that lake

for irrigation purposes. Acquire some fill, because they're operating partially in a flood plain and provide a water trap for the golf course. The legal counsel for BSH Development Corporation is also in the audience, Mr. Mike Mitchell. He's preparing right now, I think he has a letter of intent to indicate what he's preparing and what he is preparing is a document that will require BSH Development Corporation and all their subsequent heirs and assigns to perpetually maintain this lake as a detention facility in leu of a Homeowners Association composed of eighty-four individuals maintaining that lake. The document will be prepared so that the Development Corporation or whoever buys or inherits the Development Corporation or this land from them perpetually will maintain it in accordance with the Vanderburgh County Drainage Ordinance of 1994 and all subsequent amendments thereto. Like I said I have reviewed their preliminary plan and all the calculations that accompany it. I've asked over the last two weeks for additional information on certain areas that I was particularly interested in and that would be where the water passes through the subdivision and picks up additional water from the subdivision and then comes through the golf course and unites with another stream that comes across Petersburg Road. I've asked for additional details where those two streams join at this corner of the school property and those details will be provided in the final drainage plan to show how the Development Corporation intends to treat this creek bank here to insure it won't be a problem for Vanderburgh County School Corporation in the future. Other details up here of straightening this channel as it passes through the subdivision and joins with an substantial creek that comes from the west up here at the northern end of the proposed subdivision. I've asked for some details like that too to make sure that the property owners inside the subdivision don't end up adversely affected by the condition of the stream that is actually located out in the golf course area. Now the reason I'm doing that is because generally a golf course is going to be maintained in a more natural manner than would be someone's yard and they may want to leave some trees. There's some nice trees out here. Sycamores, Cherries and I've noticed some Walnuts. Not just scrubby trees and I'm sure that the developer's going to...he's already said he wants to keep some of those nicer trees along these streams as a part of the landscaping of the golf course. But, your Board and our office is only concerned about the stability of that bank as the creek passes along side or through the subdivision. So those details will be provided by the developer's engineer between now and the time that we ask for final approval. Then marked in orange I just highlighted some areas that we have also asked for additional information for the final approval because he's routing his water through what is now natural channels and we just want to make sure that they're sufficient to handle the flow from a developed subdivision. I think they will be because he is reducing the amount of water that leaves from the southwest corner of the subdivision where the detained water joins with the surface water. He's shown me calculations already that he's reducing the flow at this point, which is the southwest corner of the subdivision. So that means that this natural channel that already exist out here should be able to handle less than what it handles now. I also want to see...and he showed me tonight the calculations that show that when all this water joins together at the point of where it leaves the golf course, which is the south boundary of land owned by BSH, when it leaves this point it actually combined all the water together, the detained water along with the surface water from the golf course and the school property, etc., less water leaves this site through Firlick Creek after development than before. Now his calculations are based on the green area being fully developed as a subdivision replacing a corn field and all the areas remaining in their natural condition. So, if the amount of water leaving under those conditions is less than what leaves now, will even be reduced further when the golf course is turned from an open agricultural corn field into a grassy fairway. So he has satisfied me or the Surveyor's Office in our review that he is meeting the intent of the Drainage Ordinance

which was to reduce...to keep the same or reduce the amount of water discharged from a development, after development as what was being discharged before. But what I'm saying is we need more details before we can come back to you and ask for final approval. Those details would include the street plans that will be given to John Stoll's department along with other details that I would like to see with some minimal channel straightening embankment work. There's a substantial amount of dirt moving that's going to take place here. I would like to see where he's going to be moving some dirt and things like that. But at this time the Surveyor's Office will recommend approval of the preliminary plan for Eagle Crossing Subdivision as I've briefly described it and if there are any questions what would better be answered by the legal counsel or the engineering consultant for the developer. The developer is also here in the audience, Bart Schutz. Then I know Mr. and Mrs. Seib are neighbors immediately to the east and I assume that some of these other folks in the audience may be neighbors of the development are also here.

Jim Morley: My name is Jim Morley, engineer for the developer BSH Development. Following Bill's questions, a lot of his concerns that he had addressed were Firlick Creek, so I'd like to...I had reviewed some of the comments that Bill has asked us about that I have reviewed with Bart Schutz and therefore I would like to state for the record that the Firlick Creek Ditch as it runs along side the subdivision on the golf course portion will be straightened and the banks will be laid back and the bottom of the ditch cleaned and the banks put into a slope and an erosion control mat and seeded. That will not be a problem and that will be done. The creek or ditch as it runs right down the property line between School Corporation and BSH Development along that line, which I have a couple of photographs right here. That particular line, the channel that needs some straightening and improvement. Most of the trees are on the School Corporation side of the property line. I talked to Mr. Schutz about cleaning, yet preserving the trees. It looks like that we can do cleaning Bill, widening and laying back the slopes such that that also will be improved. At the intersection of the two creeks, which is shown in that photograph that I just laid up on your desk, the creek makes a turn to the left and there is some washout on the other side occurring approximately seventy feet from where the two streams come together. Bill, we will have approximately a hundred feet of channel at that corner that would be rip-rapped. We will show the details of the rip-rapping on that on the final plans as they're presented. So I did want those comments to be of record and I will answer any questions you might have or Mr. Schutz. You had asked a question about the golf course. You need to address that to Mr. Schutz.

Commissioner Borries: I guess what I was wondering is, is this some sort of phased plan? Because the proposed plat plan that is also accompanying this drainage plan indicates that there is going to be some development on the other side, meaning the west side of Petersburg Road.

Jim Morley: Yes.

Commissioner Borries: That's not on here, so this must be a First Phase, is that correct?

Jim Morley: Yes.

Bart Schutz: Right. That's basically the First Phase. That's one of the reasons they want to call two. It's actually the Main Phase. But starting out we wanted to make sure that we did everything right to begin with. So we chose a smaller side to start with basically.

Commissioner Mourdock: The retention basin that you show that Bill was talking about as far as being a primary irrigation as part

of your erosion control plan when you actually begin construction, is that going to be the first thing you do?

Bart Schutz: Yes on that side.

Commissioner Mourdock: You said something about barrow that you're going to need for raising some elevation. But at least looking at the initial housing areas, I wouldn't think there would be barrow up there. Where is the barrow?

Jim Morley: I can point it out...two lots there and right there, there's about three lots right there.

Commissioner Mourdock: Okay so all that barrow--

Jim Morley: Most of it will be undisturbed.

Commissioner Borries: I guess the reason why I'm asking this in so far as a preliminary plan, what do you envision how many holes are going to be on this plan that you have right now?

Bart Schutz: Primarily four.

Commissioner Borries: You're not even going to be able to get nine holes even for a partial?

Bart Schutz: No. The rest of the holes are on the other side of the road, sir.

Bill Jeffers: Tell them about how many acres the golf course has on each side of the road.

Bart Schutz: Well, there's about one hundred thirty-five acres totally of golf course. I don't know the exact...about twenty-six acres--

Commissioner Mourdock: Let me ask you another question. I think it's going to go on Rick's direction here. If at some point you decide not to do the golf course, all of the area that you're showing or Bill that you're showing on here is labeled as golf course, with the exception of this knob is probably well into the hundred year flood plain, right? So it's not likely you're going to see any building development go on in what's labeled here as the golf course if in fact you decide not to do the golf course?

Bart Schutz: Possible. About half of it is not in it possibly. Most of it is, you're right.

Commissioner Mourdock: Okay. That portion that is east of Petersburg Road almost all of that, again with the exception of this knob, is well within the hundred year, is it not?

Bart Schutz: Right.

Commissioner Borries: How are these...I don't understand how you put together a drainage plan that only has four holes on a golf course. Do you intend to build these things along with four holes of a golf course?

Bart Schutz: No. The golf course will start...we don't know all the numbers and numbers coming in from them. We've talked to two different golf course architects and the numbers differ. We're trying to get a grasp of exactly which numbers are right and wrong. We are going to start a hole right off the bat ourselves to get a grasp of initial cost. When we start over on the phase the golf course will start directly after that all at the same time basically.

Jim Morley: Perhaps I can help. The detention lake which will be

on the golf course portion in the documents that Mr. Mitchell has prepared the comments and as Drainage Board you're looking for who is it that's going to be, the landowner's that going to be responsible for that. That commitment we wrote a legal description completely around all of that golf course land and are dealing with time the maintenance responsibility of the basin that you see to that piece of property. So there is a landowner there committed to that whether or not the golf course is going as a golf course at that moment in time. So it is tied down. It is tied down even if someone would decide to fold the golf course and do development on it or something. Part of it certainly could be developed, but never the less that would be tied essentially and perpetually to the boundaries of all of that remaining property. So you do have a substantial guarantee then backing the maintenance of the lake, which gives the tie then as far as logic assuming that everything goes as it's intended. You certainly have the equipment and the means in which to do a really good maintenance job.

Commissioner Borries: I guess I still have to again ask the question. Our technical advisor gives us advice on a drainage plan on a section that works this way. So I'm still not hearing correctly if you intend to design four holes and only four holes, which in effect becomes an unplayable area, along with your entire residential subdivision, have you answered that question? Do you intend to develop these four holes at the same time your--

Bart Schutz: No. I don't know what you mean--

Commissioner Borries: Then what happens to the drainage plan if this in effect then becomes undeveloped?

Bart Schutz: I see what you mean.

Commissioner Borries: Then it gets to me because although we're talking about legal drains and drainage plans, then we get into the situation and I don't know if you have addressed it to be quite frankly and I'm only speaking for my personal concerns about how you get across Petersburg Road on this development.

Bart Schutz: We've talked with the engineers on that and we're going to have to meet some pretty stringent guidelines on probably an underpass type situation for the golf course, but as long as we stay out of the easements, they don't see any problems as long as we meet their guidelines to speak of. I mean there's going to be a lot of little hurdles.

Commissioner Borries: Whose guidelines?

Bart Schutz: The--

Commissioner Borries: You're intending to put a bridge underneath the road?

Bart Schutz: Culvert just for golf carts only.

Commissioner Borries: Who will maintain this?

Bart Schutz: The golf course, BSH.

President Tuley: Which is what you're saying from this point forward will always be responsible as opposed to some sort of Homeowners Association?

Bart Schutz: Right.

President Tuley: I don't know where we're heading with this question other than crossing over on the other side, because I don't think that is part of the issue tonight at this time.

Commissioner Borries: The reason why I bring it up is I'm just trying to get a handle. Bill has done these calculations, everything says that it works, but I've never seen like a four hole configuration here. Commissioner Mourdock had pointed out to me that we've got four holes over here, so it's obvious that there's going to have to be another part of a drainage plan. And that's why I wanted to know if you didn't build a golf course along at the same time that you did residency, does that change your drainage plan?

President Tuley: Correct me Bill, did you not say that when the plans are built, that there will be less water coming out of there as this develops even with this undeveloped, less water, and then once it becomes a golf course there will be even more restrictions on the water leaving?

Bill Jeffers: That's the way we're reviewing the calculations now, as if there were, I'm sorry I kind of confused the issue. What we're looking at is in green, the green area is fully developed subdivision which requires a detention facility to reduce the overall or to capture the excess runoff and reduce it so that what leaves that developed subdivision is the same or less than what leaves it as a corn field today. The plan that the calculations that Mr. Helfert has submitted to me shows that the water that he is going to detain in that blue shaded lake and release down there at the southwest corner. And that result of what he's doing there will reduce the flow rate of the storm water during a twenty-five year storm with or without the golf course. BSH is saying we're going to at some point and time put a golf course in there. Four holes on this side of Petersburg Road and I think fourteen on the other side. When they do that the runoff rate from this area will be lowered even more, but I'm not considering that now because right now all I'm looking at is the residential subdivision with a lake. They don't want to locate the lake inside the subdivision because it would take probably four lots from the subdivision. Since they say they're going to develop a golf course it would be practical to use a water trap and an irrigation lake also as a detention lake, thereby saving themselves four lots for sale and providing a water trap and an irrigation lake for that portion of the golf course. If they develop the golf course on the other side they'll probably have four more of these lakes and probably another couple of hundred lots in that subdivision over there.

President Tuley: If I heard you correctly, what your concern was because of the concerns with passing all this, if this didn't develop will this drainage plan work?

Bill Jeffers: It will still work so long as...it is independent of the golf course and it will work so long as it is maintained properly and that's why I asked for some sort of document that would guarantee the maintenance of that lake as a detention facility. We don't give a hoot about it as a water trap or an irrigation lake. We only care about it here as a detention lake. We encourage people to use detention lakes for more than one purpose, thereby, we're not penalizing them for setting aside a piece of ground for detention lake. That's what he's done. He's saying, "I'm going to also use it for irrigation of a golf course and I'll also use it for a water trap". Great, but show us since it's off site how you're going to maintain it, because if you put it inside the boundary of the subdivision the Homeowners Association has to maintain it. So you're going to have to act as a Homeowners Association, the developer is. Now, if you want that document to go so far as to say here is the boundary of the area that's needed for the detention lake and it's maintenance and it's out-falling channels and structure and if you don't develop a golf course that area has to be incorporated into the subdivision as a replat. If you want to do that, I don't think it's unreasonable and we can say that the document that Mr. Mitchell prepares for BSH will include some kind of language it says if the golf course is never

developed, this area that contains the lake and it's other easements shall be incorporated into the subdivision and a Homeowners Association will be formed to maintain it.

Commissioner Mourdock: Bill the biggest concern I have with that as you're presenting it initially here this evening, and this falls under one of those things that the two things you never see is your greatest dreams and your worst fears, okay this is probably the latter. You take a body of water like that after a while gets to be a little weedy and a little stinky whatever the problem is and you can start dividing up the piece of pie, put that piece of property this very narrowly defined around it's perimeter or around the perimeter of water and put it in some corporation nobody is liable for it. I mean just a shallow shell of a corporation out there then who takes care of it?

Bill Jeffers: That could happen and that might happen. That probably would happen if that never became a golf course, but if it were a golf course I don't think a pro who maintains a golf course would want it to become something like that.

Commissioner Mourdock: I agree if it becomes a golf course.

Bill Jeffers: Right and that's why your questions about whether it becomes a golf course are legitimate. I would also say that "yes" a lot of that area that crosshatched in yellow is in the flood plain on the current FIRM panel, but could be reduced. The flood plain can be reduced in size because the Department of Natural Resources already done a detail on-site study and the flood plain that they have assigned it is much less than what's showing on the FIRM panel and if a developer wanted to take that study to FEMA they could get a map exemption and more of that area could be developed by houses. So that was a perfect question on your part too. It just hadn't been done yet. So yes a lot of that area could become houses, it could stay corn field. What we're concerned with is, "Does the plan that he has presented, has it proven itself to be a workable plan?" I think so as a preliminary plan it needs more language, more restrictions and greater detail before it comes back to you as a final plan. But every one of your questions so far has been very to the point. As far as development goes you don't know the bottom could fall out.

Jim Morley: I might ask a question. Essentially there are three ways to tie up maintenance. We could attach it to the lots that adjoin. In this case we have lots 26, 27, 28, 29, 30 and 31. That is all of those lots that adjoin this and we could attach that maintenance responsibility to the adjoining land owners. We have prepared a deed around the lake easement. (Two,) we could form a Homeowners Association if that be your preference. Some people are becoming more and more leery of the Associations. Even when they're "UN FORM" if they run into problems they sometimes attempt to uniform themselves, or we could create it by attaching it to the ground of the golf course.

Commissioner Mourdock: Subdivision?

Jim Morley: Well no...of the golf course by attaching it. To do the subdivision is the Association. That is an Association to join the adjoining lots is one and to go to the golf course. We felt that the golf course was the best option, but it's not the only option and there isn't a strong way. So if you find what you feel to be a legal problem with how the lake is maintained and want to suggest another route, we're open to go another direction. I would suggest perhaps that what you do on that plan, obviously, the final plan comes back as we're ready to record the plat, that you think about that situation and if Mr. Mitchell's document that he prepares is lacking in any way or you want to see it taken in other directions say so and we're after what you want, the guarantees.

President Tuley: I'm sorry, I was listening to several people at the same time. We set through this initial presentation by Mr. Brinker and there was real serious concerns raised that night about that passage under Petersburg Road, so if all those details can't be worked out, then all the questions you've heard here becomes very legitimate concerns about maintenance of this. I was just asking Rick here since he's been on this board long enough, can we not make this an either or, if in fact this does develop if you propose if it becomes the responsibility of BSH?

Bart Schutz: Yes that's fine.

President Tuley: But in the event for some reason the rest of this doesn't, then these four property owners will become responsible or however many lots.

Jim Morley: Six I think.

Bart Schutz: Mr. Brinker's is one of the partners in it and he doesn't handle any of the stuff anymore. I'm the one that's suppose to do all of this and I didn't know who all he had talked to and how any of the rest of this stuff that had come about. The only person that I've talked to is the County Engineer, John Stoll and he said that there is going to be a lot of things, that you're going to have to answer a lot of questions from a lot of different people and try to work some things out. He didn't say it was a definite no, he just said there was going to be a lot questions. I don't know a lot of the answers yet. We haven't checked into that part of it.

Commissioner Borries: To move this on and maybe there are some other people that may have some comments here. I guess where I was headed and Pat pointed this out very accurately here is, I don't as a routine but rarely ever, if Mr. Jeffers has given a recommendation of a pass on a preliminary, I would go for that. Except that if my approval would be contingent on the fact that based on what I'm hearing now and what I see over here on four holes that my approval is only for the drainage plan and in no way affects the outcome of whatever else has to come of this. I know how these things work and I know if you shift a gear and you get into first gear and we make an approval here, that I want it clearly stated for the record that there is some other decisions about other matters that I might object to.

Bart Schutz: Right.

Jim Morley: Should you become uncomfortable in any way with the language of BSH and want to tie it to the lots, Mr. Schutz just said--

Commissioner Borries: I think I would. I would very definitely want that provision.

President Tuley: I know it's getting just a little away from drainage, but since you said you've just been brought into this, in going to the meetings or what have you. Okay? These meetings. I know that when Mr. Brinker was here that night apparently there was a statement made, this kind of crossing under Petersburg Road is done all over the place and some of the information he's suppose to be providing for us will tell us where that is, how it's worked, how it's maintained and that kind of stuff, so if you haven't been instructed about that you'll need to know that, because we'll be looking for that information when you come back.

Bart Schutz: Okay, thank you.

Bill Jeffers: Those type of culvert crossings under roadways are done for school buses, as large as for a school bus to pass under. I've seen them going into power plants so that trains, coal trains

could pass under a roadway through a culvert. I've seen them for sheep crossings out west, but you're right, this is a wetland area type of situation that will have to be water proof. Both ends will have to be in such a way that you wouldn't get a flash flood and drown some napping golfer.

Commissioner Borries: Also Bill, and I agree with the technology there, a lot of things are possible, but as you well know we've had some concerns about right now one of our own bridge structures--

Bill Jeffers: Right.

Commissioner Borries: Three years old and we're battling in that and long after some people will probably wish sooner than longer, but long after I'm gone or any of these members on this board or you or anybody in this audience is alive, somebody in this county has to maintain that structure.

Bill Jeffers: Right.

Commissioner Borries: That's the thing that we have to address.

Bill Jeffers: If it would ease some of your concerns with regard to perpetual maintenance of the lake, we could ask them to prepare two plans. One where BSH commits in another final plan, also that shows it connected to the adjoining lots as a method of maintenance and approve both plans and save whichever one prevails.

Commissioner Mourdock: But how are you going to know that? The problem that I have with that--

Bill Jeffers: If the golf course doesn't materialize it goes to the other plan.

Commissioner Mourdock: Yes, but if you've already sold the lot, and all of sudden these people may be getting something they don't want.

Bill Jeffers: It is hard because the first people that come along are going to want the lots along the lake and you're going to say you can't sell those until we find out how we're going to maintain the lake.

Commissioner Mourdock: That's right. That's why I think the easiest thing to do is to go ahead from the get go and put it as part of those lots. First of all, I think that it's going to raise the value of your lot, which will be good for your development.

Jim Morley: We could do that and then as BSH offered to maintain it, BSH could enter into it on the sale of the lot private agreement for maintenance. Then they actually could perform the physical work even though the commitment rested with those lot owners. I think maybe that would solve the situation.

Bill Jeffers: Yes, but I could see that the people who own the lake don't want golfers on the embankment plucking the golf balls out of the lake, because that's their private property.

Commissioner Mourdock: That's their right.

Bill Jeffers: So you have a problem there too.

Commissioner Mourdock: Certainly as part of the covenant of the sale of that piece of property, there can almost be a reciprocal agreement whereby the golf course if and whenever BSH takes care of the maintenance of the lake and in return for that the landowners given certain rights of entry by the golfers in such to get their golf balls solved.

Jim Morley: That way it's tied to the lots.

Commissioner Mourdock: Right and it's tied to the lots with a clean deal.

President Tuley: Several people sitting here, any comments?

Commissioner Mourdock: Anyone in the audience care to respond to all of this?

Richard Seib: My name is Richard Seib. I own the farm east of Seib Road. My main concern is flooding of Seib Road near Kansas Road. Some years ago Kansas Road was raised approximately six feet almost to the level of Highway 57 and the bridge covering crossing Firlick Creek. Kansas Road now is not flooded, but Seib Road being in the corner still is flooded. Usually hard rains even over night when I get up in the morning and want to go out Seib Road...over night Seib Road can be flooded. So I'm concerned about the extra rapid drain off of Eagle Crossing Subdivision. I understand that there are going to be some holding ponds or detention ponds. We had two lakes built approximately thirty years ago by the Soil and Water Conservation. They estimated it would take three years to fill up the lake, so they missed and it only took one year. So mother nature cannot be predicted. I think she plays tricks on us. So I'm concerned about the water flooding Seib Road. And with more people living out there, more cars, I'm seeing maybe somebody is going to get stranded on Seib Road. They tried to go through the water and problems such as that arise.

Commissioner Borries: Mr. Seib where about does that water occur?

Richard Seib: Almost to Kansas Road. On the south end of Seib Road and I would say--

Commissioner Borries: So actually below where this development is going to be at this point though?

Richard Seib: Yes.

Commissioner Borries: Okay.

Bill Jeffers: How many feet goes underwater?

Richard Seib: I'm going to say maybe two hundred and fifty to five hundred feet.

Bill Jeffers: At the intersection of Kansas and Seib maybe two to five inches of that stretch goes under water.

Richard Seib: Even though the water drains under Hwy 57 and it drains to Firlick Creek. On one side of Seib Road it drains to under Hwy 57 and the other side over to Firlick Creek, but it still floods. That cannot get rid of the water fast enough.

Bill Jeffers: How deep does the water get?

Richard Seib: Sometimes only an inch, but other times I would say six inches. Now with this latest covering of pavement, black top you put on, we'd like to see...the more black top you put on that the better. So Kansas Road should be raised, Seib Road should be raised the height of Kansas Road, which would solve all of our drainage, our flooding problems.

Commissioner Borries: Okay...trying to find out where-- (In regards to the map)

Richard Seib: Do you want me to show you?

Commissioner Mourdock: Yes, please do.

Commissioner Borries: You see what our point was and I understand what you're saying, I'm not sure at this point with this runoff down here, it's designed to go this way and then to Firlick Creek this way, I guess Firlick Creek is going to go--

President Tuley: It's slower coming out of here.

Commissioner Borries: It should be slower because of your lake.

Bill Jeffers: Their calculations show that there will be less water leaving this point and going down after the development of this lake.

Commissioner Borries: Because you will have retention. I mean this will always have water in it.

Bill Jeffers: Right, during a twenty-five year storm.

Richard Seib: Then there will be other developments out there in the years ahead. So that's my concern that I wanted to present to you. Thank you.

Howard Titzer: My name is Howard Titzer. We own forty acres north and east of this development.

Commissioner Mourdock: East of Seib Road?

Howard Titzer: No, east of the development. I understand your calculations for water, but isn't it a known fact that once this retention pond fills up, it's not going to hold anymore water? In other words, once this pond fills up it has to have an outlet. So if it fills up in a year the water coming down through there still has to go out in front of a ditch, front of a creek. The thing that I don't understand either is if this development is all asphalt, streets and driveways, won't that water get off there faster than if it's agricultural corn field?

Commissioner Borries: Not necessarily. We have a lot of runoff on agriculture. Your going to have grass here, it's not all going to be asphalt.

Bill Jeffers: The second part of the question first, yes the water will leave the site quicker. The time of concentration of the peak water will be sooner after the streets and everything is put in. It will gather in the streets and be out of that site quicker at it's peak flow than trickling down through all the corn rows and so forth and so on. However, what our Ordinance requires is that at the peak discharge, which will be quicker, but at the peak discharge time there will be less water leaving this site in cubic feet per second than there was before development and that's where that detention lake comes into play. In other words you only have a twenty-four inch pipe leaving that lake. You have a seventy-four by forty-eight inch pipe, which is equivalent of about a sixty inch diameter pipe coming into the lake. So you have sixty inches in diameter of a pipe coming in, you've got twenty-four leaving and that difference is stored and yes when it rains enough to exceed that storage it goes the emergency spillway. That's exceeding a twenty-five year event, which is about three inches in an hour or so, like a gully washer we had this summer. But the net result is that less water will leave that site until you exceed the twenty-five year storm.

Commissioner Mourdock: Bill I thought that was a fully incised lake, but there's actually a berm around the lake as well. Is that right?

Bill Jeffers: That's right. It's an incised lake. It holds water

on permanent basis. Then it has an earth work around it or a dam around it that allows for free board and then you're storing up to that and once you exceed the design storm you have to let it spill out the spillway and it will go across what's being proposed as a golf course couple hundred feet and going to Firlick Creek.

Commissioner Mourdock: If the lake were simply incised lake just a hole dug with drainage channel out the end, then your point is a hundred percent valid. You fill it up, where is it going to go--

Bill Jeffers: Right. If it's totally full and there's no free board, you're right, but there is going to be free board there.

President Tuley: Other comments?

Joan Miller: This is just to satisfy other people's questions along our road. There's been water standing on the other side of the bridge where they've put in the new sewers and people were wondering why that's there since we haven't had any rain. It's on the right hand side of the road as you're headed towards the Hornet's Nest. There's water standing there and people were wondering like Mrs. Ziliak who lives down the road also, who's ill and couldn't come tonight, she was wondering why there was water standing already there when we haven't had any rain recently. It is a concern. There's nobody else that knows any better than the farmers. These people who are farmers where the water does go as far as their land is concerned. Mr. Seib is correct. Sometimes the water on Seib Road is about six inches deep.

Jim Morley: Are you asking about the area on Petersburg Road?

Joan Miller: Yes sir.

Jim Morley: I need to answer her question on Petersburg Road, they have mounded over. They have put sewer in and did not compact it and they have mounded over and there is some pools of water trapped along... The field is very flat and as he goes ahead and finishes his work, first of all that will settle. There's additional grading to be done. They never completed their seeding either of getting the grass. There's still some landscaping to be done in the spring. So those problems that she raised, yes there are some and they will be worked into landscaping plan.

Joan Miller: This is a question that my brother asked me to ask and I was wanting to ask it myself. This sewer that was put in we wanted a little more information about it. They told us to get twenty-five signatures so we could have a meeting to inform us about it. We weren't going to fight it. We just wanted to know about it. We got the twenty-five signatures and mailed it in and I've got all the information right here and we never did get a meeting and the sewer was put in anyway. We just wanted to know what was going on.

Commissioner Mourdock: Who is they that you're referring to?

Joan Miller: Apparently, well it's Sitecon Incorporated.

Bart Schutz: If they would just call me. My phone number is 836-2000, area code 812. I would be more than happy to answer any questions.

Sarah Seib: My name is Sarah Seib. I live on Seib Road. We have not been advised of any of the meetings that were coming. We did not know. We got everything second hand about what was coming on on the golf course. This was all information that we got from other people. And our property is right next to the golf course. I thought we were suppose to be told of all of the meetings that were coming up and what was going on to our neighbors property. I don't know that it's been rezoned for all the houses.

Commissioner Borries: I don't think it's been rezoned yet and that could be one reason.

Bill Jeffers: You got a notice about the meeting tonight.

Sarah Seib: That was from Morley & Associates and that was the first one. We were also told to go to room 301 for the meeting and we almost missed this because the information wasn't correct.

Bill Jeffers: Then you had a notice of the meeting December 6.

Sarah Seib: That all came in the same letter.

Howard Titzer: Evidently we're not on the mailing list that our property (inaudible due to not speaking into the microphone).

Commissioner Borries: Okay, we need to rectify this with the developer here, so he can certainly get that information, so you can be informed of all that.

Bill Jeffers: The Rezoning Meeting where the Area Plan Commission will hear this is Wednesday December 6 at 6:00 p.m. in room 301.

Commissioner Borries: Okay I'm going to move that preliminary approval as given by the Technical Advisor County Surveyor, Bill Jeffers here be approved. This First Phase be approved with the contingency that the lots immediately adjoining known as the lake or here to say lake, be indicated as the, well the owners and thereby accept maintenance of that lake.

Commissioner Mourdock: Just to clarify, you used the word "contingency" and I think you meant to use the word "condition"?

Commissioner Borries: Yes, "condition".

Commissioner Mourdock: With the understanding that the preliminary approval based on the condition that the lake be a part of the adjoining properties, I will second the motion.

President Tuley: So ordered.

RE:¹ REQUEST PAYMENT OF BLUE CLAIMS-MAINTENANCE:

Bill Jeffers: The only other item on the agenda that I know of is the payment of claims for maintenance of legal drains. I have twelve claims for ditch maintenance by contractors which will bring the payment to those contractors up to 85 percent, which is the maximum amount allowed by statute before we make the final 15 percent payment at a later date, sixty days after completion when they certify they paid everybody what they owed them.

Commissioner Mourdock: Your recommending approval?

Bill Jeffers: I'm recommending approval of this twelve.

Commissioner Mourdock: I'll move approval of the twelve claims as submitted by the County Surveyor.

Commissioner Borries: Second.

President Tuley: So ordered.

Bill Jeffers: I have two claims that are the 15 percent retention that's allowed by statute after the contractors signs the form stating he's paid all of his subcontractors what he owes them.

¹Copies of the Blue Claims-Maintenance is attached to the (11-27-95) minutes.

Those are signed by Surveyor and recommend approval of those two.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

Bill Jeffers: Then I have four claims which are progress payments to Big Creek Drainage Association. Essentially they have finished their work. However, we found some isolated areas within the ditches that we felt needed additional attention, so we're only going to pay them 45 percent to encourage them to finish those off before we pay them the remainder. They have all completed greater than 50 percent of the maintenance and Surveyor recommends you pay them 45 percent as a progress payment.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

Bill Jeffers: I'll leave those on your desk to be signed at your pleasure.

Commissioner Borries: Mr. President I move that we adjourn.

Commissioner Mourdock: Second.


President Tuley: So ordered.

There being no further business the meeting was adjourned at 8:30 p.m.

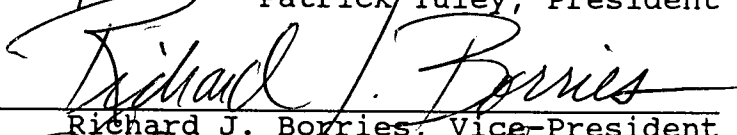
PRESENT:

President Patrick Tuley
Vice-President Richard J. Borries
Member Richard E. Mourdock
Alan Kissinger, Attorney
Bill Fluty, Chief Deputy Auditor
Bill Jeffers, Chief Deputy Surveyor
Julie Hinton, Secretary

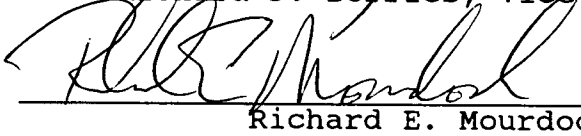
Sign in sheet attached to these minutes.



Patrick Tuley, President



Richard J. Borries, Vice-President



Richard E. Mourdock, Member

41

Warrant No. _____
Claim No. _____
Date _____

TERRY R. JOHNSON

Vendor No. 10572

\$ 191.12
ON ACCOUNT OF APPROPRIATION
Dept. Fund Name _____
Account No. _____

Allowed _____ 19____
In the sum of \$ _____
Richard J. Johnson
Richard J. Johnson

Board of Commissioners

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

11/27, 95 Robert W. Johnson

Signature of Office Holder

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

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>95-FM-17-15</u>	_____	<u>AUG. 27, 1995</u>	<u>234-017</u>	<u>\$ 191.12</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL \$ 191.12

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I

Terry R. Johnson
(Signature in Ink)

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

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

NONE

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

NAME OF DRAIN: HARPER

CONTRACTOR: TERRY R. JOHNSON VENDOR # 1051

CONTRACT # _____ AND/OR ACCOUNT # 234.017

- ☒ ANNUAL MAINTENANCE
☐ ADDITIONAL MAINTENANCE
☐ EMERGENCY MAINTENANCE

COMPLETION DATE AUGUST 26, 1995
INSPECTION DATE AUG 30, 1995

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

Robert W. Brunning
VANDERBURGH COUNTY SURVEYOR

11/27/95
DATE

6.1

Warrant No. _____
Claim No. _____
Date _____

IN FAVOR OF
Vendor Name John Maurer
Vendor No. 1483

\$ 473.54
ON ACCOUNT OF APPROPRIATION
Dept. Fund Name Hoeftling Ditch
Account No. 234-020

Allowed _____ 19____
In the sum of \$ Michael J. Lee
Richard J. Bannister
Richard J. Bannister
Board of Commissioners

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

None

Signature of Office Holder

I have examined the within claim and hereby certify as follows:
That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.
11/27/95 Robert H. Brunner
Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
95-FM-20-85		10-27-95	234-020	473.54

TOTAL \$ 473.54

Robert W. Brenner, Vanderburgh County Surveyor

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

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

for ☒ annual -- ☐ additional maintenance to
HOFFELING Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
OCT. 26, 1995, and was inspected by
our staff on OCT 30, 1995, and is
☒ approved -- ☐ disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 11/27/95
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

F-1

No.

Form Prescribed by the
State Board of Accounts

1245

Revised County
Form No. 17

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

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Big Creek Drainage Assoc. # 0986

On Account of Appropriation for Pond Flat Lat.E 234-034

Invoice No.	Itemized Claim	Amount	
	1995 FALL MAINT.		
	3,616 LF @ 0.12 = \$433.92		
95-FM-34-85	PAY 85% @ \$368.83 →	\$ 368	83
	15% RETAINAGE = \$65.09		

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

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

Big Creek Drainage Assoc. INC
Name

John J. Bittner, Jr.
Title

Date Nov. 17, 1995

6.1

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

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

for ☒ annual -- ☐ additional maintenance to
POND FLAT LAT "E" Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
Nov. 15, 1995, and was inspected by
our staff on Nov. 16, 1995, and is
☒ approved -- ☐ disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 11/27/95
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

F.1

Nov

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

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Daniel Paul # 3590

On Account of Appropriation for Wallenmeyer Ditch 234-040

Invoice No.	Itemized Claim	Amount	
	1995 FALL MAINT.		
	8,355 LF. x \$0.148 = 1,236.54		
95-FM-40-85	PAY 85% = \$1,051.06 →	\$1,051	06
	15% RETAINAGE = \$185.48		

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

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

x Daniel J Paul
Name

Title

Date Nov 7, 1995

F-1

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

Vendor Name Daniel Paul

Vendor No. 3596

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

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

Account No. 234-040

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

Mary Alice
 Richard L. Barry
 Carl M. ...

Board of Commissioners

TOTAL 40,51.06

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

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

for ☒ annual -- ☐ additional maintenance to WALLENMEYER Ditch, a legal drain in Vanderburgh County, Indiana, was completed on Nov. 6, 1995, and was inspected by our staff on Nov. 8, 1995, and is ☒ approved -- ☐ disapproved for payment per the contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 11/27/95
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

Form Prescribed by the
State Board of Accounts

1245

Revised County
Form No. 17

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

VANDEBURGH COUNTY, INDIANA

VENDOR NAME Big Creek Drainage Assoc. # 0986
On Account of Appropriation for Rusher Ditch 234-035

[illegible]

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

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

Big Creek Drainage TMC
Name
John J. Butner, Esq.
Title

Date Nov. 16, 1995

Fil

Warrant No. _____
Claim No. _____
Date _____

IN FAVOR OF

Vendor Name Big Creek Drainage Assoc.
Vendor No. 0986

\$ 2,339.98

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name Rusher Ditch
Account No. 234-035

Allowed _____ 19__

In the sum of \$
Two thousand three hundred thirty nine and 98/100
R. B. E. Mendenhall

Board of Commissioners

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

None

Asse-

11/27 RS Robert W. Bennett
Signature of Office Holder

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

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

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
95-EN-35-45		Nov-16, 1995	234-035	\$ 239.98

TOTAL \$ 239.98

PARTIAL PAYMENT.

Robert W. Brenner, Vanderburgh County Surveyor

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

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

for ☒ annual -- [] additional maintenance to
RUSHER Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
OVER 50% COMPLETE NOV 15, 1995, and was inspected by
our staff on NOV. 17, 1995, and is
☒ approved -- [] disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner
Robert W. Brenner, Vanderburgh County Surveyor 11/27/95
Date

Additional Comments:

50% COMPLETED AND INSPECTED - PAY 45%

6-1

Nov

Revised County
Form No. 17

VANDERBURGH COUNTY, INDIANA

On Account of Appropriation for Pond Flat Main 234-029

F.1

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

IN FAVOR OF

Vendor Name Big Creek Drainage

Vendor No. 0986

\$ 1,824.17

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name Pond Flat Main

Account No. 234-029

Allowed _____ 19 _____

In the sum of \$

Board of Commissioners

۲

11/27, 95

Robert W. Zimmerman, M.D.
Signature of Office Holder

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

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

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

[illegible]

TOTAL \$ 4,824.17

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

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

for ☒ annual -- ☐ additional maintenance to
POND FLAT DITCH Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
Nov. 16 - Over 50%, 1995, and was inspected by
our staff on Nov. 20, 1995, and is
☒ approved -- ☐ disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner
Robert W. Brenner, Vanderburgh County Surveyor 11/27/95
Date

Additional Comments:

NOTE: OVER 50% COMPLETED AND ACCEPTED
PAY PARTIAL PMT. OF 45%

45

Nov

Form Prescribed by the
State Board of Accounts

1245

Revised County
Form No. 17

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

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Big Creek Drainage Assn. # 0986
On Account of Appropriation for Batts Creek 234 009

Invoice No.	Itemized Claim	Amount
	1995 FALL MAINT.	
	20.668 LF @ 0.20 = \$ 4,133.60	
95-FM-09-45	PAY 45% @ \$ 1,860.12 =	\$ 1860 12
	55% RETAINAGE = \$ 2,273.48	

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

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

Big Creek Drainage Assn. INC
Name
John J. Bitterman
Title

Date Nov. 16, 1995

6.1

11/27/95

Warrant No. _____
Claim No. _____
Date _____

IN FAVOR OF
Vendor Name Bryant Creek Drainage
Vendor No. 234-0986

\$ 1,860.12
ON ACCOUNT OF APPROPRIATION
Dept. Fund Name Batons Creek
Account No. 234-009

Allowed _____ 19____
In the sum of \$ One thousand eight hundred and sixty and 12/100
Richard J. Brennan
Board of Commissioners

6

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

11/27 95 Robert H. Brennan
Signature of Officer/Holder

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

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>95-FM-09-45</u>		<u>Nov. 14, 1995</u>	<u>234-009</u>	<u>\$ 1,860.12</u>

TOTAL \$ 1,860.12

PARTIAL PMT.

Robert W. Brenner, Vanderburgh County Surveyor

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

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

for ☒ annual -- ☐ additional maintenance to
BARRS CREEK Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
NOV. 15 - OVER 50% COMPLETE, 1995, and was inspected by
our staff on NOV. 21, 1995, and is
☒ approved -- ☐ disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner
Robert W. Brenner, Vanderburgh County Surveyor
11/27/95
Date

Additional Comments:

NOTE DITCH IS OVER 50% COMPLETED AND APPROVED
FOR PARTIAL PMT. OF 45%

F-1

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: REXING ENTERPRISES INC.

for ☒ annual -- ☐ additional maintenance to
SINKER Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
NOV. 17, 1995, and was inspected by
our staff on NOV. 20, 1995, and is
☒ approved -- ☐ disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 11/27/95
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

6-1

VANDEBURGH COUNTY, INDIANA

On Account of Appropriation for Maidlow Ditch 234-028

4.1

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

Vendor Name Big Creek Drainage Assoc.

Vendor No. 0986

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

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

Dept. Fund Name Maidlow Ditch

Account No. 234-028

Allowed _____ 19____

In the sum of \$

Richard J. Torres
Richard J. Torres

Board of Commissioners

TOTAL

\$ 4,008.23

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

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

for ☒ annual -- ☐ additional maintenance to
MAIDLOW Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
Nov. 15, 1995, and was inspected by
our staff on Nov 20 OVER 50%, 1995, and is
☒ approved -- ☐ disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 11/27/95
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

NOTE: OVER 50% HAS BEEN COMPLETED AND ACCEPTED
FOR A PARTIAL PMT. OF 45%.

N20

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

VANDERBURGH COUNTY, INDIANA

VENDOR NAME John Maurer # 1483

On Account of Appropriation for Bachl Ditch 234-007

Invoice No.	Itemized Claim	Amount	
	1995 FALL MAINT.		
	6,890 L.F. X \$0.125 = \$861.25		
95-FM-07-85	PAY 85% = \$732.06 →	\$732	06
	15% RETAINAGE = \$129.19		

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

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

X John Maurer
Name

Title

Date 10-27-95, 19

6.1

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

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

for ☒ annual -- ☐ additional maintenance to
BAEL Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
OCT. 26, 1995, and was inspected by
our staff on OCT. 30, 1995, and is
☐ approved -- ☐ disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner
Robert W. Brenner, Vanderburgh County Surveyor 11/27/95
Date

Additional Comments:

F-1

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

VANDEBURGH COUNTY, INDIANA

VENDOR NAME

Ralph Rexing

1228

On Account of Appropriation for

Pond Flat Lat. D

234-033

[illegible]

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

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

Ralph R. Replogh
Name

Name _____

Title

Date Nov. 20, 1995

F-1

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

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

for ☒ annual -- ☐ additional maintenance to
POND FLAT LAT "D" Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
NOV 20, 1995, and was inspected by
our staff on NOV 20, 1995, and is
☒ approved -- ☐ disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 11/27/95
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

F-1

Warrant No. _____
Claim No. _____
Date _____

Vendor No. _____

\$ 3,193.66

ON ACCOUNT OF APPROPRIATION
Dept. Fund Name East Side Urban N.Y.
Account No. 234-015

Allowed _____ 19__

In the sum of \$
Robert J. Taylor
Richard J. Brown
Robert J. Brown

Board of Commissioners

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

11/27 95 Robert J. Taylor
Signature of Office Holder

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

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
95-EM-N-15-35		Nov. 18, 1995	234-015	\$ 3,193.66

TOTAL \$ 3,193.66

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: TERRY R. JOHNSON

for ☒ annual -- ☐ additional maintenance to EAST SIDE URBAN N. 1/4 Ditch, a legal drain in Vanderburgh County, Indiana, was completed on Nov 17, 1995, and was inspected by our staff on Nov. 17, 1995, and is ☒ approved -- ☐ disapproved for payment per the contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 11/27/95
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

6.1

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

Korff

11/27 95 Robert at Zimmerman

Signature of Office Holder

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

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

authority; that it is apparently correct / incorrect.

1000

Auditor

COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
95-EM-25-15		SEPT 22, 1995	2311-025	362.34

Page 1 of 10
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\$ 367.34
TOTAL

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I

Terry R. Johnson
(Signature in Ink)

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

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

NONE

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

NAME OF DRAIN: KOLB DITCH

CONTRACTOR: TERRY R. JOHNSON

VENDOR # 1052

CONTRACT # _____ AND/OR ACCOUNT # 234-025

- ☒ ANNUAL MAINTENANCE
☐ ADDITIONAL MAINTENANCE
☐ EMERGENCY MAINTENANCE

COMPLETION DATE 9-21-95
INSPECTION DATE 9-21-95

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

Robert W. Bunn
VANDERBURGH COUNTY SURVEYOR

11/27/95
DATE

F-1

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

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Big Creek Drainage Ass'n. # 0986

On Account of Appropriation for Buente Upper B.C. 234.010

[illegible]

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

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

Rig Creek Drainage Area IMC
Name

Name _____

John J. Buttner Texas

Title

Date Nov. 16, 1995

Warrant No. _____
Claim No. _____
Date _____

IN FAVOR OF

Vendor Name Big Creek Drainage Assn

Vendor No. 0986

\$ 2,918.18

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name Budgets Upper B.C.

Account No. 234- 010

Allowed _____ 19____

In the sum of \$ _____
Richard J. Bonney
Robert J. Bonney

Board of Commissioners

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

NONE

11/27, 95

Robert J. Bonney
Signature of Office Holder

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

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

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>95-FM-10-85</u>		<u>Nov. 16, 1995</u>	<u>234-010</u>	<u>\$ 2,918.18</u>

TOTAL \$ 2,918.18

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

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

for ☒ annual -- ☐ additional maintenance to
BUENTE UPPER BIG CREEK Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
Nov. 15, 1995, and was inspected by
our staff on Nov. 21, 1995, and is
☒ approved -- ☐ disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 11/27/95
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

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

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Ralph, Rexing - 1228
On Account of Appropriation for Pond Flat Lot A. 234-030

Invoice No.	Itemized Claim	Amount	
	1995 FALL MAINT.		
	5,311 LF. X \$0.14 = \$743.54		
95-FM-30-85	PAY 85% @ \$632.01 →	\$ 632	01
	15% RETAINAGE = \$111.53		

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

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

Ralph R Rexing
Name

Title

Date Nov 20, 1995

6-1

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

None

Vendor Name: Ralph Rexing

11/27.95

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

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

Account No. 234-030

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
95-FM-30-85		Nov. 20, 1985	234.030	\$ 632.01

TOTAL \$ 632.01

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

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

for ☒ annual -- ☐ additional maintenance to
POND FLAT LAT. "A" Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
Nov. 20, 1995, and was inspected by
our staff on Nov 21, 1995, and is
☒ approved -- ☐ disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner
Robert W. Brenner, Vanderburgh County Surveyor
Date 11/27/95

Additional Comments:

6-1

N00

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

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Terry R. Jell # 1052
On Account of Appropriation for Sonntag Stevens 234-038

Invoice No.	Itemized Claim	Amount	
	1995 FALL Mow		
	10,050 LF. X 0.4319 = \$ 4,340.60		
95-FAM-38-85	PAY 85% @ 3,689.51 →	\$ 3,689	51
	15% RETAINAGE = \$ 651.09		

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

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

Terry R. Jell
Name
Owens
Title

Date Nov. 22, 1995

6-1

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

Vendor Name Terry Johnson
Vendor No. 1052

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

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

Account No. 234-038

In the sum of \$

TOTAL \$ 3,689.51

COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT

[illegible]

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: TERRY R. JOHNSON

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

Respectfully submitted by:

Robert W. Brenner
Robert W. Brenner, Vanderburgh County Surveyor 11/27/95
Date

Additional Comments:

6-1

Nov

Form Prescribed by the
State Board of Accounts

1245

Revised County
Form No. 17

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

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Uniontownship Ditch Assn. # 1259

On Account of Appropriation for Barnett Ditch 234-008

Invoice No.	Itemized Claim	Amount	
	1995 FALL MAINT.		
	$8,358 \text{ LF} \times \$0.06 = \$501.48$		
95-FM-08-85	PAY 85% @ \$426.26 →	\$ 426	26
	15% RETAINAGE = 75.22		

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

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

John A. Ralston
Name

Treasurer - Union Township Ditch Assn
Title

Date Nov. 24, 1995

F-1

Warrant No. _____
Claim No. _____
Date _____

IN FAVOR OF

Vendor Name Union Township Ditch Ass'n.

Vendor No. 1259

\$ 426.26

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name Barnett Ditch

Account No. 234-008

Allowed _____ 19____

In the sum of \$ _____
Richard J. Farney
Richard J. Farney
Richard J. Farney

Board of Commissioners

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

None

11/27, 95 Robert W. Brannen
Signature of Office Holder

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

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

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
95-FM-08-85		Nov. 29, 1995	234-008	\$ 426.26
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL \$ 426.26

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: UNION TWP. DITCH ASSN.

for ☒ annual -- ☐ additional maintenance to
BARNETT Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
Nov 22, 1995, and was inspected by
our staff on Nov 27, 1995, and is
☒ approved -- ☐ disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner
Robert W. Brenner, Vanderburgh County Surveyor

11/27/95
Date

Additional Comments:

6-1

Nov

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

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Union Township Ditch Assoc # 1259
On Account of Appropriation for Kemp Ditch 234-021

Invoice No.	Itemized Claim	Amount	
	1995 Silt Dipping Proj.		
	11,160 LF X 0.33 = \$ 3,682.80		
95-50-21-85	PAY 85% @ \$ 3,130.38 →	\$ 3,130	38
	15% RETAINAGE = \$ 552.42		

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

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

x John A. Rollert
Name
Treasurer Union Township Ditch Assoc
Title

Date Nov. 2, 1995

6.1

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

IN FAVOR OF

Vendor Name Uniontownship Ditch

Vendor No. 1259

\$ 3,130.38

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name KAMP DITCH

Account No. 234-020

Allowed _____ 19 _____

In the sum of \$ Five Dollars
Richard J. Burns
State of Nevada

Board of Commissioners

COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT

INVOICE NO. PURCHASE ORDER NO.

INVOICE DATE

ACCOUNT NO.

AMOUNT PAID

95-5.D-70-85

Nov 2, 1995

234-020

p 3.130.38

TOTAL \$ 3,130.38

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: UNION TWP. DITCH ASSN.

for [] annual -- ☒ additional maintenance to
KAMP Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
Nov. 1, 1995, and was inspected by
our staff on Nov 3, 1995, and is
☒ approved -- [] disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner
Robert W. Brenner, Vanderburgh County Surveyor
11/27/95
Date

Additional Comments:

F-1

REGULAR
VANDERBURGH COUNTY DRAINAGE BOARD MEETING
NOVEMBER 27, 1995

Please sign in below:

Name	Address	Affiliation?
1. Daryl J. Helfert		Marley & Assoc.
2. BART SCHUTZ	10350 PETERSBURGH RD.	BSH DEVELOPMENT CO. LLC
3. Jim Morley	6055 E ML King	morley & Assoc
4. Richard Seib	10707 Seib Rd	BSH Development Resident
5. Joan Miller	10401 Old Petersburg Rd	BSH Development Resident
6. Richard Seib	10707 Seib Rd.	Resident
7. Howard Letzer	6335 E. BASELINE RD	BSH DEVELOPMENT RESIDENT
8. Lou BUCK	6961 BRIAR CT.	
9. Joseph Robert Seib	10,705 Seib Rd	BSH Development Resident
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		
22.		
23.		

MINUTES OF THE
VANDERBURGH COUNTY DRAINAGE BOARD

DECEMBER 26, 1995

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MINUTES
DRAINAGE BOARD MEETING
DECEMBER 26, 1995

The Vanderburgh County Drainage Board met in session on December 26, 1995 at 6:36 p.m. in the Commissioner's Hearing Room 307 with President Patrick Tuley presiding.

RE: APPROVAL OF TRANSCRIBED DRAINAGE BOARD MINUTES

President Tuley: I'd like to call the Drainage Board meeting to order, if we might, please, for our December meeting. The first item on the agenda is the approval of the transcribed Drainage Board minutes from the Drainage Board meeting of 11/27/95, as well as for 10/23/95.

Commissioner Borries: Mr. President, I move that the Drainage Board minutes of 11/27/95 and 10/23/95 be approved.

Commissioner Mourdock: I'll second.

President Tuley: So ordered. Okay, Mr. Jeffers, the floor is yours.

RE: MALIBU PARK SECTION IV - FINAL DRAINAGE PLANS

Bill Jeffers: The first item on your agenda for final approval is Malibu Park Subdivision Section IV final drainage plan. Included in the submission along with the calculations are some notes from Mr. David Savage who is the design engineer. I'll put those on your desk along with the drawings titled Final Drainage Plan - Malibu Park Section IV, Phase A. I'm just going to tell you right up front what the real story is here. There's an elderly couple who owns this property and has developed the rest of Malibu Park. For the past couple of years there's been no activity in their development corporation and their accountant is simply saying, hey, you need some activity in there. They remember way back when you didn't have to go through all the hoops and so forth in developing land and are finding it a little hard to understand why they've already built this street, etc., and can't just develop the lots along the north side of the street like they would have been able to ten years ago. Their son has actually taken over the operation of their development corporation and he understands, but he doesn't hold all the reins. So what we have decided to approve tonight, or recommend to you to approve, is to allow them to divide and sell six lots at this end of Caribou Court, the first six lots at the west end and then replat lot two into two individual lots of 9,600 square foot each and plat those two for sale. The reason we've separated that out and we're saying we don't want to see lots 7, 8, 9, 10, 11, 12 and 13 developed is because of the existence of a drainage storm sewer line at this intersection that is substandard. It's been in place for years, the roadway is accepted, but we know it has some problems and until they fix those problems, we don't want any lots adjacent to that intersection to be developed. So we're "X-ing" out 7, 8, 9, 10, 11, 12 and 13 and we're saying that we will recommend approval of the final drainage plan, you've already approved the preliminary for all these lots. We're saying we will recommend approval of the final drainage plan so that the son of the development corporation officers can go out there and sell a couple of lots, get some revenue, and he is committing in these notes that are in front of you, he is committing to using part of that revenue to repair and replace according to Vanderburgh County Highway Department specifications under the direction of John Stoll, the County Engineer, to replace these inlets and the undersize storm sewer pipe down through this fifty foot drainage easement back to the creek. The reason it's fifty foot wide is because it will become a right-of-way for a county road. So he's setting aside fifty feet here, calling it a drainage easement at this time, but then it will be the extension of Malibu Drive and it will be built to county standards. He's committing to all this, and we are not going to release him on those other lots until he comes up with a plan, a set of street and drainage plans, that has

been reviewed and approved by the Engineer's Office. Everything else about the drainage plan is sufficient. We just don't want the neighbors to say, hey, you let him build a house right there in front of that inlet that we know already has seven inches of water standing there during a 25-year storm. He needs some cash flow to be able to do what we're asking him to do.

President Tuley: Questions or comments?

Bill Jeffers: And the Vanderburgh County Surveyor's Office does recommend approval of the final drainage plan for Malibu Park IV, lots 1, 2, 3, 4, 5, 6, 14 and 15, which is known as Phase A.

President Tuley: May I have a motion? I'm sorry, anybody else? I asked, but I'll ask again.

Bill Jeffers: And Mr. Savage is here if you have any specific questions of him.

Commissioner Mourdock: I'll move acceptance of the Malibu Park Subdivision Section IV, Phase A, which includes lots 1 through 6, 14 and 15.

Commissioner Borries: I will second.

President Tuley: So ordered.

David Savage: Excuse me, gentlemen. I'm David Savage. If we could note in the minutes that Area Plan has asked that those lots be renumbered consecutively from the previous phase, so rather than 1 through 15, it will be 49 through 63, but all of the lot sizes are the same.

Commissioner Mourdock: Do we know, did the tape pick up Dave's voice there?

Commissioner Borries: David, why don't you come forward.

Commissioner Mourdock: If you'll say that and --

Commissioner Borries: We don't exactly have a, you know, we talk about change here and an older couple, maybe they're resistant, believe me, we need to change our system here and we're trying to do that.

David Savage: My mouth is not that big. My name is David Savage and I just wanted to note for the record that Area Plan Commission has requested that the lots be numbered consecutively from the previous phases in the sub so the lots will be, rather than 1 through 15, it will be 49 through 63. But all lot dimensions will be the same.

Commissioner Mourdock: I'll amend my prior motion with that language to appease the Area Plan Commission.

Commissioner Borries: I will second.

President Tuley: So ordered.

RE: EAGLE CROSSING SUBDIVISION - FINAL DRAINAGE PLAN

Bill Jeffers: That was the simple one and now we have one a little more complicated and that is Eagle Crossing Subdivision. The preliminary drainage plan for 84 lots has been approved by your Board and the petitioner is here tonight, it's BSH.

Commissioner Borries: Bill, as you get started, I don't want to upstage you here, but we did receive a call from Mr. Mike Wathen, as you know, from the Soil & Conservation Office. He says that

Eagle Crossing Subdivision needs an erosion control plan and that it must have an erosion control plan before approval. So I'm sure you're probably aware of that, but if you're not, that's his recommendation to add to what you're going to say.

Bill Jeffers: The applicant, BSH Development Corporation, is represented here by Ron Schutz and their design engineer is also here, Daryl Helfert from Morley & Associates. The first thing we wanted to do was to make sure that the Board's conditions that they applied to the preliminary approval have been met, and one of the conditions stated in Area Plan Commission by Mr. Pat Tuley was that he would like for Jim Morley to contact Mr. McCutchan, who is here in the audience, Mr. Bill McCutchan on the end of the second row, and to contact Mr. Burress.

Unidentified: I was not contacted, but Mr. Burress said that he was contacted.

Bill Jeffers: Okay, Mr. Burress has been contacted, and Mr. & Mrs. Seib.

Unidentified: They're not here.

Bill Jeffers: That was Sally Seib and her husband, and Mr. Morley knows --

Unidentified: They were not contacted.

Bill Jeffers: Mr. Morley agreed to give them a call and get them copies of the drainage plan, but more importantly, the Board made a motion that, and this is paraphrasing, that the adjoining property owners of the lots adjoining the detention basin be responsible for maintaining the detention basin. Let me scratch that and back up. I think the way we interpreted was that the owners of six lots adjoining the detention basin must accept responsibility of the lake. That was the motion made by Mr. Borries and with the understanding that preliminary approval is based upon the condition that the lake be made a part of the adjoining property and Mr. Mourdock seconded the motion.

President Tuley: That was brought up at the Area Plan meeting and the reason I asked that Mr. Morley contact the three people that you named, they all spoke about existing drainage problems and concerns that they had at the Area Plan meeting.

Bill Jeffers: Okay. Mr. Morley can't be here tonight, he is seeing his daughter off overseas. He did send, and Mr. Helfert is here in the audience prepared to support that, he sent two plans to you, one shows the storm water retention basin easement extending out from the six lots that adjoin it, with language stating that the owners of lots 26 through 31 shall assume financial obligation to maintain the 2.61 acre storm water retention easement adjacent to the west side of their lots in the event of any failure of BSH Development or their successors to maintain said easement to control storm water runoff from this subdivision. I think I've got copies of that here. Let's move down to the second sentence. The storm water retention and maintenance easement is hereby dedicated to the owners of lots 26 through 31 in six equal but undivided parts. The third sentence: The freedom of use of this easement by these six lot owners shall not occur until they take over maintenance responsibilities of BSH Development or their successors, which appears to say that in the event that BSH Development, which is a limited liability corporation, fails to continue the maintenance of the storm water retention basin and the easement around it in accordance with the Vanderburgh County drainage ordinance, that the responsibility falls to the six lot owners adjacent to that easement. That's Plan One, submitted by Morley & Associates. It does not make the property line under the basin and around the basin, it does not make it a described part of

the individual lots, it's an adjacent easement. Plan Two actually makes the storm water basin and the land under it and around it an individual part of each lot, 26 through 31 and it says that the owners of lots 26 through 31 shall assume the financial obligation to maintain the 2.6 acre storm water retention and maintenance easement line on the west side of their lots in the event of any failure of BSH Development or their successors to maintain said easement to control storm water runoff from this subdivision. Sentence two: The free and exclusive use of said easement is hereby dedicated to BSH Development or their successors so long as they maintain the retention facilities in accordance with the drainage ordinance. Sentence three: Use of this easement area by any of these six lot owners shall not occur until these lot owners assume the maintenance obligations because of a failure of BSH Development or their successors to fulfill their maintenance obligation, which, stated simply, means that even though that storm water detention basin and the land surrounding it within the easement has been now made a part of the six lots individually, the lot owners do not have use of that property unless BSH Development fails to maintain it in accordance with the drainage ordinance, then that maintenance responsibility falls to the individual lot owners. But under this Plan Two, the basin would actually become a part of those lots and be shown on the tax records and the cards and so forth in the Assessor's Office to be part of the lots. But it's anticipated that BSH Development Corporation would maintain that part of those people's lots as a storm water detention facility and a part of their golf course. I don't have copies of that language, so I'm going to give that --

Commissioner Mourdock: That is the language that I have right here in front of me, what you just read as Plan --

Bill Jeffers: These look so similar, but --

Commissioner Mourdock: Is that not what yours said?

Commissioner Borries: The last sentence says, fulfill their maintenance obligations, on this copy we have.

Commissioner Mourdock: Which is what you just read as Plan Two.

Bill Jeffers: I gave it to you backwards.

President Tuley: So this is Plan Two you just gave us?

Bill Jeffers: Yeah, that's Plan Two and then here's Plan One.

Commissioner Borries: So this last one you -- with the last word that says successors is Plan One?

President Tuley: Right.

Bill Jeffers: Yes sir. The last word is successors, is Plan One. The last word of Plan Two is obligations.

Commissioner Borries: Gotcha.

Bill Jeffers: I got them backwards. Sorry. According to Mr. Morley, that fulfills your requirement one way or the other to place the obligation to maintain the facility, in the event that BSH fails to maintain it, upon the shoulders of the adjacent land owners, and he's asking you to chose: Plan One, an easement, not making the property a part of the lots; or Plan Two, an easement, wherein the lots are actually extended out into the easement for tax records. They're not asking you to make that decision at this moment.

Commissioner Borries: We don't have to do that tonight?

Bill Jeffers: They would like for you to do it tonight, but they're not asking for that at this moment in time, right now. I also want to point out that, in all fairness to the developer, their engineer has submitted everything that the ordinance requires on the checklist for a final drainage plan, and they have addressed everything I asked of them up until 2:00 this afternoon. In fairness to you, I will say that the two week deadline was not met and we are not absolutely obligated to act on this plan tonight, but I have no reason to recommend not to act on it tonight. As a matter of fact, I will probably make a positive recommendation if these details can be worked out. What I want to also say is that, if this becomes a complicated issue or an issue on which you do not want to rule tonight because it becomes more complicated as people speak, you do have the opportunity to recess this meeting for one week and tie up all the loose ends and finalize it a week from tonight --

President Tuley: It can't be a week from tonight.

Commissioner Borries: Two weeks, January 8 is when we're going to meet. We're going to cancel next week.

Bill Jeffers: They have received preliminary approval, or they have received approval from Area Plan Commission already, based on your preliminary approval. All this will do, if we approve their final plan tonight, will allow them to record their plat and go forward with everything that -- putting up their letter of credit. They've had their street plans approved by you earlier tonight. They're asking for you to approve their drainage plans so they can put up their letter of credit, record, and get their building permits. I do have a list of thirteen things that I want to read into the minutes at some point in time tonight before I make a recommendation to approve the drainage plan.

Commissioner Borries: Is one of those, Bill, just what we addressed here or the other concern that Mr. Wathen had regarding this erosion control plan?

Bill Jeffers: One of the thirteen items is an erosion control plan equal to that required of Keystone Subdivision and I would like for everyone, including this developer, to go out and see what Mr. Bussing and his contractors are doing at Keystone, because it is -- I've heard that Soil & Conservation and IDEM is going to videotape it and show it to developers. It's the best yet. I heard it cost an extra \$12,000 and I can hear Mr. Schutz right now --

Commissioner Borries: Breathing a little deeper!

Bill Jeffers: But, it was pointed out to Mr. Bussing by his contractor that he had spent that much repairing the erosion control facilities out at Brookview, that off and on, going out there and scooping up dirt, washing the streets, sweeping the streets, on and on and on, he's spent over \$12,000 making repairs. This plan here, they feel, will prevent them having to go out on a daily or weekly basis every time it rains to make repairs. They've done an excellent job on Keystone, and yes, one of the conditions will be that Eagle Crossing have an erosion control plan equal to that of Keystone, which is fair, because both of them are almost identical in their problems and identical in their intent to have smaller lots on a large piece of property, and they're almost identical in that they come under the drainage ordinance pretty much the same. Do you want me to go ahead and read those, or would you like to hear what other folks have to say?

Commissioner Borries: Why don't you go ahead and put them in the record if that's alright, and then...

Bill Jeffers: I have been out to the site with Mr. Morley, I met with Mr. Bill McCutchan near the site and then went and looked at

it by myself after that. The site does have some items that need to be addressed very, very carefully, but that's not unlike many other large subdivisions. This is a copy of the latest drainage plan that's a result of my contact with Mr. Helfert, whose stamp appears on it, the engineer's stamp, my contact with him every other day or so over the last week. It's color coded, so when I read these, you'll be able to find what I'm talking about quickly.

1. Remove the 12' public utility easement from the west line of lot 16. That's in your upper left hand corner near the entrance marked in green.
2. Remove it from the west line of lot 16 and from the side line of lot 16, except for the 50 foot eastmost part, which means that they can put public utilities from the southeast corner of lot 16 thence 50 foot west. All other public utilities cannot go in the area around lot 16. I believe it has a real fragile boundary there that can be seen on some pictures. It's just kind of a cliff side there, with exposed rock.
3. To replace that easement with a 12' drainage easement only, no public utility installations past 50' west of the southeast corner of lot 16.
4. Notices on the plat to be recorded regarding drainage facility maintenance must be the same or equal to Keystone Subdivision. There's several notes on the Keystone plat that's going to be recorded this week that should pertain to this subdivision also.
5. A homeowner's association must be formed within one year of recording the final plat or any of its phases. So within one year after recording the final plat for phase one, they should have a homeowner's association organized and operating.
6. A homeowner's association must be operating to maintain all drainage facilities within 18 months of recording of the plat or any of its parts. That's giving them another six months to start collecting funds; in other words, collecting money.
7. The developer must guarantee to repair and maintain all the drainage facilities until the homeowner's association takes over that maintenance and repair responsibility. So BSH, I'm asking them to guarantee their work on drainage facilities up to 18 months after recording of phase one of the plat.
8. Drawings showing lot grading and fence location, etc., along drainage easements should be equal to or better than Keystone. In other words, Mr. Morley's office has submitted several drawings showing how to grade the individual lots to get the water to go away from the houses. He's also submitted several drawings showing how you can put a fence up without interfering with storm water flow through the easements. All of those have been made a part of the covenants and restrictions for Keystone Subdivision. Mr. Bussing has already paid for that work and I want to make it available to subsequent developers so that they do as good a job as Keystone has done.

Commissioner Mourdock: Bill, that's fine and maybe Alan will have a comment on this, but to write that up as a condition with the drainage ordinance, and I understand your purpose is to match what Keystone is doing, but I don't think it would be appropriate to stick Keystone's name in the conditions of another property. I mean, to stick one commercial development out there as the model is fine in theory, maybe, but when you put it down on the actual piece of paper, it's seems to me we're opening ourselves up for some questions later on.

Alan Kissinger: Probably the most appropriate way is just to append the conditions that were met in that development.

Commissioner Mourdock: Yeah, that would --

Bill Jeffers: From now on my comment will be modified to say that I will obtain certain drawings showing lot grading, fence locations, etc., and supply them to all subsequent developers so they can have the benefit of that.

9. Number nine is the erosion and control plan and implementation of the erosion control plan that's required by IDEM and was mentioned in the phone call from Mr. Wathen, who couldn't be here tonight because he has another meeting.
10. Phase One must include all drainage facility construction outlined by the blue dashed lines on the map in front of you and that is lots 26 through 84, plus the lake and the lake outlets. The reason for that is that's your detention facility and any phase that they start should have that retention facility in place so that the water leaving the site, the storm water is reduced, because there are parts of this site that leave undetained and that's balanced by the detained outlet in that lake.
11. Number 11 is outlined in orange, it's lots 30, 31, 48, 39 and 48. I said that a couple of times. Anyway, anything outlined in orange, there, and others discovered to have existing channels under or near a new house foundation must be filled and compacted and graded sufficiently to protect the house foundations from water damage and settling in accordance with the strictest applicable building codes. In other words, I'm trying to avoid a condition that occurred out on the west side where an existing waterway went underneath a house and wasn't properly compacted and backfilled.
12. Lots 38 through 49 and lots 57 and 58 that are outlined in pink must have detailed grading plans that show each lot to be filled and graded so that all surface water is directed into the open channel adjacent to each lot and all the surface drainage from the backyards must sheet directly into the new open channels. The reason for that is we've had the situation in some subdivisions where they filled in old farm ditches out on the north side there and they created a new ditch, and then later on, a lot owner came in and regraded it so that the water ran alongside the new ditch and never really got into it until it crossed three or four other people's yards. Then those people put a garden in the swale on down the water and the water backed up and we're still dealing with that appeal. So, I want the yards to be graded to go right directly into the new ditches and not try to get off down the way.

13. There's three locations shown on lot 57/58, on lot 44/47 and on lot 39, these are on pink stripes with red outlines where the old existing waterway crosses perpendicular under the new planned waterways that are going to be reconstructed on top of them and that fill must be engineered and put in place very tightly to avoid any possibility that the new channel will cut down into the old channel and cause problems.

All these items have been discussed with Daryl Helfert and he has fairly well addressed most of them, but I wanted to put them on record so that if any questions come up tonight that lead you into any kind of continuance, that that is on record. That's what I will be looking at. If you give them approval based on these conditions and they come in the next week or so with all the information on the plats ready for recording and you give me the authority to sign off on it, I will. They have addressed everything that's on the checklist and the new drainage ordinance. I'm just trying to reinforce it with some of this here. Like I said, there's several people here in the audience who may wish to speak to you or you may wish to question.

President Tuley: Bill, just so I understood you, you got this at 2:00 today?

Bill Jeffers: No sir, I got this Friday --

President Tuley: A week ago? I don't think you were here this past Friday.

Bill Jeffers: A week ago Friday.

President Tuley: You made a comment, something about 2:00, up until 2:00 today.

Bill Jeffers: I've been in contact with Mr. Helfert off and on about every day or two since I received it on that Friday and we've been working as well as we can because of the holidays, we've been working as closely as we can to get this resolved for today. I just felt more comfortable reading these conditions into the record at this time. And with these conditions, I would feel comfortable recommending approval, but we've been on limited time, you know, only working four days a week last week and so forth.

President Tuley: I know there are some people here that would like to address the Drainage Board, so who wants to be first?

William McCutchan: My name is William McCutchan and I own a home at 11201 Petersburg Road, which is just north of this Eagle Crossing Subdivision. In fact, my property borders on part of the subdivision. My brother-in-law and I own 70 acres that surround the house. Before I get into that, I'd like to thank Commissioner Tuley for asking Mr. Morley to contact me about tonight's meeting. The part of my property that borders Petersburg Road is in the floodplain, the lower part of my property is, is part of the Eagle Crossing subdivision. I've owned the property since 1987, I've occasionally seen a very heavy rain. The lower part of my front yard looks like a pond, but the grass is completely under water. I've seen water standing in my woods. Both myself and my neighbor Kent Burress could remember a couple of times when Petersburg Road had maybe an inch or two of water over it for a short period of time during a heavy rain. So, I do have some concerns about the adequacy of the drainage plan because this 70 acres north of my house is a big watershed, there's a lot of water that comes through there. Bill Jeffers did meet with me last week at my home and so he is familiar with the situation as it is now. I know they'll have to build the grade of the Eagle Crossing Subdivision up as much as two feet and I know that water has got to go someplace, I

just want to make sure that it doesn't come back on to my property because I've already got a lot of water going through there as it is now. Of course, I'm concerned about erosion and mosquitos breeding on my property in the summertime if there's a lot of water standing there. So basically, I just ask that you take this under consideration before you approve the drainage plan because I don't want to incur any further problems on my property.

Commissioner Borries: Have you seen this plan with all of the changes?

William McCutchan: I have a copy of the plan, Mr. Borries, but I don't have the one that's color coded, so I don't know that I've got the most current one. I got one from Jim Morley's office about two weeks ago, so that's the one that I have.

Commissioner Mourdock: So the one that you have does not have all the conditions filled in?

William McCutchan: No, it does not. I'm no engineer, but I've seen it firsthand, I know there's a lot of water that comes through there and I just want to make sure that my situation is not harmed.

Commissioner Mourdock: And where is your property relative to --

William McCutchan: My property is east of Petersburg Road and north of the subdivision, and it goes from Petersburg all the way back to Seib Road. It's a big 70-acre tract. The house sits up on a hill right in the middle. But I've got a ten-acre woods south of my property that borders on the north property of the Eagle Crossing Subdivision. I think my name is on that map, at least it was on the one I've got.

Commissioner Borries: Okay, I don't see it on this one.

William McCutchan: My property would be towards the Hornet's Nest from Eagle Crossing on the right-hand side of Petersburg Road. I have no further comments, I just wanted to voice my concerns.

President Tuley: Mr. McCutchan, having heard what Mr. Jeffers said, those thirteen conditions, are you any more comfortable with what's been...

William McCutchan: I'm more comfortable than I was, but I still wonder what's going to happen when all of this two feet of fill dirt is put in there and are the ditches and the retaining ponds adequate to handle this water and...you know, if I hadn't seen the flooding over the years, I might not be as concerned, but I do know that field north of my house displaces quite a bit of water. Like I said, I did meet with Mr. Jeffers last week for about half an hour and at least he's seen the situation, he's heard my concerns and I did appreciate him coming out. I thank you very much.

Commissioner Borries: Thank you.

President Tuley: Kent or anybody else?

Kent Burress: My name is Kent Burress and I live at 11210 Petersburg Road. I live basically across the street from Mr. McCutchan and I live on a tract of land that's probably almost 98 acres. It's been in the family since 1884 and it's farmed, it's not being developed or anything like that. It's just a farm. My concern is basically what Mr. McCutchan reiterated about the watershed and possible retention of water from these new subdivisions. Our ditches do run pretty full after a good rain and if the water will back up from this subdivision in the ditches, it will probably back up on our place, so I just want to make sure that when it does go through, and when they design it, it's designed in a situation where it will handle this water and will

not present any problems to the people that have been out there for years. I have dealt with some conservation work on our farm and they always design things for 100-year rains. Darrell Rice has designed a couple of structures and water control projects on the farm I live on and another farm, and they always build things bigger and better or just heavier in case you do get a rain that you don't expect such as the 100-year rain. These low places where these subdivisions probably are going in are in a floodplain, so if you get a lot of water, a lot of rain, who is to say it's going to go where it's supposed to go or where it's not going to go? According to the engineers, they probably hope it's going to go that way, but who knows until it happens and then you have to go back and fix something. So as far as I'm concerned, it's in the design work. I have not seen anything like Mr. Jeffers has talked about or Mr. McCutchan; I haven't got to see any lot work or anything like that. I seen basically a layout, but I haven't seen any of the new modifications or anything like that. I'm afraid I came a little late. I'm sorry about that, but due to my work, I just couldn't get away.

President Tuley: Did Morley or someone from his staff meet with you since the Area Plan meeting to try to review this or go over this with you?

Kent Burress: No sir. I got a call last Friday talking about this meeting.

President Tuley: Just letting you know when this meeting was?

Kent Burress: Uh-huh. I said, I'll be there as far as I can tell. I also hate to see more farmland going under asphalt and pavement, but that's the way it goes, I guess. You know, we're not making any more farmland, we're just making subdivisions. Someday we're going to be out of ground, I guess. So I guess we'll just have to be more productive with what we've got. I'm not a farmer, but I do hobby farm, so to speak. I'm a professional by trade, or by profession, I guess. But I always kind of stand up for the environmental things, or things that got us where we are today, you know, because if we didn't have this, who knows where we'd be. As far as I'm concerned, that's all my comments. I appreciate the opportunity to talk.

President Tuley: Does anybody know why the Seiberts, Sieberts, aren't here since they had concerns?

William McCutchan: Seib?

President Tuley: Seib, I'm sorry.

William McCutchan: I'm not sure why they're not here. They called me. I talked to them.

TAPE CHANGE

Daniel Miller: My name is Daniel Miller and I live south of what is happening out there. I have a 25-acre plot of land directly behind my home which the school corporation has taken an interest in building a school. Now then, what these gentlemen have been telling you about the water up higher and north of us, that field takes this water pretty nice, 25 acres. I live high in comparison. I have a basketball goal at the back of my property which is ten feet tall. When I stand on my back steps, I'm looking over the basketball goal, and there's another 12 to 15 foot drop into the field behind me, so it's nice and low, it's not good for anything. It's severe floodplain, it's not good for anything but crops and now this is all south of what's being proposed. We're living between two small roads, Seib Road and Petersburg and we have a large McCutchanville Park that fills up with children and families. We're talking about 84 more homes. You're talking about a school

and then you're talking about a golf course which draws people and if all these things aren't addressed perfectly so that everything is taken care of, you're going to cause another fiasco if they're not addressed to the point where all these school bus turn-ins and more traffic on both of those small roads are addressed, and this is county expense. This won't be BSH Corporation's expense, it's going to be taxpayers' money that has to foot all these things that are going to make this safe. I know the field behind me is nice and moist at least nine months out of the year, and as dry a summer as we had, you could go back there and dig fishing worms any time you wanted to. It stayed wet all summer long. So that's where they're wanting to put the school. That school is going to cover a lot of ground and there's going to be a lot less absorption, so you're talking about drainage all the way down the valley and there's other people here that live south, so they will probably have some other ideas on what might cause you problems in the long run. Thank you.

President Tuley: Anybody else?

John Triplett: My name is John Triplett. I live at 10101 Beatty Lane, that's right off of Petersburg Road. I'm south of where these people are talking about. I'm south of the McCutchanville (inaudible) you know where Southeast Browning Road makes the loop? You go east at Southeast Browning Road, you go west it's Beatty Lane. We have a little lake alongside of the road, right next to Petersburg Road. That lake, at this time, when you have a fair rain, an inch rain in a short time, an inch and a half of rain, it runs full. You get a two-inch rain or better, it will run over the spillway as much as six to eight inches. Now, what their concern is, is on the east side, which is not really a big problem for me, but whatever that drainage is over there going into the ditches, it's going to fill those ditches up east of me. I'm at the bottom of the hill down there and there is a lot of water that comes down there and I feel if they build this golf course and they don't take and put enough retention lakes in there, it's going to cause some additional drainage problems, big time. I live up high enough where it's not really going to affect me, but it could be a Petersburg Road problem. I think that when they're approving all these drainage problems on the east side, you need to take a look at what they're going to do up on the golf course and it all should be a part of the plan because when you start paving, you're putting houses in and the absorption rate of that ground is not going to be what it is today and it's taking about all it can take right now. Thank you.

President Tuley: Anybody else? Mr. Helfert? I'm sorry, come on up ma'am, if you want to come up.

Virginia Miller: I am Virginia Miller. My husband, Dan, spoke and I share the concerns of everyone here that has already spoken. I also share some environmental concerns. I have walked along Petersburg Road and in very dry weather, I mean, I think you've all probably seen in the paper some of the things about the Hornet's Nest problem with their septic drainage and I know even when we did not have rain, there was septic drainage running down and I really have a problem with, if this drainage is not adequately taken care of, all of this contaminated water running through, and I know it's already running through McCutchan's yard as well as a few other neighbors, I would like to know that it's going to be adequately taken care of. I also am in the middle of this project and I'm here to learn tonight. I feel like we don't know anything that's going on, we haven't received but one letter and that was when they said they were going to put in a sewer and we requested a hearing on that and it was tonight. And basically, that was just to find (inaudible) we did not oppose a sewer. So these are the things I wanted to say and want you all to understand. I'm not going to say we oppose these, we just want to protect what we have. I feel like we live in one of the prettiest parts of our county and we'd like

to keep it that way. Thank you.

Commissioner Mourdock: Mrs. Miller, before you go, who did you request a hearing through regarding the sewers to have tonight?

Unidentified: That was the State Department of Environmental Management.

Lee McClellan: IDEM sends out notification.

President Tuley: For the record, your name, just so --

Lee McClellan: Lee McClellan, Morley & Associates.

President Tuley: Okay. Bill, I think everybody is done now.

Bill Jeffers: I just want to comment on some of the questions that were brought up to you by the neighbors of this project and assure you and them that those questions were taken into account during our review of this subdivision and all other subdivisions and the first one is absorption rates. A golf course that's fully turfed with greens, sand traps, no detention lakes whatsoever, you know they have them, but just disregard the detention lakes and look at the grass cover of the fairways, even the roughs, the sand traps and the greens, the absorption rate is much greater than open farm field. Open farm field will run off forty to fifty percent of the rainfall that hits it, whereas good grass turf will run off somewhere between fifteen and thirty percent. So, if this ground is converted, if any of the ground is ever converted into a golf course, there will be less water running off their ground than runs off now as agricultural plowed farm fields or even the best no-till cannot absorb as much as a fairway or a green can absorb. That's due to the tight turf holding back the water, allowing more evaporation as well as all the little insect holes and worm holes and so forth that the water can go down into in a grass turf that don't exist in a farm field because farmers generally use sufficient pesticides and herbicides to kill all of the animal life in a farm field, insect life. The second thing is the school ground being low, we took that into consideration. The school corporation, when they build a school, if they build a school, will have to have a drainage plan to retain their excess storm water on their property before it's discharged in to Firlick Creek, pure and simple, they're under the same rules as a trucking company or anyone else. If they generate additional storm water from their rooftop, parking lots, school bus turnarounds, etc., tennis courts, whatever, they have to detain the water and release it at a slower rate into Firlick Creek. Right now, that school ground is an open plowed agricultural field that runs off fifty percent of its storm water and it will have to reduce that substantially. The other question that came up is the periodic occasional flooding of Petersburg Road by two or three inches of water. In extreme events, I'm sure it does occur. I know it occurs, I've seen it occur and it is very occasional, it is an inconvenience and a hazard. I'd like to point out that the same thing was brought up about Heddon Road and Millersburg Road when we recommended the approval of Covington Heights. Since the approval of Covington Heights and its construction, there is no eyewitness account of water crossing Heddon Road in that vicinity until you get south of the bridge towards Millersburg Road. The flooding that did occur up there has been controlled in the retention lakes that were designed for Covington Heights and there have been no improvements made by the county to Heddon Road since Covington Heights was constructed. I checked with the residents and the developer and there is no record of any flooding in spite of the fact that we had a 25-year storm this past summer and lots of rainfall. So these detention lakes do work and that was taken into account as a part of this review. The concern by Mr. McCutchan is a valid concern as well as his neighbor across the street, Mr. Burress, is that anytime you go into a floodplain area to construct homes, you are

displacing a volume of water that would otherwise spread out over that floodplain and the volume of water is equal to the amount of dirt you put in there. Where is that water going to go? Is it going to back up onto Mr. McCutchan or Mr. Burress? Is it going to back across Petersburg Road? We took that into consideration. The way we analyze it is that we asked the developer's engineer to improve the channels through his development to carry more water south of and away from Mr. McCutchan, south and east of and away from Mr. Burress. Those channels now have been analyzed and do not carry the peak flow from a 25-year storm. We're asking them to improve those channels within their development of the subdivision to carry a 25-year storm. We can't require that of them to my knowledge outside the subdivision in this so-called golf course. We have asked them to make improvements where the streams join together so that water will not cut across the school ground, but again, the school corporation must have its own drainage plan when and if it builds. The other part of the analysis that we looked at was that when you place streets, rooftops, driveways, sidewalks, etc., on this ground, the collection time of the rainfall is much quicker. It collects almost immediately, within fifteen minutes it's all down in the creek headed south. As an open agricultural field, it collects over thirty to sixty minutes and it takes a much longer time to collect traveling down through the furrows, etc., being deflected by dirt clods and furrows and so forth, and it takes up to an hour to collect into these streams before it starts backing up and affecting adjacent property owners. When it collects quicker, it will be substantially down -- the peak runoff is what we're talking about. When it really peaks out will occur much quicker, it will be in those improved streams and downstream of Petersburg Road headed towards Kansas Road a lot quicker after development, and then, of course, the part that's detained in the detention basin will not trickle out until well after the storm peak has subsided and these streams are running in their natural pattern. So what I'm saying there, is that a lot of this water that they're concerned about will arrive in the stream quicker and be way farther downstream from them before their water itself gathers up in their yards. That might be hard to follow if you're not used to looking at these all the time, but that's the way it happens. The detained part is sitting over in that pond until two or three hours after the storm is over and it's trickling out. So we feel that the dangerous period of time that they're concerned about, the water from Mr. Burress will not even pass underneath Petersburg Road from his farm ground until well after the water from this subdivision is either held in the detention basin and not affecting him or has rushed down through that stream and it's halfway down to Kansas Road before his water ever comes to Petersburg. Likewise with Mr. McCutchan, he and I looked at his yard and basically, everything north of his driveway is restricted by the size of his bridge opening and that water that's standing in the yard north of his driveway is waiting to come through his bridge opening and will not arrive down our point of study until well after the peak has passed on down the stream. During a very extreme event, Mr. McCutchan is experiencing water that just can't make it down these natural streams and indeed is flooding his entire property even south of his driveway and there is nothing anyone can do about that. I still don't think that the displaced water...I'm not even going to say that because that's an item that the Department of Natural Resources has to calculate. If there is actually a displacement of enough water to raise the elevation of the 100-year flood, that's an issue that the Department of Natural Resources addresses and our department never has, and so I shouldn't say what I think about that. But as far as all this water gathering up and running through these streams, the peak water from this subdivision will be in those streams and away from there quicker and the detained water will stay in that pond down on the golf course till several hours after the storm is over. I don't think it will adversely affect people who live substantially upstream of this site. That takes care of everyone except Mr. Miller who is looking out over the school property. In other

words, the other folks who spoke, their water will still be gathering up and trying to get into these streams by the time this water is already handled. Mr. Miller is looking out over that proposed school property and, like I said, the school corporation will have to have a plan of its own to handle that.

Commissioner Mourdock: One other issue that Mrs. Miller brought up, just to address that very briefly and please fill in the blanks here, Bill, but basically, your comments regarding septic systems and the situation that's out there now, with the number of homes platted in this subdivision, the ordinances are that the only way that a house, a new structure can have a septic system is if it has a five-acre lot size. None of these do, so that would mandate that there be a sewer system through here that should alleviate part of the problem that you have now, and obviously, there have been other discussions in this room regarding the sewer system out there, too, which is an ongoing, I won't say debate because I don't think there's much debate about the need for sewers out there, but it's an ongoing situation we're trying to address.

Bill Jeffers: The Hornet's Nest, I believe, has been waiting for this sewer to come up to their location for some time and has been given various variances and laxation, or whatever you want to call them, allowing them to even build another restaurant, but all that is handled through the Health Department and has nothing whatsoever to do with drainage. I know it's an issue when that sewage arrives into a ditch that carries drainage water, but it's still a Health Department problem. As a matter of fact, the Hornet's Nest was reported in last Wednesday's Health Inspection Reports with regard to the septic tank and those things should all be addressed to the Health Department.

President Tuley: Bill, before you step down, as our technical advisor, the plans that have been submitted with your changes, meets or exceeds the county's requirements through its drainage ordinance, correct?

Bill Jeffers: Correct, with those conditions that are on there, it exceeds. It meets or exceeds. I feel it exceeds.

President Tuley: And as our technical advisor, your office stands ready then to make a recommendation for approval?

Bill Jeffers: With those conditions.

President Tuley: With those conditions.

Bill Jeffers: To the point that when they come in to Area Plan Commission to record the plat, we're saying we feel comfortable to examine the plat and if all those conditions have been met, either on the plat or in the street and drainage plans, etc., and the covenants and restrictions, we would feel well equipped to sign our name to that saying that it has met your drainage ordinance requirements.

Commissioner Mourdock: And regarding Mr. Wathen's comments, you were simply saying that before any of those other things, building plans, whatever can be done, that erosion control plan has to be submitted.

Bill Jeffers: That's not a part of our drainage ordinance. Mr. Wathen called me this afternoon and said, would I do him a favor and tell the Board that he could not make the meeting tonight because he had a previous commitment, and that he feels that his department as well as Indiana Department of Natural Resources is going to be very strict beginning the first of the year on all erosion control plans for subdivisions, and they are not going to pussyfoot around any longer. They're going to get tough and he wanted me to let you know that this particular subdivision, because

it disturbs five acres of ground or greater, even in phases, will be strictly enforced, that an erosion control plan is needed and it will be strictly enforced.

Commissioner Mourdock: But again, that's not part of the drainage plan.

Bill Jeffers: It's not part of the drainage ordinance, but it is a requirement of the state and it is a concern of yours and so I made it a condition. It's something everyone else is observing or else being fined if they don't observe.

President Tuley: Mr. Triplett, I think, had one more comment.

John Triplett: Did I understand you to say that this golf course is going to have retention lakes on it? More than one or...

Ron Schutz: Several and much larger than normal because we will pump water out of them to water the greens.

Daryl Helfert: Daryl Helfert, the engineer with Morley & Associates. I just wanted to address the erosion plan question. We do have the plan ready to go, we just don't have the affidavit from the newspaper. That's why Mr. Wathen does not have a copy of it. Bill does have a copy of the drawing with his other drawings. He may not have looked at it yet, but we do have that ready to go once we get the affidavit, so we are addressing those issues.

President Tuley: Any other comments?

Bill Jeffers: For the record, Mr. Ron Schutz stated there would be several detention lakes on the golf course and what he means is west of Petersburg Road where the other fourteen holes are going to be, if constructed, that will also have, I understood from an earlier conversation, four detention lakes that will serve as water traps and irrigation ponds.

Commissioner Mourdock: Let me play what-if, for a second. If the golf course is never built, the housing subdivision goes in, but there never is a golf course, the first retention pond that's shown here is going to be built as you said as part of your conditions. That's going to be built before everything else is done there. The rest of the drainage plan would stand independent of those other basins anyway, correct?

Bill Jeffers: Correct. It wouldn't be...I think it would be a much better situation if the golf course were there --

Commissioner Mourdock: Understood, but if it were never built --

Bill Jeffers: If it were never built, it still works as reviewed and as described in all the pile of calculations over there. Here is the erosion control plan that was submitted along with other information to our office. The reason I do not review them is that Soil & Conservation Services is responsible for the review of that and I have not transmitted that to Mr. Wathen yet. I received it earlier today and I have not given Mr. Wathen a copy of it. I have no comments about it because I never review these and I'm not equipped to make comments on them.

Commissioner Borries: Well, I'll start here. I always say this particularly because we oftentimes have different residents who attend these meetings because there's really nothing more important than their own property or what is adjacent to them. From our perspective, as I've said so often, there is nothing more difficult on the face of this earth, literally, than to try to figure out and read a flat map and see how water is going to go on a flat map. What we do is exactly what you've heard in detail this evening, ask our technical advisor to consider each plan on their merits with

the idea very clearly stated here, again, that needs to be emphasized at this point, that each plan has to stand on its own. Ideally, if we could have a county-wide map, an entire part of Vanderburgh County that never changed, and change never happened, it would be the best of all worlds, but we can't do that. We have to consider every drainage plan on a case-by-case basis and my rule of thumb has always been that if the advisors and if we look at this and we say this one works on its own, that every plan has to stand on its own. So as Mr. Jeffers correctly pointed out, whatever happens to the school corporation proposal, if the school is built, they will have to submit a drainage plan and it will have to stand on its own. Having said all that, I share the concerns of the residents here. As a rule of thumb, well, I will, I mean, I will go with what the technical advisor says because he is just that. He spends extensive amounts of time going through these things in very detailed fashion. However, if they have not been reviewed by these adjacent residents, I'm willing to wait a month until some of this can be put together. I think Commissioner Tuley has pointed out before, or someone has mentioned that what's happening to us is things have changed. For one thing, the ordinance is a lot tougher, and the reason it's a lot tougher and we have changed it, is because some people would say that all the good places in the county have been built on. We're now getting to a point where the other positions, not that this is not a good location, but it is low, there could be other factors that are in here, and we are, with this new drainage ordinance, literally putting a magnifying glass to every ordinance that we accept. They are tough, tough issues and we can't afford to make any mistakes on them. That's not to say that I wouldn't accept a recommendation tonight. I'll wait and see what my colleagues here have to say. I guess what I'm saying is I can go either way on this. I still have concerns about the what-ifs. I will accept the fact that this drainage plan would stand on its own even if the golf course is not built and I will also say that if I vote to approve this, this still does not address my concerns about other areas that are going to be affected across in terms of this whole plan because of a county right-of-way on Petersburg Road. I really have some concerns about this. So I would in no way want to say that my approval this evening is going to say that I am going to approve what's ahead. Maybe if a month can put all of Bill Jeffers many color-coded comments here in perspective, allow the residents to ease their concerns to put that magnifying glass out here one more time, we can do that. On the other hand, if we have gotten a recommendation that if these things are followed and if this erosion control plan is put into effect, that things can work that way, that they have addressed every one of Mr. Jeffers' concerns, so I'm not much help here. Again, I have real mixed emotions about this, but I will fall on Bill Jeffers' comments, I will consider acceptance if my Board colleagues feel that we've covered enough here.

Commissioner Mourdock: I look at this one from the two sides, the physical, which is to say I guess I can look at the maps and see which way the water is going to run a little bit more readily, maybe, than some, having spent a lot of years of my life doing that. I can look at this, I hear Bill say that the plan is going to work. I believe the plan is going to work. The physical side of this, the retention basins that are out there, the way that the drainage is going to work, the way the water will be held back. I feel reasonably comfortable that the adjacent property owners aren't going to see any adverse effects from this. Having said that, I'll also point out that every dam that ever failed was probably built by the best engineer money could buy. But, the physical side of it, I see very little risk to the adjacent property owners. The legal side, though, I see several questions. First of all, did I not hear it said that Commissioner Tuley, at the Area Plan Commission, stated as a condition before approval that all the neighbors be notified? Did I hear that comment correctly?

President Tuley: Bill, pull those minutes out because what my intent was, and I hope that's what came across because some of these folks were here during the preliminary drainage plan; we assured them they still had several hoops to go through, showed up at the Area Plan meeting and I believe my concern was, get your plans together and get with those individuals prior to coming to the Drainage Board, not just to notify them as to when the meeting was. If that's not what was conveyed to Mr. Morley, then I'll apologize to you members, because I thought that's what I was conveying.

Commissioner Mourdock: And I did hear Mr. --

Dan Miller: We thought that, too.

President Tuley: You did, too? Okay.

Dan Miller: I understood you that way, but we never received anything.

Commissioner Mourdock: Bill, you did not receive anything, Mr. McCutchan?

William McCutchan: (Inaudible - comments made away from microphone)

Commissioner Borries: Here's how the actual -- this is Area Plan Commission, December 6, 1995:

"Mr. Tuley: Jim (referring to Jim Morley), the one thing I would like for you to do, because this has preliminary drainage approval and because there have been several concerns raised about the creeks and what have you, any close contact with Mr. McCutchan, Mr. Burress and Mrs. Seib in terms of as those developments and what is happening so they need to be known of the meetings and when they are happening. I don't want to find out that they weren't aware of it."

William McCutchan: I was never contacted.

Commissioner Borries:

"Mr. Morley: I will give them a call if we have any finished details of the drainage plan and get them copies."

President Tuley: See, that presents a problem to me, because I specifically --

Commissioner Borries: Well, it hasn't been done, plain and simple.

President Tuley: -- that he knew that as president of the Drainage Board, that he had to come before this Board again. I've got concerns. On the other hand, and I'm not flipping on you, I just want you to understand, if, Mr. McCutchan, by your own statement, you're not an engineer, I know Kent Burress personally, so I know he's not an engineer. Kent, you look at these plans, review these plans, and make a decision, yeah, they'll work or no, they won't work. Or would you take them to your own engineer and have someone review them? Or in two weeks from now, or a month from now, be here with the same concerns. I'd like to think they'll work, but I'm not sure that they'll work. That's my concern. A month from now are we going to be in a better position to make an informed decision than we are tonight?

William McCutchan: You know, I would have liked to at least seen the most current one. The one map I got is, two or three weeks ago, I went to Jim Morley's office and picked it up myself, and

it's not as current as that one. Obviously, I'm not trained; I'm a banker, I'm not an engineer.

Commissioner Borries: When did you put all these comments on here, Bill, as of even today?

Bill Jeffers: Thursday and today.

President Tuley: What I'd like to do, okay, I mean, we've got to rely on Bill and what have you, but I specifically asked Jim to get in contact with those three named people. He agreed to it that he would do that. I don't have a problem with delaying this for two weeks for those people to have a chance to review it.

William McCutchan: Well, I've used Jim Morley for surveying work on my own property and he's always done a good job for me, but I would at least like to have it explained to me. I think I'm intelligent enough to understand that.

Commissioner Mourdock: And I have no objection to that, either. As I started to say, the two points here, the physical and the legal, perhaps it wasn't a legal requirement, but it certainly came out of a legal hearing that that procedure be followed. The second part is what we have here as far as the retention basin and the lots adjacent to it with Plan One and Plan Two. I guess it's, stop me when you see one you like, and we're supposed to pick one. I don't feel that it's this Board's obligation to pick a plan. We are only here to approve a plan that our technical advisor has submitted. What I would suggest on that, that Mr. Morley or the representatives of BSH tell us which one of these they want to do. And let me add with that, that, you know, with what we have numbered in Plan One, it says that the easement is going to be divided up into six equal but undivided parts. I guess, personally, if I were one of the prospective land owners, that language would trouble me, not that that's necessarily my concern as a Board member here. And the second plan, labelled Plan Two, says BSH will be responsible for it and have access to it so long as they maintain the retention facilities in accordance with the drainage ordinance. Well, what happens on the second day if they quit? Then obviously, that falls back to lots 26 through 31. They have to assume the financial obligation to maintain the 2.61 acres. If I'm a land owner, I don't like that, either. So, again, that goes beyond my purpose of being on the Board, but I just think the idea of pick one, here, you chose. I feel that goes beyond the scope of what our charter is here.

Bill Jeffers: I don't particularly like Plan Two because you're asking someone to assume ownership by deed of a piece of ground to which they have no use of, and it's legal according to Mr. Morley. It's just like a street right-of-way, according to Mr. Morley. And they won't have to pay taxes on it according to Mr. Morley's information from the township assessor. However, it would be hard for me to explain to a fellow that comes up here and says, I've got a lake in my back yard and it says on the plat, I can't use it.

President Tuley: I own it, but I can't use it.

Bill Jeffers: I own it, it's on my deed, but I can't launch a boat out there and go fishing. That's the problem I have with it.

TAPE CHANGE

Bill Jeffers: What Mr. Morley is saying to you, though, when he's saying, pick one, what he's saying to you is that at the last meeting, you indicated by your motion that you wanted either this or this, and here's my interpretation of both. Now which one is it that you really want? But Mr. Mourdock is absolutely correct. You're not Solomon, you're just the Drainage Board.

Dan Miller: On the 12th of December, we got in contact with all the neighbors and everybody we thought was involved in this and we had a meeting at the Frontier Tavern in their dining room. We had over thirty people and there would have probably been a lot of them here tonight if we'd have known how these things happen. I've lived there on Petersburg Road, 10401, since '86, been very happy, very content, and Mr. Schutz and all the BSH Corporation people have been nice. We haven't had any trouble with them. We're not asking to stop what they're wanting to do. We want it done right, but we feel we need to be notified and told what's happening in our back yards. If we have any dissent, we'd like to air it. If not, that's up to the individuals. Thank you.

President Tuley: What I'd like to see happen, and so the developers and the people that are here tonight, I would like for a copy of these plans, with these comments, and they don't have to go to each of the three of you, but I'd like to see it go to either Mr. Burress or Mr. McCutchan, or the Seib's or someone, Mr. Miller, someone that's here, review them, take them to whoever you have to or review them yourself. You can come back if we call for a special meeting two weeks from tonight to hear this one issue, this Eagle Crossing Subdivision.

Dan Miller: Would that be on the 9th?

President Tuley: It would be the 8th, actually, the 8th.

Commissioner Borries: We'll have Solid Waste, too.

President Tuley: It will be a long day for us, but that's okay, we're here. But what I'd like for you to do, if you come in and you have a problem with this, please be specific. And the reason I'm saying that, have some factual knowledge of understanding of why you think the plan submitted won't work, because as Mr. Mourdock and Mr. Borries have pointed out, we rely very heavily on that individual. Understand this engineer is paid by the developer, okay, he's not. He's here to watch out for us, so we have to listen to him. He believes the plan will work. So two weeks from tonight, if you have reasons to suspect it won't, come in with some specific reasons, factual reasons why you don't think it should be approved. And you can tell whoever, there's no legal requirement for Mr. Morley to contact anybody in regards to these other...and I specifically asked him to contact the three of you because you came before the Area Plan. I also believe Area Plan granted approval based on the understanding you would be notified and gotten back to before it came back to this Board. I think that did carry some weight and why that was given approval. So, my request is we have a special Drainage Board meeting two weeks from yesterday for the purpose of hearing this subdivision.

Commissioner Mourdock: I'll move we take Eagle Crossing under advisement until a special meeting of January 8.

Commissioner Borries: Second.

President Tuley: So ordered.

Commissioner Borries: Bill, you probably are going to want this one.

President Tuley: Is there someone here that wants to take responsibility for being given this plan? Bill, do you or Kent or somebody want to take the responsibility of getting that plan? I mean, I don't know if, Bill, do you have another copy of this, the one with all the writing on it?

Bill Jeffers: I have it in long-hand, so I'd appreciate it back, but there's a lot of supporting documents over there, calculations and all that.

RE: SYCAMORE HILLS ESTATES SECTION IV - FINAL DRAINAGE PLAN

Bill Jeffers: At the request of the engineer for Sycamore Hills, it has been removed from the agenda tonight. I thought it was going to be the hard one.

RE: DRAINAGE APPEAL - DAVID GARRETT

Bill Jeffers: A month or so ago, we had a meeting at which you directed me to proceed with contacting various people about the drainage appeal of Mr. Garrett. Three of those individuals include the Evansville Water & Sewer Utility that has a service road that's dumping gravel out into that ditch; Stacy Thomas, who is the owner of a private gravel road to his or her home on lot 13 of Roman Acres, it's generating gravel into the ditch; and Mr. Alfred Bauer, Jr., the developer of Oak Ridge Subdivision.

Commissioner Mourdock: Has this been sent, Bill, or (inaudible)?

Bill Jeffers: The first page of each of those stapled copies is just an enlarged readable, to my old eyes, version of what you find on the next page with signature blocks attached. Basically, what your motion was, was to go ahead and encourage these three entities, among others, to do something to help Mr. Garrett. What I'm asking you tonight is to, if you agree with the text, sign the original copy of each of the three of these letters and I'll mail them to those three individuals. There are some other letters that you also asked me to prepare, but that would be to all of the homeowners of Oak Ridge and I didn't want to spend that much money right now at the end of the year on postage and also was hoping that this might take care of the biggest part of the problem and might not even have to send that many letters. I'm talking about a couple hundred letters. Basically, I'm asking Mr. Bauer to get with the other folks that I would have otherwise had to mail letters to and form a homeowner's association to take care of drainage, and I'm asking the Evansville Water & Sewer Utility and Stacy Thomas to hard surface their drive so the gravel won't dump out into the ditch and across Mr. Garrett's property.

Commissioner Borries: They all seem reasonable enough. I move that the letters be approved.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

Bill Jeffers: I have the original copies. Would I have your permission to just have your office staff stamp those?

President Tuley: Sure.

Bill Jeffers: Thank you.

President Tuley: Would you be so kind to send a copy of these three letters to Mr. Garrett? He called today.

Bill Jeffers: I was going to have him go down and pay for the copies in the Auditor's Office, but if you are directing me to, I'll be happy to send him copies.

President Tuley: In the spirit of the season, please send them to him.

RE: REQUEST PAYMENT OF BLUE CLAIMS-MAINTENANCE

Bill Jeffers: The rest are claims. All of them have been reviewed by the Surveyor's Office and found to be correct, I have the paperwork required by statute attached to them and everything

signed by the Surveyor and the vendors, and the Surveyor recommends approval of all claims here.

President Tuley: Motion, please?

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Bill Jeffers: I apologize for coming in here groggy and prolonging your meeting, but I have nothing else to say.

President Tuley: If you don't mind, before we close, there is a letter we received. It was written to the County Commissioners dated December 20, from Julie Hinton.

"In regards to my resignation with the county and looking forward to my newly appointed position as the Deputy City Clerk, I would like to thank you for having allowed me the opportunity to serve the Vanderburgh County Drainage Board. It has truly been an honor and a pleasure.

Sincere thanks.

Julie A. Hinton"

We will miss Julie; she's done a super job on the Drainage Board and I'm sure she'll do a super job in her new position and we wish her well.

Commissioner Mourdock: I'll second.

Commissioner Borries: I'll third.

President Tuley: Okay, Commissioner, you were about to make a motion.

Commissioner Borries: I move we adjourn.

Commissioner Mourdock: I second.

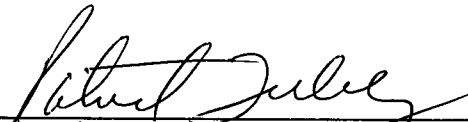
President Tuley: So ordered.

Meeting adjourned at 8:17 p.m.


THOSE IN ATTENDANCE:

Patrick Tuley
Richard J. Borries
Richard E. Mourdock
Alan Kissinger
Bill Fluty
Teri Lukeman
Bill Jeffers
David Savage
Daryl Helfert
William McCutchan
Kent Burress
Dan Miller
John Triplett
Virginia Miller
Lee McClellan
Ron Schutz

VANDERBURGH COUNTY DRAINAGE BOARD



Patrick Tuley, President

Richard J. Borries, Vice President


Richard E. Mourdock, Member

VANDERBURGH COUNTY
DRAINAGE BOARD MEETING
AGENDA
DECEMBER 26, 1995

1. Meeting Opened:
2. Approval of Transcribed Drainage Board Minutes:
 - A. Regular Drainage Board Meeting (11-27-95)
 - B. Amended Drainage Board Meeting (10-23-95)
3. Request Approval for Final Subdivision Drainage Plans:
 - A. Malibu Park Section IV
 - B. Eagle Crossing Subdivision
 - C. Sycamore Hills Estates Section IV
4. Request Payment of Blue Claims-Maintenance:
5. Correspondence:
6. New Business:
7. Old Business:
8. Meeting Adjourned:

VANDEBURGH COUNTY AUDITOR
208 CIVIC CENTER
1 N.W. MARTIN LUTHER KING JR. BLVD.
EVANSVILLE, IN 47708-1880

DECEMBER 12, 1995



ATTACHED PLEASE FIND MINUTES FROM THE DRAINAGE BOARD MEETING OF OCTOBER 23, 1995.

I AM REQUESTING THE DRAINAGE BOARD MEMBERS TO APPROVE THE AMENDED DRAINAGE BOARD MEETING MINUTES OF OCTOBER 23, 1995 DUE TO A TYPO ON PAGE 23, PARAGRAPH 18, THE WORD "INTERRUPT", IT SHOULD BE "INTERPRET".

WE WILL BE SUBMITTING THIS AMENDMENT OF THE MINUTES AT THE DECEMBER 26, 1995 DRAINAGE BOARD MEETING FOR APPROVAL AND SIGNATURE. AFTER BEING ACCEPTED AND SIGNED, WE WILL THEN PLACE THE AMENDED PAGE AND SIGNATURE SHEET IN OUR PERMANENT RECORD BOOKS.

THANK YOU FOR YOUR TIME AND CONSIDERATION IN THIS MATTER.

Dec.

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

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Union Township Ditch Assoc. # 1259

On Account of Appropriation for Edmond Ditch 234-016

Invoice No.	Itemized Claim	Amount	
	1995 DITCH MAINT.		
	15,395 LF \times $\$0.01 = \153.95		
95-FM-16-85	PAY 85% @ $\$130.86 \rightarrow$	\$ 130	86
	15% RETAINAGE = $\$23.09$		

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

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

X John A. Rollitt
Name
Treasurer Union Township Ditch Assn
Title

Date Nov. 23, 1995

Warrant No. _____
Claim No. _____
Date _____

IN FAVOR OF

Vendor Name Union Township Dist. Assn.
Vendor No. 1259

\$ 130.86

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name Edmond Dist.
Account No. 234-016

Allowed _____ 19____

In the sum of \$ _____
Richard J. Edwards
Chairman

Board of Commissioners

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

12/26, 95
Robert W. Bunn
Signature of Office Holder

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

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>95-FM-16-85</u>	_____	<u>Nov. 23, 1995</u>	<u>234-016</u>	<u>\$ 130.86</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL \$ 130.86

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: UNION TULIP DITCH ASSOC

for ☒ annual -- ☐ additional maintenance to
EDMOND Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
Nov. 22, 1995, and was inspected by
our staff on Nov 27, 1995, and is
☒ approved -- ☐ disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 12/26/95
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

Dec.

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

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Union Township Ditch Assoc. # 1259

On Account of Appropriation for Helrich Happe 234-018

Invoice No.	Itemized Claim	Amount	
	1995 FALL MAINT.		
	12,693 LF X \$0.01 = \$126.93		
95-FM-18-85	PAY 85% @ \$107.93 →	\$107	93
	15% RETAINAGE = \$19.05		

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

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

X John A. Rallett
Name

Treasurer Union Township Ditch Assoc
Title

Date Nov. 24, 1995

Warrant No. _____
Claim No. _____
Date _____

IN FAVOR OF

Vendor Name Chenotownship Dist. Assn.
Vendor No. 1259

\$ 107.93

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name Helfred Happe
Account No. 234-018

Allowed _____ 19__

In the sum of \$ Robert J. Jones
Robert J. Jones
Robert J. Jones

Board of Commissioners

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

NONE

Vendor Name Chenotownship Dist. Assn.

12/26, 95

Robert J. Jones
Signature of Office Holder

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

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

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>95-EM-18-85</u>		<u>Nov. 27, 1995</u>		<u>107.93</u>

TOTAL 107.93

Robert W. Brenner, Vanderburgh County Surveyor

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

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

for ☒ annual -- ☐ additional maintenance to _____ Ditch, a legal drain in Vanderburgh County, Indiana, was completed on Nov 77, 1995, and was inspected by our staff on Nov 77, 1995, and is ☒ approved -- ☐ disapproved for payment per the contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 12/26/95
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
95AM29-45		NOV 2, 1995	234-029	P 3000.00
			TOTAL	3000.00

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

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

Assoc.
for [] annual -- [X] additional maintenance to
POND FLAT MAIN Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
Nov. 1, 1995, and was inspected by
our staff on Nov. 8, 1995, and is
[X] approved -- [] disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 12/26/95
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

For add. wk. Apprd by Board
WES

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

By this Instrument, I

John J. Bittner

(Signature in Ink)

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

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

NONE

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

NAME OF DRAIN: Pond Flat Main # 234-029

CONTRACTOR: Big Creek Drainage Assn. Inc. VENDOR # 0986

CONTRACT # _____ AND/OR ACCOUNT # 234-029

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

COMPLETION DATE Nov. 1, 1995
INSPECTION DATE Nov. 8, 1995

- [] WORK IS APPROVED
[] NOT APPROVED: COMMENTS: _____

Robert W. Bunner
VANDERBURGH COUNTY SURVEYOR

12/26/95
DATE

FALL MEOW


Revised County
Form No. 17


VANDEBURGH COUNTY, INDIANA

On Account of Appropriation for FAST SIDE URBAN 542 234-015

[illegible]

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



 Name


 Title

Date OCT 10, 1995

Board of Commissioners

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

Name _____

12/26 . 95 _____

Robert L. Ziemer
Signature of Office Holder

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

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

Auditor

COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT

PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>95-FM-15-15</u>	<u>OCT 10, 1975</u>	<u>234-015</u>	<u>\$ 2,975.68</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
TOTAL			\$ 2,975.68

Dec.

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

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

representing _____, and presently
under contract with the Vanderburgh County Drainage Board to perform
certain maintenance on EAST SIDE URBAN 5 1/2, a regulated
drain in Vanderburgh County, Indiana, do certify that I, and/or the
firm I represent, have/has paid in full all expenses incurred for
labor, supplies, and subcontracts except for any unpaid costs as
specified herein under:

NONE

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

NAME OF DRAIN: EAST SIDE URBAN 5 1/2

CONTRACTOR: TERRY R. JOHN 5011 VENDOR # 1057

CONTRACT # _____ AND/OR ACCOUNT # 234-015

<input checked="" type="checkbox"/> ANNUAL MAINTENANCE	COMPLETION DATE <u>OCT. 9, 1995</u>
<input type="checkbox"/> ADDITIONAL MAINTENANCE	INSPECTION DATE <u>OCT 10, 1995</u>
<input type="checkbox"/> EMERGENCY MAINTENANCE	

☒ WORK IS APPROVED
☐ NOT APPROVED: COMMENTS: _____

Robert W. Zinner
VANDERBURGH COUNTY SURVEYOR

12/26/95
DATE

Revised County
Form No. 17

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

VANDEBURGH COUNTY, INDIANA

VENDOR NAME

Ralph Rexing

1228

On Account of Appropriation for

Pond Flat Let. B

234-031

[illegible]

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

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

Ralph R. Reising
Name

Name _____

Title

Date Nov. 24, 1995

Warrant No. _____
Claim No. _____
Date _____

IN FAVOR OF
Vendor Name Ralph Rexing
Vendor No. 1228

\$ 332.84
ON ACCOUNT OF APPROPRIATION
Dept. Fund Name Pond Flat Lat. B.
Account No. 234-031

Allowed _____ 19____
In the sum of \$
Richard J. Barney
Robert M. ...

Board of Commissioners

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

12/26 95
Ralph Rexing
Signature of Office Holder

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

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
95-FM-31-85		Nov-24-1995	234-031	\$ 332.84

TOTAL \$ 332.84

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

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

for ☒ annual -- ☐ additional maintenance to
POND FLAT LAT. "B" Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
NOV. 27, 1995, and was inspected by
our staff on NOV 30, 1995, and is
☒ approved -- ☐ disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner 12/26/95
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

Dec.

Form Prescribed by the
State Board of Accounts

1245

Revised County
Form No. 17

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

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Uniontownship Ditch Assoc. # 1259

On Account of Appropriation for Cypress Dale - Maddox 234-013

Invoice No.	Itemized Claim	Amount	
	1995 FALL MAINT.		
	23,887.16 x 0.06 = \$1,433.22		
95-FM-12-85	PAY 85% @ \$1,218.24 →	\$1,218	24
	15% RETAINAGE = \$214.98		

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

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

x John A. Rollitt
Name

Treasurer - Union Township Ditch Assoc.
Title

Date Nov. 27, 1995

Warrant No. _____
Claim No. _____
Date _____

IN FAVOR OF

Vendor Name Uniontownship Delco
Vendor No. 1259

\$ 1,218.24

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name Cypress Dale Madox
Account No. 234-012

Allowed _____ 19__

In the sum of \$ _____
Richard J. Perry
Richard J. Perry

Board of Commissioners

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

NONE

SSA:

12/26 95 Robert W. Bunker
Signature of Office Holder

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

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

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
95-FM-12-85		Nov. 23, 1995	234-012	\$ 1,218.24

TOTAL \$ 1,218.24

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: UNION TWP DITCH ASSOC.
CYPRESS DALE MADDOX
for ☒ annual -- [] additional maintenance to
CYPRESS DALE MADDOX Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
Nov. 22, 1995, and was inspected by
our staff on Nov. 27, 1995, and is
☒ approved -- [] disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner WRB 12/26/95
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

VANDEBURGH COUNTY, INDIANA

On Account of Appropriation for BUENTE UPPER BIG CREEK # 234-010

Date Nov 2, 1995

PURCHASE ORDER NO.	INVOICE NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
	95-AM-10-LS	Nov. 2, 1995	234-012	\$ 4500. ^{<u>00</u>}
TOTAL				\$ 4500. ^{<u>00</u>}

Robert W. Brenner, Vanderburgh County Surveyor

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

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

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

for [] annual -- [X] additional maintenance to
BULKITE UPPER BIG CREEK Ditch, a legal drain
in Vanderburgh County, Indiana, was completed on
Nov 1, 1995, and was inspected by
our staff on Nov 8, 1995, and is
[X] approved -- [] disapproved for payment per the
contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner WRJ 11/27/95
Robert W. Brenner, Vanderburgh County Surveyor Date

Additional Comments:

For add. wk. apprv. by Board.

WRJ

CERTIFICATION OF PAYMENT
FOR MAINTENANCE TO A REGULATED DRAIN

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

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

NONE

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

NAME OF DRAIN: BUENTE UPPER BIG CREEK # 234-010

CONTRACTOR: BIG CREEK DRAINAGE ASSN. VENDOR # 0986

CONTRACT # _____ AND/OR ACCOUNT # 234-010

☐ ANNUAL MAINTENANCE
☒ ADDITIONAL MAINTENANCE
☐ EMERGENCY MAINTENANCE

COMPLETION DATE Nov 4, 1995
INSPECTION DATE Nov 8, 1995

☒ WORK IS APPROVED
☐ NOT APPROVED: COMMENTS: _____

Robert W. Bunner JR.
VANDERBURGH COUNTY SURVEYOR

12/26/95
DATE

TO: THE EVANSVILLE WATER AND SEWER UTILITY

The Vanderburgh County Drainage Board has received a complaint from residents of Oak Ridge Subdivision that gravel is washing into a ditch and onto private property located in that. The source of the gravel is a service drive accessing a pump station operated by the Evansville Water and Sewer Utility.

The drive is located along the east line of 2740 Anthony Drive and 5730 Knob Hill Road and runs due north from the dead end of Anthony Drive to your pump stations and electric panels at the NE corner of Lot 16 of Roman Acres Subdivision (5730 Knob Hill Road.)

The Drainage Board is encouraging the Evansville Water and Sewer Utility to pave said gravel service drive with a surface material that will prevent further washing of gravel onto private property.

The Drainage Board at the same time is advising the Evansville Water and Sewer Utility that the corrugated metal pipe placed by your company to cross the ditch along the east side of said service drive may be determined to be improperly installed, inadequately sized, and/or in need of extensive repairs. Therefore, your company may wish to postpone re-paving that part of said service road which crosses the pipe until repairs to or replacement of the pipe occur(s).

Our contact person in this matter is Bill Jeffers, Deputy County Surveyor, 435-5117.

Vanderburgh County Drainage Board
Room 325 Civic Center
Evansville, Indiana

December 26, 1995

Evansville Water & Sewer Utility
Room 104 Civic Center Complex
1 NW MLK Jr. Blvd.
Evansville, Indiana 47708

The Vanderburgh County Drainage Board has received a complaint from residents of Oak Ridge Subdivision that gravel is washing into a ditch and onto private property located in that. The source of the gravel is a service drive accessing a pump station operated by the Evansville Water and Sewer Utility.

The drive is located along the east line of 2740 Anthony Drive and 5730 Knob Hill Road and runs due north from the dead end of Anthony Drive to your pump stations and electric panels at the NE corner of Lot 16 of Roman Acres Subdivision (5730 Knob Hill Road.)

The Drainage Board is encouraging the Evansville Water and Sewer Utility to pave said gravel service drive with a surface material that will prevent further washing of gravel onto private property.

The Drainage Board at the same time is advising the Evansville Water and Sewer Utility that the corrugated metal pipe placed by your company to cross the ditch along the east side of said service drive may be determined to be improperly installed, inadequately sized, and/or in need of extensive repairs. Therefore, your company may wish to postpone repaving that part of said service road which crosses the pipe until repairs to or replacement of the pipe occur(s).

Our contact person in this matter is Bill Jeffers, Deputy County Surveyor, 435-5117.

The Vanderburgh County Drainage Board:

Patrick Tuley, President

Richard, J. Borries, Vice President

Richard E. Mourdock, Member

December 26, 1995

TO: STACY THOMAS -- OWNER OF PRIVATE GRAVEL
DRIVE TO HOME ON LOT 13 OF ROMAN ACRES

The Vanderburgh County Drainage Board has received a complaint from residents of Oak Ridge Subdivision that gravel is washing into a ditch and onto private property located in that subdivision just east of your home. The source of the gravel is your private driveway located along the east line of 2741 Anthony Drive and 5636 Knob Hill Road.

Your private driveway runs due south from the dead end of Anthony Drive to your home on Lot 13 of Roman Acres Subdivision (5636 Knob Hill Road.)

The Drainage Board is hereby encouraging you to pave your driveway with a surface material that will prevent further washing of gravel onto private property. The stable, durable surface such as asphalt or concrete with which you choose to pave the drive should cover at least that part of your drive that lies along the east side of your neighbors property at 2741 Anthony Drive.

We also will be contacting you in the future to discuss vacating that part of Knob Hill Road right-of-way which lies along the east side of properties in Roman Acres. If vacated, the 30 foot wide strip would remain the private property of the owners (including yourself) of land across which right-of-way now extends; and then there would be no possibility of a public road ever being located there.

Our contact person in these matters is Bill Jeffers, Deputy County Surveyor, 435-5117.

Vanderburgh County Drainage Board
Room 325 Civic Center
Evansville, Indiana

December 26, 1995

Stacy A. Thomas
Owner Lot 13 Roman Acres
5636 Knob Hill Road
Evansville, Indiana 47711

The Vanderburgh County Drainage Board has received a complaint from residents of Oak Ridge Subdivision that gravel is washing into a ditch and onto private property located in that subdivision just east of your home. The source of the gravel is your private driveway located along the east line of 2741 Anthony Drive and 5636 Knob Hill Road.

Your private driveway runs due south from the dead end of Anthony Drive to your home on Lot 13 of Roman Acres Subdivision (5636 Knob Hill Road.)

The Drainage Board is hereby encouraging you to pave your driveway with a surface material that will prevent further washing of gravel onto private property. The stable, durable surface such as asphalt or concrete with which you choose to pave the drive should cover at least that part of your drive that lies along the east side of your neighbors property at 2741 Anthony Drive.

We also will be contacting you in the future to discuss vacating that part of Knob Hill Road right-of-way which lies along the east side of properties in Roman Acres. If vacated, the 30 foot wide strip would remain the private property of the owners (including yourself) of land across which right-of-way now extends; and then there would be no possibility of a public road ever being located there.

Our contact person in these matters is Bill Jeffers, Deputy County Surveyor, 435-5117.

The Vanderburgh County Drainage Board:

Patrick Tuley, President

Richard, J. Borries, Vice President

Richard E. Mourdock, Member

December 26, 1995

TO: ALFRED BAUER

The Vanderburgh County Drainage Board has received a complaint from three residents of Oak Ridge Subdivision Section B with regard to the drainage ditch along the west line of that subdivision. The portion of the ditch generating the complaints is located from the dead end of Anthony Drive thence north about three hundred (300) feet to a thirty (30) inch diameter concrete pipe installed by your contractor(s) during the development of Oak Ridge Subdivision.

Generally, the cause of the complaints is the lack of maintenance of the ditch in the same location and physical condition as designed by your engineer and approved as part of various street and drainage plans by the county drainage board and county commissioners. Specific details relevant to the complaint are available from our technical advisor whose name is given herein below.

After original construction of the street and drainage improvements, the maintenance and repair of this ditch and other drainage facilities within Oak Ridge Subdivision was to have been accomplished and paid for by a homeowners' association according to records of public meetings at which your plans were approved.

The Vanderburgh County Drainage Board encourages you to assist the homeowners in Oak Ridge Subdivision in forming a homeowners' association with the ability to properly maintain and repair (when necessary) the drainage system serving their properties.

Our contact person in these matters is Bill Jeffers, Deputy County Surveyor, 435-5117.

Vanderburgh County Drainage Board
Room 325 Civic Center
Evansville, Indiana

December 26, 1995

Alfred Bauer, Jr.
Alfred Bauer Construction Co.
3816 East Morgan Avenue
Evansville, Indiana 47715

The Vanderburgh County Drainage Board has received a complaint from three residents of Oak Ridge Subdivision Section B with regard to the drainage ditch along the west line of that subdivision. The portion of the ditch generating the complaints is located from the dead end of Anthony Drive thence north about three hundred (300) feet to a thirty (30) inch diameter concrete pipe installed by your contractor(s) during the development of Oak Ridge Subdivision.

Generally, the cause of the complaints is the lack of maintenance of the ditch in the same location and physical condition as designed by your engineer and approved as part of various street and drainage plans by the county drainage board and county commissioners. Specific details relevant to the complaint are available from our technical advisor whose name is given herein below.

After original construction of the street and drainage improvements, the maintenance and repair of this ditch and other drainage facilities within Oak Ridge Subdivision was to have been accomplished and paid for by a homeowners' association according to records of public meetings at which your plans were approved.

The Vanderburgh County Drainage Board encourages you to assist the homeowners in Oak Ridge Subdivision in forming a homeowners' association with the ability to properly maintain and repair (when necessary) the drainage system serving their properties.

Our contact person in these matters is Bill Jeffers, Deputy County Surveyor, 435-5117.

The Vanderburgh County Drainage Board:

Patrick Tuley, President

Richard, J. Borries, Vice President

Richard E. Mourdock, Member

December 26, 1995

12'

1. REMOVE A P. U. EASEMENT FROM WEST LINE LOT 16
2. REMOVE 12' P. U. " " SOUTH LINE "
EXCEPT EASTMOST 50' (50' WEST OF S.E. COR LOT 16
IS O.K. FOR P. U.)
3. REPLACE WITH 12' DRAINAGE ESMT ONLY
NO P. U. INSTALLATIONS ALLOWED EAST 50' WEST OF S.E.
COR LOT 16.
4. NOTICES REGARDING DRAINAGE FACILITY MAINTENANCE
ON PLAT MUST BE SAME OR EQUAL TO KEYSTONE
5. HOMEOWNER'S ASSOCIATION MUST BE FORMED WITHIN
ONE YEAR OF RECORDING FINAL PLAT.
6. HOMEOWNER'S ASSOCIATION MUST BE OPERATING TO
MAINTAIN ALL DRAINAGE FACILITIES WITHIN 18
MO'S OF RECORDING
7. DEVELOPER MUST GUARANTEE / REPAIR / MAINTAIN
ALL FACILITIES UNTIL HOMEOWNER'S ASSOCIATION
TAKES OVER MAINTENANCE / REPAIR RESPONSIBILITIES
8. DRAWINGS SHOWING LOT GRADING AND FENCE LOCATIONS
ETC. EQUAL TO OR BETTER THAN KEYSTONE
9. EROSION CONTROL PLAN AND IMPLEMENTATION AND
MAINTENANCE OF THE ECP EQUAL TO KEYSTONE
OR EQUAL TO IDEM REQ'S
10. PHASE ONE MUST INCLUDE ALL DRAINAGE FACILITY
CONSTRUCTION OUTLINED BY BLUE DASHED LINES
THAT IS LOTS 26-84 PLUS LAKE AND
LAKE OUTLETS

(OUT LINED in orange)

11. LOTS 30, 31, 48, 39, ⁵48 and others discovered to have existing Channels under or near new house Foundations must be Filled, compacted, and graded SUFFICIENTLY to protect Foundation FROM water damage and settling in accordance with strictest applicable Building codes
~~Continued~~

12. LOTS 38-49 and 57, 58 (outlined in pink) must have detailed Fill and grading plans that show each lot Filled and graded so that all surface water is directed INTO the ~~channel~~ open Channel or inlet ~~TO EACH LOT~~ ADJACENT TO OR THRU each LOT. and all Surface drainage FROM THE ^{BACK YARDS} ~~LOTS~~ MUST Sheet directly INTO the newly constructed open channels THAT pass THRU these LOTS.

13. 3 Locations shown on LOTS 58/57 44/47 and Lot 39 ~~MUST BE~~ ARE spots where old existing waterways cross perpendicular to new planned waterways and that Fill must be engineered and put in place very Carefully so as to Avoid Any possibility of the new channel cutting down into the Fill and exposing the old Filled in channel.

Mr. Bauer: I think we can accommodate and sign off as part of the approval process. I don't think they would have a problem with that. We will make the motion subject to something like that, whether it is a new traffic count or for her to approve it. I think she also has, there are standards in regards to traffic per hour that would warrant ingress and egress. I think they would have to meet that. She knows what those are.

Mr. Morley: I think the actual procedure, EUTS is a recommending body to the County Commissioners, who are the approving body for the road standards for the entrances and what Rose Zigenfus would do would be to make a recommendation to the County Commissioners or a report on these plans. It is the County Commissioners who are the deciding body on how this intersection is designed.

Mr. Tuley: Jim, the one thing I would like for you to do, because this has preliminary drainage approval and because there have been several concerns raised about the creeks and what-have-you, any close contact with Mr. McCutchan, Mr. Burris and Mrs. Seib in terms of as those developments and what is happening so they need to be known of the meetings and when they are happening. I don't want to find out that they weren't aware of it.

Mr. Morley: I will give them a call if we have any finished details of the drainage plan and get them copies.

Mr. Burris: At this point, that is an old bridge. It was built in 1927. That is going to be kind of a tricky drive to get out when you are going south, if you are going to pull out of that subdivision and go south. Did you say they will be build a new bridge there?

Mr. McClellan: It is in the five year plan.

Mr. Burris: The Commissioners are going to do that, I suppose. So, if they do do that, they are going to make a turn there, or exit lane? But right now, they can't do that because that old bridge won't take it. It is not wide enough to take a turn lane. All you are going to do is have a driveway turning into Petersburg Road and out. If they do put this new bridge in, I suppose they are going to widen it to accept that turn lane. I just think it is kind of a dangerous situation turning out onto that road.

Mr. Bauer: Mr. Tuley is aware of that. He basically is in charge of approving road plans. Before they approve those final plans, I am sure he will take that into consideration.

Mr. McClellan: In regard to that, we met with John on the site on that issue and the

5117 B. Jeffers

Veach, Nicholson, Assoc.

Consulting Engineers & Land Surveyors

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

DARRELL A. VEACH, P.E., L.S.
BILLY T. NICHOLSON, L.S.

December 20, 1995

Vanderburgh County Auditor
City-County Building
Civic Center Complex
Evansville, Indiana 47708

RE: Sycamore Hills Estates,
Section IV

old bus.?
Now wooded
approx. DBayard

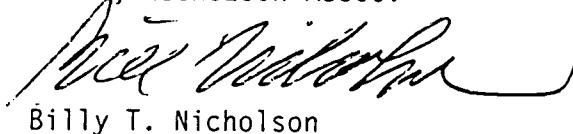
Gentlemen:

On behalf of our client, Gary Williams, we hereby request to be placed on the agenda for the Drainage Board Meeting to be held on December 26, 1995.

Winter

Yours truly,

VEACH, NICHOLSON ASSOC.



Billy T. Nicholson

BTN:bar

CC: Gary Williams
Les Shively

Rec'd 12/20/95
Vanderburgh Co Surveyor's
Janne Janning

Sub drainage plan

2. Township 5 South,
being more particularly

CH 8 = N 24°44'10" W

ment is

297

1

1700 feet

25' Building

5' Drapery

5' Drapery

25' Drapery

1700 feet

297

1

3506divi
ement

2. Township 5 South,
being more particularly

CH 8 = N 24°44'10" W

ment is

297

1

25' Building

5' Drapery

5' Drapery

1700 cm

34

333

39

173.02°

173.38°

173.46°

173.55°

173.65°

173.75°

173.85°

173.95°

174.05°

174.15°

174.25°

174.35°

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