

Aiken Ditch / Signed in Right-of-Way - # 91, 146

(Carp Lane / <sup>Combs</sup> Garden center) 162, 213-214

Annexation of South Stevens & Keil Ditches - 161-162

Audubon Estates Sub / Primary - Drainage Plan

App'd. w/ stipulations - 5/27 - # 181-183

Audubon Estates / Revised Plat / Drainage - # 190

Ashby Heights Sub - Drainage Plan App'd. - # 329-330

Audubon Estates / Revised Drainage Plan App'd. 8/24/87 - # 378-379

- Baehl Ditch / Public Hearing re Increase Rate - 4/1 - #20
- Buente Acres (11-5-85) Request to Place on Agenda - #22
- Brookview Subdivision / Drainage Plans Approved 4/1 w/ Stipulations - #22-24
- Baehl Ditch / Increase in Annual Mntn. Chrgs App'd. 4/1 (From \$127.00 to \$1,200.00) - #24-26
- Buente Acres Sub / Drainage Plan App'd. 4/29 - #37
- Burkhardt Ditch Lowering - #46-47
- Bickmeier Estates - #47
- Brookshire Estates II - Drainage<sup>Commit</sup> App'd. 5/28 - #47, 281
- Big Creek Drainage Assn. / Additional Work - #39-42, 47
- Bickmeier Estates / Drainage Plan App'd. 5/29 - #49-50
- Big Creek Drainage / Nished Station Mtg. - #60-62
- Brookshire Estates II / Drainage Plan App'd. 7/29 w/ Stipulations - #63
- Brookshire Sub / Final Inspection of Streets to be made prior to Acceptance - #98
- Burkhardt Industrial Sub - Drainage App'd. 3/24/86 w/ Stipulations - #140-141
- Bidding Process / County - #206
- Big Creek Drainage Assn. / re Nished Rd. Bridge & Wood Rd. Bridge - #221-223
- Brookview Subdivision / Section E / Drainage Plan App'd. 4/25/86 w/ Stipulations - #229-230, 235, 236
- Bluegrass Farms Subdivision / Discussion re Drainage Plans - #230-233
- Bluegrass Farms Sub / Drainage App'd. 9/2/86 - #237-240
- " " " - Change in Drainage Plan - #258
- Browning Rd. Estates, Section II - Drainage App'd. - #276-277
- Brookshire Estates II - Accepted into Mntn. Program - #309
- Browning Rd. Estates, Sec. "D" - Drainage Plans App'd. - #322-326
- Big Creek Ditch Assn. / re Buente Ditch / Pmt 7/1st - #337-339
- Buente Upper Lateral (Big Creek) - #340-342
- Brookview Heights Sub / Flood Flooding Problems - #359, 365
- Bentley Place Sub - Replat of Lot #2 - Drainage App'd. - #365-367

# Bids

Advertisement re Ditch Mntn. Bids - <sup>3</sup> / <sub>4</sub> - Opening Schedule 4/11 - # 11
Ditch Mntn. Bids Schedule & Opening 4/1 - # 9
Bid Opening <sup>3</sup> / <sub>25</sub> - # 17-19,
Bid from Norman Mearns re Sontag - Stevens - # 22
Advertisement re Bids/Maidlow & Rucker Creek <sup>6</sup> / <sub>15</sub> <sup>6</sup> / <sub>11</sub> -
Bid Opening <sup>6</sup> / <sub>24</sub> - # 48
Awarding of Bids to Big Creek Drainage Assn. <sup>6</sup> / <sub>24</sub> - # 55
(Maidlow - \$3,420.00)
(Rucker Creek - \$1,250.00)
Invitational Bids/Rucker Creek Emergency - # 88-90
Awarding of Bid to Ralph Perkins/Rucker Creek - # 90
Authorization to seek Bids/Wallenmeyer Ditch - # 107
Authorization to advertise 1/1986 Ditch Mntn Bids - # 129
Authorization to open Ditch Bids - # 132, 139
Authorization to open Re-Bids - # 148
Re-Advertisement/Buente & Maidlow mntn. - # 164
Request to advertise Bid Specs for Maidlow Ditch app'd. <sup>6</sup> / <sub>23</sub> / <sub>86</sub> - # 203
Opening of Bids re Maidlow & Sontag - Stevens - # 211-212
Authorization to advertise for Bids re Buente Upper Big Creek & Pond Flat Drain - # 212
Opening of Bids re Buente Upper Big Creek & Pond Flat Drain - # 221
Authorization to advertise for Bids re Extra Maintenance on Maidlow, Wallenmeyer, & Throck - <sup>7</sup> / <sub>31</sub> - # 143.5
Authorization to advertise for Bids re Clover Drive Culvert Installation - # 254-255
Awarding of Contract to John Mans, Inc. for Corrective mntn. on Sontag - Stevens Ditch (#VC-1186-SD) - # 263
Authorization to open Annual Ditch Mntn. Bids - # 308
Annual Ditch Mntn. Bids Taken Under Advisement - # 311 314-315
* Awarding of Ditch Contracts for 1987 - Annual Mntn. - # 317-321
Bidding Process (County) - # 206
Notice to Bidder re Add'l. Mntn./Eagle Slough - # 369-370
" " " " " " Wallenmeyer Ditch - # 370
Opening of Bids re Add'l. Mntn. / " " - # 372
Bids for Add'l. Mntn. on Eagle Slough & Wallenmeyer Ditch taken Under Advisement - # 374-376

C

Chapel Hill Subdivision/Drainage Plans App'd 1/4 - #1

Caerlton Court (Jonestown, Section K) - #28, 32, 33

Capella Avenue Drainage Problem - #43

Chapel Hill, Section B/Drainage Plan app'd. 9/30/85 - #80 ✓

\* Country Grace Subdivision - #116 - 129, 143.6

Chapel Hill Sub/Reglet of Lot #5 (Section A)  
Drainage app'd. w/Stipulation - 3/3/86 - #129-130

\* Country Grace Subdivision/Drainage Plan -  
Plan B app'd. 3/24/86 w/Stipulation - #133-139

Chickasaw Park Area/Complaints re Berements  
where Houses have been moved - #142

Charmar Estates/Section C (Primary) - #168

County Bidding Process - #206

Crawford-Brondies/Request from Driller Equipment  
Co. to Discharge Water into Legal Drain  
app'd. 7/24/86 w/Stipulations - #208-209

Citizen's Realty/Request to Relocate Kalk  
Ditch app'd 7/28 w/Stipulations - #210

\* Country Grace Sub/Authorization granted to start  
Drainage Project 7/28 w/Stipulations - #213

County Line Rd./Erosion Problem - #143.6

Clover Drive/Culvert Project - #254-255

Chapel Hill, Sec. B - Change in Drainage - #258

Country Grace Sub - Authorized to Participate in  
Plan "B" Drainage & Swale into. - #272-273

Char-Mar Estates - #308, 323,

Country Estates - #308

Cedar Creek Subdivision - Drainage Plan App'd. 4/27/87 - #327-329

\* Combining Pine Flat Main & Lower Big Creek into  
(1) Legal Drain - to #282-283, 285-286

Claims - 1985

C

Mae Hoetting -	\$ 537.10	(Hoetting Ditch)	1/4	# 3
Ralph Reting -	\$ 391.58	(Pond Flat B)	1/4	# 3
" "	\$ 743.54	(Pond Flat A)	1/4	# 3
Eldon Mooney -	\$ 303.60	(Knee Ditch)	1/4	# 3
" "	\$ 154.42	(Mooney Ditch)	1/4	# 3
Commercial Ditch -	\$ 604.43	(Pond Flat D)	1/4	# 4
" "	\$ 271.68	(Keil Ditch)	1/4	# 4
" "	\$ 1,155.45	(Kolk Ditch)	1/4	# 4
" "	\$ 190.74	(Henry Ditch)	1/4	# 4
" "	\$ 528.28	(Hagen Ditch)	1/4	# 4
" "	\$ 3,063.71	(Bueche + C B Ext)	1/4	# 4
" "	\$ 7,101.58	(Eads Sid Urban, S)	1/4	# 4
" "	\$ 620.10	(Baehle)	1/4	# 4
" "	\$ 1,605.58	(Aiken)	1/4	# 4
Big Creek Ditch Assn. -	\$ 1,373.26		5/28	# 48
" " " "	\$ 177.76		5/28	# 48
" " " "	\$ 988.26		5/28	# 48
" " " "	\$ 144.64		5/28	# 48
" " " "	\$ 1,408.00			# 48
" " " "	\$ 361.44		5/28	# 48
" " " "	\$ 1,000.00		5/28	# 48
Green Swampsee -	\$ 987.14		6/24	# 52
Big Creek Drainage	\$ 420.06		6/24	# 52
Commercial Ditch Assn. -	\$ 987.14		6/24	# 52
Big Creek Drainage Assn. -	\$ 3,420.00		8/26	# 70
" " " "	\$ 1,250.00		8/26	# 70
Commercial Ditch	\$ 288.95		8/26	# 70
" "	\$ 831.92		8/26	# 70
" "	\$ 4,833.73		8/26	# 70
" "	\$ 272.28		8/26	# 71
" "	\$ 255.59		8/26	# 71
" "	\$ 1,247.89		9/30	# 84
" "	\$ 408.43		9/30	# 84
" "	\$ 7,250.60		9/30	# 84
" "	\$ 697.55		9/30	# 84
" "	\$ 222.00		9/30	# 84
" "	\$ 5,769.18		11/25	90

(cont'd.)

1985 Claims (Continued)

Ralph Reting -	\$ 743.54 -	1/25 -	# 90
Norman E. Drouel -	2,144.08 -	1/25 -	# 90
Ralph R. Reting -	641.06 -	1/25 -	# 90
"	391.58 -	1/25 -	# 90
Green Grasshopper -	1,952.60 -	1/25 -	# 90
Big Creek Drainage Assn. -	542.16	1/25 -	# 90
"	"	"	"
"	2,113.27	1/25 -	# 90
"	"	"	"
"	1,482.39	1/25 -	# 90
"	"	"	"
"	630.08	1/25 -	# 90
Commercial Ditch Cleaning -	1,480.70	1/25 -	# 90
Leo C. Paul -	3,565.23 -	1/25 -	# 90
Leo C. Paul -	1,127.92 -	1/25 -	# 90
Big Creek Drainage -	2,059.89 -	1/25 -	# 90
"	"	"	"
"	216.96 -	1/25 -	# 90
Commercial Ditch Cleaning -	1,499.65	1/30 -	# 99

1986 Claims

Francis Maurer -	\$ 557.10 -	1/6/86 -	# 106
Eldon Maasberg -	1,026.61 -	1/27/86 -	# 109
Eldon Maasberg -	303.60 -	1/27 -	# 109
Eldon Maasberg -	154.42	1/27 -	# 110
Eugene C. Reting -	269.50	1/27 -	# 110
Big Creek Drainage -	266.64	1/27 -	# 110
Francis Maurer -	480.00	4/28 -	# 146
Union Twp. Ditch Assn. -	380.94	5/27 -	# 165
"	"	"	"
"	716.61	5/27 -	# 165
"	"	"	"
"	83.58	5/27 -	# 165
"	"	"	"
"	334.80	5/27 -	# 165
"	"	"	"
"	461.85	5/27 -	# 165
Green Grasshopper Flying, Inc. -	2,102.80	7/28 -	# 212
Big Creek Drainage Assn. -	420.06	7/28 -	# 213
"	"	"	"
"	1,373.26	7/28 -	# 213
"	"	"	"
"	144.64	7/28 -	# 213
"	"	"	"
"	177.76	7/28 -	# 213
"	"	"	"
"	361.44	7/28 -	# 213
"	"	"	"
"	988.26	7/28 -	# 213

# 1986 Claims (Cont'd.)

Big Creek Drainage Assn.	-	\$ 1,408.85	-	7/28	-	# 213
"	"	"	"	-	\$ 1,986.68	- 7/28 - # 213
"	"	"	"	-	\$ 3,208.58	- 9/25 - # 223
"	"	"	"	-	\$ 57.8	- 9/25 - # 223
Happe, Inc.	-	\$ 10,517.83	-	9/25	-	# 224
Big Creek Drainage Assn.	-	15% on Meadow Ditch		9/22	-	# 249
"	"	"	"	-	\$ 162.72	10/27 - # 258
"	"	"	"	-	\$ 1,544.92	" - # 258
"	"	"	"	-	\$ 1,584.95	" - "
"	"	"	"	-	\$ 406.62	" - "
"	"	"	"	-	\$ 199.98	" - "
"	"	"	"	-	\$ 1,111.79	" - "
K & M Lawn Care	-	\$ 396.19	"	"	-	"
Happe, Inc.	-	\$ 1,856.09	"	"	-	"
K & M Lawn Care	-	\$ 2,235.01	"	"	-	"
Big Creek Drainage Assn.	-	\$ 472.56	"	"	-	"
Happe, Inc.	-	\$ 356.80	"	"	-	"
"	"	\$ 85.83	"	"	-	"
"	"	\$ 300.42	"	"	-	"
Green Grasshopper Flying Service	-	\$ 325.42	"	11/24	-	# 267
Norman E. Messel	-	\$ 2,148.84	"	"	-	# 267
"	"	"	"	-	\$ 716.86	" - # 267
Les Paul	-	\$ 3,074.37	-	12/22	-	# 273
Norman E. Messel	-	\$ 379.21	"	"	-	"
"	"	"	"	-	\$ 126.50	" - "
K & M Lawn Care	-	\$ 132.07	"	"	-	"
"	"	"	"	-	\$ 745.01	" - "
Big Creek Drainage Assn.	-	\$ 157.52	"	"	-	"
"	"	"	"	-	\$ 514.97	" - "
"	"	"	"	-	\$ 54.24	" - "
"	"	"	"	-	\$ 135.54	" - "
"	"	"	"	-	\$ 528.32	" - "
"	"	"	"	-	\$ 945.30	" - "

1987 Claims

Ralph Reting -	"	632.01	-	1/26	-	#283
"	"	332.84	-	"	-	"
"	"	544.90	-	"	-	"
Big Creek Drainage Assn. -	"	996.00	-	1/26	-	#284
"	"	370.60	-	"	-	"
"	"	66.66	-	"	-	"
Eugene C. Reting -	"	269.50	-	2/23	-	#306
John F. Mann -	"	557.10	-	"	-	#306
Union Twp. Ditch Assn. -	"	334.80	-	3/23	-	#310
"	"	250.74	-	"	-	"
"	"	716.61	-	"	-	"
"	"	380.94	-	"	-	"
"	"	5,701.35	-	"	-	"
Edwin Mansberg -	"	303.60	-	"	-	"
"	"	154.42	-	"	-	"
"	"	1,026.61	-	"	-	"
Eugene Reting -	"	269.50	-	"	-	"
Ralph Reting -	"	391.58	-	"	-	"
"	"	641.06	-	"	-	"
"	"	743.54	-	"	-	"
Green Grasshopper -	"	2,102.80	-	5/11	-	#336
Terry Johnson (6) app'd.	"		-	5/26	-	#340
Happ, Inc. -	"	240.96	-	6/22	-	#357
"	"	685.12	-	"	-	"
Terry Johnson -	"	395.29	-	7/20	-	#370
Big Creek Drainage Assn. -	"	177.76	-	7/20	-	#371
"	"	144.64	-	"	-	"
"	"	361.44	-	"	-	"
"	"	1,768.88	-	"	-	"
"	"	988.26	-	"	-	"
"	"	1,211.70	-	"	-	"
Claims to Terry Johnson: -	"	1,021.33	-	8/24	-	#380
	"	5,343.39	-	"	-	"
	"	864.86	-	"	-	"
	"	247.14	-	"	-	"

Varion Place Sub/Request for Variance Denied - #12,

Drainage Board (Reorganization) - #1, 106

Ditch Maintenance List - 1985 - #9, 15,

Varion Place Sub/Requests for Variance - #27-28, 29, 31-32

Varion Place/Variance Granted 4/29 w/ Stipulations - #33-36

Ditch Notes/Request for Additional Work - #39-42 (Big Creek)

Drainage Problems/Pollack & Capella - #43

Drainage Problems/Highway 41 & 57 - #67

\* Drainage Meeting Schedule 4<sup>th</sup> Monday - #71, 109

Drainage Problems/Sugar Mill Creek Apts. - #93

Drainage Code Enforcement - #103-104

Continued Ditch Maintenance/Sontag - Steven &  
Keil Ditches - #203

Drainage Problems/Seltzer Rd./Archie Williams -  
County to make Investigation - #227-229

Ditch Assessments - #261

Drainage Maintenance Acct. - #281, 334-335,

Ditch Claims - re Withholding 15% - #284

Drainage Seminar - #310

\* Ditch Assessments (1987 Revised) - #316

Deer Run Subdivision - #330, 367-369,

D

# Ditch Maintenance Contracts - 1985

*Ditch Contracts Awarded 4/85 - #28*

## 1985 ANNUAL DITCH MAINTENANCE CONTRACTS

DITCH NAME	CONTRACTOR	FOOTAGE	BID PRICE
Aiken	Commercial Ditch	9,911 L.F. @	.249/Ft. = \$ 2,467.84
Baehl	Eldon Maasberg	6,890 L.F. @	.149/Ft. = \$ 1,026.61
Barnett	Union Twp. Ditch Assn.	8,358 L.F. @	.01/Ft. = \$ 83.58
Baar's Creek	Leo Paul	20,668 L.F. @	.1725/Ft. = \$ 3,565.23
Buente Upper Big Creek	Big Creek Drng. Assn.	20,195 L.F. @	.17/Ft. = \$ 3,433.15
Cypress-Dale/ Maddox	Union Twp. Ditch Assn.	23,887 L.F. @	.03/Ft. = \$ 716.61
Eagle Slough	Green Grasshopper	30,040 L.F. (2 @	\$1,952.60) \$ 3,905.20
Eastside Urban (North Half)	Commercial	18,370 L.F. @	.314/Ft. \$ 5,768.18
Eastside Urban (South Half)	Commercial	43,313 L.F. @	.279/Ft. \$12,084.33
Edmond	Union Twp. Ditch Assn.	15,395 L.F. @	.03/Ft. = \$ 461.85
Harper	Commercial	4,002 L.F. @	.249/Ft. = \$ 996.50
Helfrich/Happe	Union Twp. Ditch Assn.	12,698 L.F. @	.03/Ft. = \$ 380.94
Henry	Commercial	3,179 L.F. @	.201/Ft. = \$ 638.98
Hoefling	John Maurer	5,571 L.F. @	.10/Ft. = \$ 557.10
Kamp	Union Twp. Ditch Assn.	11,160 L.F. @	.03/Ft. = \$ 334.80
Keil	Commercial	3,012 L.F. @	.226/Ft. = \$ 680.71
Kneer	Eldon Maasberg	3,036 L.F. @	.10/Ft. = \$ 303.60
Kolb	Commercial	7,703 L.F. @	.27/Ft. = \$ 2,079.81
Lower Big Creek	Big Creek Drng. Assn.	7,501 L.F. @	.14/Ft. = \$ 1,050.14
Maasberg	Eldon Maasberg	2,206 L.F. @	.07/Ft. = \$ 154.42
Maidlow	Big Creek Drng. Assn.	16,471 L.F. @	.15/Ft. = \$ 2,470.65
Pond Flat Main	Big Creek Drng. Assn.	29,351 L.F. @	.12/Ft. = \$ 3,522.12
Pond Flat, Lat. A	R. Rexing	5,311 L.F. @	.14/Ft. = \$ 743.54
Pond Flat, Lat. B	R. Rexing	2,797 L.F. @	.14/Ft. = \$ 391.58
Pond Flat, Lat. C	Big Creek Drng. Assn.	9,036 L.F. @	.10/Ft. = \$ 903.60
Pond Flat, Lat. D	R. Rexing	4,579 L.F. @	.14/Ft. = \$ 641.06
Pond Flat, Lat. E	Big Creek Drng. Assn.	3,616 L.F. @	.10/Ft. = \$ 361.60
Rusher	Big Creek Drng. Assn.	4,444 L.F. @	.10/Ft. = \$ 444.40
Singer	Eugene Rexing	2,450 L.F. @	.11/Ft. = \$ 269.50
Sonntag-Stevens	Norman Messel	10,705 L.F. @	.176/Ft. = \$ 1,884.08
Sonntag-Stevens Extension	Norman Messel		- \$ 260.00
Wallenmeyer	Leo Paul	8,355 L.F. @	.135/Ft. = \$ 1,127.92

Ditch Maintenance Contracts - 1986

Acceptance, Signing, Performance Bond - \$145

Maasberg Ditch	\$154.42	Elton Maasberg	\$150
Kneer Ditch	\$303.60	" "	\$150
Barr's Creek	\$3,616.90	Leo Paul	\$150
Wallenmeyer Ditch	\$1,127.92	" "	\$150
Hoefling Ditch	\$557.10	John Maurer	\$150

Signing of Contracts of Leo Paul w/ 2 Ditches - \$185

Journals - Stevens	\$3,371.41	Norman E. Muehl	\$212
Big Creek Drainage Assn.	\$2,980.00	Maidlow Ditch	\$212
" " " "	\$6,302.00	Pine Flat drain	\$25 - \$224
" " " "	\$996.00	Buente Upper Big Creek	\$224

Signing of Contracts w/ Big Creek Drainage - \$241

Riben Ditch	\$2,378.64	Hagge's, Inc.	3/31 - \$143.2
Bark Ditch	\$1,026.61	Elton Maasberg	3/31 - \$143.2
Barnett Ditch	\$256.14	Union Twp. Ditch	3/31 - \$143.2
Barr's Creek (Re-Bid)			3/31 - \$143.2
Buente Upper Big Creek	\$3,433.15	Big Creek	3/31 - \$143.2
Cypress-Dab-Mallet	\$716.61	Union Twp. Ditch	3/31 - \$143.2
Eagle Slough	\$4,205.60	Green Grasshopper	3/31 - \$143.37
Eastside Urban North Half	\$4,966.70	KIM Lawrence	3/31 - \$143.37
" " South Half	\$12,373.92	Hagge's, Inc.	3/31 - \$143.37
Elmore Ditch (Takes Under Revisement)			3/31 - \$143.37
Helbrich-Hagge	\$340.94	Union Twp. Ditch Assn.	3/31 - \$143.37
Hansen Ditch	\$880.44	KIM Lawrence	3/31 - \$143.37
Heary Ditch	\$572.22	Hagge's	3/31 - \$143.37
Hoefling Ditch (To Be Re-Bid)			3/31 - \$143.37
Kamp Ditch	\$334.80	Union Twp. Ditch Assn.	3/31 - \$143.37
Kneer Ditch	\$273.24	Hagge's, Inc.	3/31 - \$143.2
Kolb Ditch	\$2,002.78	Hagge's, Inc.	3/31 - \$143.37
Maasberg Ditch (To Be Re Bid)			3/31 - \$143.3
Lower Big Creek	\$1,050.14	Big Creek	3/31 - \$143.37
Maidlow Ditch	\$2,470.65	Big Creek	3/31 - \$143.37
Pine Flat Lat. A	\$743.54	Ralph Keping	3/31 - \$143.37

# Ditch Maintenance Contracts - 1986 (Cont'd.)

Pons Flat Lab. B	* 391.58	Ralph Rasing -	3/31 -	\$ 143.3
" " Let. C	* 903.60	Big Creek -	3/31 -	\$ 143.3
" " Let. D	* 641.06	Ralph Rasing -	3/31 -	\$ 143.3
Pons Flat Main	* 3,522.12	Big Creek -	3/31 -	\$ 143.3
Rusher Creek	* 444.40	Big Creek -	3/31 -	\$ 143.3
Singer Ditch	* 269.50	Eugene Rasing -	3/31 -	\$ 143.3
Wallermeyer	(To Be Rebid)	-	3/31 -	\$ 143.3
Pons Flat Lab. E	* 361.60	Big Creek -	3/31 -	\$ 143.3

East Ridge Subdivision/No Variance Required - #12, 29, 31, 32	
Eagle Slough Problems re I-164 - #30	
East Ridge Subdivision/Variance Granted w/ Stipulation 4/29 - #36	
Eden Place Sub/Drainage Plan App'd. 4/29 - #37-38	
Euler Subdivision/Drainage Plan App'd. 1/27 w/ Stipulation - #113	
Edmond Ditch - Inten. Dispute - #147-148, 162-164,	
Evanville Floor Company/Request for Variance re Signs - #149, 214-220	
Eastland Estates, Section D/Drainage Plan App'd. w/ Stipulation 4/28/86 - #158-159	
Eastland Estates, Section D/Change in Drainage Plan App'd. 5/27 w/ Stipulation - #165-166	
Eastside Industrial Park/Reglat of Lots 32, 33, 34 & 35 (Primary) - #167	
Eastside Industrial Park/Reglat/Drainage Plan App'd. 5/27 w/ Stipulations - #184-185, 191	
Edmond Ditch/List of Property Owners & Assessments - #189	
Edmond Ditch/Discussion re Improvements - #199-200	
Eastland Estates, Section D/Change in Drainage Plan - #204	
Elper Sub/Ditch Problems - #249 - #252, 258-259	
Eagle Slough Temporary Crossings - #255-256	
* Easley Engineering Firm/Conflicts - #311-312	
Eagle Slough Project (VCS-0787-ES) - #355-357	
" " " (Notice to Bidder re Am'l. into. - #369-370	
ENT New Sub/Drainage Plan App'd. 5/24/87 - #377-378	

Fort Point Sub - # 85, 96-98, 99-101, 106, 184, 185-188  
204, #286-289, 308, 330,

F

Green River Estates Sub (Sec. B-2) Drainage Plans App'd. 7/25/65 - # 6  
Green Gate Court Sub/Drainage Plans App'd. 4/29 - # 36  
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MINUTES  
VANDERBURGH COUNTY DRAINAGE BOARD  
JANUARY 14, 1985

The Vanderburgh County Drainage Board met in session this 14th day of January 1984, in the Commissioners' Hearing Room, with Commissioner Richard Borries presiding.

The meeting was called to order at 4:25 p.m. by Chairman Borries, who stated the order of business would be to approve the minutes of the previous meeting held on December 3, 1984, to reorganize the Board for 1985, and to consider drainage plans for two (2) subdivisions.

RE: REORGANIZATION OF THE DRAINAGE BOARD

Motion was made by Commissioner Cox that Richard J. Borries serve as President of the Drainage Board for calendar year 1985. A second to the motion was provided by Commissioner Borries. So ordered.

Motion was made by Commissioner Borries that Robert L. Willner serve as Vice President of the Drainage Board for calendar year 1985. A second to the motion was provided by Commissioner Cox. So ordered.

Motion was made by Commissioner Borries that Commissioner Shirley Jean Cox serve as a member of the Drainage Board for calendar year 1985. A second to the motion was provided by Commissioner Cox. So ordered.

President Borries advised that Commissioner Willner is absent from today's meeting due to the fact that he is in Indianapolis for purpose of attending meeting with Indiana State Highway officials, etc., concerning the proposed bridge over Harper Ditch on Morgan Avenue (together with the County Surveyor and County Engineer).

RE: APPROVAL OF MINUTES

The Chair entertained a motion concerning approval of the minutes from the previous meeting. Motion was made by Commissioner Cox that the minutes of the meeting held on December 3, 1984, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Borries. So ordered.

RE: CHAPEL HILL SUBDIVISION

President Borries said the first drainage plan to be considered is for the first addition to Chapel Hill Subdivision; Sam Biggerstaff is the representative of the petitioners -- will he be presenting the drainage plans? Or, will Chief Deputy Surveyor Bill Jeffers present the plans? Mr. Biggerstaff said that Mr. Jeffers will present the plans to the Board. Mr. Jeffers said the County Surveyor's office had received from Mr. Biggerstaff a complete drainage plan -- with calculations -- for the first addition of Chapel Hill subdivision. He said the calculations are standard and check out. They are all set on specific grades the way we like them, so we know they will handle the flow. Mr. Biggerstaff's office broke down the different sections of the subdivision into areas and calculate each lateral (because this is very hilly ground) and show how they plan to control each drainage area within the subdivision. Also depicted are the drainage easements which will be dedicated to handle the water flow calculated. The surveyor's office checked the calculations and agree with same. In addition to controlling the run-off within the subdivision itself, Mr. Biggerstaff has shown that there is substantial drainage coming from agricultural land (some of which is developed) and all the flow from outside is channeled into these structures that Mr. Biggerstaff designed. The largest pipe is 36" at the lowest end. In every case he's oversized the pipe. Mr. Jeffers said the drainage plan presented is what the Surveyor's office had asked for and received. It is their recommendation that the drainage plan be approved.

Motion to approve drainage plans as submitted for Chapel Hill Subdivision was made by Commissioner Cox. A second to the motion was provided by Commissioner Borries. So ordered.

RE: KIESEL SUBDIVISION

The next drainage plans concerned Kiesel Subdivision which, according to Chief Deputy Surveyor Bill Jeffers, is within Darmstadt. Each lot is greater than one (1) acre

(continued)

in size. Water will flow west off Fleener Rd., across Mr. Kahre's property and against Hillsdale Rd. Quite a bit of the water from Lots #3 and #4 would flow along Fleener Rd., down Darmstadt to a culvert about halfway down, then cross over to the east side and into a lake.

Commissioner Cox asked how much we're talking about coming across Kahre's property? Mr. Jeffers said he would say about half the water. He does not have a drainage plan per se; this is why he has provided another drawing. Engineer Associates has been in somewhat of a fix, because they lost a lot of records in the fire. Others suffered water and smoke damage only-- and it's possible that they have not gotten sufficiently reorganized to locate the subject drainage plan....they are in the process of moving. (Bill Nicholson is the engineer, and is not present for today's meeting.)

Commissioner Borries asked if the Town Board of Darmstadt also has to approve the drainage plan? Ms. Beverly Behme of the Area Plan Commission said that APC has sole control over subdivisions. If it were a rezoning, then it would have to go to the Town Board. She said they had never taken any plans for subs to Darmstadt Town Board, they've always brought them to the Drainage Board.

Mr. Jeffers said the only thing he would want clear on this -- his only concern since it is a small sub -- would be the notice re street and road improvements. Ms. Behme said this information is not included on the drainage plans any more. Therefore, he does not have to worry about this.

Continuing, Mr. Jeffers said that Mr. Kahre is aware of this new development and seemed to think that most of the water would be carried across Darmstadt Road by the culvert....the pipe is big enough to handle the water.

Commissioner Cox said she hesitates to approve a drainage plan when in essence, we really don't have one. She knows there are extenuating circumstances here. Mr. Nicholson is a very conscientious individual and she knows he wants to do a good job. But she is hesitant to approve something which the Drainage Board doesn't even know. They know what Mr. Jeffers is telling them; but, Mr. Nicholson should also tell them and they should be able to see a true drainage plan. It was determined that the APC will not meet until February 6th and another drainage plan could be prepared prior to that date....and a Drainage Board Meeting held either on January 28th or February 4th. Commissioner Borries said this matter would be deferred until the drainage plan for Kiesel Subdivision is ready and a Drainage Board Meeting is requested for purposes of approving same -- either on January 28th or February 4th.

Mr. Jeffers said this will also give him an opportunity to go out personally and look at Mr. Kahre's driveway plan, of which he was not aware until today....and see what the real story is.

RE: NOTICE OF CLAIM

President Borries asked that the following Notice of Claim be entered into the record:

December 27, 1984

To: Vanderburgh County Drainage Board  
City Courts Building  
Civic Center Complex  
Evansville, Indiana 47708

NOTICE OF CLAIM

RE: Property of Ralph A. Young

This is to advise that I represent Mr. Ralph A. Young who resides at 2009 Chickasaw Drive in Evansville, Indiana. It has been alleged that the government owns an easement of ten feet on the north edge of Mr. Young's property, which is Lot 32 in Chickasaw Park, as recorded in Plat Book J, page 132.

Both the City and the County are responsible for recent damage to Mr. Young's property in cleaning out a ditch known as Kolb Ditch in May of 1984. The damages

(continued)

to Mr. Young include the following:

- 1. Trespass
- 2. Damage to plants, shrubs and lawn

About every four years the ditch is cleaned out and in the past there has been similar damage. Mr. Young, attempting to be a good citizen, has just made the repairs himself and gone on with his business. This year the government repaired the property of the neighbor across the street, a Mr. Hyatt. Mr. Young called the County Surveyor's Office last week to inquire if the same repair work would be done to his property and stated that he needed to know by Friday. When the secretary asked him why, he stated that it was because he had an appointment to come down and see an attorney and he wanted to know beforehand whether or not the governmental agency (in this case, the County Surveyor's Office) would do anything about it. On Monday, June 11, 1984, Mr. Young talked to Mr. Robert Brenner, the County Surveyor, to inquire if his property would be repaired. Mr. Brenner allegedly stated, "No, since you got an attorney, just go ahead and sue us."

Therefore, we make this notice of claim to advise you that if the proper repairs are not made, Mr. Young will have to sue to collect his damages. His damages are in the neighborhood of Five Thousand Dollars (\$5,000.00). The date of the damage done to Mr. Young's property was May 8, 1984.

May we have the courtsey of a reply?

Yours truly,

NOFFSINGER & DEIG

Stephen K. Deig

cc: Vanderburgh County Board of Commissioners  
 Mr. Ralph A. Young  
 Mr. David Jones, County Attorney  
 Ms. Sue Ann Hartig, City Attorney

RE: CLAIMS

Mr. Jeffers said he had a number of ditch maintenance claims to be presented for approval. All of the subject claims have been checked against the minutes re contracts awarded concerning ditch maintenance, etc.

Commissioner Borries recommended that since the claims had been checked by the Surveyor's office that same be handed to the secretary for Commissioners' stamped signatures, following approval by the Board, rather than going thru the claims individually. Motion was made by Commissioner Cox that the claims for ditch maintenance, as submitted by the Surveyor's Office, be approved and submitted to the secretary for stamped signatures. A second to the motion was provided by Commissioner Borries. So ordered. The claims approved were as follows:

Merl Hoefling: Claim in the amount of \$557.10 for annual maintenance of Hoefling Ditch. (5,571 ft. @ 10¢ per ft.)

Ralph Rexing: Claim in the amount of \$391.58 for yearly maintenance on Pond Flat Lat. B. (2797 ft. @ 14¢ per ft.)

Claim in the amount of \$743.54 for yearly maintenance on Pond Flat Lat. A. (5,311 ft. @ 14¢ per ft.)

Eldon Maasberg: Claim in the amount of \$303.60 for yearly maintenance of Kneer Ditch (3,036 ft. @ 10¢ per ft.)

Claim in the amount of \$154.42 for yearly maintenance of Maasberg Ditch (2,206 ft. @ 7¢ per ft.)

(continued)

- Commercial Ditch Cleaning Co.: Claim in the amount of \$604.43 for annual maintenance Pond Flad "D" (less 40% retainage).
- Claim in the amount of \$271.08 for annual maintenance Keil Ditch (less 40% retainage).
- Claim in the amount of \$1,155.45 for annual maintenance Kolb Ditch (less 40% retainage).
- Claim in the amount of \$190.74 for annual maintenance Henry Ditch (less 40% retainage).
- Claim in the amount of \$528.28 for annual maintenance Harper Ditch (less 40% retainage).
- Claim in the amount of \$3,063.71 for annual maintenance of Boesche Ditch, Crawford-Brandeis, Extension -- less 40% retainage.(East Side Urban - North Half).
- Claim in the amount of \$7,101.58 for annual maintenance of Hirsch Ditch, Crawford-Brandeis Extension, Kelly Ditch, Nurrenbern Ditch, Stockfleth Ditch and Wabash & Erie Canal, less 40% retainage. (East Side Urban - South Half).
- Claim in the amount of \$620.10 for annual maintenance of Baehl Ditch, less 40% retainage.
- Claim in the amount of \$1,605.58 for annual maintenance of Aiken Ditch, less 40% retainage.

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 4:50 p.m.

PRESENT:

COMMISSIONERS

Richard J. Borries  
Shirley Jean Cox

AUDITOR

Alice McBride

COUNTY ATTORNEY

David Miller

SURVEYOR

Bill Jeffers

AREA PLAN COMMISSION

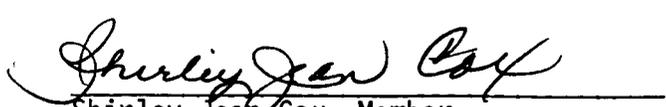
Beverly Behme

SECRETARY:

Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

MINUTES  
VANDERBURGH COUNTY DRAINAGE BOARD  
FEBRUARY 25, 1985

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MINUTES  
VANDERBURGH COUNTY DRAINAGE BOARD  
FEBRUARY 25, 1985

The Vanderburgh County Drainage Board met in session this 25th day of February, 1985, in the Commissioners' Hearing Room, with President Borries presiding.

The meeting was called to order at 4:20 p.m. by the president, who entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Willner that the minutes of the Drainage Board meeting held on January 14th be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

Deputy Surveyor Bill Jeffers said that he had several items to bring to the attention of the Board today. First on the agenda would be the approval of drainage plans for Green River Estates-Section B-2 and a subdivision covering a group of condominiums on the county line (between Vanderburgh County and Warrick County) -- since Mr. Aaron Biggerstaff is present to address these subdivisions, and as soon as the matter can be concluded he can return to work.

RE: GREEN RIVER ESTATES SUBDIVISION (SECTION B-2)

Green River Estates was approved (in a different format) with two (2) cul-de-sacs out there on the southwest corner (above the Church). Subsequently, the developer sold a parcel of the land to the Church for a parking lot and eliminated the two (2) cul-de-sacs, which gave him an extra one hundred (100) feet east and west. Other than the elimination of the cul-de-sacs, the only real change is that he added one (1) lot with the one hundred feet gained. The drainage plan for the previous platting of this subdivision was approved.

The Chairman asked for the recommendation of the surveyor's office; Mr. Jeffers said it is their recommendation that the drainage plans be approved.

Motion was made by Commissioner Willner that the drainage plans for Green River Estates Subdivision (Section B-2) be approved as presented. A second to the motion was provided by Commissioner Cox. So ordered.

RE: FOSTER CONDOMINIUMS (KINGSWOOD ESTATES)

Mr. Jeffers indicated that all the water from this development goes into Williams Ditch, which is a Warrick County Ditch on the Warrick County Line. This development was previously approved by us and forwarded to Warrick County for their approval. The only change is now this development will contain condominiums. Actually, the drainage plans have not changed.

Commissioner Cox asked if the Warrick County Drainage Board approved? Surveyor Robert Brenner said that they indicated they had no problems at all with the drainage plans submitted.

The Chair entertained a motion. Motion was made by Commissioner Willner that the drainage plans for the Foster Condominium development be approved, as submitted. A second to the motion was provided by Commissioner Cox. So ordered.

RE: IRIS SUBDIVISION

This subdivision is located on the Boonville-New Harmony Road. Beverly Behme of the Area Plan Commission said they had a telephone call today from individuals on the south side of the lake area who voiced an objection until such time as the water leakage problem is resolved. Currently, the water is leaking through the dam. Attorney John Staser contacted the APC in behalf of the individuals who live in Browning Road Estates (and Mr. Staser also resides in the area). In response to queries, Ms. Behme said the Subdivision Review Committee had previously recommended approval, and also recommended waiver of requirement for sidewalks, curbs and gutters. However, they were unaware of the problem with the lake until today. She tried to contact Mr. Elvis Douglas of Soil Conservation, but was unable to get thru to him prior to coming to this meeting. Soil Conservation Department generally has jurisdiction over dams.

Commissioner Willner said he thinks perhaps that the Board will have to defer this matter and forward it to Soil Conservation, asking for their recommendation. He asked that the record reflect that the Board approves the drainage plan into the lake,

but the Board has no expertise insofar as the leakage of the dam, etc.

Commissioner Borries asked that, lake problems aside, does the Surveyor's office see any real significant impact on the drainage in view of the lot size, if the septic systems, etc., are approved?

Mr. Jeffers responded that the developer volunteered to increase the size of the lots to allow for the septic system, etc.

Commissioner Borries stressed that what Commissioner Willner has said is that the existing problem is separate from the drainage, itself? Again, it was stressed that the problem is not with the lake -- in that it is running over. Rather, it is leaking due to ground hog holes, muskrat holes, etc. Commissioner Willner pointed out that any water running over the spillway is not the problem; it is the water leaking thru the dam that is causing the problem.

After further brief discussion among the members of the Board, it was determined that the matter should be deferred for one (1) week, with the Board seeking a recommendation from Mr. Elvis Douglas of the Soil Conservation Department in the interim, and a Drainage Board meeting being held next week to consider approval of the drainage plans.

Motion to this effect was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: SIMON KENTON SUBDIVISION

This subdivision is located on Mohr Road (east of the radio towers at St. Joe and directly west of the railroad). The Commissioners previously approved a waiver on sidewalks.

Commissioner Borries asked for the recommendation of the Surveyor's office on these drainage plans?

Mr. Jeffers said their recommendation is to have the engineer give us further information about the pipe which should be underneath the roadway where it enters Mohr Rd.

Motion was made by Commissioner Cox that this matter be deferred for one (1) week, until the engineer can provide the Board with information on the size of the culvert under the road, etc. A second to the motion was provided by Commissioner Willner. So ordered.

RE: WILDWOOD ACRES SUBDIVISION

Mr. Jeffers said this is a very simple subdivision, located on School Road #6. It is located on a private road. Purpose of subdivision is to build homes for a couple of family members, one of whom works for Jim Morley & Associates.

Commissioner Willner asked for the recommendation of the Surveyor, and Mr. Brenner said it is their recommendation that the drainage plans be approved. A motion to this effect was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: MARVIN KIESEL SUBDIVISION

This subdivision is located at the intersection of Darmstadt and Fleener Roads. This is the one where Mr. Jeffers worked up a drainage plan, but Mr. Nicholson could not be present to present the formal drainage plan due to the fire at his office. The Board had requested that Mr. Nicholson present a drainage plan. Mr. Jeffers presented the plan to the Board and said that the surveyor's office has made a field inspection to verify the size of the pipes shown (one under Darmstadt Road and the other under Hillsdale Road, which is the entrance to Kahre Subdivision). There is a drainage swell existing behind Mr. Kahre's storage building. There is already a building on Lot #4; the buildings on Lots #1 and #2 will drain to the west into a creek. The only real effect on runoff would be on Lot #3, and the water from that will go directly

(continued)

down thru a natural drainage path to an existing 18-inch corrugated metal pipe under Hillsdale Road. While Mr. Nicholson could not be here today, Mr. Jeffers said he feels that he has supplied sufficient information to enable them to recommend that the drainage plans be approved.

Motion to approve drainage plans for Marvin Kiesel Subdivision was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: UNION TOWNSHIP DITCH ASSOCIATION

Mr. Jeffers said that he was notified today by Mr. Floyd Titzer of the Union Township Ditch Association that the association did not complete their ditch work, due to climatic conditions and the necessity to concentrate on farming. Thus, they will not be filing claims for the year 1984. However, he would like to have his bond money back as soon as possible.

Commissioner Willner asked how they can have the bond money back if they did not do the work?

Commissioner Cox asked if the bond isn't put up to guarantee that the work is done?

Commissioner Willner said he had earlier given permission for the County Attorney to leave the meeting, thus he is not available for counsel. It was subsequently determined that any further discussion on this matter would be deferred for one (1) week and taken under consideration at next week's Drainage Board meeting. So ordered.

RE: CRAWFORD-BRANDEIS EXTENSION - RASH OF SUBDIVISIONS

Mr. Jeffers said that the Crawford-Brandeis Extension has a rash of subdivisions popping up, which are or will be asking for variances (one already has, Mr. Jake Raibley-- and there is also one across from the Eagles Country Club). Mr. Jeffers said he just wanted to make the Board aware that if we grant variance to one, we may be granting variance to more than one. He is speaking of variance to build within 75-ft. of the right-of-way. He said he suggest that this matter be discussed at next week's Drainage Board meeting, when we have one of the County Attorneys present.

RE: WASHOUT - WEST BANK OF WALLEMEYER DITCH

Mr. Jeffers said there is a washout on the west bank of Wallenmeyer Ditch in Armstrong Township, which was caused by the removal of some trees. This eventually led to erosion; the water is leaving Wallenmeyer Ditch, crossing several acres of farmland, affecting three different farmers, and entering Baehl Ditch a few hundred feet south of Nesbit Road. The washout is between a sycamore and walnut tree; a sub-surface drain tile comes out there. They had thought it was sub-surface drain water causing the problem. Instead, they discovered it is sub-surface drain water that is crossing about a half a mile south; the water is crossing those farms and washing out the road.

Another problem is that residents have already paid their money for the water to travel thru Wallenmeyer Ditch and the water is entering Baehl Ditch. The surveyor's office request permission to have a reputable contractor go out and repair about 200 ft. of the westbank. Cost would be around \$1.00 to \$1.10 per foot. They have \$400.00 remaining in that account. Again, the surveyor is requesting permission from Board to have the Big Creek Drainage Association pursue this as the contractor and fix it before planting season. Motion to this effect was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Commissioner Cox asked how the tree removal came about? Was this part of the annual maintenance? Mr. Jeffers said the trees were on one of the farmer's property and were impeding development of his property as agricultural ground. He took them out on his own. He did not cause the damage; it just developed over a period of years.

Mr. Jeffers said that maintenance of Wallenmeyer Ditch has not been done previously by Big Creek Drainage Association. However, they had expressed interest since all of their members are affected by this.

(continued)

RE: ZAYRE DEVELOPMENT - LYNCH ROAD

Mr. Jeffers said the Zayre Development on Lynch Road, which is moving toward annexation by the city, will affect Sonntag-Stevens Ditch in two ways. One, they will be taken out as taxpayers into the drainage fund when they go into the city. But, covering that 160 acres -- and possibly another 60 acres -- with warehouse and parking, will drastically affect the watershed by increasing the flow of water into Sonntag-Stevens. Our main concern is about the area where Sonntag-Stevens passes under U.S. Highway 41 and then the water goes on into Little Pigeon Creek (right about Hamilton's Golf Course). Mr. Jeffers said he wants to make the Board aware that the surveyor's office would like to begin working with the city and other folks who may be involved to try to get the water diverted so that it goes straight south to Pigeon Creek.

RE: DITCH MAINTENANCE - 1985

Mr. Jeffers said the Surveyor's office is in the process of preparing specs for 1985 Ditch Maintenance, which basically are the same as last year. They would like to get these advertised, with bid opening scheduled for April 1, 1985. Ditches to be cleaned in 1985 include:

- |                     |                        |
|---------------------|------------------------|
| East Side Urban     | Rusher Creek           |
| Barnett             | Singer Ditch           |
| Cypress/Maddox      | Lower Big Creek        |
| Edmond Ditch        | Buente Upper Big Creek |
| Helfrich/Happe      | Barr Creek             |
| Kamp Ditch          | Maidlow Ditch          |
| Aiken Ditch         | Baehl Ditch            |
| Eagle Slough        | Hoefling Ditch         |
| Harper Ditch        | Kneer Ditch            |
| Kolb Ditch          | Maasberg Ditch         |
| Pond Flat Main      | Wallenmeyer Ditch      |
| Pond Flat Lateral A | Henry Ditch            |
| Pond Flat Lateral B | Keil Ditch             |
| Pond Flat Lateral C | Sonntag-Stevens        |
| Pond Flat Lateral D |                        |
| Pond Flat Lateral E |                        |

The specifications for ditch maintenance will be presented at March meeting for approval, prior to advertising.....with bid opening taking place on April 1, 1985.

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 5:05 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>AUDITOR</u>	<u>SURVEYOR</u>
	Richard J. Borries Robert L. Willner Shirley Jean Cox	Alice McBride	Robert Brenner Bill Jeffers

<u>AREA PLAN</u>	<u>OTHER</u>
Beverly Behme	Aaron Biggerstaff News Media

SECRETARY: Joanne A. Matthews

*Richard J. Borries*  
Richard J. Borries, President

*Robert L. Willner*  
Robert L. Willner, Vice President

*Shirley Jean Cox*  
Shirley Jean Cox, Member

MINUTES  
VANDERBURGH COUNTY DRAINAGE BOARD  
MARCH 4, 1985

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    East Ridge Subdivision -----No Action Required;due to new information  
    received, matter is resolved----- 2

    Iris Subdivision -----Approved, subject to Recommendations of  
    County Engineer ----- 2 - 4

    Simon Kenton Subdivision ----Approved, subject to Recommendations of  
    County Engineer ----- 4 & 5

UNION TOWNSHIP DITCH ASSOCIATION/RETURN OF BOND ----- 1  
(Ditch Maintenance not accomplished in 1984; Bond to be returned

ZAYRE DEVELOPMENT ----- 5  
Jim Morley will be Engineer for Zayre; Surveyor working with Morley  
to address our concerns

11.

MINUTES  
VANDERBURGH COUNTY DRAINAGE BOARD  
MARCH 4, 1985

The Vanderburgh County Drainage Board met in session this 4th day of March, 1985, in the Commissioners' Hearing Room, with President Borries presiding.

The meeting was called to order at 4:25 p.m. by the President, who entertained a motion concerning approval of minutes of the previous meeting. Motion was made by Commissioner Willner that the minutes of the meeting held on February 25th be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: RETURN OF BOND TO UNION TOWNSHIP DITCH ASSOCIATION

County Surveyor Robert Brenner said that due to the high water and the constant rains during the harvesting season, which is also the time of year when the ditches would be cleaned, the Union Township Ditch Association was unable to clean any of their ditches. If you visited the area now, you'd still see corn standing which was never gotten out and the area is currently under water. The Association does not want to clean them. We could extend the time for them to clean them, but that is ridiculous. The Association had submitted a 5% Cashier's Check for all their ditches. They have been an excellent contractor. The people who have benefited are also the people who are doing the job. Since it is a factor of nature, Mr. Brenner said he believes their bond should be returned.

County Attorney David Miller asked if anyone else bid the job, and Mr. Brenner said they did not. No one has bid on those ditches other than Union Township Ditch Association for twenty (20) years.

County Attorney David Miller asked if anyone else did the job, and Mr. Brenner said they did not. Attorney Miller asked if the County suffered any financial loss as a result of this work not being done? Mr. Brenner said there was none. The money would have been paid to their ditch account anyway.

Attorney Miller said the only entitlement that Vanderburgh County would have would be in the event they hired someone else to do the work and had to pay a higher price for said work. If we are not going to have the work done before the 1985 contracts are let, then he sees no reason the bond should be held. Mr. Brenner said that if the bond were forfeited, it would go to the individual ditch account -- not to the County. So, they would get it back in one way or the other. It is his recommendation that the bond be returned to the Association and that we dispense with the cleaning of the Union Township legal drains that were bid during 1984, and proceed to bid the ditches for cleaning in 1985. A motion to this effect was made by Commissioner Willner, with a second being provided by Commissioner Cox. So ordered.

RE: CRAWFORD-BRANDEIS EXTENSION

Mr. Jeffers, Deputy Surveyor, said there are two subdivisions now before Subdivision Review Committee which are asking for variances or proposing to build within a 75-ft. right-of-way. A substantial portion of the lots within the subdivision lie within the 75-ft. right-of-way of Crawford/Brandeis Ditch. We also expect more subdivision proposals to be submitted in the future, due to the development in that area. Therefore, the matter needs to be discussed. Are we going to start allowing variances within the 75-ft. and, if so, how are we going to word the document that grants the variance so it will be fair to all parties who may come before us and ask for a variance? Are we going to do it piecemeal -- one subdivision at a time -- and give one subdivision 20 -ft. of the right-of-way, and the next subdivision 30-ft.?

Attorney Miller asked if they are going to put permanent structures within that 75-ft. right-of-way? Mr. Jeffers said that is correct. One of the developers is represented today by Mr. Aaron Biggerstaff, who is present. There is no way that the building could be built on the lot unless the majority of it is within the 75-ft. right-of-way.

There is also another subdivision that Jake Raibley has been discussing for nearly a year (for a boat marina of some sort) where he is asking to come within 30-ft. of the ditch with his building. Mr. Biggerstaff interjected that he believes it is Mr. Raibley's intention to build hold-barn types of buildings in order to repair and work on his boats.

(continued)

RE: DARIAN PLACE SUBDIVISION

Mr. Jeffers said that Mr. Raibley came to the Surveyor's office and explained that he'd have a marina or boat repair facility of some sort and they tried to work with him. At that time it was not a subdivision, he just wanted to see if it was worth his while to invest any money in developing this ground. The County Surveyor's office is responsible for letting contracts to dredge or clean the ditches and they have to protect their interests in that respect. At the same time, they always like to work with developers, as do the Commissioners, to increase the tax base. But we have to be fair to all parties involved. If we remove silt from this end of the ditch, according to Mr. Raibley's plan -- or because of them -- we would have to remove it all from the west side of the ditch (the same way on Harper Ditch behind Sears Service Center that we have to remove all the silt from the east side of the ditch). It cost additional money when we let those contracts, because the contractors realize that they have to have a certain size piece of equipment to reach both banks of the ditch from one (1) side. These are things we've done for other people in the past and there is no reason why Mr. Raibley shouldn't be given some consideration in this respect. But we need to be fair to everyone involved, including ourselves.

Mr. Brenner referred to the minutes of Drainage Board meeting held on October 1, 1984, and said there are two (2) pages covering the Board's discussion with Mr. Raibley. Mr. Jeffers said that both the surveyor's office and County Engineer Andy Easley have worked with Mr. Raibley trying to resolve the matter...toward helping Mr. Raibley make a decision as to whether he wants to be responsible for maintaining the ditch. He has never come back to the Board with a decision.

Commissioner Cox queried Mr. Jeffers as to Mr. Raibley's intentions at this time. Mr. Jeffers said he has submitted a plan for a subdivision (Darian Place).

Motion was made by Commissioner Willner that Darian Place be denied and that the Board's original offer to Mr. Raibley still stands, which was that if he cleans the ditch he may have the variance -- or he stay a specified number of feet from the ditch.

Mr. Jeffers said he is not certain that Mr. Raibley ever received the options in writing. Commissioner Willner said the Board's offer should be reflected in the Drainage Board minutes. Mr. Brenner requested copy of October 1 minutes for Mr. Raibley.

RE: EAST RIDGE SUBDIVISION

Commissioner Willner asked Mr. Jeffers for a recommendation concerning East Ridge Subdivision. He said that if the developer wants to return it to a 1-lot subdivision rather than a 2-lot subdivision and put one (1) house on it only, then he thinks the developer can put that house outside the 75-ft. right-of-way. He then asked Mr. Aaron Biggerstaff if it is correct that the one (1) house can be put in East Ridge Sub without infringing on the 75-ft. right-of-way? Mr. Biggerstaff said this is correct.

Commissioner Willner said that if this is the case, it requires no action on the part of the Board. Thus, due to new information received -- the matter is closed.

RE: IRIS SUBDIVISION

Commissioner Borries read the following correspondence concerning Iris Subdivision.

March 1, 1985

Ms. Barbara Cunningham  
Area Plan Commission  
Civic Center Complex  
Evansville, Indiana 47708

Dear Barbara:

I was out today to look at proposed Iris Subdivision site. In so doing, I observed the wetness problem on the back toe of Dr. Fenneman's dam. Based upon my observation and the information provided in your letter, I believe that he has a leakage problem.

(continued)

It is my opinion that carrying out the proposed development will increase the amount and rate of runoff; however, I do not believe that this will aggravate the leakage problem.

The solution to the leakage problem could be difficult and expensive to correct. Apparently this problem has persisted for some time, and has not adversely affected the lake. Therefore, a more practical solution may be to intercept the leak, and divert it to a safer location.

It appears that the leakage problem has generated much concern; however, I am more alarmed about the severe rating of the soils for septic absorption fields. Failure of septic systems could pollute the entire lake.

Sincerely,

Elvis O. Douglas  
District Conservationist

EOD/bjk

\* \* \* \* \*

Area Plan Commission  
Civic Center Complex  
Evansville, Indiana 47708

Re: Iris Subdivision (Dr. Robert J. Fenneman)

Dear Commission Members:

We represent Mr. William Wittekindt, Sr. Mr. Wittekindt owns property to the south of and adjacent to the proposed Iris Subdivision. Mr. Wittekindt's property has been platted as Browning Road Estates Subdivision West.

Mr. Wittekindt has a major concern regarding the proposed plat of Iris Subdivision. The lake, which is on the Fenneman property, constantly leaks on the south side and drains and settles on Mr. Wittekindt's property. The leak is always present no matter the time of the year.

If the Fenneman property is subdivided, two questions arise. First, how will septic runoff be controlled so it will not gather in the lake and then seep onto Mr. Wittekindt's property? Secondly, which property owner in Iris Subdivision will be responsible for controlling water seepage from the lake?

My client objects to the platting of the subdivision unless proper steps are taken to eliminate the seepage from the lake. We would recommend that as a condition of approval for the subdivision, the property owner be required to install drains in the area where the lake leaks in order that the water could be diverted away from Mr. Wittekindt's property and diverted into a pit with a sump pump in order to pump the water back into the lake.

Thank you for your consideration in this matter.

Very truly yours,

MITCHELL, STASER & SHAW

John S. Staser  
Attorney at Law

cc: Mr. William Wittekindt, Sr.  
Mr. Andy Easley

(continued)

Mr. Aaron Biggerstaff said he had talked with Dr. Fenneman. First of all, in the twenty-two years the lake has been there, the water has never gotten above the spillway. Secondly, before he built up the dam, the dam did admittedly leaked. But it leaked more than it does now. He is taking steps now to correct that problem and he will take Mr. Douglas' advice. If the subdivision is approved, he will take steps to work on this toe dam to at least divert the water -- if not stop the leak. From photos presented by Mr. Biggerstaff, it can be seen that the water does drain to the south (right thru the middle of Mr. Wittekindt's property). There aren't any homes within 300 ft. of that property.

Commissioner Willner pointed out, however, that it is still someone else's property. He asked if we have a leak or a seep?

Mr. Biggerstaff said they call it a "leak"...in any event, Dr. Fenneman has said he would go along with any recommendations to correct the situation.

Commissioner Borries asked for the recommendation of the County Surveyor and County Engineer insofar as halting leakage is concerned.

Mr. Easley said he would recommend that the owner of the dam be requested to install what is known as a toad ring, which is a narrow trench with a perforated pipe and pea gravel in it) in the vicinity of the seep or leak and then lay a 4" or 6" pipe underground all the way over to the culvert that Wittekindt has installed. That would dry up that area (it is a mess back there and a nuisance). If they properly constructed the dam (taking into consideration the state of the art of dam construction) they should not have that kind of a leak. The installation of this toad ring would be at a nominal cost.

Motion was made by Commissioner Willner that Iris Subdivision be approved, subject to owner of the dam taking recommendation of Mr. Easley to install toad ring in the vicinity of the leak and lay 4" or 6" pipe underground all the way to the culvert installed by Mr. Wittekindt. Mr. Easley to make a sketch in accordance with his recommendation. A second to the motion was provided by Commissioner Cox. So ordered.

RE: SIMON KENTON SUBDIVISION

Mr. Jeffers said this subdivision contains six (6) lots of one acre or more. He said he apologized for bringing this matter to the Board's attention at today's meeting, because he should have been able to dispense with it at the last meeting. He submitted photos, showing entrance to the subdivision (on Mohr Rd.). The entrance is immediately west of the New York Central Railroad tracks on the north side of the road (by a high hill).

Last week, the surveyor's recommendation was to size a pipe at the intersection of the private drive and Mohr Road. He said he offers his apologies because he did not realize that this is at the top of the hill -- and if we were to have them install pipe it would cost them \$1,000 plus and no drainage would pass thru the pipe. It breaks there and flows east and west.

Commissioner Willner queried Mr. Jeffers concerning the water coming down the driveway. Mr. Jeffers said the water coming down the driveway would enter Mohr Road and the ditch on either side of the driveway. It may cross Mohr Rd. So he believes Commissioner Willner is thinking in terms of a grate to carry the water either one way or the other -- or both ways. Commissioner Willner said that is absolutely correct, as we just went thru a lawsuit for not requesting one out on Green River Road.

Mr. Jeffers said this is a paved driveway so, theoretically, there will be no mud, except during construction period. Commissioner said that water will turn to ice in the winter. Mr. Jeffers said it is possible to crown the roadway so that the water will flow each way into the side ditches. Mr. Jeffers said the problem we're faced with is scheduled to go before Area Plan Commission meeting on Wednesday night (March 6th)

Commissioner Willner moved that Simon Kenton Subdivision be approved, subject to doing whatever it takes to prevent the water from draining out into the county roadway from that driveway.....in other words, some drainage facility to impede the flow of water down the driveway and onto Mohr Road. In response to Commissioner Willner's query, County Engineer Andy Easley recommended a slotted drain pipe.

Commissioner Willner then repeated his motion that Simon Kenton Subdivision be approved,

(continued)

subject to recommendations of County Engineer being adhered to, to stop the water from running down the driveway onto Mohr Road. A second to the motion was provided by Commissioner Cox. So ordered.

RE: DITCH MAINTENANCE

Mr. Jeffers said 1985 ditch maintenance advertisement to bidders appeared in today's paper, and they still expect to have bid opening on April 1, 1985.

RE: ZAYRE DEVELOPMENT

The Surveyor's office is keeping track of the Zayre development; engineer will be Jim Morley, and they have already discussed some of our concerns with him and he is working in that direction.

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 5:10 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u> Richard J. Borries Robert L. Willner Shirley Jean Cox	<u>AUDITOR</u> Alice McBride	<u>COUNTY ATTORNEY</u> David V. Miller
	<u>COUNTY ENGINEER</u> Andy Easley	<u>SURVEYOR</u> Robert Brenner Bill Jeffers	<u>AREA PLAN</u> Barbara Cunningham Beverly Behme
	<u>OTHER</u> Aaron Biggerstaff News Media		
<u>SECRETARY:</u>	Joanne A. Matthews		

Richard J. Borries, President

*Robert L. Willner*  
Robert L. Willner, Vice President

*Shirley Jean Cox*  
Shirley Jean Cox, Member

MINUTES  
VANDERBURGH COUNTY DRAINAGE BOARD  
MARCH 25, 1985

BIDS

1985 Annual Ditch Maintenance----To be taken under advisement for  
One (1) Week and Awarded on Monday, April 1st ----- 1 - 3

CHECKS FROM 1977 FOR DITCH MAINTENANCE

Endorsed by Board, payable to Remitter; Remitters George Seib & Paul Seib  
are being notified via mail to pick up checks ----- 1

MAIDLOW DITCH

Buente Lateral "A" & Maidlow were combined into one (Maidlow) ----- 3

PUBLIC HEARING

Baehl Ditch Watershed/Increase in Charges -----April 1, 1985 Hearing Date 4

VOTING MACHINE DEMONSTRATION----Subsequent to Drainage Board Meeting ----- 4

WEINSHEIMER DITCH

Vanderburgh County collects monies on this ditch and transmits same to  
Warrick County ----- 4

17.

MINUTES  
VANDERBURGH COUNTY DRAINAGE BOARD  
MARCH 25, 1985

The Vanderburgh County Drainage Board met in session this 25th day of March, 1985, in the Commissioners Hearing Room, with Vice President Robert Willner presiding.

The meeting was called to order 3:45 p.m., with the Chair entertaining a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Cox that the minutes of the meeting held on March 4, 1985, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Willner. So ordered.

RE: BID OPENING FOR ANNUAL DITCH MAINTENANCE

The Chair entertained a motion to have the County Attorney open the bids received on annual maintenance of ditches. A motion to this effect was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

RE: ADVERTISEMENT FOR BIDS RE ANNUAL DITCH MAINTENANCE

Commissioner Willner said he had before him an advertisement which appeared in the Evansville Courier and Evansville Press on March 4, 1985, listing the ditches on which bids would be taken for the cleaning of same. He asked that the record show that advertisement was given to the secretary for the files.

RE: MAIDLOW DITCH - CHECKS FROM 1977

Commissioner Willner said he has two Cashier's Checks from 1977, as follows:

1) Paul Seib	4/1/77	\$ 96.39
2) George J. Seib	4/1/77	\$101.95

The foregoing checks were not picked up by the remitter, and inadvertently turned up in an old file. Commissioner Willner asked if the checks could not simply be returned to the remitters. County Auditor Alice McBride advised that she had talked to the State man, and he said that since these are Cashier's Checks they do have to be endorsed by the Drainage Board. (Had they been Certified Checks we could have simply returned them to the remitters via mail.)

The Chair entertained a motion to endorse the subject checks, with notation on the check that sum should be paid to the remitter. Both parties are being notified via mail that they should come into the Auditor's Office and pick up subject checks. In response to queries from Commissioner Willner and Attorney Miller, Mrs. McBride said that ditch bid checks are not deposited into any account; the checks are held in the Auditor's office safe until such time as ditch maintenance has been completed and checked by the County Surveyor's Office.

RE: CURRENT BIDS FOR DITCH MAINTENANCE

In response to a query from Commissioner Willner, Bill Jeffers said the bids will be opened today and taken under advisement for one (1) week, with contracts being awarded next Monday, April 1st.

Tommy Goodman has taken over responsibility for ditches in the Surveyor's Office and has done a good job this year. Any other questions should be addressed to him.

Mr. Jeffers noted that Mr. Eldon Maasberg is present for today's meeting. He is among those currently bidding on ditch maintenance.

The following bids were read by Attorney David Miller:

COMMERCIAL DITCH CLEANING CO.

P.O. Box 741, Evansville, IN 47708

<u>Eastside Urban Drain- North Half</u>	18,370 L.F. @ \$0.314/Ft.	\$ 5,785.22
<u>Eastside Urban Drain- South Half</u>	43,313 L.F. @ \$0.279/Ft.	12,095.51
<u>Wabash &amp; Erie Canal</u>	4,279 L.F. @ \$0.35/Ft.	1,497.65

(Cashier's Check #A 839470 for \$968.92)                      Total                      \$19,378.38

(Continued)

<u>Pond Flat "D"</u>	4,579 L.F. @ \$0.159/Ft.	\$ 728.06
<u>Baehl Ditch</u>	6,890 L.F. @ \$0.209/Ft.	1,440.01
<u>Keil Ditch</u>	3,012 L.F. @ \$0.226/Ft.	<u>680.71</u>

(Cashier's Check #A 839469 for \$142.44) Total \$2,848.78

<u>Kolb Ditch</u>	7,703 L.F. @ \$0.27/Ft.	\$2,110.62
<u>Aiken Ditch</u>	9,911 L.F. @ \$0.249/Ft.	2,467.84
<u>Harper Ditch</u>	3,179 L.F. @ \$0.201/Ft.	<u>638.98</u>

(Cashier's Check #A 839471 for \$309.20) Total \$6,183.94

NORMAN E. MESSEL  
4208 Peters Rd.  
Evansville, IN 47711

<u>Sonntag Stevens &amp; Sonntag Stevens Extension</u>	10,705 L.F. @ \$0.176/L.F.	\$1,884.36
		<u>260.00</u>

Total \$2,144.36

(Corporate Check--NOT CERTIFIED--for \$107.21)

UNION TOWNSHIP DITCH ASSOCIATION  
1322 Hillside Terrace  
Evansville, IN 47712

<u>Barnett Ditch</u>	8,358 Ft. @ \$0.01	\$ 83.58
<u>Kamp Ditch</u>	11,160 Ft. @ \$0.03	334.80
<u>Edmond Ditch</u>	15,395 Ft. @ \$0.03	461.85
<u>Cypress-Dale-Maddox</u>	23,887 Ft. @ \$0.03	716.61
<u>Happe-Helfrich Ditch</u>	12,698 Ft. @ \$0.03	<u>380.94</u>

Total \$1,977.78

(Cashier's Check #W 15247 for \$98.89)

EUGENE C. REXING  
R.R.#1, Box 243, Stover Rd.  
Haubstadt, IN 47639

<u>Singer Ditch</u>	2,450 Ft. @ \$.11	\$ 269.50
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(Cashier's Check #300226 for \$20.00)

LEO C. PAUL  
11501 Diamond Island Road  
Wadesville, IN 47638

<u>Barrs Creek</u>	20,668 ft. @ 17½ per ft.	\$ 3,565.23
<u>Wallenmeyer Ditch</u>	8,355 ft. @ 13½ per ft.	<u>1,127.92</u>

\$ 4,693.15

(Cashier's Check #051776 for \$234.66)

BIG CREEK DRAINAGE ASSOCIATION, INC.  
17220 Old Owensville Rd.  
Evansville, IN 47712-8747

<u>Lower Big Creek</u>	7,501 ft. @ 14¢ per ft.	\$ 1,050.14
<u>Buente Upper Big Creek</u>	20,195 ft. @ 17¢ per ft.	3,433.15
<u>Pond Flat Main</u>	29,351 ft. @ 12¢ per ft.	3,522.12
<u>Pond Flat, Lateral C</u>	9,036 ft. @ 10¢ per ft.	903.60
<u>Pond Flat, Lateral E</u>	3,616 ft. @ 10¢ per ft.	361.60
<u>Maidlow</u>	16,471 ft. @ 15¢ per ft.	2,470.65
<u>Rusher Creek</u>	4,444 ft. @ 10¢ per ft.	<u>444.40</u>
	Total	\$12,185.66

(Cashier's Check #M 171311 for \$609.28)

RALPH R. REXING  
R.R.#5  
Evansville, IN 47711

Pond Flat, Lateral D 4,579 ft. @ 14¢ per ft. \$ 641.06  
(Cashier's Check #A 847663 for \$32.05)

ELDON MAASBERG  
R.R.#7, Box 354  
Evansville, IN 47712

Baehl Ditch 6,890 L.F. @ \$0.145/Ft. \$1,026.61  
(Cashier's Check #019204 for \$52.00)

Maasberg Ditch 2,206 ft. @ \$0.07 per ft. \$ 154.42  
Kneer Ditch 3,036 ft. @ \$0.10 per ft. 303.60

Total \$ 458.02

(Money Order #01-002020 for \$25.00)

JOHN F. MAURER  
R.R.#7, Box 365  
Evansville, IN

Hoefling Ditch 5,571 ft. @ \$0.10 per ft. \$ 557.10  
(Cashier's Check #10829 for \$27.85)

RALPH R. REXING  
R.R.#5  
Evansville, IN 47711

Pond Flat, Lateral A 5,311 ft. @ 14¢ per ft. \$ 743.54  
Pond Flat, Lateral B 2,797 ft. @ 14¢ per ft. 391.58

(Cashier's Check #A 847662 for \$57.00) Total \$1,135.12

GREEN GRASSHOPPER FLYING SERVICE, INC.  
R.R.#7, Box 313  
Evansville, IN 47712

Eagle Slough (Period Maintenance) 30,040 ft. -Spraying two  
(2) Times @ \$1,952.60 ea. \$3,905.20  
(Guaranteed Personal Check #8735 in  
amount of \$196.00)

Commissioner Cox raised a question concerning the bid by Commercial Ditch on the Wabash-Erie Canal. Commissioner Willner advised that it is part of East Side Urban Drain. Mr. Jeffers said his group calls this "Hirsch" Ditch!

A question was also raised by Commissioner Cox concerning Maidlow Ditch. In response, Mr. Jeffers said that Buente Lateral "A" had been combined into one ditch, with the latter being called "Maidlow".

Commissioner Cox also noted that she did not see Weinsheimer Ditch advertised. Messrs. Jeffers and Goodman advised that we simply collect the monies on that ditch and turn it over to Warrick County.

Mrs. Cox also raised question as to whether adequate funds are available in all ditch funds. Mr. Goodman said they have an account balance on each ditch, and they go by that.

Commissioner Willner asked that the record reflect that the bids and checks were turned over the County Auditor's Office. Copy of bids will go to County Surveyor's Office for their expertise and recommendation and entertained a motion to this effect. A motion to this effect was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

(continued)

RE: BAEHL DITCH PROPERTY OWNERS/PUBLIC HEARING ON INCREASED CHARGE

Mr. Goodman read the following letter, which had been sent to all property owners in the Baehl Ditch Watershed:

March 14, 1985

TO: ALL PROPERTY OWNERS IN BAEHL DITCH WATERSHED

TO WHOM IT MAY CONCERN:

The Vanderburgh County Surveyor's Office has determined that the Annual Ditch Maintenance charge established in 1965 is insufficient. The account balance is in the hole \$1,501.62 from the dredging of the said ditch. The total maintenance charge will be raised from \$727.00 to \$1,200.00, which is a 65% increase.

There will be a hearing in the County Commissioners' Chambers on this proposed change at 4:30 p.m. on April 1, 1985.

Robert W. Brenner  
County Surveyor

In response to query from Commissioner Willner, Mr. Jeffers said that Baehl Ditch has been dredged in portions over the past two (2) years. Commercial Ditch sub-contracted it to Steve Blankenberger in 1983 and Mr. Scheller had some work done in 1984....silt removal, etc. Mr. Jeffers said all of the silt removal was done in the upper 3/4 miles of the ditch. Some of the property owners did some work themselves, such as Bernie Baehl and his neighbor, etc. The work had to be spaced out over a period of years.....and the cost has always run like this -- real close to or in the red.

RE: VOTING MACHINE EQUIPMENT DEMONSTRATION

Commissioner Willner noted that one or two members of the news media are still present and asked that Mr. Lindenschmidt advise the time and place of Voting Machine Equipment Demonstration, following the Drainage Board meeting. Mr. Lindenschmidt said the demonstration will be held in Room 301 at 4:30 p.m., with a second demonstration beginning at 5:15 p.m. Other demonstrations are scheduled for April 8th and 22nd at 4:30 p.m. and 5:15 p.m. Efforts have been made to contact as many interested parties as possible, affording them an opportunity to attend the demonstration sessions.

There being no further business to come before the Board at this time; the meeting was declared adjourned at 4:25 p.m.

PRESENT:            DRAINAGE BOARD                      COUNTY AUDITOR                      COUNTY ATTORNEY

Robert L. Willner  
Shirley Jean Cox

Alice McBride

David V. Miller

COUNTY SURVEYOR

Bill Jeffers  
Tom Goodman

SECRETARY:            Joanne A. Matthews

  
Richard J. Borries, President

Robert Willner, Vice President

  
Shirley Jean Cox, Member

MINUTES  
VANDERBURGH COUNTY DRAINAGE BOARD  
APRIL 1, 1985

BAEHL DITCH - INCREASE IN ANNUAL MAINTENANCE CHARGE----Approved-----	3- 5
(Increase from \$727.00 to \$1,200.00 -- or 65%)	
BIDS	
1985 Annual Ditch Maintenance Contracts Awarded -----Approved -----	7
BROOKVIEW SUBDIVISION - DRAINAGE PLANS -----	1 - 3
Plans approved with stipulation that the lake will be made larger, made a retention basin, and Surveyor's recommendation on drainage from Old State Road to Retention Lake to be implemented	
BUENTE ACRES (11-S-85)	
To be placed on agenda for next month's meeting-----	1
CHECKS/DITCH BIDS	
Norman Messel's Corporate Check replaced with Cashier's Check and included with bid-----	1
DARIAN PLACE SUBDIVISION - REQUEST FOR VARIANCE -----	6 & 9
Postponed for One (1) Week, until Attorney completes research	
EAGLE SLOUGH PROBLEMS/I-164 -----	9
Surveyor to contact State re plans and keep Commissioners advised	
EASTRIDGE SUBDIVISION - REQUEST FOR VARIANCE---Postponed One (1) Week-----	
JAMESTOWN SUBDIVISION, SECTION K (CARROLTON COURTS)-----	7
Letter submitted for Board's perusal; to be taken under advisement for One (1) Week	
SCHEDULED MEETINGS-----	9
Drainage Meeting/April 8th -----	
TALL TIMBERS SUBDIVISION -----	3
Drainage Plans Approved, As Submitted -----	
VARIANCE/RIGHT-OF-WAY VS. STATE STATUTE -----	8- 9
Per State Statute, Attorney says Board may reduce 75 ft. right-of-way requirement to any distance not less than 25 ft. Attorney to check on Covenant re binding future landowners, etc. -- if the one landowner is interested in 25-ft. variance as opposed to requested 15-ft. variance.	

MINUTES  
VANDERBURGH COUNTY DRAINAGE BOARD  
APRIL 1, 1985

The Vanderburgh County Drainage Board met in session this 1st day of April, 1985, in the Commissioners' Hearing Room, with President Borries presiding.

The meeting was called to order at 4:40 p.m., with the Chair entertaining a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Cox to approve the minutes of meeting held on Monday, March 25th, as engrossed by the County Auditor and that the reading of same be waived. A second to the motion was provided by Commissioner Willner. So ordered. President Borries noted that the secretary had provided the Board with a notation concerning some mathematical corrections to be made concerning the bids, and said corrections should be reflected in the record.

RE: BID FROM NORMAN MESSEL/SONNTAG STEVENS & SONNTAG STEVENS EXTENSION

Commissioner Willner commented that the bid submitted by Norman Messel was not on a legal drain, but he bids on annual maintenance of said ditch every year. A corporate check had been included with the bid, as noted by the secretary. The secretary advised that Mrs. Messel had picked up the check this morning and brought back a Cashier's Check for inclusion with the bid.

Attorney Jones asked if anyone else bid on the subject ditch. Mr. Jeffers advised that there was only one bid on this particular ditch. Attorney Jones stated that had there been another bid, then Mr. Messel's bid would have been thrown out and the bid awarded to the other bidder if his bid was in order, as we cannot waive that requirement. A Cashier's Check, Bid Bond or Bank Money Order was the stipulation.

RE: BUENTE ACRES (11-S-85)

President Borries said he has a letter from Mrs. Barbara Cunningham, Director/APC, that 11-S-85 (Buente Acres) be placed on the Drainage Board agenda for next month.

RE: BROOKVIEW SUBDIVISION - DRAINAGE PLANS

President Borries asked Mr. Jeffers for the recommendations of the Surveyor's Office regarding Brookview Subdivision drainage plans.

Mr. Jeffers said he has three sets of drainage calculations on Brookview Subdivision -- one from Morley & Associates, one from Associated Engineers & Land Surveyors, and one from the Surveyor's Office. All three match. This subdivision is a part of Old State Country Club on Old State Road, north of Mt. Pleasant and south of Hillsdale Rd. It is outside the 100 year flood plain, as determined by the Corps of Engineers. However, it is subject to 100 year rainwater and that is what the calculations are based upon. Rather than 25 year flood, they have calculated at the maximum 100 year flood. They used a C factor of .4, because they are assuming that Clearcrest development may eventually become a reality. If they did it on rolling woodland and farmland, then it would have been .3 -- but they went ahead with .4, which is the maximum they could expect were Clearcrest developed upstream from this area. They calculated on the basis of a 62 minute rainfall, a land height of 95 ft. above this development to the top of the watershed. The watershed is 4,000 ft. long. They came up with a figure of 123.4 cu. ft. per second. All three engineering units did this to determine the size of the ditch which would be in the drainage easement along the north side of this development. This is the ditch which runs along the property line inside the 30-ft. drainage easement around to existing lake. After it leaves the lake, it goes thru a 102 inch corrugated metal pipe underneath the railway -- which is the L&N run around (or Seaboard Coastline run around Evansville). After examining all three drainage calculations, the Surveyor's Office recommended a minimum size ditch. That ditch would be 3 ft. across the bottom, 3.25 ft. deep, and have 1-2 side slopes, making the top of the ditch 16 ft. from top of bank to top of bank. They would recommend that the developer install a typical ditch of this size or the equivalent -- and the reason he says "equivalent" is because where this ditch forms a boundary between the developer's ground and Mr. Flittner, he will not have the right to come on over to Mr. Flittner's ground and make any improvements. He will have to dig the ditch all on his side, within the 30 ft. drainage easement. Thus, the developer will be required -- if he is unable to dig the ditch to this typical cross-section, he will have to dig an equivalent size ditch to carry the same volume. Commissioner Willner interrupted and said, "Or get the permission from Mr. Flittner, is that correct?" Mr. Jeffers said that as long as the resulting ditch is of this typical size (16 ft. across the top, 3¼ ft. deep and

(continued)

23.

3 ft. across the bottom with 1-2 slopes, which equals approximately 30 sq. ft.) -- it will meet the Surveyor's recommendation. As to whether he has an agreement with Mr. Flittner is of no concern to the Surveyor's Office.

The Surveyor's Office also recommends that the finished floor elevation of all the homes along the course of the ditch be 5.25 ft. above the flow line of the ditch. The reason they say this is because the top of the bank of the ditch really represents the 100 year flood elevation...because this is the size ditch required to handle a 100 year rain. To go 200 ft. above the flood zone in this case would require that they go 5.25 ft. above the top of the bank of the ditch..or above the flow line of the ditch. He directed the Board's attention to the engineer's notation on each house location on the plans as to the approximate finished floor level -- and in every case they are about 9 ft. above the flood line. This would be the maximum he would be able to obtain as the dirt is brought down the hill to make a spill. They're only requiring that it be 5.25 ft. above the flow line.

The third recommendation would be that when it reaches the lake, he would remove the existing pipe in the lake (outflow pipe) and install a simple spillway, so that any amount of water that might be restricted by that pipe would no longer be restricted, but could spill on out into the railway's large metal pipe and on down to Little Pigeon Creek. They feel that any flooding that has occurred there in the past was caused by that pipe being undersized, and if he removes it and puts in a proper spillway and clears the brush out of the ditch -- would allow for a 100 year rain to pass on thru the entire drainage structure.

Commissioner Willner asked Mr. Jeffers how much trouble it would be to make that lake a retention pond? Would it just take two (2) pipes -- or one (1) more than is there now? They want that level lowered somewhat anyway.

Mr. Jeffers said they want unrestricted flow out of that lake -- at specified elevation.

Mr. Willner said this could be done with a spillway or another pipe, couldn't it?

Mr. Jeffers said he believes the pipe would almost have to be eight (8) feet in diameter to do that. The pipe would have to equal the size of the ditch, so that the true volume that the ditch was carrying could also go out of the lake at the very same time. By the time...

Mr. Willner asked if he can say that after this ditch is done that there will be no more run-off than there was before? He doubts that. Mr. Jeffers said he can't say that there will. Mr. Willner asked why can't we utilize that lake? It looks to be 2-3 acres. Mr. Jeffers said they did mention that they were going to dredge that lake to acquire some fill - so the lake will be bigger than it is now. Mr. Willner said this water goes down almost to the Airport, Highway 57 and 41...to the Little Pigeon Creek. If we can help the drainage by making that a retention lake, why not do it? Mr. Jeffers said they would have to re-examine their figures unless the engineers here today have some recommendations on the matter, as their figures are based upon the flow coming into the lake, leaving the lake at the same time. Mr. Willner said he is speaking to that.

Mr. Sam Biggerstaff approached the Commissioners' table and said that he thinks what Mr. Willner is asking can be done easily enough -- by making the lake larger, deeper and putting a small pipe down at the bottom so that the water can run out -- or the lake could hold 4-5 inches of water before it starts to go over....Mr. Biggerstaff said it could hold several feet of water before it started to go over. That's easy to do and they will do that. They will make the lake bigger.

President Borries asked Mr. Elvis Douglas of the Soil Conservation Department if he had any comments concerning the plan submitted.

Mr. Douglas said the lake seems small and he was just asking Mr. Biggerstaff what size it was -- to determine how much temporary storage we can get. He did point out to him that it is going to be developed in phases, because Mr. Douglas was concerned about the amount of silt that was going to be leaving the area. There should certainly be a plan that once it is developed, they would go back in and remove the silt that built up during construction period. Commissioner Willner said this was a good point.

There being no further discussion, the Chair entertained a motion. Motion was made by Commissioner Willner that the drainage plan for Brookview Subdivision be approved, with the stipulation that the lake will be made bigger, made a retention basin, and

that the Surveyor's recommendation on the drainage from Old State Road to the retention lake be implemented. A second to the motion was provided by Commissioner Cox. So ordered.

RE: TALL TIMBERS SUBDIVISION

The engineer submitted drainage calculations, which were checked by Dan Hartman in the Surveyor's office. It is their recommendation that the drainage plans be approved. Mr. Jeffers said there is a drainage easement passing along the natural course of the water. These are approximately one (1) acre lots, with some slightly smaller and some slightly larger. The small lots are not basically along the course of the drainage easement.

The Chair asked Mr. Elvis Douglas of Soil Conservation for his comments. Mr. Douglas said he foresees no problems.

There being no further discussion, the Chair entertained a motion. Motion was made by Commissioner Willner that the drainage plans for Tall Timbers Subdivision be approved, as submitted. A second to the motion was made by Commissioner Cox. So ordered.

RE: HEARING - BAEHL DITCH ANNUAL MAINTENANCE CHARGE

Since there were individuals present in the audience who were present for purpose of public hearing on Bael Ditch Annual Maintenance Charge, President Borries announced that this would be the next topic of conversation. He read the following letter:

March 14, 1985

TO: ALL PROPERTY OWNERS IN THE BAEHL DITCH WATERSHED

TO WHOM IT MAY CONCERN

The Vanderburgh County Surveyor's Office has determined that the Annual Ditch Maintenance Charge established in 1965 is insufficient. The account balance is \$1,501.62 from the dredging of the said ditch. The total maintenance charge will raise from \$727.00 to \$1,200.00, which is a 65% increase.

There will be a Hearing in the County Commissioners' Chambers on this proposed change at 4:30 p.m. on April 1, 1985.

Yours truly,

Robert W. Brenner  
County Surveyor

Mr. Jeffers said they can't run the cumulative ditch funds or collected ditch funds in the red for too many years before they have to abandon maintenance on a ditch for a couple of years to accumulate enough to get out of the red. They've done that previously on Bael Ditch and it didn't work. It is in an area where there is a lot of brambles that spring up (blackberries, elderberries, etc.) and it got out of hand for the property owners to let it go for a year or two.

Mr. Jeffers said he may have said some things misleading to the property owners who are present because of the amount of -\$1,501.62 and they're going to raise it to \$1,200.00...it may take more than a year or two to get that ditch out of the red. He believes their concern may be, "Will it always be that high?" He would certainly hope that once we get it out of the red, we would only have to assess that amount required to do the yearly maintenance and allow their assessment to go back down to something more reasonable -- to their way of thinking.

Commissioner Willner said that when this -\$1,501.62 is erased, their payment will come down. It's not a possibility, it's a must. Mr. Jeffers said it will come down to the amount required to perform annual maintenance,

Mr. Tom Goodman of the Surveyor's Office interjected that we were taking in \$727.00 and the annual cleaning charge was over \$1,000.00.

(continued)

Commissioner Willner said that Mr. Goodman is saying that it might not come back down to the \$727.00, but it certainly will come down some.

Commissioner Cox said that it is going to take seven (7) years for it to come down.

Mr. Goodman said that some of the property owners own multiple lots, which makes the amount smaller. Mr. Jeffers said it does hurt individuals because of ownership in a small acreage of watershed.

Commissioner Borries asked if he understood Mr. Jeffers to say that this charge has not changed in twenty (20) years? Mr. Jeffers said the maximum assessment charge has been the same since 1965-1966. He believes it actually took effect in 1966; it was January 1, 1966, when we went to this system. The misleading statement he may have made to the property owners was that it would take a year or two to recoup that -\$1,501.62. It may take more years than that. They're only asking that the maximum assessment be raised and they will only carry this thru long enough to get the account balanced -- unless we have some other method of curing the problem.

In response to a query from the audience (which was inaudible) Mr. Jeffers said the way they proportion that -- there are a certain number of acres in the watershed (728.07 acres) and that is divided into the annual maintenance fee, which was running around \$700, which would be about \$1.00 per acre. To get the assessment out of the red, they have to raise the charge.

Commissioner Borries asked if the rate is \$1.65 per acre? It was about \$1.00 per acre and the 65% increase raises it to \$1.65 per acre approximately. Mr. Jeffers said this is correct.

In response to another query from the audience (again, inaudible), Mr. Jeffers said the property owners do not have to actually be on the ditch to be assessed -- it would include anyone in the watershed who is in an area that drains to the ditch -- on all sides. That would include anyone within the 728.07 acres surrounding the ditch -- up to the peak of the land where it would break and go back down toward Indiana 65 -- or a break where the water flows into Wallenmeyer Ditch rather than Baehl Ditch.

The Chair entertained further questions.

Mr. Jeffers said that Mr. Baehl is present; he owns quite a bit of ground in the subject area and has done quite a bit of work himself, some with the help of the county and some by himself or with the help of his neighbors. This is why he is concerned. Mr. Jeffers is certain, however, that Mr. Baehl understands the process.

Commissioner Cox asked if Mr. Baehl feels the county is doing a good job in cleaning the ditches?

Mr. Baehl said they are now, but they didn't before. They tore the side of the ditch down by cleaning with tractors in the ditch, etc. One time they didn't even mow it. They were not maintaining it, even though the property owners were paying for it. It got out of hand and filled up and the tiles were broken in. He and his neighbor cleaned out an 80 rod section ---no one else wanted to pay on it and the county was out of money--so he helped his neighbor pay for it.

Commissioner Cox said that Mr. Baehl and his neighbor shouldn't have to go out and privately do this.

A brief period of discussion between Mr. Baehl and one of his neighbors, Mrs. Meta Schaus (most of which was inaudible) -- in which Mrs. Schaus indicated she was getting a lot of water that shouldn't even be in the ditch to begin with....but Mr. Baehl said this was his situation. He had suggested the neighbors keep the ditch open --but nobody wants to work on it.

The meeting resumed with Commissioner Cox asking if the \$1.65 rate established will provide adequate maintenance for the ditch? If the property owners are paying the new \$1.65 rate, can they be assured that this ditch will be sprayed, mowed and the trees, etc., moved out of it for this rate?

Mr. Jeffers said that the ditch is all clear now from the beginning down to the railroad tracks. From the railroad tracks for the next 80 rods is good. From the

(continued)

quarter mile to Wallenmeyer Road is in good shape.

Commissioner Cox said her question is, if the property owners are doing it all, then what are we doing? Mr. Baehl said they are paying taxes to keep it clean and nobody is doing anything -- except them themselves. He has been satisfied with it in the last two years, however. The only way he can see for this to get done is for everybody to pay into it -- and he can see nothing wrong with the way Mr. Jeffers is doing it, because nobody else wants to take care of it, nobody else wants to pay on it -- so we should let everybody pay on it.

Mr. Jeffers said the reason he had asked Mr. Baehl about this was because Mr. Baehl and one of his neighbors did the first one quarter mile and the County did the next one half mile. He feels it is in good shape now. There is collapsing tile, but previously one of the contractors went into the bottom of the ditch with a mowing tractor and his wheels crushed the tiles. If we raise the assessment and require the future contractor (whoever he may be) to mow by hand and spray by hand -- then this amount of money will keep us in good shape for some time to come, because all the digging has been done for the 3/4 miles he's speaking of.

Commissioner Willner asked if the farmers who put drainage tile into the ditch seek the surveyor's permission before they do it? Mr. Jeffers said he believes all those tiles have been in there for years and years. Commissioner Willner said that we need to specify that if we find out who is doing that -- that the last 10 ft. of those tile be steel -- like tubular steel.

Mr. Baehl said in his opinion the tractor shouldn't even be in the ditch, because he runs the sides down -- and when you run the sides down, you pull the dirt into the bottom of the ditch. Mr. Willner said he does agree with the problem created, but cleaning the ditch by hand is going to cost more money than cleaning it via tractor. Mr. Jeffers said he meant the bottom of the ditch being cleaned via hand. Mr. Jeffers said we need to work with the farmers to mark the tile.

Another individual (unidentified) indicated that others have dug alongside the ditch so her water can't get into the ditch and it stays on her property.

President Borries expressed appreciation to Mr. Baehl and Mrs. Schauss for their comments. He said if there is some way the Board can be of assistance and, certainly, to give as good a service as possible considering the increase -- and to make sure this ditch work is done -- Mr. Jeffers will be happy to assist them to see if we can come up with some ideas if there are problems in that area. Again, he said we will try to insure that this charge will not be a permanent one -- that once we're able to make up the deficit in that particular ditch account then they will adjust the charge accordingly.

Mrs. Schauss commented further concerning the water on her property. Mr. Jeffers said that Mrs. Schauss is at the bottom of the hill and basically this area is a big soup bowl -- and the water comes from way up high and washes down -- and it has always gone across that ground. The only levee they can supply is the dirt that comes out of the ditch during dredging process -- they cannot haul dirt in there. It is up to the individual farmers to spread that dirt and use it as they see fit. The farmer who rents/leases from Mrs. Schauss has done that -- and he thought we had an agreement some years ago between all parties involved that everybody had their levee built up to the size with which they were satisfied. Thus, he is unaware of any problems in 1985 -- and he will be more than happy to meet with all parties involved and go out and make a physical inspection -- if necessary, during a 4 inch rainstorm -- to see just how and where this water is going. It is unfortunate that some people have lower ground than do other people.

Motion was made by Commissioner Willner that the increase for Baehl Ditch Watershed be approved, as recommended. A second to the motion was provided by Commissioner Cox. So ordered.

President Borries expressed appreciation to the Baehl Ditch property owners who had taken time to attend today's meeting. He said Mr. Jeffers will be happy to work with them and assist them as best he can. He said we're sometimes prone to promises -- but he can't promise we won't have a six (6) inch rain!

Commissioner Willner said he believed that Marcia Yockey (weather forecaster) said last night that the Ohio River raised seven (7) feet in one day -- and he never thought that possible.

(continued)

RE: DARIAN PLACE SUBDIVISION - VARIANCE

Mr. Jeffers said that Mr. Raibley wants a variance to build within thirty (30) ft. of the ditch. Commissioner Willner said that isn't enough space as far as he is concerned; he'll never get a dragline in there or a dredge of any kind from his side of the ditch.

Commissioner Willner said that if he remembers correctly, the legal distance is 75 ft. The Board waived that to 50 ft., and we'd clean the ditch. If he wanted to build any closer than 50 ft., then he must clean the ditch himself. In response to query from Mr. Biggerstaff, Commissioner Willner said that if Mr. Raibley cleans the ditch himself, he can go to 15 ft. of the top bank.

Mr. Biggerstaff asked for a copy of today's minutes; he will subsequently go to Mr. Raibley and tell him to give an agreement to the Drainage Board to this effect.

Commissioner Willner said we've already given him that.

Commissioner Cox interjected that the Board told him that, but he has never submitted a request in writing....or agreement to this effect.

Commissioner Borries advised Attorney Jones that this concerns a person who wants to build within a flood plain next to a ditch. We're asking for a short agreement saying he may do so if he agrees to clean his portion of the ditch.

Attorney Jones said he didn't think we let anyone put a permanent structure inside the 75 ft. right-of way.

Mrs. Cunningham asked what happens if the building is already there and he defaults on the cleaning of the ditch?

Mr. Biggerstaff said he is not a lawyer, but they said this 75 ft. of the ditch had been there years before. That's like saying he has to leave 75 ft. thru his property for a highway, too. This ditch has been in existence for some 50-75 years --

Commissioner Willner said the legal drain is covered by a State statute -- not the County. We have nothing to do with that.

County Attorney David Jones interjected that the agreement wouldn't be binding on the next owner. You can't bind whoever owns that land in the future.

Commissioner Willner asked if he's saying the Board can't waive the 75 ft. requirement?

Attorney Jones said Mr. Willner is changing what he originally said he'd do. He initially said he wanted to enter into a contract to say he could build within it in exchange for keeping the ditch clean. But what he is saying is that once whoever that contract is with dies, sells it, gives it away -- the next land owner will not be bound by that agreement.

Commissioner Willner said we did this at Eastland Place. We even let them come in and tile the legal drain.

There was continued conversation -- but inaudible -- because there were three -four conversations going on simultaneously (Commissioner Willner and Attorney Jones, Mrs. Cunningham and Beverly Behme and Attorney Jones, etc.).

The meeting continued with Attorney Jones indicating he does not want to say anything further until he checks the drainage code. He doesn't care what they did at Eastland Place; he wasn't involved in Eastland Place. Commissioner Cox stated that he was. But Attorney Jones said he did not sign off on that -- he has never said they could waive the 75 ft. Perhaps David Miller or someone else did, but he has never said that.

Commissioner Cox said it stands to reason that when you culvert something and enclose it with concrete you don't need to go in by the sides -- that's not the way you clean that. Commissioner Willner said they're still responsible to keep it clean. Commissioner Cox said she knows it -- but that is why you don't need the right of way.

(continued)

Motion was made by Commissioner Willner that Eastridge and Darian Subdivisions be postponed for a one (1) week period, to allow the Attorney time to research the statute. A second to the motion was made by Commissioner Cox. So ordered.

RE: JAMESTOWN SUBDIVISION, SECTION K (CARROLTON COURTS)

Mr. Jeffers submitted a letter to the Board, which he has drafted for their approval and signatures. He said the property owners in that subdivision have had a continual drainage problem, along with the property owners in East Meade Estates -- and what it boils down to is that some drainage structures have not been put in place. This letter would be an aid to Mr. Jesse Crooks in enforcing some building codes. He will not read the letter, but provide the Board with copies for their perusal and determination as to whether it would be appropriate for the Drainage Board to send the letter. President Borries said the Board will take subject letter under advisement for one (1) week.

RE: AWARDING OF ANNUAL DITCH MAINTENANCE CONTRACTS FOR 1985

Discussion turned to the bids for annual ditch maintenance. Commissioner Willner noted that Green Grasshopper will aerial spray Eagle Slough (two times, once in the spring and once in the fall). Mr. Goodman indicated that this is correct. Commissioner Willner asked if we have a problem with spraying from tractor on some of the ditches? Mr. Goodman said, "None that I can see at this time."

Mr. Goodman submitted the following list of Ditch Maintenance Contracts, all of which are the low bid. There were only two (2) ditches on which more than one bid was received (Baehl and Pond Flat, Lateral D) and the contract was awarded to the low bidder in each case.

1985 ANNUAL DITCH MAINTENANCE CONTRACTS

<u>DITCH NAME</u>	<u>CONTRACTOR</u>	<u>FOOTAGE</u>	<u>BID PRICE</u>
✓ Aiken	Commercial Ditch	9,911 L.F. @	.249/Ft. = \$ 2,467.84
Baehl	Eldon Maasberg	6,890 L.F. @	.149/Ft. = \$ 1,026.61
✓ Barnett	Union Twp. Ditch Assn.	8,358 L.F. @	.01/Ft. = \$ 83.58
✓ Baar's Creek	Leo Paul	20,668 L.F. @	.1725/Ft. = \$ 3,565.23
✓ Buente Upper Big Creek	Big Creek Drng. Assn.	20,195 L.F. @	.17/Ft. = \$ 3,433.15
✓ Cypress-Dale/Maddox	Union Twp. Ditch Assn.	23,887 L.F. @	.03/Ft. = \$ 716.61
✓ Eagle Slough	Green Grasshopper	30,040 L.F. (2 @	\$1,952.60) \$ 3,905.20
✓ Eastside Urban (North Half)	Commercial	18,370 L.F. @	.314/Ft. \$ 5,768.18
✓ Eastside Urban (South Half)	Commercial	43,313 L.F. @	.279/Ft. \$12,084.33
✓ Edmond	Union Twp. Ditch Assn.	15,395 L.F. @	.03/Ft. = \$ 461.85
✓ Harper	Commercial	4,002 L.F. @	.249/Ft. = \$ 996.50
✓ Helfrich/Happe	Union Twp. Ditch Assn.	12,698 L.F. @	.03/Ft. = \$ 380.94
✓ Henry	Commercial	3,179 L.F. @	.201/Ft. = \$ 638.98
✓ Hoefling	John Maurer	5,571 L.F. @	.10/Ft. = \$ 557.10
✓ Kamp	Union Twp. Ditch Assn.	11,160 L.F. @	.03/Ft. = \$ 334.80
✓ Keil	Commercial	3,012 L.F. @	.226/Ft. = \$ 680.71
✓ Kneer	Eldon Maasberg	3,036 L.F. @	.10/Ft. = \$ 303.60
✓ Kolb	Commercial	7,703 L.F. @	.27/Ft. = \$ 2,079.81
✓ Lower Big Creek	Big Creek Drng. Assn.	7,501 L.F. @	.14/Ft. = \$ 1,050.14
Maasberg	Eldon Maasberg	2,206 L.F. @	.07/Ft. = \$ 154.42
✓ Maidlow	Big Creek Drng. Assn.	16,471 L.F. @	.15/Ft. = \$ 2,470.65
✓ Pond Flat Main	Big Creek Drng. Assn.	29,351 L.F. @	.12/Ft. = \$ 3,522.12
✓ Pond Flat, Lat. A	R. Rexing	5,311 L.F. @	.14/Ft. = \$ 743.54
✓ Pond Flat, Lat. B	R. Rexing	2,797 L.F. @	.14/Ft. = \$ 391.58
✓ Pond Flat, Lat. C	Big Creek Drng. Assn.	9,036 L.F. @	.10/Ft. = \$ 903.60
✓ Pond Flat, Lat. D	R. Rexing	4,579 L.F. @	.14/Ft. = \$ 641.06
✓ Pond Flat, Lat. E	Big Creek Drng. Assn.	3,616 L.F. @	.10/Ft. = \$ 361.60
✓ Rusher	Big Creek Drng. Assn.	4,444 L.F. @	.10/Ft. = \$ 444.40
✓ Singer	Eugene Rexing	2,450 L.F. @	.11/Ft. = \$ 269.50
✓ Sonntag-Stevens	Norman Messel	10,705 L.F. @	.176/Ft. = \$ 1,884.08
✓ Sonntag-Stevens Extension	Norman Messel	-	\$ 260.00
✓ Wallenmeyer	Leo Paul	8,355 L.F. @	.135/Ft. = \$ 1,127.92

DRAINAGE BOARD  
April 1, 1985

Page 8

Commissioner Cox said she still doesn't see "Wabash-Erie Canal" anywhere. Mr. Goodman said it is a part of Eastside Urban ...or the Hirsch Ditch. The only reason that Commercial Ditch had that designation in their bid was because it was a special award last year. It is part of Eastside Urban Drain (Hirsch Ditch)....and they will be doing part of that anyway.

Mr. Goodman said on bids from Commercial Ditch Cleaning on Eastside Urban (North and South) the Board will note the figure on the North Half is .314. The reason there was a discrepancy in their bid price was because they went out to .3149...and that raised their total up something like \$14.00 or \$15.00. He talked to Fred Bleuenauer about this, and he dropped off the final digit and brought the price down to its current level. The same is true on the South Half. He went out with the extra digit .2792.... and when Mr. Goodman dropped that last digit, that lowered his bid total on this.

In response to query from Commissioner Cox, Mr. Goodman said we did receive bids on all ditches.

There being no further discussion, motion was made by Commissioner Willner that the ditch contracts be awarded in accordance with recommendation of the Surveyor's Office. A second to the motion was provided by Commissioner Cox. So ordered.

RE: COUNTY ATTORNEY - DAVID JONES RE VARIANCE

With regard to earlier discussion on variance for Darian Place and Eastridge Subdivisions, Attorney Jones quoted, as follows from the Indiana Statute:

"...Permanent structures may not be placed on any right-of-way without the written consent of the Board. Temporary structures may be placed on right-of-way without the written consent of the Board, but shall be removed immediately by the owner when so ordered by the Board or the County Surveyor.

Crops which are grown on the right-of-way are at the risk of the owner and, if necessary, in the maintenance/reconstructure of the drain crops may be damaged without liability on the part of the Surveyor, the Commissioners or their representatives.

Trees, shrubs, and woody vegetation may not be planted in the right-of-way without written consent of the Board and they may be removed by the Surveyor, if necessary, for proper operation.

Attorney Jones said this sub-section applies to the new regulated drains established after September 1, 1984 and to urban drains. The Board may reduce the 75 ft. requirement to any distance not less than 25 ft." The Board may also give their consent to put some structure in there.

Mrs. Cox asked if that is from the center of the ditch? Attorney Jones said...the center line of any top drain is the top edge of each bank of an open drain, as determined by the surveyor.

Attorney Jones said this would establish the Board's consent -- and they can do so. But the rest of it involves putting a covenant into ...binding future land owners.... Usually the covenant is a negative covenant and you don't do something. It's not that you have to go out and take some action. The Board can enter into a contract saying, "Our consent is conditioned upon your cleaning the ditch. When you quit cleaning the ditch our consent leaves and we'll knock down anything you put up." But his concern is binding it for the future -- for all time -- that's the part he is uncertain of. This is what the Board wants to do -- tie it up forever.

Commissioner Willner said they want to tie it up for the life of the building -- not the land.

Commissioner Cox said there may be an exercise in futility here, because she understands he wants to build 15 ft., and he may not be interested in the 25 ft. requirement. Before Attorney Jones does further legal research, the Board should determine if he is even interested in the 25 ft. requirement.

President Borries said the developer at Eastridge wants a 50 ft. variance, so he is o.k. The other fellow we have to inform of the 25 ft. variance or nothing.

(continued)

Mr. Borries said he believes we should simply interpret the statute the way it should be -- and let it go at that.

In response to query as to whether we let him pave the lot at risk, it was noted that that is correct.

RE: EAGLE SLOUGH PROBLEMS

Mr. Goodman said there is one further problem to be noted and that concerns Eagle Slough. In conjunction with I-164, the State will be going over Eagle Slough. The Surveyor's Office will be in touch with the State concerning their plans on this ditch -- because it looks as though there will have to be some changes. The Surveyor's Office will keep the Board advised concerning same. They will be going over four (4) legal drains.

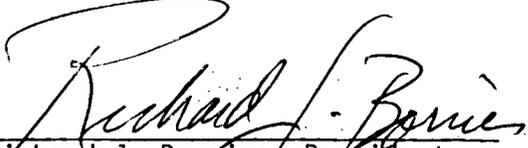
Commissioner Borries said it is his understanding that this should help improve the levee, however. We'll have a stronger levee.

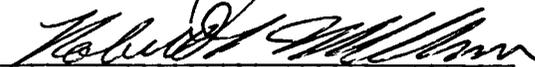
RE: SCHEDULED DRAINAGE MEETING

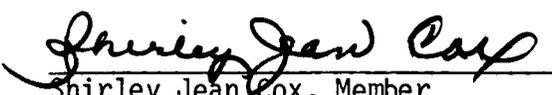
Mr. Jeffers said there will be another Drainage Board Meeting next Monday, April 8th, subsequent to the Commissioners Meeting.

There being no further business to come before the Board at this time, the meeting was declared adjourned at 5:45 p.m. by President Borries.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Richard J. Borries Robert L. Willner Shirley Jean Cox	Alice McBride	David L. Jones
	<u>COUNTY SURVEYOR</u>	<u>AREA PLAN</u>	<u>OTHER</u>
	Bill Jeffers Tom Goodman	Barbara Cunningham Beverly Behme	Sam Biggerstaff James Morley Mr. Baehl Meta Schauss
<u>SECRETARY:</u>	Joanne A. Matthews		

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

MINUTES  
VANDERBURGH COUNTY DRAINAGE BOARD  
APRIL 8, 1985

The Vanderburgh County Drainage Board met in session on Monday, April 8, 1985, in the Commissioners' Hearing Room, with President Borries presiding.

The meeting was called to order at 4:45 p.m., with the Chair entertaining a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Willner that the minutes of the meeting held on April 1, 1985, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was made by Commissioner Cox. So ordered.

President Borries asked that the record reflect that there was an amended price on the bid on Kolb Ditch per foot and that this change had been incorporated into the minutes of last week's meeting.

RE: DARIAN PLACE & EASTRIDGE SUBDIVISIONS

Mr. Jeffers said the Board had postponed for one (1) week requests for variances for Darian Place and Eastridge Subdivisions, to allow the Attorney to complete his research. Attorney Jones took exception to this saying he gave the research at last week's meeting.

Commissioner Cox pointed out that this was included in the minutes. However, as pointed out on the Index page under "Variance, etc.", which is at the bottom, the Attorney was to check on covenant re binding future landowners if the one (1) landowner is interested in the 25-ft. variance as opposed to the 15-ft. variance requested. The Board then said that before Attorney did any further legal research, we were to determine if the developer or property owner would agree or go along with the 25-ft. variance. This was indicated, but she does not believe we had any further direction.

Mr. Jeffers said the engineer for the developer stated that Eastridge Subdivision would not build within 25-ft., he was only requesting 50 ft. With regard to Darian Place, he indicated that he would be satisfied with the 25-ft., but that his parking lot would be within 5-ft. of the top of the bank.

Commissioner Borries asked if the parking lot were exempted then? It was noted that the restriction applied to "permanent structure".

Mr. Jeffers advised that neither the developer nor the engineer for either subdivision is present at today's meeting....and he is sure they were aware that we would be discussing the matter today.

Commissioner Willner queried whether we can ask the individual that if he wanted to come within 10-ft. of the ditch that he clean out the ditch from then on for the next umteen years and put this on his title -- that whoever owned the property from then on would clean it every year?

Mr. Jeffers asked if the covenant would bind the future owner the same as it does the present landowner?

Atorney Jones said, "Yes, but it would be subject to -- if needed - our being able to force him to take building down in the future, because that is the way the statute is worded. He doesn't think we could them any written guarantee that we couldn't require them to move the building in the future if it interfered with drainage....."

Commissioner Cox interrupted by asking if the covenant could say "if he failed to maintain that part of the ditch that the County could remove the building in order to clean the ditch." Attorney Jones responded, "Yes, yes." Commissioner Willner said that is what we wanted to know. He asked that each Commissioner put this down in their memory bank computer, so when Mr. Biggerstaff or his client comes back -- that we will remember.

Commissioner Borries asked that the Board read into the record the advice of the Attorney.

(continued)

Commissioner Willner said that if he understand the Attorney correctly, he advises that we can go further than 25-ft., if we require the owner of said land and building to maintain yearly that legal drain, so long as that building is in place or the Commissioners may request that the building be removed so that we may maintain the legal drain.

Attorney Jones interjected, "Or we can have the building removed at the owner's expense.....and we have to specify what portion of that legal drain."

Commissioner Borries said he had a question. Are we talking about a building now or are we talking about a parking lot?

Attorney Jones said we are talking about a structure. Commissioner Borries said you can put your equipment over a parking lot.

Attorney Jones asked what "maintain" means? Who determines what "maintenance" is? He says he cleans it once a year -- and we say we want it three (3) times.

Mr. Jeffers said the surveyor's inspection of the ditch would determine whether or not it was maintained in a manner equal to or better than the rest of the ditch.

Attorney Jones this would have to be written in the covenant.

Commissioner Borries said "Maintaining" would include what?

Mr. Jeffers said it would include spraying, mowing, moving obstructions, removing silt...if it required that it be dredged. Our original proposal to the man was that the property owner shall agree to pay the cost of hauling any spoil which, in this case, would mean silt or dirt, away from the property if, and when, the ditch required cleaning out. And we're talking about dredging.

Commissioner Cox said, "But that is if we were going to do it." Mr. Jeffers responded, "Right!"

Commissioner Borries asked if Mr. Jeffers would put into writing something which the Attorney can review -- like a covenant -- which would clearly indicate those items that the surveyor's office says they must do with regards to "maintenance".

Commissioner Cox said we need to have the gentleman up here before the Board with a set of plans showing exactly what he is going to do. If the building isn't going to go within the 25-ft., then we can give a waiver and act from there. But if it is, then we're going to have to have these other things.

Mr. Jeffers said he was originally willing that the majority of the building would be 30-ft. from the top of the bank and up to 50-ft. of the left of the building would be set 25-ft. from the top of the bank. That was what he originally agreed to do.

In conclusion, Mr. Jeffers said the surveyor's office will present to the County Attorney -- in writing -- what we would agree to.

RE: JAMESTOWN SECTION K OF CARROLTON COURTS SUBDIVISION/DRAINAGE PROBLEMS

Mr. Jeffers said he believes the only other pending matter concerns the drainage in Jamestown Section K of Carrolton Courts Subdivision -- and Mr. Jesse Crooks has indicated he will go ahead and handle this.

Commissioner Borries said he has a letter over the Commissioners' signatures to Mr. Crooks concerning subject drainage problems, and he read it into the record as follows:

April 1, 1985

TO: Jesse Crooks, Building Commission

Sir,

An existing and continuous drainage problem has been the source of numerous

(continued)

complaints from homeowners along the south line of the Jamestown Section K of Carrolton Courts Subdivision and the property owners along the north line of East Meade Estates.

The drainage problem is caused by the lack of a drainage ditch along the south line of Jamestown Section K as designed by the consulting engineer and approved by the Vanderburgh County Drainage Board. The installation of corrugated metal pipes as designed and approved has taken place, although the clean-outs or dropboxes did not exist at our last inspection of the project.

In addition, the lots on which homes are being constructed currently are generating material which appears to be impeding the flow of water into whatever portion of the drainage plan has been completed.

Our Board is strongly encouraging your department to take the necessary steps to urge the developer of Jamestown Section K of Carrolton Courts Subdivision to implement immediately the complete drainage plan as designed by his engineer, submitted by the developer and approved by the Vanderburgh County Drainage Board.

Sincerely,

Richard J. Borries, President  
Robert Willner, Vice President  
Shirley Jean Cox, Member

Mr. Jeffers said the foregoing letter will reinforce Mr. Crooks when he goes to the developer of Jamestown Section K.

Commissioner Borries asked if this is the same area served by the Division Street change-Burkhardt Road change? He's sure it is.

Commissioner Cox moved that the letter dated April 1 be signed and forwarded to Mr. Crooks.

Commissioner Borries said that Jim Morley had said there was a fall there of less than six (6) inches (speaking of the Burkhardt-Division Street drainage). Mr. Jeffers said he misunderstood Mr. Borries initially. This goes into Nurrenbern Ditch. As soon as they can connect these dropboxes, it will go immediately into Nurrenbern Ditch and be gone. It's just taken them five (5) years to put it in.

RE: SCHEDULED MEETINGS

Commissioner Borries asked if they have to have another Drainage Meeting next week-- Mr. Jeffers suggested they schedule the next meeting for sometime in May, as there will be a lot of subdivisions to come before the Board at that time.

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 4:30 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Richard J. Borries Robert L. Willner Shirley Jean Cox	Alice McBride	David L. Jones
	<u>SURVEYOR</u>		
	Bill Jeffers		
<u>SECRETARY:</u>	Joanne A. Matthews		

*Richard J. Borries*  
Richard J. Borries

*Robert L. Willner*  
Robert L. Willner

*Shirley Jean Cox*  
Shirley Jean Cox

34.  
 MINUTES  
 VANDERBURGH COUNTY DRAINAGE BOARD  
 APRIL 29, 1985

APPROVAL OF MINUTES-----April 8th meeting-----	1
APPROVALS OF DRAINAGE PLANS	
Buente Acres Sub-----Approved; matter of changing Schmuck Rd. to Koring Rd. to be handled separately -- B. Cunningham to submit request to Commissioners, etc. -----	3
Eden Place Sub -----Approved -----	3-4
Green Gate Court Sub ---Approved -----Owners to participate in Maintenance Fund for maintenance of Retention Basin, etc. -----	2-3
Greenbriar Hills Sub, Section II -----Approved -----	4-5
Plaza Court Sub -----Approved -----	5
DITCH MAINTENANCE	
Request for Reimbursement for Additional Ditch Maintenance from Big Creek Drainage Assn----B. Jeffers to check out further -----	5-8
REQUEST TO INVESTIGATE POSSIBILITY OF LEGAL DRAIN EXTENSION ----Area of Pollack Avenue/Capella Drive -----	
*B. Jeffers & Andy Easley to coordinate	9
REQUESTS FOR RIGHT-OF-WAY VARIANCES	
Darian Place -----Approved with 4 Stipulations -----	1-2
Eastridge Sub -----Approved with 4 Stipulations -----	2
Plaza East II Sub -----Approved with 6 Stipulations -----	1
*B. Jeffers to get w/County Attorney so the latter can prepare proper legal verbiage of stipulations, to be recorded in miscellaneous records in the Recorder's Office and copy included with abstracts, etc.	

MINUTES  
VANDERBURGH COUNTY DRAINAGE BOARD  
APRIL 29, 1985

The Vanderburgh County Drainage Board met in session on Monday April 29, 1985, in the Commissioners' Hearing Room, with President Richard Borries presiding.

The meeting was called to order at 4:30 p.m., with the Chair entertaining a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Willner that the minutes of the meeting held on Monday, April 28, 1985, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Borries. So ordered.

RE: REQUEST FOR VARIANCE - PLAZA EAST II

Mr. Jeffers said that Plaza East II is along Division Street (west of Harrison High School) and surrounds Dairy Queen. Plans for Plaza East II include Harper's Car Wash. Mr. Jeffers presented the Commissioners with a site plan for the car wash operation. SIGECO has a 50 ft. utility easement along the east line of Mr. Harper's property and Mr. Harper would like to build his car wash stalls up to that 50 ft. easement. In addition, he is going to build a drive inside the 50 ft. easement and SIGECO has granted tentative agreement to this. The surveyor's office recommends the following:

- 1) A 50 ft. set-back line from east property line for any permanent buildings or permanent appurtenances.
- 2) A 25 ft. set-back line from east property line, which is the top of the bank, for any semi-permanent or temporary appurtenances, shrubs, plantings or other improvements
- 3) An acknowledgment by the owner that any improvements, appurtenances, buildings, parking lots, driveways, plantings or other additions by him or his heirs or assigns are installed at the peril of the owner of record.
- 4) All aforesaid conditions of relaxation of the 75 ft. maintenance easement for Harper Ditch are made by the Drainage Board in exchange for a right of entry granted by the owner to the County through his northwest and southeast entrances and across his paved lot by mowing machines, earth moving machines, dirt hauling machines or other machinery deemed necessary by the County to maintain Harper Ditch only along that portion which adjoins the subject property, and only for a period of time until the State completes the frontage road -- and we can enter from the frontage road and no longer need his right of entry.
- 5) All set-back lines shall be noted on the plat and recorded in miscellaneous records in the Recorder's office.
- 6) All conditions will be made part of an abstract, along with an Exhibit "A" drawing.

Mr. Jeffers said he believes the foregoing will be a sufficient sign-off by the County to allow him to build that which he plans and still allow the county to maintain the ditch properly.

Motion was made by Commissioner Willner that the variance for Harper's Car Wash to 25 ft. be approved, subject to the six (6) conditions stipulated by the County Surveyor's office and read into the minutes. A second to the motion was provided by Commissioner Cox. So ordered.

RE: REQUEST FOR VARIANCE - DARIAN PLACE

It was noted by Mr. Jeffers that the owner of record of Darian Place is Mr. Jake Raibley. He has been before the Board several times; he is planning a marina or boat service center adjoining Crawford-Brandeis Ditch -- more or less near Complete Lumber Company (across the street). He has the same request, that we grant him a relaxation of our right of entry down to 25 ft. Conditions for that relaxation are as follows:

- 1) A 25 ft. set-back line from the east top of bank of Crawford-Brandeis Extension, as determined by the Vanderburgh County Surveyor and as drawn on the plat by Sam Biggerstaff, for permanent buildings.

(continued)

- 2) An understanding by the owner that any buildings, parking lots, driveways, curbs, plantings, or other appurtenances placed within the 25 ft. from the said top of bank are at the peril of the owner as per State Statute.
- 3) Relaxation is in exchange for a right of entry thru his entrance to Morgan Avenue and across the south line of his property -- but only as close to the right-of-way line as is physically possible for our mowing machines and other machines necessary for maintenance -- by way of Fairfield Drive into and across south line of owner's lot as close to highway right-of-way as possible and into and across owner's land within the 10 ft. easement along his north line.
- 4) That this be recorded on a plat in miscellaneous records in the Vanderburgh County Recorder's office and that a reduced copy, including the conditions of relaxation, be made a part of the abstract for all future owners.

Mr. Jeffers explained to Mr. Raibley that under certain conditions the County may have to come inside the right-of-way line to maintain the culvert -- and they will have to use his entrance until Fairfield Drive is built. Mr. Raibley indicated that this is agreeable to him. Mr. Jeffers said they do not care which plat this is recorded on, but whichever plat it goes on should be recorded in miscellaneous records, just like drainage plans.

Motion was made by Commissioner Willner that Darian Place variance be approved, subject to the four (4) conditions stipulated by the County Surveyor's office and read into the minutes. A second to the motion was provided by Commissioner Cox. So ordered.

RE: EASTRIDGE SUBDIVISION - REQUEST FOR VARIANCE

Mr. Jeffers said that Mr. Spurling is in the audience today; he is concerned with moving two (2) houses onto two (2) lots. In order to be able to locate a house on Lot B he needs a relaxation from 75 ft. down to 50 ft. The conditions for the relaxation are as follows:

- 1) A set-back line of 50 ft. from east top of bank of Crawford-Brandeis Extension, as determined by the Vanderburgh County Surveyor, for any permanent buildings (verified by Sam Biggerstaff, who is the land surveyor for Eastridge subdivision).
- 2) An understanding by the owner that any other appurtenances, etc., are at the owner's peril.
- 3) This is in exchange for permanent right-of-entry from Colonial Drive and across a 60 ft. easement at the south end of the owner's property, which is reserved for sanitary sewer facilities, and recorded Deed Record 674, Page 595 thru 597 for normal ditch maintenance by machines.
- 4) That this be recorded in the miscellaneous records on a plat and a reduced copy with the conditions attached or typed on included in the owner's abstract.

Mr. Jeffers said this is the same deal -- we're just asking for some right of entrance in exchange for relaxing it and he doesn't see any problems.

Motion was made by Commissioner Willner that the Eastridge variance be approved, subject to the four (4) conditions stipulated by the County Surveyor's office and read into the minutes. A second to the motion was provided by Commissioner Cox. So ordered.

Mr. Jeffers advised that the conditions for all the foregoing are to be prepared by the County Attorney, with the correct verbiage, and put onto the plat, the plats signed and recorded in miscellaneous records, and a reduced copy included with the abstract. Mr. Jeffers said he would like for the attorney to prepare the documents and include at the bottom, "Prepared by ....." (with the County Attorney's name).

RE: GREEN GATE COURT SUBDIVISION - DRAINAGE PLANS

The drainage plan shows the surface water will drain into a retention basin located at the north end of that property. Commissioner Willner moved that the record state that the agreement of the people owning those lots will be required to participate in a maintenance fund for the maintenance of that retention basin and these requirements should be added to the plot plan....is this agreeable? Commissioner Cox provided a second to the motion. So ordered.

(continued)

Mr. Andy Easley, County Engineer, offered the following recommendation. The Homeowner's Association should be so structured that they would have the power to file a lien against anyone's property whose owner did not pay their assessment. Commissioner Willner said Mr. Easley should talk to the County Attorney about that. Mr. Easley asked Attorney Jones if this would be possible? What if nobody wants to pay their share? Attorney Jones said the Homeowner's Association or anybody could grant somebody a lien, but it would have to be carefully and expressly written. Mr. Easley asked if it would be possible that the staff of the Homeowner's Association could do this so they have some teeth in their assessment? He believes they should be required to do that. If they put their hands in their pockets and don't take care of it.....Commissioner Willner interrupted by saying he understands that we have now given them the tool to do that. He doesn't think we need to do it for them. Mr. Easley said he does think that it should be set up in such a manner that the people who administer the Association will have all the strength they can gather. Commissioner Willner said one person has that prerogative now, not an organization. After it goes into a deed, one person in there can make all the rest of them do it -- at least that is his understanding. Attorney Jones acknowledged that Commissioner Willner's understanding is correct. Mr. Easley said he would think that the Homeowner's Association would actually get the title....and Mr. James Morley said he would think that they would actually get the title. It should all be written up together. Once something is pulled together that is acceptable --then you should use that.

RE: BUENTE ACRES SUBDIVISION - DRAINAGE PLANS

Mr. Jeffers said this development is located on Upper Mt. Vernon Road and a road still called "Schmuck", which he also suggests be changed to Koring Road .....it is already signed as "Koring", people are receiving their mail on "Koring" -- although that is neither here nor there and could be resolved at a later date.

In response to query from Commissioner Borries, Mr. Jeffers said the lots are all over one (1) acre. The central street is Caroline Drive, and this is going to be a private street. The lots adjoining Upper Mt. Vernon Road will have driveway entrances off Upper Mt. Vernon Road and the pipe sizes will be sized as they come in off Upper Mt. Vernon Road. Commissioner Willner said he is glad all the lots are over one (1) acre.

Commissioner Borries said there is a field sheet indicating there is an engineer's septic system on each lot approved by the Health Department.....Mrs. Cunningham noted there have been severe septic problems in the area or they wouldn't have said "engineer's septic".

The Board spent considerable time poring over the plans. Again, it was pointed out that although the County map shows "Schmuck" Road, it is actually "Koring" Road. Commissioner Borries asked Mr. Jeffers what the recommendation is of the surveyor's office? He said they recommend approval. With regard to name change of the road involved, Commissioner Willner said that Mrs. Cunningham merely needs to bring a recommendation concerning subject change to the Commissioners' meeting.

There being no further discussion, motion was made by Commissioner Willner that the drainage plans for Buente Acres Subdivision be approved, as submitted, with a second from Commissioner Cox. So ordered.

RE: EDEN PLACE SUBDIVISION

Mr. Jeffers said that Eden Place Subdivision is located on the proposed extension of Vogel Road, east of Green River Road on Mr. Harp's property. He think that Bob Evans' Restaurant is associated with this development. The Board has already approved the entire drainage concept according to Mr. Morley, when Mark came in for zoning. What the Board is seeing now is the exact pipe the way it was approved. Mr. Jeffers said this is all part of the development that the surveyor's office reviewed with Mr. Morley. They approved his drainage plan, which carries all the water back to Hirsch Ditch. They have already installed the pipe. Mrs. Cox asked if Mr. Jeffers has the drainage plan map? He said he might not have brought it with him, as the entire thing was previously approved. Commissioner Willner asked if there is any change? Mr. Morley said there was a master drainage plan presented to the Board at the time of zoning -- about three (3) years ago. Three years the developer did not know what would be needed, so the drainage plan was designed to take it as commercial -- and now the Board sees the commercial set-up. Mrs. Cox asked where the drainage plan is...she hasn't seen it.

Commissioner Willner asked which way the water drains? He responded that it all drains east, away from Green River Road.

(continued)

Mr. Morley said that Harp's property goes the first quarter mile -- it's 600 ft. wide -- at the east end of Harp's property is a big sewer which goes north to the Hirsch Ditch. then the property joins it on the east side and goes the next quarter mile -- and Eden's sewer is exactly like Harp's -- the same size, the drainage is the same, the continuity, etc.....and north of Hirsch Ditch was sized to accommodate both. That is exactly the same plan presented three (3) years ago at the time it was assumed that this is what they would need to get out of there, because that is where that big 150 ft. wide SIGECO easement is.

Commissioner Willner asked if the road plan has been approved? Mr. Morley said he has them ready and could have brought them -- but he will bring them next Monday. But the road is 40 ft. wide, with a 60 ft. right-of-way, rolled curbs, gutters, etc.

Returning to the matter of the drainage plans for Eden Place, Commissioner Willner asked for the surveyor's recommendation. Commissioner Cox asked if the Board does not have a set of drainage plans showing the size of pipe, etc., because she has never seen any drainage plans? Mr. Morley said the plans are exactly the same as that of Harp's -- a carbon copy -- except it's just a flip-flop. Upon Commissioner Willner's request, Mr. Morley approached the Board's table and proceeded to explain the drainage plans for Eden Place. He said there is a 60 inch sewer. He then designated 48 inch pipe, 36 inch pipe, inlets, etc., as he pointed to the plan.....the Board remembers seeing Harp's plan, and, again, Eden Place is just a flip flop of those same plans.

There being no further discussion, motion was made by Commissioner Willner that the drainage plans for Eden Place be approved. A second was provided by Commissioner Cox. So ordered.

Commissioner Cox said that either the surveyor or Mr. Morley should have brought the drainage plans for Eden Place.....there have been times when other requests for approval have been postponed because the Board could not see subject plans -- the Board should be consistent.

Mr. Jeffers said that since it was a mirror image of one previously approved, he assumed that everyone had a copy of it. Mr. Biggerstaff said he'd vouch for Mr. Morley -- he saw the plans a couple of years ago. Mr. Morley reiterated that he would bring the plans to next week's meeting. He said he is not sure he understands why the Commissioners have to see them first, since they have to be presented at the Area Plan Commission this coming Wednesday night. Commissioner Cox said, "Because they voted that way". Mrs. Cox explained that if the Area Plan Commission votes "yes" on a preliminary on a subdivision, then subsequently comes back and finds there are a lot of drainage problems -- it makes people on the Area Plan Commission feel uneasy.

RE: GREENBRIAR HILLS SUBDIVISION, SECTION II

Mr. Morley explained that again he does not see the plan which shows the pipes on this one....where he showed the pipe size. Mr. Jeffers said that Mr. Brenner has their copy -- and he's left the building. Mr. Morley said he could go back to his office and get a copy. On the available drawing, all the contours and the creek are shown -- but all he is doing is putting the water in a pipe -- that's all that happens. The pipe size is either 42 inch or 28 inch. He has it sized for the 25-year storm flow and the drainage calculations, etc. He has all of this at his office. He needs Area Plan to hear this Wednesday night. He doesn't care if the Commissioners hear it again, just as long as APC hears it Wednesday night.

Mrs. Cunningham said the policy has been that they need drainage approvals first. It's a good policy for the APC, because they feel that a lot of questions have been answered and everything ironed out.

Mr. Morley continued by saying he has a storm sewer (starting off at 36 inches and changing off to 42 inches) ....as he pointed to the available drawing. The street runs downhill and there is no other sewer. Mr. Easley asked what type of pipe Mr. Morley has? He said probably it is concrete, as they will be building a street over it. The entire thing funnels down into the creek --and he has a single storm sewer -- and he pointed to designated inlet areas. Mr. Easley asked Mr. Jeffers if he checked the plans and were they satisfactory? Mr. Jeffers said they had seen the plans and there is no controversy. Commissioner Willner queried Mr. Jeffers as to the recommendation of the surveyor's office. Mr. Jeffers said that, based upon the plans they reviewed, they recommend approval.

(continued)

Commissioner Willner asked Commissioner Cox if she wants to take action based on the surveyor's recommendation or wait until next week when she can see the actual drainage plans? Mrs. Cox said that she would go along with approving the plans based upon the surveyor's recommendation. If the surveyor's office had the plans and just didn't bring them to the meeting, then Mr. Morley cannot help that.

Motion was made by Commissioner Willner that drainage plans for Greenbriar Hills Subdivision, Section II be approved. A second to the motion was provided by Commissioner Cox. So ordered.

RE: PLAZA COURT SUBDIVISION - DRAINAGE PLANS

Mr. Jeffers showed the Commissioners the old plat of Plaza Court Subdivision, which was approved and recorded, including drainage. There were 52 lots altogether. The drainage all flows back to Walnut Street and is then collected and taken out of the subdivision into Bonnieview Extension and then into Crawford-Brandeis. However, he pointed out that from a dotted line south (on the drawing) there are 42 lots. In designated area, the small rectangular lots are 80½ ft. wide.

Continuing, Mr. Jeffers presented the new plan. There still remain 42 lots on the south side....so there are the same number of houses. However, there is less concrete coverage and less impermeable surface, because you have the same number of houses but less street....rain can't go down into it. Thus, there will be less run-off. The sewers outlined in yellow in the plans have all been installed. They are requesting now that we change lot size. Rather than 80.5 ft. they are 90.1 ft., so they are larger lots....but the same number of houses and less street. The intent and purpose of the drainage plan is exactly the same. Mr. Morley pointed out that the sewers were put in three years ago, but they never sold any lots. Nonetheless the same drainage calculations apply. We are lowering the culvert on Burkhardt by three (3) feet, which will get us better drainage. The majority of those who have voiced their opinion on the drainage plan were served by Bonnieview Extension, which stands in water occasionally. By lowering the pipe at Burkhardt and Division, we'll get the water out faster.

Commissioner Willner queried Mr. Jeffers concerning the recommendations of the surveyor's office? He said it is their recommendation that the drainage plans be approved, as submitted.

Mrs. Cunningham noted that the first plan for Plaza Court was never recorded. It was noted at that time that the drainage plan was critical and the final drainage plan must be an engineer-certified, recorded and implemented on site by a certified engineer and she is certain that is what they will want to put on this one. Mr. Jeffers said there were to be no basements unless certified waterproof by the Building Commissioner.

Commissioner Willner asked if there will be concrete streets? They'd better be. Mr. Morley said builder was talking asphalt.

There being no further discussion, motion was made by Commissioner Willner that drainage plans for Plaza Court Subdivision be approved, as submitted. A second to the motion was provided by Commissioner Cox. So ordered.

RE: REIMBURSEMENT FOR ADDITIONAL DITCH MAINTENANCE

Mr. Jeffers proceeded by indicating he only has one other piece of business to discuss with the Board. He'd promised the Big Creek Drainage Association he'd bring an item before the Board today. He distributed copies of the following letter:

April 18, 1985

To: The Vanderburgh County Drainage Board

Re: Reimbursement for Additional Ditch Maintenance

Dear Board Members:

Many of our members have expressed their desire to participate in much needed improvements to five (5) legal drains under your jurisdiction in Scott and Armstrong Townships. The legal drains addressed in this request are:

(continued)

1. Maidlow Ditch
2. Buente Upper Big Creek
3. Pond Flat Lateral "C"
4. Pond Flat Lateral "E"
5. Rusher Creek

Our association is working closely with the Vanderburgh County Surveyor and his staff concerning the advisability and necessity of the recommended improvements and the availability of budgeted and surplus funds now in the various accounts for the ditches.

In the case of Maidlow Ditch, the county surveyor already has recommended to your board an eight hundred (800) foot dredging from St. Joe Avenue west to the land of Hoffherr's Nursery. The work was delayed one season at the request of the landowners, but we are ready now to complete the job which will create a ditch comparable to the upstream portion of the Maidlow Ditch. We feel that as long as the ditch has been improved from its beginning to St. Joe Avenue, and from the Zwahlen farm west through the Thiel property, we might as well improve the remaining portions of Maidlow Ditch so that no problem areas will remain.

In the other four (4) ditches mentioned above, we already have begun maintenance which includes totally dredging or partially dredging certain portions of the ditches. The work we have completed to date will be in lieu of spraying, mowing and burning as those methods of weed removal are now unnecessary due to the earth-moving operations. We, therefore, are asking the Vanderburgh County Drainage Board to approve payment of the enclosed claims which are based upon the per foot rate of the bids awarded to the Big Creek Drainage Association for yearly maintenance in 1985, on the ditches listed.

In addition, we are asking your board to approve our proposal to continue much needed maintenance by dredging of the five (5) listed ditches using existing surplus funds now in the accounts of the five ditches. Attached you will find a schedule of available funds as per information provided to us by the County Surveyor. We hope that the county surveyor will recommend his approval of our request at its meeting on April 29, 1985.

We appreciate your cooperation in the past years and look forward to working with you to continue to improve the legal drains which serve our members.

Yours truly,

John Bittner, President  
Big Creek Drainage Association

Mr. Jeffers said the second letter addressed to the Board is from the Surveyor's office:

April 29, 1985

Vanderburgh County Drainage Board  
Room 305 Civic Center Complex  
Evansville, Indiana 47708

Re: Big Creek Drainage Association

Big Creek Drainage Association has been pursuing an aggressive program of ditch improvements in Northern Vanderburgh County for the past several years.

Our office has been cooperating with the association members by aiding their program, whenever we feel the benefits are worth the expenditure of time or money.

The association wishes this year to improve several ditches which have needed certain improvements for many years. We feel we have available funds in certain ditch accounts to help implement the improvement.

Attached you will find a chart of work proposed by Big Creek Drainage Association and funds available in the affected accounts.

Our recommendation is to use that part of the surplus money reflected by the chart

to pay for improvements to the five ditches which the association proposes to improve.

Sincerely,

Bill Jeffers, Deputy Surveyor  
Vanderburgh County

Mr. Jeffers said attachments are included providing schedule of available funds, based upon information provided by county surveyor's office. Big Creek wanted to know how much surplus we had in our accounts.

Commissioner Cox asked if it took all this to tell them? Mr. Jeffers said "No", they then wanted to use the surplus. They are proposing that they use the surplus to help for improvements being made to and proposed for Maidlow Ditch, Buente Upper Big Creek, Pond Flat Lateral "C", Pond Flat Lateral "E, and Rusher Creek. Basically, they are out there doing some dredge work before they plant corn. They have already completed some of it. After they plant their corn they are going to do the rest. This is dredge work that has needed to be done for years. They discovered we had some surplus building up and they want to use it. The County Surveyor's office agrees that the work needs to be done. They went out and inspected work already done by Big Creek; specifically, on Buente Upper Big Creek they have done about 9,000 ft.; Pond Flat "C", they've done about 6,000 ft. They are in debt to the contractor for work done (not in debt, but obligated to pay for work done) and the work that has been done makes mowing and spraying unnecessary, because they dredged the bottom and the sides back and the plants and grass are not there anymore; thus, they will not have to spray. They will not have to mow. Thus, it is the surveyor's recommendation that we pay them at the 1985 bid per foot price, as follows, for annual maintenance of feet already done.

Buente Upper Big Creek	- 17¢
Pond Flat "C"	- 10¢

They still have some footage to do and they will get paid for that when they do it..... after it is inspected, probably in the fall.

With regard to Sheet "B", they want to go ahead and do more work. Last year the Board authorized them to do about 800 ft. on Maidlow west of St. Joe Avenue, but due to property owner's request concerning crops, etc., they put off doing that. They want to do that plus some more.

In response to Commissioner Cox's query, Mr. Jeffers said that Big Creek Drainage is the successful bidder on all five ditches. They tell Mr. Jeffers that it cost them about 29¢ to 30¢ per foot. Using estimated 30¢ per foot, he estimated total cost of what they want to do, gave a surplus amount that exists (on Sheet B). He doesn't want to spend it all; he wants to keep some surplus so he has a recommended payment from surplus and a year-end balance of what we're retaining. This will be paid upon completion, following inspection, if they do this dredge work. This schedule is for the purpose of giving them some idea (if they go ahead and do the work) of the money they have coming back. These farmers want it done and they want it done right. They will end up spending more money than we're going to pay them. But he feels we should help them out because we do have those surpluses available.

Commissioner Willner asked if we're taking money out of one ditch fund and spending it in another? Mr. Jeffers said we absolutely are not. We will not transfer -- and that is where they are going to get shorted; because some ditches do not have any surplus. (Pond Flat "E" only has \$340.00 surplus, for example). He's only going to give them \$300 no matter how much it cost to do the work on this ditch.

With regard to Maidlow Ditch, they propose to do about 8400 ft. Basically, that's everything that's left. They have done everything down to St. Joe and they did the Thiel's property thru an agreement between Thiel and the County. Mr. Zwahlen did everything himself -- the Board will recall that. We're going to do everything from St. Joe Avenue to Zwahlen. And between Zwahlen and Thiel is already done. Then we're going to do everything from Thiel on to the end of the ditch. They are going to do the work. The reason we want to do it this way is because they can get a contractor cheaper than we can..at30¢ per foot...and we can't do it. Commissioner Willner asked if we don't have to advertise and take bids? Mr. Jeffers said that Big Creek already has the maintenance contract this year. They discovered we have some surplus funds and they want to dredge it. We can take bids if we want to -- but the last time we took bids for

(continued)

dredging it was something like 90¢ per foot.

Commissioner Cox said the total amount of money we're talking about here is well under \$7,000 (if she did her adding correctly).

Mr. Jeffers said they have already done some work on their own. Commissioner Willner said we did not advertise for this extensive work to be done -- we just advertised for maintenance. Commissioner Willner said that if they bid on it and we take that going price they can do anything they want to with it. But he doesn't think we can go ahead and give them the rest of that money and not advertise -- he doesn't believe that.

Mrs. Cox said the mowing and spraying cost is not anywhere near what dredging cost would be. Commissioner Willner said that this is what Big Creek does, though. They take the mowing and cleaning portion and they dredge it. That's why he asks if they're going to keep all the money in the same ditch. But he doesn't think we can disburse any money without a bidding process -- he doesn't understand it. He called on Attorney Jones for his expertise.

Attorney Jones said he thinks the county should do it the way they did before.

Commissioner Cox brought up the Sonntag-Stevens Ditch. What did we do on that? Mr. Jeffers said the reason we did that was that we found the measurement on Sonntag-Stevens came in short. Mrs. Cox said this is not what she was referring to. She said we eliminated one of the ditches. Mr. Jeffers said that was Upper Big Creek Lateral "A" and made it a part of Maidlow. Mr. Willner said that was a consolidation of ditches and that is all right. Commissioner Cox said the Board approved an additional cleaning of "x" number of feet and, to her knowledge, we did not advertise for that. That was last year. Commissioner Willner said someone put in a bid for it. Commissioner Cox said she believes they agreed to do it at the same amount that they did the other. Commissioner Willner said that is all right; we still had to advertise and take bids on a portion of it. He'd be willing to do it ...

Commissioner Willner said we have to remember they bid last time, but they bid too high and we took the low bid ... on dredging that same ditch, east of St. Joe Avenue. Does Mr. Jeffers recall this? Mr. Jeffers recalled that Commissioner Willner is right. It came in at something like \$1.15 per ft. and 90¢ from the other guy. Now, all of a sudden, they can do it for 30¢ per ft. The same guy is doing the dirt moving. Commissioner Willner said he understands that. One guy hired them as a subcontractor and their bid was 90¢; another guy hired them as a subcontractor and their bid was \$1.15. Now, all of a sudden, they are doing it themselves and the same guy is doing the work and it's 30¢ per foot. Commissioner Willner said that somewhere along the line you have to bid it.

Mr. Jeffers suggested that we have a meeting with Big Creek -- he wants to know what is going on.

Commissioner Borries asked if the Board wants to move to advertise at this point and Mr. Jeffers tell them.....

Commissioner Cox interrupted by saying they won't bid 30¢ per ft.....

Mr. Jeffers said that Big Creek only has a copy of what the surplus was. Commissioner Cox said that Commissioner Willner is absolutely correct; they are going to use this 15¢ monies and hook it on -- the highest total it could be would be 47¢ per ft. That sounds pretty cheap to her.

Mr. Jeffers said that when you take everything on those ditches and add it together, the maintenance cost will run between 19¢ and 39¢ per ft. The lowest jack-up would be 2¢ per ft.

Commissioner Willner said Mr. Jeffers can do what he wants to do with the ditches. But he still has to bid it and Big Creek has to participate in that bidding process.

In response to Commissioner Borries' query as to whether Mr. Jeffers wants a motion to advertise, he said that we have some time. They are planting corn right now. Mr. Borries asked why it was brought up at this time then? Mr. Jeffers said because he promised Big Creek that he would and because they have already done some dredging.

(continued)

RE: POLLACK/CAPELLA AVENUES

Mr. Easley asked if Mr. Borries had had time to determine feasibility and how to finance work on south side of Pollack Avenue -- the 250 ft. of pipe, basically in Warrick County? Commissioner Borries said this is by Capella Avenue. He's also had a call from another gentleman and that fellow really has some problems. It worries him so much that he is afraid he is going to lose his home. Mr. Easley said that Earl Brown is going to check to see what the hole in the culvert looks like ... Mr. Jeffers said he was not aware that Mr. Brown was going to do that. Mr. Easley said they cannot deepen that ditch. They're going to have to drop the culvert about 2½ ft. They have to lay a pipe (he thinks it's 15-inch pipe. He is afraid they will have to do some work in Warrick County. The Commissioners said they'd let us do anything we wanted to do and .... Mr. Jeffers said they agreed we could do anything we wanted to do as long as we paid for it.

Mr. Jeffers said he will say one thing; we are collecting money in that watershed and sending the money to Warrick County.

Commissioner Borries asked if we could write a letter to the Warrick County Drainage Board to see if we could use some of the monies (ditch funds) on Weinsheimer? Mr. Jeffers said he would first determine whether this individual is paying an assessment on Weinsheimer Ditch. If he's paying an assessment, then that's the way we should approach that -- as he is sure of getting rid of his water.

Mr. Morley said we could make it a legal drain extension. The Commissioner could petition themselves, because it is damaging Capella Drive -- it's causing Capella to save in. You can petition if it affects a roadway, a school..... you just have to send a registered letter.

Mr. Easley said he thinks that parcel is controlled by Angel Mounds; they have given him a written authorization to make a ditch across that parcel -- he has a copy of this.

Commissioner Borries said that if we can proceed that way, then he'd like to do it as quickly as we can, we've talked with this man for a long time. Mr. Easley said he calls him at least twice a week. Commissioner Borries said he's also had other calls and he doesn't know what to tell them short of telling them that whatever we need to do with Warrick County is a real problem.

Mr. Easley said that both he and Commissioner Borries recognize the problem ..and we need to....

Commissioner Borries asked if we can go ahead and send registered letter and proceed with petition on legal drain? He requested that Messrs. Easley and Jeffers get together on this so we can proceed.

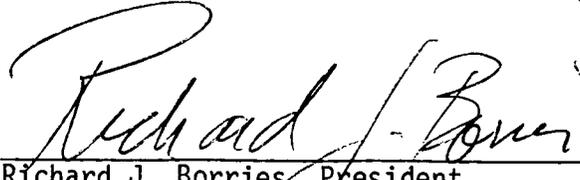
There being no further business to come before the Board, Commissioner Borries declared the meeting adjourned at 5:55 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Richard J. Borries Robert L. Willner Shirley Jean Cox	Alice McBride	David Jones
	<u>COUNTY SURVEYOR</u>	<u>COUNTY ENGINEER</u>	<u>OTHER</u>
	Bill Jeffers	Andy Easley	Sam Biggerstaff James Morley Wm. Spurling Jake Raibley
	<u>AREA PLAN</u>		
	Barbara Cunningham Beverly Behme		
<u>SECRETARY:</u>	Joanne A. Matthews		

44.

DRAINAGE BOARD  
April 29, 1985

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Richard J. Borries, President



Robert L. Willner, Vice President



Shirley Jean Cox, Member

MINUTES  
DRAINAGE BOARD  
MAY 29, 1985

APPROVAL OF MINUTES -----April 29, 1985 ----- 1

BIDS

\* Notice to Bidders for Additional Ditch Maintenance on Rusher Creek & Maidlow Ditch to be advertised 6/1/85 and 6/11/85, with bid opening scheduled for 6/24/85-----2 & 3

CLAIMS - BIG CREEK DRAINAGE ASSOCIATION (40% of Annual Maintenance Contracts & Change Order on Pond Flat, Lateral "C"-----3 & 4

DRAINAGE PLANS - SUBDIVISIONS

Bickmeier Estates -----Approved; Copy of plans to be in hands of Area Plan Commission by June 5, 1985 -----2, 4 & 5

Brookshire Estates (Five)----Approved; Copy of plans to be in hands of Area Plan Commission by June 5, 1985 ----- 2

Plaza Court Subdivision -----J. Morley to write State Highway requesting permission to work on their right-of-way; County to subsequently write letter to State Highway to request they amend their design drawings on Division to reflect lower grades, etc. ----- 1 & 2  
Permission granted to drop grades on drainage plan for Plaza Court previously approved by the Board. Klassy to do excavation to lower the ditch on Division St., if Feds approve lowering of Burkhardt Rd. Ditch.

\*Notice to Bidders will appear in Courier & Press on June 4th and June 11th. Legal Ad Department called to say space was not available to run all legals on June 1st, and this was one of the ads omitted. They advised that it will be run on June 4th and June 11th.

MINUTES  
DRAINAGE BOARD  
May 29, 1985

The Vanderburgh County Drainage Board met in session on Tuesday, May 28, 1985, in the Commissioners Hearing Room, with President Borries presiding.

The meeting was called to order at 4:10 p.m., with the Chair entertaining a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Willner that the minutes of the meeting held on April 29, 1985, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: PLAZA COURT SUBDIVISION

President Borries said the first subdivision to be discussed today is Plaza Court Subdivision. Mr. James Morley of Morley & Associates said the Board has previously received, reviewed and approved the drainage plans for Plaza Court Subdivision. However, with regard to the conversation which has just taken place with Lee Gallivan of the Federal Highway Administration concerning the deepening of the ditch on Burkhardt, they have finished the road grades on that ditch and the ditch along Division Street is so shallow that the road grades are about 1.3%. The copy of the State Highway drawings that Mr. Klassy has concerning their proposed ditch grades on the new Division Street do not show deepening that ditch. Mr. Klassy wants two things:

- 1) That someone make contact with the State Highway and, assuming the Burkhardt Ditch lowering is approved by the Feds, that someone then request that the State Highway's plans for Division Street also be adjusted down so that they deepen the ditch along Division Street. That will enable Mr. Klassy to better drain the subdivision. It will lower those grades.
- 2) If that would be approved, permission to drop the grades on the drainage plan previously approved by the Board.

Mr. Morley said his other question, of course, is -- can you go in there once you do Burkhardt (since Division Street may not come for a couple of years) and grade it out just to lower the ditch? He knows this is not the Drainage Board's jurisdiction, maybe a midnight lowering or something! But we need it lowered and we're two years away -- just as we need Burkhardt lowered. That ditch has no depth in it right now, but their plans do not reflect lowering it. He doesn't know how to approach it. Mr. Klassy and others along there need that ditch lowered.

Commissioner Willner said he is in agreement.

Mr. Easley asked Mr. Morley how much he is talking about dropping it? Mr. Morley said that at that point, Burkhardt Ditch drops three feet. If we could get it 18 inches to 2 ft. lower at the site, then that would be all that would be necessary.

Mr. Easley asked if this would be part of Plaza Court's drainage improvements? Is this what he is proposing?

Mr. Morley said that Mr. Klassy is proposing to drop the ditch. If he is offering to do that, can we then pursue it in that manner? Mr. Klassy will do the excavation to lower that ditch and we just proceed through the State Highway and get a permit to work on right-of-way? He feels that we could obtain such a permit.

The Chair entertained questions from the Board. Commissioner Willner said this would save a lot of problems; Mrs. Cox indicated her agreement.

Mr. Morley said it would be a lot surer -- if he is willing to do the work -- than if we push somebody else to do it. If he would lower the ditch, even though it may not be to the full width that the State Highway wants it designed -- at least it will establish the design grade that we are after -- some 2 ft. deeper than it is right now.

Commissioner Borries said that this is agreeable to him.

Mr. Morley asked Mr. Klassy if he wants the Drainage Board to sign the front sheet of the drainage plan previously presented, even though we're probably going to lower it 2 ft.? Mr. Klassy said he would appreciate this.

Mr. Morley said that if he can get this worked out and get the State's permission to lower it, then he'll change those grades and drop them on the plans and resubmit a

(continued)

reproduced copy for the Drainage Board records.

Commissioner Willner asked if the county is going to draft that letter?

Mr. Morley said he would like for the county to draft the letter. However, he requested that they wait until he write letter requesting permission to work on their right-of-way to lower it. Then the Board can follow up with a letter (he'll obtain the name of the individual to whom said letter should be sent in Indianapolis) requesting that they amend their design drawings to lower it to those grades.

Commissioner Borries asked Mr. Klassy if this is satisfactory? Mr. Klassy responded in the affirmative.

RE: BICKMEIER ESTATES

Commissioner Willner said that Mr. Joe Elpers has a subdivision called Bickmeier Sub. It is at the southern end of Bickmeier Road, which is a 20 ft. wide county road. He has consented to give the county \$5,000, in case we should ever want to widen the county's portion of Bickmeier Rd. He said he signed this last week (agreement to accept that) and whether we accept the \$5,000 at some future date for the road widening is up to the Commissioners. He just wanted to make the Board aware of his actions in the matter.

Mr. Jeffers asked if Mr. Griggs has submitted a drainage plan for Bickmeier Estates? He said he was in his office earlier; but when he looked up, Mr. Griggs had gone. He did, however, have a drainage plan. Commissioner Willner asked if Mr. Griggs knew to bring it to the Drainage Board meeting? Mr. Jeffers said he had told Mr. Griggs to bring it to the meeting between 4:00 - 4:30 p.m. He said the developer has been working very hard with the property owners to get all of this settled.

Pending the appearance of Mr. Griggs at the meeting, further discussion on this subdivision was temporarily deferred.

RE: BROOKSHIRE ESTATES (FIVE)

Mr. Jeffers presented a plan of the condominiums immediately east of Brookshire, whose east line is the county line. He said that Mr. Sam Biggerstaff is the engineer on this project and he has sized all the pipes. Mr. Foster has increased the lot size over his previous plan. He has drainage plans to carry all the water through a 12-inch corrugated metal pipe over to the street and down through a 15-inch corrugated metal pipe, thence into a temporary ditch. This matches up with the condo project and goes into retention pond, thence into Williams Ditch and back into Warrick County.

Continuing, Mr. Jeffers said he wants to sit down with Bev Behme of the APC and they will draw up a new plat, showing all this -- and she can put it in her files. The surveyor's office recommends passing drainage plans for Brookshire Estates, based upon Mr. Foster installing the size pipe designated to carry water to the retention lake. If the Board were to approve this today, there will be a plat on file tomorrow in the APC, showing exactly what the surveyor's office recommends and what they will accept.

Commissioner Cox queried Mr. Jeffers as to what "temporary ditch" means? Mr. Jeffers responded that it is temporary until such time as the development of the condo project (by the same owner, Mr. Foster).

In response to query from Commissioner Cox, Mr. Jeffers said the retention pond is already begun; they just hadn't come in with drainage plans for the entire condominium project yet.

Mr. Jeffers said the surveyor recommends Drainage Board approval predicated on copy of drainage plan being put into the Area Plan Commission's file by June 5th. A motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: BIG CREEK DRAINAGE ASSOCIATION - ADDITIONAL WORK

Mr. Jeffers said the Board will recall that there was previous discussion concerning Big Creek's desire to do some additional maintenance work. At that time, it was the Board's recommendation that any additional drainage work should be advertised. Therefore, he has prepared a Notice to Maintenance Contractors, asking for proposals to do

(continued)

additional work to Rusher Creek and Maidlow Ditch, as follows:

NOTICE TO DITCH  
MAINTENANCE CONTRACTORS

Notice is hereby given that sealed proposals for the maintenance of Maidlow Ditch and Rusher Creek will be received in the Office of the Vanderburgh County Auditor until 2:00 P.M. legal time on the 24th day of June, 1985, at which time the bids will be delivered to the Vanderburgh County Drainage Board in the Board of County Commissioners' Hearing Room, where the bids will be opened and read aloud.

Proposals shall be submitted on proper bid forms delivered in sealed envelopes bearing the name and address of the bidder; all as described in the Instructions to Bidders according to the plans and specifications prepared by the Vanderburgh County Surveyor and available in Room 325, Civic Center Complex, Evansville, IN.

Each bidder shall deposit with his bid a Certified Check or a Cashier's Check made payable to the Board in the sum of Five Per Cent (5%) of the bid, or a bond in the amount of One Hundred Per Cent (100%) of the bid. Within five (5) days after the acceptance of a bid, the successful bidder shall give a bond payable to the Vanderburgh County Drainage Board in the sum of One Hundred Per Cent (100%) of the accepted bid as a surety that the reconditioning of the two waterways shall be completed as specified.

APPROVED BY:  
VANDERBURGH COUNTY DRAINAGE BOARD

Richard J. Borries, President  
Robert L. Willner, Vice President  
Shirley Jean Cox, Member

ATTEST:

Alice McBride, Auditor

CERTIFIED BY:

Robert W. Brenner, Surveyor

Date: May 28, 1985

Continuing, Mr. Jeffers said that Maidlow Ditch will involve 5,700 ft. and Rusher Creek will involve 1,444 ft. (which is the entire length of Rusher Creek). Maintenance would include silt removal and waterway widening. Since the surveyor's office considered this to be under \$5,000 on each ditch, they are not required to pay prevailing wages. Thus, this has been omitted from their notice to contractors. Hopefully, this will keep the cost down. He is asking that the Board sign the notice and the secretary advertise same.

Motion to approve notice and advertise same was made by Commissioner Willner, with a second from Commissioner Cox. So ordered. (Notice to appear in Courier & Press on June 1 and 11, with bid opening June 24.)

RE: DITCH MAINTENANCE CLAIMS

The following claims to Big Creek Drainage Association were presented for approval. Mr. Jeffers said they have finished spraying and, in many cases, have done their own dredge work at their own cost, which precludes the need for spraying. The claims were prepared by the Surveyor's Office and have been signed by Big Creek. The County is willing to pay 40% of the annual maintenance cost at this time. Motion to approve claims for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Buente Upper Big Creek	\$1,373.26	Pond Flat Main	\$1,408.00
Rusher Creek	177.76		
Maidlow Ditch	988.26	Pond Flat Lateral "C" (bid)	361.44
Pond Flat Lateral "E"	144.64		

(continued)

Pond Flat Lateral "C"/Change Order: Mr. Jeffers said that Pond Flat Lateral "C" runs from the railroad track about one-quarter mile east of Old Princeton Rd. From there, it runs due west into Pond Flat "D". It runs thru sandy and silky loam ground. Since the ditch is due east and west, that means that the sun in the winter is low on the horizon to the south and causes a low grass over to grow on the south bank. The south bank is not getting much sunlight and the ditch is about 10 ft. deep. Thus, it does not have a good stand of grass. Also, on the north bank it is exposed to frequent freezing and thawing, due to the sun shining directly on the north bank. These combined conditions have caused the bank of the creek to slump and slowly work their way down into the flowline. The surveyor's office felt that since we had an early spring that the bank could be built back this spring. The farmers have already accomplished this. Mr. Jeffers said they feel this will give them an opportunity to have a fast cover grow on the bank before the corn gets too high to do the work. Thus, the surveyor proposed a change order for needed dredging along 6,000 ft. of Lateral "C" from Rusher Creek to Mosquito Rd., in the amount of \$1,000.00, which is a portion of the surplus fund in that account. Motion to approve change order/claim in the amount of \$1,000.00 to Big Creek Drainage Association was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: BICKMEIER ESTATES

Discussion again turned to the matter of Bickmeier Estates. In response to query from Commissioner Willner, Mr. Jeffers said that Mr. Griggs had agreed to the pipe installation proposed by the surveyor and all the pipe sizes are correct. He just wishes Mr. Griggs were here with the drainage plans. Additionally, Mr. Griggs has also agreed to the suggestion of Mr. Jesse Crooks that each lot have a straw dam constructed during the entire period of construction of any house on the lots. They even went so far as to locate each straw dam on those lots.

Commissioner Willner asked if Mr. Jeffers has seen the subject drainage plan? Mr. Jeffers responded in the affirmative, again saying that Mr. Griggs was in the office with the plan just prior to the Commissioners' meeting.

Commissioner Borries interrupted by saying that, based on information provided to them by Mr. Jeffers, he thinks the Board can approve the drainage plans if they wish to do so.

Mr. Jeffers said the only question that ever arose on this was the concern of adjacent landowners Kessler and Axton that these pipes that are going to carry the water across into the natural pattern as it now flows would increase the velocity -- which it will. It will increase the velocity because it is concentrated into a 15-inch pipe. Because the velocity is increased, it would scour the ground of the adjacent property owners. However, Mr. Griggs said he would design an apron at the exit of each pipe which would carry that water out. And it was Mr. Jeffers' impression (since Mr. Kessler was in the office at the same time) that Mr. Kessler thought this was a good idea. Mr. Jeffers said there is one problem area where a dropbox will have to be designed, because it does fall off right there at the property line. Mr. Griggs has agreed to design that -- whether it is on Mr. Kessler's property or Mr. Axton's property -- and it will be designed and installed as per agreement between the two parties. Realignment of the roadway was also included in the agreement. In other words, Mr. Axton will deed a specific portion to the county if Mr. Elpers will remove the 1-ft. strip 190 ft. south --so he can come in here (Mr. Jeffers was pointing to drawing). They have agreed to that. Mr. Jeffers said these people have really been working together to get this subdivision to go through. The only concern at this time of the adjacent property owners is the scouring of their ground and the possibility of silt clogging their lake. But once all of this is designed, if these problems occur they will have to take action to stop same. But as far as the surveyor's office can determine, there is no more design work that could possibly be done at this point. If the drainage plans were before the Board at the moment, it would be his recommendation that the Board approve same.

Commissioner Willner said this is what he wanted to hear. He then moved that the drainage plans for Bickmeier Estates be approved, as described by the Chief Deputy Surveyor, and the Chief Deputy Surveyor is to see that these plans get into the hands of the Area Plan Commission as heretofore stated. A second to the motion was provided by Commissioner Cox. Mr. Jeffers interjected that he would agree that the APC should have subject plans in their hands by Wednesday, June 5th, and recommends that if that plan comes before them that they also approve same. So ordered.

There being no further business to come before the Drainage Board at this time, the meeting was declared adjourned at 4:40 p.m. by President Borries.

(continued)

Immediately subsequent to adjournment of the meeting, Messrs. Griggs, Elpers and Axton entered the meeting room. They proceeded to present their drainage plans to the Board and there was a brief discussion period as the Board reviewed the plans and asked questions (none of which were audible to the secretary). Apparently satisfied that the plans were in accordance to that which was described by Mr. Jeffers, the discussion was terminated and the plans stood approved, as previously stated when the motion was on the floor.

PRESENT:

DRAINAGE BOARD

Richard J. Borries  
Robert L. Willner  
Shirley Jean Cox

AUDITOR

Sam Humphrey, Chief  
Deputy

COUNTY ATTORNEY

David L. Jones

SURVEYOR

Bill Jeffers

COUNTY ENGINEER

Andy Easley

AREA PLAN COMMISSION

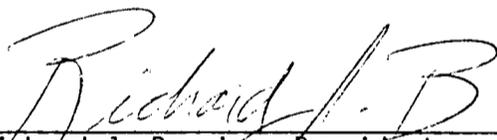
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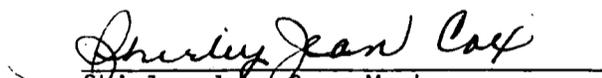
Roger Klassy  
Messrs. Griggs, Axton & Elpers  
James Morley  
News Media

SECRETARY:

Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

57.

MINUTES  
DRAINAGE BOARD MEETING  
JUNE 24, 1985

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Big Creek Drainage Association-----\$420.06 -----	Approved ----- 1
Commercial Ditch Cleaning-----\$987.14-----	Approved ----- 1
Rejected Claims-----	----- 1
DITCH MAINTENANCE (BIDS) - MAIDLOW DITCH & RUSHER CREEK	
Bids Awarded to Big Creek Drainage Association in amounts of \$3,420.00 on Maidlow Ditch and \$1,250.00 on Rusher Creek-----	4
DRAINAGE PLANS	
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MINUTES  
DRAINAGE BOARD MEETING  
JUNE 24, 1985

The Vanderburgh County Drainage Board met in session on Monday, June 24, 1985, in the Commissioners' Hearing Room, with President Richard J. Borries presiding.

The meeting was called to order at 4:15 p.m., with the Chairman entertaining a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Willner that the minutes of the meeting held on Tuesday, May 28th, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: CLAIMS

Mr. Brenner said he had the following claims to present for approval:

Green Grasshopper Service: Claim in the amount of \$987.14 for spraying Eagle Slough, 40% of the total bid. Mr. Brenner said they have inspected it and it is exactly as bid; thus, he recommends approval. Motion to approve claim for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Big Creek Drainage Assn.: Claim in the amount of \$420.06 for spraying of Lower Big Creek. He is recommending that 40% of the total amount be paid at this time. Mrs. Cox asked why he recommends that we only pay 40%? Mr. Brenner said that whenever they spray the ditch, and we each do dye, we pay them for their chemicals. They have 60% final when they go back and mow it. Motion to approve claim for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Commercial Ditch Cleaning: Claim in the amount of \$987.14 for spraying of Aiken Ditch. This is also 40% of the total bid and he is recommending that it be paid. Motion to approve claim for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Mr. Brenner said he also has claims from Commercial Ditch Cleaning for Kelly Ditch, the north and south half of East Side Urban, Henry Ditch, Harper and Kolb. They may have sprayed them -- but it didn't take. Thus, he's turned these down.

RE: DRAINAGE PLANS SUBMITTED

Sahara Place/Darmstadt: Mr. Brenner said this is a pretty simple plan. The only thing we asked them to do is to make sure that on the road where it ties into Boonville-New Harmony that they either put a grate or a dip to intercept the water coming down the hill. This is not in an area where we require detention. There are big lots -- all over an acre. The Board proceeded to review the drainage plans with Messrs. Brenner and Biggerstaff. The Chair entertained questions. Mr. Brenner said he recommends that the Board approve the drainage plans for Sahara Place. Motion to this effect was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Lakeside Terrace - No. 4: Mr. Biggerstaff stated that Mr. Morley had this plat approved in 1978; but his plat showed the drainage running in one area whereas the current plan shows it all running into the lake. Mr. Brenner pointed out that the outflow of the lake goes into Warrick County. At the time, they went to Warrick County and obtained a letter approving acceptance of the water. Currently, they want to drain additional water into Warrick County. They are not doing anything to Vanderburgh County. In fact, they are helping us. Since the water goes into Warrick County, we don't even get to vote. They need to obtain Warrick County's approval. They are taking water out of our drainage system. Warrick County does not have the retention ordinance that Vanderburgh County has. There will, however, be both a detention and retention basin.

Commissioner Borries asked Elvis Douglas of the Soil Conservation office if he has any comments? Mr. Douglas said the only suggestion he has is that they try to keep as much silt out as they can.

There being no further discussion, Chairman Borries entertained a motion. Motion was made by Commissioner Willner that the drainage plan be approved, with a second from Commissioner Cox. So ordered.

(continued)

In response to query from Commissioner Cox, Mr. Biggerstaff explained that the Board approved drainage plan previously....but what he has now is merely an amended drainage plan. Because pipe sizes, etc., are not shown, Mrs. Cox said she thinks this should be called a drainage "concept". Mr. Biggerstaff noted that the pipe sizes are already on the original drainage plan which was approved and will be included on the street plans. What she is seeing today is not a drainage plan but rather a drainage "concept" and she thinks that is the way the motion should be made.

Commissioner Willner said he amends his motion to say that the amended drainage plan be approved. A second was provided by Commissioner Cox. So ordered.

Williamsburg-on-the-Lake II: This development will be located on Fuquay between Lincoln/ Division St. Mr. Brenner said what they have done is that they have taken roughly half this parcel and re-routed the water to the lake on Hatfield's property through an easement provided, and eventually the water will end up in Warrick County. There is no additional retention on this site. He would say that, basically, they will meet the criteria with no retention.

There were two (2) engineers from Indianapolis, and one served as the spokesman. He said they calculated the lake areas in the Regency and Charter Oaks complexes and did an inflow/outflow analysis; they calculated them on existing conditions and again with the addition of their project. The discharge rate from the lakes will be increased from 5.8 to 6.8. They have contacted the Warrick County Drainage Board via the Vanderburgh County Surveyor. Mr. Jeffers in the surveyor's office was told that if the plans satisfied Vanderburgh County then they would satisfy Warrick County. What they have proposed there is a 27 inch pipe. If there are no objections, they plan to leave the 15" pipe in place and laying beside that another pipe that would give them the 27 inch flow, rather than tearing out the 15 inch pipe and coming back with a larger pipe.

The engineer, Mr. Brenner and the Commissioners continued to study the plan. He said they would propose to contact the owner of Lot #6 in hopes that they can clean that ditch and get a better flow. They also told the residents along Kirkwood that, as part of their construction, they would clean two (2) inlets in an effort to give a better outward flow.

In pointing to an area on the map, Mr. Brenner said that whether the engineer likes it or not, he is going to become responsible for the water that is there and they will need something to show how it is going to get out of there. In looking through his plans, he finds several areas where the calculations are not numbered -- and he pointed to several. The engineer said he truly doesn't know where they go. Mr. Brenner said the calculations should be included and they are not in there. He does have some impervious surfaces. In their calculations, normally he would go through and calculate how much impervious surface they have versus their acreage....that is one way they can check this out, which they have not. In theory, he finds nothing wrong with what the engineer is doing. In theory, he wants to send us the same amount of water that we got before, which is exactly what our ordinance says. And he wants to send other flow to Warrick County, which is fine with Mr. Brenner. Warrick gets to vote on that -- and from their past votes, they will take anything you want to send them.

Mr. Brenner, in explaining to Commissioner Cox, said that what they have done is take the area and divide it into sections. And they calculate 28, 27, 29, 30 and A & B would flow into Vanderburgh County. But they also need to tell him about the others which flow into Vanderburgh County into East Side Urban. So, they must take that into account. And, maybe their calculations will still work...he doesn't know. Then they wish to take designated portion to Warrick County. Mr. Brenner said the engineer needs a detailed plan, size of pipe, cross-area of the ditch, etc. He has to talk to people about an easement. Not only that, but he has to have a guaranteed out. If he is going to fix the problem at the end of Kirkwood, he needs to have agreement of people on Lot #6, and probably Lot #7. The engineer said he has no problem with talking with these people to obtain an easement. If they cannot get the easement, then he'll re-route it and try to pipe it across the gaslines.

It was noted that these people are having drainage problems now -- and anything would help. There was further discussion concerning drainage on Kirkwood...but most of it was inaudible.

Mr. Easley raised questions about the size of the drain? He also asked if they plan to clean the ditch out? The engineer said that Mr. Brenner wants them to go to the owners

(continued)

of Lot #6 and get an easement, in order to be able to clean that out and improve the flow. He doesn't have any problems with that.

Commissioner Willner asked if this had to be an easement or an agreement? The engineer said he doesn't think they need easement rights, but rather just an agreement to clean the ditch -- and he thinks this would be sufficient. Commissioner Willner said he would think so.

The engineer pointed out that all along the subdivision there is a need for drainage easement which exists there now. He was not aware of that. It was his intention to contact Texas Gas. He had them come out and probe and establish the depth of the line for them, but the easement was not discussed. Mr. Willner asked that if the easement is there, they have a right to use it, do they not?

After further discussion, it was the consensus that the County Highway Engineer should do an analysis of Kirkwood and see if the proposed pipe is wide enough. They show a 12 inch pipe. There is a 15 inch pipe in there right now. What the engineers are saying is that, rather than digging that out and disturbing the existing structure, etc., they would be acceptable to laying in a 12 inch pipe, which would give them the 27" flow. Mr. Easley noted that this would clog up too easily. He would prefer to have a bigger pipe. Mr. Willner said he would agree -- two never work. Mr. Easley said there are not that many feet of pipe.....so engineer said they could make it the 27 inch pipe if necessary without any problem.

Commissioner Borries queried the Board concerning decision, noting that the secretary is going to have difficulty. The problem is, the discussion is not picked up on the mike and consequently, the records of the meeting are not as good as they should be.

The engineer said that if there is, in fact, an 8 ft. drainage easement along the north of this subdivision, then they do not have a necessity to contact these people other than the neighbors to let them know what they propose to do, is that correct? With regard to cleaning the ditch? Mr. Borries said that if there is an easement there, he would think this would be unnecessary. The engineer said he will contact the individuals and obtain a letter from them.

Mrs. Cox said that if there is an easement, wouldn't it be shown? The engineer said it's normally on the subdivision plan, but he hasn't picked it up.

Commissioner Cox asked if the engineer present had anything to do with the drainage for Williamsburg-on-the-Lake I? If he did, he'd better add about six or eight inches on each one of these calculations. He said he had nothing to do with Number I. Mrs. Cox said that while they went back and re-did it, it still wasn't all taken care of.

The engineer asked what the Drainage Board needs from him in two (2) weeks, at which time he plans to be back? Mr. Brenner said we will need to see exactly what he is going to do and how he is going to enter the ditch. Commissioner Cox expressed concern that water is going to find its way into small pipes and back to designated area. She pointed out that in Williamsburg-on-the-Lake I the parking lots, the streets in between were all flooded. They were holding water that wasn't getting down into the drains and it was backed up in people's yards. These were some of the first calls she got when she went on the Drainage Board in 1981. We don't want a repeat of this.

Again, it was noted that Mr. Easley should do an analysis of Kirkwood to see if the 12 inch pipe is big enough? Mr. Willner said he has no problem with that. He asked that Mr. Easley do an analysis on Kirkwood to see if we can get the water into designated ditch and work with the engineers on their computations, etc. There's something wrong. Mr. Brenner pointed to the plan and said the engineers are going to open the ditch up from designated point to the legal drain.

The engineers agreed to including the many items on their plan which were designated by Mr. Brenner. They will call Mr. Willner and return to the Drainage Board in two Weeks (July 8th).

Interstate Industrial West: This is located on U. S. 41 between Volkman and Stacer. On this one, Mr. Morley --rather than holding this in retention basins, he did it per lot. On this one, there is an easement and a requirement for each lot as to how much the drainage area must hold. Each lot has a drainage easement and it says how big it has to be. There will be a pipe to each lot and it gets bigger as you come across (12 inch, 15 inch ad 18 inch). It's a good plan. These are two (2) acre lots. Mr.

(continued)

Brenner recommends approval. In response to query, Mr. Elvis Douglas said he foresees no problems.

There being no further questions, the Chair entertained a motion. Commissioner Willner moved that the drainage plans for Interstate Industrial West be approved, with a second from Commissioner Cox. So ordered.

RE: BIDS ON MAIDLOW DITCH & RUSHER CREEK

The Chair called upon Attorney Jones to present the bids received on the Maidlow Ditch and Rusher Creek maintenance.

Attorney Miller said that only one (1) bid was received on the two (2) projects, as follows:

<u>Big Creek Drainage Assn.</u>	<u>Maidlow</u>	\$3,420.00	Bid in Order
*Engineer's Estimate	\$5,130.00		
<u>Big Creek Drainage Assn.</u>	<u>Rusher</u>	\$1,250.00	Bid in Order
*Engineer's Estimate	\$1,680.00		
	2,400 L.F.		

Attorney Miller noted that the engineer's estimate indicates 2,400 L.F., whereas the bidder shows 2,500 L.F. Brief discussion revealed that it was advertised inadvertently as 2,500 L.F., and that is what the bidder has bid on. In both cases, the bids are in order and the checks are enclosed.

Motion to accept bids from Big Creek Drainage Assn. on Maidlow Ditch and Rusher Creek for maintenance was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: ADDENDUM TO SETTLEMENT & RELEASE/HARTMAN-ADLER: Attorney Miller said he has a final addendum to the Settlement & Release in the Hartman-Adler matter concerning Mann Road. Commissioner Willner has executed the document in behalf of the Board of Commissioners, but it also requires Drainage Board approval. This is to cover the additional five (5) feet of easement needed north of Mann Rd. The Chair entertained a motion. Motion to approve the agreement was made by Commissioner Willner, with a second from Commissioner Cox. So ordered. The agreement read as follows:

ADDENDUM TO  
SETTLEMENT & RELEASE

THIS ADDENDUM made and entered into this 24th day of June, 1985, to amend a certain Settlement and Release executed by the parties hereto and dated November 26, 1984, by the undersigned, being HAROLD HARTMAN, ARLENE HARTMAN, GERMAIN RELLEKE, ALLEN RELLEKE, CLETUS BITTNER, MAZO BIXLER, ERMAL BOREM, ARVIN C. MANN and ELMER SCHMITT, hereinafter referred to as "PLAINTIFFS", KENNETH ADLER and JAN ADLER, hereinafter referred to as "ADLERS", GENE ADLER and BARBARA ADLER, hereinafter referred to as "SELLERS", and VANDERBURGH COUNTY DRAINAGE BOARD and the VANDERBURGH COUNTY COMMISSIONERS, hereinafter referred to as "COUNTY".

WITNESSETH, THAT:

WHEREAS, the COUNTY has sought to purchase from SELLERS, an additional five (5) feet of easement, which real estate, including the twenty-five (25) feet previously sold by SELLERS to COUNTY, is more particularly described as follows:

Being a parcel of land in the southeast quarter of the southwest quarter of Section 21, Township 4 South, Range 11 West, in Vanderburgh County, Indiana, and more particularly described as follows: Beginning at the point where the east line of the southeast quarter of the southwest quarter of said Section 21 intersects the existing centerline of Mann Road; thence continuing northwardly along said east parallel to and 47.5 feet distant from the existing waterway commonly known as Lower Big Creek; then southeastwardly along the centerline of Lower Big Creek to the existing centerline of Mann Road; thence eastwardly along the existing centerline of Mann Road to the aforesaid east line of the southeast quarter of the southwest quarter of said Section 21 and the place of beginning, and containing one (1) acre, more or less, including the existing

(continued)

right-of-way of Mann Road.

NOW THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties hereto agree to said Addendum as follows:

1. That Paragraph 1 of said Settlement and Release is hereby revised to read as follows: "COUNTY shall purchase from SELLERS and SELLERS shall agree to sell a certain tract of land north of Mann Road, thirty (30) feet in width, running approximately from the southeast corner of ADLERS' property west to Big Creek for the purchase price of Six Thousand Dollars (\$6,000.00), which real estate is more particularly described as follows, to-wit:

Being a parcel of land in the southeast quarter of the southwest quarter of Section 21, Township 4 South, Range 11 West, in Vanderburgh County, Indiana, and more particularly described as follows: Beginning at the point where the east line of the southeast quarter of the southwest quarter of said Section 21 intersects the existing centerline of Mann Road; thence northwardly along the said east line a distance of 17.5 feet to the north right-of-way line for Mann Road; thence continuing northwardly along said east line a distance of 30.0 feet; thence westwardly and parallel to and 47.5 feet distant from the existing centerline of Mann Road to the centerline of a certain waterway commonly known as Lower Big Creek; thence southeastwardly along the centerline of Lower Big Creek to the existing centerline of Mann Road; thence eastwardly along the existing centerline of Mann Road to the aforesaid east line of the southeast quarter of the southwest quarter of said Section 21 and the place of beginning, and containing one (1) acre, more or less, including the existing right-of-way of Mann Road.

2. This legal description shall replace and supercede the legal description which is attached to said Release and Settlement executed on November 26, 1984, as Exhibit "A".

3. The parties hereto ratify and confirm each and every other provision of said Settlement and Release of November 26, 1984, in all other respects not inconsistent herewith, except as amended by this Addendum.

IN WITNESS WHEREOF, the parties hereto have executed this Addendum to Settlement and Release on the day and year first written above.

MITCHELL STASER AND SHAW

By: John S. Staser, Attorneys for  
Plaintiffs, Harold Hartman, et al

JOHNSON, CARROLL AND GRIFFITH  
Professional Corporation

By: Leslie C. Chively, Attorneys for  
Kenneth Adler, Jan Adler, Gene Adler  
and Barbara Adler

VANDERBURGH COUNTY DRAINAGE BOARD

By: Richard J. Borries

VANDERBURGH COUNTY COMMISSIONERS

By: Robert L. Willner

ATTEST:

Alice McBride, County Auditor

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 5:30 p.m.

PRESENT:

DRAINAGE BOARD

Richard J. Borries  
Robert L. Willner  
Shirley Jean Cox

AUDITOR

Alice McBride

COUNTY ATTORNEY

David V. Miller

COUNTY SURVEYOR

Robert Brenner

COUNTY ENGINEER

Andy Easley

AREA PLAN COMMISSION

Beverly Behme

OTHER

Sam Biggerstaff  
Engineers (Indianapolis)

SECRETARY:

Joanne A. Matthews

Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

MINUTES  
DRAINAGE BOARD  
July 29, 1985

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MINUTES  
DRAINAGE BOARD MEETING  
July 29, 1985

The Vanderburgh County Drainage Board met in session on Monday, July 29th, at 3:20 p.m. in the Commissioners' Hearing Room, with Vice President Robert Willner presiding. President Richard Borries is currently on vacation.

The meeting was called to order by Commissioner Willner, who subsequently entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Cox that the minutes of the meeting held on Monday, June 24th, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Willner. So ordered.

RE: I-164/Kelly Ditch - Request to Install Pipe for Temporary Use

Mr. Jeffers said that I-164 will cross Kelly Ditch, which is referred to by the State as "Lockwood Ditch". Traylor Brothers Construction Company is building a bridge in that location and needs a letter from the Drainage Board granting permission to place a 7½ ft. diameter pipe in Kelly Ditch--which is a regulated drain-- for the purpose of hauling fill back and forth across the ditch and various other construction-related work. The Surveyor's office was asked by one of Traylor's sub-contractors(Koester Construction, Inc.) to prepare a letter for approval by the Drainage Board.

Commissioner Willner asked if they are going to remove the 7½ ft. culvert? Mr. Jeffers said they are going to place the 7½ ft. diameter pipe in the ditch as a temporary crossing during the period of construction. Mr. Jeffers said the surveyor's office has approximately seven (7) stipulations, were the Drainage Board to allow them to place the pipe in the ditch. He read, as follows, the letter prepared for approval:

July 29, 1985

The Vanderburgh County Drainage Board agrees to allow Traylor Brothers Construction to place a seven and one half (7.5) ft. diameter iron boiler pipe in the Kelly (Lockwood) Ditch for the purpose of constructing a temporary crossing across which to haul various construction materials required to fulfill that corporation's contract to build a bridge for the I.D.O.H. I-164 project; but only under the following conditions:

- 1) That the pipe be installed within the right-of-way of record for I-164, or the established right-of-entry for the same project.
- 2) That the pipe be installed in Kelly (Lockwood) Ditch so that the flowline of of the pipe matches the flowline of the ditch.
- 3) That the pipe be removed from Kelly (Lockwood) Ditch immediately upon completion of the bridge project or no later than June 1, 1986, whichever date shall come first.
- 4) That upon removal of the pipe, the contractor named herein or his agent will open Kelly (Lockwood) Ditch to its original configuration or to the size specified by the I.D.O.H. plans pertaining to that project.
- 5) That during the entire time that the pipe is in place the contractor shall be responsible for keeping both ends of the pipe completely open and free of any restrictions to the free flow of water.
- 6) That at any time that the Vanderburgh County Drainage Board shall determine that the pipe constitutes a flood peril to any private or public property, the contractor named herein shall remove or cause to have removed the pipe and shall keep the said ditch open to its original size until such peril is passed.
- 7) That nothing herein shall be construed by any parties to preclude the various rights and privileges enjoyed by all parties concerned including private landowners, the Southern Railway System, the State of Indiana or its highway department or the various agencies of Vanderburgh County.

Commissioner Cox asked if this temporary bridge is to be used exclusively by Traylor Bros.? Mr. Jeffers said it is to be used by Traylor Bros. and their sub-contractors -- specifically, that would be Koester equipment. Commissioner Cox said it would not be open for any other individuals to traverse back and forth? Is there some way they can be kept off the bridge? Mr. Jeffers said this is a State project and he would assume that the State requires barricades or whatever.

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Continuing, Mr. Jeffers said if the Board does not like this particular format, it can be revised. The contractor just needs a letter to put in the file at the I.D.O.H.

Commissioner Willner said he thinks what Commissioner Cox is saying that another stipulation should be added -- that they will take over the liability of said pipe.

Mr. Jeffers asked when Commissioner Borries will return, to which Mrs. Cox said he will be back on Monday. Mr. Jeffers asked if he should revise the letter and submit it to the Commissioners for their approval subsequent to the Board meeting?

Commissioner Willner said he is going to request approval now, subject to Stipulation #8 being added, with respect to waiver of liability.

Commissioner Cox asked if Mr. Jeffers has gone over the stipulations with Koester? He said that he has. Commissioner Cox asked Attorney Miller if the stipulations sound correct from a legal standpoint and he verified that they did.

Motion was made by Commissioner Cox that permission be granted for Traylor Bros., Inc. to install a 7½ ft. diameter pipe for temporary crossing in Kelly (Lockwood) Ditch, subject to the eighth (8th) recommendation being added to the list of stipulations prepared by the Surveyor's office. A second to the motion was provided by Commissioner Willner. So ordered. Stipulation #8 reads, as follows:

- 8) Traylor Brothers Construction shall be responsible for maintaining the pipe at its temporary location for the use of its agents and sub-contractors only, and shall not hold Vanderburgh County and its agencies responsible for any loss or injury incurred by any parties resulting from the installation and use of the pipe.

RE: Big Creek Drainage Assn. Meeting at Nisbet Station

Mr. Jeffers said that approximately two (2) weeks ago Big Creek Drainage Assn. invited a member of the County Surveyor's Staff to attend a meeting at Nisbet Station. There were other representatives of County Government present, also (Soil Conservation, etc.). The general conversation concerned the increased rate/volume of storm water from residential and commercial development into the Big Creek drainage system. Specific concerns included the drainage plans proposed or passed for certain developments in or near Big Creek watershed...and the consideration by the Vanderburgh County Drainage Board of instituting drainage restrictions for future development in this watershed, similar to the restrictions now enforced in the Eastside Urban System. A variety of suggestions were presented to help formulate recommendations to the Drainage Board when reviewing future drainage plans. Many of the suggestions appear to be agricultural in nature, but with minor engineering revisions, most could be adapted to commercial and residential development. These include the use of "WASCOBs" and other soil and water conservation structures.

Continuing, Mr. Jeffers said that at this time he guesses they basically want to say that he assured the members of that association that there were three (3) members of the Drainage Board who have all expressed keen interest in holding additional waters that might flow from development into agricultural land. For example, he pointed out the Old State Country Club project which was passed only after the Drainage Board required additional head space and the retention pond. They assured him that they are not anti-development -- that they are pro-development and that their suggestions were only measures to insure the fairness of the Board, especially when the surveyor is out there determining what the pre-development outflow of a piece of ground is compared to post-development. He said he guesses what he is saying there is that we can no longer look at every parcel of ground out there as being strictly conventionally maintained -- just open, plowed soybean fields. Now they are using no till and other measures and they are installing water retention basins on their property. Thus, we will have to start looking at it a little more closely when the pre-development calculations are done to make sure that sufficient measures are taken after development to restrict enormous amounts of water from flowing into Big Creek. Several of the concerned individuals were from the lower end of Big Creek (down around Nisbet Station). They are not only concerned with our holding additional water back, but are concerned with the amount of time we hold it back. With their being so far down stream from some of the developments on U.S. 41 -- even the additional volume of water affects them -- not just the time it is released from the development. The total amount that gets down there is really hurting them. Thus, in the future when recommendations are made to the Board, the Surveyor's office will take a keener look at what is going on. They have tried their best in the past, but their eyes have been opened by these farmers, whose ideas are sound, and he is sure that the Board would agree with the Surveyor's office that all

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the taxpayers should work together with the county agencies to protect both private and public improvements. It not only affects farmlands, but it affects the county roads and bridges. In the meantime, the board might consider Big Creek's request to view the Big Creek Drainage watershed the same as we do Eastside Urban.

Continuing, Mr. Jeffers said that John Bittner, president of the Big Creek Drainage Assn., is in the audience today and may have some comments for the board. The Chair recognized Mr. Bittner.

Mr. Bittner approached the podium and said that Wilbur Kron could not be present today; however, he submitted a letter to be presented to the Board, as follows:

To the Vanderburgh County Drainage Board  
and the Area Plan Commission

I would like to introduce myself. I am Wilbur G. Kron. I am a lifelong resident of northern Vanderburgh County. I retired from the Soil Conservation Service three years ago after twenty-five (25) years of service. My wife and I have farmland interests along Pond Flat Creek and Big Creek.

A number of years ago, people in the Big Creek Valley banded together into an organization called the "Big Creek Drainage Association". This is a non-profit organization with the purpose of bettering the conditions of the people in the valley.

I come to you now as a member of a committee representing this organization to express our concerns of an ever-increasing problem along the Highway 41 Corridor and the Pond Flat Ditch and its tributaries.

There are approximately 12,000 acres in the Pond Flat drainage area, which outlets into the Big Creek Drainage area. Big Creek drains approximately 225,000 acres. Big Creek Valley and its tributaries are considered very productive land contributing to the economy of the Evansville area.

We would like to make you aware of already existing problems in the drainage area of Pond Flat and Big Creek. This creek will be the drainage outlet for all of the proposed Highway 41 Industrial Corridor, north of the ridge between the 4-H Center and Inglefield Road.

We noted marked increases in flooding when the Busler Complex was completed at Highway 41 and Interstate 64 and to a much greater degree following the PPG plant construction; despite assurance from the builders and engineers that they are not contributing additional runoff. We do not concur with this opinion.

When zoning was imposed upon us, we were informed that it was for our protection. We are now asking for that protection.

A two (2) inch rainfall under certain conditions can cause Pond Flat Creek to flood outside of its banks, resulting in millions of dollars of loss to the local farmers. Project this loss seven fold each time, as economists have projected of money brought into a community and the losses become staggering.

The people of the valley have learned to deal with the flooding over the years but there is widespread fear that any additional runoff cannot be handled, resulting in devastation.

When the creek is flooded it has taken up to thirty-six (36) hours to reside within its banks.

Pond Flat and Big Creek cannot accept additional runoff unless temporary storage of at least thirty-six (36) hours are used to detain this additional runoff. Present and proposed design does not give this protection.

We as a group do not wish to deter progress, but feel progress should not be at the expense of your neighbor.

Sincerely,

Wilbur G. Kron

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Mr. Bittner said their concern is that it seems logical that if each developer would accept the responsibility of controlling --because he increases the volume --the volume and rate from each development as it is developed, this would eliminate the snowballing effect of the flooding that is already present in the Big Creek watershed. When there is a torrential rain, from Highway 41 every road to Highway 65 is flooded. This presently exists. With the development of industry along the industrial corridor of Highway 41 from basically Inglefield (4-H Center) north, that is a lot of watershed and if it's not controlled it will increase the runoff and, therefore, the flooding on those roads. Thus, they want to direct the Board's attention to this...not as trying to restrict these developments, but to offer the Board their support. Mr. Bittner said that, because he is President of the Big Creek Drainage Association and they have been doing this for a number of years...several other people in numerous other developments..for example, Leo Schultheis, who lives below the Tall Timbers development has expressed concern as to what he could do to control the run-off in that development. That has already passed the APC, etc. But the water will come off there unrestricted. But it seems to him that this will cause problems down Highway 41, Highway 57, the airport, and that whole Pigeon Creek watershed. Mr. Bittner said he has slides he can show the Board of that area when it is flooded. Big Creek is merely asking the Board to review the situation and direct the Big Creek Association as to whatever way they can support the Board.

Commissioner Willner said he has no problem with this. His personal property is not affected; but he can't get 100-200 yds. away until it is. This is certainly an area that the Board needs to be mindful of and do what they can when they can.

Commissioner Cox said the Association is simply asking that temporary storage of 36 hours is used. She asked, "Is that correct, Mr. Bittner?"

Mr. Bittner said that Mr. Kron was with the Soil Conservation Service for a number of years, as indicated, and he's talked to several developers. He doesn't think that that is asking too much. If that can be accomplished with a pond with a stage -- that is just a pipe that can have a surge of water and then drain down thru the pipe -- or, as mentioned by Mr. Jeffers, a "WASCOB" (earthen dam)--what it amounts to is a water retention basin - it just impounds the water and you have a pipe bleeding into it. That not only restricts flow of water, but if the water is automatically retained, then you stop the pollutants and settlement from leaving that development. He understands that sometimes these are put in just during the development. But they would like to see this a permanent part of the plan. He doesn't want this to become a farm issue. For example, take Mr. Willner-- if he's driving down the road and it is flooded, he will have to go over to Highway 41 or Highway 65 to get to Evansville -- and that is fairly common. They just do not want to increase that problem.

Commissioner Willner expressed appreciation to Mr. Bittner for his comments.

RE: OAKVIEW PLACE SUBDIVISION

Mrs. Barbara Cunningham advised that Oakview Place Subdivision matter has been continued.

RE: LAKESIDE TERRACE ESTATES #5

Mr. Sam Biggerstaff said he thought he went over this during the last meeting, even though it was called Lakeside Terrace Estates #4. But #5 was also included on the plans which were reviewed. When he referred to Lakeside Terrace Estates, he was speaking of both stages #4 and #5. In response to query from Commissioner Cox, Mr. Biggerstaff said part of the water will run into Lakeside #4 drainage and the balance will run directly back into Williams Ditch...and he pointed to pertinent areas on the plans being reviewed by the Commissioners. Commissioner Willner queried Mr. Jeffers as to the Surveyor's recommendations.

Mr. Jeffers said that his calculations match those of Mr. Biggerstaff. The only recommendation they have that they did not see included in the plat was a drainage easement between Lot #194 and Lot #195. That should be shown on the plat as a drainage easement for the homeowner's information. Based upon all the calculations submitted to the Surveyor's office, they recommend approval of drainage plans for Lakeside Terrace Estates #5 if the drainage easement is shown between Lots #194 and #195. Said drainage easement is to be 16 ft. wide (8 ft. on each side). Said easement is to be shown on the plans at the time they plans are presented to the Area Plan Commission. Commissioner Willner called for a motion.

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Commissioner Cox moved that the drainage plan concept submitted by Mr. Biggerstaff and approved by the Surveyor's office be approved, subject to the inclusion of 16 ft. drainage easement between Lots #194 and #195. A second to the motion was provided by Commissioner Willner. So ordered.

RE: BROOKSHIRE ESTATES #5

Ms. Cunningham brought the Commissioners up to date on the various plats submitted with regard to Brookshire Estates. Mr. Jeffers said they have calculations that cover the entire project. Mrs. Cunningham noted that Kingswood to Cedarwood has been straightened out. Mrs. Cunningham said that Mr. Foster has agreed to put in sidewalks on both sides to where the condominiums begin. At a future date, Mr. Foster will discuss putting sidewalk in on one (1) side all the way thru the subdivision so people could walk all the way through...with the county participating in this. However, it was noted that this has nothing to do with the drainage plans being discussed here today.

Commissioner Willner queried Mr. Jeffers concerning the Surveyor's recommendation with regard to drainage plans submitted for Brookshire Estates #5.

Mr. Jeffers said it is their recommendation to approve drainage plans for Brookshire Estates #5, as submitted, with the provision that a 12 ft. drainage easement be shown between Lot #10 and Lot #11 and Lot #5 and Lot #6, so that the water from the Washington Avenue cul-de-sac will enter two (2) drainage easements on either side of lots and be carried down to the lake. Any further changes in the plat which will affect this recommendation will have to come before the Drainage Board for approval. In other words, this plat will be accepted if the two (2) requested drainage easements are added; but any further changes will have to come before the Drainage Board for their consideration. The Chair entertained a motion.

Motion was made by Commissioner Cox that the drainage plan concept for Brookshire Estates #5 be approved, subject to the inclusion of 12 ft. drainage easements between Lots #5 and #6 and Lots #10 and #11, and with the understanding that any further changes in this plat must come back before the Drainage Board for their approval. A second to the motion was provided by Commissioner Willner. So ordered.

RE: WILLIAMSBURG-ON-THE-LAKE II

Mr. Jeffers said by way of refreshing the Commissioners' memories, Williamsburg-on-the-Lake was discussed one month ago. At that time, a drainage plan was presented which left questions as to where the water went that was behind certain buildings. The Surveyor's office re-did calculations and came within 2½ cu. ft. per second of allowing developer to drain designated area over to Nurrenbern Ditch. The difference between developer's calculations and surveyor's calculations was only 2½ cu. ft. per second. According to everyone's calculations, the lake had 6 ft. of head space over and above what was being put in there by two (2) designated developments. Under the most extreme 100 yr. figures, the additional water from the two designated developments with the additional one development would raise the lake 24 inches; thus, they still had 4 ft. of head space. The lake drains into Williams Ditch which drains into Warrick County into Cypress Ditch and thence directly into the river. It does not go into Pigeon Creek; thus, we have no problems with the water going into Williams Ditch and into Cypress Ditch. The Surveyor's office had requested that several changes be made and said changes have been reflected in the plans being submitted today.

The Surveyor still has one (1) stipulation which developer will not agree to at this time and it is a suggestion from both the Building Commissioner and Bob Brenner. And this is that all roof (channel) drainage be collected and directed into the interior drainage system. They are not telling him how to do it, but that water should not be collected in the downspout; it should be channeled in some method back to the interior of this project.

Ms. Behme asked if this is to be a condition of the permit?

Mr. Jeffers said it is only their recommendation. The Drainage Board can pass, however, with or without those. This, however, is the closest that Mr. Jeffers has ever worked with a developer -- insofar as really trying to get their figures to match. He has learned more about drainage from looking at the hydraulics than he's ever learned before. This one was really complicated; it wasn't one of those things that is apparent as the nose on your face. They kept coming up with one thing after another. The developer has agreed to everything the Surveyor asked for with the exception of the roof drainage. Thus, the Surveyor recommends approval of this project, based upon directing all roof drains

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(from Buildings 4, 7, 10, 12 and 15) by an acceptable method into the project's interior drain system. He can sheet the yards off -- but not the roofs. Secondly, a commitment by the developer to perpetually maintain all drainage easements which are a part of the drainage plan free from organic or manmade restrictions. Thirdly, to change the words "proposed 20 ft. easement" to "20 ft. drainage easement". He doesn't want to see the word "proposed" on there; he wants to see a 20 ft. easement. When the next developer comes up there, he should be able to use that.

The only other thing to be considered -- and they agree on the calculation of pipe size -- is that the Drainage Board will have to grant permit to install entrance across our 75 ft. drainage easement. He said he thinks the answer to that is "yes". In other words, we'd have to grant permission to stick this in the legal drain. The pipe will hold the water, it is larger than the one down on Lincoln Avenue.

Commissioner Willner said he would certainly agree that the Drainage Board would have to grant permission prior to this being done. All structures in a legal drain have to have a permit.

Commissioner Cox said they would need approval to put pipe in the ditch, but she would think the developer would also need approval to go across the easement.

Mr. Jeffers said the Board's approval of subject plat would have to include the Board's permission or approval to put 140 l.f. pipe (58" x 91" elliptical reinforced concrete pipe) in the ditch and the elevation will match the bottom of Nurrenbern Ditch.

Commissioner Willner advised Elvis Douglas (who had just entered the meeting) that the Board has taken action on all subdivisions except Williamsburg-on-the-Lake; does he have some input? Mr. Douglas said that with regard to a couple of the developments on the east side, he believes the water flows into Williams Ditch, which goes into Warrick County-- Commissioner Willner said, "the majority of them". Continuing, Mr. Douglas said that as he understands it, there is no problem in letting that water go into Warrick County. Commissioner Willner said that this is his understanding. If Warrick County has no problem with receiving the water at a quicker rate, then he has no objections.

Mr. Jeffers said he told them they would have to contact Warrick County to obtain their approval. They contacted Warrick County and were told that they'd have to contact Vanderburgh County and whatever was o.k. with Vanderburgh County Surveyor would be o.k. with them. In response to query from Elvis Douglas, Mr. Jeffers said the Surveyor is now asking that the rooftop drains be directed into the interior drainage system.

Commissioner Cox queried the spokesman for Williamsburg-on-the-Lake project concerning objections to directing rooftop drainage into interior drainage system? He responded that primarily it is to save money. They feel they have taken care of the majority of the water. They have been revising plans and cutting down wherever they could the amount taken through their drainage system.

Commissioner Cox said that one concern here about leaving it out in the overall drainage is that people, especially in the Kirkwood area, already have some concerns with drainage. This system here may help to relieve some of those problems. She pointed to areas on the plans and said she would like to see everything channeled into designated lake and ditch to help relieve some of these problems. She asked if the developer agrees to the continual maintenance and keeping the areas open? The response was, "Yes". Secondly, there would have to be some agreement to keep the pipe in the ditch and the Commissioners will have to grant permission to enter over a legal drain. Commissioner Willner asked if that stipulation can't be a part of the motion? Mrs. Cox responded that she believes it can be. The maintenance of the pipe being installed will also have to be addressed.

Mr. Jeffers said that 100% of the disturbed area will be sodded. As a matter of fact, anything not covered by roof or pavement is sodded. When they did their calculations they based them on .3 C-factor run-off. In fact, that sodded ground would run off at 1.5 once it takes hold. But for the period of development and the county's protection, they used .3. What the Glick representative is saying is true; they have trimmed out everything that they feel they possibly can. He asked whether developers are wanting to landscape the ditch, also? As they know, it has cat-tails in it annually. The county's maintenance contractor will be in there annually (about this time of year) to spray a herbicide on it and then it takes about 2 weeks to kill the cat-tails, or a minimum of four (4) days. And it will have dead cat-tails standing in there the rest of the summer until it is mowed. What he is saying, if the developer does not want the county to systemically control the ditch and the developer wants to maintain it, then he will have to let the county know. Otherwise, the contractor will come in and spray whatever is in the ditch, whether it is

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sod or whatever. If the herbicide kills the sod, then it kills the sod. If the developer wants to reach an agreement re maintaining the ditch from property corner to property corner, then this should be agreed upon in the near future so the county can tell their maintenance contractor not to enter that portion of the ditch.

Continuing, Mr. Jeffers said the Commissioners can pass the drainage plans with the surveyor's recommendation concerning roofdrainage or they can change it.

President Willner entertained questions. There being no further questions, a motion was entertained.

Motion was made by Commissioner Cox that the drainage plan submitted for Williamsburg-on-the-Lake II be approved, with the following stipulations (maintenance to be detailed at a later date):

- 1) Directing all roof drainage from Buildings 4, 7 10, 12 and 15 by an acceptable method into the project's interior drainage system.
- 2) Commitment by the developer to perpetually maintain all drainage easements which are a part of the drainage plan free from organic or man-made restrictions.
- 3) Change the words "proposed 20 ft. drainage easement" to "20 ft. drainage easement" where such words designate the 20 ft. wide strips found at the Northwest and Southwest corners of the project.
- 4) Permission is hereby granted to place pipe as specified on drainage plan in Nurrenbern Ditch.
- 5) Maintenance of this pipe will be the responsibility of the developer.
- 6) Permission be granted by the Drainage Board for entry over a legal drain.

A second to the motion was provided by Commissioner Willner. So ordered.

RE: TALL TIMBERS SUBDIVISION

Mr. Schultheis said he is present today to go on record and seek the advice of the Commissioners with regard to Tall Timbers Subdivision, a development by developer Jarrett. This is a 35 acre development with 39 proposed sites. The Drainage Board (April 1, 1985) approved the drainage recommendations as submitted by the Surveyor's office and Mr. Dan Hartman went over the statistics. On May 1st (one month later) Mr. Schultheis appeared before the Area Plan Commission. Mr. Schultheis said they have a problem. The ordinary citizen will receive a notice and come down and find that 90% of the decisions have already been made. He has found out that unless you have a mob hounding at the door, it seems that one or two people don't make much headway. But he is still here. He is representing an area neighbor and the farmers down below his property who already have a problem with flooding of Pigeon Creek (Highway 57 and 41 area). He asked the APC on May 1st to hold off on a vote, hoping he could get together with Mr. Jarrett and work out something on a number of problems. Most of the people who live in the McCutchanville area feel the place is terribly overbuilt and he won't get into that. But this could present tremendous problems. In any event, the matter was not delayed and he was voted down. He said he, however, continues to educate himself and that is one of the reasons he is here today.

Mr. Schultheis said he is a little confused on the consistency of retention ponds. He understands, as the gentleman before him stated, that when you develop a site that you are supposed to maintain the water level coming off that site just as it was before the development of the site. So they have great reservations concerning the 35 acres. They really doubt that this can happen due to the steepness of the slopes. He knows that on occasion Mr. Willner has demanded sites and was very much concerned about retention ponds. He said he would like to shout to the board in a polite way that they be terribly aware of retention ponds, because once the water comes off and the fact is accomplished, then the residents are at the mercy of the people living on that 35 acres. He said he is very ecologically concerned. He wants to keep wildlife wild; he wants to keep nature healthy. But once it happens and a minimal approach has been taken rather than a maximum approach with regard to a retention pond, then it is accomplished and the neighbors and farmers down that way live with it. He asked that the Commissioners not make the requirement for retention pond an exception -- make it the rule wherever they can to help the ecology.

Mr. Schultheis said that he, the Schroeders, and farmers in the area will be watching very  
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closely and if silt starts coming off that property or they see a heavy volume of water, they are going to yell, scream and stomp at somebody. In brief, Mr. Schultheis said he seeking advice. What does he do at this point if the property is developed and he has severe run-off and silt? To whom does he go? They will certainly be monitoring the situation.

Commissioner Willner said that he is not one to give advice, but he would tell Mr. Schultheis where he can go. He should contact Mr. Jesse Crooks, Building Commissioner. He is very knowledgable and thorough, especially when you uncover the earth, so to speak. Mr. Willner said he has seen his results and bales of straw across the waterway -- he does a very good job and he believes that Mr. Crooks demands it. This is a very cheap way of holding the soil when it is disturbed. He said Mr. Schultheis brought out a good point and the Drainage Board certainly wants to use retention areas whenever they can. They have never used it on areas which they thought weren't problem areas, such as the eastside. Maybe their foresight was a bit lax; sometimes when you don't have a problem on that site you don't think about what can happen a mile downstream. Mr. Willner said he, too, is probably guilty of that. However, the Commissioners will start watching this very closely. Today they've had two (2) and he guesses this is a coincidence, that both individuals would basically be saying the same thing. The Commission has no problem with that. It probably adds some cost to the development, but that is probably something that if we start now we'll not have to give a crash program down the road like we had to do on the eastside. At one time there was a move afoot to stop the building on the east side of town. Hind sight is probably not here yet; he doesn't know whether that would have been wise or unwise, but we've seen some terrible growth on the east side. You very seldom see this great intensity of growth anywhere. He doesn't think the Commissioners will let that happen in other areas. Nobody could have stayed up with the roads, water or anything on the east side. Because of that, they've probably done a fair job. There's always room for improvement, however, and maybe they should start with other places. He said that if Mr. Schultheis has any problems, he should contact the Commissioners -- they'd certainly want to know about it. Mr. Schultheis said they will monitor it and he hopes and prays that the statistics that came out of the Surveyor's office are correct.

Mr. Willner said there is some concern re the ditch running along Highway 41. Mr. Schultheis said, "Very much so." Mr. Willner said some residents want the county to keep it clean. It is not a legal drain. The county really doesn't have the funds to go out and buy the property and drain. But that ditch should be a legal drain. He doubts if we could get the job done, but that is the way it should be.

Mr. Schultheis said it is ironic, because the people that this may well hurt the most are probably totally unaware of it and/or indifferent to the development. What happens is that the water zips through the creek on his property and then it fans out. He will have to watch the creek and protect it; and personally widen it if he needs to to keep a balance with flow.

Commissioner Willner said that Mr. Schultheis is really fortunate with regard to where he is located, because he is just about half way down the hill. He said there is one thing that he might pass along to Jesse Crooks. He doesn't whether the developer, Mr. Jarrett, is planning to build spec houses or whether he plans to sell the lots. Mr. Schultheis said the last he heard Mr. Jarrett planned to sell the lots. But that is heresy. Mr. Willner said that if this is true, then development comes more slowly and that would be very helpful. If you go in and built 20-30-40 at a time, then the run-off and erosion is horrible. Mr. Schultheis said he is going to see Mr. Jarrett's engineer on a one-on-one basis and also Mr. Easley. He is sure he is aware of it --

Commissioner Cox interrupted by saying she would just like to confirm what Commissioner Willner said concerning Jesse Crooks. He's a stickler for the plans that have been set out and most plans have a detailed erosion control established on the plan and she has known in some instances where Mr. Crooks has pulled building permits and stop building if a contractor does not follow the rules. Thus, she thinks this gives us great hope. She shares many of the same concerns expressed by Mr. Schultheis. Two years ago she sat on Area Plan. She sat on Drainage Board and was assured the plans presented would work. She then went to APC meetings and had people, similar to Mr. Schultheis, who lived around the area come up and introduce new light upon the subject. She thinks that around two (2) years ago was when the Drainage Board started looking not only at this but the surrounding areas and began to include Elvis Douglas in on the meetings (Soil Conservation Officer) and overall drainage plans. Not only have the Commissioners recommended retention ponds, but recommended making them retention/detention to permanently hold a lot of the water back. She can understand Mr. Schultheis' concerns, because we have had developments that

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have been allowed to go through that have created many headaches for surrounding property owners. However, she wants to assure Mr. Schultheis that, as a Commission, they are taking a more conscientious look at how this development does affect the surrounding property owners -- and not just those that are right there. If the development is uphill, what is going to happen to the people down below.

Mr. Schultheis expressed his appreciation to Commissioner Cox and the Board for their time.

Commissioner Cox said, "One voice can make a difference; don't ever give up."

Mr. Schultheis said they will be on this and if the sky falls, he will be back to the Drainage Board.

Commissioner Willner asked if there is any further business to come before the board.

Commissioner Cox said that since Elvis Douglas is here, she wanted him to know that Bill Jeffers had advised the Board concerning the meeting he had with the Big Creek Drainage Association and their concerns about the development. She said she would like to have Mr. Douglas' input and believes he should have a copy of the letter from Wilbur Kron.

Mr. Bittner was recognized by the Chair. He said that Commissioner Willner asked if it was a coincidence that Leo Schultheis happened to be here. Mr. Bittner said he would say it is not. He invited Mr. Schultheis and told him when the meeting was going to be held. As alluded to by Bill Jeffers, there have been a lot of people who, because they call themselves "Big Creek Drainage Association" have asked "what can we do about this, because there are several projects?" Mr. Bittner said he'd like to draw a parallel between some kind of control of water coming off the development with the fact that the county is very strict insofar as their plumbing and sewage handling in the county. If you go to Elberfeld and want to buy a septic tank, they ask you what county you are from. You can't buy a small septic tank if you are from Vanderburgh County -- they won't sell it to you. He said he is very proud of this and thinks it is a plus for the community. It does add to the cost of construction, however. He thinks it should be the same way for the retention/detention reservoirs -- they can actually enhance a project. It is not always a liability for the developer. He said he would hope that we can channel the energies of all these people toward supporting the Drainage Board and the developer in coming up with a plan for the community.

Commissioner Cox said that the drainage problem at Highway 41 and Highway 57 has been mentioned several times. It might help if the railroad officials would clean their right-of-way, because she has seen everything dumped in the drainage ditch along there. Couldn't either the Surveyor's office or the County Engineer contact the railroad and see if we can't get some cleaning done along that area -- or see how it affects the overall drainage in the area? (Along Old Petersburg Rd. -- the railroad tracks there. All along the right-of-way is grown up with trees, etc.) Mr. Jeffers said they occasionally get reports in the surveyor's office. In fact, two weeks ago they got a report that the wooden railroad tressel bridge in Daylight over Schlinsker Ditch was clogged by branches and debris, etc. He said we have to get in touch with CONRAIL to get them to have their crew clean that out -- and they are working on that now. He said they try to contact the railway people to do their part. Another example is the maintenance contractor for Hirsch Ditch. We had a complaint from Mr. Jack Rogers that there were trees growing in the railroad right-of-way. We sent our contractor out (since he was going to spray this weekend anyway) and told him to get those trees sprayed and kill them. Then maybe the railroad will come along and cut them down. While he was out there spraying the trees, the railroad crew leader said he didn't want them on the property...either side of the ditch. We've been holding off on spraying the railway's side of the ditch and this man said they didn't want us on the other side, because they own the 100 ft. right-of-way that the Erie Canal sits in.

Commissioner Cox said the railroad needs to respect their responsibilities. Mr. Jeffers said they plan to contact this individual's supervisor and advise that if the railway is not going to mow once every year or two...and the trees get large enough that the eastside property owners are upset about it, then the county is going to do something about it. If they want to come in there with a bush-hog and mow them, then that's fine. They had better pick the branches up, because the county doesn't want to have to pick them up down at Morgan Avenue and Green River Road....stopping up one of our pipes. This is, however, a continual problem. Mrs. Cox said she saw part of a railroad car in there and she doesn't think they've ever taken it out. There was also a refrigerator. She went out to look at the area because she received a call from an individual...and it's been three (3) years and she doesn't think they've done a thing about this. Mr. Jeffers said that anytime a public

(continued)

individual or a government agency or government official notices this, we hope they do bring it to the attention of the surveyor's office. They do not mind contacting the railway about such complaints....because we are up against them many times and in other cases they have helped us. They were very good about their crossings. Once you get to the proper superintendent, they will help you.

Commissioner Willner said that Mrs. Cox is speaking of Little Pigeon Creek, and this is the same creek that runs through Mr. Schultheis' property...the very same creek. Mr. Jeffers pointed out that Mr. Schultheis is on one of the main branches of the creek. There is a movement afoot by some individuals in Scott Township and they have contacted Commissioner Willner and the Surveyor's office. They would like to see Little Pigeon Creek turned into a legal drain...at least a portion of it. The Surveyor's office is trying to make them aware of how this is done. It makes no difference to the surveyor's office, because the property owners pay for it; if they want to have it improved, they will be more than happy to work with them on this. Commissioner Willner said that is the way it should be. It is a private ditch -- it is not part of the county system. Mr. Jeffers said it is a long petitioning process and it may take these people two (2) years to accomplish it. Until such time as they do accomplish it, the county will endeavor to see that it is maintained in the same manner as the ditch in Armstrong Township. Mr. Jeffers said he knows today's minutes are lengthy -- but he hopes the members of Big Creek Drainage Association read them thoroughly, because what we're really doing is assuring them that there is a warning out to this Board and to the Surveyor's office and to the developers that we all have to start looking at ways to improve retention, detention, ditch-cleaning, etc. The Surveyor's office is committed to this and he assured them that the Drainage Board has been committed to it and will probably increase their scrutiny of the situation from now on.

Commissioner Cox said she would once again like to bring up her old idea that Mr. Jeffers didn't think was too good the last time she ran for office. That is, the only answer we're ever going to get to the drainage problems in Vanderburgh County is setting up our drainage similar to the way in which the cumulative bridge fund is set up -- where everyone pays "x" number of dollars in and the county goes in and clean the ditches. Mrs. Cox said that if Mr. Schultheis thinks he has problems, he should go to the west side. There are no legal drains out there and they really suffer. An individual can clean out their part of the ditch in front of their house, but when the individual above you dumps refrigerators and everything in and the individual below you does nothing, it floods you out. And this is what you have when you do not have control of the water channels developed over the years and you do not have cooperative efforts from your neighbors. Then you're at a standstill. Mrs. Cox said it is very frustrating to her, as a county official, that we can't do something about it -- but that is a problem that we do have.

Commissioner Willner asked if there is any further business to be brought before the Drainage Board at this time. There being none, he declared the meeting adjourned at 5:05 p.m.

<u>PRESENT:</u>	<u>DRAINAGE BOARD</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Richard J. Borries (Absent/vacation) Robert L. Willner Shirley Jean Cox	Alice McBride	David Miller
	<u>COUNTY SURVEYOR</u>	<u>AREA PLAN COMMISSION</u>	
	Bill Jeffers, Chief Deputy	Barbara Cunningham Beverly Behme	
	<u>OTHER</u>		
	John Bittner/ Big Creek David Ellison/Big Creek Leo Schultheis Ron Proctor/Kimberly & DeVoss Sam Biggerstaff News Media	Drainage Assn. Drainage Assn.	

(Continued)

DRAINAGE BOARD  
July 29, 1985

SECRETARY: Joanne A. Matthews

*Richard J. Borries*  
Richard J. Borries, President

*Robert L. Willner*  
Robert L. Willner, Vice President

*Shirley Jean Cox*  
Shirley Jean Cox, Member

MINUTES  
DRAINAGE BOARD MEETING  
AUGUST 26, 1985

The Vanderburgh County Drainage Board met in session on Monday, August 26, 1985, at 3:15 p.m. in the Commissioners' Hearing Room, with President Richard Borries presiding.

The meeting was called to order, with President Borries subsequently entertaining a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Willner that the minutes of the Drainage Board Meeting held on Monday, July 29, 1985, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: OAKVIEW PLACE & LAKEVIEW TERRACE V

President Borries said he has two pieces of correspondence from the Area Plan Commission, addressed to County Surveyor Brenner from Barbara Cunningham, re University Heights and Lakeview Terrace V and Oakview Place. He asked if he is correct in noting that these are the items to be discussed today. Mrs. Cunningham said she does not believe that Mr. Jeffers is ready for Oakview Place out on Oakhill Road yet, although she thinks he talked with the developer today. Mr. Jeffers indicated that he has not yet received drainage plans for this area.

With regard to Lakeside Terrace V, this has already been taken care. This was a part of Mr. Foster's development.

RE: UNIVERSITY HEIGHTS

In response to query from Mrs. Cunningham, Mr. Jeffers said that as far as he knows there is no representative here from either the developer or engineer on University Heights and he has not yet seen a drainage plan for University Heights. Thus, he is not prepared to make a recommendation. Commissioner Borries queried Mr. Jeffers concerning the developer. Mr. Jeffers said the developer is Mel Lutterbach.

Commissioner Borries asked if Mr. Jeffers plans to delay the matter until he hears from Mr. Lutterbach? Mr. Jeffers said he would like to see some drainage plans from the developer's engineer. Commissioner Borries asked if Mr. Jeffers knows who his engineer is or who he has contacted to do the drainage plans? Mr. Jeffers said he did not. Commissioner Borries indicated the matter will then be deferred to a later date.

RE: CLAIMS

Big Creek Drainage Association: Claim presented in the amount of \$3,420.00 for additional work to Maidlow Ditch (sediment removal) per bid awarded. The work is complete and inspected and Mr. Jeffers recommends approval. Motion to approve claim was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Big Creek Drainage Association: Claim presented in the amount of \$1,250.00 for additional work to Rusher Creek (sediment removal) per bid awarded. The work is complete and has been inspected. Mr. Jeffers recommends approval. Motion to approve claim for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Commercial Ditch Cleaning Co.: Mr. Jeffers presented five (5) claims for work on various ditches on the East Side Urban area and vicinity, as follows. All are asking for 40% of the total amount of the bid (to pay for chemicals for spraying). The spraying has been accomplished and the effects have been inspected. In all cases, except one, the Surveyor's office recommends 40% payment. On the other, it is their recommendation that 30% be paid. To explain the latter, in response to query from Commissioner Cox, Mr. Jeffers said that specific claim is on Harper Ditch -- which runs behind Sears, All-State, the Raquet Club, etc., and then goes thru Normandy Arms Apartments. The contractor did not spray completely thru Normandy Arms due to consideration for landscaping. Thus, they feel that when the contractor mows that the county will pay the other 70%. Motion to approve the following claims for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Harper Ditch	(30% of contract)	\$298.95
Kolb Ditch	(40% of contract)	\$831.92
Eastside Urban S. 1/2	(40% of contract)	\$4,833.73

Keil Ditch	(40% of contract)	\$ 272.28
Henry Ditch	(40% of contract)	\$ 255.59

With regard to the claim concerning Harper Ditch, Commissioner Borries asked if there is any time frame within which the contractor must complete the other 70% of the work?

Mr. Jeffers said all of the contracts call for spraying with herbicide beginning April 15th and the starting date for mowing is September 15th. Every year, if the spraying is completed and inspected by the surveyor's office and they find that it is working, then we pay 40% of the contract. When he completes the job -- if it is completed satisfactorily, mowing, burning, rubbish carried off and everything else -- he has until November 15th to complete the job. In any event, when the job is completed to our satisfaction, then the contractor receives the other 60%. But the contractors do have an investment in the chemicals -- and the county usually goes ahead and reimburses the contractor for same, after the ditch area has been inspected. We did the exact same thing earlier for Big Creek Drainage Assn. In response to query from Commissioner Willner, Mr. Jeffers said that if the contractor has not satisfactorily completed the work by November 15th, then he will not be paid any additional.

RE: SCHEDULED DRAINAGE MEETINGS

Commissioner Cox stated that at the last Commissioners' Meeting, the Commissioners received Mr. Jeffers message that regularly scheduled Drainage Board Meetings would be held on the fourth (4th) Monday of each month, unless otherwise notified or, if deemed unnecessary, then a meeting would not be held. She thinks it is good to know that a Drainage Meeting will be held on the 4th Monday of the month unless otherwise notified.

Mr. Jeffers said the point really was that Area Plan has their Subdivision Review meeting on the 2nd Tuesday of the month. If the Drainage meetings are held on the 4th Monday, it will give the developers time to prepare for the APC meeting on the 1st Wednesday of the month. It will also give any remonstrators a chance -- for example on the federal-funded projects, this is the only place they have to come to speak their piece. They don't go to Area Plan.

In response to Commissioner Borries comment, Mr. Jeffers said additional Drainage Board meetings could be held, if needed. This is at the discretion of the Board. What he is saying that the Surveyor will be prepared for a meeting on the last Monday of the month, if they have all the drainage plans before them. Then they will be ready to meet with the Board so that the developer can go directly to Area Plan on the following Wednesday.

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 3:30 p.m.

PRESENT:            DRAINAGE BOARD

Richard J. Borries  
Robert L. Willner  
Shirley Jean Cox

AUDITOR

Alice McBride

COUNTY ATTORNEY

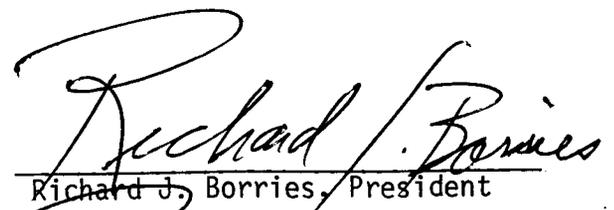
David L. Jones (left for  
Burdette Park)

AREA PLAN COMMISSION

Barbara Cunningham

SECRETARY:

Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

MINUTES  
DRAINAGE BOARD MEETING  
SEPTEMBER 30, 1985

The Vanderburgh County Drainage Board met in session on Monday, September 30, 1985, at 3:45 p.m. in the Commissioners' Hearing Room, with President Richard Borries presiding. Commissioner Willner was absent from the meeting.

The minutes of the previous Drainage Board Meeting, which was held on August 26, 1985, were approved as engrossed by the County Auditor and the reading of same waived.

President Borries said they have several persons in the audience who wish to speak, one (1) that is having a time difficulty, the Deputy Surveyor Bill Jeffers is here to present some items and they also have Mr. Elvis Douglas, of the Soil Conservation Office here too as a consultant.

RE: LAKWOOD WEST APARTMENTS

President Borries asked Mr. Jeffers if he had any comments at this point, and if not they can read some of the items into the record.

President Borries said he has before him a conditional permit that the Lakewood West Apartment Developers have submitted to the Area Plan Commission and the technical staff, including the Surveyor' Department, they have reviewed this and the following conditions have been included for the record:

- 1) The Drainage Plan will be reviewed at the September 30th meeting, which is today, and the applicant must comply with their recommendations as a condition of their permit. Erosion control is an item here that is addressed by saying that all disturbed areas will be mulched, seeded and or sodded within forty five (45) days. The seep area along the north property line should receive additional care to insure adequate protection against erosion, such as rip-rap, etc. These measures should be installed as quickly as possible and not to exceed forty five (45) days.
- 2) This Apartment project must be on sanitary sewer.
- 3) The entrance drive will be thirty (30) feet in width.

President Borries asked if there were any comments at this time, or does Ms. Cunningham, from Area Plan have any?

Ms. Cunningham said the plat was previously zoned in 1977 for the Apartments and when Mr. Simmons came to seek his zoning use permit so he could get his building permit, he was told that the procedure was to go Sub Division Review Committee for review of anything over eight (8) units and they set up a special meeting at that time and to insure that the land had been cleared and they were concerned about the erosion control in that area with the land stripped at that time and so the conditions that President Borries read into the record were conditions that were put on by the Sub Division Review Committee and it was with the understanding that Drainage Plans must be approved, as a condition of this permit, it was like an own risk type condition and the developers were aware of that at the time.

She said Mr. Douglas and Mr. Easley are on that Committee if they have any questions, Ms. James was present at the meeting along with Mr. Jeffers.

She said she thinks the permit is self explanatory and she believes Mr. Simmons has brought in Drainage Plans to Mr. Jeffers on Friday, and that is as much as she knows.

Mr. Jeffers said as they know for the past year or so they have been taking a much closer look at Drainage Plans and they have required developers to bring in drainage calculations and at least bring in a plan showing the pre-developing conditions and runoff and plans showing what their post development conditions and runoff is and the plan that Mr. Simmons had prepared for this project was not accompanied by drainage calculations, which somewhat handicapped their review of it.

Mr. Jeffers showed the Drainage Plans to President Borries and Commissioner Cox.

President Borries said this is not what they need, he asked about elevations and Mr. Jeffers said they were not in there.

Mr. Easley said it is not relative to mean sea level, it is a rod reading.

Mr. Simmons said what they had talked about up there was to move the water out here, (Shown on Plan) but instead they are going to put this into the sewer system.

Commissioner Cox asked in where?

Mr. Easley said he has a surface pipe that comes into.....there is a storm sewer that goes to left, there is an inlet and he is going to take it into an underground pipe.

Commissioner Cox asked then where does the pipe go.

He explained it goes across the road to Mr. Schmadles lake.

Commissioner Cox asked about runoff, what are the calculations here, is there any holding back of this water?

Mr. Easley said it can run into the lake and be o.k.

Commissioner Cox said the lake is full some of the time now, she lives out there all of the time and she gets calls from people down on Rosenberger Road and down in that end and they put a new culvert in the ditch there on Rosenberger and raised that area somewhat and tried to alleviate and try to get the flow out and over into that little creek.

Mr. Easley asked who owns the lake?

Mr. Simmons said Mr. Earl Schmadle owns most of it and they own part of it.

Mr. Easley said maybe the spillway should be modified to allow freeboard so when it does rain.....

Mr. Jeffers said they rebuilt that spillway about two (2) months ago.

Mr. Easley asked if it had a trickle pipe in so it can build up and trickle out?

Ms. James said it trickles all over the farms in the back on the other side.

Mr. Easley said it is a natural valley, they have a lake on it.

Ms. James said the lake should have never been put in the valley in the first place, because that is a natural water catch, if she is not mistaken and when the spillway overflows and the ditch behind is not clear, that water goes right up to the Valley-view Apartment door steps and also takes out some crops of farmers on the one side.

Mr. Easley said then why doesn't someone clean out the ditch?

Ms. James said that is something they are wanting to address. She said they have to consider that this is being built with Economic Development money and these people shouldn't have to have their property inundated with water while they are paying for the development money with their tax dollars.

Mr. Simmons said they are not paying any development money on this. There is no money whatsoever that the local government is paying.

Mr. Easley said it may be a bond issue that the bank has purchased, but there is no tax money involved.

Ms. James said they have those farmers down there that are losing their crops.

Mr. Simmons said in other words, she did not want them to do this.

Ms. James said no, they want them to do it, they need the apartments, what they want to make sure is that the capacity of the lake is not going to put the water up to the door of their own apartments.

Mr. Simmons said that is their property right across the street and he sure don't want that and he is sure that it won't happen either.

Ms. James said there again, there are people down below that have to be considered and they are here and can address the problem, their crops get taken out and they have cuts behind their land because the ditch.....

Mr. Simmons said he thinks that is mainly because the ditch has not been cleaned out.

Ms. James said yes, the ditch is the primary problem and West Side Improvement is willing to work with some people to see if they can get all of the owners.....

President Borries asked if this was a legal drain?

Ms. James said it is not a legal drain now, it used to be, and she thinks they could get a legal drainage basin established out there, but in the meantime if Golden Tower Apartments also develops like they want to, of course they have a retention basin planned, that is still dumping more into that lake and so they are going to have more water coming into the lake too, really what they need to do is clean out the drainage ditch behind the lake to make sure the water runs clean and free into the culvert.

Dr. Crowley said they just had a new spillway put in there because the lake was not holding the water even to where to keep the algae from forming so they had Bob Cole to put in a new overflow there and this overflow he designed will keep the lake at a certain level if there was enough rain to do it, otherwise the water is going to have to go from someplace, if it is coming from under Red Bank Road or wherever, even if there is no lake there they have to get rid of that water, so it would go down with the same force, depending on how much water there is. He said they wouldn't have any control over the amount of water that comes into the lake, it has to go from there to some place else.

Commissioner Cox said right now they have sod, grass and things that catch some of the water and hold it for a while. She said she saw what they have there and this is a pretty high density development for this area with the drainage problems that they do have out there already.

Mr. Crowley said that does not really effect the amount of water, he does not think, the engineer can speak to that. He said most of that water comes from behind Valleyview, which all drains down to that lake.

Commissioner Cox said she is talking about right off of Hogue Road, where they are under construction, where the banks are bare.

Mr. Crowley said they are not going to keep it bare.

Commissioner Cox said she knows, but instead of having grass and sod there, they are going to put buildings, so he says the water is going to go down to the pipe, into the pipe and then into the lake, which means it is going to get there faster this way than it did just on the regular running down to the grass.

President Borries said he was unclear on this but he asked Mr. Jeffers if he and Mr. Douglas if they have seen this.

Mr. Easley said he had seen another addition and then they modified the grading, so they had to amend it, but they have not changed it that much.

Mr. Simmons said one thing that someone recommended, and he thinks they are right, and that is putting this grate in there which he had not originally planned on, but is an asset to the drainage problems.

Mr. Easley said it is only two and one half (2½) acres, and it is true the additional runoff being generated by the asphalt and the roofs are not going to be that much. He said if they have complete runoff of off one (1) acre, they get one (1) CFS, but it can't add that many CFS coming off of there. He said he does think that maybe some of the tension needs to be made to the spillway, if they could use the freeboard in the lake to take the surge of water and let it trickle out through a v notch wier or something until it goes down again and then maybe form a mutual ditch improvement association with the people that would be effected, get them together and take an acreage basis and divide up the backhoe work or whatever it takes to clean it out, then everyone can pay their share.

Ms. James said they have two (2) areas that could use the fill from the ditch. She said this would not be that expensive as the ditch is not that long.

Ms. James asked how certain water was going to drain from looking at the drainage plans.

Commissioner Cox said it would drain the same way it has always drained.

Ms. James said if the water drains into the ditch, then where does this ditch go.

Mr. Simmons said it goes into the ditch they were talking about out beyond the lake.

Ms. James said that is what concerned them, the fact that if they put more water in there.....the ditch isn't dug.

Mr. Simmons said the way it was before, there was more water going into that ditch, and the only thing they are draining is about a third of the parking lot and a part of property located on the plan, and there was much more than that the way it was.

Mr. Simmons said someone has put rip-rap at the end of that culvert, and he cannot figure out why. He said the only thing it can hurt is Valley-View and it is on their property, there is rocks in there and it is clogged up.

Ms. James said the majority of their complaints were from Valley-View because they had water to their doorsteps.

Mr. Simmons said he would work with them to get that unstopped there.

Commissioner Cox said they have an expert here and she would like to hear what he has to say.

Mr. Douglas said he does not know if he is an expert or not but there is a wier that is set in the ditch and for all practical purposes, the water runs right thru the wier, they have a more of a C shape wier in there and so the water goes right out thru the wier, but if they put a sandbag in there right today and block the wier, the water would spread right out over the lawn.

Mr. Jeffers said as long as they are speaking of the wier and he (Mr. Douglas) has expressed his concern as a soil conservation expert, the Surveyor's definition of a wier is that it holds the elevation of the lake so there is a foot and one half to two foot of water standing in a pipe under Red Bank Road at all times and unless they have an extremely dry season that evaporates the lake, it will not allow the water to go below the flow line of the pipe under Red Bank Road, so under high siltation periods, and they experinced one this week, the silt settles out in the flow line of the pipe under Red Bank Road and over a period of time they will lose a foot and one half of open end area of the pipe. He said this is how the wier is set at this time, a foot and one half above the upstream flow line of a six (6) foot diameter pipe.

Mr. Douglas said it seems to him that passing that lake would help retain water, the higher the lake is.

Mr. Jeffers said that lake will not retain water, it will detain a surge, but it will not retain water, to his way of thinking.

Mr. Douglas said it does get below where he is talking about quite a bit of the time.

Mr. Jeffers said it probably would during a-long dry spell.

Mr. Jeffers said they have reconstructed the spillway at the same level or higher than it was before.

Mr. Douglas said the other thing that disturbs him is immediately downstream from the wier there seems to bea considerable amouth of grade, there is a lot of pieces of busted up concrete that has been placed in the ditch and to his way of thinking it would have been wise if they could have made it flush for at least 100 foot or so downstream of the structure thereby they could have maintained the integrity of the structure.

Mr. Jeffers said it is curbing, just like a curb stone, a six (6) inch curb across there.

Mr. Douglas asked what was the length of it?

Mr. Jeffers said he was estimating twenty (20) feet, maybe six (6) to eight (8) inches thick.

Ms. James said it comes up awfully close to these apartments.

Mr. Simmons said he would guarantee it would not get to the apartments.

Mr. Jeffers said they are talking about property across Red Bank Road and also Golden Towers.

Mr. Simmons said it would flood his before it would theirs.

Mr. Easley asked if they had ever had water get so high that it threatened to get into one of their apartments.

Mr. Crowley said not anywhere near close. He said it would go over the dam before it does.

Mr. Easley said then he thinks they should form their mutual ditch maintenance group, and perhaps have a knowledgeable hydrolic engineer see if any improvements could be made to that lake at nominal costs, but as long as it does not back up and flood any property.

Commissioner Cox said it is not only that they are thinking about here, naturally they want them protected, but it is also the people that are down stream from this. She said they cannot expect those developers to correct all the problems because they did have some problems before the developments came in, but what they can expect to do is not make it worse on these people.

Mr. Simmons said he would work tomorrow to get those pipes that are stopped up that they are maybe aware of. He said he did not know about that.

Mr. Douglas said that his main objective at this meeting.

Commissioner Cox said they need to look at the elevation of the wier, they need to get the pipes unstopped and they need to get the ditch cleaned out all the way down.

Ms. James asked how the ditch is going to be handled.

Mr. Jeffers said the ditch immediately to the east of this property to which he proposes to send half of that parking lot and roof top drainage. He proposes to send this water to a ditch.

Mr. Easley said a half acre of runoff.

Commissioner Cox said it is a swale into a ditch.

Mr. Jeffers said it is not a half acre because there is about five (5) acres up higher that already drains into it, plus some apartment complexes.

Mr. Jeffers said there is so much water going thru there now that.....Valley-View Apartments placed rip-rap in the bottom of that ditch to control erosion, there is so much water going thru there now that it has forced the rip-rap into the pipe and the silt that follows it, those pipes are completely stopped up.

Ms. James said that is what they want to know, how are they going to control the erosion of this ditch.

Ms. James said shouldn't there be some kind of standards set for handling the erosion so that it does not do it again.

Mr. Crowley said they could certainly work with anyone to try to correct the problems out there.

Commissioner Cox said she thinks they should have at least a week to study this, she asked how long would it take to get calculations and see about getting the ditch cleaned out, and the wier.

Mr. Crowley asked Commissioner Cox what did she want them to do with the wier.

Commissioner Cox said she did not know, but they have experts here.

He asked what did the experts want them to do.

Commissioner Cox said that is what she said, until they get something worked out.

Mr. Simmons said are they going to stop this project right here.

Mr. Crowley said they feel that the biggest problem with that lake and high water is their problem, if that water backs up in that lake it is going to effect them first, and they have a million dollar project sitting on that lake.

Ms. James said if they put that water where the ditch is not yet dug.....or cleared out, it will effect the farmers down there.

Mr. Simmons said they have all of the banks they are trying to rip-rap now, but if there is any question that they are going to be stopped and have to stop construction, they have a lot of bare ground that they are going to have to do something with.

Ms. James said the ditch right now is not taking any water, it is just spilling it out all over ground.

Commissioner Cox said if the developers don't agree that they have a water problem out there right now, they are being very dishonest, because they have a water problem, she said she does not want to stop their development, they need that on the west side, they are not trying to stop it, what they are trying to do is to address the problems they have. She said they are not wanting someone to walk off from the project, that is not going to solve anything, but the thing of it is, if a problem has developed since the first little section came in when they applied what they were going to do out there, that has grown and grown without any kind of overall drainage plans being ever submitted or approved, which is wrong and it should have never happened without some controls put in there, maybe if those controls had been put in as development progressed they wouldn't have the problems they have now.

Commissioner Cox said all she is asking.....they pointed out three (3) things that are concerns here, is that they stop and take a breath.....no one wants to stop this project.

Mr. Simmons said he is not going to put anymore money into it if there is a question as to whether they are going to build. He said they have got \$100,000.00 tied up in it right now, and next week it may be \$150,000.00 or \$200,000.00 and if there is a chance that they will say he can't get the building permit after they have this much money tied up in it. He said they have to know something.

Mr. Easley said it is a little complicated, Mr. Schmadle owns the lake, who's permission would they have to have if the wier needs adjusting.

Mr. Crowley said they did this on Mr. Schmadle's property.

Commissioner Cox asked Mr. Simmons or Mr. Crowley if they had an engineering plan on how to do this.

Ms. James said Mr. Schmadle refuses to take care of the lake because the sewage was diverted into the lake.

Commissioner Cox said she knows what the problem is.

Mr. Easley said they were going to make a sewer available for those people to tap into, is that not correct.

Mr. Simmons said that is correct.

President Borries said if they can set down some specifics here today, there is only two (2) of them here, they will have to agree today or delay it for one (1) week so they need to wrap it up here and make some decisions.

Mr. Easley asked if he could make a recommendation.

Commissioner Cox asked Mr. Easley if he has been out there to see this.

Mr. Easley said he has seen the lake, he has walked east of the dam, but he has not done it in the last five (5) years.

Commissioner Cox said then he wouldn't know the place as it is now. He needs to get out there and look at it.

Mr. Easley said he was not aware that the lake was going to come into it.

Mr. Easley said he would recommend that they have the spillway and the ditch inspected by a registered civil engineer who is knowledgeable in such things and come up with some recommendations that will improve or solve the problems that they have named here.

Ms. James said she understands that the ditch needs to be deep enough.....there is a problem where the culvert comes in on Rosenberger, it is lower than the ditch and now it is just filling up that culvert.

Commissioner Cox said it is probably just silted, they just put that culvert in three (3) year ago.

Mr. Jeffers said that is pretty much standard engineering practice because they expect the private land owners to dredge their ditch which they have not yet done, when they dredge their ditch, the flow line of the pipe they installed on Rosenberger will match the flow line of the ditch, that is why they sunk it a foot.

✓ President Borries said they have to realize they are talking about the developers job at this time and the steps they are going to take on their part, and not to increase anything there. He said if they keep expanding this conversation at this point, that is not going to address the problem that they have right now, so he thinks it is important that they reach some resolution here.

Mr. Easley asked if they would give preliminary approval here subject to them getting a brief report from a registered civil engineer to comment on the questions that have been raised.

Mr. Simmons said they would work toward to opening up that drainage that they said was stopped up, which he knows is stopped up and he will work toward that but he cannot guarantee it.

Mr. Easley asked Mr. Simmons if they would contribute to the cost of cleaning the ditch

Mr. Simmons said yes, they would do that.

Mr. Easley asked Mr. Simmons that if the civil engineer said it would be desirable to notch the wier.....all he is talking about is maybe a one (1) foot notch six (6) inches deep, maybe the lake should not be so full.

Mr. Simmons said they would be willing to notch it if the engineer said it needs it.

Mr. Simmons said he has got to have for sure approval before he is going to put any more money into this project, because he is not going to sign his name to a million dollars and then be told they can't build.

Commissioner Cox said she agrees with him, she doesn't think he should and as a County Commissioner she is not going to approve anything that she does not have in front of her that she can know what she is approving. She asked if this could be done in one (1) week.

Mr. Simmons said yes, it could be done in one (1) week.

Ms. James said she cannot understand how come this stuff always gets started and then the plans come up.

Mr. Simmons said Jesse Crooks called him and said it was state approved and all he had to do is make up the blue prints.

Mr. Simmons said they would clean out that pipe if possible, if they can get the owners of Valley-View to authorize them they will clean out that pipe.

Ms. James said she believes they can get the ditch cleaned and she thinks they have the places to put the dirt, she said if they get Valley-View, who owns part of the ditch, they should also be compelled to pay for part of the maintenance of this ditch too.

President Borries said that is private property so the Commissioners can't do anything about it, they would have to negotiate with them.

✓ Ms. James said maybe they could approach them and let them know they are eager to get this settled because they want this a top notch, good looking area.

Commissioner Cox asked if there were any other recommendations that they would have.

Ms. James said they would contact Valley-View and they will do it this week.

Mr. Jeffers said the reason he would recommend no action today is that any water that goes down, he would make sure it gets thru those pipes and he wants to examine the elevation of that wier to make sure they are not damaging a public installation of a six (6) foot pipe underneath Red Bank Road.

Mr. Simmons said he would be glad to work with them on talking to Valley-View.

Mr. Jeffers said he sees no problem with them sending the water thru a storm sewer, he does not see any problem with this water going into a roadside ditch, he is concerned where water is overloaded.

Mr. Simmons said he is willing to comply with their recommendations.

Mr. Jeffers said he does agree with Mr. Easleys' statement about a registered engineer to examine this and come up with some recommendations. He said he would hate to see them stop work and he made the statement in the review committee when they only have forty five (45) days from September 17th to completely implement their silt retention and erosion control.

Commissioner Cox asked would they need to stop work, they have already been working without a drainage plan.

Mr. Simmons said if they can be assured approval.

Mr. Jeffers said he cannot see any problem that cannot be cured, but he cannot recommend a plan that will not work.

Mr. Simmons asked Commissioner Cox what she wants on the plan.

She said he knows the things that have been pointed out; the certified engineer to calculate the retention capacity of the lake, the depths of the ditch and how much runoff this is going to create in this area, the area that goes to the swale and how much additional runoff will be coming in thru the storm pipe that will go into the lake and what additional runoff will be coming down to Red Bank Road because it will go underneath the culvert and ultimately end up in the lake.

Ms. James said what if they cannot get University Shopping Center to cooperate for the ditch and also Valley-View because where would that water go.

President Borries said they would have to approach and negotiate with them.

Ms. James said what are they going to do with the farmers down here (on Plan) who have crops taken out.

President Borries said they would have to join in the effort to clean the ditch.

Ms. James said the ditch is not on any of their properties.

President Borries said if it is not a legal drain, the county cannot do it.

Commissioner Cox said she would like to hear the recommendation on this.

Mr. Jeffers said he would like to see a complete set of drainage calculations, pre-development, post-development and he would like to see an agreement between the developer and the property owners of Valley-View Apartments for the cleaning of the pipes underneath the driveways to make sure any water they plan to send in that direction will get to the ditch, or as an alternative they can send all of their water into the main storm sewer system which discharges into the lake.

Mr. Simmons said they would pay a portion of cleaning out this ditch.

Mr. Jeffers said he would not make that recommendation, they can volunteer if they want too.

Commissioner Cox asked if those suggestions could be incorporated into these plans or should they have a new set of plans.

Mr. Jeffers said he thinks there is an area on these plans that can be used for the recommendations.

Commissioner Cox moved that the drainage plans for area 4921 thru 4967, 5001 thru 5021 thru 5091 Lakeside Drive in Perry Township off of Red Bank Road be approved with the recommendations as submitted by Mr. Jeffers, from the Surveyor's Office.

Mr. Jeffers said he did not make a recommendation that they approve it.

Commissioner Cox said he did make some recommendations for conceptional changes. She said this is the conditions of approval.

President Borries asked Mr. Douglas if he had anything else he would like to add to this.

Mr. Douglas said he would be glad to review the engineer's report.

President Borries said he would second Commissioner Cox's motion. So ordered.

RE: LARRY'S SUB DIVISION

Mr. Jeffers said Larry's Sub is on Schaeffer Road. He said this is a simple four (4) lot sub. He said the Civil Engineer and Land Surveyor representing this sub has submitted drainage calculations which have been checked by his office and they agree with them. He said there is a new plat for it and it had one (1) change on it. He showed them on the map of the easement change going thru the middle. He said now they have a twenty (20) foot private roadway leading back to the two (2). He said at Mr. Douglas' suggestion they will install strawbell dams to control silt. He said at the only culvert which passes on to other private property, the other two (2) culverts are in the county right-of-way, they will only be building two (2) houses upstream of the culvert and he thinks everything is o.k.

Mr. Jeffers said his only recommendation would be, if during the period of construction the straw dams prove to be inadequate, that a temporary silt retention facility be put in place, which would simply be a dam and stand pipe, just to hold the silt until they get the grass growing. He said with that recommendation they would urge them to approve Larry's Sub Division Drainage Plans.

Commissioner Cox so moved, seconded by President Borries. So ordered.

RE: CHAPEL HILL SUB DIVISION

Mr. Jeffers said Chapel Hill Sub Division is located off Eichoff Road North of Hogue Road and West of Peerless. He said previously this Drainage Board was submitted a plan which received approval, however, the developer changed his mind about a few of the lots, but he did come in with a sub division with less lots. Mr. Jeffers said they have a copy of the plans in front of them and this is a more orderly looking sub and it has some keyholes.

Mr. Jeffers said what Mr. Biggerstaff has agreed to do, they had an easement going thru there for a natural stream, and he has agreed to give ten (10) feet along two (2) of the lots, and fifteen (15) feet in two (2) other places (shown on plan) to accommodate his half of the stream which is more than enough because they had previously approved twenty (20) feet and when Mr. Boarman comes he is going to have to give fifteen (15) feet.

Mr. Jeffers said they are recommending approval of the new drainage plan with the notations in red agreed to by the engineer and developer.

Commissioner Cox moved that Chapel Hill Section B, the new plat submitted today for the drainage plan with the red markings or easements and drainage and structures be approved. The motion was seconded by President Borries. So ordered.

RE: OAK VIEW PLACE

Mr. Jeffers asked if the Board had any questions before they start, was there something they needed to know on that.

Ms. Cunningham said there was a question of water across lot number 1. She said there were a lot of water problems with this one, according to the people in the area.

Commissioner Cox said they were on sanitary sewers.

Mr. Jeffers said Mr. Biggerstaff presented these drainage calculations and they check out o.k. He said they are based upon area 3, 2 and 1 and what he proposes to do is take all of this water by different directions into.....

Commissioner Cox asked where is this?

Mr. Biggerstaff explained this to Commissioner Cox by showing her the drainage plans.

Commissioner Cox said they have Bergdolt, St. George Road, and Oak Hill Road.

Mr. Jeffers said what he is doing, he is collecting all the water in the sub division except for a very small amount which will leave the culdesac and flow over into the creek or ditch which is over there anyway. He is directing it down into a thirty (30) foot drainage easement which will be used as a swale to detain water which if it were discharged it would be discharged thru a fifteen (15) inch pipe. What he is doing is throttling it down to the twelve (12) inch pipe and it will be discharged at a slower rate, then pass it thru a soybean field thru a natural depression and down to the first church to the south and that piece of property is surrounded by a ditch and carries it over to Lincoln Creek.

Mr. Jeffers said they have been working with Mr. Biggerstaff to try to get the elevations set so they can detain water and discharge without flooding the yards and they are well satisfied that this would detain at least a fifty (50) year storm without causing a problem.

Mr. Jeffers said the only problem he had with lot #1 was he was afraid that if it were under construction, the swale might be built with soil or construction debris and be blocking a portion of water that comes down thru a yard.

Mr. Jeffers said he would recommend approval with the addition that somewhere on the plat it be stated all drainage easements and public utility easements be kept clear of any debris to the constructed elevation and that be the responsibility of the individual property owners.

Commissioner Cox said she would make this motion. The motion was seconded by President Borries. So ordered.

RE: UNIVERSITY HEIGHTS #4

Mr. Jeffers said this is on Lemay Drive and is being developed by Mel Louderbach. He said it is a six (6) lot sub division and each lot is one (1) acre or greater in size. He said it has a set of street plans which indicate Lemay Drive will be an asphalt street built to county standards. He said there are two (2) culverts indicated on this plan.

Mr. Jeffers said the engineer submitted calculation which are all accurate, and he has made provisions to drain the surface water properly and the only problem he was able to come up with was when they get down to where this street (on map) connects with the existing Lemay which is a fourteen (14) foot unacceptable road, they are taking the entire lane into the east lane of the twenty five (25) foot roadway, and what that does is the west lane, if allowed to drain in that direction will cross a driveway and front yard and down to the creek and he would like to see the road pitched so all the water from the roadway drains to the east and down thru the ditch into the existing pipe. He said there is also a natural swale and he would hope he would pick up all the water he could and send it straight to the creek, he said there is a little hill, so he can't send it all of it and his other recommendation is to install a grate, a twelve (12) inch pipe with an open grate to carry all the water into the ditch, so that none of the water that comes down that street crosses a mans property.

Mr. Jeffers said what they have done is move the road west to accommodate having one (1) acre parcels.

Mr. Jeffers said he would recommend approval of this drainage plan with the provisions that all the water from the newly constructed Lemay Drive be captured at the end of the project and diverted to the east side of the road, carried thru a fifteen (15) inch pipe underneath the private field entrance and then into the thirty (30) inch pipe which goes directly into the creek.

Commissioner Cox moved that the drainage plans for University Heights #4 be approved with the recommendations or conditions so stipulated by Mr. Jeffers, Deputy Surveyor.

The motion was seconded by President Borries. So ordered.

RE: McCUTCHAN PLACE

Mr. Jeffers said this does not go to the Plan Commission until November, however, he assumed it went next Monday and he asked the engineer to bring this stuff in last week.

He said what the engineer has done is prepare a bunch of drainage calculations which show in 100 year terms how much water was generated thru these natural waterways and how much capacity it actually had. He said the capacity of the existing waterways was greater than the water that could be generated in a 100 year rainfall of the intensity for a twenty four (24) hour period (6½ inches of rain).

Mr. Jeffers said what he had done is shaded in yellow every drainage easement that he asked him to dedicate to the sub division and he has done that. He has dedicated the entire lake and these yellow drainage easements to the sub division. He has given them all the pipe sizes and they all check out, they will handle the water.

Mr. Easley asked if this was going to be an open ditch or is it pipe.

Mr. Jeffers said it is an open ditch.

Mr. Easley said that is going to be terribly deep, did he realize that.

Mr. Kuester said it is all going to be regraded there, the lakes where they are going to be dug will raise it too.

In viewing the plans Mr. Easley said there was a 420 and there is a 425, and if it has any depth to it, it would have to be a 422, is that right. He said this is a six (6) foot of depth there, that is a huge ditch with two (2) to one (1) side slopes. He said maybe they should take the thing over here (on plan) but they would have to pipe it.

Mr. Kuester explained on the plan that the lot could be graded because they will need the fill, so the lot is going to be cut down in that area. He said without any problem at all they could lower one part three (3) foot.

Commissioner Cox asked about the flood zone, could he address that now?

Mr. Kuester said the dash in arrows is shown on the insurance red map as a flood zone, they will be raising that area, but that gets back to their calculations about the existing ditches and they have calculated that the existing ditches will carry more drainage than they are required to carry, so they disagree with the flood map.

Mr. Easley said he would agree with him, he thinks the flood maps are in error.

Mr. Jeffers showed them the spillway cross sections.

Mr. Kuester said the lot sizes now don't include any lake area now, the high-low lot sizes do not include any lake area. He said the lots run from 1.06 acre to .57 of an acre, not including the lakes.

Mr. Easley said he thinks it would be a better development if this water went over here (on plan) and down instead of putting a ditch like that thru there.

Mr. Jeffers said 407 is the pool stage water level. He said this a detention system, not a retention system.

Mr. Kuester said they figured the runoff considering the hard surface areas and due to the fact they have the hard surface areas and the ground will not be absorbing as much water, they calculated that to be an increase of 2.24 acre feed before it would increase that much runoff, but the two (2) lakes would detain an 8.43 acre feed, between three (3) or four (4) times, so it would be an improvement for any property on or below this area.

Mr. Easley asked Mr. Kuester if he has some kind of an outlet that will allow the lake to come up or just let it come up naturally and then let the water overflow the spillway.

Mr. Kuester said overflow the spillway.

Mr. Easley asked what is the spillway designed for, the maximum runoff, what storm.

Mr. Kuester said he believes the spillway is designed for fifty (50) year storm.

Mr. Easley said he would recommend it be designed for one hundred (100).

Mr. Kuester said they could do that without any problem.

Mr. Jeffers asked Mr. Easley about moving the easement up.

Mr. Easley said this still makes him nervous, what would they think about taking..... maybe pipeing it from here (on plan) if they had to clip the corner of this over to the ditch and sizeing the other ditch over to here (on plan), he said they would have a much shallower ditch, they may have to move the culvert and maybe they could grade this. But if they are going to grade it three (3) feet then the ditch would only be three (3) feet deep, if they want to move that much dirt.

Mr. Jeffers suggested they approve the plans for McCutchan Place with the amendment that the spillway be adapted to a one hundred (100) year flood and until county acceptance of all roads and streets that all storm sewer easements and structures remain the responsibility of the sub division or individual owners, or some other ininity, which may be the McCutchan Place Drainage Association.

Mr. Easley asked if there would be a trickle tube on these dams, he does not think the trickle water should keep the sod wet on the sod spillway. He said he thinks they should put a trickle tube that would be perhaps six (6) inches to a foot below the hundred year emergency spillway.

Commissioner Cox asked Mr. Douglas if he had anything to add.

Mr. Douglas said the only thing he will mention is what he just mentioned to Mr. Kuester about the lakes, they are probably going to be constructed a little bit early in the development phase and if they pick up some silt with them only being seven (7) feet deep it will knock them down to about six (6) feet, and normally if they are going to stock them with fish they need about six (6) feet of water to just keep it from becoming stagnant and so he would suggest to them is they may want to underdig them an extra two (2) foot to allow for some silt accumulation.

Commissioner Cox asked if they were all comfortable with this with the changes or would it be best, since they have time, to put the changes on and bring it back.

Commissioner Cox said the change would be to show that the ditch or swale will be no more than three and one half (3½) foot deep and to amend the spillway to a one hundred (100) year flood and trickle tubes.....

Mr. Easley said to include some type of restriction on there notifying the property owners that they are responsible.

Mr. Jeffers said they should include silt traps, he was not thinking about fish.

Mr. Easley said if they will give Mr. Jeffers a map showing these changes, he will check the out and they will not have to come back.

Commissioner Cox moved that the proposed McCutchan Place drainage and grading plan be approved with those above restrictions and conditions.

The motion was seconded by President Borries. So ordered.

There being no further business the meeting adjourned at 5:30 p.m.

<u>PRESENT:</u>	<u>DRAINAGE BOARD</u>	<u>AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Richard J. Borries	Alice McBride	
	Shirley Jean Cox		
	<u>AREA PLAN COMMISSION</u>		
	Barbara Cunningham		

RE: BLUE CLAIMS

At the last minute Mr. Jeffers presented the following claims to be approved:

Commissioner Cox asked Mr. Jeffers if he has checked these claims.

Mr. Jeffers said he has checked them and recommends approval.

Commissioner Cox moved the following claims be approved:

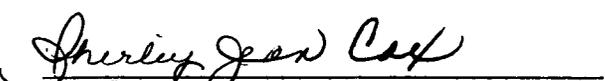
Commercial Ditch Cleaning Co.	Annual Maintenance less 40%	\$1,247.89	(Kolb)
Commercial Ditch Cleaning Co.	Annual Maintenance less 40%	408.43	(Keil)
Commercial Ditch Cleaning Co.	Total Amount less 40%	7,250.60	(ESU)
Commercial Ditch Cleaning Co.	Annual Maintenance less 30%	697.55	(Harper)
Blankenberger Brothers, Inc.	Removal of trees	222.00	(Rusher)

The motion was seconded by President Borries. So ordered.

SECRETARY: Joanne Matthews  
 Taken By: Joanne Utley  
 Typed By: Jean Wilkey

  
 Richard Borries, President

  
 Robert Willner, Member

  
 Shirley Jean Cox, Member

MINUTES  
DRAINAGE BOARD MEETING  
NOVEMBER 25, 1985

The Vanderburgh County Drainage Board met in session on Monday, November 25, 1985, at 4:10 p.m. in the Commissioners' Hearing Room. with President Richard Borries presiding.

The minutes of the previous Drainage Board Meeting, which was held on September 30, 1985, were approved as engrossed by the County Auditor and the reading of same be waived.

President Borries said Mr. Jeffers was here from the Surveyors' office.

He said he has two (2) major sub-divisions and he asked Mr. Jeffers if this is what he has also.

President Borries said he has Fox Point Primary and Oglesby Estates, which is a primary also.

Ms. Cunningham suggested these two (2) sub-divisions be continued for another month because the sub-division review committee recommended it be continued for another month, there were too many unanswered questions on the plat.

Mr. Jeffers said they wanted the record to show that on Fox Point, to the best of his knowledge the surveyors' office has not received drainage plans or drainage calculations and are unprepared to make a recommendation, and likewise with Oglesby, besides what Ms. Cunningham pointed out his office has not received drainage plans or drainage calculations and his office is not prepared to make a recommendation.

President Borries said he would put "no action" on both of these.

RE: GREEN BRIAR HILLS SECTION 2

Mr. Jeffers said they do have a mylar of a drainage plan submitted for Green Briar Hills Section 2 from James Morley and Associates. He said the drainage plan was approved in concept on 4/29/85, however, at that time they did not have the mylar for them to sign. He said this is the sub-division at the curve on Petersburg Road at the north west corner of Hamilton Golf Course, on the north side of Petersburg Road in the county, it is presently under construction and he said he was out there Sunday morning and all the roads are graded and the sub grade is being prepared for pouring the streets, the street plans have been approved and that mylar, of which he has two (2) copies, if they would care to have a copy for their file, showed the installation of several different sizes of drain tiles. He said they are just asking for a signature.

President Borries entertained a motion of approval.

Commissioner Willner moved that Green Briar Hills Section 2 be approved as submitted.

The motion was seconded by Commissioner Cox. So ordered.

RE: BILL JEFFERS

Mr. Jeffers said he was going to state the rest of this on the microphone, but if he happens to be incorrect he supposes it can be corrected by the secretary. He said he believes on September 17, 1985 they issued a zoning use permit for Valley View.

Ms. Boehme said yes, on September 17 and the drainage board was the 30th of September.

Mr. Jeffers said on September 17th they issued a conditional zoning use permit and the conditions are stated on the document they are now holding, then on September 30th they had a rather confusing meeting concerning this, there were a lot of different opinions stated by a lot of different people, and he believes, if he understands the minutes correctly they.....he said he did not want to say because he really doesn't understand what went on, other than they had to come up with a drainage plan for them to look at.

Commissioner Cox said they approved the drainage plans in concept, they had no physical plan before them and the concept included the recommendations that he and Elvis Douglas had pointed out and they said they would comply with it.

Mr. Jeffers said after that meeting the project was.....or the client retained the services of Mr. Morley. Mr. Morley took a drawing that had been done previously by Sam Hanson, both of those peoples stamps appear on this new drawing, because really it is just the old drawing with overlaid information from Mr. Morleys' office.

Mr. Jeffers said Mr. Morley gave the developer three (3) alternatives from which he had to choose one (1), all three (3) alternatives would have worked, the developer picked alternate two (2) and he has underlined or circled with red pencil basically what alternate two (2) consist of and he will present this to them now.

Mr. Jeffers said alternate two (2) consist of picking up water, which could not otherwise be handled by this twelve (12) inch pipe that runs from the north line of the project to the front of the lot where it is picked up by a twenty four (24) inch pipe and carried down thru the existing apartment development into a lake. He said the excess is picked up on this plan by a ten (10) inch pipe and his office would not recommend anything smaller than a twelve (12) inch pipe for reasons too lengthy to go into at this time. He said the ten (10) inch would handle it but they would recommend twelve (12) inch carrying thru a swail constructed between the apartment unit four (4) and the swimming pool into a twelve (12) inch pipe which connects to a twelve (12) inch pipe coming from the parking lot and carrying it down to the drop basin. He said that will handle all the additional water which could not be carried by an existing twelve (12) inch sewer that has already been covered over.

Mr. Jeffers said that any water that leaves the west side of the sub-division will be carried along the roadside ditch and thru an existing twelve (12) inch pipe to which both Mr. Morley and his office recommended an additional sixty (60) feet of twelve (12) inch corrugated metal pipe covered in the side ditch to carry it down to the lake. He said presently it is spilling out across the parking lot and they don't like that.

Mr. Jeffers said all the water leaving from the east side of the development will leave thru a spillout, designated on plan, a curve break thru a spill way of rip rap and over into an existing ditch which the developer has already.....with the owners of Valley View Apartments cleaned out the ditch and the pipes which carry it down to the stream. He said the calculations are found in the lower left hand corner of the paper and he has circled they will take alternate two (2). He said the only difference between their concept of alternate (2) and his is that they recommend a twelve (12) inch pipe at that location and he has already notified the developer and he agreed to do it

Mr. Jeffers said he wants to make it real clear that any recommendation from his office is only on this drainage plan, and that any other conditions of the permit that was issued September 17th will have to be complied with in addition to constructing this development to this plan here. He said he believes everyone has seen the site and if there are any additional comments he will try to answer them.

Commissioner Cox said when she brought up their spin cut on Red Bank Road.....on plan, they terraced this bank, it is a very steep bank, and they had it terraced in three (3) layers and they have a construction cut up here.....on plan, or some kind of a cut that comes out on Red Bank and that is where the accident occurred, but in addition to that this complete bank here.....on plan...and part of this bank.... on plan...has slipped and slid down on to the existing road. She said she saw no straw bales at all except a certain area.....on plan. She said it is all covered with debris, there is ditches that have been washed thru the bank that was there, probably anywhere from two (2) to three (3) feet deep in some areas. She said she saw no mulching of any kind and no rip-rap of any kind but she did see some railroad ties up along a area.....on plan.

Commissioner Cox said there were some buildings down in one area and they have a building under construction.....

Commissioner Willner asked how did they do that without drainage plans.

Ms. Cunningham said what happened was the property known as Lakewood West Apartments was zoned correctly numerous years ago and at that time if they would have come in they would have built without site review or sub-division review or anything. She said they have instituted a policy since then that anything over eight (8) units in an apartment complex, if it is zoned correctly or not must come before the site review committee and this is what happened here, the man came in to get his permit and they said they could not issue a permit until he had a sub-division committee and the next committee meeting was maybe three (3) or four (3) weeks away and he was upset because he could not get his permit that day, so what she did was call the members of the committee to see if they could set up a special meeting, which they did, and the members of the site review committee met and reviewed this permit and its application and their findings were put on this permit and they suggested that a permit be given at his own risk, but his drainage plan had to work and it would be reviewed at the September 30th.

Drainage Board Meeting because this is the policy that was instituted that Mr. Simmons was not aware of. She said she told them the drainage plan would be reviewed at the September 30th meeting and applicant must comply with their recommendations as a condition of this permit. There was no question about it, the drainage plan had to work and it had to be agreeable with what the Drainage Board wanted, and then they did say, Elvis Douglas must have been there, erosion controls all disturbed areas will be mulched, seeded and sodded within forty five (45) days. She said Mr. Simmons and Mr. Crowley came to that Drainage Board Meeting and promised without a plan, they gave them the information of what they intended to do, and that is where they start out today.

Ms. Cunningham said the drainage plan has to be acceptable to the Drainage Board or the permit is void. She said they understood that completely when they got the permit.

Commissioner Willner said if what Commissioner Cox says is true, then they are not complying with the mulching, seeding, etc. within forty five (45) days.

Commissioner Cox asked Ms. Cunningham if she has been out there to see this.

Ms. Cunningham said she has not been out in a week or so and she was not aware it was coming up today until she came up to the meeting.

Commissioner Cox asked Mr. Easley if he has been out there to look at it.

Mr. Easley said he was out there for a meeting with Shirley James about the ditch in general and he drove past it and he guesses they are ready to implement this..... they have graded it down and they are ready to implement this which is a matter of pipes, going into their existing pipes and he thinks that will get the water into the culvert and will take the water to the lake and if they ever get some grass they probably won't have any major problems.

Commissioner Borries said they have had an extremely wet November and it is not over yet, however, they need to do this or otherwise there may not be much of a hill left.

Ms. Cunningham said the erosion control methods were to be installed not to exceed forty five (45) days and the permit was issued September 17th.

President Borries said they need to do this immediately.

Commissioner Cox asked if the erosion control was part of the drainage plan.

President Borries said as he understands it, it is part of the drainage plan because the minutes say the drainage plan will be reviewed.

Ms. Cunningham said any time they disturb soil on sub-divisions and such, they ask for a separate erosion control map which is to be implemented immediately so they don't have a problem, even before the drainage plan is implemented.

Commissioner Borries said Mr. Douglas may want to go out there too and give his opinion as to their cooperation on that.

Commissioner Willner said they also need to check and see if they have a road cut at the top of the hill there.

Ms. Cunningham said they have no road cut given on their permit, so if they do have one it is an illegal cut.

Commissioner Willner said this needs to be checked out and this also caused an accident today.

Commissioner Cox said it did and it is documented in the Sheriffs' Department.

Ms. Cunningham said if they wish, until these problems are resolved, the permit can be recinded.

Ms. Boehme said they could send the building commission out in the morning.

President Borries said someone needs to communicate with them what they have not done, there is no provision for a cut, it seems to him that they have the other problem worked out if they do the alternate 2.

Mr. Jeffers said first of all, on that cut, he may be wrong, but someone did call his office asking for an access permit from Indiana Bell Telephone Company wanting to put in a twelve (12) inch pipe, and he asked Mr. Easley if they ever got back with him.

Mr. Easley asked what the twelve (12) inch pipe was for.

Mr. Jeffers said for some sort of service that they are installing near the north west corner of this project, and that cut that they put in there may have been only to put some sort of working box at that location, and whether or not it is being used for construction equipment, he has no knowledge at this time, although what Ms. Cox has indicated is that heavy equipment is dragging mud from the site out onto Red Bank Road.

Mr. Jeffers said the road cut is not a part of this sub-division, or it should not be a part of it, exactly what it is he could not tell them without going out to look at it.

Commissioner Willner said they need some answers.

Mr. Easley asked if they were proposing another access point on Red Bank Road.

Ms. Cunningham said there was no access point on Red Bank ever given at the review, it was only access thru Lake Side Court, there should be no cut.

Mr. Jeffers said at one time the Highway Inspectors enforced the cleaning of a road at the end of each working day, that is what he understands from a fellow in his office that used to be an inspector, and he is not sure this law is still in effect but he assumes it is, that debris has to be removed from the road daily.

Mr. Jeffers said alternate 2 will work according to the calculations provided by Mr. Morleys' office, as storm drainage, he said he is not going to stand there and tell them that there was silt retention that was supposed to be in place within fifteen (15) days of September 17th is working, but he will say that the drainage plan using those size pipes and the drainage calculations provided by Mr. Morley should work.

He said that is the kind of gray area he is standing here in, is that he would recommend they pass the drainage plan on the storm drainage portion, but it is at their discretion what they do about all the silt retention and all the other parts of that conditional permit.

Ms. Cox said all they have under erosion control here, all that it says is "placement of straw bales along Lake Side Court".

President Borries asked if they want to delay this and have one of the offices tell these people what they need to do.

Ms. Cunningham said they can void the zoning use permit, but it is a ten (10) day notification period. She said the drainage is enforced as they do the building, and the building commissioner takes care of that.

Commissioner Cox said she understands that Economic Development Bond monies was also granted for this project, and she does not see how they could give approval without all of this being settled.

Commissioner Willner said he thinks they should defer this for one (1) week and see that everything is taken care of before they approve these drainage plans.

Mr. Jeffers said their budget included money for a meeting in October that they did not have so if they wish to have another meeting this month they have the money available for that meeting.

Commissioner Cox asked just what are they going to do?

President Borries said they are just deferring action on the storm drainage plan and they are going to ask the Building Commission to communicate with these developers to make sure that they are in compliance with their previous agreement.

Ms. Boehme said all they could do is red tag it, to stop work on it.

Commissioner Borries said that is alright, then they need to get in compliance with what they agreed to do before, then they will consider this plan and they will schedule a meeting after the County Commission meeting next week (December 2nd).

(Continued)

Commissioner Willner moved that this be deferred until December 2nd.

Mr. Jeffers said he will call Elvis Douglas and inform him as to what was done here today.

Commissioner Willner asked Mr. Jeffers if he would ask Mr. Douglas to go out and look at the site.

Mr. Jeffers said he would be glad to.

The motion was seconded by Commissioner Cox. So ordered.

RE: BUSLER ENTERPRISES

Mr. Jeffers said he received a call from Don Finch from Busler Enterprises notifying his office and the Commissioners about a problem that has occurred behind M & B Diesel Corp. at 20000 N. Hwy 41 at the Busler Complex. He said basically the problem consist of a severely washed out bank. M & B Diesel is located close to the top of the bank and they are in fear of having the erosion reach their foundation, several people have examined this site including people from his office. He said he went out there and so did some others and everything Mr. Finch has told them has occurred. This is on the ditch known as Rusher Creek, which is a legal drain and his office is going to ask them to declare this an emergency so they can get it fixed. He said he is not going to take the time to read these letters into the minutes but he will ask the secretary to enter both of these pages into the minutes. He said the law would require them to declare an emergency, seek bids from no less than two (2) persons known to deal in this type of work, receive quotes from those two (2) persons and award an emergency contract.

The two (2) articles are as follows:

NOTICE TO BIDDERS

To: All whom this instrument shall come:

Be it known that on Monday, November 25, 1985. the Vanderburgh County Drainage Board hereinafter referred to as the "Board", did declare that an "Emergency" exists along the North bank of Rusher Creek, a regulated drain in Vanderburgh County, at a location more exactly described in the attached specifications, and that the "Emergency" consists of an eroded bank of that creek which may become a peril to a structure commonly known as M & B Diesel Corp.; and that the eroded portion of that creek bank as described in the attached specifications shall be repaired immediately using materials and methods designated a suitable per the attached specifications, and that such repairs shall be made by the lowes and best bidder rewpending to this invitation from among those invited to bid and whose manes appear herein; and that all costs incurred by the Board due to the repairs made to said portion of Rusher Creek under such an "Emergency Contract" as shall be awarded will be paid from the account designated for annual maintenance for Rusher Creek.

Invited to submit a bid:

1. Ray Rexing, R.R. 1 Box 244, Haubstadt, IN 47639, 812-867-3420
2. Steve Blankenberger, R.R. 1, Cythiana, IN 47612, 812-845-2717

SPECIFICATIONS....EMERGENCY CONTRACT RUSHER CREEK

LOCATION: Along the north bank of Rusher Creek directly behind M & B Diesel Corp. at 20000 N. Hwy 41 near 1-64.

PROJECT: To repair a severely washed ditch bank from the S.E. Corner of M & B Diesel Corp. lot; thence 75 feet west to a P.V.C. drain tile.

MATERIAL: Approximately 40 tons of rip-rap and/or concrete rubble of an average size of 15 inches with no pieces smaller than 6 inches and no pieces larger than 24 inches.

An undetermined amount of dirt which may be used to cover a telephone cable, cover the top of bank, or which may come with the concrete rubble.

(Continued)

METHODS: The contractor will be responsible for providing all materials to the site and for installing all materials in an acceptable manner within the limits of construction.

LIABILITY: The Vanderburgh County Drainage Board will not be responsible for any damage caused by the Contractor to any property including telephone cables, buildings, drives or lawns which damages may occur during this contract and for which damages the Contractor shall be responsible.

PAYMENT: The Contractor will receive payment for all work under this contract from funds available in the account for Rusher Creek upon approval by the Vanderburgh County Drainage Board.

Mr. Jeffers said if they will declare this an emergency he will read them the quotes.

Commissioner Willner moved this be declared an emergency. The motion was seconded by Commissioner Cox. So ordered.

Commissioner Cox said she assumes that these two (2) that have been invited to bid are specialists in this type of work.

Mr. Jeffers said having the emergency being declared the bids are as follows:

Steve Blankenberger.....	\$ 1,480.00
Ray Rexing.....	375.00

Mr. Jeffers said Mr. Blankenberger operates a business which would have to mobilize from Cynthiana to the site on flat bed trucks and unload his equipment and then go to the Moser Rock Yard and buy the rip-rap and sell it to them put in place at X dollars per ton. Those contracts usually run around \$15.00 or \$20.00 per ton and they are asking for forty (40) tons.

Mr. Ray Rexing is a farmer who owns construction equipment and lives across the creek on the south side and he will only be going across a forty (40) acre field and he will be doing the work himself with his own equipment and he has located a source of concrete rubble which reduced the cost of the contract to him.

Commissioner Cox asked if they have available funds in the Rusher Creek account?

Mr. Jeffers said at this time they have \$351.00 and they are expecting more money from the fall assessment to come in and they have consulted with a person from the Auditor's office who has assured them that there will be more money in that account by the end of the year.

Commissioner Willner moved that Ray Rexing be awarded the bid for \$375.00 for Rusher Creek rip-rapping. The motion was seconded by Commissioner Cox. So ordered.

RE: BLUE CLAIMS

Mr. Jeffers said he has several blue claims for annual maintenance on ditches, he said all ditches have been inspected by three (3) persons from the Surveyors' office over the past two weeks and they feel that the claims should be allowed.

The claims are as follows:

Commercial Ditch Cleaning Co.	East Side Urban North 1/2	\$ 5,768.18
Ralph R. Rexing	Pond Flat A	743.54
Norman E. Messel	Sonntag-Stevens & Extension	2,144.08
Ralph R. Rexing	Pond Flat D	641.06
Ralph R. Rexing	Pond Flat B	391.58
Green Grasshopper Flying Service	Spraying Eagle Slough	1,952.60
Big Creek Drainage Assn. Inc.	Pond Flat C	542.16
Big Creek Drainage Assn. Inc.	Pond Flat Main	2,113.27
Big Creek Drainage Assn. Inc.	Maidlow Ditch	1,482.39
Big Creek Drainage Assn. Inc.	Lower Big Creek	630.08
Commercial Ditch Cleaning Co.	Aiken Ditch	1,480.70
Leo C. Paul	Barrs Creek	3,565.23
Leo C. Paul	Wallenmeyer Ditch	1,127.92
Big Creek Drainage Assn. Inc.	Buente Upper Big Creek	2,059.89
Big Creek Drainage Assn. Inc.	Pond Flat E	216.96

(Continued)

Commissioner Cox asked if this completes the ditch cleaning?

Mr. Jeffers said he does not believe this completes it, there is still some small ditches left.

Commissioner Willner moved the claims be approved. The motion was seconded by Commissioner Cox. So ordered.

Mr. Jeffers said they have had some complaints, people asking why someone can put a sign in the right of way for legal drain, specifically Aiken Ditch, there is a sign for an apartment development that was put in within the seventy five (75) foot right of way for Aiken Ditch and then there is a garden center that also has a sign. He said they went out and inspected it and indeed the garden center will pull debris back into the ditch against the pipe because it is located actually in the ditch and then the apartment....it is not an apartment complex, it is a single family dwelling that is adjacent to the apartment development, is indeed on the top of the bank and the only problem they have with this is that it makes it hard for the tractor to mow the ditch.

Mr. Jeffers said he talked to Area Plan and they have no authority over signs in rights of way, only on agriculture ground that lays south of the right of way, he wants to know if they want him to draft a letter to these sign owners and bring it to them next week.

This was agreeable with the Board.

Roger Lehman, from the Building Commissioners' office said he had a couple of questions.

On the Lake Wood West Apartments, they have ordered him to issue a stop order, is that correct?

President Borries said what they have ask to do is, they must comply with the drainage plan that they agreed to by next week. He said they have asked his office to communicate that to them. He said the surveyors' office has presented a storm drainage plan but from reports they have received regarding their previous meeting, they have not complied with what they said they would do and if they do not within a week, then this Board would ask for a stop order.

President Borries said they have concerns regarding a cut, they do not understand a cut on the property, it is being used and there has been an accident at the location where that cut was today.

President Borries said there was an erosion control plan that was presented and approved at a September 30th meeting that should have started within forty five (45) days of that meeting and that is the reason Mr. Douglas may want to go out there with him because that plan is not in effect.

Mr. Lehman said then if they implement those procedures prior to next Monday, then he is alright. He asked if they want these people to appear at the meeting next week.

President Borries said he thinks the Board would like to hear from these men. He ask if it is alright with the board to have one of these gentlemen to appear.

Commissioner Cox said she would like for Mr. Lehman to appear at the next meeting and let them know exactly what is going on.

Mr. Lehman said he would tell them that if they are not in total compliance by next Monday they need to be here or he will red tag them, and he must comply within one (1) week.

Commissioner Cox asked Mr. Lehman to check on the cut.

Mr. Lehman said his understanding of this is it is a temporary access for concrete, etc. because they can't get up that grade where his concrete drive way is, or he doesn't want them on the concrete, he has a culvert in it.

Commissioner Willner said that is mud on the county street and not his. He said to tell them to clean it or don't use it.

(Continued)

Commissioner Cox said someone evidently had to approve this cut, didn't they?

Mr. Lehman said he would tell him to either remove or obtain a permit for the cut.

Commissioner Willner said and to either clean the roadway or rock it so no more mud is ever again on the roadway causing any accidents to happen at that spot.

There being no further business the meeting recessed.

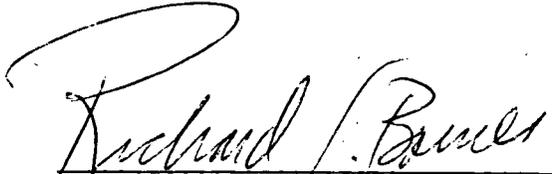
<u>PRESENT:</u>	<u>DRAINAGE BOARD</u>	<u>AUDITOR</u>	<u>COUNTY ENGINEER</u>
	Richard Borries Robert Willner Shirley Jean Cox	Alice MxBride	Andy Easley

AREA PLAN COMMISSION

Barbara Cunningham

SECRETARY: Joanne Matthews

Typed By: Jean Wilkey

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

\_\_\_\_\_  
Shirley Jean Cox, Member

93.

MINUTES  
DRAINAGE BOARD MEETING  
DECEMBER 2, 1985

The Vanderburgh County Drainage Board met in session at 3:45 p.m. on Monday, December 2, 1985, in the Commissioners' Hearing Room, with President Rick Borries presiding.

President Borries called the meeting to order and subsequently stated that the Drainage Board Minutes from last week's meeting are not yet available for approval, due to the office closing for Thanksgiving holiday.

CLAIM

Mr. Jeffers presented a claim to Commercial Ditch Cleaning in the amount of \$383.39 (Total amount of bid for \$638.98, less 40% previously paid). Motion to approve claim was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: NORTH GREEN RIVER ROAD DRAINAGE PROBLEMS

President Borries said that members of the Board heard from a Mr. Hirsch on North Green River Road regarding the Sugar Mill Creek apartments and some drainage problems in that particular area. He then told Mr. Jeffers he didn't know whether the Surveyor's office was contacted or whether he was present when those problems were discussed during the Commissioners' meeting. Mr. Jeffers acknowledged that he was present during the discussion.

Commissioner Borries then asked County Engineer Andy Easley if he has any information regarding the situation?

Mr. Easley said he talked to Paul Neville, Jr. (the developer's son) this morning. He said they had graded it as best they could. However, Mr. Easley said he heard comment from one of the property owners that they thought it could have been drained just a little bit better. He said he has not yet had an opportunity to personally check it, as he was in meetings all day Tuesday and left town on Wednesday morning. The property owners say there is about four inches of water in the ditch south of the area. The developer's son has offered to do more, if Mr. Easley wants it done. Mr. Easley will check it. It isn't holding back much water. As pointed out by Mr. Morley on the drawings, those culverts in front of the church are tipped the wrong way and they will probably cause more problems than anything else.

President Borries said that maybe we should contact them. If Mr. Easley can work on this situation this week and make a report, the Board will very much appreciate it. Additionally, he drove through the area and some of Neville's signs are on County right-of-way.

Mr. Easley commented that the County doesn't really need that right-of-way until such time as they widen Green River Road. Does the Board feel that they could perhaps give Neville a temporary encroachment permit for another twelve (12) months -- and then make him move them? Then when they relocate them they would have an idea as to where they should be placed permanently? That's just a suggestion.

Commissioner Cox said that they were very amenable to moving the signs. She would say that they should go ahead and move them now.

President Borries said it seems to him that there may be some sight problems there; so, if Mr. Easley can work on this and give the Board a report next week, they'd appreciate it.

RE: LAKESIDE APARTMENTS/DRAINAGE PROBLEMS

President Borries asked if all parties are present today to discuss the matter of Lakeside Apartments? As of last week, we had encountered some difficulties and the Board was to hear a report today on the progress made regarding this matter. He asked that Deputy Surveyor Bill Jeffers proceed with his comments.

Mr. Jeffers presented a copy of the map he put in front of the Board last week. All he has done is to mark in "red" all the parts of Alternate #2. Alternate #2 represents the storm drainage system devised by Morley & Associates, which apparently is the alternate chosen by the developers. Mr. Jeffers said he thinks he stated -- and that it was put in the minutes (which he understands are being typed at this time) -- that the surveyor's office has gone over Alternate #2 with the engineer and inspected the

(continued)

drainage calculations and they are ready to recommend that Alternate #2 be approved by the Drainage Board and implemented by the builder. That would take care of the storm drainage portion of the drainage plan. He believes that last week the Board indicated they would like to see silt control, erosion control, etc., included on the plans. At that point in time, the meeting digressed from storm drainage to other conditions of the conditional permit that was issued on September 17, 1985. If the Commissioners' memories serve them the same as does his, the meeting was extended until today. What he is saying is that if the developer would agree to institute Alternate #2, the Surveyor's office would be prepared to recommend that the drainage plan be approved, as long as the other concerns of the Board are met. He believes the other concerns deal mainly with silt, driveway cut up in the corner of the property, etc.

President Borries entertained questions of Mr. Jeffers.

Commissioner Cox queried Mr. Jeffers concerning the wording on the plans; "Bill, the Road Drainage says, 'Install 60 linear ft. of 12-inch corrugated metal pipe from existing 12-inch corrugated metal pipe under Lakeside Court south along Red Bank Rd. to a point beyond existing parking lot Lakeside Apartments. Construction of drainage swale from end of pipe to lake.' Alternate #2 says, 'Construct drainage swale from existing beehive inlet across site to a 12-inch pipe connected to a 24-inch parking lot drain.'"

Mr. Jeffers explained that there are two different pipes and proceeded to point to designated pipes and areas on the plans. He said the designated 12-inch pipe is carrying water that cannot be handled by the beehive and will divert it through the lawn and down to another 12-inch pipe underneath the parking lot driveway and connect it to another 12-inch pipe, which carries parking lot drainage down to the 24-inch pipe designated. That is Alternate #2.

The note about roadside drainage is the extension of a designated 12-inch line, down to a swale and into the lake.

Alternate #2 was devised prior to the Surveyor's office recommending a designated 12-inch pipe. He explained that this plan is a composite of a lot of things -- it has just evolved to this point. In response to query from Commissioner Cox, Mr. Jeffers noted that Alternates #1 and #3 have been crossed out. Everything else on the plan is required. He thinks it was noted in the meeting last week that the Board would also like to see the silt and erosion control typed on the plat. The plat is here -- available to have anything typed on it that the Board wants typed on it.

Commissioner Borries noted that Elvis Douglas of Soil Conservation is present today, as are John Vezzoso (Board of Public Works) and Roger Lehman (Building Commission) -- would either of these gentlemen want to give a report at this time concerning their findings?

Mr. Douglas said the developer called him on Wednesday of last week and asked that he take a look at the site and perhaps make some recommendations as to what could be done to prevent the upstream erosion and the downstream sedimentation. He met with the developer and made several suggestions, among which were to mulch the area (especially the steep area along the street) and put in straw bales at the bottom of the slope to intercept run-off that may get past the mulch that they are going to put on the site. Also, an area where they had concentrated waterflow -- to go to some type of erosion blanket to protect those areas. He was out there today and looked at the site. In his opinion, they have made a good effort to bring the situation under control. There is ample straw material on the site along the steep slope -- even on the downstream face of the slope -- that has also been mulched. The erosion blanket is in place where you have concentrated waterflow. The frontage along Red Bank Rd. has also been mulched. Mr. Douglas said he did note one potential problem; and they talked about perhaps eliminating that culvert at this time from the driveway along Red Bank Rd. Therefore, it would eliminate the possibility of vehicles coming and going from that and thereby keep them from getting silt onto the road. He understands that this will be done. If that is done, we won't have the obstruction there with the corrugated metal pipe which might cause water to stack up and eventually carry sediment onto Red Bank Rd.

The other thing that he requested of the developers was that they keep an ample supply of straw bales on hand, so that if some of the area washes from the site between now and the time they do their final grading and get vegetation established they can go back and place more straw on those areas. He did notice that there are straw bales which have been stacked at the site, which would indicate to him that if some of the

(continued)

area becomes exposed again that they are willing to do this. By and large, it thinks it looks very good.

Insofar as the steep cut along the north property boundary at this time is concerned, with it being as wet as it is and very, very muddy, it is difficult to see how they could possibly get the trucks in there to deliver the stone. At this time, however, there are ties in place at the bottom of the steep slope to divert the flow back to the east; therefore, none of the silt will be able to continue on downstream and onto the road. It goes back east and into the storm sewer which has a little earthen ridge. He doesn't think this should cause any problem until such time as they can get in there and finish replacing the rip-rap. It looks real good.

Commissioner Willner commented that this sounds wonderful.

Mr. Lehman said they also inspected the site and basically reiterate what Mr. Douglas has said. They found conditions to be as such. He might say that Dr. Crowley did call him last week about the curb cut. He told Dr. Crowley that the basic alternative was to either obtain a permit and do it according to County specifications or remove it. Dr. Crowley has expressed an interest in using it only as access to area for fully loaded trucks; so the empty trucks would come down the regular drive onto Lakewood (or whatever the name of the street is) and he told him he needed to contact Andy Easley concerning this and get it taken care of.

Mr. Easley remarked that he would see nothing wrong with using this as an "entrance" only -- if they would restrict it so that trucks would turn off Red Bank to get onto the property -- and they wouldn't have to go up that steep driveway. They would use it as "entrance only" and then they wouldn't be tracking any mud.....

Commissioner Willner interrupted asking, "Just for construction period only?"

Mr. Easley responded, "Just for the construction period."

Dr. Crowley approached the podium and said they have crossties laying across this right now to keep any cars from turning in and backing out and getting mud on the road. However, they have no control over cars. Even though they do have a sign up there, people do things. They have a sign up that says, "No Entrance" and you can read it from both sides. He would hope they could certainly control all the trucks when they are out there making deliveries. But they would have no control over someone else coming in -- and this is why they put up the sign and placed crossties up there. They only take these crossties down for heavy trucks to come in (not the small trucks) -- but they thought this would at least let them get the heavy trucks in so they could get some of the construction underway. These heavy trucks with 15 ton loads of rock need to enter there to get up on the top. But they could exit the other way -- and clean their tires off on the concrete before they ever got back out onto Lakeside Court. They thought they might be better able to control it that way. He talked with Mr. Easley and he seemed to indicate he thought this would be suitable. He also talked with Mr. Lehman and he thought it was a good idea. But if the Board would rather, they can take it out.

Commissioner Borries asked Dr. Crowley if he will state his address for the record.

Dr. Crowley said his address is 1013 Main Street.

Commissioner Borries entertained questions of Dr. Crowley. There were none. Mr. Borries then expressed the Board's appreciation to Mr. Elvis Douglas. Commissioner Willner moved that the drainage plans be approved, with the construction driveway to be left until such time as the construction is completed and that it then be removed by the developers.

Mr. Jeffers said that before the Board passes the motion, he would ask that the developer look at Alternate #2 and make certain that that alternate, with the revisions made, is acceptable to him. The developer reviewed the plans and indicated his approval.

Commissioner Cox asked if the erosion control will be on the drainage plan sheet? All it says now is, "Erosion control is placement of straw bales along Lakeside Court." Would it be left as that, or would they make it, "Erosion control....."

Commissioner Willner interrupted that he was under the impression that the erosion

(continued)

control has now been done. They would have the extra straw there. All they have to do is -- if they have a loss of erosion control, they can re-establish it with the straw which he already has on site -- so that portion is over.

Commissioner Cox noted that he is going to have to continue erosion control during construction period, because it will be disturbed. She thinks it was recommended by Subdivision Review that all disturbed areas be seeded or sodded within a 45-day period. Is this not correct?

Mr. Douglas acknowledged that that was the recommendation.

Continuing, Mrs. Cox said the erosion control says nothing except placing those straw bales. Shouldn't the recommendations of Subdivision Review and Mr. Douglas on erosion control be made a part of these plans? Just because they adhere to it now -- this says nothing -- but she thinks it should be made part of the record for their protection as well as anyone else's.

Commissioner Willner said, "Shirley, I don't think you can plant grass seed now and expect it to germinate before next spring." He wouldn't expect them to do it before next spring.

Mr. Jeffers interrupted that the motion could include, "Make erosion control as designated by temporary permit issued on September 17, 1985", because the permit does have all the erosion control.

Commissioner Willner again said that the grass is not going to germinate until next spring, so he will amend his motion to state that all practices that the Soil Conservation Service has mentioned be continued. A second to the motion was provided by Commissioner Cox. So ordered.

Commissioner Borries advised the developers that the County needs their cooperation regarding the steps they have taken and continued maintenance of the property in question so that Red Bank Road remains as clear as possible, and the County will appreciate their cooperation.

RE: FOX POINTE SUBDIVISION

Mr. Jeffers noted that he has an item that has come to their attention since last week and that is the desire of the engineer for the developer of Fox Pointe Subdivision (which is a subdivision that has come before the Subdivision Review Committee) at the intersection of Oak Hill and Lynch Roads. It would be up to the Board's discretion as to whether they want to hear it at this time. However, the developer's engineer (Sam Biggerstaff) has indicated that they would like this to go before Area Plan's December meeting (which is Wednesday, December 4th).

Commissioner Willner asked if drainage plans are available?

Mr. Jeffers said that Mr. Biggerstaff is present today and has a complete set of plans for Fox Pointe, and he has indicated to Mr. Jeffers that the drainage plan had some action taken on it in 1977. At this time he, personally, is totally unfamiliar with the drainage plan.

In response to queries, it was noted that this subdivision is exactly east of the Marathon Service Station at the Oak Hill-Lynch Rd. intersection.

Messrs. Jeffers, Easley and Biggerstaff perused the plans and there were comments/questions exchanged between them and the Commissioners.

Commissioner Borries said that, for the record, Mr. Sam Biggerstaff is here representing the developers of Fox Pointe Subdivision and the discussion is on whether this particular subdivision would be in the proposed Lynch Road Extension right-of-way... and part of it will be.

Mr. Biggerstaff proceeded to present plans, including profile, street grade, sanitary sewers and storm sewers, which were brought up in 1976 or 1977. He said the property has been graded to the grades set on the plans. He said the plans show the storm sewer system and the size of pipes and he believes the Board approved these plans "way back yonder". The property will drain to the south to an existing ditch along the south

(continued)

line.....

Commissioner Willner interrupted that it drains into Pigeon Creek. He then asked how large the lots in the subdivision will be?

Mr. Biggerstaff responded that they are 60 ft. by 140 ft., and there are also larger lots. In response to query as to how many lots there are, Mr. Biggerstaff said there are probably some 149.....

The meeting proceeded with the Board members and all parties involved studying the plans.

Commissioner Borries said that, for the record, their discussion concerned contiguous plans of the proposed subdivision.

Commissioner Cox said they are trying to determine what the right-of-way of proposed Lynch Road extension is....

Commissioner Willner asked how many feet north of Lynch Road we need? He needs to know. He doesn't care what has to be checked -- he needs to know. He doesn't mind buying it -- but he needs to buy it before the subdivision is put up, as the County can't afford to buy it after the subdivision is put up.

Beverly Behme said they looked at this at Subdivision Review, but could not determine whether or not it was infringing on the right-of-way.

The parties involved and the Board members continued discussion and review of plans until Commissioner Borries called for order. He said that also in attendance today is the newly appointed Director of Evansville Urban Transportation Study (EUTS) Mrs. Rose Zigenfuss. Discussion has continued regarding the plans on Fox Pointe. At this time, are there any questions the Board would ask of Mr. Biggerstaff, who is here today representing the developers? There were none.

Continuing, President Borries said he would like for the record to state that this meeting was not a regularly scheduled meeting. Also, he would like to express his concerns that these plans and some of the confusion that has been mentioned at this meeting regarding what may have been some approval -- but which they do not have a record of at this meeting -- that may have occurred regarding such a plan some seven (7) years back. His concern would be because of the change in nature of this particular area, he would suggest that these plans be revised concerning proposed development that might occur in the area regarding a Lynch Road Extension and also for a review of standards by the Federal Government regarding the Pigeon Creek flood plain, which is near that area. These are his suggestions.

Mr. Biggerstaff asked if he could speak and was recognized by the Chair. He said that all of the property in question is already graded above the flood plain

President Borries said that, because of the unscheduled meeting and the Commissioners had no advance notice, his concerns are that he is not prepared to make a decision in 1985 based on 1978 statistics.

Commissioner Willner said he would like for the County Engineer to tell the Board on the proposed Lynch Road Extension just how many feet of right-of-way the County needs from property line to property line east of Oak Hill Road.

Mr. Easley acknowledged that he doesn't know at this time. He does know the existing footage between Highway 41 and Oak Hill Rd., and he thinks we have 60 ft. of permanent right-of-way.

In response to query concerning right-of-way, Mrs. Zigenfuss said she wouldn't know without digging into the matter. The alignment for Lynch Road Extension has been approved by this Board. There is a corridor study currently in the works but the final has not yet been approved,

Commissioner Willner entertained motion to postpone decision for one (1) week so that the County Engineer and County Surveyor can study their maps and be sure that Fox Pointe is planned in a manner that will give maximum consideration to the future right-of-way requirements of the easterly extension of Lynch Road, if at all possible.

Mr. Easley will contact Sebree, Craig & McKneight to verify the exact cross-section, in order that a proper estimate of the right-of-way requirements can be made.

Commissioner Willner said he would hope that we could establish the necessary amount of right-of-way required at this time. It will be much more economical for us to buy undeveloped land.

After further aside conversation and comments, it was the consensus that this matter will be continued until December 30th, at which time the next Drainage Board Meeting is scheduled. By this time, they could have complete reports from County Engineer Andy Easley and from EUTS.

RE: ACCEPTANCE OF STREETS IN BROOKSHIRE SUBDIVISION

Mr. Biggerstaff submitted a map of streets to be accepted in Brookshire Subdivision. Mr. Easley stated that he and Mr. Bethel had inspected the streets before required repairs, etc., were made and had inspected them during the process. They will now need to make a final inspection of the streets before recommending acceptance.

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 4:50 p.m.

PRESENT:

DRAINAGE BOARD

Richard J. Borries  
Robert J. Willner  
Shirley J. Cox

COUNTY AUDITOR

Sam Humphrey,  
Chief Deputy

COUNTY ATTORNEY

David L. Jones

COUNTY ENGINEER

Andy Easley

COUNTY SURVEYOR

Bill Jeffers, Chief  
Deputy

AREA PLAN

Barbara Cunningham  
Beverly Behme

BUILDING COMMISSION

Roger Lehman

SOIL CONSERVATION

Elvis Douglas

OTHER

Dr. Crowley  
Sam Biggerstaff  
John Vezzozo  
News Media

EUTS

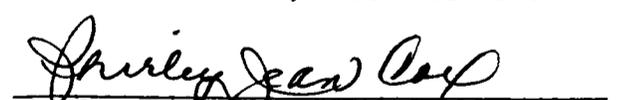
Rose Zigenfus

SECRETARY:

Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

MINUTES  
DRAINAGE BOARD MEETING  
DECEMBER 30, 1985

The Vanderburgh County Drainage Board met in session at 3:40 p.m. on Monday, December 30, 1985, in the Commissioners' Hearing Room, with President Rick Borries presiding.

President Borries called the meeting to order and subsequently announced that there are two (2) sets of Minutes to be approved by the Board, as follows:

November 25, 1985  
December 2, 1985

Motion was made by Commissioner Willner that both sets of minutes be approved, as engrossed by the County Auditor, and the reading of same be waived. A second to the motion was provided by Commissioner Borries. So ordered.

RE: CLAIM

Submitted was a claim in the amount of \$1,497.65 to Commercial Ditch Cleaning Co., for total amount of bid on Wabash & Erie Canal (Eastside Urban, South 1/2). Motion to approve claim for payment was made by Commissioner Willner, with a second from Commissioner Borries. So ordered. It was noted that the claim had been previously approved by the Surveyor's office. Mr. Jeffers said the claim covered mowing and spraying of the Eastside Urban drainage system (Wabash & Erie Canal portion) and the work had been inspected.

RE: FOX POINTE SUBDIVISION

Mr. Jeffers said that Mr. Sam Biggerstaff, who is the Civil Engineer who designed the street and sewer plans for Fox Pointe Subdivision, has provided to the Surveyor's Office a complete set of plans of that subdivision, including drainage plans with contour lines and grade elevations, storm sewer layout and individual sheet showing the proposed pipes for both the sanitary and storm sewers and a set of calculations made by a registered land surveyor and civil engineer, which shows that the pipes are designed for 25-yr. rainfall, as required by the county. The Surveyor's office finds all the storm sewer calculations, hydraulic plans, etc., to be accurate and it is therefore their recommendation that the storm sewer drainage portion of Fox Pointe Subdivision be approved.

In showing the plans to the Commissioners, Mr. Jeffers said that each of the calculations represents an area that will be served by one of the pipes as found in his plans. The outflow of this subdivision from the storm drainage system will be almost into Pigeon Creek at a location approximately 1 mile southwest of Green River Rd. over Pigeon Creek Bridge and, therefore, they want that water to discharge into Pigeon Creek without retention, because that is a straight shot to the river.

Mr. Biggerstaff approached the Commissioners' table and presented documents, stating this is copy of Ordinance passed by the Commissioners in 1984. Mr. Biggerstaff said he also telephoned an individual (he has the name of that individual in his office) who used to be with the Federal Bureau of Roads and is now a private consultant. He says that if "this is what you have", "this is what you can take". He said he will give the name of the individual to the Commissioners, so they can contact him. There was brief discussion between Mr. Biggerstaff and Mrs. Beverly Behme of Area Plan Commission, but it was inaudible because neither party was speaking into a microphone.

The discussion was interrupted when County Surveyor Robert Brenner approached Mr. Biggerstaff and said, "This is all well and good, Sam, except that this is Drainage Board approval -- that is exactly what this is. Anything else?"

Mr. Biggerstaff continued, asking Commissioners Borries and Willner why they do not ask their County Attorney about the Ordinance? This is ordinance they passed and signed in 1984 and he doesn't think they can go and make new rules after they've passed on it.

Mr. Brenner again interrupted, stating that this has nothing to do with drainage.

Mr. Biggerstaff again addressed the Commissioners, saying this is the only ordinance they have and the individual he contacted told him that the county can have a thoroughfare setback and that is all they can have. If they change it, they will get no federal money

(continued)

He does agree with Mr. Brenner in that this has nothing to do with the Drainage Board, it goes to the Area Plan Commission; but he thought the Commissioners should read the Ordinance..... and these plans had not been finalized (referring to Lynch Road Extension plans).....

Mr. Easley interjected that they have a pretty good idea of where it is going to come i

Mr. Biggerstaff countered that they had a pretty good idea eight (8) years ago, too. And they had a good idea .....the plan he has showing them going south of the section line.....and if it goes into this area (pointing to area on plans) it has to go south of the sectionline.

Commissioner Borries asked Mr. Biggerstaff if he's seen the letter written by Andy Easley..?

Mr. Biggerstaff said that Mr. Easley went and talked to Don Blume of Guthrie May about it; he never talked to him.

Mr. Easley said, "Wait a minute now; I talked to Don Blume and I gave him a copy for you, because I wasn't authorized to ask you to do anything on behalf of Don Blume!"

Mr. Biggerstaff said, "As Mr. Brenner said, this has nothing to do with drainage. But here is copy of ordinance, etc. Mr. Easley says he doesn't yet know where the location is going to be...."

Mr. Easley said, "Yes I do. I think we have a good idea."

Mrs. Rose Zigenfus interrupted that they have not seen the environmental document as of yet.

County Surveyor Robert Brenner again interrupted saying, "As secretary of this Board, I might point out that this is a drainage problem and has nothing to do with the right-of-way. I recommend you approve the drainage....."

Commissioner Willner interrupted saying, "We understand that. We have no argument...."

Mr. Brenner said, "Why do we do it? Sam, you know this belongs elsewhere."

Mr. Biggerstaff said he agrees with Mr. Brenner 100%.

Commissioner Borries entertained a motion concerning the drainage plans.

Commissioner Willner said.....

Mr. Easley interrupted, "The question he is raising is not before this Drainage Board..."

Mr. Brenner said, "That's right! That's right!"

Mr. Easley said that Mr. Biggerstaff is visibly upset about something.....

Commissioner Willner interrupted stating, "Now let's just put the cards on the table here. We can talk about anything we want to at this Drainage Board Meeting, whether Mr. Brenner does or does not like it -- or whether Mr. Sam likes it or not. So we will take our good time and we will discuss what we originally wanted to do."

Mr. Brenner said, "Do it! Do it!"

Commissioner Willner addressed Attorney Miller and said, "David, what we're talking about here is not a drainage matter. But a matter of buying some right-of-way for a federally-funded extension of Lynch Road. We are under the impression that if you approve the land to be developed, then it is more costly to buy that land -- even if you buy it now."

Attorney Miller commented, "Sure it is, sure it is!"

Commissioner Willner said, "Now that is the question. The Board's question to Mr. Miller, as an attorney, is may we now say we are interested in buying this land and want to start proceedings? Or, do we have to first go ahead and approve the drainage here?"

Attorney Miller said, "You can direct the County Attorney to start proceedings -- condemnation and acquisition--there may be a legal position that can be taken by the

(continued)

owner of this property that they have fulfilled all the requirements and they are entitled to approval, but without researching the cases, he's got to believe that the county has some leeway in granting these approvals when it is apparent that a proposed development is right in the path of a known future public development. I think that was the central issue in the case of the extension of Covert Avenue in the Green River Rd. area and I do not know the outcome of the case. Mr. Brenner indicates we lost that case. I don't know whether we did or did not lose it -- I just wasn't involved in it. But it occurs to me that that was the issue. If that is the decision facing the Drainage Board at this time, I would urge the Drainage Board to delay this for one (1) week to give us a chance to determine what position the county is in so that we cannot take a step harmful to the developer if we don't have a right to and so that we can take steps in the best interest of the county."

Commissioner Willner said, "That is exactly what we want to do."

Mr. Biggerstaff asked, "Can we get it so we can get it before the Plan Commission on the 8th of January, because we've already boxed ourself out here and we'd like to get some action. So can we have our Drainage Board so you can say Yea or Nay before that meeting? "

Commissioner Willner said, "If it is a decision that we can make in the affirmative without hurting our position any, then he thinks that answer is correct."

Commissioner Borries interrupted that Area Plan won't meet until the 8th of January and the Drainage Board could meet again on January 6th.

Mr. Biggerstaff asked if the Drainage Board will decide one way or the other on January 6th? Right?

Commissioner Willner said, "Exactly".

Mr. Biggerstaff said he will provide the Drainage Board with the telephone number of the individual to whom he spoke.....

Commissioner Willner said, "I don't think we're going to argue with you on that point, Sam, I believe you're correct. I understand that."

A brief discussion took place between Messrs. Easley and Biggerstaff, with Mr. Easley telling Mr. Biggerstaff he will get him a copy of the aforementioned letter, but he did give a copy to Mr. Blume for him ....

Mr. Biggerstaff said, "Then get me one. Just mail me one. That is what your job is."

Mr. Brenner interrupted, addressing the Board, "I would like to ask one question. We're delaying it one (1) week. Is there some reason you'd like us to take it back and study it engineering-wise or.....?"

Commissioner Borries said, "Well, you've made your feelings known....no problem."

Commissioner Willner said, "I think that is correct. No problem."

Mr. Brenner said, "Then it's being delayed for right-of-way acquisition?"

Commissioner Willner said, "It is being delayed for a decision by the County Attorney on right-of-way."

Mr. Brenner said, "Whatever".

RE: OLD PETERSBURG PLACE SUBDIVISION

The meeting continued with Commissioner Borries asking Mr. Jeffers if he has other plans to present today?

Mr. Jeffers said they have a plan for a subdivision designated "Old Petersburg Place" which is located immediately east of Greenbriar Development and immediately north of Petersburg Road across the street from the Board of County Commissioners' property known as "Hamilton Golf Course". The developer is Citizen's Realty. The engineer is James Morley and his designated spokesman at this proceeding is Danny K. Leek, Land Surveyor

(continued)

with Morley & Associates of Evansville. Mr. Jeffers said the Surveyor's Office has reviewed these plans with Mr. Morley and with Mr. Leek and made several suggestions to improve the plan, all of which suggestions Mr. Leek has incorporated into the final plan. He has provided the Surveyor's Office with extensive drainage calculations which calculate the runoff for 100 year storm. The property is immediately adjacent to the 100 year flood plain; however, the 100 year flood plain is calculated by the Corps of Engineers only barely touching this subdivision at two (2) points and does not affect any of the 93 lots laid out on this plan. The 94th lot is a 20-acre lot reserved for future development zoned R-3, a small portion of which is affected by the 100 year flood plain. If there are any questions the Commissioners have concerning this, Mr. Jeffers said they would be glad to answer same. However, the drainage calculations and the proposed improvements as noted on these plans by Morley & Associates are sufficient to handle the 100 year rainfall and it is the recommendation of the Surveyor's office that this subdivision plan be approved. Mr. Jeffers said he has cover sheet showing all the drainage easements, lots, streets, and adjacent property owners. It was noted by Mr. Jeffers that this has been revised (since it came to Subdivision Review) for incorporation of things talked about here. Mr. Jeffers also presented the drainage plans, in particular, which show what effect it would have on raising the water in this drainage easement, and shows the finished floor elevation of each of these lots along the area which borders the drainage easement. Each of the finished floor elevations for each lot are shown to be 2 ft. minimum above the 100 year rainfall....or what the 100 year rainfall would raise the elevation to in that ditch. With regard to drainage calculations, Mr. Jeffers said they are fairly extensive -- it took a couple of days to go through them, in fact. The reason they went to 100 year calculations is because they are dumping out right into a 100 year flood plain. They decided it would be safer to do it on the 100 year basis.

With respect to the R-3 portion, Mr. Jeffers said that if this ever came in for development, they would of course have a real job ahead of them, because most of this is within the 100 year flood plain. They would have to come in with a major earth-going project. The creek goes under Petersburg Rd. just west of the railroad tracks and along the side of Hamilton Golf Course. It is called Little Pigeon Creek. By the time it gets down to St. George and N. Kentucky, the Commissioners will note the substantial size of the creek. It handles the water. The only place he's ever seen it come out of its banks is just east of a designated area (pointing to map) and sometimes down Hamilton Golf Course they will get a little extra water.

Commissioner Willner said he guesses the question he needs to ask is, "There is going to be more runoff now than there was before? Is that correct? We have no place to hold or pond the water on this drainage plan?"

Mr. Jeffers acknowledged that this is correct.

Commissioner Willner asked if we're following our procedures heretofore laid out, saying that on a subdivision of this size that we do not ask that there is no more water running off now than there was before this was subdivided?

Mr. Jeffers said they have held to that on the East Side Urban area, of which this is not a part.

Commissioner Willner asked if the 20 some odd acres belong to the same individual?

Mr. Jeffers said it does; it belongs to Citizen's Realty.

Commissioner Willner said he is not sure but that now is the time to get some kind of pond in that area. Highways 41 and 57 have been under water numerous times.

Mr. Elvis Douglas entered the meeting and Commissioner Willner advised that the Board is discussing plans for Old Petersburg Place and whether it should have some form of holding pond or whether the extra runoff to Pigeon should be permitted.

Mr. Douglas how much the runoff was increased? In response, Mr. Leek advised that according to his drainage calculations, the increase was not substantial.

Following brief discussion of Messrs. Willner, Douglas, Leek (some of which was inaudible) Mr. Douglas said that most of the developments are already outletting directly to the creek and with the potential for further development, it probably would not be a bad idea if we had a retention basis to take some of the load off the ditch. If we continue to do the same thing without benefit of retention area, we could get into a bit of a problem.

(continued)

Therefore, looking at it from that standpoint, it probably would not be a bad idea if we had some on-site retention. (A brief aside discussion ensued among Commissioner Willner, Andy Easley and Elvis Douglas as they perused the plans.)

Commissioner Willner asked Mr. Leek if he would be amenable to keeping a portion of that 20.73 acres open -- that if we do have a problem that he'd be amenable to some kind of holding pond? And, especially on future development?

Mr. Leek said that Mr. Garrison, developer of the land, is present. He queried Commissioner Willner.

Commissioner Willner advised that the Drainage Board said there is no problem with the development site. Downstream, it is a different story -- there is a problem -- and the Board would ask that he hold some of this land over for retention in case of emergency. Or, before he would ask that this ground be developed, some kind of holding plan would be constituted.

Mr. Garrison said they have no plans at this time to develop this acreage. (Mr. Garrison commented further, but he was not at a microphone and his comments were inaudible.)

Ms. Behme of the APC said that the Drainage Board would have an opportunity to review it either way. They would have to replat the area into individual lots and.....

Commissioner Willner said we already have a problem and we know that this is going to add to it -- right now.

Mr. Garrison said that, if possible, they would like to wait and take a looksee at this later on.

In response to query from Commissioner Willner, Ms. Behme said that if they develop the land as single family, it would have to come back as a replat. If it is multi-family, anything over 8 units has to come back to the Drainge Board for site review plan..... they would have to come back and Sub-Review Committee could ask them to bring drainage plan. She said the Board could include in the minutes that they had to come back to the Drainage Board, whatever development .....

Commissioner Willner asked if Mr. Garrison plans to have rolled curbs and gutters in the portion currently being developed? Mr. Garrison responded in the affirmative.

Commissioner Borries entertained motion that Old Petersburg Place Subdivision be approved by the Drainage Board, with the exception of the 20.73 acres in the north portion of the property (Lot 94). A motion to this effect was made by Commissioner Willner, who subsequently stated that as future development occurs, then this will come back to the Drainage Board for review and drainage approval. A second to the motion was provided by Commissioner Borries. So ordered.

Commissioner Borries asked Mr. Jeffers if he has other matters to come before the Drainage Board? Mr. Jeffers responded in the negative.

RE: LTR. FROM WEST SIDE IMPROVEMENT ASSOCIATION/DRAINAGE CODE ENFORCEMENT

President Borries said he had a letter from Shirley Janes, President of the Westside Improvement Association. He will not take the time to read the letter in its entirety, but will ask that the secretary include it in the minutes of this meeting. The letter read as follows:

December 8, 1985

TO: Mayor Michael Vandever  
Vanderburgh County Commissioners (Drainage Board)  
Attn: Robert Willner, President

FROM: Westside Improvement Association, Inc.  
Shirley James, President

SUBJECT: DRAINAGE CODE ENFORCEMENT

As you know, the apartment building complex called Lakewood West being constructed on North Red Bank Road and owned by Simmons, Crowley and Murl came before the Drainage Board on September 30, 1985. At that time, drainage plans were not adequate and the Drainage Board asked they be completed meeting specifications recommended by the County Surveyor's office and the U.S. Soil Conservation Service within one week's period. Did the revised set of plans ever receive Drainage Board approval?

Also, WIA would like to have some indication the specifications were actually met. According to both the County (150.120 Inspection) and the City (150.120 Inspection Building Codes, inspection and enforcement are to be handled by the Joint Dept. of Building Commissioners aided by the County Surveyor and/or City Engineer. Has this inspection been done and the building codes enforced? If so, may we please have a copy of your written record as outlined in the building codes for both Lakewood West and University Plaza.

We are especially concerned about this because, as you are aware, this area feeds into the Carpentier Creek drainage basin. Even though the apartment complex is in the county, the basin is in the city. Discussions with the City Engineers reveal the Creek is blocked at several areas with garbage and vegetation overgrowth and needs to be dredged. Any silt coming from construction areas above will only add to the water problems experienced by farmers and residents living below the construction sites. So drainage and erosion codes must be enforced.

cc: Robert Brenner - County Surveyor  
Roger Lehman - Acting Building Commissioner  
Andy Easley - County Engineer  
Elvis Douglas - U. S. Soil Conservation Service  
Barbara Cunningham - Area Planning Commission  
File

Commissioner Borries asked if, after the last Drainage Board Meeting, the revised set of drainage plans for Lakewood West ever receive Drainage Board approval?

Commissioner Willner and Mr. Jeffers responded in the affirmative.

Commissioner Borries said we will respond to Mrs. James in regard to this area.

President Borries entertained matters of other business.

RE: REPLAT OF SHADY HILLS SUBDIVISION (NO. 5, Lots 13, 14, 15 & 25)

Mr. Jeffers said there is another replat of Shady Hills Subdivision (No 5, Lots 13, 14, 15, and 25) to go before Area Plan Commission. The developer's representative is here today, but it is only with regard to the adjustment of some lot lines to facilitate the shortening of a cul-de-sac and therefore it even decreases the amount of water that comes off the street surface in a very miniscule amount and it really does not need the consideration of the Drainage Board. If it changes anything at all, it might change a tenth of a cubic ft. per second west, rather than north.

Commissioner Borries asked Mr. Jeffers for his recommendation.

Mr. Jeffers said his recommendation is that it be passed on to the Area Plan Commission with no action on the part of the Drainage Board.

Mr. Easley interrupted that he would suggest the Board approve it, if there is no change in the number of lots and it decreases the amount of paved surface.

Commissioner Willner moved that the change in the replat of Shady Hills Subdivision No. 5 be approved, with a second from Commissioner Borries. So ordered.

There being no further business to come before the Drainage Board at this time, President Borries declared the meeting adjourned at 4:20 p.m.

(continued)

PRESENT:

COMMISSIONERS

Richard J. Borries  
Robert L. Willner  
Shirley Jean Cox

COUNTY AUDITOR

Sam Humphrey,  
Deputy Auditor

COUNTY ATTORNEY

David V. Miller

COUNTY SURVEYOR

Robert Brenner  
Bill Jeffers

AREA PLAN COMMISSION

Beverly Behme

COUNTY ENGINEER

Andy Easley

OTHER

Sam Biggerstaff  
Mr. Garrison (Citizen's Realty)  
Danny K. Leek (Morley & Assoc.)  
News Media

SECRETARY:

Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

\_\_\_\_\_  
Shirley Jean Cox

106.

MINUTES  
DRAINAGE BOARD MEETING  
JANUARY 6, 1986

The Vanderburgh County Drainage Board met in session on Monday, January 6, 1986, at 3:30 p.m. in the Commissioners' Hearing Room, with President Borries presiding.

The meeting was called to order, with President Borries subsequently entertaining a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Willner that the minutes of the meeting held on Monday, December 30, 1985, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Borries. So ordered.

RE: FOX POINTE SUBDIVISION

President Borries stated that the Area Plan Commission had received a letter from Mr. Aaron Biggerstaff (a partner and son of Sam Biggerstaff, the engineer for the developer of Fox Pointe Subdivision) and they have requested that the Fox Pointe matter be delayed for one (1) month.

RE: REORGANIZATION OF DRAINAGE BOARD

Motion was made by Commissioner Willner that Commissioner Richard Borries be appointed President of the Drainage Board for 1986, with a second from Commissioner Cox. So ordered.

Motion was made by Commissioner Borries that Commissioner Robert Willner be appointed Vice President of the Drainage Board for 1986, with a second from Commissioner Cox. So ordered.

President Borries welcomed Commissioner Shirley Jean Cox as a Member of the Drainage Board for 1986.

RE: COUNTY SURVEYOR - BILL JEFFERS, CHIEF DEPUTY

Mr. Jeffers asked if the Board had approved the minutes? President Borries acknowledged that the minutes have been approved.

Mr. Jeffers stated he wish to enter a correction. On Page 4, Paragraph 2 in regards to Old Petersburg Subdivision may be a correct transcription. However, at that point in reviewing the plans, they were discussing the land that lies east of the R-3 portion, which is not a part of Old Petersburg Subdivision and that reply was made in response to Commissioner Willner's inquiry as to what was the condition of the land lying east of the subdivision near the creek. His reply was not intended to mean (as the minutes reflect) that the R-3 portion lies mostly within the 100 year flood plain -- because that would be an incorrect inference. Also, the next sentence should read, "They would have to come in with a major earth-moving project." If the foregoing could be included as part of the minutes of today's meeting, he believes this would correct any misunderstanding. Said corrections were duly noted.

RE: CLAIM

Mr. Jeffers submitted a claim to Mr. Francis Maurer of Armstrong Rd., on account for appropriation for Hoefling Ditch for cleaning of Hoefling Ditch in the amount of \$557.10 (5,571 ft. @ 10¢ per ft.). This covers spring and fall spraying and mowing. The Surveyor's personnel met with Mr. Maurer at 11:00 a.m. on Friday, December 27th, at which time the ditch was inspected and the claim signed by Robert W. Brenner, County Surveyor. It is recommended that the claim be approved for payment so Mr. Maurer can receive his just award and get his bond back.

Motion to approve claim for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Continuing, Mr. Jeffers said that when they met with Mr. Maurer, he also showed them a situation on Wallenmeyer Ditch, which is adjacent to his property...for which this Board declared an emergency and the contractor (Blankenberger Bros.) repaired that levee last year. Unfortunately, it washed out. The County paid approximately \$425.00 for the repair job. The flood waters came up almost immediately after the repairs were

(continued)

made and caused a minor washout. The Surveyor's office is asking the Board at this time to declare an emergency so that they may prepare an emergency bid similar to the one last year (although not as extensive) or take other actions, as directed by the Board. Mr. Jeffers said it is a matter of simply going out there and surveying the damage and recommending that a certain amount of fill be placed and compacted at the site where the water reached the levee. This presents an immediate peril during any high water conditions to all the farmers within about 120 acres downstream of the hole in the levee, which would include Mr. Maurer, his son and Harry Elpers -- all of their land has been damaged by this particular problem in the past. What he is saying is that if the Board will declare it an emergency, they will expedite matters. However, if the Board prefers other action, the Surveyor's office will do whatever the Board recommends.

Commissioner Willner asked Mr. Jeffers if the project cost is under \$1,000.00? Mr. Jeffers said, "Oh, yes! They checked the account this morning and there are sufficient funds in the account to cover the repairs. I think we're talking an amount under that which was spent last year, which was approximately \$425.00. There is approximately twice that amount in the account right now."

Commissioner Willner said he would entertain a motion that if we can get it repaired for under \$400.00 that the Surveyor get three (3) bids and have the work done.

Mr. Jeffers said the only problem is that the dirt was acquired on site last year, and this time they would have to truck in some dirt. Thus, it could cost somewhere in the neighborhood of \$400.00 to \$500.00. In response to Commissioner Willner's query, Mr. Jeffers asked if he could amend his motion to reflect \$500.00?

Commissioner Willner said he would amend his motion to \$500.00 or under, ask that the Surveyor's office obtain three (3) bids and award the contract. A second to the motion was provided by Commissioner Cox. So ordered.

RE: MULLEN ESTATES, SECTION "A", PART II

In presenting plans to the Board, Mr. Jeffers said this development extends from Ward Road east toward Oak Hill Rd., a little north of St. George Rd. (approximately 535 ft.). This is an extension of an existing subdivision and the addition of ten (10) lots with the possibility of ten (10) additional homes and a cul-de-sac. Mr. Elmer Culp, the engineer and land surveyor on the job, is present today. Mr. Jeffers said this subdivision is on the agenda for Wednesday's Area Plan meeting, which is why it is being presented today. In presenting the drainage plans, Mr. Jeffers said the drainage calculations compiled by Elmer Culp & Associates are based on a 100 year rainfall and show the pre-existing conditions, post-development conditions, etc. There will be one pipe 18" in diameter and approximately 60 ft. long and an inlet or drop-structure leading from the cul-de-sac to that pipe and discharging that water from the pipe into a drainage easement and through a natural drainage swale towards the northeast corner of the proposed subdivision. Mr. Culp divided the subdivision in area "A", which is the hard-surface street, cul-de-sac and houses, drive-ways, etc. Area "B", which is in green, is the lawns of the ten (10) houses. Mr. Culp has also included sketch of direction of flow pertaining to those areas. The Board reviewed the drainage plans. Mr. Jeffers said the new City Limits are at the intersection of Ward Rd. and St. George, so the development is about 525 ft. north of the City Limits.

The meeting continued with conversation/discussion aside, among the Commissioners, Mr. Jeffers, Mr. Culp and County Engineer, Andy Easley. In response to query, Commissioner Willner said he believed that Swinging Way had been accepted by the County, and Commissioner Cox concurred. Commissioner Willner said he believes that Swinging Way comes off Ward Rd. Mr. Culp said he believes the original preliminary plat called it Swinging Way Court. In response to query from Commissioner Willner, Mr. Bethel said he knows they have had the salt truck out on Swinging Way previously.

In response to query from County Engineer Andy Easley as to what kind of cross-section the street in Mullen Estates will have, Mr. Culp said it will be rolled-type curb. Area will also have storm sewer and sanitary sewer.

Commissioner Cox asked if the Surveyor's Office has a recommendation? Mr. Jeffers said it is their recommendation that the drainage plans be approved.

Motion was made by Commissioner Cox that Mullen Estates, Section "A", Part II drainage plans be approved, with a second from Commissioner Borries. So ordered.

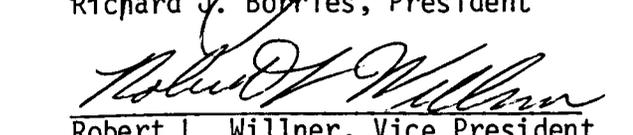
RE: COUNTY ROAD STUDY

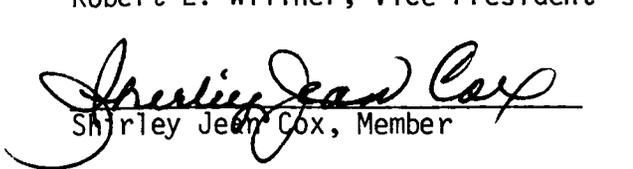
Commissioner Willner said that before President Borries adjourns today's session, he wanted to present copies of the County Road Study conducted by Ohio Valley Engineers. This is a primary report on the Preliminary County Road Study. He believes someone from Commissioner Borries' office was in Indianapolis for the Association Meeting and they went through some of the things that other counties were doing and he has a computer readout for each of the Commissioners. He would ask that the Commissioners peruse the data and if there are any questions or if they would like for Mr. Boyd to cover anything not included in the study, then please contact him and ask that he do so. Commissioner Willner said he wanted to do this last week but forgot it and Commissioner Cox was absent. He is distributing this report today, because he does not want to put it off for another week.

There being no further business to come before the Board, President Borries adjourned the meeting at 3:50 p.m.

- |                   |   |                               |                        |
|-------------------|---|-------------------------------|------------------------|
| <u>PRESENT:</u>   | <u>COUNTY COMMISSIONERS</u>                                 | <u>COUNTY AUDITOR</u>         | <u>COUNTY ATTORNEY</u> |
|                   | Richard J. Borries<br>Robert L. Willner<br>Shirley Jean Cox | Sam Humphrey,<br>Chief Deputy | David L. Miller        |
|                   | <u>COUNTY SURVEYOR</u>                                      | <u>COUNTY ENGINEER</u>        | <u>COUNTY HIGHWAY</u>  |
|                   | Bill Jeffers, Chief<br>Deputy                               | Andy Easley                   | Bill Bethel            |
|                   | <u>AREA PLAN COMMISSION</u>                                 | <u>OTHER</u>                  |                        |
|                   | Beverly Behme   | Elmer Culp<br>News Media      |                        |
| <u>SECRETARY:</u> | Joanne A. Matthews  |                               |                        |

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

MINUTES  
DRAINAGE BOARD MEETING  
JANUARY 27, 1986

The Vanderburgh County Drainage Board met in session on Monday, January 27, 1986, at 4:00 p.m. in the Commissioners' Hearing Room, with President Borries presiding.

The meeting was called to order by President Borries, who subsequently entertained a motion concerning approval of the minutes of the meeting held on Monday, January 6, 1986. Motion was made by Commissioner Willner that the minutes of the meeting held on January 6th be approved as engrossed by the County Auditor and the reading of same be waived, with a second from Commissioner Cox. So ordered.

RE: RESOLUTION RE DRAINAGE BOARD MEETING DATES

President Borries said that one item of business requiring action by the Board today is the following resolution:

RESOLUTION OF  
VANDERBURGH COUNTY DRAINAGE BOARD  
DRAINAGE BOARD MEETING DATES

BE IT RESOLVED:

That in accordance with Indiana Code 36-9-27-7, the Vanderburgh County Drainage Board will hold its regular meetings for the year 1986 on the fourth Monday of each month following the County Commissioners meeting, unless there is no business to be conducted at that time. However, Drainage Board meetings may be held at other times, if needed, to conduct necessary business, and will be announced in a preceding Drainage Board meeting.

If a legal holiday falls on the fourth Monday and there is business to be conducted, the Drainage Board meeting will be held on the following business day by the Drainage Board members in an open meeting.

Approved this 27th day of January, 1986.

DRAINAGE BOARD

Richard J. Borries, President  
Robert L. Willner, Vice President  
Shirley Jean Cox, Member

Mr. Borries entertained a motion concerning approval of the Resolution. Motion to approve Resolution, as presented, was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: CLAIMS

Mr. Bill Jeffers, Chief Deputy/County Surveyor's office, presented claims submitted by Ditch Maintenance Contractors, as follows:

<u>Eldon Maasberg:</u>	Cleaning of Baehl Ditch (6,890 ft. X .149/ft.) Claim has been signed and approved by Bob Brenner. Motion to approve claim was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.	\$1,026.61
<u>Eldon Maasberg:</u>	Cleaning of Kneer Ditch (3,036 ft. X .10/ft.) Claim has been signed and approved by Bob Brenner. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.	\$ 303.60

(continued)

Eldon Maasberg: Cleaning of Maasberg Ditch (2,206 ft. X .07/ft.) \$ 154.42  
Claim has been approved and signed by Bob Brenner.  
Motion to approve claim was made by Commissioner  
Borries, with a second from Commissioner Cox.  
So ordered.

Eugene C. Rexing: Maintenance of Singer Ditch (2,450 ft. X .11/ft.) \$ 269.50  
Claim has been approved and signed by Bob Brenner.  
Motion to approve claim was made by Commissioner  
Willner, with a second from Commissioner Cox.  
So ordered.

Big Creek  
Drainage Assn: Annual cleaning of Rusher Creek (4,440 ft. X .10  
per ft. (\$444.40) less 40% previously paid on  
6/12/85. Claim has been approved and signed by \$ 266.64  
Robert W. Brenner. Motion to approve claim was  
made by Commissioner Willner, with a second  
from Commissioner Cox. So ordered.

RE: HARPER DITCH INSPECTION

Mr. Jeffers advised that their inspection of Harper Ditch revealed two large billboard signs placed at the top of the bank of Hirsch Ditch at a location not quite a half mile east of Green River Rd. The signs are owned by Negley Outdoor Advertising and were installed sometime in November. The Surveyor's crew noticed them in December. They had the proper permit from the Area Plan Commission for the bill boards, but unfortunately no one was notified that that was a legal drain and the statute reads that no permanent structures shall be placed within the right-of-way for legal drains without the Board's permission. In response to query as to exactly where near Green River subject signs are located, Mr. Jeffers said it is listed in Area Plan's files as 5200 or so E. Morgan Avenue.

Subsequent to discovering these signs, the Surveyor's office sent a letter to a Mr. Windhorst and received a reply from Leon E. Howell, President of Negley Outdoor Advertising. He expressed his desire to obtain permission from the Board to leave signs at their present location and he indicated to them he had a substantial investment in the signs and his negotiations for the placement of them were with Southern Railroad. He maintains that that was within their right-of-way. Mr. Jeffers said he doesn't want to get into all the legal questions, because their right-of-way may or may not be for transit purposes only. There is a landowner involved who expressed his belief that even though they may be within the railway right-of-way, they are on what he considers his property. And that's not really a determination to be made by the Surveyor's department. Their determination will be based, as he indicated to both Mr. Howell and the landowner, upon whether the signs interfere with annual maintenance. Being right on top of the bank they will make annual maintenance somewhat harder, since that ditch is maintained strictly by mowing machines and spraying machines -- not by hand, except where needed -- and it may increase the manhours necessary to mow the top of that bank.

At that point, Mr. Howell said he did have a maintenance crew and he would be willing to work towards an agreement to maintain whatever area we designated as his portion. He is not here today in the meeting -- and he doesn't see the property owner or anyone else. Therefore, the Board may want to take this matter under advisement. Insofar as working out an agreement, he did mention who he got the permit from (Southern Railway was the one negotiated with insofar as location was concerned). Mr. Jeffers requested that the Board take this matter under advisement -- so that when something legal is worked out that we do it properly.

Commissioner Borries said he had one comment. He went out and looked at that location and he thinks the two parties and Mr. Jeffers have been accurate -- he believes the parties are talking to one another because of the confusion there as to how this structure is installed. While he was out there Saturday viewing those two structures, about 20 ft. east from the easternmost of the two .....it looks as though there is a pipe. It looks like a lot of them have been installed as storm drainage of some sort -- at the end of that legal drain. One looks like it has collapsed and there is

(continued)

pretty significant washout there. He said he doesn't know whose it is, but if Mr. Jeffers can send someone out to look at it.....does he know where he's talking about here?

Mr. Jeffers said they are aware of several pipes that have been installed from commercial sites on the south side of Oak Grove Rd., and, yes, we are going to have to do some ditch improvement. He didn't notice (and doesn't know whether or not Mr. Jeffers notices) when he looked at it that these two particular installments of billboards had damaged the reconstruction of Hirsch Ditch.

Mr. Borries said they hadn't. What he is speaking of occurred about 20 ft. from there. This has nothing to do with the reconstruction. He just wanted to put it in the records and determine whether Mr. Jeffers is aware of that particular washout, because it looks like part of it .....

Mr. Jeffers said he isn't certain they're aware of the particular washout Mr. Borries is talking about. They had one last year they had to repair and he's sure it is the same type of thing. He asked why the matter not then be deferred until the next meeting -- and try to work something out with these people.

RE: OGLESBY ESTATES SUBDIVISION

Oglesby Estates Subdivision is located immediately north of Orchard Rd. and immediately south of Kahre Lake Subdivision. Mr. Jeffers said the Commissioners have copies of the Subdivision plans, but he has three (3) copies of the Drainage Plans. The first time this subdivision came through it looked substantially different and the staff field report of the APC recommended several alterations and he believes all of those have been made.

Mrs. Cunningham asked Mr. Jim Biggerstaff if this is revised plan that came in at Subdivision Review. He acknowledged that it is.

Mr. Jeffers said that the developer's representative is present (Mr. Jim Biggerstaff). Mr. Biggerstaff said the Oglesbys are the owners of the real estate and the Biggerstaffs are the developers of the property, insofar as the improvements of drainage, etc.

Continuing, Mr. Jeffers said they redesigned all of the lots so that the houses could be built outside any area that could be considered imperiled by the 100-year flood or rain. In other words, they redesigned the lots so that all of the houses would be built outside the 100-year flood or rainfall area. Didn't we say they could build no house below 425 ft. above sea level? The flood plain data was developed before Kahre Lake Sub was constructed and Kahre Lake does catch a lot of the upstream water. All of the upstream water passes through the lake and under flooding conditions the lake would have to run completely over before this 100 year flood plain down here became affected. At the same time, there was some concern expressed about building a house below a dam ....so that is why they restricted them in that way. Mr. Biggerstaff submitted a set of drainage calculations with the plan and they all check out. The surveyor's office has some particular recommendations that do not show up on this plan. At the intersection of Oglesby and Orchard Rd., since that enters at the high point they would like to see an open grate similar to the one on East Green River Estates and similar to the ones we've required of other developers in the past -- to catch all water, silt, etc., coming down the concrete street and directing it in both directions to the side ditch. The developer indicated he'd do that, but they'd like to make that part of their condition. The developer also agreed to install 48" culvert under Oglesby immediately south of the dam, which matches the existing 4 ft. diameter corrugated metal pipe under Orchard Rd. Mr. Jeffers said he doesn't expect that thing to ever run full of water unless that dam is almost covered with water...the emergency spillway would almost have to be full before a 48" pipe is necessary, but he has agreed to put that in, also.

There was a request at Subdivision Review to bring the most recent available copy of the Department of Natural Resources report on the dam. Mr. Biggerstaff submitted the 1978 report, which is the most recent version he could find.

Mr. Easley asked Mr. Biggerstaff if the report indicates the emergency spillway is adequate? Mr. Biggerstaff responded in the affirmative.

(continued)

Messrs. Jeffers, Easley and Biggerstaff proceeded to peruse the plans.

Mr. Jeffers said the only other thing he would bring to the Board's attention is that there is an erosion control statement that all disturbed soil is to be mulched seeded and slopes exceeding 4% are to be sodded and erosion blankets or straw bales to be installed to prevent erosion runoff within 45 days after disturbing the soil. This should probably say, "All within 45 days after disturbing the soil".

Commissioner Willner asked Mr. Biggerstaff if this is agreeable with him? He nodded his head in the affirmative.

Mr. Jeffers said the foregoing are the only recommendations of the Surveyor's office. Mr. Elvis Douglas of Soil Conservation is present, and he may have something to say.

The Chair recognized Mr. Douglas and asked for his comments.

Mr. Douglas said the only comment has here primarily concerns the dam. The last time this was discussed he had some concerns about the integrity of the dam and whether or not periodic inspections had been made. He was concerned about the lots that were shown to be developed immediately below this. Mr. Biggerstaff does have a report with him today -- but it is a little old (1978, he believes). Mr. Douglas said they would like to have something a bit more current, so it will tell us what is actually there today and that it is being properly maintained. He believes Mr. Biggerstaff was to get back with the landowners and try to contact someone at the Indiana Department of Natural Resources to determine if a report has been issued since the 1978 version.

Commissioner Willner asked if this is a rip-rap dam?

Mr. Douglas said he does not think it is; a plain earthen dam without rip-rap.

Commissioner Willner said muskrats can move in in very short order.

Mr. Douglas said it does need to be periodically inspected to make sure that the integrity of the structure is maintained.

Commissioner Willner asked if this wasn't one of their requirements a few years ago -- that if there were so many acres impounded that it had to be rip-rapped?

Mr. Douglas said it was not.

Mr. Biggerstaff interjected that the lake was built by Mr. Kahre and Mr. Oglesby (about 18 years ago) and at that time it was all built, designed and supervised by the Department of Natural Resources. If the Commissioners have seen it, they know it has been maintained -- it looks good..they have a Homeowner's Association.....they all participate in the maintenance.

Mr. Easley interrupted by saying there should be a very nice Corps of Engineers' report on this lake.

Mr. Biggerstaff said the Corps of Engineers only issues a report if there is one square mile of drainage -- and this has less than one square mile.

Mr. Douglas said a report is issued if it has more than 100 acre field and the dam is 20 ft. of effective fill height or more. And some of them were identified as being high as a dam and the Corps of Engineers did contract with a private contractor to go out and inspect those dams, because he has seen the reports. As to whether or not this one was included, he cannot say -- he has not seen it. One other thing -- the comment regarding erosion control -- since they are rather large lots, he doesn't think it will be necessary to perhaps go beyond the erosion control measures that they have mentioned there with this stipulation that all disturbed areas will be temporarily seeded within 45 days of actual land disturbing activities.

Motion was made by Commissioner Willner that the Oglesby Estates Subdivision drainage plan be approved with the stipulation that a 1984 or later report/finding by either the Corps of Engineers or the Department of Natural Resources be submitted and kept on file -- for this drainage plan to be effective. A second to the motion was provided by Commissioner Cox. So ordered.

RE: EULER SUBDIVISION

Mr. Jeffers then presented drainage plans for Euler Subdivision, which is located at the intersection of Old State Rd. and Schroeder Rd. (Schroeder Rd. is the last road in Vanderburgh Co. north off Highway 41, just before you get to I-64. It was paved in 1985 with hot mix up to Old State Rd., so it is nice. No traffic problem here -- it only carries about 25 cars per day.) This is a real nice area; present condition is pasture with one (1) house and a barn. The developer proposes to create five (5) lots. The engineer is Andy Easley of Easley Engineering. The plan shows a dedicated drainage easement (40 ft. wide) running from Schroeder Rd. south and Old State Rd. southeast to the southeast corner of the project. Easley Engineering submitted preliminary drainage calculations. He reviewed these over the weekend and could find nothing wrong with them. A couple of the lots are just over an acre and the remainder are pretty big lots. The only comment he originally had on this was that he believes the drainage easement should be tied down with dimensions, etc., so that in the course of future development if that creek or natural swale is moved it won't be moved outside the easement lines. There is no way of knowing where those easement lines are. If that creek starts moving without being tied down with bearings and dimensions, he thinks that should show on the plat somewhere. On the plats he's received, it's just sketched in. Since they don't follow lot lines, he thinks they need bearings and dimensions. He doesn't think there will be a great increase in runoff in a development like this, because we're only adding the possibility of four (4) additional homes, garages and driveways. If the lots are maintained in a nice manner, there won't be an increase in runoff....after the initial development takes place.

There is an erosion control statement that says, "All disturbed areas to be mulched/seeded, slopes exceeding 10% to be sodded; straw bales or erosion blankets shall be installed to prevent erosion and all work to be completed within 45 days." That probably should say "within 45 days of disturbing the soil".

Commissioner Cox addressed Item #5, which says, "Flood plain data; this property is not located within the 100-year flood plain according to the Vanderburgh County Building Commission".....and on the Staff Field Report it says, "No area outside the drainage easement is located within the 100-year flood zone...."

Mr. Jeffers said that when this came up in Subdivision Review, they didn't like the way Item #5 was worded -- and what Mrs. Cox is reading on the Staff Field is what the Bldg. Commission recommended it be replaced with, because Item #5 as it is on this plat really puts the onus on the Vanderburgh County Building Commission -- so he asked Mr. Lehman to state what he would like to see there. What she is reading is what he would like to see on this plat. They would like the drainage easement tied down with bearings and dimensions, so they know where it is at all times. The Surveyor's recommendation concurs with those of Mr. Lehman that #5 Flood Plain Data should be replaced with statement from the Staff Field sheet. In response to query from Commissioner Willner, Mr. Jeffers said it is the Surveyor's recommendation that these drainage plans be approved.

President Borries asked Mr. Elvis Douglas for his comments.

Mr. Elvis said he thinks that with the lots being primarily large lots and it's primarily ingress, we are going to have a little bit more runoff than we're currently getting. On some of those steep areas, he thinks it advisable that we also use excelsior blankets on those. But he doesn't think we will need any temporary on-site storage in this development. He believes the excelsior blankets can be used to control erosion on some of the rather steep areas....this is his recommendation. In response to query from Commissioner Cox as to how steep, Mr. Douglas said that anything that is 6%-12% slopes we should certainly consider using the excelsior on areas that are disturbed.

Commissioner Borries asked if we can leave that up to the Building Commissioner's office or should the Board make a recommendation here?

Mr. Douglas said he believes the Board should make the recommendation.

Motion was made by Commissioner Willner that Euler Subdivision drainage plans be approved, as submitted, with the drainage easement dimensions being shown and that any slopes 6% to 12% be required to have an excelsior blanket mat, and that Item #5 be changed to coincide with the Staff Field wording and statement that no area outside the drainage easement is located within the 100-year flood zone. A second to the motion was provided by Commissioner Cox. So ordered.

(continued)

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 4:30 p.m.

PRESENT:

DRAINAGE BOARD

Richard J. Borries  
Robert L. Willner  
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David Jones

COUNTY ENGINEER

Andy Easley

COUNTY SURVEYOR

Bill Jeffers,  
Chief Deputy

AREA PLAN COMMISSION

Barbara Cunningham  
Beverly Behme

SOIL CONSERVATION

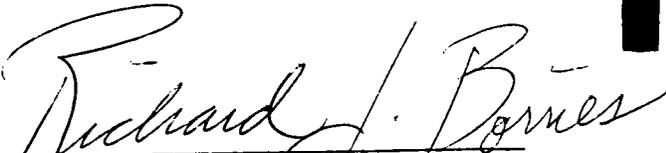
Elvis Douglas

OTHER

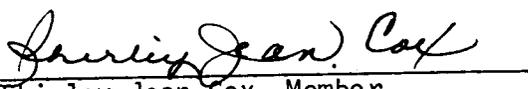
Jim Biggerstaff  
News Media

SECRETARY:

Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

MINUTES  
DRAINAGE BOARD MEETING  
MARCH 3, 1986

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MINUTES  
DRAINAGE BOARD MEETING  
MARCH 3, 1986

The Vanderburgh County Drainage Board met in session on Monday, March 3, 1986, at 3:30 p.m. in the Commissioners' Hearing Room, with President Rick Borries presiding.

The Chair entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Willner that the minutes of the meeting held on January 27, 1986, be approved as engrossed by the County Auditor and the reading of same be waived, with a second by Commissioner Cox. So ordered.

The meeting proceeded with President Borries announcing there are several plans to be considered today. Commissioner Borries expressed appreciation to the forty plus individuals in the audience for their attendance. He said the meeting is being held to consider drainage plans, and although the Board will appreciate comments and take same under advisement in relation to other matter such as traffic and other concerns the property owners may have today, those are Area Plan Commission matters -- these matters go before Subdivision Review Committee and the Area Plan Commission and that meeting begins at 6:00 p.m. on Wednesday, March 5th. The Board's purpose today is to consider drainage plans and to listen to views that individuals have regarding solely the drainage plans. The Board will also then listen to the recommendations of the County Surveyor's office, which will give the Board their opinion of the drainage plans. Again, the passage of the drainage plan would then be only the first step. The matter would then be continued to the Area Plan Commission/Subdivision Review Committee for further consideration.

The Chair recognized Mrs. Barbara Cunningham, Director/Area Plan Commission. Mrs. Cunningham stated that only drainage plans will be discussed today and everything else is for the Area Plan Commission. She explained that the Subdivision Review Committee is the recommending body composed of technical staff. It is necessary that drainage approval be obtained prior to Area Plan Commission meeting.

RE: COUNTRY TRACE SUBDIVISION (7-S-86)

The meeting continued with President Borries saying the first matter for discussion today concerns Country Trace Subdivision (7-S-86). He asked that Mr. Bill Jeffers, Chief Deputy Surveyor, be the first to address the matter.

Mr. Jeffers approached the podium, identified himself, and stated that he has been in contact with the representatives of both the developer and the remonstrators who are present today. Prior to the remonstrators hiring counsel, he spoke with some of them -- but by way of an apology he did not call them back subsequent to their retaining counsel simply because he was dealing directly with him regarding information from the Surveyor's office concerning Country Trace Subdivision. The same is true with respect to the developer; he has been in contact with counsel for the developer. Again, Mr. Jeffers apologized for not getting back to the remonstrants, but he thought it would be better if they were in direct contact with their counsel.

Continuing, Mr. Jeffers said there is a Subdivision Ordinance for Vanderburgh County and in Chapter 151.36 of said ordinance (which covers flood control and drainage) it says that all ... "Lot grading, in-tract drainage, and street improvements should be so designed that floods having an average recurrence interval of 100 years or less will not cause inundation or damage to buildings." That does pertain to this sub. It also says that..... "any changes to a waterway that is classified as a legal drain must have the approval of the plans by the County Drainage Board." Again, that applies to this subdivision, because the proposed drainage structure will empty directly into Crawford-Brandeis Extension, which is a regulated drain of Vanderburgh County.....and will require Drainage Board permission per IC-36-9-27-1. The Subdivision Ordinance also states that.. "depths of flow in the streets shall not exceed the curb heights for five-year flood." It says that..."Earth channels constructed within the subdivision shall have side slopes of 3 to 1 or flatter, and a minimum bottom width of one foot." There are earth channels within this subdivision (these bullet-shaped easements) and they are designed to detain water up to the elevation of 383. So the 3 to 1 side slope would pertain to this subdivision. Continuing,..... "Open channels or underground storm drains or combination thereof with a contributory area greater than one square mile shall be designed and constructed for 50-year average recurrence storm flow." That will not pertain to this sub because the structures will not drain one square mile or more. The next paragraph says .... "Underground storm drains serving only the subdivision shall have a minimum size for an average recurrence interval of 25 years unless storm water storage systems are provided to limited runoff." That will pertain to this sub. And, lastly, it says... "Design quantities of flow shall be computed by the subdivider's engineer according

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to the publication County Storm Drainage Manual (May 1981) or Project for Indiana Counties, Purdue University."

In addition to what is in this ordinance to which we, of course, must adhere--in addition to that this Drainage Board has had a standing policy on Eastside Urban (and this is located in Eastside Urban watershed) of not allowing post-development runoff rate in excess of pre-development conditions. The pre-development condition of Country Trace is agricultural and the pre-development runoff rate was calculated by the engineer for the developer using the HERPIC Manual to be 37.4 cu. ft. per second for a 25-year rainfall and the drainage plan the Board is perusing is calculated to handle a 25-year rainfall.

While not a civil engineer, Mr. Jeffers said he may take issue with that runoff rate. And other engineers may take issue with that runoff rate -- because the coefficient of .5 indicating 50% of all the water that falls on that ground runs off -- but, in fact, the HERPIC Manual indicates that you should use that coefficient for "soil texture, clay and silt loam, cultivated flat .5". There are other engineers here in the audience (civil engineers) who may disagree with that and he's had various opinions on that. The surveyor's office has generally been using .3. Another engineer here in the building suggested .4. But what we're arguing about is whether or not the existing runoff is 37.4 cu. ft. per second or 29 cu. ft. per second to 35 cu. ft. per second. That's what we're arguing about.

This body (Drainage Board) can overlook its practice of limiting the post-development runoff to the pre-existing condition or the pre-development condition, or it can stick to the rules. The recommendation of the surveyor's office would be to stick to their standing rule.

Commissioner Cox asked that Mr. Jeffers repeat the differential figures.

Mr. Jeffers said the coefficient of .5 -- the runoff rate -- would be 37.4 cu. ft. Usually the coefficient of .4 -- the runoff rate would be 29.12 cu. ft. These are cubic feet per second -- not gallon.

Mr. Jeffers directed the Board's attention to the right side of the drainage plan, where they will note the developer's engineer has designed final pipe size from the subdivision to the creek..a 36 inch concrete pipe at a three tenths of a percent slope... and that will discharge 38 cu. ft. per second. Rather, it is capable of discharging 38 cu. ft. per second.

Mr. Easley, County Engineer, asked if that is open channel or under head?

Mr. Jeffers said that is all pipe from the head to the channel; the pipe begins all the way back at Burkhardt; it is 12 inch, increases to a 15 inch, then 27 inch, 30 inch and at the last cul-de-sac it leaves 36 inch pipe and discharges five hundred some odd feet later into the creek.

Mr. Easley asked if that is the pipe flowing less than full?

Mr. Jeffers said that 38 cup ft. per second would fill it.

Mr. Easley asked what if the creek is full of water?

Mr. Jeffers said that if the creek is full of water that it's full of backwater.

Mr. Easley asked, "Then it takes a head to push it out?"

Mr. Jeffers said that is right.

Mr. Easley said his question was, "Is it operating under a head? If it's raining that kind of rain the creek is going to be full.

Mr. Jeffers said, "Not necessarily." Prior to 1980, Crawford-Brandeis was an open legal drain 660 ft. north of Lincoln Avenue (right across the street from Lant Manor) that flowed directly north to new Boonville Highway and it entered Kelly Ditch at Boonville Highway, flowed west to Stockfleth Ditch (which is just east of the Big G Lumber Company) and then flowed north again under the railroad tracks alongside the Eagle's Country Club and all the way up to Pigeon Creek. In 1980, the County participated

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with the City in building/opening a canal (as you well remember) and taking this water that comes from those thousands of acres, which includes developments like Brookshire, Williamsburg-on-the-Lake, Charter Oaks, all of Foster's developments -- Plaza School, Plaza Meadows, Lant Manor -- all that flow through this channel and alongside this development that is being proposed. In 1979, the County began to participate and in 1980, he believes, they ended the project by building a 4 ft. weirwall underneath the railroad tressel and diverting the flow from Crawford-Brandeis southwest through the canal through Stockwell Woods and into Pigeon Creek via the ditch that passes under Morgan Avenue where the State is building a new 4-lane bridge (we're all familiar with that 4-lane bridge and the dip). That cut eight (8) miles off the course of the water which previously had to flow up through this Crawford-Brandeis Extension alongside this proposed development into the creek up by Hirsch Rd. and then down the creek under Green River Rd. and back to a location near Morgan Avenue. In addition to the fact that they diverted that flow by eight (8) miles, they also decreased the water going through Crawford-Brandeis Extension and except when Crawford-Brandeis and Hirsch Ditch and the Canal flow bankfull, the water in those ditches does not enter Crawford-Brandeis Extension. That is to say, until the water gets 4-5 ft. deep no water enters Crawford-Brandeis from any area south of Boonville Highway (the new Boonville Highway). What Mr. Easley is asking then, "Does this ditch into which Country Trace is proposed to discharge run full during a heavy rainstorm?" Initially, no; but what does fill the ditch is two things: The spillover on the 4 ft. weir begins to fill the ditch and then when Pigeon Creek goes into backwater the creek becomes full. The top of the bank of the ditch at this location is approximately 377 ft. above sea level. The closest contour line identifiable on the plan is 380 and the majority of the ground in the proposed subdivision is 384.0 ft. above sea level. The Corps of Engineers study indicates this is for Pigeon Creek 100-year flood which occurred in 1961. It does indicate that 384 is the 100-year flood elevation.

Proceeding, Mr. Jeffers noted that, as he said, the recommendation of the Surveyor's office is to retain or detain the flow of water to pre-development rate. While there may be some disagreement in the audience, he is going to say that it is approximately 30 cu. ft. per second. He has asked the developer's engineer to respond to that at this time.

Commissioner Borries expressed thanks to Mr. Jeffers for his comments. He said, again (while he has kidded him about it) the reason he has the "Easley" easel on hand is not only to help the audience, but to help the secretary who literally has to transcribe all of these minutes -- and when people begin to point here and here and here -- she has difficulty transcribing those minutes. It will also help tremendously if individuals will identify themselves for record purposes.

Attorney Keith Wallace approached the podium, identified himself, and stated that he is appearing today on behalf of the developer (Mr. Clements). What Mr. Jeffers has been talking about is that when it rains so much water comes down and so much of it soaks in and so much of it runs off. The amount after the development that runs off is very similar to the amount that runs off before the development, so that there is no creating any higher volume of water runoff. According to the "sacred" manual that "you" folks use....this is what, under Evansville ordinance, we are supposed to use to determine pre and post drainage runoff. And based upon this, Mr. Biggerstaff (who is Mr. Clements' engineer and surveyor) has determined a pre-development runoff of 37.6 cu. ft. per second. That is based upon this manual which Mr. Jeffers said, like any manual, is based on theory and you can probably say anywhere from 25 ft. to 55 ft. Mr. Biggerstaff is saying 37.6 cu. ft. and Mr. Jeffers has said it is closer to 30 cu. ft. Based upon the --and at this time he doesn't know whether he is supposed to go into his whole spiel or just respond to his question -- but he will answer the question real quickly. Pointing to the plans on the easel, Mr. Wallace designated specific area on west edge of development and said Mr. Biggerstaff is using 36 inch pipe to carry the water out to Crawford-Brandeis Extension ditch. That is moving 36 cu. ft. of water per second and that is similar to the 37 plus figure which is the pre-development runoff, which matches the rule --both spoken and written--of this ordinance that says both pre and post development runoff be the same. As pointed out by Mr. Biggerstaff, it is being detained, not retained as in a pond -- but detained, which is very, very useful means -- giving it a chance to slowly run off, rather than all running off at once. The 36 cu. ft. matches both the pre and post-development according to the book used by Mr. Biggerstaff which, according to Mr. Jeffers, is the book that is supposed to be used. Mr. Jeffers has said that he kind of disagrees and thinks it is 30 cu. ft. Mr. Wallace said he would say that they disagree with that, but they would certainly be open to limiting that pipe to 30 inches; but all that would do is slow the water coming

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to Crawford-Brandeis Extension ditch -- slow it down which would be acceptable on the project. That is his response to Mr. Jeffers concerning his question. Again, he doesn't know whether he should go into his spiel or whether Mr. Jeffers has other points to make.

Mr. Jeffers approached the podium and said he thought he'd keep it "one step at a time so he didn't get too far out".....

Commissioner Borries said, "Right."

Continuing, Mr. Jeffers said there are two ways to detain that water. As Mr. Wallace indicated, you could choke down the size of that pipe, which would force any water in addition to the 30 cu. ft. per second to back up into those detention swales., the first one of which .....if you choked it back to 30 cu. ft. per second the water that couldn't exit would back up into these swales. He designated a swale designed to hold water for six (6) hours -- this is where Mr. Biggerstaff had designed the detention in this entire sub -- the Board will note that this is the only one that has any designed detention in it. The rest of them don't have those beehives; they just run between the houses and drop into a sewer inlet at each street. If you detain that water in the subdivision using these swales, what will happen is if you hit a 25-year rainfall and it continues to rain, that water has to go somewhere. So, even choked back to a 25-year storm at agricultural level, where is it going to go? Well, if you design it properly, it will spill out the easement across the curb and get into these streets and then you have a longer detention time....a longer collection time for it to hit back down to that sewer inlet, because now it is spilling out here (designated area) and running through the street. And that is the way the subdivisions have been designed on the east side in recent years. Obviously you have a street elevation planned at 380 ft. and that elevation line says that that is 382 ft. now -- so where did all that dirt go? He has taken the dirt out of the streets 2 ft. plus 6 inches of concrete plus whatever fill he puts under the concrete -- he's taken a minimum of 2 ft. 8½ inches dirt out of the street to build these building pads. The State law says that the building pads have to be above 384 ft. -- that is what it says. That can be 384 ft. 1 inch -- but it has to be 384 + ft. So that's how he's building his building pads -- with the dirt coming out of the street -- at least he's assuming that is what he is doing. When he gets the building pads built up to 384 ft., he can put crawl spaces in, sill plates and joists and have that house set at 386 ft., which he would hope would be the recommendation of the Building Commission -- that the finished floor elevation must be 386 ft. Because once you impound water in a subdivision, you have to calculate what 100-year rainstorm would do and what elevation it would bring the water to and you have to set your finished floor elevation 2 ft. above that level. He has heard indirectly that 384 ft. is what the Building Commissioner is going to say the 100-year flood is out there. So once you impound water to 25-year level, you have to calculate what a 100-year rain will do and set your finished floor elevation 2 ft. above it. That is according to State Law. If you don't you'll have problems with flood insurance. When he chokes that back here -- if that is what he chooses to do -- if the Board chooses to approve that, water will start back up here and we'll have to see what the 100-year flood will do. He thinks we have a pretty good idea of what it will do --it will fill those streets with water and then we'll have a draw-down time somewhere between 1 and six (6) hours to draw all that water out of that sub and into the ditch. He asked if that is an accurate statement?

The Chair recognized Attorney Richard G. D'Amour of Zoss, Craig & D'Amour, who approached the podium, identified himself and stated that he represents the group of remonstrators who are here today and he will introduce them to the Board at a later time. In directing query to Mr. Jeffers, Mr. D'Amour said the pre-development rate as developed by Mr. Biggerstaff was 37.4 cu. ft., is that correct?

Mr. Jeffers verified that that is correct.

Mr. D'Amour said he thought that Mr. Wallace said that the post-development runoff would be 36 cu. ft.

Mr. Jeffers said that 38.6 cu. ft. is what Mr. Biggerstaff had said.

Mr. D'Amour said, "Right; already as you can see, 37.4 pre and 37.6 post-development -- he thought he heard Mr. Wallace say 36 cu. ft.

Mr. Jeffers said he believes Mr. D'Amour got this confused with pipe size.

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Commissioner Cox said she has a question for Mr. Jeffers. In the projected area of detention/retention beehives -- that looks like it will be on the back part of the property.

Mr. Jeffers said that each one would be in the back yard of the closest house.

Mrs. Cox said, "Based on the projections and the holding back, what would be the depth of that water back in those area? Do you have any projections at all?"

Mr. Jeffers said he has set his beehive in this first easement at 383.5. The elevation of the top of the swale is 383. The elevation of the curb out there is about 383.33, which would be approximately four (4) inches higher than the top of the swale, which (if he understands the way it is to correctly be done) means there would have to be a cut in the curb or there would have to be a dip in it so that at 383 the water could spill out over that curb and get into the street. But that's a real minor point.

Mrs. Cox if we're talking then of six (6) inches of water?

Mr. Jeffers said he believes Mr. Biggerstaff indicated there could be as much as one (1) ft. of water in specified easement for period of as long as six (6) hours.

Mrs. Cox said she wrote down six (6) hours, but she didn't know how deep.

Mr. Jeffers said, "Approximately one (1) ft. deep." He said he would assume that we require the same thing for the rest of the easements (there are three more of them) --so it would be basically true of all four (4) easements -- if we allow them to use them for retention/detention -- that they all could have approximately one (1) ft. of water in them up to six (6) hours under 25-year condition. Of course, in eastside urban -- we might as well move on a bit -- we think in terms of 100-year floods. In fact, there was one in 1961. We came close in 1965 and again in 1983. In 1983, he thinks he's correct in saying that the water got to 381 ft. in this very area. He knows we had just completed building Hirsch Rd. bridge over the very same ditch. In 1983, they went out to inspect it and there was a 1½ ft. to 2 ft. of water over the bridge and all that was out of the water was the top of the guard rail. The bridge is approximately 379 ft. above sea level. So he's going to say that if he says 381 ft. he wouldn't be off more than six (6) inches. He is sure the Board will see/have evidence presented to them this afternoon that will bear this out. He thinks we have to think in terms of 100-year flood, himself. This could be designed for 25-year flood and everything over this has to be stored somewhere on this site. Do we want it stored in the street? In the backyard? Do we want it stored in a retention pond, which actually retains water and allow it to evaporate over a period of time and discharge over a period of time? That is the choice we have to make here today. Or, do we want to send it back to the drawing board for another month? These are our three (3) choices. Add some requirements to this plan and retain water in the backyards and the streets? Require a retention pond somewhere near the point of discharge? Or send it back to the drawing board? But the boogy-man of this whole scheme is, how is the water going to be discharged from the point of discharge in this subdivision to the ditch, which is approximately 500 ft. away from the subdivision?

Mrs. Cox asked, "There is no easement yet?"

Mr. Jeffers: "Not to my knowledge at this time."

Commissioner Borries asked if Mr. Jeffers would repeat this again?

Mr. Jeffers said he thinks we need to discuss the easement first, because we obviously are going to have to discharge this water off site through someone else's property -- especially if it is going to be an underground pipe. Then we can discuss whether we want to detain water -- as he said -- by those two or three methods.

Commissioner Borries again thanked Mr. Jeffers for his comments.

Commissioner Borries then recognized Mr. Keith Wallace, developer's representative.

Mr. Wallace said he would much rather let Mr. Jeffers finish his comments and then he will address the various points subsequent to his presentation.

Continuing, Mr. Jeffers indicated he will proceed to address other problems. All along the north line of the subdivision (adjacent to all agricultural ground) from Lots #41 thru #55, and including Lots #25 and #26....but, in particular, Lots #41 and #55, Mr. Biggerstaff has designed a method to get all the water from those lots from the back line (north line) of the house to the street. Everything from the back line/building line of those houses he can get the water into the street -- that's fine and dandy. And that means the majority of his increased runoff from the rooftops, driveways and sidewalks will spill into a controlled area, which is controlled by some form of detention. However, building these pads up and the other requirements --you have to have a 2% slope for 20 ft. from the foundation outward -- is going to cast some water to the north onto the properties of Mrs. Golden and a small portion of the properties of Billy and Lana Brown. Mr. Jeffers said he would like to see a swale all along the back of those lots to bring that water (it wouldn't have to be much of a swale -- just six inches to 1 ft. deep) through this easement into this last detention swale and cast this out into the drain. He wants all of this water contained within the development. He'd like to see that. That way we could assure the neighbors that they could be absolutely sure that they would not get any additional runoff.

Mrs. Cox said, "Bill in talking about that area and looking at the report from the Soil Conservation officer and the soil map, it list that property -- if she is reading it correctly-- as being in the ZP clay, which means they have very, very severe limitations in that area for absorption."

Mr. Jeffers said that is right and that is why he qualified his statement using a "C" factor of .4 by saying that possibly the developers is fully within his correct parameter to use .5, because a lot of that ground does not absorb water -- and it has to go somewhere. But he has a feeling that a lot of it stands there and evaporates. But, be that as it may, it is up to someone else to prove.

Now, while he's talking about this property to the north of the development, specifically Billy and Lana Brown at 3011 Colonial Garden Rd. -- they now have a water problem basically the same as all the other property owners have in this area -- standing water that just sits there until it evaporates. Most of this water -- in fact, a lot of it -- drains to the southwest and through a designated culvert (pointing to map). Mr. Biggerstaff has indicated that he is going to pull all this water from the property line to the south. Mr. Jeffers said he believes it will be of benefit to the property owners north of there and that is why the surveyor's office is recommending that he do the same up in designated area (pointing to map). Anything they can do to help the drainage in the area would be fine with everyone involved -- he hopes. This is why the surveyor's office is recommending that if this drainage plan passes that it only passes if it has a swale along the back lot lines to carry water to the interior drainage system.

Another recommendation of the surveyor -- if this plan passes -- is that all utilities that are located within anything called a drainage easement (he doesn't care if they call it P.U. entry easement or drainage easement)-- but all utilities and, in particular, SIGECO's transformer boxes -- be placed on pads at an elevation of 384 ft. or above and that those pads be located as close to the easement line as possible, so that they're not out there in the middle of that easement. No permanent structures, shrubbery, trees, fences, or any other material that might interfere with the free flow of water should be placed in those drainage easements. He might be willing to not go that way with the telephone poles -- but he doesn't know whether those telephone pedestals are affected by standing water. But those transformers would be.

Another recommendation that the Surveyor's office would have were this drainage plan to pass would be that no trenching be done on top of this pipe installation by any utility company period. Because those trenches, when they're not properly backfilled as they usually are not, tend to sink and get about two to three foot holes, as they have in Aspen Drive and then during periods of freezing and thawing, for some reason or another, those pipe joints open up and then the county is called in to repair them. Little children break their legs and whatever -- and he just doesn't think they need to be putting these sort of trenches along the total length of this easement -- along the top of that pipe, in particular. He hopes this doesn't restrict any ..... is Roger Lehman of the Building Commission here?

Mrs. Cox asked if we have a Staff Field Report on this? Mrs. Cunningham handed one to Mrs. Cox.

Mrs. Cox said that it shows on our map, "Flood Zone: 100-Year flood zone 384 and minimum (lowest) floor elevation 386 ft. above sea level. That's what it says.

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Commissioners Borries and Cox perused the plans and held brief conversation. Subsequently, Commissioner Borries asked Mr. Jeffers if he is finished with his comments?

Mr. Jeffers said that Mr. Richard D'Amour is the counsel for the remonstrators and he has asked him if in addition to disagreeing with .5 as the coefficient for that ground, does he disagree with the coefficient of .8 for the rooftops and drives as used by Mr. Biggerstaff. The HERPIC Manual for rooftops gives .75 to .95. He interprets .75 to be a flat roof and .95 to be a steeply pitched roof. He usually uses .9 to be a asphalt-shingle normal pitched roof.

Mr. D'Amour asked what effect this would have?

Mr. Jeffers said it would have an effect of raising the post-development runoff by a miniscule amount. When they ran all of this through their calculators they came up with approximately 40 cu.ft. per second as post-development rather than 38.6. That is very little difference, but they might want to make note of that.

Commissioner Borries said the Board had asked Roger Lehman to make some comments, as well as Elvis Douglas of the Soil Conservation office concerning drainage plans. He would then like for Attorney Wallace to make his remarks and then Attorney D'Amour. The Chair recognized Mr. Roger Lehman of the Building Commission.

Mr. Lehman said that basically he believes the question brought up was the contours on the map versus the shown flood zone area on the flood map. The flood map area shows 384 ft. above sea level and on the main plot it shows 384 contours going up to the swale, so they were considering the whole designated area (pointing to map) as being a flood zone area. The flood zone map more or less reflects what is on the federal flood map -- so that was the main question. We do go by the federal flood maps, but they are also labeled by elevations. Mr. Lehman asked if the Drainage Board has a flood map here?

Mrs. Cox said the only flood map they have is that down in the corner .....did Mr. Lehman say there is a difference in the elevations? Mr. Lehman acknowledged that this is correct. Mr. Lehman said the 384 ft. is the 100-year flood plain..... and there was a few minutes of conversation between Mr. Lehman and Commissioners Borries and Cox concerning the map.

Mr. Biggerstaff interjected that the certified analysis in the regular flood zone map say that this is 100-year flood and that they can take Pigeon Creek watershed map made for the City of Evansville and the County at their request and if they're above the elevations in that they get free no flood insurance. They accept that. They accept that over your flood ..... they have their pads set at 384 ft. ground level for the house.

Mr. Lehman said the finished floor would have to be 386 ft. He doesn't believe they'd have any problem with 386. ft. 386 ft. is the State requirement and the Building Commission just recently discovered that this was not in the County code -- and it should have been. The State requirement is 2 ft. above the 100-year flood and that is how the County works.

Commissioner Borries thanked Mr. Lehman for his comments and then called upon Mr. Elvis Douglas from the Soil & Water Conservation Office for his comments.

Mr. Douglas approached the podium and stated that he has not had an opportunity to take a close look at the drainage plan, so he will limit his comments strictly to the soil conditions of the proposed development site. He said he thinks there is one particular soil type out there that is rated fairly well for development and that is the Alford. However, some of it is a little steep and it does have its limitations because of the steepness. But, by and large, many of the other soils located at the site are rated quite severe for development due to drainage conditions, seasonal high water tables, frost action, etc.

So, based upon the soil analysis at the site, it does have many, many problems that need to be looked at quite closely if development in this area is contemplated and trying to build homes -- and we are going to try to minimize the problems we're going to get into. He thinks that it would be a great mistake to go in and develop this and take the severity of the soils and pay no attention to same. With the soils that have the high potential for the shrink/swell and the low bearing stress, you need to pay particular attention to laying in a foundation or a satisfactory footer that is not going to move up and down depending upon the amount of rainfall you get and the amount of freeze/thaw you get. It

can cause a tremendous problem -- not to mention the problems we're certain to get into if the drainage along the streets is not properly designed. The streets are going to be next to impossible to hold. They are going to constantly break up and go to pot. So there are many, many problems associated with it as far as the soils are concerned because of their severe limitation for development -- not to mention some of the drainage problems that have already been mentioned.

President Borries thanked Mr. Douglas for his remarks and proceeded to recognize Attorney Wallace, requesting that he use the microphone. (He then requested that Messrs. Lindenschmidt and Easley do one more thing; talk to Mr. Ruston and get a longer cord on the microphone, so that when it is necessary to move the podium to location where materials placed on easel can be seen by both the Commissioners and the audience -- that the microphone can be utilized. This would be a tremendous advantage for individuals in the audience as well as the secretary, who is responsible for transcribing minutes.)

Mr. Wallace again stated that he represents Mr. Clements with regard to Country Trace Subdivision. There has been a whole lot of talk and he thinks that some of it may fit; some didn't -- it got pretty disjointed over a period of time and he'd like to take just a couple of minutes to try to put things into perspective. Proceeding, Attorney Wallace directed the group's attention to the map and the property area being discussed, pointing out Burkhardt Rd., Boonville Highway (old), Colonial Garden Rd., etc. Obviously, the eastside has had a history of drainage problems. The fact that it is low on the eastside means everyone has to watch what they do to benefit the neighborhoods that they go in and around. What this property has done -- at this point without the development there -- when it rains the water goes in various directions....some of it gets the Browns, some of it comes back down to some kind of a culvert right now on Mr. Frank's property and kind of erodes his farm area out into that Brandeis ditch a little bit. The goal of this development is to take as much water as possible from the development and move water into designated areas (pointing to map) and kind of run it out the sides. The question is, will it work? He and his client think it will. If it will work -- to bring all the water with the exception of that noted by Mr. Jeffers -- it will all go the direction they have planned. The next question is what do they do with it when they get it? They are bringing it underground out to Crawford-Brandeis Extension Ditch. By doing that, they have benefited all of the people in circumspect insofar as water runoff. There is a question of how much runoff is there at this time. Is it 29 cu. ft. of water per second? Is it 37.4 cu. ft. of water per second? And it is based upon mathematical calculations and guesstimates as to what kind of soil is out there. Mr. Jeffers said 30 cu. ft. Mr. Biggerstaff said 37.4 cu. ft. With a 36 inch pipe we have 38.6 cu. ft. of water per second. That is within 1.2 cu. ft. of the pre-development according to Mr. Biggerstaff. But if the developer agrees to install 30 inch pipe (or he believes he said even a 27 inch pipe would work) we're going to have the post-development runoff less than 30 cu. ft. per second, which is the estimate Mr. Jeffers used representing the County. The effect of having a smaller pipe system across the area would be for these retaining swales to have to just wait a bit longer before the water ran out. But the question to all the neighbors (as represented by posters and pictures -- and he believes we're going to see a video of flood waters) -- you benefit us by taking the water away from us and not dumping it on us -- that's nice. But what happens when it hits that ditch? Is it going to hit that ditch and come back up in their backyards and get them from the other way? What Mr. Jeffers pointed out (which he'd like to address if he may for a second) was that prior to 1980 the entire eastside of Evansville, with few exceptions, came up several ditches into this Crawford-Brandeis Ditch across new Boonville Highway, going to Pigeon Creek. After 1980 or 1981, some of this water was diverted. At ? point ... to get past that it has to be a pretty nasty rain to get over the wall and then it goes by the neighborhood and the ditch fills up. The developer is talking about taking that water (rather than past Mr. Frank's open culvert so to speak) and putting it underground into the ditch. But the question still remains as to whether if it backs up now whether it will back up then? There will be some filling of the ditch during a very heavy rain and that is all of the questions that have been addressed in the 25-year flood plain. But if he is not mistaken, the way things are now water backs up. If he is not changing anything in drainage, he does not feel the developer should be kept out. In response to query from Attorney Wallace, Mr. Jeffers said all the backwater comes from Pigeon Creek. Attorney Wallace said the question is whether this development will make it worse? If the drainage runoff is limited after the development to what it was before the development, no more water is running off than it was before and, hopefully, it is keeping it out of the front yard of the property owners and putting it all back behind them in the ditch. If they limit the pipe to 27 inches, we're not having anymore runoff after development than they were prior to development. Thus, it is not having an adverse effect concerning the amount of water it is putting out. In

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fact, if there is high water out there, there is nothing the developer can do about it in the sense that they can't elevate 600 acres five (5) feet; but if they're not having any adverse impact -- and he thinks they're getting city water and city sewer out there -- so, if anything, they're having a positive effect, because of maybe some of the health concerns that come out during high water with well water situations avoided. So there are some benefits to the proposed drainage plan or overall impact to this group.

Mr. Wallace said he is trying to address the overall concerns of neighbors -- and that is what this development will do to them. He is trying to say that if they limit the pipe to 27 inches, even under the conservative estimate of the County people he's saying that they will have no more runoff after the development than they did before. If that is true, the development will have to adverse impact on the property owners. They are working with engineers, etc., and that is what they have to put their faith in. The next question -- the pipe has a bend in it to stop the flow and when it hits the ditch is it going to erode or tear up the ditch? That's the question. If his understanding is correct, everybody out there in the subdivision is going to have to pay a ditch assessment to the County. He asked Mr. Jeffers if this is correct and Mr. Jeffers nodded in the affirmative. Continuing, Mr. Wallace said these people will be paying into a fund so that if any kind of erosion does occur, then they will be accountable to the County for that. At that point it is a matter of getting the County to do something about it, but there will be people there who will be paying their dues if anything does happen. The way it is scheduled, it is not going to be just a pipe stuck in the sides. It is going to be a pipe that bends before it gets there to kill some of the force and then there will be rip-rap to absorb some of the impact once it does come out. He is not certain, but he does believe that this is a workable plan with a 36 inch pipe; but Mr. Biggerstaff has said that a 27 inch pipe will work and all that the 27 inch pipe does is hold it back in the detaining swales a little longer. All the water and the swale in the back -- all the water stays in the development.....an easement has to be obtained (they don't have it yet). They hope to work with Mr. Frank. Mr. Frank spoke with Mr. Clements and they had worked out an agreement to some degree verbally, but that was sort of put on hold waiting to see what the drainage plan was and he guesses they have not seen the detailed plan. If people are against development because they don't neighbors, then he and his client can't address the question. If they want answers to real drainage questions, then he believes that is what they are providing. By limiting the pipe size to 27 inches, they feel they are considerably under pre-development runoff from this property -- taking it to the ditch and north to Pigeon Creek and out. When waters get high sometimes because Pigeon Creek can't take it, they can't make Pigeon Creek move faster. The whole point is that they are not having an adverse impact and they are not having more post-development than pre-development runoff. In conclusion, Mr. Wallace thanked the Board and the audience for their patience and said he will be happy to answer any questions. If it is a technical question, he asked that they direct same to Mr. Biggerstaff prior to Mr. D'Amour's comments and viewing of photos and videotape.

The meeting proceeded with Commissioner calling upon Attorney D'Amour for his comments.

Mr. D'Amour approached the podium, identified himself and said that he represents a group of remonstrators and he would like to introduce them at this time, as follows: Lana Brown, Jack & Judy Harold, Michael Viotis (absent), Barbara Val, Tom Osburn (absent), Mr. Frank (together with daughter and son-in-law), Ethel Golden, Joann Bryant, and Agnes Schmitt. All of these individuals do live on Colonial Gardens.

In referring to visual aid (a poster containing photos which had been prepared by the remonstrants) Attorney D'Amour pointed out Colonial Gardens, Burkhardt Road, Old Boonville Highway, agricultural property, and the Eagles Country Club, etc., giving the group some idea of the area under discussion. He said that first of all he does represent the designated group of remonstrators. They did not contact him because they are again change. The remonstrators in this case are not against change. They feel that there is a severe drainage problem in that area as it now exists and they just want to make sure that their interests are protected. They, obviously do not want the situation any worse. They do want to make their feelings known.

Up to this point 25-year floods and 100-year floods have been discussed, but the fact is that in the past 25 years there have been two (2) 100-year floods in that area. This will give the Board some idea of just how nebulous these terms can really be -- and this is what they have to work with.

Mr. D'Amour approached the Commissioners' table and presented several photographs, including photos of the Schmitt property on Colonial Gardens, which was taken in back of the Schmitt's garage in 1961. As can be seen, there was approximately 2 ft. of water

--almost up to the knee of the individual in the photo. What happened in this photo was that Crawford-Brandeis reached its banks and went up to the garage that is located on the back side of the Schmitt property. There were several photos of the Schmitt property perused. Mr. D'Amour said that in 1961, the Schmitt property had approximately 2 ft. of water.....In response to comment from Mrs. Brown, Mr. D'Amour corrected himself, stating that the first photo is of the Schmitt property, while the balance given to the Board for perusal were of the Frank property. Nonetheless, in 1961 there was a good amount of water in the area. The Board spent several minutes reviewing the photos.

Mr. Jeffers interjected that the high water in Pigeon Creek in 1961 is considered by the Corps of Engineers as being a 100-year flood. There were some contributing factors such as the fact that Oak Hill Bridge was restricting the flow -- that is true. It was subsequently noted that the photos were taken in May 1961. The intermediate regional flood which was known as a 100-year flood approximately matches that same elevation anyway (per flood plain study of Pigeon Creek done by the U.S. Corps of Engineers for Vanderburgh County) so their calculated 100-year flood would match what happened in May 1961. (This is the Corps of Engineers' calculated flood.)

Mr. D'Amour said that in May 1983, they had another problem out there. He doesn't know whether the Board recalls that rainy season. He does, however, have more photos. The first photo would be a picture west on Colonial Gardens Rd. toward the Eagles' Country Club. As can be seen in the photo, there is much water on Colonial Gardens. There were photos of Crawford-Brandeis reaching its banks and spreading out along the properties. The next photos were pictures looking in the direction of Burkhardt Rd. across designated field. This photo depicted a rather significant ponding effect that is experienced out in said field -- a rather large amount of water.

Mr. Easley asked if the flood in May 1983 was a headwater flood? Mr. Jeffers said that it was. He said that while he did not bring data with him, in his file he has a list of dates in April through May 1983 that he got from the U.S. Weather Bureau which show what stages the river was and the rainfall each day through this period -- when they were working on Elmridge and that house was built in the flood plain on Elmridge -- and basically what it shows is that the river crested at 44 ft., which is 373 ft. above sea level. And that amount of water in the river (which is 2 ft. above flood stage) plus torrential downfall for two days caused what is known as a headflood of Pigeon Creek from Princeton, Indiana on south and could not get into the river, thus it backed up to an elevation he has estimated at 381 ft. -- and the photos the Board is reviewing were taken approximately the same day that the river crested at 44 ft. or a few days thereafter.

Mr. D'Amour said the reason he is showing the Board the pictures is to rebut what has been told his clients by the developers of this subdivision. They have been told on numerous occasions that they do not have a water problem -- and they feel very strongly that they do have a water problem.

Proceeding, Mr. D'Amour said he would like at this time to show the group a video that Mrs. Bryant took approximately three (3) weeks ago. The Board will recall that in the early part of February it rained very heavily on Friday and Saturday nights. The Saturday morning after the Friday night rain, Mrs. Bryant went out with her video camera and scanned the area. The videotape is lengthy and he won't show the entire tape. But he will share portions, which will give the Board some idea of the water in the area. There was a view of Mrs. Bryant's home; another looking across the area to be developed; a view of the Brown home, Colonial Gardens Rd., some of the houses on the other side and Mr. Frank's home. The water currently runs to the ditch across Mr. Frank's property. As can be seen, it doesn't appear to be raining very hard -- more like a moderate drizzle -- not a downpour by any means. Mr. D'Amour specifically pointed out the water moving down along Colonial Garden, going under Mr. Frank's property through a culvert, and heading across his property. This was a moderate rain; and as can be seen, he would describe this as a fairly good flow of water during a moderate rain. As can be seen in the photo, the farmer who last plowed the ground made a ditch-like area down the middle of the field to help move the water off the land. It is not raining hard at this point and they're still getting that type of runoff. He believes the photos illustrate the point he wants to make and that is that the water flow is rather substantial.

Commissioner Cox asked Mr. D'Amour if, with this 1 inch rainfall, he has any idea of how long the flooding was there before it actually drained? Mr. D'Amour said he believes that Mr. Harold told him that in the month of February the waterfall made the ditch crest at the top -- it rained all weekend. He asked Mr. Harold if this is correct?

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Mrs. Bryant said it rained all weekend. This particular video was taken after the first day of rain. It also rained Saturday night and it overflowed into Mr. Frank's property. Mr. D'Amour said the water was there for some period of time.

Continuing, Mr. D'Amour said that at this time he would like to address the plat of County Trace very quickly and explain the biggest problem with the plat. He pointed to the plat and designated proposed flow of water -- forming a basin in the middle. They are going to run a tile along designated area and endeavor to obtain an easement from Mr. Frank to run across the property to Crawford-Brandeis ditch. He said this is a 28 acre area. It presently is being farmed. As can be seen, even with farmland -- which he would think would hold a fairly good amount of water -- they get a tremendous amount of runoff. But imagine what the picture is going to be when you have all the paved area, all the roofs which will be shedding water -- they are going to shed 28 acres of water into one (1) pipe and then it is going to go flying out into Crawford-Brandeis ditch which, he might add, at a perpendicular direction. Now, they do have a bend; but as can be seen, the bend is still not coming in parallel in any way. So, first of all, what he sees is a tremendous amount of force flying out of a 46 inch tile, eroding a designated area. Secondly, what happens when the ditch fills up? When the ditch fills up, this can't drain. So you're going to have water essentially sitting in these streets. As can be seen, some of the street elevations are 381.7, 382, etc. This water is going to sit in these areas with no place to go. And then what happens is, that finally when the ditch does go down, all this water is going to come flying out at a high rate of speed -- because there is no absorption off a road; there is no absorption off a roof -- it goes into the tile and boom! -- you've got a flash flood on your hands very quickly. What is it going to do to the level of Crawford-Brandeis Ditch? He doesn't know. They have not hired an engineer. They cannot afford to hire an engineer. But it is very conceivable that with 28 acres of water that this will again send Crawford-Brandeis Ditch over its embankment, threatening each one of a designated group of individuals (pointing to area on the map). Under the plan, Mr. & Mrs. Brown and Mr. and Mrs. Golden fair fairly well. But he doesn't think the other individuals fair quite so well -- and he believes you're looking at some real problems.

Mr. Frank was approached about an easement and there may have been some oral assurances. But as of this time (he spoke with Mr. Frank yesterday) he is not really too interested in granting easment through designated area. He is not very interested in doing this. Basically, what he is saying is that the remonstrants are very concerned about and would object to the plan and ask that it not be approved. They would suggest that we need something; he believes the Area Plan Field Report mentioned a retention pond. Mr. D'Amour said he thinks that is a good idea and we need to have some sort of retention pond to catch this overflow. When it fills up and there is no place for the water to go -- there has to be some place for the water to go. Otherwise, people will have anywhere from 2-4 ft. of water in the street and they're not going to like it. As the plan is now written, they feel it will put the people in peril and also the grounds -- as it is now. He doesn't represent the people who will eventually be buying these lots, but he believes the Board would be doing them a big favor if they did not accept this plan.

Commissioner Borries expressed appreciation to Attorney D'Amour for his comments. He said that at this time, we've now been discussing the matter for over an hour. If someone would have some new information to present at this time -- again, information that pertains to the drainage plan -- if they could so briefly, the Board would appreciate it. If not, perhaps there could be a brief period for rebuttal and then it would be time to try to conclude the meeting.

Mrs. Lana Brown was recognized by the Chair and approached the podium. Identifying herself, Mrs. Brown said one thing not mentioned (and she believes the Board has a photo of same) is that in the winter when they have the water, then they have two or three blocks (city blocks) of ice on the road that they have to get over. Again, she doesn't believe this has been mentioned and this problem results from the water on the road and it is pretty risky.

Commissioner Borries said he believes Mr. Keith Wallace would like to have a brief period for some rebuttal.

Attorney Wallace said he believes the photos invoke empathy for the residents; but, again, the whole question is that if you have those pictures and the proposed neighborhood was or wasn't there -- and they made no difference as to how much the water had backed up -- that is a requirement that Commissioners have set down for subdivisions -- and they have no greater impact or runoff afterwards than they do beforehand. They might have substantially less drainage afterwards, according to Mr. Biggerstaff, than happens

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right now. All the water going across the road and causing ice wouldn't cause ice, because it would hopefully all be taken underground (if things can be worked out with some of the neighbors) and they wouldn't have ice across the road coming from water that's drained and across that road. The pictures are interesting -- but the question is pre and post-development impact. They are saying they have no more water draining off that property after the development (and maybe less) and they are not going to be throwing water all over the street. Mr. D'Amour's comment about not representing the people who are going to build houses -- he's doing a good job. The whole point of this is detention areas. He said that on the eastside of Evansville we do have drainage problems. We have to be creative with what we do with subdivisions. Mr. Wallace said that in his subdivision he has about a 12 inch swale off his backyard -- and it backs up when it rains, then usually drains. And they have a retention area in their subdivision; but that doesn't mean that that's the only way it works. Eastland Estates was designed very much like the proposed development, according to gentleman in surveyor's office; it backs up in the sense that it stands at the back of the yards after a rain. But whether it is one hour or six hours (depending on how hard it rains) it runs out -- and he thinks this needs to be weighed against what is being done here -- and that is providing housing for a number of families on the eastside of town and he thinks there is a need for that. The primary question is pre and post-impact; he didn't hear anyone address that they're going to have more post-development impact than previous impact. The comment about 28 acres of water is not true. Yes, it is going to have some pavement. But that's the whole point of detention areas -- to hold all that water and let it drain off.

Mr. D'Amour commented that apparently the developer is changing plans now to drain their runoff under .....they have 36" pipe here; even under their calculations it would be approximately 1.23 ft. per second over pre-development runoff. If we take what Mr. Jeffers said -- Mr. Biggerstaff used the book and the book is what you're supposed to use -- but the reality of the situation is that the .5 factor should perhaps have been a .3 or .4 and a .8 on the roofs and the concrete should perhaps have been a .9, which could make the difference between 30 pre and 40 post, which is a substantial difference. And now they're talking about bringing in a smaller conduit here of 27 inch. His response to that is, "What's that going to do here?" That is definitely going to slow everything and you're going to get water backed up even higher and perhaps pushing away -- and people in designated areas are going to be facing severe unindation problems. Basically, for those reasons they would say that they don't feel this is a suitable area -- and Mr. Douglas felt the same way, that the soil conditions out there just weren't suited for that type of development. Maybe this is just better as farm property, rather than trying to put something in there that really doesn't belong. If the Board does not agree with that, Mr. D'Amour asked that they please consider some sort of retention pond so that Mr. Frank doesn't eventually have a canyon and the residents do not have lakeside property.....a few times a year, which he knows they don't want.

Commissioner Borries thanked everyone for their remarks. It said this has been a most interesting meeting. He then called upon Commissioner Cox for her comments.

Commissioner Cox said she has learned a lot during this meeting and it has been an interesting meeting. She believes there are a lot of things to consider here. The runoff is a question, according to who seems to be figuring it. As a Commissioner, she said she can make a vote one way or the other on this. It needs to be resolved. This is one thing that she is concerned about. She is concerned about the depth of one ft. (1 ft.) of water for six hours in between adjoining property owners. She is concerned with our streets being used for the same period of time to hold water. The easement to the Brandeis Ditch has not been obtained. The soils in the area are severely limited, according to the Soil & Water Conservation office. She would like to see the developer go back to the drawing board. And, she has not changed her mind at all about continuing to support the discharge of storm water onto existing property owners from underdevelopment. She thinks we should continue to ask that the developer be required to control the runoff. How they are presenting controlling the runoff is not, she doesn't think, the way that she could support; because she foresees down the road, if this were approved, a different group of people sitting in front of the Board of Commissioners with drainage problems, street problems and other things to be considered -- and she knows putting in a retention pond would take away some of the area that could be used for lot development of homes. But she thinks that based upon the presentation the Board has heard that this would be the only way the water could be controlled in the area, not stack up within the area and not run off excessively to adjoining property owners -- nor would there even be a need to even acquire an easement to/thru another property if we could address these problems. She cannot go on a plan that is, she guesses, a projection or saying this and

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that, with everything not detailed down and all she sees at this time is perhaps talk about maybe a retention pond -- but if the developer feels he could go that route, she certainly thinks he should. Because she does not feel she can support the plan that has been presented here today. There is another thing on the erosion control and she thinks that is very important on the plan. It says, "Soil Conservation; service requires proper erosion control within 45 days after the completion of grading." It should be "45 days after disturbing of any top soil" in those areas. She thinks that is a very important point of a drainage plan. She believes this covers all the notes she had along that line.

Commissioner Borries expressed appreciation to Mrs. Cox for her comments. Continuing, Commissioner Borries said he has a few comments to offer. First, he appreciates the attendance of those in the audience at today's meeting and their concerns. He thinks there is a major point to be concerned with; he knows they are uncertain concerning change or anything like that, but, again, the point that any person makes -- the developer makes -- what they must consider in that in the verification as best they can that water problems or any rate of water discharge could not be greater than it was before. So that is what the Board has to consider here -- and he appreciates the attention and concerns of the audience today. He would say that we obviously do have at this time some figures that cannot be verified and he would hope that the Board could put all concerns among the parties here, along with what the County Surveyor has mentioned today -- the swale on the north side of the subdivision, the utilities on pads of at least 384 ft. or above, and no trenching on top of pipe structures. And then we can go forward to see what we have to do here to verify all the figures. Obviously, that is what he and Commissioner Cox are going to have to base their decision on. Everyone is going to have to realize or understand what figure they're using. That is most important. And, there is an easement question here that is going to have to be resolved before a final decision can be made.

An individual in the audience stood and was recognized by the Chair. Mrs. Joan Bryant approached the podium and asked that if he can't get out to that ditch, why are we talking? Will Mr. Frank or somebody else being forced to give him an easement?

Commissioner Borries said that is a matter between the developer and the adjoining property owner... from what the Board is able to determine from their County Attorney (he doesn't have anything in writing from him and he had to leave the meeting today). Mrs. Brown asked if, in other words, Commissioner Borries is saying there is a right of eminent domain or something.....

Commissioner Cox interrupted, "I know of none... the other alternative, however, is to hold that water back and let it ease out more slowly. It is much easier to maintain a swale than it is to maintain an underground drainage pipe. If there is a retention pond, the water would ultimately go out to Crawford-Brandeis Ditch, but it would go at a...

Mrs. Bryant asked, "If he never gets an easement...."

Mrs. Cox remarked, "There's already a natural drainage there through Mr. Frank's property." Mrs. Bryant was making other comments, but they were inaudible.

Commissioner Borries again thanked the group for expressing their concerns and their attendance. He explained that what he and Commissioner Cox have asked for is a written documentation on the part of all parties -- if they could forward those to the County Surveyor's office -- so the Board can review all the figures, then we'd be better off. As mentioned, the easement matter would be a matter between the developer and the property owners mentioned. The Board would like to see -- so that this matter can be continued and perhaps heard again -- that everyone's figures on the next plan coincide so that they can all agree.

Continuing, Commissioner Borries said that because this matter of drainage approval is being continued, Mrs. Cunningham has requested that he advised that this matter will not be heard at the Area Plan Commission meeting on Wednesday, March 5th, so Subdivision Review has requested that the Drainage Board give approval to the plan. The matter will be continued and not heard at Area Plan. (Mrs. Cunningham explained that the APC does not hear these at APC meeting unless they have drainage approval.)

Mrs. Cox said that Subdivision Review Committee recommended that the Drainage Board look at the drainage plans before the plot is reviewed again by Subdivision Review.

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In response to query, Commissioner Borries responded that the county surveyor would be able to verify any figures submitted -- but they would want the figures to agree.

RE: LEGAL DRAIN ACCOUNTS

Mr. Bill Jeffers advised that Mr. Tom Goodman in the Surveyor's office has been working with Mrs. Lowe in the Auditor's office to bring the Board up to date on the status of the legal drains (how much is in the account for each drain, etc.) and this will serve as our Ditch Report to date for 1986. (Copy attached to minutes as Supplement I). Basically, the report shows account balance for 1986 for each ditch as far as we know it between Mr. Goodman and Mrs. Low. They have the ditch rates they're suggesting for each ditch and some of them aren't complete, because they're still awaiting information to bring everything up to date. In East Side Urban and Harper there isn't an established rate; it just goes from year to year and that happens to be \$1.50 an acre for rural and \$22.50 per acre for urban -- and we're going to keep it at that.

The third sheet is the Maximum Maintenance Charge, which they foresee as the assessment for each ditch for 1986. Again, Eastside Urban drainage system and Harper have an established rate and we'll stick with that.

RE: NOTICE TO DITCH MAINTENANCE CONTRACTORS

Mr. Jeffers presented a Notice to Ditch Maintenance Contractors (the people who mow, spray and do various work for the ditches) and this is the standard notice used the past couple of years. He is requesting that this be advertised as soon as possible, with bid opening scheduled March 24, 1986 at 2:30 p.m. It was noted by Mr. Jeffers that there is one interested individual in the audience from Big Creek Drainage Association. Again, Mr. Jeffers requested that the Auditor's office advertise notice as soon as possible. Must be advertised one (1) time in one paper of general circulation; if they want to advertise it once in both Courier & Press, that is o.k., too.

Mr. Jeffers said he had provided the members of the Board with specifications for the maintenance and cleaning of all drains in Vanderburgh County. These specs are basically the same as those used during recent years; they were, however, updated last year. The legal drains and descriptions of each ditch in Vanderburgh County that will be maintained by the contractors. The only difference is that they have added the Wabash-Erie Canal to the list. Over the last couple of years there have been questions as to why Wabash-Erie is submitted as a separate claim. That is because if we don't maintain the Wabash-Erie Canal from Green River Rd. to the new bridge at the State's building, we can't get rid of all the water that we're moving through the ditches that we are maintaining. The description was added so there won't be any question as to where it is, how many feet are being maintained, etc.

Mr. Jeffers said he would request that the Commissioners approve advertising notice. If so, he will get with Joanne Matthews tomorrow morning. Motion to authorize the advertisement for bids on ditch maintenance was made by Commissioner Cox, with a second from Commissioner Borries. So ordered. It was again pointed out that the bid opening is scheduled for Monday, March 24, 1986, at 2:30 p.m.

RE: CHAPEL HILL SUBDIVISION

Mr. Jeffers said there is one other subdivision to be considered which goes to Area Plan meeting on Wednesday, and that is Chapel Hill Subdivision. There is a replat of Lot #5, dividing Lot #5 into three (3) lots. The surveyor's recommendation is to pass this, with all the normal language that comes on a plat which concerns placement of strawbales, etc., and the condition that all storm drainage from the three (3) new lots be carried into the drainage system that was approved and is being built in Chapel Hill Sub, which was approved last year. Motion to approve was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

Commissioner Borries called upon Mr. Elvis Douglas of Soil & Water Conservation office for his comments.

Mr. Douglas said that with respect to the erosion control part, he would like to see that the developer states what he is going to do rather than telling us what is recommended.

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Mr. Jeffers said, "I agree. We've been going through this everytime."

Proceeding, Mr. Douglas said they have been showing what is recommended, but not what they are going to do to control erosion on the site.

Mr. Biggerstaff interrupted that Mr. Oswald at Foreman's office told them that they are not supposed to do that. They're supposed to say "this is what is recommended".... he thinks the County should check on this. It doesn't make a bit of difference to him -- but they were told that.

Mrs. Cunningham said she doesn't understand why.

Mr. Biggerstaff again repeated that it makes no difference to him; but they were told that concerning one subdivision by Mr. Oswald.

Mr. Douglas asked, "What was the problem? The only recommendaton they made was that "within 45 days after disturbing the soil that something be done to protect it from erosion". So they want to know what he intends to do along those lines.

Commissioner Cox said she can see the point. "If you say right here that you're going to do this, this and this.....then you must do that, Sam."

Mr. Biggerstaff said that sometimes you cannot do it within 45 days, if you have heavy ice or rain -- that's what he is trying to say.

Mrs. Cox said she thinks we've been amenable to giving an extension.

Mr. Biggerstaff requested that the Board think about. He doesn't care -- it doesn't make any difference to him.

Mrs. Cox said, "Sam, if you're in an area that has severe erosion problems or elevation problems, in my best opinion they shouldn't be excavating out there during these volatile periods like the freezing, thawing, etc., because youre' going to get bank slides, mud slides, and everything else."

Commissioner Borries said then that on this particular replat of Chapel Hill, Section A, Commissioner Cox has moved that it be approved, with the recommendations from the Surveyor's office and Soil Conservation. He will second the motion. So ordered.

Commissioner Cox asked if she can make a suggestion? The way this all got started about erosion control, it came up at Subdivision Review Committee. She would ask that this concern of Mr. Douglas be taken back to them and that they come up with some guidelines for the Commissioners to act upon, because she thinks it is a point well taken.

Mrs. Cunningham said she believes this is what they are working toward.

Mrs. Cox said that even if the words say here, "And I will do this" -- putting it in simple language; if it says mulch seeding is recommended, etc.....and I will comply". This is what Mr. Douglas wants rather than just picking up the verbiage and putting it on there. She can see the point.

With regard to one thing Shirley mentioned on Country Trace, Mr. Biggerstaff said he would make a comment. They will use the box culvert that is presently under the road. They have to -- that's all they've got.

Mrs. Cox said, "That's o.k. In that, if you do use retention pond, please put something in the drainage plan that speaks to the maintenance of same -- who is going to keep the cat-tails out of it, etc."

RE: SOIL & WATER CONSERVATION BANQUET

Mr. David Ellison of 2040 Baseline Rd. approached the podium and stated he represents the Supervisors of Soil & Water Conservation. He said he wanted to thank Commissioners Borries and Willner for attending their banquet. He hopes they enjoyed same. He is sorry Commissioner Cox could not attend. On the night of the banquet, there were letters at the seating places of the tables concerning the Union Carbide Plant -- for people to take home and read. He wants to go on record as having given the Commissioners one of these letters saying that they are opposed to the building of this plant. Hopefully

(continued)

as members of the Vanderburgh County Board of Commissioners and the Drainage Board -- they will understand their position and join them.

Commissioner Cox said she is sorry, also, that she missed the banquet. She usually attends.

Commissioner Borries said the meal was delicious -- and he won a jacket. He would say that, if he is correct, he believes the Drainage Board could adopt the same Resolution that was approved by the Commissioners opposing the construction of the Union Carbide plant -- so they are on record as a Commission -- and they can do likewise as a Drainage Board.

Mr. Ellison expressed his appreciation to the Board for their willingness to do this.

RE: OGLESBY SUBDIVISION

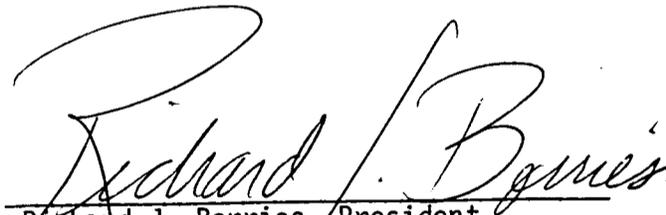
In response to query concerning Oglesby Subdivision, it was noted that it was brought up at Area Plan Commission meeting that copies of the Department of Natural Resources Inspection Report should be kept on file.

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 5:50 p.m.

- |                 |   |                                       |  |
|-----------------|---|---------------------------------------|--|
| <u>PRESENT:</u> | <u>DRAINAGE BOARD</u>   | <u>COUNTY AUDITOR</u>                 | <u>BUILDING COMMISSION</u>   |
|                 | Richard J. Borries<br>Shirley Jean Cox  | Sam Humphrey,<br>Chief Deputy Auditor | Roger Lehman   |
|                 | <u>COUNTY SURVEYOR</u>  | <u>COUNTY ENGINEER</u>                | <u>AREA PLAN COMMISSION</u>  |
|                 | Bill Jeffers, Chief<br>Deputy   | Andy Easley                           | Barbara Cunningham   |
|                 | <u>OTHERS</u>   |                                       |  |
|                 | Keith Wallace, Attorney<br>Richard D. D'Amour, Attorney<br>Sam Biggerstaff<br>Elvis Douglas<br>Mr. & Mrs. Clements<br>David Ellison/S&WC Office<br>News Media |                                       | Lana Brown<br>Jack & Judy Harold<br>Barbara Val<br>Mr. Frank, Daughter and Son-in-Law<br>Ethel Golden<br>JoAnn Bryant<br>Agnes Schmitt |

SECRETARY: Joanne A. Matthews

\*R. L. Willner (Absent)

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

152.

MINUTES  
DRAINAGE BOARD MEETING  
MARCH 24, 1986

The Vanderburgh County Drainage Board met in session at 3:50 p.m. on Monday, March 24, 1986, in the Commissioners Hearing Room, with President Rick Borries presiding.

The meeting was called to order, with President Borries subsequently entertaining a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Willner that the minutes of meeting held on Monday, March 17, 1986, be approved as engrossed by the County Auditor and the reading of same be waived, with a second from Commissioner Cox. So ordered.

RE: AUTHORIZATION FOR ATTORNEY TO OPEN ANNUAL DITCH MAINTENANCE BIDS

President Borries entertained a motion from the Board that Attorney Greg Meyer, who is representing County Attorney David Miller today, be authorized to open the bids received on annual ditch maintenance. Motion to this effect was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

RE: RESOLUTION REGARDING A POLYCHLORINATED BI-PHENYL DISPOSAL PLANT IN HENDERSON, KENTUCKY

It was noted by President Borries that at the March 3rd Drainage Board Meeting, Mr. David Ellison of 2040 Baseline Rd. (who was representing the Supervisors of the Soil & Water Conservation) had requested that the Board adopt the same Resolution approved by the Board of Commissioners opposing the construction of the PCB Plant in Henderson, KY. The Board approved the adoption of said Resolution and the Resolution is ready for the signatures of the Drainage Board tonight. The Resolution read, as follows:

R E S O L U T I O N

A RESOLUTION REGARDING A POLYCHLORINATED BI-PHENYL DISPOSAL PLANT IN HENDERSON COUNTY, KENTUCKY

WHEREAS, the County of Vanderburgh lies but a short distance from Henderson County, Kentucky, and

WHEREAS, The Vanderburgh County Drainage Board understands that there is a proposal to build a polychlorinated bi-phenyl disposal and/or separating and/or processing plant near the Ohio River in Henderson County, Kentucky, and

WHEREAS, the people of Vanderburgh County have no forum to express their opinion regarding such plant except through the elected officials of the County, and

WHEREAS, polychlorinated bi-phenyls have been determined, by the United States, to be a health hazard and the production of such substances has been banned by federal law, and

WHEREAS, in addition to air and water transportation of any escaping PCB's from the proposed disposal and/or separating and/or processing plant, there is a potential risk of spillage of PCB contaminated substances if such are transported to the plant by motor carrier over and along roads and highways in the State of Indiana and Warrick County, and

WHEREAS, while the disposal of PCB's is both commendable and necessary, adequate consideration and study for safe disposal of such substances must be paramount to all other bases for the decision to allow such plant to be built.

NOW, THEREFORE, BE IT RESOLVED BY THE DRAINAGE BOARD OF THE COUNTY OF VANDERBURGH, IN INDIANA:

SECTION 1. No permits to build a PCB disposal and/or separating and/or processing facility in Henderson County, Kentucky, should be issued by any federal, state or local agency until the owner of such plant has established by clear and convincing proof that such plant does not present a significant risk to the residents of the tri-state, and their property.

(continued)

SECTION 2. That all federal, state and local agencies so empowered, should require the developer of such plant to provide for the cost of training and maintenance of monitors and response teams in Indiana and Kentucky to monitor for and immediately contain and eliminate any spill of PCB's into the environment from the plant or any transport carrying contaminated fluids to the plant.

SECTION 3. The Vanderburgh County Drainage Board encourages the Federal Government to conduct an in-depth study of the plant being sought in Henderson County, Kentucky, which may or may not affect Vanderburgh County and its residents, to be studied to the best of their ability and to keep the County Drainage Board informed as to their findings.

ADOPTED THIS 24th day of March, 1986.

THE DRAINAGE BOARD OF THE COUNTY OF  
VANDERBURGH, STATE OF INDIANA

Richard J. Borries, President  
Robert L. Willner, Vice President  
Shirley Jean Cox, Member

ATTEST:

Alice McBride, County Auditor

RE: COUNTRY TRACE SUBDIVISION - DRAINAGE PLANS

Mr. Bill Jeffers, County Surveyor Chief Deputy, approached the podium and said we're back today concerning this matter because the Drainage Board expressed concerns regarding the depth of the water in the retention swales and the period of time the water might stand on those swales and the fact that the swales were in the backyards of the residents. The Drainage Board also requested that he reach an agreement with the developer's engineer regarding the runoff coefficient to be used in the drainage calculations for Country Trace Subdivision.

The developer has plans to discharge storm water through a 30 inch concrete pipe at .6% grade along Colonial Gardens Rd., south towards Boonville Highway.....to Mr. Spurling's subdivision and then through a drainage easement along the north line of that sub into Crawford-Brandeis Ditch. That design is the same as before, with the exception of substantial pipe that would have to be laid in roadway and discharged through the easement noted above. The Surveyor's office recommends that all the storm water generated within the subdivision be directed into the interior drainage system of Country Trace Subdivision.

The areas highlighted in yellow should be designated as (later agreed to be 28 ft.) drainage easements only. Within these areas the retention swales shall be constructed with a 4 ft. minimum bottom, 6 to 1 minimum side slopes, and a 2 ft. maximum depth. Any utility easements shall be located outside of these 28 ft. easements and there shall be no trenching within the drainage easement parallel to the flow of water. All trenching across the easements shall be backfilled with compacted fill.

.....Discussion involving the runoff coefficient and the pre and post-development cubic feet per second runoff was inaudible; Mr. Jeffers agreed to repeat that discussion at the Area Plan Commission meeting, if requested to do so.

.....(audible portion).....They went to a 30 minute storm duration for a 25-year storm, which generates 3.5 inches rainfall rather than 2.6 inches for 55 minute storm. So now, your runoff rate -- using a .4 C factor, would generate a 40.3 cu. ft. per second pre-development total, which is substantially more than last week's figure of 29.2 cu. ft. per second. The developer's engineer has exceeded what we are asking for and came up with a .52 C factor, which generates a 52.4 cu. ft. per second post-development runoff.

Plan I uses a 30 inch concrete pipe, which discharges 38 cu. ft. per second, which is 2.3 cu. ft. per second less than pre-development conditions.

This is Plan I -- which would work, with certain additional recommendations from the Surveyor's office. These recommendations are in addition to what the developer is offering at this time as a plan.

(continued)

Continuing, Mr. Jeffers said that Plan II (which includes a retention pond) was developed at the request of the Drainage Board, because they expressed a desire to have the option of choosing between plan with retention pond and plan with detention swales. The developer has eliminated four (4) lots at the southwest corner of the subdivision to build a retention pond approximately one half acre in size -- which would receive the same amount of water as is discharged by the 30 inch pipe in Plan I. During a 25 year storm, 188,000,640 cu. ft. of water is discharged into this pond; and the maximum holding capacity of the pond is 143,748 cu. ft., which is 76% of the total amount. However, they are leaving the pond with a 24 inch pipe rather than a 30 inch pipe on a .6% grade; this will discharge 17.5 cu. ft. per second, rather than 38 cu. ft. per second.

If the County Surveyor is asked to make recommendations, there are some additional things that they would require of the developer on this plan, also.

Mr. Borries said he knows that this is a complicated thing; but as the Board hears comments and takes them into consideration, it would seem that either Plan A or Plan B would work -- with certain additional recommendations.

Summary of Recommendations:

Plan I - In YELLOW, a 28 ft. drainage easement only, with 4 ft. bottom minimum, 6 to 1 side slopes minimum, and 2 ft. depth maximum. In GREEN area, along periphery of subdivision, 10 ft. drainage easement, minimum 1 ft. bottom, minimum 3 to 1 side slopes, no utilities. All drainage easements shall direct all storm waters generated within the subdivision into the interior drainage system. A notice shall be set out on the plat stating, "Encroachment within open channels or underground drainage conduits by any permanent structures, trees, shrubs, flowers, gardens, vegetation other than grass, fences, or other obstructions to the free flow of water is prohibited". All drainage channels and conduits and appurtenances located outside road or street right-of-way shall be constructed in a suitable public easement or right-of-way.

In the 12 ft. easement between the houses (in which the storm drainage pipe is installed) the County Surveyor's office recommends no fences, structures, air-conditioning or heating units or any other obstruction which would hinder repairs by heavy equipment. Notification must be given to the homebuilder that such things as air-conditioning units cannot be placed between the houses where this pipe is located. Mr. Jeffers stressed that this restriction is going to be enforced because of the numerous complaints received during the past year which involve problems addressed by this restriction.

It was noted that under Plan I, the developer would be discharging 2.3 cu. ft. per second less than the pre-development conditions. That falls within the informal guidelines set by the drainage board for eastside urban watershed.

Plan II - The recommendations for Plan II would be the same, with the exception that the County Surveyor is asking for a grass-sodded emergency spillway which will discharge to the concrete box culvert where it exists under Colonial Gardens Rd. Insofar as recommendations go, this is really the only difference between the recommendations concerning the two plans.

Commissioner Cox asked if the maintenance of these drains and culverts has been addressed? Whose responsibility is it to make sure that these are kept open and working?

Mr. Jeffers said the Subdivision Code (Chapter 151.36) addresses the location of drainage structures within suitable rights-of-way; but he would prefer that the developer address the responsibility for maintenance within such.

Mr. Easley interjected that if there is going to be a problem in maintaining the drainage structures, the retention pond could be deeded to the County and everybody in the subdivision assessed (because everybody benefited) \$5.00 -- like they do for Crawford-Brandeis Ditch -- so that cleaning, mowing and other necessary maintenance can be accomplished. Or, a Homeowner's Association could be formed, with each homeowner paying a specified amount annually, and the Association responsible for maintenance of the drainage structure. (Portion of these comments were also inaudible -- so Mr. Easley should verify if this is correct.)

Mr. Jeffers proceeded, saying that Attorney Keith Wallace requested that utilities, such as electric transformers, be allowed to be placed within the 30 ft. easements. However, Mr. Jeffers said he refused to make this concession; he was willing, however, to reduce

(continued)

the 30 ft. easement to a 28 ft. easement, which would accommodate the minimum swale size. He informed Mr. Wallace that he would have to negotiate with SIGECO, to see what size utility easement would be required for their installation. Likewise with the telephone company.

.....During audible portion of tape, Commissioner Willner asked Mr. Jeffers if the County Surveyor's office is recommending one plan over the other?

Mr. Jeffers responded, "No; what I am saying is that the calculations for both plans indicate that either plan would work."

In closing his portion of presentation, Mr. Jeffers said he would like to make the Commissioners aware that the County Surveyor's office review and recommendations on Plans I and II were based on storm drainage design within the subdivision .....and method of discharge from the subdivision; but the ability of the developer to discharge along-side Colonial Gardens Rd. would have to receive an o.k. from the County Highway Department.

(A good deal of Mr. Wallace's presentation was inaudible -- due partially to faulty tape and the fact that he periodically moved away from the microphone to point to specific areas on the map being displayed on an easel. The audible portion follows.)

....."right-of-way, so you can go in and do any repair work if and when any repair work is necessary in the pipes. I might have a total misunderstanding; but it was my understanding that it was going to be part of the entire Vanderburgh County drainage storm sewer system. If you're telling me that the county no longer wants to have anything to do with drainage in this kind of development, then I think you're right and an alternative needs to be used to insure repair funds, if and when necessary. I don't mean to be sarcastic, but what I'm saying is -- if it is part of the county drainage system, I thought that was the reason the county wanted the right-of-way. If the county doesn't want the right-of-way and the developer is to put it in -- and the Drainage Board is simply requesting a Homeowner's Association -- as I said, I think the developer would strongly consider that; and if the Board tells them today the only way they want to adopt this plan is through the formation of a Homeowner's Association....."

Commissioner Willner said, "You see, Mr. Wallace, it is not a question of whether we want to or not; we don't have any funds. There is no county drainage. I think you're mixing up the City and the County. Once you belong to a city, the city government takes over your drainage problems. That's one of the seven services that they must maintain because you do live in the city. But in the County there is no such thing. There is a legal drain for big ditch drainage. Other than that, there is no fund. If you wanted us to do it -- what funds would we use? We cannot use highway funds on private property; you can't use them on easements. It has to be on a county-accepted road. So where would we get the funds to do it? There just are none. So you must come up with a satisfactory solution -- not the Drainage Board; the burden falls on you. So whatever the developer wants to do -- if he says, "I will maintain that forever" or "You form an association". I think we're talking "perpetual" here -- not tomorrow, but 100 years down the road.

Attorney Wallace said he thinks his client would be much more interested in a Homeowner's Association taking care of the maintenance than he would be, because he doesn't think his client is going to live to be 200 or 200 years old.

Commissioner Willner said, "I understand that; he probably would do it were he so blessed!"

Mr. Wallace said, "I think that with the county adopting that kind of perspective on this, my client would go along with a Homeowner's Association -- and put some kind of phraseology in there that if and when it becomes a part of the system that..."

Commissioner Willner interrupted, "That's automatic; you don't need to put anything in there. That is automatic. ....(inaudible).....Warrick County has a capital improvement cumulative drainage fund --just like our Bridge fund -- Warrick County, in fact, has both.

.....(inaudible).....Mr. Wallace stated that he and his client like Plan A. But if the Commissioners like Plan B, they are willing to accept it. As he said, both meet or exceed requirements. He said that Attorney D'Amour is going to be speaking in a minute

in behalf of the remonstrators and he is going to try to say (his guess is, knowing what remonstrators' attorneys do) --he is going to get up and try to say that all this doesn't work. All that he can say is that he and his client have done what they've been asked to do -- to meet with the County Surveyor's office and reach some mutual conclusions. Those mutual conclusions say that these plans work; and the County Surveyor is a recommending body to this Drainage Board. That is who they went to and whose requirements they have met.

Mr. Wallace said, "One other thing; if he gets up and asks, 'What if we have a rain like we haven't had in 6,000 years?' All he can say is, 'That if we do, most of us are going to be under water. The eastside of Evansville has water problems. There has been and there will continue to be -- development. He thinks that what the County Commissioners, Drainage Board and other boards responsible for zoning in Evansville try to do -- is that they try to be wise stewards of the community and develop proper drainage plans, etc. This is what they have tried to do. They came before the Drainage Board, then they went back to the County Surveyor's office and tried to meet all the requirements (written and unwritten) -- and they have come back to the Drainage Board and said, 'Here is what we've done'." He said that in wrapping this up, he believes he can say that whatever goes into that ditch is less than what is going into that ditch now. If you ask the question, "What if the ditch is full?" You're asking the same question about now and then.... "What if it is full?" If it is full now, it flows and it just comes and sits on the bank. With their development, if the ditch is full, the pipe is below the top of the ditch. With the pressure of the movement of the head, you're going to flow into that ditch. So they're not talking about any impact. If it raises the water 1/10 inch over several thousand acres, he'd be surprised. The whole question is preimposed. They would have less runoff after the development than before the development. He thinks they're meeting all the requirements.

Commissioner Borries thanked Mr. Wallace for his comments and called upon Attorney D'Amour, who is representing the remonstrators.

"Members of the Board of Zoning Appeals, Mr. Jeffers,.....my name is Richard D'Amour.. and I have been asked to represent a group of remonstrators (Lana and Bill Brown, the Harolds, Michael V. Odus, Barbara Val, Tom Osborne, Herbert Frank, Ethel Golden, JoAnn Bryant, Agnes Schmitt, etc.)---and I believe most of them are here today. Turning to the remonstrants, Mr. D'Amour asked them not to forget that when he is finished with his presentation, if any of them have anything to say -- to please stand up and say whatever they feel like they would need to say.

Proceeding to address the Board, Mr. D'Amour said he would like to reiterate one point. These remonstrators are not against progress. At no time did they come to him and say, "Do anything you can to keep that subdivision out of there. Send up any kind of smokescreen you can to keep it out of there." They told him right from square one, "We don't mind if they have a subdivision in there; we just want to make sure that if it goes in there that we don't have water in our basements, in our yards, etc." That is how they have approached this from the very beginning -- and he wants to make this clear.

Mr. D'Amour said that about three weeks ago we were presented with Plan A, which essentially has been changed. If the Board will recall, last month the developer was talking of taking all this water on 28 acres and essentially funneling it toward the middle, and then shooting it down through a 36 inch conduit (he believe that is what it was at the time) and taking it directly across a designated area into the ditch. There's been a little change now. In fact, there have been several changes -- and he thinks that each of the changes will affect the remonstrators. The first change is the size of the conduit. The Board will recall the size of the conduit the last time we spoke was 36 inches where it discharged into Crawford-Brandeis) and that it came out that the post-flow was exceeding the pre-development flow. So, all they (the developers) have done is reduce the size of the pipe to come within the pre and post.....and he believes they have done it (they show a 38 inch and it was 40 inch before). They could have done it with a 6 inch pipe, also -- then it would have been way down. But he thinks we have to look at the consequences of what they have done by reducing this 36 inches to 30 inches. Obviously, they have reduced the amount of water that is going into the ditch. But what is happening to all this water now that will no longer be farmground -- but will be asphalt and a large amount of roof area; as you can see, these are only 60 ft. wide lots. You can see that there is going to be a rapid flow of water. He said that Commissioner Cox was very concerned about 1 ft. of water in some of these areas standing for as long as six (6) hours. They haven't heard what there's going to be now -- he would take a good guess that there is going to be substantially more than 1 ft. of water in some of these swales for six (6) hours. He is not an engineer; and his group hasn't hired an engineer -- so

(continued)

they have not done any calculations; but he is telling the Board that they're going to have some "big" water; they're going to have large amounts of water. He knows there was talk of a water amusement park on the eastside; this is the site for a water amusement park -- because there's going to be a lot of water here.

Mr. D'Amour said he would like to hit on some other points also discussed at the last meeting and what concerns the remonstrators insofar as the suitability of this is concerned. The Board will recall that Mr. Elvis Douglas from the Water & Soil Conservation office came here and said that this soil is mostly clay and it is not at all suitable. He said he'd like to read from Page 7 of the March 3rd minutes, "Many of the other soils located at the site are rated quite severely for development due to drainage conditions and seasonal high water tables. Many problems need to be looked at quite closely." On the second page, he says that the streets are going to be next to impossible to hold, they are going to constantly be breaking up and going to pot.

The new plan no longer calls for shooting this water out into Crawford-Brandeis. No one here wanted to give the developer an easement. So they went down the line until they finally got somebody to give them an easement (a Mr. Spurling). As a result, they are going to have to make a 45 degree angle, shoot water, make a complete 45 degree angle, and shoot water into Crawford-Brandeis Ditch. He hasn't heard anything; but what is the effect of this? He is not an engineer, but he knows that that is not a restricted flow of water along that pipe. So maybe their figures are going to be less for post-development flow; but what is that going to do to all of the people in designated area who, as it is, have 30 ft. easements in their backyards and the people in designated area insofar as flow of water? What is the effect once the water starts flowing out onto Mrs. Brown's or Mrs. Golden's property?

.....(inaudible).....Another thing, they said, "We can't get an easement", so we're going to go onto county right-of-way." As can be seen, \_\_\_\_\_? \_\_\_\_\_ has dedicated 25 ft. to a right-of-way. But he doesn't see any indication whatsoever of how wide that right-of-way is. He wishes someone could tell him. (He notes that Mr. Easley has stepped out of the room for a minute. He meant to get with him concerning this.) But what is the width of the road between two designated points on map? Do they have authority to put it there? That is his question.

Another thing....or another reason they think this plan is totally unacceptable. What is going to be the effect when Crawford-Brandeis Ditch is full of water? The Board will recall that Mr. Harold said at the last meeting that in February when they had the 1 inch rain on Friday and Saturday, the water came to the very top of Crawford-Brandeis Ditch. Well, they are going to have this pipe coming into Crawford-Brandeis at some level below the top of that, so when "b" fills up, there will be some flow into that ditch -- and that will greatly restrict the flow again, which is going to result in water backing up and causing some great problems. He doesn't know whether the Board was "privity" to this information, but he has the Country Trace drainage calculations prepared by Mr. Biggerstaff and they are somewhat complex; perhaps the Board would like to consider them. Under Plan A, they contemplate retaining a large amount of water in the streets and the swales (they show that up to 20 ft. of water will be detained in these swales). The people along designated area on map may, at some point, have up to 3 ft. of water in their backyards. He believes they are going to have some difficulty in mowing their grass. Again, they find this a totally unacceptable plan. They don't think it is going to work.

With regard to Plan B, they will be the first to admit that it is much more palatable to them, although they still feel there are definite problems. To get back to something that Commissioner Cox said concerning Plan A, who is going to enforce these swales? It is real nice to say you have to maintain the swale in a backyard and you can't put up a jungle gym, you can't put up this and you can't put up that -- but who is going to enforce this -- so that Mr. Joe Smith sitting over in designated area doesn't start dumping his mulchings into the easement and slowing things up? This may be the "ideal" plan, but we all know that "ideal" doesn't always turn out that way.

With regard to Plan B with retention pond, Mr. D'Amour said they do think that this goes a lot further in protecting not only the remonstrators -- but it goes a long way toward protecting others. They are concerned about this subdivision. Why? If this is a lot of marshy area and this is a dead subdivision, it surely is not going to help Lana Brown. It is not going to help Mr. Frank -- insofar as the value of their properties. Here, again, we have Mr. Frank with this small area -- this culvert under the road -- what is going to be the effect on him? What is going to be the effect insofar as who is going

(continued)

to take care of or maintain that retention pond? What happens if those ponds are not maintained? They fill up with algae, silt, etc. Who is going to take care of that thing if it becomes infested with mosquitoes and Mr. Frank across the street can't go out and sit on his porch because he'll be eaten alive? Who is going to take care of all these things? .....(inaudible for several minutes...).....Again, they are concerned (and Mr. Wallace mentioned this)....what will be the effect when Crawford-Brandeis is already full of water? If Crawford-Brandeis is full of water and there is sustained rain, this retention pond will never be dry; it will always have water in it. What happens if this is going to be greatly restricted by the use of a 45 degree angle here and a 45 degree angle here (pointing to map)? They are concerned about the spillway coming out onto designated area. Mrs. Brown and Mrs. Bryant, as well as others, have had problems -- and they should be assured that they no longer have these problems. Basically, they would ask that the Commissioners consider all the testimonial from the two hearings held to date. He thinks that there are some big problems with this subdivision from a drainage standpoint. He thinks the Board has to put themselves in the shoes of those people who are going to be looking at these lots and saying, "I want to live in Country Trace Subdivision; I want to buy a lot in Country Trace Subdivision. Will the Board be doing any of these people a favor if this subdivision dies and they can't build houses? Are we going to do any good there? Maybe it is time to say, "This just isn't a good spot. We can grow soybeans here, but maybe we shouldn't put houses here."

The Chair recognized Mrs. Lana Brown. She approached the podium and commented concerning the frozen water that they now experience in this area on streets in cold weather. She said this is a very major concern out in that area.

Commissioner Willner questioned the right-of-way in pink area (dropping down from the area highlighted in green). To whom does that belong? Mr. Wallace stated that the county owns that right-of-way. Commissioner Willner said he disagrees with Mr. Wallace. Mr. Wallace said that, according to Mr. Easley, it is a county-accepted road and, obviously, they will have to go through the proper channels to obtain right-of-way for storm drainage. Mr. Willner asked how wide the right-of-way is? Mr. Wallace stated that he is not certain.

....(Several minutes of the tape was inaudible)..... Resuming, there was discussion concerning the 24 inch pipe versus the 30 inch pipe (minimum and maximum respectively) and Commissioner Willner suggested a compromise. This resulted in decision to require a 27 inch pipe.

Attorney Wallace said he would ask that the Commissioners approve Plan B, attaching requirement concerning Homeowner's Association, using a 27 inch pipe, sodded spillway, easements at the 28 ft. width and 6 to 1 ratio, inclusion of restrictions with regard to no interference via permanent buildings, structures, etc., in the swales (as outlined by the County Surveyor's office) and attach all of this to the drainage plan -- including stipulation that utility easement be outside the drainage easement.

Commissioner Willner said this is agreeable.

Commissioner Borries asked if the Board wants the developer to return?

Commissioner Willner said it has been worked out now.

Commissioner Cox noted that they will have to obtain the right-of-way along Colonial Gardens Rd. All of this hinges on that.

Commissioner Willner said, "That is correct."

Commissioner Cox asked Attorney D'Amour if he understands what the Drainage Board is asking the developer to do?

Mr. D'Amour stated that his clients have limited means; they have been here twice already. They would ask that Mr. Jeffers of the Surveyor's Office and/or the developer find out what kind of right-of-way is there. There may not be one.

Mrs. Cox said, "If there isn't, then the plans would be null and void."

Commissioner Willner moved that Plan B be approved, subject to recommendations made by County Surveyor's office, the 27 inch pipe requirement, requirement for Homeowner's

(continued)

Association, etc.

Commissioner Borries said the Board would ask that Commissioner Willner amend his motion to include a separate milar of the subdivision, to be recorded along with the drainage plans.

Commissioner Willner said he would amend his motion to include a separate milar of the subdivision, to be recorded along with the Plan. A second to the motion was provided by Commissioner Cox. So ordered.

Mr. Clements stood and was recognized by the Chair. He asked if Commissioner Willner said he would like for the amount of the Homeowner's Association dues to be set up at \$5.00 per month on the developer's lots, payable every year....to be set up in escrow account?

.....(inaudible)

Mr. D'Amour said he has some questions. Who is going to decide if they need to buy some chemicals to kill the algae, etc.? Both Commissioners Willner and Cox advised that the Association elects secretaries, treasurers, etc., the whole bit. In response to a query from Mr. D'Amour, Mrs. Cox said she would assume that this Homeowner's Assould work the same way the rest of them work.....

Mr. D'Amour said there is no use having a pot full of money if you have 123 people who all want to do something different. Nothing gets done -- and there's lots of money in the Old National Bank. How can you be sure that this will work?

Ms. Cox stated that she believes it will work.

Commissioner Willner said he doesn't know hot to insure that, other than that the Association be set up according to Roberts' Rule of Order.

This portion of the meeting concluded at 5:45 p.m., with Commissioner Willner expressing appreciation to everyone for their concerns and patience. He said he hopes the solution is admirable and hopes no problems are encountered. If this happens, he urged that the parties involved come back and the Board will work with them.

RE: ANNUAL DITCH MAINTENANCE BIDS

The meeting proceeded with Attorney Grey Meyer reading the bids received on annual ditch maintenance. Motion was made by Commissioner Willner that bids be taken under advisement for one (1) week, at which time he would ask that the Surveyor's office come back with their recommendations. Second to the motion was provided by Commissioner Cox. So ordered.

RE: SONNTAG-STEVEN'S & KEIL DITCHES

Mr. Jeffers said that as long as "ditches" are under discussion, he has another matter for the Board's attention. On January 31, 1986, the City annexed a portion of Vanderburgh County north of Lynch Rd., which includes Sonntag-Stevens and Keil Ditches. He said they can try to get some decision by the State Board of Accounts as to whether or not the County can continue to maintain these ditches. To the best of their knowledge at this time, their answer is, "If it benefits a lot of people in the County -- Keep on Truckin'". However, they would like forthe County Attorney to look into this between now and next week.

In anticipation of their allowing us to continue to maintain these ditches, they have prepared a "Notice to Ditch Maintenance Contractors" for annual maintenance of Sonntag-Stevens and Keil Ditches. He said if the Commissioners will sign the notice, they can wait until next week to advertise. Or, he asked if the Board would prefer to sign the notice next week?

RE: ADDITIONAL DITCH MAINTENANCE

The County Surveyor's office has also prepared a Notice to Ditch Contractors for additional maintenance (silt removal, bank realignment, etc.) for four ditches (Sonntag-Stevens, Maidlow, Wallenmeyer and Hirsch). Some of this work is minor, but improvements do need to be made. Maidlow needs substantial improvement, however. They did not

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have these ready to go with the others last week, because they had to go out and survey the ditches. But this is additional maintenance over and above annual mowing/spraying and they have money in the accounts to pay for this, he believes.

It was the concensus of the Board that they will wait to sign this next week.

Discussion returned to area annexed by the City. Mr. Jeffers said he couldn't believe it when the State Board of Accounts told him they'd never had this question put to them before. He said the majority of the people benefitting are in the county; but the majority of the ditch was annexed into the city. In other words, the majority of the watershed remains in the county while the ditch, itself, is now in the city.

Commissioner Willner said he will put the County Attorney on this. However, if memory serves him correctly, in past cases (and he's been here since all the annexations) it seems to him that if that portion was annexed was \$300, the city has to pick up \$200 of it.

Mr. Jeffers asked, "You mean we can still maintain it?"

Commissioner Willner said, "Absolutely".

Mr. Jeffers said this is what the State Board of Accounts is saying, also.

Commissioner Willner said that if he is not mistaken this is true. But he wouldn't want Mr. Jeffers to take his word for it; he's been fooled at times. However, he thinks this problem also came up in Darmstadt. Nonetheless, the County Attorney should check this out.

RE: BURKHARDT INDUSTRIAL SUBDIVISION

Mr. Jeffers said this subdivision is east of Burkhardt Rd., north of Boonville Highway. Peyronnin developed it and it is immediately north of some of his previous developments, such as the L. B. Jones Warehouse, etc. It is also immediately west of I-164 Interchange with Highway 62. He originally had just wanted to approve everything that flowed into Crawford-Brandeis and hold back on everything that went to the State Highway; but he doesn't think the Area Plan Commission would appreciate that since he'd be going to the APC with only half a recommendation. He got together today with the developer's representative, Bill Nicholson, and they are going to try to get all this done at one time. Basically, everything he is doing checks out. All the drainage calculations check out fine. He is using what the farmers call waspcobs -- and he has Retention Ponds A, B and C. The reason he calls them water and soil pollution basins is because he has a perforated standpipe, which means that under periods of heavy rainfall the retention pond fills up.

Pointing to the plans, Mr. Jeffers said that everything west of the yellow line will flow into Crawford-Brandeis. Everything east of the yellow line flows into Kelly Ditch (it crosses under Highway 62 and goes into Kelly Ditch). What Mr. Nicholson and the engineers have done is retain the water back to the pre-development velocity by the use of Retention Ponds and standpipes (18" perforated standpipes) so they will drain completely out and that will be a dry grass pond after the rain stops and the water goes down. There were very things that he took issue with and they were all according to ordinance. He doesn't want any B bottom ditches; they have to have 3 to 1 side slopes, anything over 2% has to be sodded with the same grass mixture as everything under 2% will be seeded. After approval is obtained here today, Mr. Nicholson will include all the easements in for this and everything. We have minimum 1 ft. bottom and 3 to 1 side slopes. This area (designated area on plan) is the only area he could find that needed to have sod -- and he's aware of that. So we can simply put notice "2% above sod; below 2% seeded".

Mr. Nicholson has set the top of the lake bank at 387 ft. His building elevation pads (grade elevation) is 387 ft., so Messrs. Lehman and Jeffers agreed that finished floor elevations for Lots 5, 6 and 16 should be 388 ft. All other minimum finished floor elevations should be 387 ft. No problem. The only reservation he had about the whole project was what the State Highway might say about the retention pond being right up next to their right-of-way. They will have an exit ramp and they will have a good shoulder; they will probably have a right-of-way fence along designated line. The retention pond should not be full except during heavy rainfall. Then it will be a dry lake. He is discharging through the natural drain that exist here today at a lesser rate than or the

(continued)

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same rate as it was under pre-development conditions. Mr. Jeffers said he doesn't see how the Board could not approve this, unless the State has certain objections -- of which he is unaware. This is on private property -- so he doesn't know how they can object.

The only other conditions he has are the same as he asked for Country Trace and for which we'll be asking on every one of these from now on -- and that is that the notice on the plat concerning "Encroachment within channels or underground, drainage conduits by any permanent structures, trees, shrubs, flowers, gardens, vegetation other than grass is prohibited, and that all drainage channels, conduits and appurtenances located outside the road or street renovation will be constructed in a suitable public easement or right-of-way. Again, the ditches must have a minimum 1 ft. bottom, 3 to 1 side slopes and sided over 2% grade.

Commissioner Willner asked if a maintenance agreement is needed? Mr. Nicholson said he will talk to the developer about this and he is sure that along with the restrictions in the subdivision -- this will include a maintenance agreement for everything that the county is going to take over -- he's sure of that.

Motion was made by Commissioner Willner that Burkhardt Industrial Center be approved as per changes made by the County Surveyor, to include a maintenance agreement for structures outside the county right-of-way, with a second from Commissioner Cox. So ordered.

RE: HARMONY WOODS SUBDIVISION

The representative from the developer, Mr. Mike Fitzsimmons, is here today with regard to Harmony Woods Sub. Mr. Jeffers said this sub is located on Highway 66 at the intersection of Indiana 65, better known as Big Cynthiana Rd. The German Township Booster Club is immediately north and immediately south is the Old Mill.

All of the lots are greater than one (1) acre. The largest lot appears to be 1.4 acres; the majority are 1.0 acre and there are 22 lots. There is one (1) street (as of yet un-named); it is a cul-de-sac. It has a 50 ft. right-of-way. The drainage calculations were prepared by Steve Sherwood of Easley Engineering, Inc. Mr. Fitzsimmons went over them in detail with Mr. Sherwood. All the calculations check out and they are based on 25 year storm. It is the recommendation of the County Surveyor's office that changes be made, including changing ditch profile from 2 ft. bottom, 2 to 1 side slopes to 2 ft. bottom with 3 to 1 side slopes, which will give him greater capacity to carry water and will conform with the ordinance. Notice that, "Encroachment within open channels or underground drainage conduits by any permanent structures, trees, shrubs, flowers, gardens, vegetation other than grass, fences, or other obstructions to the free flow of water is prohibited" with the drainage easements.

Motion to approve in accordance with recommendations made by the Surveyor's office was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: HIGHWAY 41 NORTH BUSINESS PARK II

Mr. Jeffers stated that this is a replat of Omicron. He explained that they are dividing two lots into eight lots. Again, the calculations were done by Steve Sherwood of Easley Engineering, Inc., and checked by Mr. Fitzsimmons. Mr. Fitzsimmons, who is here, represents the developer. All the calculations check out. This is on a branch of Little Pigeon Creek. The recommendations of the Surveyor's office are as follows:

There is a drainage ditch along the northwest lot line. There is a 30 ft. drainage and utility easement and the County Surveyor would prefer either a 30 ft. drainage easement with a 5 ft. utility easement outside of it or a 25 ft. drainage easement with a 5 ft. utility easement -- because, again, they want this drainage easement to be unobstructed by any type of structures. They do not want any trenching or utilities within the drainage easement -- so they would like what was started today and keep drainage and utility easements separate.

Commissioner Willner queried Mr. Jeffers as to which he prefers, saying it has been traditional for them to include drainage and utilities on same easement. Mr. Jeffers said this is correct but we want to get away from that. They'd like to go with a 25 ft. drainage easement and 5 ft. utility easement outside of it. Notice that, "Encroachment

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within open channels or underground drainage conduits by any permanent structures, trees, shrubs, flowers, gardens, vegetation other than grass, fences, or other obstructions to the free flow of water is prohibited" within the drainage easements. They would also like to delete the second sentence of Note #8 with regard to drainage structures; they would like to delete the sentence that reads, "The sizes of the culvert are to be submitted to and approved by the County Surveyor prior to construction".

Mr. Jeffers explained that this is the function of the County Highway Department, because they are referring to the driveway culverts outside of the drainage system. In other words, the County Surveyor is not going to approve the size of the culvert to Lot 8; that is a function of the Highway Department. They will approve the size of the culvert at the end of the cul-de-sac, because they checked those calculations and made sure they were exactly right-----it is a 21 ft. corrugated metal pipe and that is part of the drainage system of this subdivision. It is the recommendation of the County Surveyor's office that this plan be approved, subject to recommendations heretofore mentioned.

Motion to approve Highway 41 North Business Park II with stipulations made by the County Surveyor, including a 25 ft. drainage easement plus a 5 ft. utility easement outside of each other, and the sentence referring to "Encroachment", was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: KINGSWOOD SUBDIVISION

Mr. Jeffers said he believes that the Area Plan Commission wanted the Board to take a brief look at Kingswood Subdivision (which was Lakeside). It has been previously approved with zero lot lines and they have gone to bigger lots. Mr. Jeffers said we know it is going to handle everything the same -- except they have added two lots. He asked if Lots #31 and #32 can be pulled back up -- outside the lake? He said they approved everything in this area on the basis that this lake would eventually be built in that configuration. He is asking that they pull those lot lines back outside the lake.

Motion that Kingswood Subdivision be approved as per changes made by the County Surveyor and Lots #31 and #32 be pulled back to conform with high water table of that lake as shows by the dotted line was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: CHICKASAW PARK AREA

Commissioner Borries said he does have one item for the attention of the Surveyor's office. He meant to mention this during Commissioners' meeting earlier. In any event, a resident called him concerning the Chickasaw Park Area where the State of Indiana has acquired property and has been moving houses. The problem is that they are moving the houses and the basements have not been filled in. The basement areas are filling with water and this presents a real health hazard insofar as mosquitoes, etc., and thus the resident expressed concern. He suggested that perhaps we would want to send a letter to the State, urging that they fill those basements as quickly as possible. The resident said they had some indication from the State that they weren't going to do that until the fall.

Commissioner Willner moved that the Board authorize the President to send a letter to the State concerning this problem. Commissioner Cox said, "This doesn't pertain to drainage." Commissioner Willner said, "Of course it does -- it does not drain." It was the consensus of the Board that a letter should be forwarded to the State concerning this problem.

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 6:45 p.m.

<u>PRESENT:</u>	<u>DRAINAGE BOARD</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Richard J. Borries Robert L. Willner Shirley Jean Cox	Sam Humphrey, Chief Deputy	Greg Meyer
	<u>COUNTY SURVEYOR</u>	<u>AREA PLAN COMMISSION</u>	<u>COUNTY ENGINEER</u>
	Bill Jeffers, Chief Deputy	Barbara Cunningham	Andy Easley

DRAINAGE BOARD  
March 24, 1986

SECRETARY: Joanne A. Matthews

Richard J. Borries, President

*Robert L. Willner*  
Robert L. Willner, Vice President

*Shirley Jean Cox*  
Shirley Jean Cox, Member

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MINUTES  
DRAINAGE BOARD MEETING  
MARCH 31, 1986

The Vanderburgh County Drainage Board met in session at 3:40 p.m. on Monday, March 31, 1986, in the Commissioners Hearing Room with President Rick Borries presiding.

President Borries said the secretary has stated that the minutes from the March 24, 1986 Drainage Board Meeting are not yet ready for approval due to a short work week, audio problems and the fact that she had two (2) sets of minutes (Commissioners and Drainage)..but she will try to have the minutes finished before the Area Plan Commission Meeting scheduled for Wednesday, April 2nd. Commissioner Borries said no apology is needed -- the Drainage Meeting was very, very lengthy -- but for the record he will note that the minutes should be finished prior to the APC Meeting on Wednesday. The minutes can be approved at the next Drainage Board Meeting.

Bill Jeffers, Chief Deputy Surveyor, said it was his understanding from Mrs. Matthews that problems were experienced due to audio difficulties -- and he plans to attend the APC meeting on Wednesday, should there be any questions concerning the agreement reached regarding the various figures and recommendations.

RE: WILLIAMSBURG-ON-THE-LAKE, PHASE II

The Chair recognized Mr. Don Proctor of Kimberly-DeVoss, consulting engineer for Gene Glick Corp., re Williamsburg-on-the-Lake, Phase II, which is located on Fuquay Rd. He is presenting proposed plan for relocation of Nurrenbern Ditch -- they want to pull it about 20 ft. onto the length of their site. There are several reasons they want to do this. First of all, for aesthetic value -- by pulling onto the site they can put more gradual slopes on the ditch and sod the sides of the ditch and possibly add a planting strip in front of the ditch to give it a better curb appeal to those driving by and those wanting to come to look at the apartments.

Secondly -- and probably the most important reason -- is for safety reasons. Right now, if the Board will look at the cross-section, the ditch drops about 5 ft. within 10 ft. off the edge of the pavement -- it drops very quickly and there is no place to pull to the side of the ditch. They would like to pull the ditch closer to the site to make a little safer for someone driving out there wanting to rent one of their apartments. Thus, they want to not only improve the looks of the site -- but the safety of the site.

Mr. Jeffers asked Mr. Proctor if they have done any preliminary work to accomplish this? Mr. Proctor said, "None that I'm aware of. They currently are on-site doing construction. Mr. Easley said they have already laid the big culvert. How far off the centerline of Fuquay was the big culvert? Mr. Proctor said that as the plan is right now -- they're going to move it. Mr. Easley said, "It's already in the ground." Mr. Proctor said the Glick Company is saying that that is what they want to do -- they want to move it... and it's their money. Mr. Easley said he had suggested this when the plan for Williamsburg-on-the-Lake Phase II first came in.

Mr. Proctor said that as stated, right now it is just preliminary. They still have to submit the plan to Andy Knight of Texas Gas Transmission, because one of their biggest concerns is that existing 26 inch gas main. They naturally want to stay away from it as much as possible. Their intent is to bring the swale back up to existing ground grade before they get above the pipe -- as shown on the cross-section. They still have to obtain Texas Gas' approval for relocating the ditch, as well as their easement. He is here today because of the timing of their meeting and when it will fall, when they're trying to get this done -- and the site under construction -- ideally, he realizes he shouldn't have been here today.

Commissioner Willner asked Mr. Proctor if they will bear the entire cost? Mr. Proctor acknowledged that they will. Commissioner Willner asked, "What about future maintenance?" Mr. Proctor said they would like to take over the maintenance on it. As he said, they want to put their own landscaping in there, sod it, etc., and in so doing, they would rather have their people maintain it. It is his understanding that the county has to hire people to go out and cut it and spray it ...and they'd rather have their own people maintaining it due to landscaping, etc.

Bob Brenner, County Surveyor, commented that the slopes are going to be 4 to 1 now; they should be able to mow them with a hand-mower. The critical point will, of course, be the change in direction at the south and north end of the site. Mr. Proctor said they're probably looking at rip-rapping those areas to take care of the possible erosion

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that might occur.

Commissioner Willner asked if they're going to have any retention lakes at all on this site?

Mr. Jeffers interrupted that all retention goes to Charter Oaks area; they went through a real long thing with them on this and the drainage plan was passed. Messrs. Proctor, Brenner, Jeffers and the Commissioners spent several minutes perusing the plans.

Mr. Brenner said they can put the plantings in -- they will be close to the road -- he doesn't foresee any problems. They put the plantings, landscaping, etc., in at their own peril -- and maintain same. He has no problems with their moving the ditch as long as they are going to be responsible for the changes in direction; in fact, it probably is an improvement for the ditch.

Commissioner Willner asked, "And the maintenance?"

Mr. Brenner said that the county cannot legally give up the ditch; we've given them up to 30 ft. and that is as far down as we can go anyway. They are not asking for anymore. Permanent structures, etc., will still be 30 ft. from the top of the bank. It is their recommendation that the Board approve the proposed plan.

Commissioner Willner moved that the relocation of ditch be approved on eastside urban drain and Williamsburg-on-the-Lake, Phase II, with a second from Commissioner Cox. So ordered.

RE: AWARDING OF BIDS ON ANNUAL DITCH MAINTENANCE

Mr. Brenner said we received bids on annual ditch maintenance from three people who have never bid before:

Happe's, Inc. (used to be Art's Remodeling)  
"A" Mowing Service (Donnie Barnett)  
K & M Lawncare (Pete Mosby)

It was noted by Attorney Greg Meyer last week that there were some irregularities in some of the bids received, such as failure to sign non-collusion affidavits or failure to have notarization where required, etc. Mr. Brenner said we may have to call upon David Miller's legal expertise today.

Continuing, Mr. Brenner said this is a little different from normal bids. What we're dealing with here is Associations; farmers who have cleaned these particular ditches (which run through their property) for the last 10-15 years. It would be the recommendation of the surveyor's office (and he usually doesn't like to do this) that the Board take the most experienced bids. In some cases, we'll have to go with people who have never bid them before, because no one else wanted them. But where Big Creek Ditch Association is the high bidder, that includes every farmer in Armstrong -- and it would be the surveyor's recommendation that the Board accept said bid. Mr. Brenner said he believes the easiest way to do this is to give the bids by Ditch Order, starting with Aiken Ditch.

<u>Ditch Name</u>	<u>Bidder</u>	<u>Bid Amount</u>	<u>Bid Awarded</u>
Aiken Ditch	Happe's, Inc. "A" Mowing Service	\$ 2,378.64 2,993.12	* -
Baehl Ditch	Happe's, Inc. Eldon Maasberg	\$ 895.70 1,026.61	- **
Barnett Ditch	Happe's, Inc. Union Twp. Ditch Assn.	\$ 835.80 250.14	- **
Barr's Creek	Happe's, Inc. Leo Paul	\$ 3,513.56 3,616.90	TO BE REBID
Buente Upper Big Creek	Happe's, Inc. Big Creek Ditch Assn.	\$3,231.20 3,433.15	- **
Cypress-Dale-Maddox	Happe's, Inc. Union Twp. Ditch Assn.	2,388.70 716.61	- **

\* = Performance Bond Required

\*\* = No Performance Bond Required

(continued)

<u>Ditch Name</u>	<u>Bidder</u>	<u>Bid Amount</u>	<u>Bid Awarded</u>
Eagle Slough	Happe's, Inc. Green Grasshopper Flying	\$ 7,209.60 4,205.60	- **
Eastside Urban North Half	Happe's, Inc. K & M Lawncare "A" Mowing Service	5,327.30 4,966.70 5,621.22	- * -
Eastside Urban South Half	Happe's, Inc. K & M Lawncare "A" Mowing Service	\$12,373.92 14,818.51 14,372.78	* - -
Edmond Ditch	Happe's, Inc. Union Twp. Ditch Assn.	\$ 1,539.50 8,467.25	Taken under Advisement
Helfrich-Happe	Happe's, Inc. Union Twp. Ditch Assn.	\$ 1,269.80 380.94	- **
Harper Ditch	Happe's, Inc. K & M Lawncare "A" Mowing Service	\$ 960.48 880.44 1,260.63	- * -
Henry Ditch	Happe's, Inc. K & M Lawncare "A" Mowing Service	\$ 572.22 635.80 699.38	* - -
Hoefling Ditch	Happe's, Inc. John F. Maurer	\$ 501.39 557.10	To Be Rebid
Kamp Ditch	Happe's, Inc. Union Twp. Ditch Assn.	\$1,116.00 334.80	- **
Kneer Ditch	Happe's, Inc. Eldon Maasberg	\$ 273.24 303.60	* -
Kolb Ditch	Happe's, Inc. "A" Mowing	\$ 2,002.78 2,357.12	* -
Maasberg Ditch	Happe's, Inc. Eldon Maasberg	\$ 198.54 154.42	To Be Rebid
Lower Big Creek	Happe's, Inc. Big Creek Ditch Assn.	\$ 975.13 1,050.14	- **
Maidlow	Happe's, Inc. Big Creek Ditch Assn.	\$ 2,305.94 2,470.65	- **
Pond Flat Lateral "A"	Happe's, Inc. Ralph Rexing	\$ 637.32 743.54	- **
Pond Flat Lateral "B"	Happe's, Inc. Ralph Rexing	\$ 335.64 391.58	- **
Pond Flat Lateral "C"	Happe's, Inc. Big Creek Ditch Assn.	\$ 813.24 903.60	- **
Pond Flat Lateral "D"	Happe's, Inc. Ralph Rexing	\$ 595.27 641.06	- **
Pond Flat Main	Happe's, Inc. Big Creek Ditch Assn.	\$ 3,228.61 3,522.12	- **
Rusher Ditch	Happe's, Inc. Big Creek Ditch Assn.	\$ 399.96 444.40	- **
Singer	Happe's, Inc. Eugene Rexing	\$ 245.00 269.50	- **

\* = Performance Bond Required

\*\* = No Performance Bond Required

(continued)

<u>Ditch Name</u>	<u>Bidder</u>	<u>Bid Amount</u>	<u>Bid Awarded</u>
Wallenmeyer	Happe's, Inc. Leo Paul	\$ 1,002.60 1,127.92	To Be Rebid
Pond Flat Lateral "E"	Happe's, Inc. Big Creek Ditch Assn.	\$ 325.44 361.60	- **

Having read bids received, and prior to awarding of bids (as shown in "Bid Awarded" column) Mr. Brenner said it is at the Board's discretion as to whether or not a Performance Bond is required...with regard to bids received from those who have never bid a ditch before. It is his recommendation that in these cases the Board require the Performance Bond.

Commissioner Borries said Attorney Miller is here concerning what the Board should do legally.

Mr. Brenner said that in the Ditch Law there is a provision that makes it possible for the Commissioners to waive the requirement. They have for all the farmers and Ditch Associations. It is just an added expense -- and they are doing it for themselves and we haven't required them to do it. But when you come in off the street and we don't know whether or not you are going to finish the job.

Commissioner Borries asked Mr. Brenner then if he is not familiar with the three new bidders?

Mr. Brenner said he knows "A" Mowing, but they've never bid a ditch. Happe, Inc. is just reorganized; they used to be Art's Remodeling. K & M Lawncare is operated by two of Red Mosby's sons. Donnie Barnett of "A" Mowing used to do a lot of work for us...but he didn't get a bid, so that is academic. Continuing, Mr. Brenner said that where you really have problems is on the Union Township Ditch Association, who organized because the farmers were so hostile about anyone else doing it. He doesn't really think Mr. Happe knows what he is going to get into if he goes out there to attempt to clean a ditch. Likewise with Armstrong Township. We've encountered this before and we have gone to the high bidder; the Statute gives you some leeway, it says you can go with experienced bidder; complications of the job (right-of-way is one of the biggest complications). The way you get to these things is to drive across farmers' ground; there are tributaries that come in and you may be able to mow a 75 ft. easement up to that tributary -- but how do you get around it? You have to go to the next farmer and drive in through his field, where we have no right-of-way. And even when they were doing it themselves and one farmer bid it, they didn't get it done. Now that they belong to an association, it is peaceful and he would like to see it stay that way. The people who pay the assessment do the work and the ditches are done quite well.

Mrs. Cox asked if Mr. Brenner has any comparison on the bids submitted last year versus bids submitted this year? By this she means a cent per foot difference or whatever?

Mr. Brenner said he does not, although he can pick it up. But, basically, they are the same bids. This is what Happe did; he went in and looked at the bids and saw what they were last year and undercut them. He doesn't know if he knows whether he has 60 to 70 miles of ditches to cut. If you gave them to him with a performance bond, he may be back in Federal Court.

There was a problem with bid received from Leo Paul; he didn't sign his form correctly -- but he does his ditches right and he's bid the ditch since at least 10 years before he (Brenner) was in the Surveyor's office -- and it's the same type of thing. He does it; it runs through his farm -- and he gets it done. And he is \$100.00 high.

Attorney Miller said that if bid is not signed -- we really don't have a bid; he can't give any other advice.

Commissioner Cox said she'd like to comment here. She never will forget the young man that the County awarded a contract to for some bridge work. He was young, did not have much experience, etc. (from Posey County) but was certainly nice. However, he certainly didn't do the job for us. A lot of times we can pay more in the long run by delays and improperly done work than we can by paying a little more up front to people we know are capable of doing the work.

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Following further brief comments, the bids were awarded, as shown, with three ditches to be re-bid (Hoefling, Maasberg, and Wallenmeyer); per Mr. Willner Edmond Ditch to be taken advisement for one (1) week. On all bids awarded, motion to approve same was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

The meeting contined with Mr. Brenner noting that two of our ditches have been taken over by annexation. We have money in the ditches but we don't clean them anymore. We still have people who drain through the ditches. He wrote the State on this and the letter he received back said, "Ask your attorney". He did ask the attorney and he was to make a report.

Attorney Miller said the statute is reasonably clear that property inside municipality is to be assessed the very same as property outside the municipality.

Mr. Brenner said, "No question about it.....we always do that. That wasn't the question. What they did was, they physically took the ditches. The ditches are no longer county property, they belong to the city. When they take a ditch, that is one thing people do not pay an assessment for; the city pays that. Now the city took the ditches..... they physically annexed the ditches. When they were in the county, we cleaned them. But when the city takes them, they're theirs. He has something like \$18,000 in the Sontag-Stevens ditch account. Does he hand the money to the city that belonged to the people who paid on it? He didn't bid the ditch. Normally, he would have bid the ditches and they would have been cleaned by the county.

Attorney Miller asked if it is Mr. Brenner's intention that the ditch that was formerly in the county and annexed still going to be cleaned by the county?

Mr. Brenner said, "No. Once the city took it over -- that's their baby as far as he is concerned. He has money left over. It would seem reasonable to him to make up a reconstruction ...

Attorney Miller said maybe what we're running up against is a necessity for an inter-governmental agreement that takes into account the needs of the county residents and arrive at some reasonable agreement with the city regarding how the expenses of those projects are going to be handled.

Commissioner Cox asked if Mr. Brenner is saying that all the people who live in the watershed all live within the city now?

Mr. Brenner said, "No, no.

Mrs. Cox asked, "Well, what do you plan to do with the people who live outside the city who dump water into the ditch?

Mr. Brenner said, "We were going to clean it -- but it became a city ditch. He started his query with the State Board of Accounts downstairs, who gave him the name of an individual to whom he could write."

Attorney Miller interrupted, "Either the city has to clean the ditch or the county has the option.....

Commissioner Borries said Mr. Brenner should send a letter to the Board of Public Works, informing them of the money on hand and our willingness to maintain this or supply the money in the account for maintenance ..... couldn't we have an inter-governmental agreement to handle those as they come up?

Mr. Brenner said there is no reason for the county to be maintaining ditches in the city. There is one exception ---we do the Canal. The Farm Bureau put out a good book about 4-5 years ago that interpreted the State law. Mr. Borries said agreement should be drafted  
RE: EXTRA MAINTENANCE

Mr. Jeffers said he has about threeditches that require work beyond mowing and spraying ... Maidlow, Wallenmeyer, Hirsch, including earth moving reshaping the banks. He asked that if the work is going to be under \$5,000, can he seek invitational bids?

Mrs. Cox asked if Mr. Jeffers is going to see whether Big Creek Drainage (to whom ditch contract has been awarded) is interested in doing the extra work?

Mr. Jeffers said he is sure they have expressed an interest in bidding on this.

RE: COUNTRY TRACE SUBDIVISION

Commissioner Borries commented concerning problem with Country Trace Subdivision. Mr. Jeffers said he believes those problems had more to do with the County Highway Department. In response to query, Commissioner Borries said he believes the Board approved a drainage plan for Country Trace, but as noted by Mr. Jeffers, whether or not it could be implemented was another question. But he thinks the fact that it would work was settled. We went from a 27 inch pipe to a 24 inch pipe.

Commissioner Willner said there is a 32 ft. right-of-way width which goes all the way back.

Commissioner Borries asked if Mr. Jeffers is going to attend the Area Plan meeting and Mr. Jeffers responded in the affirmative.

RE: DRAINAGE BOARD MEETING

Mr. Borries asked if the Board needs to call a meeting next week? Or, shall they just wait until we receive the bid in lieu of the rejected bids? It was the concensus that Mr. Jeffers will let the Board know when the bids are ready.

RE: EROSION PROBLEM - COUNTY LINE RD.

Commissioner Cox said she received a telephone call this afternoon from a Nancy Lefler whose family lives on the County Line Rd., between Vanderburgh and Posey counties. They live on the Vanderburgh side. The creek is washing out their farmland along the area. They live at R.R. #13, Box 118, which is up near Marx Rd. area. She looked on the map and the only thing she can find is Little Creek runs under Marx Rd. and that is probably the creek that they're talking about. It is not a legal drain. Mrs. Cox has asked Elvis Douglas of the Soil & Water Conservation office to call this lady to see if he can assist her with the erosion problem and he has indicated he will be glad to do so.

Mr. Brenner said there is a large aluminum culvert which runs under Marx Rd. which could be blocked off. The only way we could get involved would be by way of the culvert. Mrs. Cox said the culvert is open -- that isn't the problem.

There being no further business to come before the Board at this time, Commissioner Borries declared the meeting adjourned at 4:45 p.m.

- |                 |  |  |   |
|-----------------|--|--|---|
| <u>PRESENT:</u> | <u>DRAINAGE BOARD</u><br>Richard J. Borries<br>Robert L. Willner<br>Shirley J. Cox | <u>COUNTY AUDITOR</u><br>Sam Humphrey,<br>Chief Deputy | <u>COUNTY ATTORNEY</u><br>David V. Miller |
|                 | <u>COUNTY SURVEYOR</u><br>Robert Brenner<br>Bill Jeffers                           | <u>OTHER</u><br>Don Proctor<br>News Media              |   |

SECRETARY: Joanne A. Matthews  
(Note: These are minutes of the proceedings, not an exact transcript.)

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DRAINAGE BOARD MEETING  
APRIL 28, 1986

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MINUTES  
DRAINAGE BOARD MEETING  
APRIL 28, 1986

The Vanderburgh County Drainage Board met in session on Monday, April 28, 1986 at 4:30 p.m. in the Commissioners' Hearing Room, with Vice President Robert Willner presiding.

Commissioner Willner announced that President Rick Borries is home recuperating, and will not be present for today's session.

The Chair entertained a motion concerning approval of the minutes of March 24, 1986. Motion to approve minutes, as engrossed by the County Auditor, was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

The Chair then entertained a motion concerning approval of the minutes of the meeting held on March 31, 1986.

Motion was made by Commissioner Cox that the minutes be approved as engrossed by the County Auditor and the reading of same be waived, with a second from Commissioner Willner. So ordered.

The Chair recognized Bill Jeffers, Chief Deputy Surveyor, who said that in one of the sets of minutes there was one statement made by him that the extra work that we're going to advertise in a bid included Wallenmeyer Ditch. He said he meant to say Buente Upper Big Creek.

Commissioner Willner requested that Mr. Jeffers get with the secretary to record the correction. Mr. Jeffers indicated he would. He said he did say Wallenmeyer, but he meant to say Buente Upper Big Creek.

It was noted by Mr. Jeffers that he had presented the Board members with a typed agenda, because of the numerous items to be discussed today.

RE: OLD BUSINESS

- 1) Accept and Sign Ditch Contracts/Performance Bonds for all the ditch contractors.

Since the President of the Drainage Board is not present today, the Board may wish to hold these and then sign them. It is really a formality. By statute we have to have a contract for each individual ditch.

Commissioner Cox asked if the contractors are starting work?

Mr. Jeffers said that with regard to spraying, they will spray anytime after April 15th that they get a good day to spray...and he doesn't want to hold them up on that. They all have a Performance Bond or their Bid Bond in, and he doesn't see any reason to not go ahead and let them start spraying -- like on the aerial spraying. When that man gets a wind from the east and he's flying into the east, that is the best time to spray it. However, there are some 15-20 contracts to be executed. If the Board would like to hold them until President Borries returns, they can do so.

Commissioner Willner asked which contracts Mr. Jeffers is talking about?

Mr. Jeffers explained that these are the contracts for each ditch for which a contract was awarded two weeks ago.

Commissioner Willner said he has no problem with that. Mrs. Cox indicated that she has no problems either.

Mr. Jeffers said if the Board will accept the contracts, they can be signed after the fact -- which will also save some fifteen (15) minutes.

Motion was made by Commissioner Cox that the contracts with Vanderburgh County and the individual successful bidders on ditch maintenance for 1986 be accepted, with a second from Commissioner Willner. So ordered.

Mr. Jeffers presented all contracts to Commissioner Willner who, in turn, handed them to Mrs. Matthews, requesting that she make certain they get back to the Commissioners for their signatures.

It was noted by Mr. Jeffers that Mrs. Matthews also has a Performance Bond from K&M Lawncare. Mrs. Matthews commented that the Performance Bond was given to the Commissioners previously (at Mr. Jeffers' request) for the April 21st agenda. However, it was the consensus that the acceptance of said bond was a Drainage Board matter and Commissioner Willner had indicated he would hold same for referral to Drainage Board.

2) Rusher Creek Emergency Repair/Ray Rexing/\$375.00

Mr. Jeffers said this emergency work was approved on November 25, 1985 (see Page 5 of the minutes). The work was performed by Ray Rexing and his claim for \$375.00 has been signed by Robert Brenner.

Motion to approve claim in the amount of \$375.00 for the emergency work on Rusher Creek was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

Mr. Jeffers said if he might, he'd like to take just about ten seconds to thank Mr. Rexing for the work on that project. If the Board will remember, the other bids received were something like \$1,500. He did it to save his neighbors a substantial increase in assessment. (Commissioner Willner said, "He had to run across his own ground to get to the ditch, didn't he?" Mr. Jeffers said, "Yes, sir.") Continuing, Mr. Jeffers said he had to scrape up all the fill he could find and it cost him quite a bit to haul some of that.

3) Wallenmeyer Ditch Emergency Repair/John Maurer/\$480.00

The situation with Wallenmeyer Ditch was the same type of thing. John Maurer, who lives out there and owns some equipment, got together with Harry Elpers and Harry's son and they performed the work themselves with their own equipment. They are charging us \$480.00 for sixteen (16) loads of topsoil that they had to purchase for \$30.00 per load. He'd also like to mention that the Vanderburgh County Highway Department had some surplus fill and they delivered about ten (10) loads -- that is certainly appreciated, because that saved us some \$350.00 to \$400.00; he had made the Board a promise that he'd try to get this work done for under \$500.00. He couldn't have done it without the County Highway Department, Mr. Maurer and Mr. Elpers helping.

Motion was made that claim in the amount of \$480.00 be approved, with a second from Commissioner Willner. So ordered. (Mr. Jeffers said Mr. Maurer will actually give the \$480.00 to the man who sold him the dirt.)

4) Garden Center on Calf Lane/Sign in Aiken Ditch/Notice Mailed

Mr. Jeffers said a garden center located on Calf Lane has a sign in Aiken Ditch. They mounted it on concrete footers right in the ditch and it is going to inhibit our ability to maintain the ditch. Mr. Jeffers mailed them a notice and they recently replied, saying they'd remove it by July.

5) Naegele Outdoor Advertising/Signs in Hirsch Ditch/Lawyer's Opinion

Naegle now has three signs in Hirsch Ditch. The last time he talked to the Drainage Board about this, they only had two signs. Mr. Jeffers said they had been awaiting an opinion from the lawyer as to whether Southern Railway really had the authority to grant them permission to locate that inside a rail line right-of-way, which may be for transit purposes only. A representative from Naegele said they would be willing to maintain the area around each sign. That's fine -- because we don't want to have to do it, because we do that with spraying and mowing machines and we'd have to get off and do it by hand or -- or contractors would, and they'd raise the price of the contract -- but there are some property owners along there who believe that property belongs to them and that it is only by right-of-way that Southern Railway was able to do that -- not by right of ownership, but by right of use as a transit line. He hasn't been able to tell these people how this happened -- and until he gets an opinion from the lawyer as to whether it is right or wrong, all he knows is that they can't do it without the permission of the Drainage Board -- because it is located inside the banks of the ditch. They did not obtain permission from the Board and since the matter was discussed back in January (see Page 2 of January 27 minutes), he believes they've located a third

sign in Hirsch Ditch. A decision on this can be deferred, because we need to know whether they can legally do that with just Southern Railway's say-so.

Commissioner Cox asked if Mr. Jeffers wants a motion then that this be referred to.....

Mr. Jeffers said, "The signs are there; all we can do is tell them to move them or that they have permission to leave them there."

Mrs. Cox ask if this has ever been referred to the County Attorney for a legal opinion concerning the location of these signs in Hirsch Ditch? She knows it says that permanent structures can't be built.

Mr. Jeffers said, "It's a permanent structure; I hear they cost about \$25,000 each to put in."

Motion was made by Commissioner Cox that the Naegele Outdoor Advertising problems with location of signs in Hirsch Ditch be referred to County Attorney David Miller for an opinion, with a second from Commissioner Willner. So ordered.

Mr. Jeffers said they're familiar with what happened with Sontaag-Stevens and Keil ditches which have been put into the city -- so Mrs. Cox might include that in the motion, also. He needs an opinion back on what we're going to do about Sontaag-Stevens and Keil Ditch.

Mrs. Cox said Mr. Jeffers has a notation on his agenda that a lawyer's opinion is pending. Has it been referred and he just hasn't received it?

Mr. Jeffers said it was referred to the County Attorney on March 24, 1986 (Page 8 and 9 of the minutes). If the lawyer would take those two pages of the minutes and come back next week to give us an idea of what we can do on that....

Attorney Miller indicated he was not present. Mr. Jeffers said he doesn't recall who was present. It was subsequently determined that Greg Meyer was in attendance. Attorney Miller said that is the problem, then. He'll do it.

Mrs. Cox said she moves that the legal opinion concerning Sontaag-Stevens and Keil Ditch maintenance status be referred to County Attorney David Miller, a second to the motion was made by Commissioner Willner. So ordered.

7) Award Contract for Edmond Ditch/Board's Decision Pending

Mr. Jeffers said it was noted in the minutes that the Board wanted to take this matter under advisement.

Commissioner Willner asked what the contract was for -- tree and stump removal?

Mr. Jeffers said that when we advertised the contract, it was for regular maintenance only. In between the advertisement and submittal of bid, Union Township Ditch Association decided they wanted to remove silt -- so their bid was something like \$8,000.00. The other bidder was Happe, Inc., who bid \$1,500.00, because they bid only on spraying and mowing. We didn't want to get into a sticky contest with the Union Township Ditch Association.

Commissioner Willner said the question he wanted to get answered -- and he did not -- is whether everybody paying that maintenance fee is in agreement with that. He knows (how many property owners do we have along that ditch -- does Mr. Jeffers have some idea?) -- and do they all belong?

Mr. Jeffers said he'd say in the neighborhood of 10-12 property owners and, to his knowledge, they all belong to the Association. He doesn't know this for sure, however.

Commissioner Willner said he needs to know for sure.

Mr. Jeffers said that matter might be deferred, also; they started this and they'll just have to hold on.

(continued)

Commissioner Cox asked Mr. Jeffers if the Board could have the Union Township Ditch Association President come and explain this to them.

Mr. Jeffers said, "Wouldn't that be nice -- to explain it to us?"

Mrs. Cox said other people have. When they advertised ditches and they've brought up other problems they have and they think we need to dredge it or do a little more work on it.....

Mr. Jeffers said he'll put it this way. Since, by statute, the County Surveyor is supposed to give the status of the ditch and they said they only wanted it sprayed and mowed, then his office will contact them and ask why they decided it needed to be dipped out -- and we'll discuss this matter next month.

Commissioners Willner and Cox indicated that this is agreeable.

RE: RE-BIDS ON WALLENMEYER, BARR'S CREEK, HOEFLING, KNEER & MAASBERG DITCHES

Mr. Jeffers said the subject ditches were re-bid and three (3) persons known to deal in this work were invited to submit a bid.

Motion was made by Commissioner Cox that the bids received be opened by the County Attorney, with a second from Commissioner Willner. So ordered.

Attorney Miller said speaking to the question of the ditches that had been taken in by the City, he thought he had -- he answered that question at a subsequent meeting..... to the effect that either the city can pay it or the people in the watershed can be billed for it.

The Naegele thing is new as far as he knows; that was never referred to anybody.

Mr. Jeffers said he can wait on the Naegele thing; all we have to do is grant them permission and then get an agreement with him that he is going to maintain it -- or we tell him to take them out.

Attorney Miller said they already have signs up there....and if we tell them to take them out are they going to take them out voluntarily or are we going to.....

Mr. Jeffers said, "We'll probably have a battle on our hands between them, Southern Railway and us."

Mrs. Cox said, "It doesn't make any difference; we have to do what the law says."

Mr. Jeffers said, "That's right."

RE: NOTICE TO BIDDERS FOR ADDITIONAL WORK

Mr. Jeffers said that while Attorney is opening the aforementioned bids, the Board can move to the "Notice to Bidders" for additional work. This is where he referred to the mistake he made when he previously said "Wallenmeyer". But this is additional work to Maidlow Ditch, which will consist of reshaping the banks from Denzer Rd. Bridge west bender past first curve for about 100 ft., and the placement of rip-rap in two locations. The Surveyor's estimate is somewhere around \$1,000.00. On Buente Upper Big Creek, they want to reshape one side of the ditch through Tony Bittner's property and their estimate for this would be less than \$1,000.00. They want to install rip-rap around various drain outlets on Hirsch Ditch which are eroding badly on the east side. He has prepared the standard Notice to Ditch Contractors -- they are all under \$5,000.00. They can do this invitationally or advertise in the paper -- it makes to difference whatsoever to the County Surveyor's office.

Commissioner Willner said he guessed it should be advertised and he entertained a motion. Commissioner Cox asked if Mr. Jeffers has an outline? Mr. Jeffers said they are in the process of preparing the specs and the drawings -- they have to be prepared by the time we advertise, which he thinks will be Thursday.

Motion was made by Commissioner Cox that the Notice for Ditch Maintenance to contractors for Maidlow Ditch, Buente Upper Big Creek, and Hirsch Ditch be approved and advertised, with a second from Commissioner Willner. So ordered.

RE: REQUEST FOR VARIANCE FOR BILLBOARD/EVANSVILLE FLOOR COMPANY, INC.

Mr. Jeffers said that Mr. LeRoy Palombit is in the audience today. He has the following letter from Mr. Palombit of Evansville Floor Company, Inc.:

April 10, 1986

Vanderburgh County Drainage Board:

We have recently been advised that we need written consent from the Drainage Board to construct a billboard in the 75 ft. right-of-way of a legal drain.

In August 1984, we constructed a billboard located at 6126 E. Maxwell. We applied for, and received, a building permit and a county zoning use permit and had the billboard constructed. At that time, we were not told that we needed written consent from the Drainage Board to place our billboard inside the 75 ft. right-of-way of a legal drain. We placed our billboard 25 ft. from the existing top edge of the legal drain.

We would like to correct this oversight, and are hereby requesting a variance of the 75 ft. setback to 25 ft. for this structure. We feel that the placement of this billboard in no way damages the ditch bank, or hinders the maintenance of the legal drain.

Thank you for your consideration in this matter.

Sincerely,

LeRoy Palombit  
Vice President

It was noted by Mr. Jeffers that Mr. Palombit had a question about the signs in the Hirsch Ditch. He wanted to set the record straight -- and thus asked for a 25 ft. variance for his sign, which is about 25 ft. from the top of the bank. He just wanted to go on record as requesting an existing sign to require a 25 ft. variance. It is the recommendation of the Surveyor's office that he get same.

Commissioner Willner asked if Mr. Jeffers has a diagram? Mr. Jeffers indicated that he does not.

Commissioner Cox asked if he is going to take care of the area underneath this sign?

Mr. Jeffers asked Mr. Palombit if he will take care of the area underneath the sign? Mr. Palombit responded in the affirmative. Mr. Jeffers said there is enough room between the sign and the top of the bank for us to do normal maintenance, silt removal, etc. It is located closed to the corner of Morgan Avenue and Burkhardt Rd., near the pallet factory. In response to query from Commissioner Cox, Mr. Jeffers said that Mr. Palombit will not have to do anything between the sign and the top of the bank -- just underneath the sign.

Motion was made by Commissioner Cox that the request from Evansville Floor Company, Inc. be approved, with a second from Commissioner Willner. So ordered.

RE: REQUEST TO GO ON COUNCIL CALL

Mr. Jeffers said the next item concerns a request to go on Council Call re \$1,484.00 appropriation for Acct. 226. What this amounts to is that the Treasurer's office ordered \$1,484.00 worth of tax bills to be sent out to persons receiving billings for ditches. The bills were ordered by County Treasurer Pat Tuley and Wayne Pasco forwarded the invoice to the County Surveyor's office, but they do not have enough money in the account to pay the invoice.

Mrs. Cox asked, "So you don't ordinarily pay for these?"

(continued)

Mr. Jeffers said, "We do -- but the funny thing is that Wayne Pasco handled these when he was in the Surveyor's office, so he just did the same thing down in the Treasurer's office and the Surveyor's office forgot to ask for an appropriation -- until they received an invoice. Now that they have the invoice -- they need some money.

Mrs. Cox commented, "Then you've had funds appropriated for this in the past?" Mr. Jeffers responded in the affirmative.

Motion was made by Commissioner Cox that request to go on Council Call for appropriation of \$1,484.00 in Acct. 226 be approved, with a second from Commissioner Willner. So ordered.

RE: AWARDING OF BIDS

Maasberg/Kneer Ditches: Attorney Miller said that Eldon Maasberg filed the only bid on Maasberg & Kneer Ditches (bid is in good order), as follows:

Maasberg Ditch	Cleaning 2,206 ft. @ .07¢/ft.	\$154.42
Kneer Ditch	Cleaning 3,036 ft. @ .10¢/ft.	<u>\$303.60</u>
	Total	\$458.02

Bid Bond is in the form of a S&L Money Order in the amount of \$52.00.

The Chair queried Mr. Jeffers concerning the recommendation of the Surveyor's office. Mr. Jeffers said it is their recommendation that the bid be awarded to Mr. Maasberg, with no Performance Bond necessary, with bid bond being held until work is complete. The Chair entertained a motion.

Motion was made by Commissioner Cox that the bid, as presented, be awarded to Mr. Maasberg, with a second from Commissioner Willner. So ordered.

Barr's Creek & Wallenmeyer Ditch: Attorney Miller said bid on these ditches was received from Mr. Leo Paul, as follows:

Barr's Creek	Cleaning 20,668 ft. @ 17½¢ per ft.	\$3,616.90
Wallenmeyer Ditch	Cleaning 8,355 ft. @ 13½¢ per ft.	<u>1,127.92</u>
		\$4,744.82

Bid Bond is in the form of a Cashier's Check in the amount of \$237.24. Bid is in order.

Motion was made by Commissioner Cox that the contracts for Wallenmeyer and Barr's Creek be awarded to Leo Paul in the amount of \$1,127.92 for Wallenmeyer and \$3,616.90 for Barr's Creek, with a second from Commissioner Willner. So ordered.

Hoefling Ditch: Attorney Miller said the last bid is from Mr. John F. Mauer for the mowing and burning of 5,571 ft. of Hoefling Ditch @ 10¢ per ft., for a total of \$557.10. The bid is in order; however, Mr. Maurer neglected to include a bid bond.

Mr. Jeffers said Mr. Mauer's bid bond is held in the Auditor's office from a previous bid -- so it is on file.

Attorney Miller said if his bid bond is on file, then the bid is entirely in order.

Mrs. Cox asked, "Mr. Maurer just performed some emergency work for us, didn't he?" Mr. Jeffers acknowledged that this is correct. In response to query from the Board, Mr. Jeffers said it is the recommendation of the Surveyor's office that Mr. Maurer be awarded the bid on Hoefling Ditch, with no Performance Bond required and the bid bond to remain on file in the Auditor's office until the work is completed.

The Chair entertained a motion.

Motion was made by Commissioner Cox that the bid on Hoefling Ditch be awarded to Mr. John F. Maurer, as presented, in the amount of \$557.10, with a second from Commissioner Willner. So ordered.

RE: NEW SUBDIVISIONS

OAK RIDGE SUBDIVISION: The following information was presented by Mr. Jeffers:

20.65 acres being the West One/Half of the Southeast Quarter of the Northeast Quarter of Section 3 -- Township 6 South -- Range 10 West in Vanderburgh Co.

Subdivided into 77 lots approximately 1/4 acre in size each.

Land use previously agricultural with one frame house, a barn, garage and sheds.

Present condition is average pasture on silt loam, 390' to 405' above sea level; with 1% to 3% slopes.

Drainage -- A waterway passes through the northern part of the proposed sub which drains approximately fifty acres of the Knob Hill area, including Anthony Estates Roman Acres, Mullen Estates, and portions of miscellaneous small tracts before entering Oak Ridge approximately 400 ft. south of the northwest corner of the sub.

This waterway picks up additional drainage from about eighteen acres in the proposed development and from about five acres north of the sub before it discharges into Licking Creek approximately 325 ft. south of and 250 ft. east of the northeast corner of the proposed sub.

Licking Creek forms at the base of Knob Hill west of Oak Hill Road and flows generally south and east until it enters the North Bank of Pigeon Creek just west of the Green River Road Bridge one-half mile north of Hirsch Rd.

The discharge point for the subdivision's waterway mentioned above is labeled "4" on the preliminary drainage plan for Oak Ridge Sub. From point "4" to Licking Creek is approximately 250 ft. The first 100 feet of the waterway east of the sub is poorly maintained and clogged with large trees and brush. In addition the trapezoidal section of the waterway is not sufficiently large to handle the existing storm drainage.

Approximately 100 ft. east of the sub exists a 36" concrete culvert which evidently cannot handle the existing flow since a large amount of the rock fill around the original installation has been washed downstream by water breaching the top of the culvert.

The banks of the waterway are moderately scoured from the culvert east to Licking Creek indicating high water velocity leaving the pipe.

Licking Creek, itself, is a well maintained waterway with gradual and grass covered sideslopes on the east side of Oak Hill Rd; but the creek is poorly maintained after it passes under and to the east of Oak Hill Rd. approximately 780 ft. north of St. George Rd.

Licking Creek is not a legal drain in Vanderburgh County.

The Drainage Board, the developer and the Nazarene Church should be aware that while Licking Creek can handle the existing and proposed discharge, the 250 ft. long ditch which connects the proposed development to Licking Creek and the 36" culvert will not handle the discharge without additional corrective work.

Drainage Plans -- The developer's engineer, Andy Easley Engineering, has submitted an extensive set of drainage calculations using the runoff coefficients dictated by the HERPIC manual, which is the reference prescribed by the county ordinance.

Accompanying the calcs is a detailed drainage plan which breaks the proposed sub into individual drainage areas served by the various pipes and channels indicated on the calc sheets and the plan sheet.

The Vanderburgh County Surveyor's Office agrees with the submitted calculations and plans but with the following exceptions:

- 1) rather than the 37.4 cfs entering at point 5, we feel it is about 45 cfs.
- 2) we feel a 24' pipe from point 5 to point 6 on a 2.5% grade is too small and too steep for existing conditions.

(continued)

- 3) point 5, located on the plan sheet 285 ft. south of the northwest corner of the sub does not coincide with the existing waterway which picks up the storm drainage from Roman Acres. The waterway is about 400 ft. south of the northwest corner.
- 4) the cumulative storm effluent discharging from the proposed sub at point 4 is calculated by the developer's engineer to be 81.1 cfs during a 25 year storm; we feel that figure will be closer to 95 cfs.
- 5) three of the four pipes along the east line of the proposed sub enter the drainage easement at nearly right angles to the swale which will cause extensive erosion on the bank opposite the pipe exit.
- 6) no bank revetment is indicated on the bank opposite the said pipes.
- 7) the 18" pipe indicated at the entrance to the sub (points 16-17) is barely sufficient to handle the nearly 12 cfs expected under existing conditions.
- 8) most importantly, no provisions are indicated on the plans to insure that the ditch on the Nazarene Church property which will carry nearly all the outgoing storm drainage will be realligned, improved and continually maintained to handle the expected discharge from Oak Ridge Sub.
- 9) additionally, we do not know and have not yet been told how the drainage system for Oak Ridge Sub will be maintained after installation or who will maintain the system.

Therefore, the Vanderburgh County Surveyor's Office is prepared to recommend approval of the proposed drainage plan for Oak Ridge Sub subject to the following conditions:

Mr. Mike Fitzsimmons of Andy Easley Engineering is present today, representing the developer, Mr. Bauer.

Continuing, Mr. Jeffer submitted the recommendations of the Surveyor's Office, as follows:

- 1) location of point 5 to coincide with the existing pickup point for the storm water coming from Roman Acres, or construction of a suitable open channel or installation of an underground conduit along the west line of the sub to direct the drainage from the existing pickup to 5. Mr. Jeffers said they can either relocate it or install extra pipe.

Commissioner Willner asked Mr. Fitzsimmons if he has any problem with this? Mr. Fitzsimmons responded that he does not.

- 2) installation of a 30" concrete pipe or a 36" corrugated metal pipe from point 5 to point 6 on a 1% grade or steeper. Mr. Jeffers said this is because he thinks there is more water coming in than the calculations show. In response to query from Commissioner Willner as to what size pipe Mr. Fitzsimmons showed, Mr. Jeffers said he had 24" pipe and he wants 30" concrete pipe. Commissioner Willner asked Mr. Fitzsimmons if he has any problem with this? Mr. Fitzsimmons approached the podium and asked Mr. Jeffers if he understood him to say he believes more water coming in than calculated? Mr. Jeffers said this is correct. He believes there is about 45 cfs and in order to handle the amount Mr. Fitzsimmons had calculated, he would have had to install the pipe on a 2½% grade, which means it would have dropped 5 ft. between the pickup point and the street and he is not sure he has 5 ft. there to drop. Following brief discussion (and Mr. Fitzsimmons comments were completely inaudible) Mr. Fitzsimmons agreed to the installation of a 30" concrete pipe, and the Commissioners agreed that this would be sufficient.
- 3) alignment of the discharge ends of the pipes at points 12, 7, 14 and 3 so that the storm water discharges into the open channel at an angle no greater than 45° to the flow line of the channel. In response to query from Commissioner Willner, Mr. Fitzsimmons said that stipulation #3 is satisfactory.
- 4) installation of rip-rap or other similar revetment on the bank opposite the discharge end of the pipes at locations 12, 7, 14 and 3 for a distance no less than 10 ft. upstream and 20 ft. downstream from the points of intersection..to handle the velocity of the discharge. Mr. Jeffers advised Mr. Fitzsimmons that "Steve"

(continued)

had indicated to him that they planned to do this anyway. In summary, it was agreed to by Mr. Fitzsimmons and the Drainage Board that this would be done.

- 5) the alignment of the discharge end of pipe 8 so that the effluent discharges parallel to the flow line of the ditch. Mr. Jeffers said it is almost there now; but they could move it over to the north about 3 ft.

Following brief period of meditation, Mr. Jeffers said that this looks o.k. really on that plan, and as long as that apron is aligned so that it causes the water to enter the ditch straight on -- he doesn't have to change the pipe -- just make sure that apron is set in there. It was the concensus that Stipulation #5 should be scratched from the recommendations.

- 6) installation of a 24" pipe at the entrance to the sub on a 1% or steeper grade; may be cmp or rcp.

Mrs. Cox asked what he has there now? Mr. Jeffers said he has an 18" pipe. Mrs. Cox asked, and you want a 24" pipe? Mr. Jeffers said this is correct. This is along the county's highway side ditch and he thinks there is a lot more water coming down that road than we think. Mr. Jeffers indicated this could be a metal pipe.

Commissioner Willner asked Mr. Fitzsimmons if he is agreeable to this? Mr. Easley, County Engineer, who was seated in the audience interrupted and asked, " Let me ask a question. Are you questioning the drainage area, the runoff coefficient, or what? Mr. Jeffers said the runoff coefficient. Mr. Easley asked if he has discussed this with Mike Fitzsimmons? Mr. Jeffers said, "No; I discussed it with Steve." Mr. Easley asked how far off they were on runoff coefficient? Mr. Jeffers said, "Very little"....and he began to recheck. Following brief discussion, it was determined that recommendation would be installation of an 18" concrete pipe at the entrance to the sub on a 1.25% or steeper grade.

- 7) acquisition of a drainage easement from point 4 east to Licking Creek of sufficient width for:

the installation of a ditch with a trapezoidal section which will carry no less than 100 cfs and preferably more.

constructing an intersection with Licking Creek which will insure that the water flowing into Licking Creek enters at no greater than 45°.

installation and maintenance of erosion control on the bank of Licking Creek opposite the incoming ditch for a distance no less than 15 ft. upstream and 30 ft. downstream from the point of intersection.

removal of the existing 36" rcp and replacement with a 54" pipe or a bridging structure to span the entire ditch from bank to bank.

Mr. Jeffers said the existing ditch will not handle the discharge of that ground as it sits today. It has been allowed to grow up in trees and shrubs. It is on private property owned either by the Nazarene Church or Olivet Presbyterian Church and they have a 36" pipe in the ditch. There is water going over the top right now -- this year. The Surveyor's office really feels that this drainage plan will not work unless the water is sent through the ditch from point 4 to Licking Creek (approximately 250 ft.). This drainage plan will not work unless that ditch is improved and will cause water to back up into the entire drainage plan of Oak Ridge Sub. In response to query from Commissioner Cox, Mr. Jeffers said it is a private ditch and is not a legal drain. In response to query from Commissioner Willner concerning the culvert, Mr. Jeffers said that right now they have a 36" reinforced concrete pipe -- it is just a maintenance crossing. Mr. Willner asked how wide it is? Mr. Jeffers said it is about 12 ft. to 15 ft. wide. from top of bank to top of bank, and about 3-4 ft. deep. Mr. Willner asked if it needs to be there now? Mr. Jeffers said he believes the people who run the church think it needs to be there. Licking Creek starts at the foot of Knob Hill and it runs south until it gets to the Olivet Presbyterian Church property; then it turns southeast and goes under Oak Hill Rd. about 700 ft. north of St. George Rd. That whole creek, itself, is very well maintained by the two churches who have property there. It is grassy, it has low sideslopes and is a nice ditch. When it goes underneath Oak Hill Rd. it goes through agriculture ground and is all grown up and is not worth a hoot.

Commissioner Willner asked if they could not move that culvert over to the Oak Hill Rd. side and get in? Mr. Jeffers said he doesn't know. Mr. Willner said we're talking about the east side of the property now. Mr. Jeffers said that is right. What he's talking about is this 250 ft. long ditch that will connect this drainage plan to Licking Creek. Licking Creek is fine.. side of Oak Hill it is great. But there is a 250 ft. long ditch which connects Oak Ridge Sub to Licking Creek and that is the one that is totally inadequate.

Mr. Easley said he would think that the church would cooperate and let them do some excavation.....

Mr. Willner interrupted, "And either remove the pipe or enlarge it to sufficient size...I've got no problem with that."

Mr. Jeffers said, "If they replace that pipe, I have 60" down here as a suggested replacement size. Actually, about 48" to 54" would suffice for a 25 year storm. 60" is slightly oversize, so I would go 54" if they replace that pipe.

Mr. Willner said, "Let them see what the church wants and we'll do accordingly."

Mr. Jeffers said he guesses what his office is saying is that they don't feel this drainage plan will work at all unless that ditch is improved.

Commissioner Willner said, "I think I agree with that. The motion would be then that the 36" culvert needs to be enlarged and the drainage ditch brought into compliance to relieve the discharge of this subdivision." Mr. Jeffers said he believes they either need to acquire a drainage easement or they need to acquire permission to restructure that ditch so that it will handle 100 cfs. They need to improve the intersection of that ditch with Licking Creek to make sure the water coming into Licking Creek enters at no greater than 45° and they need to install some erosion control on the far bank from this entrance about 15 ft. upstream and 30 ft. downstream from point of intersection to make sure there is no turbulence that affects the bank and replace that pipe with at least a 54" reinforced concrete pipe -- and their recommendation would be based upon this.

Commissioner Willner asked, "There is not a pipe in Licking Creek is there?"

Mr. Jeffers said, "No....when say 100 cfs of water is making that turn into Licking Creek....to protect the rip-rap, etc.

Commissioner Willner said he agrees with this.

- 8) creation of a homeowners' association with assessment powers for the purpose of maintaining the drainage system of Oak Ridge Sub until such time as the maintenance of the system is assumed by some other agency. Mr. Jeffers said, "We've been doing this right along."

Commissioner Willner said, "Yes....no problem."

- 9) setting out notice on the plat that "encroachment within open channels, underground conduits or designated drainage easements by any fences, trees, shrubs, gardens, vegetation other than grass or any permanent structures other than those designated by the drainage plan for this subdivision is prohibited."

The Board concurred with this recommendation.

- 10) location of all easements other than drainage easements outside of the designated drainage easements and backfilling all excavated installations within any drainage easement with sufficiently compacted borrow.
- 11) all open channels shall have one foot bottom minimum and three to one side slopes minimum, and all channels 2% to 8% shall be sodded and all channels exceeding 8% shall be rip-rapped or concreted.

(continued)

- 12) The recording of the final drainage plan in the Miscellaneous Records in the Vanderburgh County Recorder's Office unless the final drainage plan is incorporated into the final plat submitted to the Area Plan Commission.

The Board concurred.

- 13) In regards to number 9, if two separate plats are recorded, then the "encroachment" notice shall appear on each.
- 14) In regards to number 8, a notice should be set out on all relative plats to the effect that property grantees will be required to donate to the homeowners association; or some other method of notification should be incorporated into the abstracts.

Commissioner Cox queried Mr. Jeffers concerning Item #7. Commissioner Willner said the Board agreed to let the developer work with the Church.....a pipe might not actually be needed at all. He must work with the church -- but he must take care of the channel, one way or the other.

Mrs. Cox asked that Mr. Jeffers repeat his recommendation.

Mr. Jeffers said he said that either the developer acquire an easement or work with the church, so that the channel will handle 100 cfs.

Based upon the foregoing conditions, the Surveyor's office recommends approval by the Drainage Board.

Commissioner Cox said she does want to commend the Bauers for their erosion control plan. It is very specific; it says when they're going to do it -- the disturbance of the soil; they address the slopes and what they are going to do.

Mr. Jeffers said that this plan is one of the best plans ever submitted.

Mrs. Cox said it is very, very good and the Drainage Board appreciates it.

Motion was made by Commissioner Cox that the drainage plan for Oak Ridge Subdivision be approved, with the recommendations incorporated into the plan which were made by the Surveyor's Office, with a second from Commissioner Willner. So ordered.

Mr. Easley queried Mr. Jeffers concerning the 100 cfs that Mr. Jeffers wants for the improved channel and how much of that is coming from Mr. Bauer's subdivision?

Mr. Jeffers said Andy Easley Engineering calculated 89.7 cfs, and the calculation of the Surveyor's office was 95 cfs -- this was the end result.

Mr. Easley said he means that which is coming strictly from Mr. Bauer's property.

Mr. Jeffers said he has no idea -- less than one third.

Mr. Easley said he just wanted to know, because Mr. Bauer is being requested to make a storm drainage improvement for the area and he only has less than one third of the water.

Commissioner Willner said he understands that -- but that is the way it always is. The county can't ask the rest of them to do anything. When you're downstream, that is your responsibility. No problem with that.

UNIVERSITY HEIGHTS NO. 5 -- Mr. Jeffers presented the following data:

8.59 acres in the West One/half of the Southwest Quarter of Fractional Section 30 -- Township 6 South -- Range 11 West, in Vanderburgh County;

Subdivided into eight lots of one acres or more, each served by LeMay Drive.

Land use previously open ploughed fields, 435 to 480 ft. above sea level, silt loam, on 2% to 8% slopes.

Drainage -- The original contours of the proposed area to be developed indicate that five (5) waterways existed which directed surface water entering proposed No. 5 from

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University Heights No. '2 3 and 4, thence generally west toward a natural waterway commonly called a branch of Wolf Creek (which Wolf Creek flows into Posey County about a mile north of Mid. Mt. Vernon).

A field inspection of the proposed development indicated that some of the natural swales have been partially filled and the submitted plat indicates that some of these swales must be filled or relocated to enable homes to be built specifically in lots 4 and 8.

Drainage easements are designated on the plat for the existing or relocated swales in lots 1, 2, 6 and 8; and in between lots 1 and 2, 5 and 6, and 6 and 7. However, no drainage easements are shown to carry the flow from the natural swales existing or formerly existing in lots 4, 5 and 8; and in between lots 4 and 5, and 8 and the Marks property south of lot 8.

In addition, the drainage easements designated in lots 1, 2, 6 and 8 do not have bearings or dimensions which would enable the developer to properly locate the original easement, and future owners to maintain the easements in their proper locations. Easements parallel and adjacent to lot lines do not require bearings and will not require dimensions unless they do not run the entire length of the lot line.

Therefore, the Vanderburgh County Surveyor's office will require as conditions of positive recommendation for approval for the drainage plan for University Heights No. 5:

I) A final plat of the drainage plan for University Heights No. 5, with:

A. a subdivision grading plan showing:

1. proposed building pad locations for all eight lots.
2. swale relocation or alternative for lots 4, 5 and 8.
3. a drainage easement between 8 and the Marks property.
4. bearings and dimensions for the drainage easements through lots 1, 2, 4, 6, 8 and the N.E. corner of lot 2.

Mr. Jeffers perused the drainage plans with the members of the Drainage Board and discussed same.

It was subsequently determined that Items 1, 2 and 3 should be withdrawn. However, Item #4 is recommended and the Board concurred.

5. a drainage easement and its distance from the new easement in lot 4 thence west parallel and adjacent to lot line 4-5.
6. true distance measurements of the drainage easements which are parallel and adjacent to lot lines 1-2, 5-6 and 6-7.
7. and on the new drainage easement between lot 8 and the Marks property, a true distance measurement from the S.E. corner of lot 8 to the drainage easement shown on the original drainage plan; and the location of the p.u. easement outside of the new drainage easement.

It was subsequently determined that Items 5 and 7 would be scratched, but Item #6 would be recommended and the Board concurred.

- B. A notice set out on the final plat and on the final drainage plan which states that the "encroachment within open channels, underground conduits or designated drainage easements by any fences, trees, shrubs, gardens, vegetation other than grass or any permanent structures other than those designated by the drainage plan for this subdivision is prohibited." Agreed to by the Board.
- C. A notice set out on the final plat and on the final drainage plan to the effect that the maintenance of all drainage easements and the open channels within those easements in an appropriate manner and free of obstructions, rubbish, etc., shall remain the responsibility of the individual property owners of such property as the easements pass through or between until such time as the easements, channels and structures are accepted for maintenance by some other individual(s) or agency.

(II) Additional conditions required for "yes" recommendation:

- A. All open channels for drainage shall have minimum one foot bottom, three to

(continued)

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one side slopes with all channels 2% to 8% sodded and all channels exceeding 8% rip-rapped or concreted.

- B. The recording in the Miscellaneous Records in the Vanderburgh County Recorder's Office of the final drainage plan for University Heights No. 5; unless the final drainage plan is incorporated into the final plat submitted to the Area Plan Commission.

The Board concurred with the foregoing.

Mr. Jeffers said that in regards to the other calculations and drainage plans submitted by the developer's engineer, Andy Easley Engineering, the Surveyor's Office is in agreement and will recommend passage of those drainage plans if the developer and his engineer agree to the conditions here stated.

Motion was made by Commissioner Cox that the drainage plan for University Heights No. 5 be approved, with the subdivision grading plan showing bearings and dimensions for the drainage easement through lots 1, 2, 4, 6 and 8 and the N.E. corner of lots 2, and for true distance measurements of the drainage easements which are parallel and adjacent to lot lines 1-2, 5-6 and 6-7 and requiring that final notice be set out on the final plan which states that encroachment within open channels, etc., and a notice set out on the final plat and on the final drainage plan maintenance of all drainage easements, etc. A second to the motion was provided by Commissioner Willner. So ordered.

KATHY'S PLACE SUB -- Mr. Jeffers said they have no problems with this one and the Surveyor's Office recommends approval.

Commissioner Willner said he hasn't seen this one and asked if Mr. Jeffers has a map? Mr. Jeffers presented copies for the board's perusal. Mr. Jeffers said this subdivision is located between the strawberry patch and the garden center, just north of Inglefield Rd. It looks to him as though the drainage goes from yard to yard until it gets to the creek and the driveway culverts along Princeton Rd. will handle it and they have a drainage easement adjacent to the creek. The conditions that apply to all the subs will apply to this one --encroachment within drainage easements, etc. This should all be noted on the plat.

The Chair entertained a motion.

Motion was made by Commissioner Cox that the drainage plans for Kathy's Place Sub be approved with the stipulation that it be included on the plat the verbiage specified by the Surveyor's office, with a second from Commissioner Willner. So ordered.

REPLAT OF LOT 34, KNOB HILL -- Although this was on the Surveyor's Agenda, Mr. Jeffers noted that this does not come before the Drainage Board. It's called a minor sub; the drainage was previously o.k.'d.

MILLER ROAD ADDITION -- Since there was a subdivision in Darmstadt without a problem, there is one on the west side of Evansville without a problem. The Miller Road Addition is located on Miller Rd. just north of Middle Mt. Vernon and south of Hogue Rd. It looks like a simple subdivision of a parcel of property. There is a natural drainage along the back of the lots (which he has marked in yellow on the plans). The developer simply doesn't feel the need to put a drainage easement there. Mr. Jeffers said we can do it without a drainage easement but, there are creeks that flow through subdivisions (particularly Charles Bagby Ct.) where there have developed feuds between individual property owners on the maintenance of those creeks...where one will dump all his leaves in the creek and it washes down to the next lot; that guy puts a screen up to keep the leaves from coming down and the guy above him says he can't put a screen in the ditch because that makes it a dam, etc. It is Mr. Jeffers' personal feeling that it ought to have a drainage easement there.

Commissioner Willner asked, "Why don't we just pass this on the recommendation that no restrictions of any kind be put in the existing drainage ....."

Mr. Jeffers said their office will make that recommendation if the Board desires -- that notice be set out on the plat that no obstructions of any kind are to be placed in the natural waterway passing through Miller Road Addition.

The Chair entertained a motion.

(continued)

Motion was made by Commissioner Cox that the drainage plans for Miller Road Addition as recommended by the County Surveyor's Office, be approved, with a second from Commissioner Willner. So ordered.

EASTLAND ESTATES SECTION "D" -- Mr. Jeffers said that this is an addition to Eastland Estates A, B and C. Mr. William Bussing, the developer, is in the audience. Originally, Mr. Bussing submitted plans for development for the whole area, and now he is coming in with Section D, which he believes may be the last section to be developed in Eastland Estates. They have presented a set of road and street plans, which include the drainage plans -- which show that all the drainage of this subdivision is directed into Kolb Ditch, which is a legal drain -- and which passes through the middle of this development. In order to engineer it properly, Mr. Bussing is asking for the relocation of Kolb Ditch. The Surveyor's office sees no problem with this as long as he maintains the easement 25 ft. top of each bank for maintenance purposes.

Presenting copies of the plans to the Board, Mr. Jeffers said they will note that all of the surface water is directed into underground conduits and each underground conduit on the profile sheet is indicated by size, invert elevation, etc. Pipe sizes and locations are included and meet all the requirements. The Surveyor's Office would recommend approval of subject plans -- but first the Board has to grant permission to relocate the ditch and then they have to grant a variance of 25 ft. from top of each bank. Subsequent to that, the Surveyor's Office would recommend approval with the condition that all underground conduits be placed in easements 12 ft. wide or wider; that the encroachment notice be set out on the plat; and that some provision is made for the maintenance of those easements until such time as some other agency assumes that duty (which may be very soon if the annexation goes through).

Commissioner Cox asked if this also pertains to the maintenance of Kolb Ditch through the area?

Mr. Jeffers said, "No; the Surveyor's Office will continue to contract for the maintenance of Kolb Ditch."

Mrs. Cox asked if they can do that with the 25 ft. easement on each side?

Mr. Jeffers said they can, because the ditch is very small up at that end.

In response to query from Mrs. Cox concerning specifications for ditch relocation, Mr. Jeffers said that ditch should have a 6 ft. bottom and three to one side slopes; There were comments from Mr. Sam Biggerstaff, after which Mr. Jeffers specified 4 ft. bottom and three to one side slopes, subsequent to Mr. Biggerstaff submitting a final typical crosssection to the Surveyor's Office prior to the Area Plan Commission meeting on Wednesday, May 7th. They will attach a note to that advising the APC as to whether the Surveyor's Office approves of the design of Kolb Ditch.

Commissioner Willner asked if there will be rip-rap from S.W. corner L. 29 to...?

Mr. Jeffers said, "Rip-rap revetment from S.W. corner of L. 28 to midway on Lot 28 on the south bank of Kolb Ditch -- and that will be a part of his typical crosssection and plan which Mr. Biggerstaff will submit to the Surveyor's office prior to APC meeting on May 7th.

The Chair asked for Surveyor's recommendation.

Mr. Jeffers said that with foregoing stipulations included, they recommend approval of the drainage plans.

Motion was made by Commissioner Cox that permission be granted to Mr. Bussing for relocation of Kolb Ditch with 4 ft. bottom and three to one side slopes, and with rip-rapping the S.W. corner of Lot 28 to midway up the lot line of this ditch area, with a second from Commissioner Willner. So ordered.

In response to comments from Commissioner Cox, Mr. Jeffers said he had said that we will continue to maintain Kolb Ditch after they relocate it, but they will have to set up some means to maintain the drainage system outside the street right-of-way (the same way we did for Country Trace Subdivision) -- 12ft. minimum easement anywhere that there is underground conduit outside the street right-of-way -- all those that run between the lot lines --

(continued)

Mrs. Cox asked, "So, those were the two recommendations -- the 12 ft. easements above these conduits, the variance of 25 ft. and some way to maintain those conduits since the county doesn't want to do it -- between those lot lines. There would either have to be homeowners' association or deed restrictions or something.

Mr. Willner asked if this is included in a new annexation?

Mr. Jeffers said that once it is annexed, the city is the agency that will take over --

Mrs. Cunningham remarked, "It is in the new east side proposed"...

Motion was made by Commissioner Cox that drainage plans for Eastland Estates Section D be approved with the recommendations stated by the Surveyor's office, with a second from Commissioner Willner. So ordered.

KIRKWOOD LAKES ESTATES -- Mr. Willner asked if Kirkwood wasn't withdrawn?

Mr. Jeffers said, "No. It was going to be withdrawn because I didn't have the answers -- but Mr. Bauer and Mr. Biggerstaff gave him the answer.

Proceeding, Mr. Jeffers said this subdivision is located north of Lincoln Avenue, east of Fuquay Rd., just east of the existing Kirkwood Section A. It previously had approval way back when, but they wanted to change a few things. The Surveyor's Office recommends approval, with the following stipulations:

- 1) All storm water from the total subdivision will be directed into the two lakes (Lake 1 at the S.W. corner of the sub and Lake 2 at the S.E. corner of the sub).
- 2) All drainage easements for pipes between lots 3 and 4, 8 and 9, 16 and 17 and 21-22 shall be 12 ft.
- 3) A 25 ft. drainage easement for the 12 ft. equalizer pipe on Lots 3, 2, 1, 24, 23 and 22.
- 4) A 12 ft. drainage easement on the south line of Lot 31, 32, 35 and 36 for the yard drains and 12 inch pipe minimum for yard drains.
- 5) A 15 ft. drainage easement on the west line of Lots 30-31 and east line of Lots 25-36 for 15 inch pipes.
- 6) Owners of Lots 4 and 3 will maintain Lake #1. Owners of .....

Mr. Bauer said this is not how they are going to do it. They are going to be setting up a Homeowners' Association.....

The Commissioners said this is great and asked that Item #6 be scratched.

Mr. Jeffers said a Homeowners' Association will be set up to maintain the entire drainage system of the subdivision until such time as another agency assumes that duty.

- 7) All drainage easements reserved for drainage only, with notice set on the plat concerning "encroachment" -- the usual verbiage.
- 8) All swales around the exterior boundary shall be in 16 ft. easement with 3:1 side slope and 1 ft. bottom minimum.

Mr. Jeffers said that with the foregoing conditions and with a promise from Mr. Bauer that he will help pick up all the water he can from the existing Kirkwood -- the Surveyor's office has no problems. If he will help those people out there pick up that water and get it into those lakes, the Surveyor's Office recommends passage of the drainage plans.

The Chair entertained a motion.

In response to query from Commissioner Cox, Mr. Jeffers said that all of Mr. Bauer's water will be retained in his sub; but there are a few pockets of water out there that if they just let those people cut a bleeder into his ditch, it would really help them out.

(continued)

Motion was made by Commissioner Cox that the drainage plans for Kirkwood Lakes Estates be approved, subject to the recommendations of the Surveyor's Office, with a second from Commissioner Willner. So ordered.

Mr. Warren Abbey, who was seated in the audience, was recognized by the Chair. He identified himself and said he resides at 430 Kirkwood Drive (the original Kirkwood Drive). They have had a tremendous water problem out there. The former builders out there really didn't take care of their obligations and they are quite enthused with Mr. Biggerstaff's plan -- it will probably help them. They appreciate the fact that the drainage people are going a better job now than they did.

Commissioner Willner asked, "Will you put that in writing, Sir?"

Continuing, Mr. Abbey said, "We think you're doing a much better job. We know part of this is by law -- still they appreciate the fact that what is out there exists and can't be changed much -- but you can improve as you go forward."

Both Commissioners Willner and Cox expressed appreciation to Mr. Abbey for his comments.

The Chair entertained other matters of business to come before the Board. There being none, President Willner declared the meeting adjourned at 5:50 p.m.

- |                   |  |                               |                        |
|-------------------|--|-------------------------------|------------------------|
| <u>PRESENT:</u>   | <u>DRAINAGE BOARD</u>  | <u>COUNTY AUDITOR</u>         | <u>COUNTY ATTORNEY</u> |
|                   | Robert L. Willner<br>Shirley Jean Cox  | Sam Humphrey, Chief<br>Deputy | David V. Miller        |
|                   | <u>COUNTY ENGINEER</u>   | <u>COUNTY SURVEYOR</u>        | <u>AREA PLAN</u>       |
|                   | Andy Easley  | Bill Jeffers, Chief<br>Deputy | Beverly Behme          |
|                   | <u>OTHER</u>   |                               |                        |
|                   | Sam Biggerstaff<br>Mike Fitzsimmons<br>LeRoy Palombit<br>Mr. Bauer<br>Mr. W. Bussing<br>Warren Abbey<br>News Media |                               |                        |
| <u>SECRETARY:</u> | Joanne A. Matthews   |                               |                        |

Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

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MINUTES  
DRAINAGE BOARD MEETING  
MAY 27, 1986

The Vanderburgh County Drainage Board met in session on Tuesday, May 27, 1986, in the Commissioners' Hearing Room with President Rick Borries presiding.

The meeting was called to order at 3:30 p.m. by President Borries, who subsequently entertained a motion concerning approval of the minutes of the previous meeting. Motion to approve minutes of meeting held on April 28, 1986, as engrossed by the County Auditor was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: HIRSCH DITCH SIGNS

The Chair recognized Bill Jeffers, Chief Deputy Surveyor. Mr. Jeffers said that under matters of Old Business, we discussed the Hirsch Ditch Signs which were installed by Naegele -- of which there are two (2) near Complete Lumber -- on one side of Crawford-Brandeis Ditch close to the corner of Burkhardt Rd. and Boonville Highway. He does not think we've reached a legal opinion as to who has the right to grant authorization to an advertising firm to install signs in an easement shared by Southern Railway and the Drainage Board. He would like to notify the Board at this time that the last inspection showed the installation of those signs has damaged the bank insofar as the spoil that was augered out of the holes was spread on the top of the bank and not seeded which resulted in killing the existing grass and not replacing it with any new grass. He would ask at this time that the Board grant permission to the Surveyor's Office to send a letter to Naegele Outdoor Advertising, requesting that they replace the damaged grass with mulch seed and the Surveyor's Office will take it from there.

Commissioner Cox asked if we have a legal opinion yet from the County Attorney? Mr. Jeffers said he does not believe we do. Attorney Miller is working on that and he is not with us today. Therefore, he guesses we'll wait another month.

Commissioner Willner said that if the Surveyor's Office wants to send a letter it is o.k. by him. Mr. Jeffers said he was just going to ask them to put some mulch seed down....

Commissioner Willner interjected, "You could ask them to keep it mowed, too, underneath the signs."

Mr. Jeffers said he believes the spraying has already been done and it will not require mowing until the fall.

Motion was made by Commissioner Cox that the Surveyor's Office send a letter to Naegele Outdoor Advertising requesting that the area of disturbed soil be seeded. A second to the motion was made by Commissioner Willner. So ordered.

RE: ANNEXATION OF SONTAAG STEVENS & KEIL DITCHES

Mr. Jeffers said that Sontaag-Stevens and Keil Ditches have been annexed into the City, with the exception of approximately one-quarter mile (1/4 mile) of Sontaag-Stevens -- and we still have not let a contract for that. Would the Board want the Surveyor's Office to prepare specs to maintain same? The majority of people who are assessed for that ditch reside in the County, but the vast majority of the ditch itself now lies in the City.

Commissioner Willner said he was under the impression that Mr. Jeffers was going to talk to the City about this....or somebody was.

Mrs. Cox remarked that she thought this was another legal opinion that Attorney Miller was going to offer. Mr. Jeffers said he believes that Attorney Miller indicated that he'd given all the legal opinion he was going to give concerning the matter. That if it benefited those residents of the County, we'd continue to arrange for maintenance. So the Board wants the Surveyor's Office to go to the City and arrange some maintenance contract? He said if the Board will give him permission to do that, they will talk to the City Engineer's Office and report back to the Board next month.

Motion to this effect was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: LETTER TO GARDEN CENTER RE SIGNS IN AIKEN DITCH

Mr. Jeffers said the Surveyor's Office would also like to send a letter to the Garden Center, which is located on Calf Lane. They installed a sign in Aiken Ditch. They have indicated by way of a phone call that they will remove the sign sometime in June or July. The Surveyor's Office would like permission to use Drainage Board stationery to send a 30-Day Notice to the Garden Center dated June 1st that they have thirty (30) days to remove it.

Commissioner Borries asked if this is on Pollack Avenue? Mr. Jeffers responded that this is correct. By statute we have to give the Garden Center a 30 day notice before we can remove the sign ourselves. Commissioner Willner asked, "You don't need a motion for that do you?"

Mr. Jeffers said he is just notifying the Board that he wants to use Drainage Board stationery.

RE: COUNTY COUNCIL CALL

Mr. Jeffers said that Council Call tomorrow will be to request \$1,475.00 or so to pay for the forms used by the County Treasurer to assess property owners within watersheds.

RE: EDMOND DITCH

The report on Edmond Ditch that the Board requested last month...he did look at the ditch and it is in need of silt removal. He has a list of the property owners, etc., but did not have time to make copies for the Board. He will circulate the original report for the Board's perusal. (Copy of list is attached to the minutes as "Supplement I"). The farmers within the Union Township Ditch Association -- those who are members sent a message via one of their officers that they would like to remove the silt. The ditch is approximately 15,000 ft. long. Their bid came in at around \$8,000, which is approximately 50 cents per foot. So a decision has been pending as to whether we are going to let the maintenance contract for \$1,500 or the silt removal for \$8,000 (these are round figures). There are twenty-five (25) property owners on the list and the percent of the assessment which is paid by each, the projected 1986 assessment for each .. and the projected share of \$8,000 based on the percentage. If we do go ahead with removal of silt, the

report will show that the assessment would be raised very substantially. For example, minimum fees like \$5.00 may go up as high as \$78.00. The maximum fee of one property owner who owns 10% of the ground within the watershed would go from \$50.00 to \$800.00. So we're talking about a substantial increase for those farmers and property owners in Union Township along this ditch. We do have the assurance of the Association, itself, that it must be done, but we need to figure out whether we can spread this cost beyond a minimum of one year -- as no one wants to be responsible for raising an assessment from \$50.00 to \$800.00. The Board may want to take a look at some of these figures.

Commissioner Borries said he heard Mr. Jeffers "loud and clear" -- he doesn't think he has to take a look at them.

Commissioner Cox asked if the Union Township Ditch Association has met with these individuals?

Mr. Jeffers said he doesn't know that they have met with each of the twenty-five property owners. For instance, you will see the County Auditor's name and that of the L&N Railroad on the list. He asked County Auditor Alice McBride if they have spoken with her? Mrs. McBride commented that they have not. Mr. Jeffers said there's one lady from Florida on the list (he has put that in parenthesis--she's Number 6 on the list). He believes the Board will recognize many of the other names in the area who are on the list, some of whom he is sure are puckerred at \$2.28 per bushel right now.

Commissioner Cox commented, "Well, you know when we had to go through this on the Harper Ditch and the others on reconstruction, we had to have a Hearing and have these people in."

Mr. Jeffers said this will not be a reconstruction. He knows what Mrs. Cox is saying -- and she is absolutely right.

Mrs. Cox said she remembers that the reconstruction costs did not make this substantial a difference in the peoples' assessment at that time -- and this is a great amount.

Mr. Jeffers said, "No, it didn't....really what this reflects is going from three or four cents per foot for maintenance (which they are just bone low on that; no one else does that for three or four cents) to approximately fifty cents per foot for silt removal.

Commissioner Cox asked, "And you've had it inspected and it does need to be done?"

Mr. Jeffers said this is correct. The farmers will tell you that it is so flat that they need to get the silt out that has filled that ditch. They do one a year and they picked that one to do this year. However, as the Board knows, we were not notified ahead of time and so they are submitting this brief report on it right now.

Commissioner Willner said, "We got scared -- that's what we got."

Mr. Jeffers said, "Silt removal can take place anytime between now and November. If the ditch grows up in weeds, etc., those can be mowed by whomever we award a contract to -- and we do have a bid offer by Happe, Inc. at this time. The one comment that was made by the farmers who came up as representatives of the Union Township Ditch Association was that if we could find someone who would do it cheaper, they would be more than happy to let them do it; but their bid was approximately \$8,000 or approximately 50 cents per foot. If the Board would want to take this under advisement until a later date, the Surveyor's Office can continue talking to those people down there.

Commissioner Borries asked the Board for their feeling concerning the matter.

Mr. Jeffers said the only other thing he would say is that he imagines Mr. Happe is still awaiting notification as to whether he has received the bid for regular maintenance. But dipping the silt out would make regular maintenance pretty much a moot subject, because when they drag the banks back they will destroy the weeds at that time.

Commissioner Willner said he certainly would like to contact some of these people and ask them their opinions. He doesn't think that \$5.00 will bother the L&N Railroad or the County Auditor. But the one with \$900.00, he thinks we should check with them.

Mrs. Cox said there are quite a few jumps one from \$49.00 to \$797...

Commissioner Willner reiterated that the property owners should be contacted. If they are cognizant of the fact that it is needed and they, in fact, would like to have it done, then he has no problems with it. Mr. Jeffers said the figures shown are not absolute; he only carried them out two decimal points .. and when you get it out there, you're going to find that it is \$50.00 to \$60.00 over; but that would only knock about \$2.00 off each person.

Commissioner Willner asked Mr. Jeffers if he will contact the property owners?

Mr. Jeffers said that he will and he'll report back to the Board next month concerning this matter.

RE: EXTRA MAINTENANCE OF BUENTE, UPPER BIG CREEK, MAIDLOW AND HIRSCH

Mr. Jeffers said we did have some bids advertised for extra maintenance of Buente, Upper Big Creek, Maidlow, and Hirsch Ditches. At this time he would like to ask the Board to cancel invitation to bid on Hirsch, because the Engineer's estimate came in at over \$5,000 and we only have \$4,000 in the account. While they were preparing the estimates they noticed several of the pipes that were causing the washouts there have been installed without notification to the Board in recent years. They would like to send letters to those people and see how much we could get done by notifying developers and landowners that they should revet the bank with rip-rap and possibly get that cost down to where we can afford it. When he says we have \$4,000 surplus, that's for the entire Eastside Urban, and we don't want to spend it all on Hirsch Ditch.

It was noted by Mr. Jeffers that he also made one error in the Notice to Bidders. The notice said that the bids should be in by May 26th, which was Memorial Day. He doesn't want to have anyone perturbed at us because of that mix-up. He's spoken with the farmers on Buente and Maidlow and they have set aside ground where we can do this maintenance right up until November. Also, the engineer's estimates for both of those projects came in over the surplus in those accounts. Thus, they'd like to revise the specs for those two ditches and re-advertise for next month's meeting if it is agreeable with the Board.

Motion to this effect was made by Commissioner Willner, with a second from Commissioner Cox. So ordered. Commissioner Willner asked, "You do know that you can take it out of the General Ditch Fund if you are over in one?"

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Mr. Jeffers said, "We can?. We've had a suggestion from an area farmer, where we would not have to use rip-rap, but rather a method approved by Soil Conservation that would be far cheaper...using surplus material.

RE: CLAIMS UNION TOWNSHIP DITCH ASSOCIATION

Mr. Jeffers said that somehow or the other, Union Township Ditch Association was never paid last year; he believes this was a bookkeeping oversight, where the claims were not properly signed or something like that. He would like to present those claims at this time and recommend payment of same. Claims are as follows:

Helfrich-Happe Ditch -Cleaning of ditch at \$.03 per ft. @ 12,698 ft. for a total of \$380.94.

Cypress-Dale/Maddox Ditches -Cleaning of ditches at \$0.03 per ft. @ 23,887 ft. for a total of \$716.61.

Barnett Ditch -Cleaning of ditch at \$.01 per ft. @ 8,358 for a total of \$83.58.

Kamp Ditch -Cleaning of ditch at \$.03 per ft. @ 11,160 ft. for a total of \$334.80.

Edmond Ditch - Cleaning of ditch at \$0.03 per ft. @ 15,395 ft. for a total of \$461.85.

Motion to approve claims for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: CHANGES IN DRAINAGE PLANS FOR EASTLAND ESTATES -SECTION D

Mr. Jeffers said that Mr. William Bussing has requested that some minor changes be made in the Drainage Plans for Eastland Estates Section D. The first change will be to move a pipe structure from its present location in an easement between two lots to one lot south, which will save him 100 ft. run of pipe. It will still be picking up water every 500 ft. in the street. The pipe size will remain the same. The only requirement of the Surveyor's Office would be that when he moves it from the easement between the two lots that he has it designed in and replaces it with an easement of the same size, etc., between the two lots where he is going to move the pipe run.

The Surveyor's Office also studied the curve where he is going to realign Kolb Ditch. He presently has the ground graded close to five to one (5:1) side slopes, which exceeds the three to one (3:1) side slopes mandated by the ordinance and it is so far upstream at the upper end of Kolb Ditch that the Surveyor's Office feels that the volume of water that comes down through there does not warrant rip-rap on the banks as approved last month. He is going to try to obtain six to one (6:1) side slopes. The reason Mr. Jeffers would like to eliminate the rip-rap is that if we get a 5:1 or 6:1 side slope, the property owners are going to mow the grass. If we put rip-rap in there, they won't, and we could avoid a lot of trouble in the future if we kept our mowing machines out of there because those people do mow it. Thus, he'd recommend that we eliminate the requirement for rip-rap in Section D of Eastland Estates and allow Mr. Bussing to move the pipe one lot south from its present location.

Commissioner Cox asked, "Bill, what is going to protect that bank then until it gets a good growth? Will he sod it?"

Mr. Jeffers said, "We could insist that he mulch-seed it-----I don't think it needs to be sodded. If it's 6:1 slope we can mulch-seed it."

Mrs. Cox asked, "That's what he's going to do then? He's going to make it 6:1?"

Mr. Jeffers said, "He's going to try to get 6:1; right now, he's telling us he will get 5:1; or he is close to having 5:1 at this time and he thinks he can get 6:1. He needs the dirt anyway.

Mrs. Cox asked if Mr. Jeffers is going to say "mulch-seed" it? Mr. Jeffers responded in the affirmative.

Motion to approve Mr. Bussing's request, subject to recommendations made by Surveyor's Office, was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: SUBDIVISION DRAINAGE PLANS

STANLEY ACRES(20-5-86) Mr. Jeffers said that Stanley Acres is submitted by Mr. Elmer Culp, under Elmo Dockery's seal, for Haynes and Charlene Stanley, the owners. It is at the corner of Mesker Park Drive and Mill Rd. in northwestern Vanderburgh County. This subdivision has lots all one acre or larger and there is a total of nine (9) lots. It is relatively steep, especially on the north. However, the grades don't appear to exceed much more than 3%. Each lot will have a driveway directly onto the closest street. There will be three onto Mill Rd. and the other six onto Mesker Park Drive. In reviewing the plat, the Surveyor has the following recommendations:

- 1) All Drainage Easements must be for drainage swales and structures only.
- 2) All public utilities requiring permanent installation of cable, conduit, pads, pedestals, etc., shall be located in easements outside of the drain easements.
- 3) All drain swales shall be sodded and sod held in place with pins, wire pegs, or some means until rooted.
- 4) All drain easements not parallel and adjacent to lot lines shall be tied in some way to lot corners or lines in such a way that the easements can be located properly.
- 5) Encroachment notice to be set out on plat.
- 6) Method of Maintenance (responsibility) to be set on plat. Mr. Jeffers said he is speaking of maintenance of the drainage system. It needs to either be assigned to the individual property owners through whose property the swales flow or a Homeowner's Association, or however the Board desires that to be worded. The encroachment notice tells them basically what they can't put in there and the maintenance notice would indicate who is responsible for it.

Commissioner Willner asked Mr. Culp if he is agreeable to the recommendations of the Surveyor? We would normally just assign these maintenance procedures to the persons owning the lots, is that correct?

Mr. Jeffers said the lot owners shall maintain the swales as engineered through their property. The only culverts would be driveway culverts.

Commissioner Cox asked if this water will be running down across Mesker Park Drive? Where is it going?

Mr. Culp said there is a large ditch south of Folz Rd.

Mrs. Cox said she doesn't see that road on the plans.

Mr. Culp said the location map shows it and he proceeded to show Mrs. Cox the designated area on the map.

Discussion among Mr. Culp and the Commissioners continued concerning existing culverts shown on the plans.

Commissioner Willner queried Mr. Jeffers concerning the recommendations of the Surveyor's Office.

Mr. Jeffers said that the Surveyor's Office recommendations, with the six (6) conditions read into the minutes, is that the Board approve the plans.

Commissioner Willner moved that, with the individual property owners maintaining the swales, the plan be approved. A second to the motion was provided by Commissioner Cox. So ordered.

RE: EASTSIDE INDUSTRIAL PARK/REPLAT OF LOTS 32, 33, 34 & 35  
(PRIMARY)

Commissioner Borries said the next item on the agenda is the replat of Lots 32, 33, 34 & 35 in Eastside Industrial Park --this would also be a Primary. He asked if anyone is present to discuss this matter?

Mr. Jeffers said he doesn't see anyone in the audience; would the Board like to defer the matter until someone is here? Mr. Borries responded in the affirmative.

RE: VAN'S SUBDIVISION/REPLAT OF LOT NO 1

President Borries said this is also a primary --near Orchard Road and Seib Rd.

Mr. Jeffers said there is no one present to present this one. He believes he can take care of this one pretty briefly. It's Van's Subdivision, replat of Lot No. 1, submitted by James Q. Morley for Dean & Bobby Gene Crowe (owners). The Vanderburgh County Surveyor's Office assumes that the original plat received approval regarding drainage and this is a replat of Lot No. 1. He doesn't know when it went through, as he wasn't Deputy; so he doesn't know whether a four-lot sub went through Drainage, but he thinks perhaps that it did.

Commissioner Willner queried Mr. Jeffers concerning the location. Mr. Borries said it is Orchard Rd./Seib road. Mr. Jeffers said it is near the Evansville Orchard...

Commissioner Willner said he doesn't remember it.

Mr. Jeffers said that, again, assuming that the original plat received approval re drainage, this is a replat of same.

What they found in looking at this is that the division of Lot No. 1 into six (6) lots would increase the existing run-off; but they have not been supplied with a set of calculations to show how much increase to the impervious surface this would create. They also have not been supplied with typical cross-sections of existing or proposed drainage swales and locations (especially relative to roadside drainage). The Surveyor does not know what the existing or proposed pipe sizes are.

Commissioner Willner asked if they have an engineer?

Mr. Jeffers said that normally on a replat if they divide it in two, they just say that what we previously approved should handle that.

Commissioner Willner queried Mr. Jeffers concerning lot size.

Mr. Jeffers said the lot size is one (1) acre and that one acre is measured to the middle of the road, he believes. At least this one appears as though it was measured to the center of the road. He is not positive, however, and the engineer could answer that question for the Board were he here. He really can't speak for these people, but they may be in the process of re-thinking this one, because there were other concerns expressed at Subdivision Review. If we're asked to act on this one here today, their recommendation would be that there are too many unknowns and this one should come back in June. If nothing happens between now and the time President Borries knocks the gavel down, that is their recommendation.

President Borries asked if it is the Board's feeling that the matter be deferred at this time, due to lack of information? The Board indicated their agreement.

RE: CHARMAR ESTATES/SECTION B(Primary)

Mr. Jeffers said it is the recommendation of the Surveyor's Office that this be postponed until June meeting. The Board concurred.

RE: GREEN RIVER ESTATES/SECTION C (PRIMARY)

President Borries said this is on Green River Rd. north of Millersburg Rd.

Mr. Jeffers said this one will be presented to the Board today by Mr. Mike Fitzsimmons, representing the owner Phil Heston. It is quite a large development with 179 lots. It has been broken into different drainage areas and a set of calculations has been presented to the Surveyor's Office. The large area shaded in "yellow" in the bottom corner is within the 100 year flood plain and the narrow yellow line dividing off the east portion is where the water breaks and flows to Green River Rd. Everything on the west side of that line flow into a ditch which is maintained by a farmer named Mr. Letterman, through his agricultural ground -- which basically lies west of the Christian Fellowship Church and north of Millersburg Rd. The platting of this has been very extensive and put together very well by Mike Fitzsimmons and Steve Sherwood. However, there are certain facets of the design which cannot be completed until certain arrangements are worked out, particularly between SIGECO and the developer for shared usage of a SIGECO easement where the developer would also like to put a drainage easement. Portions of the ditch (which is maintained by Mr. Letterman) will have to be reconstructed in such a way that the drainage flow will correctly be carried to Firlick Creek and an arrangement will have to be worked out with Mr. Letterman either to purchase an easement or to acquire his permission to alter a ditch which he constructed and has maintained -- because they will actually have to cross the property line in some areas to reconstruct that ditch. If it is o.k. with the Board and the Area Plan Commission (he doesn't know whether they have ever done this before -- and no one is here for him to ask -- and several of their staff is not in the office today) would be to say that this concept will work -- but that the implementation of the concept will require additional planning. A specific instance would be the swale that will be needed to carry this water down through that SIGECO easement will, in fact, be approximately 14 ft. wide. Obviously, a 10 ft.

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easement is not going to be sufficient to house that swale. It's going to have to be a 15 ft. easement. Little things like that are going to have to be changed. He would say that the Surveyor's Office does agree with this concept. It will work and they do agree with all the calculations that the engineer has submitted thus far. But there will be some additional changes made before the plan is fully accepted. He would ask that they come back to one more meeting with a final drainage plan. The Surveyor's Office recommends approving the concept at this time, with approval of the final plan at a later date. If this is acceptable to the Board and the Area Plan Commission, they can go forward with this without a full 30-day delay. He would ask that Mr. Fitzsimmons explain the rest.

Mr. Fitzsimmons said he would like to point out that they have contacted SIGECO concerning the use of their easement which crosses this property. It's an easement for a power line that is 100 ft. wide (50 ft. on each side of the poles). All they want to do is to excavate the swales in this easement. They haven't received a definite response from SIGECO as yet. They have also been in contact with the farmer to the west re the possibility of reconstruction of the swale across a portion of his property. In conversations he's had with him, he seems to be amenable to whatever it takes to satisfy the Commissioners. As indicated earlier, this is in the 100-year flood plain and they do plan on building where the sites will be above the 100-year flood.

Mr. Jeffers said he forgot to point out when he mentioned that that Roger Lehman has assigned finished floor elevations for all the area within the yellow shaded area. It is 2 ft. above he believes 385.5, so it will be 387.5 for floor elevations there. This conforms with the State requirement.

Commissioner Cox said, "Well, Bill, other than your pointing out that the easements are not large enough in some areas, what are some of the other problems with this?"

Mr. Jeffers said that from Point 59-A to Point 59 will require the construction of a ditch that doesn't presently exist.

Mrs. Cox asked, "Is that going to be done on this property here?"

Mr. Jeffers said he would assume that it is all going to be done on the developer's property; therefore, he thinks it will take more than a 10 ft. drainage easement....but he's not sure until he sees a cross-section.

Mr. Fitzsimmons said they will get to this stage in the development of the subdivision. They will lay out the piece of property and put the roads, etc., on there and submit it for primary approval. They will submit some drainage calculations to Bill in order to get Drainage Board approval at that time. They haven't set street grades; they don't know exactly what the slope of some of the pipes in some of the ditches are. When they get final construction plans for the streets and the storm drainage, as Bill suggested, they will be brought in for final approval.

Mrs. Cox said, "I don't think this is the way it works though."

Mr. Jeffers said, "This is not the way that the Area Plan Commission has stated they prefer" -- and, like he said, he does not know whether it has been done before. He knows the concept can be implemented; but not necessarily before a lot more money is spent and a lot more field work and office work is completed. But he thinks we're talking about nearly 80 acres and that takes a lot of engineering."

Commissioner Willner asked, "Are they going to do this all at one time? Mr. Fitzsimmons responded that it will be done in phases.

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In response to query from Commissioner Cox, Mr. Jeffers said that everything west of the yellow line will end up at Point 17 -- that goes into Green River Road (westside highway side ditch).

Commissioner Borries said that what Area Plan will ask, of course, is if it is a final approval -- so that they could approve the sub. He doesn't know that they would approve the sub unless the drainage plan has been approved.

Mr. Jeffers said that is the way they have been practicing. Mr. Fitzsimmons said he would get a letter from SIGECO or move that drainage easement out of there. Also, get a letter from Mr. Letterman.

Mr. Jeffers said that what would be satisfactory would be a letter from Mr. Letterman stating that they either have his permission or he requires them to purchase an easement.

All the drainage swales shall be sufficiently wide to house the agreed upon final cross-section of the ditches.

All drainage easements shall be reserved for drainage purposes only and all utilities with permanent structures shall be outside that.

The entrance to Green River Rd. shall have an open grate of sufficient size to capture all water and silt that comes down the entrance ramp, so that no silt or water spills out onto Green River Rd.

Commissioner Willner commented, "We both want that, don't we?"

Mr. Jeffers said he thinks we all want that.

The standard encroachment notice shall be set on the plat.

Some method of permanently maintaining all the drainage system should be arrived at, until such time as another agency assumes that responsibility.

Commissioner Cox asked if he also included permission granted by SIGECO?

Mr. Jeffers apologized and said he omitted that. SIGECO would also have to agree to share their easement with approximately a 15 ft. drainage easement for purposes of drainage only. The only catch he could see on that is that they could say, "We don't want it to be for drainage only, we want to be able to do what we want there. That might be the only thing.

Mrs. Cox asked, "What happens if they do say that and it would need to be relocated then?"

Mr. Jeffers said they would have to redesign some lots.

Mr. Fitzsimmons said they could relocate it to the rear of a group of designated lots.

Mr. Jeffers said he'd have to find a new location for his drainage easements, which probably would be about 100 ft. southeast of the present location....

Mrs. Cox said, "I think we could probably grant approval subject to those stipulations--and providing you have those when you go to Area Plan and satisfy ...

Mr. Jeffers said, "And if they don't have it by Wednesday, they just have to wait a month?"

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Mrs. Cox asked, "That would be next Wednesday, wouldn't it? A lot of things happen with two outs in the last inning, so you just might be able..."

Mr. Fitzsimmons said that he has found SIGECO to be very, very cooperative in the past. He thinks this can work very, very well. It is very unfortunate to subdivide it....and they'd like to gain this month if it's humanly possible for all the obvious reasons and have something go in by fall. Otherwise this interest rate might be 3% higher next year

Commissioner Willner commented that what Mr. Fitzsimmons is saying is that the market is good right now.

The Chair recognized Mr. Phil Heston, who was seated in the audience, and asked that he approach the podium, identify himself, etc., prior to offering comments.

Mr. Jeffers interjected that he would like to emphasize in the minutes so that Area Plan Commission has a copy, that the Surveyor's Office believes the concept will work; it's just these things they mentioned heretofore that needed to be added to or worked out and presented on a plat.

Mr. Heston introduced himself and said that he resides at 461 English Way. He said that the only thing that will be developed this fall or in the foreseeable future is about 40 some odd acres (pointing to designated area on map). Phase I has 40 some odd lots and covers designated area. If it all works out, they'd like to put that in this fall. Of course, there won't be any drainage this fall....(comments inaudible).

Commissioner Willner said, "About the only thing I really want to know is, will this tax the waterways from this property to Pigeon Creek?"

Mr. Jeffers said, "As you know, the waterway known as Firlick Creek does flood (and has flooded -- 1983 was the last date that he knows of) all the way back up to Highway 57. The calculations which were submitted by Mike Fitzsimmons and Steve Sherwood indicated that the developed "C" factor is .43 and they agree with his method of developing that "C" factor and that is less than the "C" factor of .5 as open-plowed agricultural ground of silt and clay, as specified by the HERPIC MANUAL, which is designated by ordinance as being the manual of use. He emphasizes that that means open-plowed ground. As long as that has been maintained as open plowed agricultural ground it supposedly runs off 50% of the total rainfall averaged over a twelve month (12 month) period. Once that development attains a good growth of lawn, the developed "C" factor will be less than .5. Until it gets a good growth of lawn, there will be a period of development there where there will be additional waters flowing into Firlick Creek. After the lawns get a good growth of sod on them, the "C" factor will be back down closer to 45% which is less than the 50% currently that is open agricultural."

Mr. Fitzsimmons said that he got lost in all those figures. One thing that might help a bit is that it will be built in four or five phases and it will be farmed right until the last phase. So there is only about one-fifth of it that will be developed at one time and lawns will start growing and will be farmed and another phase will be put in. Needless to say, on that large a development you don't put it in in one swoop.

Mr. Jeffers said he guesses what he was saying was that ultimately there will theoretically be less water when those lawns are all developed. For some reason he's not sure he agrees with the HERPIC Manual, but that is the one designated to be used

-- and he believes what they're saying is that during winter months, when the ground is frozen or saturated, etc., a lot more water runs off than during the summer months when the ground is covered with corn or soybeans, and that a tight growth of lawn grass is preferable to open-plowed fields for post development water run-off and silt discharge.

Commissioner Willner said he really is not worried about the ditch. If Mr. Fitzsimmons does not get agreement with Mr. Letterman, then the ditch will all be on his property anyway -- so that doesn't bother him. He is going to get these up out of the flood plain? (Mr. Fitzsimmons acknowledged that this is correct.)

Commissioner Willner said he moves that the plan be approved, subject to the finalization as will be asked for by the Surveyor and incorporated before the final drainage plan is accepted -- but on temporary plat be approved.

Mrs. Cox said she is not certain she understands what Commissioner Willner said.

Commissioner Willner said he is saying that all the things the Surveyor has asked for will be incorporated before the final approval.

Mr. Jeffers said the only item not addressed is the method of maintenance.

Mrs. Cox asked, "Area Plan will not hear this unless we give it approval? Could the Board approve it with the stipulations that have been made by the County Surveyor? How does Mr. Borries feel about this?"

Commissioner Borries said, "They're going to ask whether it has been heard by the Drainage Board and if it has been approved by the Drainage Board. So the Board can approve upon recommendation of the Surveyor, but there are certain things he guesses that won't be heard and which will have to fall in place, not the least of which will be the granting of the easement by SIGECO or, at that point, there will have to be some change on the plan -- which .....

Mrs. Cox interrupted, "But we're approving this today subject to...

Mr. Jeffers interjected, "As long as they didn't increase the number of lots and number of houses, the concept remains the same."

Mrs. Cox asked, "In other words, if they get all the things we ask for on this, does it need to come back to the Drainage Board again?"

Mr. Jeffers said, "Not for approval -- just to stick it in our files that it did change."

Commissioner Borries asked, "Bill, in Area Plan, will you be able to verify all the points that we've discussed here this evening? If we could at least get a copy of the minutes and a list of the recommendations that the Surveyor's Office has asked for, at that point then, if Mr. Fitzsimmons could also be there to provide his update on all the communication he's received....if he hasn't received any communication from SIGECO, Bill is saying that if it doesn't increase insofar as additional construction, then it doesn't have anymore additional runoff and the client will proceed."

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Mr. Jeffers said that is correct. The total discharge would remain the same as long as they didn't add an additional house. If they had to subtract one, so much the better. He said he guesses what he is saying is that what they have done so far with their calculations and everything they have presented to us satisfies everything that is in our drainage ordinance as it exist today. It is just that there are a few alterations that may have to be made between now and as-built construction.

Commissioner Borries asked, "None of which you see are going to increase the run-off or drastically change the calculations?"

Mr. Jeffers said, "Right".

Mrs. Cox said she thinks that what the Board approves here today, subject to those stipulations is what the Board approves. If there are changes in those stipulations, then it must come back to the Board. If he can't get permission from SIGECO, then he is going to have to come back with an alternate drainage plan.

Mr. Jeffers said, "I would say so. If the square footage in the street increased or an additional house was added, then they'd have to come back and show us that it didn't affect anything on which our recommendations were based.

Mrs. Cox said we're on record here now as approving this subject to granting of permission. If it doesn't happen, then they're not going to be able to pipe or show anything in designated area. It is going to have to be moved over.

Mr. Jeffers said, "Right."

Mrs. Cox said the plan approved by the Board ultimately should be what they do.

Motion was made by Commissioner Willner that the Green River Estates, Section C, be approved, subject to stipulations.

Mr. Jeffers said he would get with the secretary to the minutes reflect the stipulations.

Commissioner Cox provided a second to the motion. So ordered.

Commissioner Willner asked, "One other thing. What is Mr. Jeffers' recommendation on maintenance? Individual property owners or an Association?"

Mr. Jeffers said that on something this big (there are 170 or so lots) it is going to take some above-normal management.

Commissioner Willner said, "That's exactly right. I agree with that.

Continuing Mr. Jeffers said that management is going to have to be supervised or overseen in some way; either by the County or by an Association..."

Commissioner Willner said, "I agree. That's too much for individual lots."

Commissioner Borries asked if Mr. Heston would be agreeable to having the residents understand that there will be a neighborhood association set up to take care of the maintenance?

Mr. Heston said, "Yes. Let me address that, however. The answer is 'yes'. I think that in the long pull --I am here and humbly with a subdivision. But it looks like property is really starting to sell in Vanderburgh County. Your ad my life expectancy isn't all that long. I think one of the Romans said one time that

taxation without the power of authority is under chaos. When you've got an Association made of good people, good neighbors, good friends, etc., and try to assess them for \$20.00 and twenty-eight or forty-eight don't pay, you've got unfriendly neighbors, chaos and problems. As long as Phil Heston is around, living out there with his family, etc., he thinks he can do as good a job as anybody in the city seeing that this all flies and works. He's not going to be here that long -- maybe 10, 12 or 14 years -- or maybe 2-3 weeks -- what he is really saying is that in the long run (he's saying this humbly because he's asking for approval now and this isn't the time to bring up a can of worms and he doesn't want to do that) but as far as subdivisions (this one and others) he just doesn't think the Board is on the right track. He says that sincerely; but he heard a minute ago about an assessment (everyone's smiling, he's got a farmer up in Gibson County and he gets a ditch assessment and it's \$5.00, \$48.00, etc.) -- these lots here will be easily handled by the way this is going to be set up by the property owners, because it's only going to be one and two foot swells. The only thing we have to worry about is getting in the streets. And if the concrete pipe they put there is kept unplugged, then they'll be home free; so he doesn't see any big deal. By the same token, if the County Commissioners and the taxing authorities don't put a tax rate a subdivision is going to be a good deal because it's got a low Center Township county tax rate. Increasing everybody's taxes a penny, two cents or a nickel to take care of emergency County problems and ditch assessments would not be any problem as far as the future and build up a fund to do that. He thinks we're going to have individual deals -- Phil Heston and the Association, etc., and who is managing it, etc., and there are going to be some real problems down the road because you're talking about perpetuity, years, etc., and really and truly only a governmental authority with taxing powers -- and an assessment is a tax without authority -- He hates like the dickens (first of all, he's going to write into the Deed that the property owners have to take care of the swales -- he doesn't care what they do with the Association; and he is also going to have that in the covenant). As a subdivider, he cringes when he sometimes writes requirements in a subdivision, because you got to enforce and you have to hire an attorney to do it, etc. So he has some real hesitancy with the concept, he really does, because he thinks that after four, five or eight years -- who is an Association? Well, the Association is a number of good people or Church congregation that does all the work; then suddenly they're the same thing in a subdivision here. And when you lose the key people over a period of years -- but he's talking about this whole thing. We've got something going in Vanderburgh County now -- dwellings and residences are starting to go -- and it is going to be good for all of us. It's coming out of Warrick County and it is going to be wonderful for all of us. When the By-Pass goes around the city, he predicts that his property and other property in the circle is going to get to be more valuable. But what is going to make it more valuable is everything being kept up and being done properly and being handled as it should be. So, yes, he is agreeable to the Association; yes, he will set this up -- but it ain't going to work after a number of years; we're going to have a lot of problems in a lot of associations. Put it right in, set up a power (he knows we're not to that point, but consider it next year -- the County taking over and maintaining this and adding a nickel or dime to all rates; because as to whether Firlick Creek floods here or somebody can't do something there, it affects the economy of all and it's not just this property that is affected, in his opinion, or that one. It's the total county, as it should be. Yes, he will follow the Board's recommendations, but he really feels very strongly about that. He thinks that our life expectancy is a factor and neighbors change every ten (10) years and he's seen them out there that change every three (3) years. If you've been out in Green River

Estates, you'll find the houses are not built tight together; they are spread far apart and, yes, there are quite a few people and it's a fabulous tax base for us all and it's on a lot of ground.

Commissioner Willner said he thinks he agrees with Mr. Heston. But he understands there's a farmer in the back row of the audience and he has about 800 acres and he wants to know when you're going to drain his property, too.

Mr. Heston said, "I understand that..."

Commissioner Willner said, "There will be no tax base for drainage as far as he is concerned, unless it covers the entire spectrum and that is somewhere down the pike."

Mr. Heston said there are one one or two foot swales in there and the property owners will be required to maintain same. But they automatically do that on an out-and-out basis.

Commissioner Willner commented, "No they don't do it automatically; in fact, they dump their grass clippings and stop those swales up -- every chance they get. We've been through it a thousand times and I know what happens." Continuing, Commissioner Willner said he is going to recommend that an association be formed in this subdivision for maintenance -- other than roadways. He doesn't think we can stick them for the responsibility of the roadways, and we do have the dollars and this will add base to our roadways and they're our responsibility. But, other than roadways, this would be an association with the wherewithall to maintain those (I wish they were easements -- but they're not going to be, are they?)

Mr. Heston responded, "Absolutely; they will be drainage easements."

Commissioner Willner said, "O.K., then, with the power to enforce those easements. If there is a drainage easement there and a person stops that drainage easement up the Association has the power to open that drainage."

Mr. Heston said, "Absolutely, absolutely".

Mr. Jeffers said he'd like to point out one thing very briefly. There has been talk and there will be continue to be talk about five cents on the \$100 cumulative drainage fund -- and it has been done by other counties. He wants to point out that they do have it in Warrick County and they do not use it within the boundaries of a subdivision; it remains the responsibility of the landowners -- however the Board wants to interpret that. There will be resistance from all fronts, particularly from all farmers who would see it as a threat of the squeaky wheel gets the grease or the will of the majority (or however the Board wants to put it) to use those within subdivision boundaries.

Commissioner Willner said, "If you pay, you've got to be able to get the benefit -- no matter how you slice it. Otherwise, that's taxation without representation and that's against the law."

Mr. Jeffers said we may set it up different in Vanderburgh County; however, that at the present time within Warrick County they do not use that money within subdivisions.

Mrs. Cox said, "If they're taxing these people in here, they should be using the money in here."

Mr. Jeffers said, "If the Association collects the dues, you know it will be used in there."

Mrs. Cox said, "No, I mean if Warrick County is taxing people..." Mr. Jeffers continued, "I'm just saying it is my understanding from the Deputy Surveyor up there -- he wants a copy of our ordinance and I want a copy of his -- and we're going to see what is going on."

Mr. Willner commented, "They use that for legal drains, I think."

Mr. Jeffers said, "They use it for legal drains or ditches where it can be proven that same had been maintained by the County at some point in the past."

Mr. Willner said, "But they don't do it in a subdivision. With that stipulation, I move that the Association be mandatory". A second to the motion was provided by Commissioner Cox.

Continuing, Mrs. Cox said a motion had been previously made. Mr. Willner's motion was amended to include that they have a Home Owners' Association?

Mr. Willner responded, "Yes, that they form a Home Owners' Association, with the power to maintain the drainage easements-- and Mr. Heston has assured him that those are all going to be easements."

Mr. Jeffers said, "Our ordinance states that any drainage structures outside the street right-of-ways have to be with a public easement."

RE: GREENGATE COURT SUBDIVISION (PRIMARY)

President Borries said that Greengate Court Sub is a Primary located off Lincoln Avenue east of Martin's Lane. Is there anyone present to represent this matter?

Mr. Jeffers said the plat was submitted by Andy Easley Engineering for McCarty's Colonial Garden Center (the owners) and Thomas Homes, Inc. of Owensboro, KY (the developer). It is located south of Outer Lincoln Avenue, 1/4 mi. east of Fuquay Rd. and behind the Garden Center, between Brookshire Estates and Lakeside Terrace Subdivisions. Mr. Mike Fitzsimmons is representing both the owner and the developer.

Mr. Jeffers said the Primary Plat submitted for Greengate Court shows 39 lots with 80 ft. front lot lines. The drainage plan shows 31 lots with 100 ft. front lot lines because the drainage plan submitted works over a previous design submitted in 1984. What we did previously was to accept an amended set of street plans..and waived the sidewalk requirement on one side. The original street plan and drainage plan was for 31 lots and approximately 1,425 ft. of concrete street within the sub, all draining into a detention basin immediately north of the subdivision. The original plans when designed by James Morley & Associates provided a pair of curb inlets every 500 feet or less, which directed the surface drainage into underground pipes that discharged into the basin.

These underground pipes were 500 ft. run of 18 inch and the second 500 ft. run which carried the street drainage into the basin was designated as 21 inch diameter.

These street plans were apparently revised to save the cost of earth fill required to cover the underground conduit and to eliminate the pipe itself. (That happened on April 29, 1985, in the County Commissioners' Meeting of that date).

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Besides eliminating approximately 1,000 ft. of pipe and four curb inlets, the revised street plans lowered the street grade to .24%, which is below the .30% minimum standard generally regarded as required for minimal street drainage.

The revised street plans were accepted by the County Commissioners on April 29, 1985, "subject to inclusion of the maintenance of the ponding area". The minutes of that meeting state that the design engineer and/or the County Engineer informed the Commission that the storm drainage subsequent to the revisions would be "open surface drainage into the basin".

In the Drainage Board Meeting of the same date, discussion of the maintenance and ownership of the drainage basin by lot owners or a Home Owners' Association resulted in a motion passed that required the record to state that lot owners are required to participate in a fund for maintenance of the basin and that the requirement be added to the plan.

Therefore, today's review of the drainage plans for Greengate Court Sub is the first review of any drainage plan or concept by the Drainage Board since the revised street plans significantly changed the previous plan.

There are some things he'd like for the Board to note. The 1,425 ft. of the street within the sub is graded at .24%. There is no underground storm drainage, so the street becomes the open channel for storm water and the Surveyor's office feels that this will result in slow drainage with some bird baths.

They also feel that the elimination of the storm sewer prevents the installation of lateral lines to pick up surface drainage from beehives in the swales along the perimeter of the subdivision. The swales are set at .15% grade and could use extra pick-up points to relieve slow flow or standing water. They have received numerous phone calls from adjacent property owners who have noted that their storm system is not working adequately and they are concerned about the effect of this storm system being implemented directly adjacent to their property.

The revised street plans which he has (and which were approved on 4/29/85) provide for a paved spill-out to carry all the water. on the east side of this 1,425 ft. cul-de-sac into the basin as surface drainage. The west side of the street was drained by a curb inlet and across the street by a 12 inch pipe. Now the plan before the Board is to eliminate the paved spill-out and provide two curb inlets at station 12+90 and carry the entire street drainage for 1,425 ft. through one (1) 12" diameter pipe into the basin.

Another change since the street plans were revised is that previously the pipe that discharged at Station 12+90 discharged at an elevation of 388.11 into the lake that is controlled at the elevation 388.01, which means that it spilled in at above the lake surface. Now that pipe structure is set at 385.3, which means there will be two (2) ft. of standing water in those curbs.inlets. As long as that basin stands at 388, there will be 2 ft. of water in that 12 inch tube and in the curb inlets at all times. Or, it will fluctuate with the surface of the water.

County Engineer Andy Easley asked, "Clarify that, Bill; at all times?"

Mr. Fitzsimmons offered comments....but they were inaudible.

Mr. Easley commented, "But they operate under a head -- it doesn't make any difference.

Mr. Fitzsimmons continued -- and another portion of his comments were inaudible.....but resumed with, "The drainage plan was approved. I've made minor modifications to the inlets. Instead of a side ditch going into this drainage easement, I've taken it across the inlet.....and we've made smaller lots in here. We've added eight (8) more lots.

Mr. Jeffers said he was asked to clarify that. By way of clarification he will say that the street plans which the Board accepted on 4/29/85 show an additional run of cul-de-sac (a total of about 1,425 ft. long)--the east side all drains down the east side of the street into spill-out into the lake. The west side goes into curb inlet and 12 inch pipe into the lake. So, you're draining half the street via the spill-out and half thru the 12 inch pipe.

The change that was made by Mr. Fitzsimmons is that he is picking up the entire street (east and west side) into curb inlet and then thru a 12 inch pipe at designated elevation, which is basically 2 ft. 8 in. below the normal pool stage which is controlled by this outlet -- so you have 2-3 ft. of water in there all the time. Standing water generates silt deposits and whether it operates at a head or whatever, you're still going to have some deposition of silt into that pipe.

Commissioner Willner commented, "They've cut 100 ft. down to 80 ft. and added lots and that many more roof drains; now that doesn't make sense."

Mr. Easley commented that they submitted calculations and they very carefully took into consideration the additional roof area ...and it will show that the system will work.

Mr. Jeffers said his question is that, "When the original engineer designed this, he had an 18 inch pipe for the first 500 ft.; a 21 inch pipe for the second 500 ft., and he was asked to change that to surface drainage -- and he put a spill-out on one side and a 12 inch pipe on the other side. If he says it is going to take a 21 inch pipe, according to these street plans which were changed, he changed from a 21 inch pipe to spill-out, how can you get all that water into a 12 inch pipe?

Mr. Fitzsimmons said it is because it is a very short run of pipe.

Mrs. Cox said, "But this means that it is going to back up in the street."

Mr. Fitzsimmons said, "Not necessarily, you do not have all the head loss that you have in several hundred feet of pipe." He offered further brief comments, but they were not audible.

Mr. Jeffers said Mr. Fitzsimmons' calculations are based on a 25-year storm and they show that during a 25-year storm the height of the water in the basin will reach 389.5 more or less and that will be contained below the gutter elevation of the street. However, once you impound water, they'd like to see a 100 year calculation -- and he did provide that. That shows that the water will rise to 389.9 ft., which is just about 1 inch below the top of the bank of that basin -- and we're playing with one inch here. We're talking about a theoretic 100-year storm under average yearly conditions -- not when the ground is frozen or saturated. If it happens when the ground is frozen or saturated, you can expect that bank to overflow. Until it overflows, you will be storing approximately 4 inches of water in the street for about 600 lineal feet during a 100-year rain. Messrs. Jeffers and Fitzsimmons held brief discussions and recalculated and it was determined that the amount would be 2 inches of water --not 4 inches as previously indicated. Mr. Jeffers said Mr. Fitzsimmons' calculations are correct and it would be 2 inches of water for 200 lineal feet.

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Mr. Jeffers said he is willing to agree to all that except that when you're dealing with 1 inch of freeboard, he thinks you'd better look toward emergency measures and there is no emergency spillway. Now the 2 inches becomes more than 2 inches and it will spill back into the swales behind those yards and he doesn't know whether or not it will spill out into the adjacent subdivisions (since he hasn't seen the design of the swale).

Mr. Easley asked Mr. Jeffers if he's ever seen the east side have a 100 yr. storm?

Mr. Jeffers asked if Mr. Easley was living in Evansville in 1965?

Continuing, Mr. Jeffers said the fourth item to consider is the detention basin, itself.

On the Primary Plat and in the legal description, the basin is located outside the subdivision boundaries. The Commissioners made and approved a motion that that shall be maintained by the property owners and it still is not within the legal description for the subdivision.

Mr. Fitzsimmons said they have revised the plat and re-submitted to the Area Plan Commission...they did the detention area and also 50 ft. wide strip of Lincoln Avenue

Returning to Item #4 concerning the detention basin, itself, Mr. Jeffers offered the following:

In regards to the design of the basin, the bottom elevation is 383.0 ft.; the top of the bank of the basin is 390 ft., providing the 7 ft. depth required by the Drainage Board in 1984.

The calculated storage requirement for a 25-year storm indicates that under optimum working conditions the water level in the basin will rise to 389.4, or about 7 inches below the top of the bank.

The storage requirement for a 100-year rain will bring the water level to 389.9, or within 1-1/4 inches from overflowing the bank

The calculations used to determine run-off and storage capacity are theoretic and based on yearly average percentages. If the storm occurs while the ground is frozen or saturated, the percentage of run-off will exceed the 43% indicated by the developed C factor.

Likewise, the discharge rates attributed to the pipes relieving the detention basin are applicable only to unobstructed pipe. If the pipe becomes partially or totally obstructed, the water unable to discharge through the system will spill out into the street.

By examining the proposed grade of the swales along the subdivision boundaries, one can determine that the water will back up 160 ft. or the length of two rear lot lines before reaching elevation 390, or the top of the basin bank. By the time the water level reaches 390, the street will be inundated for about 500 ft. and approximately 4 inches deep. No emergency spillway is provided; and it is not known from the information presented what effect the water cresting the top of the bank of the basin or swales will have on adjacent property.

The swales along the east and west sub boundaries are to be constructed in 15 ft. easements which are adjacent to easement in Brookshire and Lakeside subs. Since the easements in those subs also contain public utilities, and since the drainage systems for each sub were developed independently, it will be necessary to construct separate swales, adjacent and parallel to the existing

swales; thereby creating an open channel resembling a "W". The condition of swale maintenance will depend upon the individual property owners' ability and willingness to negotiate the resulting ditch cross-section with mowing equipment.

In summary, Mr. Jeffers said the residential development of the Greengate location is very desirable since it would bring a narrow strip of undeveloped land into conformity with surrounding property.

The limitations of the soil and the topography are severe enough to warrant extremely careful planning, accepted proper treatment, and above average management.

The Vanderburgh County Surveyor's Office is not ready at this time to recommend that the drainage plan for Greengate Court Subdivision be approved in its present form. He would emphasize that that has a lot to do with the revised street plans. He just believes that, first of all, we waived the requirement of a 1,200 ft. cul-de-sac. Then we waived the requirement for sidewalks. Then we waived the minimum street grade of .3% and we waived the pick-up point every 500 ft. And we can keep on waiving; but we're going to look like a family portrait of the Bodine family in the Beverly Hillbillies Press. So they're just not ready at this time to recommend approval.

County Engineer Andy Easley approached the podium and said, "If you will recall, the reason we approved the revised street plan was because Mr. McCarty found out that the original plans which were prepared by Morley's office were going to require 1-1/2 ft. of fill over the whole property, which would have wiped out the trees that they wanted to save. And he was very unhappy with the quantity of fill and losing all the trees. They came to me and wanted to know if there was some way that the street could be put in without all the storm drainage pipe, that they could not get enough cover on the pipes to make it work and still keep the aesthetic value of the property. I suggested -- and I recommended to the Board -- that we make an exception if they would agree to very carefully stake the street every 25 ft. and build the street on a constant grade and let the street drain down to the low point. There are other streets in the county (Commercial Ct., a street that I was a subdivider on is built in a similar manner and works very well). It causes no great flooding and to make an exception, I agreed to this and I think that as soon as the storm subsides the water will run off and it will run into this retention basin. This was done as an accommodation to Mr. McCarty. These plans were approved and this subdivision can be constructed...can't it, Bill? It is approved; it could be constructed with eight (8) less lots. It can be -- it's all approved. Maybe we have a philosophical difference here." Mr. Easley said that he, as a registered Professional Engineer, made a recommendation and the Board took it. I think it was a sound recommendation. And eight more lots is not going to cause the east side in this specific area to flood. The soils in this area haven't changed. The run-off hasn't changed. The design storms haven't changed. They've added eight lots. It's not a major change."

Mr. Jeffers said that in reply to Mr. Easley's comments, he would say that in the Commissioners' Minutes of April 29, 1985, it does not mention the trees and the motion was made "that the changes specified be approved." But, nowhere in the minutes are the changes specified. Subject to the inclusion of the maintenance of the ponding area. "In response to inquiry by Commissioner Cox, Messrs. Morley and Easley responded that there is no change in the drainage plan per se, with the continuous straight slope of the street, some storm sewer was eliminated and it's open surface drainage into the drainage basin." This is the first time

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-- and he has the minutes of the Drainage Board which immediately followed that meeting -- there is no mention of anything here other than the ponding area. He emphasizes that this is the first time that this drainage plan has become before the Drainage Board since the the street plans were revised and the statement was made that it was open surface drainage into the drainage basin.

Now we do have a change here. The basin has sub-surface discharge into it, not open-surface. And the lots have increased from 31 to 39. The Surveyor's Office refusal to recommend that this plan be passed is based upon a real lack of information of what is going to happen. In the very least little obstruction of this drainage system, what is going to happen to that ponding area and where will that water go? As far as the trees go, there is a diagram of every tree (or he understands there is a diagram of every tree out there) prepared by another engineer for a previous prospective developer and he would venture to say that almost every tree out there is going to be wiped out by the installation of 39 homes and 80 ft. lot lines. He thinks to say that this is to preserve trees is somewhat an exaggeration. Because he doesn't believe 10% of the trees will be left when they finish building houses. Those trees are nursery stock which grew up and it is now too large to remove -- and he understands the people now want trees. However, instead of carrying this street straight through the Garden Center, the first quarter mile goes way over there and gets behind those houses that have already been constructed. Now they have a street right in front of their house and a street behind their house. Where else can we find that in Vanderburgh County? When they moved that street over there to save the Garden Center, they moved some more trees. They went straight thru a huge tree that was probably 200 years old. But he supposes all of these things have been okayed. However, the Surveyor's Office is just not prepared to o.k. the drainage plan.

Commissioner Willner said he is not prepared to accept or reject this subdivision today. He is not an engineer and he needs to understand it. He is going to say that the Board will defer this matter for one (1) month. They're going to have to convince him that it is going to work. He's not convinced. Whenever possible, Mr. Fitzsimmons needs to sit down and go through the plan step by step, because he doesn't like water in the street. He knows we do it in parking lots once in a while, but he hates to do it in the streets. If they want to construct a parking lot between the houses somewhere, he doesn't mind. But for someone to drive down there on the streets in two or three inches of water, he doesn't like that. He knows it is done in some places.

Commissioner Borries said the Board has really been bombarded here with figures. Sometimes he thinks he needs to substitute his eye glasses for a computer, so he can understand all these figures. This is very complicated and he appreciates all the time of the various parties involved. He asked if Commissioner Cox has any comments at this point? She stated that she does not. President Borries said he does not detect then that the Board has any intent to do anything with this subdivision at this time. There will be no action on the matter today. He would encourage Mr. Fitzsimmons to meet with everyone to see if we can resolve this. This area is growing rapidly and there is a lot of concern because of its growth. We need the growth, but we also have to provide what we hope will be a system here that is going to last for some time due to the tremendous growth in this area and we need to work through this so that the Board can understand it and the numbers will mean something.

RE: AUDUBON ESTATES (PRIMARY)

President Borries said this subdivision is located north of Pollack Avenue, west of Fuquay Rd., and south of Covert Avenue.

Mr. Jeffers said this is Primary Plat submitted by Associated Land Surveyors and Civil Engineers for the Owners/Developers, W. C. Bussing, Jr. and O. W. Kattman, Jr.

The Primary Plat shows 71 lots with 75 ft. to 100 ft. lot lines. The sub will have two streets exiting on the new Covert Avenue presently under construction.

The Drainage Plan submitted by the developer's engineer is accompanied by a calculation sheet which divides the sub into five (5) drainage areas which will be served by curb inlets and underground conduits of various designated sizes and at designated locations.

The majority of the discharge is across the south line of the subdivision and onto land owned by Kenneth and Sylvia Kolb. The pipes crossing the south line will discharge into a drainage ditch which flows southwest into Kolb Ditch. A very small part of the storm drainage in the northeast corner of the sub will discharge into the Covert Avenue storm system. The remaining portion of the run-off specifically from Lots 25 through 37 will discharge through a pipe at the southwest corner of the sub directly into Kolb Ditch.

The ordinance requires that all drainage structures, including open channels, which are not within street rights-of-way must be within suitable public easements or rights-of-way. This applies specifically to the pipes and channels located:

- a. between Lots 21-22, and into Kolb property'
- b. between Lots 29-30;
- c. along the west line of Lots 29-30;
- d. the pipe crossing the line at the northeast corner of Lot 25
- e. the ditch planned parallel to the south sub line and within the Kolb property.

Note: The easement for the ditch to be located in the Kolb property may be designated as a temporary easement which easement will be made permanent or replaced by a suitable drainage easement when the property is developed as residential.

The owner/developer holds option and is committed to purchase the subject adjacent property.

All drainage easements must be reserved for drainage only with no public utilities other than drainage allowed within and the encroachment notice must appear on the final plat.

If the owner/developer agrees to the stipulations listed above, or can suggest acceptable alternatives at this time, the Vanderburgh County Surveyor's Office is prepared to recommend approval of the drainage plan for Audubon Estates subject to the agreed upon stipulations.

Mr. Jeffers said that Messrs. Bussing and Kattman have a firm commitment to purchase the adjacent land. They purchase so many acres per year -- and that is how we got Eastland Estates A, B, C and D, and now this one. There will be future development and they are committed to buy that property. However, for purposes of temporary drainage, they want to locate a ditch over there that may or may not end up in that location when they develop the next

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ten (10) acres. What he is saying is that he wants a temporary easement over there to satisfy the code and then they can change that location if it has to be changed when they develop that next piece of property.

The meeting continued with Mr. Jeffers perusing the drainage plan with the Board.

Mr. Sam Biggerstaff said they made a plat with all the easements on it -- and he thought he brought that down to the APC.

Mr. Jeffers said, subject to the inclusion of easements for all drainage structures and, of course, the one over on the Kolb property can be a temporary easement until it is redesigned, and subject to the inclusion of an encroachment statement on the plat and a method of perpetual maintenance until such time as another agency assumes maintenance (which he would say would be as soon as the east side is annexed, this will be within the city and that can be dropped and the city will maintain the drainage structures -- the Surveyor's office recommends approval.

This drains into Kolb Ditch, which is a legal drain, and it is an extension of the reconstruction of Kolb Ditch by the developer that we discussed earlier today.

Commissioner Borries asked if Mr. Jeffers has seen the plan on the temporary easement? Mr. Jeffers responded that he has not.

Mr. Biggerstaff said that what he said is what they will put on it.

Mr. Jeffers said he guesses Mr. Biggerstaff was aware of this and has one prepared for us.

Mr. Biggerstaff reiterated that he thought it was brought up to the APC Office. He didn't bring it up himself.

In response to query from Commissioner Cox, Mr. Jeffers said that none of it will pass through Eastland Estates until the new highway is built and they develop the rest of it.

Commissioner Willner asked Mr. Biggerstaff if this is in the present -- the one that is in the courts now on the east side annexation? Or, is it in the past one?

Mr. Biggerstaff said he thinks it is the current one.

Mr. Willner said, I need to know.

Mr. Biggerstaff said "That's a good question, Bob."

Commissioner Willner asked if anyone knows whether this is in the annexation that just passed? Or, the one that is in the courts now?

Commissioner Willner proceeded by saying he is going to make a motion that the Board grant approval, subject to the formation of a Homeowners' Association until that annexation is consummated.

Commissioner Borries advised Mr. Biggerstaff that the revisions are needed for Area Plan. Mr. Biggerstaff said they will have them; again, he thinks they already have them.

Mr. Jeffers said that if Mr. Biggerstaff will bring them to him tomorrow, he'll attach a note to them and send them straight to the APC.

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DRAINAGE BOARD  
MAY 27, 1986

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RE: FOX POINTE

There was brief comment that Fox Pointe was on the agenda. Commissioner Borries said it is not on the list he has.

Mr. Jeffers said they'd already recommended approval of it, he thinks...way back during the stormy meeting.

Commissioner Willner asked, "What are we here today for then?"

Mr. Jeffers said "I guess he wants to get approval."

Commissioner Willner asked, "If you recommended it, what did we do with it?"

Mr. Jeffers said, "Lynch Rd. went through it and you wanted to hold off."

There was brief discussion as to how Fox Pointe Sub was not included in the agenda. Commissioner Willner asked that those concerned with Fox Pointe stick around, and they will get it on the agenda.

RE: EASTSIDE INDUSTRIAL PARK (REPLAT)

Mr. Jeffers said that replat of Eastside Industrial Park was submitted by Morley & Associates for Industrial Contractors, Inc..It's a replat of a few lots into several lots.

Commissioner Willner asked if it's changed the drainage any?

Mr. Jeffers said, "No. They can cover that ground in 75% either way, and the drainage comes out the same. Discussion ensued as to pipe size and the fact that they're making four (4) lots into nineteen (19) lots. He guesses they found a market for one acre sites. some are two acres, and one is three acres.

Mr. Jeffers said the larger acreage (Lots 47 and 48) include a ponding area.

Commissioner Willner queried Mr. Jeffers concerning his recommendation.

Mr. Jeffers said his recommendation is that a 36 inch pipe be installed under both cul-de-sac entrances.

All drainage easements for drainage only, except where utilities are already installed as of 5/31/86, because this is a replat and we have to be fair.

All drainage easements along the two keyholes, which are the cul-de-sacs, shall be for drainage swales only, with utilities and the building lines located outside of that.

The encroachment notice is to be on the plat.

Maintenance by the property owners, per the notice which is already set out in the right-hand corner, and that states that anytime they fill a drainage easement in front of their building, they have to excavate one of equal size and capacity somewhere else on their own lot. That is because these are strictly for detention. This has to be detained because it flows into Crawford-Brandeis and we have had problems with people filling these swales already, so we have a real strict notice up in the right-hand corner. Anytime they fill a swale, they'd better be aware they have to dig something on their lawn to accommodate an equal amount of water. With those stipulations, the Surveyor's Office recommends passage.

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Motion to this effect was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: CONTRACTS RE DITCH MAINTENANCE

Mr. Jeffers said he has two contracts which have been signed by Mr. Leo C. Paul, for two ditches awarded. Said contracts just need the Commissioners' signatures.

Mr. Eldon Maasberg is also in the audience. He has also been awarded a contract; if the Board will approve signing his contracts, he will have him sign a contract and submit same to the Commissioners' office for their signatures.

Motion to sign contracts was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: FOX POINTE SUBDIVISION

With regard to Fox Pointe Subdivision, Mr. Jeffers said Mr. Biggerstaff was present at the aforementioned meeting -- and he believes the statement was made (and the minutes may or may not bear him out) that the drainage plan had been submitted in 1979, along with street plans, etc., and all the pipe sizes were found to conform with our recommendations and the Surveyor's office recommended passage. However, the Board held up until such time as the County Engineer could complete right-of-way acquisition study. Now Mr. Biggerstaff is back before us and wishes to move this to the Area Plan Commission's agenda.

Commissioner Borries said there are other persons present today in conjunction with this matter, and discussion will proceed if agreeable with the Board.

The Chair recognized Attorney Tom Bodkin. He approached the podium and said he understands that the County Surveyor has recommended approval of Fox Pointe Sub from a drainage standpoint. Mr. Biggerstaff is present to answer any questions that the Board may have concerning Fox Pointe. If there aren't any, he would request a motion to approve that subdivision so it can go back to the APC for their action. The APC has indicated preliminary approval of six or seven subdivisions, none of which had anything to do with Lynch Rd., even though someone from EUTS is in APC. Again, if there are any questions on drainage, he is sure Mr. Biggerstaff will be glad to answer same.

Commissioner Willner asked if these plans have been changed in any way since the time they had it before?

Mr. Jeffers indicated that they have.

Commissioner Borries said the Board needed the County Attorney. Mr. Lindenschmidt said Attorney Jones had to return to his office momentarily, but he will call him there.

Commissioner Borries asked if Mr. Easley has any comments at this time?

Mr. Easley said that this past week we received from the IDOH the abbreviated final environmental impact statements. They had indicated to him a few weeks ago that when this was adopted they thought they would be agreeable for us to request permission to adjust the alignment slightly and then negotiate with the property owner to acquire right-of-way for this road from this property. He has been negotiating to get permission to shift the right-of-way to the south so we could reduce the impact on the lots in the subdivision. Perhaps if we had another thirty (30)

days we could conclude some preliminary agreement on the alignment so they could then proceed with their subdivision. He does think it is a mistake -- as long as it has been sitting there idle -- to let it be approved as it now has been proposed. He has maps if anyone wants to peruse same.

Commissioner Willner said he guesses where he comes from he doesn't know whether the drainage is correct or incorrect. He thinks what he's saying is that this person is not going to hear those drainage plans in front of this Drainage Board until the corridor for Lynch Rd. is set. Now, if he is in error - you have to sue me -- that's just the way I feel about it. I don't intend to have the County pick up some extra dollars for the subdivision being approved and then the acquisition of right-of-way then becomes buying a subdivision. I'm not going to let that happen under any circumstances. So I am not saying that your drainage plan is no good. I'm saying that this Board is not going to hear your drainage plan.

Attorney Bodkin asked, "Mr. President, do I understand that that is the consensus of the Board?"

Commissioner Willner said, "No, that is my consensus. I don't speak for this Board. They certainly can do that in their own manner. I'm just saying that this is how I feel about it."

Attorney Bodkin asked, "If the motion were made Mr., Chairman, would the Chair entertain a motion to put it to a vote?"

Commissioner Willner asked, "You mean as to whether we heard the drainage? Certainly..I don't speak for the Chair. But I'm sure the majority rules. I've been voted down before and I have no problem with that."

Attorney Bodkin said, "Mr. President, I will state that I understand your problems when you sit as County Commissioners on the roads. But, by statute, you are the Drainage Board and the issue before you is whether or not this drainage pattern satisfied whatever requirements the county has for that. The issue of Lynch Rd. is one that the Plan Commission perhaps could take up -- perhaps it could not -- but I think it has, as I understand their recommendations with regard to building a setback and they have anticipated the movement of Lynch Rd. through there by requesting a 70-ft. rear set-back line on all those lots. That is on the plan, as proposed, and has been given preliminary approval by the APC. Again, his client would request a motion one way or the other with regard to the drainage plans.

Commissioner Cox said, "I have a question, Mr. President and Mr.,. Bodkin (for his client): "How can you submit a drainage plan for this subdivision when we at this time do not know what the drainage impact from the construction from this new highway is going to be? We don't know that your drainage plan is going to work. This is the problem. It may work now; but putting in a new highway could be a lot of problems for those people out there and it has been her intent from the very beginning for the Board and the property owner to work together to keep these problems from happening. She knows what he is working for right now; he wants motion so he can proceed legally -- probably through the courts on this. She hopes that we can establish some kind of a better relationship than being so suit-conscious, because while she wants progress to happen, she also wants it to be good and she wants the people who are living out there to be satisfied with the homes that they are buying and not have drainage problems from the new road. She doesn't think we should have to correct that - and this is the Board's situation. They still do not. Mr. Easley now says another thirty (30) days and maybe we would know. But right now she doesn't think the Board has any calculations whatsoever. We just received approval from EUTS

(Rose announced at a meeting a week or so ago that we received approval from the State concerning the corridor. So this is our situation. She feels rather intimidated by Mr. Bodkin's presence and by his presentation. For that, she has a little resentment.

Attorney Bodkin said he apologizes if Commissioner Cox feels intimidated. This was not his intention. He merely points out that this subdivision was proposed in 1978. It was basically put on the back burner because of the Lynch Rd. Extension. Now eight years later Lynch Rd. still isn't built nor are the final drawings of Lynch Rd. prepared. He would assume then that the question of drainage from the highway will have to be taken care of by those who designed the highway. For all they know, it may be another eight years before the Federal money comes through to build Lynch Rd. or the County can build it by itself (although he understands it is a combination package). They have a situation now with the mortgage rates now (they heard from Mr. Heston quite eloquently today as to why now is the time). Obviously these subdivisions didn't float 3-4 years ago; with rates at 16%, 19%, etc. We're down now to where it is easier to sell the property; although he understands the prime's gone back up -- at least locally the mortgages have gone up. He's not here to tell the Board his client is going to sue anybody. But his client feels now is the time to take this step, because it is one of the seven things the Plan Commission requires. He can't go back to them until the Board either approves or disapproves. If the Drainage Board doesn't approve, they have to figure out why and make adjustments. But he suggests that if they have to wait until such time as they know whether Lynch Rd. will be built, when and where it will be built, they may be back to eight years from now.

Commissioner Cox said his request was to approve or reject; there was no other alternative. We're very close now. In 1978 she wasn't on this Board. She's been on it since 1981 and Fox Pointe did not surface itself until about three or four months ago and the County has been trying to get funding pushed ahead for Lynch Rd. from the County Council and she feels we are very, very close to moving ahead on this project. She would hope that -- and she appreciates their being here because it puts pressure on the Board to move things along and that is the way things happen. But she was hoping that it could be postponed indefinitely until--or rather, she would say 30 days...

Mr. Don Blume of Guthrie May approached the podium. He said what he would like to do is to move forward. Like Phil Heston said, you've got to strike while the iron is hot. The bottom dropped out of the U.S. economy before and anything the Board can do to move it along -- anything that can be done. This thing came up in December and he knows he talked to Andy Easley before that. He knows the government takes a long time -- they do the same thing -- but anything the Board can do to help it he'd appreciate. He doesn't believe he's ever been in a lawsuit with the government over a 40-year period and he doesn't intend to do it now. But they would like to move it along if they could.

Commissioner Borries said this Board has been committed to work with people. As Commissioner Cox has expressed, in no way do they want to appear to block economic development or economic growth. But just as things change with mortgage rates, things have now changed to the point where we're at a very critical standpoint with Lynch Rd. There would be (and it has been expressed as a matter of public record) unanimous approval from the Board of Commissioners for Lynch Rd. So it is a go. Since we've all had a very long meeting here due to the drop in mortgage rates, he would like to recess the meeting for five minutes to take care of some physical needs and to seek advice from Counsel.

Mr. Blume asked if extension of thirty (30) days would help?

Commissioner Borries said thirty(30) days extension would be very good for the County. Otherwise, he has to take a five minute recess to seek the advice of County Counsel.

Mr. Blume said they've waited this long; thirty (30) days would be agreeable with them -- he just doesn't want it to go on forever.

Commissioner Borries said he understands that perfectly -- and the Commissioners don't either. But unless they would be agreeable to a thirty (30) day extension, he would have to have five minutes to seek advice of the County Attorney.

Mr. Blume said, "Let's wait to see what Andy comes up with and what we can put together."

Commissioner Borries said that would be the fourth Monday in June -- and they will try to put this first on the meeting agenda.

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 6:00 p.m.

PRESENT:

DRAINAGE BOARD

Richard J. Borries  
Robert L. Willner  
Shirley Jean Cox

COUNTY AUDITOR

Sam Humphrey,  
Chief Deputy

COUNTY ENGINEER

Andy Easley

AREA PLAN COMMISSION

Beverly Behme

COUNTY SURVEYOR

Bill Jeffers, Chief  
Deputy

OTHER

Phil Heston  
Sam Biggerstaff  
Mike Fitzsimmons  
Don Blume  
Tom Bodkin, Atty.  
News Media

SECRETARY

Joanne A. Matthews

*Richard J. Borries*  
*Robert L. Willner*

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\_\_\_\_\_

EDMOND DITCH PROPERTY OWNERS:

NAME	PERCENT	86	SHARE OF 8000
1. Walt. Hahn Farms	3.20	24.56	256.00
2. Ray., Virginia Nurrenbern	1.17	10.00	93.60
3. Beulah, norm., Jas., How., Siegel Varner	7.93	39.30	634.30
4. Robert Barker Bell	4.10	20.49	328.00
5. Paul, Sarah Kleinknecht	4.24	21.21	339.20
6. Amelia Koestring (Florida)	0.70	5.00	56.00
7. Albert, Katherine Gartner	2.02	10.12	161.60
8. ONB/Varner	0.82	5.00	65.60
9. Robt., Sophia, Rich., Mahrenholtz	5.24	26.18	419.20
10. Floyd and Caroline Titzer	11.22	56.12	897.60
11. Fredrich and Mary Todte	4.96	28.40	396.80
12. Jack, Martha Siebeking	2.65	13.24	212.00
13. Louis and Sharon Winiger	8.56	42.80	684.80
14. Julia Schnur	2.48	12.38	198.40
15. Adelia Parton	0.98	5.00	78.40
16. Frieda Ungethum	7.93	39.63	634.40
17. Gilbert, Alice Hahn	3.57	20.09	285.60
18. Anthony Rollett	9.97	49.85	797.80
19. Peter, Mary Weimer	1.41	7.06	112.80
20. Mike and Joe Kolb	4.28	21.97	342.40
21. Galen and Delores Hahn	1.01	5.03	80.80
22. Kelly and Donna Lawrence	0.11	5.00	8.80
23. Carl and Minnie Burgdorf	8.34	41.68	667.20
24. Vanderburgh County Auditor	3.39	16.92	271.20
25. L and N Railroad (Seaboard Coastline)	0.44	5.00	35.20

TOTAL FEET IN DITCH = 15,395

THE FOLLOWING IS A SUMMARY OF THE VANDERBURGH COUNTY DRAINAGE BOARD MEETING HELD JUNE 2, 1986:

President Borries called the meeting to order at approximately 3:20 p.m., 6-2-86. President Borries asked for items to be presented prior to discussion of Green Court Subdivision.

Deputy Surveyor Bill Jeffers presented information regarding subdivisions on the Area Plan Commission June 4th agenda to update the Board regarding stipulations set in the 5-27-86 meeting and subsequent action by the various engineers.

RE: Audubon Estates

Mr. Jeffers informed the Board that Sam Biggerstaff submitted a revised plat Friday, May 30, 1986, which contains the drainage easements requested by the surveyor as a condition of approval.

Mr. Jeffers said the encroachment notice should be on the final plat.

Mr. Jeffers informed the Board that the conditions of approval had been met unless there was discussion to take place regarding the fact that Audubon Estates is not within the annexation petition boundaries (in relation to the drainage system maintenance responsibilities).

President Borries asked if any of the minutes were available as Area Plan finds this information very helpful.

Mrs. Matthews assured President Borries that the minutes will be ready by Wednesday if at all possible.

Mr. Jeffers offered clerical help from the Surveyor's office.

Drainage Board Member Shirley Jean Cox asked if the Board has addressed the maintenance of the swales in the Audubon Estates plan.

Board Vice-president Robert Willner answered that either an homeowners' association or the developer would have to maintain them.

Mrs. Cox stated that she was unsure whether the Board included that stipulation or was awaiting information on if the subdivision would be taken over by the City.

Mrs. Cox asked Mrs. Matthews if she had the portion of the minutes regarding swale maintenance.

Mrs. Matthews answered that she had the notes and that the information was in the processor but not yet printed.

Mr. Jeffers said he couldn't remember if the discussion (last week) applied to Audubon but that he believes the Board decided that the County would maintain the pipes within the street (Mr. Willner interjected "right-of-way") but that the swales remained the responsibility of someone else.

Mrs. Cox asked who that someone else is.

Mr. Jeffers said, "Well, the private property owners by some method or another."

President Borries said his understanding is that (the responsible parties) would be notified in their deeds or on the plat.

Mr. Jeffers said that the notice would state that property owners would remain responsible for maintenance of the swales that passed through their lots.

Mrs. Cox said she knew "we had done that on quite a few of the other ones but I didn't know if it was included on this one simply because it being in the possible annexation area. And if it isn't included, in order to be fair to all concerned, it should be in this one...that they establish a homeowners' association and all this we make the others do."

President Borries said he agrees and thought the Board had done that on one subdivision (last week) but not sure on this one.

Mr. Borries asked for feelings of the Board, whether to act on the Surveyor's recommendation or if they had recommendations of their own.

Mr. Willner indicated that he (may have a problem) with the road but that was not the business of the Drainage Board.

Mr. Willner moved that the replatting of Lot 1 into five (lots) be approved.

Mrs. Cox seconded the motion.

Mr. Borries stated, "So ordered."

Mr. Willner asked some questions relative to the private road and an homeowners' association.

Mrs. Cunningham answered Mr. Willner's questions.

RE: Greengate Court

Mr. Jeffers introduced Greengate Court and asked the Board to hear persons who were in the audience who wished to speak on that subdivision.

Mr. Michael Fitzsimmons thanked the Board for hearing Greengate Court again. Mr. Fitzsimmons said he had several conversations with Bill Jeffers over the past week and agreed to modify the plan in the following mannner:

- 1. Increase the street grade from the retention pond, thence south, to .3 percent slope in "accordance with City of Evansville standards."
- 2. Increase the area around the detention basin to 15' or acquire 5' easements on the north and south sides of the basin to (accomodate 15' work areas).
- 3. Include easement for the outfall pipe from the basin to the street right-of-way at the northwest corner of the basin.

Mr. Borries asked for other interested persons who wished to speak.

Mr. Toby Shaw introduced himself as "the attorney representing the Lakeside and Brookshire homeowners' associations" which border the Greengate Sub.

Mr. Shaw addressed various concerns including the surface drainage from the lots, the parallel but not connected swales in each subdivision bordering Greengate.

Mr. Shaw said his group would prefer the surface drainage be directed into the street and then to the basin (rather than to the back of the lots).

Mr. Shaw said his second concern is the detention basin itself in regards to ownership and enforcement of maintenance.

Mr. Shaw continued his discussion which include asking whether the basin is a "wet basin or a dry basin" and discussed the relative values of each.

Mr. Shaw concluded stating his group's concerns included the (methods of) drainage to the basin the (methods of) maintenance of the basin and the (quality of) condition of the basin.

Mr. Borries thanked Mr. Shaw for his comments and asked Mr. Fitzsimmons if he wished to respond.

Mr. Fitzsimmons said the basin would be wet with the surface elevation of the water approximately 2 to 2.5 feet below ground level with that (differential) being the storage area for storm (runoff).

Mr. Fitzsimmons said that to require the developer to drain the lots to street will place a "hardship" on the developer by requiring large amounts of fill; and that the developer should be allowed to have rear yard swales similiar to adjoining properties.

Mr. Fitzsimmons added that "once development is complete and the drainage plan is implemented...there will be no runoff onto adjacent developments and the runoff from this development will be less than what's existing there now."

Mrs. Cox concluded by saying (the Board) should help alleviate this (potential for extra burden).

Mr. Keith Wallace was called to the podium by the Board President, Mr. Borries.

Mr. Wallace said he was an interested party (familiar with) both sides of the drainage issue and that he thinks the (Board) is wise (to ponder) how effective neighborhood associations are in maintaining drainage ponds.

Mr. Wallace pointed out the size of the pond (in Greengate) in relation to its shared boundary with only (Lot 1) and compared the maintenance ability by one property owner (rather than shared maintenance as is the case in subs like Brookshire and Lakeside) trouble develops with an association.

Mr. Wallace recommended that the Board consult with the county attorney to find if there is a "self-activating mechanism" to force the participants to pay or join the association.

Mr. Wallace concluded by saying that if he (and other interested parties) (could be assured of) more convincing statistics and enforcement procedures that they would feel a little more comfortable.

Mrs. Cox commented that the Board and the subdivision review committee took a step in the right direction by including (various new plat requirements) but that we can no longer, based on what has happened in the past, rely on (the current system) to work.

Mrs. Cox clarified her statement (making it general rather than specific to Greengate Court).

Mrs. Cox indicated her guess was (the Greengate) drainage system would work provided (certain items) were taken care of, but (the Board) is hearing that it is not working (overall picture) as it should be and (the Board) should look (at methods) to improve (overall system).

Mrs. Cunningham pointed out (for the Board's information) that the prior design for 31 lots received Drainage Board approval without (stipulations being discussed) and possibly could be recorded as approved.

While Mrs. Cox and Mrs. Cunningham perused subject plat, Mrs. Cox asked if retention pond was still 150'x220'x7' (as on plat with primary approval).

Unidentified voice, "It's larger."

Mrs. Cunningham and Mrs. Cox discussed various physical details of the basin.

Mrs. Cunningham said she "assumed that this retention basin was to be maintained by the owner of this property since it was not part of this subdivision," (the 31 lot subdivision) "this one now is part of this subdivision" (meaning the 39 lot sub.).

Mr. Willner said, "All he has to do is cut that out then not pay taxes on it; then he's gotten rid of it and that's no good."

Much conversation partially inaudible took place much to define the exact nature of the submitted plat relating to incorporation of basin into the subdivision.

Mr. Andrew Easley, County Highway Engineer, approached podium and stated, "On this homeowners' association, I would recommend that...any plans that are coming before you in the next few months...or next few weeks, be approved with the condition that the subdivider cooperate (in) setting up the homeowners' association...in a manner satisfactory to the Commissioners' Attorney, that will guarantee the continuing maintenance of the retention basin."

Mr. Easley continued saying that might require the County Commissioners to be like a "co-executor of a will" so if the homeowners' association does not act, the County Commissioners would have the right to get the work done and see that the homeowners get billed (asking County Attorney Miller).

Mr. Miller replied that he was not sure that the County Commissioners have that authority.

Mr. Easley said it would be nice to know that there is a back-up...

Much diverse discussion took place as Board waited for minutes, all of general informational character.

Mr. Miller made some general suggestions to improve setting conditions and informing parties of requirements and prior submitting of language, etc. Most of his discussion was with Mr. Fitzsimmons and portions are inaudible.

At the conclusion of general discussion related to notifying developers and engineers of required notices, statements, restrictions, etc.,

Mrs. Cox stated, "I have no problem as long as it gets in the minutes and puts people on notice that in the future we're going to require that all retention/detention ponds, swales...be addressed...with a written..."inaudible, as other voice near microphone.

Conversation moved to discussion that although certain stipulations have been made and included in prior minutes, there is no consistent follow up by all parties to insure same on new primary and secondary plats.

Mr. Miller gave general examples of the follow-up problem.

Mr. Jeffers offered examples of methods used in Indianapolis to insure follow through by engineers on drainage plans they submit, including certificates of compliance and observation by design engineers.

Mr. Jeffers concluded by offering examples of how post construction complaints are handled through the Board or the Building Commissioner.

Mr. Shaw pointed out what he felt was a lack of follow-up regarding the rear yard swales.

Mr. Willner stated his opinion that before the drainage plan comes before the Board the Area Plan Commission should require (certain information to be included relative to drainage system maintenance).

Mrs. Cox said, "But then this also needs to be transferred from the drainage plan onto the original (secondary?) plat."

More discussion between Mr. Willner, Mrs. Cox, Mrs. Cunningham, and Bev Behme on why such information did not appear from plat to plat on (Greengate Court) and the exact progression of (this project).

By way of clarification Mr. Jeffers said that (the recommendation for approval) on Dec. 5, 1984, was based upon the streets including some drainage structures (1000' of pipe) which were later eliminated on April (29) 1985; and when those (pipes) were eliminated (the Board) spoke about direct surface drainage into the basin; then the (4-29-85) conversation at the podium turned to maintenance by an association which was included in the Drainage Board Minutes (of that date).

Mr. Jeffers continued, that the reason this came before the Board (5-27-86) is because the drainage plan has changed, the lot sizes have changed, the size of the detention pond has changed, and the method of moving the water has changed.

(Inaudible background conversation.)

Mr. Fitzsimmons is heard speaking to unknown person(s) "...one request, that this drainage plan does get approved with the conditions that you have established during this meeting;" and, "I will even be willing to put on the plat 'no interconnection between the drainage swales' although the plan clearly shows that the swales are entirely on the plat;" and, "also the condition that a homeowners' association be formed, be responsible for and take title to the pond."

Mr. Richard Schroeder explained his concerns, as owner of Lot 33 in Brookshire, about adjoining swales, existing standing water, tedious and continual maintenance and drainage problems encountered by Mr. Schroeder and his neighbors.

Mr. Fitzsimmons stated that the swales will be one to one and one-half foot deep with two foot bottoms and 3:1 side slopes, and the swales will flow north to the pond, then through pipes from the pond north to Lincoln Ave., and that there will be separation between the swales in Greengate Court and the adjoining properties.

Mr. Berries asked (all parties) to tie things together (at this point) and asked...

The meeting was adjourned at approximately 4:45 p.m.

\*\*\*This summary is not intended to serve as, replace or supercede the minutes of the Vanderburgh County Drainage Board, but only to serve as a temporary reference until official minutes are prepared.

Substantial portions of the dicussion before the Drainage Board are condensed in or eliminated from this summary.

All words within quotation marks are direct quotes excepting typographical errors. All words within parantheses are provided as clarification.

*Richard J. Borries*  
Richard J. Borries, President

*Robert L. Willner*  
Robert L. Willner, Vice President

*Shirley Jean Cox*  
Shirley Jean Cox, Member

MINUTES  
DRAINAGE BOARD MINUTES  
June 23, 1986

The Vanderburgh County Drainage Board met in session at 3:40 p.m. on Monday, June 23, 1986 in the Commissioners' Hearing Room with President Rick Borries presiding.

The meeting was called to order by President Borries, who subsequently entertained motion concerning approval of the minutes of the Drainage Board meeting held on Monday, May 27, 1986. Motion was made by Commissioner Willner that the minutes of subject meeting be approved as engrossed by the County Auditor and the reading of same be waived. Commissioner Cox said she had not had an opportunity yet to read the minutes. President Borries noted that the minutes of the May 27th meeting had been used in unedited form at the Area Plan meeting held on June 4th, at which time several subdivisions were being discussed. The minutes have subsequently been edited and are now ready for approval. He provided a second to Commissioner Willner's motion. So ordered.

With regard to minutes for Drainage Board meeting held on June 2nd, President Borries said he is not prepared to entertain motion for approval at this time, as he has not reviewed them in their entirety. Commissioner Cox noted that she also has not had an opportunity to read these minutes. Again, President Borries explained that because of the back-to-back nature of the two Drainage Board meetings, both sets of unedited minutes had been made available to the Area Plan Commission for their meeting on June 4th. He said he has no objection to approving the minutes as they now stand, but formal approval will be deferred for one (1) week until Commissioner Cox has had an opportunity to read the minutes.

RE: EDMOND DITCH

The Chair recognized Mr. Bill Jeffers, Chief Deputy Surveyor. He said he attempted to call all twenty-five (25) property owners who pay into Edmond Ditch account, with the exception of Seaboard Coastline and the County Auditor. While most respondents expressed chagrin at the amount required to fund the improvement, almost everyone agreed that 50¢ per foot is a very reasonable price for silt removal and that the work will have to be done sooner or later. The common complaint was the low market price of farm products. Another comment frequently made was that most respondents knew that the Union Township Ditch Association had notified participants of this program some years earlier.

Mr. Jeffers said he notified each individual contacted that the three (3) Drainage Board members did not want to award a contract before hearing public comment or responses to the phone calls and that the Board would meet at 3:30 p.m. on Monday, June 23, 1986.

With regard to response to the phone calls, it was as follows:

12 for; 5 against; one (1) non-committal; 3 no response;  
4 not contacted (25 total)

Broken into percentages of acreage within Edmond Ditch watershed, the responses were as follows:

66.5% for; 16% against; 4% uncommitted; 7.5% no reply;  
6% not contacted (100% total)

Mr. Jeffers asked that the Board please note that the one (1) non-committal does want the work done, but prefers to wait for the market to improve.

All sixteen (16) owners either for, against or neutral would appreciate the Board's attempting to spread the cost over a two or three year period.

Mr. Jeffers stated that we are now at a critical stage for herbicide application. In fact, we may even be beyond the point where spraying will do any good. It is the recommendation of the County Surveyor's office that the Board accept the bid from Union Township Ditch Association for removal of silt from Edmond Ditch at a figure of approximately \$8,000.00.

Motion was made by Commissioner Willner that the bid from Union Township Ditch Association be accepted, with a second from Commissioner Cox. So ordered.

Mr. Jeffers said there may be individuals from Union Township in the audience who wish to speak concerning Edmond Ditch.

The Chair recognized Mr. Floyd Titzer and asked that he approach the podium to offer his comments.

Mr. Titzer identified himself and said he is the owner of the largest parcel of acreage in the Edmond Ditch watershed. President Borries asked if Mr. Titzer is in favor of or opposed to removal of silt from Edmond Ditch. Mr. Titzer responded that he is in favor of it.

Commissioner Cox said a motion was made. Can the Board do that without having enough money in the fund to let the contract?

Mr. Jeffers said we've already sent out the bills for 1986 for spraying and mowing cost. He assumes they will do the assessment for the additional money next year.

Commissioner Willner said we can borrow from the general ditch account to pay the contractor and repay that as the money comes in.

Commissioner Cox asked, "You can do this then?"

Commissioner Willner responded, "That's what the general account is for."

Commissioner Cox asked, "Are we going to address the question from the group re spreading this over a two or three year period?"

Mr. Jeffers said the Board could take this up at a later date. This is something he wanted to look into to accommodate the obvious jump in price that the Board discussed previously. He thinks we have to ask the State Board of Accounts -- this is what he is saying.

Commissioner Willner asked "You're not going ahead and spray the ditch, right?"

Mr. Jeffers said, "No."

Commissioner Willner said, "Then the dollars coming for that will also go to the dredging of the ditch -- and next year if you finish it up you will have no problem -- so it is spread over two years anyhow."

RE: HIRSCH DITCH SITUATION

Mr. Jeffers said the Board is familiar with the three (3) signs that are within the top of the bank of the ditch, which were installed by Naegele Outdoor Advertising. Mr. Leroy Palombit of Evansville Floor Company, Inc. is in the audience today. He has a request in writing. He previously obtained a variance to allow him to keep his sign 25 ft. from the top of the bank in accordance with State statute. He is now asking to move his sign to within 36 inches of the top of the bank of the ditch, directly north of its present location. He will ask Mr. Palombit if he would like to address the Board.

Mr. Palombit stated they are requesting the moving of this sign only for legal purposes. Naegele has posted signs on the ditch bank, as indicated by photographs which he has with him today. He does not believe they have any written permission to place the signs within the 75 ft. limit. He is just trying to clear up the discrepancy as to why he was asked to keep his sign 25 ft. back (75 ft. back originally) according to the law and why they were allowed to put theirs on the ditch bank, which is naturally of greater advantage to them since it's much closer to the highway

Commissioner Willner said, "That's a good question."

President Borries said, "Leroy, I can't give you a complete explanation re the location of the signs, except that I do recall that Naegele (which is a national concern) signed an agreement with the Southern Railroad who had agreed to allow Naegele to install signs on their right-of-way. It is my understanding that the right-of-way is disputed; there is apparently some dispute re that right-of-way between Southern Railroad who had allowed Naegele to install signs on their right-of-way and Vanderburgh County in relation to how much right-of-way the railroad has, etc., because Hirsch Ditch is immediately south of the railroad. That, I think, has contributed to some of the confusion. Again, as far as I know, the agreement was between Naegele nationally and the Southern Railroad System. That's the best explanation I can give you at this time."

Mr. Jeffers said the only thing he can add to that is that it is his understanding that as of today Southern Railway occupies what was the Wabash-Erie Canal 100 ft. right-of-way acquired some time around the turn of the century from Wabash-Erie and the county compensated Southern Railway for the use of a certain strip of ground within that 100 ft. to install a ditch. Now the question is, did our compensation give us sole ownership or use of that strip or not?

Mr. Palombit asked, "Is that ditch a legal drain?"

The members of the Board acknowledged that it is.

Continuing, Mr. Palombit said the County has a law or statute that says you shall not place any permanent structure within 75 ft. of a legal drain, whether it is Southern Railroad's property, his property....it says not within 75 ft. without written permission. Then, we relaxed that to 25 ft. for him and other people, he assumes. So, if it is a legal drain he wouldn't think who owns the property would make any difference.

Commissioner Willner said, "That's well stated....until you talk to the railroad."

Mr. Palombit said, "If it is a legal drain, then it is up to the Drainage Board to say this is a legal drain and you cannot build within 75 ft. of this legal drain."

Mrs. Cox said, "No one asked us; and now we've got the problem of how to deal with the situation after the fact."

Mr. Palombit said, "I was trying to do what was right by applying for the 25 ft. variance."

Commissioner Willner said, "That's exactly right."

Mr. Palombit said there are laws here that say you can work around such problems; but nowhere does he see anything where anything is allowed under 25 ft. from the ditch bank -- even if they got a variance.

Commissioner Borries said, "Again, that is what has created the problem here. Apparently Naegele dealt directly with Southern Railway System and I can't recall the County of Vanderburgh ever being involved in any discussion."

Mr. Jeffers said, "Naegele made application to the Area Plan Commission for a sign permit and that permit was o.k.'d." In response to query from Commissioner Cox, Mr. Jeffers said that at the time Area Plan was unaware that Hirsch Ditch was a legal drain. That situation has since been corrected.

Commissioner Cox said, "Mr. Jeffers, in the minutes when you talked about this problem previously, you indicated that your office was going to send a letter to Naegele Outdoor Advertising, asking them to at least replace the damaged grass and mulch-seed. Have you had an opportunity to do this?"

Mr. Jeffers said, "I did not send a letter to Naegele. I checked the tape of the meeting which said "seeded" and I had note saying "sodded"---there is quite a difference in expense there. I held up until I saw the minutes and checked the exact wording.

Mrs. Cox said, you said "to put some mulch-seed down"; does that mean "sodding".

Mr. Jeffers said, "No, that means to place grass seed with straw on top."

Mrs. Cox asked, "Was my motion not correct?"

Mr. Jeffers said, "Your motion was absolutely correct. The way I had transcribed it originally was incorrect. It was corrected by Mrs. Matthews."

Mr. Palombit noted that the Board will notice that there would be an extra maintenance or it would be difficult to clean the ditch the way the signs are placed -- because they are out over the ditch. There was some talk or there was a suggestion possibly to charge those people extra for cleaning those areas under that sign. That is all well and good until you have 25 different property owners up and down that ditch and you're going to have to figure out who to send what bill to for how many feet in

between each sign, etc., etc. There's also the problem of the maintenance of the ditch in that it is obstructed by the signs. Why should he pay more (or all the individual property owners charged more) just because Naegele put a sign over the top of the ditch?

Commissioner Cox noted that Attorney David Miller was supposed to have been working on this.

Attorney Jones noted that the law firm of Bowers, Harrison, Kent & Miller represents Southern Railway.

Mr. Jeffers said, "That's why the hold-up."

Attorney Jones said, "I don't have any problem with anybody who puts anything in the right-of-way without obtaining legal permission. The Statute says so; and they can't get permission out of the railroad. The railroad can't give that. The railroad gets permission from this county to get inside our right-of-way and they can't turn around and give it to somebody else -- I don't care what the railroad is doing. The County has responsibility for that right-of-way and it regulates it the same for everybody, no matter whether it's the railroad or one person -- that's the law for everybody."

Attorney Jones questioned whether the county notified Naegele. The answer is, "Yes, when we did our final ditch inspection at the end of 1985 we noticed the signs were in the ditch and we sent written notification to Naegele and they responded by sending a representative to our office to discuss the situation with us. He informed us concerning the cost to install the sign, how much it would cost to remove it and offered to do the maintenance around the sign in compliance with anything we might ask."

Commissioner Willner said he might suggest that the easiest way out might be to ask the companies who installed signs along that ditch to take over the maintenance of it. It might not be completely legal, but it is certainly better than having a lawsuit and going to court. Thus, he'd recommend we talk to them to see if they, as a group, would keep that section of the legal drain clean each and every year.

Commissioner Cox said the only comment she wants to make is that we can't put the entire blame on Naegele. After all, they were issued a permit to erect those signs. So our own local government processes are not working all on the same wave length or Naegele would never have been allowed to get this permit to erect the signs. Part of it is our problem. Mrs. Cox said she doesn't think it's fair. She can understand the gentleman who is here today. If we don't get this corrected -- it may be at the county's expense that we have to go in and pay to have those signs put back -- but what the law says is what we should abide by. If we're responsible here, then we're going to have to stand good for it.

Attorney Jones said the fact remains that he doesn't think the county is. The fact that a permit is issued by Area Plan has nothing to do with the required permission. It's a totally, separate entity of government known as the Drainage Board. We're not responsible for making sure that everybody who walks in off the street goes down and touches all the bases. That's what they're here to do themselves. That's a separate set of permission. If they need to comply with the law, everybody's charged with complying with the law. We're not going to be liable because Area Plan gave them a permit that covers the erection of signs in a particular zoned area. It's a separate and distinct entity from the Drainage Board. Area Plan doesn't give out permission to erect something in the drainage right-of-way. If they did, I'd say we're bound by that. But everybody is charged with coming in and getting that permission.

Mrs. Cox asked Mrs. Cunningham what it said on the permit issued to Naegele?

Mrs. Cunningham said she does not have the permit with her, but offered to retrieve it from the files.

Mr. Jeffers interrupted, "I don't think there is anything on the permit that would clear up anything under discussion. It just shows location and address."

President Borries asked Mr. Palombit if the Board can take his request under advisement at this point until they get the matter with the Naegele people clarified?

Mr. Palombit indicated that this is agreeable to him.

RE: REQUEST TO INSTALL CROSSING IN KEIL DITCH

Mr. Jeffers said the next item on the agenda is a request from SIGECO to install a crossing on Keil Ditch. The calculations for the pipe that they intend to install across which they intend to deliver transformers to a sub-station and do other service on the sub-station that exists there were submitted to Mr. Easley. He checked the calculations. Mr. Jeffers said he subsequently checked the calculations and made certain recommendations to SIGECO. Their engineer is here in the audience. Mr. Jeffers asked him to install the pipe on a grade and size that would handle 500 c.f. per second to accommodate future industrial growth in the area. He has a set of plans that conform with the recommendations of both Mr. Easley and the Surveyor's office.

Mr. Terry Moe, SIGECO's engineer, introduced himself.

In response to questions from Commissioner Willner, Mr. Jeffers said it is a concrete pipe totally encased in rock on a rock base with rip-rap on either end of the pipe. He believes they intend to leave it as a rock entry road, unpaved by asphalt or concrete.

Motion was made by Commissioner Willner that SIGECO be granted permission to install the pipe in Keil Ditch, with a second from Commissioner Cox. So ordered.

Mr. Jeffers said the Surveyor's office will keep the plans on file. He's sure they will install the pipe according to plan and everything will work satisfactorily.

RE: CONTINUED MAINTENANCE OF KEIL & SONTAAG STEVENS DITCHES

Mr. Jeffers said that at the last meeting, the Board directed the Surveyor's office to meet with the Board of Public Works (which they did) to discuss the continued maintenance of Keil and Sontaag Stevens Ditches. That meeting was held on Wednesday, June 18, 1986. The BPW wants to cooperate with the Drainage Board to insure maintenance and payment for maintenance for those two ditches which are in the annexed portion of the County. The BPW directed their lawyer to research any applicable statutes and they suggested that we arrange for a method of maintenance and payment for maintenance between us, beginning January 1, 1987. They noted that the city has not yet collected the taxes on that portion of the county that was added. The taxes to the City of Evansville are not due until 1987. Basically, what he is saying is that the maintenance of Keil and Sontaag-Stevens is to the benefit of County residents. It is also of benefit to the County residents who were annexed into the City. We need to proceed immediately with herbicide application and then in the fall with the mowing of weeds.

It was noted by Mr. Jeffers that he thinks it was heretofore stated that the State Board of Accounts had not encountered a similar situation previously and didn't have any objection that they stated. We have a huge surplus in that account due to the collection of \$5.00 minimum bills from subdivision lot owners. The farmer who works the ground who's affected by the ditch is just on the edge of the seat waiting for us to start maintenance of this. If the Board would take action to continue maintenance of the ditch, the Surveyor's office will prepare specs and advertise as soon as possible...for both Keil and Sontaag-Stevens ditches...this would be for herbicide treatment and mowing.

Motion to this effect was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: REQUEST TO ADVERTISE MAIDLOW DITCH SPECS

Mr. Jeffers said he also has the specs for Maidlow Ditch to be approved by the Commissioners for advertising.

Commissioner Willner asked Mr. Jeffers to refresh his memory.

Mr. Jeffers said they scaled down the specs to meet the budget.

Motion to approve specs and advertise was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

DRAINAGE BOARD  
June 23, 1986

RE: CHANGES IN DRAINAGE PLANS/EASTLAND ESTATES SECTION "D"

Mr. Jeffers said the only other item he has concerns the changes we allowed Mr. Bussing to make in the drainage plans for Eastland Estates Section "D". He has requested a copy of the minutes and a short letter from the Surveyor's office stating that the motion was made and approved. Mr. Jeffers requests permission to send the letter to Mr. Bussing.

Commissioner Willner said he would like to read the letter first. However, he does have permission to write the letter. Are the minutes somewhat foggy?

Mr. Jeffers said they are not. He will simply say, "Dear Mr. Bussing, Enclosed is a copy of the minutes of Drainage Board meeting of May 27, 1986, wherein a motion was made, seconded and passed by the Drainage Board, etc. Proceed as per motion."

Commissioner Willner said, "Send Mr. Bussing a letter, by all means."

RE: FOX POINTE SUBDIVISION

Commissioner Cox asked if Fox Pointe Subdivision matter has been postponed another thirty (30) days?

Mr. Jeffers said he has had no communication....

Mrs. Cox said, "Andy was supposed to have met with the developers before the end of the thirty days and they were to have come back. She guesses he wasn't able to do it. Don Blume and Tom Bodkin attended the May 27th meeting."

Commissioner Willner asked, "How do you know they were supposed to come back?"

Mrs. Cox responded, "That is what it said in the minutes."

Mr. Jeffers said, "Mr. Borries informed the petitioners that the meeting would be the fourth Monday in June. But I have had no contact with any of the parties concerned."

Mr. Easley reported that he has been in contact with the engineer, who has been in contact with his client (the developer) and they're going to try to have the matter resolved in two weeks. They agreed that we could take another two (2) weeks to come to an agreement. That is why they are not here today.

Commissioner Willner asked, "What are we trying to achieve, Andy?"

Mr. Easley said we're trying to come up with a line that we can live with as a north right-of-way line of Lynch Rd. and to try to preserve the 38 lots that they want to put along the southside of the subdivision, if at all possible. We will also need right-of-way from Al Bauer's property to the south. He has been in touch with Al Bauer and he is trying to bring this together within the guidelines of the environmental impact document. There is a lot at stake here. He thinks they have nearly reached an agreement.

Commissioner Willner said, "Well good, continue. But a word of caution -- we need the Federal government to agree to that, also."

Mr. Easley responded that he has been talking with Lee Gallivan and the people at the IDOH.

The Chair entertained further business. There being none, President Borries declared the meeting adjourned at 4:30 p.m.

<u>PRESENT:</u>	<u>DRAINAGE BOARD</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Richard J. Borries Robert L. Willner Shirley Jean Cox	Sam Humphrey, Chief Deputy	David L. Jones
	<u>COUNTY ENGINEER</u>	<u>COUNTY SURVEYOR</u>	<u>AREA PLAN COMMISSION</u>
	Andy Easley	Bill Jeffers, Chief Deputy	Barbara Cunningham Beverly Behme

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DRAINAGE BOARD  
June 23, 1986

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OTHER

Floyd Titzer/Union Township  
Leroy Palombit/Evansville Floor Co., Inc.  
Terry Moe/SIGECCO Engineer  
News Media

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MINUTES  
DRAINAGE BOARD MEETING  
JULY 28, 1986

The Vanderburgh County Drainage Board met in session at 4:05 p.m. on Monday, July 28, 1986, in the Commissioners' Hearing Room, with President Rick Borries presiding.

The meeting was called to order by President Borries. He said he wanted to express appreciation to Bill Jeffers and Linda Freeman for their assistance re the minutes of the June 2nd meeting. (This was when Joanne was under a lot of pressure with her different sets of Board minutes that she has to do and meetings were running back-to-back.) The Board has the summary of the June 2nd meeting to be approved at this time. He asked if Commissioner Cox has now had an opportunity to review same? If so, and if agreeable with her, he would entertain a motion for approval. Motion was made by Commissioner Cox that the summary of the June 2nd meeting be approved, as presented, with a second from Commissioner Willner. So ordered.

Mr. Jeffers said he and Ms. Freeman were happy to do this, as Joanne had about four (4) meetings in a row which were quite lengthy.

RE: COUNTY BIDDING PROCESS

Mr. Jeffers said that prior to opening bids, he would like to read the following per I.C. 36-9-27-78):

- "1) Each bid must be accompanied by a Cashier's Check or a Bid Bond in the amount of 5% of total bid, made payable to the Board.
- 2) Successful bidder must enter into contract within five (5) days of the awarding of the bid.
- 3) The contract will provide that the contractor will perform the work under the supervision of the Surveyor. The claim will not be approved by the Board until the work is approved by the County Surveyor.
- 4) The work will commence within thirty (30) days of July 31, 1986, and work will be completed within ninety (90) calendar days of July 31, 1986.
- 5) Fifteen (15) per cent of contract price will be withheld for sixty (60) days following completion of work for the purpose of securing payment of suppliers, laborers and sub-contractors.
- 6) Upon execution of the contract, the successful bidder shall give the Board a Performance Bond payable to the Board in the amount of 100% of the contract price.

Mr. Jeffers said the foregoing is all part of the Indiana State Statute and he wanted to read same, so if any bidders are present who cannot do that, they can withdraw their bid before it is opened.

Commissioner Borries asked if there are any bidders present today who would not be able to follow those guidelines?

Mr. Jeffers said the reason he did this is because we have some bidders with us who have never done business with the County before and may not be familiar with how we do it.

DRAINAGE BOARD  
July 28, 1986

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RE: KORB SUBDIVISION

Jeffers said the only subdivision on the Area Plan agenda for August is Korb Subdivision. This subdivision is being engineered by Veach, Nicholson, Griggs Associates and they sent a letter to the Drainage Board, as follows:

July 25, 1986

Drainage Board  
Vanderburgh County  
City-County Building  
Evansville, IN 47708

Re: Korb's Sub - APC NO. 29-S-86

Dear Board Members:

Enclosed is a copy of the proposed Korb Subdivision.

The subdivision is a partition of property whereby there are no new streets and the lots will remain mostly as is except where the homes are constructed.

With this in mind, there will be very little increase in run-off over what is there now and we do not propose a drainage plan. I have discussed this with Andy Easley and we concur.

I have marked in red an existing "natural drain" which will be surveyed at the time the lots are staked and documented on the plat.

Yours truly,

VEACH, NICHOLSON, GRIGGS ASSOC.

Billy T. Nicholson

In response to query from Mr. Jeffers, the Board Members stated that they had not received a copy of the subject letter.

RE: OPENING OF BIDS

President Borries interrupted by calling for a motion to authorize the County Attorney to open the bids received. Motion to this effect was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: KORB SUBDIVISION

Continuing, Mr. Jeffers said the Board has a copy of the plat of the subdivision before them and as they can see, it is a four (4) lot subdivision. There is also a soil conservation statement. The Board spent several minutes reviewing the plat. Commissioner Willner asked, "It is in the Town of Darmstadt?" Mr. Jeffers acknowledged that this is correct. Commissioner Willner asked, "And it will have sewers?" Mr. Jeffers said he is not familiar with the Darmstadt sewer plan, but it is north of Wortman Rd. and inside the Town of Darmstadt. Commissioner Willner asked Mr. Easley when they're going to start letting the contract? Mr. Easley responded, "Probably ninety (90) days after they award the contract. Mr. Willner asked, "In 1987 then?" Mr. Easley said, "No, they will start as soon as they are awarded the contract." Commissioner Willner asked "We don't have to worry about septic?" Mr. Easley said, "No."

Commissioner Willner asked Mr. Jeffers for his recommendation.

Mr. Jeffers said he wants to be somewhat cautious about making a recommendation on this sub, because even though it is a small subdivision and the letter is relatively accurate in the

statement it makes, we have required drainage plans on similar small subdivisions (like the one on Williams Rd. recently on the west side -- it is very similar to this; and we required a drainage plan on Euler sub in the north part of the County.) In those two plans we asked the engineer to locate the natural drainage swale with some sort of dimensions. Commissioner Willner asked, "And the amount of run-off?" Mr. Jeffers said he is a little hesitant to do that; he doesn't want to hold up progress on such a small project, but he thinks this subdivision and its developers should be subject to exactly the same restrictions that we put on any other subdivision, which would be the notices on the plat concerning drainage easements; the roads and control notice; the requirement to locate drainage easement to house natural drainage swale back to the lake. the same thing.

President Borries queried the Board concerning their feelings regarding Mr. Jeffers' recommendation.

Commissioner Cox asked, "Did they not know that they were supposed to submit a drainage plan?"

Mr. Jeffers said he will take some of the blame; he was on vacation last week and they probably called to ask him and he wasn't there. But he hasn't had any direct contact either with the sub-divider or his engineer other than the two mailings he received (one was hand-delivered and one was mailed). In response to query from Commissioner Cox, Mr. Jeffers said that Mr. Billy Nicholson signed the letter and he assumes he is the engineer. Mrs. Cox said it does speak to erosion control in the notes on the plat. Mr. Jeffers said we have the standard drainage easement statement and the requirement that the swales be 3 to 1 side slopes and we would normally ask them to locate that drainage easement with some dimensions.

Commissioner Borries said he would suggest that, in addition to the material that you regularly place on there, (assuming that they would comply with all those standards) does Mr. Jeffers have any other serious objections to this plan? Mr. Jeffers responded in the negative. He said it is a relatively simple subdivision -- these are large lots. Commissioner Borries said that maybe the Board can grant approval,, subject to the standards that the County Surveyor asks all developers to do. If they're unwilling to list those things on the plat, then the Board just cannot approve it. Subject to their agreement to include the aforesaid standards, this would allow it to move forward to Area Plan without the Drainage Board having to have another discussion on this. If Mr. Jeffers doesn't mind, he can go ahead and write to whomever, if he'd like to move it along that way. If not, the Board will just have to hold it subject to someone's appearance here. Mr. Jeffers said he would compare it directly with the subdivision on Williams Lane and Euler sub on Old State (that would be the type of restrictions or conditions we'd require -- they would be the same as for those two small subs).

President Borries asked if this is agreeable with the Board? Motion was made by Commissioner Willner that the drainage plan for Korb Subdivision be approved, subject to all recommendations advanced by the County Surveyor's office, with a second from Commissioner Cox..So ordered. President Borries said that if there is any refusal or lack of cooperation, then he would assume that Area Plan wouldn't hear it. If they are agreeable to meeting the recommendations of the County Surveyor's office, then he assumes Area Plan will hear it.

Mr. Jeffers said he will put this in writing and send it to Mr. Nicholson and see what his reply is.

RE: MILLER EQUIPMENT COMPANY RE REQUEST TO DISCHARGE WATER INTO LEGAL DRAIN

Mr. Jeffers said there are three gentlemen in the audience who need to get back to their offices. Thus he'd like to cover these items next.

The first concerns Miller Equipment Co., located on Old Boonville Highway alongside Crawford-Brandeis Extension (which is a legal drain in Vanderburgh County). They are asking to discharge water from an industrial development of their parcel into a legal drain which is part of the East Side Urban North Half. Their engineer (Mike Fitzsimmons) is represented here by Steve Sherwood. They went to great pains to give us calculations and a plan. They calculated it based on 25-year storm and they calculated it based on a 100-year storm and showed that their dry retention basin would discharge less than the 25-year storm under 100 year rainfall conditions. We didn't ask for all that; however, they were nice enough to volunteer the information. Mr. Sherwood is here should the Board have any questions. But basically, based upon the calculations they submitted the County Surveyor's office would recommend that the Board grant them permission to locate a 36 inch corrugated metal pipe 50 ft. long into the 75 ft. right-of-way of Crawford-Brandeis Ditch near the northeast corner of Miller Equipment Company's parcel under the following conditions:

- A) That they construct a riprap apron from the outlet of the pipe to the toe of the slope.
- B) Dig a 2 ft. deep trench at the top of the slope and fill it full of riprap so that that riprap apron locks itself into the toe of the slope and maintain that for one (1) year until next inspection, which will be November 15, 1987. At that time, when we inspect the ditch if we find that the riprap apron is sufficiently stabilized, we will maintain as normal in 1988. With that stipulation, it is the Surveyor's recommendation that the Board grant written permission to Miller Equipment Company to go ahead with their drainage plan for their parcel on Old Boonville Highway.

In response to query from Commissioner Willner, Mr. Jeffers said the only thing that will be in there is storm drainage. He said it will be the same as or less than the amount that is now going into there.

Motion was made by Commissioner Willner that the request be approved, with a second from Commissioner Cox. So ordered.

RE: TEXAS GAS TRANSMISSION RE REQUEST FOR PERMANENT INSTALLATION OVER NURRENBERN DITCH

It was noted by Mr. Jeffers that Texas Gas Transmission is requesting a permanent installation over Nurrenbern Ditch (a legal drain in Vanderburgh County on Fuquay Rd., between Outer Lincoln and the Division Street Expressway). This is to serve Texas Gas Transmission's pressure line that runs on the east side of Fuquay Rd. The Surveyor's office recommended to Texas Gas Transmission engineers that they size their pipe for this crossing the same as or larger than Williamsburg-On-The-Lake, Part II and the State Highway Division Street culvert. They did so (they located a 58 inch by 91 inch elliptical concrete pipe. They have submitted plans and they are here. They show 2 ft. of #7 rockfill under the pipe (18 inches minimum of #3 rock over the pipe, riprap 10 ft. either side of the pipe; 12 ft. access road; and everything about the same that we had for SIGECO last month when they came in with request for Keil Ditch.

Mr. Jeffers said they also want temporary access at a different location on the ditch to move a transmission line at the request of the Indiana Department of Highways for the Division Street project. Again, they submitted a plan to show a temporary crossing which, during dry weather, we think will handle the water. They also have a low water crossing in case we get some high water and the County Surveyor's office recommends approval of both requests: One for the permanent access and one for temporary access, on the basis that if the temporary access impedes the flow of water during an emergency that the County would be empowered and not held liable for removing it if it imperils property out there.

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Commissioner Borries asked if it is Mr. Jeffers' recommendation that the requests be approved? Mr. Jeffers responded in the affirmative. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: REQUEST FROM CITIZEN'S REALTY

Mr. Jeffers said there is a request from Mr. Joe Wallace of Citizen's Realty. He is not here today; but basically what he wants to do, a client of his owns an eight (8) acre piece of property at the very upper terminus of Kolb Ditch (where Kolb Ditch intersects with the new Covert Avenue Extension). Historically Kolb Ditch flowed southeast from that point. However, due to a lot of changes in the area, some of that water should flow into the Covert Avenue storm sewer system, but it is not planned to do so. His client would like to build on this 8 acre parcel. Mr. Jeffers distributed copies of survey done by Morley & Associates. As can be seen, the ditch cuts the piece of property diagonally and makes it disadvantageous for development, when you consider that they would like to front on Covert Avenue. First, they want us to vacate the drain. But in order to vacate the drain, the Board must serve notice on all affected property owners, fix a hearing date, receive objections, hold a hearing and issue an order to vacate. We can't do that today. What the County Surveyor would be willing to do would be to recommend that Mr. Wallace's client be granted permission to plat a permanent drainage easement 30 ft. wide parallel south of and adjacent to the Covert Avenue south right-of-way line and another 30 ft. strip parallel to and adjacent to and west of their east property line, so they can relocate the ditch along the north property line and the east property line and join with the existing channel at the point at which the ditch leaves their property (approximately 400 ft. south of their north property line) and then when CHAL Corp. comes in for their development around the parcel they'd have to plat another 30 ft. easement and that would give us the total 60 ft. in which Kolb Ditch could be relocated. It's a very small channel up there. It could be relocated all with that 30 ft., but we need to maintain that 25 ft. right-of-way for open channel. Then later, if Mr. Wallace's client can obtain permission from the City Engineer to stub into the Covert Avenue Extension storm sewer system and he tilts his land so that all that water goes into that storm sewer system (which the storm system sewer can handle that) we could vacate that drain at that time. At the present time, the Surveyor is only recommending that we allow him to relocate Kolb Ditch in an easement reserved only for Kolb Ditch with no utilities. If Mr. Wallace or his client choose to relocate it that is fine. If neither wants to go to that expense, he can give up the plan or seek another recourse. The only thing they want the client to understand is that CHAL Corporation is going to have to send us a letter agreeing to platting a 30 ft. easement on their side of the same line (from the northwest corner down to the ditch) and those 30 ft. easements will be reserved for Kolb Ditch only.

President Borries asked the Board for their comments.

Commissioner Willner said there are only two choices: pipe it or change the course. Mr. Jeffers agreed. Mr. Willner asked how deep it is there now? Mr. Jeffers said it is very shallow, probably 2 ft., and it is very silted. It would be to the benefit of the Drainage Board if they did relocate it, because at least it would be a new ditch. Motion was made by Commissioner Willner that the request be approved, with a second from Commissioner Cox. So ordered.

RE: RELOCATION OF NURRENBERN DITCH/GENE GLICK CORP.

Mr. Jeffers said the Board will recall that on March 31, 1986 the Board granted permission to Williamsburg-On-The-Lake (Gene Glick Corp.) to relocate Nurrenbern Ditch. They would like written permission for their file. He has composed a letter on

Surveyor's office stationery, but it does pertain to the Drainage Board. He will submit same for the record; but it simply states that the Board passed the motion that the purpose is to improve drainage, sound and safety barrier and to beautify the area. The Board can give written permission to plant trees, shrubs within the right-of-way of legal drain, however, designated State Statute states that such trees, shrubs and vegetation may be removed by the Surveyor if necessary for proper operation and maintenance of the drain and that (and this is the part he needs the Board's approval on) Mr. French of Gene Glick Company can consider this letter to be written consent of the Board to proceed with his plan to plant within the right-of-way of Nurrenbern Ditch but that the County Surveyor reserves the right to remove the plantings if they impede proper drainage and that any damage to any such plantings by our contractors, etc., the Drainage Board and the Surveyor will not be held responsible for said damages. This is all according to I.C. 36-9-27-33 (D). Mr. Jeffers said the law does state that the Board has to provide written permission and this is why he is requesting same.

Commissioner Willner asked that when he talks about plant within the right-of-way, is he talkig about crops or landscaping?

Mr. Jeffers said they are going to create a sound barrier with a mound of dirt in front of the apartments; they will plant trees, shrubs and other landscaping plantings to obscure the view of the road from the patios of the apartments that face Fuquay Rd. And those plantings will be within the right-of-way of Nurrenbern Ditch. Mr. French wants to maintain it; their maintenance men will mow it. Mr. Jeffers told Mr. French that this is fine and dandy; but if our contractors accidentally injure one of his plants in the right-of-way, we are not going to be held responsible for it. Mr. French said, "Fine, send a letter".

The Chair entertained a motion. Motion was made by Commissioner Willner that the foregoing letter be approved, with a second from Commissioner Cox. So ordered.

RE: BIDS

President Borries requested that the County Attorney Miller proceed with the reading of bids.

Maidlow Ditch: Quentin Stahl bids \$4.35 per foot and estimates 1,100 ft. for a total bid of \$4,785.00. Bid is in order and the proper bond is attached.

In response to query from Commissioner Cox, Mr. Jeffers said we have an estimated surplus of \$5,220.00 at the end of the year and we estimated that it would cost \$3,200.00 to accomplish the project.

Maidlow Ditch/Additional Maintenance: Attorney Miller said the next bid does not have a project number, so he assumes it is the same project (Maidlow Ditch located west of Bender Rd. Bridge). Mr. Jeffers said he is certain it is the same project. The bid is in the amount of \$10.00 per foot for a total of \$11,000.00 from Tapp Excavating Co., Inc. (Henderson, KY). Bid is in order and there is a Certified Check submitted as bid bond.

Sonntag-Stevens Ditch, Sonntag-Stevens Extension & Keil Ditch:

Bid from Norman E. Messel as follows:

Sonntag-Stevens Ditch	10,705 L F.	\$2,248.05
Keil Ditch	3,012 L F.	843.36
Sonntag-Stevens Extension		<u>280.00</u>

Total \$3,371.41

Maidlow Ditch: Bid from Big Creek Drainage Association for 1,100 ft. at \$2.709 per ft. for a total of \$2,980.00. The bid is signed by Messrs. Ellison and Elpers and is accompanied by a certified check in the amount of \$149.00, which is equal to 5% of the total bid.

Commissioner Willner said, "Two wrongs don't make a right."

Mr. Easley queried Mr. Williams concerning the diameter of the pipe. Mr. Williams said it is a 15 inch pipe. In response to query from Mr. Easley re depth of cover on the pipe, Mr. Williams said he would say perhaps a foot. Someone told him it was 15 inch tile and then it went to a smaller size. But it has washed out around the end with the smaller tile.

Commissioner Cox queried Mr. Williams about the length of the drainage tile. He said it is about 40 to 45 feet. When it washed out that way once, they came out and dug it up and re-laid it, saying the tile had slipped apart. They said they would re-lay it in sand and it wouldn't wash out --but it has. And it was on private property when they dug it up.

Commissioners Willner and Cox asked Mr. Williams if he signed any agreement? He said, "None, whatsoever." In response to query from Commissioner Willner as to who dug the tile up, Mr. Williams said the County dug it up (around 1968). There is one big hole there now, but there are three or four that are sunken which will soon be holes. If you'd step on them, they'd probably go down now. All he is asking is that the County come out and re-lay the pipe and get rid of the hole that is there.

Commissioner Cox asked if Mr. Easley, the County Engineer, can go out and look at the situation. It may be that we no longer need this drainage tile. If we can correct the natural drain along the right-of-way and alleviate Mr. Williams' problems, then she thinks that is what we should do.

Commissioner Borries said the Board will work with Mr. Williams and perhaps do some further research, but the problem that exists is that it is private property.

Mr. Williams said he will build his property up then all the water will run across the road. It will cost him, but it is going to cost him one way or the other (build it up or have a lawsuit).

Commissioner Willner requested that Mr. Easley investigate the situation and make a report to the Board.

Mr. Williams asked Mr. Easley when he can get out there. If he doesn't get out there, he will have a man out there on Saturday to dig it up.

In response to query from Mr. Easley, Mr. Williams said he would estimate that perhaps about three tile have to be re-laid. Mr. Easley asked if Mr. Williams has considered having this done? Mr. Williams said he is not going to do it. If they don't do something about it, he is going to have it dragged out of there.

Mr. Easley said it seems as though it would take more effort to dig it up than it would to repair it.

Mr. Williams said if he repairs it this time, then in a few years he will have to do it again. He's already had dirt hauled in there three or four times to have it sealed up.

Mr. Easley advised Mr. Williams and the Board that he will try to get out there tomorrow.

In response to query from Mr. Williams as to whether he ever found anything in the minutes, Mr. Jeffers explained that Mr. Williams called him and asked if he could verify whether the county ever did anything. He said he spent a couple of hours down in the Auditor's office looking through records from 1967, 1968, and 1969. Unfortunately, the Auditor at that time did not do nearly as well indexing the books as does the present Auditor and her staff....and he did not have time to go through the

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minutes page-by-page for three years. He could not find any reference to this under "Roads, Drainage, Ditches, Pipes, Seltzer Rd. (anything that would cross-reference, such as Williams, etc.). It does involve more than Mr. Williams' house; it involves the Woehlers. The whole problem has been going on for approximately 1-1/2 years to his knowledge and no one has been able to resolve it..and there has been one potentially dangerous accident happen..and we need to see what we can do. If we can't do anything, then he is sure that Mr. Williams has a solution of his own, as he has already stated.

Mr. Williams said he would be easier if the county would come out and re-lay the tile and take care of it. That is what they told him they would do when they installed it. In response to query from Mr. Jeffers, Mr. Williams said he did not sign anything at all. Mr. Jeffers asked if county equipment came out there? Mr. Williams said it was county equipment that came out and dug it out and it was county equipment that came out and dug it up the second time. Mr. Jeffers reiterated that the problems is adversely affecting about three pieces of property.

Commissioner Borries said Mr. Easley will come out and make an investigation. He wishes he could tell him that the county can solve the entire problem, but he doesn't know how it happened.

RE: THE LOFTS (EDEN PLACE

Mr. Jeffers said that The Lofts is in Eden Place off Vogel Rd. Eden Place initially got Drainage Board approval as commercial. The Lofts is a PUD and so long as it does not cover with more hard surface than that which commercial development is allowed to cover, the drainage plan for The Lofts is acceptable (under the previous drainage plan which has already been accepted) and it is the recommendation of the County Surveyor that the plans submitted by James Q. Morley & Associates be approved.

In response to query from Commissioner Cox, Mr. Jeffers said it is privately-owned parcels (behind Bob Evans restaurant). As a matter of fact, the drainage plan is already in place and is discharging into Crawford-Brandeis. Initially, this was known as Lot #9, Eden Place. He said he believes it will be less coverage than commercial; not much, but a little.

The Chair entertained a motion. Motion to approve The Lofts was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: BROOKVIEW - SECTION E

Mr. Jeffers explained that this subdivision is basically 56 lots. It was previously platted as smaller lots, more street surface, keyhole cul-de-sacs, etc. It is now one long cul-de-sac, larger lots, etc. Commissioner Willner may remember when the first drainage plan came through that he requested the retention pond be as large as possible to hold the creek back before it discharges into the railway spur. This plan enlarges the lake substantially. He believes they told Commissioner Willner that the lake would be larger when the next development came through. This lake is substantially larger than the lake shown on the initial plans. All the drainage capacity for these structures has been calculated and approved at an earlier date. Mr. Biggerstaff submitted the plans today which show some pipes that require easements. Underground conduit shall be located on suitable easements, etc. There is a drainage easement only between Lots #41 and #42 and another one to carry the pipe between Lots #46 and #47. And another drainage easement only between Lots #51 and #52 and between Lots #56 and #19 to the lake and between Lots #7 and #6. These are all drainage easements only. Also, all along the back or south line from Lot #39 back to Lot #56 there should be a drainage easement only to carry the water that comes down off the back of those lots and carry it into the pipe that goes underneath the railroad. That should be

platted as a drainage easement only. There should be notice on the plat to the effect that drainage easements are for drainage purposes only and an encroachment within those by permanent structures, etc., shall be prohibited and the property owners shall maintain those easements free of any restriction of free flow of water and all the others that apply. If that is on the plat on Wednesday, then the County Surveyor would recommend approval based on those stipulations. This is to bring the plat (which is going to go before Area Plan Commission) into compliance with what we require in 1986. The previous plan was passed prior to 1986.

In response to query from Commissioner Willner, Mr. Jeffers said this will be a wet lake. Mr. Biggerstaff indicated to him that all drainage facilities would be maintained by private property owners and it will so state on the plat. This covers all drainage facilities outside of street and accepted street right-of-ways.

Continuing, Mr. Jeffers said that if Mr. Biggerstaff brings him the plat on Wednesday, and if everything is on the plat as specified, he will do the same thing he did for Mr. Nicholson's plat a couple of weeks ago -- he will have Mrs. Cunningham or her staff come to the Surveyor's office or he will go to APC and say "yes, it is all on here now". If all this is not on the plat Wednesday, then APC can't act on it. It has to be on there before 6:00 p.m.

The Chair entertained a motion. Commissioner Willner moved that, with those stipulations, the drainage plan be approved, with a second from Commissioner Cox. So ordered.

RE: BLUE GRASS FARMS SUBDIVISION - DRAINAGE PLANS

The drainage plans for Blue Grass Farms Subdivision was presented next by Mr. Jeffers. He said this subdivision is located on Hillsdale Rd., just about 1/2 mile east of Highway 41 -- east of the small settlement of Hillsdale - and about 1/2 mile west of Browning Rd. There is presently a horse farm there and some agricultural buildings and a home site (he thinks). Because this flows directly into the 100 year flood plain south of Hillsdale (a part of Little Pigeon Creek's flood plain that was studied by the Corps of Engineers) Mr. Morley's staff has done all of these calculations based on 100 year storm, rather than 25 year storm. And he has sized all the pipes for a 100 year storm, rather than a 25 year storm. This is to his benefit, the benefit of the public and the benefit of the developer -- because there won't be any dips in the road to accommodate the overflow of those pipes had they been sized 25 year. So, all the water will be carried through the size pipes indicated on the drainage plans. This will also show up on the street plans. Those pipes will carry a calculated 100 year event. The county recently installed a large metal pipe (in the bottom left corner of the plat); this was installed around 1981 or 1982. It is sized for a 25 or 50 year event. Mr. Jeffers proceeded by explaining that when the water comes down, if it exceeds the 50 year rainstorm it begins to crest Hillsdale Rd. and that is why Mr. Morley shows top of road elevation of 405.64. He set the minimum floor elevations approximately 2 ft. above that elevation, because once that water crests the road it will flow out on the south side of Hillsdale into the 100 year flood plain (Little Pigeon Creek) and that is as high as that water can get. He set minimum floor elevations beginning at 407.50, which is just under 2 ft. above the top of the road. He is also going to build those lots up to that elevation. This pretty much takes the lots and houses outside the 100 year flood. The ditch that he is digging in there will accommodate the 100 year rainfall until the pipe restricts that flow; then there will be some water in the backyards until the water recedes. However, all the houses will be protected against that water.

Commissioner Willner queried Mr. Jeffers concerning the size of the lots. Mr. Jeffers said they are from 2/3 acres to 1-1/2 acres. They have some good sized drainage easements and also public utility easements outside of the drainage easements. We do not want anything inside the drainage easement that might cause a trench.

Commissioner Cox queried Mr. Jeffers concerning ditch coming down from the north and he said it comes down and goes underneath Hermitage Rd. It used to come straight down and join another existing ditch...but it was relocated. He said the only comment he has is that there are some required easements (particularly just north of Hermitage Rd. In the area Mrs. Cox was questioning, there should be an easement on each side of the lot line to come down to the pipe. He left an easement off (the pipe that goes under Bluegrass Rd., there is an easement missing across that lot to the relocated ditch). He called these to their attention and they said the next drawing will contain those. Likewise, by Wednesday he will have to check to be sure all the easements are shown. No. 4 and No. 5 should be incorporated into a notice and that notice should appear on Pond Flat, not just on drainage plan (he's talking about general notes #4 and #5). This should appear on the final plat. All the easements should appear on this drainage plan and be recorded in miscellaneous records or, if he prefers, they can appear on the final plat. He will check everything on Wednesday and advise Area Plan as to whether he has included everything on the plat.

Proceeding, Mr. Jeffers asked if the Board understands what he is saying about the culvert we put underneath Hillsdale? That it is only sized for 25 year? Commissioner Willner said, "Yes, we have troubles there already." Mr. Jeffers said what this does is create a 100 year flood plain where it shouldn't be and that is a mistake that could happen anytime the county puts in a 25 year storm design. This is the first time that it has shown up that he knows of, but we actually created a 100 year flood plain upstream of that road. Had that pipe been a little larger, this man would not have had to have messed with that. But, in general, our design throughout the county has been for a 25 year storm. He's been able to deal with it and correct it; and there is no problem if he builds this thing as it is designed on this plan. But that is something we should start watching. If we go to the expense of putting in a pipe, we should go ahead and spend the extra \$200 and out in a big one and open those waterways up. Mr. Jeffers said they did all their calculations using a .4 C factor and with this large of a lot, he'd say he's being very generous; because if these lots end up being well developed turf, we'll have less runoff than we have as average pasture. We're getting approximately a .4 runoff now. He calculated .4 after development, also. But if they develop these lots with nice, tight turf, we'll get about a .35 and less runoff. He is aware of Commissioner Willner's concerns, but he would point out that this discharges directly into the flood plain and then spreads out all across that farmland and the effect is miniscule. He thinks what the Board is really looking at is whether there is any additional volume of water. He doesn't believe that under the current guidelines in the HERPIC Manual that there will be any additional volume of water, although it is hard to believe. He has some data from Indianapolis which he has been reviewing periodically with Commissioner Borries and we're going to start moving toward using some different types of calculations in 1987 like larger areas like Indianapolis use that will guarantee us that there will be no additional water. Under the current ordinance, we're doing the best we can. Actually, Mr. Danny Leek of Morley's used the same table for this development that the Indianapolis Drainage Code uses, which is stricter than the HERPIC table.

The Chair queried the Board concerning their feelings. Commissioner Willner said his intuition tells him that they need some retention. Mrs. Cox said they are going to get some

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retention. Commissioner Willner said the water from Browning Road estates, Tall Timbers, etc., is all going to end up down there. They just asked Mr. Bussing (who is in the same watershed (a half mile from this area) to include retention. It is hard for him to believe that 43 homes is not going to add some watershed to this thing. Mr. Jeffers said it is extremely hard to believe; but that is the way the manual is set up and Mr. Borries can tell Commissioner Willner what he has been going over with him -- but they have not yet sat down and beat it out to a finalization. But they have gone over it in depth two or three times and he thinks everyone realizes we need to get a little more sophisticated. What he can do is to ask Mrs. Cunningham that if they do something with Calumet and Bluegrass Rd. -- are they going to move it over somewhere? Mrs. Cunningham offered comments, but they were inaudible, except she said they are still looking into this matter.

Mr. Jeffers said that if the Board suggests or require a retention pond or detention pond, the water will end up in the bottom left hand corner of the plat. That area does actually fall within the Corps of Engineers' 100 year Flood Plain Study. That was done before we put the pipe in. When we put the pipe in, we did create a little 100 year flood basin that backs up about 300 to 400 ft. from that pipe -- so that is where it would go.

Commissioner Willner said that if we take the ditch in the lower left hand corner and project that on down, the first thing it does is cross Walnut Rd. -- From there on, we've got problems. If we go down further, the Scott Township City Club has a recreation center there, three ball fields, a tennis court, etc. (downstream) -- that is all 100 year flood plain and it all has troubles now.

Commissioner Cox said she thinks Commissioner Willner is correct.

Mr. Jeffers said all the foregoing is in the same general vicinity and will be affected by backwater or headwater or whatever. It's all part of that same Little Pigeon Creek system. If we require detention pond, it will have to go in the corner being discussed and the developer will lose approximately two (2) lots -- this is what the Board will hear from the developer. From the engineer, they will hear that it makes no difference, because at that end of the watershed he is discharging directly into the 100 year flood plain. It will then spread out and have no effect from there on down. However, if the Board wishes to require that, it will not be over the objection of the Surveyor's department.

Commissioner Cox said she thinks the runoff is the whole key here. (Commissioner Willner said, "Absolutely.") Mrs. Cox said that in those instances where there has been great runoff we have required retention ponds. But Mr. Jeffers is saying that there is not that much here; this is not out of his head, but according to calculations. Mr. Jeffers presented the calculations to the Board, saying it is hard to swallow when you see a subdivision going in on what used to be a horse farm -- but there is less water. That is hard to visualize. You can mathematically produce the answer, but it is very hard for a layman or even some engineers to swallow.

Commissioner Borries said he believes Mr. Jeffers is right -- and this is something at which they've been looking and an area where study is needed. There are some developments in this area and these numbers can dance across the page; but, as Mr. Jeffers said, at times it doesn't make sense.

The meeting proceeded with the Board further discussing the plans with Mr. Jeffers and questioning retention/flow in specific areas.

Mr. Jeffers said that the Surveyor's office and the Drainage Board have always tried to be fair to everybody who comes before them. (Commissioner Willner said, "Absolutely.") Mr. Jeffers said the County did not require a retention pond of Tall Timbers, but they did on two others right in the same watershed. So either way they go, they are being fair. If they say no retention pond, they are being equal to Tall Timbers. If they say a retention pond, they're going the same way they did with Brookview.

Commissioner Willner said, "First of all, I don't think this has a chance of working."

Commissioner Cox said the Board must have rendered its decision on the others based on calculations from the book and, in treating people fairly, it does not mean that we are going to require them all to have a retention basin; but if we go by the standard

Mr. Jeffers said he believes all parties can agree that they prefer detaining the water some way other than a wet basin. If we could detain that water without creating a lake, that is fine.

President Borries said, "We see two trouble spots at this point; but we need to tie this thing together. As Commissioner Willner has pointed out, the problem here is the 90 degree angles on the relocated ditch and the other problem concerns the pipe that is sized differently than the others."

Commissioner Willner asked if Tall Timbers and the other subdivision have all their drainage plans done? Mr. Jeffers interjected that they don't abut each other; there is some undeveloped land between all the subdivisions under discussion.

President Borries said he believes a change is required. Commissioner Willner said he doesn't really know what to do. In response to comment by Commissioner Willner concerning Mr. Schultheis, Mr. Jeffers said that one of the points of his remonstrating was that he had a lake and the southern-most stream there passed underneath his dam and he was afraid that the increased velocity of water would damage his dam.

Mr. Jeffers said that if the Board wants to have another meeting Tuesday afternoon, he will try his best to make it brief. He will get Mr. Leek to make the recommended changes in the street plan. (Mrs. Cunningham said she hasn't received the final figures from Andy or Rose on that.)

Further lengthy discussion followed on the pros and cons of the drainage plans, as presented.

Mr. Jeffers suggested he take the plans back to Mr. Danny Leek of Morley & Associates and go through with him what the Board has discussed today; schedule a meeting Tuesday afternoon and then have Messrs. Morley and Leek present to explain the final plan. If the Board doesn't like it then, they will have to wait another month. But the Board is being extremely fair in giving them another week and an opportunity to explain it to them. The Board members concurred.

President Borries said the Board would schedule a special meeting on Tuesday, September 2nd.

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 6:30 p.m.

DRAINAGE BOARD  
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PRESENT:    DRAINAGE BOARD                    COUNTY AUDITOR                    COUNTY ATTORNEY

R. J. Borries                    Sam Humphrey                    David Miller  
R. L. Willner                    (Chief Deputy)  
S. J. Cox

COUNTY ENGINEER                    COUNTY SURVEYOR                    AREA PLAN

Andy Easley                    Bill Jeffers                    B. Cunningham  
B. Behme

OTHER

David Ellison/Big Creek Drainage Assn.  
Michael Ferguson/Shell Mining Co.  
Liza Coolidge/Shell Mining Co.  
Archie Williams  
News Media

SECRETARY:    Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

MINUTES  
DRAINAGE BOARD MEETING  
SEPTEMBER 2, 1986

The Vanderburgh County Drainage Board met in session at 4:15 p.m. on Tuesday, September 2, 1986, in the Commissioners' Hearing Room with President Rick Borries presiding.

The meeting was called to order by President Borries, who stated that the secretary is still working on minutes from last week's meeting. Thus, the reading of same will be waived at today's meeting and they will be approved at future session.

RE: BROOKVIEW SUBDIVISION, SECTION "E"

Mr. Bill Jeffers, Chief Deputy Surveyor, presented synopsis of drainage plans for Brookview Subdivision, Section "E", as approved by the Drainage Board at last week's meeting and asked that it be included as part of the record of today's meeting.

"The developer has submitted a set of plans including street and drainage plans, which our office has reviewed and we recommend that the Drainage Board pass the drainage plan for Brookview Section "E", with the following stipulations:

(clockwise on the plat from the southwest corner of the subdivision)

1) Establish a 10 ft. wide drainage easement from the northwest corner of Lot 37 to the southwest corner of Lot 39 and a 5 ft. wide public utility (p.u.) easement east of and parallel with the drainage easement.

The drainage easement shall house a drainage swale constructed with minimum three to one side slopes and a minimum one ft. wide bottom, all to be lined with erosion control fabric with the side slopes heavily seeded with grass (no less than 60 pounds per acre) and with the bottom of the channel lined with rip rap to retard the velocity of the storm runoff.

All utility installations shall be in the 5 ft. p.u. easement.

2) Establish a 10 ft. drainage easement from the northwest corner of Lot 27 and a separate 5 ft. p.u. easement south of and parallel with the drainage easement.

The drainage easement shall be utilized to install a swale to direct surface water into the street and the p.u. easement shall be used to install utilities outside of the drainage easement.

3) Establish a 6 ft. drainage easement from the northwest corner of Lot 24 to the northeast corner of Lot 27, thence a 12 ft. drainage easement from the northeast corner of Lot 27 to the southeast corner of Lot 27; and a 4 ft. p.u. easement on each side and parallel with the drainage easement.

The drainage easement shall be used for open channel drainage of surface water and the p.u. easements are for utilities to be installed outside of the drainage easements. Proper subsurface and aerial crossings of the drainage easement shall be allowed here.

4) A 15 ft. drainage easement shall be platted from the northwest corner of Lot 7 to the southwest corner of Lot 1 to carry the large open channel which passes through Brookview from Old State to the large pond at the southeast corner of this

subdivision. This 15 ft. wide easement is in addition to the previously platted drainage easement on the west side of the ditch.

5) Establish a 5 ft. p.u. easement east of and parallel with the 15 ft. drainage easement so that utilities may be installed outside the easement for the ditch. No installations shall be allowed within the ditch easement other than properly compacted subsurface crossings or aerial crossings.

6) Include a 25 ft. drainage easement along the east line of Lot 18 in addition to the existing drainage easement in section "D".

7) Include a 15 ft. drainage easement from the discharge point for the lake southerly to the right-of-way for the rail line.

8) Include on the plat four 12 ft. drainage easements to house pipes of sizes designated on the street plans on the following lot lines:

19/56, 51/52, 47/48, 42/43.

These easements shall be for drainage conduits only and maintenance of same.

9) All public utilities shall be located outside of drainage easements except for near perpendicular crossings.

10) A notice shall be set out on the plat to the effect that:

Drainage easements are reserved for drainage purposes only and encroachment within drainage easements by permanent structures; fences; trees; shrubs; gardens; utility cables, poles, pedestals, pads, boxes, trenches or appurtenances other than near perpendicular, aerial or subsurface crossings; vegetation other than grass or approved cover crops; or any obstructions to the free flow of storm waters as provided for in the drainage plan for this subdivision is prohibited.

Prospective buyers may wish to be aware that they will have to maintain the swales, ditches, pipes outside street rights-of-way and the shoreline, dam and outfall of the lake between the time the developer turns over such improvements to the buyer in a condition in accordance with applicable standards and until some other agency or association assumes maintenance."

Mr. Jeffers said the developer is aware of the foregoing stipulations. He has before him a plan which partially satisfies the stipulations and by tomorrow the plan should be totally satisfactory. He will check it and let the Area Plan Commission know if it meets subject stipulations.

RE: THE LOFTS

"The Lofts previously received drainage board approval as a lot in Eden East, based upon calculations and plans for a commercial development possibly covering up to 75% of the total square footage with hard surfaces. The development of the same lot as a residential PUD will result in less than the projected possible hard surface coverage, and the surveyor's office recommends passage of The Lofts drainage plan so long as the requirements imposed upon other residential developments are satisfied on the plat for The Lofts, to wit:

1) All drainage appurtenances housed in appropriate easements.

2) Notice on the plat regarding the prohibition of obstructions to drainage.

3) A structured method of maintenance for all drainage structures outside of private or public property such as any located in common areas."

RE: BLUE GRASS FARMS SUBDIVISION

This matter was unresolved at the end of last week's Drainage Board Meeting. Mr. Morley's staff re-submitted calculations for Blue Grass Farms Subdivision, based upon 25 yr. storm event and changed the alignment of the creek that created some concern about embankment protection and re-sized the culverts; in one instance the 25 year storm, and substituted concrete pipes for corrugated pipes. The surveyor's office has checked the calculations of his plans. Mr. Morley has re-submitted the drainage plan showing the new alignment of the creek, which takes the 90 degree turns out and substitutes turns at far less radical angle and shows the installation of rip rap to protect the banks of the natural creek. Again, the pipe sizes were made approximately the same except for one pipe and rather than being corrugated metal they are now concrete (which produces less friction against the water than corrugated metal). This plan shows that the water for 25 year storm event will not exceed the profile grade of Hillsdale Rd., and the pipe at Hillsdale will begin passing the entire 25 year event when the water height above the pipe is 1.5 ft., rather than the two (2) full ft. and over the top of the road. There are no plans for detention other than that water which will be held back at each pipe entrance where it crosses the road and any storm event that exceeds 25 years will have some detention above the 25 year event. In other words, it is no longer designed to pass a 100 year storm; it is only designed to pass a 25 year storm. This is similar to other subdivisions which have been developed upstream. Mr. Morley is in the audience should the Board want to address any questions to him.

President Borries said the Board is concerned about the problem of more development in the area. They had a number of concerns previously and he is certain Mr. Jeffers has relayed said concerns.

Mr. Morley said he thinks that the Board's questions concerning riprap, etc., have been answered. However, they were also concerned with the drainage basin and how this particular subdivision interacts with the drainage basin and what is developing now or has already developed. Continuing, Mr. Morley gave the Board a lengthy dissertation on the relative values of detaining water within a watershed containing numerous developments which come in one at a time into an area which previously was agricultural and woodland. His dissertation covered the specific needs of detaining water in the higher portions of the watershed until the peak rate of discharge had been passed in the lower portions of the watershed and then allowing the upper reaches to discharge, thereby preventing accumulation of the total runoff in the detention areas near the lower ends of the watershed. Mr. Morley also supplied several examples within the subject watershed where detention has either been implemented or not implemented. (Mr. Morley's complete dissertation can be obtained from tape on file in the Auditor's office.)

Commissioner Willner expressed his dissatisfaction with the elimination of an existing small pond in the northwest section of the development.

Commissioner Borries said he wants to assure Mr. Morley that in no case was the Board questioning his expertise or asking him to do more than that which someone else has done. They see the problem of growth and also realize that in any development it will not be the same personnel dealing with each development -- and that is the problem when you do not have the same person designing the drainage plan for this entire thing -- as it develops in parcels. Different people will be working on it and that, in itself, causes some problems, because the Board has to approve these on a case-by-case, development-by-development

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basis. This is why they wanted to confer with him to hear his thinking. He would like to ask why Mr. Morley now changes his reasoning from the 100 year to the 25 year?

Mr. Morley responded that his only reason for the thoughts on this is that they had gone through a whole series of calculations on the 100 year and they are concerned about two things: First, we have decided on an ordinance that says everybody is going to have to design their pipes to handle a 25 year flow. However, at the same point in time, we have an ordinance that says you can't build a house unless the house is 2 ft. above the 100 year storm flow. Thus they did an investigation from both standpoints and they had run the 100 year flow for the creek, because the creek is what would spread out. Therefore, they had to calculate how far the waters of a 100 year flow would spread on that creek. If they made it 25, then they would have to calculate it for the 100 year flow also. In other words, you still have to look at both ends. You have to look at how much you have to pass through the streets and you have to look at what they have to set for their building elevations. On this subdivision plat, they have proposed building elevations all the way.....every lot that has to have fill for floor elevations is noted. They are saying 2 ft. above the road, because from their calculations the road itself is 100 year flood height. At 100 year flood they are just going to start creeping across that road. Therefore, if they must have their first floor 2 ft. above it, then they had to define that for them.

Mr. Borries asked, "What will change now that you have re-designed according to 25 year? Mr. Morley responded, "Nothing; I didn't change any of the pipe sizes. As we went through the calculations, the pipes we had at designated points on the channel (they have two) will pass the 25 year flow (they will pass the 100 year with some head water behind them). He didn't want to downsize them so much that he was ponded behind them to pass the 25. The next size didn't work. These pipes will pass the 25 year flow -- maybe a little less -- but if he dropped to the next lower size he lost so much that he couldn't pass the 25 year. But they will also pass the 100 year without going over the road, but the 100 year flood will be above the level of the pipe.

Commissioner Borries asked, "You're saying that the other calculations would have still said that it would have anyway?"

Mr. Morley responded that this is correct.

Proceeding, Mr. Morley said that while it doesn't help this situation, he thinks the developers ought to be given some kind of general guidelines from the county. He'd like to see the Drainage Board ask for a developed plan of detention and non-detention areas so there is some basic understanding -- so that when subdividers come in, there are some guidelines that let them know that on the upper reaches they are going to detain -- because this area has problems. We can't say everywhere, because if we say everywhere we defeat our purpose. The fellow down by the creek doesn't want them to capture the water and discharge it just when the crest comes down the creek. We don't want that to happen. We want to detain the upper half and want the lower half to go. It would make it easier for the Board to make decisions if they had some kind of plan like that set out.

Commissioner Borries said he appreciates those comments, because he thinks that is the direction in which we're headed, since growth is moving into this particular area. As far as Vanderburgh County is concerned, there isn't anything left on the east side. The next move will be I-164. So they are concerned about the area where development will be in the future. He thinks we're looking at tougher standards and more comprehensive standards.

Mr. Morley said it takes some work -- it isn't easy. But if we don't apply it that way, then we get a hodge-podge of activities. He is not here to criticize this development or another one because it doesn't have one. But he isn't so sure (and maybe Bill would want to start requiring it) that whenever someone comes into him with a subdivision that they come in with a plan of the overall drainage basin -- they show the whole package -- show the entire drainage basin, calculate the drainage on it, etc. That way it's pretty easy for a guy to spot whether it is the high end or the low end and whether it does or doesn't need detention. Sometimes you get developers going in on the low end and they come in and give the Board a song and dance about, "Well, I've got a detention basin". It doesn't make any difference. The reason they have it on the low end is because they needed the dirt for a borrow pit and they are nicer to call them detention basins. But that is what happens. We have them all over town. They don't change the runoff and the flooding. They needed it for a borrow pit -- so it didn't make any difference -- it just sounded good. What he is saying is that they are at the bottom end -- and a detention basin wouldn't help -- it would be too big. Mr. Morley said he volunteers to help Bill Jeffers or anyone else working on this with some maps. They could put together some general guidelines and talk about this. It has to be done out in the Hatfield subdivision. That was on the upper end and one was done; that's caused some problems within the city because of maintenance problems. But it was at the right location -- it was on top of the hill. It was put in the right place. There have been problems in the old Plaza Meadows subdivision -- problems with an association to care for that basin. But, again, it was put in the right place. He was developing the high end of it and that is where he had to have one.

Commissioner Borries said that from Mr. Jeffers' standpoint, he has to make his recommendations to the Board, and it is difficult to know where growth is going to occur in the next step.

Mr. Morley said he has a good friend on the Department of Natural Resources Division of Water,, whom he's consulted many times concerning retention basins. Maybe he'll call him and see if the Indiana Department of Natural Resources has put together a plan of recommended guidelines for local governments and how to implement a detention basin program. So that everyone understands,, you don't put them everywhere. You apply them intelligently at the top of the watersheds. He can call his friend at the DNR; often the department will have those kinds of guidelines that they have put together to help local governments establish a program. If they haven't, this is the kind of thing they should be doing. He suspects that even if they don't have a formal program that we can get some good guidelines so maybe we could implement a program locally -- at least on a guide basis.

The Commissioners asked Mr. Jeffers for his recommendation.

Mr. Jeffers said Mr. Morley straighten out his curves and that was one of the major areas of concern on the part of the Board last week. He does show embankment protection -- and that is one of the things the Board asked him to go back to the engineer about. Is this now satisfactory? Commissioner Willner said these two items are now satisfactory. Mr. Jeffers said, as explained by Mr. Morley, the plan is designed to pass a 25 year storm free flowing -- just the free flowing water generated by a 25 year storm -- that will pass each of these pipes, with no water backing up at any location. In any storm to exceed a 25 year event you start getting a head water build-up at designated points. As that head water builds up, that is the only form of detention that you have. It would, however, have to exceed a 25 year storm to do that.

Commissioner Borries asked, "According to those calculations, how long in a 100 year event would the ponding occur? Mr. Morley said approximately an hour or something like that.

Mr. Jeffers said that was the Board's other source of comment -- to go back to the developer or engineer to see if he was willing to detain water -- and that was his answer to that question. Mr. Jeffers said he tried to call Mr. Schultheis a couple of times but could not get an answer. He doubts seriously whether he would be willing to participate, just judging from past comments. He also put in a call to Jarrett Management and spoke with a lady there, telling her exactly what we're talking about. As of the moment,, Mr. Jarrett has not returned the call...but he may not have come back into the office.

In response to query from Commissioner Willner as to his recommendation, Mr. Jeffers said he thinks the development as presented satisfied requirements, but it is up to the Board as to whether or not Mr. Morley answered their questions concerning detention. But according to calculations, which were submitted and checked by the Surveyor's office, this is designed as well as or better than other subdivisions that fall within the framework of requirements. To design to 25 year storm for street drainage and to design to 100 year elevation for finished floor construction. Based upon what the County has in Drainage Ordinance and Subdivision Code today, he meets those requirements -- this is why the surveyor's recommendation to the Board at this time would be to approve the drainage plan. However, the Board has other discretionary powers. All the surveyor can do is review the calculations to determine whether they meet the existing code of ordinances.

Commissioner Willner said he is not real happy with closing up the lake. Nonetheless, he will move that the drainage plan be approved, in the form submitted today. A second to the motion was provided by Commissioner Borries. So ordered.

Mr. Morley said he will report to Mr. Jeffers his findings concerning his conversation with his friend at the Department of Natural Resources Water Division and recommendations concerning overall planning.

President Borries said the Board is not against growth or development. But we are at a point to where if the pressure is continuously put on Mr. Jeffers to approve subdivision after subdivision, we're not getting anywhere unless we look at an overall plan in that area. He thinks that what Mr. Morley says makes sense. Some people will probably scream if they end up developing the high point of some watershed, but if we don't do that, in his opinion we're not going to be able to get a handle on the development in that area. Mr. Jeffers said he agrees.

Continuing, Commissioner Borries said we're just going to have to get the word out. Right now we're trying to put it together piece-by-piece here and we're not handling it well.

RE: KIRKWOOD LAKE ESTATES

Mr. Jeffers said that with regard to Kirkwood Estates,, Mr. Sam Biggerstaff has re-submitted a drainage plan which meets the exact same criteria as the drainage plan previously passed...with the exception that he has relocated some easements (and Mr. Jeffers showed the plans to the Board). He said this makes for smoother flow of water through the drainage easements and straight back to the pond. The calculations are the same. The reason Mr. Jeffers is bringing this matter to the Board's attention is that Mr. Biggerstaff needs their permission to change his drainage plan -- and this drainage plan satisfies all the same requirements as the previous plan. He just wanted the Board to see it. Motion to approve the re-submitted drainage plan was made by Commissioner Willner, with a second from Commissioner Borries. So ordered.

RE: CONTRACTS - BIG CREEK DRAINAGE ASSOCIATION

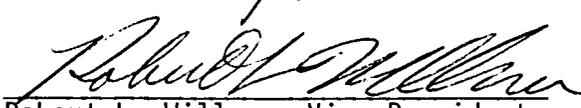
The final item of business concerned contracts signed by 'Big Creek Drainage Association for the two projects awarded to them at last week's meeting. The contracts now require the Commissioners' signatures and he will then place them in the Surveyor's files.

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 5:30 p.m.

- |                 |                                |                              |                           |
|-----------------|--------------------------------|------------------------------|---------------------------|
| <u>PRESENT:</u> | <u>DRAINAGE BOARD</u>          | <u>COUNTY AUDITOR</u>        | <u>COUNTY ATTORNEY</u>    |
|                 | R. J. Borries<br>R. L. Willner | Sam Humphrey<br>Chief Deputy | David L. Jones            |
|                 | <u>COUNTY SURVEYOR</u>         | <u>COUNTY ENGINEER</u>       | <u>AREA PLAN</u>          |
|                 | Bill Jeffers<br>Chief Deputy   | Andy Easley                  | B. Cunningham<br>B. Behme |
|                 | <u>OTHER</u>                   |                              |                           |
|                 | James Morley<br>News Media     |                              |                           |

SECRETARY: Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley J. Cox, Member

\*Mrs. Cox not present for this meeting.

MINUTES  
DRAINAGE BOARD MEETING  
SEPTEMBER 22, 1986

The Vanderburgh County Drainage Board met in session at 4:00 p.m. on Monday, September 22, 1986, in the Commissioners' Hearing Room, with President Rick Borries presiding.

The meeting was called to order by President Borries, who subsequently entertained a motion concerning approval of the minutes of meeting held on August 25, 1986.

Motion was made by Commissioner Willner that the minutes of August 25, 1986, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

President Borries then entertained a motion concerning approval of the minutes of meeting held September 2, 1986.

Motion was made by Commissioner Willner that the minutes of September 2, 1986, be approved as engrossed by the County Auditor and the reading of same be waived, with a second from Commissioner Cox. So ordered.

RE: HIGHLAND RIDGE ESTATES

President Borries said that Mr. Bill Jeffers, Chief Deputy Surveyor, is present and he would ask that Mr. Jeffers proceed with the items he has for the Board's attention.

Mr. Jeffers said that Mr. Sam Biggerstaff is present today with regard to Highland Ridge Subdivision (which is now called Highland Ridge Estates, and it his understanding that it will go before the Area Plan Commission as "Highland Ridge Estates". This is a relatively small subdivision with ten lots of one acre or larger on Mohr Rd. about one half mile east of the railroad tracks on Mohr Rd. and one half mile west of Darmstadt Rd. Four of the lots can be entered from Mohr Rd. The balance of the roads enter onto interior street (Highland Court). At the top of the watershed, Mr. Biggerstaff has divided the drainage areas showing that the majority of the one acre lots drain directly into the side ditch of Mohr Rd., thence west into Locust Creek and the other two drainage areas are from the large lots, which are from two to four acres to nine and three quarters in size and those drain south and west into a branch of Locust Creek. The Surveyor's office has reviewed the drainage plans and calculations. The calculations show that all increases per area are less than 1/2 cubic foot per second, with the largest being .47 cu. ft., and the smallest being .14 cu. ft. Those are the increases and less than 1/2 cu. ft. per second is very minimal increase in velocity. Mr. Biggerstaff is here to answer any questions the Board may have concerning the drainage plans.

The Chair recognized Mr. Biggerstaff.

Commissioner Cox queried Mr. Biggerstaff concerning the street grades. He responded that they are 7%; he also has a couple of other questions on this. Actually, the street grades go from 4% to 7%.

Addressing Commissioner Willner, Mr. Biggerstaff requested permission to ask a question re the street grades. At the Subdivision Review Committee meeting, Mr. Biggerstaff said that Mr. Easley said that because of the steep grade of the streets that rolled curbs and gutters should be required. That is what the review committee is requesting of them. He doesn't know

where he figured the steep grades, because as the grades are shown on the plats, the steepest is about 8%. He has a subdivision and Mr. Biggerstaff went out and looked at it -- and his grades are about 12% and 14%. He wanted Mr. Easley to be here today so he could ask him about the difference? He is referring to the subdivision at Browning Rd. and Hillsdale Rd. (Tall Timbers). They have 12% to 14% grades, asphalt pavement, no curbs. So, why does he ask this on Highland Ridge Estates?

Commissioners Willner and Borries said they did not know.

Mr. Biggerstaff said the other thing he'd like to ask the Board is to make the Drainage Board meetings the last Monday of the month. It makes it difficult for them when Review Committee Meeting is like last week and they have to do all the work on Saturday and Sunday to be ready for Drainage Board Meeting. It would make it a lot easier for the engineers if meeting were held the last Monday of the month.

Mrs. Cox said that sometimes APC meets right after the fourth Monday meeting (if it happens to fall on the end of the month) --

Mr. Biggerstaff said it doesn't happen very often. The Subdivision Review Committee Meeting was last Tuesday.

There was brief discussion following which it was noted that the problem this month occurred because of the Labor Day Holiday. Drainage Board Meetings are scheduled the fourth Monday of the month, having been set at the first of the year to eliminate the necessity of advertising meetings on a monthly basis. However, the Board can have meetings in between the scheduled monthly meeting, if it so desires.

Mr. Easley entered the meeting and Mr. Biggerstaff advised he is going to ask the question -- Mr. Easley said rolled curbs and gutters were needed in Highland Ridge Estates because of excessive grades?

Mr. Easley said there was discussion at Subdivision Review Committee, during which they talked about erosive velocities in soil. He's heard Mr. Morley say (and he's also heard Morley's client Bill Koester) say after having built several subdivisions since Bentwood that they have experienced some -- but Koester said that they ought to put rolled curbs and gutters in Plantation (the addition to Bentwood).

Mr. Morley offered comments, saying that Mr. Koester has a lot of 10% road grades.

Continuing, Mr. Easley said if you're going to pave it anyway, probably the least expensive way for those people using concrete -- Morley, Eiffler and himself have been appointed to a committee to agree on some criteria for the proper installation of concrete pavement on hills -- and they had a discussion about rolled curbs and gutters. He thinks the committee agreed that it was probably a good idea.

Mr. Biggerstaff asked, "What are you calling excessive grades? The steepest grade in Highland Ridge is about 8% without any grading. My point was that your subdivision at Hillsdale and Browning has 14% grades and no curbs and gutters. Now, why didn't you put them in?"

Mr. Easley said the client very much did not want them in.

Mr. Biggerstaff asked, "What if my client doesn't want them in?"

Mr. Easley said that if they stabilize the ditches, then --

Mr. Biggerstaff interjected, "I think you ought to take them off. There is nothing in the Subdivision Ordinance about those grades. These grades are 8% natural grades without grading the

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streets and you sit out there and make a subdivision with 14% grades and you tell me I have to put in curbs and gutters? I think you're way off base, Mister. And I think you should write a letter to the Plan Commission so stating that -- that you are wrong.

Mr. Easley asked "I'm not the only member of the Subdivision Review Committee."

Mr. Biggerstaff said "You're the one who brought it up. My son said you brought up. Mr. Morley said you did and so did Dick Eiffler.. Now something has to stop.

Mr. Easley said "I'm sorry this has come up..."

Mr. Biggerstaff interrupted, "I'm happy that it came up What you do is all right and what we do is not.. Barbara (addressing Mrs. Cunningham of the APC), I want you to understand what we're talking about and I need to get that stricken from that recommendation.

Commissioner Borries asked Mr. Jeffers for his recommendation.

Mr. Jeffers said that with regard to street grades, the Surveyor's office does not make recommendations on street grades, roller curbs or gutters or that type of thing. But if he builds it without rolled curbs and gutters and opts to have side ditches, then all the language in the ordinance that addresses drainage channels will apply (3:1 side slopes 1 ft. bottom minimum; anything greater than 2% and less than 6% will be sodded or have erosion mats stabilized in place; and anything greater than 6% would have rip-rap channels. The bottom of the channel would be rip-rapped to decrease the velocity of the flow. They also need notice on the plat that encroachment on the drainage easements by all the things we prohibit is disallowed -- the standard encroachment notice. Insofar as detaining water, he had talked with Mr. Biggerstaff about detaining water in two spots on the plat; one being in Lot #10 and he said that in Lot #10 his client had expressed a desire to build a lake at a later date. Again, at designated point in Lot #12. Mr. Biggerstaff said there was an adjoining property owner interested in buying the lot as it is. He assumes that if that adjoining property owner purchased the lot, that she would not want it for purposes of building a house, so there would be no increase in velocity. The meeting continued with Messrs. Biggerstaff and Jeffers perusing the plans and Mr. Biggerstaff explaining the details. Following said discussion, Mr. Jeffers said he agrees with Mr. Biggerstaff's calculations and installing a dry basin to try to hold that much water we couldn't even require him to install the minimum size 12 inch culvert. Basically, what he is saying is that he is not generating more than a fraction more water and after reviewing this, the Surveyor's office recommends passing the drainage plan as submitted, with those stipulations noted by Commissioner Borries (concerning encroachment notice, etc.).

Commissioner Cox asked if the drainage plan before the Board is based on plan with rolled curbs and gutters?

Mr. Biggerstaff said it is not.

Mr. Jeffers said if the Board approves the plan they are approving a drainage concept based upon what has been presented to them by Mr. Biggerstaff. When he submits street plans, then the Commissioners will have another chance to review the street plans and whether to have rolled curbs versus open channel drainage. The Surveyor's office recommends the Board approve the drainage concept.

Motion was made by Commissioner Willner that the drainage plan for Highland Ridge Estates be approved, with the inclusion of stipulations as noted; a second was provided by Commissioner Cox. So ordered.

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Mr. Jeffers said he would like the minutes to reflect that the boundary description on Highland Ridge Estates sub is not complete because the primary plat submitted incorrectly designated a point in the middle of the road as being a section corner. The APC should be on the lookout that when the final plat comes through that the section corners will be noted and referenced and he will explain that to the APC at a later date. While it has nothing to do with drainage, there was an error in the boundary description and something the Surveyor is obligated to check out.

RE: SIMMONS SUBDIVISION

Mr. Jeffers said Simmons Subdivision is located on Hogue Rd. about 1/4 mile west of Creamery Rd. and 1/4 mile east of the County Line. It is a 11 lot subdivision with one cul-de-sac 605 ft. long. Again, there is a small error in the legal description which is being rectified. A section is mistakenly labeled.

The drainage plan is very simple. There is a lake on Lot #6. That lake captures about one-third of all the water from the entire subdivision. Most of the rest of the drainage is to the northwest and then to the county side ditch along the east side of Hogue Rd., running basically north into a large creek that runs into Posey County. The lots vary in size from one to two acres (large lots). As he said, about 30% to 35% of the water is captured by the lake before it passes off to a branch of Wolf Creek, which runs into Posey County. The plat contains the notice required re drainage easements; the erosion control (which he read into the minutes for the previous subdivision) is already on this plat. Mr. Morley is in the audience should the Board have questions of him.

Commissioner Willner said he would like to be certain that the lake would hold a so many year rain without spilling everything into the drainage area. It probably is not so equipped, is it?

Mr. Morley said he really doesn't know. It should have a pipe and overflow spillway. It has been there a long time and is all grown up, so he never went out on it.

Mr. Jeffers said he thinks it is more or less just an agricultural lake and he thinks what Mr. Willner was referring to is dual overflows; a small pipe to handle the trickle and a separate facility to handle the heavy rain.

It was noted by Mr. Morley that if there isn't such a facility now, there should be one -- and this could be made a part of the drainage plan.

Mr. Jeffers said that Mr. Morley's off-microphone comments were that if either the Surveyor's office or the Board members recommend dual overflow facilities in that pipe (which the Surveyor's office does recommend and he believes the Board has already indicated they recommend it) that they will install a small discharge facility for 25-year storm and then emergency facilities for any storm over twenty-five. Mr. Jeffers said the Surveyor's office will be happy to recommend that as part of their recommendation. He emphasized that, with this exception, they satisfy what we've been asking for the past several months in advance.

Commissioner Cox said the Board just finished reviewing one subdivision that reportedly had 4% to 7% grades and it was noted that rolled curbs and gutters should be required. She notes on the Simmons Subdivision that it says maximum road grade should not exceed 10%. But she doesn't see where it has been recommended that this subdivision have rolled curbs and gutters. She asked if Mr. Easley is still in the meeting room?

Mr. Morley interjected, "Shirley, I think I can explain that. They simply copied out of the ordinance and it is not 10%. The cul-de-sac is somewhere in the neighborhood probably of 4% to 5%.

Mrs. Cox asked if Mr. Morley was requested to have concrete streets or rolled curbs and gutters in Simmons?

Mr. Morley said he was not. Their road grades are somewhere around 5%. The ordinance says, "shall not exceed 10%". It is generally assumed that if they intend to exceed 10% that they have to come to the Commissioners to request permission to exceed the 10%. Sometimes they just copy the verbiage right out of the ordinance, which says it shall not exceed 10%.

Mr. Jeffers asked if the street plans have been developed yet? Mr. Morley replied that they have not.

Commissioner Willner said that with the incorporation of the additions from the Surveyor, he moves that the drainage plan for Simmons Subdivision be approved, with a second from Commissioner Cox. So ordered.

RE: PLANTATION ESTATES

Mr. Jeffers said this subdivision is directly across the street from Tall Timbers and upstream from Little Pigeon Creek. This being the top of the watershed, it was previously represented to the Board as an example of detaining water at the top of the hill. The copies of the plans the Board has shows the watershed area as broken down into six areas. In each area it shows how it drains into a drainage swale and then into a detention dry basin. One existing lake will be turned into a dry basin. Morley & Associates have designed this so that all water from the subdivision (or nearly all water) has been trapped for a period of time in these dry basins until the storm subsides, then it is discharged into a smaller pipe down into Little Pigeon Creek flood basin. The drainage easement encroachment is on the plat. The erosion control for ditches is on the plat. The Surveyor's office recommended a couple of changes in the lot outs at the entrance -- there are two 15 ft. drainage easements on the entry road, which the drainage would exceed 2%, where we would normally require sod or riprap. Mr. Koester happens to be the distributor for something called cocomat, which is something made from crushed coconut shells and impregnated with grass seed. As an experiment he is asking the Board to waive the requirement for rip-rap or sod and we'd like to try this coconut mat, which basically will be erosion protection until the grass sprouts. Then it will become sod. They believe it will work. He went over and viewed it in Marion County and Saline County IL. They are using a similar product along the State Highway which seems to be working very well. They installed it last spring. He viewed it again (on a personal trip not a county trip) and the sod had grown up and it was controlling erosion along that State Highway in Illinois. Rip-rap tends to tumble downhill and roll away over a period of time, where this pegged-in-place mat will stay in place. He said the question may come up -- but there is a statement on the copy that Commissioners Borries and Cox have in front of them that street grades will not exceed 12% -- he's just notifying them in advance that the street grades may come in at 12%. But that does not affect the drainage concept. It is the recommendation of the Surveyor's office that the Board approve this drainage concept, with the provision that we allow Mr. Koester to try out the cocomat in lieu of rip-rap or sodding. Again, Mr. Morley is in the audience should the Board have questions.

Mrs. Cox asked if Mr. Morley knows what his street grades are going to be?

Mr. Morley said that the hills right now are about 16%. They thought they could cut the top of the hills and attain 10% in most cases; but they might have to go to 12%. They made a preliminary inquiry of Mr. Easley, asking him in advance if they could not get it below 10% whether he has a personal objection to 12% -- but that they would try to stay below the 10%. At this

point in time their road designs are not complete. Again, they will try to achieve 10%. If they get into something where they can't, they will come to the Commissioners and ask for 12%. The subdivision ordinance on street design apparently does not say anything about a 10% slope. He seems to remember that 10% is something we've always worked with; but he doesn't see it in the ordinance.

In response to query from Mr. Morley, Mr. Jeffers said he believes there is a misunderstanding about it. He thinks that around 1983 the ordinance (County Subdivision Ordinance) was changed extensively and took out a lot of street and drainage requirements that existed prior to that time.

Mrs. Cunningham offered comments, but they were inaudible since she was not at the microphone.

Mr. Morley said that he may have been one of those arguing at that point in time that the subdivision ordinance was the wrong place, because he would like to see the county have more specifications than a single blueprint sheet. Since the Commissioners are the body of government that accepts streets for maintenance, he feels that in reality it ought to be their specifications that are followed and putting them in for Plan Commission review and enforcement was the wrong place to put them. He'd rather see a better developed set of plans and specifications for county roads. That way, they'd know who to ask. In other words, if they wanted to appeal something, they'd know where to go to do it. It's not right to go to the Plan Commission re the 10%, when they are not the body that accepts the roads -- the Commission is. So that is the logic as to whether or not it belonged in the subdivision ordinance.

Mrs. Cox said she thinks Mr. Morley is absolutely right and that removes the subjective interpretation that says "special consideration in this instance". To her this is no way to look at these overall things. Special consideration in this instance...

Commissioner Cox said the reason she is so concerned with the streets and the subdivisions is that from her experience a lot of times in subdivisions the streets are the drainage plans. In many instances the water comes right down the street and goes out. So this is why she is so concerned. The Commission does not address it here, but to her it is all an integral part of it and we either have to protect the side of the roads by side ditching or they have to be rolled curbed and guttered.

Mr. Jeffers noted that Mr. Koester does want rolled curbs and gutters. Mr. Morley verified this.

It was noted by Mr. Jeffers that probably the best place for discussion of how the ordinance was altered and what effect it has on street plans and hilly areas where now we are finding streets with greater than 10% slopes or in flat areas when ordinance was changed -- and now we're finding designers who wish less than .3% (like out on the east side) probably the best form for that would be outside the Drainage Board. But the Board is aware that this has been happening. One other comment he has on this is that we've requested Mr. Morley to include the entire perimeter of the dry basin in the drainage easement and he did do that. The homeowners will be required to maintain those easements as they fall on their property. Everything the Surveyor requested prior to this meeting was incorporated and it is the recommendation of the Surveyor's office that the plans be approved.

Mr. Morley said that if at this time the Board wants to grant approval and waive the slopes provision as pointed out by Mr. Jeffers and include this cocomat...

Mrs. Commissioner said the Board is not waiving the slopes provision, they are approving the substitution of cocomat instead of rip-rap or sodding. We are not changing the slopes by using the cocomat.

Mr. Jeffers said the Board could say that if the cocomat doesn't work, they can go back to the rip-rap; that is fine with him. Or say if it doesn't work within 18 months, go back to rip-rap.

Commissioner Borries asked if this is agreeable to Mr. Morley?

Commissioner Willner asked if Mr. Morley is in agreement with the property owners keeping the detention lakes clean and free and in working order? Mr. Morley responded in the affirmative. Commissioner Willner asked if this will be stated on the plat? Mr. Morley responded in the affirmative.

Mr. Jeffers said keeping the verbiage with regard to keeping the drainage easements free of any structures, etc.

Motion was made by Commissioner Willner that with the inclusion of the notations so made by the Surveyor's office that the plans for Plantation Estates be approved, as submitted. A second to the motion was provided by Commissioner Cox. So ordered.

Silt Problem/Meadowlark Court: Mr. Jeffers reported that Linda Meyers of 2819 Meadowlark Court called him, complaining about a silt problem on Meadowlark Court. He and Roger Lehman went out Friday and viewed the situation. They both agreed it was an on-site silt problem being caused by two houses under construction discharging silt into the street onto their private property. He just wants the Board to know that if they receive any calls from Ms. Meyer that he is working with Mr. Lehman and he has responded to her call, and they will see what they can do about holding that silt back on the lots. It is going onto her driveway and she can't get in or out of her driveway during a heavy rain. They still think the drainage plan for that subdivision will work as long as the silt is kept on the building site.

Pipe on Happe Rd.: Mr. Jeffers said he had a call from ~~Karl~~ Paul Kleinknecht, who had spoken with two of the Commissioners. He told him he would be out on Happe Rd. at 10:00 a.m. tomorrow to set grade stakes for a pipe. This is something that we arranged with him last year. (This is down in Union Township bottoms.)

Commissioner Cox said there is a pipe on Happe Rd. that we installed not too long ago from Cypress-Dale Rd. south on Happe Rd. She doesn't know who surveyed it or set the grade, but it looks like it is going in at an angle and water is standing on what would be the west side of Happe Rd. She questioned why a culvert is put in at an angle, which means water is being held back on one farmer .....

Mr. Jeffers said he believes that is an overflow pipe that was installed last year. It's actually for high water discharge. When the river comes up, it is supposed to take some water under the road (to the river side of Happe Rd.). It wasn't supposed to be a drainage culvert; it was intended as a high water relief valve.

Commissioner Cox said that on their Bridge Report this year they list it as a culvert.

Mr. Bethel said they called him on this and they decided to lower that so it would drain all the water. They did that today.

Commissioner Cox asked if it was an error that it was put in at that angle?

He said that originally it was not put in at that angle.

Claim/Big Creek Drainage Assn: Mr. Jeffers presented a claim to Big Creek Drainage Assn. for the remaining 15% for additional maintenance on Maidlow Ditch (Contract #86-06-234-028) accompanied by a statement by David Ellison that all expenses have been paid for labor and materials. He is requesting that the 15% be released. We are required to hold it 60 days. By the time we pay the claim, it will be 60 days past completion of the work. The claim has been signed by Messrs. Ellison and Brenner.

The Chair entertained a motion. Motion was made by Commissioner Willner that the claim be approved for payment, with a second from Commissioner Cox. So ordered.

Ditch Problems/Joe Elpers Subdivision Henze Rd.: It was noted by Mr. Jeffers that he had received calls from Carol Lipper, who lives on Henze Rd. in the Joe Elpers Subdivision (and he thinks it is also the concern of a Mr. Miller who lives in the same subdivision) regarding a drainage easement at the rear of said subdivision, which is experiencing severe erosion in the bottom of the ditch. The Surveyor's inspection revealed that the ditch was experiencing erosion due to heavy volume of water flowing through unstable soil and this has resulted in erosion in the bottom of the ditch as much as six (6) ft. deeper than the ditch should be. Their inspection also showed that Mr. Elpers had taken steps to control the erosion by placing large concrete slabs and some seeding and mulching along the top of the banks. There is a 35 ft. drainage easement back there for construction and maintenance of the drainage swale and some of the residents are in the audience today. They wish to make brief comments and present some photos for the perusal of the Board.

Continuing, Mr. Jeffers said that at the time Mr. Elpers' Subdivision went through the Review Committee, the ordinance read "Slopes greater than 8% shall be lined with rip-rap". There are some very short stretches of the ditch (probably less than 25% of the total into the ditch) that do exceed 8% and the grades in the rest of the ditch have been clamped down to less than 10%. He would ask that the spokesman for the group express his ideas and other individual express different ideas, not the same thing.

Mr. Daryl Lipper of 6501 Henze Rd. was recognized by the Chair. He said: "The residents of the Joe Elpers Subdivision on Henze Rd. are concerned over the washed-out condition of a drainage ditch, constructed by Mr. Elpers, located on the back of approximately twelve (12) 1-acre lots. Over the last three (3) years the ditch has eroded from approximately one (1) ft. deep when the first lots were purchased to approximately eight (8) ft. deep in places now. The sides have eroded to the point where the ditch is now twenty (20) ft. wide in some places.

Our main concern is the safety of the many children in the area and also the safety of the people trying to mow around the ditch. We are also concerned about our liability if someone is injured or killed while playing or mowing in the area. This has become a major concern since the homeowners are no longer able to get across the ditch to mow, and Mr. Elpers or an employee must mow the area with a tractor and bush hog.

In the past several weeks, Mr. Elpers has tried to make a water stop in back of my property by dumping large sections of concrete and fill dirt in the ditch. The rain last Thursday washed all the fill dirt away he had hauled in and now we have an even more dangerous situation with fill concrete exposed in the bottom of the ditch and the side eroded more in the areas around the fill concrete.

Another ditch perpendicular to the ditch in back of our property located beside the Miller lot toward Mill Rd. has eroded the adjoining existing property to the point their fence and driveway is gradually falling away into this ditch.

Since the ditch clearly is not in compliance with the flood control and drainage section of the General Subdivision Requirements, the residents feel this problem should have immediate attention before someone gets hurt or more of our property is further washed away.

We feel the ditch should be fixed to meet the General Subdivision Requirements by the developer and a study should be made regarding the enormous volume of water that flows during hard rains from all the high points on Henze Rd. We feel that if the volume of water is not controlled, the erosion of our property cannot be controlled.

We have pictures of before and after the rain last week and condition of the ditch, in general."

In response to query from Commissioner Willner, Mr. Lipper said he has two lots in the subdivision (Lots #15 and #16).

The Board spend several minutes looking at the photos presented by Mr. Lipper.

Mr. Easley queried Mr. Jeffers concerning the grade of the ditch. Mr. Jeffers said the areas indicated in yellow exceed 6% (almost 10%). He proceeded by making comments as he pointed to designated areas on the drainage plans.

Mr. Jeffers said that Mr. Elpers is also in the audience today. Before he speaks, he'd like to read a portion of the Certificate which states, "Easements shown hereon and designated as easements for construction and maintenance of storm drainage shall be kept free of fences, trees, shrubs, trash and buildings. The lot owners shall protect the side slopes of the ditches located upon their respective lot in such a manner to prevent erosion." That statement was on there January 7, 1983, and is a part of the notice to the prospective property owners recorded on L-169 in the Recorder's office. As Mr. Lipper has stated, Mr. Elpers has provided some work on it since then. He does not know (and he did not make an inspection of the completed ditch --(that is not his department's responsibility; it is the responsibility of the Building Commissioner) as to whether the ditch was turned over to the property owners in a condition equal to or exceeding the conditions of the General Subdivision Ordinance, to wit, rip-rap on slopes exceeding 8%, sod on slopes 3% to 8% (3% to 8% is sod and 8% and above is rip-rap or concrete). He does not know that it was turned over to the property owners in that condition, although a view of the ditch reveals that the side slopes were about 3 to 1 and at least mulch-seeded.

Mr. Elpers said it was strawed and seeded and the first rain took the whole bottom out of it.

Mr. Jeffers said the volume of water is huge during a heavy rain storm, as experienced on Thursday morning. The property owners can maintain the side slopes if they can cross the ditch. Right now they can't cross the ditch to maintain them -- and the side slopes keep getting deeper and deeper as the bottom eats it way through the hill.

President Borries asked if Mr. Elpers would care to offer his comments?

Mr. Elpers said he knew they were going to have a ditch there, but he didn't truthfully think it would get that deep. That is why he kept an easement for the ditch. A couple of weeks ago he got some broken concrete slabs on the west side and took three loads out there and put the slabs about 50 ft. apart and made blockades about four to five feet deep. He then stripped off some sod from his field and and placed the sodded ground in between the blockades. Contrary to what Mr. Lipper said, he went down after the big rain and sometime Thursday he walked down there to see what the concrete had done. The dirt had settled

and the concrete was sitting there exactly as he had placed it -- it hadn't moved. A couple of the square sandstones he had placed there were actually pushed by the water -- but the concrete was exactly where he had put it. If he can get more concrete he will put it there. The rip-rap is round and if you put it there it is going to roll, but the broken pieces of concrete will take more water before they move.

Commissioner Cox asked if Mr. Jeffers thinks the cocomat would work? She doesn't think Mr. Elpers can get anything to stay on there without some grading. Mr. Elpers said he suggested these people cut the sides back further, but they want no part of it.

Commissioner Willner said he thinks it will take three (3) concrete structures in that length of travel to stop that water eroding. It is not expensive to put in.

There was a period during which all parties were conversing with each other. It was interrupted by President Borries, who said he believes Commissioner Willner has an idea that he would like to talk about at this point.

Commissioner Willner said he believes it will take three (3) concrete structures (like he has sketched) in that length of travel to stop that water from eroding. Again they are not expensive to put in; but they do need to be put in properly. The Soil & Water Conservation Service will design said structures at no charge. If Mr. Elpers will buy the concrete and install same, he believes the problem is solved. It will take some more dirt. The stones that he has been putting in there will absolutely do no good. The dirt will go around and underneath those stones and they will keep settling right on down. So, that will not work. Rip-rap is not going to work. It is going to take check dams -- three will do the job, he believes. We will ask Elvis Douglas of the Soil & Water Conservation Service to go out and design these structures and put his expertise to it (which he will do) and come back with a cost estimate and we'll know what we're doing.

Commissioner Cox addressed Mr. Elpers, saying, "Mr. Elpers, please don't feel badly. We had the same problems out on Burkhardt Rd. We designed all those and we had the rip-rap there and the water coming down the bank. So you do have to address these problems."

Mr. Jeffers said, "I think everyone here is in more agreement than is probably apparent to each other. There are a few things that have to be worked out. The reason the residents of this subdivision are here is because I thought they should have a forum to present their views. The reason I called Mr. Elpers was to give him an opportunity to give his side of the story -- rather than our continually getting phone calls and sending them around in circles to the Building Commissioner, the County Engineer, etc.

Commissioner Willner said, "I'm not going to say who is responsible. What I am saying is, "Let's look at the solution and then we will go from there."

Mr. Jeffers said he believes that Commissioner Willner is absolutely right. Mr. Douglas can help us on this and can give Mr. Elpers a cost estimate. Maybe the property owners might be willing to share in the cost; maybe not. Maybe in lieu of sharing in the cost they would allow Mr. Elpers to take the dirt from the side slopes and work with him to re-establish a growth of grass after he acquires some dirt. I believe somehow that this can be worked out and I am glad that the Board gave these people the opportunity to speak. As I said, I think you all are closer to an agreement than a lot of people have been in similar situations. I believe that Mr. Elpers has expressed a desire to try. He tried to build some dams out of concrete rubble, but it just won't quite handle it. But I think everyone is on the right track. A lot of farmers are going to this type thing."

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President Borries asked that Mr. Jeffers contact Mr. Elvis Douglas and explain to him what the Board has discussed. Hopefully then, Mr. Elpers and the property owners can work out a reasonable solution.

Mr. Lipper asked who is responsible? -- the property owners or the subdivision developer?

Commissioner Willner said he understands what Mr. Lipper is trying to say. The Board is not a judge or a jury. Let's find out what the cost is. He doesn't know who is at fault -- and he's not going to say. Mr. Lipper said he thinks somebody has to be responsible for everything.

Commissioner Borries said the plans for the subdivision were based on the plans presented and the recommendations at the time. As to what has caused this condition now? Again, we're talking about some agricultural land here -- and that is why we're going to have to get the Soil & Water Conservation Service involved -- to tell us what is needed. It is obvious that it hasn't worked up to this point. But the County is going to work with the developer and the property owners to reach a satisfactory solution.

The Chair recognized Ms. Donna Horton, who also lives on Henze Rd. She said that Mrs. Cox referred to similar problems on Burkhardt Rd. She was wondering what the circumstances were there? How was that rectified?

Commissioner Cox replied that we experienced problems with the rip-rap holding along the sides of the ditches. They came back in and did some re-grading (the sodding and seeding did not hold, and we had to go back in and place rip-rap). But when Burkhardt Rd. was designed, it was supposed to work. However, it did not -- and this was the point she wanted to make. In all fairness to Mr. Elpers, when he designed it, it looked like it would work -- but we find this happening.

To satisfy the concerns re the study and recommendations, President Borries asked that Mr. Jeffers contact Mr. Douglas tomorrow and ask that he begin his work on this. Mr. Jeffers indicated that he would do so.

President Borries said we will then contact Messrs. Elpers and Lipper. He believes we can resolve the problems .

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 5:30 p.m.

PRESENT:	<u>DRAINAGE BOARD</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries	Sam Humphrey (Chief Deputy)	David Miller
	<u>SURVEYOR</u>	<u>COUNTY ENGINEER</u>	<u>AREA PLAN</u>
	Bill Jeffers (Chief Deputy)	Andy Easley	B. Cunningham B. Behme
	<u>OTHER</u>		
	Sam Biggerstaff		
	James Morley		
	Daryl Lipper		
	Donna Horton		
	Joe Elpers		
	News Media		

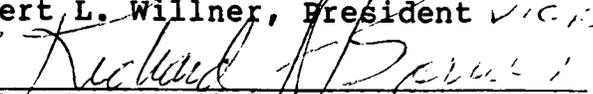
SECRETARY: Joanne A. Matthews

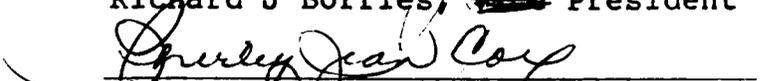
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DRAINAGE BOARD  
September 22, 1986

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Robert L. Willner, President

  
Richard J. Borries, ~~President~~ President

  
Shirley Jean Cox, Member

*Delay until  
Dec.*

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MINUTES  
DRAINAGE BOARD MEETING  
OCTOBER 27, 1986

The Vanderburgh County Drainage Board met in session at 4:30 p.m. on Monday, October 27, 1986, in the Commissioners' Hearing Room, with President Rick Borries presiding.

The meeting was called to order by President Borries, who subsequently entertained a motion concerning approval of the minutes of the previous meeting (September 22nd).

Mr. Jeffers said he has a couple of corrections; and he apologizes for not catching these the first time he proofed the minutes. On Page 3, Paragraph 7, Line 6; in parenthesis (3:12 side slopes) should read (3:1 side slopes). On Page 6, Paragraph 8, Line 6; last word is printed as "form" and it should be "forum". On Page 7, in mid page concerning Happe Rd., the last word in that line is "Carl" and it should be "Paul". Mr. Jeffers noted he is supposed to catch the errors before minutes are printed, but he overlooked these.

Motion was made by Commissioner Willner that the minutes of September 22nd be approved with noted corrections, with a second from Commissioner Cox. So ordered.

RE: CLOVER DRIVE CULVERT PROJECT

Mr. Jeffers said that Mr. Easley explained in preceding Commissioners' meeting that we did have a project on Clover Drive. While constructing these specifications for the project (they are calling the culvert installation and all the incidental work that goes along with taking a culvert out from underneath the roadway and putting the roadway back over the new culvert Project VC-1186-CD. That falls within the right-of-way of Clover Drive and they are proposing to use bridge funds (as explained by Mr. Easley, as it is okayed by the Board of Accounts to use bridge funds for culverts of this size -- or any size 12 inches or over).

The other work (reshaping of the ditch, applying the rip-rap to the north bank of the ditch up against Clover Drive; erosion fabric installation, etc., from the end of the pipe 400 ft. downward -- they're calling that Project VC-1186-SD (Sonntag-Stevens Ditch). What he is saying is that the Commissioners sign it as the Commissioners for the bridge funds and as the Drainage Board for the drainage funds. Mr. Jeffers said he made a mistake in typing Notice to Bidders; he wants to read the correction into the minutes, so if the Commissioners will go ahead and sign it, he will correct it - but it will be official. Bids are to be received on Monday November 17, 1986. Rather than 2:00 p.m., the Auditor's office will receive bids until the 4:00 p.m. closing time. They will then be brought to the Commissioners' Hearing Room to be read aloud at 7:30 p.m. (That is a night meeting, and he had neglected to make himself aware of that when he typed the notice. The Commissioners should then take bids under advisement for one (1) week. They will not have to be read aloud at the Drainage Board meeting on November 24th, because they will already have been read aloud at the November 17th Commissioners' meeting. But the bids will be awarded at both the Commissioners and Drainage Board Meeting on November 24th -- and then we'll have 90 days to do the project. If this is agreeable, the Commissioners can sign the Notice to Bidders and they will try to complete this project during December, January, and February.

Motion to sign Notice was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Mr. Jeffers said he still has some typos in the Notice to be corrected; Charlie Davis is still working on the details of the drawings. They are making some additions; but this will be completed by the time the Notice is published.

Commissioner Willner directed a question to Mr. Easley. He said we stated there are two culverts. Are we talking about both of them here?

Mr. Easley said the second (because of the ditch depth and opening needed) one needs to be precast, rectangular culvert. He thinks we ought to purchase that pipe and install it. He wants to discuss this. But there is to way to get around putting elliptical pipe underneath. The ditch is just too shallow.

Commissioner Willner asked, "We're just talking about that one next to the legal drain? Mr. Easley confirmed that this is correct.

Mr. Jeffers explained that the "other" one Messrs. Willner and Easley are speaking of does not tie directly into the legal drain. The Surveyor turned over some survey notes concerning this to Mr. Easley and he has a pipe size worked out. The Surveyor will be happy to work with him on the specs for that. But they do not want to tie that into this project, because it is really removed from the legal drain by something like a half mile. He said they want to thank Mr. Easley for working with them. He selected the pipe size and his summer assistant did a lot of work on this.

RE: TEMPORARY CROSSING - EAGLE SLOUGH

Mr. Jeffers said he hates to keep telling on himself; but he forgot to bring this item before the Board last month. He also apologizes to Mr. Rick Yunger, project engineer for I-164 and to Mr. Koester, the contractor. But the only way he could handle this for them not to stop the project in mid-stream was to send them a letter from the Surveyor's Office explaining what conditions we would require for them to recommend to the Drainage Board that they be allowed to install a temporary crossing in Eagle Slough for construction they are doing at the intersection of Southlane Drive and I-164, Highway 41, etc. At this time, he is presenting copies of letter sent to IDOH, which he sent after consulting with Mr. Rick Yunger and these stipulations are basically what IDOH was recommending -- plus some stipulations regarding the Board not being responsible for any damages or losses resulting from Koester's activities or from Koester's possible failure to restrict access to the site, etc. If the Commissioners sign the second document (letter giving them written permission to go ahead with their construction project) he wants both letters reflected in the minutes, if the Commissioners have no objections.

Commissioner Willner asked if all the Commissioners have had an opportunity to review the letters? They acknowledged that they had.

Motion was made by Commissioner Willner that the letters be approved, with a second from Commissioner Cox. So ordered.

Mr. Rick Yunger  
IDOH Project Engineer  
5606 N. New York Avenue  
Evansville, In 47711

Dear Sir:

Koester Construction has asked our office to forward a request for written permission from the Vanderburgh County Drainage Board to install two (2) temporary construction crossings in Eagle Slough near U.S. Highway 41.

The Vanderburgh County Surveyor's office has reviewed Koester's proposed crossings and will recommend to the Board on October 27, 1986, that the request be granted under the following conditions:

- 1) That the crossings be constructed and maintained at the direction of the appropriate IDOH staff.
- 2) That the low water crossings have a mean high elevation of a nominal three (3) feet above the existing flow line.
- 3) That the crossings be accompanied by at least one silt trap located downstream of the westernmost crossing.
- 4) That the silt trap(s) be constructed and maintained at the direction of the appropriate IDOH staff as detailed in I-164 plans.
- 5) That Koester take all appropriate steps to stabilize and reseed the disturbed creek banks with a mixture of winter wheat and fescue at the minimum rate of 80 lbs. wheat and 40 lbs. fescue per acre.
- 6) That the crossings be removed by Koester at the completion of the project or no later than December 31, 1990.
- 7) That upon final removal of the crossings, Koester repair the creek banks to a condition equal to the existing condition or equal to a condition detailed in the IDOH plans for I-164.
- 8) That the crossings shall be removed immediately by Koester upon notification by this office during a high water emergency which may threaten public or private property.
- 9) That the Board or the county surveyor shall not be held liable for any losses or damages whatsoever resulting from Koester's normal activities, or resulting from Koester's failure to comply with these conditions or with conditions imposed by IDOH, or from Koester's failure to restrict access to the site, etc.

William R. Jeffers  
Chief Deputy Surveyor  
Vanderburgh County, Indiana

\*\*\*\*\*

October 27, 1986

Mr. Rick Yunger  
IDOH Project Engineer  
5606 N. New York Avenue  
Evansville,, IN 47711

Dear Sir:

Consider this letter to be verification that on October 27, 1986, The Vanderburgh County Drainage Board did give permission to Koester Construction, Inc. to install two (2) temporary crossings of Eagle Slough, a legal drain in Vanderburgh County, as per the nine (9) stipulations listed

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DRAINAGE BOARD  
October 27, 1986

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in a letter to you dated 9/24/86, which letter is attached hereto; and that this action as detailed by both letters is recorded in the minutes of the Board's meeting dated 10/17/86 and on file in the office of the Vanderburgh County Auditor.

Signed by The Vanderburgh County Drainage Board:

Richard J. Borries, President  
Robert L Willner, Vice President  
Shirley Jean Cox, Member

Attest: Alice McBride, Auditor  
Vanderburgh County

cc: Koester, Inc.

RE:

Mr. Jeffers said Mr. LeRoy Palombit appeared before the Drainage Board on April 28, 1986 and they gave him permission to locate the sign or to allow a sign to remain located 25 ft. from the south bank of Hirsch Ditch. Under the Commissioners' stationery, he is asking that they sign written permission acknowledging the relaxation of the 75 ft. easement. This is an urban drain and all fine and dandy. Mr. Palombit has a sign about 26 ft. from the top of the bank that required the Board's permission for that relaxation. (It was noted by Commissioner Willner that the Board did not grant permission to go any closer than 25 ft. They gave him permission to leave the sign there -- not to locate it there. He believes there is a difference. Mr. Jeffers said if that one should happen to blow down, then he could install another one in that location in its place. He wanted to install another one one (1) ft. from the top of the bank; but we haven't said "yes" on that one.

The Chair entertained a motion. Motion was made by Commissioner Willner that the letter be signed (since permission has already been granted), with a second from Commissioner Cox. So ordered.

The letter to Mr. Palombit read as follow:

October 27, 1986

Mr. LeRoy Palombit  
1161 Stockwell Rd.  
Evansville, IN 47715

Dear Mr. Palombit:

Consider this letter to be written permission from the Vanderburgh County Drainage Board to locate or leave a certain billboard at 6126 East Maxwell Avenue at its present location which shall be at least twenty-five (25) feet South of the South Top-of-Bank of the Hirsch Ditch, an urban legal drain in Vanderburgh County, said twenty-five (25) feet to be measured at right angles to the said top-of-bank as determined by the Vanderburgh County Surveyor.

This written permission is granted subsequent to an action of the Board as recorded on Page 5 of the Board's meeting minutes dated April 28, 1986, and on file in the office of the Vanderburgh County Auditor.

Signed by the Vanderburgh County Drainage Board:

Richard J. Borries, President  
Robert L. Willner, Vice President  
Shirley Jean Cox, Member

Mr. Jeffers explained that this letter is strictly for Mr. Palombit's files, as the law says he must obtain written permission.

RE: BLUE GRASS FARMS & CHAPEL HILL, SECTION B SUBDIVISIONS

It was noted by Mr. Jeffers that two subdivisions already approved by the Board (Blue Grass Farms and Chapel Hill, Section B) have requested minor changes to the drainage plans, which were necessitated by additional field surveys completed. They are very minor. They do not change the concept of either plan. They are both being filed in the Recorder's office as amended plats. He just wants to notify the Board that this is happening. It does not require any action by the Board. It is the same drainage plan, same flow calculations, etc. They just relocated a few things which will show up on the street plans the next time they come before the Board.

RE: CLAIMS

Mr. Jeffers presented the following claims for approval:

Big Creek Drainage Assn.: Add'l. Mtce./Pond Flat Main \$5,356.70.70  
Green Grasshopper Flying Service: Spraying Eagle Slough (85% of bid) \$1,787.38.  
Big Creek Drainage Assn.: Pond Flat Lat. "E" \$162.72  
Big Creek Drainage Assn.: Buente Upper Big Creek \$1,544.92  
Big Creek Drainage Assn.: Pond Flat Main \$1,584.95  
Big Creek Drainage Assn.: Pond Flat Lat. "C" \$406.62  
Big Creek Drainage Assn.: Rusher Creek \$199.98  
Big Creek Drainage Assn.: Maidlow Ditch \$1,111.79  
K & M Lawn Care: Harper Ditch \$396.19  
Big Creek Drainage Assn.: Lower Big Creek \$472.56  
Happe's, Inc.: Eastside Urban (South Half) \$1,856.09  
K & M Lawn Care: Eastside Urban (North Half) \$2,235.01  
Happe's, Inc.: Aiken Ditch \$356.80  
Happe's, Inc.: Henry Ditch \$85.83  
Happe's, Inc.: Kolb Ditch \$300.42

The Chair entertained a motion. Motion was made by Commissioner Willner that, upon recommendation of the Surveyor, the aforementioned claims be approved for payment, with a second from Commissioner Cox. So ordered.

RE: SUBDIVISION DRAINAGE ORDINANCE

President Borries said he would enter into the Drainage Board minutes at this time that the agreement approved at the Commissioners' meeting regarding the revised Subdivision Drainage Ordinance concerning maintenance of retention basins and storm sewers.....

Mr. Jeffers interjected that he'd like to make a comment on this. He said he just looked at the revised ordinance today. The only thing he noted was that they said "retention", which means they are talking about a structure that "retains" water. He would suggest that the Commissioners might want to make that "retention/detention" because there are going to be some dry basins come through. On storm sewers, in order to clarify a piped channel from an open channel, they might want to put storm sewers/drainage channels.

RE: BIG CREEK DRAINAGE ASSOCIATION

Mr. Jeffers said that Mr. Dave Ellison, president of Big Creek Drainage Association, is in the audience today. He may have comments.

Commissioner Cox interjected a question concerning the problem we had with the Joe Elpers Subdivision on Henze Rd., asking if this has been resolved? Are they working that out?

Mr. Jeffers said he talked with Mr. Elvis Douglas of Soil & Water Conservation. He was aware of the problem and thought it had previously been resolved. He gave Mr. Douglas' telephone number to Mrs. Lippert and he believes they must be talking to one another, because he has not subsequently heard from either party. If there were no progress at all, he is certain he would have heard from someone. However, he cannot tell Mrs. Cox whether anything has definitely been done at this point in time. He invited Mrs. Lippert to call him back if she ran into any roadblock whatsoever. He thinks we can look forward to a solution concerning the matter -- and he believes the members of the Board made very good progress. As he said before, a lot of the developers will just walk away from this. Mr. Elpers, however, is right in there working with the people -- and the board members offered some very good suggestions, as did the engineer, toward solving the problem.

Commissioner Cox said that if they are talking about it, that's progress.

The Chair recognized Mr. Dave Ellison, who stated he resides at 2040 W. Baseline Rd. He expressed his appreciation and that of his neighbors to the board for the paving of Schillinger Rd. He's heard nothing but good comments. Further, he wants to wish both political parties the best in the upcoming election.

Continuing, Mr. Ellison said the last time he stood in front of the Commissioners, Big Creek Drainage Association requested that something be done with the bridge on Woods Rd. (which is on Frontage Rd. south of I-64). That is a small opening, about half the size of the bridge up at Nisbet Station Rd. There was some talk and a promise that something would be done with that bridge. He is here today to determine whether anything has been on this bridge? Or is there a scheduled completion date for this project? They have spent a lot of money up above that bridge during the last year. Right now they are completing a job on Upper Buente Big Creek and they spent approximately \$12,000 opening up those ditches this year -- and they have a snag here. He wonders if the Commissioners will commit themselves via addressing this problem. He noted the local paper reported that we didn't have any bridges under development or design at the present time, and he was wondering if perhaps they could take care of the bridge on Woods Rd.

The Chair asked for comments from the board.

Commissioner Cox said she believes the minutes indicated that Mr. Easley was to go out and look at these structures.

Commissioner Willner said he doesn't have any problem with that. He believes he stated previously that the bridge that is there will probably last another 100 years, but the roadway and opening on the creek side are too narrow. However, he guesses our bridge engineer's design engineer is working on Green River Rd. in order to meet a deadline and he thinks it would behoove us to stay there until that project is completed. Then we can move on to other projects. If the board would be so inclined to farming this out, he has no problem with that. The dollars are there and if the board sees fit to pursue this project, it is fine with him. It does need it -- Structure #1.

Commissioner Cox noted this bridge carries approximately 103 cars per day. Replacement cost is \$161,000. Was Mr. Ellison also asking that the Board look at the Nisbet Station Rd. Bridge?

Mr. Ellison said they were hoping they could get something done to both of those structures. However, first things first -- and the Woods Rd. bridge project would help them tremendously -- just to get that opened up.

Mrs. Cox noted that two bridges are listed in the report; one is on Mosquito Rd., and it says replace or remove. But it carries 10 cars per day. There is also another bridge on Mosquito Rd. which carries 12 cars per day. Those are all down for structure replacement. They also request that Nisbet Station Rd. Bridge be posted with 6 ton limit, and they've asked ....

Mr. Ellison said he doesn't want to go on record as saying "not to look at the bridges on Mosquito Rd., if they also need attention". But he is saying that the other two bridges are their concern -- and he is sure the people on Mosquito Rd. have their concerns.

Mrs. Cox said that Mr. Ellison is absolutely right.

Mr. Ellison said their problem right now is that they have opened up these ditches and they are getting a larger amount of water down there than they've ever had before, and it starts backing up.

Commissioner Borries said he will agree. If we don't get a federal highway program through, we may have designed a fancy bridge on Green River Rd. that may never surface anyway. He thinks we'll get that highway. The Commissioners heard today that some of our highway monies may be delayed. He doesn't know how close to completion the design engineer is; but it will have to go to the State for approval, etc. Nonetheless, the Commissioners can direct that immediately upon completion of the Green River Rd. project that the Woods Rd. bridge is the next priority.

Commissioner Willner said that in talking to Dan Hartman, he seemed to think he'd be spending six months on the Green River Rd. project. He has designed a bridge with a new lane on either side of the existing bridge. The State does not like that idea and they say that any new structure there needs to be earthquake proof. Thus, they want to put the two lanes on one side of the 2-lane bridge we already have, which causes Green River Rd. to have a dog leg in it. He doesn't necessarily agree with that, but if the State says that is what they want - that is what they want. Dan said he has to start all over from scratch and thinks this will take another six months. The other one was done. If the Board wants to do Woods Rd. Bridge, he thinks we should hire the design out, accept the design and then hire a private contractor to do the project out of bridge funds. If it's important to have it done during the 1987 construction season, then he thinks that is the way we should go. If the Board wants to farm out Green River Rd. to a consulting outfit and have Dan Hartman do Woods Rd. bridge, then that is o.k. with him, too. The board has a number of alternatives; it's just a matter of sitting down and discussing the matter and working out the problems. As far as he is concerned, there are also problems insofar as new bridge on Mosquito Rd. He's looked at the bridge; Andy Easley has looked at the bridge. He had another construction company look at the bridge and they disagree with the manual. The bridge on Mosquito Rd. or Outer Darmstadt (as it should be called) does not need replacing period. He doesn't care what Burroughs says -- it does not need it. He'd advise the Commissioners to put on their old clothes and go out there and crawl under it and look at it -- because it is pretty hard for a layman to sit here and say "I go against the engineering company that said we should replace it." But he is going to do that, because that is what he thinks. But it is up to the Board.

Commissioner Cox remarked that both bridges on Mosquito Rd. are very, very narrow and she was thinking that perhaps this is the reason they were recommending replacement.

Commissioner Willner pointed out that the narrowness is the road width, not the bridge opening. The bridge is only one-lane traffic.

Mr. Jeffers said he can't speak for all the farmers on Outer Darmstadt Rd., but he's never had a call from them saying they couldn't get across that bridge. He said there are other perpendicular roads to those two that they must have found a way in and out, and we haven't had the complaints re the Mosquito Rd. bridges that we've had on Woods Rd. bridge.

Commissioner Cox said that a lot of times bridges are replaced not because they are structurally deficient, but because they no longer serve the transportation needs of the area. She thinks that is what the board has to consider. The bridge report shows approximately \$16,000 for preliminary engineering on Woods Rd. Bridge. She would say that rather than to pull Dan Hartman off a project on which he has started and is working with the State, that the board think in terms of hiring a private engineer to do the preliminary engineering and get started on this.

Commissioner Willner remarked that this needs to be done at a Commissioners' meeting and not a Drainage Board meeting.

Commissioner Borries said he will tell Mr. Ellison now that we will develop specs and seek proposals for replacement of Woods Rd. Bridge.

Mr. Ellison asked if he can now go back to his people and tell them that the Commissioners have now committed to Woods Rd. Bridge in 1987?

Commissioner Willner confirmed that this is correct.

Mr. Jeffers said that since reporters are not present, he has a couple of comments to make that he doesn't want to be construed as political. He doesn't want them construed any way other than the fact that he thinks this Board has done a great job of staying out of that certain arena and that these farmers who come in (like Mr. Ellison) have some very, very critical problems that have developed that can't be turned into political problems. We have to look at those in the same way the Board has been looking at them for years -- on a bi-partisan basis to help certain segments of our citizens who are affected by drainage. He has found out during the last week or so that these men are spending \$2.25 or so to get a bushel of corn out of the field and going to market with it for \$1.50 per bushel. The Surveyor's office is going to want to work with the Commissioners very closely ext year to see what can be done. We don't control the farm market and we don't control taxes, except for ditch assessment. But he wants to see what we can do to either make our present ditch assessments really pay for themselves in the northwest part of the county or to lower their ditch assessment so their cost per acre is lower. That is what he's going to be working toward. If the ditch assessment is too high per acre, we're going to try to find a way to lower it or spread it out. In areas where the ditch assessment cannot be lowered, we'll see if we can't get more value per dollar. He thinks we're well on our way to doing that this year. He appreciates what the Board has done this year, participating hand-in-hand with the Surveyor's office.

There being no further business to come before the Board at this time, Commissioner Borries declared the meeting adjourned at 5:15 p.m.

- |                 |                       |                                 |                        |
|-----------------|-----------------------|---------------------------------|------------------------|
| <u>PRESENT:</u> | <u>DRAINAGE BOARD</u> | <u>COUNTY AUDITOR</u>           | <u>COUNTY ATTORNEY</u> |
|                 | R. J. Borries         | Sam Humphrey                    | David Miller           |
|                 | R. L Willner          | (Chief Deputy)                  |                        |
|                 | S. J. Cox             |                                 |                        |
|                 | <u>SURVEYOR</u>       | <u>OTHER</u>                    |                        |
|                 | Bill Jeffers          | Dave Ellison/Big Creek Drainage |                        |
|                 | (Chief Deputy)        |                                 |                        |

SECRETARY: Joanne A. Matthews

*Richard J. Borries*

Richard J. Borries, President

*Robert L. Willner*

Robert L. Willner, Vice President

*Shirley Jean Cox*

Shirley Jean Cox, Member

MINUTES  
DRAINAGE BOARD MEETING  
NOVEMBER 24, 1986

The Vanderburgh County Drainage Board met in session at 4:15 p.m. on Monday, November 24, 1986, in the Commissioners' Hearing Room with President Rick Borries presiding.

The meeting was called to order by President Borries, who subsequently reported that he has not had an opportunity to review the minutes of the previous Drainage Board Meeting held on October 27, 1986. He said he would entertain motion that approval of minutes be deferred until the next meeting. Motion to this effect was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

RE: AWARDING OF CONTRACT RE CLOVER DRIVE & SONNTAG-STEVENS DITCH & AMENDED SUBDIVISION DRAINAGE ORDINANCE

Commissioner Borries stated that during today's Commissioners' meeting, they acknowledged and approved two items: Contract to John Mans, Inc., awarding work to be done on Clover Drive and the Sonntag-Stevens Ditch. They also considered an Amended Subdivision Drainage Ordinance which goes in Section 150.121 of the County Code of Ordinances, which concerns maintenance of retainage basins and storm sewers.

Proceeding, Commissioner Borries entertained a motion that the Drainage Board acknowledge and approve the contract awarded to John Mans Inc. regarding Clover Drive/Sonntag-Stevens Ditch projects.

Commissioner Cox asked whether Mr. Bill Jeffers, Chief Deputy Surveyor or County Engineer Andy Easley have comments regarding the Clover Drive/Sonntag-Stevens Ditch projects?

Mr. Jeffers said he will be happy to work with John Mans, Inc. re the corrective maintenance portion on the Sonntag-Stevens Ditch.

Motion was made by Commissioner Cox that the contract for corrective maintenance on Sonntag-Stevens Ditch identified as Project VC-1186-SD be awarded to John Mans, Inc., with a second from Commissioner Borries. So ordered.

RE: SUBDIVISION DRAINAGE ORDINANCE

Commissioner Borries said the Subdivision Drainage Ordinance will be part of the County Code of Ordinances (Section 150.121). The amended ordinance was approved by the Commission.

Motion was made by Commissioner Cox that the ordinance previously described by President Borries be approved and incorporated in the Comprehensive Drainage Plan for Vanderburgh County, with a second from Commissioner Borries. So ordered.

RE: KREMER SUBDIVISION

It was noted by President Borries that Chief Deputy Surveyor Bill Jeffers has items to present for the Board's consideration.

Mr. Jeffers submitted copies of the plat for Kremer Subdivision to the Commissioners for their perusal. He said this subdivision is located on Middle Mt. Vernon Rd. immediately north of S.R. 62; immediately north of USI; and immediately south of Cherry Hill

264.

Drive. This is a small 3-lot subdivision, which he believes are residential single-family dwellings. (Mr. Bill Nicholson, who was in the audience, confirmed that this is correct.)

Continuing, Mr. Jeffers said that Mr. Nicholson presented the County Surveyor's office with a drainage plat. He guesses it is the final plat, as it includes drainage, accommodations -- 15 ft. easement between Lots #2 and #3, running north and south. And a 15 ft. easement between Lots #1 and #2, running approximately three-quarters of the way toward the south line of the subdivision and the cutting across Lot #1 and a 15 ft. easement along the west line of Lot #1. The design is such that when they build the depressed area (which is just basically a natural drainage swale)-when they build the houses, the water from around the houses will flow to the lot lines and then to the front County Highway side ditch and then the back yards will drain toward the State Highway and State Highway right-of-way. It is a very simple plan and doesn't require much high tech figuring. Presenting the drainage plan, Mr. Jeffers said it is all there to be seen. On the plat, Mr. Nicholson included a notice concerning drainage easements and their maintenance and the title of the drainage easement going with the lot to the lot owner -- the maintenance being the responsibility of the lot owner. Mr. Nicholson is in the audience today to answer any questions the Board may have. Subsequent to any questions, Mr. Jeffers will make his recommendation.

The Commissioners and Mr. Nicholson spent several minutes perusing and discussing the drainage plan for Kremer Subdivision.

It was subsequently noted by Mr. Jeffers that the subdivision is not tied to a quarter section corner. He would like to see it tied to a quarter section corner. That question was addressed in the Subdivision Review Committee meeting. It has nothing to do with drainage; but he would like to see it tied to a quarter section corner or permanent off site monument. Other than that, the Surveyor's office recommends passage of the drainage plan. (Mr. Nicholson said that it will be and it will be on the plat before it is recorded.) Mr. Jeffers said he is not making a stringent criticism of it, but when you're working with some small subdivision like this -- obviously a family dividing up some personal property -- he doesn't want them to have to spend a lot of money on a Manhattan survey to divide up three parcels like that. But he would like to see it tied to a permanent survey monument of some type for future reference. He is certain that when they are sure it is going to pass, then they might be willing to part with an additional \$200.00 to find that monument.

Commissioner Cox asked Mr. Nicholson how many feet east of Eichoff Rd. does this area lie? Mr. Nicholson responded, "Eight hundred (800) feet east of intersection of Eichoff Rd. and Middle Mt. Vernon Rd.

Following further brief comments, the Chair entertained a motion. Motion was made by Commissioner Cox that, upon recommendation of the County Surveyor, the drainage plan submitted for Kremer Subdivision be approved, with a second from Commissioner Borries. So ordered.

RE: PETITION FOR REZONING OF INDIAN WOODS EAST

Mr. Jeffers submitted the following letter from Morley & Associates, Inc.:

October 29, 1986

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

Attn: Mr. Bill Jeffers

RE: Kolb Ditch Within the Boundaries of the Proposed  
Indian Woods East Planned Unit Development  
Our Project #86-106-4

Dear Board Members:

CHAL, Inc. is presently petitioning for the rezoning of the parcel shown on the attached Exhibit "A" known as Indian Woods East.

Kolb Ditch runs diagonally across this parcel (see Exhibit "A"). This section of Kolb Ditch drained the area north of Covert Avenue until the City constructed an 84 inch storm sewer in Covert Avenue which now intercepts all of the water north of Covert Avenue. The 84 inch pipe empties into the Eastside Storm Drainage Retention Lakes located in Indian Woods.

The proposed drainage plan for Indian Woods East consists of storm sewers which will transport approximately 70 percent of the storm drainage to the existing retention lakes and 30 percent to Aiken Ditch on the south side of Pollack Avenue. The overflow pipe from the existing retention lakes also empties into Aiken Ditch.

The only other property affected by this section of Kolb Ditch is that owned by the Will family. The surface drainage from this property will be collected by the Indian Woods East Storm sewer system.

CHAL, Inc. petitions the Drainage Board to vacate the section of Kolb Ditch within the CHAL property and the Will property.

Upon your review and favorable consideration, please contact us as to the procedure you want to follow with regards to the vacation.

We request to be placed on the November meeting agenda for further discussion of this request.

If you have any questions or require additional information, please contact us.

Sincerely,

James Q. Morley, P.E., L.S.

Enclosures: Exhibit A; Development Plan - Indian Woods East

Mr. Jeffers said there is approximately one quarter mile of legal drain from a location near the northwest corner of the PUD to a point on the east line of the same PUD about half way down the development. He then proceeded to share a drawing of the development with the Commissioners.

As can be seen from the drawing, the quarter mile they are asking be vacated as a legal drain is the uppermost quarter mile of Kolb Ditch beginning across the street from Thompson Avenue on Covert Avenue Extension and flowing southeast through the development. As they can tell from pencil line he has drawn that to leave an open ditch 75 ft. on either bank line through there would severely restrict their ability to develop a Planned Unit Development. Mr. Morley and his staff have presented preliminary plans and calculations demonstrating to the County Surveyor's office how they propose to divert water now going into Kolb Ditch into an underground storm drainage system and direct that surface water to the underground storm system to the west, into Indian Woods' retention lakes -- at a location just within the other Indian Woods Subdivision and east of Hoosier Avenue. Those retention lakes -- he cannot speak for Dick Eiffler, who is

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presently on vacation; however, before he left he mentioned this to Mr. Eiffler and he said it was his understanding that those lakes originally were designed to handle the drainage which is now being planned to be carried there. The original calculations allowed for dense residential development in this area. The Surveyor's office is currently working up facts and figures for the Drainage Board, which will be presented in either December or January, to show how (if this plan is implemented) parcels of ground will be paying a ditch assessment for water no longer going into Kolb Ditch but into Aiken Ditch. Those will be approximately \$5.00 per parcel times however many residential parcels there are; and the commercial ground will be assessed at the urban rate. It will be a great boon to Aiken Ditch. Since it is agricultural ground, they're omitting from Kolb Ditch the financial affect of that on the Kolb Ditch, which will be minimal compared to today's figures. If the entire project can be worked through between the developer and the Drainage Board, he does not feel it will have any adverse effect on either Kolb or Aiken Ditch or the general drainage plan of the east side -- if we follow all the ordinances and common practices that we follow on these developments.

Morley's client (CHAL, Inc.) wanted this brought before the Drainage Board at this time, because they now have to go to the Area Plan Commission. The APC would be aware that they are trying to develop a piece of ground on top of a legal drain and the Surveyor's office would like to let the APC know that they are addressing this and that they're receptive to a petition from CHAL to vacate this. The vacation will be subject to approval by the Drainage Board after all affected property owners have been notified via mail (as by statute) and after a public hearing has been held and after the Drainage Board accepts or rejects the petition on the basis of the public hearing. Mr. Morley is in the audience if the Board has questions.

Commissioner Cox asked if what Mr. Morley is asking for today is the Board's recommendation concerning this project?

Mr. Morley confirmed that this is correct, saying a PUD with a rather specific site plan (and later, a more specific site plan comes back) -- but their specific site plan as presented does not allow a large green space 175 ft. wide down through the middle, as would be required if they went top-of-bank to top-of-bank plus 75 ft. on this side and 75 ft. on that side. For them to present a site plan that shows development of all of it, they felt they should simultaneously let the Board know that they wish to have that extreme upper portion of Kolb vacated. If the Board's momentary response was "absolutely no" under any condition, then obviously they need to go back and change the presentation of the site plan to the Plan Commission. That is the reason for the simultaneous presentation here, to let the Board know that there is a legal drain on the map that passes through the middle of this and while they are picking up all of the drainage (there is no flow through it from Thompson Avenue now; they intercepted all of that -- but this has never been vacated. In order to develop this site as shown on the site plan, it will be necessary to vacate it as a legal drain of the width stated in the statutes and if the Board has problems with vacating the upper end that now has no flow, he'd like to know of any particular problems prior to going to the APC. That is the purpose of today's presentation. He doesn't want someone to raise a question when they come to a hearing.

Commissioner Cox asked what legal mechanisms the Board needs to follow in vacation of legal drain?

Mr. Morley said there is public notice to all of the people on the drain....

Attorney Miller interjected, "Almost exactly like a Barrett law deal."

Mr. Morley said that in this particular case they will not have too many people to notify, since they're at the extreme upper end. There is an overflow from part of the City, so the City of Evansville would have to be notified; CHAL, Inc. is the entire owner on both sides, except for the Wills (two parcels). That is it; no one else is affected by this portion of Kolb Ditch. The other people on the legal drain are on downstream -- so this has no effect on them.

Attorney Miller asked if Mr. Morley knows how the Wills feel about this? It seems as though we could get a waiver of consent and avoid a public hearing. He asked if Mr. Jeffers has an opinion about this? Mr. Jeffers said he does not have an opinion at this time. It may affect other individuals' assessments on downstream -- and that is what the Surveyor's office is looking at right now. When you take 60 acres out of the maintenance of the ditch that have been paying into that ditch.....

Mr. Morley said they might be affected economically, even though they are not affected from a drainage standpoint.

Attorney Miller said they might avoid public notice by obtaining agreements from The City of Evansville and the Wills and proceed in this manner -- if the members of the Drainage Board have no adverse feelings.

Mr. Morley said that if he has the Board's permission, he will ask CHAL's attorney to contact Attorney Miller to determine if the waiver route can be pursued, etc.

Motion was made by Commissioner Cox that the request concerning vacation of section of Kolb Ditch within the CHAL property and the Will property be approved, and accomplished either by public hearing as required by law or via waivers from both parties, with a second from Commissioner Borries. So ordered.

RE: CLAIMS

Mr. Jeffers said he has three claims to present for approval. The work has been inspected.

Green Grasshopper Flying Service, Inc.: Spraying of Eagle Slough Ditch, per contract;..everything has been paid but 15% retainage and that amount now needs to be paid. Amount - \$325.42. Motion to approve claim for payment was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

Norman E. Messel: Annual maintenance of Sonntag-Stevens Ditch; Surveyor recommends paying \$2,148.84 and withholding 15% for 60 days. Motion to approve claim for payment was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

Norman E. Messel: Annual maintenance of Keil Ditch. Surveyor recommends paying \$716.86 and withholding remaining 15% for 60 days. Motion to approve claim for payment was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

RE: IRIS SUBDIVISION

Mr. Jeffers said there are individuals in the audience who wish to comment concerning Iris Subdivision. He is not aware of the nature of their comments.

Mr. Aaron Biggerstaff approached the podium and said he represents Dr. Fenneman and Sam Biggerstaff, who could not be present today. He said the last time he appeared before the Board in connection with this matter was in February 1985, when he submitted some photos for perusal. He knows Sam Biggerstaff has had some correspondence from Sam Elder of the Health Department and Barbara Cunningham and County Engineer Andy Easley concerning the toe drain. He feels that their client could best

be represented by Mr. Sam Biggerstaff, his father. It would take him some time to familiarize himself with everything, since he hasn't had anything to do with this project since 1985.

Commissioner Borries expressed appreciation to Mr. Biggerstaff for his comments.

Attorney Mike Mitchell was recognized by the Chair. He said he represents Mr. Bill Wedeking, Sr. and Mr. Bill Wedeking, Jr., the developers of the property immediately to the south of Iris Subdivision. He is not sure why Dr. Fenneman is here. They asked to be notified by the Commissioners as the Drainage Board and the Area Plan Commission should there be any further comments by Dr. Fenneman, or changes, or proposed changes concerning the subdivision, since it drastically affects his clients' property immediately to the south (which is adjacent to it). They don't really know what they are going to address, so he cannot respond until he knows where they are coming from.

Attorney Mitchell said he believes Mr. Sam Biggerstaff's recommendations are that the toe drain is not necessary. Again, from what he understands, he received a letter from Mrs. Cunningham. He also has a copy of a letter from Mr. Elder. According to the letter, what they are wanting to do is drain into the nearest drainage system. He would point out to the Commissioners that his review of the case reveals that this rezoning was granted contingent upon specific conditions contained in Mr. Virgil Miller's comments (which are underlined in copy of minutes he submitted to the Commissioners). Any discussion with respect to the elimination of any of those contingencies has to begin with the understanding that that was the condition upon which the rezoning was granted.

Commissioner Borries said, "That is correct."

Commissioner Cox asked to see the original drainage plan for this subdivision which was approved by the Board.

Mr. Jeffers said he believes it is in the files in Area Plan Commission office.

Mrs. Cox asked, "Then what this is is an amendment to the original drainage plan?"

Mr. Jeffers said he thinks the conditions referred to by Attorney Miller regarding the conditions added by Mr. Virgil Miller were in addition to the drainage plan first submitted to the Drainage Board.

Commissioner Cox said that it seems the Area Plan Commission, which is strictly a recommending body on drainage -- if they had a recommendation or drainage plan other than that which was approved by the Drainage Board, it certainly should have come back to this Board for any amendment or for inclusion before ...

Attorney Miller said that probably would have been a better procedure. But that motion is clearly contingent upon certain conditions.

Attorney Mitchell said the plat is recorded with those specific conditions as a matter of public record.

Attorney Miller asked, "Are they on there?"

Attorney Mitchell responded, "They are on there. Let me say, everything is on the plat the way it is in that letter, Mr. Miller. It specifically refers to the conditions set out April 3rd -- those four items. If you refer to the minutes, then each of those items are specifically on there. Attorney Mitchell referred to the minutes of Drainage Board meeting of March 6, 1985 and Area Plan Commission meetings of March 6, 1985 and April 3, 1985 -- which set out all the letters, concerns and everything else."

Commissioner Borries said questions have been raised by Commissioner Cox, Aaron Biggersaff and Mike Mitchell. Not to give anyone the runaround here today, but he simply does not believe that at this point the Board is prepared to make any changes or any decisions on what has taken place. He does not believe they have all the necessary information. He knows there was a question -- there were some problems with the lake. And that is what all of this is about -- that this was supposed to be a way to remedy the situation of the lake leaking. Again, without those records in front of him to determine whether the Drainage Board approved anything else and, because this is already on the plat, he, personally, is not prepared to make any decision today or any changes. Do we want to consider this at a future time?

Attorney Mitchell said that if the Board will refer to Drainage Board minutes of March 4, 1985 and if staff for the Area Plan Commission would furnish him with their minutes of March 6, 1985 and April 3, 1985, he believes most of that information would help clarify where we would be at the next hearing.

Attorney Miller said it seems the appropriate way to approach this if Dr. Fenneman intends to take any action to change the conditions set forth on the plat, is to go through the proper procedure to amend the original plat, as approved by the Plan Commission and presently on file. And, in connection with that, submit a revised drainage plan to this Board, at which time there will be something specific before this Board which Dr. Fenneman and his folks can explain and the Wittikens and anybody else can oppose if they wish. But right now there is nothing before this Board for appropriate discussion.

Attorney Mitchell said he concurs with Counsel. The only thing, he would appreciate is if he or Mr. Staser could be notified. His office would like to be notified.

Commissioner Borries said, "We can do that. I'm not really sure that Bill Jeffers was notified or had any idea of what was taking place today.

Commissioner Borries said he appreciates their attendance today and everyone will be notified. As the County Attorney has set out, if Attorney Mitchell would like to have a tape of the meeting, this will give everyone an indication. We will apparently have to have an amended plan presented for consideration and parties will be notified as to when this will come up.

RE: BIG CREEK DRAINAGE ASSN. - DAVE ELLISON

Commissioner Borries welcomed Mr. Dave Ellison, President of the Big Creek Drainage Association.

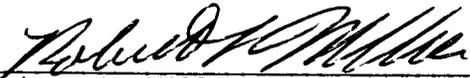
There being no further business to come before the Board, President Borries declared the meeting adjourned at 5:15 p.m.

<u>PRESENT:</u>	<u>DRAINAGE BOARD</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries	Sam Humphrey	David Miller
	S. J. Cox	(Chief Deputy)	
	R. L. Willner		
	(Absent; on vacation)		
	<u>COUNTY ENGINEER</u>	<u>COUNTY SURVEYOR</u>	<u>AREA PLAN</u>
	Andy Easley	Bill Jeffers	B. Behme

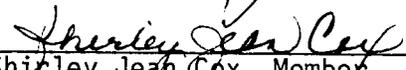
OTHER

James Q. Morley  
M. Mitchell, Atty.  
Aaron Biggerstaff  
Dave Ellison/Big Creek Drainage Assn.  
News Media

SECRETARY: Joanne A. Matthews

  
Robert L. Willner, President

  
Richard J. Borries, Vice President

  
Shirley Jean Cox, Member

MINUTES  
DRAINAGE BOARD MEETING  
DECEMBER 22, 1986

The Vanderburgh County Drainage Board met in session on Monday, December 22, 1986 at 3:20 p.m. in the Commissioners Hearing Room with President Rick Borries presiding.

President Borries stated that prior to calling today's session to order, there had been a lengthy discussion among several parties regarding Iris Subdivision. The parties represented here are the same parties who have been involved with this matter: Mr. William Wedeking, Sr., Mr. William Wedeking, Jr., Dr. Robert Fenneman, Jack Schroeder (Attorney for Dr. Fenneman) and Mike Mitchell (Attorney for the Wedekings) and Sam Biggerstaff, who is also here to represent Dr. Fenneman.

Continuing, Commissioner Borries said there has been much discussion concerning a Drainage Board Meeting held on March 4, 1985. There has also been much discussion in reference to a sump pump that was mentioned in the minutes of the Area Plan Commission Meeting on April 3, 1985. At this time Commissioner Willner may want to move or not move that the recommendation of the Drainage Board from the minutes we can find (when this matter was discussed on March 4, 1985) either be amended or remain as they were.

The other correction on this is that it was not a "toad" ring but "toe drain". With that correction, it had been moved that a toe drain in the vicinity of this leak in a 4" or 6" pipe underground be set all the way to the culvert installed by Mr. Wedeking. Mr. Easley had made a sketch according to his recommendation and there had been a motion by Commissioner Cox, which was seconded and approved at that time.

Commissioner Willner said he has one comment. He thinks the toe drain was to be installed by Dr. Fenneman. The toe drain would be on Dr. Fenneman's property and should be installed by him. Continuing, Commissioner Willner said he sees no reason to change the recommendation, the reason being sometimes sump pumps don't work; you have to get them below the freeze line to even have a possibility of their working in the wintertime. The pit where the sump pump would be would have to be below the surface and covered in such a way that the water would not freeze. Then, the pipe going up over the dam to put it back into the lake would also have to be below the freeze line. This is one heck of a job and very seldom would it ever work. So he thinks the Board's original order should stand. He thinks the Area Plan Commission in their deliberation was not aware of what the Drainage Board had done. So if there is anything further, this information needs to be brought back to the Area Plan Commission for their consideration.

Commissioner Borries said that for the record -- to alleviate any confusion as to who was to install it, Mr. Easley is here. Was it Mr. Easley's recommendation that the toe drain be installed on Dr. Fenneman's property? Mr. Easley responded in the affirmative. Commissioner Willner interjected, "By Mr. Fenneman."

Mr. Easley asked if Commissioner Borries mentioned a culvert?

Commissioner Willner said he thinks they're talking about a culvert under the roadway.

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Commissioner Borries stated that the motion at this point was that Iris Subdivision be approved, subject to the owner of the dam taking the recommendation of Mr. Easley to install the toe drain in the vicinity of the leak and lay a 4" or 6" pipe underground all the way to the culvert installed by Mr. Wedeking.

Commissioner Willner said, "That would be under the roadway culvert."

Mr. Easley said, "That would dry up the water that is now trickling across his property."

The various parties involved spent several minutes perusing plans and debating the issue, until President Borries requested that the various parties leave the meeting and convene in Commissioner Willner's office for purposes of debating further toward reaching a satisfactory solution in the matter.

RE: COUNTRY TRACE SUBDIVISION

The Chair recognized County Surveyor Robert Brenner. He said that Mr. Tony Clements is here with request concerning County Ordinance 150.121 and the payment of a maintenance fee for the retention basins and underground storm sewers in Country Trace Subdivision. He wishes to elect Option "B", which is payment of maintenance fee. Mr. Easley was doing some measuring and he doesn't know whether he came up with the same figures that he did. There is no retention basin on Section "A. Originally, the restrictions called for a Homeowners Association. He is electing to take Option "B", which is payment of drainage maintenance fee. Comment was made that this fee would be put in escrow account in the County Auditor's Office.

There was discussion for several minutes pertaining to the fee and Attorney Miller said that there is a general maintenance account maintained for that purpose for use anywhere in the county.

Commissioner Willner asked if it is for anywhere in the county or just on this particular subdivision?

Attorney Miller said, "We're perpetually obligated on each subdivision to which this applies. If the Board has the intent to designate these funds for this subdivision only, then he thinks we'll have to add to that ordinance."

Commissioner Willner said, "It would be a shame if they paid the money and it went to someone else's subdivision."

Attorney Miller said, "By the same token, there would be protection for them from the other subdivisions that paid." He thinks it would be an accounting nightmare.....

Mr. Brenner said we got into that with the ditches and that is how the ditches got split out. We had a general ditch fund and people were paying into it and never seeing a penny's worth of maintenance.

Commissioner Willner said the Drainage Law has two accounts: the general account and the individual account.

Attorney Miller said that when he drafted the ordinance, he never considered it anything but the general fund. But the State Board of Accounts may have something to say about that.

Mr. Easley said, "If we have a problem out there and some work has to be done on that subdivision storm drainage system, is this something that is going to be done by the County Highway Department personnel? Are we going to contract it out?"

Commissioner Willner said, "We can't use County Highway personnel."

Mr. Easley said, "I'm just asking; so this is for contractual services?"

Commissioner Willner said, "Yes".

Motion was made by Commissioner Willner that Country Trace be allowed to participate in Plan "B" as far as drainage and swale maintenance, with a second from Commissioner Borries. So ordered.

RE: DITCH MAINTENANCE CLAIMS

Mr. Brenner presented the following ditch maintenance claims for approval:

Leo Paul: Claim on Wallenmeyer Ditch \$958.73 (85%); Barr's Creek, \$3,074.37. We'll retain the other 15% for 60 days. Motion to approve claim was made by Commissioner Willner, with a second from Commissioner Borries. So ordered.

Big Creek Drainage Association -- Balance of account for the following ditches:

Lower Big Creek	\$157.52
Upper Big Creek	\$514.97
Pond Flat Lat. "E"	\$ 54.24
Pond Flat Lat. "C"	\$135.54
Pond Flat Main	.\$528.32
Pond Flat Main..(Add'l. Mtce.).....	\$945.30

Motion to approve foregoing claims was made by Commissioner Willner, with a second from Commissioner Borries. So ordered.

<u>Norman E. Messel</u>	\$ 379.21
<u>Norman E. Messel</u>	\$ 126.50

Motion to approve payment of claims to Mr. Messel was made by Commissioner Willner, with a second from Commissioner Borries. So ordered.

<u>K &amp; M Lawncare</u>	\$132.07
<u>K &amp; M Lawncare</u>	\$745.01

Motion to approve foregoing claims was made by Commissioner Willner, with a second from Commissioner Borries. So ordered.

RE: RECONVENED SESSION OF COMMISSIONERS MEETING

Commissioner Willner announced that he would like to reconvene the Commissioners Meeting as soon as the Drainage Board Meeting is adjourned.

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 3:45 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries	Sam Humphrey	David V. Miller
	R. L. Willner	(Chief Deputy)	
	S. J. Cox (Absent; on vacation)		

<u>COUNTY SURVEYOR</u>	<u>AREA PLAN</u>	<u>OTHER</u>
Robert Brenner	B. Cunningham	T. Clements J. Schroeder M. Mitchell R. Fenneman W. Wedeking, Sr. W. Wedeking, Jr. S. Biggerstaff

SECRETARY: Taped by Shirley Wells  
Transcribed by Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

MINUTES  
DRAINAGE BOARD MEETING  
JANUARY 26, 1987

The Vanderburgh County Drainage Board met in session at 4:05 p.m. on Monday, January 26, 1987, in the Commissioners Hearing Room with President Robert Willner presiding.

The meeting was called to order by President Willner, who subsequently entertained a motion concerning approval of the minutes of October 27 and November 24, 1986.

Motion to approve same was made by Commissioner Willner, with a second from Commissioner Cox.

The Chair then entertained a motion to approve minutes of December 22, 1986.

Motion to approve same was made by Commissioner Borries, with a second from Commissioner Willner. So ordered.

RE: REISING SUN SUBDIVISION - DRAINAGE PLANS

The Chair recognized Bill Jeffers, Chief Deputy Surveyor. Mr. Jeffers said Reising Sun Subdivision is on the northwest corner of Middle Mt. Vernon Rd. and Jobe's Lane. (Jobe's Lane lays right up against the west city limit line.) It is a six (6) ~~block~~ <sup>lot</sup> subdivision. Four of the lots are 72' x 202' and face on Jobe's Lane. Lots #5 and #6 are a slightly different shape. One faces on Middle Mt. Vernon Rd. and the other Jobe's Lane. He believes sewer is available on the west side of Jobe's Lane, which services all the lots. Drainage should be a very simple matter of draining the majority of water to the back of all lots into a drainage swale, which will be constructed in a 15 ft. drainage easement.

Mr. Jeffers said the only comment he would have is that the final plat should have a notice on it to the effect that the drainage swale shall be constructed in accordance with the Subdivision Code, and shall not be filled or obstruct the free flow of water and the maintenance of that swale will remain the responsibility of the property owner until such time as another agency assumes the responsibility. (It can be paraphrased, but that is basically what needs to be on the plat.) The finished floor elevation should be assigned at Roger Lehman's recommended floor elevation (which he told him today is 385 ft.). The 1937 flood elevation was approximately 383 ft. This was all presented to the Subdivision Review Committee and they were asking for a concise statement as to what finished floor elevation should be. Today, Roger Lehman recommended 385 ft.

Mr. Jeffers commented that Mr. Aaron Biggerstaff is present today to answer any questions the Board may have of the developer's engineer. The developers are also in the audience today. If the Board has any questions he, personally, can answer, he will be glad to do so.

Commissioner Willner said the minutes of the Subdivision Review Committee state, "The Subdivision Review Committee met January 13, 1987, and made the following recommendations: Most of this site is within the 100 year flood zone. Therefore, it is recommended that no basements and no crawl spaces be incorporated. The Building Commission will have an elevation requirement which will be put on the milar (that is 385 ft. now). Access to Lot #6 must be from Jobe's Lane. Plat should reflect exact areas that are in the 100 year flood zone. Drainage Board approval is required."

Mr Biggerstaff said he has one question concerning the crawl spaces. The comment was made in the Subdivision Review meeting about the crawl spaces. But he thinks the developer would like to have crawl spaces. He has plans for them. It is easy to check the Federal Manual. He doesn't believe there is anything that states that a crawl space has to be 2 ft. above the finished floor. But he thinks the developer can design a crawl space so there won't be water -- they are trying to limit the amount of water in the crawl space. But they would like to have the crawl spaces in there.

Commissioner Willner said that Roger Lehman of the Building Commission would have to approve this.

Continuing, Commissioner Willner asked Mr. Jeffers if the stipulation he added was that storm water be kept ?.....

Mr. Jeffers interjected, "The swale would be constructed in the 15 ft. drainage easement. There should just be a note on the final plat that the property owner will maintain that easement until such time as another agency assumes responsibility for same, and it shall not be obstructed by fill or other obstructions. We allow those notices basically to conform to the individual case, because the subdivision code does not give a specific notice -- just to the effect that "....

Following brief comments among Messrs. Biggerstaff, Jeffers and the Board (which were not entirely audible), the Chair entertained questions. There being none, a motion was entertained.

Motion was made by Commissioner Borries that the drainage plans for Reising Sun Subdivision be approved, according to the stipulations heretofore mentioned, with a second from Commissioner Cox. So ordered.

RE: BROWNING ROAD ESTATES WEST, SECTION II

Mr. Jeffers said that Browning Road Estates West, Section II,, came up in the Commissioners' meeting, so the Board is familiar with the location, street names, number of lots, etc.

The subdivision has a fairly simple drainage plan. Between Lots #22 and #23, is the natural valley and Fred Kuester, land surveyor from Ft. Branch, has shown a 20 ft. drainage easement on the plan, which should be plenty wide enough for any drainage swale to take the natural drainage from all properties (including those north of the subdivision) down to Pinegate Rd., where it goes through an existing reinforced concrete pipe. It then continues on the east line of Lot #32 along Maplegate Rd. in a 15 ft. drainage easement. The other drainage easement runs through the southeast corner of Lot #27. He discussed this with Mr. Kuester by telephone two or three times, and they arrived at a 34 ft. easement which will basically be a combination drainage and sanitary sewer easement. He has a drawing of how the Surveyor's office suggests the sanitary sewer be laid in that easement so it will not interfere with good drainage. He talked with Mr. John Rexing at the Waterworks, who's the engineer for their sewer department. He is pretty much in agreement with this. The surveyor's office has no problem with the sewer being installed in that drainage easement, as long as it pretty well follows their plan, because generally the same contractor installs the sewer that does the earth work out there. If he does it the way the surveyor's office planned it, there won't be any problems with the ditch. Mr. Jeffers said they basically have 34 ft. on the righthand side; four (4) feet of working room for the maintenance of the drainage bank; 3:1 side slope; 4 ft. bottom is typical and 3 ft. depth is about average. 3:1 side slope going up the other side. When you get to the top of the bank on the lefthand side of the ditch, they would like to see the centerline of that sewer laid about 2 ft. to the left of the top of the

bank. (This would be on the northwest side of the ditch.) That way the ditch bank is not disturbed. It is 6 ft. from the centerline of the sewer to the outside of the easement, thereby giving the sewer department a good 12 ft. of working space, of which only 4 ft. overlaps into the ditch. He is sure they can work within that, because the pipe will be relatively shallow. Everyone seems to agree that this will work out fine for future maintenance. This is a suggestion and everyone he talked to today, including the engineer at the waterworks and Mr. Kuester, says this will work. Thus, we would allow them to share that drainage easement, thereby saving the property owner another 12 ft. of his yard, with a manhole stuck up near his patio. This keeps the manhole back by the ditch where it is not as unsightly.

The only thing Mr. Jeffers said he has noted is that they usually use these eccentric cones which are straight on one side and sloped on the other. If they use those, they would like to see the slope side facing the ditch, so that the manhole is back away from the top of the bank and it won't catch rubbish in the high water storms. Everything else in the drainage plan is pretty straightforward and simple. He would again note, however, that it needs notice on the plat to the effect that the swales in the drainage easement shall not be obstructed and the property owner is responsible for the drainage easement until such time as another agency assumes that responsibility. With those recommendations and stipulations, the surveyor's office recommends approval of the drainage plans for Browning Road Estates West, Section II.

Commissioner Borries asked that with regard to responsibility, that would have to be put on the plat on Lot #27 would it not where the easement goes through and turns?

Mr. Jeffers said that is correct; and it would have to go on the other one also. Mr. Jeffers and the Commissioners spent several minutes perusing the plans.

It was noted by Mr. Jeffers that the plans only show a 6 ft. easement for the sewer, but Mr. Wedeking is going to dedicate 6 ft. on designated side (pointing to the plans) so the sewer department has a total of 12 ft. Mr. Wedeking owns the adjacent property and they will either describe it in a legal description for the city on the other 6 ft.; or, perhaps by the time the city takes over the maintenance, the next section of the subdivision will be platted and that 6 ft. easement would show up on the next plat.

The Chair entertained questions. There being none, a motion was entertained.

Motion was made by Commissioner Willner that the drainage plans for Browning Road Estates West, Section II, be approved in accordance with the stipulations and comments outlined by Mr. Jeffers regarding the easements, maintenance thereof and the suggested combination storm-sanitary sewer, etc.

RE: WINDSONG SUBDIVISION & POLO CLUB - DRAINAGE PLANS

Mr. Jeffers said he will speak on this only briefly, as it may take some explanation to get the entire picture. But this is a part of Indian Woods P.U.D. It is outside the city limits; it is outside that part of Indian Woods that was annexed into the city limits a couple of years. All of the drainage of this area presently goes in several different directions. Some goes into Kolb Ditch; some of it goes into Aiken Ditch. When the drainage plan is implemented, all the drainage for what is being presented today will go into the two retention lakes built by the city (between Hoosier Avenue and Indian Woods Apartments). Mr. Morley has presented a bound edition of a Drainage Summary for this project. The first page of the summary is a letter to the Drainage Board. Mr. Jeffers said he would like for this letter to be entered into the record:

To: Vanderburgh County Drainage Board  
From: Morley & Associates, Inc.  
Re: Drainage Plan for Windsong Subdivision & Polo Club  
of  
Indian Woods P.U.D.  
Project No.: 86-1342-4/86-1367-4

The drainage calculations for the above subdivisions have been combined into one since they share common drainage structures.

In addition to the surface drainage generated within the boundaries of the two subdivisions, the storm sewer in Crossfield Drive has been sized to carry the future flow from the north half of Indian Woods East P.U.D. which is proposed to the east of these two subdivisions.

No retention or detention facilities have been proposed in the drainage plan. When the retention lakes in Indian Woods were designed,, the area within the Windsong and Polo Club subdivisions were included in the drainage basin.

The drainage system within the subdivision will consist of storm sewers and curb inlets for street drainage which includes the drainage from the front 50 feet of each lot. The drainage from the rear 50 feet of each interior lot will be collected in two foot wide concrete paved ditches which will be sloped at 0.50% or more. The paved ditch will transport the surface drainage to area drains which are connected to the storm sewer system. The longest section of paved ditch measures 210 feet. The drainage from the rear 50 feet of each exterior lot will be collected in earthen ditches with 3:1 side slopes and a one foot wide bottom. The ditches are located outside of the plat boundaries, but are within dedicated 10 foot wide drainage and public utility easements adjacent to the platted boundaries. The grantor of these easements will be providing more permanent drainage facilities in the future when the adjacent areas are developed.

The lots in both subdivisions will have six foot high stockade wooden fences located on the rear and side yard property lines. For interior lots, the paved ditch will be located four feet to one side of the rear lot lines. The fence bottoms along the rear of the lots and within three feet of the paved ditches will be raised above the ground. A restriction on the plat prohibits any lot owner from obstructing the flow of surface water within the public utility easements.

The 10 year design storm predeveloped runoff rate is 13.07 cfs. The 25 year design storm runoff for the developed state is 44.90 cfs.

Mr. Jeffers directed the Board's attention to the paragraph which mentions no detention/retention facilities have been proposed in the drainage plan, etc. He said he wanted to bring attention to this specific paragraph, because that raises the issue, "Will the lakes between Hoosier and the apartments handle the calculated runoff from these two new subdivisions?"

Mr. Jeffers said he has a letter which was addressed to him (and more appropriately should have been addressed to the Drainage Board) from Richard Eifler, City Engineer, as follows:

January 21, 1987

Mr. William M. Jeffers  
Deputy County Surveyor  
Vanderburgh County  
Civic Center Complex

Re: Surface Drainage - Indian Woods Subdivision

Dear Bill,

The original design for the storm retention basins located within the perimeter of the Indian Woods Subdivision included all of the area of the subdivision and the adjacent area to the East.

The calculations for runoff were based on the developed condition anticipated for the area which was a mixed housing group. The engineers for the project used the proposed long range plans for the development to compute the runoff. The development plans called for a mixed housing group consisting of apartments, single family units on large lots, cluster housing, and townhouses. It appears from the submitted plats that it was a valid assumption.

After reviewing the proposed plats and plans, we would recommend that you approve their concept as it falls within the parameters of the original design.

Respectfully yours,

Richard C Eifler, P.E.  
City Engineer

Mr. Jeffers said that basically what Mr. Eifler is saying is that the lakes will handle the runoff from Windsong and the Polo Club. If these two items are entered into the record, the record will be clear as to what Mr. Morley proposes to do with the runoff from this subdivision.

Continuing Mr. Jeffers said he would like for Mr. Morley to explain the whole concept. It is a P.U.D. and that requires special considerations beyond what we normally look at for less dense housing.

Mr. Morley approached the podium and stated, "In this area of dense housing, the Polo Club is a lofts type project (like the one on Vogel Rd.) It is similar to condominium ownership, where the units abut each other; but they have an individual back yard, surrounded by a privacy fence or stockade fence.

Windsong is an area of single-family homes that are called zero lot line, in that one side of the home fits right on the property line; then they have a small side yard. Again, those are all constructed together at the same time with privacy fences in the back yard. In order to preserve the drainage plan, the drainage grades for this -- before the fences are installed -- the entire project is graded; drainage swales are built to grade; and the bottom of the swale is paved where it falls into the back yards. This is to preserve future grades and make maintenance along the privacy fences easier. The pick-up points for this subdivision are all a series of storm sewers tied into big 84 inch pipe that is up in Shoshani Drive and lead on down to the lake. The maximum length of any of these swales away from an intake point is about 210 ft. So you have a series of relatively short swales that are paved in the bottom to preserve their elevation.

The homeowner of each of the lots is responsible for keeping clear and maintaining that area of the drainage swale on his own lot. So the only major difference here is that we are paving the bottom of the swale and we are dealing with an area of privacy fences that cross it.

Mr. Morley entertained questions.

Commissioner Willner asked, "Jim, what is different then about the original P.U.D. drain, if anything?"

Mr. Morley said, "From the standpoint of drainage, nothing is different. From the standpoint of the exact lot configuration, the lot configuration is different. The original drainage plan simply stated that it would be collected and go into a retention

lake. You had no actual plan of how the sewers were to be run. Now we have an actual plan; we have decided exactly how the lots are going to be oriented and have an exact plan. Originally (at the time of presentation to P.U.D., we only had a concept and a calculation that said so much water was going to go to the retention basis. Now you've got the rest of the details of how we're going to collect it. One commentary about these two subdivisions: These are at a lesser density than the original proposed P.U.D. It is being backed down slightly from the original proposal. I think at one time I'd given Barbara (Cunningham) some figures -- and we're actually backing the density down a bit -- about 10% or something like that.

Mrs. Cunningham said, "You went from 169 to 151 in total, with both of them."

Mr. Morley said rather than going to more single family ownership -- they will all own (although it is relatively compact lots) it is individual ownership as opposed to an apartment project. So they're encouraging additional home ownership.

The Chair entertained questions.

Mr. Morley said he would add one thing. In order to delineate the easements and define the concrete swales that have been added to the drainage plan, an actual cross-section has been added to the drainage plan and to the subdivision plat so that everybody is aware that that is the way it is planned and the location of the transformers, telephone pole boxes, etc. -- that cross-section has been added to the plats of both of these now. He proceeded to share the plats with the Board, commenting on various items.

In response to query from Commissioner Borries, Mr. Morley said that while there are two lakes, they work as one.

Commissioner Borries asked whether Mr. Morley knows if the 100 year flood design is on this?

Mr. Morley said the storm detention basin was designed to handle 100 year flood in that area. The calculations and everything in this -- the sewers are all designed for 25 year storm flow, with an overflow elevation for surface water drainage that would keep anything from being flooded even at the 100 year. None of the area is within the 100 year flood plain boundary designation. But in addition to that, they have done additional calculations of the actual immediate slopal storm water flow to make sure they don't have flooding. So all of that is set up and included and none of it is in the 100 year flood plain.

Mr. Jeffers raised questions as to how SIGECO plans to service the transformers, etc.?

Mr. Jagoe said they are going to put the electrical transformers in the back yards and they will be serviced through a fence or opening between the houses. There is a fence and a gate between the two houses, so that the transformers can be serviced.

Mr. Morley noted that this is only for purposes of change, etc.; they are all placed during initial construction. It is only when repairs are being made, etc., that they need to get to them.

Mr. Jeffers said the Surveyor's Office has examined the drainage plan and the calculations and it is their recommendation that the plans be approved.

The Chair entertained further questions. There being none, a motion was entertained.

Motion was made by Commissioner Borries that the drainage plans for Windsong Subdivision and the Polo Club in Indian Woods P.U.D. be approved, with a second from Commissioner Cox. So ordered.

It was noted by Mr. Jeffers that Mr. Roy Foster is in the audience today and he has brought a set of plans and calculations for Lakewood Terrace Estates 5 and Brookshire Estates 5. These are his calculations of the lineal feet of storm sewer (not in county right-of-way). He is asking the same thing that Mr. Tony Clements asked at the last meeting - to allow him to go with Plan "B" under the new drainage ordinance and submit a check covering both subdivisions and allow the money to be put into the fund for maintenance of storm sewers outside county right-of-way. He did not calculate the lineal shoreline feet because that pond for which we previously accepted the drainage plan is dedicated, by deed, to the property owners and they maintain it. All he is asking for here is pipe.

Mr. Jeffers said what he would like to do at this time is, if the Commissioners will grant tentative approval of his request to let him go with Plan "B" under the ordinance, then he will provide a copy of what Mr. Foster has submitted to Andy Easley and he will take a copy and they will sit down and decide which county agency is going out to do the measuring and inspecting on this, take it under advisement for one month and notify Mr. Foster at the next Drainage Board meeting as to whether they agree with or accept his drainage calculations.

Commissioner Willner said the Drainage Board has already said they will go back retroactive and accept those. All we need to do is have someone check to see if Mr. Foster's measurements and check are correct.

Mr. Jeffers said this simplifies the matter. He asked Mr. Foster if it is agreeable with him that Mr. Jeffers advise him next month?

Commissioner Willner asked, "Do you need to go out there? Can't you check that from the plans in Area Plan Commission?"

Mr. Jeffers said they can check the plats concerning the lineal feet.

Commissioner Willner said that while Mr. Jeffers is checking this one out, he also has a similar request from Mr. Phil Heston which he'd like for him to check out simultaneously. This will have to be re-recorded. Mrs. Cunningham reiterated that this will have to be re-recorded.

Mr. Jeffers said that if the Board likes, they can go ahead and approve these, subject to the Surveyor's Office checking the calculations.

Commissioner Willner said it has already been approved. All the Surveyor's Office has to do is check the calculations. If they are incorrect, all the Surveyor has to do is either refund monies or ask for more money.

Mr. Jeffers said this makes it real simple. He then asked to whom the checks should be made payable? The check from Mr. Foster is made payable to the Commissioners?

Commissioner Willner said the Auditor is setting up an accounting system for this.

Mr. Jeffers said he will determine the fund number and notify everyone so they can make the checks to the fund number.

Mr. Willner said it was his understanding that they were going to set it into individual subdivision accounts; in other words, they will set up accounts that will have those subdivisions that we have set up; that money stays in escrow and accumulates interest until it would be needed.

RE: BIG CREEK DRAINAGE ASSOCIATION

Mr. Jeffers said Mr. Dave Ellison, President of Big Creek Drainage Association, is in the audience today. He is one of our very best friends in northern Vanderburgh County. They have come up with an idea that the Surveyor's Office is wholeheartedly behind. This concerns the combination of Pond Flat Main and Lower Big Creek -- two names for the same ditch. Lower Big Creek is presently assessed 69 cents per acre and Pond Flat Main is assessed 49 cents per acre. This means there is a 20 cent discrepancy in the assessments for drainage. Yet, it is for the very same creek. Pond Flat Main runs down to Mann Road Bridge and from thence on to the county line it is named Lower Big Creek. If we combine the two ditches under one name and call it Pond Flat Main, it would raise the assessment for Pond Flat Main to a projected 51 cents, which is a 2 cent raise. And it would lower the assessment on Lower Big Creek to 51 cents, which is a 18 cent decrease per acre. The Surveyor's Office fees that 51 cents per acre will do all the anticipated annual maintenance and still have a surplus. Pond Flat Main always carries a surplus. Lower Big Creek never carries a surplus. If we combine them, all we're doing is raising the assessment 2 cents in Pond Flat and lowering it 18 cents in Lower Big Creek.

In order to accomplish this request, there are certain things by law we have to do.

Commissioner Cox asked, "Bill, did you say that Big Creek never carries a surplus?" And, we're lowering it?"

Mr. Jeffers said "Very seldom. If we combine it into one creek, we're lowering it - right. The reason Big Creek doesn't carry a surplus is because it is a very short stretch of creek. It doesn't have near the contributors or nearly the acreage that Pond Flat Main has -- and the assessment is 60 cents per acre just to get the annual maintenance done. Pond Flat Main, itself, has something like 20,000 acres running into it and this assessment is 49 cents per acre. Because Big Creek has continually come in with low bids, it seems to carry \$1,000 or so surplus per year because it has so much going into it. Basically, the way to build the surplus is those \$5.00 minimum bills. Pond Flat Main has a whole lot more minimum lot sizes that contribute \$5.00 each (which is the minimum). Big Creek is all large parcels and it never builds up surplus for that reason."

Continuing, Mr. Jeffers said he is not going to extend the minutes by reading the entire statute. But the pertinent parts of the statute say that we'd have to publish a notice twice in the newspaper and we'd have to have a hearing to hear the pros and cons. It will be recommended by the County Surveyor and the drains, when combined, will represent substantially the same maintenance problems and can be kept in proper repair at a cost sufficiently uniform, etc. He is asking the Board for permission to go ahead and advertise.

Before the Board makes a yes or no determination, Mr. Ellison may want to tell them how the Big Creek Drainage Association feels about the matter.

Mr. Ellison said his group had a meeting about a week ago, attended by all of the members along the ditches and this was approved by all. This is all he has to say.

President Willner entertained questions.

Mr. Jeffers said he wishes we could accept that, but we still have to make the necessary publications -- and this is why he is requesting permission to do so. We kind of made a pledge last year that we'd find every means possible to lower assessments in agricultural -- and this is one of the ways we'd first like to do it.

Motion was made by Commissioner Borries that the request be approved and that notices be advertised in accordance with the pertinent statute. A second to the motion was provided by Commissioner Cox. So ordered.

(Note: The following advertisement was subsequently scheduled for advertisement on Monday, February 9 and Monday, February 16, 1987:

NOTICE OF PUBLIC HEARING

To all persons affected by the taxes levied for the maintenance of POND FLAT MAIN and LOWER BIG CREEK, two legal drains in Northwestern Vanderburgh County, Indiana; please take notice that:

THE VANDERBURGH COUNTY DRAINAGE BOARD will hold a public hearing on Monday, February 23, 1987, at 4:00 p.m. local time, in the County Commissioners Hearing Room in the Civic Center in Evansville, IN;

at which time and place the Board will hear questions and comments from all interested parties present relative to THE PROPOSED COMBINATION OF TWO LEGAL DRAINS named above into one legal drain for all future taxings and maintenances.

This combination, petitioned by the Big Creek Drainage Association and proposed by the Vanderburgh County Surveyor, is anticipated to raise the per acre assessment for Pond Flat by two cents and lower the assessment for Big Creek by eighteen cents and enable improvements for the waterway Northwest of Bixler Road.

Additional information is available by calling the county surveyor at 812-426-5210/5214. Written comments or questions by persons unable to attend may be entered into the record by mailing them to the surveyor at Room 325 Civic Center, 47708. Minutes of the meeting will be available upon request.

The affected area of the county is bounded on the East by Old State Road, on the North by I-64, on the West by Cynthiana Highway (65) and on the South by Boonville-New Harmony and Orchard roads. Affected taxpayers receive green tax bills with the ditch name printed on them.

The final determination of the proposal will be rendered by the Board on Monday, March 23, 1987.

Signed by the Vanderburgh County Drainage Board:

Robert L. Willner, President  
Richard J. Borries, Vice-President  
Shirley Jean Cox, Member

Attest: Sam Humphrey, Vanderburgh County Auditor

RE: ANNUAL SOIL CONSERVATION BANQUET

Mr. Ellison said he has one more item for the Commissioners. This concerns the Soil Conservation Service. He hopes all the Commissioners come out to the Soil Conservation Service Annual Banquet at the 4-H Center on Tuesday, February 10th. There will be plenty of good food, door prizes and a few surprises.

RE: CLAIMS

The following claims were submitted by Mr. Jeffers for approval:

Ralph Rexing - Pond Flat Main; claim in the amount of \$632.01; Pond Flat "B", \$332.84; and Pond Flat "D", \$544.90.

Big Creek Drainage Assn.: Buente Big Creek, \$996.00;  
Maidlow Ditch, \$370.60 and Rusher Creek,  
\$66.66.

It was noted by Mr. Jeffers that the necessary inspections have been made and all of the claims have been signed by County Surveyor Robert Brenner. The Surveyor's Office recommends approval.

Motion to approve the payment of aforementioned claims was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Mr. Jeffers said they're going to have to get together with County Attorney Curt John again. This thing where we're withholding 15% according to the latest State Statute and then getting assurances from the contractors that all sub-contractors have been paid, is that applicable to certain contractors who sub-contract their spraying or buy their spray independent of their other agricultural pursuits or who hire people to do mowing, ditch digging, etc.? For these small farmers who are maintaining these ditches -- such as Mr. Ralph Rexing -- it is really an inconvenience. He is using his own spray that he would buy for his corn or his beans. He's doing his own work and he hires no one to help him do it. Mr. Jeffers would like the permission of the Board to see if we can get around this 15% being withheld. Some of these farmers are retired. They are getting their 85% in 1986 and their 15% in 1987 and it's messing everything up -- their bookkeeping, taxes, social security, etc. Maybe we could work this out for 1987. Is this agreeable?

President Willner said that Mr. Jeffers should check with County Counsel.

The Chair entertained further matters of business to come before the Drainage Board. There being none, President Willner declared the meeting adjourned at 5:00 p.m.

PRESENT:      COMMISSIONERS      COUNTY AUDITOR      COUNTY ATTORNEY

R. L. Willner      Sam Humphrey      Curt John  
R. J. Borries  
S. J. Cox

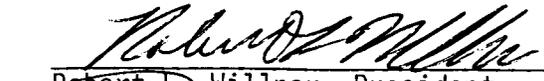
COUNTY SURVEYOR      AREA PLAN COMMISSION

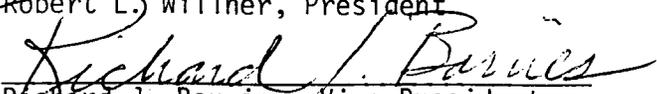
Bill Jeffers      Barbara Cunningham  
Bev Behme

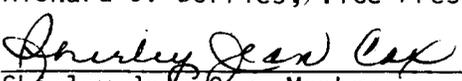
OTHER

Aaron Biggerstaff  
James Q. Morley  
Roy Foster  
Dave Ellison  
News Media

SECRETARY: Joanne A. Matthews

  
Robert L. Willner, President

  
Richard J. Borries, Vice President

  
Shirley Jean Cox, Member

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MINUTES  
DRAINAGE BOARD MEETING  
FEBRUARY 23, 1987

The Vanderburgh County Drainage Board met in session at 4:30 p.m. on Monday, February 23, 1987, in the Commissioners Hearing Room, with President Robert Willner presiding.

The meeting was called to order by President Willner, who subsequently entertained a motion concerning approval of the minutes of meeting held on January 26, 1987.

Motion to approve minutes as engrossed by the County Auditor and waive reading of same was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: PUBLIC MEETING

President Willner announced that the Board does have a Public Hearing today and it was advertised in the Courier & Press on Monday, February 9th and Monday, February 16th. The secretary does have official proof of the advertisement. The Public Meeting is on the taxes levied for the maintenance of Pond Flat Main and Lower Big Creek, two legal drains in Northwestern Vanderburgh County to be combined into one. The time for subject hearing is 4:00 p.m. in the Commissioners Hearing Room. This is relative to the proposed combination of two legal drains -- Pond Flat Main and Lower Big Creek. The Chair then recognized Chief Deputy Surveyor Bill Jeffers.

Mr. Jeffers said that he wants to note that first of all, the statute requires that the hearing be advertised twice. This requirement has been met. The law requires that the drains be of a similar nature and that the watersheds that they drain be of a similar nature for this to occur. Pond Flat Main begins at Highway 41 at a bridge which crosses the old Klauder Ditch about one half mile south of Dr. Friedenbergs mother's house... (he won't read the legal description because it is too long)... and runs to Mann Rd. Bridge #5.

*Bill*

Lower Big Creek begins at Mann Rd. Bridge #5 in the same channel and runs northwest to the County Line a few hundred feet north of I-64. Complete legal descriptions are on file in the Surveyor's Office. But by that description, the Board can know that it is the same ditch. Lower Big Creek has a total of 7,501 lineal feet. Pond Flat Main has a total of 29,351 lineal feet. If combined, just add the two totals. The watersheds are basically the same. The hills surrounding the watershed are clay and the flood plain through which the waterway runs is silted clay loam. Basically the problems in maintenance are identical. The methods of maintenance are identical. The people who perform the maintenance are the people who benefit from same and they are all basically agricultural people (corn and soybeans). The president of the Big Creek Drainage Association is here, should the Board have any questions of him. If the Board has further questions concerning the ditches themselves, then he will endeavor to answer same. The County Surveyor is here. The other pre-requisite to doing this is that the Vanderburgh County Surveyor recommend that it be done.

Commissioner Willner asked whether the Vanderburgh County Surveyor has a recommendation?

Mr. Jeffers said it is his recommendation that the two ditches be combined.

Commissioner Willner asked if there is anyone in the audience who wishes to be heard concerning the combination of Pond Flat Main and the Lower Big Creek drains either pro or con?

Mr. Dave Ellison, President of the Big Creek Drainage Association, stated that, as a representative of said association he would note that the members are in favor of combining the two ditches.

Mr. Jeffers noted that the legal ad also stated that any comments that could not be presented in person could be mailed to the Surveyor's Office and they received none.

County Surveyor Robert Brenner had entered the meeting and stated that his office recommends the combination of Pond Flat Main and Lower Big Creek.

Commissioner Willner entertained further questions and there were none. A motion was then entertained.

Commissioner Borries moved that the maintenance and combination of Pond Flat Main and Lower Big Creek be approved and that the new legal drain be called Pond Flat Main, with a second from Commissioner Cox.

President Willner asked for a roll call vote: Commissioner Cox, yes; Commissioner Borries, yes; Commissioner Willner, yes. Motion approved by unanimous vote.

RE: FOX POINTE SUBDIVISION

The following letter was read by Commissioner Willner:

February 11, 1987

Re: Fox Pointe Subdivision  
N.W. 1/4 11-6-10

Gentlemen:

Submitted herewith for your review and approval is our drainage plan for this subdivision located on Oak Hill Rd. north of the proposed entrance of Lynch Rd. It was originally submitted in December 1985, and has been revised several times to conform with the proposed changes in alignment of said road. This plat conforms to the geometrics of Lynch Rd. furnished to us by the County Highway Engineer in November 1986.

Very truly yours,

Sam Biggerstaff

Commissioner Willner asked if Mr Easley would like to speak to this?

Mr Easley stated that on November 17, 1986, after having several conversations with Lee Gallivan concerning a slight realignment of Lynch Rd., Mr. Gallivan suggested that he write to James Jerusik and request permission to move the proposed Lynch Rd. Extension along the easterly prolongation of the section line which is the southerly property line of the proposed Fox Pointe Subdivision. Lee Gallivan had indicated it might take them six weeks to give us a formal answer. Steve Dilk answered us on January 9th and said that in order for them to properly review the request, we should initiate some comments from the Fish & Wildlife Service and the Indiana Department of Natural Resources. Cliff Ong of EUTS has agreed to help him obtain the necessary comments and they have spent the last two months trying to obtain same. They had a meeting in Indianapolis wherein the Fish & Wildlife and Indiana Department of Natural Resources

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agreed to some terms or conditions to not object to this proposed shift. They came away from the meeting with some verbal reassurances that they will send us letters where they concur that it will not have any major effect on the environment, if we can try to obtain some additional wild life area along Pigeon Creek. As he told the Board several weeks ago, he has had conversations with the owners of property along the creek. Things apparently seem to be going favorably re our request. He asked Mr Cliff Ong if he has any comments?

Mr. Ong said he spoke with the Indiana Department of Natural Resources last Friday and their representative stated that they had no problems, but they are just going through their general bureaucratic letter of motion. The only problem is that the Dept. of Natural Resources is going on a two week vacation starting this week, so we probably won't have letter for another two weeks.

Mr. Easley asked whether Mr. Ong thinks that, subject to certain conditions that we can proceed on the assumption that they will allow us to design Lynch Rd. on this proposed alignment?

Mr. Ong said he feels comfortable, but he doesn't have anything in writing.

Mr. Ong said he would make it on that condition until we get something in writing -- maybe within 30 days.

Mr. Easley said this will reduce the impact of Lynch Road on this subdivision. Their request was to come before the Board in sixty (60) days and he was almost certain we would have something by now -- but we still don't have it. However, he believes we are very close to having something. He supposes he would not feel uncomfortable if we give conditional permission as far as what their plans show for the proposed alignment of Lynch Rd. Or as he told them, if they want us to commit ourselves, we already have a legal description of what we can take and be absolutely safe. We can take the ground under where they propose to put those lots.

Commissioner Willner asked Mr. Easley what he means by this?

Mr. Easley said that if the Board will recall, he believes it was in October that he prepared a legal description for what we would have to have if we could not change the alignment on right-of-way for Lynch Rd. and we did get permission to do some advance purchasing of the right-of-way required for Lynch Rd. on the original alignment. We have that. They agreed they did not like that alignment. He has given them copies of the Environmental Impact Statements and he has given them copies of the letter written to Mr. Jerusik and he was agreeable; Fish & Wildlife was moderately agreeable; and he believes we will end up with the documentation that we need to have the designers of Lynch Rd. to make this 90 ft. shift to the south. Of course, in the length of Lynch Rd. you wouldn't think that was very much; but it has some impact on some trees and the Fish & Wildlife Service wanted to address that impact. If it is possible to give Drainage Board approval, subject to approval by the State (Department of Natural Resources and the Fish & Wildlife Service) regarding the proposed change. Certainly they are not going to get everything designed within the next thirty (30) days and he would say that the Board could add that if said approval doesn't arrive within 30 days then maybe if Legal Counsel rescinds the approval, then maybe we'll have no choice but to proceed with the original alignment of Lynch Rd. At their risk, if they want to proceed gambling on the approvals arriving, then he would say to proceed at their risk.

Commissioner Willner said, "I really don't like; I really don't like it. I would certainly like to help Fox Pointe out all that I can but....."

Mr. Easley said "I feel we will get the approvals, but it is up to the Commissioners."

The Chair recognized Attorney Tom Bodkin, who stated he represents the developer of Fox Pointe Subdivision. He said, "My client has instructed me that we will be pleased to give another thirty (30) days and wait to see what the State does or does not do. I think for the record however, that I would agree with you (although not for the same reasons). I don't think that you as the Drainage Board can grant preliminary conditional approval -- either it meets the drainage requirements or it doesn't meet the drainage requirements. If it doesn't, so be it. If it does, so be it. I would not recommend to my client that we agree to conditionally approve the drainage -- because it either does or does not meet the requirements. It is my understanding that the plans, as submitted to you and the County Engineer, have been approved for drainage by the Surveyor's Office. As you all know, we have been here before. We were here last May when we talked about giving some additional time and we have now gone some nine (9) months past that date. But my client has indicated we are willing to wait another thirty (30) days to see if the DNR gets off vacation and comes back and whether or not they send a letter to Andy Easley. I would represent to this Commission that I would be pleased on behalf of my client on his nickel to do everything I can to help Mr. Easley get the DNR moving. I will be glad to assist in making telephone calls and providing whatever documentation DNR needs to tell him "yea" or "nay". My client said to wait another thirty (30) days and we will be on your agenda at the March meeting. But frankly, folks, there comes a time when either the drainage is or is not acceptable for this subdivision. Lynch Road notwithstanding, as a Drainage Board, it is either drainage or it is not. The problem that I have with the preliminary approval, I don't think the Area Plan Commission can give any kind of plat approval with any kind of conditioned approval from the Drainage Board. And certainly not on a "take it or leave it risk" to us. I frankly think Counsel would tell you and would tell APC that you can't do it either. You have either approved the drainage or you have not. We're willing to give another thirty (30) days and would request that you put us on the agenda again in late March and we will see if DNR has given any indication that the road could be moved. If they indicate it cannot, we're back to whatever right-of-way you had before and then we would ask you to vote yes or no at that time concerning the drainage plans -- if that is acceptable to this Commission. If you want to vote on it tonight, that's fine; but we have no problem with waiting another thirty (30) days."

Commissioner Willner asked, "We were awaiting for two proposals; not only from the State, but a statement from the person who is going to place the environmental impact?"

Mr. Easley responded, "We are going to take about another seven (7) acres of trees more than anticipated, and the State would like for the County to replace that. I think maybe we can do that with a borrow pit site. I do not think that will be a problem."

Commissioner Willner said, "We have to have that in writing - yes or no?"

Mr. Easley responded, "We really do need that in writing."

Commissioner Willner said, "But we are asking for two pieces of information before next month, is that correct?"

Mr. Easley responded in the affirmative.

Commissioner Willner asked Attorney Bodkin if that is agreeable, saying he is willing to wait thirty (30) days. "I have talked to the County Attorney on this and he says he has no problems to

giving you drainage permission on the part that we intended to buy in the first place. But that really wouldn't do you much good."

Attorney Bodkin said, "I know you Commissioners and your concern about the impact on the county's budget, as Commissioners. As the Drainage Board, drainage is the issue. The APC might well not give plat approval because of Lynch Rd.. I don't know whether they can or can't. I haven't researched that. But Guthrie May & Company doesn't want to fight with you guys or with the County. They simply want to try to get it worked out. But we are now many months down the road and we are going to have to get on or get off. But we will wait thirty (30) days."

Commissioner Willner said, "We are down the road because this group did vote to go ahead and purchase the extra land many months ago. So were trying to work with you, also."

Commissioner Willner asked that the record show that Fox Pointe will be placed on the agenda for next month's Drainage Board Meeting.

Commissioner Willner said, "Andy, one final thought on that. Maybe to expedite it from time to time, if you don't hear anything within the next couple of weeks, if you and Cliff can set up an appointment and go to Indianapolis -- take Mr. Bodkin with you. I think we are all working together on this. We're certainly not opposed to your development-- but let's just get this thing worked out."

Mr. Easley said, "He tried very hard to get those letters."

Commissioner Willner said, "I know that. I think you guys are doing that. But you never know, sometimes when you get up in the maze of all these things what happens..."

Mr. Easley responded, "We left that meeting saying we wanted them within four weeks. That was the last word we had."

Commissioner Willner said, "If you can schedule time to go up there, I'd say to go ahead."

Mr. Jeffers asked, "For my own information who does this tree line belong to? This row of trees? Who does it belong to?"

Mr. Easley responded, "The majority of it belongs to Al Bauer, Sr."

Mr. Jeffers asked if some of it belongs to Guthrie May & Co.?

Mr. Easley said he doesn't know exactly where the line is but very few of the trees in the aerial photographs are ...he thinks most of the trees are southerly of the line. He has aerial photographs if Mr. Jeffers wants to look at them. It is worth waiting another thirty (30) days. He believes that in the long run we will be much more harmonious to the adjacent landowners if we can pull it off. It is too bad that this impact wasn't objected to or discovered or realized much earlier.

RE: OAK VIEW PLACE II SUBDIVISION

Mr. Jeffers said that for the record this is titled "Oak View Place II and a Replat of Lots 5, 6, 7, 8 and 9" in Oak View Place. The Board will recall that in Oak View Place (because of some remonstrants from neighboring property owners to the south) the engineer and the developer (Mr. Fuquay, who is in the audience today) agreed to design a detention basin along the south line of Oak View Place. (Sam Biggerstaff was the engineer at the time.) For the Board's information, Oak View Place I Subdivision received Drainage Board approval and APC approval and is a recorded subdivision in the Vanderburgh County Recorder's Office, with this 30 ft. easement along its south line. That 30

ft. easement currently houses a swale which is designed to detain water flowing to the south. Mr. Fuquay subsequently purchased the agricultural ground to the south of Oak View I and he proposes a new subdivision called Oak View II. The reason he is asking for a replat is to accommodate a 50 ft. roadway coming from Oak View Ct., so he has access to the south and to his new piece of property -- so he is adjusting Lots 5, 6, 7, 8 and 9 and renaming them Lots 5, 7, 8 and 9 with the slack from Lot 6 being taken up by the roadway and Lot 7. Because we had a detention swale in Oak View I and because we are working towards detaining water where it is beneficial and where it is feasible, Mr. Fuquay and his engineer (Mike Fitzsimmons, who is in the audience today to answer questions) have designed a replacement swale along the east line of Oak View II. (He has shaded that area in yellow on the copy of the plans the Board has.) That detention swale has a capacity to detain water of a 25-year storm as calculated by Mike Fitzsimmons of Andy Easley Engineering. He has divided all the contributing watersheds upstream of this into areas and has done an extensive calculation of all the waters flowing into this new proposed subdivision and he has designed a detention basin which will hold the storm for a period of time and then release it through twin 36 inch pipes about two-thirds of the way down the east line, directly into Firlick Creek. If there should be a storm in excess of the one he plotted through a computerized hydrograph (which happened to be a 5-1/2" rain over a 24-hr. period). If the storm exceeds that 5-1/2" over a 24-hr. period, he has a wide, shallow, grassy spillway as an overflow into Firlick Creek. Therefore, if you had a 100 year event or 50 year event, and that basin filled completely, it would not imperil the property that we're developing here. It would spill into Firlick Creek. On this copy marked in yellow, he has also shown the pipe sizes. He understands the inlets shown are for rolled curb and gutter. The Vanderburgh County Surveyor's Office has reviewed the calculations, talked extensively with Mr. Fitzsimmons, made some recommendations and suggestions, etc. Mr. Fitzsimmons has worked everything they asked for into this plan. Mr. Jeffers said he made a statement at Subdivision Review Committee Meeting about siltation control. He subsequently talked with Mr. Fuquay on the telephone and he assures him that although he has had some problems with seed germination and various soil conservation efforts on Phase I, that he will do his utmost to propagate grass this summer and get this under control. He has also agreed to dedicate an easement in Phase I (that was overlooked during the review of that phase) and he has also agreed to install a swale in Phase I to accommodate any possible overflow from upstream. In exchange for that and for the phase he has designed along the east line in Phase II, he would like for us to abandon as part of this entire plan the 30 ft. easement in Phase I for two reasons. First, it has been replaced by the basin he designed in Phase II. Secondly, it will allow him to -- he's made these lots bigger. He's going to build bigger houses on them; they are going to be nice houses. (Phase I is everything on the north end.) They no longer need that because they put the detention in Phase II. Thus, he'd like to abandon the said easement back down to about 12 ft. for pipe and utilities -- and the pipe will be carry all the water that is being stored in designated area. The Board will not find any of this on the Staff Field, because it was not discussed. However, it has all been calculated into the new plan. Everything Mr. Fitzsimmons has done for Oak View Place II is in accordance with engineering standards set out in the HERPIC Manual, which is prescribed by the County ordinance. The only thing that complicates the matter is that he is asking to abandon the 30 ft. easement along the south line of Lots 9, 8, 7, and 5 so that Mr. Fuquay can pipe that water and use that easement up there for yard space. He will come in with a plat that shows an easement of suitable size to house the pipe and utilities, which Mr. Jeffers guesses will be about 12 ft. rather than 38 ft. Right now he has an 8 ft. p.u. outside the 38 ft. In fact, the public utilities were installed by SIGECO and Bell Telephone right on the property line in the wrong place. So this will correct all these mistakes. Mr. Jeffers then entertained questions concerning the drainage plans.

Commissioner Willner asked Mr. Jeffers for his recommendation.

Mr. Jeffers said it is the recommendation of the Surveyor's office that the plans be approved.

Commissioner Willner asked if there is anyone present to answer to the Subdivision Review Committee? They had a recommendation concerning the entrance to Oak Hill Rd.? They also want some recommendation for Oak View Ct. tieing in with Knob Hill Drive. He doesnt know whether that is going to alter the drainage plan, but it might.

Mr. Jeffers said that with regard to the entrance on Oak View Ct., it will not affect the drainage plan.....

Commissioner Willner said, "Wait a minute; they have a recommendation concerning the entrance improvements for Oak Hill Rd. period."

Mr. Jeffers said "Yes; that is in Phase I."

Commissioner Willner asked, "What to they want? I don't know."

Mr. Jeffers said "I dont know either."

Mr. Willner asked, "Does it affect the drainage?"

Mr. Jeffers responded, "No, it has to do with EUTS, their turn lanes and blisters and all those other fine words -- nothing to do with drainage."

Commissioner Willner asked Mr. Fitzsimmons if this will affect the drainage? Mr. Fitzsimmons responded in the negative.

Commissioner Willner then queried Mr. Fitzsimmons about the tie-in at Knob Hill Drive; will it affect the drainage?

Mr. Fitzsimmons said that it will not.

Mr. Jeffers said it might generate some remonstrators from Knob Hill. He said this concerns the sewer and the sewer would have nothing to do with drainage, because it is an underground sanitary sewer line -- not septic tanks. Those comments concerning erosion control were made by him and, as he said, he talked with Mr. Fuquay on the telephone and he has assured him that he will make every effort as soon as he possibly can to get some straw bales out there and place it on the bare ground to stop that siltation of the stream.

Mr. Fuquay explained that when he did the streets it was very late last year and he had no chance whatsoever to do any kind of soil control with seeding or anything. As a result, he has an absolute mess out there. He will straighten that up.

Commissioner Willner interjected, "Straw, straw straw....."

Mr. Fuquay said he will straighten that up with seeding, straw and whatever is necessary.

Commissioner Willner entertained questions.

Commissioner Cox said "I am under the impression that you said that this drainage plan,-- the calculations are calculated for the streets to have rolled curbs and gutters?"

Mr. Jeffers said, "No, the calculations will work with or without rolled curbs and gutters. I understand they are contemplating rolled curbs and gutters and the drainage plan before you shows inlets of the type that are used for rolled curbs and gutters. However, if the rolled curbs and gutters are waived, he just goes to beehives. But it is the same run-off factor and same

calculations. I thought there was something about rolled curbs and gutters on the Staff Field, and that is why I commented on it."

Mrs. Cox said, "I didn't see any rolled curb and gutters on the street I looked at. It looked like they had bricks set along the side."

Mr. Fuquay said "Phase I was not designed for rolled curbs and gutters."

Commissioner Willner asked if the road plans have been approved for this subdivision?

Mr. Jeffers said they haven't been drawn yet. There was brief discussion concerning the road plans -- but part of it was inaudible.

Mr. Fuquay said the reason the cul-de-sac wasn't in yet was because the sewer is not yet in and they didn't know what direction it was going to come from.

Mr. Jeffers said he does not want to belabour or extend the minutes,, but he believes there is confusion here. What he is calling Phase I is Oak View Place. It is a recorded plat. It has already been approved by this Board, the APC and it is a recorded plat.

Commissioner Cox said "Bill, and it says 'replat' of Lots 5,, 6, 7, 8 and 9' and what they have done here, there is no more Lot 6 shown. They have made the lots larger as Mr Jeffers indicated earlier, but don't they have to come back with an amended plan?"

Mr. Jeffers said "This is the replat. Phase I is straight back from Oak Hill Rd. (19 lots). You enter off Oak Hill Rd and drive west towards Knob Hill. You come to Lot 6; at Lot 6 he wants to go down with a drive -- everything south of this line is the new phase -- Phase II. He threw a lot out, threw some slack over here and made the other lots bigger."

Commissioner Willner said, "I agree with that."

Mr. Jeffers said "What I was asking for -- we can do it all with just an easement at (designated point), swale at (designated point) which will allow him to fill the big ditch which is acting as a basin. Now he can build nice big fine homes on the three lots. There is a big ditch in the back. He pipes the ditch which was a detention basin and replaces it with a new retention basin that will accommodate not only what was going through the original detention basin but a lot of water coming out of the other areas, too. Mr. Jeffers said he thought this was a good trade-off. We're right in the middle of not requiring any detention of anyone and going towards asking for detention from everyone and this is just one of those deals that got caught in the middle and we're trying to straighten it up so it will look nice and we won't have a basin everywhere you turn around."

Mrs. Cox said, "If the original basin is not going to be there, we're going to have to show an amendment, aren't we?"

Commissioner Willner said "Absolutely."

Mr. Jeffers said, "On the final plat that Mr. Fitzsimmons brings to the APC, all of these changes will made on it. In other words, if you grant him an abandonment of this 30 ft. easement, he is going to come back and show you a 12 ft. easement on the next plat at Area Plan Commission. That will just accommodate a pipe and utilities. SIGECO went out and stuck those 8 ft. p.u.'s outside our swale. Now Mr. Fuquay had to come back and dig the ditch way out here. These homes are just not going to look right with a big damn ditch in their yard."

Commissioner Cox said, "That is the same problem we had out on the east side. But my concern is that when we have plans on file here that show us what is out there, and in all instances this is not the case now and it is sad. Years on down when we accept the streets and we have to go in and take a shoulder off or repair something and we hit a utility line or we hit a drainage line that doesn't show on our plans, then we have to fix these lines. All I'm saying is to give us the plans that show us -- if we're not going to use this, we have to have something to replace it."

Mr. Jeffers asked, "Rather than go through a whole replat of this one, would you be agreeable to letting Mr. Fitzsimmons showing these changes that we're asking be made -- just extend them up and show the changes made? He said if the Board grants permission to relax the 30 ft. easement -- he can go out and get all his topographical crosssections, show where the pipe is going to be, where the swale is going to be and the water flow in (designated area)." That would be on the final plat that gets recorded and he continued explaining procedure to Mr. Fitzsimmons (some of it was inaudible).

Commissioner Willner queried the Board concerning their pleasure?

Commissioner Borries asked, "When will this amended plan be filed? For my own information here, how will we get these amendments recorded?"

Mr. Fitzsimmons said they will go before the Area Plan Commission on March 4th or shortly thereafter. All these changes will be indicated. At the same time, they can then obtain a drainage easement and then request a vacation of the other easement being replaced by the one shown on the secondary plat.

Mr. Jeffers said, "The way I see it, anytime you do a deed, the deed will say Lot 9 in the replat of Oak View I. They have to come look at this plat -- they can't look at the old one anymore. And it will show on this plat that there is no more easement there. For (designated lots) you just include it in their deeds that the easement"....(inaudible comments interjected by Mr. Fitzsimmons).

Mr. Jeffers continued, I guess what we're trying to do here is not make this too confusing. The plan will work. If you accept what Mr. Fitzsimmons has designed here, you can abandon this 30 ft. easement down to an easement which is large enough to accommodate public utilities and a drainage pipe.

Mr. Fuquay interjected, "My original plan was to build \$120,000 to \$189,000 homes in there, which is what I am doing. But with this (designated) drainage swale, I really can't raise a \$190,000 house back there. So I'm abandoning this detention area."

Commissioner Willner asked, "What is the pleasure of the Commission?"

Commissioner Borries said, "With the amendments pointed out by the Surveyor's Office and upon their recommendation, I move that the revised drainage plan be approved."

Commissioner Cox stated, "I will second the motion. But I have some comments. I think that somewhere along the line these may get lost in the shuffle. I've got a lot of reservations about approving something that is not all down here for us to see. There is no way we can sign this. I really think Area Plan needs to take a look at what they are requiring. If they are requiring an approval of the conceptual design of the drainage plan before they will give you all preliminary approval, o.k.; I can go along with that. But somewhere along the way, a drainage plan per se is going to have to come back in for us to sign for approval, because there is no way we can sign something like this. The changes aren't there and they....."

Mr. Fitzsimmons interjected, "I might make one comment; normally all that information goes on the street and drainage construction plans before your signature."

Mrs. Cox said "But they may come back in a year later you know, after we have done this. And who remembers -- and especially if everything isn't talked into the microphone and gets recorded that this is what we've done. I think there is too much of a line between these drainage....and you know I'm very, very concerned in view of some incidences that have come up recently -- and this reinforces my concern of how things -- either people think they are accepted and they are not accepted -- and they think they are signed and they are not signed -- and I don't think we can use excuses like this anymore. I think we need definite plans now that we all understand and that we can all sign and then make sure that it is built according to those plans. I feel very strongly about this."

Commissioner Willner asked Mr. Fitzsimmons when he goes before Subdivision Review Committee?

Mr. Fitzsimmons responded that he doesn't go before Subdivision Review Committee, but he goes before the APC on March 4th.

Mr. Jeffers stated. "The situation they're in -- if Mr. Fitzsimmons sent his crew out there and got all the information (topographical surveys, crosssections, everything all down so he could show the Drainage Board everything) and developed a set of plans and brought them to the Board today and they were approved, and they went to the APC and, for some reason other than drainage his plat was denied, Mr Fuquay would owe Mr. Fitzsimmons maybe \$3,000.00 to \$4,000.00 for design that could never be implemented because the subdivision was denied March 4th. So he has presented to Mr. Jeffers a set of drainage calculations that he spent considerable time on and has proposed a plan that the Surveyor's office believes will work -- but it includes some detail work that still needs to be worked out on that south line of those four (4) replatted lots. I think that if the ditch is piped there would be no problem at all in reducing that easement down to about 12 ft. Right now the total easement back there is 38 ft. I ask you, 'How would you like to own a nice house with a 38 ft. piece of property you couldn't use because there was a big ditch and utilities and all this stuff back there in it, when a plan was proposed to us that would be very unlikely that it could not be worked out, but that requires substantial more hours in the field to get all the little details done?' Most street plans will come in and say that if this is approved today and approved at the APC, you can expect those street plans by June or July -- that's usually the time frame. They go out there and do some rough grading, etc., etc., and the street plans ought to be to you by at least July 1st. I can't see why they possibly couldn't."

Commissioner Cox replied, "That is why I think the statement that I made --if we are approving these plans in concept -- to send to Area Plan....."

Mr. Jeffers interjected, "We are."

Mrs. Cox continued...."with our blessing. But somewhere along the line something has to come back in for us to sign. And when they're brought back in for us to sign, then we have to make sure that they come in combination with street plans, which don't come to the Drainage Board (but which really should come to Drainage Board, because drainage affects our streets) and we don't have I guess the expertise to really look at these and see. You say that if they put this in here that it will work. Nobody really has taken that many notes, you know. Maybe they will get it in and maybe it will be an oversight. It's another one of these "Well, I thought I did it" things. I would like to see us try to

avoid those kind of situation inasmuch as possible. Really all we're doing here is not approving the drainage plan, because there is no drainage plan, o.k.?"

Mr. Jeffers said, "Not a detailed..."

Mrs. Cox said, "That's right; there is no detailed drainage plan and we're approving the concept -- that's what we're approving."

Mr. Jeffers responded, "Correct; although the pipes have been sized and the flow has been calculated, etc., etc., and the easements have been placed in their most logical position -- if you'd like, Mr. Fitzsimmons or whoever presents the street and drainage improvement plans -- they can come through the Surveyor's office and I will see that the drainage concept is reflected in those street and drainage improvement plans. I usually have a copy submitted to me by most of the developers and I just stick it in the same file with the preliminary stuff."

Mrs. Cox said, "But I just want -- because in the minutes somebody will say, 'Well you approved the drainage plan on February 23rd'....."

Mr. Jeffers said "I know exactly what you're talking about - and then they try to stick it back on me that I approved the drainage plan -- and all it was was a couple of pipe sizes."

Mrs. Cox said, "That is right. And I've got a lot of problems with saying -- you know, conceptual pipe sizes and all this I have no problem with. But to say that we approved the drainage plan where it doesn't show specific things that are drawn over a plot map is what it is..."

Mr. Jeffers said, "I agree with everything you are saying and I understand exactly what you're alluding to, but, from the same point of view, I can't say to go out there and do a total survey and develop a total set of plans and spend \$5,000 and have somebody come in here...."

Mrs. Cox interjected, "I agree with you wholeheartedly on that -- until he knows whether he is going to get approval for a subdivision. I hear that and I agree. But, you know....."

Commissioner Borries said to Mr. Fitzsimmons, "Subject to approval here then, you need to forward back to him then -- if you get any approval from the APC/Subdivision Review -- what we've talked about here -- so that we can see it on paper and determine whether it is going to work and if it is what we approved.?"

Commissioner Willner said, "Well, the motion has been made and seconded for approval. So, we'll say so ordered. Now let's say that the replat of Lots 3, 6, 7, 8 and 9 would have to be -- the drainage plan would have to be finalized before a building permit is issued. Tell Area Plan that -- would that suffice?"

Mr. Jeffers said, "Let's take into consideration they can build one house...."

Commissioner Willner said, "Not without a building permit they can't. They've got to get a release from Area Plan before they get a building permit."

Commissioner Cox said, "They can build one house, Bob."

Mr Willner said, "Not without....."

Commissioner Cox interjected, "That might be another crack that things fall through."

Mr Jeffers said, "What you're saying is that they can't issue a building permit until ...?"

Commissioner Willner said, "No building permit until the finalization of that drainage plan with this board. If you have something different then tell me."

Commissioner Borries said, "You're saying before any of them is issued?"

Commissioner Willner said, Yes. What is happening here -- I can understand. The interest rate has dropped and now all of these builders are flooding us with hurry-up and let's go -- I understand what has happened."

Mrs. Cox said, "That's good, because it's....."

Commissioner Willner continued, "We're trying our best to help the economy out as much as we can by letting them go ahead and then we get caught. I understand what is happening."

Mr. Fitzsimmons offered a comment, but it was inaudible for the most part, except he did say "...but we're not trying to sneak anything by this board -- they're just wanting to bring it to their attention...."

Commissioner Borries said, "In any event, there are always going to be changes. All we can do here is look at these pieces of paper and determine whether things are going to work as described...."

Commissioner Willner said "Just so we can see it -- this is what he did and this is what we approved -- fine."

Mr. Jeffers said, "Mr. Fuquay has stated that he is going to pipe the ditch that presently exists in that 30 ft. easement and that is why I'm making the statement that I don't see any way we need a 30 ft. easement for an underground storm conduit when all we need is about 12 ft. I might say that this might be a little complicated in the future, because we're asking this man to do something that he is not required to do by ordinance -- and that is to provide a detention basin. He is not required to provide a detention basin. But, because of the Commissioners' concerns and that of the Surveyor's office concerning erosion control and sedimentation control -- we're moving in this direction. But he truly isn't required to do this at all. He could discharge all that down into Firlick Creek. But we're just caught between in the transitional period. We went out to the Soil Conservation Banquet and we see what they want. We know it is going to be legislated sooner or later."

Commissioner Willner said "We've been started on it for ten (10) years now."

Mr. Jeffers said, "We've been moving that way -- there's no reason to turn back."

Mr. Willner said, "What we're arguing here about is procedure."

Mr. Jeffers said "I know. But what caused the problem here is that I'm asking for the relaxation of an easement."

Commissioner Cox asked, "Well, was that included in the motion?"

Commissioner Willner said "Yes. Do you know what you've got to do to relax an easement? You have to go through a public hearing. You think everything is so simple here. It's not that simple."

Mr. Jeffers said, "O.K. Well then, let's don't ask for a relaxation of the easement. Let me withdraw that request for a relaxation - we'll go through a public hearing."

In response to query from Commissioner Cox, Commissioner Willner and Mr. Jeffers pointed out that he is going to pipe the first easement.....

Mr Fitzsimmons said all he is asking for is an amendment to the drainage plan to install the pipes.

Mr. Fuquay asked, "What would be required to change that at a later date? Because these property owners that buy these lots are very much interested in reducing that, I'm sure."

Mr. Willner said, "I'm sure they would be, too."

Commissioner Borries said, "We'd have to hold a hearing -- we'd have to do it."

Commissioner Willner asked "Has this been recorded and everything?"

Mr. Jeffers said "Yes."

Mr. Willner said, "It has been recorded. Do you have an attorney?"

Mr. Fuquay responded in the affirmative.

Commissioner Willner said, "I think you'd better talk to him first before you do anything. I don't see anything wrong with the principle -- but how do you meet these deadlines? I don't know."

Mr. Jeffers asked if the motion could be changed to accepting his drainage concept as presented today, without relaxing the easement, but allowing him to pipe the easement rather than having an open swale. Because the open swale has been replaced by the swale the Board saw in Phase II?

Commissioner Willner said, "I have a question. Who is going to take care of that pipe in the future?"

Mr. Jeffers responded, "A homeowners' association or 50 cents per lineal foot."

Commissioner Willner said, "If it's 50 cents per lineal foot, we have to have an easement and it has to be in that easement."

Mr. Jeffers said, "It is going to be in an easement; it just isn't going to be in a 30 ft. easement."

Commissioner Willner said, "But if he wants to do away with that easement tomorrow or the next day, then who is going to take care of the pipe? Each individual property owner?"

Mr. Jeffers said, "It will be in a public easement."

Mr. Willner said, "I guess you've got me confused."

Commissioner Cox said "If it's in a road right-of-way, we take care of it. If it's outside the road right-of-way, then it is up to the individuals...."

Mr. Willner interjected, "You either put up some dollars and put it into a fund for the County Commissioners to take care of it or the homeowners' association....."

Mrs. Cox remarked, "And that has just happened the last couple of months -- this putting up the money for the county to take care of it, right?"

Commissioner Willner responded in the affirmative.

In response to comment by Commissioner Willner that Mr. Fuquay wants to do away with the easement, Mr. Fuquay said he isn't doing away with it one hundred percent, he just wants to reduce it -- to just have enough to accommodate the pipes, rather than having a 38 ft. easement. In other words, he'd only need 12 ft. rather than 38 ft.

Commissioner Willner said, "We change this as you go; I thought you wanted to do away with that easement entirely."

Messrs. Fuquay and Fitzsimmons said, "No, no, no."

Commissioner Willner said, "O.K. You're going to come down to 12 ft. easement with what size pipe?"

Mr. Fitzsimmons said it will be 12 ft. easement with 24 inch pipe."

Commissioner Willner asked, "Who is going to maintain it?"

Mr. Fitzsimmons said, "He believes they would pay the 50 cents per lineal foot to the Commissioners for maintenance of the pipe."

Mr. Fuquay asked "That would have to be paid at what time? And what would be the distance?"

Mr. Fitzsimmons said the distance would be about 300 to 350 ft."

Commissioner Willner queried the Board concerning their pleasure in the matter?

Commissioner Borries said "I think we've approved the concept here and, subject to what Area Plan is going to do, to have the Surveyor's Office to review this to confirm that that is what this Board has done and that is what we'd like to see before we could sign the final version. And I would assume that if you're going to change the easement, don't you have to have a public hearing?"

Commissioner Willner said, "I'm not sure, but I think if it's a recorded easement....."

Commissioner Cox interjected, "Well, we've vacated easements before and we know we have to have a public hearing. If it's a recorded easement, in order to vacate a portion of that we do have to have a public hearing."

Commissioner Willner said, "You have to send out letters and have people remonstrate if they want to....."

Mrs. Cox said, "I don't think anybody would remonstrate against it, but....."

Mr. Willner said, "But I think you have to do it legally....."

Mrs. Cox said, "Because we don't want to get messed up down the line. We might as well get this stuff done right in the first place. Another reason I'm going to express is that here we are dated January 27, 1987 with a promise from Andy Easley not to submit anything that was going to come before the County and here we have his signature on it. I'm sorry."

Commissioner Willner asked, "Do you realize now what is going on?"

Mr. Fitzsimmons offered comments but they were inaudible for the most part.

Mrs. Cox said, "I'm just pointing out what he said -- he would not submit anything (and this is no reflection on you and Mr. Fuquay) -- I'm just pointing up a statement that was made -- and so that's -- and I've said my other piece and it wouldn't make any difference whose name was on here -- I would have said the same thing regarding what we've discussed before -- so that is not really what is happening. That was an uncalled for statement."

Commissioner Borries said "Well, I think it raises a valid question and I think I need to discuss this with him. I will vote approval based on the Surveyor's recommendation that it will work. I would like to see the final version. For the record I would say that I will discuss this with Mr. Easley."

Commissioner Willner said, "I'm going to say 'so ordered'."

Mr. Fuquay said "I'm not sure I understood the comment by Mrs Cox."

Commissioner Willner explained, "We, Andy has said that because he is County Engineer that he will not use his influence or his company to bring things before this Board that they must pass. O.K.? It's just like we ask the County Attorney -- he doesn't take a case against the county, does he? Because he works for the county. The same thing applies. So we've asked Andy not to do this. And then in order for me to say 'no', I'm going to hurt people other than Andy, am I not? So I'm going to give you the benefit of the doubt, I want you to see that a set of plans get back here, because you're the one who is going to profit from the decision, I guess. Some of the things that developers say they're going to do they don't do. You understand that that has happened many times? I expect you to have the completed plans back here within a couple of weeks. I don't care whether it has cost you \$8,000 or whatever it is. And don't bring any more plans up here that have been done by the Andy Easley Engineering firm -- it's just that simple. We've told him and told him and told him, and it doesn't seem to do any good. So I don't know what is going to have to happen. He is going to have to make up his mind what he wants to do."

Mr. Jeffers said "Well I apologize for any confusion I've brought into the conversation on this easement, because I'm not fully aware of what you have to go through to change an easement. I'm sorry. I will say though that I worked almost on a daily basis during the last two weeks with Mr. Fitzsimmons. One question after another he explained to Mr. Jeffers -- how he was using the soil conservation method, etc. I talked with Mr. Easley on the telephone and he expressed cooperation every step of the way and I just feel that regardless of who presents the plans that I have to give everybody the same review."

Commissioner Willner said, "I appreciate that."

Mr. Jeffers continued, "Mr. Fuquay seemed like a decent guy and he wants to build a decent subdivision."

Commissioner Willner said "He is. I've been out there. He's trying."

Mr. Jeffers said "Whatever happens, I don't want it to reflect on Mr. Fuquay or Mr. Fitzsimmons. They have really, really cooperated every step of the way."

Commissioner Willner interjected, "No; that's a concern that we have with position to position at this point and that is why we're going to need this clarification."

Mr. Jeffers said "I'm trying to ignore that and work with these two men who cooperated every step of the way the last two weeks."

Commissioner Willner said, "Let's move on. It will be time for our next meeting....."

RE: KEY WEST - PRIMARY PLAT

Mr. Jeffers said that the Key West Primary Plat has been submitted by Mr. Billy Nicholson, who is in the audience available for any questions.

Glen and Sherri Nurrenbern are the owners of this subdivision, which is directly across the street from West Terrace School on West Terrace Drive. Again, he has asked Mr. Nicholson if he could find positions for dry detention basins that will fill up during heavy rains and discharge more slowly than if he just ran it straight through the subdivision. If he can find positions for those -- to please include them, although the ordinance does not require that he do so. He did find positions for four (some on this plat, with drainage calculations attached showing how many acre feet each basin will store for what period of time and then discharge it slowly into the natural ditches and creeks which run through this property). The subdivision has twenty-eight (28) lots one (1) acre or larger. Generally one acre lots or larger do not generate that much flow of water so, in fact, Mr. Nicholson is detaining water from off-site locations. But I think this is of benefit to the county and of benefit to people living downstream. It is making up for some lack of detention upstream. There is 40 acres each draining into these two basins, (a total of 80 acres) which have no detention whatsoever and Mr. Nicholson has designed detention for that off-site drainage.

Mr. Jeffers said that the Subdivision Review Committee and Mr. Easley requested an extension to the West Terrace Drive, so it took Mr. Nicholson some time to put this in and he just brought the plan back in last week.

The Board spent several minutes reviewing the plans and discussing same with Messrs. Jeffers and Nicholson. Mr. Jeffers remarked that the plan picks up on-site drainage and 40 acres up toward Peerless Rd. and about 45 acres back towards Middle Mt. Vernon Rd. The plans are designed for 25-year storm. Mr. Jeffers said that for the record these are large wide basins and Mr. Nicholson said there will be a French drain in the bottom to draw down all the moisture so they will dry out so the property owners can mow them. They will remain the responsibility of the property owner, because they are detention basins and they are not covered by the ordinance. They will have easements drawn around them. The property owner will remain responsible for maintaining those basins. They cannot change the height of the dam; they can't obstruct the free flow of water; they can't use them to throw their grass clippings into; this will all be written on the restrictions of the deeds or whatever -- and he has asked him to include notice of erosion control treatment. These are not natural wetlands -- these are detention basins, and the Surveyor's recommendation is to approve the plans with the attachment of the erosion control statement concerning ditches and whatever and the other comments he offered. He also might say that if he can work out something with the School Board, he plans to add another detention basin at the very southwest corner (which is shaded in yellow on the plans) because that is a wet area down there. So there may be one more detention basin, which is so much the better -- if he can work it out.

The Chair entertained a motion.

Commissioner Cox asked, "We're just going to approve the concept again?"

Commissioner Willner said, "No; this is a drainage map."

Mrs. Cox said, "No not really. It is a preliminary conceptual design."

Commissioner Borries asked, "What needs to be put in there that isn't there?"

Mrs. Cox said, "A little more detail."

Mr. Jeffers said, "All I think he needs is some typical cross-sectional views as to how he intends to attach the pipe to the dam and the erosion control statements and some easement lines around those basins, to incorporate the entire basin into

an easement. Other than that, he has the choice of homeowners association or 50 cents per lineal foot for the pipe -- and at this time he is inclined to go homeowners association from what he understands. But with regard to statement by Mrs. Cox and Mr. Borries, this is basically a preliminary design. So if the Board wants to see it on street plans, he will be glad to look at this on the street plans and see whether it matches and he will bring those comments back to the Commissioners as soon as Mr. Nicholson presents the street plans.

The Chair entertained a motion. Commissioner Borries moved that the plans be approved, subject to final review by the Surveyor's office and his recommendation and whether what the Board has approved here in concept is correct. The motion was seconded by Commissioner Cox. So ordered.

RE: GREENBRIAR HILLS III SUBDIVISION

Mr. Jeffers said that Greenbriar Hills Subdivision, Section III, contains a replat of a number of lots. Mr. Morley is in the audience to answer any questions the Board may have. Basically, with regard to the area that is outlined in green on the plans -- all the water will be collected from that area and will follow the course shown by the red arrows and will be carried into the northeast corner of the subdivision (labeled Lot #1). He has a letter from Mr. Marvin Huff Jr. (the developer) saying that basically he says that he shows a temporary sediment control basin on Lot 60. The purpose of this sediment basin is to collect and hold sediment which might be eroded from the development during construction. The sediment basin will remain in place until 90% of development is complete. At that time, the basin will be removed and a lot will be adequately prepared for residential construction. Mr. Jeffers said, as he stated, all that water inside the green area is carried over onto Lot 60. Mr. Jeffers spent several minutes pointing to designated areas on the plans and explaining the water flow, etc., to the Board.

The Board will note that the erosion control for ditches has been included (as requested by the Surveyor's office). Two follow the ordinance to the "t" and another area is where the Surveyor is asking for the use of erosion control mat in lieu of rip-rap. The reason for that is that probably the rip-rap is a liability to children running back and forth between the lots. The erosion control mat has been approved at other locations to effectively control erosion. It's an organic mat and once it develops into sod, the cotton fibres, etc., deteriorate and get a nice growth of sod. He is going to use it in designated swales -- going downhill. He has the public utility statement required on the plat. The letter also contains the guarantee that after an initial period of twelve (12) months, all ditches and swales will be inspected by the county and additional erosion control measures will be taken if problem areas are found.. (That is for the erosion control mat in lieu of rip-rap.)

In response to query from Commissioner Borries, Mr. Morley said that the sodding in on a round mound that has no swales on it at all -- and it is a flatter grade. He couldn't do anything but dig a pit or something -- there wasn't any natural depressions he could include anything in. He checked the area on this ditch and that ditch has a capacity of 184 cu. ft. per second and he thinks were discharging about 64 cu. ft. So we have three times the capacity in the ditch -- so we're not hurting -- we have lots of capacity -- and there wasn't anyplace to do it other than to take a lot completely out of commission in (designated area) and making that temporary -- until they get 90 percent completed. But they really want to catch that mud or sediment coming off the development. They are not adversely affecting any of the flood crest on Little Pigeon because they are so close. They are only some 2,000 ft. or something like from the bridge, whereas the headwaters for Little Pigeon are quite a few miles north.

Mr. Jeffers said the headwaters for Little Pigeon are at a lake on Old State Rd. across from Scott School -- that's the headwaters -- and we're down here at Petersburg on the golf course. Basically, what happened in this development was that is more or less just a round bald mound; there were no ditches or swales in place, although he has made a commitment to the Board, the taxpayers, and the farmers -- if he can get detention, he will. He and Mr. Morley agreed that if they could find detention on this that would be beneficial to the development and the overall concept of detention -- he would. Mr. Paff, who works for Mr. Morley, calculated the additional run-off from this development in a 25 year situation would be 1/3 of an acre. So he just icked a lot down there that was 1/3 acre and said to put a sediment trap in there and they agreed to do it. But they wanted a compromise that they would do it until 90% of the development was completed. At that time, they would examine it and do whatever it took to engineer them to a sellable lot. That is the best he could bargain for. If the Board wants to bargain for more -- have at it.

Commissioner Willner said there is going to be a lot of development from the subject area to U. S. Highway 41. And it's all going to be developed one of these days -- every bit of it. It's coming.

Commissioner Cox remarked, "It sure is."

Commissioner Borries said, "You know, this may be an inopportune time to do this and I don't want it to affect the consideration of this matter today -- and I've talked with Bill about this. As Bob has just pointed out, I think that as space gets real scarce in this county that we're going to have to review and look over our standards -- and look at ways just to make sure that we're not going to affect the whole environment here -- as this development is going to go north and west; these are the only directions you can go in this county. You can't find it in the east anymore.

Mr. Jeffers said, "It is going to go fast."

Mr. Borries said, "As long as the interest rates are down it is going to go fast. So I really think that we need to conduct that review to see what standards -- I know that Marion County in Indianapolis has a different set of standards and I think many of the developers and many of the surveyors and construction engineers like Jim Morley already comply with these standards. But I think we need to look at them."

Mr. Jeffers said, "You're right. This morning on WFIE Channel 14 at 7:30 they had a news report that said, according to the Fund for Renewable Energy and Environment (which is some study group) Indiana Ranked 13th among 50 states for overall environmentally-related legislation. The study noted that while Indiana has legislation in place that is among the very best in the nation, there is a lack of legislation for major areas. Toxic pollution control, ground water quality standards, underground storage tank standards and guess what -- soil erosion control standards. We don't have them."

Mr. Willner said, "The farmer has them, but nobody else does."

Mr. Jeffers said, "The farmer has them. All of us here -- you three Commissioners and myself were out at the Soil Conservation Banquet and we know what is coming. If we don't do it with technical assistance, financial aid and education, they are going to lay it on us with legislation. So we're just working in that direction -- and each one of you sitting there has participated in this and we are working in this direction. Mr. Borries is absolutely correct. We have discussed it and we're trying to work in this direction -- and that is why I am asking for it on every subdivision that comes through. But I can't get it by the Subdivision Code; I can only get it by cooperation."

Commissioner Willner entertained further questions with regard to Greenbriar Hills Section III. There were none and a motion was entertained. He said Mr. Jeffers' recommendation is that the plans be approved, subject to Lot 60 being held as sediment control basin until 90% development is complete....

Mr. Jeffers said, "Until such time as 54 lots are sold and developed..."

Commissioner Borries said that with those recommendations he moves that Greenbriar Hills Section III be approved, with a second from Commissioner Cox. So ordered.

Mr. Morley stated that they're now required to bond everything in a subdivision, that means not only the sidewalks as discussed earlier but the streets and storm sewers and everything else before Mrs. Cunningham will let them record the plat. They have been submitting an itemized cost estimate to the APC and they have been giving it to Andy Easley and the Sewer Department and the Water Department and then the developer has been bringing his bank Letter of Credit to cover all of that. "To my knowledge, they have not been bringing it before you as a Board. But they will not approve the estimate until we have the plans one hundred percent finished. So the only thing you've got to do here now is see that Bill looks at the final plans, because Barbara won't accept the plat without a bond to cover it and you can't come up with a good cost estimate until you're finished with the design drawings. So you've got a vehicle and all you have to do is follow through on that end for your final and you've got it taken care of. So you don't really need to think of a new way to do it. If you want those to come back before the Board, it would be for approval of the estimate and the final plans -- and that could be done. So you're in line. You've got a way to do it right now and it will work out just fine -- because we've got to wait on them. They have to wait on the Sewer Board before they come back and tell us it is approved. So you've got a way to do it and that will work out pretty well. And he can't sell a lot because he hasn't recorded it and Barbara won't release it."

RE: McCUTCHAN ESTATES SUBDIVISION

Mr. Jeffers said that McCutchan Estates is another subdivision representative of Jim Morley & Associates.

Mr. Morley said he has a comment. There was a problem under the road. Over on Edinborough Drive they bought an easement from the Effingers (1,312 ft. all the way to Heinlein Rd.) and they have detailed drawings to submit to Rose Zigenfus of EUTS and County Engineer Andy Easley that show the pavement out to (designated point). Then they are taking and then Heinlein and turning 400 ft. south of that intersection and right out to Highway 57. So they're going to build (designated) section all the way out to Heinlein and then they're going to widen that on out and they will have full complete legal right-of-way all the way.

Commissioner Borries asked, "That was the question before, right?"

Mr. Morley said, "Right".

Mrs. Cox asked if they are going to have entrances both ways -- off Heinlein and off Petersburg both?

Mr. Morley spent several minutes explaining the plans to the Board as they went over them.

Mr. Jeffers presented another set of plans, which he said were prepared by Danny Leek, a registered land surveyor who works for Jim Morley. They have been checked by Mr. Morley and submitted to the Surveyor's office. They checked them. They submitted extensive calculations of all upstream areas. On the small map

he has highlighted all the lakes and the contributing watersheds so the Board can see there is some detention before you get on site. Watershed No. 1 has a large lake. The watershed coming up from the upper lefthand corner has a fair-sized lake (Lake C). So basically, the Board can see that there is some off-site detention coming down through all these watersheds. Down in the lower lefthand corner, what Danny has proposed is to bring this main creek (which runs in watershed No. 2, which has no detention) which runs all the way through the middle of the subdivision (this is the main watershed which has absolutely no detention) down to what is now Lots 65 and 64. He has designed a 16,000 sq. ft. basin (outlined in green). He has slightly undersized the pipe that goes under the cul-de-sac so that water will go through a 24 inch pipe into the basin and fill it up -- and a 12 inch pipe comes out and detains water for what he calculates to be a nice 25 year storm -- and then after the storm subsides, that basin runs dry. It is a dry basin again. The subdivider (Mr Gary Williams) has sent a letter (which he will submit for the record after a correction is made).

...."On the attached preliminary drainage plan, a detention basin is shown to be constructed on Lots 64 and 65 of the proposed subdivision. A restrictive covenant will be placed on the plat of McCutchan Estates. The owner or owners of Lots 54 and 65 shall be responsible for the maintenance and mowing of detention basin, excluding the maintenance of the 24 inch inflow and 12 inch outflow." (That is what they are going to pay 50 cents per lineal foot into the fund to maintain.)

The next paragraph basically covers how he intends to protect the slope grades exactly the same as is on the plat (0 to 2%); seeded (2 % to 8%); and above he is going to use that North American green fibre mat (which meets and exceeds the need for sod) and then we're also substituting that for rip-rap again, because we think rip-rap is unsightly and we really don't think rip-rap is as manageable as this sod mat. Then, again after an initial period of 12 months, all ditches and swales may be inspected by the county and if additional erosion control is needed in problem areas, it will be taken care of.

These plats contain all the notices we require. The large booklet with the calculations and charts used by Mr. Leek is available for perusal by the Board. Pre-development and post-development flow, etc., is included and contains information step-by-step as to how he arrived at this detention basin. Mr. Jeffers said the Surveyor's office believes after reviewing it that they would be glad to recommend it for approval to this Board.

Commissioner Cox asked, "Bill, just for my own clarification, this water will be coming down in designated area -- just a portion of it will be diverted, right?"

Mr. Jeffers said that is correct. It is calculated that the portion that will be diverted is that amount -- he's trying to achieve that which is not any greater than it was before. This is a natural creek coming down. When it gets into the basin...

Mr. Willner said, "You're going to relocate existing ditch and you're not going to use any pipe...."

Mr. Jeffers said, "Except under the roadway. The only pipe that will be outside the right-of-way will that which goes into the basin and back out."

Mr. Willner asked, "Will those channels be easements or...."

Mr. Morley said the easements will be 30 ft. wide.

Mrs. Cox said, "On his other, he had it 10 ft. and 6 ft. -- new ditch to be 4 ft. bottom with 3:1 side slopes."

Commissioner Willner asked, "He's going to have two ditches coming down here, right?"

Mr. Jeffers said he is relocating.....

Mr. Morley interjected, "This is the ditch we have to relocate -- see how it jogged out? We're going to take it through a pipe and down to designated area. They are changing that portion -- and the rest is all a natural drain. The easement will be 30 ft. wide. The easement will be 24 ft. on the smaller creek and then 30 ft. when we reach designated point."

Commissioner Willner asked, "The calculations say that this will not have anymore run-off than it did prior to construction?"

Mr. Jeffers said, "For the watershed he has designed there, that is right. He has held the post-development down to pre-development level."

Commissioner Willner entertained further questions. There being none, he queried Mr. Jeffers as to the Surveyor's recommendation?

Mr. Jeffers said his recommendation is to pass the drainage plan, as presented.

The Chair entertained a motion.

Motion was made by Commissioner Cox that the conceptual preliminary drainage plan for McCutchan Estates Primary be approved, with a second from Commissioner Borries. So ordered.

RE: OLD PETERSBURG PLACE II SUBDIVISION

Mr. Jeffers said Old Petersburg Place II was originally reserved for R-3 housing and Mr. Willner stated at the time that we passed the drainage plan for Old Petersburg Place I that whenever we went back into this apartment area he would like to see a retention basin. The developer recalled that statement and he has designed a retention basin for Old Petersburg Place II which, by the way, will not be apartments but single-family housing. They have been so successful with their single-family housing in Petersburg Place I that they have decided to drop the apartment idea and go with single-family housing. Even though we don't have as high a concentration of people as anticipated previously, the developer still has stayed with the idea of a retention basin.

The plans presented are not quite as conceptual as some of the plans reviewed today. These are site improvement plans; he is certain there will be some minor modifications. Mr. Jim Farney is a professional engineer and land surveyor on the project and he has stamped these plans.

Mr. Jeffers pointed to the retention lake in designated area on the plans. There is a 5 ft. pool which captures not only the water from Petersburg Place I, but it captures water from Greenbriar and some from the golf course. This is benefitting a lot more acres than seen on the plans. Mr. Jeffers proceeded to explain the drainage plan. The dam is 2-1/2 ft. higher than the pool elevation and the pool elevation is 6 ft. above the bottom. As Mr. Morley said, basically we will not have cat-tail growth in the pool and we have 2-1/2 ft. of free board for the 100 year storm. This is not based on 25 year run-off. This is based on 100 yer storm. This is far in excess of what is required by code and it was done basically to satisfy the concerns of the Drainage Board. This is the area Mr. Willner wanted to see something done in -- and they have really done it.

President Willner asked Mr. Jeffers for the Surveyor's recommendation.

Mr. Jeffers said the Surveyor recommends approval.

A motion was entertained.

Motion was made by Commissioner Borries that the drainage plan for Old Petersburg Place II be approved, as recommended by the Surveyor's office, with a second from Commissioner Cox. So ordered.

RE: ANNUAL DITCH MAINTENANCE BIDS

Mr. Jeffers said they want to advertise for bids for Annual Ditch Maintenance, with said bids to be opened at the Drainage Board Meeting scheduled for March 23rd.

The Chair entertained a motion.

Motion to advertise for Annual Ditch Maintenance Bids was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: CLAIMS

The following claims were presented by Mr. Jeffers for approval:

Eugene C. Rexing: Claim in the amount of \$269.50 for work on Singer Dirch.

John F Mauer: Claim in the amount of \$557.10 for work on Hoefling Ditch.

Motion to approve claims, as submitted, was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

There being no further business to come before the Board at this time, President Willner adjourned the meeting at 6:30 p.m., with an announcement that the Commissioners will reconvene at 7:00 p.m. for the Public Hearing on County Roads.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>AUDITOR</u>	<u>SURVEYOR</u>
	R. L. Willner R. J. Borries S. J Cox	Cindy Mayo, Chief Deputy	R. Brenner Bill Jeffers

<u>AREA PLAN</u>	<u>COUNTY ENGINEER</u>	<u>COUNTY HIGHWAY</u>
B. Cunningham B. Behme	Andy Easley	Bill Bethel

OTHER

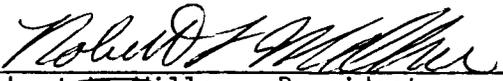
Dave Ellison/Big Creek Drainage Assn.  
T. Bodkin/Atty. for Guthrie May & Co.  
D. Blume/Guthrie May & Co.  
Mr. Fuquay  
Mike Fitzsimmons/Andy Easley Engineering  
Bill Nicholson  
James Q. Morley  
News Media

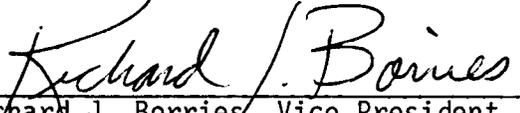
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DRAINAGE BOARD  
February 23, 1987

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SECRETARY: Joanne A. Matthews

  
Robert L. Willner, President

  
Richard J. Borries, Vice President

  
Shirley Jean Cox, Member

MINUTES

DRAINAGE BOARD - MARCH 23, 1987

The Vanderburgh County Drainage Board met in session at 5:05 p.m. on Monday, March 23, 1987, in the Commissioners Hearing Room, with President Robert Willner presiding.

The Chair entertained motion concerning approval of minutes of the previous meeting.

Motion was made by Commissioner Cox that the minutes of meeting held on Monday February 23, 1987, be approved as engrossed by the County Auditor, with the reading of same being waived. A second to the motion was provided by Commissioner Borries. So ordered.

RE: OPENING OF ANNUAL DITCH MAINTENANCE BIDS

The Chair entertained motion to authorize County Attorney Curt John to open the bids received on Annual Ditch Maintenance.

Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

1) FOX POINTE SUBDIVISION -- Requested one (1) month extension. Motion to approve the request made by Commissioner Cox with a second from Commissioner Borries. So ordered.

2) CHAR-MAR ESTATES -- Requested one (1) month extension. Motion to approve the request was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

3) COUNTRY ESTATES -- Mr. Jeffers said this has been continued indefinitely.

4) RYAN COMMERCIAL COURT -- Previously an apartment development immediately east of Royal Avenue Extension and immediately south of Oak Grove Rd. It is being converted into an Industrial Commercial Park. The drainage plan basically remains the same, except that the drainage swale is being extended from one end of the east property line to the other to accommodate additional storage capacity. The plat has all the needed notices on it. Since it is discharging into East Side Urban South Half, they have submitted a plan to retain water and discharge it at the same velocity as pre-development. The calculations are in order and have been checked by the Surveyor's office. The Surveyor's office recommends approval of the drainage plan.

Mr. Jeffers presented plat and drainage calculations for review by the Board. He said this is basically just a long narrow strip of ground. Vogel Road runs along the south side and Royal Avenue runs along the west side. There are eight (8) commercial lots. It will have a swale all along the east property line. He asked Mr. Morley to include on the final plat a notice that any swales that a property owner wishes to fill -- he will have to supply a storage area of equal size on his lot to make up for the swale he filled. This is because of Eastside Industrial Park on Old Boonville Highway. Some of the industrial landowners filled their detention swales and now we're asking them to compensate for filling those swales by excavating storage on their lots. We're going to try to head this off ahead of time by putting it on the plat. Mr. Morley has it on the final plat that his company is working on right now. It will come before the APC a week from Wednesday. All corrections were pointed up on the APC Staff Field Report. As far as slopes out there, they are all pretty much zero percent (0%). As a matter of fact, the slope of the swale is so slight that he has installed a French drain to dry the swale out and, as stated before, all the water is piped over to Stofleth Ditch (which is a legal drain) and there will be less water run-off there than before. The Surveyor's office recommends approval.

Motion to approve the drainage plan for Ryan Commercial Park was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

5) GAMBEL SUBDIVISION -- In response to query from Commissioner Willner, Mr. Jeffers said that Gambel Subdivision received Drainage Board approval two (2) years ago. What they are asking for now is a replat of two lots into three (3) one (1) acre lots. It does not require Drainage Board approval. They filled the small pond and did not change any drainage structures or easements and it is just a replat. Lots #2 and #3 together had exactly three (3) acres in them. They re-divided it into three (3) one (1) acre lots.

6) WINDSONG II SUBDIVISION -- Windsong II Subdivision has already received Drainage Board approval under its previous configuration. Basically, the engineer re-designed some lots. This is basically to satisfy some traffic engineering request from EUTS. By adding some extra concrete, they did increase the cu. ft. per second by one (1) cu. ft. per second (that's a miniscule amount of water). The drainage plan remains the same. All that the new drainage plan shows is a re-drawing of those lots that were re-arranged to accommodate the dumpsters, etc. The drainage plan is not really changed and the entire concept remains the same. The Surveyor's Office recommends approval of the replat.

Mrs. Cox asked if the Commissioners didn't approve the street concept plan some two weeks ago? Mr. Jeffers said that is correct.

Motion to approve drainage plan for Windsong II Subdivision was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

7) BALANCE OF SUBDIVISIONS -- Mr. Jeffers stated that the rest of the subdivisions are minor subs and do not have to come before the Drainage Board.

8) LAKESIDE TERRACE VI -- It was noted by Mr. Jeffers that Mr. Roy Foster has submitted two checks: One in the amount of \$119.50, based on 50 cents per lineal foot (239 l.f.) for storm sewers outside the right-of-way of Lakeside Terrace VI. Based on calculations, this \$119.50 is sufficient to cover that portion of the pipe not in the county right-of-way. The Surveyor's office recommends acceptance of the check for deposit into maintenance fund. Motion to accept Lakeside Terrace VI into the maintenance program and deposit the check into the county's storm drainage account was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

9) LAKESIDE TERRACE V & BROOKSHIRE ESTATES V -- Mr. Foster also submitted a check in the amount of \$544.50 for 1,089 lineal feet in Lakeside Terrace V and Brookshire Estates V. Again, this is the total number of lineal feet of storm sewer pipe located outside the right-of-way. The figures check out and the Surveyor's office would like this accepted into the storm drainage account, also.

Motion to accept Lakeside Terrace V and Brookshire Estates V into the maintenance program and deposit the check into the county's storm drainage account was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

10) PETITION FOR PERMANENT PIPE CROSSING/CHAD MCGEE: Mr. Jeffers said Mr. Chad McGee is petitioning for a permanent pipe crossing on Nurrenbern Ditch, a legal drain in Vanderburgh County. He has sold the property at 430 Fuquay Rd. (Tax Code #5-105-5) to Ms. Alice F. Gordon. This is Lot #5 in Kirkwood Subdivision II. The pipe has been measured upstream and downstream and a comparable size pipe has been sized at 95" x 67"

elliptical 12-gauge corrugated metal pipe. This will carry the same flow as the concrete pipes that are in place for Williamsburg-on-the-Lake II. It is the recommendation of the Surveyor's office that the Board grant Ms. Gordon and Mr. Chad McGee permission to locate the pipe, so long as they put in the size he quoted, on a 1 ft. rockbed, backfilled with rock and each face of the pipe revetted with 12" to 18" of rip-rap walls that are 1-1/2 to 1 slope and that the owner will maintain the pipe clear to the free flow of water and maintain the installation, in both ends of the installation, including the pipe backfill and rip-rap in good working order. This will serve as a driveway entrance for Ms. Alice F Gordon. The other stipulations will be that Mr. McGee and Ms. Gordon go through the proper procedures with the County Engineer regarding a driveway permit. On that basis, the Surveyor's Office recommends that the Board allow her to put a permanent structure in the legal drain. Ms. Gordon is going to build a house on the lot and she needs this pipe for a driveway entrance. Her purchasing the lot was subject to Mr. McGee's supplying access.

Motion to approve the request was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Commissioner Willner requested that Mr. Jeffers notify both parties. Mr. Jeffers responded that, with the Board's permission, he will write both letters on their stationery. Permission was granted.

11) DRAINAGE SEMINAR/THURSDAY, MAY 7, 1987

It was announced by Mr. Jeffers that an all-day Drainage Seminar is planned for Thursday, May 7, 1987, beginning at 9:00 a.m. The morning session will feature an overview on drainage as it relates to the Soil Conservation Service method outlined in TR-55, which is a technical release. The afternoon session will be a technical discussion, with examples of how to calculate urban run-off per TR-55. They are proposing that this be a free seminar. They are going to conduct the meeting in the City Council Chambers. People from the tri-state area will be invited to attend (he should say the three county area). They hope to have from 50 to 80 persons in attendance. They have been discussing the seminar with the Area Plan Commission and the Soil Conservation Service. Mr. James Morley has helped them concerning their discussion. They would really like for the Vanderburgh County Drainage Board to be a co-sponsor of this event. They also believe it most appropriate that the Drainage Board attend, since they are so involved in urban drainage through their discussions during Drainage Board meetings. If the Board would like to participate as a sponsor, they'd love to have them. As the plans progress and they start to send out invitations, they will keep the Board apprized.

Commissioner Willner said he thinks the Drainage Board should co-sponsor the event and they will continue to do their part -- Mr. Jeffers is to let them know just what that is.

12) CLAIMS -- The following claims were presented for approval. All ditches have been inspected and the claims signed by County Surveyor Robert Brenner. Motion to approve claims was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Union Twp. Ditch Association (Kamp Ditch).....	\$ 334.80
Union Township Ditch Association (Barnett Ditch)	\$ 250.74
Union Twp. Ditch Association (Cypress-Dale-Maddox)..	\$ 716.61
Union Twp. Ditch Association (Helfrich-Happe Ditch)..	\$ 380.94
Union Twp. Ditch Association (Edmond Ditch).....	\$5,701.35
Eldon Maasberg (Kneer Ditch).....	\$ 303.60
Eldon Maasberg (Maasberg Ditch).....	\$ 154.42
Eldon Maasberg (Baehl Ditch).....	\$1,026.61
Eugene Rexing (Singer Ditch).....	\$ 269.50
Ralph Rexing (Pond Flat "B").....	\$ 391.58

Ralph Rexing (Pond Flat "D").....	\$ 641.06
Ralph Rexing (Pond Flat "A").....	\$ 743.54

13) INTRODUCTIONS

The meeting proceeded with Mr. Jeffers introducing Mr. Dave Ellison, President of the Big Creek Ditch Association and Mrs. Brenda Happe of Happe, Inc. (an interested bidder) who were in the audience.

14) BIDS FOR ANNUAL DITCH MAINTENANCE - 1987

The meeting proceeded with Attorney John reporting that all ditch bids were in proper order. To expedite the process due to the large number of bids received, Attorney John, assisted by County Surveyor Robert Brenner, had recorded bid amounts on a printed form. (Copy is attached hereto.) After reviewing the bids listed on the form, the Chair entertained a motion that the bids be taken under advisement for one (1) week. At that time, another Drainage Board Meeting will be held so the contracts can be awarded at that time. (The Surveyor's office will retain the bids so they can check extensions etc., prior to delivering the bids to the Auditor's office.)

In response to query from Commissioner Cox concerning money in the ditch accounts, Mr. Jeffers said we have so much money in some accounts that we are not billing certain ditches at all this year, including Sontaag-Stevens and about four (4) ditches down in Union Township. That will offset some of the taxes they are paying on Edmond Ditch.

Motion was made by Commissioner Borries that the bids be taken under advisement for a one (1) week period, with a second from Commissioner Cox. So ordered.

15) EASLEY ENGINEERING FIRM

Commissioner Cox said, "Mr. Willner, on Page 15 of the minutes of the previous Drainage Board Meeting, the point came up about the Easley Engineering firm and their doing work for private clients. At that time, you spoke out very strongly concerning this -- and Mr. Borries did, too -- and yet, the very next Wednesday, The Andy Easley firm presented before the Area Plan Commission and the next week at Subdivision Review -- there were three more of Easley Engineering Firm's on the Subdivision Review Committee; this was after your statements and he was present for those statements. So I think the Board very definitely needs to..."

Commissioner Willner asked, "Were they done before a certain date or something?"

Mrs. Cox responded, "Well, the one that came to us that you saw was dated January 27, 1987. On October 17, 1986, he appeared before this Board and he told this Board and he told the public -- and I guess I'd better get it out and quote it so I won't be misquoted -- that he would no longer engage in this kind of practices. On October 17th, he said his firm would no longer do any county work."

Commissioner Willner said, "I'm asking, was this work done prior to...."

Mrs. Cox interjected, "Well, you know the drainage plan he did wasn't. It was dated January 27, 1987."

Commissioner Borries asked, "What subdivision was that?"

Mrs. Cox responded, "Oak View Place....and that came to our Board. You told him and you also told the developer not to use the Andy Easley firm anymore. Then at the APC meeting, the Andy Easley firm was there presenting it. And the same thing at the Subdivision Review Committee. The Easley Engineering firm presented Country or County Estates and Gambel Sub."

Mr. Jeffers interjected that Country Estates was withdrawn prior to Subdivision Review Committee. And Gambel Sub was a replat.

Mrs. Cox asked, "Who did the replat?"

Mr. Jeffers said that Alvin Paul did the original plat but this second time it was done by Easley Engineering.

Commissioner Willner queried Mrs. Cox concerning the date of the Subdivision Review Committee.

Mrs. Cox said it was March 17th, she thinks.

Commissioner Willner said he will check this one out and Oak View Place -- he was sure that was done before -- but he will check it out again.

Commissioner Cox said, "You saw it; Oak View Place was dated January 27, 1987. It's been going on ever since after the election....."

Commissioner Willner said "I need to know whether he did these plans last year and just presented them to the Board. If he did, that's fine. But if they are new plans....."

Commissioner Borries said, "I did talk to him about this -- and I will put it in writing -- that he is not to forward....."

Commissioner Willner interjected, "If they did the plans prior to that, then there is probably nothing I can do. Because I am not going to make the sub-divider go back and do them over just because of that. But if has done them since then, then that's wrong. But I will check."

Commissioner Borries said, "I think we can certainly ask him to..."

Commissioner Cox said, "Not only that, but he was before the Board of Zoning Appeals on County time, representing someone for a mobile home court."

Commissioner Willner said, "You're right -- and I stopped that immediately. End of speech."

Commissioner Cox said, "I tell you, I don't know how much you want -- but based on -- I have read the Tall Timbers report, and he misinformed this Board and he misled our Board and he misled you -- when you asked him two or three times, 'Is every thing according to specifications -- no deviations at all from the specs that we all approved?' He said, 'No, no -- no deviations'."

Commissioner Willner asked if there is anything else to come before the Board today. There being no response, President Willner adjourned the meeting at 6:00 p.m.

- |                 |                        |                             |                        |
|-----------------|------------------------|-----------------------------|------------------------|
| <u>PRESENT:</u> | <u>COMMISSIONERS</u>   | <u>COUNTY AUDITOR</u>       | <u>COUNTY ATTORNEY</u> |
|                 | R. L. Willner          | Sam Humphrey                | Curt John              |
|                 | R. J. Borries          |                             |                        |
|                 | S. J. Cox              |                             |                        |
|                 | <u>COUNTY SURVEYOR</u> | <u>AREA PLAN COMMISSION</u> |                        |
|                 | Robert Brenner         | B. Cunningham               |                        |
|                 | Bill Jeffers           | B. Behme                    |                        |
|                 | <u>OTHER</u>           |                             |                        |
|                 | James Morley           |                             |                        |
|                 | Dave Ellison           |                             |                        |
|                 | Brenda Happe           |                             |                        |
|                 | News Media             |                             |                        |

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DRAINAGE BOARD  
MARCH 23, 1987

Page 6

SECRETARY: Joanne A. Matthews

*Robert L. Willner*  
Robert L. Willner, President

*Richard J. Borries*  
Richard J. Borries, Vice President

*Shirley Jean Cox* 4/27/87  
Shirley Jean Cox, Member

ANNUAL DITCH MAINTENANCE BIDS  
1987

314.  
Happes Inc

BIDDER	T. JOHNSON	PAUL	R. REXING	UNION	DIG CREEK	
<u>DITCH NAME</u>						
1. Aiken Ditch	2269.62					2378.64
2. Baehl Ditch						
3. Barnett Ditch				250.74		
4. Barr's Creek		3616.90				3513.56
5. Buente - Upper					3024.25	3231.20
6. Cypress-Dale/Maddox						
7. Eagle Slough				716.61		
8. East Side Urban/North Half	4941.53					5694.70
9. East Side Urban/South Half	11,874.20					12,849.84
10. Edmond Ditch				461.85		
11. Helfrich/Happe Ditch				380.94		
12. Harper Ditch	878.44					960.48
13. Henry Ditch	537.25					572.22
14. Hoefling Ditch						
15. Kamp Ditch				1004.40		
16. Keil Ditch						662.40
17. Kneer Ditch						
18. Kolb Ditch	1921.90					2002.78
19. Maasberg Ditch						
20. Maidlow Ditch					2470.65	2305.94
21. Pond Flat - A			743.54			
22. Pond Flat - B			391.58			
23. Pond Flat - C					903.60	
24. Pond Flat - D			641.06			
25. Pond Flat - E					361.60	
26. Pond Flat Main					4422.24	4238.98
27. Rusher Creek					444.40	
28. Singer Ditch						
29. Sonntag-Stevens						1712.80
30. Wallenmeyer Ditch		1127.92				

6160 NGASS HUFFER 2102.80 EACH ~~7209.66~~

315

ANNUAL DITCH MAINTENANCE BIDS  
1987

BIDDER	F. KEXING	ELDON	MAASBERG	KEM	LAUNCAAR	NORMAN	MESSER
<u>DITCH NAME</u>							
1. Aiken Ditch							
2. Baehl Ditch		395.70					
3. Barnett Ditch							
4. Barr's Creek							
5. Buente - Upper							
6. Cypress-Dale/Maddox							
7. Eagle Slough							
8. East Side Urban/North Half				5327.30			
9. East Side Urban/South Half							
10. Edmond Ditch							
11. Helfrich/Happe Ditch							
12. Harper Ditch				1000.50			
13. Henry Ditch							
14. Hoefling Ditch							
15. Kamp Ditch							
16. Keil Ditch						885.52	
17. Kneer Ditch		273.24					
18. Kolb Ditch							
19. Maasberg Ditch		154.42					
20. Maidlow Ditch							
21. Pond Flat - A							
22. Pond Flat - B							
23. Pond Flat - C							
24. Pond Flat - D							
25. Pond Flat - E							
26. Pond Flat Main							
27. Rusher Creek							
28. Singer Ditch	269.50						
29. Sonntag-Stevens						2360.35	
30. Wallenmeyer Ditch							
31. SONNTAG STEVENS EXT.						290.00	

MINUTES  
DRAINAGE BOARD MEETING  
MARCH 30, 1987

The Vanderburgh County Drainage Board met in session at 3:45 p.m. on Monday, March 30, 1987 in the Commissioners Hearing Room, with President Robert Willner presiding.

It was noted by President Willner that approval of minutes from last week's meeting will be deferred until the next meeting.

RE: DITCH ASSESSMENTS - 1987

County Surveyor Robert Brenner presented copies of a list of Ditch Assessments for 1987, and asked that said list be included in the record.

DITCH RATES (REVISED) 1987

<u>Ditch</u>	<u>Amt. Billed</u>	<u>Rate</u>	<u>Acres</u>
Aiken	\$3,217.53	\$3.35	960.47
Baehl	1,200.00	1.65	728.07
Barr's Creek	3,500.00	0.57	6,103.50
Buente Upper Big Creek	3,500.00	1.47	2,374.65
Eagle Slough	5,155.00	0.72	7,139.97
Eastside Urban Drainage	Est. Rate	Est. Rate	1.50 RL
Edmond	2,157.00	%	*****
Harper	Est. Rate	Est. Rate	1.50 RL
Henry	1,500.00	3.87	387.83
Hoefling	575.00	1.98	289.82
Kneer	400.00	3.32	120.38
Kolb	2,539.21	4.13	614.58
Maidlow	2,836.00	0.65	4,393.31
Maasberg	265.00	2.41	82.93
Pond Flat Main	5,000.00	0.53	9,455.48
Pond Flat "A"	700.00	0.76	923.02
Pond Flat "B"	200.00	0.21	959.92
Pond Flat "C"	905.00	1.22	740.64
Pond Flat "D"	700.00	1.17	596.72
Pond Flat "E"	450.00	1.76	255.12
Rusher	540.00	0.59	912.70
Singer	270.00	0.61	445.99
Upper Pigeon Creek	315.00	0.40	789.31
Wallenmeyer	1,500.00	2.61	575.50
Weinsheimer	373.00	1.92	190.60

Mr. Brenner said that there were six (6) ditches we did not assess at all, because they reached a maximum level of what we can accumulate (four in Union Township and Sonntag-Stevens and Keil).

Commissioner Willner asked if any of the ditch assessments are higher than they were last year?

Mr. Brenner said they are not -- they are all lower. (The ditches are in better shape - and the bids should be lower.)

The Chair entertained questions.

Mrs. Cox asked if Kolb Ditch assessment was always around \$4.00?

Mr. Brenner said it was \$5.50 last year. With the new drainage system the City put in, they are dumping more water into it and there is more acreage in that one than there was. Kolb and Aiken Ditches drain into Eagle Slough. He is considering the possibility of combining those three together.

The Chair entertained a motion.

Motion to approve the 1987 Ditch Assessments was made by Commissioner Borries. He said he knows it has taken a lot of time for Mr. Brenner to look at these and he knows that some are very close insofar as the various bids, etc. Mr. Brenner must look at them and base recommendations only on what was included in contract bid, is that correct?

Mr. Brenner said that is correct.

A second to the motion to approve 1987 Ditch Assessments was made by Commissioner Cox. So ordered.

RE: 1987 ANNUAL DITCH MAINTENANCE BIDS

Mr. Brenner said that we have had some experience with everyone who bid on the ditches and they have done a satisfactory job. The only thing that might enter into this is that we have never had a Ditch Association not get a bid. The only thing he can say is that they are a non-profit organization, supposedly they are for the benefit of the people on the ditch -- but they are not the low bidder. The person who is low bidder in each case has done work for us previously and is a qualified bidder.

Mrs. Cox remarked that she does not remember anything coming in from Terry Johnson (a bidder) previously.

Mr. Brenner said he was the foreman who did the physical work for Happe, Inc. last year, and will do a good job for us. In response to query from Mrs. Cox as to what Happe, Inc. did for us last year, Mr. Brenner said they did four or five ditches. They bid every ditch last year. They beat the Ditch Association in both Union and Armstrong, and we gave it to them based on criteria and staggered on a lawsuit through the whole year -- because we did not give it to the lowest bidder. And they are a qualified bidder.

Mrs. Cox asked if Terry Johnson is all by himself?

Mr. Brenner said he is listed as "Terry Johnson Construction".

Mrs. Cox asked if he has all the necessary equipment? Or, does he have to sub-contract?

Mr. Brenner said he will do the work; he has a tractor, a bush-hog, etc. Happe did it last time with weed whips (if you'll believe it). They sprayed it and hired about fifteen kids and Johnson bossed them - and the eastside ditches looked as good as they ever have.

Mrs. Cox asked where Happe's, Inc. is located?

Mr. Brenner said they are at Stringtown and Morton (right across from Hahn). It used to be Art's remodeling. It would be hard to make any recommendation, as he can't say anything bad about any of the low bidders. The Board may find another reason for going with the high bidder.

Mrs. Cox again asked how many ditches Happe, Inc. had last year?

Mr. Brenner said they had Eastside Urban South Half, Henry, Aiken and Kolb.

Mr. Brenner said he does not know how the Board could not go with low bidders.

Commissioner Cox said,, "I do; they did four last year and they did all right. But they are down for thirteen (13) ditches this year. How many feet is that? There is Sonntag-Stevens, Pond Flat Main, Maidlow, Keil, Henry, Harper, Eastside South Half, Eastside North Half, Eagle Slough....."

Mr. Brenner said they did not get that one. Green Grasshopper got it.

Mrs. Cox said she knows one year we gave it to a low bidder who had weed whips and there were some problems. So she doesn't think we have to go with the low bidder. She thinks we have to look at what they can give us, how many bids they have, etc. -- because they are going to be able to do a better job on five or six ditches than on eleven or twelve ditches, she'd say.

Mr. Brenner said a step in the right direction might be to award the bids he has marked in red on the spread sheet-- who are the only bidders on designated ditches.

Commissioner Willner said he thinks Mr. Brenner is right.

Motion was made by Commissioner Borries that the following bids be awarded, with a second from Commissioner Cox. So ordered.

Baehl Ditch	Eldon Maasberg	\$895.70
Barnett Ditch	Union Twp. Ditch Assn.	\$250.74
Cypress-Dale-Maddox	Union Twp. Ditch Assn.	\$716.61
Edmond Ditch	Union Twp. Ditch Assn.	\$461.85
Helfrich-Happe	Union Twp. Ditch Assn.	\$380.94
Kamp Ditch	Union Twp. Ditch Assn.	\$1,004.40
Kneer Ditch	Eldon Maasberg	\$273.24
Masasberg Ditch	Eldon Maasberg	\$154.42
Pond Flat "A"	Ralph Rexing	\$743.54
Pond Flat "B"	Ralph Rexing	\$391.58
Pond Flat "C"	Big Creek Drnge. Assn.	\$903.60
Pond Flat "D"	Ralph Rexing	\$641.06
Pond Flat "E"	Big Creek Drnge. Assn.	\$361.60
Rusher Creek	Big Creek Drnge. Assn.	\$444.40
Singer Ditch	Eugene Rexing	\$269.50
Wallenmeyer Ditch	Leo Paul	\$1,127.92

Barr's Creek: Commissioner Willner said we have the following bids:

Happe's. Inc.	\$3,513.36
Leo Paul	\$3,616.90

Mrs. Cox asked who did Barr's Creek last year? Mr. Brenner said that Mr. Leo Paul has done the ditch for 15 years or so. He's done it as long as he's been surveyor -- and he inherited him.

Buente: Commissioner Willner said we have the following bids:

Big Creek Ditch Association	\$3,029.25
Happe's, Inc.	\$3,231.20

Motion was made by Commissioner Borries that Big Creek Drainage Association be awarded the bid for Buente Ditch in the amount of \$3,029.25, with a second from Mrs. Cox. So ordered.

Eagle Slough: Commissioner Willner said the low bid is Green Grasshopper (Bill Hepler) and his bid is half that of Happe's, Inc.:

Green Grasshopper	\$4,205.60
Happe's, Inc.	\$7,209.60

Mrs. Cox asked what Happe's is going to do?

Mr. Brenner said they did not say; they were going to spray it the same as Mr. Hepler was. They put that bid out as a "spray only" because, believe it or not, the ditch was (and still is) almost impassable -- it is 6 miles long, etc.

Motion to award the bid to Green Grasshopper in the amount of \$4,205.60 was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Eastside Urban/North Half: Commissioner Willner said three (3) bids were received as follows:

Happe's, Inc.	\$5,694.70
Terry Johnson	\$4,941.53
K & M Lawncare	\$5,327.30

Mrs. Cox asked who did this ditch last year?

Mr. Brenner said that K & M Lawncare did it last year.

Motion to award the bid to Terry Johnson (the low bidder) in the amount of \$4,941.53 was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Keil Ditch: Commissioner Willner said bids were received, as follows:

Happe's, Inc.	\$ 602.40
N. Messel	\$ 885.52

Mr. Brenner said that Mr. Messel has done this ditch for a large number of years. His partner (Peterson) used to do it. His bid is a little higher this year. Mr. Messel farms wherever there is not a building, even on various and sundry leaseholds -- he farms them all.

Mrs. Cox noted this is nearly a \$300 difference on less than a \$2,000.00 job.

Motion to award contract to Happe's, Inc. in the amount of \$602.40 was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Pond Flat Main: Commissioner Willner said there were two bids on this ditch:

Big Creek Drainage Assn.	\$4,422.24
Happe's, Inc.	\$4,238.98

Sonntag-Stevens: Commissioner Willner said bids were received as follows:

Happe's, Inc.	\$1,712.80
Norman Messel	\$2,360.35
Plus	290.00

Mr. Willner asked that Mr. Brenner explain this to the Board. Mr. Brenner said the Plus \$290.00 is for the Extension -- it was added in....but it was not in the original bid.

Commissioner Borries said then we're still talking a \$600 difference there. Motion to award the contract for Sonntag-Stevens to Happe, Inc. in the amount of \$1,712.80 was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Commissioner Borries said he would like to hear Mr. Brenner's thinking. As pointed out, Big Creek Drainage Association is a non-profit organization and they have done an excellent job. And in no way is he saying that Happe, Inc. is going to do anything less than an acceptable job either. Are there other factors? Sometimes it says lowest and best in terms of sediment removal and that sort of thing? There is no way for Mr. Brenner to judge that at this point -- based on their bid? Is that correct?

Mr. Brenner said that Mr. Dave Ellison, President of Big Creek Drainage Association is present today. The one thing he can say, when they have made a profit (i.e., if they are able to go out and clean Pond Flat for \$2,000.00, they will come back and say that if we award the contract to clean a certain section of the ditch -- we will put our money up -- and whatever we have left in the account, they will bid it for that amount. If we have \$100.00 left, we will get \$2,100.00 worth of work done.

The Chair recognized Mr. Ellison of Big Creek Drainage Association. He said he came here with concerns as to possibly losing two ditches that they have maintained for many years. (One over 1/2 cent per foot and the other over one penny per foot. Their concern at all times -- he is not saying that their competitors will do any less job than they will do. But he does think they will go a step further in saying they are a not-for-profit organization, and all monies that they acquire -- they all go back into the ditch. They maintain as far as the silt removal, sand bars, pulling back the banks and they are also concerned about the erosion. This is something they brought to the Surveyor's office two years ago, as far as bringing their banks back to 2:1 slope -- so they don't have a lot of erosion problems. They have many concerns out there. This is their livelihood and they maintain these ditches very well. When they keep the water flowing down to the Wabash, it keeps water off the county roads and helps the residents and all people involved. If they keep the ditches maintained the way they have during the last few years, they can keep their bids down. (He knows they were underbid this time, but the Board has to go by their past performance, their credibility, etc.) Their main goal is to keep these ditches the best they can -- and with the cooperation of the Surveyor's Office and the Drainage Board, they can make that happen.

Commissioner Willner expressed appreciation to Mr. Ellison for his comments. He then entertained a motion concerning Pond Flat Main.

Pond Flat Main: Motion was made by Commissioner Cox that the contract for Pond Flat Main be awarded to Big Creek Drainage Association in the amount of \$4,422.24, with a second from Commissioner Borries. So ordered.

Maidlow Ditch: The Chair entertained a motion.

Motion was made by Commissioner Borries that the contract for Maidlow Ditch be awarded to Big Creek Drainage Association in the amount of \$2,470.65, with a second from Commissioner Cox. So ordered.

Kolb Ditch: The Chair entertained a motion.

Commissioner Borries said he would have to go with the Surveyor's recommendation (the lowest bid) and would move that the contract be awarded to Terry Johnson in the sum of \$1,921.90, with a second from Commissioner Cox. So ordered.

Henry Ditch: The Chair entertained a motion.

Motion was made by Commissioner Borries that the contract for Henry Ditch be awarded to Terry Johnson in the sum of \$537.25, with a second from Commissioner Cox. So ordered.

Harper Ditch: The Chair entertained a motion.

Motion was made by Commissioner Borries that the contract for Harper Ditch be awarded to Terry Johnson in the amount of \$878.44, with a second from Commissioner Cox. So ordered.

Eastside Urban/South Half: The Chair entertained a motion.

Motion was made by Commissioner Borries that the contract be awarded to Terry Johnson in the amount of \$11,874.20, with a second from Commissioner Cox. So ordered.

Eastside Urban/North Half: The Chair entertained a motion.

Motion was made by Commissioner Borries that the contract be awarded to Terry Johnson in the amount of \$4,941.53.

Barr's Creek: The Chair entertained a motion.

Motion was made by Commissioner Borries that the contract be awarded to Happe's, Inc. in the amount of \$3,513.36.

Mrs. Cox asked if Mr. Brenner said that Mr. Leo Paul had cleaned this ditch for 15 or 50 years?

Mr. Brenner said he isn't sure -- but he's cleaned it for a long time. They own most of the ground.

Mrs. Cox said she really has some reservations. The bid amount is over \$3,500 and we're talking a difference of \$100 between the two bids.

Commissioner Borries said he withdraws his motion.

Motion was made by Commissioner Cox that the contract for Barr's Creek be awarded to Mr. Leo Paul in the amount of \$3,616.90, with a second from Commissioner Borries. So ordered.

Aiken Ditch: The Chair entertained a motion.

Motion was made by Commissioner Borries that the contract for Aiken Ditch be awarded to Terry Johnson in the amount of \$2,269.62, with a second from Commissioner Cox. So ordered.

President Willner asked if there is any further business to come before the Board at this time?

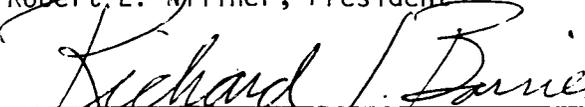
Commissioner Cox said she would like to express thanks to the Surveyor's Office for the excellent spread sheet they prepared.

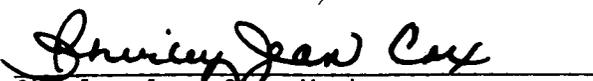
There being no further business to come before the Board, President Willner adjourned the meeting at 4:15 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. L. Willner	Sam Humphrey	Curt John
	R. J. Borries		
	S. J. Cox		
	<u>COUNTY SURVEYOR</u>	<u>OTHER</u>	
	Robert Brenner	Dave Ellison/Big Creek News Media	

SECRETARY: Joanne A. Matthews

  
Robert L. Willner, President

  
Richard J. Borries, Vice President

  
Shirley Jean Cox, Member

MINUTES  
DRAINAGE BOARD MEETING  
APRIL 27, 1987

The Vanderburgh County Drainage Board met in session at 4:35 p.m. on Monday, April 27, 1987, in the Commissioners Hearing Room, with President Robert Willner presiding.

The meeting was called to order by Commissioner Willner, who subsequently entertained a motion concerning approval of the minutes of meetings held on February 23rd and March 30th. Motion to approve both sets of minutes as engrossed by the County Auditor and waive reading of same was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: CHARMAR ESTATES

It was noted by President Willner that any action on Charmar Estates has been continued indefinitely.

RE: HOEFLING DITCH

The Chair recognized Chief Deputy Surveyor Bill Jeffers, who said he'd like to point out that no bid was received on maintenance of Hoefling Ditch. Mr. John Maurer, who lives on Wallenmeyer Road, has maintained this ditch since his father-in-law, Mr. Hoefling, died and he brought a bid in on Hoefling Ditch. Again, no one else bid this ditch and he would like to submit Mr. Maurer's bid at this time.

At the Board's request, Mr. Jeffers opened Mr. Maurer's bid and said enclosed is a Cashier's Check from the Cynthiana State Bank in the amount of \$28.00 dated March 20, 1986 (this must be a hold-over from last year). Bid is from John Maurer, R.R.37, Box 365, Evansville, IN 47712 for maintenance of Hoefling Ditch filed April 15, 1987. Bid is signed by John Maurer and his signature is notarized on the non-collusion affidavit and his signature is notarized on the back of the bid form. Bid is in the amount of \$557.10. In response to query from Commissioner Willner, Mr. Jeffers said he believes the bid is the same as that submitted last year -- 10 cents per ft. for mowing and burning of 5,571 ft.

The Chair entertained a motion. Motion was made by Commissioner Borries that the bid for maintenance of Hoefling Ditch (mowing and burning) be awarded to Mr. John F. Maurer in the amount of \$557.10.

RE: BROWNING ROAD ESTATES SECTION "D"

Mr. Jeffers said Browning Road Estates Section "D" is another phase of Browning Road Estates developed by Mr. William Wittekindt, Jr., who is in the audience with his engineer, Mr. Fred Kuester. He believes these are half acre lots on sanitary sewer. This will be an extension of Red Gate Rd. from its present terminus coming off Boonville-New Harmony Rd. and then around to Browning Rd. through the next phase of development. For the record, as pointed out, Mr. Wittekindt and his father have developed Browning Road Estates and he would say that their use of the option of side ditches rather than curb and gutter is an example that, using that method, they have done as good as any other developer in the county and better than most. Again, he would say for the record that he doesn't like side ditches because of our experience with them in the past. Regardless of the developer, the shoulders throughout the county have not been

a uniform 6 ft. wide and as soon as the development is under construction, we find people coming in asking if they can pipe the ditch, can they fill over it; putting in driveway pipes and culverts that are a little close to the road to provide for the 6 ft. shoulder. So, simply by error of placement on the part of the builder -- not the developer (unless they happen to be one and the same) -- somehow or other the 6 ft. shoulder narrows down to two or three feet. We've experienced erosion in side ditches; we've experienced undermining, etc. Other than that, in all fairness he will have to say that he hopes the two gentlemen here will respond to it, because they do have the option and it is still available as part of the standards. The only problems he sees with this is that there is no place for detention, unless Mr. Wittekindt's engineer can come up with some way to baffle the water in the 50 ft. easement along Lot #1 or passes through the middle of Lot #1. With regard to the sanitary sewer, he sees it as a potential problem because it is located approximately down the center of the ditch. The building lots are of the size that the houses can be well back from the road and he sees no problem with the water generated by large lots like this. With regard to Red Gate Court, which is a cul-de-sac, the outflow may have to be relocated and he would say that there would be no problem with it. When he comes in with his next phase of development, he may want to move this around. The location of this outflow might not be in accordance with what he would desire when he comes in with Lot #17 in the next phase.

Mr. Jeffers said his last comment would be that in the side ditches with 6 ft. shoulders and 3:1 side slopes, 1 ft. bottom, etc., can be fitted to a 50 ft. right-of-way only if the ditch is 1 ft. deep period, because 1 ft. deep is the minimum. If you go greater than 1 ft. deep you would need a greater width than 50 ft. right-of-way. Mr. Jeffers then entertained questions.

Commissioner Cox asked if 1 ft. is the minimum?

Mr. Jeffers responded that 1 ft. is the minimum depth of a side ditch. That is to get you below the 3 inches of asphalt and 6 inches of rock -- to get you 3 inches below that so you don't have any penetration of your rock base by water that may stand or be flowing in the ditch -- to drain your sub-base.

Commissioner Cox queried Mr. Jeffers concerning the maximum ditch width that will fit into a 50 ft. right-of-way.

Mr. Jeffers said it is the maximum ditch depth -- and you go 3:1 side slopes -- that will fit into a 50 ft. right-of-way. In other words, if he plans a ditch any deeper than 1 ft. he will need greater than 50 ft. right-of-way.

Mr. Kuester said that in answer to Bill's point on where the water is shown there, he is in agreement with perhaps in the next addition that would be changed a bit and probably come out of designated area.

Mr. Kuester said they have shown rip-rap on the steeper slopes, and they don't have what he would consider an excessive amount of water coming to the side ditches.

Commissioner Willner queried Mr. Kuester concerning the grade.

Mr. Kuester responded he'd say there was a 10% grade.

Commissioner Willner asked if he'd say that is steep?

Mr. ~~Biggart~~<sup>Kuester</sup> said he'd hate to say that really.

Commissioner Cox said we're talking about 310 ft. in length and an elevation from basically 445 ft. to 480 ft.

Mr. Jeffers offered comments -- but they were inaudible because he had returned to his seat.

In response to query from Commissioner Willner, Mr. K<sup>E</sup>ster said they had not made any provisions for detention in designated area -- and he doesn't think specified area would be a good area for it.

Commissioner Willner said now that we're coming with smaller lots, we're going to have more run-off than you have with bigger lots and they need to address this before the subdivision is completely built up. He doesn't say he has to do it here. But sooner or later before they do the last section, they will have to address this.

Commissioner Borries said that in some parts he assumes the developer is worried about the aesthetics and beauty of it -- but there are some parts where maybe there is a low section in the flood plain; they might require curbs and gutters and other sections might not. This is a point he would want to make.

Mrs. Cox asked, "Fred, how do you intend to address the concern about the ditch depth? Will any of them be over 1 ft.?"

Mr. Kuester pointed to designated area on the plans and said it will not be. Pointing to another area, he said they do not actually have a grade on this area yet. It is rip-rap area and possibly that might be an area .....

Mrs. Cox raised a question concerning erosion control. Ms. Behme of Area Plan Commission said the language is per Elvis Douglas of Soil & Water Conservation Office. Mrs. Cox said we've seen some ditches that evidently were seeded and they have eroded.

Mr. Jeffers said the erosion control statement that appears on this plat provided by Messrs. Kuester and Wittekindt is the erosion control statement provided by the Building Commissioner for grading of the lots. The erosion control statement that Mrs. Cox is referring to as required by drainage ordinance is for open channel and it is 0 to 2% seeded; 2% to 8% sodded; and 8% and above rip-rap. He has complied with that by showing rip-rap in the side ditches where he knows it will be greater than 8%. Also, in fairness to this option of side ditches, he would say that in regard to Mr. Willner's concern, the rip-rap, itself, has a roughness co-efficient that will slow the velocity of the water down compared to concrete or pipes that have a smooth surface (such as a concrete pipe or concrete paved ditch). The water has a higher velocity in those ditches, but since it has to tumble down over the rip-rap, the rip-rap does act as a baffle of sorts and does slow the velocity to some extent.

Commissioner Willner asked who is going to maintain the sanitary sewer?

Mr. Wittekindt said the sanitary sewer system is maintained by the Browning Rd. Estates Development Corp.

Commissioner Willner asked if he is going to have members from the subdivision form a Home Owners Association?

Mr. Wittekindt said the corporation is owned by his father and himself.

Commissioner Willner asked, "When your father and yourself are no longer here, what will be done then?"

Mr. Wittekindt said, "Probably it will be turned over to the city -- because it is put in to city specifications."

Attorney John said, "If something were to happen, his heirs on down the line would be responsible."

Commissioner Willner said that was his next question.

Attorney John said there would be a deed for each property owner, which he would sign at the time he buys the lot -- and that is recorded.

Commissioner Willner said he thinks this drainage approval - or disapproval -- needs to say that any damage done to the roadway or the ditch surfaces during repair to sanitary sewer must include the final repair to the roadway or the ditch, along with the sewer.

Mr. Wittekindt asked Mr. Willner to explain further.

Commissioner Willner said, "I am saying that you, as principle member of the society to take care of this sewer, also have to take care of the roads and the ditch if you so hurt them in taking care of your sewer line."

Mr. Wittekindt asked, "In other words, if we have to repair the sewer line and damage the road in doing that, we repair the roads?"

Commissioner Willner confirmed that this is correct -- or the ditch.

Mr. Wittekindt said he sees no problem with that.

Commissioner Willner said this should be made part of the record -- and a part of the plat.

The Chair entertained further questions. There being none, a motion was entertained.

Motion was made by Commissioner Borries that the drainage plan for Browning Rd. Estates Section D be approved, with a second from Commissioner Cox. Mrs. Cox said she would, however, like to have a roll call vote due to the fact that it is not shown here in these areas that is going to be necessary to adequately drain along the side and ultimately protect the road. There is not adequate right-of-way shown here in some of these areas to do this. So the ditches are going to have to be deeper than 12 inches. Twelve (12) inches is not a very deep ditch at all.

Commissioner Willner asked if Mrs. Cox is talking about the areas that are rip-rapped?

Mrs. Cox said, "You are showing rip-rap all along this center part."

Commissioner Willner said, "The statement Bill made did not allude to rip-rap."

Mrs. Cox said, "It didn't 'allude', it stated that we needed more than a 50 ft. right-of-way if the ditch was going to be more than 12 inches deep."

Commissioner Willner said, "When you rip-rap, then it can become deeper, because it will not wash if you have rip-rap."

Mrs. Cox asked, "But is there adequate right-of-way to actually do it? That is the question."

Mr. Kuester said he feels there is adequate right-of-way.

Commissioner Borries said, "Again, I guess that is where we get tied up with drainage and talking about rolled curbs and gutters. I'm not talking about anything at this point other than whether the drainage plan will work."

Mrs. Cox said, "Well, this drainage plan is submitted without rolled curbs and gutters. That is what we are looking at. There have been some deficiencies and questions concerning this pointed out to the Board. That was my point."

President Willner said the motion has been made and seconded to approve drainage plans for Browning Rd. Estates Section D. He is now asking for a roll call vote: Commissioner Cox, no; Commissioner Borries, yes; Commissioner Willner, yes. President Willner said drainage plans for Browning Rd. Estates Section D have been approved.

RE: JONATHAN ESTATES

Mr. Jeffers said Jonathan Estates is located at the corner of Mohr Rd. and North St. Joe Avenue. The plan is submitted today by Mr. William Bivins. This is a 7-lot subdivision, all lots are one (1) acre or greater according to the plat. It has one cul-de-sac about 600 ft. long, serving all seven lots. There is a large creek along the southwest line of the subdivision, which is shared by this subdivision and Cedar Creek Subdivision (one that will come before the Board this afternoon, also). Basically, it is pointed out in the preliminary drainage calculations dated April 14, 1987 and submitted by Accu Surveys & Engineering that when you have large lots of one (1) acre or greater going from pasture land to turf lawns you don't have a great increase in run-off. According to the plan, most of the run-off will be south of Jonathan Court. The lot south of Jonathan Court, the run-off will basically flow into the creek along the southwest line of the subdivision; and, basically, the run-off coming from Lots 1, 2 & 3 will flow into the street right-of-way and be carried through the side ditches down to St. Joe Avenue to an existing ditch along the west side of St. Joe Avenue, thence south under Mohr Rd. back into the creek. The reason he says side ditches is because underneath the street cross-section it says, "Note curb and gutter and sidewalk to be waived by Vanderburgh County Commissioners." Therefore, he assumes that if they are waived the side ditches will act as drainage channels. This is a flat piece of ground and side ditches will not require rip-rap, as shown on Mr. Wittekindt's subdivision which just went through. He does have a couple of questions about this. The right-of-way on St. Joe Avenue is shown as 25 ft. Now would be a good time to get greater than 25 ft. The right-of-way as shown on Mohr Rd. is 25 ft. Now would be a good time to get greater than 25 ft. The creek wanders in and out back and forth across the property line and he doesn't know whether they plan to reconstruct that creek in any manner, but if the Board will note, where it goes under Mohr Rd. in a county drainage structure, it wanders substantially outside the drainage easement (according to this drawing) and because of the radical bend to get it to go underneath Mohr Rd. at a right angle rather than skew, we may need some additional treatment of that corner and possibly an additional easement. He would also point out that on Jonathan Court the pavement width on the plan is shown at 29 ft. He wonders why it is shown on the cross-section as 24 ft. if side ditches are employed and 26 ft. if rolled curb and gutter are employed. Again, if the ditch is no greater than 1 ft. deep on each side, it will fit into a 50 ft. right-of-way. If it is greater than 1 ft., it will not. The pavement is 24 ft. wide. This will fit into a 50 ft. right-of-way. If it is 29 ft. wide it will not. Again, as a taxpayer, he would like to see curb and gutter. As an employee of the county, he would have to point out in all fairness that there is an option. There is a statement that "encroachment on open channels, etc., is prohibited" so that is o.k. Erosion control is also included. Mr. Bivins may have additional comments.

Commissioner Willner queried Mr. Bivins concerning the 29 ft. width? Mr. Bivins responded that it will be 24 ft.

Following further brief exchange of comments between the Board and Mr. Bivins, Mr. Jeffers said the reason he pointed out right-of-way widths as shown was because it was his understanding from the Subdivision Review Committee that the County Engineer was requesting the minimum 30-1/2 ft. right-of-way. However,

30 ft. for 1/2 of ↑

it would present a problem for this sub, because it would make Lot #1 less than one acre and, therefore, and it would not qualify for septic field.

The Chair entertained further questions. There being none, a motion was entertained.

Motion was made by Commissioner Borries that the drainage plans for Jonothon Estates be approved, with a second from Commissioner Cox. So ordered.

RE: CEDAR CREEK SUBDIVISION

Mr. Jeffers said Cedar Creek Subdivision is brought to the Board this afternoon by William Bivins of Accu Surveys & Engineering.. It is immediately south of and adjacent to Jonothon Estates Subdivision. It has no interior streets, so he will make no comments about rolled curb and gutter. Again, he would like to point out that Mohr Rd. is designated as having 25-1/2 ft right-of-way and Schaeffer Rd. is designated as having 25-1/2 ft. right-of-way. Now would be a good time to get 30 ft. At the northwest corner of Lot #1 is a pipe that is a couple of years old installed by Biggerstaff Construction Company. As he recalls, that is a deep ravine down through there and we had trouble installing that pipe within the right-of-way. 25 ft for  
1/2 of  
ROW

The Commissioners spent several minutes perusing the plans.

Commissioner Borries said there does not appear to be any serious drainage problems. What the Board is trying to address -- President Willner and he were discussing the right-of-way question on these roads since these lots are large -- but they will front out on two roads where the right-of-way is inadequate.

Commissioner Willner said there will be seven driveways on Mohr Rd. and Schaeffer Rd. If they could require two lots to share a driveway, then we could have only four driveways -- and that would surely help traffic.

Commissioner Cox said, "Bob, that looks good on paper, but shared driveways are a headache."

Commissioner Willner responded, "What I am saying is -- there's no question about it, it is bad."

Ms. Behme offered comments, but they were inaudible.

Mrs. Cox said Schaeffer Rd. is a very low generator of traffic.

Discussion continued between Mr. Bivins and the Commissioners, with Commissioner Willner suggesting an easement at designated point. He said if he is not mistaken, the corner at the north end of Mohr Rd. is also for sale.

Mrs. Cox said it looks as though it has been purchased.

Commissioner Willner said, "It might have -- so we're going to get a bunch of little driveways there if we're not careful."

Mrs. Cox said, "Bob, it looks like they have 325 ft. -- and the lots on the other side, unless they subdivide, there has to be more than 150 ft. frontage."

Commissioner Willner queried Mr. Jeffers re his comments concerning relocation of the ditch.

Mr. Jeffers said he believes their recommendation for relocation of the ditch would be that the entire relocated ditch be covered from bank to bank with degradable erosion mat impregnated with seed or it should be mulch-seeded and some sort of erosion fabric put down over the mulch seeding to protect against erosion until the grass takes root. There are several products on the market

to be used for this purpose. But he doesn't think it should be cut through there and just left seeded and to grow at the whims of nature.

Commissioner Willner raised question of side grade on the ditch?

Mr. Jeffers said he shows in drainage calculations that the grade is 1% to 2%. We have a ditch with zero grade that was just put in along Clover Drive, where it was mulch-seeded and a mesh fabric was put down over it to hold the side of the bank. It was done by Johnny Manns and that looks pretty good. It is not required by ordinance if it is 2% or less; but this is just a recommendation.

Mr. Jeffers said the only other thing he'd like to point out is that the creek, itself, where it runs along the shared subdivision line of Jonathan Estates, the easement is 20 ft. on Cedar Creek side and 20 ft. on Jonathan Estates side. But up in the northwest corner of Lot #1, where it crosses Lot #1, they reduced it to 20 ft. If his memory serves him correctly, that creek channel is very deep and he doesn't believe it could be fit to 20 ft. and there is a small triangular piece at the northwest corner of Lot #1 that is basically useless to the property owner. He is wondering whether that could be utilized to some extent for drainage easements and road right-of-way.

Again, down at the southwest corner where it passes under Mohr Rd., he believes there will be a water velocity and erosion control problem entering that culvert and we may at this time want to think of making some provisions to protect the county road and enlarging the easement down in that corner, either on Jonathan Subdivision or Cedar Creek, so that if the county needs to get out in that outside the present right-of-way and outside the present dedicated drainage easements to do any repairs on that bridge, it would facilitate the bridge crew in doing so.

Commissioner Cox asked if an 18 ft. P.U.E. is adequate?

Mr. Jeffers said, not for the Evansville Sewer Utility & Water Department. But he doesn't think this is planned to have sewers. That is most likely for a T.V. cable. He can't answer for the electric and public utilities, but a lot of subdivisions have 6 ft.

Commissioner Willner asked Mr. Bivins if he thinks he can comply with the comments on the ditch then? He can get more easement in the back?

Mr. Bivins responded. "Yes."

Mrs. Cox said she believes Mr. Jeffers was also concerned about the southwest corner.

Commissioner Willner said he's talking about three places: at the corner, at the.....

Mr. Jeffers interrupted, 20 ft. on each side of the creek, so it will be consistent.

Mr. Easley said, "There is sufficient right-of-way; but when the plat is prepared, they could grant 30 ft. instead of 25 ft. Normally he has requested that we get a total of 60 ft. (30 ft. on either side) and he thinks that would be in order if that were missed at the Sub Review Committee Meeting.

Mr. Jeffers said there is a little concrete bridge there His experience says you always need more right-of-way than you've got. They had a heck of a time putting that pipe in on Schaefer Rd. They got outside the right-of-way, but nobody complained.

The Chair entertained further questions or a motion.

Commissioner Borries asked, "With that comment coming on the ditches, what is your comment then on the right-of-way, Mr. Bivin?"

Mr. Bivin said it wouldn't hurt these lots that much, because they are over an acre. Would an additional 5 ft. suffice?

Mr. Jeffers offered comments, but, again, they were inaudible, because he was speaking from his seat.

Mr. Easley interjected that there is sufficient right-of-way, but when the final plat is prepared they could grant 30 ft. instead of 25 ft. Normally he has requested that we get a total of 60 ft. right-of-way (30 ft. on either side) because of utilities and other problems -- and he thinks that would be in order, if that were missed at the Subdivision Review Committee. He usually has a standing request that we try to get....

Ms. Behme asked if he wants to show 30 ft. instead of 25 ft.?

Messrs. Easley and Willner said "yes" simultaneously. Mr. Willner said he is not going to build within 25 ft. and 25 ft. anyhow -- so he doesn't think that will hurt. The only time we would need it would be for repair.

Mr. Easley said his house would be 5 ft. further from the center of the road.

Mr. Jeffers said the only thing we have to be careful of is that it reduces the lot down below.....

Mr. Easley said he understands. He doesn't want to clobber a lot.

Mr. Willner said he will pay his taxes to the center of the road anyhow.

Mr. Easley said, "Not necessarily; he normally pays his lot area in the subdivision. Normally it is the lot area."

Mrs. Cox said, "That is right in a subdivision."

Mr. Jeffers said if you own parcels, you pay taxes on parcels to the center of the road -- but not in a subdivision.

President Borries said, "With the adjustments we have described then and also the comments from Mr. Bivin as to what he will do on the ditch, I move that Cedar Creek Subdivision drainage plans be approved." A second to the motion was provided by Commissioner Cox. So ordered.

RE: ASHBY HEIGHTS SUBDIVISION

Enslé  
Mr. Jeffers said that Ashby Heights Subdivision is a four acre sub on Whetstone Rd., just northwest of Oak Hill Rd. These are large lots. He assumes that since they are less than one acre that they will be sewerred. He believes the sewer is coming over from ~~Eastland~~ Place. The run-off for this area has been calculated previously in Oak View Place Subdivision. There will be detention basins in Oak View Place Subdivision by Mr. Fuquay to handle the run-off. There is no place for detention in a subdivision this small. It is up on the very, very top of the ridge and it is flat up there adjacent to the roadway. He might also point out that the subdivision coming in on the east side of Oak Hill Rd. will have some detention basins that were approved by the APC in its current format and they will be large retention lakes. He doesn't see any reason for detention up here, because there is no place for it on those lots that he can visualize. Mr. Aaron Biggerstaff represents the developer.

Mr. Biggerstaff said they are going to make that a 30 ft. right-of-way rather than a 25 ft. right-of-way. He believes they discussed this at the Subdivision Review Committee meeting and the 10 ft. P.U. easement on the back of those lots is going to be a 12 ft. P.U. easement.

Motion was made by Commissioner Borries that Ashby Heights Subdivision drainage plans be approved, with the lengthening of the 25 ft. right-of-way to 30 ft. right-of-way and the P.U. easement lengthened to 12 ft., with a second from Commissioner Cox. So ordered.

RE: FOX POINTE SUBDIVISION

Mr. Biggerstaff said he has one more comment to make this evening. He noted that on the minutes of the last meeting that Fox Pointe Subdivision -- do we know where we are with regard to approval of drainage plans? If not, what can they do to work with the Commissioners to have those approved. He knows this has been on the agenda for a long, long time and thinks it needs to be addressed at this time. Mr. Don Blume has been more than patient on this matter.

Mr. Easley said "Last Thursday I received from our Consultants who are designing Lynch Rd. (who have just barely had time to make a rudimentary survey in order to expedite helping you) -- we are now prepared to give you a legal description of what we are going to ask our right-of-way purchasing people to purchase from Guthrie May & Co. I think the last time I was with Sam he knows about what we're going to do and what we're going to take. I'll try to get that to you tomorrow and then we'll proceed with purchasing the right-of-way. We apparently have most of the approval required to shift the road -- to help the subdivision -- and I think the subdivision should then be able to develop the same number of lots as planned."

Commissioner Willner asked, "When you get Fox Pointe, would you let the Commissioners know? I'm interested in that one, too."

Mr. Easley said they have a legal description and a sketch of what we need.

Commissioner Willner asked, "What about that extra ground we were going to get?"

Mr. Easley asked, "You mean from Mrs. Ryan? I am still trying to set up a meeting with her. She hasn't answered her telephone."

Mr. Willner asked, "Does one depend upon the other?"

Mr. Easley replied, "Not really; we have told the people we will make every effort to get seven (7) acres of ground next to the creek."

RE: DEER RUN SUBDIVISION

President Willner said the Deer Run Subdivision matter has been continued.

RE: KEY WEST SUBDIVISION

Mr. Jeffers said that Key West Subdivision received Drainage Board approval a month or two ago as greater than one acre lots, without sanitary sewer. It is immediately across the street from West Terrace School. At the time, he was unaware that West Terrace School had an easement for septic affluent out of a sand bed which would travel down through some detention basins and he would like to withdraw their recommendation for approval of the previous design and any recommendation for approval of design (including detention or retention basins) until the sanitary affluent situation is resolved by an agreement between the developer and the School Corporation for tie-in to a sewer. The

new or redesigned subdivision (still called Key West and re-designed in various ways to comply with recommendations from the APC Subdivision Review Committee, etc., is now before the Commissioners. It is smaller than one acre lots, planned to be on a sanitary sewer. The detention basins have been re-designed as retention lakes with overflows and emergency spillways. At the current time it is his understanding that the developer (Mr. Glen Nurrenbern) contemplates a Home Owners Association to maintain the drainage structures outside the street right-of-way. Mr. Billy Nicholson is here today to explain the plan now on the Commissioners' table. Mr. Jeffers has reviewed it with Mr. Nicholson in detail and the three or four pages following the one the Commissioners are looking at right now show each of the basins, the pool elevation, the method for discharging water and the location of the emergency overflow spillways. Mr. Nicholson will be glad to answer any questions the Commissioners have regarding the new plans.

Commissioner Willner asked, "We have not done the street plans yet, have we?"

Mr. Nicholson said he has not; he wanted to get this out of the way first.

Commissioner Willner asked, "Did we know about the sewer when we approved the previous plan?"

Mrs. Cox said, "No, we did not; I live out there and I didn't know it."

Mr. Nicholson made comments, but they were inaudible. Continuing, he said..... the plans show the two lots down in the far northwest corner of the subdivision. It shows the retention basin and the location of the lift station. All of the sewers will converge into this and then they will be pumped back up Key West Drive to West Terrace, east on West Terrace to Schutte Rd., south on Schutte to Clark Lane and west on Clark Lane to USI sewer (City sewer system). Mr. Nicholson continued with comments but, again, they were inaudible. In response to query from Commissioner Willner concerning the sanitary sewers, he said the sanitary sewers will be accepted by the City -- this is the only way you can tie into the City system. The design is approved by the Utility Board.

Ms. Behme said it will not be a privately owned sewer; it will be accepted by the City.

Mr. Nicholson said it is not like the old private system.

Conversation continued among Mr. Nicholson, Mrs. Behme and the Commissioners concerning the sewer system, etc.

With regard to West Terrace Drive, Mr. Nicholson said he will be extending West Terrace Drive.

Mr. Jeffers said he reviewed Mr. Nicholson's new plan. On the basis that the sewer system will be completed and West Terrace affluent from their sand trap will be picked up by their sanitary sewer and not discharged in any way to these retention basins. The Surveyor's Office would recommend approval.

Commissioner Willner entertained further questions.

Commissioner Cox asked, "There are rolled curbs planned for this?"

Mr. Nicholson said he has tentatively planned a concrete street with rolled curbs.

Mr. Jeffers said all of the other provisions of the Ordinance will apply. Anything over 2% in the channel needs to be sodded, etc. The only other thing he would point out is, because he has

to have such large drainage easements to incorporate the four lakes and because some people may wish to landscape around the lake etc., we would forego the trees and shrubbery and all that -- let them landscape -- as long as the Home Owners Association understand at their first meeting that the plantings dock or whatever -- it possibly could be subject to removal for purposes of maintenance if it interfered. But we wouldn't be too strict on the shrubbery, etc. They are going to want to put a tree screen around the pump station, etc. You can't hardly hold them on that, as long as they understand it is at their peril if the maintenancree dictates that we remove the shrubs. He hates to encourage people to plant trees, etc., saying we might remove them some day -- but, at the same time, he'd hate to tell them they couldn't do it when there are going to be some mechanical things like pump stations they may not want to look at every day when they're out there having a picnic.

Conversation continued between Mr. Nicholson and the Commissioners which, for the most part, was inaudible.

Commissioner Cox asked, "You're showing a 10 ft. public utility easement. Is this going to be adequate? Will the City accept a 10 ft. easement?"

Mr. Nicholson said this is in addition to a large drainage easement (a 20 ft. easement for drainage plus the 10 ft.). They would have room to get in there without obstructing any of the drainage. In the case where they are separate, he is setting aside 15 ft.

Mr. Jeffers said they discussed this with Mr Rexing and as long as we let him use from 2 ft. to 4 ft. of our drainage easement just for working in, he will accept a 10 ft. easement.

The Chair entertained further questions. There being none, a motion was entertained.

Commissioner Borries said, "Subject to the modifications discussed at this meeting and the installation of the sanitary sewer according to the Utility Board standards, I would move that this revised drainage plan for Key West Subdivision be approved."

A second to the motion was provided by Commissioner Cox. So ordered.

The Chair entertained further questions. There being none, President Willner declared the meeting adjourned at 6:00 p.m.

- |                 |   |                       |                        |
|-----------------|---|-----------------------|------------------------|
| <u>PRESENT:</u> | <u>COMISSIONERS</u>   | <u>COUNTY AUDITOR</u> | <u>COUNTY ATTORNEY</u> |
|                 | R. . Willner<br>R. J Borries<br>S. J. Cox   | S. Humphrey           | Curt John              |
|                 | <u>COUNTY ENGINEER</u>  | <u>AREA PLAN</u>      | <u>COUNTY SURVEYOR</u> |
|                 | Andy Easley   | B. Behme              | Bill Jeffers           |
|                 | <u>OTHER</u>  |                       |                        |
|                 | Bill Wittekindt, Jr.<br>Aaron Biggerstaff<br>Fred Kuester<br>William Bivins<br>Bill Nicholson<br>News Media |                       |                        |

333.

DRAINAGE BOARD  
April 27, 1987

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SECRETARY: Joanne A. Matthews

Robert L. Willner, President

Richard J. Borries  
Richard J. Borries, Vice President

Shirley Jean Cox  
Shirley Jean Cox, Member

MINUTES  
DRAINAGE BOARD MEETING  
MAY 11, 1987

The Vanderburgh County Drainage Board met in session at 3:50 p.m. on Monday, May 11, 1987, in the Commissioners' Hearing Room with President Robert Willner presiding.

Commissioner Willner asked County Auditor Sam Humphrey if he and County Attorney David Miller resolved the question on the drainage monies to be invested and keeping them separate?

Mr. Humphrey said he checked with the State Board of Accounts and they said we could invest it all in one and that we did not have to keep it separate. We can keep the paper separated but, generally speaking, 50 cents per ft. (as he recalls it) will not pay for replacement and it will take 15 or 20 years even including interest. We don't have to co-mingle the funds -- just use the general repair account. That's what they suggested. It ought to be \$5.00 per foot or something if we want it workable.

President Willner said he has two (2) checks, as follows, from Phil Heston for Green River Road Estates, Section C-1::

\$306.50  
\$ 30.00

Mr. Willner said the aforementioned checks go into that drainage account. He entertained a motion to endorse the checks and turn them over to the County Auditor.

Motion to accept the checks, as presented, endorse same and turn them over to the County Auditor was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Commissioner Cox asked Commissioners Willner and Borries if they heard what the County Auditor said about the 50 cents per foot?

Commissioner Borries said Mr. Humphrey said it wouldn't be enough to do what?

Commissioner Willner said, "If you call \$400.00 anything -- you're right."

Commissioner Cox said maybe the ditch won't need anything for 30 years; by that time maybe the interest will grow.

Commissioner Borries said, "You're saying that he's saying no co-mingling of funds. So, in effect, ..."

Mr. Humphrey interjected, "You're using it as a replacement account, so you're really talking about an insurance account."

Commissioner Cox said, "We just have to have the money to do it. We've committed to these people, and if it isn't enough, we're going to have to do it anyway."

County Attorney Curt John asked, "Where does the interest go?"

Mr. Willner said, "Back into the same account."

County Attorney Curt John asked, "It's all going to be used for storm sewer maintenance?"

Mr. Borries said, "That is correct."

President Willner said he needs for Andy Easley to check this out. Mr. Heston says the total length of pipe is 700.1 lineal feet and the cost is 50 cents per lineal foot. A note is attached to the checks as follows:

"Margie, check is based on 22 lineal feet at \$2.00, rather than 50 cents per lineal foot."

Mr. Easley needs to check the totals before the Commissioners endorse the checks.

RE: HARBOR'S EDGE SUBDIVISION

Mr. Jeffers said it was his understanding that this was a special Drainage Board Meeting to request of Mike Fitzsimmons of Andy Easley Engineering just to resolve the issue we're discussing right now -- Mr. Phil Heston.

Commissioner Willner asked, "Do you want to save the subdivisions until later?"

Mr. Jeffers responded, "Until after Subdivision Review Committee Meeting. As long as we're waiting for Mr. Easley to check the totals, he would like to point out a few things concerning the Drainage Ordinance so that in the future everybody understands in the future what his interpretation of the Ordinance is.

- 1) Under Section 2, it says "Regardless of whether the developer chooses "A" or "B", the retention basin, if applicable, must be deeded to the lots adjoining the retention basin." So, the next one to come up which the Commissioners may want to watch for is Green Gate Court for the lot where the retention basin only adjoins one (1) lot. So that retention basin (unless it is replatted) will be deeded to that lot (Lot No. 1).

Commissioner Borries asked, "Are you saying we should change the Ordinance to read "Lot or Lots"?"

Mr. Jeffers responded, "No I just wanted to point it out. Sometimes the basin will be adjacent to only one lot and sometimes it will be adjacent to more than one. So it puts an extra burden on one lot owner under certain design situations. But that, of course, is up to the developer.

In the future when people come in -- no longer retroactive -- which we have accepted several retroactive -- in other words, Mr. Willner made a motion that this be a Home Owner's Association when it came up for review a year or so ago. But now, he has gone the other way. So this is a retroactive one. But in the future, under Section 2 Paragraph (b), it says, "The developer may present a check to the County Treasurer" -- not to the Surveyor's Office, not to the County Commissioners' Office, and not to the Auditor -- but the County Treasurer -- "and that this be based on 50 cents per lineal foot and be presented prior to commencement of construction of the subdivision." Therefore, we'd have to decide which one of these qualified to be presented prior to commencement of construction of the subdivision, which is a hardship on the developer's engineer, because he is going to put in some proposed plans; and then when they get out there and find out what the grades are, some people will say, "I don't want a ditch in my back yard -- I want a pipe". And it's going to take some shuffling around of some as-built plans, etc.

Mr. Jeffers said the next section he has a question about is right underneath that: "Each owner of a lot that is contiguous to and is underneath part of the retention basin". We've already had some come through that just come up to the retention basin, but all the shoreline, etc., is within its own lot. Maybe that should say "and/or" and should say "contiguous".

The only other thing he'd like to point out, is under Sections 3 & 4 (and he thinks it's been going along this way) he believes it is the County Engineer's Department that will be doing the inspection from now on. In other words the developer installs the sewers subject to written approval by the County Highway

Engineer, and then the County Highway Engineer has twenty-one (21) days to inspect and issue written approval or a "do" list and then the developer guarantees those storm sewers for one (1) year, which is nice. But he has been asked to assign account numbers. That is the Treasurer's and Auditor's business. He is sorry if he misled anybody into thinking that he had anything to say about that.

He has also had requests to inspect finished storm sewers. Really, registered engineers should inspect storm sewers and the County Highway Engineer is assigned that duty by this Ordinance.

In conclusion, Mr. Jeffers said the foregoing are just some points of clarification.

RE: CLAIMS

Green Grasshopper: Claim presented in the amount of \$2,102.80 for aerial spraying of Eagle Slough, which is by contract. This 30,740 ft. at .07 cents per ft. The claim has been signed by Mr. William Heppler and County Surveyor Robert Brenner.

Motion to approve the claim for payment was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

President Willner asked if there is any other business to come before the Board?

Mr. Jeffers said there is one more thing. He is certain the intent of the Drainage Ordinance is correct. However, it really doesn't say what the County is going to do with that 50 cents per lineal ft. It does not state exactly what they are going to do. The reason he says that is, on Page 1 under Home Owner's Association, if you have a Home Owner's Association, there are five (5) things they must do. The fourth one is "Keep all storm sewers outside the County street easements in working order and repair." But if you opt for "B", you still have the maintenance basin and the only item that is different is #4, which says "Keeping shoreline and embankment free of erosion, which is #5 under "A"; and they just eliminated "Keeping all storm sewers out of the County street easements in working order." But nowhere does it say that that duty (keeping the storm sewers in working order) -- nowhere in this Ordinance does it say that the County will become responsible for that. "I'm not a lawyer, so maybe the intent is there -- but the wording is not. Basically, then, what you're left with is some spillways, I believe. But maybe you can ask someone to interpret that. You're going to have a lot of money, so I know you want to do something with it."

President Willner asked, "A lot of money?"

Auditor Humphrey asked, "At 50 cents per foot?"

Mr. Jeffers said it will pile up. Most of those culverts should last for quite some time. Most of them are .....concrete.

Commissioner Borries said, "Well, we need to specify that it goes into a drainage fund."

Mr. Jeffers said, "You're doing that by your actions, but the Ordinance kind of left you hanging as to what to do with it. Maybe that is what brought this whole meeting on."

Commissioner Willner said, "I think the purpose of the meeting was to clarify between David Miller and the County Auditor the establishment of that fund -- and we've done that. We'll pass your thoughts on to David Miller. If you want him to get with you -- I don't say it is a lot of money; but we don't have very many feet of culvert that we have to take care of either."

Mr. Jeffers reiterated, "It will build up over a period of time."

President Willner entertained further matters to come before the Board.

RE: BIG CREEK DRAINAGE ASSOCIATION

Mr. Dave Ellison, president of Big Creek Drainage Association said he again wants to thank the Board for awarding Big Creek contracts last month. To show they mean it when they say "We do put this money back into our ditches", they have a proposal for the Commissioners.

Down in Pond Flat going towards Woods Rd. (which is down where he thinks we're going to reconstruct a bridge this summer) -- they want to start at that area and work their way up the ditch (Pond Flat Main). They have \$2,800.00 they'd like to spend on this ditch. All they want to do is draw the banks back to 2:1 slopes, which they've asked the Surveyor's Office to do for the past two years, being that they are wanting to stop erosion, etc. When you go to 2:1 and lay them back a little flatter, you don't have the slide ins and it requires less maintenance. Also with the Highway 41 North corridor coming in, they are wanting to get a higher volume ditch, because they know they will eventually get more water and they want to be prepared for it. What they are requesting is to go ahead and do this, with the Board's approval; maybe the County could kick in some funds, also, and they could go up further on the ditch.

In Buente Ditch (which is also under their Association) they have \$2,000.00 they'd like to spend in that ditch starting at the bottom and working their way up. They're asking the same thing on that ditch -- whatever the County could kick into their funds or however they would want to present it. He's new at this, so he doesn't know whether this is the way to go about what he is doing. Is this out of line or what?

Commissioner Borries said, "We'd have to see if we have any money."

President Willner said, "We've already advertised to clean both Pond Flats right? To spray and clean the weeds? We've done the same with Buente. They are saying now that they have \$2,800.00 and \$2,000.00 left over from our contract that they can spend in that ditch -- and they want to know if we can put some more money in to dredge it."

Mr. Ellison said, "No, we're not dredging. What we're doing is laying the banks back. What we're doing is creating a higher volume ditch. If you lay the banks back a little flatter, the ditch will hold more water and it won't go out on you as quick. Since we're putting in that bridge down there, we just thought we'd start there and work our way back up the ditch and that would make everything kosher. You can ask the Surveyor -- we've already done that on other ditches, such as Maidlow, Pond Flat above Nisbet Station Rd. (we laid those banks back 2:1). It is an idea we got from the S.C S. office and it is working out quite well.

Commissioner Borries asked, "Did you get your money to do those other banks from the amount of money you had in the fund?"

Mr. Ellison said, "Some of them are and some of them are bid. On Maidlow, we ran a bid through and it was awarded to us. This is money that we have accumulated over a period of a few years and from time to time we put money back into our own ditches -- and we just wanted to start laying our banks back. We were wondering if you would kick in \$1,000, \$500, or whatever you could afford. Whatever you do would just help us go a little further. We don't want this bid -- we don't want to bid against ourselves or anything -- we just wondered if we would have your approval to do this and whether you would be able to kick any money to help us."

The Chair asked whether Chief Deputy Surveyor Bill Jeffers has any comments.

Mr. Jeffers said Dave Ellison has been down to the Surveyor's Office to talk about the need for this to be done. They haven't gotten down to specifics on the money to pay for it. He guesses that is why he took the initiative to find some money in his own organization's accounts. He thinks what Mr. Ellison is asking is -- not permission to use the money, he can use it -- but rather, permission to use it on one of the county's ditches. Mr. Jeffers said he thinks the Board should probably take the matter under advisement until the next Drainage Board Meeting, to give us (the Surveyor or the Drainage Board, or both) an opportunity to review the drainage statutes -- and just give him permission to go ahead and use his organization's money as long as it benefits a legal drain. If we say yes, he goes and uses his money. When we build up a surplus in an account (and Mr. Willner knows this very well) then we advertise for a contract and we have a specific set of designs we go by to use the money and anybody can bid on it. State Law does allow us to do some amount without a bid because it is under an established limit they set where you have to advertise. However, unfortunately, as it may be, we don't have any surplus in the accounts for Pond Flat right now. When we combined that ditch with Big Creek it came out pretty well balanced and we have already assigned the assessment for this year and I don't foresee any surplus in the Pond Flat account to speak of. David said \$500 or \$1,000 maybe. We better take a look to see how much is coming in and how much the contract to spray it was. We might look at another thing; if they pull the banks back before the mowing is necessary, maybe they forego collecting that portion of their contract for mowing and then use it in addition to their own money. In other words, if they pull the bank back, they are not going to have to mow it. So maybe they will say, "We won't collect that 20 cents per foot, we'll use it for pulling the banks back, too. On Buente, I believe they have surplus -- but I'd have to check that. In any event, Mr. Jeffers can give the Board an answer to this the 4th Monday of the month. Is that agreeable?"

It is getting late in the season now and these guys are prepared to say yes. They are wanting us to say yes, because they have already set back their rows where they can do the work without crop damage.

Commissioner Willner commented, "I think we can say yes to their spending their own money, but I don't think we can say yes to any additional yet."

Mr. Jeffers said "If we don't have any, we certainly can't."

Mr. Willner said, "I don't think you can without bidding anyhow period. You might be able to do a tree or something like that..."

Mr. Jeffers said, "Emergencies, yes -- but not unless the Board has set a precedent that everything is supposed to be bid. However, they have done a lot of their own work at times and used their own money. If they want to ask us for additional money, the first thing we have to find out is, "Is it fair?" Secondly, if we want to continue to bid everything out, we may still have to do without and they will have to bid cheap if they want to bid it -- which they have a history of doing on dredging work. This is a little different from mowing and spraying. There is higher competition on mowing and spraying -- as you saw this year -- and they are tough. But when it comes to dredging, I doubt that we are going to get very many bidders that will underbid certain people who have cooperated with the effort to improve our ditches."

Commissioner Willner thanked Mr. Jeffers for his comments.

Commissioner Borries said he would like to comment on Dave Ellison's request. He thinks it is important that we follow the statutes here. But if there is any way that the Board can

cooperate with them to achieve better drainage, they will. First of all, the Board will work with Bill Jeffers and review the statutes and see whether any help can be given. If the statutes permit help, he'd sure like to help.

Commissioner Cox asked whether any realignment is going to be necessary for the bridge?

Mr. Ellison responded, "Not very much."

RE: LYNCH RD. PROJECT.

Mr. Mike Fitzsimmons was in the audience. He asked whether there had been any news concerning the Lynch Rd. project?

Mr. Borries asked whether Mr. Jeffers had talked with Dan Hartman?

Mr. Jeffers said he is still working on the Green River Rd. Bridge as far as he knows.

Commissioner Borries said the Commissioners will endeavor to get an status report on this next next Monday.

There being no further business to come before the Board, President Willner declared the meeting adjourned at 4:15 p.m.

PRESENT:      COMMISSIONERS              COUNTY AUDITOR      COUNTY ATTORNEY

R. L. Willner  
R. J. Borries  
S. J. Cox

Sam Humphrey

Curt John

COUNTY ENGINEER

COUNTY SURVEYOR

Andy Easley

Bill Jeffers,  
Chief Deputy Surveyor

OTHER

Dave Ellison/Big Creek Drainage Assn.  
Mike Fitzsimmons/Andy Easley Engineering, Inc.  
News Media

SECRETARY:      Joanne A. Matthews

  
Robert L. Willner, President

  
Richard J. Borries, Vice President

  
Shirley Jean Cox, Member

MINUTES  
DRAINAGE BOARD MEETING  
MAY 26, 1987

The Vanderburgh County Drainage Board met in session at 3:45 p.m. on Tuesday, May 26, 1987, in the Commissioners Hearing Room, with Vice President Richard Borries opening the meeting. President Robert Willner arrived shortly after.

The meeting was called to order by Commissioner Borries, who subsequently entertained a motion concerning approval of the minutes of the Drainage Board Meeting that was held on April 27, 1987.

Mr. Bill Jeffers, Chief Deputy Surveyor, said that he would like to make the following corrections in those minutes, and Commissioner Borries asked that Mr. Jeffers proceed.

Mr. Jeffers said that on Page 2, Paragraph 3 from the bottom of the page, it reads Mr. Biggerstaff when, in fact, it was Mr. Kuester speaking, also on Page 3, at the end of the first line, Mr. Kuester is spelled Mr. Kuster, in error, also on Page 5, the last line, it reads the minimum 30-1/2 ft. right-of-way and this should actually read 30 ft. for 1/2 of the right-of-way and on Page 6 under Cedar Creek Subdivision in the first Paragraph, it reads 25-1/2 ft. right-of-way when it should read 25 ft. for 1/2 of the right-of-way, that this appears twice in the first Paragraph. He said that also on Page 8 under Ashby Heights Subdivision, in the 5th line, it should read Ensle Place rather than Eastland Place.

RE: CLAIMS

Mr. Jeffers submitted 8 claims for legal drains. He said that 6 of them are in favor of Terry Johnson Construction and he is asking for Mr. Johnson to be paid 40% of his total bids because his spraying has been completed for the summer and he will get the other 60% when his mowing is completed this fall and the other 2 bids are in favor of Leo C. Paul and he is to be paid the remaining 15% of the 1986 bids.

Commissioner Cox asked Mr. Jeffers if the work has been inspected.

Mr. Jeffers said the work has been inspected and the claims have been signed on the back.

Commissioner Cox then asked if the claims have been reviewed and found to meet the bid prices that the Commissioners accepted.

Mr. Jeffers said they have all been reviewed and to the best of his knowledge, they all reflect the correct prices.

Commissioner Cox moved that the blue claims that have been submitted and identified by the Chief Deputy Surveyor be approved and stamped with the Commissioners signatures. A second to the motion was provided by Commissioner Borries. So ordered.

RE: POND FLAT MAIN AND BIG CREEK BUENTE UPPER LATERAL

Mr. Jeffers said he promised Big Creek Drainage Association President, Dave Ellison, and the Board, that he would make a brief report on the finances of the two ditches that they would like to do some work on this summer, that this would be Pond Flat Main which is approximately \$200.00 in the black prior to spring collections, that the spring and fall payments will just about make the payments on their yearly contracts so they aren't looking at much surplus there, and also Big Creek Buente Upper Lateral is about \$200.00 in the red, so we will be lucky to finish the year in the black on that one, therefore we have no money for additional work.

He said that Mr. Ellison asked if the Board would give him permission to use their funds to do the additional work, then maybe sometime in the future we can help them out if we come up with surplus funds. He said he sees no reason not to give them permission, if they would like to use their own funds to do the improvements as long as the improvements meet the standards set up by the County Surveyor, that he will be glad to work with them and provide them with any

assistance from the Surveyors office to make sure they do their ditch work in accordance with our standards.

Commissioner Cox asked how much money we are talking about here.

Mr. Jeffers said he really doesn't know and he asked if the Commissioners remember them saying they are a non-profit organization and any surplus they happen to end up with this year, that they put it back into the ditches and they just want to use whatever surplus they have on those two ditches sometime this summer, that he has no idea of how much they got and he doesn't remember a figure that Dave Ellison gave them, that he thought Mr. Ellison was talking about \$1000.00 or \$1500.00 which isn't much and he knows they finished up one contract a lot quicker than they thought they would and came out about \$1000.00 ahead on it, so maybe that is what he is talking about. He said he can get the figure for the Commissioners, that they don't have to act on it right now.

Commissioner Borries said if they do work in accordance with specifications that are okay with Mr. Jeffers, he doesn't see any problem and he thinks the Commissioners need to work with them, that this is just him talking, but in order for all of us to have a clearer understanding, if they could put something down in writing as to what they are going to do and how much money they intend to use.

Mr. Jeffers said they are still planting beans today, that he will just tell them that the Commissioners are amiable to it and that the Commissioners would like to see something in writing and he will work with them.

Commissioner Cox said she thinks the people out there need to know that they are getting some extra improvements, that their assessment hasn't taken care of this, that this has come in from another area and if there is an understanding that Big Creek does this improvement with their funds now and maybe we can help them later on, that she thinks the Commissioners need something in writing or some agreement that we will do this.

Mr. Jeffers said okay, but do the Commissioners understand that these are funds that would normally have gone into a contractors bank account?

Commissioner Cox said she does understand this.

Mr. Jeffers said that Mr. Ellison also wanted him to mention that they are still awaiting word on Woods Grove Bridge which would be a part of any drainage improvement on Pond Flat Main and he said he would pass this on to the Commissioners but he has no knowledge of the status of that project.

Commissioner Borries said it would be better to see what Dan Hartmann is doing or if he is doing anything at this point on that and he asked Mr. Jeffers if he is aware of anything he is doing on that.

Mr. Jeffers said "no" that he isn't aware of anything he is doing on Woods Road, but he does know that he is still working on Green River Road over Pigeon Creek because they are still collecting survey information for them as of this morning, on that bridge, which is another matter all together but they are trying to get everyone's bench mark elevations to match up on Lynch Road, I-164, Green River Road and Burkhardt Road, and they have done ten miles of level circuit in the past week that they are working with Dan Hartmann on, but he also knows that he has been tied up on Green River Road so he doubts that he has done anything on Woods Road.

He said that when this first came up he thinks it was mentioned, when a group of farmers were here, that Commissioner Willner said that if Dan was too busy on Green River Road, that the Commissioners would consider consulting that out and after that he has heard very little.

Commissioner Borries said he would think if we could get an engineer's estimate of some sort, that we may just want to do that.

Commissioner Cox asked if Mr. Gwinn couldn't do it, that he is paid out of the bridge funds.

Mr. Jeffers said he thinks Mr. Gwinn is capable of it, that he is doing a fine job on Rollets Lane Bridge, that he will say, there is an engineer's estimate on consulting that bridge out and it is \$16,000. He said it is up to the Commissioners,

DRAINAGE BOARD  
MAY 26, 1987

Page 3

that they provide them with the survey data, give it to Mr. Gwinn if they like or go with a consultant.

Commissioner Borries said they will talk with Mr. Gwinn and see what he could do and get an idea here, that if he could do it, that would certainly save us some money.

Mr. Jeffers said that he and Dan Hartmann seem to talk the same language and he is sure he could seek and get good advice from Don.

RE: DRAINAGE PLAN: HARBORS EDGE SUBDIVISION

Mr. Jeffers said this is on ground previously owned by Evansville Materials, that W.C. Bussing, Jr. is the developer and James Q. Morley & Associates, the engineer, and Morley & Associates have presented them with drainage calculations. He said he gave the Commissioners the map which goes along with the subdivision map that just shows the location of the pipes. He said they intend draining approximately 2/3 of the run-off directly into the Ohio River and approximately 1/3 of the run-off into that basin shared with the marina which is called Cat Fish Hole, that this is the inlet from the Ohio River into which eagle slough, a county legal drain, drains into, but it isn't part of a legal drain as far as we are concerned, since we don't maintain it, that it is on the river side of Waterworks Road and we consider the end of Eagle Slough to be the culverts under Waterworks Road so that property isn't presently paying an assessment on the ditch and we don't expect that it will, which is of great concern to Mr. Bussing since he would have to pay \$5.00 per parcel rather than go agricultural, so that question is addressed in these calculations. He said we have no problem with the format or the results of the calculations as presented by Mr. Jack Alles and after the Commissioners review it, his office will recommend approval of the drainage plans.

Commissioner Cox asked, when the water comes up here, how is it going to keep from backing up into his drainage system.

Mr. Jeffers said this is something that perhaps a professional engineer could tell her, one that is familiar with the levee, that he knows Mr. Morley is the Levee Authority's engineer and he did have a question about it because they designate a 100 year elevation as 374 and yet, the 1937 flood was 378 and they intend to build at 380 or above.

Commissioner Cox said that is the first floor elevation but asked, what the elevation is of the pipe that is going out.

Mr. Jeffers said it will definitely be below it, that at 367 you would hit 38 feet on the flood stick. He said those pipes were set 9 feet underground, but that this is kind of radical, that he doesn't think they would be 9 feet underground, but lets say the river went to 44 feet, you would have to add another 6 feet to that and it would be 373 and you would be getting close, that he is just guessing and not speaking for Mr. Morley, but let's say that if the river got up to 44 feet or more, they would start getting water in those pipes because that is only 7 feet under their building pads, and if this happens, they would be depending upon the head of the water back in the parking lot to push the water out of the pipe.

Mr. Jeffers said theoretically, the finished floor elevation of these condo's will be above the 100 year flood, not to be confused with the 1937 flood, which by the way, went to 382.7.

Commissioner Cox moved, on the recommendation of the Co. Surveyors office, that the Drainage Plan for Harbors Edge Planned Unit Development be approved. Commissioner Borries seconded the motion. So ordered.

RE: OAK VIEW PLACE II

Commissioner Borries said he doesn't know if the Commissioners have to act on this today or not, that it is a check for a storm drainage there, opting for the requirement of the amount of money rather than the Home Owners Association, and he asked Mr. Jeffers if he wants to verify those figures.

Mr. Jeffers said that under the current ordinance amendment, that the Commissioners adopted, that should be submitted to the County Engineer for review and the check should be submitted to the County Treasurer's office prior to the money being entered into account.

County Highway Engineer, Andy Easley, said he did review that, checked the quantities and it is correct and he gave it to the Commissioners Secretary.

Commissioner Cox asked, what is the amount of the check.

Commissioner Borries said it is for \$302.00. He asked if it should be submitted to that drainage account.

Commissioner Cox moved that the check from Fuquay Construction, Inc., in the amount of \$302.00 be accepted for Oak View Place, and for the subdivision drainage ordinance.

Commissioner Borries seconded the motion. So ordered.

RE: PIPE STRUCTURE IN NURRENBERN DITCH

Mr. Jeffers said he has one other matter to discuss here but he would really rather prefer to hold up one more month on it, that it has to do with a pipe structure in Nurrenbern Ditch along Fuquay Road for Chad McGee who is selling a lot and one of the conditions of the sale has to do with a pipe in the front lot line so that Home Construction can take place and he hasn't had a formal request from Mr. McGee for the Drainage Board to grant them permission to pipe the ditch.

He said that he and Mr. Easley went out and viewed it this morning and they may need some more consultation with Mr. McGee as to the length of the pipe, that they already agree on the diameter, that Mr. McGee has asked for a certain diameter pipe which is the proper diameter but as to whether we'll allow him the whole 100 feet or whether we are going to shorten up on it a little bit for good drainage purposes, so he would like another month on it.

Mr. Easley said that suits him, but he isn't familiar with Mr. McGee's time table.

Mr. Jeffers said he isn't either, that he would like to give him tentative approval but the pipe size is correct and the method of installation that he wants to use would meet our standards, but he doesn't think we can go the full 100 feet and he would like to have a formal request in writing for Mr. McGee to present to the Commissioners so they can sign it, since he thinks this is the proper way to do it, rather than over the telephone.

Commissioner Cox asked Mr. Jeffers if he would like a motion for Mr. McGee to proceed in that manner then.

Mr. Jeffers said, for him to proceed with the pipe size he has given us and the 12 gauge thickness which we agree with and then let them proceed on negotiating with Mr. McGee on the exact placement and lineal feet that is required, and to make sure that the lineal feet we allow him, as the Surveyors Office, will satisfy the man that he is trying to sell the lot to, so at least, he knows where he stands later this month.

He said that Mr. McGee wants 100 feet of pipe and from looking at it this morning, he doesn't think they can go much more than with 90 feet of pipe, and he doesn't know if this will satisfy the man he is trying to sell the lot to or not, but he will continue to discuss this with him and find out.

Commissioner Cox moved that the Surveyors office be granted permission to continue the negotiations and discussion with Chad McGee. Commissioner Borries seconded the motion. So ordered.

Commissioner Cox also moved that the Drainage Board minutes of April 27th meeting be approved as amended with the corrections previously given and approved without reading. Commissioner Borries seconded the motion. So ordered.

The chair entertained further questions. There being none, Commissioner Borries declared the meeting recessed at 4:15 p.m.

DRAINAGE BOARD  
MAY 26, 1987

PRESENT:

COMMISSIONERS

Robert Willner  
Richard Borries  
Shirley Jean Cox

COUNTY AUDITOR

Sam Humphrey

COUNTY ATTORNEY

David Miller

COUNTY ENGINEER

Andy Easley

COUNTY SURVEYOR

Bill Jeffers,  
Chief Deputy Surveyor

SECRETARY:

JOANNE A. MATTHEWS

*Robert L. Willner*  
Robert L. Willner, President

*Richard J. Borries*  
Richard J. Borries, Vice President

*Shirley Jean Cox*  
Shirley Jean Cox, Member

MINUTES  
DRAINAGE BOARD MEETING  
JUNE 22, 1987

The Vanderburgh County Drainage Board met in session at 4:30 p.m. on Monday, June 22, 1987, in the Commissioners' Hearing Room, with President Robert Willner presiding.

The meeting was called to order by President Willner, who subsequently entertained a motion concerning approval of the minutes of the meeting held on May 11, 1987.

Motion was made by Commissioner Borries that the minutes of the meeting held on May 11, 1987, be approved as engrossed by the County Auditor and the reading of same be waived, with a second from Commissioner Cox. So ordered.

President Willner then entertained a motion concerning approval of the minutes of the meeting held on May 26, 1987.

Motion to approve the minutes as engrossed by the County Auditor and dispense with reading of same was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: IRIS SUBDIVISION

President Willner read the following letter from Dr. Robert J. Fenneman, Sr.:

June 16, 1987

Drainage Board  
Room 305 Civic Center  
Evansville, IN 47708

I would like hereby to request that you put me on the agenda for the Drainage Board on Monday, June 22, 1987, to consider deleting the ruling that I erect a pump at the bottom of my dam to pump dam leakage back into my lake.

Mr. Andy Easley, Mr. Sam Elder, and Mr. Sam Biggerstaff have letters in your files stating a pump is not necessary. Mr. Robert Willner has stated a pump would not be workable or practical.

Thank you.

Very truly yours,

Robert J. Fenneman, Sr.

Commissioner Willner said Dr. Fenneman, Sr. is in the audience today. Perhaps the Board can put his mind at ease. Dr. Fenneman can speak if he likes, but the matter was discussed and, if his memory is correct, the Board had decided not to require the pump.

Commissioner Borries said he would have to review the minutes. What were the alternatives discussed?

Attorney Jack Schroeder, who was with Dr. Fenneman, was recognized by the Chair. He said that a sump pump was designated. However, Mr. Wittekindt, Jr. (the father of the boy that was here) said since they are developing the subdivision,

there are four or five lots on the lake -- and he said the septic tank would seep into the lake and the sump pump would pump it back into the lake and it wouldn't then potentially drain into a culvert which lies near or adjacent to the subdivision, which is south and being developed by the Wittekindts. Now, what happened, -- when the subdivision was first designed, Mr. Wittekindt objected to it -- he wanted the sump pump. Dr. Fenneman didn't realize the cost or the need for the sump pump -- and he agreed to it. When he found out the cost of it, plus talked to Messrs. Easley, Biggerstaff, and Elder (none of them feel that it is necessary), Dr. Fenneman then came back and asked that be deleted as a requirement. Mr. Wittekindt was here and it was suggested that the matter would be taken under advisement to see if they couldn't work out something with Mr. Wittekindt. Since then, he (Mr. Schroeder) has written a restrictive covenant agreement (these are going to be nice homes -- \$100,000 to \$200,000 homes) which provides that if there is any pollution in the lake from the septic tank, these individual lot owners will be personally responsible -- and they will be able to pay it. We're talking about really major cost homes here, where they would then be able to take care of it. The majority of the subdivision had a right to go on Dr. Fenneman's property to take tests of the lake and if they find that it has been polluted -- that there has been seepage into it -- that the owners of these lots will be personally responsible. So it isn't like some person who would not have the money to take care of it. He sent this to Mr. Wittekindt and he never responded. They haven't heard from Mr. Wittekindt since they called him a couple of months ago and he and Dr. Fenneman feel they have waited long enough and asked to be scheduled on today's agenda. With this additional restrictive covenant that we have, it seems unnecessary. But if there turns out to be a problem with this subdivision, they have a strong weapon. They have a personal remedy against the owner of the subdivision in addition to conceivably any other criminal rights or environmental rights they have, they may sue and get their own attorneys' fees paid for by the owner of the lot or lots which may be polluting this lake. Those will be recorded restrictions, so anybody who buys (there is one house built out there which is not on the lake, but it is going to be a \$200,000 house from the looks of it) -- at least that is the quality of houses to be built out there. So you are more likely to recover and they are more conscientious about the lake. And, it is a realistic solution.

In response to query from Commissioner Willner, Mr. Schroeder said there will be four lots (ranging from 1 acre to 3 acres).

Commissioner Willner said he will cite a portion of Drainage Board minutes, if that is good enough:

"We were talking about the problem and the toe drain, which would be installed by Dr. Fenneman on his property. The final conclusion was, Commissioner Willner said he sees no reason to change the recommendation; the reason being sometimes sump pumps don't work; you have to get them below the freeze line to even have the possibility of their working in the wintertime. The pit where the sump pump would be would have to be below the surface and covered in such a way that the water would not freeze. Then, the pipe going up over the dam to put it back into the lake would also have to be below the freeze line. He thinks the Area Plan Commission in their deliberation was not aware of the drainage problems and what the Drainage Board had done. So if there is anything further, this information needs to be brought back to the Area Plan Commission for their consideration. For the record and to eliminate any confusion as to who is to install it, Mr. Easley is here. Was it Mr. Easley's recommendation that the toe drain be installed on Dr. Fenneman's property? Mr. Easley responded in the affirmative. The culvert under the roadway was mentioned. The final motion was made by Mr. Borries that Iris Subdivision be approved, subject to the owners taking

the recommendation of Mr. Easley to install the toe drain"....so, that is the end of it.

Mr. Schroeder commented, "Which we agreed to do. Is Area Plan aware of this?"

Mrs. Cox asked if Mr. Willner will give the date and page of the minutes he just cited.

Mr. Willner said it was bottom of Page 1 and top of Page 2 of the minutes of December 22, 1986.

President Borries said additional information is now entered into the record, as he would see it, that the restrictive covenant would be recorded -- so that would give the right of entry to some official - the County Health Board or whoever it would be -- if there was any claim re pollution in the lake. This is all on record.

Commissioner Cox asked, "Are we going to act on this covenant then?"

Mr. Borries said the covenant would be between Dr. Fenneman and the lot purchasers.

Mr. Easley said, "As long as you are in session, I believe Dr. Fenneman would appreciate it if maybe you would make a resolution that the Area Plan Commission secretary (Mrs. Barbara Cunningham) not require this pump to be installed as part of the improvements for the subdivision. She has had financial guarantees put up and he guesses Dr. Fenneman is about to do everything that he needs to do to get the subdivision recorded.

Attorney Schroeder said the subdivision is recorded. But he is certain that when he asks for a building permit -- then they will insist upon....

Commissioner Willner interrupted, "Drainage plans are a problem of the Vanderburgh County Commissioners, not the Area Plan Commission."

Mr. Easley said, "Apparently her records do not show that the sump pump was eliminated -- or that you recommended that it not be installed. It is a lack of communication between the Drainage Board and Barbara Cunningham. If you agree that the sump pump is not required, she needs to be so advised."

Commissioner Willner said, "As far as I'm concerned, we did that when we approved the drainage plan."

Mr. Easley said, "She required him to put up a guarantee for the sump pump.:"

President Borries said, "For purposes of clarification, the minutes of the Drainage Board of December 22, 1986 indicate that there is no approval given of any sump pump requirement. So we can inform Mrs. Cunningham of that. There was no motion made on that was there, Bob?"

Mr. Willner responded, "No, that was left up to Andy and his requirement -- but the subdivision was approved without it."

Attorney Schroeder remarked, "Andy is correct; Mrs. Cunningham's minutes don't reflect that."

Mrs. Cox asked, "Is there a drainagr plan on file that has a sump pump?"

Attorney Schroeder responded, "No, but I think the original minutes have reference to a sump pump -- that Dr. Fenneman needs a sump pump."

Commissioner Borries asked, "Did Andy Easley ask for the toe drain? That is installed?"

Attorney Schroeder replied, "No, but it will be installed."

President Borries asked that Dr. Fenneman come forward and identify himself.

Commissioner Cox asked if the Board has a copy of the drainage plans for Iris Subdivision?

Dr. Fenneman said his idea is that it has not really been approved formally that the pump be deleted. The way the record reads is that the toe drain is necessary. He are trying to get rid of the pump because it is not practical, workable or necessary, as confirmed by Messrs. Easley, Biggerstaff and Elder. The letters stating that are all in the Commissioners office. If the Commission would include it in the record of the minutes of this meeting that a sump pump is not necessary, then he thinks this would clear up everything.

Motion was made by Commissioner Borries that any discussion or requirements that a sump pump be installed for this drainage plan be deleted from Iris Subdivision, with a second from Commissioner Cox. So ordered.

Commissioner Borries said, "It is on record. If you can stay around a few minutes, we can determine whether the drainage plan needs to be amended. What those minutes do show is that Mr. Easley had recommended the toe drain be installed. If that is not on there, some revision may be needed for that -- as you have said that you will do that."

Mr. Easley commented, "I think the toe drain came about because of the comment of Mr. Wittekindt that that area below the dam had seepage and it ran on his property. I said that perhaps the seepage could be concentrated and not be a general area. The seepage under the dam would be lowered if he put this in (it's something like a French drain) along the toe of the dam, so it would go below the ground and it could be collected wherever he wanted to discharge it which, hopefully, would be more satisfactory to Mr. Wittekindt. I had said that if that would make Mr. Wittekindt happy, perhaps Dr. Fenneman would be willing to do that and he did say he would be willing to do that. I don't know how the sump pump got in there."

Commissioner Cox said, "I think the sump pump was recommended by somebody before it got here. So that was probably done at Area Plan."

Attorney Schroeder said it was done at the Subdivision Review Committee meeting.

Mrs. Cox said, "We do not hear subdivisions -- unless it is a rezoning or we look at the drainage plans for a subdivision."

Commissioner Willner said, "You couldn't install a sump pump anyway. If the dam leaked in one place you might put a sump pump in. But if the dam seeps from one end to the other, you're going to drain it all to one area then? That's ridiculous."

Mrs. Cox said, "It probably sounded good. But I don't remember it ever being discussed at our board meeting. Mr. Jeffers went down to get the drainage plan."

RE: WOODS RD. BRIDGE

Commissioner Cox asked if the Board ever talked with Mr. Gwinn concerning the Woods Rd. Bridge work? We were supposed to do that.

Mr. Borries said, "No."

Commissioner Willner asked, "That is slated for a new bridge, isn't it?"

Mrs. Cox responded, "We needed a design."

Mr. Jeffers returned without the drainage plans for Iris Subdivision. He said his files are about in the same state as Mr. Easley's -- he guesses he'll have to ask Mr. Morley to come help him. Too much paper. He doesn't believe the drainage plans would show much. He brought in a fairly simply drainage plan. There are four or five lots. All the drainage was to the lake and the only concern ever raised was seepage from the lake. At that point, the plat started having conditions added to it to address that seepage. He thinks the end result, as pointed out by Mr. Willner, reduced from a sump pump station to a simple toe drain to pick up that seepage. He really doesn't recall any extensive easements, drainage plans or anything else, other than that all the lots basically drained down to the lake.

Commissioner Borries asked, "There were no drainage problems other than the seepage?"

Mr. Jeffers said, "No; in that big three acre parcel he believes he had some ground that went on down into that branch of Little Pigeon Creek. But it was such a large parcel it was inconsequential. He doesn't remember any complicated drainage plan.

RE: UNIVERSITY HEIGHTS NO. 6

This went to Subdivision Review Committee and is, he believes, somewhat stalled there until Mr. Bivins brings back a plan showing details of the cul-de-sac at the end of Rosemont Drive, because the indication of the plans did not show how they're going to treat the end of the street. Addressing Mr. Bivins, he asked, "Are you going to have a paved round cul-de-sac there?"

Mr. Bivins responded in the affirmative.

Commissioner Borries asked, "Is it going to have rolled curbs and gutters?"

Mrs. Cox said, "Not University Heights. The requirement for curbs and gutters has been waived."

Mr. Borries commented, "That is right."

Mr. Jeffers said, "We reviewed the plans. There are three (3) lots -- all of them two or more acres; in fact, one is 3-1/2 acres, one is 2-3/4 and one is slightly over 2 acres. That is a large central drainage easement which runs through the front part of these lots and over which the driveways will have to be constructed on two of the lots. Most likely, the owner of Lot #1 will want to put some sort of crossing structure in his lot to get back and maintain the back portion of his lot." He asked if Mr. Bivins knows whether this is going before the Area Plan Commission, or is he going to take it back to Subdivision Review Committee?

Mr. Bivins said it is going before th APC.

Mr. Jeffers said, "If they are going before the Area Plan Commission with this fairly simply subdivision, what we have done is list seven (7) items we wish the developer and his engineer to address. Basically, they had to do with how to treat the drainage easements. They are as follows:

- 1) Locate the central drainage easement through Lots 1, 2 and 3, by either bearing and dimension or in some way tying them down to lot corners so we know where they are in the future. and none of these lot owners will be

- able to move that drainage easement without it being discovered.
- 2) Size three pipes -- one for each lot. The pipes for Lots 2 and 3 will be used for driveway crossings at the easement and in Lot 1 it will be used for maintenance access to the back part of the lot.
  - 3) Notify (and he already has his proper notification on the plat) that 2% to 8% drainage channels will be sodded and over 8% rip-rapped or concrete. (As you know, we've been letting them use some erosion control fabric, in that we just want to notify you that most of the easements will require sod because they are over 2%. In some portions which he has marked in orange, we will require special treatment. This is the way we'll refer to it henceforth. It could be rip-rap, concrete or some sort of erosion control mat.)
  - 4) The cul-de-sac needs to show clearly that it is going to be paved; without curb and gutter; and that the water around the cul-de-sac will be directed to the corner of Lots 1 and 2 and be carried through the drainage easement down through the central drainage swale.
  - 5) He doesn't know the condition of the existing ditch and existing easement along the north line of those. He didn't go out and look at this one. He is asking at this time whether additional footage will be needed in Lot 1 adjacent to that to facilitate the maintenance of this drainage easement.

If Mr. Bivins will address the foregoing comments prior to the Area Plan Commission meeting, he would be glad to verbally say to the APC Director (or put same in letter) that he has addressed those satisfactorily prior to their meeting.

One other thing -- down in the southwest corner of Lot 1, all these drainage easements are coming together. He thinks these will need some special attention just to control the confluence of all that water at that point. It should be rip-rap or concrete -- or some such thing. With these comments, the Surveyor's Office would recommend that his drainage calculations and his drainage plan (after altered to foregoing extent) be approved.

Commissioner Willner asked Commissioner Borries if he has any problems with that?

Mr. Bivins said he does not. With the comments made here and agreed to, he moves that the drainage plans for University Heights No. 6 be approved. A second was provided by Commissioner Cox. So ordered.

RE: OAK VIEW PLACE

In the interest time, Mr. Jeffers said he will just repeat what he said about Oak View in the previous meeting (refer to Commissioners Minutes of June 22nd). The only other thing he would have to say would be that in order to clarify one of Mr. Fuquay's comments regarding one of his conversations with him about the plastic pipe, he is not aware of what he and Mr. Easley discussed in regards to the plastic pipe. He does know what he and Mr. Fuquay discussed (in the presence of his lawyer) and his (Jeffers) comment was that the bottom line to Mr. Fuquay was that neither Mr. Jeffers nor anyone else from the Surveyor's Office will inspect his installation of the plastic pipe unless asked to do so by the County Commissioners. The reason for that is that the new amendment to the Ordinance states that the contractor or the developer (Mr. Fuquay) shall notify the County Highway Engineer upon completion of his installation and the engineer then has 21 days to inspect it and make recommendations. So,

basically, Mr. Fuquay was asking him that if he inspects the pipe, will he pass it? Mr. Jeffers said his answer was, "No, we don't have any specs covering it; I don't like it -- but I'm not the one who is going to inspect it. In regards to Mr. Easley's comments, I only know that Old Ben Coal Company in Illinois is using a plastic product (he doesn't know if it is the same plastic product; he doubts it somewhat because the local supplier can only product up to 24 inch pipe and the pipes being used by Old Ben are large pipes.) He doesn't know whether Old Ben is using plastic pipe on a permanent basis. He believes they use them on temporary haul roads. He has heard from independent engineers that they are very satisfied with them. He's also heard from several other engineers and developers, "Why are we allowing plastic pipe being put in Vanderburgh County?" His only answer to that is that we don't have any specs covering it. He tried to get some specs from PVC (the local distributor of this product) and they gave him a one sheet set of specs, which shows how to install it. In regards to its capabilities, they refer to the AASHTO Manual -- basically some sort of engineer's Bible. He doesn't have a copy of the ASSHTO Manual and so he doesn't know what it says about this particular type of pipe. It is not referred to in the State's Specifications for 1985 to his knowledge -- and that is why his comments in the previous meeting were that he is not familiar with it whatsoever. He does know that there is at least one utility installation on top of this pipe. But he has not looked at it closely enough to know whether or not it damaged the pipe. He has talked to a fellow at the Sewer Department and he tells him that they have problems with PVC pipe that is reinforced truss pipe (reinforced with a light mortar mix). Even so much as 48 inches underground they have problems with SIGECO trenching through the pipe. He has no problem with telling the Commissioners that basically this drainage and street plans as presented insofar as all the concrete pipe he shows -- his drainage plan currently pretty much follows the conceptual plan presented to the Board, with the exception of the plastic pipe. He has no problems with this concrete pipe under the streets or in the easements through the yards. His only other comment earlier was that the volume of his total discharge was somewhat less (down around 78 cu. ft. per second) to the detention basis, as opposed to 84 cu. ft. per second previously. His only comment there is that he is not sure how much water is going to be detained. When you have 79 cu. ft. coming in and two 36 inch pipes going out that are capable of carrying about 90 cu. ft. per second, although he has been repeatedly reassured by one of Mr. Fuquay's engineers that there will be detention (because he routed it through a hydrograph and he says to his satisfaction he has proven that there will be detention) -- in all fairness, he will conclude by saying he has no problem with his concrete installations, but he will not make a recommendation to the county to accept any responsibility whatsoever for the plastic installation until such time as he is more familiar with it.

Mr. Fuquay approached the Commissioners' table. He presented his plan to the Commissioners, stating this is the original phase (Phase I) and Sam Biggerstaff was the engineer for this. Originally there was a detention basin put on this south property line (a 25 ft. easement for a retention basin). That collected all the drainage from all the acreage north of this. The drainage came from the north via the west end of the subdivision. There is a pipe that came with an easement through the center of the subdivision and a pipe that came from the south -- all of it fed into the retention basin. Then there is the overflow pipe. He was able to purchase the property to the south so he wanted to develop Oak View Place II. What he buys and what he sells is something he would personally want to live in. What he is trying to do is upgrade this neighborhood and make it as good as possible from the standpoint of aesthetics and not have any eyesores from drainage, open ditches, standing water, etc. When he entered into Phase II, he told the engineer he wanted to get rid of this drainage basin -- he did not want this awful looking thing across the south end of this property. They said

we should submit this with Phase II and change this so the conceptual plan was shown that they wanted to close this in -- and the plans were presented. He has Phase II, which still shows this 30 ft. drainage easement, which involved a replat of Lots 5, 6, 7, 8 and 9 for the street to cut through Lot 6 (which needed 50 ft. of right-of-way), then it involved the drainage easement to be changed -- altered, so he could make it look better. The plan was developed and they put 30 inch concrete pipe or something like that in there. He asked, "What in the world are we doing? We do not need 30 inch concrete pipe all along the back of this property. There is no traffic going across this; we are not doing anything in here. It's just the back part of the property that we're trying to make look good. We thought we could the volume of water that needs to go through the drainage and get to the new retention basin which is now located on the east end of the property. After his comments, "Why does it have to be so big?" they went back and did some calculations and re-engineering and he asked if he could use plastic pipe? They said, "Yes, as long as you put a swale at the top with an inlet to get into your concrete -- to accommodate anything that could not come through this pipe to go through the swale and come down into this 36 inch concrete pipe that is going to be along the storm sewers here make its way back to the basin. What has happened here is that he raised some questions from the standpoint that, first of all, he didn't have to do anything. He could have left it just like it is -- he could have left the thing open and left a big 25 ft. swale in there which, he thinks, is a terrible thing to do in a fine neighborhood. So this is what we did."

Commissioner Borries asked whether there is anyplace in Vanderburgh County on County right-of-way that we have plastic pipe that we maintain? Anyplace in the whole county?

Commissioner Willner said, "No; but the farmers are going to use it and they are going to run over it with combines and then they are going to say that PVC will probably last 100 years -- and I don't have any problem with that. The problem is they are not going to go through it with telephone lines, etc. I have no problem with what you have done, except I don't think you can ask the county to maintain that type of pipe. If you want to pull that out and have a Homeowners' Association to take care of that situation, then I don't care. I just read the minutes from when we started the policy of paying for it -- and it says 'concrete' pipe."

Mrs. Cox commented, "That's what it says."

Commissioner Willner said, "We'll refund the money, approve the drainage plan and be on the way."

Mrs. Cox asked, "How much of a swale were you going to have on top of your concrete pipe?"

Mr. Fuquay responded, "That has been engineered, they have that...probably eight to twelve inches."

Commissioner Willner asked, "How many feet of PVC pipe do you have underground now?"

Commissioner Borries commented, "What he is saying -- and I think it is true and I'm not going to argue all day, because that is very subjective -- but if we said which is going to last longer -- which is going to be more apt to be cut by utility equipment or something going across it -- we'd have to say plastic is over concrete."

Mrs. Cox asked, "Plastic is going to last longer than concrete?"

Commissioner Borries said, "No -- it is more apt to be cut. That is the only thing."

Mr. Fuquay said that would involve the replat of Lots 7, 8 and 9.

Commissioner Cox said, "I tell you -- I think it should either be all or nothing. That is like accepting a portion of a street in between two unaccepted portions. How are we going to get in there to maintain it? We've done that in at least one instance I know, maybe more. The property owner says the county takes care of that and it causes us nothing but a hassle, Mr. Fuquay, to have different sets of standards within the subdivision. How many feet of pipe do you have installed in there now?"

Mr. Fuquay said, "Everything except about the last 20 ft."

Mrs. Cox asked, "And your swale is all in and it is all seeded?"

Mr. Fuquay said, "No; the reason I haven't is because this is not connected to the main storm sewer here yet. The sanitary sewer is being run now; but I can't put the storm sewer in until I get this recorded."

Commissioner Borries said, "I have nothing against the quality of homes, but it is the same kind of problem that is expense on your part that the county may get if we have to go in there and do something."

Mr. Fuquay said, "I think in this case to have a Homeowners' Association for three lots is ...."

Commissioner Willner asked, "Why don't you just have a Homeowners' Association to do the whole thing?"

Mr. Easley asked, "What is the major concern -- during the construction phase -- that underground utilities may be cut in?"

Commissioner Willner said, "Anytime in an easement."

Mrs. Cox said, "Andy, plus the fact that the agreement said that if you wanted the county to take over and maintain it that there would be concrete pipes."

Mr. Easley said, "I know -- that is what it says. And he brought this up and I said it is a new material and probably is going to meet with some resistance."

Commissioner Borries said, "Not only are we going to have some resistance, we're going to have to have some kind of documentation one way or another that if other developers are going to use this -- this may be the first, but I am not willing to do it until I have more information. I am not an engineer, but I know that if we are going to have to start replacing plastic pipe in our easements all over the county -- and it may never happen. But, again, plastic is going to break easier than that concrete is -- and if we accept it, we're going to have to maintain it."

Mr. Easley said, "It is advantageous in that when you put concrete pipe together, every five (5) feet you have the possibility of a sink hole. Rose Zigenfus has sink holes in her yard that we've been working on with her for five years trying to get sealed. There are sink holes out on Bujay Drive -- and we had to crawl in and seal that. But plastic pipe doesn't have that disadvantage. Morley has asked me about -- the Homeowners' Associations are hearing more about the advantages of the corrugated plastic pipe and they are putting in swales -- they said they would like to approach the Drainage Board or the Commissioners and make a case for corrugated plastic pipe so they wouldn't have to have so many swales. They feel the swales are detracting from the appearance of the houses. I told them, 'Get your information together and let's present it to the Commissioners and I will keep an open mind.'"

Mr. James Morley had entered the meeting and, turning to him, Mr. Easley asked, "What do you know about the plastic pipe?"

Mr. Morley said in doing some work on the new Boy Scout Camp, they talked with Old Ben Coal Company. They said they are really enthused about the corrugated plastic pipe. The only thing, it has its limitations as to availability. There are only about four suppliers and there are different grades. Some of it is quite rigid while other is somewhat flexible. So the flexible stuff might be hard to keep on good alignment. The rigid stuff might be more expensive than some of the other alternatives. They, personally, like it. I guess we do have to keep in mind that they do have some unique situations. One, they couldn't use metal pipe because it would rust out in a year with all the acid around the mines. So, they have a reason for that. Secondly, they don't have excavators in, so anything they can do with men cutting a ditch with one type of equipment and men handling the sections -- maybe their views are tainted a bit because it fits their situation. But I asked, "You mean you have not had trouble with coal trucks breaking it down?" They said, "No; now that we have learned how to put it in we have had no more problem with that than any other pipe material we have." "So, I am not advocating it, I am saying that here is someone using it and they are saying they are happy with it. But if we are going to start using it, we probably ought to determine criteria as to where it could be used, what kind of laying conditions we would establish, and whether we'd want any guarantees. One of the problems with any metal or plastic pipe is the exposed ends of it. It's always in a situation where the ends could be hurt and we might say that if we did something like that, should we build concrete headwalls or something like that to protect the ends of this material. This is all I know about it so far; but I have some spec sheets on some real high quality stuff used for sanitary sewer pipes and storm pipes and it is very rigid. I saw a sample and was impressed with how rigid it really was."

Commissioner Borries said, "Jim, our problem is that while we're wrestling around with it -- it is not necessarily the weight in this situation -- but possible utility cuts and breaks. Plastic is going to break easier than maybe a concrete structure of some sort. If this is going to be used, although it may be initially cheaper for the developer (and we appreciate that) it is going to be more expensive for the county if we have to start doing more maintenance all around."

Mr. Morley said, "From what I saw, a trencher would go right through that stuff. But if you're through trenching, then maybe it is not a bad idea."

Commissioner Borries said, "Apparently, you have plastic in other parts of the subdivision and I certainly applaud your efforts. I can't accept it; I need more information because I don't know enough about the plastic at this point."

Mr. Fuquay said, "Let me ask you another question. I would agree to a Homeowners' Association, but I want to make sure as to what I am agreeing to first. Would that mean that I would have to enter into my restrictions that there would have to be a Homeowners' Association? I want to make sure I understand this before I agree to it."

Commissioner Borries asked, "In your earlier development (Phase I), do you have plastic in any part of it?"

Mr. Fuquay said, "Yes, there is some plastic."

Commissioner Cox asked, "What do the Drainage Plans call for?"

Mr. Fuquay said, "The drainage plans call for open ditching."

Commissioner Willner said, "I would say the entire drainage system -- wherever there is pipes -- it would be the responsibility of the Homeowners' Association to maintain same. The ones in the road right-of-way, the county will maintain."

Mr. Fuquay asked, "You mean the county would do everything in the road right-of-way? But off the road right-of-way would be the responsibility of the Homeowners' Association?"

Commissioner Willner responded, "That is correct."

Mr. Fuquay said, "Then I would have to enter into the restrictions that a Homeowners' Association would have to be formed and that Association would be responsible for maintaining all plastic pipes..."

Commissioner Willner said, "All pipes period."

Mrs. Cox said, "And the retention basin -- or whatever it is -- that you are going to have in there."

Commissioner Willner interjected, "All drainage structures outside the road right-of-way period."

Mr. Fuquay said, "O.K., if that is what it takes."

Mrs. Cox said, "All swales."

Commissioner Willner said, "That is what it is going to take. May I have a motion?"

Motion was made by Commissioner Borries that the drainage plans for Oak View Place II be approved, with the stipulation that a Homeowners' Association be formed to maintain all pipe structures outside the road right-of-way and that this be recorded on the deeds of the lots, with a second from Commissioner Cox.

Commissioner Willner said the motion has been made and seconded; he will ask for a roll call vote: Commissioner Cox, no; Commissioner Borries, yes; Commissioner Willner, yes.

The motion carried with two affirmative votes.

President Willner entertained further matters of business to come before the Board.

RE: EAGLE SLOUGH PROJECT

Mr. Jeffers said he sent down to the Commissioners Friday afternoon a set of plans for Eagle Slough Project VCS-0787-ES. He doesn't recall exactly what he said in the memo, but basically the project along the entire length of Eagle Slough is 30,040 ft. from Inland Marina East to about one half mile east of South Green River Rd. What they would like to do is send the successful bidder and his crew into the entire length of Eagle Slough and cut all trees and woody brush (which is defined in the special provisions sent to the Commissioners -- but it would basically be tree-like vegetation, not including briars and brambles. Anything over 1/2 inch in diameter and 6 ft. tall would be included. For the equal distance either side of the ditch to kind of make a 50 ft. flyway for the contractor who aeriually sprays Eagle Slough on a twice annual basis. What we're finding there is that his work is satisfactory in that it has inhibited a lot of growth. But there still are some large trees out on the periphery of the ditch that have branches hanging over into the flyway and he is continually having parts of his airplane knocked off. Another reason is that even though his herbicide which is approved and does a good job, in some cases it has only stunted certain types of trees and now these trees after ten years or so are getting over 6 ft. tall. They are almost like Bonsai trees or something --- they are stunted to the point that they look fully mature -- but they are only 6 ft. or 8 ft. tall. What is happening there is that our contractor (Green Grasshopper) likes to get the body of his plane down in the ditch and his wings 6 ft. or 8 ft. off the ground -- and it is becoming harder and harder to do this. We have a surplus in excess of

\$15,000 in that account. If we don't use the money creatively and effectively in this ditch, we'll have to stop assessing the ditch -- because we're getting up to where we are triple our annual assessment. It does need to be done. The reason we're getting such a large surplus in there is because the man sprays it so cheap. Mr. Jeffers said they do not estimate that this will take up the entire surplus in the account to pay for it. He hopes the Commissioners have time to read the provisions; basically, they will be attached to the primitive boiler-plate section with all the regular language in it and we also will have some attached drawings and we would like to send our ditch inspector, Tommy Goodman, up with the current contractor (Mr. Hepler) and another man (who owns a 4-passenger airplane) down through the ditch to pinpoint some exact real troublesome trees. He's already talked to the Department of Natural Resources about this. We're not going in and clear-cut this ditch; we're not going in and destroy all the vegetation. Basically, we're going to pinpoint some real problem areas and we're going to get this growth down to a manageable level so that Mr. Hepler (if he continues to be the successful bidder) can spray it without going up and down out of the ditch to avoid trees. The only other thing he'd like to point out is that after our contractor cuts the brush (if the Board allows this) each stump will be sprayed with Banvel CST (which is a herbicidal spray that has a dye in it, so we can identify that they were, in fact, sprayed). They have to be sprayed within 24 hours of cutting. If the contractor does this job, he will have to notify us on a daily basis when he is spraying so we can go out and see what he is doing. We hope this takes care of the tree growth -- this is what we're really after. His spray is taking care of the broadleaf and the brambles, etc. He has a Notice to Bidders but did not attach it to the provisions, as he noted a error. He is having this retyped. But it is a standard Notice to Bidders and he would request permission to advertise this project as soon as possible so the project can be done this summer. He is requesting permission to advertise and use these boiler-plates and permission to use \$150.00 to cover approximately two hours' fly time to take the inspector down through there. If the man will do it for \$60.00 per hour and it only takes an hour, then he will only use \$60.00. Thus, he has three requests: To approve the specifications, allow them to advertise, and allow them to use up to \$150.00 out of the ditch account for aerial inspection.

Commissioner Borries said, "Bill, I notice you refer to the I-164 project; so you're going to stay away from both portions that will be affected. What will happen to Eagle Slough when I-164 comes all the way through?"

Mr. Jeffers said, "Portions of Eagle Slough will be moved over by the I-164 project. They will reconstruct the ditch at the locations shown on the plans. I think that is to handle the pumping stations, so they have to move the ditch over about 200 ft. From what I understand, they have already purchased the right-of-way. I also don't want these men working in the same area with I-164 highway workers. In other words, these guys have already gone in there and scraped off a lot of this. It does not need to be treated and I don't want them cutting and spraying next to highway workers unless it is absolutely necessary. We will paint off some areas saying 'Don't treat these, they don't need it'. I was drawing attention really to the contractor there, but I don't want somebody to sit in an office somewhere and say it's 30,000 ft. times so much per foot. I want them to go out and look at this, because a lot of it does not need absolutely to be treated inch by inch."

Commissioner Borries asked, "After your flights, with more information you should have the approximate amount of feet that will require special treatment?"

Mr. Jeffers said this is correct.

Commissioner Cox asked, "As a point of information, why do you have the tree trunks and stuff treated?"

Mr. Jeffers responded, "To kill them. When they are cut and you apply this within 24 hours, it goes down with the sap into the roots and permanently kills the tree -- so you never see it again -- or, supposedly, according to label directions. That is why it is fairly safe around water, but I do have in there that it can't be used in close proximity to the water. Or, if they're cutting firewood, I don't want it sprayed and then taken to someone's fireplace and burned."

In conclusion, Mr. Jeffers said it is not absolutely imperative that you pass this this month, because a lot of this work can be done between now and October.

RE: CLAIMS

Happe, Inc.: Claim presented in the amount of \$240.96 for 40% progress payment for work on Keil Ditch based on bid of 20 cents per foot. The work has been inspected and the claim has been signed by Robert Brenner, County Surveyor.

Motion to approve the claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Happe, Inc.: Claim presented in the amount of \$685.12 for work done on Sonntag-Stevens Ditch for 40% progress payment on bid based on 16 cents per lineal ft. Again, the work has been inspected and the claim has been signed by Robert Brenner, County Surveyor.

Motion to approve the claim for payment was made by Commissioner Borries, with a second from Commissioner Cox.

Mr. Jeffers said there were some other subdivisions to go before the Area Plan Commission; however, he did not receive any drainage plans from the developer and he sees no developers present.

RE: BIG CREEK DRAINAGE ASSOCIATION - DAVE ELLISON

Mr. Dave Ellison, president of the Big Creek Drainage Association, was recognized by the Chair. He asked if there has been any progress on the Woods Rd. Bridge?

Commissioner Borries said he has nothing to report. He does not know whether Dan Hartman has proceeded on that, but he will certainly obtain a report for Mr. Ellison.

Mr. Ellison said as the Board knows, their association was going to spend some money on the ditch and hopefully they can get something done this year on it.

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 5:30 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. L. Willner	Sam Humphrey	David V. Miller
	R. J. Borries		
	S. J. Cox		
	<u>COUNTY SURVEYOR</u>	<u>COUNTY ENGINEER</u>	<u>OTHER</u>
	Bill Jeffers	Andy Easley	Jack Schroeder, Atty.
			Dr. Robt. Fenneman
			Wm. Bivins
			Bill Wittekindt, Jr.
			James Q. Morley
			Mr. Fuquay
			News Media

SECRETARY: Joanne A. Matthews

*Robert L. Willner*  
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Robert L. Willner, President

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Richard J. Borries, Vice President

*Shirley Jean Cox*  
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Shirley Jean Cox, Member

MINUTES  
DRAINAGE BOARD MEETING  
JULY 27, 1987

The Vanderburgh County Drainage Board met in session at 3:30 p.m. in the Commissioners Hearing Room, with President Robert Willner presiding.

RE: APPROVAL OF MINUTES

The Chair presented the minutes of meeting held on June 22, 1987 for approval and entertained a motion.

Motion was made by Commissioner Cox that the subject minutes be approved as engrossed by the County Auditor and the reading of same be waived, with a second from Commissioner Willner. So ordered.

RE: BROOKVIEW HEIGHTS/PROBLEMS WITH FLASH FLOODING

Mr. Willner said Brookview Heights is located just north of Mt. Pleasant Rd. on Old State Rd. and drainage plans are being submitted for approval.

The Board spent several minutes perusing the plans and discussing same with Bev Behme of Area Plan Commission and Chief Deputy Surveyor Bill Jeffers.

It was noted that all the lineal footage which would qualify for the 50 cents per foot for shoreline and retention basin is highlighted in green. Highlighted in yellow are the open channels and the direction in which the water goes through the open channels to the pipe drop box or the lake. The existing ditch they constructed for Sections C & D.

Commissioner Willner commented that he also needs the County Engineer during discussion of said plans. During the last hard rain there was probably 3 ft. of water standing and the garbage cans were floating and the gals were out in their swimming suits and we have a problem here. Evidently the water couldn't get to the lakes or something. What he really wants to know is whether the problem was due to construction.

Mrs. Cox asked how long that water stayed there?

Mr. Bethel interjected that it did not stay there for a long period of time. An hour later it was pretty well down.

Mr. Jeffers said President Willner had asked for comments on Brookview Heights, Sections C & D. "I am not sure which storm it was, but I was in the same neighborhood in Petersburg Place during a heavy downpour that lasted approximately 30 minutes and the reason I was there was because of neighbors complaining of the same flash flooding problem. I viewed the storm from its inception to its completion. Basically, what I saw happening there may be similar to what Mr. Willner is referring to in Brookview -- and that is that the lawns of the houses that have already been constructed are not fully turfed (because this is the first growing season for those lawns) and the empty lots on which houses have not yet been built are only sparsely seeded with fescue as per Building Commissioner's requirement. Thus, we have been asking these developers to plan for a typical 25 year storm (he thinks it is called a Type II storm) which is 5-1/2 inches in 24 hours and we have been using a "C" factor of about 25% run-off from a fully developed lawn, which takes about three years to develop. Then we get these flash floods which dump an

inch or two in thirty minutes. That is not a typical storm and the run-off from the lots that are not fully turfed and fully developed is greater than the capacity of a storm sewer that was adequately designed by our criteria, but which is not adequate for flash flooding which comes and goes within 35 or 45 minutes and we've had several of those storms this summer. The one I saw in Petersburg was described by residents as being identical to two they had already had. In Petersburg it went outside the curb and gutter and up into the lawns down in the lower area of the subdivision. In the higher areas, it just flooded. It was carrying with it a lot of silt and that silt remains in the drop basins and further restricts the capacity of the system to discharge a typical 25 year storm or a flash flood.

Commissioner Cox asked, "Did the County or did someone check those drain outlets to see if they were open?"

Commissioner Willner said, "I did not; I could not answer that question."

Mr. Bethel said "I checked them the next day and, as he said, they were full then of silt and stuff that had been washed into them the day of the bad storm. But they all seemed to be open.

Mr. Jeffers said, "No unusual things like milk cartons, volley balls or anything like that; just a little silt that is coming off those lots under construction and some coming off lots that don't have a fully developed lawn."

Commissioner Willner asked, "Did we have any reports of water getting into houses there? It looks to me like it was in there."

Mr. Bethel said it was.

Mr. Jeffers asked "Are those streets accepted?"

Mr. Bethel said they are.

Mr. Jeffers asked, "So the drainage system is accepted, too."

Commissioner Willner said, "I think we had a blockage down here somewhere; that's how it looked to me.

Mr. Easley said there are two lakes down there.

Mr. Jeffers asked if they are connected via an equalization tube?

Addressing Mr. Jack Alles of Morley & Associates, Commissioner Willner asked, "Can you shed any light on what happened?"

Mr. Alles said, "No; but downstream from the ditch there is a 54 inch pipe and a 48 inch pipe (as shown on the drawing) and it is possible there could have been some trash or debris (since these are twin pipes) caught between the pipes. I don't know for sure, but that could be possible."

Commissioner Willner said "If we can't handle what we've got there, then we've got a problem."

Mr. Jeffers said the water from the proposed new Brookview Heights does go into the same drainage channel that lies north of Brookview B, C and D. In other words, the channel is shared by all these developments (the one that is already constructed and apparently has some sort of problem, or had some sort of problem during that storm). And the proposed new development does share the drainage channel. But we need to know whether the problem is in the channel or in the street, because it does not share pipes. There are no pipes or streets shared by the two developments nor does the proposed plan have any shared drainage conduit. But it does share that channel. What your question would be then, I guess, is the channel adequate?"

Commissioner Willner said, "Well, I am not sure it wasn't construction."

Commissioner Cox said, "We show 4:1 minimum on the ditch flow and a 2 ft. bottom on these ...."

Mr. Jeffers interjected, "That is Ditch Section B -- that's all these little ones. Section C is the big ditch. It has a 4 ft. depth and it would be about 20 ft. wide."

Mr. Willner said, "If we put this in here yet, and we have a problem here (designated area) they is going to be 4 ft. or 5 ft. of water instead of 3 ft. -- if we have a problem. I want to find out what we can do to alleviate the problem, if anything."

Mr. Jeffers said, "I couldn't give you any comment on what the problem is unless I saw the same type of storm out there that I did in Petersburg. I'd have to sit there and watch it."

Mrs. Cox asked, "What was the problem in Petersburg?"

Mr. Jeffers replied "Undeveloped lawns; silt in the drop basins and just an incomplete system had not been completed yet to discharge all the water into Little Pigeon Creek. So at the least developed end (the lower end) it built up because the system couldn't handle it and it got about 2 ft. deep there. But it was gone within 15 to 20 minutes."

Commissioner Willner said, "I'd hate to think what it was down there (pointing to designated area)."

Mr. Jeffers said, "I seriously doubt that it's the pipe that goes under the railroad track. That is an 8 ft. diameter pipe at the railroad track, so I seriously doubt the restriction was at the track."

Commissioner Willner said "I think that before we go any further we need to find out what happened, why it happened and what we are going to do to alleviate it. I saw it with my own eyes; the gals were in their swimming suits and garbage cans were floating around -- and that was in (designated) area."

Mrs. Cox said "Well, maybe they don't want it corrected if they were having such a good time."

Mr. Jeffers said, "Yes, but they were all having about a \$115,000.00 good time. I will go out and take high water testimony from the residents of the area you've indicated and then see if I can find any residents who noticed anything unusual. Maybe they found out later that something was blocking the pipe somewhere."

Commissioner Willner said "If the construction equipment hadn't cleaned the ditch out or they had it blocked -- I want to know what is going on."

Ms. Behme asked, "May I ask a question? This is due to go August 5th. Are you going to have it continued until the drainage meeting at the end of August?"

Mr. Willner responded, "I don't know what to do about it. What is your suggestion?"

Ms. Behme said "I think you're right; but we just won't let them be heard at the Area Plan Meeting until the drainage plan is approved. I am saying you are not going to have another meeting before August 5th, right?"

Mr. Jeffers said "We can't, because you're not meeting August 3rd. We can't have a special meeting."

Ms. Behme said, "So it will be continued until September."

Commissioner Willner continued, "Until we get the answer, I don't think we should go any further."

Mr. Easley asked, "Jack (Alles) do your hydraulic calculations analyze this system all the way to the railroad tracks?"

Mr. Alles said, "We analyzed two pipes under the road and they were for the 10 year storm."

Mr. Easley commented, "I thought we used a 25 year design storm."

Mr. Alles said, "I might have been a bit conservative on that."

Mr. Easley asked, "So there is a restriction?"

Mr. Alles responded, "A small one, yes."

Mr. Jeffers said, "For culverts under roadways."

Mr. Easley asked, "So you need to broaden your hydraulic calculations to consider the whole thing -- take a hydrograph and analyze the whole system as it functions as a completed system."

Mr. Jeffers interjected, "We might be talking two different things here. Jack used 10 year storm before and 25 year after, but he's saying that he found out the pipes in Section D under...."

Mr. Alles interrupted, "I had 220 cfs and it is generating an extra 20 cfs and the 100 year is near 200 cfs; so I am fairly close to 25 -- If you give it everything it can take. If you make sure you're going to be pushing the water and not just falling through."

Commissioner Willner asked, "What range did we have during our last big ones?"

Mr. Jeffers said "They were non-typical storms, but they were very localized."

Mr. Easley asked, "They were not that unusual really, were they?"

Mr. Jeffers said "Not for around here; but they don't fit the typical storm pattern (5-1/2 inches over a 24 hr. period) -- they were more like two and three inches."

Commissioner Cox said "I wonder if the developer got any calls about this flooding?"

Commissioner Willner commented, "Why you know he did."

Mr. Alles said "Mr. Bussing did tell me we had a problem down there with those two twin pipes clogging -- but to what extent he does not know."

Mr. Jeffers said "But in answer to Mr. Easley's question, the design storm criterion is 25 years; he is supposed to develop the entire system to handle a 25 year storm."

Commissioner Willner said, "I think what I am trying to say is that if we have a problem here, we need to solve it. If the twin pipes are clogging up, then we need to put three in here (designated area) before we go into this thing here (designated area)."

Mr. Jeffers said, "That is fine; if that is what you assign me to do, I will be happy to go out and find out what I can for you."

Commissioner Willner said, "I think we have to do that."

Mr. Easley asked, "When Mr. Bussing had -- this drainage system was designed by Sam Biggerstaff. Did he have an option on this property when this was....?"

Mr. Alles responded, "No."

Mr. Easley asked, "So this was an afterthought that you're trying to get down to the railroad tracks?"

Mr. Alles said, "Yes."

Mr. Easley said, "Well, we have a dangerous situation here."

Mr. Willner said, "I know we do, if there is 3 ft. of water in (designated) area at a non-measurable rainfall."

Mr. Jeffers said, "This area was included in the overall area that was supposed to be served by the ditch along the south line of this new development."

Mr. Easley asked, "The after run-off?"

Mr. Jeffers said, "No; Clearcrest Country Club was plugged into that post-development. But this piece was left in at probably .35 or something like that, instead of analyzed with a weighted co-efficient. But he is trying to discharge less water off this new development. He has a retention pond in there. He is not discharging the full amount of the post-development run-off. He is retaining the water from (designated) area to (designated) area."

Mrs. Cox asked, "But you said this would add 20 additional cubic feet per second though?"

Mr. Alles said, "Yes; that includes whatever water will be withheld in the retention basin."

Commissioner Willner addressed Mr. Jeffers and said, "Bill, let's ask you to give us a complete analysis of why this flooded, and then we'll make some kind of determination. Turning to Mr. Alles he said, "If your company would like to assist -- feel free to do so. But we need some answers. Do you have a month's time?"

Mr. Alles said, "The developer would rather be on the August agenda for the Area Plan Commission. The only constraint (if there is one) that I could see would be the pipes in designated area. If the determination by Mr. Jeffers and his office indicates that that is a restriction, and the developer and Mr. Bussing concur, then we will add a third pipe at that crossing. Would that be sufficient?"

Mr. Jeffers asked, "How about a single-span bridge structure?" I'm not sure our office would come back and say 'add a third pipe' and I don't want to get in that box."

Mr. Willner said "I understand. How long will it take you to do this? If we approve your drainage plan subject to the alleviation of the problem we had last month. and you find out what it is and then your developer says 'yes' -- I have no problem with doing that."

Mr. Jeffers said, "Then I would report directly to the APC with what I found and his solution for the problem."

Mrs. Cox asked, "Will they accept that?"

Ms. Behme asked, "You're going to approve this drainage plan, subject to the problems being corrected?"

Mr. Easley said, "How about, 'subject to final construction plans'?"

Ms. Behme asked, "Who is going to say what you come up with. It has to be an agreement that they are going to do what you say they do before this can go?"

Mrs. Cox asked, "Can you have this ready by Friday?"

Mr. Jeffers asked Mr. Alles if he would be willing to work on this, also? Is that what he said?"

It was noted that Commissioner Willner is leaving tomorrow morning and will be out of town.

Mr. Jeffers asked when Mr. Borries will return?

Mrs. Cox said he will be gone for two weeks.

Mr. Easley asked, "Could you approve them in principle, subject to final construction plans coming back to the Drainage Board?"

Mr. Jeffers said, "This is a concept -- "

Mr. Easley interjected, "Subject to verification of adequate capacity."

Commissioner Willner said, "I think this (designated area) will work, because if I am not mistaken this is higher -- 3 ft. or 4 ft.? So I am not too worried about this. What I am worried about is problem in (designated area) and I didn't realize what was going on until the last thirty days or so."

Mr. Easley said, "The problem is the existing off-site facility - right?"

Following further brief comments Mr. Willner said, "Let me ask you -- could we approve this plan, subject to the developer coming back with a ....."

Mr. Easley said, "Reviewing the existing off-site facilities -- that is what you want him to do. Verify the adequacy of the existing off-site facilities."

Mr. Willner said, "Right."

Mr. Jeffers said, "And the resolution of any problems they may have off-site, I guess. That is what you're really after. To find out what it is and do something about it."

Mrs. Behme said, "I'm sure the APC will accept that."

Commissioner Cox said, "Think now; if these developers weren't all one and the same -- is that the way we would approach that problem?"

Mr. Easley said, "Even if another developer had built this and he is the last man to come along, he would have to make it adequate all the way to the railroad tracks."

Mr. Willner said "That is right; that is correct -- or he wouldn't have any relief."

Mrs. Cox said, "Well, I for one am thoroughly pleased that we are considering not only this development but people who lie around it. We've tried for five years and I wholeheartedly support that concept. I will move then that the Brookview Heights Subdivision drainage plan be approved as submitted to our Board, with the provision that the Surveyor's Office can -- and will -- furnish a resolution to the Area Plan Commission that existing off-site facilities in Brookview A, B, & C are adequate to assume this extra load."

Commissioner Willner said "Add Section "D" to that and I will second the motion.

Mrs. Cox said, "Add Section D".

Motion was seconded by Commissioner Willner. So ordered.

Mr. Willner advised Mr. Alles, "You're going to have to show us some relief here, or it's no good."

RE: BENTSEN PLACE

Ms. Behme said this originally came in (Lots #1 and #2) as a minor subdivision with 2.39 acres per lot. Now the developer wants to replat existing Lot #2 and make it into small one (1) acre lots. Subdivision Review Committee recommended that it not be approved to Plan Commission. It is still a replat of a minor subdivision and it has to go to a public meeting, because it is already a recorded replat. But what it does, it makes it into three (3) lots.

Commissioner Willner asked, "And all we can do is the drainage plans, is that right?"

Ms. Behme said, "That is right; and you usually don't have two (2) lot drainage plans."

Mr. Aaron Biggerstaff of Associated Land Surveyors (who was representing Mr. Larry Commens, the developer).said, "The reason we're presenting this is that in order to go...

Ms. Behme interjected, "There have been some complaints from some of the surrounding property owners that the two existing lots are creating drainage problems."

Mr. Biggerstaff said, "What Mr. Larry Commens, the developer, has done at this time is to construct several drainage swales." He invited Mr. Commens to explain to the Commissioners what he has done to alleviate the drainage problems.

Mr. Commens explained, "What I have done here is to start at (designated) point to designated area. He said there is an approximate 2 ft. to 3 ft. swale 8 ft. to 10 ft. across, starting at (designated) point and going down to the center, across to (designated) point all the way back. We've had the 2 inch and 3 inch rains and there have absolutely been no problems. I went back here to the ditch and it has not even been half full. The ditch is approximately 10 ft. to 12 ft. deep and 30 ft. across -- it is a very large ditch. What I am going to do is to continue (designated) swale on back on (designated) side of the property so any water coming in (designated) direction will be alleviated in (designated) swale into this ditch and anything on these two properties will run off in (designated) direction. All the drainage will go back to the ditch. There will be an 18 inch pipe in (designated) area and (designated) area will be a deeded part of the right-of-way.

Mr. Willner asked, "For the swale and the roadway, too?"

Mr. Commens replied, "No, the swale is on (designated) property right alongside this (designated) 20 ft. area."

Mr. Willner and Mr. Commens then spent several minutes discussing the plans. Mr. Willner said, "You're drawing the drainage plan right here in front of us."

Ms. Behme commented, "Normally they don't have to have a drainage plan for a minor subdivision. This came in as a minor and then he wanted to replat the one lot, which made it three lots. In other words, it should have come in like a four-lot subdivision at the very beginning. The drainage complaints are coming from (designated) area."

Mr. Commens said "The question we've had according to the contour maps, Commissioners, is that the water --

Ms. Behme said, "The reason he has to go to public meeting is because once any minor subdivision or any subdivision is recorded -- and then they break the lots into smaller lots and replat it -- it has to go to public meeting."

Commissioner Cox asked, "Is this on sewer?"

It was noted that it is not.

Ms. Behme said the new ordinance is going to say 2-1/2 acres. That is why it came out of Subdivision as a recommendation to the APC to deny it and leave it at the original one and two.

Mr. Jeffers asked, "Has the new ordinance passed yet?"

Ms. Behme said, "No."

Mr. Commens said, "Here's my answer to that. This subdivision (designated) is the one I developed last year. Here is the one I just developed, less than one-quarter mile away -- the same set-up. It is identical - one acre in the front and 1-1/2 acres in the back."

Commissioner Willner, "They just approved two whole subdivisions down below that and they had a little over once acre apiece and they just approved them."

Mr. Biggerstaff said, "We're looking for drainage approval. What we're going to do is to approach Mr. Elder with his plans for the septic system and he will either have a recommendation or he won't."

Ms. Behme said, "He's already had one. "

Mr. Biggerstaff said, "Well, Mr. Elder may not approve -- I don't know."

Mr. Willner pointed to the plans and discussed them with Messrs. Biggerstaff and Commens. If they put this down on a plan he has no problem with it. But he thinks they've got to show three things (again pointing to the map) and if they do that, he's got no problem with it.

In response to question from Commissioner Willner, Ms. Behme said Mr. Commens wants to go before the APC on August 5th.

Commissioner Willner said he has no problem subject to Mr. Commens' filing a drainage plan with the county.

Mrs. Cox queried Mr. Jeffers concerning the name of the ditch.

Mr. Jeffers said he doesn't know the real name for it, but it is a branch of Locust Creek. For both Mr. Commens' and the Board's information, all drainage swales have to be housed in an easement.

Mr. Willner explained that this way, someone can't come along and close them up.

Continuing, Mr. Jeffers said the property owners are responsible for maintaining the swales and the easement.

Motion was made by Commissioner Cox that the drainage plan for Bentsen Subdivision (Replat of Lot #2) be approved, subject to showing swales extending along the north side of Lot #1 from Schaeffer Rd. to the ditch and a public utility easement being shown and also on the southern portion of Lots #2-A and #2-B, next to the designated right-of-way that a public utility easement for this swale with the siting of the driveway pipe being shown. A second to the motion was provided by Commissioner Willner. So ordered. (It was noted that Chief Deputy Surveyor Bill Jeffers is to check the plans, pipe size, etc.)

RE: DEER RUN SUBDIVISION

Mr. Jeffers explained that this subdivision is located north of Streuh-Hendricks Rd. on McDowell, which is a narrow county road running north from Streuh-Hendricks. McDowell does not run through to the McDowell that comes south from Highway 62; they do not connect -- so this is a dead-end road. It shows 14 lots, all lots front on McDowell Rd. Due to the natural contours of the land, all 14 lots drain to the back of the lots. There is a roadway proposed between Lot #7 and Lot #8. He said he is sure that all three of the Commissioners, the County Highway Engineer, and the County Highway Superintendent have been out to McDowell Rd., as it was paved last year. They know how narrow it is and what exists as a side ditch along the east side of the road, which is the boundary for this subdivision. Mr. Biggerstaff has given us a plan that shows two 18 inch pipes under the proposed roadway. He will let Mr. Biggerstaff explain the rest of the plan.

Mr. Biggerstaff said the developer is more or less going to start with Lot 14 and develop to the north. As he sells he is going to develop it. Future development is planned in the back if he can possibly get sewers. These are all going to be on septic systems and they have discussed the matter with Sam Elder and he has approved the soils for one (1) acre lots. There is a lake and natural drainage down to the lake and the ditch to the south. There is a natural swale on the east side of the road. There is one problem they will be bringing up, they have asked the developer to widen McDowell Rd. to 20 ft., which would get into the swale that is there now, but he would construct another swale on the east side of the road and the driveways will be exiting on McDowell Rd., except for Lots #7 and #8 and there will be pipes under the driveways of the other lots, also. But he just going to start with Lot #14 if it is approved and work to the north at this time. Again, both Subdivision Review Committee and Area Plan have requested that the developer widen the road to 20 ft. He was out there and two cars can pass -- but it is a little narrow. The road is about 15 ft. wide to (designated) point and narrows as you travel north. Mr. Schaefer is aware of the happenings of the Subdivision Review meeting and the request to widen the road.

Commissioner Willner asked if we're going to have fourteen (14) separate driveways backing out into that road?

Mr. Biggerstaff said this is one of the reasons Subdivision Review Committee requested the widening of the road.

Commissioner Cox noted "Deer Run" is a nice name for this subdivision, as deer are really prevalent in that area.

Mr. Biggerstaff said the developer doesn't want to overload any systems and he is trying to work with .....

Mrs. Cox said, "Tell me how this water is going to move."

Mr. Biggerstaff said, "The area now is mostly trees and high pasture-type grass. They are not going to disturb any of (designated) area. The natural flow and swale will keep the water off the road and they won't cut any of the trees or grass at this time. All the water will head toward the ditch."

Mr. Biggerstaff offered further comments, but they were inaudible.

Commissioner Willner said, "In other words, he is not doing anything to this drainage plan. He is just letting the water drain exactly the way it was."

Mr. Biggerstaff said it is a sort of natural drainage, but they will continue to have a swale along the road to keep the water off the road as much as possible if they are going to have to widen the road.

Mrs. Cox commented, "The road is a little higher on the west side, and I didn't notice as much of a ditch on the west side as I did on the east side. While it doesn't have anything to do with drainage, the road does need to be widened."

Mr. Biggerstaff said there really isn't much of a ditch on the west side.

Ms. Behme said, "I believe the developer has agreed to provide the right-of-way, is that right?"

Mr. Biggerstaff confirmed that this is correct. He said the developer would like to sewer all the lots if he can ever get sewers in there for the second phase."

Commissioner Cox said, "I sure would like to see that done, because everything is running down towards the lake."

Mr. Willner said, "And it runs free, that is what gets me. Why don't we take a pipe down (designated area) -- of course, he is not letting the water run on anyone else, just his own property. He will have to do something before he lets (designated) lots be developed."

Mr. Biggerstaff said, "Again, the way he talks, it will be a while before he gets the sewer in there and he will not be disturbing (designated) area at this time."

Commissioner Willner commented, "Not at this time; but he will sooner or later."

Commissioner Willner asked Mr. Jeffers if he has seen this?

Mr. Jeffers said he was working on several other projects and by the time he got this, he really didn't have time to analyze it closely. Insofar as pipe sizes, etc., there are two 18 inch pipes shown and (as stated by Mr. Biggerstaff) 14 additional driveway pipes will be needed. Each of those will have to be proper size to handle the water running down that roadway side ditch.

Commissioner Willner said he is more interested in whether (designated) lake can handle 10 more roofs draining into this or hold any capacity or anything.

Mr. Jeffers said, "I understand your reservation about that; I had the same reservation, as I have not seen any calculations regarding the detaining capacity of that lake."

Commissioner Willner said, "Well, I am not going to approve this plan period. I know that because there are only two Commissioners here that puts you in a bad light, but I want some more information before I approve the plan and I am sure you do, too."

Mr. Jeffers said, "I agree with you on this one. I don't have information to analyze or confirm or allay your doubts."

Ms. Behme asked, "It will be continued to the September meeting?"

Commissioner Willner said, "Whenever they want to come up with..."

Ms. Behme asked, "You will not meet again before the Plan Commission, right?"

Commissioner Cox said, "We can't; both Rick and Bob will be gone."

Mr. Biggerstaff said they will get the calculations to Mr. Jeffers.

Commissioner Willner apologized, but said he did not want to have problems.

RE: NOTICE TO BIDDERS RE ADDITIONAL MAINTENANCE/EAGLE SLOUGH

Mr. Jeffers said that last month he brought an unfinished proposal to the Board concerning additional and special maintenance to Eagle Slough. He is not positive he gave any exact figures last month, but we have a large surplus in this account in excess of \$10,000. This is the only ditch in Vanderburgh County that is totally aerially sprayed and that is the only form of maintenance in this ditch. Green Grasshopper has had that contract for the past several years. They spray once in the spring and once in the fall. This year it is about \$2,200.00 per treatment. Basically, what has happened is that his herbicidal control of that has killed a lot of weeds, but at the same time some types of trees are only stunted by his spray and those trees have reached in excess of 6 ft. tall. As he said last month, he believes Mr. Hepler likes to fly with the belly of his airplane down in the ditch and his wings 4 ft. to 6 ft. off the ground (he's a brave soul, he must say) so he can treat the ditch without having the spray drift off into the agricultural fields (soybeans, corns, etc.). Over the years he has pinpointed some troublesome trees and we've gone out and knocked them down. Now he is saying that he is still losing parts off his airplane when he clips some of these trees that are getting into his flyway path.

Continuing, Mr. Jeffers said today he is presenting a proposal: The cover page describes the project; the second page is the Notice to Bidders (which he is asking the Commissioners to sign); and from that point on the proposal contains what is known as "General Conditions of the Contract", and then "Special Provisions. The General Conditions are the same as those presented to the Board for any ditch project during the last two years. He made a few minor changes in Special Provisions presented to the Board previously, but nothing that changes the scope of the project. SP-5 and SP-6 is a specimen sample of the herbicide we'd like to use (Banvel CST). It has been represented to us from the company that sells it as being just what we want to treat this ditch. In the Special Provisions he does say that "Any stump that is in close proximity to the water in the ditch shall not be sprayed". That is to comply with some of the warnings on the label. Any stump that is to be burned (whether in a fireplace or in a disposal fire) shall not be treated. He also has a penalty included for improper disposal of the empty containers. That is all to comply with the specimen label directions.

One of the concerns expressed by the Commissioners last month was that I-164 will relocate a portion of this ditch. They went through the plans for I-164 and discovered which portion was relocated near the K-2A pumping station (about 1/2 mi. relocation)

and on the last page of the proposal they are exempting that half mile from treatment to save that money and they are exempting all of Eagle Slough from Green River Rd. east to the end (which is another half mile) because both sides of that are corn and soybeans and do not need any treatment. Basically, what they contemplate is a contractor coming in here, cutting any tree that is 1/2 inch in diameter or larger or 6 ft. high or higher, and any limbs that hang over into this 50 ft. flyway that we're trying to create for the airplane that sprays this ditch. This is almost 6 miles and we're exempting one (1) mile -- so there will be about 5 miles of treatment.

Motion was made by Commissioner Cox that the specifications prepared by the Vanderburgh County Surveyor's Office for the Project for Additional & Special Maintenance to Eagle Slough be approved as presented, signed, and advertised, with a second from Commissioner Willner. So ordered.

It was noted by Mr. Jeffers that he will ask the Auditor's Office to advertise for bids, with bid opening scheduled for August 24, 1987.

RE: NOTICE TO BIDDERS RE ADDITIONAL MAINTENANCE TO  
WALLENMEYER DITCH

A proposal for additional maintenance to Wallenmeyer Ditch was submitted by Mr. Jeffers. He said the General Provisions are the same as those previously submitted for Eagle Slough. The Special Provisions are different. The second page contains the Notice to Bidders, same bid opening schedule. The third page is a quick explanation. One alternate would be to start at the intersection of Wallenmeyer and Buente Upper Big Creek and go 1/2 mi. upstream for a total of 2,640 ft. Alternate "B" would start at the same place and go 1/4 mi. upstream for a total of 1,340 ft. or half the distance. This is a continuing problem that was most recently brought to their attention by Eldon Maasberg and Leland Maasberg, who farm on the west bank of Wallenmeyer Ditch. They want him to tell the Board that all the improvements we've made to Buente Lateral and to Maidlow and to pond Flat Main are greatly appreciated and have aided the conveyance of water through their farmland, but that Wallenmeyer is still being subjected to flooding at that location where we've spent around \$800.00 during the last couple of years and, according to their observation, it would help if we re-shape the bottom and sides of that ditch. We have approximately \$1,100 surplus in that account.

Commissioner Willner asked if Big Creek Drainage Assn. will be bidding on this project?

Mr. Jeffers said that Leo Paul has been maintaining Wallenmeyer Ditch and Big Creek has not expressed an interest in bidding on this.

Motion was made by Commissioner Cox that the proposal prepared by the Vanderburgh County Surveyor's Office for the project re additional maintenance to Wallenmeyer Ditch be approved, as submitted, signed, and advertised, with a second from Commissioner Willner. So ordered.

RE: CLAIMS FOR COMPLETED DITCH WORK

Mr. Jeffers said the only other matter he has to bring before the Board concerns several claims for completed ditch work as follows:

Terry Johnson Construction: Claim in the amount of \$395.29 for work on Harper Ditch (which will bring him up to 85% of his total bid). Motion to approve claim for payment was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

Big Creek Drainage Assn.: Six (6) claims as follows, to pay 40% of their total bid on the following ditches:

Rusher Creek.....	\$177.76
Pond Flat "D".....	\$144.64
Pond Flat "C".....	\$361.44
Pond Flat Main.....	1,768.88
Maidlow.....	988.26
Buente Upper Big Creek.....	1,211.70

\$4,652.68

Mr. Jeffers said all of the foregoing ditches are maintained by Big Creek Drainage Association and sprayed in the spring. We're paying 40% of the total bid on each of the six ditches. All of the claims have been signed and are dated and the account numbers have been assigned to each claim.

Motion to approve the foregoing claims in the amount submitted was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

Mr. Jeffers entertained questions from the Board.

RE: OAK VIEW PLACE SUBDIVISION

Commissioner Cox said Oak View Place Subdivision was briefly discussed during Commission Meeting. However, she doesn't think it should really be discussed there because it does have something to do with drainage. This concerns Oak View Place where they accepted right-of-way portion for maintenance. She thinks it was noted after parties left the room that there was some plastic pipe also along the road right-of-way in that subdivision. She thinks we need to pull that out and review the matter at the next Drainage Board Meeting and make sure what has been approved.

Commissioner Willner asked that Mr. Jeffers have this information ready for the next Drainage Board Meeting.

The Chair entertained further matters of business to come before the Board. There being none, he adjourned the meeting at 4:40 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. L. Willner	Sam Humphrey	Curt John
	R. J. Borries		
	(absent)		
	S. J. Cox		
	<u>COUNTY SURVEYOR</u>	<u>COUNTY ENGINEER</u>	<u>AREA PLAN</u>
	Bill Jeffers	Andy Easley	Bev Behme
	(Chief Deputy)		
	<u>COUNTY HIGHWAY</u>	<u>OTHERS</u>	
	Bill Bethel	Aaron Biggerstaff	
		Jack Alles	
		News Media	

SECRETARY: Joanne A. Matthews

MINUTES  
DRAINAGE BOARD MEETING  
AUGUST 24, 1987

The Vanderburgh County Drainage Board met in session at 5:00 p.m. in the Commissioners Hearing Room, with President Robert Willner presiding.

RE: APPROVAL OF MINUTES

The Chair presented the minutes of meeting held on July 27, 1987 for approval and entertained a motion.

Motion was made by Commissioner Cox that the subject minutes be approved as engrossed by the County Auditor and the reading of them be dispensed with. Commissioner Willner seconded the motion. So ordered.

RE: OPENING OF BIDS FOR ADDITIONAL MAINTENANCE

The chair entertained motion to authorize County Attorney David Miller to open the bids received for the additional maintenance on Wallenmeyer Ditch and for the additional maintenance on Eagle Slough.

Motion to this effect was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

Bill Jeffers said he would like to make a comment before opening the bids, that a bid was received from Blankenberger Brothers and he is almost positive it is for Wallenmeyer Ditch but he had given them a sample bid form on how to fill out a bid form so everything is filled out correctly and they use fictitious names and the name they used is Big Green Ditch and they submitted a bid on Big Green Ditch, so he thinks this to be a typographical error, so when they open the bid they may find that it reads correctly on the inside.

RE: ROBERT FENNEMAN - IRIS SUBDIVISION DRAINAGE

Commissioner Willner said that Mr. Robert Fenneman is here to speak on Iris Subdivision drainage.

Mr. Fenneman had submitted the following letter to the Drainage Board:

To the Drainage Board:

At a recent Drainage Board Meeting I agreed to your recommendation that a toe drain be built at the foot of my lake dam.

I hired a construction man, Mr. Vaughn Ziliak, to come in to build this. He advises me -

1. It would be a physical impossibility to build a toe drain because of seepage and the limited space between dam and the edge of my property.
2. The toe drain would not accomplish anything since the drainage is already concentrated to a point, namely a tiny creek.
3. A toe drain would increase the dam leakage.

Mr. Andy Easley took another look at the dam and concurs.

I ask that the toe drain requirement be deleted.

Sincerely,

Robert J. Fenneman

Mr. Fenneman said he had agreed to build the toe drain at the base of his dam so he got Vaughn Ziliak, a construction man, in to build it but said it was an impossibility to build this toe drain because of the wetness, that it wouldn't accomplish anything because the drainage is concentrated in a tiny creek and that a toe drain would increase the dam leakage, so he got Andy Easley in there to see what his ideas were and he concurs with the opinion of Mr. Ziliak, so he would request that the Commissioners drop the requirement of the toe drain.

Commissioner Willner asked if there was any solution forthcoming from either of these gentlemen.

Mr. Fenneman said neither of them had a solution.

Commissioner Borries said we know there is always a problem but we like to deal in solutions sometimes too. He said he isn't an engineer and he doesn't profess to have the expertise to say if it will work or not but he thinks, as Mr. Willner had asked, if we have a problem of leakage, what are we going to do here?

Mr. Fenneman said this was unfortunately a thing that was to placate Mr. Wittekindt and stalling for time which was what it amounted to and it was thought, at first, that this toe drain would funnel all the water down into this tiny little creek and it is already doing that, but he wasn't aware of it until Mr. Ziliak called his attention to it.

Commissioner Borries asked, what was the toe drain supposed to do, stop the leakage?

Mr. Fenneman said it was suppose to funnel the leakage into a small creek.

Commissioner Borries said he thinks he has lost something here somewhere.

Andy Easley explained that when a discussion took place a year or so ago, Mr. Wittekindt complained that his valley was wet with the water from the leaking dam and he had a mental picture of a sheet flowing across his property and he said that perhaps if an underground french type drain were constructed parallel with the dam, that the seepage going across the valley could be collected and concentrated, that he had never seen it before and he was trying to help Mr. Fenneman to satisfy Mr. Wittekindt and to solve the problem that Mr. Wittekindt had presented, but after looking at it and after talking to the contractor who said it would be very difficult to get the materials and equipment in there, that it was so soft and soggy and the sheet flow is on Doctor Fenneman's property and by the time it gets to the fence, it is already in the little ditch so he has to agree with the contractor and the doctor, that unless he wants to dry up his property so he can mow it, there is no reason to put in the toe drain, that it is only going to be an improvement to the doctor's property and the contractor said they would have to take the rock in with a wheelbarrow and he can't get a backhoe in there to dig it because it is so wet and soggy.

Commissioner Willner asked if this leakage is then a problem to other people or not.

Mr. Easley said the toe drain will not stop the dam from leaking.

Commissioner Willner then asked what would stop it.

Mr. Easley said it is very difficult at this point, that you can grout it but it would be a very expensive operation.

Commissioner Willner said that you have to understand that even if the lake wasn't there, this water would drain right through the same creek, so the lake really isn't the problem.

Mr. Easley said that Mr. Wittekindt's lot is on the low point of his property which is downstream from the valley that is on Doctor Fenneman's property and the doctor built a dam so he still has the overflow from the lake and if he didn't have the lake he would have water draining down the valley. He said he is now sorry he even opened his mouth to suggest a toe drain, that he really shouldn't have said anything without going out to look at it.

Commissioner Borries said that maybe we need a second or third opinion and he asked Elvis Douglas if he had been out there at all and if he is familiar with the problem.

Mr. Douglas said he is familiar with the initial problem and he had told Mr. Fenneman if he is interested in trying to dry up the back toe of the dam and maybe preventing it from slipping, that a toe drain is usually recommended and this is about the only thing he had suggested initially, and there is a small drainage ditch immediately below this property that does pick up this flow and takes it across, so he doesn't know what we could do about it, but he will

certainly go out and take a look at it and maybe make some suggestions, but if he is unhappy about the flow going across the property, perhaps he could put in a sub-surface drain that would probably pick up the low flows but it probably wouldn't pick up the large flows and at some point, he might be able to dry it up that way but trying to funnel all the water into an underground conduit probably wouldn't be feasible. He said he didn't know how long the dam has been there but it has evidently been there for a long time and it has probably been leaking for quite awhile, but he will take a look at it.

Commissioner Borries said he needs more information from other people in the field in order to act on Mr. Fenneman's request.

Commissioner Willner suggested that this matter be taken under advisement for a couple of weeks and that we get another contractor other than Mr. Ziliak and have him look at it.

Commissioner Cox asked if there could be some other things discharging in the creek they are talking about or is it just for rain water.

Doctor Fenneman said it is just for rain water.

Mr. Douglas said that is what happens when you build a lake and you have a slow leak, that you will have a constant body of water behind you and what probably upsets the neighbor is if the dam were not there, you could get a heavy rain with an on-rush and the water would dry up at a certain period but right now, since he has a permanent reservoir down there, it is just a slow leak that constantly drains through and doesn't allow the whole flow to run off quickly, thereby keeping it constantly wet.

Commissioner Borries said he feels that he needs more information at this point, so he would like the help of Elvis Douglas in order to get another opinion on it. He said he isn't doubting their word on it but the Commissioners have to be concerned a lot of times with alternatives but it doesn't look like we have anything here, that it is one way or another and they haven't put it in, so things are going to stay the same regardless and he guesses we are just looking for some kind of recommendation here to see if something can be done at this point.

Commissioner Willner then said that this matter will be deferred for one month and he asked that if Mr. Douglas or Mr. Easley can think of anything else in the meantime, to please bring it to the Commissioners.

RE: BIDS FOR ADDITIONAL MAINTENANCE FOR  
EAGLE SLOUGH AND WALLENMEYER DITCH

The meeting proceeded with Attorney Miller reporting that the bids were in proper order. They are as follows:

Eagle Slough - Bidder - Tim Schaefer

For the first 9,000 feet in an Easterly Direction = 70¢ per ft. or \$6,300  
For remainder of 15,760 feet = 37¢ per ft. or \$5,831.20 or total of \$12,131.20

Eagle Slough - Bidder - Marty Greenwell - \$18,322.00

Wallenmeyer Ditch - Bidder - K & K Excavating

Alternate A - 2,640 feet at \$1.75 per ft. or \$4,620.00  
Alternate B - 1340 feet at \$2.00 per ft. or \$2,680.00  
Total \$7,300.00

Wallenmeyer Ditch - Bidder - Marty Greenwell

Alternate A - 2,640 feet at 75¢ per ft. or \$1,980.00  
Alternate B - 1340 feet at 75¢ per ft. or \$1,005.00  
Total \$2,985.00

Wallenmeyer Ditch - Bidder - Blankenberger Bros.

Alternate A - 2,640 feet at 74¢ per ft. or \$1,953.60  
Alternate B - 1,320 feet at 74¢ per ft. or \$ 976.80  
Total \$2,930.00

Commissioner Cox said she has a question concerning the stability of the Eagle Slough bank, that the one bidder said they would remove the stumps rather than cutting the trees and treating the stumps.

Mr. Jeffers said their specifications were for cutting the trees and spraying the stumps, that he told Mr. Greenwell that this was the case and they had a short discussion about the preferability of doing it that way or doing it the way he proposed, and he told Mr. Greenwell that he didn't want to discourage him from bidding and if he would rather bid a different way, to just state how he proposes to do it and he will take it under consideration, but that he wanted to make it clear that the intent of the specification documents was that it would be cut and sprayed. He said as far as Eagle Slough goes, we can wait a month to let the contract due to the weather and farming conditions in the area and he would like to take the bids for Eagle Slough under advisement for one month and report back to the Drainage Board in September.

This was agreeable with the Commissioners.

Commissioner Cox asked Mr. Jeffers if he would also report on the stability of the banks since this does concern her.

Mr. Jeffers said that Mrs. Cox's concern is justified, that these projects have been accomplished by Mr. Greenwell and others in Spencer and Warrick Counties and there is a difference of opinion on the efficiency of the various ways to do it and the resulting bank stabilization, so he will make a report on that also, but he just wants to take the bids under advisement for one month, as he can discuss it with the staff to find out which bid would be preferable. He said on Wallenmeyer Ditch, we have approximately \$1,000 in the account to accomplish the project, knowing that and also that the bids could come in anywhere from 50¢ to \$1.00 per foot depending on the desire of the contractor to do the work and he knew it to be possible that the bid would exceed the amount if we attempted 2,640 feet which is one-half mile so he asked for an alternate which showed one-quarter mile because he knew that would be half the cost of the work for one-half mile and they might be able to accomplish that, however, since he sent those bid packages out to the various contractors he has had feedback from the farmers who initiated the project and their statement is that doing one-quarter mile would not accomplish what they wanted to do, in fact, they wanted to go all the way to the railroad trestle which is another one-half mile, but he isn't sure they are going to accomplish all that they set out to accomplish by doing only one-quarter mile, but the feeling of the Board is that they are locked in to letting a bid and all they can do is one-quarter mile, so if the Commissioners feel compelled to let a bid, he has an alternate in there which meets the budget so either bidder, Greenwell or Blankenberger, would not deplete their account for one-quarter mile.

Commissioner Willner said he doesn't understand and he asked Mr. Jeffers if he is talking about dollars in the specific account of all our ditches.

Mr. Jeffers said yes, this is what he is talking about.

Commissioner Willner asked Mr. Jeffers if he doesn't have a general fund he can borrow from.

Mr. Jeffers said no, he doesn't.

Commissioner Willner said, oh yes you do.

Mr. Jeffers said he has never gotten a computer print-out on it.

Commissioner Willner said he has a general ditch fund.

Commissioner Cox asked Mr. Jeffers if he couldn't run it in the red, and she asked if the assessments have come in for this year.

Mr. Jeffers said, probably not all of them, also that they have run this ditch in the red for three years in a row and re-couped within a year in each instance.

Commissioner Willner said there is a general ditch fund where you can take the money out and then replace it.

Commissioner Cox said she thinks this is how they operate, that she doesn't know of any general ditch money.

Mr. Jeffers said there is some account that is referred to as a general ditch account and the last time he saw it, there was about \$190.00 in it.

Commissioner Willner and Commissioner Cox wondered where the money would come from.

Mr. Jeffers said it is like, if you abandon a legal drain and there is money left in the account, it goes into that account, but he doesn't know what they use it for, perhaps for stationary or such as that. He said the Indiana General Assembly set it up but he doesn't think they have any money in that account to speak of.

Commissioner Willner asked Mr. Jeffers if he could borrow from another ditch.

Mr. Jeffers said he isn't sure they are allowed to borrow from another ditch because they use a user's fee and everyone in this watershed is paying for this ditch and everyone in Watershed B is paying for ditch B.

Commissioner Willner said the law provides for that though, just for such an occasion, but he doesn't know if they have any money in it or not. He then asked for a motion to refer these bids to the County Surveyor for his expertise for a period of one month.

Commissioner Borries so moved that the bids received for the additional maintenance of Wallenmeyer Ditch and Eagle Slough be referred to the County Surveyor for a period of one month.

Commissioner Willner also asked that Mr. Jeffers look up the statute to see what they can do to acquire some money.

Commissioner Cox asked how long these bids are good for, if they are good for thirty days.

Mr. Jeffers asked Mr. Greenwell if he would guarantee his bids for thirty days, to which Mr. Greenwell replied that he would.

Mr. Jeffers said he doesn't think they ever refer to how long they ask the bids to be guaranteed.

Commissioner Cox said they usually give him a week and ask that he come back at that time but we are speaking of a month here.

Commissioner Willner said if Mr. Jeffers is ready to award the bids in one week, he can come back at that time.

Commissioner Borries read from the bid specifications, as follows - Upon receipt of the bids and determining the lowest and best bid within 30 days from the date set to receive the bids.

Commissioner Borries then moved that the bids be referred to the County Surveyor's office for study and recommendation. Commissioner Cox seconded the motion. So ordered.

Commissioner Willner told Mr. Jeffers if he is prepared sooner than one month and wants to come back, to feel free to do so.

Mr. Jeffers said he will notify the Commissioners secretary and he apologizes for the misunderstanding, that he may have over-designed that project because he didn't think they would be that high.

Commissioner Cox said the other one is \$1.75 per foot or \$7,000.

Mr. Jeffers said he wouldn't do it for under \$5.00 per foot.

RE: SOUTHWEST ENGINEERING - REQUEST

Commissioner Willner said that Southwest Engineering requests that 75 feet maintenance easement be reduced to 25 feet on the East side of Stockfleth Ditch.

Commissioner Willner asked Mr. Jeffers if he has an opinion on this request.

Mr. Jeffers said he has spoken with Mr. Nussmeyer and his attorney and explained to them about the drainage law regarding this and that his office would be willing, at this time, to recommend a relaxation to 25 feet from the top of the bank on the East side of Stockfleth Ditch within the subject property. He said the ordinance allows the Board to relax the easement along the top bank of all urban drains to no less than 25 feet, so if it is the pleasure of the Drainage Board to do this for Mr. Nussmeyer, we can live with 25 feet if Mr. Nussmeyer will agree that in case of an emergency or a necessary reconstruction, that anything within 30 feet from the top of the bank could temporarily be removed. He said we will just say 25 feet since it gets to be too complicated, so we will go 25 feet if any non-permanent installation in conjunction with any of these yard barns or what he proposes to do, any non-permanent installations such as parking lots, telephone or power poles gets in the way of the contractor, that we either have the right to remove it or that Mr. Nussmeyer will agree to maintain the ditch in lieu of our contractor having to weasel his way around there with a tractor.

Mr. Nussmeyer said they will have barns to show in the North area so it will be a show area and he is sure that he will keep the ditch cut because he wants the people to see the barns.

Commissioner Willner asked if we shouldn't have something in writing.

Commissioner Cox said we definitely need it in writing and it should be recorded.

Mr. Jeffers said he would recommend that the Board give Mr. Nussmeyer tentative approval so he can proceed.

Commissioner Willner said the Board will give him their approval subject to him giving them a letter stating that he will maintain the ditch bank.

Mr. Jeffers asked if the Board will let him participate in the writing of the letter.

County Attorney Miller said he thinks it should be more than a letter, that he thinks it should be an affidavit recorded in the miscellaneous records.

Mr. Jeffers said he would like to work with Mr. Nussmeyer and his attorney so they can come up with a recordable document.

The Commissioners agreed that Mr. Jeffers work with them in preparing the document.

Commissioner Cox said she has a question and she asked if the building they are going to erect is going to be 100 feet by 45 feet or is it to go back all the way, or is the rest of it for parking.

Mr. Nussmeyer said it will be 100 feet by 45 feet, that he has to be 25 feet off the top of the bank to the edge of the building to give them the easement, that it is only a 90 foot width.

Commissioner Cox said she thinks that it is amazing that anyone is even using and developing that property out there by the railroad tracks.

Commissioner Borries asked if this is the area of property that sits between Oak Grove and Southern Railway.

Mr. Nussmeyer said yes, that you come off Burkhardt Road, that it is the first block South of Maxwell Avenue off Burkhardt Road.

Commissioner Borries then moved that the request of Southwest Engineering, to the East bank of Stockfleth Ditch and the top of the South bank of Crawford-Brandeis Ditch be approved, subject to a legal document that is prepared by Mr. Nussmeyer's attorney and approved by the County Attorney in regard to ditch maintenance, in recordable form. Commissioner Cox seconded the motion. So ordered.

RE: DRAINAGE PLANS FOR ENT ACRES II SUBDIVISION

Mr. Jeffers said that ENT Acres is actually just a two-lot addition to the present ENT Acres, which is located just South of Mount Pleasant Road on the left side of Darmstadt Road and it requires Drainage Board approval because it isn't a minor

subdivision, that it is an addition to an existing subdivision and it has been reviewed by his office, that Mr. Morley has included the pipe sizes under the various roads that are affected by it. He said he will point out that these are 2.5 acre lots and these are large houses, that the drainage plans meet with their approval. He said that Bradley Road is a gravel Road on the South side of this subdivision and it was dedicated as part of Castle Lake Subdivision and he would like to point out that there is an existing ten inch corrugated metal pipe under that but it is outside the control of this subdivision and it is only draining about a quarter acre of ground, that they prefer a minimum of 12 inch pipe and that is already in place and wasn't placed there by this builder, that it was placed there by a previous subdivider.

Commissioner Willner asked Mr. Jeffers if he has a recommendation.

Mr. Jeffers said he recommends that the Board pass this drainage plan on to the Area Plan Commission with a yes recommendation. He said the ENT stands for Ear, Nose and Throat, since the doctor who is developing this is that type of doctor. He also said there are two existing houses adjacent to this on lot 4 and 5 which were built and developed and the owners names appear on the data.

Commissioner Borries moved, with comments made by Mr. Jeffers, that ENT Acres 11 drainage plans be approved. Commissioner Cox seconded the motion. So ordered.

RE: AUDUBON ESTATES

Mr. Jeffers explained that this is actually an addition to the Eastland Estates, that we will call it a Bud Bussing development, that it is located South of Covert Avenue, West of Fuquay Road and North of Pollack Avenue, that is an addition to Eastland Estates. He said the original drainage plan was presented by Sam Biggerstaff and approved by this body, that the proposed improvements to the drainage plans are being presented on behalf of Mr. Bussing by Morley & Associates, that Jack Alles is in the audience in case they have any questions of the engineer, and basically, from his point of view, it is an improvement of the original plan which has already been approved but it provides more pick-up points for street drainage water and provides for more direct route into Kolb Ditch, a legal drain in Vanderburgh County and the pipe sizes basically are larger than the previous pipe sizes that were approved and they are on a degree of slope that would provide more capacity and they are asking that the Board approve this new drainage plan. He said there are no changes in lot sizes or lot configuration that he noticed.

Mr. Jeffers then submitted the plans and said what they would like is everything from the South line of this subdivision which is every numbered lot to be re-approved and for the pipe design from those lots and the easements that carry it to Kolb Ditch to be approved and the reason they show the large undeveloped piece of land at the South is because Mr. Bussing has excavated a large lake at the very South end of this development and adjacent to I-164 to acquire fill dirt to build the area up out of the flood plain, and there is a huge unfilled lake there now and they are negotiating with Mr. Bussing at the present time, through his engineer, to relocate Kolb Ditch but he tells the Board this in advance because in order to relocate the ditch and do some of the things they want to do here, they need to declare this an urban drain and this will give them time to prepare a report for the Board.

Mr. Jeffers said he doesn't want to confuse the issue, that they aren't asking for any approval of the relocation of the ditch, that he just wants to tell the Board of this in advance, that they are going to be working toward this if they can negotiate it properly with all authorities involved. He said what they are asking for today is the approval of the improved drainage plan for just what is called Audubon Estates Subdivision and that is the numbered lots.

Commissioner Cox asked Mr. Jeffers if he would check their erosion control information to see if it is correct.

Mr. Jeffers said that is the standard erosion control that is required by the Building Commissioner, that what Commissioner Cox is thinking of is the statement that is required by the Surveyor's office for open ditches, 2% or less, but none of these ditches will be greater than 2%, that this is extremely flat ground, that there is only about a foot of fall between this subdivision and Pollack Avenue which is almost one-half mile away.

Commissioner Borries asked if any of this is in the flood plain.

Mr. Jeffers said yes, but it is all protected by the levee. He said the original plans have all the notes on it and what they would do then, when they make their recommendations, they would recommend that the Board approve the new plans for Audubon Estates Subdivision with the stipulation that the new plan contain all the language specified for other drainage plans, to include the flood plain data, the erosion control data for the ditches, the existing erosion control data concerning lot grading and other information of that type that is in the standard statements that is in all the drainage plans today, but basically, this is being represented as an improvement over the previously approved drainage plans. He said what the Board is looking at here is the improved plan for the pipe sizes, the drop box locations and the off-sight storm sewers and easements that will carry this down to Kolb Ditch. He said if the Board would like for the standard statements to be put on here before being passed to the Area Plan Commission, he will check those off and pass it to the Area Plan Commission as yes, they have included the standard statements or no, they haven't.

Commissioner Cox noted that there is no date on it.

Mr. Jeffers said he thinks that it had been recommended for approval by the County Surveyor and then they are suppose to date it and it is also to be dated when it is approved by the Board.

Commissioner Borries asked if this, as such, will actually then be the first plan really implemented in Audubon Estates.

Mr. Jeffers said this is correct.

Commissioner Borries said that it has just been revised then, that this is part of the confusion and he wishes that maybe they could have put revised Audubon Estates, that he doesn't have a problem with the improvements and he thinks the concept is a good one, but he supposes they are just confused with the information that was provided. He told Mr. Jeffers that he may need to add some kind of explanation to this drainage plan because it is really a revision, that there really is no Audubon Estates as such, that this will be the real plan implemented and he asked if this is correct.

Mr. Jeffers said this is correct, and there is an Audubon Estates drainage plan that was approved by this Board last year and this will simply replace that with larger pipe size and increased pipe capacity. He noted that the other area shown on the plan for future development was just put on here to show the off-site facilities and he is only asking the Board to approve the pipes and the easements that carry the water from Audubon down to the ditch and that this relocation project will come in the next 30 to 60 days when he will give the Board a complete run-down on the situation out there on re-locating a legal drain and declaring it a legal drain.

After further discussion, Commissioner Cox moved that the Audubon Estates Subdivision drainage plans submitted today be approved as a replacement for the previously submitted plans with the addition of the standard plat statements.

Commissioner Borries asked Mr. Jeffers what the date was on the original drainage plans.

Mr. Jeffers said it was dated April 28, 1986.

Commissioner Borries then seconded the motion by adding that today's date is August 24, 1987 and that this plan replaces the plan that Mr. Jeffers read into the record. So ordered.

RE: CLAIMS

Mr. Jeffers submitted four bids in favor of Terry Johnson Construction for completion of his mowing portion of the contract and he is asking that he be paid 45% of the total of the bid which will bring his payment to 85% of the total and the balance of 15% will be held as retainage until we acquire a certified letter from him stating that he has paid his labor and supplies.

The four claims are as follows:

Aiken Ditch - .229 per foot x 9,911 feet = 2269.62 in the amount of \$1,021.33  
 Eastside Urban - South Half - .2495 per foot x 47,592 = 11,874.20 in amt. of \$5,343.39  
 Kolb Ditch - .2495 per foot x 7,703 = 1,921.90 in the amount of \$864.86  
 Henry Ditch - .169 per foot x 3,179 = 537.25 in the amount of \$247.14

All bids are signed and in order.

Commissioner Borries moved that these four claims be allowed as presented. Commissioner Cox seconded the motion. So ordered.

RE: WOODS ROAD BRIDGE AND BIG CREEK DATA

Mr. Jeffers said the only other thing he would ask is if the Commissioners would have any questions about any work they are doing to date on the Woods Road Bridge or the Big Creek underneath it. He said they have done some survey work and turned the information over to Mr. Hartmann and they have worked closely with the Big Creek Drainage Association and he would like to point out that the calculations they have done in conjunction with Mr. Hartmann show that the re-shaped ditch as finished by Big Creek will just barely carry the 100 year flow, that the top of the bank of the creek is just right at the 100 year crest and that is where they set the bottom of the concrete for the new bridge, that he is saying this from the drainage standpoint and he didn't speak of it during the Commissioners meeting because they are looking at it as a drainage project on a legal drain. He said the 80 feet was arrived at by measuring it from the top of the bank to the top of the bank of the re-shaped ditch and he has seen the plans for the state highway bridge downstream of it which is 129 feet long and he has compared it to the Department of Natural Resources criteria and he would rather make any comments on that later.

He said they have a listed high water testimony from all the residents and it comes within one foot of being exactly the same figure the state has assigned to the bridge downstream from it and they have been approached by property owners with offers to sell the right-of-way at a reasonable price which was less than half the amount recently paid for one-half acre of ground in the same neighborhood, but he will also say that the first offer two weeks ago to sell one-half acre has now gone up substantially. He said he wondered if the Board wanted them to enter into any further work like writing legal descriptions or pursuing any negotiations about the right-of-way, but he would caution the Board not to wait too long since the man that owns the largest portion of right-of-way may increase his offer. He then asked if the Board has any questions.

Commissioner Borries asked Mr. Jeffers how quick could he get the legals prepared.

Mr. Jeffers said he can have them by the end of the week but they will be for the design that is presently on the drawing board, that we need 60 feet of right-of-way to get that over the creek.

He said he is in this from a drainage standpoint and will be happy to work with the Board if they want him to keep working with them, but if they want someone else to take over all they have to do is to tell him to stop.

The Commissioners agreed that Mr. Jeffers continue to work with them.

Commissioner Willner asked if there was anything else to come before this Board this evening.

RE: OAK VIEW PLACE SUBDIVISION

Commissioner Cox said she did ask for a review of the Oak View Place Subdivision for the location of plastic pipe within our right-of-way. She said she asked for this last month.

Mr. Jeffers said he read that in the minutes but he had forgotten that it was brought up at the last meeting and if she wants him to point out the one location that is in question, he would be happy to.

Commissioner Willner asked if it was on the road or was it on drainage.

Commissioner Cox said it was both, that they wanted the drainage to be in on the maintenance fund and they gave him his money back.

Mr. Jeffers said he thinks it is just a question of how the motion was made,, that there is this location from one drop box to another drop box within the right-of-way, that's plastic pipe and is within our right-of-way. He asked what the Board's wish is on this.

Commissioner Borries said he doesn't want to maintain it at that point then.

Commissioner Willner asked Mr. Jeffers if he will contact the developer and see if he will maintain this pipe within our right-of-way until such a time as he sells this lot, that it will then go with the lot and the owner of that lot must maintain this plastic pipe, that he should see if he can get this in writing in a notarized recordable instrument.

Commissioner Borries said he could make a motion ~~to move~~ to withdraw any <sup>maintenance</sup> right-of-way ~~on any maintenance~~ on Oak View Place Section A until he does that.

Mr. Jeffers asked if those 50 lineal foot submittals aren't made to the Commissioners though.

Commissioner Cox said we already outlawed that and we already told him he could not participate in the maintenance and we gave his money back to him and we asked him if there was any plastic pipe in there and he said absolutely not.

Mr. Jeffers said he may be wrong but it just happens to show on that plan but he never inspected it to see if that was in place. He said at the end of that meeting he made some comment and Ms. Cox said she wanted to look at that.

Commissioner Willner said he is sure that it is.

Commissioner Borries said it was either failure to communicate on his part or something, because we said clearly that we weren't going to maintain any plastic pipe, so all we are trying to do here, is that he will do either as Commissioner Will had said or he will move that the developer can have the Home Owners Association and he can maintain the whole thing.

Mr. Jeffers said then that the Board would like for him to contact them.

Commissioner Borries said "yes", in other words, to make it easier for Mr. Jeffers to negotiate, that it isn't one of these deals as to "would you do this" that the deal is, either he does it or he will move to withdraw any maintenance on the whole thing. He said to make the negotiations easier, we will maintain anything along that right-of-way or we would maintain both portions that don't have plastic pipe.

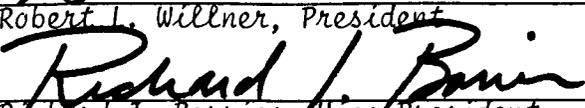
Mr. Jeffers said he will contact the developer then, as requested.

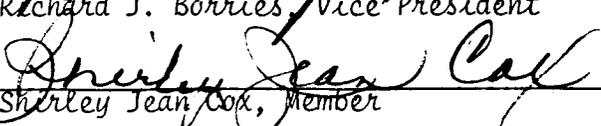
There being no further business, Commissioner Willner stated that the hour is late and the meeting is recessed, the time being 6:10 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. L. Willner	Sam Humphrey	David Miller
	R. J. Borries	<u>SOIL CONSERVATION</u>	
	S. J. Cox	Elvis Douglas	
	<u>COUNTY SURVEYOR</u>	<u>COUNTY ENGINEER</u>	<u>COUNTY HIGHWAY</u>
	Bill Jeffers	Andy Easley	Bill Bethel
	(Chief Deputy)		
	<u>OTHERS</u>		
	Dr. Robert Fenneman		
	Marty Greenwell		
	Mr. Nussmeyer		

SECRETARY: Margie Meeks  
for Joanne A. Matthews

  
Robert L. Willner, President

  
Richard J. Borries, Vice President

  
Shirley Jean Cox, Member

MINUTES  
DRAINAGE BOARD MEETING  
SEPTEMBER 14, 1987

The Vanderburgh County Drainage Board met in session at 5:00 p.m. in the Commissioners Hearing Room, with President Robert Willner presiding.

RE: APPROVAL OF MINUTES

The Chair presented the minutes of meeting held on August 24, 1987 for approval and entertained a motion.

Ms. Cox questioned, "see the right-of-way." Should that be "buy the right-of-way at a reasonable price?" Commissioner Willner stated that it should be "sell." Ms. Cox stated that this was on page 9, 2nd paragraph, 4th line. 'See' should be corrected to 'sell.'

Ms. Cox also called attention to page 10, 5th paragraph where it says, "Commissioner Borries said he could make a motion to withdraw any right-of-way on any maintenance on Oak View Place, Section A until he does that." Is that correct, that any right-of-way? Move to withdraw any right-of-way on any maintenance?" Commissioner Borries explained any maintenance on any right-of-way. "We were discussing as to whether or not he had any plastic pipe in this right-of-way, or where it is and I am not sure that Mr. Jeffers has checked this or not -- and I don't think at this point that I have made any motion to accept the maintenance. Do we have that on file now?"

Mr. Jeffers added, "That is what I am trying to explain to. There is a plastic pipe in the right-of-way -- partially in and partially out. It is part of that French drain system."

Mr. Willner said we should make a motion to withdraw any maintenance on any right-of-way until Jeffers has that meeting and provides information as to where the plastic pipe is.

With those corrections, Mr. Willner moved that the minutes of the last meeting of August 24, be approved, with a second from Ms. Cox. So ordered.

RE: AWARDING OF CONTRACTS - EAGLE SLOUGH

Discussion turned to additional maintenance to Eagle Slough (cut stumps, spray brush, etc.)

Mr. Jeffers explained that last week the lawyer said both bids were in order. Both are accompanied by bid securities and the lowest bidder was Tim Schaefer who bid as per specifications.

Mr. Greenwell's was the high bid and his was bid "root out the stumps with heavy equipment."

The only other comment that Mr. Jeffers had was that Ms. Cox asked about the stability of the banks. The banks are somewhat unstable in that sandy soil south of the levee and we would recommend that the bidder, Tim Schaefer from Evansville, Indiana, be awarded the bid in the amount of \$12,131.20 for additional maintenance on Eagle Slough.

Bid from Marty Greenwell was in the amount of \$18,322.00.

Commissioner Willner asked if we have had any previous experience with either one of these bidders?

Mr. Jeffers answered that neither bidder has ever successfully signed a contract with us.

Mr. Willner asked if they both have the equipment to do the job.

Mr. Jeffers answered that they both indicate that they do. The equipment required would be brush cutting hand tools, tractor, bush hog, hand held spray unit and they both indicated that they had the equipment.

Mr. Borries asked if Mr. Jeffers had any recommendations. Mr. Jeffers explained that he did recommend Schaefer, since he bid 'as specified' and he was low bidder.

Mr. Willner moved that the Schaefer bid be accepted in the amount of \$12,131.20. Motion was seconded by Ms. Cox. So ordered.

RE: WALLENMEYER DITCH

Mr. Jeffers stated that on this other contract, Attorney Miller said that since the low bidder came in with a document that said "Big Green Ditch," which is obviously a typographical error by a new employee in his office, by an example of a bid form that we sent her to use as an example, Attorney Miller would like for us to have a letter from Mr. Blankenberger (who is the low bidder @ 74 cents a foot) stating that it was, in fact, an honest office error on the part of his employee and to receive that letter on the 28th. The other bid was from Marty Greenwell at 75 cents per foot and we received a late bid, which is being returned unopened. This late bid came in on Tuesday. The late bidder was Martin's Farm Drainage, Inc., Bud Martin is the proprietor. He apologizes for it being a day late and informed me that it was for 75 cents a foot, but I did not open it to verify that.

Ms. Cox asked where Mr. Martin was from. Mr. Jeffers stated that he is from R#1, Poseyville, Indiana. He further said that he thinks Mr. Martin owns property in Vanderburgh County or farms property in Vanderburgh County.

Mr. Jeffers said that takes care of the bids. He thought they could award the other one, but the attorney required additional information.

RE: GENERAL DRAINAGE IMPROVEMENT FUND

Mr. Cox questioned Mr. Jeffers on the bid concerning the Wallenmeyer Ditch. There was some discussion at the last Drainage Board Meeting concerning the amount that we were going to be able to do -- whether it was 1/4 mile or 1/2 mile and whether money was available to do the entire length.

Mr. Jeffers said that he had sent a memo to the Drainage Board re Mr. Willner's question, which was, "What's in this General Drain Improvement Fund?" Presently it is about \$290.00. We also have old dormant accounts in about the same amount, which could be put in there. We have another account, Schlensker Ditch, which has about \$700.00 in it. We have not maintained it for ten years. We could transfer that over and aside from that, looking at the August balance sheet, Wallenmeyer Ditch does in fact have enough to do it anyway. Actually, we will be a couple of hundred dollars over if we do the whole 1/2 mile, so that must have taken in some additional assessments. The copy of the memo tells you how to get money into the General Drain Improvement Fund since, obviously, you would like to have more than \$290.00 in there. The only way that I see where you could get something right away is interest and penalties received/collected on delinquent drainage assessments and interest received for deferred drainage assessments. That amounted to over \$900.00 last year according to the Deputy Treasurer. At the current time, they are putting interest and penalties back into the individual accounts in their computer, but since you already have an overall account in which

DRAINAGE MEETING  
September 14, 1987

Page 3

all of the money goes into and then comes back out into the individual accounts, and the Deputy Treasurer also indicated that her bookkeeping methods on the computer would facilitate it if you would like it, you could expect around \$1,000 per year going into that General Drainage Improvement Fund.

Mrs. Cox questioned where it has been going -- back into the individual accounts?

Mr. Jeffers confirmed that it was going back into the individual accounts and could be going into the Ditch General Fund.

Mr. Brenner stated, "The General Ditch Improvement is broke, because about five years ago (when the County was broke) there was about \$75,000 in there and we paid it back to the County. That was the original starting money in 1965 of the Ditch Improvement Fund."

RE: COMPLAINT ON DITCH - EASTSIDE URBAN

Mr. Brenner said that he had received a letter from Mr. Willner telling them that they had a problem with their ditches and that something was desperately wrong. He further stated that they were unable to tell what is desperately wrong. He had his inspector and ditch contractor with him and these were claims that were approved at the last Drainage Board Meeting and the Auditor was told to hold the payment up and "I don't know why, because actually we believe that our ditches are better now than they have ever been".

Mr. Willner asked who had the North Half of the Eastside Urban?

Mr. Brenner replied that it was Johnson.

Mr. Willner asked if this had been done at all?

Mr. Brenner stated that it was done to Hirsch Road now.

Mr. Willner said that he thought that this might be one of the problems. He said that he had not looked at these ditches, but the caller was very upset and he's not sure that she doesn't have some of these things confused.

Mr. Brenner said that he really wants to assure the Commissioners that the ditches are better this year than they have ever been. Further, they are very proud of them because they have gotten such a good job.

Mr. Willner said he knows the North Half looks very bad right now.

Mr. Brenner said he's sure that it does, because it has not been done.

Mr. Willner added that there are 6 ft. weeds and he thinks that might be some of the problem.

Mr. Brenner stated that they had thought it might be some disgruntled bidder who was complaining.

Mr. Willner asked Mr. Jeffers if he had walked the entire length of the ditches? He wants to be very well on record that whoever did inspect these ditches has seen the entire portion of them.

Mr. Jeffers said he did not entirely walk the ditches. He drove as much as he could and walked what he could not drive. This included walking through residential areas and driving through agricultural areas where the man had already mowed with a tractor and he could drive along the top of the bank. But he did view all of the ditches -- and he had to go around one wooded lot that he could not drive through -- but he viewed it from both ends and could see the middle -- so he would say that he has viewed every foot of them.

Commissioner Willner asked if Mr. Jeffers keeps a log?

Mr. Jeffers answered negatively.

Commissioner Willner said that the caller indicated that where it was visible from the roads that it was very nice; but when you go further, it is not so nice.

Mr. Jeffers that when he first started in 1981, he learned that sometimes you will get a contractor who will mow only what you can see from the bridges. But you can't view it all from the bridge; you may have to walk around the bends, etc. In other words, you can drive up to a point and park on the bridge and from what you can tell at that specific point -- the mowing seems to have been done. But, again, you can't view it all from this specific point, so he drives where he can and walks the rest of the way. He also makes notes designating specific problems -- if there are any. Otherwise, if everything is okay he does not make notes; he simply signs off on the initial inspector's report.

RE: DITCH MAINTENANCE - INSPECTION & CLAIM (Aiken, Eastside Urban, Kolb & Henry)

Commissioner Willner asked if the banks were mowed and the center of the ditch was not mowed due to water standing in it? Is that right?

Mr. Jeffers said that this was in the construction area between Eastland Place Sub and Chickasaw Sub where I-164 is coming through and there was a temporary crossing in the ditch which was holding water back and the maintenance contractor mowed as much as he could. However, the water was about 1-1/2 ft. deep and he could not get down to the flowline because, obviously, it was under water. (For the record, Mr. Jeffers said this is on Kolb Ditch.)

Mr. Willner questioned whether these were done on the dates specified in the contract?

Mr. Jeffers said that some were done early. He said there were four (4) where he logged requests from apartment managers and homeowners to do these ditches a little early because of the growing season -- which was very rapid this year. In some residential areas they started a week or so early; they are thinking of mowing twice in those areas next year. He is speaking of two apartment projects. In Bonnie View Extension several people called in on these and said that the grass had gotten so high that it was out of control and that they have real nice homes alongside those ditches -- so we agreed to do them a week or so early.

Commissioner Cox mentioned a Field Inspector's Report dated 5/11/87 on Aiken Ditch, saying it was approved. Then, on September 1st and September 4th (and after four months) the report was "very good broadleaf control". She said she thought this must have been a very good job done in the spring. Both Aiken and Kolb Ditches were sprayed and both had good reports in September.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, the Auditor was instructed to allow the claims. So ordered.

RE: REQUEST TO COVER DRAINAGE SWALE - EAST SIDE INDUSTRIAL PARK

Mr. Jeffers stated that Arnold Bosse of Ad Craft, Inc. (which company owns several lots in East Side Industrial Park) has requested that he be allowed to cover a drainage swale (which acts as a retention swale for the pipe in it) so he can cross over to the 7-1/2 acres he owns behind it (Old Boonville Highway near the

Eagle's Club). Basically, what he told Mr. Bosse was to get an engineer and design a plot plan for the 7-1/2 acres in which he would develop a swale to compensate for what he is going to build in East Side Industrial Park and he is not sure that Mr. Bosse is happy with that. But before it goes any further, he wants the Board to know that he has taken it upon himself to tell Mr. Bosse that this may satisfy the Board's desire for retention on the Eastside (this goes into Eastside Urban, North Half). He hopes Mr. Bosse will come in with a plan on September 28th.

RE: SONNTAG-STEVENS DITCH - CONTRACTOR FILED CHAPTER 11

Mr. Brenner said that he did forget to mention one item; Happe, Inc. has two (2) ditches and they are in bankruptcy. Addressing Mr. Jeffers he asked, "You just talked to the past president and he says that they are not going to finish the ditches. Right, Willie?"

Attorney Curt John interjected that Art Happe had also called him and advised that it is a Chapter 11 that they are under and he indicated he was going to contact Bill Jeffers saying that they are going to to ahead and honor those contracts and do the work -- not Art, but Happe Construction.

Mr. Jeffers said he would like to clarify that Art and Brenda Happe are "Art's Construction" and Fred Happe and someone else are Happe, Inc. He saw Art Happe in the hallway and he said that he is not going to finish the contracts; but he didn't know if Happe Construction was going to or not. Mr. Jeffers said that Denny Thomas has already contacted him for copies of all the documents, etc., that go with this and he has already sent them to him. One of the contracts has already been paid; the one on Keil. Sonntag is a disaster.

Mrs. Cox asked whether we have a bond?

Mr. Brenner explained that it is only 5%. He said, "It is a good job, but we need to get another contractor to finish it. It has to be done. This is the one behind Whirlpool and it drains into Melody Hills. The last thing that we want to do is let it slip away and not clean the ditch. It was sprayed -- but it also needs mowing." He asked, If Happe is not going to do it by the next scheduled meeting, can we ask three contractors to furnish sealed bids to finish the ditches and have the bids to present at the next meeting? It's imperative that we do it."

Mr. Willner said, "As long as the bids are not opened."

Motion was made by Commissioner Cox and seconded by Commissioner Borries that the Surveyor's Office be allowed to obtain three (3) bids concerning the cleaning of Sonntag-Stevens Ditch in the event that the original contractor does not complete the job. So ordered.

RE: PROBLEM WITH STRUCTURE IN NATURAL DRAIN ON HOGUE RD.

Commissioner Borries said that Mrs. Doris Schefle of 7010 Hogue Road had telephoned him and she is concerned about a neighboring resident (no address) who apparently had put some structure in what she called a "natural drain". This is not a legal drain. He said he had asked Elvis Douglas to go out and look at it and he indicated that there was some kind of obstruction. However, he has not yet submitted a written report to this effect. He said that, "As always, when we discuss drainage problem that is not a legal drain -- he guesses he is asking for information.

Attorney John advised Commissioner Borries that he should tell Mrs. Schefle to contact her attorney, because the Drainage Board cannot do anything about this -- it is on private property. They can sympathize with her, but they cannot do anything. She needs to get an attorney.



MINUTES  
DRAINAGE BOARD MEETING  
SEPTEMBER 28, 1987

I N D E X

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Awarding of Contract - Wallenmeyer Ditch	1
Request for vacation -Fairfield Drive -Replat Smyrna Sub	2
Green River Road Estates, Sec. C-3, Drainage Plans	2
Kirkwood Lake Estates - Revised Drainage Plans	3
Restrictions on Contractors from Burning Ditches	4
Contracts	4
Claims	5
Bonnie View Extension - Complaint on Erosion	6
Iris Subdivision - Toe Drain	7
Woods Road Bridge	8
Drainage Problem - Hogue Road	9
Claims for Advertising (approved)	9

MINUTES

DRAINAGE BOARD MEETING  
SEPTEMBER 28, 1987

The Vanderburgh County Drainage Board meeting session at 4:30 p.m. in the Commissioners Hearing Room, with President Robert Willner presiding.

RE: APPROVAL OF MINUTES

Reading of minutes of the meeting of September 14 was deferred.

RE: MAINTENANCE ON SONNTAG STEVENS & KYLE DITCHES

Mr. Jeffers reported that Happe, Inc. who has the maintenance contract on Sonntag-Stevens Ditch & Kyle Ditch, two ditches in Center Township. Happe, Inc. is in Chapter 11 and we indicated to you on September 14th that we would discover whether they are going to finish their contract on those two ditches and if they are not, we would seek bids from three other contractors to complete the contract. We received a message by telephone from Happe's lawyer, Denny Thomas, that Happe, Inc., has applied to the court to assume executory, to allow them to execute the contract with you and complete Sonntag-Stevens and Kyle Ditch and they are now awaiting the Court's permission to proceed under this Executory Contract. So, at this time, we are not going to seek other bidders, but we are going to await the court's permission to allow Happe, Inc., to complete their contract while they are in Chapter 11.

RE; AWARDING OF CONTRACT - WALLENMEYER DITCH

Mr. Jeffers reported on the situation which occurred when Steve Blankenberger submitted a bid, intending to bid on the Wallenmeyer Ditch, Project #VC234-040-0787-WD, and that the letter Attorney Miller requested is now in the hands of President of the Board and states, basically, "inadvertent error by the new secretary." She typed the information from the sample bid that we had given them. The intent of the bid was for Wallenmeyer Ditch and not "Big Green Ditch." Mr. Blankenberger did go out and view the project limits and he was bidding on what he saw at Wallenmeyer Ditch, and this letter is notarized, but basically there, you have a letter from Mr. Blankenberger who submitted a bid at 74 cents a lineal foot and Mr. Marty Greenwell from Waverly, Kentucky, submitted a bid on the same project, which was correctly executed, for 75 cents a lineal foot. So, if this letter meets the requirements of your legal counsel, we would ask you to award the bid on the Wallenmeyer Ditch Project at the lowest responsible and responsive bidder and if this letter makes Mr.

Blankenberger a legitimate bidder, his bid is 1 cent lower per lineal foot. (See letter below.)

President Willner entertained a motion.

Ms. Cox moved that Blankenberger Bros., Inc. be awarded the contract for maintenance on Wallenmeyer Ditch, with a second by Mr. Borries. So ordered.

September 21, 1987

Vanderburgh County Drainage Board  
Evansville, IN. 47708

RE: Wallenmeyer Ditch

Project #VCS-234-040-0787-WD

TO: Vanderburgh County Drainage Board

We would like to state that in the bid turned in for the Wallenmeyer Ditch an inadvertent error was made by our secretary who was unfamiliar with the bidding process. She typed information from the sample bid that had been given to us.

The intent of the bid was for the Wallenmeyer Ditch and not the Big Green Ditch. Steve Blankenberger actually viewed the Wallenmeyer Ditch and submitted the bid based on what he saw at the Wallenmeyer Ditch.

Thank you for your cooperation.

Blankenberger Brothers, Inc.  
s/s Steve Blankenberger  
President

RE: REQUEST FOR VACATION OF PART OF FAIRFIELD DRIVE IN  
RE-PLAT OF SMYRNA SUBDIVISION

Mr. Jeffers said that Dick Hewins was going to be at the meeting with a request for relaxation of an easement for Mr. Nussmeyer and his form letter that is supposed to be recorded, according to the August 24th minutes, is on file in Mr. Miller's office, but neither Mr. Miller nor Mr. Hewins is here to comment on whether it was correct to form, so we can postpone that for at least a month.

RE: GREEN RIVER ROAD ESTATES, SECTION C-3 DRAINAGE PLANS

Mr. Jeffers introduced Bill Bivens, who represents Bill Heston on Green River Road Estates, Section C, and who has some plans from Accu Engineering. This drainage plan was already approved in concept and as the revisions came through, they have been approved. They are putting pipe in instead of open ditches.

In the next section that Mr. Bivens is presenting today, the power company would not let them utilize an easement in conformance with the original concept, so they have redrawn some lot lines and they have added a retention lake to help retain water discharging into Firlick Creek.

Mr. Bivens showed plans to Board and stated that Mr. Jeffers had reviewed the plans and there was no problems with these amount of changes. The original concept was to have open drainage, but now all of the ditches are closed.

Mr. Willner asked Mr. Bivens how wide of a section this is - the retention lake.

Mr. Bivens answered that the retention lake is about 200 feet wide.

Mr Willner asked, "Designed for what kind of rain event?"

Mr. Bivens responded, "50 year storm."

Mr. Willner asked for Mr. Jeffers recommendation.

Mr. Jeffers responded, "Surveyor's recommendation, with the addition of an emergency spillway overflow from the retention lake to the ditch, that it be approved."

Mr. Willner asked if the pipe sizing was okay.

Mr. Jeffers answered affirmatively. He said that they have reviewed all of the calculations. He has a fully developed hydrograph (which I left down at the office) that indicates that all of the pipe sizes are in conformance with the storm design.

Mr. Willner asked Elvis Douglas for comments.

Mr. Douglas asked, "What size is the retention lake, how many acres?"

Mr. Jeffers said he had the exact acreage and etc. on the calculations, but he did not bring them with him. He continued, "He used the TR55 method and developed a hydrograph and then he takes what he gets from there and changes over to the Santa Barbara hydrograph to size his detention lake and then he sets his house elevation 2 feet above the 100 year elevation of the water. The 100 year water elevation goes over the spillwell. This is why I asked for the spillwell. By the time you get to the top of the pipes, you are at the 50 year, then you need the spillwell to get you out of the 100 year storm."

Mr. Douglas said, "If that is the case, then there is no problem."

Mr. Borries moved that the Green River Road Estates, Section C-3, the drainage plans, with the items being discussed in this record, be approved, with a second by Ms. Cox. So ordered.

Mr. Willner asked for other business.

RE: KIRKWOOD LAKE ESTATES - REVISED DRAINAGE PLANS

Mr. Jeffers explained that Kirkwood Lake Estates by Al Bauer, Jr., presently being designed by Morely & Associates and was previously approved by a plan from Biggerstaff, with two lakes. The new plan is to delete the two lakes, build detention swales around the perimeter of the subdivision and discharge the detained water through 300 feet of 18 inch concrete pipe from the northwest corner of the subdivision, due west into Nurrenbern Ditch, which is a legal drain along Fuquay Road. (Presented plan to Board to review.)

Mr. Jeffers continued, that basically what is going on there is that Mr. Bauer was not satisfied with building two lakes and then discharging those lakes across Lincoln Avenue, right across the street from Colonial Garden Center. He did not want to discharge the water across Lincoln Avenue to the south side of Lincoln,, to carry it approximately 1/4 mile to the west, to the intersection of Fuquay and Lincoln and then approximately another 1/4 mile to the north to the same discharge point he's now designing.

This is a straight shot about 300 feet west. Also, the maintenance of those lakes - he felt that if he could develop a plan or have someone develop a plan for him, where the same amount of water could be detained in swales around the perimeter of the subdivision, and then discharged through this short run of pipe that did not have to be punched underneath an existing road, it would be a more beneficial design.

Mr. Jeffers continued, "He has not changed the lot size, he is just taking the lakes out of Lots 3,4,21 and 22. Mr. Morley's office has designed a system using large detention swales. The design storm is a 50 year storm. We asked them to go back and calculate for a 100 year storm and the swales that were designed could handle a 100 year storm and it was oversized by about 10% for a 100 year storm. The pipe sizes are correct and he intends to pave the bottom of these ditches. That is what people are starting to do now, is to pave the bottom of these ditches to delineate the ditch so that people won't throw trash into them and try to cover it up. If they see the pavement flowline, they know that it is supposed to be a ditch. He intends to pave the ditch from Lot 4 north to Lot 9. From Lot 20 (the red lines you see) north to Lot 16 and from Lot 16 west to Lot 9. All of these will be paved and the interior ditch running from Lot 31 to 36 will also be paved. We asked him to add a statement to the plat stating that these drainage easements and state exactly where they are, are for the storage and discharge of surplus water only

and that the owners of the lot maintain them free of all of the things we want them free of, including landscape timbers, gardens, discarded clippings, fences, trees, shrubs, everything and that the cross sections of the swales as installed, shall not be altered by fill or excavation. So, with the addition of this statement on the plat, to warn property owners not to mess with those ditches, we believe that this plan is better than the plan that was previously approved by this Board for Kirkwood Lake Estates, and we recommend that you approve this amended plan and that it was indicated to our office by Mr. Morely's office that if this plan is adopted, they will develop a full set of working construction drawings for you and bring them to you at a later date, but they need this approved to take it forward."

Mr. Borries said that with the comments that Chief Deputy Surveyor, Bill Jeffers, has made and the amendment that has been forwarded here, submitted for the record, I move that Kirkwood Estates Amended Plan, which is the amended plan submitted today, September 28th, be approved. Seconded by Ms. Cox. So ordered.

RE: RESTRICTIONS ON CONTRACTORS FROM BURNING DITCHES

Mr. Jeffers said they would like for the Board, at this time, to temporarily restrict our contractors from burning ditches until further notice by the County Surveyor, due to dry conditions. There was a fire over the weekend that got into a no-till soybean field and destroyed about an acre of beans. We want to avoid that or any other property damage due to the extremely dry conditions. "What I am asking you to say is yes, the County Surveyor can restrict burning of ditches, legal drains, by the contractors for the County Drainage Board, until further notice by the Vanderburgh County Surveyor to those same contractors, that they can start burning again."

Mr. Willner said that he did not think they had ever allowed them to burn. The Board does not control the burning in Vanderburgh County; EPA does and we have made the motion a long time ago that there will be no burning of county ditches.

Ms. Cox said they they routinely burn. Even the bridge crew burns brush.

Mr. Willner said if it is piled up and there is a little pile of brush there, fine, but...

Mr. Jeffers said, "what we are talking about is the excess brush that has been cut and we don't want it to float down into a structure downstream, but they do on occasion burn that in our legal drains, but we don't want them to right now because it is awfully dangerous. We ask them if they do burn to get a burning permit from EPA, that is true."

Ms. Cox said that she thought they could burn if they were so many miles outside of the city.

Mr. Jeffers said, "Our specs say no burning in Sonntag-Stevens and Keil and then they added Crawford-Brandeis because it is right alongside of Burkhardt Road and then finally we just said all burning permits shall be issued to the contractor by EPA."

Mr. Willner said "you must remember that right now the air is very bad since the farmers have started on their crops, the particles in the air are very bad and the drying condition is very bad. Let's just don't burn at all unless we have to."

Mr. Jeffers said, "I guess that I am just notifying you that I am going to call all of the contractors and tell them not to burn."

Mr. Willner agreed that this is a good thing to do.

RE:....CONTRACTS

Mr. Jeffers said that under contracts, he has Tim Schaefer. The Board awarded him a contract two weeks ago, on September 14th, on Eagle Slough and I have an original copy of the contract which we asked all contractors to sign with you. Mr. Schaefer has signed it and it is notarized and there is a place for all three of your signatures and Sam Humphrey's signature."

Mr. Willner asked if this gentleman was going to do the work himself.

Mr. Jeffers confirmed that he plans on doing most of the work himself. He may hire sub-contractors, but he has not indicated or told us that "yes, I am going to hire sub-contractors."

Mr. Willner asked if Mr. Schaefer could,, under this contract, without the Board's approval, hire sub-contractors.

Mr. Jeffers answered affirmatively....As long as he notifies us as to who his contractors are and what portion of the work that they are doing and we bring that to you and tell you.

Mr. Jeffer stated that he also has the notice to proceed This is just a document from the Board, that this is the notice to proceed.

Mr. Willner asked for further business.

RE: CLAIMS

John Mans, Inc.- Sonntag-Stevens Ditch

Mr. Jeffers submitted a claim from John Mans, Inc., on Sonntag-Stevens Ditch. Mr. Jeffers explained that Mr. Mans is under contract with us and has completed the work according to the terms of the contract and he has checked the figures (incl. rock tickets, etc) on the original claim "I made some corrections and he re-submitted a bill. The amount of the contract, \$5,208.00, John Mans, Inc., signed by Mr. Mans, dated Sept. 18, signed by Robert W. Brenner, dated Sept. 28, 1987, with a recommendation to pay this claim and a change order which represents 4 hours backhoe work, 4 hours for labor, 1 1/2 hour John Deere dozer. The change order is in the amount of \$440.62. This is for additional work that was discussed with Mr. Mans on the phone by Bill Jefferss, prior to his initiation of the work and basically, we were not sure when he finished installing the pipe and doing the ditch work exactly how far down in the ditch he would have to go to match the flowline and get a good flow of water away from the Cloverlawn Subdivision and I told him at the time that if there was any additional ditch work required, we would okay it and I assumed that he would charge us on a per lineal foot basis, as he bid waterway excavation at \$2.50 per foot; however, he finished a substantial amount of excavation to the end of the subdivision as another 700 feet and then to the first curve in Sonntag-Stevens is another 500 feet. Some of this work, a lot of it, in excess of 200, was according to the cross sectional view and then he dipped out a lot of silt, so we are talking about maybe 1,000 feet of extra work and he is charging us \$440.00 rather than \$2,500.00, by just billing us for labor, is what I am saying and hours, he saved us a substantial amount of money. This bill is also signed by Robert W. Brenner."

Jeffers continued, "I am asking you to approve the change order and add it to the \$5,208.00."

Mr. Willner entertained a motion to change the change order for Johnny Mans in the amount of \$440.62.

Motion by Ms. Cox, with a second by Mr. Borries. So ordered.

Mr. Willner entertained a motion to approve \$5,648.62 - Sonntag-Stevens Ditch Work by Johnny Mans, Inc.

Ms. Cox moved that the claim be approved, with a second by Mr. Borries. So ordered.

Claim.....- John F. Maurer - Hoefling Ditch

Mr. Jeffers presented a bill from John F. Maurer for Hoefling Ditch work.

The total bid was 10 cents per foot x 5,571 feet, for \$557.10.

"We are asking you to pay 85% of that which is \$473.54. The ditch is complete. It was inspected this morning by Tommy Goodman and Wayne Pasco," said Mr. Jeffers.

Mr. Willner asked why we are only paying 85%. He thought we only held back 5%.

Mr. Jeffers explained that we held back 15%.

Mr. Willner asked how long this was held back.

Mr. Jeffers answered that it was for 60 days after completion of work, which was Saturday.

Signed by Robert W. Brenner, signed by Johnny Maurer, dated Sept. 28 and attached to ditch report.

Mr. Willner said, "We have a claim for \$473.54 to John F. Maurer for Hoefling Ditch. May I have a motion that the claim be allowed?"

Mr. Borries moved that the claim be allowed with a second from Ms. Cox. So ordered.

Mr. Jeffers stated that he did not have any more claims, but he would like to say that Johnny Maurer burned his ditch too, but he plowed a fire line all around the ditch before he burned it and everything is fine.

Mr. Willner questioned if he did not mow the ditch, just burned it?

Mr. Jeffers answered that he mowed it first and then burned it.

RE: BONNIE VIEW EXTENSION - COMPLAINT ON EROSION

Mr. Jeffers said that he had a request from Ms. Cox to Tommy Goodman to inspect Bonnie View Extension at 6600 E. Cherry Street, which is a home owned by George and Geraldine Green. A ditch runs alongside their house, immediately adjacent to the west lot line of 6600 E. Cherry and they are concerned about some erosion that is taking place in the southwest corner of their lot. The erosion is presently threatening the fence which runs along top of the bank and maybe Ms. Cox can explain more of their concerns and "then I will give my report."

Ms. Cox said that what their concern is that by the bank that their fence sets on, they have a swimming pool and they have a privacy fence around it and the water is channeling into the edge of the ditch and getting up very close to their fence.

Mr. Willner questioned if it is within 75 yards of the ditch.

Ms. Cox said she didn't think so. She didn't measure, but she did drive out and look at it.

Mr. Jeffers added that it is pretty close. He inspected the site Friday before noon and sent the crew out this morning to take measurements. The Green's lot is 100 feet wide in front and 105 feet deep. The swimming pool did have a permit and the site

planned for the permit show 10 feet inside the property line and the plat, this is Plaza Terrace, Section B, was approved on June 8, 1964 by the Metropolitan Planning Commission which is now the Area Planning Commission. The plat predates the 1966 drainage statutes, so that 75 feet comes into play here.

Mr. Jeffers continued, "I don't want to get into a legal or constitutional battle on that, but at the time the plat was submitted and approved, I don't know that the 75 foot set-back line was common knowledge among the engineers. The plat was submitted by Sam Biggerstaff, so he would have known, I am sure. The fence probably, when it was erected, was 8 feet from the bank, rather than our new minimum of 25 feet. (25' on urban drains. We can wave down to 25)."

Mr. Willner stated that you can 'waive', but it is 75' to start with.

Mr. Jeffers said, "75 to start with, but we can waive down to 25. I am not sure that the whole plat does not constitute a waiver. The deck for the swimming pool is approximately 12 feet from the top of the bank. We have not really gotten to the cause of erosion yet. I will get into that now. "There is a downspout coming off the garage, near the southwest corner of the lot and it goes into a PVC tile, which discharges into the ditch. The fence around there is connected to the side of the garage and the fence, being flush with the ground level, forces all of the water to exit from that lot underneath the fence at the same corner and that velocity of water, being in a channel, instead of sheeting across there, if there was no fence, has eroded on top of the sub-surface downspout tile and has eroded a pretty good size area to the point where the top of the bank is now less than 2 feet from that fence corner and that is the source of their concern. I don't blame them, because one wet season and their fence will collapse into the ditch."

Mr. Jeffers continued, "What I think the aggravating cause of this erosion is, is the water leaving their lot on the surface at that corner and that drain tile trench being there, but there is also a large corrugated pipe where Bonnie View Extension begins, right at the city limits and we are talking about just a few feet south of their lot is the city limits. The city put a pipe in Bonnie View Extension right up to the city limits and then in the county it's an open ditch and the velocity of that water leaving that pipe into an open ditch, when it's leaving the pipe, it is traveling very fast. When it spreads out into the ditch, it slows down and causes an eddy and since there is already a washout there, that's just a natural place for a whirlpool and that may be aggravating the situation. So, I talked to Mrs. Green this morning. I told her that I thought there were some problems out there that were caused by structures, not placed by the county, but if there were any aggravating circumstances being caused by a situation in our legal drain, that I would come out there personally and observe it during a heavy rainfall and if I thought that we could come up with an inexpensive solution, that we would recommend that to the Drainage Board at that time; but that I really wanted to impress upon her that our desire that she and her husband participate in the repair of the ditch bank, since it was my opinion at the time that some of the conditions that were causing this, was caused by structures on their property. I also pointed out to her that we do have right-of-entry through there. We do have limited funds in that account and she is paying the minimum ditch tax, \$5.00; and that the fence makes it awfully hard for us to maintain that side of the ditch, but, I would like to inform the Board that she is not in a boat by herself. Nearly every house in that same subdivision, and we are talking about dozens of houses. Every house that borders on one of the ditches, has a fence right along the top of the bank and it is a situation where the homeowners were not fully informed of the statutory limitations placed on them, as long as they understood that that will never look

perfect out there. We asked for their tolerance and their participation in ditch maintenance because of the restricted area that they have left us between the fences and the tops of the bank. I don't think that she was too unhappy by the time we finished talking, but time will tell."

Mr. Jeffers said that he had a sketch which he had not made copies of yet and asked Ms. Cox if she would like to see it.

Mr. Willner thanked Bill for his report and asked to be kept informed. He then asked Bill if he had further business.

RE: IRIS SUBDIVISION - TOE DRAIN

Ms. Cox said that we had something in our minutes from the last minutes regarding the toe drain.

Mr. Jeffers explained that it was in the August 24th minutes. He did not read about Dr. Fenneman and the Iris Sub, because that is being handled basically between Mr. Fenneman, Mr. Wittekint, Mr. Easley and Mr. Douglas.

RE: WOODS ROAD BRIDGE

Mr. Willner introduced Dave Ellison, President of the Big Creek Drainage Association.

Mr. Ellison began by thanking the Commission for 'going to bat' for them on this bridge. "We took your wishes under advisement as to what type of bridge to construct." He explained that they were wanting a free span 80', the one they had was a 47' and came out of Mr. Easley's office. Mr. Ellison continued, "I presume that they have projected a 3 span bridge 31x31x31, approximately 94'. I have taken it to all of the gentlemen around Woods ~~Grove~~ ROAD who are concerned; which is, Mr. Kenny Adler, Mr. Elmer Schmitt, Mr. Maurice Baumgart, Mr. Darwin Elpers and I tried to contact Mr. Blankenberger and didn't get a hold of him, but, everyone agrees that this is a good structure. They like the roadwork and everything else. The only thing that they wish could be done, and I don't know if it can be done, is that these pillars could be spread maybe 2 to 3 more feet to allow a little more water to go through there. I don't know if that can be done. Possibly. We are not engineers and I guess the engineers would have to look at it to see. Everyone was concerned that there would be tie ups with logs, debris, trash or what have you, but we are really picking up a lot of footage from the outer span to the outer span. We are getting a lot more volume through the bridge, which is what we were after initially. The bridge has been raised another two feet which is another plus."

Mr. Ellison continued, "I have no details as far as, we know it was the Council's feelings that we were spending a lot of money where it shouldn't be spent and we understand that for no more traffic that goes through this bridge. We are not trying to hold the taxpayer up and we were willing to negotiate with any kind of bridge that would alleviate our water problem. Maybe Mr. Easley can inform you some other time as to what kind of money we are talking about. I have no idea, but I feel that from what I have heard, this would be a cheaper bridge to construct than what the other one would be and as far as the right-of-way, I have been asked if this right-of-way would be donated. It would be even a cheaper cost, but I have talked to the gentleman that owns three sides and he said that he would not give the right-of-way to you, but he would not hold you up either. That was Mr. Adler. Mr. Schmitt agreed with anything that Mr. Adler did, he would do the same. I just thought I would bring this to the Board today and hoped that this would help you and our terms as to what we are looking forward to and to let you know that we appreciate your help and that we will go along with your ideas."

Mr. Willner thanked Mr. Ellison for his report.

Mr. Borries said that the Board appreciated Mr. Ellison's cooperation on this and that they have looked at some alternatives and want to study this. "We know that you were not trying to hold anyone up, but we did want to look at costs on this. Just from a preliminary standpoint, Engineer Andy Easley seemed to think that Dan Hartman may be able to modify that there could be some widening but it would be more cost effective if the ditch, at this point, from what Bill Jeffers has been able to gather too, this wide of a opening, there wouldn't be a lot of large logs or debris that would be stuck into this."

Mr. Willner stated that he did not mind if they wanted to bid both bridges. Just find out what the total cost is.

The Chair called for further business.

RE: DRAINAGE PROBLEM - HOGUE ROAD

*Schoettle*

Mr. Borries added, for the record, that it would be acknowledged, "I know that a Mrs. ~~Shipley~~(?) had contacted you, on a structure on Hogue Road, on private property. There is no county right-of-way, but I think, with permission from her, you have been out to see what this particular structure is." "Was it in your opinion that this would impede the flow of the natural water flow in that particular area?"

Mr. Douglas said, "Yes, in my opinion, it definitely would. It is on private property, as you stated."

Mr. Willner said, "Really, we cannot do anything then, except tell her that she might have a legal way to pursue this problem. Is that your understanding?"

Mr. Douglas answered affirmatively.

Ms. Cox questioned if it was in the plat that nothing can be built in those easements.

Mr. Douglas explained that a fence has been built that blocks the natural drainage and it backs the water up on her property and retains it there for a while.

Mr. Willner thanked Mr. Douglas for his 'words of wisdom.'

RE: ADVERTISING CLAIMS

The following advertising claims, presented by Chief Deputy Survey, Bill Jeffers, were approved:

Evansville Press..Vanderburgh Co. Drainage - Notice to Bidders Re: Eagle Slough \$22.77

Eagle Courier..Vanderburgh Co. Drainage - Notice to Bidders Re: Eagle Slough.....\$22.77

Evansville Courier,,Vanderburgh Co. Drainage - Notice to Bidders - RE: Wallenmeyer Ditch \$22.77

Evansville Press..Vanderburgh Co. Drainage - Notice to Bidders - RE: Wallenmeyer Ditch \$22.77

The Chair entertained further matters of business to come before the Board. There being none, the meeting was adjourned at 5:30 p.m.

PRESENT: COMMISSIONERS      COUNTY AUDITOR      COUNTY SURVEYOR

R.L. Willner                      Sam Humphrey                      Bill Jeffers  
R.J. Borries  
S.J. Cox

OTHERS

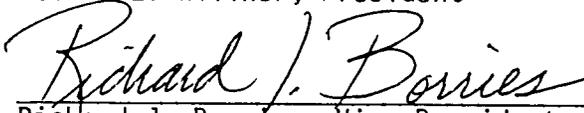
Elvis Douglas  
Bill Bivens  
Dave Ellison

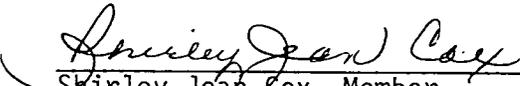
SECRETARY

Joanne A. Matthews

Transcribed by Bettye Miles

  
Robert L. Willner, President

  
Richard J. Borries, Vice President

  
Shirley Jean Cox, Member

MINUTES  
DRAINAGE BOARD MEETING  
OCTOBER 26, 1987

The Vanderburgh County Drainage Board meeting was in session at 4:35 p.m. in the Commissioners Hearing Room, with President Robert Willner presiding.

The chair presented the minutes of meetings held on September 14th and September 28th, 1987, for approval and entertained a motion.

The following two corrections were made in the minutes of September 28th.

Page 8, Second paragraph under Woods Road Bridge, Seventh line, should read Woods Road rather than Woods Grove.

Page 9, First paragraph under Drainage Problem - Hogue Road, First paragraph, should read Mrs. Schoettle rather than Mrs. Shipley.

With these corrections noted, upon motion duly made by Commissioner Borries and seconded by Commissioner Cox, the minutes were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: DAN HEWINS - SOUTHWEST ENGINEERING - REQUEST

Commissioner Willner said, as was discussed with Mr. Hewins, the application for Southwest Engineering to waive the 75 foot ditch maintenance right-of-way before a legal drain, he would read from the Drainage Board minutes of August 24th, 1987, as follows:

"Commissioner Cox said we definitely need it in writing and it should be recorded.

Mr. Jeffers said he would recommend that the Board give Mr. Nussmeyer tentative approval so he can proceed.

Commissioner Willner said the Board will give him their approval subject to him giving them a letter stating that he will maintain the ditch bank.

Mr. Jeffers asked if the Board will let him participate in the writing of the letter.

County Attorney Miller said he thinks it should be more than a letter, that he thinks it should be an affidavit recorded in the miscellaneous records.

Mr. Jeffers said he would like to work with Mr. Nussmeyer and his attorney so they can come up with a recordable document.

The Commissioners agreed that Mr. Jeffers work with them in preparing the document.

Commissioner Cox said she has a question and she asked if the building they are going to erect is going to be 100 feet by 45 feet or is it to go back all the way, or is the rest of it for parking.

Mr. Nussmeyer said it will be 100 feet by 45 feet, that he has to be 25 feet off the top of the bank to the edge of the building to give them the easement, that it is only a 90 foot width.

Commissioner Cox said she thinks that it is amazing that anyone is even using and developing that property out there by the railroad tracks.

Commissioner Borries asked if this is the area of property that sits between Oak Grove and Southern Railway.

Mr. Nussmeyer said yes, that you come off Burkhardt Road, that it is the first block South of Maxwell Avenue off Burkhardt Road.

Commissioner Borries then moved that the request of Southwest Engineering, to the East bank of Stockfleth Ditch and the top of the South bank of Crawford-Brandeis Ditch be approved, subject to a legal document that is prepared by Mr. Nussmeyer's attorney and approved by the County Attorney in regard to ditch maintenance, in recordable form. Commissioner Cox seconded the motion. So ordered."

Commissioner Willner said he has the document in front of him and it doesn't say anything about the maintenance of this property

Commissioner Cox said when the concern was brought up about the dredging, it says the ditch bank, which would be mowing and someone could get out there with a weed whip before the weeds get so tall.

Mr. Hewins said he was really here just to get information as to what was ~~met~~<sup>meant</sup> at the time because as he understands it, the ditches are maintained by the county and he supposes the property owners pay into a fund to do that and he was concerned that Mr. Nussmeyer might be actually paying double from the already general tax money that paid for this, then did the Commissioners really mean for him to come in and pay for something that maybe the general revenue had paid for.

Commissioner Willner said, for clarification, this isn't tax money, that this is money that is paid in by the residents of that water shed and the only thing this Drainage Board is, that we are the keeper of the records, that none of our salaries or anything comes out of that ditch fund.

Mr. Hewins said he was just concerned as to what the situation was since he doesn't know enough about drainage in this county but he is finding out a little more. He said what Mr. Nussmeyer is trying to do is to put a building on it and in order to do that and get off the property line, he has to move over to about 25 feet from the ditch bank which he didn't realize would cause any changes in the maintenance problems with those ditches, that he thought the 25 feet was still enough for the county to maneuver their mowing machines or whatever they used along there but he guesses this isn't the case and we need to re-think on it because it could be some additional expense to him to have the possibility of cleaning out the ditch, since he doesn't know what this might entail.

Commissioner Cox said he might want to check on this since the Commissioners have granted a waiver in several other instances and the verbage was exactly the same for the other people and they haven't had any problems at all.

Mr. Hewins said as a practical matter, he should check on it, that he didn't realize this.

Commissioner Willner asked Mr. Jeffers about what the annual maintenance would be on that.

Mr. Jeffers said it would be about 25¢ per foot.

Commissioner Borries said it seems to him that there has been another waiver granted along this ditch.

Mr. Jeffers said there had been, that it was by Raibley on the boat shop across the highway.

Commissioner Cox said it has been done in other areas too but the maintenance on this ditch would be comparable.

Mr. Jeffers said it would be slightly different but somewhat comparable.

Mr. Hewins said if that verbage worked before, that is what he would like to try to find, that he really didn't know how to write it up, that he has no idea what the total cost of maintenance of a ditch would be, but he knows it is expensive to hire heavy equipment to come in to dig and clean out a ditch, so if this is part of what is being required here, he thinks Mr. Nussmeyer might reconsider whether he wants to build on that property or not.

Commissioner Willner told Mr. Hewins that when he talks about heavy equipment, he is talking about reconstruction and the Commissioners aren't asking him to do that, only that he keeps it clean.

Commissioner Borries said it is, however, near the intersection of two ditches, the south bank of Crawford-Brandeis and the east bank of Stockfleth Ditch and he would only have to maintain the latter ditch.

Mr. Hewins said he was asked to maintain a section of the north-south ditch and a section of the east-west ditch, both, which would include an intersection.

Commissioner Borries said, with the intersection then, his comment would be, that he thinks it is very important for the Commissioners to have Mr. Nussmeyer to clearly understand this aspect of maintenance, that the Commissioners wouldn't want to double charge him in any way, but he would be responsible for the maintenance of the ditch, but at such time as they would ever get into the reconstruction of a ditch along that intersection, he wondered what they would do.

Commissioner Willner said they would probably do it from the other side as far as big equipment and the property owners in the water shed would pay for the total reconstruction.

He asked Mr. Jeffers why we are asking the property owners to maintain that ditch.

Mr. Jeffers said because, generally speaking, once you grant a waiver, they put something in the way that makes it impossible for it to be cleaned.

Mr. Hewins said this is the point he thinks he might want to be addressing today because he has the statute here and what Marty and Mr. Nussmeyer are asking really doesn't change any powers that the County Surveyor or the Drainage Board already have, that he has, by law, now power to put up a permanent structure on that 25 foot from the top of the ditch onto his property and if he puts any temporary structure which includes trees, shrubs or woody vegetation, the Surveyor may order that it be removed immediately which would take care of any temporary structure or display item and the Drainage Board already has that power so he couldn't obstruct that 25 feet in any way.

Mr. Jeffers said, as a matter of practicality, they don't find out that he has obstructed anything until the contractor calls them and says he can't get in there and by that time they notify him and wait for him to go in and remove the obstruction, the contractor is finished with the rest of the ditch and says he isn't going back in there because it would cost him \$100.00 to mobilize, so this is why Commissioner Willner has been asking for help with the maintenance, because they know ahead of time that it has been passed on general terms.

Mr. Hewins said, in other words, the statutory power has turned out not to be sufficient.

Mr. Jeffers said that right now, on a piece of property that Mr. Nussmeyer owns and is leasing to Rudolph, they put their trailers at the top of the bank and they couldn't mow it this year and he was told that Rudolph's employees would mow this ditch.

Mr. Hewins said he can see the problem and he thinks Mr. Nussmeyer is certainly willing to maintain the bank, so he thinks they will just change the language.

Commissioner Willner and Commissioner Cox agreed that Mr. Nussmeyer had consented to do that when he was here.

Commissioner Cox said her motion was on the ditch banks, not the dredging, re-channeling, or anything like that.

Mr. Hewins said if he brings this back in proper form, he believes the attorney will get it signed and it will then be in effect.

Commissioner Willner said this is correct.

RE: ROBERT FENNEMAN - IRIS SUBDIVISION DRAINAGE

Mr. Fenneman said in regard to the recommendation of a toe drain being built at the foot of his lake dam that was previously on the agenda, the Drainage Board had asked Mr. Elvis Douglas to take a look at it, that he is on vacation today, but Mr. Douglas told him that he had reported to the Commissioners at their last meeting, that the toe drain was neither practical or feasible and he had nothing else to suggest, since there is nothing else he can do, and that is all that he has.

RE: BILL JEFFERS - STOCKFLETH DITCH

Mr. Jeffers submitted a map of Stockfleth Ditch and explained that it starts at Division Street by Executive Manor Apartments which is one-quarter mile west of Burkhardt Road and runs due north through some curves, under Oak Grove Road which is one-quarter mile north of Division Street and then for a short stretch, that

Mr. Nussmeyer owns both sides of the ditch from Oak Grove to Hirsch Ditch. He explained that the reason he showed the Commissioners the outline of the square mile or so around Stockfleth Ditch is so they would realize the impact that development will soon have with Green River Road on the west, Burkhardt Road on the east, Division Street on the south and Morgan Avenue on the north.

He said, as the Commissioners well know, from the work the County has done on Burkhardt, the work the City has done on Green River Road, the work that is presently being done on Division Street, Morgan Avenue and I-164, which is only about three-tenths of a mile to the east, exactly what is going to happen to that has already begun to happen. He then explained the condition of the bridges, stating that the portion marked in yellow shows the ditch is in pretty good shape, the pink portion requires some alterations to put it in excellent shape, the large blue square is the proximate location of some land that is presently on the drawing board as an industrial development, part of it owned by George Ryan and part by a Mr. Rinehart, that this is just the general location to show the Commissioners about where the industrial development is going to take place.

He said the small blue square shows the parcel of property that Mr. Nussmeyer is asking for relaxation of the easement on. He explained that Vogel Road will extend through there and Royal Avenue will run through the vicinity there and he has three circles on the drawing and the circle designated as A is the location of a new box culvert installed by the State of Indiana on the Division Street expressway, that the box culvert is 12 X 6, identical to the one the County is installing on Nisbet Station Road, that the State usually buries their box culverts two feet on a legal drain for future excavation which leaves approximately 48 square feet of waterway opening, which he assumes the state has told the Department of Engineers to decide how much waterway opening is required for upstream drainage, and co-incidentally, the opening they assigned to this box culvert is about the same size as the earth channel which the Drainage Board installed there in Stockfleth Ditch, 46½ feet for the earth channel and about 48 feet for the box culvert with 72 feet available if they want to excavate it in the future and if they go one mile north of this box culvert under Oak Grove Road, the County maintains a smaller box culvert that was installed in 1925 when the requirement for passing water was much less since it was flat agricultural land, totally undeveloped which would explain why the box is only 5 X 4, however in 1987, the existing condition of the box will quickly reveal to everyone that it is undersized and grossly inadequate to pass the water coming down that ditch and this is evidenced by the fact that the water itself has scoured out a flow line that is a foot deeper than the box that was originally built and the side walls inside the box are severely scoured and the footing is becoming undermined, and presently, the waterway opening at that point is 25 square feet because it scoured itself out. He said what he is getting to is that the lessee of a parcel of property that is owned by Mr. Nussmeyer installed a temporary construction crossing in the spring of 1987, basically measured the box culvert maintained by the County at 25 square feet and put in two four-foot diameter corrugated metal pipes which does give you a 25 square foot opening, however, the corrugations in the metal pipe creates turbulence which restricts the passage of the same amount of water as goes through a smooth concrete surface, and the Commissioners will notice that the earth channel is twice as large as the opening provided by the pipe. He said he has been in contact with the representative of the lessee since this summer and he would like to notify the Board, at this time, that he will be sending notice to the lessee and to the owner of the property to notify them that the Vanderburgh County Surveyor considers the temporary crossing to be a restriction to good drainage and that they would like to continue to work with them and have this replaced with a more adequate structure if he wishes to continue to cross a legal drain with a temporary or semi-permanent crossing.

Commissioner Cox asked Mr. Jeffers if he is speaking of Item C.

Mr. Jeffers said yes, that this is a twin pipe crossing, that he considers this a temporary crossing because no one applied to the Vanderburgh County Drainage Board for a permanent crossing, so he considers it a temporary crossing. He said he isn't pointing a finger at anyone by saying that since they were unaware that it was a legal drain at the time and he was notified of such after it was installed. He said what he would like to do is to send them a letter this week, asking him to theoretically remove the pipe and with the notification he will send some sketches showing some details and requirements for a more acceptable crossing, and at the November meeting he will ask the lessee or the owner to come back and show the Board a shop drawing of a crossing he proposes to install there if he wishes to continue crossing Stockfleth Ditch at that point, and also by the December meeting, the construction should be started if the Surveyors office and the Drainage Board

approves the shop drawing, and by the January Drainage Board meeting, they feel the construction should be complete and the crossing should be open to construction traffic for the next construction season.

He said his office feels real strongly about this, and as he had said earlier, and he is sure the Commissioners can see that this particular section of ground is going to undergo massive development, that it is already happening with the county expending millions of dollars on Burkhardt Road, the City on Green River Road and the State on three other roads of major importance in the area.

Mr. Jeffers said he wants the Commissioners to understand that this is a very important location that the lessee has there, that it is very important to the area and that is why they have waited until the construction season is ending to ask him to move the structure but the gentleman has known about this since summer, but because of the importance of the plan at that location he felt it would be in the best interest of all to wait until late December to move forward on the recommendation of the crossing.

Commissioner Borries asked Mr. Jeffers if there are any suggestions he is going to offer as to what would be an appropriate structure or any changes to this particular area in the future.

Mr. Jeffers said he would say that they would ask the County Bridge Department to investigate the real need for an improved structure under Oak Grove Road. He said this man who built the temporary crossing, obtained his sizing by going down to a county structure which is existing, that in all good faith, he assumed this would be big enough but knowing what is going to happen upstream of Oak Grove Road, he thinks the County should replace that structure as soon as possible and to ask the property owner to replace his structure also, which is notated as C on the drawing, a copy of which is attached to these minutes.

He said he has some preliminary sketches down at his office, that the Board will notice at number C, that the bank elevation is 381 and the 100 year flood, at that point, is 384 which is three feet higher than the bank and the Building Commission requires a finished floor elevation of 386 right at that point and the roadways in the immediate neighborhood that are affected by these structures are about 382 so obviously the ground around this and the roadway will go under water in a 100 year event so they are still contemplating whether to ask the man to put the bottom of the structure at 384 but he is still thinking they may ask for the low steel to be 384 which would raise his roadway three or four feet and he would have to come back down to Fairfield and Maxwell with a super elevated curve.

He said another option he thinks he should forward to him would be a low water crossing because he could then pave a low water crossing and maintain the cross section of the ditch and he does have access to Oak Grove Road through the front of the lot, or if he wishes to go to the expense, he would say at least a 12 X 6 box culvert but this is expensive. He said the County is going to have to go to this expense though if they wish to improve theirs, that he isn't trying to push anything on the Commissioners but he wishes they would go out and look at that because when those industrial subdivisions start coming in, it is going to be critical. He said that he would really appreciate the motion because it reinforces the County Surveyors statute powers, but he would like for them to understand that they could give this man a notice today and go in there and tear that thing out today but he doesn't want to do that and this is why he presented them with the time schedule that goes from now through January 30, 1988, to give him all the opportunities possible to do this while his plant is shut down, so this is part of the motion that he would be asking, that they relax that ten-day period and let them go with this alternate schedule.

Commissioner Borries so moved, having taken Mr. Jeffers comments under consideration, that the property owner, designated as C on the map of Stockfleth Ditch, be notified of the concerns of this structure and that they should be removed by December 31, 1987 and replaced with a structure approved by County standards. Commissioner Cox seconded the motion. So ordered.

Mr. Jeffers said he would also say that anything in this area from Oak Grove to Hirsch Ditch should be closely looked at and the Commissioners should probably be asking for at least a site plan to show them what would go next to that ditch on either side, that anybody requesting a crossing or relaxation of an easement should probably present a fully developed site plan to make sure that we aren't taking up the flood plain totally, that just by giving the relaxation of an easement, that we aren't leading to the future damage of a building that might be built to close to that ditch.

Commissioner Willner said he agrees and he thanked Mr. Jeffers for his comments.

RE: DAVID ELLISON - WOODS ROAD BRIDGE

Mr. Ellison said he just wondered if the Commissioners have any information on the Woods Road Bridge.

Commissioner Borries said he had given Mr. Easley an alternate plan prepared by the Bridge Engineer, Dan Hartmann, which would encompass a three-span structure rather than a single span and this is all he has to report at this time.

Mr. Ellison said the reason he is asking is because in November they have their bi-annual directors meeting and he wondered if the County has bought any right-of-way, if they are going to do anything soon, or what, that the only thing the Board didn't have at the last meeting was the cost of the bridge on the three-span that we talked about.

Mr. Easley said he doesn't have the estimate for the three-span in front of him and he hasn't had a chance to discuss it with the Commissioners. He asked the Commissioners if they are interested in taking alternate bids on a three-span steel bridge.

Commissioner Willner said he isn't.

Commissioner Cox asked if the steel will be encased in concrete.

Mr. Easley said he would suggest steel stringers with a galvanized steel corrugated deck with an asphalt wearing surface, that it would have to be painted every ten years, that we would have to be sophisticated enough and disciplined enough to paint every ten years, that it wouldn't be too much trouble to design, that Dan Hartmann has the piers and the pile caps all designed, that they could use concrete pile caps.

Commissioner Borries said that personally, he would prefer to go with the concrete structure at this time, but he welcomes these comments because of perhaps the potential deterioration and sometimes the difficulty that is encountered when you do have to maintain such a structure as Mr. Easley has described, over a period of time. He said he would be willing to bid them both alternately though, a single span bridge and a triple span bridge.

Commissioner Willner said if they are going to do a steel bridge they will need a little more time, that he is sure they are in a slight bit of a hurry to get this done in the next construction season or maybe during the winter months and he thinks we should go ahead with what we have, but he would like to see them both bid, the single span and the three-span, that maybe he is mistaken but the single span would cost considerably more, but he would like to see bids on both.

Commissioner Borries said he thinks the association agrees that the three-span would be acceptable based on where the piers would be, if they would be placed far enough away in the channel so they wouldn't impel or restrict the flow of the ditch, so that it is satisfactory, and now it is just a matter of dollars, so he thinks we should bid them both.

After further discussion, Commissioner Borries moved that the specifications be prepared for a single span bridge and a triple span bridge for Woods Road and that they be considered for bidding at the next Commissioners meeting. Commissioner Cox seconded the motion. So ordered.

Bill Jeffers said that he and Dan Hartmann were looking over the preliminary engineers estimate on just the bridge itself and the estimate for the 80 foot single span bridge was about \$102,000 without certain things which comes out to about \$1,100.00 per lineal foot and the 96 foot triple span bridge was around \$96,000.00 which comes out to about \$1,000.00 per lineal foot and it was their impression that this is what they were shooting for, so the Commissioners are close to about \$1,000 per lineal foot for a concrete bridge, and he hasn't heard of any other bridge presented yet that was represented as being able to be built at \$1,000 per foot.

Commissioner Cox said if this is true, it isn't cheaper to build a wooden covered bridge.

Mr. Jeffers said this is without the roadway, that the roadway on Woods Road, in

order to straighten out the road, Mr. Hartmann had designed a road that was another 1,000 feet and that would be another \$100,000.00 right there but he isn't familiar with a wooden bridge at all, but it was their impression at the office that they were supposed to be shooting for \$1,000 per foot bridge and he thinks that Mr. Hartmann, who he is speaking for since he isn't here, has achieved close to that and he also indicated to him that if they wanted to cheapen that up by taking the driving surface off, removing the concrete casings from around the piles and going with steel piles like the other bridge that has been suggested and doing some other things to lower the expense of it, they could get down to around \$900.00 per lineal foot but the bridge he designed is a first class structure that is taken from IDOH standards.

Commissioner Willner asked what he did with the guard rails.

Mr. Jeffers said he thinks, on the guard rails, almost all of them in the rural areas like that are supposed to be installed by the county in order to save that amount of money.

Commissioner Willner said the Federal Highway Administration and the State Highway Administration wants you to use these concrete barriers, that they are going to be standard now for constructed bridges for safety.

Mr. Jeffers said good for them, that this makes the bridge a little wider, that you have to go wider with the deck to be able to get them on and still have your driver surface, that this changes a lot of things. He said these were suggested by Commissioners Borries for First Avenue when we wanted to create a walkway for the pedestrians.

Commissioner Cox said she can see using them there but out in a rural area, for Pete's sake. She asked if this is standard on all of them.

Commissioner Willner said it will be standard on all of them.

Mr. Jeffers said he hates to be flippant about it but a whole lot of state standards are sent down here and by the time you ask them if this is really necessary, they say, if you are building it with county funds, no, that they said Boonville-New Harmony over Barr Creek had to be 41 feet wide in one memo sent down here and he asked if it must be 41 feet wide.

Mr. Easley said if we get federal money we will have to.

Commissioner Willner said we aren't using federal money on this one.

Commissioner Cox said we then may have to back up that wooden bridges are cheaper.

Commissioner Willner said we will see won't we?

Mr. Jeffers said when they are bid we will find out, that is part of the game.

Commissioner Willner said that is exactly right and he asked Mr. Ellison if this answers his question.

Mr. Ellison asked if there will be bids then at the next meeting.

Commissioner Cox said no, that there will be a motion to advertise for bids next week after the specifications are prepared.

Mr. Ellison said it will then be December before <sup>we</sup> get any bids so it will probably be February then before they can start on it.

Commissioner Cox asked if they can't do a concrete bridge in the winter, since she thought they had before.

Mr. Jeffers said Key Construction did one on St. Joe Avenue over Pond Flat in January of 1982.

RE: CONTRACT TO BE SIGNED

Mr. Jeffers said he has two copies of a contract between the Drainage Board and Blankenberger Brothers, Inc. to be signed. This is for Additional Maintenance to Wallenmeyer Ditch, Vanderburgh County Project Number VCS-234-040-0787-WD. The total bid of the contract to be \$1,953.60.

Commissioner Borries moved that the contract between the Drainage Board and Blankenberger Brothers, Inc. for additional maintenance on Wallenmeyer Ditch be signed. Commissioner Cox seconded the motion. So ordered.

RE: CLAIMS

Mr. Jeffers said the only other matter he has to bring before the Drainage Board are the following claims:

Terry Johnson Construction: Claim in the amount of \$2,223.69 which is 45% of the total bid on East Side Urban North Half and this will bring the payment for Mr. Johnson's work to be 85% of the total, leaving 15% until he signs a certified letter stating that he has paid all of his cost. The claim is accompanied by the Surveyor's written report stating that the work has been completed.

Commissioner Borries moved that this claim be approved. Commissioner Cox seconded the motion. So ordered.

Terry Johnson Construction: Claim in the amount of \$131.77 which is the 15% retainage on Harper Ditch. This claim is accompanied by a letter stating that Mr. Johnson does certify that he has paid all of his employees, subcontractors, if any and all other persons for all expenses including labor and materials. It is also accompanied by the Surveyor's written report that the work is completed.

Commissioner Borries moved that this claim be approved. Commissioner Cox seconded the motion. So ordered.

Commissioner Willner asked if we are going to continue to do 15%, that this seems like a trivial amount, and asked why we don't get 50%. He asked if this is what was left.

Commissioner Cox asked if this isn't the usual procedure.

Commissioner Willner said if it is the last 15%, that is fine.

Mr. Jeffers said it is the last 15%. He said that under the state drainage statute, it reads that 15% of the contract price shall be held by the Board for the period of 60 days after the completion of work for the purpose of securing payment of supplies, labor and sub-contractors.

Terry Johnson Construction: Claim in the amount of \$1,781.13 which is the 15% retainage on the East Side Urban South one-half. Surveyor's written report that the work is completed is attached and all forms are signed.

Commissioner Borries moved that this claim be approved. Commissioner Cox seconded the motion. So ordered.

Terry Johnson Construction: Claim in the amount of \$340.44 which is the 15% retainage on Aiken Ditch. Surveyors written report that the work has been completed is attached and all forms are signed.

Commissioner Borries moved that this claim be approved. Commissioner Cox seconded the motion. So ordered.

Commissioner Cox asked Mr. Jeffers if they are going back to burn the trees that are piled for burning when it rains.

Mr. Jeffers said they have, on the North half, the remaining 15% retainage and this is for the trees, that he will burn them when it is safe to do so.

Tim Schaefer: Claim in the amount of \$3,032.80 which is 25% progress payment for Eagle Slough additional maintenance for cutting trees and treating stumps from Waterworks Road to Weinbach Avenue. Attached is the page in the specifications approved by the Board that shows he is entitled to 25% of the total bid. Attached is the Surveyor's Report indicating the work was finished on October 25th which was yesterday and it was inspected today by Mr. Pasco and Mr. Goodman, so the progress payment is in order on Eagle Slough.

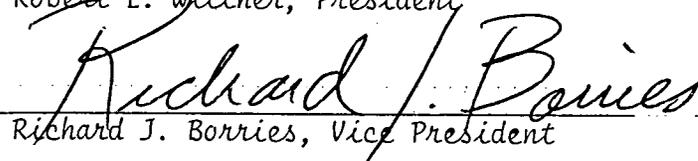
Commissioner Borries moved that this claim be approved. Commissioner Cox seconded the motion. So ordered.

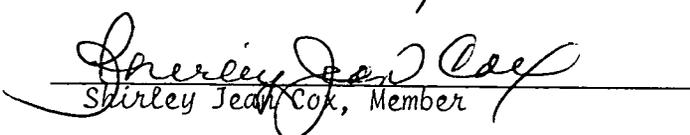
President Willner entertained further matters of business to come before the Board. There being none, the meeting was adjourned at 5:30 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. L. Willner R.J. Borries S.J. Cox	Sam Humphrey	David Miller

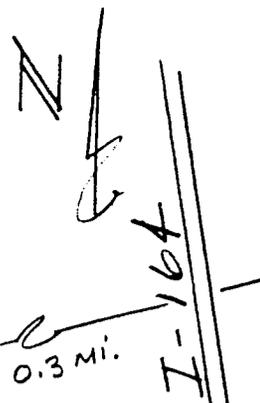
<u>COUNTY SURVEYOR</u>	<u>OTHERS:</u>
Bill Jeffers, Chief Deputy	Dan Hewins
<u>COUNTY HIGHWAY ENGINEER</u>	Mr. Nussmeyer
Andy Easley	Robert Fenneman
	David Ellison

SECRETARY: Margie Meeks  
(For Joanne Matthews)

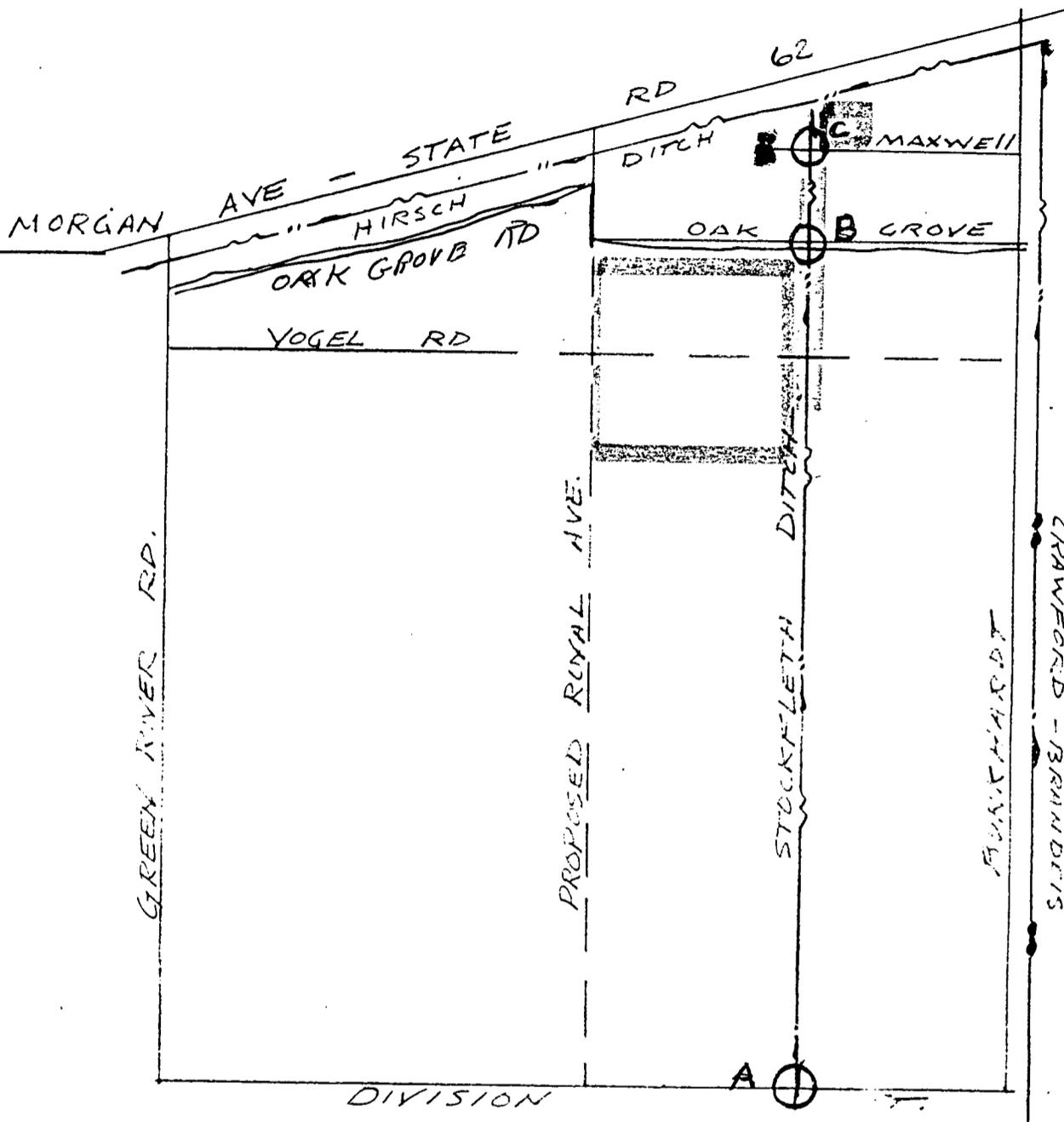
~~Robert L. Willner, President~~  
  
 Richard J. Borries, Vice President

  
 Shirley Jean Cox, Member

LOCATION MAP  
STOCKFLETH DITCH



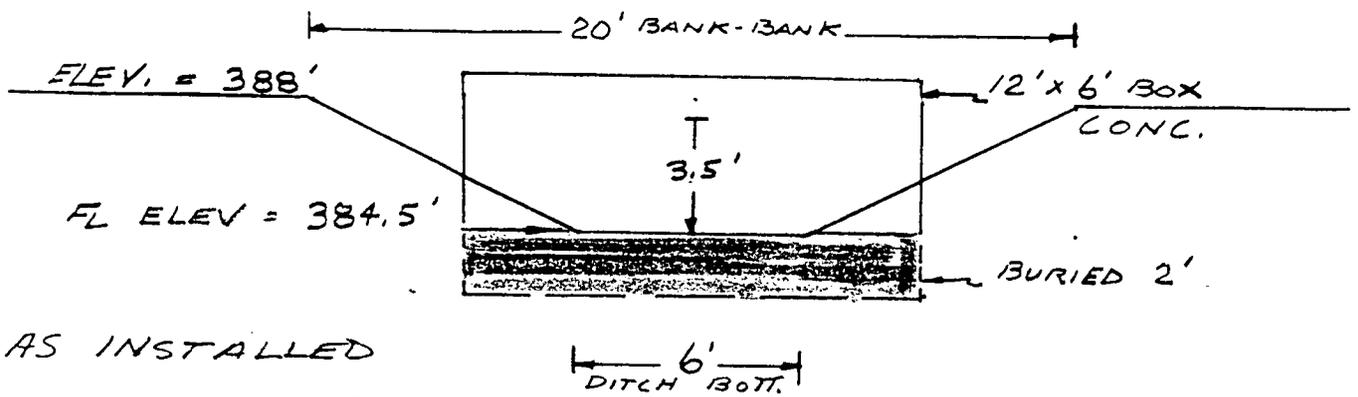
0.3 mi.



I-164



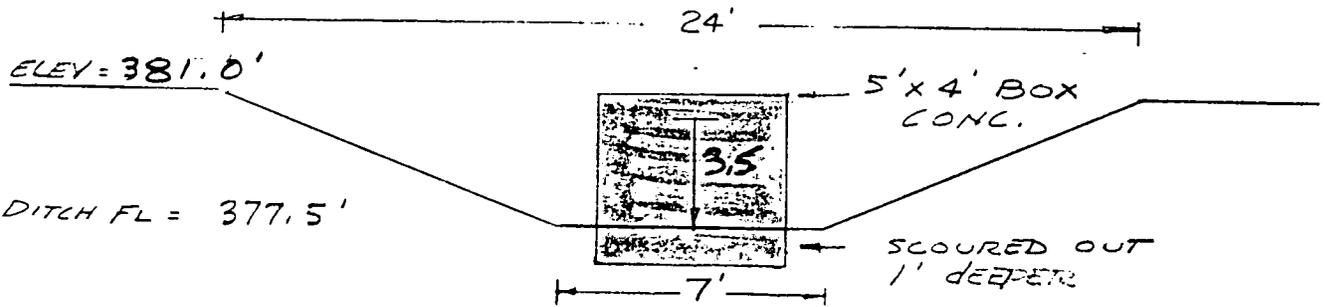
(A) STOCKFLETH DITCH @ DIVISION ST



AS INSTALLED  
BY IDOH 1987

- WATERWAY AREAS:
1. EARTH CHANNEL - 46 1/2 #
  2. BOX AS INSTALLED - 48 #
  - ~~3. BOX (AVAILABLE) - 12 #~~

(B) STOCKFLETH DITCH @ OAK GROVE ROAD



AS INSTALLED BY  
CO. COMMISSIONER 1915

- WATERWAY AREAS:
1. EARTH CHANNEL - 50 #
  2. BOX AS BUILT - 20 #
  - ~~3. BOX AS IS - 15 #~~ 25 #



AS INST. BY JH RUDOLPH (1987 SPRING)  
STOCKFLETH @ MAXWELL (A TEMP. CONSTR. X-ING)

- WATERWAY AREAS:
1. EARTH CHANNEL 55 #
  - ~~TWIN PIPES~~ 25 #

MINUTES  
DRAINAGE BOARD MEETING  
DECEMBER 28, 1987

The Vanderburgh County Drainage Board met in session at 3:40 p.m. on Monday, December 28, 1987, in the Commissioners Hearing Room, with President Robert Willner presiding.

RE: FOX RUN P.U.D. - PHASE I

President Willner said the first item on today's agenda concerns Fox Run Subdivision, Phase I. He then called upon Bill Jeffers, Chief Deputy Surveyor, for his report.

Mr. Jeffers said he is sure the Commissioners are familiar with the location of this subdivision and some of the basic plans currently in process. The drainage plan is entitled "Preliminary Drainage Plan, Fox Run P. U. D." and shows the entire boundary of the P.U.D., Phases I and II. Copies of the Plat going before the Area Plan Commission have also been provided to the Commissioners and it is entitled, "Fox Run - Phase I". This is the south half of the entire P.U.D. Morley & Associates is serving as engineer for the developer, Phil Garrison. Morley has submitted the calculations for the existing pre-development drainage run-off for the entire watershed that passes through both Phases I and II to the County Surveyor's Office, and they have shown the post-development calculations for the entire P.U.D. But he wants to emphasize that the Plat that goes before the APC is for the south end, or what is known as Phase I.

In the lower left hand corner of the drainage plan is a retention lake. It is in the southwest corner of Phase I and it serves a large portion of the entire development and also receives water from some areas of the future development to the north and northeast of the P.U.D. It is a fairly large drainage basin and the calculations submitted by Morley & Associates show the capacity for one (1) acre foot of storage and the post-development calculations indicate that only approximately 1/2 acre foot will be used in a 25 year storm. He asked for additional calculations for a 100 year storm and for a worse case scenario and we are still up to where the post-development run-off will only use about 60% of the available storage in the lake.

The drainage plan itself shows some typical cross-sections, easements, utility locations and drainage facility locations (on the left side of the drainage plan). That is to aid the developer and his sub-contractors and the various utility companies in locating utilities, hopefully, in such a way that drainage will not be impaired. This was at the request of the Surveyor's Office. On the right hand side of the drainage plan are some drainage notes indicating they will use mulch seed for 2% and under; erosion control mat or a sod. It most likely will be an erosion control mat, because it is more economical for 2% to 8% slopes. On slopes above 8%, they will use a concrete channel liner. This is all in conformance with the drainage code and past practices.

The drainage plan also shows the location of 12 ft. easements for drainage only through the subdivision and 20 ft. easements for the combination of drainage and public utility easements -- and shows an easement to be platted to the east in addition to the easement that is inside the P.U.D. In the future development there's a 10 ft. easement to the east, so that swale can be utilized by both the development under consideration at this time and the future development of single-family housing.

The mathematics submitted as part of the drainage calculations are accurate. He had approximately six hours of discussion with the developer's engineer and he has assured the Surveyor's Office that this drainage plan is sufficient to handle the expected run-off at this site. The lake will be maintained in accordance with the latest amendment to the drainage code; that is, it will be maintained by the property owners. There will be an association of P.U.D. property owners. If they do submit their 50 cents per lineal ft. for the basin and concrete pipe, that would be used for maintenance and repair. The property owners would still handle the cutting and clearing of debris and see that the pipes, etc., are free flowing. This is in accordance with the current drainage ordinance. Mr. Jeffers then entertained questions.

Commissioner Borries said he thinks Mr. Morley has indicated, as pointed out by Mr. Jeffers, the storage capacity of this lake (in view of the calculations, which were checked by Mr. Jeffers) seems adequate according to all standards currently used by the County and even in excess of a 100 year event.

Mr. Jeffers said the worst 25 year storm they could calculate would use about 60% of the storage capacity of the lake and the worst 100 year storm would not fully use the storage capacity of the lake -- and there is an emergency overflow in case something did go wrong. There is one (1) acre storage in the design lake. The 25 year storm would use around 55% of that and the 100 year storm would use about 67% of that capacity. As he said, if some facility downstream or the planned outlet to the lake is blocked or some other unforeseen maintenance problem develops, they do have an emergency spillway located at the rear of Lots #37 and #38 -- and that emergency spillway flows into a swale along the west property line of the subdivision and directly into the County's side ditch along Eisler Rd., and then under Eisler Rd. and down through the subdivision to the south, which is the natural path of the drainage at this time.

Commissioner Borries asked, "Are we doing on our erosion control for ditches -- it would be the same in terms of a drainage swale -- that there would be no debris, nor storage of any kind, nor temporary structures, nor mulch or anything that would impede the flow?"

Mr. Morley offered comments -- but they were inaudible.

Mr. Jeffers said "Mr. Morley's statement indicates that the property owners will be notified that no debris, trees, or any other impediment to good drainage shall be placed in the drainage swale -- and that will appear on the final plat that will be recorded in the Vanderburgh County Recorder's office."

The lake cross-section shows the spillway section. That pipe takes the water to the right-of-way line and there is an existing pipe underneath Eisler Rd. which would pick the drainage up at that point and take it underneath Eisler Rd.

In response to query from Commissioner Borries, Mr. Jeffers said that in reviewing the on-site drainage plans for this P.U.D. he assumed that the Highway Engineer would look at whatever plans are developed for the widening of Eisler Rd. and at that time he would determine whether the culvert underneath Eisler Rd. is sufficient or would have to be changed. Mr. Jeffers said he would have no idea at this time whether that cost would be borne by the developer or the Highway Department, so he was just reviewing the on-site drainage calculations.

Mr. Morley said that with regard to the width of old right-of-way, it is 50 ft. and 60 ft. -- and was signed, apparently on some occasion back in the days of the deed -- perhaps as a condition of the County accepting Eisler Rd. Therefore, the right-of-way is totally clean. The County has

full rights to the right-of-way all the way on Eisler Rd., so the improvements can be done without concern as to whether we have the right-of-way. It is 50 ft. from Old State Rd. back to the top of the hill and at that point it comes out to 60 ft. (30 ft. on each side and 25 ft. on each side). So the County has everything it needs for the widening of Eisler.

Mr. Jeffers said he has a copy of the subject deed and some other deeds, as well. What happened was that in 1964, the residents along Eisler Rd. dedicated right-of-way to the County as described by Mr. Morley -- and the total length of the right-of-way is around 3,500 lineal feet from Old State Rd. eastward -- pretty much to the end of Eisler Rd. So the right-of-way is sufficient to make any contemplated improvements. This is not only recorded in the Recorder's Office; but mention is made that it is recorded in Commissioners Minutes, Volume B .....or something like that.

The Chair entertained a motion.

Mr. Jeffers interjected that, "As with any P.U.D., the planning has to be very tight -- we're talking about zero lot line houses, etc. This is a preliminary or conceptual drainage plan. When they really get into the type design of the roads and drainage improvements, he would ask that the Vanderburgh County Surveyor's Office be supplied with the finished street and drainage plans so they can be included in their files -- to give them something to go by (other than the preliminary plan) during the final inspection. They will really need the street plans, as he is certain there will be some adjustments and additions and more detailed work, in order to comply with this conceptual plan.

Commissioner Borries asked Mr. Morley if he would be able to do this?

Mr. Morley responded in the affirmative.

Upon motion duly made by Commissioner Borries and seconded by Commissioner Willner, the Preliminary Drainage Plan for Fox Run P.U.D., Phase I, was approved, as submitted, including the submission of finished street and drainage plans to the County Surveyor. So ordered.

RE: REQUEST FOR LOCATION OF TEMPORARY HAUL ROAD CROSSING OVER EAGLE SLOUGH

Mr. Jeffers submitted the following request from Lutgring Brothers Incorporated and said that representatives of Lutgring are in the audience today:

December 15, 1987

Vanderburgh County Drainage Board  
Room 325 - Administration Bldg.  
Civic Center Complex  
Evansville, IN 47708

Re: Temporary Crossing of Eagle Creek

Dear Sirs:

Lutgring Bros., Inc., requests permission to install a temporary crossing from the Mike Wiemer property to I-164 for the construction of the I-164 bridges over Weinbach Avenue. The following is a description of the work involved:

- 1) Location: Eagle Creek in Section 3, Township 7 South, Range 10 West, Knight Township, + 800 feet upstream from Weinbach Avenue Bridge.

- 2) Type: Low water crossing constructed of rip-rap with a 12 inch earth cover. A 7 ft. diameter by 30 ft. long pipe will be used for drainage.
- 3) Erosion Control: Sediment trap constructed of rip-rap.
- 4) Time: Estimated Installation Date: March 31, 1988  
Estimated Removal Date: December 31, 1988.

We hope this meets with your approval.

Sincerely,

LUTGRING BROTHERS INCORPORATED

/s/ Daniel P. Lutgring, President

Mr. Jeffers said this is the same thing that Traylor Brothers came in and asked for last month. It basically follows the State-recommended design for a temporary crossing of a legal drain. It has a 7-1/2 ft. diameter pipe and then the haul road is dipped down so that in the event of an emergency there'd be a low water crossing. This is in conjunction with Highway I-164. Lutgring does have a contract with the State and it is necessary for them to get to their borrow pit. It is the recommendation of the Surveyor's Office that the Drainage Board approve the request, in accordance with attached drawing -- as long as they fill out a ditch crossing permit. He is in the process of writing a Ditch Crossing Permit, using the Levee Crossing Permit as a model. When the form is complete he will also have Traylor Brothers come in and sign said form. If the Board approves Lutgring's request, he will also have them sign same. The form basically absolves the County from damages caused by this and gives the County the right to remove the temporary crossing with a 10-day notice in case of emergency. We already have all of those rights -- but this just puts them in permit form.

There being no further questions, a motion was entertained.

Commissioner Borries said that by March 31st the high waters should have receded and it should be possible to construct this temporary crossing.

Mr. Jeffers said we've had as many as five (5) of these in place in one year. Right now, he believes this will make three (3) that will be in place during the summer of 1988 on that creek. He noted that Lutgring's representative has stated that they will not be using any County roadways.

Upon motion duly made by Commissioner Borries and seconded by Commissioner Willner, the request was approved. So ordered.

RE: CLAIMS

Mr. Jeffers submitted the following claims for approval:

Evelyn Paul: Claim in the amount of \$542.53 (remaining 15% of bid - Barr's Creek).  
Claim in the amount of \$169.19. (remaining 15% of bid - Wallenmeyer Ditch).

Eugene Rexing: Claim in the amount of \$40.42 (remaining 15% of bid - Singer Ditch).

Union Township Ditch Association:

Claim in the amount of \$150.66  
(remaining 15% of bid - Kamp Ditch).

Claim in the amount of \$37.61 (remaining  
15% of bid - Barnett Ditch).

Claim in the amount of \$107.49 (remaining  
15% of bid - Cypress Dale & Maddox).

Claim in the amount of \$57.14 (remaining  
15% of bid - Helfrich-Happe Ditch).

Claim in the amount of \$69.28 (remaining  
15% of bid - Edmond Ditch).

Ralph Rexing: Claim in the amount of \$96.16 (remaining  
15% of bid - Pond Flat "D" Lateral).

Claim in the amount of \$58.74 (remaining  
15% of bid - Pond Flat "B" Lateral).

Claim in the amount of \$111.53 (remaining  
15% of bid - Pond Flat "A" Lateral).

Terry Johnson Construction: Claim in the amount of  
\$688.10 (remaining 15% of bid - Eastside  
Urban - North Half) less overpayment of  
\$53.13).

Tim Schaefer: Claim in the amount of \$3,032.80 (25% of  
total bid as second progress payment).

Happe, Inc.: Claim in the amount of \$770.76 (45% of total  
bid, leaving 15% retainage).

President Willner asked Mr. Jeffers if he has documentation or  
inspection reports for all of these ditches?

Mr. Jeffers responded that he does -- but it is in the Surveyor's  
Office. Where he has indicated that Certification of Payment has  
previously been submitted, this means that the Surveyor's Office  
has sent Certification to the Auditor's Office and retained  
copies in the Surveyor's file. He would say that all of the  
foregoing claims are in order and it is the recommendation of the  
Surveyor's Office that the aforementioned claims be approved for  
payment.

Commissioner Willner said the Surveyor should provide the  
Commissioners with a copy of the inspection report when the final  
inspection is done.

Mr. Jeffers said that some were inadvertently submitted when the  
work was completed.

Mr. Willner said they should all have one now.

Mr. Jeffers said they all do have one now -- they are either in  
the Commissioners' hands or in the Auditor's office, having been  
submitted with the 85% claims -- because that was then the work  
was completed. The inspector sent his reports last month and  
these are just the 15% claims.

Commissioner Willner asked if Mr. Jeffers can't bring back a copy  
of the inspection report each time?

Mr. Jeffers said he guesses he could -- but it would be a lot of  
paperwork.

Commissioner Willner said this is no problem -- just bring back a  
copy of the report given to the Commissioners previously.

Mr. Jeffers said he could do this.

Commissioner Willner said, "I just don't personally know that all of these have been inspected -- I don't know that -- and neither does anybody else present. You might -- but we don't."

Mr. Jeffers said, "I can say that all of them have been inspected and all of the necessary paperwork and statements from the Surveyor...."

Mr. Willner interjected, "Can you provide inspection reports for all the ditches you've paid this year -- sometime?"

Mr. Jeffers asked, "Would you like those within seven days or this week or...."

Commissioner Willner said that three to four weeks will be fine -- he doesn't care.

Mr. Jeffers said he will bring these to the January Drainage Board Meeting.

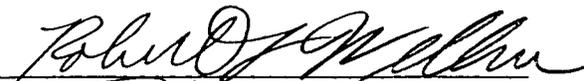
Mr. Willner said this will be satisfactory. In the interim, the Commissioners will take his word for it. Thus, a motion is entertained to approve the subject claims.

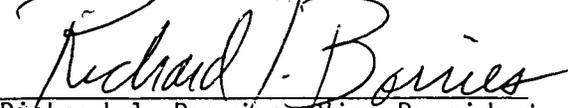
Upon motion duly made by Commissioner Borries and seconded by Commissioner Willner, the aforementioned claims were approved for payment. So ordered.

There being no further business to come before the Board at this time, President Willner declared the final meeting of the Vanderburgh County Drainage Board for 1987 adjourned at 4:15 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. L. Willner R. J. Borries S. J. Cox (Absent-Vacation)	Sam Humphrey	Curt John
	<u>COUNTY SURVEYOR</u>	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>
	Bill Jeffers	Bill Bethel	Andy Easley
	<u>OTHER</u>		
	Jim Morley Lutgring Brothers Representatives News Media		

SECRETARY: Joanne A. Matthews

  
Robert L. Willner, President

  
Richard J. Borries, Vice President

\_\_\_\_\_  
Shirley Jean Cox, Member

MINUTES  
DRAINAGE BOARD MEETING  
JANUARY 25, 1988

The Vanderburgh County Drainage Board met in session at 5:40 p.m. on Monday, January 25, 1988, in the Commissioners Hearing Room, with President Robert Willner presiding.

President Willner called the meeting to order and entertained a motion concerning approval of the minutes of the meeting held on December 28, 1987.

Upon motion duly made by Commissioner Borries and seconded by Commissioner Willner, the minutes of December 28th were approved as engrossed by the County Auditor and the reading of same was waived. So ordered.

President Willner subsequently read the following Resolution for the Board's approval:

RESOLUTION OF  
VANDERBURGH COUNTY DRAINAGE BOARD  
RE:  
DRAINAGE BOARD MEETING DATES  
JANUARY 25, 1988

BE IT RESOLVED;

That in accordance with Indiana Code 36-9-27-8 the Vanderburgh County Drainage Board will hold its regular meetings for the year 1988 on the fourth Monday of each month following the County Commissioners Meeting unless there is no business to be conducted at that time. However, Drainage Board Meetings may be held at other times, if needed, to conduct necessary business, and will be announced in a preceding Drainage Board Meeting.

If a legal holiday falls on the fourth Monday and there is business to be conducted, the Drainage Board Meeting will be held on the following business day by the Drainage Board members in an open meeting.

Approved this 25th day of January 1988.

VANDERBURGH COUNTY DRAINAGE BOARD  
Robert L. Willner, President  
Richard J. Borries, Vice President  
Shirley Jean Cox, Member

Upon motion duly made by Commissioner Borries and seconded by Commissioner Cox, the Resolution was approved. So ordered.

RE: ORGANIZATIONAL MEETING

Commissioner Willner said the next item of business is reorganization and he entertains nominations for President.

Upon motion duly made by Commissioner Borries and seconded by Commissioner Willner, Robert L. Willner was elected President of the Drainage Board for 1988. So ordered.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Borries, Richard J. (Rick) Borries was elected Vice President of the Drainage Board for 1988, and Commissioner Cox was declared a member. So ordered.

RE: VILLAGE COMMONS

The Chair recognized Mr. Bill Jeffers, Chief Deputy Surveyor. Mr. Jeffers said that Village Commons was designed by Sain Associates, and he believes Jim Lowe is here from Birmingham, Ala.

This is 28 acres of agricultural ground being converted into a shopping plaza. The previous drainage condition was about 20 acres or 70% as agricultural. Eight (8) acres or about 30% went into Stockfleth Ditch, also a legal drain, as agricultural, with a peak discharge to Harper Ditch of somewhere between 10-1/2 cu. ft. and 13-1/2 cu. ft. per second, dependent upon the method of calculation.

There is some discrepancy between the Surveyor's calculations and that of Sain, because the Surveyor used either a soil conservation method or the rational method, which is somewhat more conservative than their method. They use the Federal method and they came up with 14-1/2 cu. ft. per second -- no big deal.

The peak discharge using the Surveyor's method (as agricultural) occurs somewhere around 60 to 80 minutes. During a 25 year storm, the Sain method peaks out at 63 minutes.

Under a developed condition all 289 acres would drain into Harper Ditch because of their designed site drainage and their available route of discharge -- they cannot get their water over to Stockfleth Ditch through a pipe (no easements). After it is developed they have to go to Harper. This will relieve Stockfleth, which is in need of improvements, especially at Oak Grove Road. There is also going to be plenty of development over in the Stockfleth watershed anyway. This water going to Harper will help the Stockfleth watershed, which remains in the County. When the drainage plans were submitted, they were in the County. As of January 1, 1988, they are in the City. They are discharging water into a retention lake, then into Harper Ditch, which is still maintained by the County. Mr. Jeffers said he would request that the County delay turning the maintenance of this ditch over to the City until January 1, 1989. We have about \$1,000 in the Harper Ditch account to handle maintenance for 1988.

The reason the plan is before the Board today is because when the drainage plans were submitted, they were in the County. As of January 1, 1988, they are in the City. They are discharging water into a retention lake, then into Harper Ditch, which is still maintained by the County. Mr. Jeffers said he would request that the County delay turning the maintenance of this ditch over to the City until January 1, 1989. We have about \$1,000 in the Harper Ditch account to handle maintenance for 1988.

So the City should be aware that this development may discharge about 12% more water than previously and for a longer period of time. But the City should begin maintaining Harper Ditch no later than January 1, 1989. (This is the ditch that was reconstructed in 1981.)

Mr. Jeffers said it is the recommendation of the Surveyor's Office that the Drainage Board approve the drainage plan for Village Commons, with the following stipulations:

- 1) That the drainage plans for Village Commons submitted to the Drainage Board on 1/25/88, also be approved by the Evansville Board of Public Works after review by their engineer to verify that all downstream structures

within the corporate boundaries are of sufficient size and condition to handle the planned additional discharge quantity.

- 2) That the major detention basin (at the Northeast Corner of the development) be constructed as designed according to the drainage plan and its attached calculations all submitted to the Drainage Board on 1/25/88, and that any alterations to the existing design be submitted to the County Surveyor, Drainage Board, City Engineer and Board of Public Works, who may allow only such alterations as will increase the detention capabilities of or further limit the discharge from the basin.
- 3) That any alterations to the major detention basin in the future which would cause filling or covering of any portion of the major detention basin or which would decrease the cubic foot volume of the basin or would alter the method of discharge from the basin for the purpose of future parking, building expansion, driveway extensions, loading facility expansions or other uses than storm water detention and appropriate landscaping be denied by the developer, owner and reviewing agencies of municipal government.
- 4) That any and all plats, drawings or documents recorded or used to display the parcel known as Outparcel One shall carry notations displayed at or near the Northwest Corner of the parcel in the case of a drawing or within the text of a written document which notations shall refer to the required future detention basin and which notations shall direct the viewer or the reader to the appropriate construction design information so that the viewer or reader shall be aware of the nature of the required future detention basin to be built upon development of Outparcel One.
- 5) That the construction sheets detailing the future required detention basin for Outparcel One shall contain all such information as normally would be necessary to direct the proper installation of the basin and discharging structures all as designed by the plans and calculations submitted to the Drainage Board on 1/25/88, or subsequent related plans and details.
- 6) That any and all site plans submitted with applications for building or use permits for any construction or use of Outparcel One which construction or use would occur before the completion of the future required detention basin or which construction or use would alter or impact the basin after its construction shall show clearly the location and other pertinent data regarding the basin and its required construction during the development of the parcel.
- 7) That a storm drainage note #17 be added to the Drainage Plan Sheet presented to the Drainage Board on 1/25/88, and that the note state, "A detention basin with a minimum storage capacity of 8,500 cubic feet shall be constructed during the commercial development of Outparcel One in accordance with design requirements shown on Sheet(s) \_\_\_\_\_." (with the appropriate sheet(s) number(s) in the blank.
- 8) That all appropriate and required precautions shall be taken by the owner and his workmen to prevent damage to Harper Ditch and its structures by any transportation and installation of materials; discharge of silt, construction wastes, or any debris from within the work

site by man or nature; and that any such damage shall be repaired at no cost to the County or the City and to their satisfaction and by the owner or the contractor(s) under his hire.

- 9) That no hard or impermeable surface be applied to the fifty (50) foot wide strip shown along the East Bank of Harper Ditch from the South end to the North end of the project (except for such surfaces as are shown on the plan submitted 1/25/88) and that this strip shall be well maintained in a tightly-turfed condition.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the drainage plan for Village Commons was approved upon recommendation by the Surveyor's Office and subject to the aforementioned stipulations outlined by Chief Deputy Surveyor Bill Jeffers. So ordered.

RE: McCULLOUGH SUB "C"- DRAINAGE PLANS

Mr. Jeffers said this subdivision comes before the Area Plan Commission on Wednesday, February 3rd. He doesn't believe the Surveyor's Office can make a definite recommendation at this time, because they had not had an opportunity to review the drainage plans in their entirety and complete a report. He believes they can provide the Board with a recommendation by next week -- which would still be prior to the scheduled APC meeting.

Following further comments, it was the consensus of the Board that this matter should be deferred for a period of one (1) week, and a special session of the Drainage Board will be held immediately subsequent to the Commissioners Meeting on Monday, February 1, 1988, at which time additional information should be available. This will permit the Board to either approve or reject the plans prior to the APC Meeting scheduled on February 3rd.

RE: CLAIMS

The meeting resumed with Mr. Jeffers submitting the following claims for approval, all of which had a copy of the Surveyor's Inspection Report attached:

Blankenberger Bros., Inc.: Claim in the amount of \$1,660.56 for 85% of the total bid for additional work on Wallenmeyer Ditch.

Upon motion duly made by Commissioner Borries and seconded by Commissioner Cox, the claim was approved for payment. So ordered.

Big Creek Drainage Association: Claim in the amount of \$1,111.79 for 45% of total bid for work on Maidlow Ditch.

Upon motion duly made by Commissioner Borries and seconded by Commissioner Cox, the claim was approved for payment. So ordered.

Big Creek Drainage Association: Claim in the amount of \$199.98 for 45% of total bid for work on Rusher Creek.

Upon motion duly made by Commissioner Borries and seconded by Commissioner Cox, the claim was approved for payment. So ordered.

Big Creek Drainage Association: Claim in the amount of \$162.72 for 45% of total bid for work on Pond Flat Lateral "E".

Upon motion duly made by Commissioner Borries and seconded by Commissioner Cox, the claim was approved for payment. So ordered.

Big Creek Drainage Association: Claim in the amount of \$406.62 for 45% of total bid for work on Pond Flat Lateral "C".

Upon motion duly made by Commissioner Borries and seconded by Commissioner Cox, the claim was approved for payment. So ordered.

RE: INSPECTION REPORTS FOR DITCH WORK

In response to request from Commissioner Willner, Mr. Jeffers submitted copies of the Surveyor's Inspection Reports for all work done on ditches during 1987.....reports received and filed.

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 6:25 p.m., with the announcement that the Drainage Board will hold a special session next week, at which time the Surveyor's report and recommendations re drainage plans for McCullough Subdivision will be heard.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. L. Willner	Sam Humphrey	Curt John
	R. J. Borries		
	S. J. Cox		

<u>SURVEYOR</u>	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>
Bill Jeffers	Bill Bethel	Andy Easley

OTHERS  
 William Bivins  
 Jim Lowe  
 News Media

SECRETARY: Joanne A. Matthews

*Robert L. Willner*  
Robert L. Willner, President

*Richard J. Borries*  
Richard J. Borries, Vice President

*Shirley Jean Cox* 2/1/88  
Shirley Jean Cox, Member

The Vanderburgh County Surveyor's recommendation of approval of the submitted drainage plans for Village Commons is conditioned upon the following stipulations:

1. That the drainage plans for Village Commons submitted to the Drainage Board on 1/25/88, also be approved by the Evansville Board of Public Works after review by their engineer to verify that all downstream structures within the corporate boundaries are of sufficient size and condition to handle the planned additional discharge quantity.
2. That the major detention basin (at the Northeast Corner of the development) be constructed as designed according to the drainage plan and its attached calculations all submitted to the Drainage Board on 1/25/88, and that any alterations to the existing design be submitted to the County Surveyor, Drainage Board, City Engineer, and Board of Public Works who may allow only such alterations as will increase the detention capabilities of or further limit the discharge from the basin.
3. That any alterations to the major detention basin in the future which would cause filling or covering of any portion of the major detention basin or which would decrease the cubic foot volume of the basin or would alter the method of discharge from the basin for the purpose of future parking, building expansion, driveway extensions, loading facility expansions, or other uses than storm water detention and appropriate landscaping be denied by the developer, owner and reviewing agencies of municipal government.
4. That any and all plats, drawings, or documents recorded or used to display the parcel known as Outparcel One shall carry notations displayed at or near the Northwest Corner of the parcel in the case of a drawing or within the text of a written document which notations shall refer to the required future detention basin and which notations shall direct the viewer or the reader to the appropriate construction design information so that the viewer or reader shall be aware of the nature of the required future detention basin to be built upon development of Outparcel One.
5. That the construction sheets detailing the future required detention basin for Outparcel One shall contain all such information as normally would be necessary to direct the proper installation of the basin and discharging structures all as designed by the plans and calculations submitted to the Drainage Board on 1/25/88, or subsequent related plans and details.
6. That any and all site plans submitted with applications for building or use permits for any construction or use of Outparcel One which construction or use would occur before the completion of the future required detention basin or which construction or use would alter or impact the basin after its construction shall show clearly the location and other pertinent data regarding the basin and its required construction during the development of the parcel.

7. That a storm drainage note #17 be added to the Drainage Plan Sheet presented to the Drainage Board on 1/25/88, and that the note state, "A detention basin with a minimum storage capacity of 8500 cubic feet shall be constructed during the commercial development of Outparcel One in accordance with design requirements shown on Sheet(s) \_\_\_\_." [with the appropriate sheet(s) number(s) in the blank.]

8. That all appropriate and required precautions shall be taken by the owner and his workmen to prevent damage to Harper Ditch and its structures by any transportation and installation of materials; discharge of silt, construction wastes, or any debris from within the work site by man or nature; and that any such damage shall be repaired at no cost to the County or the City and to their satisfaction and by the owner or the contractor(s) under his hire.

9. That no hard or impermeable surface be applied to the fifty (50) foot wide strip shown along the East Bank of Harper Ditch from the South end to the North end of the project (except for such surfaces as are shown on the plan submitted 1/25/88,) and that this strip shall be well maintained in a tightly-turfed condition.

RESOLUTION OF  
VANDERBURGH COUNTY DRAINAGE BOARD  
RE  
DRAINAGE BOARD MEETING DATES  
JANUARY 25, 1988

BE IT RESOLVED:

That in accordance with Indiana Code 36-9--27-7, the Vanderburgh County Drainage Board will hold its regular meetings for the year 1988 on the fourth Monday of each month following the County Commissioners Meeting, unless there is no business to be conducted at that time. However Drainage Board Meetings may be held at other times, if needed, to conduct necessary business, and will be announced in a preceding Drainage Board Meeting.

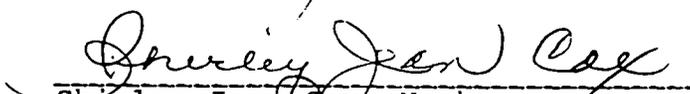
If a legal holiday falls on the fourth Monday and there is business to be conducted, the Drainage Board Meeting will be held on the following business day by the Drainage Board members in an open meeting.

Approved this 25th day of January 1988.

VANDERBURGH COUNTY DRAINAGE BOARD

  
Robert L. Willner, President

  
Richard J. Borries, Vice President

  
Shirley Jean Cox, Member

ATTEST:

  
Sam Humphrey, Auditor  
Vanderburgh County

  
County Attorney

MINUTES  
DRAINAGE BOARD  
FEBRUARY 1, 1988

The Vanderburgh County Drainage Board met in session at 5:35 p.m. on Monday, February 1, 1988, in the Commissioners Hearing Room, with President Robert Willner presiding.

President Willner entertained a motion concerning approval of the minutes of January 25th.

Upon motion duly made by Commissioner Borries and seconded by Commissioner Cox, the minutes were approved as engrossed by the County Auditor. So ordered.

RE: MCCULLOUGH SUBDIVISION SECTION "C"- DRAINAGE PLANS

Mr. Jeffers directed the Board's attention to the drainage plans for McCullough Subdivision, Section "C", which is located off Dieffenbach Road. It received waiver of curb, gutter, and sidewalk at the Commissioners' meeting last week -- at which time he stated that the drainage plan that would be presented to the Board was predicated on no curb and gutter. He said he wants to apologize to Mr. McCullough for saying that his lake was shaped like a kidney bean -- actually, it looks more like a lima bean! Mr. McCullough is here in the audience with his engineer, Mr. Bill Bivins. The Board has the plat in front of them which still applies to this drainage plan. He also has in front of him the street plans, which show all the details of the structures that will go in to carry the water down to the lake he referred to in Lot #18.

"I went out and met with Mr. McCullough and his son on site, because I wanted to take a look at it. I share some of the same feelings as each of the three Commissioners do about streets and I want to address the first one to Mrs. Cox. As you know, I don't feel any differently than you do about side ditches or the lack of rolled curb and gutter. But this is only a 500 ft. extension of an existing subdivision which does not have curb and gutter in the rest of it. It is not like Mr. Wittekindt's subdivision, where the streets he was continuing on around would take the streets all the way back out to Browning Road and, therefore, would be more heavily traveled than this.

I want to say I also share the feelings of Commissioner Borries in that the recommendation that our office is going to make would only be made because this is an extension of an existing subdivision and only because it is a 500 ft. stub-out from an existing road and doesn't go anywhere other than to the end of this cul-de-sac.

I want to say I also agree with Mr. Willner in that the County standards still offer the option of a road without curb and gutter and that this option is generally exercised in rural areas -- and it is there -- and, in this situation, what I viewed that Mr. McCullough and his son have accomplished so far is that they generally have graded this roadway in. It is not finished, but it is generally graded in place. He is acquiring fill off Lot #19 to fill in this ravine over on Lot #23 and create a ditch on both sides of the road. The lake that I pointed out up in the Northeast corner of the subdivision has at times become very low and they have had to actually buy water to keep it full. One of their main objectives here is to pipe the water from these side ditches down to the lake so that he won't have to purchase water

in the future. That was one of my concerns -- he was taking water off one side of the hill that actually went in a different direction and piping it around to the lake. But after I viewed the lake, it is very well constructed. Both lakes have an emergency spillway in addition to their discharge tubes. He also has stabilized his bank; he has laid it back at 3:1 or flatter slopes and has stabilized it with erosion control mat. He has established a grass growth on it. To force him to re-grade all of this to put in rolled curbs and gutters would be expensive and destructive to erosion control methods he has already employed. After discussion amongst the McCulloughs and their engineers, they have decided to use reinforced concrete pipe rather than plastic or metal pipe. He shows that on his street plans and I believe he indicated his desire to pay 50 cents per lineal foot and turn that pipe over to the maintenance fund that the County maintains. I did not find anything incorrect in the calculations of the amount of discharge, etc., of the lake stages and the various things that Mr. Bivins gave our office to review. Because of all that, our office would recommend approval of the drainage plan for McCullough Subdivision Section "C", with the one stipulation that the existing 8 inch PVC pipe in the easement through Lot #19 (which was put there simply to pull water down to that lake and will be replaced by a 15 inch concrete pipe with a manhole) not be maintained or accepted by the County. And that whether it stays or is destroyed or whatever is of no concern to the County and that we simply accept this drainage plan with the concrete pipe as shown on the street plans. As indicated earlier, the two gentlemen are in the audience if you have questions."

President Willner entertained questions.

Commissioner Cox said, "I'd like to know what political office Mr. Jeffers is getting ready to run for -- because he certainly was very amenable to every one of us up here at the table today! My only concern here was -- the first question I had is to make sure (and that has been my concern through all of these) that our ordinance is followed; that we either have rolled curbs and gutters or we have the shoulders and the side ditches. Mr. Jeffers' report assures us here today that they are bringing the fill in. I think it was reported at the last meeting that the street plans were awfully close to that ravine -- so there will be adequate side ditches to carry the water and protect the road bed -- and that was my big concern."

Mr. Jeffers said "It is so shown on the street plans. If the street plans are followed...."

Mrs. Cox interjected, "And we will have a report on those whenever it comes in for acceptance."

Mr. Bivins said the 8 inch pipe will be removed, so the Commissioners will not need to be concerned about this problem.

Commissioner Borries said, "With those comments and the amendment regarding the plastic pipe entered into the record and, based upon the recommendation given by Chief Deputy Surveyor Bill Jeffers, I will move that the drainage plan for McCullough Subdivision, Section "C" be approved."

Commissioner Cox said, "I will second." So ordered.

RE: PERMITS RE TEMPORARY CROSSINGS

Mr. Jeffers said he has two permits to be submitted for the Commissioners' signatures: Lutgring Bros., Inc. (Tell City, IN) crossing Eagle Slough for the purpose of hauling borrow to Weinbach and I-164 Bridge.

The second one is Traylor Bros., Inc. (Evansville, IN) for the purpose of hauling borrow for I-164 at Southlane and U. S. Highway 41 Interchange.

"This permit form was typed up in our office. I used basically this Levee Crossing Permit Form as a model (Permit to Locate a Temporary Crossing Over a Legal Drain in Vanderburgh County). I showed it to Attorney Miller and he said he saw no problem with it. Thus, I am asking you to sign the permits on Page 2.

Upon motion duly made by Commissioner Borries and seconded by Commissioner Cox, execution of both permits was approved. So ordered.

RE: CLAIMS

Mr. Jeffers submitted the following claims for approval.

Happe, Inc.: Claim in the amount of \$271.08 for 45% of total bid for work on Keil Ditch. He said he discovered that Happe had never been paid this 45%. The work was finished before November 15 1987, and was inspected and found to be approved.

Big Creek Drainage Assn.: Claim in the amount of \$1,990.00 for 45% of total bid for work on Pond Flat Main. The work was completed before January 30, 1988 and inspected and found to be approved.

Both claims are in order.

Upon motion duly made by Commissioner Borries and seconded by Commissioner Cox, the claims were approved for payment. So ordered.

RE: WAL-MART SHOPPING CENTER - SAIN ASSOCIATES

In conclusion, Mr. Jeffers said that during the discussion re the Wal-Mart Shopping Center by Sain Associates, he understands that Mrs. Matthews had some problems with the tape recorder. "I tried to help correct the minutes today and I think I just confused her more and I just want to make one statement that will be on public record. I wanted the City to know when they read these minutes that under the agricultural condition, the peak discharge from that parcel of land would occur around one (1) hour and it would only last for ten (10) minutes at about 13 cu. ft. per second. And under a developed condition, the peak discharge would start going over 13 cu. ft. per second at ten (10) minutes into the storm and it would last for 35 minutes and it would start going below 13 cu. ft. per second 45 minutes into the storm. And what that will mean when the engineer reads that -- or when the APC reads it -- is that there is some amount of additional water involved and I am only asking that the Board of Public Works have their engineer look into it to make sure his downstream structures underneath Eastland Place and Eastland Mall can handle that. It is a slight amount -- but it is extended over a longer period of time."

Commissioner Borries asked, "Just for the record, are you also saying that the detention lake or detention basin is equipped however, based on your calculations, to handle that discharge?"

Mr. Jeffers said "No, what I am saying is that they did everything they could to handle all the additional water from all of this parking area in their detention basin. They did everything they could and still they are going to discharge about 12% to 20% more water for that 35 minute period. So it is a slight amount of additional water and they couldn't do anything else to hold it. They had nowhere to put it. If they had choked the pipe size down anymore it would have been smaller than a 12 inch pipe and it is just impossible to maintain."

Commissioner Willner entertained further matters of business to come before the Board. There being none, President Willner declared the meeting adjourned at 6:00 p.m.

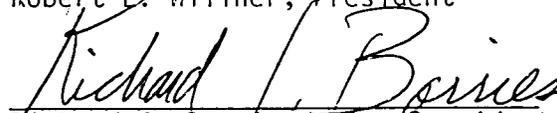
PRESENT:      COMMISSIONERS      COUNTY AUDITOR      COUNTY ATTORNEY  
R. L. Willner      Sam Humphrey      David V. Miller  
R. J. Borries  
S. J. Cox

COUNTY SURVEYOR      COUNTY ENGINEER      COUNTY HIGHWAY  
Bill Jeffers      Andy Easley      Bill Bethel  
    (Chief Deputy)

OTHER  
Wm. Bivins  
Mr. McCullough  
News Media

SECRETARY:      Joanne A. Matthews

  
Robert L. Willner, President

  
Richard J. Borries, Vice President

 2/22/88  
Shirley Jean Cox, Member

MINUTES  
DRAINAGE BOARD MEETING  
FEBRUARY 22, 1988

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MINUTES  
DRAINAGE BOARD MEETING  
- FEBRUARY 22, 1988

The Vanderburgh County Drainage Board met in session at 4:45 p.m. on Monday, February 22, 1988 in the Commissioners Hearing Room, with President Robert Willner presiding.

The meeting was called to order by President Willner, who subsequently entertained a motion concerning approval of the minutes of meeting held on February 1, 1988.

Upon motion duly made by Commissioner Borries and seconded by Commissioner Cox, the minutes were approved as engrossed by the County Auditor and the reading of same waived. So ordered.

RE: WEST SUMMIT ESTATES

The Chair recognized Chief Deputy Surveyor, Bill Jeffers.

Mr. Jeffers said the only subdivision he's aware of that is on Area Plan Commission's agenda for March is West Summit Estates, which is located on the Southeast corner of Highway 62 and Posey County Line (south of S.R. 62 ). The developer, Jerry Nord, and his surveyor, Mr. Bill Nicholson, are in the audience today. He will have them explain the development to the Commissioners. It looks like a real nice development.

Commissioner Willner asked that Mr. Jeffers first give the Commissioners his recommendation.

Mr. Jeffers said he would like to preface the recommendation with the following remarks. "This plan before you is a fairly preliminary plan. It is a fairly conceptual plan. It doesn't contain all the easement that will be necessary to channel the water down to the three lakes that are being constructed. I don't have any details on the construction of the roadway -- what type of inlets, what size pipes, and this type of thing -- but the conceptual plan is very well done. The calculations submitted with it were accurate. He is using all three lakes as detention basins and he indicates how big they are, how many acre feet of storage of has and all that type of thing. I do have one major concern and that is the use of the one large dam on a roadbed. I would like to have the input of the County Engineer and/or the Department of Natural Resources on the construction of that dam to make it so that the County Highway Department is not overburdened with a possible maintenance problem there. And then I would say that at some point in time the developer should instruct his engineer to come back to us (I guess at the same time he comes to the Highway Engineer with a set of street plans) and give us a more detailed set of drainage plans (indicating pipe sizes, easements, etc.).

Commissioner Willner asked, "Would you accept the Soil & Water Conservation Service's recommendation on that one?"

Mr. Jeffers said, "Sure."

Commissioner Willner said, "They are here today -- that is why I asked."

Mr. Jeffers said, "I think even the Soil & Water Conservation Service may want more details. It just requires a little more field engineering and that type of thing to get this to the point where it would be a fully developed drainage plan. We have recommended the acceptance of preliminary and conceptual plans in the past. As it stands, as a preliminary conceptual plan it is acceptable to us."

Commissioner Cox asked, "For a point of clarification, which corner is this? Is it County Line Road and Streuh-Hendricks?"

Mr. Jeffers said, "It is on the Southeast corner of Highway 62 and County Line (between Streuh-Hendricks and Highway 62)."

Commissioner Willner asked, "For a point of clarification, are you asking the County to take these roads over at some point in time?"

Mr. Nord responded, "Yes."

Mr. Willner asked, "They will be built to County standards?"

Mr. Nord said, "They will be built to County standards. We're unsure at the present time as to whether they will be concrete or blacktop, but there will be curbs and gutters."

Commissioner Borries asked, "And one does traverse across the dam?"

Mr. Nord said, "Yes."

Messrs. Nord and Nicholson spent several minutes perusing and discussing the plans with the Board. Specifically discussed was the dam site (50 ft. wide at the top) and it was noted the roadway going across the dam will be approximately 30 ft. back-to-back with curb and there will be a double row of guard rails (one on either side) as you cross the dam. Mr. Nicholson said the grade coming down from the west approaching the dam will be at 8% and coming up the other side it will be 8-1/4% or 8-1/2% (he can't recall which offhand). The plans are very preliminary right now due to the fact that they are hiring out the geotechnical services, boring, analyzing the soils, etc., and he hopes they will be able to do that within the next month or so. From that, they will design the dam according to their requirements and specifications. The construction of the dam and the spillways, basins, etc., will be under the supervision of his firm. There will be a daily inspection of the fill as it goes in to insure proper compaction, etc., and that the pipe structures, etc., are correctly installed.

Mr. Nord is here and he has provided him with a copy of the restrictions and protective covenants of the subdivision. Article 21 has to do with the lake lots and the maintenance and control of the lake -- that the owners of the surrounding lots that abut on the lake that have water on them will be the ones who have control and the maintenance of it. One thing they talked about is that each year the owners will investigate and designate what work needs to be done on the lakes, dams, etc., and take bids or whatever it takes to get that done, and the cost will, of course, be borne by the property owners. One thing he asked that he add in there is that each year they have a professional engineer come in and inspect the dams, spillways, etc., to make sure they are in good condition and get a report back to the Homeowner's Association so they can correct any problems that may arise over the year that need to be corrected.

Commissioner Cox said, "I see on the plans that you have indicated a private road coming off of West Summit. Will this be like a service road -- there will be no curb cuts out on Streuh-Hendricks, will there?"

Mr. Nicholson said there will be individual driveways. At the request of the Area Plan Commission, it was a 30 ft. private road for access to Lot #14 (which is a large lot). They couldn't front it on West Summit Drive because of the terrain. They have corrected that to be part of Lot #14 (that will be the access to that lot only -- it's only for Lot #14). In response to query from Mrs. Cox, he explained that they have a structure coming in under Highway 62 and that is all taken into consideration in the drainage plan.

Mrs. Cox said, "I see also that some of your lots are less than two (2) acres."

Mr. Nicholson said, "Yes, we have gone over that with Sam Elder. There are areas where the soils will accept septic tanks better than others and during the Area Plan and Subdivision Review hearing it was recommended that we reduce the size of them because of that fact. There are eleven (11) lots and the smallest one is 1.5 acres."

Mr. Nord interjected, "The restrictions are such that I want to go ahead and have a quality area similar to a Brookshire, with larger homes and, of course, larger home sites."

Mrs. Cox said, "We just got a nice new surface on Streuh-Hendricks -- that should help you sell those lots."

Mr. Nord said the reason the lot sizes were changed was because a review of the soil showed they had the ideal soil conditions in those areas.

Mr. Jeffers said for the record, there is a comparable dam over on USI's property about the same size or larger than designated lake. Some of the Commissioners may want to check with them to see if they have had any problems. They had a roadbed on top of that dam for years."

Mrs. Cox pointed out another area that has roads going all over the top of their dams and that's a man-made lake. (The name of the area was inaudible, however.)

Commissioner Willner asked, "Would there be a willingness to give that section of roadway that traverses the lake and the dam to the residents in this area if the County showed reluctance to maintain it?"

Mr. Nicholson said he doesn't see a problem with that.

Mr. Nord said, "I've never consulted to find out what that might entail."

Commissioner Willner said, "What I'm saying and what I believe is that we would be liable in the winter if somebody would slide off into the lake. We'd be liable for guard rails. We'd be liable if the dam did happen to go. I think we're trying to get rid of the liability there. I run across once a week anyhow. There is probably no problem there, but I just don't want the liability that goes with it."

Mrs. Cox said, "Well, if the dam goes -- our road goes."

Mr. Willner said, "That is right -- and I think that people who live in a nice place should share some of that responsibility the same as I do. That is just my opinion. In a minute we're going to talk to Elvis Douglas of the Soil & Water Conservation Service."

Mr. Nord said, "What I'm asking for is that each of the property owners would be responsible for their particular lake site and also have insurance for protection."

Mr. Willner reiterated, "I'm just talking about the roadway now."

Mr. Nord continued, "I don't know what kind of insurance -- I don't whether there is a possibility that there could be some coverage -- I'm not familiar with what kinds of policies might be available if it is built in accordance with the specifications and requirements and is properly maintained -- whether or not a policy would also insure that part."

Mrs. Cox asked, "We don't have any specs for roads on dams, do we? Would there be pilings underneath this road? You mean it is just going to be the regular compacted stone?"

Mr. Willner said, "Pilings would hurt you; you don't want any pilings."

Mr. Nicholson said, "If this could be brought up -- just like you build a highway..."

Mrs. Cox interjected, "I guess what I am thinking about is more or less a bridge across there rather than a road."

Mr. Willner said, "I understand -- but you can't have any pilings in a dam."

Mr. Nord said, "I think Mr. Jeffers stepped outside for a minute. But he commented that there was one on the USI property where there is a road that goes over it."

Mrs. Cox said, "They were talking about the back entrance to hook it up with the USI Campus and letting those people have another way out, rather than McDowell Road, and encouraging them to come over and use the Campus facility. I don't know whether that was simply a construction road while Solabron was being built and is any longer there."

Commissioner Borries said, "There is a road there -- and I believe it is blacktop (I don't remember any gravel)."

It was noted that that road doesn't go across the dam and that also it is not a County road. The County does not maintain it.

Commissioner Borries asked if we have any other road in the County designed like this?

Mr. Willner responded, "None of which I'm aware."

Mrs. Cox said, "Tekoppel Avenue is probably the closest road to being on a levee that I would know of."

President Willner asked Mr. Elvis Douglas of the Soil & Water Conservation Service for his comments.

Mr. Douglas said, "I did look at that and we did have our soil scientists out to take a look at the sites. As you know, we only examine the soil within the first five (5) feet and anything that is deeper than that probably requires a geological survey type information. Mr. Kelly's investigation (I sent a copy of this to Mr. Nicholson) did indicate that there were some problems with sandstone on Sites #1 and #2 and also indicated there is a need for further investigation, because he felt that there could be a seepage problem at that location. He did indicate that Site #3 (which I think is the smallest proposed lake) would probably be suitable for holding back the water. I also might point out that I have not seen the conceptual drainage plans, but I would go on to say that downstream from Lake Sites #1 and #2 there are some homes that are constructed in the floodway, so I am not certain as to whether or not that would constitute a high hazard dam. And I am not certain as to the height of the finished dam itself."

But anything that is going to be 20 ft. or more in fill height requires an approval from the Department of Natural Resources and any dam that would be considered a high hazard dam would certainly require one. The only thing I would say relative to the dams is that certainly once the plans are brought forth, we need to look at them to see if they require DNR approval and if it does, I would suggest that you get it. Also, that they make periodic inspections of it. And I would advise them to pretty much follow their guidelines and make sure that the prescribed maintenance is carried out each year. The only other thing I said to Bill about this is that many of the soils on the site are quite steep and there is a chance they can encounter many, many erosion problems. They have assured me that this will be done. As a matter of fact, I did look at some of the restrictions and covenants that they are going to try to retain as much natural vegetated matter as possible during the construction phases. In looking at the soils at the site, they range anywhere from 2% all the way up to 25%. So in the process of coming up with a plan that will take the drainage into the lakes (especially if we are going to be looking at it from the point of temporary storage), then you certainly want to make sure that you do an adequate job with that. The only other thing I would say is certainly our soil scientist did show that there was a need for further investigation and he has indicated that that would be forthcoming -- and whatever turns up in that, I would suggest that they probably pay close attention to it and govern themselves accordingly."

Mr. Willner entertained questions of Mr. Douglas.

Commissioner Borries said, "I don't want to put you on the spot, Elvis. But I guess you are saying that we can proceed with this until we get more information.

With regard to elevation, Mr. Nord said all of the dam sites are going to be below the 20 ft. requirement.

Mr. Easley said the impounded water is less than 15 ft.

Mr. Borries asked if the calculations were based on a 100 year rainfall.

Mr. Nicholson said he used the 100 year design on the inflow and again the 3 year on the outflow. If this thing is flowing full or up to the high level going out, then they'll come in with the emergency spillway to take care of any overflow.

Commissioner Borries asked if this will be on top of the ground -- not piped?"

Mr. Nicholson responded that it will be a low head pipe under the roadbed.

In response to query from County Engineer Andy Easley as to size of the lake, Mr. Nicholson said it will be 6.1 acres.

Mr. Jeffers said the the Department of Natural Resources is only concerned if it is to house 20 ft. of water.

Mr. Nicholson said it is the height of the dam -- not the impoundment of the water.

Mr. Borries said, "I don't know; we've never encountered anything like this."

Mr. Jeffers said, "Their consultant is very capable."

Mr. Borries said, "They may be. But I think (as Bob as brought out) that we're looking at perhaps some significant problems."

Mrs. Cox said, "You not only have the roadway and the dam, you have areas on the approaches leading up to that and, just from having a lake at our family home, I know that a lot of times how the seepages and everything around the dam can be. You can't build a roadbed without putting pilings or something along the sides before you get to the dam."

Mr. Nord said, "I would think the safety factor would be greater in this dam than the others."

Mr. Borries asked how wide the road is going to be?

Mr. Nicholson said, "The borrow will be 50 ft. wide. The roadway will be 30 ft. back to back."

Mr. Borries asked, "There wouldn't be any shoulders? You'd have guard rails?"

Mr. Nicholson said there will be 10 ft. shoulders on either side, and the guard rail would be one third to one half between -- maybe just a little over one-third.

Mr. Borries asked, "There isn't any way of knowing when the dam is going to have trouble is there?"

The response was no.

Mrs. Cox asked, "Is the one Jim Morley designed out on Burkhardt Rd.? It was when I was on Area Plan. It runs right up to the edge of the pavement."

Mr. Jeffers asked if Mrs. Cox is talking about Sugar Creek? It was close to Green River Road."

Mrs. Cox asked, "Was it Green River Road? The water came right up. In fact, it was on the right-of-way."

Mr. Borries said he believes it is at the corner of Burkhardt Road and Hirsch Road.

Mr. Nord said, "There are several places around the County I can think of where you would have a dam and roads at the lower part of it which, to me, you would have just as much of a problem or as much liability with that kind of design as you would with a roadway above."

Commissioner Borries said, "I don't think we've ever accepted maintenance on a dam before."

Commissioner Willner remarked, "Since I've been sitting on this Commission I've seen two dams go: One was Mr. Clutter's on Seven Hills Road, and when it went it took the road and everything with it. Just last week the one at Clearcrest Country Club on Darmstadt went. I, personally, am not going to vote to accept the road over this dam. I think it's a beautiful place; I hope you build it and I wish you all the luck in the world. But I think each one of the residents ought to have a piece of that action right there -- because it is hard to take care of, it is hard to maintain, and somebody right there on the spot has to do it. That's the way I feel about it."

Mr. Easley commented, "The Catholic Daughters of Charity out west of Evansville (the old L. B. Jones property) have a very high dam that is a critical dam. It's about a 12 or 13 acre lake. It has a very fine road over the top of it. They haven't had any problem with it. It was an old dam and apparently was built very well. If it is very well engineered and well constructed, my advice to the Commissioners is that I don't think they should be apprehensive of it."

Mr. Willner interjected, "The older, the better; it's the new ones that break."

Mr. Easley continued, "I recommended to Mr. Nicholson that they use corrugated aluminum pipe and not corrugated steel. The aluminum pipe will last the lifetime of the dam. It's up to the Commissioners as to how they wish to act on it. But this is going to impound not over 10 ft. of water."

Mrs. Cox interjected, "I don't know -- there's a lot of water out in that area."

Mr. Easley said, "There's a lot of water, but with adequate spillway capacity. And it has rainfall intensity curves; if you follow that, there is no way .....(inaudible)"

Commissioner Willner said, "Bill said the drainage plan needs to be approved. I don't mind approving the conceptual design so it may go to Area Plan and then have him come back with the final."

Commissioner Borries said, "We're not saying it couldn't be done -- and that's no disrespect to the developers here, but Commissioner Willner has raised some concerns that are going to have to be addressed because it is an unusual situation -- one that we don't encounter every day."

Mrs. Cox said, "I like these lakes and I think they are beautiful. But, in a subdivision they are absolutely nothing but a headache unless you pin down the maintenance and I certainly don't feel it would be fair for the person on Lot #15 to have to repair the whole stretch of road and put the dam back up if something...."

Mr. Nicholson said, "As part of the restrictions (and there are just a couple of small editorial changes) the owners would be responsible for the maintenance of the dams. They, alone, would be able to use the lakes and I have addressed those particular (and I have also requested they have any maintenance would have to be taken care of) -- and as I pointed out earlier, if this is not classified as a high hazardous dam, we will add in there another statement on the restrictions stating that there will be yearly inspections performed. The lake out at University Heights is the lake we were talking about and, of course, that was done before we got into a lot of the current requirements."

Commissioner Borries asked, "In your current covenant then, do you have that they are sharing in the expense of this dam and the road?"

Mr. Nicholson said, "Well, we're talking about the dam area, itself, and the perimeter..."

Mr. Borries said, "I think you're going to need to."

Mr. Douglas said, "You probably ought to put a provision in there that in the absence of the assumption of responsibility by a governmental authority the owners will share, because what I hear these folks saying is that they are not very nuts about doing this."

The meeting continued with the Commissioners reviewing the plans and discussing same with Messrs. Nicholson and Nord.

Mr. Willner said, "Well, the road will come up later on. Let's talk about drainage. A motion was entertained."

Mr. Borries asked how long it is going to take to construct the dam? If some care and thought is not given to this.....

Mrs. Cox interjected, "Which are you going to construct first? Are you going to put all of the lakes in first?"

Mr. Nord said there is timber in there and he has to get it removed in order to repair the sides, etc. for the other dam. There is only a certain period of time you can do that; once the sap comes up.....

Mr. Borries asked if Mr. Jeffers has further comments?

Mr. Jeffers said, "No, I think you guys have covered it real well. I said I had some concerns about the dam and I think Mr. Willner covered that very well. The only other thing I may not have mentioned (but which was mentioned by Elvis Douglas) was the steepness of the soil. There will have to be some very conscientious erosion control efforts, including sodding of yards over 8% and erosion control mat and that type of thing, which would be in the best interest of the developer to keep the lakes from silting up while the houses are being built. It's an unusual and venturesome project Mr. Nord is taking on -- and I admire him for having the guts to do it. But it will require some very stringent review."

Mr. Borries asked, "Is this sandstone in the same area where these less than acre lots are going to be, Elvis? I don't guess so or otherwise the Health Department wouldn't have given approval, right?"

Mr. Douglas said, "That was a combination of soil, some ideally suited for septic tank absorption fields and others that were not -- so it was a combination of both good and bad. Some of them were very severe because of the steepness of the slope. Therefore, it is going to take some careful planning to make everything work."

Mr. Borries asked if this will come back before the Board?

Mr. Jeffers said, "It will definitely come back to you as street and drainage plans as Commissioners; it will definitely come back to you as that."

Mr. Borries said, "But I mean insofar as the drainage plans -- seeing the calculations, etc....."

Mr. Willner interjected, "It can be approved here today subject to his calculations being correct."

Mrs. Cox asked, "Do you have to have a rezoning on this?"

Mr. Nord responded in the negative.

Mrs. Cox said, "Then it won't come back."

Mr. Willner said, "The road plan will."

Mr. Jeffers reiterated, "The road plans will come back to the Commissioners through Andy Easley's office."

Mr. Borries said, "We've had certain places in the County where certain individuals have disagreed because of affluence coming in from other lakes -- we've had problems with that. In the northern portion there have been several residents who have disagreed where we got into the toe drain situation and we've had some problems -- anytime you're going to have potential drainage, lakes, a dam, and we have lots less than two (2) acres (and we're saying the soils are o.k. but, Elvis, did you say that the Department of Natural Resources or somebody is going to verify that there is not sandstone?")

Mr. Douglas said as you get over toward the slopes you get into some of the deep stuff that has the sandstone -- so you need to be careful about that.

Following further brief discussion and a review of photographs submitted by Mr. Nicholson, a motion was again entertained.

Commissioner Borries asked if the streets are going to have rolled curbs and gutters and Mr. Nicholson confirmed that they are.

In response to query from Mr. Nord, Mrs. Cox said, "You want to know right now if we are totally against this project?"

Mr. Borries said, "I'm not going to say I am against this project, I am not an engineer and I don't know whether it will work. But I have some concerns and would share the concerns of Bob Willner -- I will say that I cannot support accepting that dam with a road on top of it."

Mr. Nicholson asked, "If you would accept the road to a certain point and the Home Owner's Association would accept the dam..."

Mrs. Cox said, "Well, we could only accept it to designated point, because there would be no way to have access to get to designated point. I would not support if we don't accept all of it to accept it to designated point, drop off, and pick it up in designated area -- because there would be no continuity of how we could get in there to maintain that..."

Mr. Borries said, "Maybe we should get a legal opinion on that? Could we get the Department of Natural Resources or somebody else..."

Mrs. Cox interjected, "What we need is some specifications for building a road on a levee -- that's what we need -- we have none -- and talking to the approaches and all of that.

Mr. Nord said, "The thrust of the question is -- I detect a lot of discomfort about the drainage plan because your septic systems are going to bleed into the lake or streams."

Mrs. Cox said, "That is not our responsibility though -- the septic systems drainage into the lakes."

Mr. Willner said, "That is a decision of the Board of Health."

Mrs. Cox continued, "But when they are designed and they said it had to be a certified engineer who designs them, they have to design them so they don't go to the lake. Have you been to Subdivision Review yet?"

Mr. Jeffers said, "This was briefly brought up at Subdivision Review. There was a Staff Field Report, but they more or less said to take care of this in the Drainage Board Meeting (the dam, the drainage calculations, etc.). The calculations were prepared according to the HERPIC Manual and the calculations were correct."

Mr. Borries said, "Would the outflow change from what you have seen here?"

Mr. Jeffers said, "Oh, no; most crossing culverts under the road are designed for 25 year storm."

Mr. Nicholson said the spillway for the overflow for extra heavy storms is for when the lake runs full -- and that is a different thing altogether.

Mr. Jeffers said, "Once it gets up there, you are saying it will handle a 100 year rain event. That is what he has done. He has restricted the regular outflow (the three year event) but when he

gets up to the spillway you're saying you are letting it go to 100 year quantity. Then when he gets to the bottom of the dam he has a basin to quiet the water and slow it back down."

Mr. Jeffers said, "The drainage plans should include a statement as to how they intend to treat the disturbed areas. According to the grade (0% to 2%) could be straw mulched and seeded. But I think anything from 2% to 6% they ought to use erosion control mat and for anything over 6% or 8% should be sodded, etc."

Commissioner Borries asked, "Well, do you want to add those comments to this? And we could approve it subject to those comments?"

Mr. Jeffers said, "Let me just say this. I think the Surveyor's recommendation should include a statement on the drainage plan which would reflect the existing requirements of the Building Commissioner regarding erosion control on building lots (when to use sod, when to use erosion control fabric and that type of thing) because you do have some very steep sites there."

The Chair again entertained a motion.

Upon motion duly made by Commissioner Borries and seconded by Commissioner Cox, the conceptual drainage plan for West Summit Estates was approved subject to the comments addressed by the Surveyor's Office and the soil specialist (Mr. Douglas) and erosion control being added to the conceptual drainage plan. So ordered.

RE: NOTICE TO DITCH MAINTENANCE CONTRACTORS

Mr. Jeffers said that earlier today he delivered to the Commissioners four pages (4 pp.) of typed copy. Basically, these are the Surveyor's recommendations for ditch maintenance for 1988. Page 1 says the following ditches are recommended for maintenance per weed control specifications. Those are our standard specifications for spraying and mowing of ditches. The recommendation can just be incorporated into the minutes. (Copy attached hereto, denoted as Supplement #1).

In the middle of the page they show some ditches which have become very urban due to their annexation into the City or the development of subdivisions and apartment dwellings on both sides of the ditch. They are recommending that these ditches be cut once in mid-summer and again in the fall as a result of repeated requests from residents in the area to cut them twice.

They also have some recommended additional maintenance to various ditches. Most of these are in response to inspections. However, the Barr's Creek recommendation to include some channel improvements along the lower end of Barr's Creek was in response to a gentleman in the audience (Mr. Buente, a land owner along Barr's Creek). We need to start some improvements on Barr's Creek.

On Page 2, he goes into additional detail concerning East Side Urban (the fact it has become so urbanized or is being annexed into the City). The Commissioners can read this at their leisure or discuss it now if they wish.

On Page 3, he shows which legal drains were annexed into the City by the North Side Industrial Annexation in 1987. (Approximately 12,100 ft. of Sonntag-Stevens and all 3,000 ft. of Keil Ditch went into the City).

As of early 1988, the following ditches (or portions of them) are now in the City:

- 1) Stockfleth (Southernmost 1,350 ft.)

- 2) Hirsch (all 2,800 ft.)
- 3) Harper (all 4,000 ft.)
- 4) Crawford Brandeis (Southernmost 1,950 ft.)
- 5) Bonnie View (all 2,100 ft.)
- 6) Nurrenbern (Southernmost 2,650 ft.)

Mr. Jeffers said he closed with the comment that the jurisdiction) and maintenance responsibilities of these drains (all eight of the above drains) have not yet been assumed by the City of Evansville and that the Vanderburgh County Surveyor recommends that the City be billed for all the assessments that are due in 1988 for all the parcels now within the corporate boundaries and drain into these eight ditches. This has been signed by the County Surveyor.

The cover sheet on this four (4) pages was a typical Notice to Ditch Maintenance Contractors. The Surveyor's Office is asking that this notice go into the newspapers on Friday, February 28th, so the Board can accept bids on March 28th.

Mr. Willner asked, "Doesn't the City automatically have to take their portion of the legal drains?"

Mr. Jeffers said he believes there was a similar discussion in the last Drainage Board Meeting. The way he reads the drainage statutes is that the Drainage Board may relinquish jurisdiction if the municipality accepts it. There may be more to it than that, but that is what he reads.

Commissioner Borries asked, "What we are really talking about is the cost, isn't it?"

Mrs. Cox said, "We're talking about both the cost and the responsibility."

Mr. Jeffers continued, "The way I read it on the cost (as I say, I'm just a layman in this -- you're the Board) is that if the Legislative body of the City, by ordinance, agrees to pay the assessments of the parcels they annexed, then they may (and I believe they have, because we do collect assessments on previous annexations such as parts of the City that now go into Kolb Ditch and other ditches.) They have been paying (Eastland Mall goes into Harper Ditch) -- this is the one Mr. Willner is most familiar with because he has been on this Board the longest -- and they have been paying assessments. And, we intend to bill them for assessments on the portions they just incorporated into their boundaries there."

Mrs. Cox said, "It wouldn't be fair to continue doing it the way we've been doing it -- because those people would be paying twice."

Mr. Jeffers said, "Right. That is the key right there."

Mr. Willner said, "Right; they are now paying City taxes, which gives them drainage free of charge."

Mr. Jeffers said, "Yes, but the City doesn't go out there with machines and mow these ditches."

Commissioner Willner said, "They can contract with us to do that."

Mr. Jeffers said, "Which is basically what they are doing by paying the assessment."

Mr. Willner said, "Right; but we get their decision first before we do anything."

Mr. Jeffers commented, "We should, but we can't wait for them to go mow Wabash Erie and Hirsch Ditch."

Commissioner Willner said, "Not now; we wait for their decision as to whether or not they are going to pay us."

Mr. Jeffers continued, "But, we have to get that water out of the County. We have asked the State Board of Accounts and they said that as long as it continued to serve people in the County we can maintain them. And it is critical that we do."

Mr. Willner said, "That's right; but you can't say we are going to maintain them and then send them a bill, because they can say they didn't contract for us to do this."

Mr. Jeffers said, "At this point in time, the County Surveyor does not intend to send the taxpayer a bill for drainage if they are in the City. We do intend to send a bill to the City Controller."

Commissioner Willner said, "You still have to have permission from the City Council to do that."

Mrs. Cox said, "Well, Messrs. Brenner and Jeffers (several months ago as soon as the annexation was approved) informed this Board that we would need to have some decision on the responsibility for the maintenance and we need that decision now."

Mr. Jeffers said, "The unfortunate thing, Mrs. Cox, is that we also did that a year ago by going to the Board of Works concerning Keil Ditch and Sonntag-Stevens. And, in 1987, the Board of Works told us --and the Controller, sitting there with the Board of Works (who is a member) said they were not yet collecting taxes for that north side annexation, so they did not have the money to perform the maintenance. We did not assess anyone in Keil or Sonntag-Stevens last year, because we didn't feel we could and we maintained those ditches this year with surplus money. And we're still awaiting their decision as to whether or not they are going to pay us. They've never gotten back to us on it; maybe we should pursue that. But the problem with annexing these ditches that we ran into this year (especially on Sonntag-Stevens) was that you cut the stuff and you can't burn it. It is in the City now. And you can't expect the contractor to haul all of this away at a bid price that was bid on specifications that would allow him to dispose of it without hauling it away. And we can't leave it laying in the ditch to wash down to Pigeon Creek and get hung up on Stringtown Road. So it is actually going to cost more to maintain these ditches in the City than it did to maintain them as County ditches. Like Mr. Willner said, if they want to contract us to continue maintaining those ditches through our contractors -- they are going to have to pay. And the people shouldn't pay because they are now in the City. On that I agree with you one hundred percent. But I don't think we're going to get to the point where the Board of Works is going to send the City Garage out there to mow the ditches. I don't think that is going to happen (it hasn't yet). We abandoned Racoon Ditch and it just grew up trees."

Commissioner Willner said, "It is their property; they can do with it what they want. Let it grow."

Mr. Jeffers said, "I know, but in some of these cases we've got to get the water out of the County and through the City down to Pigeon Creek."

Mrs. Cox said, "We're in a bad enough mess out on the west side of town, and if you just think everyone is going to take care of their own section of ditch -- that's hee haw. What is going to happen to all the water out in our County that needs to get through to Pigeon Creek?"

Mr. Jeffers said, "That's right' we've got enough of a problem getting the water out from East Side Urban with the ditches well mowed."

Commissioner Willner said, "I think they should contract with us to mow this. I would suggest that you...."

Mrs. Cox interjected, "What are you going to do about this?"

Mr. Willner said, "Get a letter from them."

Mr. Jeffers said, "From the City, saying they will pay us. What is holding it up right now is that the Assessors are overburdened with reassessment coming up and everything. They are assigning new tax code numbers to all these parcels inside the City Limits and we haven't yet gotten those new tax code numbers -- and we're working with them. I have some projected figures on how much we are going to be billing the City. For example, East Side Urban alone would be around \$5,000.00. I won't go into that now; it may be higher by the time we get finished.

Mrs. Cox said, "Well , you could certainly give them a ballpark figure."

Mr. Jeffers said, "I gave the City Engineer a ballpark figure today and a copy of what I just gave you."

Commissioner Borries asked, "So you think we ought to wait until we hear from them? Was that your point about that?"

Mr. Jeffers said, "I think we need to press them."

Commissioner Willner said, "I do, too. In fact, would you want our County Attorney to handle the situation?"

Mr. Borries asked, "Why don't we go ahead and sign this and then see if they are going to sign it? I think you put in here that the Surveyor recommends that the City be billed for assessments due for 1988."

Mr. Jeffers said, "That doesn't require your signature. That's just a report to your Board from the County Surveyor concerning all ditches for 1988. And each ditch is still listed there and it says whether or not it is in the City. What I need your signatures on is the Notice to Bidders so we can open bids on March 28th. Then you don't have to let the contracts, except at your pleasure. You can let the contracts on the ditches that are all still in the County and hold up on the ones in the City if you so desire. But we need to advertise, because we usually sign contracts with the Bidders on April 1st or so.

The Chair entertained a motion to approve the advertisement.

Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Commissioner Willner asked the Board whether they prefer the Surveyor's Office or the County Attorney to ask the City to say whether they want to clean them themselves or have us do it?

Attorney Miller interjected, "Since he has already talked to them, why don't you let him follow up right now and then if we get into a battle he can contact me."

Mr. Jeffers commented, "Well, there is just some difference of opinion. In other words, the Controller is asking how much it is going to be and the City Engineer is asking, "Do we really have to do this?" And I am saying, 'Yes, you have to pay us'.-- and the Controller wants to know how much. And we can't give her a definite figure until we get all the new tax codes."

Mrs. Cox asked, "Is he asking for a legal opinion?"

Mr. Jeffers aid, "Well, he went thumbing through the law and read the same thing I read and wonders whether they really have to do anything. But that's neither here nor there; they are going to pay us or do it themselves."

RE: BONNIE VIEW DITCH

Mrs. Cox said, "The only other thing (and this came through our Drainage Board back in the summer) concerns Bonnie View Ditch. That is now all in the City, but it is where the gentleman had the erosion that was taking....."

Mr. Jeffers interrupted, "Was his name White or Williams? If it is Williams, maybe he has something in common with the City Engineer (whose name is Tom Williams). What I'd like to do there is take...."

Mrs. Cox responded, "I don't know. Some work probably needs to be done on that."

Mr. Jeffers continued, "It does; it involves a pipe that is within the City Limits that was placed there by the City that has collapsed and then a small amount of embankment work (which I think would be less than \$500 on our part). I'd like the City to agree to replace the pipe and then we'll place the rip-rap -- and I just haven't gotten the City Engineer to go out and look at that with me. But that is something that has to be done. There is a bad turbulence problem that is eroding this man's yard right to the ditch."

Commissioner Willner requested, "Keep this office informed as to your dialogue with the City."

The meeting continued with President Willner asking if there is anything else to come before the Board today?

RE: CLAIMS

Mr. Jeffers said he has three (3) claims to be presented for approval, as follows:

Tim Schaefer: Claim in the amount of \$4,245.92 for 35% of total Bid (\$12,131.20) per contract specs for special maintenance of Eagle Slough. The contractor completed the clean-up. Mr. Jeffers said he is sorry it took them so long, but we had approximately a 30 day spell of high water that flooded Eagle Slough. As the Commissioners know, we had to close Weinbach Road. This brings us to 85% and we're still retaining Mr. Schaefer's bond and 15% until he tells us he has paid everybody. The claim has been signed by the Surveyor. This was to cover removal of trees 25 ft. either side of the center of Eagle Slough so that the aerial spraying could be done.

Upon motion duly made by Commissioner Borries and seconded by Commissioner Cox, the claim was approved for payment. So ordered.

Mrs. Cox asked if the ditch has been inspected and a copy of the Inspection Report is attached to the claim?

Mr. Jeffers said, "I personally inspected that and my last inspection was this morning between 7:30 a.m. and 9:30 a.m."

Mrs. Cox said, "I think heretofore we requested that you attach a copy of the Inspection Report."

Mr. Jeffers said, "I can add something to that Inspection Report if you want me to. I did inspect it and he has cleaned up all of his piles of debris and burned same, stacked fire wood, etc., according to specifications."

Happe, Inc.: Two claims presented, which completes their work. -- Keil Ditch (15%) and Sonntag-Stevens Ditch (15%). This closes them out: The claims are accompanied by a certification of payment, that Fred Happe (Trustee for Happe, Inc.) has paid his workers and his suppliers and it does state that the work was completed on January 1st and inspected on two different dates. The recommendation from the Surveyor is to pay the remaining 15% and release his bond.

Keil Ditch claim is \$90.36 and the Sonntag-Stevens claim is \$256.92.

Upon motion duly made by Commissioner Borries and seconded by Commissioner Cox, the claims were approved for payment. So ordered.

RE: REQUEST FOR BARR'S CREEK IMPROVEMENTS

The Chair recognized Mr. Homer Buente, who stated his ground is at Boonville-New Harmony Road and Buente Road. That is where Barr's Creek runs through. He is representing Ron Maasberg, the Trapp Farm, and Luigs, that takes it from Boonville-New Harmony Bridge down to the Seaboard Railroad trestle at Warrick Station and they are all interested in having somebody come out and look at the creek and see what can be done -- and what they could have done from their County Ditch Assessment, etc. This is their plea at this point.

Mr. Jeffers said Mr. Buente also has information from the Surveyor's Office as to the amount of surplus we have in our account, which is substantial enough that we can investigate the feasibility and possibly begin some ditch improvements, channel, and embankment improvements at the Posey County Line and work our way back upstream maybe this year as far as Heppler Road. Then, as the years progress, we would like to do the same thing to Barr's Creek that we did to Big Creek -- improvements and lay the banks back. But he'd like to do it in small segments at a time. He has explained this to Mr. Buente and he thinks he agrees that we should start at the lower end even though his property is all the way at the upper end.

Mrs. Cox asked, "Mr. Buente, are you aware that in these specifications that we just approved for the ditch maintenance bids that one area of those asking for maintenance concerns Barr's Creek? (Regular weed control plus channel improvements along lower end.) Is this what you are talking about?"

Mr. Jeffers interjected, "That indicates we will be out surveying the lower end of Barr's Creek."

Mr. Buente asked, "It's not my end of the creek, but I suppose the regulations start at the lower end."

Mr. Jeffers said, "I added that to the list after Mr. Buente came up to our office last week and didn't call him to tell him. He just wanted to come and introduce himself to you, because they are trying to start an Association out there similar to what Big Creek has."

Mrs. Cox asked, "Do you have a name for the Association yet?"

Mr. Jeffers interjected, "He is just attempting to start an Association and he wanted to introduce himself to you."

Mr. Buente said, "Ron Maasberg is really the one who is organizing the Association -- but we haven't had any luck with it so far, so we want to put in this plea for some action on the creek."

Mr. Jeffers said, "Basically, we'd like to go down there and do the lower end and let everybody at the lower end see what a good job we can do. Then, maybe they'll want to form an Association in a year or two."

Mr. Buente asked, "But you're not talking about my end up there, are you?"

Mr. Jeffers said, "No."

The Commissioners expressed thanks to Mr. Buente for his attendance at today's meeting and for his patience during the early agenda items.

President Willner entertained further matters of business to be discussed. There being none, he declared the meeting adjourned at 6:00 p.m.

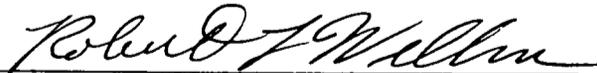
<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. L. Willner R. J. Borries S. J. Cox	S. Humphrey	David Miller

<u>COUNTY SURVEYOR</u>	<u>COUNTY ENGINEER</u>	<u>AREA PLAN</u>
Bill Jeffers, Chief Deputy	Andy Easley	B. Cunningham B. Behme

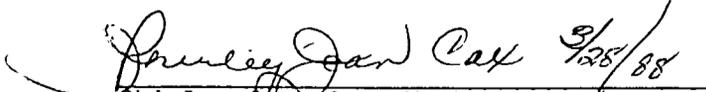
OTHER

Jerry Nord  
Bill Nicholson  
Homer Buente  
Elvis Douglas/Soil & Water Conservation Service  
News Media

SECRETARY: Joanne A. Matthews

  
Robert L. Willner, President

Richard J. Borries, Vice President

 3/25/88  
Shirley Jean Cox, Member

NOTICE TO DITCH MAINTENANCE CONTRACTORS

This Instrument shall serve as Public Notice that: Sealed Proposals for the maintenance of several legal drains by weed control, silt removal, or other methods specified, will be received by the Vanderburgh County Auditor until 2:30 p.m. local time on Monday, the 28th Day of March, 1988, when all proposals received by that time shall be delivered to the Vanderburgh County Drainage Board, opened and read aloud in the County Commissioners' Hearing Room. Any proposals received after the designated time shall be returned unopened.

Proposals shall be submitted on appropriate 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 bond in the amount of one hundred (100) percent of the bid may be submitted,) all sealed together in an envelope bearing the name and address of the bidder, the title of the work, and prepared according to such particulars as shall be described in the Instructions to Bidders, Plans and Specifications, and other documents available at the office of the Vanderburgh County Surveyor, Room 325 Civic Center, Evansville, Indiana. Improperly completed bids may be disregarded by the Board.

Successful bidders shall sign a contract with the Board within five (5) days following the award, and a performance bond in the amount of one hundred (100) percent of the bid may be required as part of the contract. Bid bonds of unsuccessful bidders shall be returned within thirty (30) days of the award.

APPROVED BY THE VANDERBURGH COUNTY DRAINAGE BOARD:

Robert L. Willner  
Robert L. Willner, President

Richard J. Borries  
Richard J. Borries, Vice-president

2-22-88  
(date)

Shirley Jean Cox  
Shirley Jean Cox, Member

ATTEST:

Sam Humphrey  
Sam Humphrey, Vanderburgh County Auditor

2-22-88  
(date)

CERTIFIED:

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

2-21-88  
(date)

To be advertised in the Evansville Courier and the Evansville Press on:  
Friday, February 26, 1988.

February 22, 1988

The following ditches are recommended for maintenance per weed control specs:

AIKEN  
BARNETT  
BUENTE  
EAST SIDE URBAN N $\frac{1}{2}$   
EDMOND  
HENRY  
HOEFLING  
KAMP  
KNEER  
KEIL (CITY)  
MAASBERG  
MAIDLOW  
POND FLAT MAIN  
LATERAL A  
LATERAL B  
LATERAL C  
LATERAL E  
SINGER  
WALLENMEYER

The following ditches are recommended for special weed control. Spray in spring; mow once 7/15/88 - 8/15/88; mow again 10/1/88 - 11/1/88; clean up until 11/15/88.

HARPER (CITY)  
S.  $\frac{1}{2}$  MILE STOCKFLETH (CITY) ...with remainder to be maintained normally.  
BONNIE VIEW EXT. (CITY)  
KOLB DITCH

The following ditches are recommended for maintenance as noted:

BAEHL: Regular weed control plus bank improvement Nisbet Rd. to Pond Flat Ditch.

BARR CREEK: Regular weed control plus channel improvements along lower end.

CYPRESSDALE/MADDOX: Remove one foot silt from bottom and spread spoil.

HAPPE/HELFRICH: Remove one foot silt from bottom and spread spoil.

EAGLE SLOUGH: Aerial spraying twice annually.

POND FLAT D: Channel and south bank improvements from Singer Ditch to railroad along with regular weed control and some debris removal lower end.

SONNTAG STEVENS (CITY): Regular weed control from Hitch-Peters Road east to upper terminus; specific embankment improvements at locations to be described by specifications.

All additional maintenance will depend upon existing surplus funds.

February 22, 1988

The following ditches have special needs which will be addressed by the specifications developed for them.

RUSHER: Improve bank stability by improved herbicide application and reseeding the banks.

EAST SIDE URBAN S $\frac{1}{2}$ :

- A.) Crawford Brandeis along new Burkhardt Road may require special maintenance due to its high visibility, rip rap channels and sod embankments.
- B.) Hirsch Ditch is 100% in the City, but requires continued and detailed maintenance due to its carrying the outflow of the rest of the system.
- C.) Wabash Erie: same as Hirsch, but needs embankment repair near Stockwell.
- D.) Kelly may require special maintenance after I-164 is completed.
- E.) Nurrenbern: same as Kelly, but south  $\frac{1}{2}$  mi. is now in the City.
- F.) Stockfleth is severely restricted by the undersized culvert at Oak Grove.
- G.) Harper is all in the City, but it is vital to continue maintaining this ditch.
- H.) The Harper outlet from Morgan Avenue to Pigeon Creek is becoming blocked by fill and debri, and the City should take action to remedy situation.

February 22, 1988

Legal Drains annexed into the City 1987:

- 1.) Sonntag Stevens: 12,100 ft. annexed; 1100 ft. remain in County.
- 2.) Keil Ditch: all 3000 ft. annexed into City

Legal Drains annexed into the City 1988:

- 1.) Stockfleth: Southernmost 1350'.
- 2.) Hirsch: All 2800'.
- 3.) Harper: All 4000'.
- 4.) Crawford Brandeis: Southernmost 1950'.
- 5.) Bonnie View: All 2100'.
- 6.) Nurrenbern: Southernmost 2650'.

The jurisdiction and maintenance responsibilities for the drains annexed have not yet been assumed by the City of Evansville.

The Vanderburgh County Surveyor recommends that the City be billed for the assessments due in 1988, for all the parcels now within the corporate boundaries.



Robert W. Brenner, Vanderburgh County Surveyor 2/22/88

MINUTES  
VANDERBURGH COUNTY DRAINAGE BOARD  
MARCH 28, 1988

I N D E X

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Harbour's Edge Subdivision.....	1
Bids on Ditches.....	1
Eastside Urban, North Half; Eastside Urban, South Half; Harper, Henry, Kolb, Aiken, Helfrich-Happe, Cypress/Dale/ Maddox, Barr's Creek, Wallenmeyer, Baehl, Maasburg, Kneer, Hoefling, Singer, Pond Flat Main, Buente Upper, Maidlow, Rusher Creek, Pond Flat "C", Pond Flat "A", Pond Flat "B", Pond Flat "D", Eagle Slough, Barnett, Edmond, and Kamp	
Improvements for Bonnieview Ditch Area.....	6
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MINUTES  
VANDERBURGH COUNTY DRAINAGE BOARD  
MARCH 28, 1988

A brief session of the Vanderburgh County Drainage Board was convened at 2:40 p.m. on Monday, March 28, 1988, in the Commissioners Hearing Room for purposes of authorizing the County Attorney to open bids received on the 1988 Ditch Maintenance Program. President Willner entertained a motion.

Upon motion duly made by Commissioner Borries and seconded by Commissioner Cox, Attorney Miller was authorized to open the bids. So ordered.

President Willner said all other business will be conducted during the reconvened session to be held immediately subsequent to the Commissioners Meeting today. Commissioner Willner declared the meeting recessed at 2:43 p.m.

(RECONVENED SESSION)

The Drainage Board met in reconvened session at 4:20 p.m. The meeting was called to order by President Willner, who entertained a motion concerning approval of the minutes of meeting held February 22, 1988. Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the subject minutes were approved as engrossed by the County Auditor and the reading of same waived. So ordered.

HARBOURS EDGE SUBDIVISION

Deputy Surveyor Bill Jeffers said, "In regards to the only subdivision before your Board today, Harbour's Edge, Plan Unit Development, you originally passed the Drainage Plan for this development on May 26, 1987. I have some other information in the cover letter which I sent to you on 3/17/88 and you can enter that into the minutes as our entire comment on the subdivision at this time."

To: The Vanderburgh County Drainage Board 3/17/88

HARBOUR'S EDGE PLANNED UNIT DEVELOPMENT;

Original drainage recommendation from the surveyor's office was based upon the development acquiring a permit from the U.S. Army Corps of Engineers to fill the river side of the levee for the purpose of constructing residences.

The developer has acquired such a permit for the original concept; however, the permit may require:

Attachment of the new site plan;  
Other revisions if required by the Corps.

The permit papers also note that the permit does not obviate the need to obtain other Federal, state or local authorization, which may include:

Certain permissions or grants of rights by the local levee authority, and certain permits or authorizations by the Federal or state DNRs.

There may be other authorizations necessary but unknown to our office.

Therefore, and after review of the revised site/drainage plan for Harbour's Edge PUD, our office recommends that the Vanderburgh County Drainage Board approve the revised plans with the following conditions:

1. That the developer acquires all necessary Federal, state and local authorizations.

2. That all drainage pipes and channels extending outside the boundaries of the PUD shall be shown within easements or that such pipes and channels shall be designated on the plan to be within property for which the development has specific permission to occupy with such drainage improvements, and the recorded plat

shall be annotated accordingly.

3. It basically says that the Corps has issued a permit or appears to have issued a permit, for the filling of the sight for residential purposes. The reason that it is back before your Board is that they are changing the drainage plan slightly. I have received new calculations and they are correct. Mr. Morley is here and he has the new Drainage Plan with him and our Office recommends, as it says in the cover letter, we recommend that you approve the revised plans with the following conditions:

The recommendation to allow the developer to designate the drainage improvements to be within "Common Area" and maintained according to the restrictive covenants will require the Commissioners or the Drainage Board to waive the requirement that such improvements be within "easements."

/s/ William Jeffers

Mr. Jeffers continued, "This letter basically states that the Corps has issued a permit, or appears to have issued a permit for the filling of the site for residential purposes. The reason that it is back before your Board is because they are changing the Drainage Plan slightly. I have received new calculations. They are correct. Mr. Morley is here and he has the new drainage plan with him and our office recommends, as it says in the cover letter, that we would recommend that you approve the revised plans with the following conditions (listed in letter), and the only thing it would require from you basically, is that you waive the requirement of the subdivision code that requires all drainage pipes to be in an easement. The reason that we think you would want to do this is because the drainage pipes are within the common area of the Planned Unit Development and will be maintained by an Association of Residents, privately and not by the county and that the extensions of the pipes out toward the river, pass through property owned by the Levee Authority and the Levee Authority is going to grant the use of that area to the developer for the purposes of discharging the storm water and so therefore, I am just asking that the plat reflect all of this."

Mr. Jeffers added, "In other words, you don't need the easements there, because the county will not collect money or maintain the pipes."

Mr. Willner stated, "I certainly hope that they have the easements though."

Mr. Jeffers responded, "That is part of the conditions down here in numbers 1, 2 and 3, is that ...."

Mr. Willner interrupted, "If they don't have the easements, how is their drainage plan going to work?"

Mr. Jeffers answered, "It won't. I am saying that the development must have specific permission to occupy, with drainage improvements and that the recorded plat shall show that they have specific permission and the specific permission would come from the Levee Authority and the Corps of Engineers."

Mr. Willner questioned if they have this yet.

Ms. Cox said, "Jim, you are showing on this a 10 foot public utility easement in "Common Area."

Mr. Jeffers said, "That is for electrical stuff. In other words, SIGECO would not install their stuff without an easement."

Mr. Morley explained, "Common Area is a blanket easement. Common Area is terminology for all of the so-called public, it is public to everyone that lives there. The Association owns the Common Area and maintains the streets and maintains the storm sewers and so, you don't write down an individual's metes and bounds zig-zagging along lines, because the Common Area is itself

an easement. All of the roads, all of the land, is Common Area, owned by the Association. It is, you might say, on an apartment project. It is the same thing as all of that land on an apartment project. We have no objections to Bill's comments, the wording of the "Common Area" does need to acknowledge that the "Common Area" is for the access, the roadways and storm drainage facilities, all public facilities. That language will be in the recording of the "Common Area" on the plat. It is a blanket easement as opposed to metes and bounds following each of the lines."

Ms. Cox asked, "So your structure table that you are showing on here, where it says Parking Lot Drainage, Pipe Outfall and all of that, if this Board waives the requirement that such improvements be within easements...."

Mr. Morley interrupted, "Actually, you are not waiving it, the "Common Area" is an easement and should be so stated on the plat. I don't think you have to waive it and I don't . . . . ."

Ms. Cox said, "Well, I think it should be stated on the plat because anyone looking at this is going to question, where are the easements. We haven't gotten any easements."

Mr. Morley said, "And we don't want to give you any. We want to make the whole thing a blanket easement everywhere in that "Common Area," so they can drain it all. The Association owns it."

Mr. Jeffers said, "There just happens to be a paragraph in the subdivision code that says the pipe is going to be an easement."

Ms. Cox said, "That's exactly right."

Mr. Morley said, "We just want to make the whole thing a blanket easement covering the whole thing. We will put that on the plat. It should be noted that way."

The Chair entertained a motion.

Ms. Cox moved that the revised drainage plans for Harbour's Edge be approved with the following conditions: (1) That the developer acquires all necessary Federal, State and Local authorizations (2) That all drainage pipes and channels extending outside the boundaries of the PUD shall be shown within easements or that such pipes and channels shall be designated on the plan to be within property for which the development has specific permission to occupy with such drainage improvements, and the recorded plat shall be annotated accordingly, and (3) That all drainage pipes, channels and other improvements within the boundaries of the PUD shall be shown within easements, or that all such facilities shall be designated on the plan to be within "Common Area" to be maintained as specified by certain restrictive covenants of the development; and the recorded plat shall be annotated accordingly. Seconded by Commissioner Borries. So ordered.

RE: BIDS

Attorney Miller stated that the bids had been opened and catalogued all of the bids and for the record, he would like to read them in order, into the record and then they can be taken under advisement:

Attorney Miller stated that all of the bids were in order in terms of execution and bid bonds.

Eastside Urban Ditch - North Half

Terry Johnson bids....\$4,767.02  
Jim Adam bids.....\$5,436.16

Eastside Urban Ditch - South Half

Terry Johnson bids....\$12,826.04  
Alternates:  
Stockfelth \$ 329.34  
Bonnieview \$ 523.95

There are no other bids on the Eastside Ditch.

Harper Ditch

Terry Johnson bids \$958.48  
Alternate #2 \$878.44  
  
Jim Adam..Alt.#1 \$600.40  
Alternate #2 \$800.40

Henry Ditch

Terry Johnson bids \$569.04  
This is the only bidder

Kolb Ditch

Terry Johnson bids \$1,921.90  
Only bidder

Aiken Ditch

Terry Johnson bids \$2,274.57  
Only bidder

Helfrich-Happe Ditch

Marty Greenwell bids \$6,201.00  
Martin's Farm Drainage, Inc. bids \$5,721.30  
Union Twp. Ditch Association bids \$5,265.00

Cypress/Dale/Maddox Ditch

Marty Greenwell bids \$10,600.00  
Martin's Farm Drainage, Inc. bids \$10,000.00  
Union Twp. Ditch Association bids \$10,400.00

Barr's Creek Ditch

Evelyn Paul bids \$3,616.90

Wallenmeyer Ditch

Evelyn Paul bids \$1,127.92  
Eldon Maasburg bids \$1,253.25

Baehl Ditch

Eldon Maasburg bids \$1,033.50  
Albert Steckler bids \$ 826.80

Maasburg Ditch

Eldon Maasburg bids \$132.36

Kneer Ditch

Eldon Maasburg bids \$273.24

Hoefling Ditch

John Maurer bids \$557.10

Singer Ditch

Eugene Rexing bids \$269.50

Pond Flat Main Ditch

Big Creek Drainage Assoc. bids \$3,961.59

Pond Flat "E" Ditch

Big Creek Drainage Assoc. bids \$ 325.44

Buente Upper Ditch

Big Creek Drainage Assoc. bids \$3,029.25

Maidlow Ditch

Big Creek Drainage Assoc. bids \$2,305.94

Rusher Creek

Big Creek Drainage Assoc. bids \$ 399.96

Pond Flat "C"

Big Creek Drainage Assoc. bids \$ 813.24

Pond Flat "A"

Ralph Rexing bids \$743.54

Pond Flat "B"

Ralph Rexing bids \$391.58

Pond Flat "D"

Ralph Rexing bids \$641.06

Eagle Slough

Green Grasshopper Flying Service, Inc. bids \$2,253.00 x 2 = \$4,506.00

Barnett Ditch

Union Twp. Ditch Assn. bids \$501.48

Edmond Ditch

Union Twp. Ditch Assn. bids \$923.70

Kamp Ditch

Union Twp. Ditch Assn. bids \$1,004.40

President Borries entertained a motion to refer these bids to the County Surveyor and ask his recommendation in a week.

Motion by Ms. Cox to refer these bids to the County Surveyor, with a second by President Borries. So ordered.

The Chair entertained any other bidders to come before the Drainage Board.

Ms. Cox said that she had a question. "Were all ditches bid ? I tried to take them down but, David, you talk so fast."

Mr. Jeffers stated, "I do not see Keil and Sonntag Stevens. These are two important ditches. They are now in the City, but they are very important ditches."

Ms. Cox said, "I think there may be some others."

President Borries said, "You were supposed to ask the City Fathers what they wanted to do with these ditches and report back to us."

Mr. Jeffers said, "We are presently working on this and I can give you a brief report on that if you would like it, after we get done with this, but there may be some other ditches that I don't pick out. The two that stand out in my mind are Keil and Sonntag-Stevens. They are within the City to a large degree. Part of (1,000 or so feet) Sonntag-Stevens is still in the County. They are very important ditches and I think possibly some people have been scared off from bidding those because they have become a maintenance nightmare since they have been in the City and you can't get rid of the debris by burning. We ought to have a recommendation for you in one (1) week. The only new bidders I see here, which you may want to take this under consideration, Martin's Farm Drainage, Inc. is Bud Martin. We may or may not have a questionnaire on Bud Martin, but he is a respected local farm excavator. You may want to....."

Attorney Miller said, "Martin's Farm Drainage, Inc. is not Bud Martin. For liability purposes, it is not Bud Martin."

Mr. Jeffers continued, "Marty Greenwell is here in the audience. He has been bidding, but he has not received a contract from Vanderburgh County as yet. We do have a questionnaire on him from last year and then the other new name that I noticed, Adam. I believe he may have been the fellow who bought K & M Lawn Care, so K & M has worked for us in the past, but the fellow may have bought their equipment, is now bidding apparently. (I will check this out for you.) I would say that on the ditches that only have one (1) bidder, I do not see any names that I do not recognize. Those are all past ditch maintenance contractors with a good record. Do you want any other report on the status of city ditches or anything like this?"

President Borries responded, "I want this all next week."

Mr. Jeffers said, "Fine, we will take everything under advisement."

RE: IMPROVEMENTS FOR BONNIEVIEW DITCH AREA

Ms. Cox said, "I want to ask about the improvement for the Bonnieview Ditch Area."

Mr. Jeffers said, "What Ms. Cox is referring to is a problem on Bonnieview Extension at the end of East Cherry Street where a City culvert empties into Bonnieview Extension. The city culvert has collapsed. It is a metal culvert. It is creating a large hole in the right-of-way and it is creating a turbulent waterflow situation that is imperiling a county resident's (who is now in the city) piece of property; possibly could damage his fence and eventually damage his yard itself. I am trying to get the city engineer out to look at the problem, I have no idea how much it would cost them to replace the pipe, but I am estimating between \$500 and \$1,000 for any repair work that we would do to the ditch itself, excluding the pipework. In other words, rip rapping, and repairing the bank. We started this when everything was in the County. It is now in the City. I just haven't gotten the man out there to look at it. I would like to say, from looking at the preliminary estimate of how much we are going to bill the City, we will have a lot of money to do some repair work at that and other sites, if the City pays their bill, and we are dealing with some very residential areas now that need some attention beyond just cutting and mowing. We feel that they will pay the bill that we send them. Our Treasurer collects tax money before he sends it to the city, correct? He collects tax money from all over the county and then sends the city their portion of the tax

money that he collects. Our position on this is that we are going to bill the City approximately \$18,850.00 for Eastside Urban and we are going to bill them approximately \$7,160.00 for Harper."

Mr. Willner asked why we are going to bill them.

Mr. Jeffers answered, "Because the parcels of property that were annexed into the City, if assessed at an urban rate of \$22.50 per acre, will come to that amount for those two ditches. We don't feel that the taxpayers of the City of Evansville should have to pay their ditch assessment once they have been annexed into the City. I think we all agree on that. Is that correct? We feel that once the City has annexed this property, the assessment....."

Mr. Willner interrupted, "Do you not think that the city should be given a choice of whether they want to clean them or if they want us to clean them? Shouldn't they have that opportunity?"

Mr. Jeffers said that they do have that opportunity.

Mr. Willner asked, "Then why do you say that we will bill them?"

Mr. Jeffers responded, "The law states that we may relinquish jurisdiction over the legal drains only if the City accepts jurisdiction."

Mr. Willner said, "And you were supposed to ask the City if they would accept that and bring that answer back to us. Right?"

Mr. Jeffers answered affirmatively.

Mr. Willner asked, "What is their answer?"

Mr. Jeffers responded, "So far their answer is 'no' they do not wish to assume the jurisdiction, so therefore we are operating under the premise we will bill them."

Mr. Willner asked if they have this in writing?

Mr. Jeffers answered negatively.

Mr. Willner asked, "Would you do so?"

Mr. Jeffers answered, "I will get it right along with that thing where they say they want you to pay for their sewer."

Ms. Cox said, "I talked to Mr. Williams. Not officially, but concerning these legal drains because I was concerned, I knew that the time was going to be upon us and we were going to have to be letting these bids, or advertising for bids and he said that there was no way that they could take over the maintenance of these ditches. They did not have the people, nor the equipment. That was his conversation with me. I do not have anything in writing either."

RE: OAKVIEW PLACE

Ms. Cox said, "The only other thing that I would enter into the record, to make part of the minutes, so we can take it under advisement, is the communication that we all received, dated February 11, 1988, concerning the Fuquay Construction development, Oakview Place, and there are pictures attached concerning the corrugated plastic pipes that were substituted for the open drainage ditch, that the original drainage plans called for, and I think it would behoove us to, the next rainfall of any significance, to get out to that area and personally inspect what is going on."

Mr. Willner asked, "They are saying that these pictures were taken there on January 17, 1988?"

Mr. Willner asked if this letter was sent to Fuquay Construction.

Mr. Jeffers answered affirmatively.

Mr. Willner asked if he had received a reply.

Mr. Jeffers answered negatively.

After discussion, it was confirmed that the heavy rainfall was on January 19th, not the 17th.

Mr. Willner said, "There is no doubt about it, we have a problem."

Mr. Jeffers apologized for the quality of the copies of the pictures.

Mr. Willner asked who took the pictures.

Mr. Jeffers responded that he took them.

Mr. Willner asked if they should have the developer in.

Ms. Cox responded, "I think we should at least answer our questions, or the questions that have been posed."

Mr. Willner asked Andy Easley to look at Fuquay and recommend action to be taken at next County Commissioners Meeting.

Mr. Easley responded that he would do this.

RE: BOONVILLE-NEW HARMONY EXTENSION RIGHT-OF-WAY

Mr. Easley said, "On another item, in negotiating for the purchase of right-of-way for the Boonville-New Harmony Road Extension, east of Green River, Mr. Bill Young, who lives on the eastside of Schlensker Ditch, south of the Green River Road Bridge on Schlensker Ditch, has raised some concerns about the ability of that channel to pass off the water that it needs to pass and you have expressed your concerns on that in the past and I am wondering if there are any funds available that would allow us to remove the tree growth on the west side of Schlensker Ditch, not Mr. Young's side, but the west side between Green River Road (about 1,000 feet down to the Boonville-New Harmony Road) and open up and lay back that channel, to enlarge the channel, taking only the trees out and enlarging it on what is now the west side and not necessarily take his tree growth on the east side, which is a privacy fence of sorts?"

Mr. Willner asked, "You are not talking about a legal drain? Schlensker Ditch is not a legal drain."

Mr. Easley said, "I thought you said it was a legal drain, but they took care of it themselves."

Mr. Jeffers said, "I do not think it is a legal drain at that point."

Mr. Easley asked, "It is not a legal drain east of Green River?"

Mr. Jeffers said, "I believe it is a legal drain for the first 1/4 mile from Blue Grass Creek westward of maybe a 1/4 or 1/2 mile, but not at the point where we are discussing today."

Mr. Willner said, "I don't know. I also relayed the information that Bill Young gave to me to our designer and he assured me that the bridge would be several square feet bigger than the one at Green River Road and....."

Mr. Easley interrupted, "I have been assured of that too, but I am worried about whether the channel is big enough to take.....I don't think that channel is as big as it is under Green River Road."

Mr. Willner said, "Possibly not, and we don't have jurisdiction there."

Mr. Easley said, "I think I can get the easement to make such an improvement. The consultants are reluctant to add it to the project for environmental reasons and to incorporate it (this ditch cleaning operation) into the road project. So, the next question is...."

Ms. Cox asked, "Who owns the property on the other side?"

Mr. Easley responded that Mr. Young owns on the west and there is a strip that Mrs. Eloise Fehn said she would be glad to give us for an easement, so I think that Mr. Young would probably (if he is really concerned about the channel passing the water) -- would probably give us an easement to clean it. Would I have your permission to find out what it would cost to do this and maybe we could investigate if we think it is necessary?"

Ms. Cox said, "I am sure that if we can do this, everyone out on the west side is going to be down on us to do the same thing with Carpenter Creek, and Wolf Creek and all of the others, because they have refrigerators and cars and everything in them. We can't just can't do that."

Mr. Easley said, "All right, I was thinking it was a legal drain."

Mr. Willner said, "They have relief, they can ask the Commissioners to make it a legal drain and if there is not 50% opposition, it can become a legal drain, but they do have to furnish the money."

The Chair entertained any other business to come before the Board.

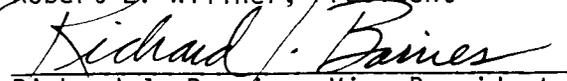
Being no further business to come before the Board at this time, the meeting was adjourned at 5:15 p.m.

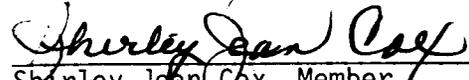
<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>AUDITOR</u>	<u>SURVEYOR</u>
	Robert L. Willner Richard J. Borries Shirley Jean Cox	Sam Humphrey	Bill Jeffers Chief Deputy
	<u>COUNTY ENGINEER</u>	<u>OTHER</u>	
	Andy Easley	Jim Morley Marty Greenwell	

SECRETARY: Joanne Matthews

Transcribed by Bettye Miles  
Proofed & Corrected by Joanne Matthews  
Proofed by Bill Jeffers prior to  
printing and distribution

  
Robert D. Willner, President

  
Richard J. Borries, Vice President

  
Shirley Jean Cox, Member

MINUTES  
VANDERBURGH COUNTY DRAINAGE BOARD  
APRIL 4, 1988

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MINUTES  
VANDERBURGH COUNTY DRAINAGE BOARD  
APRIL 4, 1988

The Vanderburgh County Drainage Board met in session this 4th day of April, 1988, in the Commissioner's Hearing Room with President Willner presiding.

The meeting was called to order at 3:40 p.m. by the President.

RE: LETTER FROM CITY OF EVANSVILLE RE LEGAL DRAINS IN EAST AND NORTH SIDE ANNEXED AREAS

Deputy Surveyor Bill Jeffers said, "I have handed you a letter which, if you desire, you may enter into the minutes. It is from the City Engineer and I hope it satisfies your request for a written explanation of their position regarding legal drains which have been annexed into the city in the last two years:"

Memo to: County Drainage Board

From: Tom Williams, City Engineer  
Date: April 4, 1988

Re: Legal Drains in East and North Side Annexed Areas

Mr. Jeffers of the County Surveyor's office has asked that I write to you and clarify the City's position on maintenance of legal drains which were totally or partially within the boundaries of the North Side (1985) and East Side (1987) annexations.

The City does not currently have, and does not anticipate acquiring, the forces or equipment required to perform maintenance to the legal drains in question. Consequently, the City asks that the County, through the Drainage Board, continue to levy taxes and maintain these drains.

Please feel free to call me if you have any questions on this or related matters, or if I may be of further service to you.

President Willner stated that this letter does satisfy the Board.

Mr. Jeffers said, "One sentence should be considered over the next few weeks... 'Consequently the City asks that the County, through the Drainage Board, continue to levy taxes and maintain these drains.' We collect assessments, which may be interpreted as taxes I suppose, especially by the people that pay them; but if I were a member of the Board, I would be curious to know who the City wants us to collect those taxes from."

RE: CLAIMS

Eldon Maasberg claim for Kneer Ditch in amount of \$273.24 which is 100% of total bid. The job was completed by the first of the year, has been inspected and found to be 100% satisfactory. Attached to claim is certification by Eldon Maasberg that he has paid all of his costs and doesn't hold the County liable for anything other than the amount of the claim.

Eldon Maasberg claim for Maasberg Ditch in amount of \$154.42 which is 100% of total bid. Same situation as above with a certification of payment signed by Mr. Maasberg attached.

Blankenberger Bros., Inc. claim for Additional Maintenance of Wallenmeyer Ditch in the amount of \$293.04 representing 15% retainage from the total bill of \$1953.60. This was for excavation work which was completed before February 1st, inspected, and found to be a very good job and attached is certification from Mr. Blankenberger that he has paid for labor, supplies, etc. and that he doesn't hold the County liable for anything other than the remaining 15%. All claims are signed by the Vanderburgh County Surveyor.

Ms. Cox asked, "Those are all for retention? We have already paid for the ....."

Mr. Jeffers stated, "The two (2) to Mr. Maasberg are for 100%. He never submitted a claim for any part. The other is to Mr. Blankenberger for 15%."

President Willner said, "I noticed that Robert Brenner is saying that these ditches are complete. Was there an inspection made by some other person involved? Bob didn't go out personally did he?"

Mr. Jeffers responded, "I inspected the two (2) by Mr. Maasberg and..."

Mr. Willner asked if there could be a notation on the certification as to who inspected the ditches. "I just need to know who inspected them. I am sure that Bob did not do that."

Mr. Jeffers said, "Tommy Goodman and Wayne Pasco inspected Wallenmeyer Ditch and I did a follow-up inspection on it."

Mr. Willner asked, "Can you bring that certification with you when you come?"

Mr. Jeffers said, "That is your certification right there. We report to Mr. Brenner, he is the County Surveyor, and he is certifying to you that the work that was done is satisfactory."

President Willner entertained a motion to approve the claim to Eldon Maasberg in the amount of \$273.24, signed by Robert Brenner.

Motion made by Mr. Borries that the claim be allowed, with a second by Ms. Cox. So ordered.

President Willner entertained a motion to approve the claim to Eldon Maasberg in the amount of \$154.42, signed by Robert Brenner.

Motion by Mr. Borries that the claim be allowed, with a second by Ms. Cox. So ordered.

President Willner entertained a motion to approve the claim from Blankenberger Bros., Inc. in the amount of \$293.04 (15% of total bid of \$1,953.60). That is a final payment for 1987.

Mr. Borries moved to allow the claim with a second by Ms. Cox. So ordered.

RE: AWARDING OF BIDS FOR 1988

Uncontested Bids:

The following are uncontested bids and the County Surveyor recommends that each bid on each ditch be awarded to the only bidder:

Aiken Ditch.....Johnson Construction.....\$ 2,274.57

Barnett Ditch...Union Twp. Ditch Assn....\$501.48

Barr's Creek Ditch....Evelyn Paul....\$3,616.90

Buente Upper B.C.....Big Creek Drn. Assn....\$3,029.25

Eagle Slough....Green Grasshopper....\$4,506.00  
East Side Urban South Half...Johnson Construction....\$12,826.04  
Edmond....Union Twp. Ditch Assn....\$923.70  
Henry....Johnson Construction....\$569.04  
Hoefling....John Maurer....\$557.10  
Kamp....Union Twp. Ditch Assn....\$1,004.40  
Kneer....Maasberg....\$273.24  
Kolb....Johnson Construction....\$1,921.90  
Maasberg....Eldon Maasberg....\$132.36  
Maidlow....Big Creek Drainage Assn....\$2,305.94  
Pond Fl. Main....Big Creek Drainage Assn....\$3,961.59  
Pond Fl. Lat. A....Ralph Rexing....\$743.54  
Pond Fl. Lat. B....Ralph Rexing....\$391.58  
Pond Fl. Lat. C.....Big Creek Drn. Assn....\$813.24  
Pond Fl. Lat. D....Ralph Rexing....\$641.06  
Pond Fl. Lat. E....Big Creek Drn. Assn....\$325.44  
Rusher....Big Creek Drn. Assn....\$399.96  
Singer....Eugene Rexing....\$269.50

Mr. Jeffers explained, "The reason Edmond Ditch is now in the red is a couple of years ago they dipped out the silt and we had to increase the assessment and we said we would do it over a three year period so that they would not get it all in one year. At this point, we will balance out and actually have a surplus. This is the third year and we are living up to our promise that we would stretch that excessive assessment out over a three year period for dipping the silt out which obviously cost about 55 cents a foot. Now we are back to billing about 10 cents a foot for weed control. The same thing will happen on some ditches on the next few pages. I will explain them."

Mr. Borries moved that the uncontested bids for the ditches read into the record, be approved, with a second by Ms. Cox. So ordered.

Mr. Jeffers said, "I would like to point out that on East Side Urban, South Half, we had sought a bid to mow a portion of that twice. That is the Bonnieview Extension and a part of Stockfleth Ditch, which we receive a lot of complaints on, because it runs through residential development and the weeds were growing at an excessive rate and we were going to try to mow them twice this year. We thought, because we only had a small surplus in East Side Urban the total, anyway, we decided not to mow it twice at this time. Mr. Johnson, who is the bidder, agreed to hold the price until July 1st and if we have a rapid growing season this year and feel that we have to mow it twice, in these residential sections, it will cost us an additional \$853.29 and he agreed to hold that price until July 1st, which we must notify him as of that date, which is a day or two after Drainage Board Meeting. I will come to you and tell you whether or not we want to mow it twice. If we do, he will do it for \$853.29."

Contested Bids:

Baehl Ditch....Eldon Maasberg bids...\$1,033.50  
Albert Steckler bids...\$826.80

Mr. Jeffers said, "Last years' price was \$895.70 for your reference, which means that Mr. Maasberg increased his price on his bid. Mr. Maasberg was the maintenance contractor last year. Albert Steckler is a property owner in the watershed and a farmer. He lives on Baseline Road.

The County Surveyor recommends that the bid be awarded to Albert Steckler in the amount of \$826.80.

The Chair entertained a motion.

Motion by Mr. Borries to award the bid on Baehl Ditch to Albert Steckler in the amount of \$826.80.

Ms. Cox seconded the motion and stated that she has a question...."Has Albert Steckler done any work for the County before?"

Mr. Jeffers answered negatively.

Mr. Jeffers added, "He intends to maintain with herbicidal spray in the spring and mow and burn in the fall."

Ms. Cox asked if this was standard procedure with this ditch.

Mr. Jeffers explained that this ditch has only been mowed in the fall and has not been sprayed in the spring for some years. They have a horseweed problem and Mr. Steckler feels that he can improve the control of the horseweeds. He is a property owner on the ditch and does pay an assessment.

Mr. Willner called for a roll call vote, on the motion made and seconded that Albert Steckler be approved as the low bidder on Baehl Ditch for \$826.80. Ms. Cox, yes; Mr. Borries, yes; and Mr. Willner, yes. So ordered.

Cypress/Dale/Maddox Ditch

Mr. Jeffers explained that this was a 'silt-dipping operation' which is a substantial increase from last year, and again, we will do like we did on Edmond and spread it out over a two or three year period.

The bids are as follows:

Marty Greenwell from Waverly, Ky. bids....\$10,600.00  
Martin's Farm Drainage from Poseyville bids....\$10,000.00  
Union Township Ditch Assn. from Vanderburgh County bids....\$10,400.00

The Vanderburgh County Surveyor's recommendation is Union Township Ditch Association in the amount of \$10,400.00.

The Chair entertained a motion.

Mr. Borries moved that the Union Township Ditch Association bid be approved, with a second by Ms. Cox. So ordered.

East Side Urban - North Half:

Mr. Jeffers explained that this is Crawford-Brandeis Extension and Boesche Ditch combined.

Terry Johnson Construction bids....\$4,767.02  
Jim Adam bids....\$5,436.16

The Vanderburgh County Surveyor's recommendation is Terry Johnson for \$4,767.02.

The Chair entertained a motion.

Motion by Mr. Borries that the bid be awarded to Terry Johnson Construction, with a second by Ms. Cox. So moved.

Harper Ditch:

Terry Johnson Construction bids....\$878.44 - mow once  
\$958.48 - mow twice.

Jim Adam bids....\$600.30 - mow once  
\$800.40 - mow twice.

The Vanderburgh County Surveyor's recommendation is to award the bid to Jim Adam to mow twice for \$800.40.

Mr. Borries asked Mr. Jeffers if he is familiar with Mr. Adam's work.

Mr. Jeffers answered negatively. He further stated that he had tried to contact Mr. Adam and received a phone-answering service. Mr. Jeffers stated that it was his understanding that Mr. Adam had bought the entire company formerly known as K & M Lawn Care, which was owned by Dennis Mosby and Dennis Mosby did perform maintenance for us two years and did a satisfactory job and had satisfactory equipment to perform the job. He said, "I was told by our office staff that Mr. Dennis Mosby informed our office that Mr. Jim Adam had bought his equipment and his company."

Ms. Cox said, "I can understand Rick's concern. Harper Ditch is a very important ditch in Vanderburgh County with visible area and we have got development going on out there so I really feel that I don't know this Jim Adam at all and I keep recalling the time that we awarded one to a person that we didn't know, (Angel I think was his name) and it didn't work out well at all. My only concern is that Mr. Johnson has done work for us and we know the quality of his type of work and we are talking (for mowing twice) the difference of \$158.48. I wish we knew more about Mr. Adam."

Mr. Willner said, "It is significantly lower, even on the one mowing, but ...."

Mr. Jeffers interrupted, "We have sufficient funds to award it to any of the contractors who bid. The recommendation was made based purely on low bid."

Mr. Willner said, "I guess what I am wondering is...if we accept that bid, and it is going to be twice, when will you pay? Maybe we could have some evaluation."

Mr. Jeffers responded, "If the Board is hesitant at this time to award the bid, he would spray first beginning on April 15th and he would have to be finished spraying by June 15th. If you are really apprehensive, you could delay it for a period of one month until the next Drainage Board Meeting, to investigate Mr. Adam's qualifications. I know that you are not saying one way or the other about Mr. Adam. I don't know him....you don't know him."

Mr. Willner said, "You will never know him if you don't give him a bid."

Ms. Cox said, "I would rather give him a bid on Cobb Ditch or one of the other ones where he could go back and maybe straighten it out without too much trouble."

Mr. Jeffers said, "Harper Ditch is highly visible and Walmart is being built out there now."

Mr. Jeffers explained, "This is for spraying once in the spring and mowing July 15th and again in October."

Ms. Cox asked if this is what they recommend.

Mr. Jeffers answered affirmatively. He stated, "It is a highly visible ditch that goes through commercial development and then through Normandy Arms Apartments, it should be mowed twice."

Mr. Borries said, "Let's suppose that he does okay on the first mowing, do you pay him any amount then, or do you....."

Mr. Jeffers said, "Our practice has been to allow them 40% for Spring, after the inspection proves that the spraying has worked. They usually get that about July and then we don't pay them again until Fall when they start the second mowing. We usually give two payments, a 40% payment for spray and a 60% payment for mowing."

Mr. Borries moved that the bid be awarded to Jim Adam and they pay him in payments of 40%, 30% and 30% and see how he does. Ms. Cox seconded the motion. So ordered.

Helfrich/Happe Ditch:

This is another silt removal.

Marty Greenwell bid....\$6,201.00  
Martin Farm Drainage bid....\$5,721.30  
Union Township Ditch Assn. bid....\$5,265.00

The Vanderburgh County Surveyor's recommendation is Union Township Ditch Association in the amount of \$5,265.00.

The Chair entertained a motion.

Mr. Borries moved that Union Township be awarded the bid in the amount of \$5,265.00, with a second by Ms. Cox. So ordered.

Wallenmeyer Ditch

Evelyn Paul bids....\$1,127.92  
Eldon Maasberg bids....\$1,253.25

The Vanderburgh County Surveyor's recommendation is Evelyn Paul.

The Chair entertained a motion.

Mr. Borries moved that Evelyn Paul receive the bid in the amount of \$1,127.92, with a second by Ms. Cox. So ordered

Two bridges did not receive bids.

Sonntag-Stevens:

Keil:

Mr. Jeffers said, "Last year Sonntag-Stevens was maintained for \$1,712.80 and Keil Ditch was maintained for \$602.40. I am not going to interpret the law, but it does allow you to seek invitational bids or to simply hire someone to do the work if it is under \$5,000.00; however, you might want to check the wording of that law, because I don't know if that means that the work on all the ditches is \$5,000 or less or if the work on the individual account is \$5,000.00 or less."

Mr. Jeffers continued, "If it means that you can award work for less than \$5,000 per ditch, both of these would come in under \$5,000, as you can see by last years' amounts and if that is the case, the Vanderburgh County Surveyor would recommend that you seek invitational bids from three (3) of the responding bidders for 1988 found on these

sheets and see what they would do these two ditches for. We know that they are interested and capable of doing the work in most cases. Just pick out, or let us pick out three, or how ever many you want."

Mr. Willner said, "Do so and bring them back to us. As a suggestion, some of the bidders who did not receive anything on this particular go 'round, perhaps you might want to consider them as some of the three."

Mr. Jeffers said, "I know a bunch of them are going to say no, but I have to call them to let them know that they were awarded a bid anyway, so I could see if they would be interested in doing this and if I get you some that way."

Ms. Cox said, "I have a question. I try to keep all of your ditches and everything down and I can't .....is there a Hirsch Ditch?"

Mr. Jeffers responded that this is part of East Side Urban - South Half.

Mr. Jeffers said, " Hirsch, Kelly, Nurrenbern, Stockfleth, Wabash-Erie and Bonnieview Extension are all East Side Urban South Half."

Mr. Willner asked if there was a lawsuit on the East Side Urban from J. H. Rudolph and Company.

Ms. Cox answered affirmatively.

Mr. Jeffers stated that he was not familiar with this.

Mr. Willner asked, "Have you looked into that...Do you know what they are talking about?"

Mr. Willner asked Ms. Cox to give a copy of this suit to Mr. Jeffers so that he could report back to the Board in a couple of weeks as to the nature of the suit and his recommendation.

Mr. Willner said, "I believe that they say the banks are eroding into their property."

Mr. Jeffers asked, "Is this property that they lease, or property that they own?"

Mr. Willner responded, "I imagine if they sued us, they would have to own it. I would think so. I don't know for sure, but I would imagine."

The Chair entertained other business to come before the Board.

Being no further business to come before the Board at this time, the meeting was adjourned at 4:15 p.m.

PRESENT:

COMMISSIONERS

AUDITOR

SURVEYOR

Robert L. Willner  
Richard J. Borries  
Shirley Jean Cox

Sam Humphrey

Bill Jeffers  
Chief Deputy

SECRETARY:

Joanne Matthews

Transcribed by Bettye Miles

*Robert L. Willner*  
Robert L. Willner, President

*Richard J. Borries*  
Richard J. Borries, Vice President

*Shirley Jean Cox*  
Shirley Jean Cox, Member

MINUTES  
DRAINAGE BOARD MEETING  
APRIL 25, 1988

I N D E X

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MINUTES  
DRAINAGE BOARD MEETING  
APRIL 25, 1988

The Vanderburgh County Drainage Board met in session at 4:40 p.m. in the Commissioners Hearing Room, with President Robert Willner presiding.

The meeting was called to order by President Willner, who subsequently entertained a motion for approval of minutes of the meetings held on March 28, 1988 and April 4, 1988.

Upon motion duly made by Commissioner Borries and seconded by Commissioner Cox, the minutes were approved as engrossed by the County Auditor and the reading of same waived. So ordered.

RE: LEGAL DRAINS INSIDE CITY LIMITS

President Willner said he believes that in the minutes just approved it indicated he was supposed to contact the City insofar as the legal drains listed inside the City. He did touch base with the Mayor and they discussed the matter. He was not apprized of the way the County does business on their legal drains. But he does understand it now and he still wishes for us to continue to bill the City as we have in the past. But that does bring up some problems, because we now have a lawsuit on the books (J. H. Rudolph & Co.). He went out there Sunday and looked and Rudolph does have a problem. He believes Mr. Jeffers was to report his findings on that legal drain and he would ask Mr. Jeffers to make his report at this time.

Mr. Jeffers said, "First of all you are saying that the City Administration wants us to continue to maintain the drains and that if we send the bill to the City Controller for all the parcels that were annexed, they will pay those bills?"

Mr. Willner: "Until further notice, that is correct."

Mr. Jeffers: "Can we then send a letter to the affected taxpayers letting them know that this is the case?"

Mr. Willner: "I don't think it's necessary; they just won't receive a ditch bill, right?"

Mr. Jeffers: "The confusion would arise for those who may receive a bill reflecting delinquencies or penalties or what have you or some mistake is made in one of the offices and they do receive a bill when they shouldn't -- after having read in the newspaper possibly that the City is going to begin paying their bills. We thought we might send a letter to them explaining the situation, now that the City has apparently accepted."

Mr. Willner: "How many are we talking about? I don't see that we should spend a lot of money. How many notices do you think we'll need to send?"

Mr. Jeffers: "However many parcels were annexed. We might be able to narrow it down by not sending a letter for each parcel, but just each taxpayer. In other words, some developers own several parcels."

Mr. Willner: "Well I, personally, don't think it is necessary; but what does the Board think?"

Commissioner Borries: "How would we pay for all that postage, Bill?"

Mr. Jeffers: "I assume we would pay for it out of the Drainage Board postage account."

Mr. Borries: "Do you think we have enough to do that?"

Mr. Jeffers: "It might run \$1,000.00 (that would be 4,000 people at 25 cents each). We had thought about if we knew far enough ahead of time to stick a letter in with the tax bill. But I don't know whether or not they have been sent. They probably have; I think some of the ditch notices have been sent."

Mrs. Cox: "They have. The ditch notices have been sent to the annexed people?"

Mr. Jeffers: "I think they held back on the annexed people -- waiting for this decision."

Mr. Willner: "They are for last year, are they not?"

Mr. Jeffers: "No, they are for this year; Ditch Assessment bills are current."

Chief Deputy Auditor Cindy Mayo advised that they held a couple of boxes.

Mr. Jeffers: "We asked that the ones be held for those annexed until a decision was made."

Mr. Borries: "Are they open? Can something still be placed in them?"

Mrs. Mayo: "I'm sure it can."

Mr. Borries: "I'd like to see the letter first, so maybe we could avoid some confusion when somebody reads this and wonders what is going on here. But if there are available funds, I would have no objection to letting them know that they won't be billed, but that through their City taxes the County will be reimbursed for maintenance on the legal drains."

Mr. Jeffers: "If I make the proposal this way and you agree to it, you agree to it. If you don't, you don't. That we now draft the letter and show it to each one of you. If you approve of it, sign it outside the meeting. In other words, tentatively approve it in the meeting. I'll bring you a draft of it and if you approve of it, two of you sign it and I'll send it. In other words, you notify everybody that there is a change that affects their drainage status when you raise their assessment. This one just happens to.....it's not required by law, because it doesn't raise the assessment; it actually does away with it."

Mr. Willner: "What do you do in the case of Darmstadt?"

Mr. Jeffers: "I believe the people who live in Darmstadt still get their bills."

Mr. Willner: "They do?"

Mr. Willner: "The same law applies, does it not?"

Mr. Jeffers: "If the Town Board of Darmstadt wishes to pay the assessment, they may."

Mr. Willner: "I don't believe they have a choice."

Mr. Jeffers: "You do have a choice."

Mrs. Cox: "Do you anticipate people calling in and wondering where their ditch bills are?"

Mr. Jeffers: "We had that happen several times when we stopped assessing a ditch because the account had enough in it that we didn't have to assess. We've actually not sent bills and, to our surprise, gotten many, many calls wondering where the bills were -- because they didn't want it to show a delinquency the next year."

Mr. James Morley of Morley & Associates asked, "What will happen insofar as the 75 ft. easement width? We did a drawing for the Wal-Mart and it has that 75 ft. easement and that is now annexed. Are we saying that you are going to maintain it? But, is the 75 ft. going to remain? Is it going to remain a legal drain? Is that what the Mayor is indicating? They have the option of having it remain a legal drain and those dimensions on it and paying for it. Or, in many cases, they took a lot of them over so they could eliminate that 75 ft. requirement and turn around and pull it back in close to the banks.

Mr. Willner: Then it is no longer a legal drain.

Mr. Morley: Right. So, as far as you know then, that 75 ft. will stay until further notice? Until the City makes a decision, that 75 ft. will remain?

Mr. Willner: That is right -- it will remain a legal drain until further notice.

Mr. Morley: Okay; fine. I showed it on the drawing I sent to the developers, engineers and architects -- but I didn't know whether or not this would change it.

Mrs. Cox: Well, I would hope it would remain a legal drain from now on out, because that is the way the water gets down into the Ohio River; and if it is not maintained and kept open, then it will create nothing but problems for everyone else back from there, Jim. And you know when they...

Mr. Morley: This is part of a deal; <sup>there is</sup> ~~they are~~ already going to ~~put a~~ culvert in underneath Eastland Mall.

Mrs. Cox: I understand that; I understand that. But we are not talking about culverting the whole rest of the ditch. But when you talk about somebody having to maintain a section that is on your property, you can't depend on everyone to keep up their maintenance.

Attorney Miller interjected by quoting the following verbiage from the Statute:

"If a municipal drain which is not subject to this Chapter, that is, not accepted by the municipality for maintenance, flows directly or indirectly into a regulated drain that is subject to this Chapter, the Board shall assess the land benefited by the municipal drain to be extended as it is benefited by the construction or re-construction of maintenance of the regulated drain."

Mr. Willner: "It doesn't say you can assess people for it, does it?"

Attorney Miller: "This is something that would take a lot of time. I can give you an opinion."

Mr. Willner: "When you consolidate a town, there are seven (7) services and you must provide five (5) out of the seven (7). Is that correct?"

Attorney Miller: "I believe so."

Mr. Willner: "Usually, police, fire, etc., etc., etc., and drainage is one of them. If they say they are going to furnish that with their taxes, then you cannot charge the individual -- so I understand -- I don't know."

Mrs. Cox: "I would tend to agree. I think that would be duplication."

Mr. Willner: "Do you want to go ahead with your J. H. Rudolph report, Bill, and we'll look into that a little further?"

Mr. Jeffers: "So you don't want me to send a letter then?"

Mr. Willner: "Just hold that a while -- until we're done."

RE: J. H. RUDOLPH CLAIM

Mr. Jeffers said that with regard to the J. H. Rudolph matter, a Notice of Claim was received by the Commissioners on March 10, 1988 and forwarded to the Surveyor's Office on April 5, 1988. He went out and looked at the site. He also got a call from the County's insurance carrier and he told him the erosion was occurring. He wanted to know if the cause of it was due to poor engineering or poor construction. "From my observation, I didn't believe that to be the case. It is a deep ditch and there is a huge amount of water going through it. That is the downstream end of the entire Eastside Urban Drainage System. The erosion has actually gotten very close to the pavement at the one location that J. H. Rudolph is notifying us that it is closing in on their entrance road." His preliminary observation was that the erosion could be at least halted at this time by applying several loads of rip-rap to the embankment right where it is encroaching onto their pavement. At the time he looked at it, no pavement had sluffed off yet and the rip-rap that was there is slowly being eroded away. It's right at the entrance of a pipe that goes underneath their main entrance to their plant. The estimate that he gave the insurance carrier was based simply on one (1) roll of erosion control fabric at \$1,000 plus he can't remember how many loads of rip-rap he told them would probably have to be dumped there (maybe 10 loads at the most) to replace that which slid down the bank. He is not addressing from that point back up to the east that is shown on this strip map that Mr. Easley just put on the Commissioners' desks, because he is not positive about the cause of the erosion from that point back along the entire front of their property as it fronts the ditch.

Addressing Mr. Willner, Mr. Jeffers said, "You can see there is a pipe coming into the ditch right about where your index finger is, Mr. Willner. There is a pipe coming from J. H. Rudolph's property and the erosion that is occurring there is occurring in the pipe trench, itself. To construct a pipe that enters into a legal drain in Vanderburgh County, you must have the permission of the County Drainage Board. But I don't know at this time whether that pipe from J. H. Rudolph's property was installed before or after the construction of that portion of the legal drain. I still have to determine that. If they installed it after 1978, when this Board reconstructed the Wabash-Erie Canal, then he would say that it required the permission of the Board for it to have been installed. If that is the cause of the erosion, we need to look into that aspect of it. But, between the pipe that comes from their property down to the pipe that goes under their entrance road, there is some erosion and he believes at this time his preliminary assessment as to the cause would be a lack of vigorous vegetative growth on the south bank, because the ditch is deep. That bank faces the north and it does not get a lot of sunlight. We have directed the work crews that have mowed it over the past few years to go easy on it. We've even let them leave some broadleaf growth there that we felt was the only thing holding that ground up. We don't feel we've done anything to promote the erosion that is occurring there. We think we've actually done a few things to try to inhibit the

erosion by leaving some vegetation on that bank that we otherwise would have directed a crew to mow off -- because that just happened to be the only thing growing there. He does think to apply rip-rap to that 1,000 feet would be extremely expensive -- extremely expensive.

Mr. Willner: How do you want the Drainage Board to handle this? Do you want us to come up with a plan and then you present it to Mr. Rudolph? Did you settle the lawsuit?

Attorney Miller: "Well, there actually is not a lawsuit yet. There is a claim that may turn into a lawsuit and the first step was to determine whether or not (as Bill is tempted to do) anything that we had done or failed to do was responsible for the erosion. I take it that the conclusion is to the contrary -- that at least to this point..."

Mr. Jeffers: "The conclusion is to the contrary. However, I'd also like to point out (if I may interrupt you, because this may go into what you are getting ready to say) though that the construction of this project was a joint City-County effort. The plans were prepared by the City and the County. This portion of the legal drain is in the City and the City did pay for the structures that were put underneath this service road. We may have a joint City-County maintenance agreement. I say that because the City just installed a large metal culvert just downstream of this location in the bend of this (specified) creek where it was eroding against the Southern Railway track and they did so to control the erosion. I wonder why the City went to that expense (which I believe was \$172,000) to do that -- so there may be some agreement. The reason I didn't mention this first was because I was unable to follow through to find this agreement, because the only person who would know about it definitely was Richard Eiffler -- and he just had a tragic death in his family and I didn't want to bother him during the past few days. He and I had talked about this and he was looking into it for me to see if there was a previous agreement between the City and the County on this type of erosion."

Attorney Miller: "The City has been placed on notice by Rudolph, as well. What I'd like to do is to develop a solution or a potential solution and present it to Rudolph with the idea that the County has looked at this. Since you have reached the conclusion that the County is not at fault, the County will not take any responsibility. But the County suggests that this be done and the County will cooperate with you in getting it done on some basis. But the City is going to have to be involved and Rudolph is going to have to be involved in expending some of its own funds -- and just start some conversation. But I needed an initial determination as to whether or not we were at fault. And then, if you can give me a detailed or semi-detailed proposal on how to approach this, then perhaps we can have a meeting with Rudolph and possibly avoid the lawsuit."

Mr. Willner: "I am certainly not an engineer and don't profess to be one. But it looked to me like the culvert under Stockwell Road is too small and the ditch was much bigger than the culvert and when it gets down to a designated point you have a whirlpool and it looks to me like that is where it is eating it out. It doesn't matter what it is. Would you get with the City Engineer and come up with a solution and work with the County Attorney and then present it to the Rudolphs."

Mr. Jeffers: "Can we have the copy of the map, please, Sir?"

Mr. Willner: "You can have the map."

Commissioner Willner entertained questions or comments from the other Commissioners. There were none.

RE: CHAR-MAR, SECTION B - PRELIMINARY DRAINAGE PLAN

Mr. Jeffers reported that the roads were recently accepted. It is an extension of a road that has no curb or gutter. Some areas are a little steep. There are seven (7) new lots, 2-1/2 acres or greater in size. The developer's engineer (represented by Aaron Biggerstaff) has submitted the drainage calculations. He indicates the driveway pipes for the four lots that face the ditch (the four most southern lots) would need a 60" diameter pipe set at a rate of 1.5%. His original ditch cross-section shows 2-1/2:1 slopes. We are asking that those be flattened to 3:1. That would make the ditch approximately 31 ft. wide. The easement that is shown between the lots is 30 ft., so we're asking that to be widened to 50 ft. going through Lot 4. The ditch does go right along the south side of Edgebrook Drive and it has a 50 ft. easement at that location. He is assuming that is the width of the roadway and the shoulders and the side slopes being 3:1 would require it be 50 ft. wide. This is a preliminary drainage plan. It is not complete. To be able to recommend it for approval, we'd have to see a statement for erosion control on all the ditches, as follows:

- 1) Slopes of 0% - 2% shall be mulched and seeded within 45 days of disturbance.
- 2) Slopes of 2% - 8% shall be sodded or stabilized with an erosion control matt at completion of grading.
- 3) Slopes greater than 8% require rip-rap or other approved stabilization at completion of ditch grading if total length of channel at that point is greater than 100 feet down hill from uphill ditch terminus.

If the Commissioners give preliminary approval here so they can go on to Area Plan Commission, they'd like to see the developer bring back in a set of street and drainage plans, including street cross-sections with the standard 6 ft. shoulders, etc., details of the main ditch (that he pointed out should be in a 50 ft. easement) with cross-sections especially showing this ditch in relation to the street shoulder and driveway entrances with 60 ft. reinforced concrete pipes -- and all that shown on the street and drainage plans. Aaron Biggerstaff is here if the Commissioners have questions.

There was brief discussion between Mr. Biggerstaff and the Commissioners concerning the plans (most of which was inaudible, because Mr. Biggerstaff was not within audio range).

Mr. Borries asked, "Bill, you were advocating 3:1 slope?"

Mr. Jeffers: "That is what the ordinance requires."

Mr. Borries asked, "Maintenance would be the responsibility of each property owner?"

Mrs. Cox said: "You know I am a stickler for curbs and gutters; but with lots like these and with Char-Mar already being developed out there, they don't have curbs and gutters."

Mr. Biggerstaff said he sees no problem with making that a part of the stipulation on the plat -- that

Upon motion duly made by Commissioner ~~Cox~~ *Borries* and seconded by Commissioner Cox, subject to it being noted that it will be the homeowner's responsibility for the maintenance of the pipe and ditch along that property line, Char-Mar Estates, Section B, was approved. Again, pending the Surveyor's comments being included. So ordered.

RE: CHAPEL HILL SUB SECTION C

Mr. Jeffers said that Chapel Hill originally came to us from Sam Biggerstaff and it was an overall plan. However, it has been developed in phases (Chapel Hill A and Chapel Hill B are complete). This is Chapel Hill C and it is coming in after the 2-1/2 acre requirement and that is reflected on the new drawing. They eliminated two cul-de-sacs that would have been put in if they could still have one (1) acre lots. There were some comments made in Subdivision Review about the layout of the lots, but if the Commissioners are curious about that they should refer to the Subdivision Review Staff Field Sheets.

The drainage calculations submitted to the Surveyor's Office have been reviewed. He is using one large open ditch for his main drainage and all that Mr. Jeffers asks is that the pipe sizes for the two driveways (Lots 1 and 2 will require driveway pipes, because they are using the old cul-de-sac right-of-way to get back in there) be reflected on the drainage plans. He'd like the same erosion control and channels noted that were just put on Char-Mar Estates. Mr. Bivins is here if the Commissioners have any other questions.

Commissioner Willner entertained a motion.

Mr. Borries: Subject to the comments made by Bill Jeffers regarding inclusion of the drainage erosion comments and explanation of the pipes that will be used along Lots 1 & 2, I would move that Chapel Hill Subdivision, Section C, be approved.

Mrs. Cox provided a second. So ordered.

RE: DEERFIELD SUB - SECTION I

Mr. Jeffers said that Deerfield, Section I, is a Garrison development project. Section I consists of 37-3/4 acres; large lots. The smallest lot is .7 acres and the largest lot is 1-3/4 acres. It has about two acres of lake surface within 5-1/4 acres of common area. He would like to point out that the common area dedicated in this section of the development is 14% of the total acreage in this section. The engineering that has been presented to the Surveyor's Office is very detailed and he won't go into a lot of the details at this time. However, there are about five drawings submitted for the different phases of engineering going into this (the lakes, the streets, drainage easements, etc.). The calculations show that the overall discharge after development will be lower from this section than it was before the development and there is a statement on the plat that the shoreline will be maintained, along with the common area, -- even that shoreline along the private property portion of the lots that face the lake will be maintained by the Homeowner's Association. But he would like to point out that this statement is not intended to restrict the rights of the individual property owners to control or maintain the shoreline themselves within the individual lots. Nor is the statement intended to convey any other rights to other people to cross that ground except for maintenance purposes. The statement is just for maintenance purposes. These people may still wish to restrict entry onto their private property as it faces the lake -- you can understand that. It is going to be a very upper income bracket type development.

Mrs. Cox: In other words, you can't jog around it.

Mr. Jeffers: Right. We are not intending to create a 10 ft. jogging strip, boating strip, etc. We also do not intend to create a maintenance easement (or what we're calling a shoreline easement) to restrict the individual lot owners from building gazebos (as Mrs. Cox pointed out when I told her about this) or boat docks, or what have you. If the Homeowner's Association will allow that, we're not trying to restrict that either. It's just for maintenance purposes.

Jim Morley (the engineer) and Keith Poff (who does the field engineering for the project) are both here to answer any questions the Board may have.

Mr. Morley offered general comments as he presented the drainage plans. He said that currently there is 23 cu. ft. per second run-off leaving the site. When they finish, the maximum that would be coming off would only be 10 cu. ft. per second. So they are only going to be discharging about 40% of what the undeveloped discharge is.

In response to query from Commissioner Borries, Mr. Morley said the lake is designed for 25 year flood. But he believe they have twice the capacity needed to hold a 100 year storm, insofar as storage capacity. So it is way in excess of what they actually need.

Mr. Jeffers said he believes it will hold something 2-1/2 times the amount required for a 100 year storm. There were a couple of other things that impressed him about it. He was told by the developer that he had tentative plans to pump water from the lower lake back up to the upper lake so that it continuously runs through this babbling brook, which sounds nice and will look nice. But it also would help aerate the lakes and keep the scum down and cause some evaporation, which will cause even less water to run off into Little Pigeon Creek. That kind of impressed him from a drainage standpoint, too -- if he does that.

Mrs. Cox asked, "Is there a sanitary sewer in this area

Mr. Morley confirmed that there is. This is all sewerd -- no septic.

In response to query from Mrs. Cox as to where this is emptied, Mr. Morley said it is emptied into the big trunk main that goes up toward Evergreen Acres -- down Eisler Road. There is a pump station that pumps it up over the hill and it goes down to the 12" trunk main at the corner of Eisler about 600 ft. east of Old State Rd. It goes down through and comes out into Highway 41 trunk main at Old Petersburg Rd. by the Windmill gas station.

Motion was made by the Commissioner Borries that the drainage plan for Deerfield Sub, Section I, be approved, with a second from Commissioner Cox. So ordered.

RE: MISSION VIEJO

Mr. Morley said that on December 7, 1986, Paul Neville submitted to the Surveyor's Office the drainage plan for Mission Viejo. Mission Viejo is an apartment complex at the corner of Highway 62 and Boehne Camp Rd. On the December 7th submittal after Mr. Jeffers' review, even though the original plan showed (it is down close to the Carpenter Creek Watershed Basin and all the pipe sizes are such that we didn't really need to retain water) he asked that we see if we could add some detention basins. Detention basins were added to the Mission Viejo project and it was re-submitted on December 22, 1986. At that point in time the developers (Nevilles) did not push for (and he doesn't remember and in checking back on the record they don't find anywhere they had it approved by the Board). They are thus re-introducing it or re-requesting approval of this with the detention basins, as shown on the development plan on both the Highway 62 side and the north side that drains into a ditch that runs to just north of the University Shopping Center. The Board might note that on the south detention basin the State Highway has put in a 42 inch culvert underneath Highway 62 and the developers are putting in a dam and they have a 21 inch pipe draining to their 42 inch pipe. So they will have pretty good detention there. Then, off on the north side of the property (which drains much of the property into another creek that runs along there) they have a 24 inch pipe.

It didn't come out very well on this particular print (it didn't print very dark). It is temporary storage or detention only. All of the trees will not be stripped from within it. They will be thinned. And that is the plan as revised and filed with Mr. Jeffers with the detention basins.

Continuing, Mr. Morley said they had a complete list of documentation on calculations that accompanied that also, but he didn't go into it.

Mrs. Cox said, "This doesn't have anything to do with drainage, but this is in the same area that she asked this Board to look at on Boehne Camp Road with regard to traffic and speed control. This is right at the north corner of Highway 621 and Boehne Camp Rd. and right down just about 1/8 mile is the new convalescent center that is almost ready to open."

Mr. Morley said this is right across the street from that. But the entrance on Boehne Camp Road on the drawings they have prepared has a long deceleration lane, so there is a significant widening of Boehne Camp at the entrance. He hasn't been out there recently, so he doesn't know if they've put a widened area for the new nursing home or not.

President Willner entertained further comments.

Mr. Jeffers said they have asked him to add those detention basins basically out of concern for west side citizens who had expressed their opinions about detaining water going into Carpenter Creek. He's glad they did and he appreciates the developer's willingness to construct detention basins on a voluntary basis. His calculations did show that the downstream structures could handle his run-off. However, subsequently another development is getting ready to go in at the corner of Rosenberger and Highway 62, and their preliminary calculations show that that culvert will not handle the run-off from the new shopping center that may go in there. And they have volunteered to put detention in this new shopping center. (He is not at liberty to say what it is yet, but it is in the works.) So detention has become almost a requirement for Carpenter Creek in order to get all this development through and we appreciate Mr. Neville's willingness to go along with it. Therefore, the Surveyor's Office recommends approval of the Mission Veijo Apartment drainage plan.

Mrs. Cox said she has one other question. She notes a 24" pipe is circled. Why is it circled?

Mr. Jeffers said he believes this is the way the draftsman calls attention to it.

Mrs. Cox said it was circled in pencil and she didn't know whether there was some question as to whether it is large enough or what.

Mr. Jeffers said he believes he is trying to point out that that is substantially smaller than the right-of-way.

Mr. Borries said it is a lot smaller than the pipe down below it.

Mr. Morley explained that the 21" pipe goes into a 42" pipe and the 24" pipe goes into the big lake.

Upon motion duly made by Commissioner Borries and seconded by Commissioner Cox, that with the detention lake basin and accompanying documentation, that the drainage plan for Mission Veijo be approved. So ordered.

RE: TEMPORARY CREEK CROSSING - WOODS ROAD BRIDGE PROJECT

Mr. Jeffers said he was under the impression that the contractor for the Woods Road Bridge project was going to ask the Drainage Board for permission for a temporary creek crossing. Has the Board been notified to this effect? It was on Mr. Easley's list of "Things To Do Today" -- he saw it and that is why he brought it up. In other words, if you have a low water crossing on a legal drain it has to be approved by the Board.

Mr. Willner said he received a letter last week.

Mrs. Cox said, "But we didn't have a Drainage Board Meeting last week."

Mr. Willner said, "This was from the State Highway Department on Nurrenbern Ditch."

Mr. Jeffers said that is another item to be covered today. He asked if Mr. Easley has already left for the day? (It was determined that he had gone.) That being the case, Mr. Jeffers said we'll have to wait another month to put the crossing in the creek.

RE: I-164 CROSSING - NURRENBERN DITCH

The meeting continued with President Willner reading the following letter from the State Highway Department, that he requested be entered into the record:

March 21, 1988

Vanderburgh County Commissioners  
305 Civic Center Complex  
Evansville, Indiana 47708

Attn: Mr. Robert Brenner  
County Surveyor

Re: Contract R-16626  
Project: I-164-1(12)9

Gentlemen:

As you are aware, our contractor, Boyd Brothers, Inc., has inadvertently placed a twin multiplate pipe structure in Nurrenbern Ditch at an elevation two feet above its planned location. The structure is located at Station 823+73.30 Line "A" on I-164. This is at approximate Station 63+68 as shown on your drainage plans for Nurrenbern Ditch.

Although the structure is slightly lower than the present flowline of Nurrenbern Ditch, it is about 1.2 feet above the elevation that the ditch was graded to in the contract you let on March 14, 1977.

We are in need of answers to the following two questions:

- 1) Is the pipe structure suitable as placed as per elevation?
- 2) Do you have any present or future plans for lowering the existing flowline of Nurrenbern Ditch?

Please respond as soon as possible as this structure controls the progress of the project.

Sincerely,

/s/ Terry L. Sutcliffe  
Project Engineer

Mr. Willner said he has no problem with this. We certainly aren't going to change the flowline and as long as it is lower than the planned elevation, then it shouldn't give us any problem (unless it was too small to start with).

Mr. Jeffers said the situation is as follows. The plans for I-164 at that location showed a twin pipe with a flowline elevation on the plans and then on the structure sheet it said "bury 2 ft.". When we reviewed the plans for I-164, that is about all the time we had to look at anything. They send us so many plans at one time and give us thirty (30) days to review them. If they don't hear back from us within thirty (30) days they assume we accepted the plans. I just look for "bury 2 ft." on any legal drain. In other words, if the State says to the contractor, 'Bury the pipe 2 ft. lower than the existing elevation' (and they show you the existing elevation on their sheet) that means anytime we come in and dredge a legal drain we have 2 ft. to play with. Apparently, the contractor or his engineer misinterpreted the plans and set this pipe structure right at or just a little lower (as the letter indicates) than the existing flowline (the 1987 existing flowline) of Nurrenbern Ditch. The mistake was made by either the contractor, the engineer, or the State Inspector. They began calling us (all of them) wanting to know whether it was okay with us to leave it like that. I asked, "What power do we have to make you change it? Those are your plans. If you're not going to hold the man to build them according to your plans, what power do we have" He asked, "Do you have a legal flowline designated by the Board as a legal flowline for Nurrenbern Ditch?" Well, I don't even know what that means. So the only thing I did was to pull out the set of plans. I'm sure Mr. Willner remembers that in 1977 or 1978 they re-did the whole east side. The set of plans developed for that project showed a flowline from Lincoln Avenue to Morgan Avenue. I sent that to the State and they calculated almost the same thing I did. I said it was 1 ft. lower in 1978 than it is today and they say it is 1.2 ft. lower. But we're talking the same ballpark. The ditch that the Drainage Board constructed in 1978 - was 1 ft. to 1 ft. 3 inches lower than it is today and the pipe is sitting up on top of that silt build-up. If we wanted to go back and dredge that ditch to the same flowline as we had in 1977, we couldn't do it. That is why the State buries them 2 ft., so we if we want to go back in and re-do a ditch we've got something to play with. Now they are putting the monkey back on our back and asking if this is acceptable to us to leave it like it is -- because it is a monster pipe. We're talking two (2) pipes 300 ft. long as big around or bigger around than he is. These are something like 6 ft. or 7 ft. pipes. One pipe will handle 70% of the maximum calculated flow of this ditch. The two pipes together are well over (something like 150%). I said the other option they could look at was lowering one pipe (just lower one pipe) down a foot or two. That would save half the cost and that would pick up the low water and you've still got the other pipe up high. They thought it was a great idea at first, but they still want the monkey on our back to say to this contractor 'Go lower that pipe'. I think it is their project. The County Surveyor's recommendation was to let the Board mull it over -- but the State wants an answer pretty quick. And if they wanted a quick answer from us, it would probably be -- "Build it to your plan or lower it to our previous flowline". But if they lower it at all it is going to cost the same no matter how much they lower it.

If the Board thinks it critical to act on this today, they can go ahead. If not, we can take it under advisement.

Mr. Jim Morley of Morley & Associates was recognized by the Chair.

Mr. Morley said Nurrenbern is on the east side of the property they designed for Ryan & Rheinhardt on doing a subdivision. They've really had a major problem trying to get away to drain this new Royal Avenue over to the Nurrenbern Ditch, because Nurrenbern was too shallow. He is also starting to do some work down by Kuhlenschmidt. Doesn't the side just east of Kuhlenschmidt drain to this one? But it drains all the way from Division Street north, right? There are going to be problems because it has to go north from Division Street. Every time you talk to somebody out there they want to lower them.

Mr. Jeffers said they can't go in there and dig the silt out with the pipe sitting the way it is now.

The Chair entertained a motion.

Upon motion duly made by Commissioner Borries and seconded by Commissioner Cox, the Board will ask the State Project Engineer for this project to lower the pipe on this project. So ordered.

Commissioner Willner asked that Mr. Jeffers so inform the State -- that the Board has exercised their prerogative.

Mr. Jeffers said Mr. Easley pointed out something the Board may want to take under consideration -- and he left it out of his presentation. I-164, the entire four lane fill is unpaved -- but the embankments and dirt are all in place on top of the pipe. But the concrete is not yet on and that is why they are wanting an answer now.

Commissioner Willner: "You've got one."

Mr. Jeffers said we've talking on the telephone with them, but they wanted something in writing.

RE: LOW WATER CROSSING - WOODS ROAD BRIDGE PROJECT

Mr. Easley said he believed what Mr. Jeffers requested or pointed out that he thought the Drainage Board should also act on the request to put a low water crossing on the Woods Road Bridge project. The Board acted on that last week and it was approved by the County Commissioners. It is their bridge project -- and they also said it as a Drainage Board/.

Mrs. Cox said, "But this is a legal drain we're talking about, Andy. Any permission or request to go through a legal drain comes to the Drainage Board."

Mr. Willner said he didn't want to hold another meeting and charge the County for \$45.00 for the Board's services, do he just did it....

Mrs. Cox interjected, "We can do it now."

Mr. Willner said, "If you want it in the record, let's so do it."

Upon motion duly made by Commissioner Borries and seconded by Commissioner Cox, the temporary crossing on legal drain for Woods Road Bridge project was approved. So ordered.

Mrs. Cox asked why they want this?

Mr. Willner said, "So he can get his equipment from one side of the ditch to the other without going four miles around."

Mr. Easley said, "They did this on Blue Grass and Pigeon Creek when they built the I-164 bridges and it is standard...."

Mrs. Cox interjected, "How long is it going to take him to do Woods Road project?"

Mr. Easley said he has another two and a half months construction, but he doesn't think it will be in there in two and a half months. He thinks there will be perhaps one 4 ft. or maybe one 5 ft. pipe. If the creek comes up it will overflow and it may even wash out some of his fill. It is for his convenience and strictly for construction equipment.

Mrs. Cox said, "It's the rainy season, you know, you can't dam that ditch up."

Mr. Easley said, "It will not dam it up. The creek comes up and it may slow down the run-off of the last 5 ft. of water. But it will not keep any water in the fields - I'm sure of that. I don't think there will be any drainage problems."

Mrs. Cox said, "If there is damage (and they are planting now) -- if there is crop damage, who will be liable? Us?"

Commissioner Willner said, "Ultimately, I guess us. If the contractor asks for permission and we give it to him, I guess it would probably be us. I don't see that happening, but there is a possibility I guess. If they would come out and go sideways, they might make the water go around instead of through."

Mr. Easley said he doesn't think it will obstruct the water that much. It may (like he said) the last 5 ft. But when the water surface drops down 5 ft., he thinks all the pipes are draining from the fields and his common sense is telling him that it is not going to cause any problems. It is about four miles to go around that thing, and we were advised.

Mrs. Cox asked, "Why didn't we put that in the specs, then?"

Mr. Easley said, "We don't want to pay him for a low water crossing; it is for his convenience."

RE: CLAIMS

Big Creek Drainage Assn.: Claim presented in the amount of \$1,817.55 re Buente Upper Big Creek. (60% of total bid).

Upon motion duly made by Commissioner Borries and seconded by Commissioner Cox, the claim was approved for payment. So ordered.

Timothy Schaefer: Claim in the amount of \$1,819.68 presented for remaining 15% of bid for additional maintenance on Eagle Slough.

Upon motion duly made by Commissioner Borries and seconded by Commissioner Cox, the claim was approved for payment. So ordered.

Mr. Jeffers said these two claims wind up all the work for 1987 except for Eldon Maasberg, who still has to come in and sign one claim. So everyone can now receive their bond money back -- if they come in and ask for it. Everybody except Eldon Maasberg (on Baehl Ditch) may get their bond money back.

RE: MCCULLOUGH SUBDIVISION, SECTION 'C'

Mr. Borries said he has a check for maintenance with regard to McCullough Subdivision.

Mr. Jeffers said that even if this comes before the Drainage Board, the ordinance still puts that responsibility for inspection, etc., under the County Engineer.

Commissioner Borries said the County Engineer will inspect this and then put the check into the special fund. He just wanted to enter this into the record.

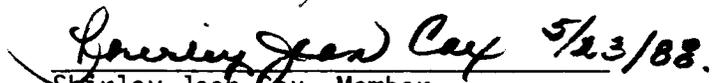
President Willner entertained further matters of business to be discussed. There being none, he declared the meeting adjourned at 6:00 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. L. Willner R. J. Borries S. J. Cox	Cindy Mayo, Chief Deputy	David V. Miller
	<u>COUNTY SURVEYOR</u>	<u>COUNTY ENGINEER</u>	<u>OTHER</u>
	Bill Jeffers, Chief Deputy	Andy Easley	Jim Morley Keith Poff Wm. Bivins News Media

SECRETARY: Joanne A. Matthews

  
Robert L. Willner, President

  
Richard J. Borries, Vice President

  
Shirley Jean Cox, Member

MINUTES  
DRAINAGE BOARD MINUTES  
MAY 23, 1988

I N D E X

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MINUTES  
DRAINAGE BOARD MEETING  
MAY 23, 1988

The Vanderburgh County Drainage Board met in session at 5:50 p.m. on Monday, May 23, 1988, in the Commissioners Hearing Room, with President Robert Willner presiding.

The meeting was called to order by President Willner, who subsequently entertained a motion to authorize the County Attorney to open the bids received for Annual Maintenance of Sonntag-Stevens and Keil Ditches.

Upon motion duly made by Commissioner Borries and seconded by Commissioner Cox, County Attorney David Miller was authorized to open said bids. So ordered.

President Willner declared a ten (10) minute recess.

RE: READING OF BIDS ON SONNTAG-STEVENS & KEIL DITCHES

The Drainage Board reconvened at 6:00 p.m. and the meeting was called to order by President Willner. He subsequently asked that Attorney Miller proceed to read the bids received for annual periodic maintenance of Sonntag-Stevens and Keil Ditches.

Attorney Miller said all bids received were properly executed and each bid contained a Certified Check. Bids were as follows:

Sonntag-Stevens Ditch

James Adam	\$2,515.67	Annual Periodic Maintenance
*Evelyn Paul	\$2,141.00	Annual Maintenance by Mowing
Terry Johnson	\$3,099.00	Annual Periodic Maintenance

Keil Ditch

*James Adam	\$617.40
Evelyn Paul	\$662.64
Terry Johnson	\$781.61

President Willner asked Chief Deputy Surveyor Bill Jeffers if he would like to make a recommendation at this time.

Mr. Jeffers said the Vanderburgh County Surveyor's Office would recommend that contract for Sonntag-Stevens Ditch be awarded to Evelyn Paul in the amount of \$2,141.00 and the contract on Keil Ditch be awarded to James Adam in the amount of \$617.40. These are the low bidders on each ditch.

Mrs. Cox queried Mr. Jeffers concerning James Adam, and Mr. Jeffers stated that he is the current owner of a company known last year as K&M Lawn Care.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, the contracts were awarded as recommended by the Surveyor's Office. So ordered.

RE: CHAPEL HILL SUBDIVISION SECTION 'C'

Mr. Jeffers said he wants to comment on Chapel Hill Subdivision, Section "C", which Drainage Plan the Board passed with certain stipulations last month. He heard from the engineer that those stipulations will be acted upon and the plat will be presented

\*Bid awarded to low bidder.

to the Area Plan Commission that way. But it came before the Subdivision Design Review Committee again this month (May 10th) and he understands the Subdivision Review Committee didn't like the two driveway designs and are going to ask for a cul-de-sac in lieu of the two driveways and one of the stipulations during Drainage Board Meeting was that the driveway pipes be sized and size noted on the plat so the property owners would know what size driveway pipes to be put in and subsequent engineers could check those driveway access permits. If they put in a cul-de-sac, they most likely try to divert the water around the head of the cul-de-sac to avoid putting in a large pipe. So that drainage plan may have to come back for the Drainage Board's review at a future time, depending upon how the Area Plan Commission acts on that subdivision at their meeting the first Wednesday of next month.

RE: BOLIN MEADOWS WEST SUBDIVISION

This subdivision will replace the West Side Drive-In Theater. The grading is already taking place. They removed the pavement and the rock, which comprised about 50% of the coverage of the property and, of course, he thinks they have already asked for a waiver of sidewalks and the Board is familiar with the plat.

The Drainage Plan submitted to the Surveyor's Office didn't include the connection between the two cul-de-sacs, so he doesn't know what effect that will have on the Drainage Plan -- and that has not been presented to the Surveyor's Office since the requirement apparently was made in Subdivision Review Committee. He does have a Drainage Plan for the Board's perusal.

Commissioner Cox asked, "In the interest of saving time and not wasting time, can you really recommend anything when you don't have the connections for the elimination of these cul-de-sacs and the connection of this roadway and the elevations and how it's going to be?"

Mr. Jeffers said, "Well, the engineer was in attendance but he had to take off and go somewhere in northern Indiana and he had to be there at 8:00 p.m.

Commissioner Borries commented, "I'd say if you don't have the information we can't make a decision on this."

Mrs. Cox, "He did say that these were going to be connected and that is not what they are showing and I do have a lot of concern. I'd like to have the engineer here when we talk about this, because as it was pointed out, this is the old West Side Drive-In Theater which lay almost like in an arena with a earth berm out on Broadway and then natural hills on the other side. And there is about a 100 ft. fall from up there on Felstead Road to the lowest point and we have flooding right now at Rollet's Lane and Johnson Lane with the outpouring of water from the areas in Wolf Creek and down along Broadway and then out onto the Ohio River -- and, granted, he is going to take up the concrete pads that used to be speaker pads for the Drive-In and put some grass in there. This is a pretty high density place anyway with a number of lots. There will be some grass areas -- but there are no ponding areas to hold that water. And the way the grading looks now is that it is grated at a slant that will come directly out on Broadway."

Commissioner Willner said, "With those comments, we will put off approval of the drainage plan until presentation of same can be made with the engineer present."

RE: GERMAN PINES SUBDIVISION

Mr. Jeffers said German Pines is located off Fleener Road in Darmstadt, Indiana. He then submitted the Plat which was presented to the Subdivision Review Committee. This is a seven (7) large lot subdivision. The lots range from 3/4 acre to one

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large lot that is about 3-1/2 acres. They are large lots. The ground right now is grown up in brush. It used to be sparse pasture. It will be converted into grass lawns basically. That will improve the run-off. It is served by a large lake in the bottom left hand corner of the plat. The subdivision has one cul-de-sac in.

Commissioner Borries asked, "Who will maintain the lake?"

Mr. Jeffers said it looks to him like the owner of Lot #4 will maintain the lake.

Mrs. Cox said it looks like it goes up into Lot #5 and part of Lot #6.

Mr. Jeffers acknowledged that it is in three different lots. The engineer is here -- Chris Weil from Morley & Associates. He will finish what he was going to say and refer any unanswered questions to Mr. Weil. Continuing, Mr. Jeffers said that all of the pipes shown on the drainage plan submitted to the Surveyor's Office and all the open drainage swales are housed in easements, as required by the Subdivision Code. He does show the location of the inlets for the streets. He does show the size of the pipes. When all this information is approved by this Board and upon recommendation by the Surveyor's Office, he will then type it onto the Plat and the drainage plan will appear on the recorded document. It has the erosion control for ditches that has been required on plats for the last year or so and he has submitted his calculations. We have reviewed them and while he can't say exactly what percentage, the major portion of all the drainage from the street and from the lots, with the exception of a few fringe areas on the outside perimeter, all drains into the lake and it does have an emergency spillway. What he is saying is that the lake serves for drainage of the vast majority of the property. If the Board has any other questions regarding maintenance, etc., Mr. Weil is here and can answer those. "In all fairness to Chris, I failed to ask the question of Mr. Morley as to how the lake will be taken care of."

Commissioner Borries asked, "This will be on sewer, right?"

Mr. Weil responded, "I played very little part in...."

Mr. Borries: "It would have to be, Bill, in this area (Lot #5)?"

Mr. Jeffers said, "In Subdivision Review Committee last Wednesday, that subject came up and it would have to be served by the Darmstadt Sewer System (which is still in progress of being put on line). The Area Plan Commission may have a different opinion than the developer and the engineer for the developer -- but the engineer for the developer would like it to be represented as tentative, based upon approval of the Darmstadt Sewer District providing sewer taps for those seven (7) lots. In other words, if the Darmstadt Sewer System provides the sewer taps for those seven (7) lots, they will go on and then they will meet the requirement of less than 2-1/2 acres."

Mrs. Cox asked, "You mean the soils in this area are going to 2-1/2 acre lots? That is what you are telling me?"

Mr. Jeffers said, "Yes Ma'm. This soil will require 2-1/2 acre lots. So the design you are looking at is tentative upon tapping into the Darmstadt Sewer System. Because even the large lot probably doesn't have 2-1/2 acres outside the lake. So they are only asking for approval subject to tapping into the sewer."

Mr. Willner asked, "That doesn't have anything to do with drainage, does it?"

Mr. Jeffers said, "Generally, the subject of raw sewage comes up when you're dealing with a lake and drainage."

Mrs. Cox asked, "Will that be in good condition -- and there is no seepage or undermining or anything like that? The present lake levee or dam or whatever you want to call it is going to be able to continue to serve as proper retention?"

Mr. Jeffers responded, "It has been represented to our office as being that way. However, I am somewhat hesitant to give you an analysis of the lake. I'd rather refer that to Soil & Conservation Service, as I have in the past."

Commissioner Borries asked, "Beyond that though, as far as you're concerned....."

Mr. Jeffers interjected, "The drainage plan is acceptable contingent upon getting the sewer taps."

The Chair entertained a motion.

Upon motion duly made by Commissioner Borries and seconded by Commissioner Cox, the drainage plan was approved contingent upon resolution of sewer matter. So ordered.

RE: APPROVAL OF MINUTES

The Chair entertained comments, questions, or a motion concerning approval of minutes of April 25, 1988.

Commissioner Cox said that on Page 3 it should read that they have already installed a culvert under Eastland Mall (rather than that they are going to install a culvert).

On Page 6, Mrs. Cox said it states a motion was made by her, which was made by Mr. Borries (she seconded the motion).

On Page 9, it should read "substantially smaller than the one in the right-of-way" under Mission Veijo Subdivision.

Upon motion duly made by Commissioner Borries and seconded by Commissioner Cox, with noted corrections the minutes were approved as engrossed by the County Auditor. So ordered.

RE: MC DONALD'S RESTAURANT - DRAINAGE STRUCTURE

Mr. Jeffers said Mr. Sam Biggerstaff, Petitioner on behalf of McDonald's Restaurants, is asking for a drainage structure emptying into Rusher Creek, a legal drain in Vanderburgh County. He has a basic Site Plan of location of property along Highway 41 up by Busler Enterprises. He has a cross-section view of the pipe coming into the ditch and a plan view showing hand-laid rip-rap locked into the toe of the slope, the size of the pipe -- and he is going to use a manhole for clean out and set it 16 ft. back from the top of the bank so it won't interfere with our maintenance -- because at this location he has to stick it up above the ground enough to be seen by agriculturalists. The Surveyor's recommendation is to approve the request to enter Rusher Creek with a drainage structure from McDonald's. Mr. Biggerstaff is here if the Board has questions. Mr. Jeffers asked if anyone would like to see the plans?

Mrs. Cox said she would.

The Board members proceeded to peruse the plans and discuss them briefly with Mr. Biggerstaff. Mr. Biggerstaff said they are only putting in .76 cu. ft. more run-off per second than was going in before -- so that is very little. He said he also wants to point out easement for ingress and egress at the present time. It is paved to designated point with a 38 ft. road with concrete gutters. McDonald's wants to repave it with 10 inches of rock and 6 inches of asphalt, in a curb fashion in accordance with County standards. It will be paved 30 ft. wide at designated point, 40 ft. wide at another designated point, and back to 30 ft. at

another designated point. They do this on all the restaurants. The inside driveways are 6 inches and 3 inches of rock and asphalt, respectively. But the outside drives are 10 inches and 6 inches, respectively.

The Chair entertained questions or comments. There being none, Commissioner Willner asked Mr. Jeffers for the Surveyor's recommendations.

Mr. Jeffers said the Surveyor's Office recommends approval.

Upon motion duly made by Commissioner Borries and seconded by Commissioner Cox, the request was approved. So ordered.

RE: REQUEST FOR TEMPORARY CROSSINGS OF EAGLE SLOUGH

The meeting continued with Mr. Jeffers submitting a Permit for the Board's approval for Koester Contracting Corporation at 14649 Highway 41 North for a temporary crossing of Eagle Slough (it is actually three temporary crossings) for the purpose of hauling borrow material to construct I-164 spur south of Evansville. The period will be beginning in May 1988 and expiring December 31, 1989. They own the ground on both sides of the Creek, which gives them the right to do it whether we give it to them or not. But, as a matter of formality -- being a legal drain adjacent to the levee -- we thought they should go with a Permit like everyone else. A map is attached showing the crossing sites. The Surveyor's recommendation is to grant the permit.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the request was approved. So ordered.

Commissioner Willner asked if Mr. Jeffers will make sure that the crossings are properly installed.

Mr. Jeffers said he will. They have been monitoring those on this project and he hasn't come across any serious problems to date.

RE: CLAIMS

The following claims were submitted by Mr. Jeffers for approval:

Green Grasshopper Flying Service, Inc.: Claim for aerial spraying of Eagle Slough as contracted (30,040 ft. at 7-1/2 cents per ft.) in the amount of \$2,253.00. The claim has been signed by William C. Hepler and County Surveyor Robert W. Brenner. An Inspector's Report is attached.

Upon motion duly made by Commissioner Borries and seconded by Commissioner Cox, the claim was approved for payment. So ordered.

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 6:20 p.m.

<u>PRESENT:</u>	<u>DRAINAGE BOARD</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. L. Willner R. J. Borries S. J. Cox	Sam Humphrey	David Miller
	<u>COUNTY SURVEYOR</u>	<u>OTHER</u>	
	Bill Jeffers (Chief Deputy)	Sam Biggerstaff Chris Weil/Morley & Assoc. Others (Unidentified) News Media	

SECRETARY: Joanne A. Matthews

Robert L. Willner, President

*Richard J. Borries*

Richard J. Borries, V. President

*Shirley Jean Cox*

Shirley Jean Cox, Member

MINUTES  
DRAINAGE BOARD MEETING  
JUNE 27, 1988

The Vanderburgh County Drainage Board met in session at 4:10 p.m. in the Commissioners' Hearing Room with Vice President Rick Borries presiding. Commissioner Willner was absent (on vacation).

The meeting was called to order by Commissioner Borries, who subsequently entertained a motion concerning approval of the minutes of meeting held on May 23, 1988.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, the minutes were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: APOLOGY TO COMMISSIONER COX

Mr. Jeffers said he would like to apologize to Mrs. Cox for sounding impenitent during the Commissioners Meeting. He said he was disgusted because he had to take the fence down in his back yard because his neighbor would not let them do a soil sample in his back yard.

Mrs. Cox said there were no hard feelings.

Mr. Jeffers said the comment was more directed to his neighbor and he thinks they might be two (2) years getting anything done in his backyard, he was there almost with a shotgun.

Mrs. Cox said if they can work this out, she would hate to put a new surface down out there.....

Mr. Jeffers said she was right, there would be one (1) crossing on Caranza that would tear the surface up.

RE: BOLIN MEADOWS WEST SUBDIVISION

Mr. Jeffers said this subdivision came before them last month and he believed they had some questions they would have preferred asking the engineer who represents Mr. Bolin and the engineer, Mr. Bill Bivins is present to answer any question they may have.

Mrs. Cox said she has questions because she lives out there.

Mr. Borries said for the record, this is the property that the old West Side Drive-in was located on.

Mrs. Cox asked Mr. Bivins "did you do all of these calculations?"

Mr. Bivins answered "yes."

Mrs. Cox said "you have an engineers sticker on here....."

Mr. Bivins said "that is a land surveyor sticker."

Mrs. Cox said "land surveyor or whatever, Edward J. Bottomley....."

Mr. Bivins said "yes, he is the one who done the surveying".

Mrs. Cox said "I checked with him and he said he did not know anything about this subdivision at all."

Mr. Bivins said that Mr. Bottomley has all the records on this subdivision now.

Mrs. Cox said "now."

Mr. Bivins said "He had them in the past but he did not know what the name was going to be.

Mrs. Cox said "I told him exactly where it was because I wanted to know about the runoff and everything and he told me he was retired and he did not do anything like that anymore, so what is going on here?"

Mr. Bevins said "Mr. Bottomley sub-contracts work to my surveying crew to go out and.....I go out under his direction....."

Mrs. Cox asked "He sub-contracts to you?"

Mr. Bivins said "According to the law, you are allowed to pay.....the land survey is allowed to stamp peoples work that he supervised and reviews and Mr. Bottomley has reviewed this".

Mrs. Cox asked "When did he review this?"

Mr. Bivins said "I do not know the exact date, but he has copies of everything."

Mrs. Cox said "I talked to Mr. Bottomley June 24th. and he did not have anything at that time and he told me he did not do anything like that anymore, that he is retired."

Mr. Bivins said Mr. Bottomley was retired but they do work together and he will be glad to get a letter from him or have him appear, whichever they like.

Mrs. Cox said "My concern was.....and I was interested in the terrain out there because...that is why I called him, because the last time this was presented I copied his name down and tried to get hold of him and I couldn't find anyone except .....now, is he the one up in Boonville."

Mr. Bivens said that he was.

Mrs. Cox said that is the only one she could find.

Mr. Bivins said he takes care of all of the drainage calculations.

Mrs. Cox asked Mr. Bivins how much runoff is going to come down off of Broadway Avenue and across Broadway Avenue.

Mr. Bivens said what they did was....they ran a calculation..... at the present time.....this was an old drive in which approximately 50% of the area was paved and going to the subdivision they are going to reduce that by approximately 30% and so the runoff will be less than what they have right now.

Mrs. Cox said "but now you have changed the elevation of the ground out there through the grading and at one time there was a, there still is a large hill back to the north and the West Side Drive-in laid more or less down in valley there or in a flat area and then there was a land.....some more land that was higher that was out along Broadway Avenue, I guess maybe it was built to keep people from parking out here and trying to watch the drive in movie, I don't know for what reason, the ditch runs very, very close to the shoulder of Broadway, in fact, there is not much of a shoulder left on Broadway. Across on the south side of Broadway we do have some residences and they lay low and the one has a nice swimming pool and my concern is that I need to be sure that we are not going to overload this ditch and have water coming out onto the road, over the road and down on to these peoples property on the south side of Broadway, because what has been done when this land is being prepared for those subdivisions is that it has destroyed the almost natural retention area and your right, much of it was concrete that was the old theater, but there was also a kind of flat basin area where it sat and now it is being graded on a slant or a slope out toward Broadway Avenue,

which means that the water.....you know it cannot run back toward Felstead Road due to the grading and it is going to come out and go into this ditch and right on down further toward town, the city limits line, at Johnson Lane and Rolletts lane and Speaker Road is where you see the tremendous flooding and all this water pours because basically Felstead Road starts an uphill of that area, so all water from Felstead Road, all water from this is going to run down to this area and accumulate in the low spots and this is my concern.....that the elevation be shown as to how you are going to grade those elevations and the water running off and where it is going to go, that is the big concern."

Mr. Bivins said "Actually we are not putting any more water in that direction, all the water goes through that pipe into the culvert from this area as it stands".

Mrs. Cox enquired as to what culvert.

Mr. Bivins said it is a box culvert, an existing box culvert upon Broadway Avenue and it catches all the water along the road, he said it all slopes that direction to begin with.

Mrs. Cox said "What I am telling you, and I guess you don't understand, and I will show you with my hand because I don't have material to show you, we have the drive-in (demonstrated) the drive-in sat in a flat basin and the hill kind of rolled up over toward Broadway and what you have done now is take away that flat basin, which even though it was concrete helped that water from coming out into this ditch immediately after rain and it ran back, and back behind the screen there is another ditch back there near Felstead Road and if the water is going to continue to run on back and go into that ditch and slow it down, then it may not be a problem, but if it is going to dump all down on this ditch that is there at the side of Broadway Avenue, that ditch is not going to be able to carry the capacity because when it gets on down a little bit it runs into all the drainage that is coming back here from Middle Mt. Vernon Road on Wolf Creek and coming across Kuester Field and they come together then right before you get to Rolletts Lane."

Mrs. Cox said unless they live out there it may be hard to understand, but that is her concern, that if they are not pouring more water down in the area, if there would be any way the developer could maybe retain some of that water, like take a lot or something and either retain that water, and other thing she would definitely like to see and she feels it would be for the safety of the people that are building in the area and also that are driving along Broadway is that if they could not get a shoulder, perhaps out on Broadway Avenue and move that ditch over a little bit north at the property. She said she is not sure what the right of way is, but.....

Mr. Bivins said they are showing a 60' right of way in that area and they have an additional 25' allotted for public utility and and drainage area easements though there could be some more to move that ditch back over there.

Mrs. Cox asked Mr. Borries if he had had a chance to go out and look at this?

Mr. Borries asked Mr. Bivins if he had submitted his calculations into this board.

Mr. Bivins said he had and he does not feel they will have any problems with the calculations.

Mr. Bivins said by looking at the area, with a 50% retainage, or rather a 50% area that is paved at the present time, they are reducing that, and the runoff will not be as severe as they have had in the past.

Mrs. Cox said she would just like to have some assurance that these people .....she said these homes are low and the one does have a swimming pool (in ground).

Mr. Jeffers said the calculations for Bolin Meadow West Subdivision were submitted to his office on two (2) different occasions, the first set of calculations were submitted for the last Drainage Board Meeting and he has compared them to other calculations used by different companies, for Hillside Developments and they reflect approximately the same result, pipe sizes and etc. He said he compared it particularly to Green Briar Section 3 because that developer is developing a similar piece of ground as far as grades and etc. He said the one concern expressed by Mrs. Cox which she explained to him in detail prior to the meeting and again during the meeting is the idea that when the theater was there there was a kind of a sight and sound barrier between Broadway Avenue and the parking area of the drive in theater and it is her idea that the water coming down off of the steeper portions of this development was held from flowing directly into the highway side ditch by this berm of earth that was serving as a sight barrier for the drive in and that the water that was being held back from flowing directly into the ditch either puddled into the parking area of the drive in which was basically rock with some concrete pads, if he remembers correctly and then was diverted back towards the west, Felstead Road and entered this same ditch that runs along the side of Broadway, it entered that ditch westward of where it will enter it now, but, he believes what she is trying to describe is that there was a time delay between the time it would have flown directly into the ditch like it will now and the way it used to do back when that was a drive in and although it was not intentionally built as a detention basin or retention pond of any kind that in fact that is what it acted as, as Mrs. Cox describes it.

Mr. Jeffers said he cannot prove that was the case, but it sounds like a reasonable assumption that that water puddled up back there and eventually made its way to this ditch and he would also say it is probably an accurate assumption on her part that this water will get into the county side ditch quicker now when it is running down the streets and directly into drop basins and taking a straight shot out to the ditch, what effect this will have will have to be determined through any design calculations and method that the developer will go through designing the street plans.

Mr. Jeffers said the reason he compared it also to Green Briar 3 is because that developer did, after they had looked at the potential of a lot of erosion out there during the period of development, etc. He agreed to set aside one lot as a silt, for a silt pond and a detention pond, and agreed to do that until he had sold 95% of the other lots or until 95% of the other lots had been developed.

Mr. Jeffers said he also pointed out to Mrs. Cox that, and he is sure they are all still aware of this, their ordinance does not require detention in this area or on the north side or anywhere else except in east side urban drainage basin, and that the detention they have been getting from developers over the past few years has been voluntary, and he thinks that is the best way because if the man will do it on a voluntary basis they know he is working with them, and if you force him to do it through an ordinance, that is a different thing, but if he is not willing to do it voluntarily then they will have to examine their desire for detention county wide and address an ordinance change.

Mr. Jeffers said at the present time the calculations submitted by the developer for Bolin Meadows West Subdivision appear to be accurate and they indicate that the amount of water leaving the site will be less under a fully developed subdivision than they were before development and that is because he is taking out a certain amount of concrete, parking pads etc. and replacing it with grassy lawns.

Mr. Jeffers said there is a strong possibility that what water does leave the subdivision, even though it is less than what is calculated to leave it as a drive in theater may get into that ditch quicker, so even if they have less cubic feet per second, they might get them a whole lot quicker because the street will discharge directly into the ditch instead of some other route it may have been forced to take because of the sight and sound barrier. He said he would like to point out that the ditch along side Broadway Avenue presently <sup>is</sup> both commissioners present have seen, he is sure both the developer and his engineer are aware, Broadway Avenue has somewhere between a two (2) foot shoulder and a five (5) foot shoulder more or less down through there, there are some areas that are less than two (2) feet because of some of correctable problems, but the average shoulder along there is three (3) to three and one half (3 1/2) feet.

Mr. Jeffers said it <sup>would</sup> ~~wouldn't~~ be beneficial to the county, on a road that carries that much traffic to have a broader shoulder, and the developer has set aside a twenty five (25) foot PU and drainage easement adjacent to the right of way on Broadway and the ditch could be moved over, however, his discussions with some of the engineers working for the developer is that he is going to realign the ditch down along lots forty eight (48), forth nine (49), fifty (50) and fifty one (51) to get it out of the yards and move it back against Felstead Road, he plans on doing that, but he doesn't want to spend the money to move the ditch back away from Broadway, that was what was told to him.

Mr. Jeffers said also when he went out there and looked there were a couple of utility poles and a manhole which indicates there may be a sewer line in the way and all of that is going to have to be engineered at some future time to see if they can move that ditch back away from Broadway Avenue and one of the engineers left him with the impression that they are happy to set aside a twenty five (25) drainage easement to move that ditch and let the county decide whether they want to spend the money to move it themselves.

Mr. Jeffers said as far as detention basin, he does not find any real logical place to put one in someones back yard without taking up some valuable yard space, if the board requires a detention facility somewhere, he would leave it up to the engineer to find a suitable place. He said he thinks the board may want to consider giving the developer the opportunity the same as they did for Green Briar 3 of putting one in, if they require one or request one, to put one in on the basis that after he develops a certain portion of the rest of the subdivision he could then.....if there is no problem apparent at that time and everything seems to be in good working order, he could fill it and build on it like the other developer is going to do in Green Briar 3.

Mr. Jeffers said another concern expressed by Mrs. Cox is people living downstream of this. He said he will say that the calculations do show they are hitting a real marginal thing here because the capacity of that five (5) foot by eight and one half (8 1/2) foot box culvert that goes underneath Broadway, right at the downstream into the subdivision has a high water elevation for twenty five (25) year storm of 384.4 and for one hundred (100) year storm of 384.8 and the roadway on top of that culvert right now is 384.98, so they will just call it 385.0, so they are talking about.....twenty five (25) year storm will put it at eight inches of going over the top of the road and one hundred year storm will put it within two and one half inches of going over top of the road and he believes there are some houses on the other side that are probably below that elevation, he said possibly, he has not checked this out, however, this is an existing condition and that could happen today without the subdivision ever being developed, that could happen today under a natural occurrence.

Mr. Jeffers said he thinks he has addressed everything that Mrs. Cox brought up but he has not yet gotten to some of the observations of his own on this subdivision.

Mr. Jeffers asked Mrs. Cox if she has any questions at this time.

Mrs. Cox said no, it was just the water going down onto Broadway Avenue and the property owners on the south side of Broadway getting more water on their property.

Mr. Jeffers said they do not have any plans on how that sound barrier was actually constructed so he cannot really tell her anything about that.

Mrs. Cox said unless you live out there and you can see.....now it is just graded down kind of too a slope to the edge of the road. She said she does not know if the developer is finished grading it or not. She said they must have assurance here, unless they live out there and Jerry Riney is sitting in the room right now and he used to live right on top of the hill from this and he knows how that water comes down through Wolf Creek and in these side ditches and he has seen the flooding at Johnson Lane and Rollett Lane and Kuester Field being completely under water clear up to the top of the bleachers and the dumpster floating along like it was a cork and it carries a lot of momentum out there and that is what her concern is. She said she has not known it to flood back in this area (on plan) that far, but if water is going to be dumped directly down into that creek at a higher rate and this is already full (on plan) then it is not going to be able to get in the ditch and move on, it is going to go over the road and onto the peoples property.

Mr. Cox said to Mr. Jeffers "I think you said that the developer had maybe agreed to or was receptive to one (1) lot being used as a silt basin or a kind of a holding basin, would a silt basin be the answer to the problem with the more rapid discharge of the water?"

Mr. Jeffers said first of all, maybe he did not explain himself well enough, he does not think there is going to be a larger quantity of water after it is fully developed and the grassy lawns as opposed to rock and concrete, but he did say there may be more rapid .....because of the velocity in the street, there may be a more rapid development if in fact that mound or berm along the front of there really held water back.

Mr. Jeffers said if her contention is that that site barrier held water back for a period of time, he will agree with her that it may discharge more rapidly now but he thinks the quantity is going to be less, so the quantity may be less but the speed at which it arrives at the ditch may be quicker. He said he does not know this developer and he does not know if he would be receptive to giving up a lot for a period of time as a detention basin or a silt trap. He said he has no idea, he just happened to think of Green Briar 3 as a possible comparison. Mr. Jeffers said he does not have any plans of the drive in to prove the theory that the site barrier may have been holding water back causing it a lot longer to drain, they may very well be true, the last time he was out there was around 1978.

Mrs. Cox asked about divert or change the course of this ditch back along Felstead Road. She said she assumes he wants to bring in out closer to Felstead Road, she said he is not doing this to improve the drainage, they have to be very honest about this, he is doing this to open him up another lot for development and it would seem too, by straightening the ditch out, rather than having it's natural coutours to it, which often times service a slowing down of the discharge would also add to the more rapid discharge of water.

Mr. Jeffers said if the ditch is straightened out it causes water to move more quickly and it in this case maybe a few seconds.

Mrs. Cox asked "Is he going to cause any other difficulties for anyone else, I know we have no legal drains on the west side and I am sorry about that but by the moving of this ditch, is that in any way going to effect people that would live on the west side of this development or around in the Felstead Road area, I can't see from this (the plan) where, if anything comes under Felstead Road and empties presently in this ditch, if there is a culvert, or if there is a side ditch.....

Mr. Jeffers said the first culvert is the one that comes from that little subdivision on the west where those folks have a gravel roadway that they just put a new pipe in, Sarabeth Drive.

Mrs. Cox said they have had some problems, and the culvert is not on this plan.

Mr. Jeffers said the culvert is upstream of there, a few hundred feet and he does not think it will have any effect on this and that water comes down there pretty rapidly, it drops about a hundred feet in a half mile.

Mrs. Cox said the density of this subdivision is fifty six (56) homes and four (4) trips a day minimum, so they are talking an additional over two hundred cars coming out onto this area and as Mr. Jeffers did point out the shoulders along Broadway.....they vary, from either two (2) foot .....she said they have fought that water problem out there, it has caused them a problem on Middle Mount Verenon, it is eroded clear up and they had to go in and do it.and she is afraid it is going to do the same thing along Broadway and these are her concerns.

Mr. Jeffers said he did not mention this as a point of drainage, he just thought it would be a benefit to the county that this man is giving twenty five (25) feet, and if somehow they can arrive at an agreement between the Commissioners, not the Drainage Board, but the Commissioners and the developer, they may have a much safer intersection there if they could move that ditch back into that twenty five (25) foot easement, but there is a power pole and a sewer in the way, he believes, so it may be an easement that is of no use whatsoever, unless some utilities are moved. It would be a benefit, for example, if the next meeting this man goes to they find out they want a d cell lane or an x cell lane.....

Mr. Bivins said there would be no room for that, there would be with the twenty five (25) feet, but not without the ditch work.

Mr. Jeffers said ten years down the road if those guys want, as the Commissioners, want to improve the intersection of Felstead Road and Broadway, this guy (Mr. Bivins) is giving another twenty five (25) feet to move a ditch into. He said this a benefit, it is just something to look at, whether they want Mr. Bivins to move that ditch now or just say thank you for the easement. He said he did not think it will change the drainage all that much at the present time.

Mr. Jeffers said as far as his own comments, "For some reason this subdivision came in as they see on this drawing, had three (3) culdesacs looked pretty normal to me and for some reason EUTS decided or recommended or whatever that the heads of those two (2) long culdesacs which are around 500' long or so, and for some reason EUTS decided they would recommend that those culdesac heads be connected by what is now called Meadowlark Drive, so the developer presented a drainage plan for alternate A showing the connection, I don't understand the theory behind it, but I am not a traffic planner, I thought culdesacs had a particular appeal to them but evidently they want to maybe a skateboard rink or something here, I am not sure. What bothers me about the connection here is you have a natural swail coming down between lot 35 and

lot 18, this is a natural drainage swale coming down off a fairly steep hill from Bridgeview Drive, like some parcels up there, it is almost like a subdivision on Bridgeview, anyway, this water is coming tumbling down this natural swale and under the first plan he could have controlled that somehow and gotten it into the street, or into a rear yard drainage swale and if it was controlled properly he could have taken it on down through his drainage system, but now I have a strong apprehension that that water coming down between lots 35 and 17 may jump the curb and cross the street there, and I wonder if there shouldn't be a catch basin behind the curb or something to direct that water underneath the street and then back into our.....I don't know, I just don't follow that."

Mr. Jeffers showed them what he was talking about on the map He said "the water coming down this natural swale, I'm afraid the velocity is going to be high enough it's going to jump out and not.....what he is wanting it to do, I believe by looking at his plans, and all the coloring in here is mine and not his, he wants it to go around and down the gutters, and I don't see how that can be done. It would almost be like.....I just don't see how you can control that much water from crossing the street, maybe it can be done, I haven't seen the street drainage plans yet, also when you build homes, according to the code, when you build your building pads, etc., the downspouts from the gutter going into the back yards and the back yards themselves are all graded towards the back line and I believe this public utility or PU easement that runs down the backs of lots 19 thru 24 or so, I believe that PU easement should probably also be a drainage easement because I don't see how it is ever going to be anything but a waterway, do you follow that Bill. Due to the steepness of the grade there I think that swale should probably be protected by sod or erosion control fabric or some such thing. I believe that may be the case in the rear yards of lots 13, 12, 11, 9 and between 13 and 14, I think that may happen there too, if those houses are built according to regulations set out by the Building Commissioner, I believe you are going to have rear yard swales all down thru here, and anywhere you have got a channel for water there needs to be a drainage easement, and the only other thing I guess, I have some strong reservations about, this water is going to be traveling in the street by the engineers calculations 950 in 1000' storm water traveling in the street gutters for 950 in two (2) cases that I am sure about and 1000' in one case, not that is a long way for water to travel without ever being picked up by a drop basin and on this hilly terrain, it has been done before and it has been approved before, I am not saying it has not been approved and I am not saying it has not been done, Green Gate Court runs some 1200' so I am not trying to pick out somebody and say it is wrong, I am just saying.....Green Gate Court is flat as a pancake and this is a hillside development, you are going to have some velocity in those gutters, now in response to that first time I brought it up, there was a supplement that was developed by the engineer that shows that the water will not exceed the curb height and five (5) year storm is the ordinance on that, I am not sure, but whatever it was, he did supply us with some paper that showed us the water would not exceed the curb height but at the bottom of the hill he is picking this water up in an 18" concrete pipe and so I am trying to picture, since it is coming from two (2) directions, the discharge from a 12" pipe running down the gutter in front of my house, on a hill that has got up to about 8% slope. Up here (on plan) it is not going to be that much water because it is just starting to collect but by the time he gets down to the intersection of Whipperwill and Pine Brook and Rainbow, I would say there is going to be almost .....this is just something to throw out at you, it is not scientific, but if you can imagine about a 12" culvert discharging full directly down the street in your gutter, that is what I am trying to picture, that that much water can be contained in a rolled curve, in gutter situation, maybe it can't. The calculations that he supplied me shows it will contain a five (5) year storm. I think that is about the max, I don't think it would ever contain much more than that, so

what I am getting at is that I think that the water may, during some of our heavier rain storms, since it is not being picked up until it gets all the way.....this is uphill now and here is his drop basin all the way down here to this intersection and for this line of travel all the way down to this intersection (on map). I am not saying it can't be done, I just picture in heavy rain storms a lot of water possibly cross an intersection at Whipperwill and just jumping the curb and running right down through some of these other lots."

Mr. Jeffers said he hopes that the street plans that are developed for this subdivision will address that and that the engineer will spend a lot of time examining the possibilities that there will be potentially too much water in the street, however, the calculations were reviewed and they appear to be accurate. He said he was just expressing some things that come to mind from going out and inspecting these subdivisions for the past eight (8) years. He said they are trying to move toward improved drainage and he does want to bring that up to everyone's attention, hopefully the comments will prove helpful when they are developing their spring drainage plans.

Mr. Jeffers told Mr. Bivins that they do need to see anywhere that these rear yard easements for other utilities are being used for drainage. He said he cannot see how that can be avoided that they be called drainage easements and that the utilities be put in such a place that they will still have about a 7' strip where they can use some fabric in the bottom of that swale or they can use concrete swale liners just 2' wide or so like Buddy Beyer used at Oak Ridge to control that water coming down those hills.

Mr. Jeffers asked if there were any more questions from the board.

Mrs. Cox said she has a question for Mr. Bivins, she asked "The owner of this subdivision is Donald Bolin and does he live on Bridgeview."

Mr. Bivins said that is correct.

Mr. Borries said there has been a lot of concerns addressed.

Mr. Jeffers said from a drainage standpoint he likes the one without the culdesacs connected, but the Area Plan Commission has to take into consideration the EUTS recommendation too.

Mrs. Cox said they did that for accessibility for fire dept., school busses and things like that.

Mrs. Cox said she is not trying to do anything to hold this development up because she thinks its proper usage for the area, but she would like to talk to Mr. Bolin to see if he would't be agreeable to .....and to know what her concerns are, living out there in that area and she knows some Bolins, but does not know if they are the same ones or not, and they have been out for quite a number of years too, to see if he would maybe want to move the ditch a little bit off of Broadway and to even widen out the ditch a little to hold the water. She said she is really concerned about what is on the other side of the road, because those properties are low and she does not want Mr. Bolin to cause problems for someone else and she does not want to get sued for having water dumped on .....and like Mr. Jeffers said, it could happen anytime, it hasn't happened that she knows of, but that doesn't mean that it won't happen.

Mr. Bivins said Mr. Jeffers made a point about perhaps a pipe under Meadowlark Drive and using that swale and a pipe under the other end and going out that way, that would keep the water out of the roadway. He said he would review the calculations and see if there is any problem.

Mr. Jeffers said it is a conceptional plan, it is no better or worse than a lot of them, but he thinks the street plans are going to have to address a few things that the conceptional plan has not addressed and that has been the case with other developers.

Mr Jeffers said in all fairness to Mr. Bolin, they have to understand that although they are quite concerned about the Broadway and the culverts and etc. that was built around 1930 to state standards and there are quite different today, so the county has some responsibility also to examine their culverts out there to see that possibly what was good in 1930 couldn't possibly be somewhat improved today, but that is done on an ongoing basis by the County Commissioners anyway, and they can't point a finger at Mr. Bolin for a culvert that was constructed in 1930.

Mrs. Cox said definitely not.

Mr. Jeffers said Mr. Bolin has to use the culvert that is there until the county does something to change it and so far, as she has pointed out it has been working, they just need to keep an eye on it.

Mrs. Cox asked Mr. Bivins if they could have just a little time on this, as he has said he wants to redo his calculations.....

Mr. Bivins said he wants to review his calculations.

Mr. Borries said they have had about a half an hour of conversation here.....

Mr. Jeffers said Mr. Bivins has already missed thirty (30) days of perfect construction weather.

Mr. Bivins said he would like for them to make some kind of recommendation that he could live with.

Mrs. Cox asked Mr. Bivins what could he live with, could he live with other request that the .....

Mr. Borries asked Mr. Bivins what kind of calculations is the water runoff based on?

Mr. Jeffers said twenty five (25) year storm.

Mr. Borries said on a flat land they are not going to impact in some cases as drastically as they will on some hilly area like this and they have talked about the problems with the ditch. He asked Mr. Jeffers didn't they have some developers that will even go for a fifty (50) year storm or retain someway or another?

Mr. Jeffers said fifty (50) years is required if it drains more than one (1) square mile or if anything passing through this subdivision is draining more than one (1) square mile and he doesn't think this is the case, but he is not positive.

Mr. Borries said he has seen numbers dancing across the pages all the time and it is just a matter of who's numbers they want to work with. He said he is for the development, and the bottom line for him, with all of this discussion, is will it work or not, is it going to have a negative impact on.....we always assume that if they can contain the water and the drainage runoff on their property and not have a negative impact on someone else.

He said that is his feelings and he has to rely on the technical people to give him the proper data to make that evaluation and he told Mr. Jeffers he is still confused as to whether or not this will work, he said concerns were raised by Mr. Jeffers and also by Mrs. Cox.

Mrs. Cox said if the calculations are correct in that it shouldn't discharge anymore, that is what they are saying, but the rate of discharge could be more rapid.

Mr. Borries asked how do they slow this up, how do they detain, he doesn't think they want to retain, they don't need a retention, but do they need to have some kind of.....

Mr. Jeffers said did he mean how do they slow down the travel time of the water?

Mr. Borries said yes.

Mr. Jeffers said Mr. Bivins could lower the grades on the streets.

Mrs. Cox said it was going to run right down these streets, it is exactly where it is going to go .....

Mr. Jeffers said anything they do will cost a lot of money, he said they could terrace the yards and that would slow it down or they could put rock shoots in the drainage swales to slow it down. He said there are other ways to slow the velocity down.

Mr. Borries said he wonders if even the elevations are the same.

Mrs. Cox said not with the grading that is taking place out there now, she said the plan pretty well show straight elevations, but she does not know where the developer gets all these. what is there now is not going to be like this when he gets done with the subdivision, and she is not for sure these are the elevations that are there.....they might have been on the map before the drive in was built. She said she has lived out there and she could swear that there was a basin in between here (on plan) and they are telling her that when they put fifty six (56) homes up and they have nice white concrete streets or asphalt streets and drive ways for all these homes. and rooftops, garage tops and she doesn't know how much green space, but these are one third (1/3) acre lots and she does not know how large the homes are or how much grass is going to be there, but there really wasn't all this concrete there before. Mr. Jeffers is right, there were concrete pads, but a lot of it was rock and rock will slow down some of the water that runs off, not like running down Pinebrook Lane and Rainbow Court and that is going to go right into that ditch and if that ditch is straightened up, the water is going to shoot out. and she feels they need to make sure the ditch is going to be big enough here and here (on plan) to carry the water and that they are not going to have spill over. She said that is all she is asking them and she don't really think what is there now is going to do the job. She said she was sorry but she does not buy what the calculations have said without some improvement in these areas.

Mr. Bivins said the calculation indicate that this will not cause not any flooding and they are not putting any more water in the system that is there, this is where they are at this point and he asked Mr. Jeffers if this is what he found out from viewing the calculations.

Mr. Jeffers said he thinks the calculations are accurate and rock might slow water as it bubbles over the rock but rock won't absorb water like grass lawns will, for example, the runoff factor for a rock road is 85%, which means that 85% of the rain that falls on the rock runs into the ditch and on a grass lawn, something like this would be about 30% runoff, so they are going to get less water total, but he did agree with Mrs. Cox, he does believe there will be a velocity problem coming down that street, the street is running straight across the contour lines and the water is going to run straight down the hill and he thinks they are going to have an increase in velocity and not quantity, and the review he made and the discussions he had with the Surveyor,

their concerns are particularly addressed to the velocity of the water running down these downhill streets and they would like to see more pick up points for the water as it comes down the hill.

Mr. Jeffers said he and the Surveyor talked about this and knowing that a lot of these inlets half way down the hill are going to miss some of that water, the water is not all going to go into those inlets because it is going to be traveling down those streets pretty fast and some of it is going to hop those inlets, they have all seen that and they have all seen the problems when those inlets don't catch all the water coming down the gutter, but they do feel they are going to have a velocity problem here, particularly at the points he has pointed out, lots 35 and 18 and at the intersections of Whipperwill with the two (2) long culdesacs they feel they will have some water hopping the streets, getting behind the curb and potentially undermining the pavement, or possibly at the down hill end, running through some peoples yards in those lots numbered in the 50's. If it hops the streets and hops the gutter on the south side it may run through those lots and that is what they do not want to see.

Mr. Jeffers said that everything he has brought up can be addressed in the street plans that will again be reviewed by the Commissioners and will again receive a recommendation from a technical person, being the county engineer, at that point, who is professional engineer will get another crack at this in the street and drainage plans.

Mrs. Cox asked if the Area Plan Commission would accept approval of a conceptional drainage plan?

Mr. Jeffers said they have done that before by saying this is a conceptional plan that will require detailed review.....

Mrs. Cox said they do not have any road drainage plans, this is not a drainage plan that they have here. She said there nothing about realigning this ditch on this plan, so what he is telling her is.....

Mr. Jeffers said there is a notation on the plan saying, "Ditch to be relocated within the drainage easement."

Mrs. Cox ask where that notation was on the plan.

Mr. Jeffers said it was on lot 49 and he assumes that this means the entire ditch running through lots 48, 49, 50 and 51 until they realign it so if it is back in it's roadway easement at lot 52. He said the drainage plan was submitted here and this company has been submitting drainage plans as a part of their calculations in this form for four (4) or five (5) years, they show you the map with the inlets on it on an 8 1/2 by 11" sheet along with all the other calculations they submit, that is the way they have been coming in. He said this is the same for some of the subdivisions that this company that this company has submitted plans on and they have all been accepted as conceptional plans. He said the Area Plan Commission will not consider this plan without at least an approval of the Drainage Board as a conceptional plan, they have done that on several occasions, they have gone ahead and reviewed it.....Green River Road Estates comes to mind, the entire thing was presented as a conceptional plan, many things have changed since the approval of that conceptional plan, but they changed on record as the street drainage plans came in. He said this is not the best system but it is the only one they have.

Mrs. Cox said she hates to put the developer off for another month which is what this would do because they are not having a meeting on the 5th and Area Plan.....

Mrs. Cox said she would make a motion and they will see what happens to it, and this is even without discussing it with Mr. Bolin as she would like to do.

Mrs. Cox said she would like to see the developer pay attention to this ditch all the way down along Felstead and Broadway and try to improve the capacity of that ditch, not only realign it, but to improve the capacity for carrying water if at all possible to do so within the easement that is there now. The 25' PU and drainage easement, if that would be at all possible and that attention be paid in the development of the street plans along Rainbow Court and Pinebrook Lane to the utilization of some kind of method to slow the water down, some retention methods.

Mrs. Cox said with those considerations she would move that the conceptual drainage plans for the Bolin Meadow West Subdivision be approved.

The motion was seconded by Mr. Borries and carried in the affirmative. So ordered.

Mr. Borries said he is requesting that the minutes of this subdivision be made available to the Area Plan Technical Committee so they will have the opportunity to review the concerns that have been addressed here by Commissioner Cox, Mr. Jeffers and himself.

RE: PERMIT APPLICATION FROM SOLAR SOURCES

Mr. Jeffers said he has a permit application from Solar Sources in Petersburg, IN., contractor with IBOH on 1-164 between Green River Road and Old Green River Road on the Wathan Property to haul dirt across Eagle Slough, the permit application is in order and requires their signature on the back page and attached to it is some other information that comes with all of them.

Commissioner Cox moved that the permit to locate a temporary crossing over a legal drain in Vanderburgh County be granted to Solar Sources, Inc. The motion was seconded by Commissioner Borries. So ordered.

Mrs. Cox said this would be for a one (1) year period, from June 27, 1988 to June 26, 1989.

RE: CLAIMS

The following claims were submitted by Mr. Jeffers for approval:

Eldon Maasberg...Baehl Ditch Pay 100% of total bid at .13 per feet X 6890 feet in the amount of \$895.70. This is for 1987.

Herbicidal Spraying by contractors that have all been inspected and found to be approved for 40% payment so they can pay their suppliers for their chemical spray. They are as follows:

Big Creek Drainage Association, Inc. for Buente Upper Big Creek in the amount of \$1,211.70. (Surveyor's Report Attached).

Terry Johnson Construction ...Kolb Ditch...40% in the amount of \$768.76.

Terry Johnson Construction ...Henry Ditch...40% in the amount of \$227.62.

Terry Johnson Construction...East Side Urban South Half in the amount of \$5,130.42.

Terry Johnson Construction...East Side Urban North Half...40% in the amount of \$1,906.81.

Terry Johnson Construction...Aiken Ditch...In the amount of \$909.83.

Mr. Jeffers said this represents 40% of the total and it is for herbicidal spray jobs, and they have all been inspected by Wayne Pasco or Wayne Pasco and Tommy Goodman and they have a Surveyor's report stating they were approved, and they still have 60% held back.

Mrs. Cox moved that the above claims be approved. The motion was seconded by Mr. Borries. So ordered

Mr. Jeffers said he asked Mr. Johnson, who is the contractor for East Side Urban North Half to go out and look at a tree that fell in the ditch, they had a complaint from someone who rides a horse through the woods, that they had to jump a log, and after examining it, it fell from a piece of private property, it fell across and into the maintenance easement and into the ditch. He said it is about 70' long and he would only cut back 25' of it anyway, but give him another month to look at this because it is not all that critical at this time. He said there may be other trees out there and they can include it all in a bigger job

Mr. Borries said they had request information on Mc Cullough Subdivision Section C, with some notes, inspection by engineer, place in a special fund on Mc Cullough Section C, Homeowners to waive instead of the check for drainage facilities outside the street right of way, they have forwarded a check in the amount of \$142.50 and there is also a note that Delbert Pinkston has checked this out and it meets with approval in terms of the request here.

Mrs. Cox said she has no argument with Mr. Pinkston and his ability to do things like this but Mr. Pinkston should not be doing things like this, Mr. Pinkston is paid from bridge funds

Mr. Borries said he is not sure.

Mrs. Cox asked if the the Surveyor's has looked at this, they are the ones in charge of drainage in Vanderburgh County.

Mr. Jeffers said that changed with an amendment to their ordinance that designates the County Engineer as the person who must accept those improvements for the .50 per lineal foot donation.

Mrs. Cox moved that this be referred to Dan Hartmann for review.

The motion was seconded by Mr. Borries. So ordered.

Mr. Jeffers said there has been a continuing request on the part of Mr. Green on East Cherry Street to do something about his ditch, and the pipe that empties in to the ditch from the city, he said he talked to Mr. Tom Williams with the city and they are presently drawing up a plan to replace the portions of the pipe that need to be replaced and come down Bonnieview Avenue and discharge into Bonnieview extension and they have told him, Tom Williams told him, that he will include rip raping the exit into that pipe into Bonnieview extension for however how many they think is necessary to control the turbulence, if they will pay for that line item, installation of rip rap, if they will pay for that out of drainage funds, he will include it in the contract which he projects to be let for bid sometime in late spring.

Mr. Borries asked Mr. Jeffers what was their recommendation.

Mr. Jeffers said that they let them design it and they will review it to see if it meets their approval and if it does, then drainage funds from East Side Urban be spent for whatever it costs to install the rip rap along Mr. Greens' property and in our ditch.

Mrs. Cox so moved that they allow the city to design and complete the project and that they pay for the part that is billed.

The motion was seconded by Mr. Borries. So ordered.

There being no further business to come before the Board at this time, Vice President Borries declared the meeting adjourned at 5:35 p.m.

PRESENT: DRAINAGE BOARD      COUNTY AUDITOR      COUNTY ATTORNEY

R.J. Borries  
S.J. Cox

Sam Humphrey

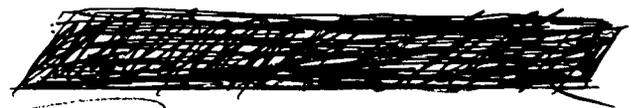
COUNTY SURVEYOR

OTHER

Bill Jeffers  
(Chief Deputy)

Bill Bivins  
News Media

SECRETARY:      Joanne A. Matthews  
By: Jean Wilkey



*Richard J. Borries*

*Jean Wilkey*  
DRAINAGE BOARD, WANDERBURGH COUNTY

MINUTES  
DRAINAGE BOARD MEETING  
JULY 25, 1988

I N D E X

Subject	Page No.
Approval of Minutes (June 27, 1988).....	1
McCullough Subdivision (Section C) -- Acceptance of Check in amount of \$142.52 for maintenance of 285 L.F. of pipe (Special Drainage Account).....	1
Henze Estates (Approval of Drainage Plan).....	2
Harry L. Hunter Subdivision (Approval of Drainage Plan).....	3
Village Commons (Wal-Mart Shopping Center East)..... (Request approved for Special Drainage Meeting on August 8, 1988)	4
University Village (Wal-Mart Shopping Center West)..... (Surveyor's Office may or may not be ready to offer comments at August 8th meeting; Board requests more than conceptual drainage plan due to erosion problems in Rosenberger Avenue-Highway 62 area)	5
Request to Vacate Public Utility & Drainage Easement between Lots 18 & 19 in McCutchan Estates Section I..... (Surveyor's Office foresees no problems with vacation; Petitioner has letters from the various utilities indicating no problems with the vacation)	6
Wabash-Erie Canal..... (Surveyor's Office continuing to develop plan to control the erosion in front of J. H. Rudolph plant)	6
Repairs to Bonnieview Extension..... (County Surveyor to submit plans from County Engineer's Office when they are ready and will recommend the use of Eastside Urban drainage funds for County's portion of the ditch)	6

Note: Special Drainage Meeting scheduled August 22, 1988,  
immediately subsequent to the meeting of the Board  
of Commissioners (which meets at 2:30 p.m.) for  
purposes of discussing the extension of Virginia  
Street over Harper Ditch/Service Road to Wal-Mart  
East and preliminary discussion re University  
Village Drainage.

MINUTES  
DRAINAGE BOARD MEETING  
JULY 25, 1988

The Vanderburgh County Drainage Board met in session at 3:50 p.m. on Monday, July 25, 1988, in the Commissioners' Hearing Room with President Robert Willner presiding.

The meeting was called to order by Commissioner Willner, who subsequently entertained a motion concerning approval of the minutes of meeting held on June 27, 1988.

Commissioner Cox directed the Board's attention to the following corrections:

Page 5, Paragraph 2 -- Should read, "Mr. Jeffers says it would be beneficial to the County (rather than wouldn't)".

Mr. Jeffers said that above that (7 lines) where it says "Broadway Avenue presently as both Commissioners present have seen". (Should be "as" rather than "is").

Also, the bottom paragraph of that page (6 lines down) "downstream end of the subdivision (not "into")".

Mrs. Cox said that on Page 7, 5th Paragraph down (2nd line from the bottom) where he is talking about deceleration and acceleration lanes and it says (D-cell and X-cell) it sounds like batteries. It should be deceleration and acceleration lanes.

Mr. Jeffers said he skipped all the typos like that -- as long as it didn't change the meaning, since these minutes weren't typed by the regular secretary.

Continuing, Mrs. Cox directed the Board's attention to Page 11, 2nd paragraph from the bottom where it says, "Mr. Bivins said the calculations indicated that this will not cause not any flooding. The one "not" after cause should be removed. He did say that it will not cause any flooding. She is not sure she agrees with him, but he did say that.

With the aforementioned corrections, Commissioner Willner entertained a motion.

Upon motion duly made by Commissioner Borries and seconded by Commissioner Cox, the minutes were approved as amended, as engrossed by the County Auditor, and reading of same waived. So ordered.

RE: MC CULLOUGH SUBDIVISION - SECTION C

President Willner submitted a check in the amount of \$142.50, which constitutes 285 ft. of pipe at 50 cents per lineal foot in McCullough Subdivision, Section C. This is to be deposited into the special drainage fund to repair any drainage pipe outside County road right-of-way. A motion was entertained.

Commissioner Cox said she believes before the Commissioners endorse the check and deposit it into the fund, the Board needs a report as to just what improvements they are installing and what kind of material they are going to use. She thinks in the minutes of the last meeting that it indicates this check has been put in for acceptance. She knows this was discussed and

referred to Mr. Hartman. It also brought up another question which has come up before the Board previously, it says there was also a note that Delbert Pinkston has checked this out and it meets with approval in terms of the request. And that is when she brought up the fact that Mr. Pinkston is paid from bridge funds and Mr. Borries said the Board is not sure that he is. "Have you had a chance to check that out, Rick?"

Mr. Borries acknowledged that he has and Mr. Pinkston is a bridge employee.

Mr. Jeffers said that is why he referred this to Dan Hartman for his signature.

Mrs. Cox said, "I know -- but the thing of it is, Mr. Pinkston can't be doing this. The reason I think we need to be very careful -- as you will recall, we had a problem on one of the subdivisions that had petitioned for maintenance (in fact, there were two) where plastic pipe was used and the other one was where seconds on drainage pipes and tiles were being used. And I certainly think we need the developers' assurance that they are using standard A-1 grade materials when they expect us to take over and maintain that. And, do they indicate on there what materials were used?"

Commissioner Willner said it just says "Approved by Dan Hartman on 6/28/88" -- and he is not here.

Mrs. Cox asked if he is gone for the day?

Mr. Willner said he believes he is. We can hold this for another month if Mrs. Cox likes. He does not know what product was used -- he cannot answer that question.

Mrs. Cox said at the last meeting we asked that he check it out -- and she guesses he did check it.

Mr. Borries said it mentions the length of the reinforced concrete pipe.

Mrs. Cox asked, "That is what we are taking over to maintain? Well, I guess it is all right."

Commissioner Willner entertained a motion.

Upon motion duly made by Commissioner Borries and seconded by Commissioner Cox, the subdivision drainage ordinance check in the amount of \$142.52 for 285 L. F. of pipe was accepted for endorsement and deposit into the drainage facilities account for this project. So ordered.

RE: HENZE ESTATES

Mr. Jeffers said the first subdivision on the agenda (which will go to Area Plan next week) is Henze Estates, located between Happe Road and Henze Road north of Mill Road in western Vanderburgh County. It is a simple subdivision with three (3) lots two (2) acres or more in size. It has one entrance road called Laubscher Court (about 400 ft. of new roadway). It is his understanding that the developer intends for this to be a private roadway, maintained by the lot owners -- and that they intend to build it to County standards as shown on the 1977 County Standard Roadway Sheet. The drainage plan is very simple. The water from the three large lots will drain in the natural pattern away from the houses as they will be built -- through natural waterways, except the water that collects in the roadway will be directed westward (presumably through the roadway drainage system to the west line of Lots #1 and #3) -- collected in a man-made swale -- and that swale should discharge into natural waterways at the rear of those lots. Forty (40) ft. of corrugated metal pipe will be installed under the road along that alignment. The

developer's engineer (Mr. Biggerstaff) who is in the audience today told me that would be a measure taken to prevent any water from these lots discharging directly across the lot lines into the existing homesites, which are listed Lots #1 through #7 in Grayton Estates along the east side of Happe Road. If the Board has any questions of Mr. Biggerstaff, he is here.

President Willner asked for the Surveyor's recommendation.

Mr. Jeffers said the County Surveyor's recommendation is approval of the drainage plan as submitted by Mr. Biggerstaff.

The Chair entertained questions.

Mr. Borries asked if there are sewers in this area?

Mr. Jeffers said, "No sir; in the area, maybe; but I believe all the adjacent properties are served by septic fields.

Mrs. Cox asked, "Did I understand you to say this is going to be a private road, Bill?"

Mr. Jeffers said it was presented in the Subdivision Review Committee meeting that the owner's desire was to keep the roadway private, so the public would not be granted the use of that roadway.

Mrs. Cox said, "I realize it doesn't have anything to do with approval of the drainage plans, but the maintenance of the ditches or anything along the.....

Mr. Jeffers interjected that anything within the right-of-way of the road would be the responsibility of the property owners adjacent thereto.

Commissioner Willner asked if this is behind the Laubscher Apartments?

Mr. Jeffers said it is not -- it is out by Cynthiana. There are two Happe Roads in the County. This one is the one that goes past the old F.O.P. Camp.

Mr. Willner said there are no sewers there. Did they say anything about approval from the Health Department first re a septic system on two (2) acres?

Mr. Jeffers said that during Subdivision Review Committee, Sam Elder indicated he would approve -- the average of the three lots is greater than 2-1/2 acres each.

The Chair entertained a motion.

Commissioner Borries said that based on the comments and recommendation of the Surveyor's Office, he would move that the drainage plan for Henze Estates be approved, with a second from Commissioner Cox. So ordered.

RE: HARRY L. HUNTER SUBDIVISION

The next subdivision that will go to Area Plan next week is the Harry L. Hunter Subdivision. The owner is Harry L. Hunter and the engineer is Roy Thomas Allender from Henderson, Kentucky. He is not here today. He does have a letter transmitted by Mr. Allender last week attached to calculations used in the soil conservation method and his bottom line using the Soil & Water Conservation Service Technical Release #55 indicates the peak run-off for a 25 year storm over a period of 24 hours. It will be slightly less than the peak run-off from the existing land, which is presently average pasture. On his plan the Board will notice there is a small lake in Lots #1 and #2, which will require some maintenance to the dam and spillway therefrom.

Everything else is in conformance with our drainage request and the County Surveyor's Office would recommend that the Drainage Board pass this on to Area Plan Commission with a suggestion that the developer formulate a means to maintain the lake, dam and spillway between those two property owners.

This is off the subject of drainage, but it was brought up in Subdivision Review Committee that the bridge on Orchard Road at the railroad tracks that the Commissioners currently have under study is located in the bottom left-hand corner of that plat, and they may wish to acquire some additional right-of-way before this plat is recorded. They may be able to acquire it more economically than if they let this plat be recorded. (They're only showing 30 ft.) However, the guys who are studying that bridge just left -- so he doesn't know what they require. But the Commissioners may want to keep that in mind. They can get the right-of-way at APC and probably get it for free. Thirty (30) feet may be enough -- he doesn't have any idea what they are doing out there. They are making them build some of those Federal bridges 41 feet wide.

Mrs. Cox said she thinks they are making them straighten out the alignment of it, aren't they -- the approach -- and it would be on this side of the railroad. She thinks that is where they are straightening it out a bit.

Mr. Jeffers reiterated that this is just something the Commissioners will want to keep in mind.

The Chair entertained a motion.

Upon motion duly made by Commissioner Borries and seconded by Commissioner Cox, subject to the comments of the County Surveyor, the drainage plan for the Harry L. Hunter Subdivision was approved. So ordered.

RE: VILLAGE COMMONS (WAL-MART SHOPPING CENTER EAST)

Mr. Jeffers said that with regard to Village Commons (Wal-Mart Shopping Center East), Mr. David J. Wanninger, Construction Manager of Regency Property Management, Inc., is in the audience today concerning a request for a permanent crossing of Harper Ditch in order to construct Virginia Street into this development. He believes Mr. Wanninger may be prepared to ask the Commissioners for a special Drainage Board Meeting early next month, in order to present more complete plans. They've had some detailed discussions with Mr. Wanninger, with two engineers from Sain Associates in Birmingham, Alabama regarding this crossing and he will withhold any other comments on the matter and let Mr. Wanninger talk to the Board first -- and see what he is going to request.

Mr. David Wanninger approached the podium and said he is here to represent Regency Associates for purposes of requesting a special meeting of the Drainage Board on August 8th. His address is R. R. #1, Vincennes, Indiana.

Commissioner Willner asked if the special meeting would take up a half hour of this Board's time?

Mr. Wanninger said it probably could take that long. The reason for the meeting on that particular date is that studies are being conducted right now to determine the drainage area and the estimated run-off and that information should be complete by that time. He thinks also that the reason the engineer was requesting that date was the fact that they're under construction with the shopping center now and to wait another month (until the next scheduled meeting) would cause undue delay in construction.

The Chair entertained a motion.

Upon motion duly made by Commissioner Borries and seconded by Commissioner Cox, the request was granted and a special meeting of the Drainage Board was set for Monday, August 8, 1988, immediately subsequent to the meeting of the Board of Commissioners of Vanderburgh County. So ordered.

RE: UNIVERSITY VILLAGE (WAL-MART WEST)

Mr. Jeffers said the request re University Village (Wal-Mart West) was forwarded to him by Mr. Jim Lowe of Sain Associates of Birmingham, Alabama, to give approval to a conceptual drainage plan, based on a submitted preliminary grading plan and site plan for Wal-Mart West. He is not prepared to convey a recommendation of approval for a conceptual plan at this time. The Surveyor's Office will require some additional time to review the plans forwarded to them and possibly on August 8th they will have comments regarding that matter. Or, he really sees it taking about thirty (30) days.

Mrs. Cox said she understands that Wal-Mart West is going to be at the corner of Highway 62 and Rosenberger. She definitely would want to see more than a conceptual type of drainage plan for that area. It is in a flood plain and we've got erosion and drainage problems out there right now -- and Rosenberger looked like a muddy river way during the last two rains -- where they've taken the hill off, so she definitely (for one) would want to see more than just a conceptual drainage plan.. She agrees that the Board will probably not be able to hear that on August 8th (that's just two weeks away - and doesn't give us much time) But there is a lot of development going in on the south side of Red Bank, west side of Rosenberger (where Schnuck's is going in) -- there's a retention pond put there (she doesn't know whether it is going to stay there) -- but a lot of water is dumped down into that area and she really thinks this is going to take planning on the part of everyone to make sure that the parking lots for these developers are not flooded, that even if they get permission to fill in a flood plain -- what is going to happen to the surrounding residents who still live there? It is perhaps going to be 10 ft. to 15 ft. below where you are going to fill in -- and she thinks we really need to take a long look at that. The surface on Rosenberger (which was just fixed last year) is really in terrible shape -- even the part that hasn't carried the heavy traffic from across the road. She doesn't know why we can't hold a top on that Rosenberger Road and drainage is a big problem up there. It is a wonderful location. She doesn't want to run Wal-Mart away, because we need the development out there and we need the jobs, but we do want to do it right -- because she is sure they want their customers satisfied and their neighbors satisfied, too.

Mr. Jeffers said the Surveyor's Office agrees with Commissioner Cox on many of those items -- and there are several conditions out there which are going to require some detailed investigation. The feeling he got from the engineer was that the conceptual plan or conceptual ideas on which he was seeking approval had to do with the direction in which they are casting water to the north and the location of the detention basin near the creek along the north line and the grading plan that designates a considerable amount of fill in an area that could be considered a flood plain -- and those were the three items on which he was not ready to comment at this time, because other agencies may have to be consulted re those three items.

As far as final plans for roadways, etc., unless they work awfully quick down in Birmingham, they are 30 days to 60 days off anyway.

RE: REQUEST TO VACATE PUBLIC UTILITY & DRAINAGE EASEMENT  
BETWEEN LOTS 18 & 19 IN MC CUTCHAN ESTATES, SECTION I

Mr. Jeffers stated that Mr. Neil Broshears is petitioning to vacate a public utility and drainage easement between Lots 18 & 19 in McCutchan Estates, Section I. He owns both Lots 18 & 19 and attached to his petition or request is a sketch of the house he intends to build with a kind of layout design showing that his house will partially cross the easements -- utilizing Lots 18 for his front yard and Lot 19 for his back yard. Mr. Jeffers said he personally examined the site and the reason for the public utility easement is obvious. The reason it was designated a drainage easement also is that if a house had been built on Lot #18 and another house on Lot #19, the site grade would have required that the water be carried through this easement to the street and to the back of Lot #18. After examining Mr. Broshears' house plans and the physical site itself -- he has a letter he would like entered into the record -- and the bottom line states that the Vanderburgh County Surveyor finds no reason for the County Drainage Board to object to Mr. Broshears' request that the easement be abandoned. He also has a sketch of the portion of the easement that is in question -- with Mr. Brenner's signature. He understands there will have to be a public hearing and he is just forwarding this information to the Drainage Board.

Commissioner Willner asked if it is a public easement?

Mr. Jeffers said, "Public utilities and drainage and that portion of the subdivision has been recorded."

Mr. Borries said Mr. Broshears contacted him and he thinks this is why he had forwarded this information.

Commissioner Cox asked, "Is he going to try to do this without legal counsel?"

Joanne Matthews advised that Mr. Broshears is having Attorney Phil Siegel prepare Petition, Notice of Hearing, and related documents and is scheduled to present the Petition to the Commissioners at their August 1st meeting and will request that a date for the Public Hearing be set.

Mr. Jeffers said it is just that we're trying to get ahead here so that when he goes to the final hearing the Surveyor has already recommended approval -- they find no problems.

RE: WABASH-ERIE CANAL

It was reported by Mr. Jeffers that with regard to the Wabash-Erie Canal in front of the J. H. Rudolph plant, the Surveyor's office is continuing to develop a plan to control the erosion and they hope to be ready by next month's meeting to have a Notice to Bidders -- or at least a set of plans and specifications for the Board's review -- to control the erosion at the J. H. Rudolph asphalt plant where their driveway is very close to the ditch bank.

RE: REPAIRS TO BONNIEVIEW EXTENSION

With regard to the repairs on the Bonnieview Extension at East Cherry Street adjacent to Mr. Green's property (we've talked about this before) the City Engineers are in the process of developing a plan and he has been talking with them about the need for rip-rap at the exit of their pipe and he did indicate to them that the County Surveyor's office would be recommending to the Drainage Board that at the time they go to press with their plans and specifications that the County Surveyor's office will be asking that the Drainage Board approve the use of Eastside Urban drainage funds for that portion of the ditch improvement from the pipe 50 ft. north or so along Mr. Green's property --

because they had only planned on replacing the damaged pipe and the Surveyor's office would like to see the ditch bank revetted so that Mr. Green's property is not in danger of severe erosion.

Commissioner Willner entertained questions of Mr. Jeffers.

Mrs. Cox asked if a motion from this Board is needed to accept the plan for the correction of this drainage problem or authority for the County's participation with the rip-rap?

Mr. Jeffers said he is just keeping the Board informed. He has said that the Surveyor's office is going to recommend to the Board that we pay. When the City Engineer's office comes forward with a set of plans, he will bring them to the Drainage Board and if they like the plans they can at that time entertain a motion that we pay for the County's portion only.

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 4:30 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. L. Willner R. J. Borries S. J. Cox	Sam Humphrey	Curt John
	<u>COUNTY ENGINEER</u>	<u>COUNTY SURVEYOR</u>	<u>AREA PLAN</u>
	Dan Hartman	Bill Jeffers (Chief Deputy)	Bev Behme
	<u>OTHER</u>		
	Sam Biggerstaff Others (Unidentified) News Media		

SECRETARY: Joanne A. Matthews

*Robert L. Willner*  
Robert L. Willner, President

*Richard J. Borries*  
Richard J. Borries, Vice President

*Shirley Jean Cox*  
Shirley Jean Cox, Member

MINUTES  
SPECIAL DRAINAGE BOARD MEETING  
AUGUST 8, 1988

The Vanderburgh County Drainage Board met in session at 4:10 p.m. on Monday, August 8, 1988, in the Commissioners Hearing Room, with President Robert Willner presiding.

President Willner called the meeting to order and asked that the record reflect that this special meeting was advertised. He subsequently entertained a motion re approval of the minutes of meeting held on Monday, July 25, 1988.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the minutes were approved as engrossed by the County Auditor. So ordered.

The Chair recognized Mr. Paul Kinney. Mr. Kinney expressed appreciation to the Board for scheduling the special meeting. He said they are in the process of trying to expedite construction on the Village Commons Shopping Center on the Lloyd Expressway and there has been some discussion re flowage of Harper Ditch and the extension of Virginia Street across Harper Ditch. Mr. Jeffers of the County Surveyor's office, Mr. Jim Lowe of Sain Engineering (who is doing all the engineering on the Shopping Center) and Dave Wanniger, Construction Manager for Regency Associates are here today and he is going to turn it over to them and let them handle all the technical discussion.

Mr. Willner recognized Mr. Jim Lowe, who introduced himself and said he has been before the Board previously and discussed the drainage -- the existing conditions and the proposed plans. For some reason or another, the extension of Virginia Street was not discussed and he and Mr. Jeffers have subsequently discussed it and not yet come to an agreement as to exactly what should be installed.

What he would like to do now is briefly explain where they are on the project and what has taken place since the original approval of the entire system -- the entire system being within the Wal-Mart site itself. The detention pond has been completed; the storm drainage piping system within the site has been completed; the extension of Virginia Street has been rough graded to approximate elevations; and a 4' x 8' box culvert has been installed in Harper Ditch.

There is an existing culvert under the Russell Lloyd Expressway, which is a 4' x 8' culvert as well, with a 1 ft. invert buried. They have done the storm drainage calculations and feel that a 4' x 8' box culvert is adequate for the conditions of a 50 year storm and a 100 year storm. This needs to be noted with the understanding that there is head water (head water means that there is water above the top of the pipe which is standard engineering for a flooding condition, which is what you design the pipe for in the first place). As he understands, that seems to be the little bit of gray area between himself and Mr. Jeffers, but certainly something that they can work out.

Commissioner Willner then called on Bill Jeffers for his comments.

Mr. Jeffers said, "Essentially, what Mr. Lowe has told you is true. I have inspected the site casually and the detention and storm drainage is complete and looks like a pretty good job. We went through about 60 days of on and off conversations during the approval of that system and I enjoyed working with Mr. Lowe and

his staff in Birmingham, Alabama. We came to agreement on the storm drainage system for the project. The County Surveyor's office was pleased to work with Regency Corporation and Sain Associates in the development of this project. We think it's a great addition to the east side of Evansville. At the time, we were not in receipt of the plans for this permanent structure and the extension of Virginia Street across Harper Ditch, although we knew it was coming. We just hadn't received them. Due to an oversight by Sain Associates and by our office, the extension of Virginia Street went forward before we were able to obtain permission by your Board for a permanent structure to be placed in Harper Ditch. I believe the oversight occurred due to my statement to Sain Associates that I thought the City was going to take jurisdiction of the ditch after the first of the year -- and as we know, the City asked us to continue to maintain it. Mr. Lowe presented his plans for the extension of Virginia Street to the Board of Works -- and I did not receive a copy of it. However, as you know, the statute requires that permanent structures be approved by your Board.

I have reviewed all the calculations sent to our office by Sain Associates and what Mr. Lowe said to you briefly was that the 4' x 8' box culvert will handle a 50 year storm and it will handle a 100 year storm according to his calculations -- and providing that there is approximately one (1) foot of head behind the pipe to force the water through at a greater velocity than it would go through without that restriction. His calculations bear that out. However, during the last meeting (Monday, July 25th) coincidentally we had the approximate equivalent of a 25 year storm and we went out and looked at the results of that storm last week and obtained some high water testimony and gathered some data from obvious evidence along the banks there. What concerns our office at this time is that regardless of the calculations bearing out that a 4' x 8' will handle the flow and what is calculated to be a 50 year storm or 25 year storm or whatever (however you want to jam those calculations back and forth) -- what actually happened out there on July 25th is a source of great concern to us. The ditch ran bank full from the Lloyd Expressway down to the north boundary of the Wal-Mart -- it ran bank full. As you leave the Wal-Mart development and go farther north along the Racquet Club, our ditch gets larger and deeper and the water did not run bank full down through there. But we are talking about a substantially larger ditch in that area -- because it cuts through kind of a little knoll there.

One of the things that came to our attention was that the water came out of the bank at the Harper Car Wash -- not very far out of the banks -- but it crested the bank there in a low spot and onto his driveway and then along the Sears and All State parking lot -- well, along the All State parking lot there was evidence of mud along the parking lot, which indicates muddy water came out of the ditch there and covered a small portion of All State's parking out back there by their Claims Center. That bothered us a little bit.

We did some additional calculations the last few days, but I don't want to bore you with a lot of figures, because I don't know exactly what impact they have in a meeting like this. But his box culvert, as it is installed in the ditch today, if it were backfilled it would handle approximately (according to our calculations) 255 cu. ft. per second. His calculations show it slightly higher -- but within that range. And what we show going down the ditch on the 25th theoretically is 275 cu. ft. per second, or slightly more, than what will go through the box culvert without the head. Now you understand head pressure is just to build water up behind the culvert and that just forces water through at a higher velocity. And, in fact, the water did get up above the opening of the culvert by about five or six inches. So as it went up above the opening of the culvert, it forced itself through. We'd like to point out that the culvert is not backfilled yet, so some water was going around the side of

the culvert. Had it been backfilled, I feel like (I may be wrong) -- it would have gotten over the top of the culvert. And I believe when the roadway is built and the culvert is totally backfilled, you can expect that water to build up on the upstream side of that extension of Virginia Street substantially; and as it builds up it will increase the velocity through the culvert and will force its way through. But what effect will that have upstream back there in the All State parking lot and what effect will it have to the Harper Car Wash? For example, the bank of the ditch in front of the Harper Car Wash is 388.85 ft. above sea level and his slab floor is 389.80, which is 1 ft. You back that water up a foot or two deep, what effect will that have? Now, it doesn't mean that the water will get up on his slab floor, because as you know the water will come out of the ditch and will spread and won't go up a solid foot. But it may have an effect on his property and the All State property.

The State does have and has installed already a culvert underneath the Lloyd Expressway 4' x 8'. As Mr. Lower said, it is buried 1 ft. -- that means the effective flow line being buried 1 ft. you only have a 3' x 8' culvert. They did that so we could excavate our ditch if we wanted to back up to their culvert and lower the flow line a foot -- if we ever needed to do that. Right now the ditch does need some minor silt dipping and I would like to see that culvert opened up to 8' x 3-1/2', which would take it back down to the flow line that we excavated in 1981 when we reconstructed Harper Ditch. The approximate flow line at that time was 384.5. If we excavate that back out to 384.5, the culvert will then have an opening of 8' x 3-1/2' or 29 sq. ft.

At Eastland Place is a metal culvert which, if it were concrete, would have the equivalent square foot opening of 44 sq. ft. We have 28 at the Lloyd Expressway if we excavate that out properly. And so as a layman may look at it, half way in between we feel like a 31 ft. or 32 ft. opening as installed by the developer who is extending Virginia Street is slightly small. The calculations show -- like I said -- that it will pass a 25 year storm theoretically, but something happened in that ditch and it did not pass it two weeks ago Monday.

It is a hard thing to do -- because I know I quoted some figures to you in your previous meeting as to how much these box culverts cost. I know these people spent a lot of money on that box culvert -- a lot of money. I know they are building this extension for the benefit of our community and it will be used by our citizens and it will be used by people from outside our community bringing money into the east side. But the Surveyor's office is very apprehensive about allowing a 4' x 8' opening.

Commissioner Cox asked, "Bill, is there any way the water run-off could be sloped down in that development? I haven't seen any drainage plans. To retain it or hold it back a bit to keep it from discharging so rapidly into that area?"

Mr. Jeffers responded, "This isn't being caused by the development of Wal-Mart. The Wal-Mart developers...."

Mrs. Cox, "This is to be added on? I mean their discharge -- it certainly wasn't what it is going to be now when the development is completed. It wasn't on July 15th, right?"

Mr. Jeffers said, "They haven't paved their lot yet -- if that is what you mean. I think the water could run off faster from their lot. But I don't want to be unfair to them. This isn't being caused by their development. This is being caused by the fact that 35 acres to the left of the ditch (which would be like Great Scot, Hill's Department Store, Plaza East Shopping Center I & II, the All State building, Sears Service building, Dairy Queen, Harper Car Wash, etc. were built without detention. They were

built back in the mid 70's and we had no control over it. They are discharging at full capacity. They are discharging all the water that falls on those parking lots as fast as it falls. And then conversely, Regency comes in in 1987 and went under drainage review and their detention basin lessened what would come off. They put detention in and there is a lot less water coming off their development per acre that what is coming off to the west. So they've spent good money, but they are in a situation where existing conditions are discharging water that we feel is in excess of what the pipe will handle. The State Highway doesn't have any detention. You can imagine what Slaughter Avenue used to look like -- two lanes -- and now it is this huge expressway and the ramp coming down off Division Street is throwing water down there in a significantly faster and greater volume that what used to come down through there. Harrison High School is across there -- they've added pavement. There is a Baptist Church directly across the highway that goes through there. They paved all their parking lot and everything. They are discharging water at a greater rate from other areas than Regency will be from Wall-Mart; but we have to protect all these areas -- we can't just ignore the fact that that ditch is running bank full every time it rains a couple of inches in 45 minutes. I want to stress though that they are very close to meeting a 25 year storm. They are very close. It is just that we are very apprehensive about them building up head pressure to force the water through and meet their need there -- because the building up of water behind Virginia Street could be a flood peril for other properties upstream."

Commissioner Willner recognized Mr. Jim Lowe again.

Mr. Lowe said, "A lot of focus has been put on the fact that several weeks ago it flooded out there and rightfully so -- it's a very important fact. But my question would be, "Was that possibly caused from downstream conditions, such as debris in the ditch or a clogged pipe downstream? In other words, I don't feel that the design of the pipe in question should be based on a downstream condition that was clogged up or not adequately working."

Mr. Jeffers said, "I believe what Mr. Lowe is trying to point out or trying to get me to point out is that the pipe underneath Eastland Place has a grate on it -- and that grate was put in place in 1981 or 1982 to keep children from the apartment project from going into a pipe that is 9' by 7' elliptical. At that time, Skinner Broadbent agreed that if they were allowed to pipe the ditch and do this, that and the other and put the grate on it that they would keep the grate clean of debris. In an occurrence as that which happened two Mondays ago, you can imagine that with all the wind, etc., a lot of stuff blew in the ditch -- and it probably flowed downstream and ended up on the grate and may have caused a restriction at that point which backed the water up as deep as the information gathered in the field last week indicated. That is what he is wanting me to say -- and it may be true."

Mrs. Cox asked, "You didn't check that out, Bill?"

Mr. Jeffers, "When I went down and looked at the pipe, it was clean of debris. However, I believe Mr. Lowe pointed out to me he had information indicating there was debris on the face of the pipe during the storm. But I don't have any knowledge of it other than his word which, I'm sure, is good."

Commissioner Willner asked, "Bill, what is your recommendation?"

Commissioner Cox said she has another question. "I'm trying to visually see what other future development we're going to have out there that is going to be discharging in the Harper Ditch."

Mr. Jeffers asked, "In the Harper Ditch? Or in the Harper Ditch upstream of this crossing? Upstream of this crossing there are a few lots of Plaza East Commercial Subdivision which haven't been developed. There are a few lots behind Great Scot that haven't been developed. And then on the south side of the Lloyd Expressway -- that is nearly one hundred percent developed, but I have no idea how many people will install additional coverage in their yard such as swimming pools, etc. -- I don't know. But then Harper Ditch downstream of the pipe, we still have a lot of agricultural ground (approximately 30 acres or so) that will discharge into the ditch before it gets underneath Eastland Place."

Mrs. Cox said, "My other question concerns the storm sewers. We have no storm sewers out in that area other than what the State put in to build the Expressway? Because it has been County and there haven't been any storm sewers out there? If there have been storm sewers, if part of that portion for drainage that would end up in Harper Ditch is coming from storm sewers, are they all connected properly and the flow going the right way? I see Mr. Williams in the audience."

Mr. Jeffers said, "The entire Harper watershed has been annexed by the City. Previously there were some detention basins from Carriage House Apartments and a detention area from Normandy Arms Apartments that had storm sewers leaving them and going into Harper Ditch. And then, of course, the storm sewers that were all in Eastland place were in the County. I have no idea whether all of those were working properly. I do know there are some areas of standing water out behind Sam's Wholesale and all of that that is supposed to go to Harper Ditch -- and there is standing water there. I don't imagine anything built on that plat of ground is all working absolutely properly, no."

Mrs. Cox, "Did I understand you to say that the company has already purchased the 4' x 8' culvert for installation?"

Mr. Jeffers replied, "They have purchased it and placed it in the ditch."

Mr. Kinney offered brief comments, pointing to a map and explaining that a designated area will develop sooner or later -- but they have no control of that and he can't tell her exactly what -- and Mr. Williams of the City is also aware of some things that the City has talked about. And all of this will also drain into it.

Mrs. Cox said, "Bill brought up a good point earlier in our Commission meeting -- concerning the Oak Grove project -- that a developer was going to have to go "X" number of feet up to another area to discharge it. That is what I am asking here, I guess. Would there be an alternate route for storm...."

Mr. Jeffers said there are about ten acres of ground that the Zirkles own north of Wal-Mart and east of the ditch, which we will not let (well, I can't say that because it is no longer in the County -- it is in the City) -- but if they come to us asking if we'll let it in that legal drain, we'll say no, not upstream of this culvert, because it was excluded from the watershed study submitted for this culvert.

Commissioner Willner said, "If they do develop it and keep their nominal run-off, they can develop. And that's the rule anyhow -- that they not discharge anymore storm water than they did before."

Mr. Jeffers said, "Well, that's rule -- and nearly an impossible rule to follow."

Mr. Willner said, "It's worked well."

Mr. Jeffers said, "It has worked fairly well."

Mr. Willner, "Yes it has; and overall --"

Mr. Jeffers, "Overall it has worked fairly well. But these are specific items."

Commissioner Cox, "Bill, if we follow your recommendations and if I understand what happened, the State did have a 4' x 8' culvert, but they buried it and they did that so when we reconstruct or remove the silt it will be at the proper grade, I assume. Right? So we're losing 1 ft. of capacity."

Mr. Jeffers, "But I doubt we'll ever use 1/2 ft. of that when we re-grade. Otherwise, the ditch would flow backwards. I don't want to be the next person to flood Lloyd Expressway."

Mrs. Cox, "Well, that would make more water come down faster -- with the 3-1/2' x 8' if we dredge out the ditch and clean out the silt, etc."

Mr. Jeffers, "Slightly more."

Commissioner Willner asked Mr. Jeffers for his recommendation.

Mr. Jeffers said the recommendation of the Surveyor's office would be:

- 1) A clear span bridge to clear the entire Harper Ditch waterway
- 2) The developer has expressed a desire to put a twin box culvert in so he doesn't waste his initial investment. We would accept a twin box only if the other box was also 4' x 8' -- so there would be equal velocity in both boxes. Or, the minimum single box that we can accept according to our calculations for a 25 year storm is 4' x 10' -- and we would prefer something like a 4' x 12' simply because we anticipate some amount of silt in the box. So the minimum single box would be 4' x 10'.

Commissioner Willner asked Mr. Lowe if he needs a few minutes.

Mr. Lowe said, "What we have here, of course, is a difference of opinion between one engineer and another engineer -- and this is a situation where you have to depend on your experts. Unfortunately, we're caught in a situation where we were told one thing and thought we were following the rules and it turned out it was not the way it was supposed to be -- so therefore we're in one of these Catch 22 situations; whatever we do is going to be wrong. When you say a 4' x 8' culvert that doesn't sound like much. But when you say 60 or 70 feet long, then you're talking about a bunch of bucks. We went by what we thought was supposed to be put in there. We have all our construction plans approved. We went to the bank and got the money to build the thing -- and now all of a sudden we're saying it is going to cost you "X" number of dollars more. And they can't even say at this point how much more it is going to cost. So it is a situation where we're going to be paying for other people's drainage. We're going to be paying for some mistakes that were made. We're going to be paying for people's future use of that property. And if we're required to do that, we're going to look from someone else, whether it be the City (if they ever do anything out there) or whoever else develops the area. I just want you to be sure of the situation we're in. And we understand whatever you do will have to be what you think is correct. But we are in a difficult position."

Commissioner Willner said he is looking for solutions. Would it be fruitful if the Board hired another engineer to take a look at it? Is that what Mr. Lowe is saying?

Mr. Kinney interjected, "I don't think hiring another engineer would do it. I wouldn't do that. We've got capable people involved -- it's just a difference of opinion, that's all."

Mr. Lowe said, "One possible last solution that was not mentioned would be the possibility of leaving the 4' x 8' in place and putting a pipe next to it. Not another 4' x 8' pipe, but whatever would be required to eliminate the head water."

Mr. Willner asked, "Do you know who is going to be on this piece of property? Will there be somebody there? As soon as you get another pipe there you've got a maintenance problem. Are we going to have somebody there on a daily basis to maintain that?"

Mr. Kinney nodded his head negatively, saying this is actually a long way from their property. As they said, they are doing Virginia Street to give access to their property -- but also to give access to the land they bought from the Zirkles -- and it will be a help to them, they admit that -- to get people in off the Green River Rd. area and come in the back side.

Commissioner Cox said, "I personally don't like double piping of ditches or waterways. I don't think that is a good way to go. We need to clean out Harper Ditch and bring it back slightly. How many feet of pipe?"

Mr. Lowe said approximately 70 ft.

Commissioner Willner asked who manufactured the box culvert?

Mr. Lowe said M&W Concrete.

Mr. Willner asked if they have the 4' x 10' available?

Mrs. Cox asked, "Could we pay the difference?"

Mr. Willner asked if they've hired a contractor?

Mr. Lowe said John Mans is the contractor for installation of the culvert.

Mr. Jeffers interjected that M&W is running 6' x 12' culverts -- that is what they're running today.

Mr. Willner asked if he knows how much difference there is in price and whether they have enough to stretch the entire length?

Mr. Jeffers said there is quite a bit of difference in price. He assumes M&W is running the 6' x 12' pipe for a State order somewhere -- and they could continue running 6' x 12' and that would run around \$300 per foot.

Commissioner Willner asked if Mr. Jeffers would pursue with Jim Lowe the possibility of switching the culverts and seeing how much it would cost and get back with the Commissioners on Thursday.

Mr. Jeffers asked if Mr. Willner means for him to see if M&W will take the pipe back and swap it?

Mr. Willner confirmed that this is correct. And find out how much the cost would be and let the Commissioners know.

Mrs. Cox said, "I would be willing to pay the difference in cost."

Commissioner Willner said he thinks it is the decision of this Board -- and they would want it done right...and he thinks Regency does, also.

Mrs. Cox asked if we don't have contractual services or something?

Mr. Willner said maybe we can do something else; maybe we can just pay for the pipe and let them install it -- let's try and work something out. First, however, he has to know what the alternatives are in dollars and cents period. No guess work; he wants to know exactly the costs involved.

Mr. Jeffers asked, "Would you also be willing to consider taking the 4' x 8' pipe and using it on a County project somewhere if that were our only other choice? Around 60 ft. or 70 ft.?"

Mr. Willner said he doubted it -- but maybe we could take some of it. Let's talk about the dollars. If M&W won't take it back, then that is a known fact and Mr. Jeffers can tell him that at the time and let him know the cost and he'll have something on which the Board can base a decision. But he thinks it is the consensus of opinion that we're going to require something -- so let's shoot for that end. He hopes Mr. Lowe will work with us. He is sorry this happened -- but that is just the way it is.

RE: UNIVERSITY VILLAGE - WAL-MART CENTER (WEST SIDE)

Mr. Lowe said this is not planned -- but while he is here and everyone is attentive, they have submitted a preliminary plan to Mr. Jeffers in regards to University Village, which is a Wal-Mart development on the west side of Evansville. Presently the contractor (University Shopping Centers) is underway with the rough grading operations. The next phase of construction will be the installation of the storm sewer system. With the sequence of events on the west side with the University Village project, they are pushing as fast as they can go. He submitted preliminary plans to Mr. Jeffers so he could get a feel for what they are doing.

If possible, he would like to present the plans to the board for a preliminary concept review, with the possibility that the contractor could continue and install some of the on-site drainage systems. He asked if Mr. Jeffers has had an opportunity to review the concept submitted to him?

Mr. Jeffers requested a four minute break.

Resuming the meeting, Mr. Jeffers said the first thing discussed was the concern that various agencies in this building and other buildings have about filling in a flood plain. The developer's engineer has said that if we approve this basic concept, he would do everything in his power to convince the developer and find a place to compensate for the fill he'll be placing in a small area of the flood plain along the north line of this development on the west side. In other words, along the ditch there is some designated Zone A flood plain. In order to appropriately use this land, he has to do some filling in that designated flood plain and he will compensate that volume per volume on some other site -- either on this property or directly adjacent to it -- in the same watershed.

The second thing they had some apprehension about was the fact that ongoing grading (which has been ongoing for ten years) has removed a large hill from this property and the result will be that the water from the entire property will be tilted back to the north and to this detention basin he is going to build at the northwest corner of the project, where some small amount or a substantial amount at one time crossed the highway or wandered its way back along Rosenberg to the culvert -- because he is altering the pattern of drainage. We had some small apprehension about that and we have asked the developer's engineer to de-accelerate the water leaving the site as much as he can -- slow it down as it goes across the parking lot; slow down the collection of it into the detention basin by any method he can

devise that wouldn't adversely affect parked cars, etc., so it will eventually arrive at the point where it used to arrive -- but not as quickly as it might because of the pavement. On that basis, the Surveyor's office would approve of the basic concept presented this time, but they will require further review together with the City Engineer's office on the final design of this project. He doesn't exactly know what he is asking for, but he does think the project will work, as long as he compensates for the flood plain he is filling and as long as he takes into consideration that he is casting water to the back line of this property and it needs to be carefully thought out before it gets into that ditch and goes under Rosenberger Avenue at the concrete culvert we installed on Rosenberger in 1982.

Commissioner Willner said, "In essence then, if he submits a preliminary you would be able to check it out and give him permission or at least advise the Drainage Board to give him permission to continue, based on those items discussed."

The Chair entertained further questions.

Commissioner Cox asked, "Do they have to have any permission from the Department of Natural Resources for the changing of that channel -- that tributary that ends up in Carpenter Creek or Bayou Creek and the Ohio River? And has this permission been obtained?"

Mr. Jeffers said he doesn't know whether the permission has been obtained, but that is what we're trying to anticipate -- if permission is required, that our approval is based upon him for compensating the flood plain he is filling by taking out an equal volume somewhere else on the property and not forcing it over on someone else's property. That water he is displacing won't be displaced onto someone else; he will displace it on his own property. It won't be a detention basin; it will just be a low area that will compensate for however much fill he is putting into Zone A. He thinks he was also asking for preliminary approval of his pipe sizes and they all look pretty good.

Mrs. Cox asked if that is for the whole area -- or just the area where Wal-Mart is going to go?

Mr. Jeffers said it is just the area where Wal-Mart is going to go.

Mrs. Cox asked how does it fit in with the overall drainage plan for the entire area? How is that going to connect up?

Mr. Jeffers, "The water that is leaving Wal-Mart? Is that what you are asking?"

Commissioner Willner interjected, "The entire shopping center."

Mr. Jeffers said, "The entire shopping center? I don't know. University Heights Shopping Center did not come under our review. It was done so many years ago that we didn't review it. No one reviewed it."

Mrs. Cox asked, "Well, are they going to take up both sides of Rosenberger?"

Mr. Jeffers responded, "Not for Wal-Mart, no. They're just going to take up the northwest corner -- where the big hill was."

Mrs. Cox said, "Then that is not where the big pond was -- that is on the east side of Rosenberger."

Mr. Jeffers said, "That is already under review by the Department of Natural Resources -- that particular project has already come under their review. What I am talking about is within the strip

of flood plain that runs up the creek toward Golden Towers -- and it is not nearly the size of the flood plain you're talking about across Rosenberger."

Mr. Lowe said, "Apparently there was some question as to what exactly I was asking for. If that was conditional approval of the pipe sizes -- and what I mean by that is go ahead and have the Board approve it, conditioned upon the approval of Messrs. Jeffers and Williams."

Mr. Willner said, "In other words, if you get a 4' x 8' culvert this time and it is wrong, it is going to be his fault. Any other questions?"

Mrs. Cox said, "I think he does; I think he wants conceptual design approved, with the approval of this Board that Messrs. Jeffers and Williams ...."

Mr. Lowe said, "So I wouldn't have to come back to this Board a second time."

Mrs. Cox said, "You will have to come back for final approval."

Commissioner Willner said, "If Bill approves; he just looked at it today. Don't you need a couple of days -- or do you want to go on record now? I thought I'd give you at least a couple of days. And then if you recommended it, he could go ahead."

Mr. Jeffers said this is the first time he's seen the pipe sizes. He asked Mr. Lowe if what he is asking for is conditional approval that over the next few days as they talk on the telephone and he reviews with Mr. Williams what Mr. Lowe transmits to us -- if he and Mr. Williams together say those pipe sizes are okay, you can go ahead and put them in without coming to the Board?

Mr. Lowe said that is correct.

Mr. Jeffers said, "That is what he is after."

Mr. Willner said, "You don't need that right now."

Mrs. Cox said, "That is what he would like to have right now."

Mr. Jeffers said, "He wants conditional final approval. In other words, you're giving him approval on a drainage plan that Mr. Williams and I will review over the next few days (because a lot of this is in the City Limits)."

Mr. Willner said, "The way I understand it -- this Board is giving you that permission -- but we're not going to do it now. We're not going to say an 8 ft. pipe is sufficient."

Mr. Jeffers explained, "What he is asking for is that if Mr. Williams and I on August 13th say that everything is okay, he can go ahead and put it in without coming back to you."

Mr. Willner said, "That is correct."

Mrs. Cox said, "That is fine with me."

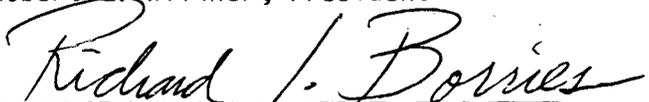
Upon motion made by Commissioner Borries, and seconded by Commissioner Cox, Messrs. Williams and Jeffers are to review the plans submitted today and report back to the Commissioners before they make a final recommendation. In the meantime, Sain can proceed to talk with Messrs. Jeffers and Williams regarding the proper pipe sizes and the contractor can go ahead and proceed with installation, subject to the approval of Messrs. Jeffers and Williams. So ordered.

Commissioner Willner entertained further business to come before the Drainage Board. There being none, he declared the meeting adjourned at 5:30 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY SURVEYOR</u>
	R. L. Willner R. J. Borries S. J. Cox	Sam Humphrey	Bill Jeffers (Chief Deputy)
	<u>AREA PLAN</u>	<u>OTHER</u>	
	B. Cunningham B. Behme	Paul Kinney Jim Lowe D. Wanniger News Media	

SECRETARY: Joanne A. Matthews

  
Robert L. Willner, President

  
Richard J. Borries, Vice President

  
Shirley Jean Cox, Member 8/22/88.

MINUTES  
DRAINAGE BOARD MEETING  
AUGUST 22, 1988

I N D E X

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MINUTES  
DRAINAGE BOARD MEETING  
AUGUST 22, 1988

The Vanderburgh County Drainage Board met in session at 4:55 p.m. in the Commissioners Hearing Room, with President Robert Willner presiding.

The meeting was called to order by President Willner, who subsequently entertained a motion concerning approval of the minutes of the Special Drainage Board Meeting held on August 8, 1988 re the Village Commons and University Heights Wal-Mart sites.

Upon motion made by Commissioner Borries and seconded by Commissioner Cox, the minutes were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: ACCEPTANCE OF CHECK

Commissioner Borries submitted a check in the amount of \$128.50 made payable to the County Commissioners. This reflects a storm sewer right-of-way maintenance fee for Eastland Estates D-2. The check is signed by Mr. Kattmann (Messrs. Kattmann and Bussing are the developers.)

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, the check was accepted, endorsed, and given to the secretary for deposit into the special drainage account (Account #239). So ordered. Commissioner Borries pointed out that this is a residential section on the extended Covert Avenue. The check merely indicate Eastland D-2 and he asked the Board's permission to add "Estates" after Eastland, in an effort to avoid any confusion. Said permission was granted.

RE: CULVERT EXCHANGE -- HARPER DITCH AT VIRGINIA STREET

Commissioner Willner said at the last meeting, the possibility of exchanging one size culvert for another was discussed and Mr. Jeffers was to get back to the Board to advise of our options.

Mr. Jeffers reported the manufacturer of the 4' x 8' culvert would give a credit, but it is not the most economical way to go. He would only give us \$75.00 credit per foot or a \$4,500 credit.

We were asking the developer to turn around and buy a 4' x 10' culvert, which would be \$215.00 per foot or \$12,900 total. The difference would be \$8,400.00. That would get us 4' x 10' culvert in the ditch, but it would cost the developer the removal of what is in the ditch. That didn't take into account lifting the one out of the ditch and transporting it back to the yard. He would be charged for that and that would be expensive.

Commissioner Willner asked, "And if we have another culvert side by side?"

Mr. Jeffers said, "Okay, to go with a 4' x 4' beside would be \$115.00 per lineal foot times 60 ft. would be \$6,900.00. Therefore, actually, to have a 4' x 4' culvert purchased to set next to the one that is already in the ditch would be \$6,900.00 and that is \$1,500 00 less than exchanging the one that is in the ditch for a 4' x 10' culvert. We would end up with 8' x 4' and

Mr. Jeffers said that everything they do will be on the west side of Rosenberger. This is disconnected from what is going on on the other side -- where that little duck farm used to be.

RE: OAK GROVE ROAD - BRIDGE/CULVERT

Mrs. Cox asked, "Mr. Willner, have you had a chance to analyze your thinking concerning the Oak Grove Road culvert or bridge?"

Mr. Willner responded, "I didn't know that the plans were ready yet."

Mr. Jeffers said they are not ready.

Mrs. Cox continued, "I don't think they are -- but you said you wanted a culvert rather than a bridge."

Mr. Willner said, "I do."

Mrs. Cox continued, "And we do need to get something finalized by this Board and get that improved and get that surface down."

Mr. Willner said, "We're waiting on a Surveyor's recommendation."

Mr. Jeffers said, "I think what we are going to do is show you a plan with a bridge and plan with a culvert -- and have a quantity sheet on both and let the market work."

RE: LOG JAM - FIRST AVENUE

Commissioner Cox reported that she received a call from a Mr. Whitsell, who lives in the apartment complex off First Avenue by Schnucks -- and the beavers have been at work again in the creek. We need to clean out the creek under the bridge on First Avenue. We've done this before. If we do this by invitational bid -- whenever we do it, we want to make sure that the people who get the log jams out of the waterway don't just throw them up on the creek bank and leave them -- and then when the water comes up they come right back down again.

Mr. Jeffers said, "That didn't happen with any contract we let when our contractor on two different occasions hauled the debris away. But some people working upstream on some private property cut some willow trees and let them lay and they did float down. I would think you'd want to change the name of that waterway from Dry Branch Creek to something wetter. But the beaver dam located near the apartments behind Rax, etc., is all on private property -- and there is a substantial lake (two or three acres)-- all created by beavers -- and it has flooded what is right now unusable ground. It's in a flood plain anyway --and it is not hurting anything so to speak -- it's only about a 3 ft. high dam, and I've witnessed it in several rainstorms. Surprisingly enough, the beavers picked a spot that didn't flood anybody."

Mrs. Cox asked, "Then what are you telling me and what is the recourse?"

Mr. Jeffers said, "The City hasn't found a recourse for it and their inspector has been out there three or four times this year. It's not a legal drain and it's not in the County -- it's in the City -- and I would say that probably the only thing you three could do as the Board of Commissioners would be to authorize another cleaning of the culvert within the right-of-way for First Avenue only."

Mr. Willner said, "We could loan the City our trapper, couldn't we?"

Mr. Jeffers said that at \$50.00 a pop he'd be willing to go down there and do it.

Mrs. Cox asked if she could have the Board's permission to ask Mr. Bethel to send the Bridge Crew out to just clean under the bridge portion?

The Commissioners so agreed and Mrs. Cox said she will call Mr. Bethel.

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 5:35 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. L. Willner R. J. Borries S. J. Cox	Sam Humphrey	David V. Miller
	<u>COUNTY HIGHWAY</u>	<u>COUNTY SURVEYOR</u>	<u>COUNTY ENGINEER</u>
	Bill Bethel	Bill Jeffers Chief Deputy	Dan Hartman
	<u>OTHER</u>		
	Paul Kinney/Regency Assoc. Mr. Lowe James Morley News Media		

SECRETARY: Joanne A. Matthews

*Robert J. Willner*  
*Richard J. Borries*  
*Joanne A. Matthews 9/26/88*

MINUTES  
DRAINAGE BOARD MEETING  
SEPTEMBER 26, 1988

*appd  
10/24/88*

I N D E X

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MINUTES  
DRAINAGE BOARD MEETING  
SEPTEMBER 26, 1988

~~The Vanderburgh County Drainage Board met in session at 4:30 p.m.~~  
on Monday, September 26, 1988 in the Commissioners Hearing Room with President Robert Willner presiding.

The meeting was called to order by Commissioner Willner, who subsequently entertained a motion concerning approval of the minutes of meeting held on August 22, 1988.

Upon motion duly made by Commissioner Borries and seconded by Commissioner Cox, the minutes were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: BIDS RE ADDITIONAL MAINTENANCE -- STOCKFLETH DITCH

Chief Deputy Surveyor Bill Jeffers said that with regard to seeking proposals on additional periodic maintenance of Stockfleth Ditch, could the Board defer this matter and take care of two subdivisions? There are no bids to open at this time.

The Board granted permission.

RE: EXPRESSWAY COMMERCIAL SUBDIVISION/DRAINAGE PLANS

Mr. Jeffers said Expressway Commercial Subdivision is a new subdivision which is on the Area Plan Commission agenda for Wednesday, October 5, 1988 (17-S-88). It is located on the west side of Red Bank Road just immediately south of S.R. 62, which places it west of University Shopping Center. The plan for Expressway Commercial Subdivision was submitted on behalf of the owner by Morley & Associates. The Commissioners apparently have a plat in front of them for reference. It was submitted with calculations and they are okay. The plan shows several detention basins and they are shown as being adequate to detain the calculated storage of storm water run-off for that subdivision and they are okay. The only thing that he noted is that permission for the pipes from the subdivision into the basins along the south property line pass into State right-of-way for S.R. 62, and he would like to know if the State requires any special permits, etc. for that type of installation. If so, the developer should acquire those necessary permissions to install the pipe. Other than that, it is the recommendation of the Surveyor's Office to pass the drainage plan for Expressway Commercial Subdivision. The developer's engineer is in the audience should the Board have any questions of him.

Commissioner Cox asked where the several 15 inch pipes and the 18 inch pipe go, saying she has to get acclimated.

Mr. Jim Morley of Morley & Associates spent several minutes pointing out various items on the plat to clarify Mrs. Cox's questions. He said this is a piece of development property that has been rezoned south of designated parcel. Expressway Commercial Subdivision is north of a parcel owned by Jarrett and they are accepting drainage from Jarrett's area also and they are sizing so that the same thing happens. No drainage is being transferred from one watershed to another watershed. Everything is going exactly into the same gully it goes into now. All they

are doing is limiting it. They are putting a levee across it with one of the farm-type slotted drain tile erosion control basins; so it is a sediment basin and overflow control.

Mr. Jeffers said, "As Mr. Morley pointed out when I said the pipe structures 'outside the property line', I meant the ones along ~~Red Bank Road at the entry and the ones along the south line coming from Jarrett. I think I said S. R. 62. I meant from that~~ property to the south of there. In other words, the plan appears as if it will work sufficiently to our standards, but I just want to make sure all permissions have been given for the installation of those pipes -- or will be given."

Commissioner Willner entertained further questions. There being none a motion was entertained.

Upon motion duly made by Commissioner Borries and seconded by Commissioner Cox, the drainage plans for Expressway Commercial Subdivision were approved. So ordered.

RE: WINDSONG SUBDIVISION SECTION I (16-S-88)

This is simply a replat of Lots 81 thru 90. It reduces the total number of lots by one (1) lot. It increases the lot size of each lot within the replat. The only required change that he could note from looking at the developer's plan was that he has to move one drainage swale to a location on the new lot line. It doesn't change the drainage concept and this has to be done to enable the construction of a particular house within this subdivision and the Surveyor's Office recommends accepting the altered drainage plan for the replat of Windsong Subdivision Section I, Lots 81 thru 90.

Mr. Jeffers noted that the drainage plan for the entire area previously came before the Board and was approved. They just needed to change the lot lines to be able to get this one type of house to work on the altered lot design.

Commissioner Willner asked for the Surveyor's recommendation.

Mr. Jeffers again said the Surveyor's Office recommends approval.

The Chair entertained further questions. There being none, a a motion.

Upon motion duly made by Commissioner Borries and seconded by Commissioner Cox, the altered drainage plan for Windsong Subdivision Section I (Lots 81 thru 90) in Indian Woods P.U.D. was approved. So ordered.

RE: STOCKFLETH DITCH MAINTENANCE

Mr. Jeffers said a notice was published in the newspaper twice and the Surveyor's Office did get responses from four (4) different contractors who were interested in bidding this project. However, in the final checking of all the different things that we do before we enter into this type of project -- first of all, the project is to make minor repairs by removing silt from the bottom of the ditch And this silt is acting as an obstruction to good drainage.

Another thing they found is that the project will benefit approximately 67 acres immediately by allowing more proper drainage from that 67 acres. This is the 67 acres that will be served by the Virginia Street Extension into the Stockfleth watershed.

The next thing they discovered was that to accomplish the project, they now feel we have to make minor repairs by removing this silt for up to 5,000 ft.. Our advertisement mentioned 4,000

ft. Right now we're looking at a preliminary estimate of around \$4,000.00 for this project, which is about \$60.00 per acre for the 67 acres immediately benefitted. They're basically trying to determine whether we should we go forward with this project at a cost to East Side Urban Drainage account of \$4,000.00 (which is our total surplus at this time for the entire 20 miles of drain in that system). ~~Should we spend it all on this 67 acres? Looking at it that way, they thought the benefit was to a very~~ limited part of the entire system and they went and asked the developers of this 67 acres if they would consider paying for the project -- since to remove this obstruction to drainage would save them in the neighborhood (just guessing at it) of \$1/4 million. The representative of the developers is here in the audience (Rex Bolz) and he believes he has an answer to that question -- the question being would the developers be willing to pay for it if we went forward with the project, rather than have the money come out of the East Side Urban Drainage account?

Mr. Rex Bolz approached the podium and stated that he represents Evansville Toyota (who is going to be developing that parcel) and they would be willing to spend the approximate \$4,000.00 to have the project done.

The Board expressed their appreciation to Mr. Bolz.

Mr. Jeffers said he is sure the Board is not only as appreciative of that as is the Surveyor's Office, but the taxpayers who over the last several years have accumulated that surplus. That surplus can now be used on small projects within that system and this certainly shows the generous nature of the developers on the east side.

Commissioner Willner asked, "There were no bids received?"

Mr. Jeffers said, "What happened, Mr. President, is that I took down the names of all the prospective bidders who called in for specifications and told them we wanted to discuss this with the Board, extending one (1) month. Since we did change from 4,000 ft. to 5,000 ft., if it is your pleasure I have another advertisement that could be put in the newspaper."

President Willner entertained a motion.

Upon motion made by Commissioner Borries and seconded by Commissioner Cox, permission was granted to re-advertise. So ordered.

Mr. Jeffers said the re-advertisement states that it is basically the same project, but for 5,000 ft. This would carry it on down past Oak Grove Road. We think this is a more efficient way of doing it. The bids will now be received on Monday, October 24th, rather than today. We are asking for them to come into the Auditor's Office no later than 2:30 p.m. On the signature sheet of the advertisement it states to be advertised in the Evansville Courier and The Evansville Press on Friday, October 7, and Friday, October 14, 1988, which is sufficiently in advance of the October 24th bid opening date. Mr. Jeffers apologized for the mix-up and spending the money to re-advertise, but said he thinks it is money well spent.

RE: POND FLAT DITCH

Continuing, Mr. Jeffers said we need to spend some money and make repairs to Pond Flat Ditch -- remove some obstructions in the form of earth -- which has slid down the bank onto the slope in the ditch bottom. It needs to be pulled back into place, particularly along the west bank of the ditch in two areas -- namely 400 ft. north of I-164 to the County Line and 2,100 ft. along Darwin Elpers' property, which is south of Woods Road. The Big Creek Drainage Association has offered to match our funds

50-50 for this project. He estimates the cost to be less than \$5,000 (somewhere around \$3,000 is what they have in mind right now). We have a \$2,500 surplus in the account for Pond Flat Main. What he is asking the Board to do is take this into consideration. Since the total cost of the project is estimated to be less than \$5,000, the Board may mail written invitations to ~~at least three (3) persons believed to be interested in bidding on the work and the invitations should be sent at least seven (7) days prior to bid opening date.~~ If the Board would like to have a special meeting to open these bids, said meeting could be held on October 10, 1988. Or, the same statute allows the Board to authorize the County Surveyor to contract for the work in the name of the Board -- and the Surveyor could bring it in at the next regular meeting to be confirmed by the Board. What he has done in this regard is to prepare an Invitation to Bidders, using the same format as if we advertised in the paper, except we want to mail these out no later than Friday, September 30, 1988 via Registered Mail Return Receipt Requested to a minimum of three (3) persons (or firms) and his statement is that no invitation bearing a postmark later than that date, nor any bid not verified by a Return Receipt will be considered by the Drainage Board. He also has a set of specifications (basically the same as if it were advertised in the newspaper), a description of the project with some maps attached, a contract -- everything will go along as if we were going to advertise in the paper.

The urgency for this project -- Number 1 is that the property owners have now harvested their corn. They want to get this done in time to plant wheat and rye to hold the soil over the winter -- and they have told him that they would prefer to do that seeding in the middle of October rather than the middle of November. If we advertise in the newspaper, it will be the middle of November. If we do it this way, it will be in the middle of October. And, as an encouragement, the Big Creek Drainage Association has offered to pay for 50% of the project.

The Chair entertained questions or a motion.

Commissioner Borries asked, "These would be sealed bids, Bill? That would not be opened, of course, until our meeting? Is that correct?"

Mr. Jeffers said, "If you wish to hold a Special Drainage Board Meeting on October 10th immediately subsequent to the regular meeting of the Board of Commissioners, the bids will be delivered to the Auditor's Office sealed and brought up to you and opened by your Attorney in that meeting -- the same as if they were any other type bid."

Commissioner Borries said, "With those comments, I will move that the request be granted and the invitational bids be issued."

A second to the motion was provided by Commissioner Cox. So ordered.

Mr. Jeffers said, "We have three (3) contractors who have done work for us in the past who we know would be interested and qualified -- and that would be Blankenberger Bros., Staub, and Johnny Man, Inc. We have four bidders who have expressed interest on the Stockfleth Ditch. If it is your pleasure, I will also notify those four bidders -- and then if there are any others, please don't hesitate to tell us who you'd like to have notified."

The Commissioners said the ones mentioned by Mr. Jeffers will be fine.

RE: STREET PLANS - VIRGINIA STREET AT HARPER DITCH

It was reported by Mr. Jeffers that he has received a new set of Street Plans for Virginia Street at Harper Ditch from Regency Corporation showing a 4' x 10' box. Apparently they want to put a 4' x 10' single box, rather than a double box.

~~He also received a call from David Moon of Sain Associates, who~~ works for Regency Corporation on the west side project. He says the Department of Natural Resources has no requirements regarding filling a flood plain on streams draining less than one (1) square mile. So, according to them, Wal-Mart West will not require compensatory storage on that site. That is Mr. Moon's interpretation of the DNR requirements.

The second thing on the west side -- they hit rock when they were trying to install their initial run of pipe -- so now they're going to have two (2) detention basins at Wal-Mart West, because they couldn't get their pipe in that rock. The new plans will also show that.

RE: HARPER DITCH MAINTENANCE

The Harper Ditch contractor (whom the Board authorized him to notify to get on the stick) got on the stick and we don't have any problems with him at this time. He did a pretty good job of catching up.

RE: RE-INSTALLATION OF PIPE/EAST CHERRY STREET

Mr. Jeffers said that with regard to 6600 East Cherry Street (which is Mr. Green, alongside Bonnieview Extension), the City of Evansville has their plans finished to reinstall that pipe. The final check list is being gone over in regard to the plans (they call it 'inking up' the plans). The specifications should soon be finished and the project may be bid before the end of the year and construction may take place this winter.

Mrs. Cox said that would be good -- before the spring rains.

RE: J. H. RUDOLPH DITCH BANK/CLAIM

With regard to Rudolph's ditch bank at their main plant on Stockwell Road, he would like to report that the City designed the Harper-Hirsch Ditch Improvement. They let the contract and supervised the construction -- and they paid for the Harper-Hirsch Ditch work in the late 70's. Nothing done by the County since that time caused the damage or the erosion that was noted on the Notice of Claim -- or, the Surveyor's Office believes nothing was done by the County to cause that damage. Therefore, they do not feel the claim should involve the County Surveyor or the Drainage Board. (He's sure the Commissioners know the claim to which he is referring.)

RE: PROBLEMS WITH BILLBOARDS ALONG LEGAL DRAINS

Mr. Jeffers reported that there are more billboards being put alongside our legal drains on the east side -- particularly along Burkhardt Road. The way this happened is that the billboard company goes to the Area Plan Commission and obtains a permit. And this particular permit said the billboards could not be located any closer than 50 ft. to the right-of-way. The right-of-way of which they were speaking was Burkhardt Road right-of-way and most of Burkhardt Road right-of-way is 50 ft. from the centerline on the east side of the road. But when you get up above Oak Grove Road, it is only 25 ft. -- it is out in the ditch. And, to his knowledge, the extra 25 ft. was never acquired. What he needs to do -- and he just wants to inform the Board he is going to do it -- he is going to measure from the centerline of the sectionline and he is going to measure over 75

ft. -- that would be the closest they could get. If those signs are within 75 ft. of the centerline of Burkhardt Road, he is going to report that to the Area Plan Commission (the Permittor on those signs). Other than that, the only complaint he has about them at this time is that when they augured the holes to put the signs in -- they just dumped the dirt into the ditch.

RE: FORM 96 (REVISED 1987)

Mr. Jeffers noted that they are now using Bid Form 96 (revised in 1987) and asked if the County Auditor's office now uses these forms? He said he would like to request that a sufficient amount of the subject form be kept on file for the ditches next year. The form was revised by the State Board of Accounts in 1987 and what they said in their letter to the Surveyor is that the form has to be kept as it is and we can't just make copies of it. It has to be in the original tent form. It replaces Form 96 which was revised in 1964. (It was confirmed that the Auditor's Office now has a supply of these forms.) Mr. Jeffers said when they let their ditch contracts this coming spring they will probably need 100 forms or more. He said the Surveyor's Office shares their forms with the County Highway Department, the Bridge Department, etc. -- the forms are all kept in the same file cabinet. Mr. Humphrey said he will be sure a sufficient supply is on hand in the Auditor's Office.

President Willner entertained further matters of business to come before the Board. There being none, the meeting was adjourned at 5:00 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. L. Willner R. J. Borries S. J. Cox	Sam Humphrey	Curt John
	<u>COUNTY SURVEYOR</u>	<u>COUNTY ENGINEER</u>	<u>OTHERS</u>
	Bill Jeffers	Dan Hartman	James Morley Jack Alles Jerry Riney News Media

SECRETARY: Joanne A. Matthews

DRAINAGE BOARD OF VANDERBURGH COUNTY

*Robert L. Willner*  
Robert L. Willner, President

*Richard J. Borries*  
Richard J. Borries, Vice President

*Shirley Jean Cox* 10/24/88  
Shirley Jean Cox, Member

ATTEST:

Sam Humphrey, County Auditor  
Vanderburgh County

MINUTES  
DRAINAGE BOARD MEETING  
OCTOBER 10, 1988

The Vanderburgh County Drainage Board met in session this 10th day of October, 1988, in the Commissioners' Hearing Room with President Willner presiding.

RE: APPROVAL OF MINUTES

President Willner entertained a motion for approval of the minutes of the Drainage Board Meeting that was held on September 26, 1988.

Commissioner Cox asked, "Is Mr. Jeffers here, I wonder if he has any corrections?"

President Willner said to Mr. Jeffers, "Commissioner Cox wants to know if you have any corrections to the minutes of September 26, 1988?"

Mr. Jeffers said, "I haven't read them yet, I'm sorry."

Commissioner Cox asked if they could delay those until our regular Drainage Board Meeting?

President Willner said that is what they will do.

RE: BIDS...POND FLAT MAIN

President Willner said they have two (2) bids on this and he would entertain a motion to have the County Attorney open them.

Commissioner Borries so moved, seconded by Commissioner Cox. So ordered.

Mr. Jeffers said he gave Attorney John the Engineer's Estimate based on past cost and existing conditions out there.

President Willner asked if there was any other business to come before this Board besides these two (2) bids?

Mr. Jeffers said he has claims that were submitted on three (3) ditches from two (2) different contractors if they wish to look at them at this time or if they would like to put that off until the regular meeting, since it was not advertised that this meeting was for that purpose.

Mr. Jeffers said this has to go into the record: "I mailed the bids to Floyd I. Staub, Inc., of Evansville, Indiana, here is a copy of the envelope that they were mailed in with a certified stamp and the return receipt is attached showing that he received it on September 30, 1988, here is a copy of the envelope to John Manns, Inc., of Haubstadt, Indiana; same thing, the receipt shows that he received and signed for it on September 30, 1988. And the third bidder invited was Blankenberger Brothers, Inc., Cynthiana, Indiana; same thing, certified mail, with the signature of one of the company's employees that she received it on September 30, 1988. Also, all three (3) of them were mailed the same day, September 29, 1988 and all three (3) of them were signed as having been received by an employee of the company that they were sent to on September 30, 1988."

Mr. Jeffers continued, "I have in the file (and I intend to keep) copies of the cover letter that accompanied each invitational bid and that would be the actual invitation to bid signed by the Commissioners. We are using that new form that I showed to you last meeting, form '96 revised 1987' -- and since he is looking at that I want to call his attention to 'Section 3, Contractor's Financial Statement'. I did get a phone call from Blankenberger Brothers and I got a phone call from Johnny Manns, Inc., asking if the Contractor's Financial Statement had to be attached and I directed both people to call David Miller, the County Attorney, to see if that could be waived. But I cautioned them that the new form does state, 'Any bids submitted without a Financial Statement, as required by statute, shall thereby be rendered invalid'. So I cautioned them that they should send one and the question then was 'How recent' and I said as far as I was concerned the more recent the better; but again, check with Mr. Miller."

President Willner said, "You are not taking any chances."

Mr. Jeffers said, "This is an Invitational Bid and I don't intend to take any chances, I'm sorry if I am over cautious, but that is just the way it is going to be."

Mr. Jeffers said, "They explained to me (which I don't know why, because I don't own a company) that a CPA audits them at the end of each financial year so that their latest statement that would be reviewed by a CPA would be December 31, 1987, and any others would be internal audits which would just be done by their bookkeeper."

President Willner said the Attorney is now ready.

Attorney John said to Mr. Jeffers, "You mentioned that you sent it to three (3) prospective bidders and the one not bidding was Floyd Staub. I have nothing in front of me, so apparently they decided against bidding on this project." The bids are as follows:

John Manns, Inc. for 2500' @ \$1.50 per lineal foot for a total of \$3,750.00. Documents appear to be in order.

Blankenberger Brothers, Inc. for 2500' @ \$1.56 per lineal foot for a total of \$3,900.00.

Attorney John said, "It appears that John Manns, Inc. is the low bidder."

Mr. Jeffers said, "And the bid was purely per foot, and the way we looked at it was, how much some of this work had been done for in the past, plus some particular existing conditions out there, like accessibility to the site, water in the ditch, etc., and so I think both bids are well under the Engineer's Estimate of \$1.92 a foot, I believe.....you had not opened that, excuse me."

Attorey John said, "\$1.92 per lineal foot for a total of \$4,800.00."

Attorey John said, "I did have a call from Blankenberger Brothers regarding the Financial Statement, they were preparing another one so they sent the full.....the old '96A'. I did inform them that, in my opinion, a less detailed Financial Statement would probably suffice and I would not reject it or recommend rejection if that were included in the bid, and John Manns did include a Financial Statement much less detailed."

President Willner asked if there were any questions of the Board Members on these bids?

Commissioner Cox asked, "Is there a time frame element for completion of this project?"

Mr. Jeffers said, "I don't know if we have one in the specifications or not but I can tell you the farmers would like to have it done by October 21, 1988. And I don't know if we are going to make that. Once we send a Notice to Proceed they have five (5) days to proceed; let's see.....'Contractors shall commence work within five (5) calendar days after the signing of the Notice to Proceed and the said project shall be completed within ten (10) working days after the date of the Notice to Proceed or no later than October 30, 1988' In other words, I will get them to sign the contract as fast as I can. They have to sign it within five (5) days after you award the bid, and I would recommend that you award the bid today so they will be contacted by no later than the 15th."

President Willner entertained a motion to award this bid.

Commissioner Borries moved that the bid on the Pond Flat Main project be awarded to John Manns, Inc. in the low bid amount of \$3,750.00 at \$1.50 per lineal foot.

The motion was seconded by Commissioner Cox. So ordered.

President Willner asked it there was any other business to come before this Board?

Mr. Jeffers said he would like to thank the Board for working with them on an Invitational Bid. It was a matter of necessity and he appreciates it.

Attorney John said Blankenberger Brothers did have a check in here which should be returned immediately.

There being no further business to come before this Board, President Willner declared the meeting recessed.

PRESENT:	<u>DRAINAGE BOARD</u>	<u>COUNTY AUDITOR</u>	<u>SURVEYOR</u>
	R. L. Willner	Sam Humphrey	B. Jeffers
	R. J. Borries		
	S. J. Cox		
	<u>COUNTY ATTORNEY</u>	<u>OTHERS</u>	
	Curt John	News Media	

SECRETARY: Joanne A. Matthews

(Has been proofed by Bill Jeffers)

*Robert J. Willner*

*Joanne A. Cox 11/28/88*

MINUTES  
DRAINAGE BOARD MEETING  
OCTOBER 24, 1988

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MINUTES  
DRAINAGE BOARD MEETING  
OCTOBER 24, 1988

The Vanderburgh County Drainage Board met in session this 24th day of October, 1988, in the Commissioners' Hearing Room with President Willner presiding.

RE: APPROVAL OF MINUTES

Commissioner Borries moved that the minutes of the Drainage Board Meeting held on September 26, 1988, be approved as engrossed by the County Auditor and reading of same be waived.

RE: BIDS ON STOCKFLETH DITCH

President Willner entertained a motion to have the County Attorney open the bids.

Commissioner Cox so moved, seconded by Commissioner Borries. So ordered.

Attorney John said, "Prior to opening the bids, as requested I will read the names of the bidders. There are five (5) bidders, as follows:

Martin Woodward Backhoe Service  
Jerry Aigner Construction  
John Mans, Inc.  
Blankenberger Brothers  
Grubb Excavating of Oakland City

RE: DRAINAGE PROBLEM ON PLAINVIEW DRIVE

Commissioner Cox said while the attorney is opening the bids, she would like to bring up a problem with the drainage on Plainview Drive. She said, "If you will recall and I don't know the exact date, but near August 29, 1988, a lady appeared at our Drainage Board Meeting; a Ruby Brandstrator, who resides at 6000 Plainview Drive, which is just off of Highway 65 and it is in the North Lake Estates Subdivision and she indicated that she was receiving the majority of the water from the subdivision out to her ditch and the ditch is being eroded and part of the bank was falling into the ditch and this was taken under advisement. She is asking that the county look at this and declare it as a public ditch or legal ditch because of the fact that as it does carry water from the major part of the subdivision and she has installed the pipes underneath her drive (as have the adjacent property owners) and it is piped maybe....the entire area through both properties up until maybe 200 yards of the lake or maybe it is not quite that much -- but it is a ditch and then the water all goes into the lake out there. I think she said she had talked with Mr. Willner and I don't know, Rick, if you have had a chance to get out there and look at it or not."

Commissioner Cox continued, "It definitely is a problem out there. The water is pouring down on her from all directions and through her property and she did make an overture that there may be a possibility if the county would consent to putting the pipe along the side of her road there that would drain the area, that she would buy or purchase the pipe to be put in."

Commissioner Willner responded, "I did go out with Cletus Muensterman and did observe the problem and it is on private property and I decided not to do anything about it, but he has called since and she either wasn't home or well...we didn't try to contact her and she has since

wanted us to come back and talk to her and I told her I would do that and we are going back and talk to her. I don't see any way, but we will listen to what she has to say."

~~Commissioner Cox said, "Well, I think what we are looking at in her situation is something similar to what Mr. Hartman showed us that went into the subdivision out on Bujay Drive, where the county came in and put in a pipe to try to alleviate some of the problems out there, but she does get the major part of that water and it brings up the point again -- and I don't know what stage our subdivision ordinance is in that is being written to address this problem -- but, at what stage does someone's responsibility end and someone else's begin or is it eternally the responsibility of a certain party? I did assure her that people nowadays are not faced with that same problem that she was faced with when that subdivision was built due to the fact that we now have the escrow monies that can be put up or the neighborhood associations to address this problem. But that doesn't help her and she said, 'Well, I could just close that ditch up.' But, she really couldn't, the ditch is going to close itself up."~~

Commissioner Borries asked if the ditch is on County right-of-way?

Commissioner Cox said, "No, it is an easement, but it is a big ditch. It is probably five (5) or six (6) feet deep in some areas and the water comes through with such a rush that it hits the banks. It is no longer a nice straight ditch because part of the sides of the ditch has fallen off into the body of the ditch and the water has kind of created its own little way of getting through there."

Commissioner Cox continued, "She just thinks that since it is the neighbor's water that is coming through her property, that they should help or someone should help, so I did go out and meet with her and I told her I would bring it up at the Drainage Board."

RE: BIDS ON STOCKFLETH DITCH

Attorney John said he has opened the bids and they are as follows:

Martin Woodward Backhoe Service:

Attorney John said there is a check for \$207.00 and he bid \$.69 per foot for a total of 6000 ft. in the amount of \$4,140.00. No financial statement is enclosed.

Mr. Jeffers said before the Attorney continues, the Engineer's Estimate is \$.58 per foot for 5000 ft.

Jerry Aigner Construction

Attorney John said this bid is \$.50 per foot for a total of \$2,500.00.

John Mans Inc:

Attorney John said this bid is \$1.18 per foot for a total of \$5,900.00.

Blankenberger Brothers:

Attorney John said this bid is .44 cents per ft. for a total of \$2,200.00. No financial statement is enclosed.

Grubb Excavating, Inc:

Attorney John said this bid is \$1.50 per foot for a total of \$7,500.00.

President Willner asked if they would like to take these bids under advisement or would they like to act on them today?

Mr. Jeffers said they have until the end of the year, so maybe the Board would like to consider the financial statement part of it. For example, Blankenberger just turned in a financial statement on another bid a few weeks ago, so why don't they look at that and he will look and see why the bids are so far apart.

President Willner said to let the record show that the advertisement for this contract appeared in the Courier and Press on October 7 and 14, 1988, and the proof is on the way.

President Willner asked if there was anything else to come before this Board?

Attorney John said, "Yes, and I guess this would pertain to the Commissioners as well, when it comes to these bids. This form 96 that has been revised, is it the one that requires the financial statement? The old financial statement was about a fifteen (15) or twenty (20) page document, very detailed document that it would almost appear a CPA would have to fill them out, and are they requesting something that, it would almost appear a CPA would have to fill them out, and are they requesting something like that or basically a two (2) or three (3) page financial statement showing the assets and debts of the bidder?"

Commissioner Borries asked if there is a uniform form at this point?

Attorney John said, "To give you an example, here is the old 96A and here is their financial statement and another individual gave a financial statement in this form and it was basically a one (1) page document, very detailed, signed statement giving assets and liabilities, and, as you can tell, there is quite a difference of time and effort put into these and are they going to be required for every bid, if there is one on record for this year? Or, are they going to require an additional updated one for each bid?"

Mr. Jeffers said, "Lets take a month and discuss it because a financial statement is required, but you would hate to turn down a low bidder that you know does good work and spend an extra six (6) cents a foot if there is a way to get around that by looking at his previous financial statement."

Attorey John said, "Yes, there is already one on record."

Mr. Jeffers said, "Why don't we just take a month and talk about that? We would just like to have it done by the end of the year, and it is about a one (1) week job."

Attorney John said he just wanted to bring this to the Commissioners' attention.

Commissioner Cox said, "Then this is under advisement until the next Drainage Board Meeting?"

President Willner said that is correct.

RE: ROYAL COMMERCIAL SUBDIVISION

Mr. Jeffers said, "This is at the intersection of the proposed Royal Avenue extended south to Kenny Kent Toyota and includes Indiana Street intersection at Kenny Kent Toyota and then Royal would intersect Virginia Street north of Kenny Kent Toyota and north of the city limits. The portion that involves the Drainage Board is Virginia Street that is in the County and a small portion of Royal Avenue, which is in the County, and the rest is in the city. But the entire subdivision will be draining into either Harper Ditch (which is a legal drain maintained by this Boar) or Stockfleth Ditch (which is the ditch you just took bids on). There is a note on here that the storm sewer, streets, subgrade streets, etc. will be.....the County Highway Engineer will be notified on a daily basis while they are working on it. I suppose that is for the streets inside the county and then the city engineer for the streets inside the city. It says that all lots within this subdivision

must detain storm water to limit the runoff to 2% and complete site plans with runoff calculations will be submitted to the city engineer. That is because the lots in this subdivision are within the city limits. So in other words, they are going to limit the runoff to a 'C' factor that we assigned that area because it is in two (2) legal drains (watersheds) and then he is going to submit the detailed plans for each lot in this subdivision to the city engineer and the city engineer will review those to make sure that criteria is adhered to."

Mr. Jeffers continued, "The only other thing that is of interest to you is that it shows the outfall of a 48" pipe in the Stockfleth Ditch and this is what initiated the project you just took bids on. We needed to clean that ditch out so that this pipe would come in at the right grade and these are the developers who are paying for the project on the bids you just opened, and the engineer for the developers is Mr. Morley, who is here with us if you have any other questions."

Mr. Jeffers continued, "The County Surveyor's Office recommends approval of this."

Commissioner Borries moved that the drainage request be approved subject to the recommendation of the County surveyor.

Motion seconded by Commissioner Cox. So ordered.

RE: ALLEN RACINE/KOESTER CONTRACTORS

Mr. Jeffers said there is a gentleman here today named Allen Racine from Koester Contractors, Inglefield Road. He said, "I don't remember if I brought this to your attention at a public meeting, but, we have a pipe under the Knight Township Levee which is a couple of feet too low and it was installed a long time ago. It carries Aiken ditch through the levee and this drains everything south of Covert Avenue, just about until you get over to Kolb Ditch. It drains a large part of the city, it drains the two (2) retention basins that the city built between Hoosier Avenue and Indian Woods PUD, and it is a critical structure and is right adjacent to K-1 pumping station. Now, it hasn't presented any big problems in the past because when the water couldn't get out because the pipe was too low it just backed up into the pumping station and was pumped out, but it is not the best thing we got out there and the State Highway Department is currently building I-164 across this pipe. They are extending the pipe a couple hundred feet out south of the levee and they have been calling and bugging us to come and reconstruct or whatever Aiken Ditch. They say they can't drain their pipe and they are hesitant to put this pipe in and then have it silt up with two (2) feet or so of silt, and I went over it with Mr. Brenner and we couldn't afford to do the work that was required and a lot of the work was in the wetland that was designated by the O.H. and that makes it very expensive to do. Mr. Bill Koester came up with a proposal to realign the ditch on a piece of property that he owns, which the ditch runs through, and he is willing to work with us to realign this part of Aiken Ditch all on his property and only on his property in such a way that if the State would like to then come in and do a short stretch of the ditch from the northeast corner of Mr. Koester's property up to their new pipe. It would save the State a lot of money and it would not cost us anything."

Mr. Jeffers continued, "Mr. Koester is doing this for our benefit and for his benefit because it will make his land more usable and there are some sketches here. This is all preliminary at this time but we would like your permission to work with Mr. Koester's Company in developing this idea so it will also benefit us. Right now we are just hashing out how much maintenance area we are going to need on each side of the ditch for the future and how much maintenance area would fit into Mr. Koester's plan. I believe right now he is storing dirt. He is a contractor involved in construction of I-164, and he is storing dirt on this piece of property right now, but he is looking at the future -- and we need to make sure that these plans wouldn't interfere with any future potential for that ground."

Commissioner Cox asked, "Would you explain the blue dashes along....?"

Mr. Jeffers interjected to say, "The blue dashes indicate the approximate realignment of Aiken Ditch."

Commissioner Cox asked what were the red lines?

Mr. Jeffers said, "The red line is the right-of-way for I-164, and the other wandering blue dash....the straight blue dash is the proposed new alignment and the wandering blue dash is where Aiken Ditch is today."

Mr. Jeffers continued, "We are just trying to work out a few little details because the statute calls for seventy-five (75) foot maintenance right-of-entry, etc., and we are just trying to make sure we have enough room to work after he does this. I want enough ground to get a tractor in to mow it or a backhoe in to dip it out."

Commissioner Borries asked, "Is this near the road out there, that Calf Lane?"

Mr. Jeffers said, "No, it is south of the levee. If you will look on the left hand side of your map where it says 'Corporate Limits', that is actually Green River road south of the levee, and just north of the levee you see kind of a roadway that looks like an oval. That is the old horse race training track that that fellow has over there."

Mr. Jeffers continued, "Mr. Racine blew this up large enough for us to see details. It is probably a better map for the engineering department than for you looking at it as a location map -- but he has blown it up for that purpose."

Commissioner Cox said, "The Texas Gas line is buried....."

Mr. Jeffers said, "Yes, it is a buried pipe line."

Mr. Morley said, "Allen or Bill came down to my office to see what the Levee Authority input was on this and naturally we would like to solve the problem that we have right now of not being able to drain. So if they would do this, relocate this ditch and deepen it, then we wouldn't have the water backing up on that flapgate. I made a suggestion that I would like to see them drop it 6" at the flapgate and then go straight down to Green River Road for a final ditch slope."

Mr. Jeffers said, "I think though that the open pipe that the state is putting in is even lower than the flapgate."

Mr. Jeffers continued, "Basically what I would like you to contemplate is that we do have a problem out there that is not of the Surveyors' or the Drainage Board's doing. It is something that you inherited; and then we have a developer who is coming in and trying to work for his benefit and also looking to help us solve our problem that the state apparently....."

President Willner said to Mr. Jeffers, "Keep working with them and come up with a plan that you can bring back to this Board."

Mr. Jeffers said, "It will save you money, but we do need to work out a few details. I just wanted to inform you of it and let you know that we appreciate Mr. Koester coming in with this."

RE: POND FLAT MAIN

Mr. Jeffers said, "A couple of weeks ago you opened bids on Pond Flat Main and here is the contract. Mr. John Manns has already proceeded, but he signed this contract and it requires your three (3) signatures and that of Sam Humphrey, the County Auditor."

RE: CLAIMS

Green Grasshopper Flying Service: Mr. Jeffers said he has a few claims and all of these claims represent work that has been completed by various contractors. They have been inspected by either Wayne Pasco or himself and they are approved for payment and only one (1) claim represents total payment -- that is for Green Grasshopper Flying Service spraying Eagle slough, as contracted. He did finish and has signed a certification that he has paid his labor, supplies and sub-contractors and it is signed by the Surveyor and Mr. Hepler.

Upon motion made by Commissioner Borries and seconded by Commissioner Cox, the claim in the amount of \$2,253.00 was approved for payment. Mr. Jeffers said this was for spraying 30,040 ft. at \$.76 per ft. So ordered.

Evelyn Paul: Sonntag-Stevens Ditch, claim in the amount of \$2,41.00 @ 20 cents per ft. for 10,705 ft. -- Pay 50% in the amount of \$1,070.50.

Evelyn Paul: Wallenmeyer Ditch - Total bid of \$1,127.92 -- but pay 85% or \$958.70 and hold 15% pending her statement.

Upon motion made by Commissioner Cox and seconded by Commissioner Borries, the claims were approved for payment. So ordered.

Terry Johnson Construction: Aiken Ditch - he has been paid for spraying (40%) and has completed mowing, as directed. The total claim is \$1,023.56, which represents 45% and withholding 15%. Mr. Jeffers said this claim has some additional comments on it if the Commissioners are interested in reading those. It has to do with some areas he was not able to get into because of I-164 crews working there.

Terry Johnson Construction: Kolb Ditch - Mr. Jeffers said he's asking that the Board pay 45% (under the same conditions) in the amount of \$864.86. Mr. Johnson was also not able to mow one side of a bank due to I-164 work in progress.

Upon motion made by Commissioner Cox and seconded by Commissioner Borries, these two claims were approved for payment. So ordered.

Big Creek Drainage Association: Mr. Jeffers stated he has several claims for them -- and he will read all of them. With the exception of one (1) claim, they all represent 85% -- so he will read that one first.

Buente Upper Big Creek - \$1,363.16. Surveyor and Inspector report attached.

Maidlow Ditch - \$1,037.67. Surveyor and Inspector report attached.

Pond Flat Main -- \$3,367.36. Surveyor and Inspector report attached.

Pond Flat Main Lateral "E" - \$275.63. Surveyor and Inspector report attached.

Mr. Jeffers said this means we are holding 15% on all of these ditches until we get their certifications that all of their sub-contractors have been paid.

Upon motion made by Commissioner Borries and seconded by Commissioner Cox, the claims were approved for payment. So ordered.

RE: REPORT ON HIRSCH & CRAWFORD BRANDEIS DITCHES

Reports from Mr. Jeffers were given concerning a portion of Hirsch Ditch and a portion of Crawford-Brandeis Ditch that is adjacent to the Southern Railway. Southern Railway has informed our contractor that they do not want any more machines on their right-of-way and there are some complications. That means we are having trouble mowing the north side of the ditch. He asked the contractor to tell the railroad (or whomever it was from the railroad that told him) to send that along to



MINUTES  
DRAINAGE BOARD MEETING  
NOVEMBER 28, 1988

I N D E X

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MINUTES  
DRAINAGE BOARD MEETING  
NOVEMBER 28, 1988

The Vanderburgh County Drainage Board met in session at 5:05 p.m. on Monday, November 28, 1988 in the Commissioners Hearing Room, with President Robert Willner presiding.

Upon motion made by Commissioner Cox and seconded by Commissioner Borries, the minutes of the Drainage Board Meetings of October 10 and October 24, 1988 were approved as engrossed by the County Auditor and the reading of same waived. So ordered.

RE: ACCEPTANCE OF CHECK - UNION FEDERAL SAVINGS & LOAN

Commissioner Willner submitted a check in the amount of \$455.00 representing the 50 cents per lineal foot for Newcomb's Subdivision. Mr. Jeffers is not ready to call that adequate, so this matter will be deferred until the next Drainage Board Meeting.

Commissioner Cox asked if this is for Peach Blossom Lane, and Mr. Jeffers said it is. Mrs. Cox said she hasn't even seen the drainage plan out there. Mr. Jeffers said there was none. Mrs. Cox asked if there was no drainage plan, then how do the Commissioners know how many feet we're going to be maintaining. Mr. Jeffers said he think there were some physical measurements made. This is an older subdivision that was affected by I-164 construction and he thinks most of what is there was reported on I-164 plans.

Attorney Miller said it would be his recommendation that the Commissioners not accept any escrow deposits on anything other than brand new subdivisions and that is part of the recommendation that he has to make to the Board when this comes back here. He thinks we need to have graduated deposits based upon the age of the subdivision.

Mr. Jeffers said he thinks that when we first passed the ordinance it was only retroactive to five or six months.

RE: REQUIREMENT RE FINANCIAL STATEMENTS WITH BIDS

Mr. Jeffers said that on October 24th the Board opened five bids for dipping silt out of the bottom of Stockfleth Ditch. The low bidder was Blankenberger Bros. at 44 cents per foot. The next low bidder was Jerry Aigner at 50 cents per lineal foot. The notation was made that no financial statement was enclosed with the Blankenberger Bros. bid. They had submitted a bid for another project on October 10, 1988, and had submitted a financial statement at that time (14 days earlier). We're using the new bid form and he (Jeffers) was not familiar with the bid form and referred the question to the County Attorney as to whether we could accept the financial statement of 14 days earlier, or whether the lack of a financial statement disqualified the bid of Blankenberger Bros. and recommendation on awarding the bid was postponed until we could hear back from the County Attorney.

Attorney Miller said, for the record, his recommendation is that he thinks the previous financial statement is adequate to protect the County and he does not see the necessity to reject this bid because of that defect, although it is clearly a defect. The bidder should be advised of the problem and every bidder should be required to submit a financial statement.

Commissioner Willner asked Mr. Jeffers for his recommendation.

Mr. Jeffers said it is the Vanderburgh County Surveyor's recommendation that the Board accept the lowest qualified bid.

Upon motion made by Commissioner Cox and seconded by Commissioner Borries, the bid was awarded to Blankerberger Bros. at the rate of 44 cents per lineal foot for a total of \$2,200. So ordered. (President Willner noted the requirement for financial statement in this case will be waived, since a financial statement was filed on October 14th.)

Commissioner Cox noted there was also some confusion as to which financial statement the County was going to require.

Mr. Jeffers said he was told that a financial statement was done at the end of the year (December 31st). It is audited by the CPA, and that anything after that (these interim things) are just done in house and they might not be audited by a CPA, so they wouldn't be worth a whole lot.

Attorney Miller said a financial statement could be audited as of any date.

Commissioner Cox asked, "If a bidder has a financial statement on file with Vanderburgh County as of January 1, 1988 for previous year 1987, is this sufficient for any of his bids that he makes during the next fiscal year?"

Mr. Jeffers said the new bid form says it has to be attached with the bid.

Attorney Miller said that a financial statement within less than twelve (12) months of the date of the bid is regarded by the financial community as adequate. Thus, he sees no reason why the County shouldn't regard it as adequate.

Mr. Jeffers said that most of the contractors prefer to send the year end financial statement, because they say that was audited by the CPA and anything in between was just something else.

Attorney Miller said they are not always audited by CPA's.

Commissioner Cox said she thought Mr. Jeffers was talking about Bid Form 96-A. The new form says they need to staple their recent financial statement to the bid.

RE: APPROVAL OF SUBDIVISIONS

Mr. Jeffers said there are no subdivisions to come before the Board today that are on the APC agenda next month.

RE: CAMPUS APARTMENTS PHASE II

It was noted by Mr. Jeffers that a representative of the developer of Campus Apartments Phase II is in the audience today. He (Jeffers) hasn't taken a real close look at the overall drainage plan, as it is a recent submittal. However, the developer's representative has told him that they really only wish to start construction on the area for Unit 1 of 16 and that area is approximately one (1) acre. The developer is requesting conceptual drainage approval on the overall plan and, in particular, approval on this one (1) acre so he can proceed with the construction of the first unit.

The Board spent several minutes perusing the drainage plan. Mr. Jeffers said he talked with Mr. Ubelhor this afternoon. The Surveyor's office would be willing to say to go ahead if Mr. Ubelhor and his company (or whoever constructs Unit #1) would do the following:

- 1) Within 45 days of disturbing the earth, they surround the project area with necessary erosion control measures, such as straw dams and erosion control fabric to keep any run-off of silt from running off and damaging any adjacent properties, particularly along the west edge of what is shown as Mahrenholz Drive adjacent to Lot #12 of the residential subdivision. (The road will have to be constructed as a construction egress, if they use what is being called Mahrenholz.)

Mrs. Cox said he will need a drive-way permit to enter onto a County road and Mr. Willner disagreed.....

Mrs. Cox interrupted, "Then why did we hang Hermus Lewis up by his toenails?"

Mr. Jeffers said maybe he is missing something here -- he hasn't been to the Commissioners meetings for a while. However, he is only looking at this one acre lot from a drainage point of view. He does know there has been some discussion about draining Mahrenholz. But he is talking about the extension of the existing Mahrenholz Drive. To get from the curve of Mahrenholz due west and to this parcel, it does not now exist. All along the west edge and then adjacent to Lot #12 in the residential subdivision should be lined with straw bales to keep any silt or other water borne debris from washing onto Lot #12 during the construction period. Along the east boundary of this one acre parcel (Building #1) should also be lined with straw bales or silt dam. The Surveyor's recommendation to pass this limited portion of the drainage plan will be based on some form of erosion control, whether it be straw dams or other types of silt barriers to keep any silt from leaving this site and going onto adjacent property. These must be approved methods approved by the Building Commissioner.

Mr. Jeffers said we will take a look at the rest of this as it develops and as necessary for the Drainage Board to review it in 1989. This is to give the man an opportunity to start construction or at least pursue the permit process from this day on.

Commissioner Willner asked the developer's representative if they would agree to the terms as outlined by Mr. Jeffers and the response was affirmative.

Continuing, Mr. Jeffers said when he says 6 cu. ft., what he is basically saying is that this one acre may run off 100 % of what falls on it in a six (6) inch rain. We've only had one six (6) inch on the west side in a long But if the ground freezes solid and we get a 6 inch rain on one acre, he wants that swale to be able to handle it until the water gets down to that natural gully. He doesn't want to see any mud washing down Mahrenholz on Lot #12 or anywhere else.

- 2) The other stipulation would be that the County Engineer (if the County so lives up to designing and building Mahrenholz extension) design it so that (if this man follows this plan, there will be a small amount of water leaving and running down Mahrenholz extension if it is built) that water will also be taken through this natural gully and not back over onto Lot #12 or any other existing structure. We can look at the rest of this drainage plan, because the rest of it basically flows off into some other natural gullies. There are going to be eight (8) buildings. We can look at the rest of it when he is ready to come back

with the total plan. This is for Building #1 in Phase 2 (a one acre parcel).

Upon motion made by Commissioner Cox and seconded by Commissioner Willner the conceptual drainage plan for Campus Apartments Phase 2 (Building #1) was approved subject to recommendations of the County Surveyor being incorporated. So ordered.

RE: PROPOSAL FROM KOESTER RE RELOCATION OF AIKEN DITCH

Mr. Jeffers said we received a proposal from Koester Equipment concerning the relocation of Aiken Ditch (an extension of Eagle Slough) at no cost to the County. (Mr. Jeffers said this actually should be called Aiken Ditch Extension.) Mr. Koester has presented us with a plan and the only alternations Mr. Jeffers made were that we want a 25 ft. work area along the north and west side of the new ditch and a level area for our mowing tractors, excavators, etc. It is the recommendation of the Surveyor's Office that the proposal be approved, subject to alterations made by the Surveyor's Office.

The benefit to the County is that we get a new ditch and the benefit to the State is that the existing pipe is 3 ft. too low. When they extend it out under I-164, it won't drain. They are putting the new pipe under Green River Rd. and Mr. Koester will drain this new ditch and excavate the new ditch back up to the pipe and drain it, thereby relieving the K-1 pumping station.

Upon motion made by Commissioner Cox and seconded by Commissioner Willner, the proposal from Koester regarding relocation of Aiken Ditch was approved. (He will have Mr. Koester correct the plans to read Aiken Ditch Extension.) So ordered.

RE: APPROVAL OF PIPE OUTLET INTO SONNTAG-STEVENS DITCH

Mr. Jeffers said there is a small tract of land on Hitch-Peters Road just north of Lynch Road in the City of Evansville. Conway Central Express has requested a pipe outlet into Sonntag-Stevens Ditch in Vanderburgh County, which is maintained by this Board. He presented a drainage plan and said we are only looking at this as to how this drainage plan affects our legal drain. They had planned to put the fence within 20 ft. of the top of the bank of Sonntag-Stevens and he has asked them to back that up to 30 ft. They sent a detail plan as to how they want to rip-rap the outlet of the pipe and he made some comments on that as to how the County would rather have it.

Upon motion made by Commissioner Cox and seconded by Commissioner Willner, the requested pipe outlet into Sonntag-Stevens Ditch by Conway Central Express was approved. So ordered.

RE: COMPLAINT FROM INLAND MARINA RE SILT DISCHARGE

Mr. Jeffers said he received telephone notification this morning from Ron Riecken of Inland Marina concerning a discharge of what he described as a huge amount of silt from areas under construction along I-164 between Wathen Lane westward to the river. He went out with him at 10:30 a.m. and Mr. Riecken showed him the areas he is concerned about. Basically it is a couple of outlets from some borrow pits where the contractor has just cut an opening through to Eagle Slough and then the river went up 30 ft. and brought a lot of silt with it. A couple of other areas under construction have not yet been protected from erosion and are contributing to that -- but the biggest portion is coming out of the borrow pits, where whoever is using the borrow pits cut a big opening into Eagle Slough. He told Mr. Riecken that the Board's responsibility would probably be limited to allowing or disallowing the contractors to cut into Eagle Slough with these

outlets. They would require written permission from the Board in order to do that. His (Jeffers) basic concerns if he makes a recommendation to allow them to do it would be:

- 1) How they are going to control the silt with huge amounts of water like that
- 2) When the river really gets up, it is going to take a different route than it has ever taken before through these openings.

Mr. Jeffers said he has notified one project engineer for the State and he, in turn, is going to notify his superior and they are going to try to get some of the sites under better control. We need to notify whoever cut those opening into Eagle Slough that they need to seek permission from the Drainage Board. But he does want to notify the Board that there are some persons down there affiliated with the Inland Marina who are quite concerned about their basin getting filled with the silt.

Commissioner Willner asked that Mr. Jeffers continue to work on this problem and keep the Board advised.

RE: CLAIMS

Mr. Jeffers said the next Drainage Board Meeting will be the day after Christmas, so he wants to get some of these claims out of the way; he will not be here because he will be on vacation.

Big Creek Drainage Assn. Claim re Buente Upper Big Creek; Final 15% in the amount of \$454.39. This may not be paid until on or after December 26, 1988. All necessary paperwork is attached. (The law requires we withhold 15% for 60 days past the completion of work and certification from the contractor that he has paid everyone.)

Upon motion made by Commissioner Cox and seconded by Commissioner Willner, the claim was approved for payment after 12/26/88.

Big Creek Drainage Assn.: Claim re Pond Flat Main Lateral "E"; Claim in the amount of \$48.81 (final 15%).

Upon motion made by Commissioner Cox and seconded by Commissioner Willner, the claim was approved for payment after 12/26/88. So ordered.

Big Creek Drainage Assn.: Claim for final 15% for work on Maidlow Ditch in the amount of \$345.89.

Upon motion made by Commissioner Cox and seconded by Commissioner Willner, the claim was approved for payment after 12/26/88. So ordered.

Big Creek Drainage Assn.: Claim for final 15% for work on Pond Flat Main in the amount of \$594.23.

Upon motion made by Commissioner Cox and seconded by Commissioner Willner, the claim was approved for payment after 12/16/88. So ordered.

Terry Johnson Construction: Claim for final 15% for work on Aiken Ditch in the amount of \$341.19. Claim can be paid anytime after 12/1/88.

Upon motion made by Commissioner Cox and seconded by Commissioner Willner, the claim was approved for payment after 12/1/88. So ordered.

Terry Johnson Construction: Claim in the amount of \$288.29 for work on Kolb Ditch (final 15%) to be paid anytime after 12/1/88.

Upon motion made by Commissioner Cox and seconded by Commissioner Willner, the claim was approved for payment after 12/1/88. So ordered.

Evelyn Paul: Claim in the amount of \$169.20 for work on Wallenmeyer Ditch (final 15%) to be paid after 12/10/88.

Upon motion made by Commissioner Cox and seconded by Commissioner Willner, the claim was approved for payment after 12/10/88. So ordered.

Evelyn Paul: Claim in the amount of \$1,070.50 for work on Sonntag-Stevens Ditch (final 50%). We withheld the entire 50% until we checked the debris and the ditch passed inspection on 10/10/88. This can be paid anytime after 12/10/88.

Upon motion made by Commissioner Cox and seconded by Commissioner Willner, the claim was approved for payment after 12/10/88. So ordered.

Mr. Jeffers said the foregoing represent all of the final payments -- and every one of those claims is accompanied by a certification from the contractor certifying that the County is not responsible for any debts on those projects.

Terry Johnson Construction: Claim in the amount of \$2,145.16 for work on Eastside Urban (North Half) -- this is from Boonville Highway north. The work was finished over this past weekend. This is for 45%, which brings him to 85% -- and the 45% amount to \$2,145.16. The claim is accompanied by a Surveyor's Report and Inspection Report. The claim can be paid at any time.

Upon motion made by Commissioner Cox and seconded by Commissioner Willner, the claim was approved for payment. So ordered.

Terry Johnson Construction: Claim in the amount of \$5,771.72 for work on Eastside Urban (South Half) -- this is everything south of Boonville Highway. The claim is accompanied by Surveyor's Report and Inspection Report and can be paid at any time.

Upon motion made by Commissioner Cox and seconded by Commissioner Willner, the claim was approved for payment. So ordered.

Big Creek Drainage Association: Claim in the amount of \$671.26 for work on Pond Flat Lateral "C". (85%).

Upon motion made by Commissioner Cox and seconded by Commissioner Willner, the claim was approved for payment. So ordered.

James Adams: Claim in the amount of \$524.79 for work on Keil Ditch (85%).

Upon motion made by Commissioner Cox and seconded by Commissioner Willner, the claim was approved for payment. So ordered.

James Adams: Claim in the amount of \$680.34 for work on Harper Ditch (85%).

Upon motion made by Commissioner Cox and seconded by Commissioner Willner, the claim was approved for payment. So ordered.

RE: PROBLEM WITH BLACKTOP - MILLER TRUCKING

Commissioner Cox asked Mr. Jeffers if he got the problem taken care of with the blacktop and Miller Trucking.

Mr. Jeffers said the problem still exists. That is where some people are building light industry facilities alongside our ditch and we're having a little problem with debris in the ditch. The

contractor could not get his tractor down through there and he directed him to hand mow all trees and brush but go ahead and leave the weeds, etc., because his bid is based upon using the bush-hog and he couldn't get down through there. He did agree to go ahead and mow the trees, rose bushes, etc. Miller Trucking Co. is represented by an engineering company. They had a drainage plan that was passed by this Board and they didn't want to interfere with that. They have been developing an alternate drainage plan (with which Mr. Jeffers has some problems) and he has not yet brought that before the Drainage Board. The amount of brush or rough weeds left in the ditch because of this will not impede the flow of water, but continue to dump debris along the side of these ditches and fill them in. He would like to continue to work with these people to convince them. If not, we'll send them a ten (10) day notice.

RE: GREEN RIVER ESTATES

Secretary Joanne Matthews said we had a check for drain maintenance re Green River Estates Section C-2. Mr. Heston is wondering if the Board ever accepted that check.

Commissioner Cox said there was a problem on that.

Mr. Jeffers said his interpretation of that was that the Contractor agreed to stand by the pipe in the case of any undisclosed defects in workmanship or material. In other words, if something has not come to our attention -- he asked Mr. Heston if everything was first-rate pipe, installed properly, and if there were any defects in the system. Mr. Heston said there was not -- and he would stand by that. Mr. Gwinn wrote everything down and it is in his report. Mr. Jeffers again said he interpreted Mr. Heston as saying he will stand by the quality of the workmanship and the material in the ground.

It was the consensus of the Board that the check should be held another month.

Mr. Jeffers said that as far as he is concerned, the County Engineer's Office accepts those -- not the Surveyor's Office. All the Surveyor is there for is to check the lineal feet. But the check will be presented to the Board before construction. Then, during construction the County Engineer will inspect the installation and accept the check. But this matter has been discussed for a period of time. Give the check to the County Engineer.

President Willner asked if there is any further business to come before the Board. There being none, President Willner declared the meeting recessed at 6:05 p.m.

PRESENT:

Robert L. Willner, President  
Shirley Jean Cox, Member  
Richard J. Borries/Vice President (Absent)  
Sam Humphrey/Auditor  
David V. Miller/County Attorney  
Wm. Jeffers/Chief Deputy Surveyor  
Cletus Muensterman/County Highway Supt.  
Others (Unidentified)  
News Media

SECRETARY: Joanne A. Matthews

*Robert L. Willner*  
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Robert L. Willner, President

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Richard J. Borries, Vice President

*Shirley Jean Cox*

\_\_\_\_\_  
Shirley Jean Cox, Member

DUE TO ORIGINAL SIGNED DRAINAGE BOARD MINUTES FOR NOVEMBER 28, 1988 BEING MISFILED, A SECOND COPY OF MINUTES FOR NOVEMBER 28, 1988 WAS TRANSCRIBED AND SIGNED.

MEETING OF THE VANDERBURGH COUNTY  
DRAINAGE BOARD

NOVEMBER 28, 1988

The meeting of the Vanderburgh County Drainage Board will come to order pursuant to adjournment. I have two sets of Minutes that need to be approved, one is from October 10 and one is October 24.

We also have Minutes from September 26 to approve, don't we or did we do that?

Must have, I have October 10 and October 24.

You approved September 26 on October 24.

We sure did, okay.

Of course, you have to approve October 24 to make that official.

I am going to move that the Minutes of the Drainage Board Meeting of October 10 and October 24 be approved as endorsed by the Auditor . . . .

I will second.

So ordered.

To get started, I do have a check here from Union Federal Savings & Loan Association in the amount of \$455 representing the fifty cents per lineal foot for Newcombs Addition. Bill is not ready to call that adequate so we'll hold this off until next meeting.

That fine, or you could accept it pending verification.

I would rather, is that Peach Blossom? I haven't even seen a drainage plan out there.

There was one.

Then how do we know how many feet we're going to be maintaining?

I think there were some physical measurements made.

You will approve that next time?

Yes sir.

Is this a new subdivision?

No, it's an older one that was affected by I-164 construction, I think most of what's there is reported on the I-164 plans.

Then it would be my recommendation that the Commission not accept any escrowed deposits on anything other than brand new subdivisions and that is part of the recommendations that I have to make when Mr. Borries comes back here. I think that we need to graduate deposits based upon the age of the subdivisions.

I think as far back as you retroactive was around five or six months, when you first passed your mortgage, you went back to the first of the year.

That's right.

And anything . . .

I move that the check be . . .

We don't know whether the improvements were made though or what date they were made, we don't know that.

These might be brand new improvements. It's an old subdivision but it might be brand new improvements.

I really don't know that much about it, you should ask Mr. Dick Loon about it. I don't know, sorry.

Well, we'll hold that until the next meeting.

On October 24, the Board opened five bids for duke and silt off the bottom of Stofflet ditch and the low bidder was Blankenberger Bros. at forty-four cents per foot. The next low bidder was Jerry Aigner Construction, fifty cents per lineal foot. A notation was made that no financial statement was enclosed with Blankenberger Bros. bid. Blankenberger Bros. had submitted a bid for another project on October 10, 1988. They bid some work on Big Creek and had submitted a financial statement at that time 14 days earlier. We're using a new bid form and I was not familiar with the bid form and referred the questions to the attorney on whether we could accept the financial statement of 14 days earlier or whether the fact that the financial statement disqualified the bid of Blankenberger Bros. and postponed the award or recommendation on the bid until we heard back from the lawyer.

My recommendation for the record is that I think the previous financial statement being in our hands is adequate to protect the County, the requirement for the financial statement for our protection, and I do not see the necessity to reject this bid because of that defect although it is clearly a defect. We think we have the right to waive it since we have another financial statement on file for such recent bidding. The bidder should be advised of the problem that the bidder should be required to submit a financial statement for the record.

Your recommendation, Bill?

Vanderburgh County Surveyor's recommendation would be to accept the lowest qualified bid.

I would move then that the bid for the Stofflet ditch work be awarded to Blankenberger Bros. at the rate of forty-four cents per lineal foot for a total of \$2, . . . .

I'll second.  
So ordered.

We'll waive the financial statement in accordance with Mr. Miller's statement.

Now talking about financial statements, there was also some question over which financial statement we were going to require, 96 or 96A, has that ever been determined?

As long as the lawyer is here to, correct me if I'm wrong, I was told that a financial statement is done at the end of the year, December 31, is audited by the CPA and that anything after that, you know these interim things are just done in-house and they might not be audited by a CPA so they wouldn't be workable, do you know what I'm saying?

A financial statement could be audited as of any date.

But with the requirement for our bidder, I think this is what we need to determine, if the bidder has a financial statement on file with Vanderburgh County as of January 1, 1988, for previous year 1987, is this petition for any of his bids that he makes . . . next fiscal year.

Well, the new bid form says it has to be attached to the bid.

Well, couldn't it be a copy of that?

Yeh.

But a financial statement within less than 12 months of the date of the bid is regarded by the financial community as that, and so I can see a reason why we should regard it . . . I know of no statutory . . .

Well, most of the contractor's prefer to send the year-end financial statement because they say that was audited by a CPA and anything in between was just . . .

Well, they're not always audited by a CPA but . . .

Is that on a standard form?

Not on a form that we supply them, no.

They're supposed to staple it to the bid form. I guess it's a form that the company uses.

Well, I thought we were talking about form 96 and 96A.

That does not have a financial statement incorporated into the form.

This form 96 has been revised. It is the one that requires a financial statement.

Right, there is no financial statement incorporated in that form.

Okay, so then that is not a problem. On the new form, they staple their . . .

Staple a recent financial statement . . .

We don't have any subdivisions to come before the Board today that are on the Area Plan Commission agenda for next month however we have one apartment project that you may want to take a

look at now because the representative of the developer is in the audience and that is, Campus Apartments, Phase II. I haven't taken a real close look at the overall drainage plan as it's a recent submittal. However, the representative of the company here has told me that they really only wish to start construction on the area for unit #1 of 16 and that area is approximately one acre. And that if he could get consent full drainage approval on the overall plan and in particular approval on this one acre he will be able to proceed this winter with construction of unit #1. Do you have any questions of our office?

Now is this for some Higher Education Foundation or is this something . . .

This is the project out there, I'm Ken Ubelor of the Lincoln Corporation representing I guess your Campus Apartments, Phase II. The project that we have for you here is the project of eight buildings for use out there on the new campus addition project, it's Mid-America Housing. When I went to, we have furnished Mid-America Housing workman, Mid-America Housing on the overall . . . for all eight units. And in particular tonight, they want to proceed with one building and then we went to the . . . they are not familiar with how your system works, but we went to the Area Plan Commission over there and they said that one thing we needed to do, we needed to get approval from the Drainage Board on the project for them in order to, when we get all the rest of our stuff in line that that was one of the things we had to do is get approval from the Drainage Board so this is one phase of the process of getting a building permit for that building.

Bill, do you have a drainage plan?

I've given my copy of the drainage plan to Mrs. Cox to look at.

Do you want . . . briefly with her because the hour is late?

Probably get through by 3:30 on this clock if I hurry.

In talking with Mr. Ubelor, is that the correct pronunciation, this afternoon and looking at this one acre, we just want to separate out that one acre, our office would be willing to say 'go ahead' if Mr. Ubelor and his company or whoever constructs this one building and parking lot would do the following: After the earth is disturbed within 45 days of disturbing the earth, would surround the project area with necessary erosion control measures such as straw downs and erosion control fabric to keep any run-off of silt from a typical mid-winter construction site from running off and damaging any adjacent properties particularly along the west edge of what's shown as Mahrenholz Drive adjacent to Lot 12 of the residential subdivision.

That is a non-existing road.

The road will have to be constructed as a construction egress, will it not?

That's the one that I think the County and Bill O'Daniel have been talking to the people about the County constructing a road out there . . .

They can use that as is . . .

If they use what's being called Mahrenholz Drive . . .

You need a driveway permit to enter in onto a County road where there is no driveway permit.

Assuming they have all the proper permits . . .

This is one step that we're going through to see if we can ever get a building permit to build a building.

They have already used that . . .

Maybe I'm missing something here, I haven't been to the Commissioner's meeting for a while, I know that Mahrenholz Drive, I noticed that in the minutes, however I'm only looking at this from a drainage point of view, for this one acre plot. I do know that there has been some discussion about appropriating this whatever Mahrenholz, I haven't been out there, I don't know what it is, but this area being called Mahrenholz Drive which I'm saying is an extension to the west of the existing Mahrenholz Drive.

That's wrong.

Isn't that to the west?

Mahrenholz Drive goes west and then it goes north.

A continuation of the, to get to the curb at Mahrenholz due west onto this parcel, that portion of the drive, it does not now exist and is being talked about being built. All along the west edge of it adjacent to Lot 12 of the residential subdivision should be lined with straw bales to keep any silt or other water borne debris from washing onto Lot 12 during the construction phase. Along the east boundary of this one acre parcel for building #1 should also be lined with straw bales or other type of silt fan . . .

. . . we can control the erosion off the far end down here.

What I'm saying is that the surveyor's recommendation to pass this limited portion of the drainage plan, would be based on some form of erosion control, whether it be straw dams or other types of silt barriers to keep any silt from leaving this site and going on to adjacent property. Approved methods, the methods will have to be approved by the Building Commissioners. In other words, if we go out there and find that the measures that you've taken are not adequate to keep silt from running off here, you'll have to take adequate measure to keep it from happening. It's the same project.

Campus Apartments are right here.

It shouldn't be Campus Apartments Phase II. Wasn't it Mid-America Housing?

It's MASH.

You can call it the MASH project I guess.

It says Campus Apartments, Phase II, that's what it says here.

I mean don't suppose that the County Commissioners have some reason to change some other name, I don't think anybody really cares what we call it.

No, I just wanted to know, I didn't know it was one and the same thing. I thought it was an entirely different

. . .

Could we make it in a motion here that Campus Apartments, Phase II and this other one is all the same deal?

No, she just asked a question.

No, I just needed a clarification on it.

Have I not adequately described the parcel I'm talking about?

Yes.

Absolutely.

310 feet along the east line, 220 feet along the west line, 150 feet along the north line and the cut-off place is 110 feet on the southwest line and 85 feet on the south line. Next to a strip of brown labeled Mahrenholz Drive which actually is an extension of Mahrenholz from where it no longer goes west and turns and goes north. Basically what we're saying, if the developer contains all water borne silt and other debris from the construction site from running off and on to other property during the winter time phase of this project, and basically directs the majority of his water to the southeast corner of this one acre parcel, where he has some arrows running off to the south called 'proposed drainage' into an existing gully that runs down to a 30" corrugated metal pipe under Clark Lane, it has an invert elevation of 474.1 feet above sea level, if he directs most of his drainage to that corner, and spills it out of his project there and constructs a swail down hill into the existing gully where I understand there is a rock ledge under which a big pile of brush has been piled to prevent erosion and that the swail be capable of carrying at least 6 cubic feet per second and be lined with erosion control fabric kept in place until spring at which time he'll have to redo it sufficient for grass to grow in that grassy swail, that we will take another look at the rest of this as it develops and as is necessary for the Drainage Board to review it in 1989. That is to give the man an opportunity to start construction or at least pursue the permitting process from today on.

Do you agree to those terms?

Sure.

Now, when I say 6 cubic feet, what I'm basically saying is that this one acre may run off 100% of what falls on it in a 6" rain. We've only had one 6" rain on the west side in a long, long time, last year.

Is that gully big enough to hold it?

Yes it is and . . . If the ground freezes solid and we get a 6" rain on one acre, I want that swail to be able to handle it until

it gets down to that natural gully, I don't want to see any mud washing down Mahrenholz, whatever you call it, onto . . . or anywhere else, over to these existing buildings and what used to be Bob Griese's apartments, I don't know what it's called now.

Campus Apartments, Phase I.

He knows his name would be mud if that happened.

That's right. And the other stipulation would be that the County Engineer, if the County so ends up designing and building Mahrenholz extension, would design it so that any small amount of water, if this man follows this grading plan, there will be a very small amount of water leaving or running Mahrenholz extension, if it's built, that the County Engineer will design that extension so that that water will also be taken through this natural gully and not back over onto Lot 12 and no way . . . the house on Lot 12 or any other existing structures. Then I think we can look at the rest of this drainage plan because the rest of it basically flows off into some other natural gullies in certain directions. We can look at the rest of it at a later date, obviously he's got several buildings he may end up building, what 16 units?

He estimated eight buildings, 16 units.

Eight buildings, 16 units each.

But they'll have to come back.

We can look at the other seven when he's ready to come back with a total plan.

This is drainage for one?

Building #1, an approximately one acre parcel which is outlined by a dark ink line and identified as 'Building #1' on this plan.

Okay, any questions?

Now I'm only looking at the drainage of it so let him go forward with this permitting process.

May I have a motion?

I move that the conceptual drainage plans for Campus Apartments, Phase II, Building #1, be approved with the recommendations of the surveyors . . .

Seconded.  
So ordered.

Now I'm sure I'll be out there to check it out.

You don't need to go out.

I mean somebody's going to call me sooner or later and say . . .

In all fairness, I don't think we'll have any problem on the site as far as drainage is concerned, I talked to those people numerous times out there and the drainage for that one piece of ground is minimal . . .

We discussed this last month, Koester wants to relocate . . . at no cost to the County. He's presented us with a plan and the only alterations I made to it is we want a 25' work area along the north and west side of the new ditch, a level area for our mowing tractors and excavators, etc., and would allow him to use a 1 to 2 slide slope to compensate him for some of that extra area.

This area over here is adjacent to Green River Road and could be used for equipment storage, whatever, built up, he just wants to take this light blue line which is the existing ditch and move it over here so he can build this area up for storage. The benefit to us is that we get a new ditch; the benefit to the State is this pipe right here is 3' too low. When they extend it out under I-164, it won't drain. They're putting a new pipe down here under Green River Road and Mr. Koester will drain this new ditch so that the State can come in at his property line, which is marked in pink, and excavate their new ditch back to that pipe and drain it thereby relieving K1 pumping station.

And your recommendation?

Is this going to be a pipe in the ditch?

No, ma'am, that's an open ditch. Open ditch all the way. My recommendation is let the . . .

May I have a motion?

I move that the proposal from Koester Contractor regarding the Eagle Slew Ditch relocation plan . . . dated November 18, 1988, be approved.

Thank you.

I'll second.  
So ordered.

I'm sorry, Mrs. Cox, you read Eagle Slew off the plan, he mistakenly labeled that Eagle Slew, it's actually Aiken Ditch. It's an extension of Eagle Slew.

Let the change be noted.

I thought it was on the other side of the highway.

Right, it should be called Aiken Extension actually, it used to be . . .

Should this be corrected on here?

Yes, I'll have them correct that, I pointed it out to him, he may have corrected it, no he didn't. I'll have him correct that, it is Aiken Extension.

I'm sure it is because that's what our minutes say.

From Green River to the levee.

We have a small tract of land on Hitch Peters Road just north of Lynch Road in the City of Evansville. A trucking company, Conway

Central Express, also . . . known as CDI, Inc., are asking for a pipe outlet into Sonntag Steel as a legal drain in Vanderburgh County maintained by . . .

(Turned tape over and the speed was set too fast and sounded like chipmunks. I was not able to turn the speed down on the transcriber and type this).

APPROVED THIS 13<sup>th</sup> DAY OF FEBRUARY, 1995

\_\_\_\_\_  
COMMISSIONER WILLNER

*Richard J. Borries*  
\_\_\_\_\_  
COMMISSIONER BORRIES

\_\_\_\_\_  
COMMISSIONER COX

MINUTES  
DRAINAGE BOARD MEETING  
DECEMBER 27, 1988

I N D E X

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Meeting Recessed at 4:15 p.m.	

MINUTES  
DRAINAGE BOARD MEETING  
DECEMBER 27, 1988

The Vanderburgh County Drainage Board met in session at 3:30 p.m. on Monday, December 27, 1988

The meeting was called to order by President Robert Willner, who said approval of minutes of November 28th will be deferred.

RE: CEDAR CREEK ESTATES

Mr. Jeffers reported that the design was done by Bill Nicholson and presented to the Commissioners for their review. The drainage plan was approved around April 1987. At first, Cedar Creek and Jonothan Estates came in as one unit, done by Accu Survey. They then broke it in half and the triangular piece was Cedar Creek. To satisfy the 2-1/2 acre requirement, they went back across the creek and took some of Jonothan and added it to Cedar Creek. He thinks they had five or six lots or something like that. But Cedar Creek is simply taking the triangular piece on the southwest side of the Creek, calling it Cedar Creek and breaking it into four approximate 2-1/2 acre lots. He showed Mr. Nicholson all the information we had in the file (where Cedar Creek had been designed by Accu Survey, but never passed Area Plan Commission -- because of things other than the drainage plan. There were concerns other than drainage that caused it to bog down in APC. There were four requirements for it to pass drainage and that was that they dedicate 30 ft. for one-half the easement or one-half the right-of-way on Schaeffer Road, 30 ft. for one-half the right-of-way on Mohr (which is shown by Mr. Nicholson on the plan), that they dedicate some extra easement up in the upper left hand corner of the subdivision for maintenance of the culvert installed in 1984, and that they dedicate extra easement in the bottom right-hand corner of the subdivision for the same reason (to maintain an existing concrete box culvert)-- that just gives County crews room to get in there and work if need be, that the channel be lined with erosion control mat (he shows that in his plan), and we asked for an area alongside this creek approximately equal to the 100 year flood elevation to be set aside as a floodway easement. Mr. Nicholson took Accu Survey's design and the requirements laid down by the Drainage Board in April 1987 for passage and incorporated same into his plan. The Surveyor's recommendation is to pass the drainage plan for Cedar Creek Estates, as designed by Mr. Nicholson.

Following lengthy discussion between Messrs. Jeffers, Nicholson, and the Drainage Board, based upon recommendation of the Surveyor's Office and the comments made by Mr. Nicholson, the drainage plan for Cedar Creek Estates was approved upon motion made by Commissioner Borries and seconded by Commissioner Willner. So ordered.

RE: UNIVERSITY VILLAGE (WAL-MART WEST)

The Board asked Bill Jeffers and Tom Williams to continue to review Wal-Mart West and keep them apprized of development out there. City Engineer Tom Williams and himself (representing the County Surveyor) found no problems with Wal-Mart West as it developed into a final drainage plan that they could move forward on Messrs. Williams' and Jeffers' say-so. Wal-Mart's developers (Regency Associates) working on plans by Sain Associates of Birmingham, AL has moved forward in the development of the

Wal-Mart West drainage plan. They did submit to the Surveyor's Office a copy of a letter from the DNR (Department of Natural Resources) saying that there was no problem with the fill being placed along their north line adjacent to the branch part of the creek, and they have done so. They have revetted that fill with broken rock mostly from the site. That fill had a large quantity of rock product in the sub-surface. They did encounter some pretty heavy rock in places and decided to divert one run of pipe back to the northeast corner of their development. They took a parcel that previously was an out lot that could have been used commercially and developed it into a second detention basin. He's been out to the site and progress indicates that they're doing an admirable job. They now have two (2) detention basins and they divided the parking lot run-off into both detention basins. Tom Williams reviewed these plans and told Mr. Jeffers he had no problem with it and he (Mr. Jeffers) has no problems with it. Mr. Dave Waniger from Regency Associates is here in the audience today and he is asking for final approval of these sheets that comprise the final drainage plan for what officially is called University Village, which is adjacent to University Shopping Center.

In response to query from Commissioner Borries, Mr. Jeffers said it is the recommendation of the Surveyor's Office that the drainage plan be approved. Mr. Tom Williams has indicated no objection (part of it is in the City and part in the County).

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the final plans as reviewed by the County Surveyor's Office were approved, as submitted, for the County portion. So ordered. (Mr. Jeffers reiterated the plans have been reviewed by both the City and the County and no problems have been found by either governmental body.)

RE: NEWCOMB'S ADDITION

Commissioner Willner asked Mr. Jeffers if he has seen the check for Newcomb's addition for sewer fee, etc.

Mr. Jeffers said it seems like that came up last time.

Mr. Willner said Mr. Jeffers was going to check to see if the footage was correct (910 l.f.).

Mr. Jeffers said he has not checked this yet. He thinks the Board also discussed that this was constructed well before the passage of the Ordinance.

Mr. Willner said the Attorney advised the County that we might need a greater fee.

Mr. Jeffers said that is correct, because we are not accepting a new installation but something that is several years old.

Commissioner Willner asked if Mr. Jeffers has any recommendations?

Mr. Jeffers said he does not.

Commissioner Willner asked if Mr. Jeffers has a price in mind?

Attorney Miller said the County has been discussing over the past several months the possibility of amending that ordinance to take into account all the subdivisions in process by which the County, if at all, will become involved in the maintenance of storm sewer systems in existing subdivisions and most of the new subdivisions. The ordinance currently on the books was clearly to relate to installations that are new at the time the check is submitted and where we have a chance to inspect as they are being

installed and approve -- so that we know what we are taking on. He thinks that this check ought to be returned to Mr. Newcomb with a letter to that effect and he would like to recommend that the new County Engineer, Mr. Jeffers, and himself meet early next year to attempt to develop a plan for the determination of what should be recommended to the Board in terms of appropriate charges for escrow accounts on older systems and what other steps would have to be taken. It is going to be a complicated ordinance, if it is passed at all. He thinks we've had enough time to think about it and it is time to put a plan into action. But, in his opinion, this check is inappropriate and should be returned.

RE: TRANS AMERICAN ENERGY ASSOCIATES, INC.

Mr. Jeffers said that Trans American Energy Associates, Inc. came before the Board of Commissioners about two weeks ago re AT&T Fibre Optic Cable System through the northern part of the County and told the Commissioners that they would be coming before the Drainage Board with showing how they are going to cross our ditches. This involves Rusher Creek, Pond Flat Lateral "D", Pond Flat Main, Pond Flat Lateral "A" -- and then they don't identify Pond Flat Lateral "B" -- but they may be crossing it. All of these ditches are between Baseline Road and Interstate 64. They have sent the Surveyor's Office a typical cross-section of how they intend to cross the creek. It shows that their fibre optic cable will be a minimum of 84 inches under the bottom of the ditch, a minimum of 48 inches underground at the top of the bank, housed in 4 inch steel pipe, and meets with the approval of the Surveyor's Office. The Surveyor's Office would ask the Commissioners to forward written permission to Trans America Energy Associates or authorize them to do so -- written permission from the Drainage Board, so that they may proceed.

Commissioner Willner asked if the County Attorney wasn't to provide input concerning this? He believes this was the case -- because it had to do with roadways and railroad right-of-way, also.

Mr. Jeffers reiterated that it will require written permission from the Drainage Board for them to do what they want to do.

Commissioner Willner said Attorney Miller was to include a notation from his office as to what we required the last one to do.

Attorney Miller said he spoke to the man last week and we have an Indemnification Agreement in process that will be sent to them for their execution -- and as soon as that comes back, they can start.

RE: EAGLE SLOUGH

Mr. Jeffers submitted copies of transmittals which have been going back and forth between lawyers, the Surveyor's Office, and Traylor Bros. and the IDOH regarding Eagle Slough -- and he said he would keep the Commissioners on top of that. (No copies given to the secretary.)

Commissioner Willner asked if they have caused any new cuts to be made in Eagle Slough since the letter dated December 13th?

Mr. Jeffers said that, to his knowledge, they have not. They kind of closed down for the winter as of December 13th or so. He did notice at that time that they had done a substantial amount of installing new straw bales and other erosion control measures since his previous visit when he first reported to the Commissioners.

RE: CONTRACT WITH BLANKENBERGER BROS. RE STOCKFLETH DITCH

Mr. Jeffers said he has a contract with Blankenberger Bros. concerning Stockfleth Ditch to be approved. This is in connection with Royal Commercial Subdivision and Virginia Street, Royal Street, etc., can drain into Stockfleth Ditch. He would ask the Board to sign the contract -- and the contractor would agree to finish the work on or before the 31st day of March, 1989. (Initially this was to have been done by the 31st of January 1989 -- so this is an extension of 90 days.)

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the contract was approved and executed. So ordered.

RE: MOTZ ROAD

Commissioner Willner said we need to get Motz Road going. How far along is the Surveyor's Office on this?

Mr. Jeffers said he believes they gave them enough information to finish the design from the County Line up to within about 800 ft. of the St. Wendel Rd. At that point they ran into some peculiar problems with the terrain and some decorative brick walls, lakes, etc. If the weather stays as it is, they can go out and start surveying again the first week of January -- even if it gets colder (they're not worried about the cold). He's not really sure as to how much additional information they are going need besides cross-sections. In other words, utility poles that have to be moved, mail boxes, fences, etc. -- this could become very lengthy. They may have to have some additional manpower, because at that point it doesn't have much to do with surveying -- it's just pulling the tape measure from a known point to a known obstacle. For instance, they counted approximately 200 good sized trees out there.

Commissioner Willner requested that Mr. Jeffers sit down this week with the new County Engineer and go through this with him. We need to acquire the property -- do we have enough detail to do that?

Mr. Jeffers said it is his understanding that the majority of the property that is going to be acquired is on the south side of the road -- from the bottom of the hill to the County Line. They have enough information for this. But going up that hill, they probably don't have enough information for them to acquire the right-of-way, particularly at the intersection of St. Wendel and Motz Road.

Commissioner Willner requested a review immediately after the first of the year to see what we really need. He understands Mrs. White is going to get those right-of-ways for us -- and she needs to get started.

Mr. Jeffers said he has enough information for her to begin to start with those people who have indicated that they are willing to give right-of-way. He doesn't have enough information for some of the people who may prove to be a stick in the mud.

RE: CLAIMS

Ralph Rexing: Claim in the amount of \$632.01 (85% of bid)  
Pond Flat Lateral "A"

Ralph Rexing: Claim in the amount of \$332.84 (85% of bid)  
Pond Flat Lateral "B"

Ralph Rexing: Claim in the amount of \$544.90 (85% of bid)  
Pond Flat Lateral "D"

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the claims were approved for payment.

Union Township Drainage Assoc.: Claim in the amount of \$853.74  
(85% of bid)  
Kamp Ditch

Union Township Drainage Assoc.: Claim in the amount of \$4,475.25  
(85% of bid). (We are holding \$789.75, because we need to check  
1,500 l.f.. to see if it was completed. If it is completed, we  
will pay them the remainder.  
Helfrich-Happe Ditch

Union Township Drainage Assoc.: Claim in the amount of \$8,840  
(85% of bid). We're holding 15%.  
Cypress/Dale/Maddox Ditch

Union Township Drainage Assoc.: Claim in the amount of \$785.15  
(85%)  
Mowing of Edmond Ditch

Union Township Drainage Assoc.: Claim in the amount of \$425.85  
(85%) Barnett Ditch

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the claims were approved for payment. So ordered.

Eugene Rexing: Claim in the amount of \$269.50 (100% of bid) -  
(Work was completed before November 1st).  
Singer Ditch

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the claim was approved for payment. So ordered:

Terry Johnson Construction: Claim in the amount of \$1,923.91  
(Retain 15%)  
Eastside Urban - South Half

Terry Johnson Construction: Claim in the amount of \$266.07 (this  
will bring him to 85%, we are still holding 15% for another 30  
days).  
Henry Ditch

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the claims were approved for payment. So ordered.

John Maurer: Claim in the amount of \$557.10  
Hoefling Ditch (100%; job completed before 10/31/88)

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the claim was approved for payment. So ordered.

Evelyn Paul: Claim in the amount of \$3,074.36 (85%)  
Barr's Creek

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the claim was approved for payment. So ordered.

Albert Steckler: Mr. Jeffers said if he had any money, he'd buy a plaque for Mr. Steckler. Baehl Ditch looks better than it has ever looked since 1981 (when he started with the County). Mr. Steckler sprayed it three or four times. Claim in the amount of \$826.80 (100% of bid; work completed on 10/20/88)

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the claim was approved for payment. So ordered.

John Mans, Inc.: Claim for additional maintenance to Pond Flat Main. This is a project where we cleaned an additional 2,500 l.f. at \$1.50 per lineal foot for a total of \$3,750. Big Creek Drainage Association agreed to pay 50% of that amount -- so the claim is for only 50% (\$1,875.00).

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the claim was approved for payment. So ordered.

Mr. Jeffers said he thinks the only claims he will be bringing to the Board in 1989 will be those 15% retainages we hold. Basically, the suppliers have 60 days to come to us and say the man hasn't paid -- and then he certifies that he has paid.

It was the consensus of the Board (and Mr. Jeffers agreed) that this is ridiculous for a \$285.00 bid. Mr. Jeffers said he can understand it on a \$5,000 contract where we hire Contractor "A" for \$5,000 and he hires Contractor "B" to do the work and then we pay him up front at the completion of the project and Contractor "B" comes back and said he's never been paid and he's going to sue us. But these farmers who are bidding these ditches for \$285.00 and going out there on their four-wheelers and back-packing their chemicals in, etc., he doesn't get it. They can't even get their money before Christmas.

Attorney Miller suggested Mr. Jeffers ask them when they bring their bill to bring him a signed statement that they certify they purchased all their materials from the following place or places and then underneath that, waivers of lien from those places.

Mr. Jeffers said this is a lot of paperwork for them.

Attorney Miller said it is just one (1) sentence. "The foregoing amounts have been paid by "John Doe" and no further money is owed and I waive my lien rights." When they get into the business they've got to do it the right way. There are two ways to do it -- they either give us the waiver or wait for their money.

In response to comment by Commissioner Willner, Mr. Jeffers said he can put in the specifications that it will be handled this way for annual maintenance bids under a certain amount -- such as under \$5,000. Attorney Miller said even if it is over a certain amount, if they bring him a lien waiver he can pay them. But they have to give him a lien waiver from all their sub-contractors.

Mr. Jeffers asked if, when he meets with Attorney Miller on this subdivision matter, can he also write down what he is talking about so he will get it right? The Board granted permission to so do.

RE: GREEN RIVER ESTATES - SECTION C-2

Mr. Phil Heston, developer of Green River Estates, said some time ago he submitted a check for approval of the drainage when the streets were approved a little over a month ago -- and the Drainage Board was to have met shortly thereafter. He checked with Mrs. Matthews and he understands she had his check in the file at that time. He had promised, also, that certain things would be done and he has submitted a letter today that those things have been done. He didn't know whether this check had been overlooked or held for a particular reason, or whether he should come back at the next meeting -- but this is for the

drainage in Green River Estates Section C-2, for the drainage to be approved and exempted by the County Drainage Board for maintenance. The check was dated November 4th.

Commissioner Willner said it is not just the drainage plan -- it is the roadway.

Mr. Heston said the roadway has already been approved by the Commissioners. But the Drainage Board wasn't meeting that same day and he did not attend the next Drainage Board Meeting -- so maybe the matter just didn't come up on the agenda.

Mr. Jeffers said an inspection was made by representatives of the County Highway Department, the Engineer's Office, and the Surveyor's Office and the Commissioners have in front of them some handwritten notes from that inspection. He believes he also sent them a note of his own saying he did participate and agreed with those four conditions. He would like to call the Board's attention to Condition #3, which applies directly to the matter at hand of accepting or rejecting this \$425.00 check for that run of pipe.

Commissioner Willner asked if Mr. Jeffers now has a letter that all four of these items have been .....

Mr. Jeffers said if we have such a letter, it probably would have been handled by Mr. Dick Gwinn.

Commissioner Willner asked Mr. Heston if he is now ready for the re-inspection?

Mr. Jeffers said he is going to be on vacation until the first of the year; he will be happy to do the re-inspection the first week of January (he will return to work January 3rd). According to the Ordinance, when Mr. Heston notifies us the repairs are complete, the Ordinance allows us 21 days to inspect.

Commissioner Willner requested that Mr. Jeffers put this on his agenda for January 3rd.

There being no further business to come before the Drainage Board, Commissioner Willner wished everyone a Merry Christmas and Happy New Year and recessed the meeting at 4:15 p.m.

PRESENT:

Robert L. Willner/President  
Richard J. Borries/Vice President  
William Jeffers/Chief Deputy Surveyor  
David Miller/County Attorney  
Cindy Mayo/Chief Deputy Auditor  
Phil Heston  
Others (Unidentified) News Media

SECRETARY: Joanne A. Matthews

  
Robert L. Willner, President

  
Richard J. Borries, V. President

## CONTRACT

THIS AGREEMENT, made and entered into at Evansville, Vanderburgh County, Indiana, by and between the County of Vanderburgh, Indiana, acting by and through its DRAINAGE BOARD, hereinafter designated as the "BOARD" and Blankenberger Brothers, Inc., RR# 1 Box 69, Cynthiana, IN 47612, hereinafter designated as the "CONTRACTOR".

### WITNESSTH THAT

1. Pursuant to Resolution properly adopted, Indiana State Statutes and notice given according to law, the Contractor did heretofore, on the 24th day of October, 1988, submit its written bid and proposal to the Board covering the following described ditch maintenance to-wit:

Repairing the bottom of Stockfleth Ditch by excavation for approximately 5000 feet, as described in the project documents, drawings and specifications for "PROJECT NO. VCS-234-015-1088-SFB, ADDITIONAL MAINTENANCE TO STOCKFLETH DITCH" and all addenda attached thereto.

2. That the bid and proposal of the Contractor was made pursuant to and in accordance with plans, drawings, profiles and specifications prepared by the Vanderburgh County Drainage Board and on file in the Surveyor's Office, Room 325 Civic Center, Evansville, Indiana for the inspection of the Contractor; and the Contractor does hereby admit full notice of all matters contained in the said plans, drawings, profiles, specifications and any addenda thereto.

3. That the bid and proposal of the Contractor submitted to the Board as hereinabove described was in the amount as follows:

\$0.44 times 5,000 lineal feet for a total bid of \$2,200.00

and was on November 28, 1988, duly accepted by the Board.

4. The Contractor does hereby expressly agree to perform all work in the prosecution of the above described maintenance according to the terms and conditions of the said State Statutes Resolutions and the said plans, drawings, profiles and specifications and to the entire satisfaction of specifications which are hereby adopted as a part of this Contract and are accepted as such by each of the parties hereto.

5. The Contractor agrees to complete said maintenance on or before the 31st day of January MARCH, ~~1988~~, 1989, and to maintain and keep in good repair to the satisfaction of the Board until final inspection and approval of specified maintenance, without cost to the Board or the property holder whom may be assessed for the cost of said improvement. If, at any time

during said period the work or any part thereof shall, in the opinion of the Board or of the Vanderburgh County Surveyor require repairs, the Contractor shall, upon notice immediately make such repairs and in case of his failing to do so within ten (10) days from the service of such notice, the Board shall have the right to purchase such materials as it shall deem necessary and to employ such persons as it may deem proper and to undertake and complete said repairs, collecting the cost thereof from the Contractor and the sureties on his bond, jointly and severally.

6. The Contractor agrees that, in the prosecution of said work, the highest degree of skill and care will be exercised; that the Contractor will properly and fully guard and protect all excavations of dangerous places and will use all due proper precautions to prevent injury to persons or property; that, for and during the time of the making of such improvement and the period for which the same is to be maintained and kept in repair by the Contractor, the County of Vanderburgh and the Board shall be saved harmless from any and all liability whatsoever growing out of any injury or death or damage to property or persons because of any negligence or fault of the Contractor.

7. It is agreed by and between the parties hereto that the Board shall withhold final payment, hereunder, in an amount equal to fifteen percent (15%) of the contract price for a period up to sixty (60) days after acceptance of the work by the Board; that the Board may make said final payment within sixty (60) days after said acceptance upon acceptable evidence being presented to the Board that Contractor has paid all laborers, material suppliers and subcontractors furnishing labor or material hereunder.

8. The Board, acting for and on behalf of the County of Vanderburgh, Indiana, agrees to pay all sums due to the Contractor or to any persons or person furnishing any material whatsoever, and to pay any laborers employed for any work done in the prosecution of said Contract, all in a total sum not to exceed the amount of the Contractor's bid and proposal which is herein above set forth.

9. It is understood and agreed that Vanderburgh County, Indiana shall be liable to the Contractor for the contract price of such improvement, whether represented by bond or assessments, only to the extent of monies actually received by said County from assessments or bonds growing out of said improvement.

10. Should the Contractor fail or neglect to prosecute said work with such vigor as, in the opinion of the Board, will permit the completion of the same within the time specified herein then the Board may, in its discretion, declare this Contract to be null and void and adjudge the same to have been abandoned and forfeited, as the Board may elect, and the Contractor and the surety shall be liable for all damages which may accrue by reason of said failure including, but not limited to, the cost of inspection and attorney's fees; and in such event the Contractor shall be entitled to no payment or recovery from the Board or from the property owners for work performed or materials furnished under the Contract.



MINUTES  
DRAINAGE BOARD MEETING  
JANUARY 23, 1989

The Vanderburgh County Drainage Board met in session on Monday, January 23, 1989 at 6:35 p.m. in the Commissioners Hearing Room, with Commissioner Borries presiding.

The meeting was called to order by Commissioner Borries, who said there are no minutes ready for approval today.

RE: METRO CENTER EAST

In addition to the Commissioners and the Chief Deputy Surveyor, also present were Messrs. Norm Wendholt and Hal Kramer, representatives of the Premier Group -- the developers of Metro Centre East.

Chief Deputy Surveyor Bill Jeffers said Metro Centre East is partially in the City and partially in the County. He submitted the following Summary of Review - Drainage Plans for Metro Center East:

The Vanderburgh County Drainage Board should be alerted to the following items regarding Metro Center East:

- 1) The plan for Metro Centre East, like the drainage plan for Royal Commercial Subdivision, uses a runoff coefficient of 0.2 to develop the pipe sizes for the storm sewers.

A C-factor of .2 indicates that 20% of the rain which falls on the farm ground to be developed runs off into Stockfleth Ditch, and the rest stands in the field and evaporates.

A C-factor of .2 was arrived at from the Spooner Report done for the County during the reconstruction of Eastside Urban Drain and Harper Ditch.

Using a C-factor of .2 has the following effects on Metro Center East, Royal Commercial Subdivision, and any ground developed in the same watershed using the same storm system:

- a) The pipe sizes developed for Metro Center will handle a 25 year storm only if the runoff is detained on-site and limited to a discharge rate developed by using C=.2 in the Rational Method.
- b) If the runoff is not detained on-site the system will be overloaded.
- c) There is no detention basin serving Metro Centre planned to be constructed by the prime developer.

Therefore, accommodations for detention of storm water must be made for each lot or for combinations of lots as they are developed.

And the site plans submitted to the Vanderburgh County Building Commissioner prior to building permit issuance should show the exact method of detention.

- 2) The benefits of restricting the quantity of runoff to that Qfs arrived at using  $C=.2$  are:
  - a) The County's legal drain system and downstream culvert structures should not be any more adversely affected than they are now.
  - b) The developer will be able to cover the runs of storm sewer pipe without hauled-in fill. That is, a larger pipe diameter than dictated by  $C=.2$  will result in pipe walls above existing grade level.
  - c) The Stockfleth Ditch and many downstream structures will have to be reconstructed (enlarged) if the Drainage Board does not restrict runoff.

3) CAUTIONS:

- a) Each site plan for each lot or combination of lots to be developed in Metro Centre East must show a method of detaining discharge to a runoff coefficient of 0.20 (Rational Method).
- b) A way to notify lot buyers and developers must be implemented.

4) OTHER:

- a) The prime developer for Metro Centre East is requesting a relaxation of the 75 foot legal drain maintenance right-of-way to 25 feet in order that the property owner(s) may enjoy more full use of their property.

The terms for granting the relaxation will be discussed during the Drainage Board Meeting of January 23, 1988.

Mr. Jeffers said Stockfleth Ditch is a regulated drain of this County and is maintained under the supervision of the County Surveyor. It is part of Eastside Urban Drain. It is currently under contract for a cleaning job from Oak Grove Road to the City Limits to facilitate drainage plan from Royal Commercial Court draining into that ditch. We have some extremely valuable land in that area developing commercially and he would say we're talking somewhere between \$35,000 and \$75,000 per acre -- and it requires special consideration to its developers due to its value in purchase price and after development into a subdivision, its value as a sellable piece of property in that these parcels are so valuable in that they can hardly afford to give up any square footage to a detention basin. The Board has standing policy, he believes by Ordinance, that all drainage into the Eastside Urban Drain System shall be detained to pre-development conditions.

The pre-development runoff assigned to this area, including Wal-Mart, Royal Commercial Court and the entire area uses the C-factor of .2. What it basically does is throw up a red flag. This drainage system is designed to carry a 25 year storm using that C-factor and anything over that is going to overload it and flood the streets, the parking lots, and endanger private property. To detain the water back to that pre-development level, what the developer is proposing to do (as shown on the drainage plan -- and this will also be shown on the plat -- "All developers must detain water on their site to limit discharge to a runoff coefficient of .2". What bothers him, the owners (whoever buys these lots and builds an office building or whatever on it) -- when their site plan comes in to Area Plan Commission and the Building Commissioner for a permit, the APC and the Building Commissioners must see a site plan that shows how they intend to detain this water on their individual lot or

if a group of lot owners wishes to co-op and build some sort of detention facility, they may do so. But it must clearly show that the water is going to be detained. Otherwise, it will flood the streets and it will flood private property. So far, it has worked on Royal Commercial Court. Lee Motels (or whoever) came in there and saw that on the plat and called Morley & Associates and asked what volume they had to store. They told them and they designed something that will meet the criteria. (That's in the City and the City approved whatever they did. He believes it was an open basin.) These people have to be creative. They may have to do it in a cistern. They've done that here in town. Some elderly highrise has a huge cistern with a shuffleboard court over the top of it. Water comes off the rear parking lot and goes through the cistern and out into the storm sewer system. They may have to detain it in their parking lots. Five or six little lots may have to go together and build a little basin -- but it has to be done. So that is the red flag he is throwing up with the report -- but it can be accomplished. So these men from Kramer may have a way to answer those questions now -- but as long as they hold to that, the Surveyor will recommend approval of their drainage plan, as submitted, with the revision that the developer is already aware of a slight revision in the wording. This is going to Area Plan next week, so we need to move now on this.

Further, to enable them to be able to build this and have full use of this extremely valuable property, they are asking the Drainage Board for written permission to relax the 75 ft. easement for Stockfleth Ditch on the west side within the boundaries of the development to 25 ft. That requires written permission from the Drainage Board. The Surveyor has no problem with that as long as the 25 ft. from the top of the bank remains a grass strip accessible to our mowing machine and as long as no utilities are installed within that 25 ft., except for underground facilities, and as long as no underground facilities have any appertanances that protrude more than 6 inches above grade level.

Sometimes the Board asks for something in trade for that relaxation because of maintenance problems that develop. As he said, we have a contract that will be completed in 60 days for dipping some silt out of the bottom of that -- and we're stopping at the City Limits. He had asked the developer's representatives here today to consider participating in that, because they are the only ones who will benefit by it. He believes it is 65 cents per lineal foot, so we're talking somewhere between \$850 and \$1,000 to go from the City Limits down the Lloyd Expressway and dip that out. It is to their benefit, because they can barely get these pipes covered when they get them into the ground unless we clean out the bottom of that ditch. The other developers of the other 67 acres agreed to it and Blankenberger Bros. is going to complete that contract before March 31st. While they are on site, he's saying that possibly the Board would like to consider that as a trade-off for relaxing the easement, because once we dip that ditch out it shouldn't have to be cleaned out insofar as silt for another 12 to 15 years. He's not predicating the Surveyor's recommendation on their participating. They don't have to. But he is saying it will make it easier for us in the future. But if we relax it to 25 ft., it should remain a grassy strip with nothing protruding above grade level farther than 6 inches -- and preferably no utilities at all.

Mr. Norm Wendholt of the Kramer Group said the plat before the Commissioners now does show a 75 ft. easement, which is what they want relaxed to 25 ft. They are proposing to make the utility easement on the outside of the drainage easement. They brought the matter of sharing in the dipping of the ditch to the developers and they have no problem with that. Leaving the drainage easement as a grassy area is not a problem to them.

Mr. Jeffers asked if Mr. Wendholt would be willing to put a lid on their participation of no more than \$1,000, and Mr. Wendholt responded in the affirmative.

Following a lengthy discussion, during which many questions were clarified, a motion was entertained.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the drainage plan for Metro Centre East was approved, as submitted, including Mr. Jeffers stipulations concerning lot owners, participation in dipping out the ditch, etc., and the 75 ft. easement relaxation to 25 ft. So ordered.

Mr. Jeffers is to prepare the written permission letter concerning the relaxation for the Commissioners signatures.

With regard to future participation on the part of the developers in regard to cleaning of the ditch, Attorney John said he doesn't think the County can logically do this, as there will be so many property owners in the future.

RE: CLAIMS

Mr. Jeffers submitted the following claims, together with supporting documents, for approval and said this should wind up ditch work for 1988. The claims have been signed by County Surveyor Robert Brenner.

<u>James Adams/Keil Ditch</u>	\$ 92.61
<u>Terry Johnson Construction/Eastside Urban (N. 1/2)</u>	\$715.05
<u>Big Creek Drainage Associatio/Rusher Ditch</u>	\$399.95
<u>Eldon Maasberg/Kneer Ditch</u>	\$273.24
<u>Eldon Maasberg/Maasberg Ditch</u>	\$132.36
<u>Union Township Drainage Assn./Barnett Ditch</u>	\$ 75.22
<u>Union Township Drainage Assn./Edmond Ditch</u>	\$138.56
<u>Union Township Drainage Assn./Kamp Ditch</u>	\$150.66
<u>Union Township Drainage Assn./Maddox Ditch</u>	\$1,560.00
<u>Union Township Drainage Assn./Helfrich-Happe Ditch</u>	\$789.75
<u>Evelyn Paul/Barr's Creek</u>	\$542.50
<u>Ralph Rexing/Pond Flat Main Lat. "A"</u>	\$111.53
<u>Big Creek Drainage Assn./Pond Flat Main Lat. "C"</u>	\$121.98
<u>Ralph R. Rexing/Pond Flat Lat. "B"</u>	\$ 58.74
<u>Ralph Rexing/Pond Flat Lat."D"</u>	\$ 96.16
<u>James Adams/Harper Ditch</u>	\$120.06
<u>Terry Johnson Construction/Henry Ditch</u>	\$ 85.36

Upon motion made by Commissioner Willner and seconded by Commissioner McClintock, the claims were approved for payment, and Mr. Riney was asked to see that they were so stamped with the Commissioners' approval. So ordered.

There being no further business to come before the Board at this time, Commissioner Borries declared the meeting adjourned at 7:05 p.m.

PRESENT:

Richard J. Borries, Commissioner  
Robert L. Willner, Commissioner  
Carol McClintock, Commissioner  
Jerry Riney, Supt. of Co. Bldgs.  
Sam Humphrey, County Auditor  
Curt John, County Attorney  
Bill Jeffers, Chief Deputy Surveyor  
Norm Wendholt/The Kramer Group, Inc.  
Hal Kramer/The Kramer Group, Inc.  
News Media

SECRETARY:

Joanne A. Matthews

Richard J. Borries

*Robert L. Willner*  
Robert L. Willner

*Carol S. McClintock*  
Carol McClintock

MINUTES  
DRAINAGE BOARD MEETING  
JANUARY 30, 1989

I N D E X

<u>Subject</u>	<u>Page No.</u>
Approval of Installation of Pipe Discharging into Hirsch Ditch/Ryan Commercial Park.....	1
Metro Centre East/Stockfleth Ditch/Change Order App'd.. (Blankenberger Bros.)	2
Resolution re Drainage Board Meeting Dates.....	2

MINUTES  
DRAINAGE BOARD MEETING  
JANUARY 30, 1989

The Vanderburgh County Drainage Board met in session at 5:10 p.m. in the Commissioners Hearing Room with President Borries presiding.

The meeting was called to order and President Borries said approval of Drainage Board Minutes will be deferred, because he has not had an opportunity to read same.

RE: PURPOSE OF MEETING

At the request of President Borries, Mr. Bill Jeffers, Chief Deputy Surveyor, explained that he called the list of media provided to him by the Commissioners' secretary, including Radio Stations, Television Stations, and Local Newspapers (and he has the names of the persons and date contacted in his office) with regard to today's meeting. The purpose of the meeting is to approve a pipe discharging into Hirsch Ditch at the northeast corner of Complete Lumber Company's property (which is located between Oak Grove Road and Hirsch Ditch and probably has a Morgan Avenue address). The discharge pipe is for Ryan Commercial Park and the developers are George Ryan and Dick Rheinhardt. The reason this had to be reviewed today is that they are on a critical construction schedule and this run of pipe has to be installed through Complete Lumber Company's property immediately, according to a right-of-way agreement they have with Complete Lumber (which is getting ready to go into operation in that yard with a Truss Building Warehouse).

Commissioner Borries asked if this will be forwarded to the Area Plan Commission for their review.

Mr. Jeffers said it will not be. Their roadway configuration has already been reviewed by Area Plan and EUTS and their drainage had previous approval in a slightly configuration -- going to Stockfleth Ditch - but, due to the Surveyor's suggestions that they take it directly to Hirsch Ditch, they came up with this configuration and it requires that the Vanderburgh County Drainage Board give written permission to enter Hirsch Ditch. The only changes from the plan submitted to the Surveyor's Office that they are recommending at this time to stipulate Commission approval are:

- 1) That the notation on the Plan sheet showing the discharge into the pipe be changed to read "Embankment stabilization for the pipe installation into Hirsch Ditch shall be made according to shop drawings as approved by the Vanderburgh County Surveyor, and
- 2) That the trench backfill of the pipe installation between the north fence of Complete Lumber and the channel of Hirsch Ditch be made according to shop drawings, as approved by the Vanderburgh County Surveyor's Office."

The Surveyor's Office wants to make sure that the discharge into that pipe into Hirsch Ditch is properly backfilled and the channel protected to prevent the type of erosion that sometimes occurs along Hirsch Ditch at its intersection with other pipe installations that have been made in the past. Mr. Jeffers said he believes in the contractor's telephone call today, Mr. Ryan

told him he is amenable to these additions to the drawing and that he will direct Morley & Associates to do the other drawings to develop these shop drawings. He will bring them to the Drainage Board at their next meeting to show them that they have been designed in accordance with what we'd like to see.

He is asking the Drainage Board today to give Ryan Commercial Park permission to lay a discharge pipe into Hirsch Ditch as shown on their plans, with Amendments #1 and #2 mentioned above. It is the recommendation of the Surveyor's Office that the Board approve this.

In response to query from Commissioner Borries, Mr. Morley said this is designed for a 25 year storm, in accordance with County standards and with detention in Ryan Commercial Park upon its construction. This pipe will run from the north edge of Oak Grove Road to the ditch, and when they develop Ryan Commercial Park at a later date, their storm drainage system will have four (4) detention basins in the development upon completion.

Upon made by by Commissioner McClintock and seconded by Commissioner Borries, the drainage plan for Ryan Commercial Park was approved as presented to the Drainage Board, subject to the designated stipulations. So ordered.

RE: METRO CENTRE EAST

Mr. Jeffers said the Drainage Board approved the drainage plan for Metro Centre East and relaxed their easement down to 25 ft., and they agreed that they would help pay for this project. This represents no cost to the County other than our labor in the field and the previous developers had agreed to do 5,000 ft. for \$2,200, and that runs from Oak Grove Road back up to the City Limits. He is asking that the Drainage Board change order that to include another 1,000 ft. from the City Limits toward Lloyd Expressway and Premier Group has agreed to go up to a sum of \$1,000. However, since the previous contract was \$2,200, we're only allowed change orders on highway projects of 20% -- so he sticking to that on this, too. 20% would be \$440 for 1,000 ft. -- and the reason he is bringing this to the Board today is because Blankenberger Brothers wants to start immediately and they agreed that they would do it for 44 cents per foot if they could do it all at once and not have to pull off and come back at a later date. This is a Change Order given to him by the City Engineer's Office and it is all filled out -- showing that the price of the contract would increase from the \$2200 donation by Royal Commercial Court developers. To that would be added \$440 from Metro East developers for a total of \$2640. There would be no money out of the County Treasury -- it would all be paid by the developers who are benefitting from this. The Surveyor's Office has already staked it and are ready to give Blankenberger Brothers a cut sheet to go ahead and start dipping the silt out of the bottom of that ditch.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Change Order for additional maintenance to Stockfleth Ditch in the amount of \$440, which brings the total contract price including the Change Order, to \$2,640, was approved. So ordered.

RE: RESOLUTION RE DRAINAGE BOARD MEETINGS

A Resolution concerning meeting dates of the Drainage Board in 1989 on the fourth Monday of the month following the County Commissioners Meeting was submitted for approval.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Resolution was approved. So ordered. (Copy of Resolution attached hereto.)

There being no further business to come before the Board at this time, President Borries declared the meeting recessed at 5:30 p.m.

PRESENT:

Richard J. Borries, President  
Robert L. Willner, Vice President  
Carolyn McClintock, Member  
David Miller/County Attorney  
Sam Humphrey/County Auditor  
Jerry Riney/Commissioner's Executive Assistant  
William Jeffers/Chief Deputy Surveyor

SECRETARY: Joanne A. Matthews

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

  
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Robert L. Willner, Vice President

  
\_\_\_\_\_  
Carolyn McClintock, Member

RESOLUTION  
VANDERBURGH COUNTY DRAINAGE BOARD

BE IT RESOLVED:

That in accordance with Indiana Code 36-9-27-8 the Vanderburgh County Drainage Board will hold its regular meetings for the year of 1989 on the fourth Monday of each month following the County Commissioners meeting unless there is no business to be conducted at that time. However, Drainage Board Meetings may be held at other times, if needed, to conduct necessary business; if so, it will either be announced in preceding meeting or the news media will be so notified.

If a legal holiday falls on the Fourth Monday and there is business to be conducted, the Drainage Board Meeting will be held on the following business day by the Drainage Board members in an open meeting.

Approved this 30<sup>th</sup> day of January, 1989.

VANDERBURGH COUNTY DRAINAGE BOARD

Richard J. Borries  
Richard J. Borries, President

Robert L. Willner  
Robert L. Willner, Vice President

Carolyn McClintock  
Carolyn McClintock, Member

MINUTES  
DRAINAGE BOARD MEETING  
FEBRUARY 27, 1989

I N D E X

<u>Subject</u>	<u>Page No.</u>
Approval of Minutes (December 27, January 23 and January 30).....	1
Approval to Advertise for 1989 Annual Ditch Maintenance Bids.....	1
Claims..... Big Creek Drainage Assn. (\$922.38) - Maidlow Ditch	1
Metro Centre East (Drainage approved last meeting).....	1
Request for Updated Map of all County Legal Drains.....	1
Meeting Recessed at 4:05 p.m.	

MINUTES  
DRAINAGE BOARD MEETING  
FEBRUARY 27, 1989

The Vanderburgh County Drainage Board met in session on Monday, February 27, 1989 at 3:45 p.m. in the Commissioners Hearing Room, with Vice President Robert Willner presiding.

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the minutes of meetings held on January 23rd and January 30th were approved as engrossed by the County Auditor and reading of same waived. So ordered.

After President Borries arrived, upon motion made by Commissioner Willner and seconded by Commissioner Borries, the minutes of December 27, 1988 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: APPROVAL TO ADVERTISE FOR 1989 ANNUAL DITCH MAINTENANCE BIDS

Mr. Jeffers requested permission to advertise for 1989 Annual Ditch Maintenance Bids, with bid opening scheduled Monday, March 27, 1989. (Copy of advertisement attached hereto.)

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the request was approved. So ordered.

RE: CLAIMS

Big Creek Drainage Association: Claim in the amount of \$922.38 to correct mistake discovered when all claims paid last year were reviewed. They found they had neglected to pay \$922.38 to Big Creek for the maintenance of Maidlow Ditch. He has the Check Numbers on the claim of the two payments made and then the balance due. If the Auditor would like to check these, he can refer to those check numbers.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the claim was approved for payment. So ordered.

RE: METRO CENTRE EAST

Mr. Jeffers said the only item on the agenda for the County for the scheduled Area Plan Commission meeting is Metro Centre East, and the Board approved that drainage plan at the last meeting.

RE: MISCELLANEOUS

Commissioner Willner asked if the County is up to date on all Drainage Board activities.

RE: REQUEST FOR UPDATED MAP RE LEGAL DRAINS

Commissioner Willner said that with the name changes of some of the ditches, he is slightly confused and he is sure the other Commissioners are also. He asked if Mr. Jeffers can provide a map with the new version of Eastside Urban -- and where all the drainage ditches in the entire County are located. We maintain

approximately 80 miles of ditches and he would like all of these designated on a map. He is not sure when we talk about Crawford-Brandeis whether we are talking about Crawford-Brandeis Extension or the Eastside Urban -- and the Commissioners need an updated map they can look at from time to time with the proper names of all Vanderburgh County Legal Drains and their exact location designated on the map.

Mr. Jeffers agreed to provide same.

There being no further business to come before the Board at this time, President Borries declared the meeting recessed at 4:05 p.m.

PRESENT:

Richard J. Borries, President  
Robert L. Willner, Vice President  
Carol McClintock, Member  
William Jeffers, Chief Deputy Surveyor  
Cedric Hustace/Acting County Attorney  
Sam Humphrey, County Auditor  
Jerry Riney, Commissioners' Assistant  
News Media

SECRETARY: Joanne A. Matthews

Richard J. Borries, President

*Robert L. Willner*  
Robert L. Willner, V. President

*Carolyn McClintock*  
Carolyn McClintock, Member

TO BE ADVERTISED IN THE COURIER & THE PRESS ON  
MONDAY, MARCH 6, 1989 AND MONDAY, MARCH 13, 1989

NOTICE TO DITCH MAINTENANCE CONTRACTORS

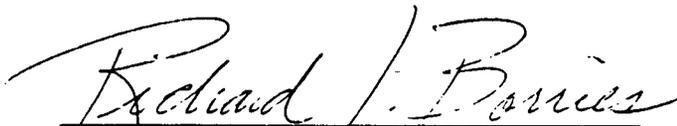
This Instrument shall serve as Public Notice that: Sealed Proposals for the maintenance of several legal drains in Vanderburgh County by weed control, channel cleaning, or other specified work shall be received by the Vanderburgh County Auditor until 2:30 p.m. local time on Monday, the 27th day of March 1989, at which time all proposals received shall be delivered to the Vanderburgh County Drainage Board, opened and read aloud in the County Commissioners' Hearing Room. Any proposals received unsealed or past the designated time shall be returned to the Bidder unopened.

Proposals shall 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.

All proposals and securities shall be sealed together in an envelope bearing the name and address of the Bidder, the title of the work, and prepared according to such particulars as shall be described in the Instruction to Bidders, Plans and Specifications, and other documents available at the office of the Vanderburgh County Surveyor, Room 325 Civic Center, Evansville, Indiana. 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 awards.

APPROVED BY THE VANDERBURGH COUNTY DRAINAGE BOARD:

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

2-27-89  
(date)

  
Carolyn McCintock, Member

ATTEST:

  
Sam Humphrey, Vanderburgh County Auditor

2-27-89  
(date)

CERTIFIED:  
  
Robert W. Brenner, Vanderburgh County Surveyor

2-27-89  
(date)

MINUTES  
DRAINAGE BOARD MEETING  
SPECIAL SESSION  
MARCH 20, 1989

The Vanderburgh County Drainage Board met in a special session at 6:15 p.m. on Monday, March 20, 1989, in the Commissioners Hearing Room, with President Rick Borries presiding.

President Borries said the purpose of the meeting is to approve the request for an additional appropriation in the amount of \$908.70 for Account 126-260 (Drainage Board/Office Supplies) for printing of ditch bills. The Commissioners had previously approved the request in a Commissioners meeting and now need to take formal action as the Drainage Board.

Upon motion made by Commissioner Willner and seconded by Commissioner Borries, request to go on Council Call in the amount of \$908.70 was approved. So ordered.

There being no further business to come before the Board at this time, President Borries declared the meeting recessed at 6:25 p.m.

PRESENT:

Richard J. Borries/President  
Robert L. Willner/Vice President  
Absent: Carolyn McClintock/Member  
Sam Humphrey/County Auditor  
Curt John/County Attorney  
Bill Jeffers/Chief Deputy Surveyor  
Jerry Riney/Commissioners' Assistant  
News Media

SECRETARY: Joanne A. Matthews

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Richard J. Borries, President

  
\_\_\_\_\_  
Robert L. Willner, V. President

  
\_\_\_\_\_  
Carolyn McClintock, Member

MINUTES  
DRAINAGE BOARD MEETING  
MARCH 27, 1989

I N D E X

<u>Subject</u>	<u>Page No.</u>
Approval of Minutes (February 27, 1989).....	1
Authorization to Open Annual Ditch Maintenance Bids....	1
Approval of Drainage Plans for Green River Estates Section "C".....	1
Approval of Drainage Plans for Brookview Subdivision Section "E".....	2
Henze Estates..... (No action required by the Board; Drainage Plans were previously approved and there have been no changes and construction plans for streets were approved on March 13, 1989.)	3
Reading of Bids on Annual Ditch Maintenance..... Taken under advisement for one (1) week; Special Drainage Board Meeting to be held on Monday, April 3rd for purpose of awarding Annual Ditch Maintenance Contracts. (Note: No bids received on Keil Ditch)	3
Meeting Recessed at 4:30 p.m.	

MINUTES  
DRAINAGE BOARD MEETING  
MARCH 27, 1989

The Vanderburgh County Drainage Board met in session at 3:50 p.m. on Monday, March 17, 1989, in the Commissioners Hearing Room, with Vice President Robert Willner presiding. Commissioner Borries was not present, as he is on vacation.

RE: APPROVAL OF MINUTES

Commissioner Willner called the meeting to order and entertained approval of minutes of the meeting held on February 27, 1989.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the minutes of February 27, 1989 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: OPENING OF ANNUAL DITCH MAINTENANCE BIDS

Chief Deputy County Surveyor Bill Jeffers said there were sixteen (16) people who picked up bid specs and bid forms from the Surveyor's Office.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, Acting County Attorney Cedric Hustace was authorized to open the bids received on annual ditch maintenance. So ordered.

RE: DRAINAGE PLANS FOR GREEN RIVER ESTATES - SECTION "C"

Mr. Jeffers said Mike Fitzsimmons, the developer's engineer for this subdivision, is in the audience today. Back around 1985 or 1986, Mr. Phil Heston came in with one conceptual drainage plan for this development, which received the Board's approval at that time. Subsequently, he has developed the subdivision in sections (C-1, C-2, C-3, C-2-A, C-2-B, etc.) as the market demanded and this will be the last parcel to come in -- Green River Estates Section "C". This is the western-most parcel of that development. What he is basically doing, he works his way west to his west property line -- and he's brought in his street and drainage plans and the Board reviews same and the Surveyor's office reviews them to see that they fit the original concept. These plans do match the original concept brought to us three or four years ago. He reviewed them over the past three or four weeks and had discussions over the telephone with Mr. Fitzsimmons and he has made some modifications to the plans, particularly in the detention lake found at the southwestern corner of this development. Normally over the past several years Commissioner Willner has expressed a lot of his input in those lakes about emergency spillways, etc., and he (Jeffers) believes that what Mr. Fitzsimmons has included in his drawings will satisfy the requirements of the Drainage Board. Some of the questions asked by the Board members previously include the depth of the lake. The lake is 8 ft. deep and another 2 ft. can be added for high water elevation.

Mr. Jeffers said he has also pointed out a few things to Greg Curtis, particularly concerning the street plans and the pipe runs -- and Mr. Curtis is aware of his comments on that. Mr. Curtis will be reviewing these same plans as street plans and the Commissioners will have his comments at a later date.

Mr. Fitzsimmons shows a 12 ft. wide emergency spillway. It is the recommendation of the Surveyor's office to accept the drainage plan presented here by Mr. Fitzsimmons, with the knowledge that he (Jeffers) is going to pass on a couple of comments to County Engineer Greg Curtis on a few minor items he spotted. This has to do with one manhole in an area of the street that had a dip in it and he thinks Mr. Fitzsimmons has addressed this in his latest revisions anyway. In response to query from Commissioner Willner, Mr. Jeffers said the utility easement will be located outside the drainage easement.

Mr. Jeffers said he would anticipate Mr. Heston coming in to request that the Board accept the 50 cents per lineal foot check for the pipe runs and shoreline maintenance.

In response to query from Commissioner Willner, Mr. Jeffers said they will have rubber "O" ring connected Class 3 concrete pipe.

Mr. Willner said, "As long as they have the interlocking "O" ring, I don't have any problems with that. If they're just going to butt them up, we're going to have all kinds of problems."

Mr. Jeffers said the last 20 ft. of the three (3) runs will have 20 ft. of corrugated metal pipe anchored by a concrete collar.

The lake will enter into a farmer's drain. They went through some negotiations back in 1985 and the farmer has granted them permission to use the existing drainage ditch.

Following further comments, upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the drainage plans for Green River Estates Section "C" were approved. So ordered.

RE: BROOKVIEW SUBDIVISION - SECTION "E"

Mr. Jeffers said the next set of drainage plans is for Brookview Subdivision, Section "E", developed by Mr. William C. Bussing, Jr., which is located off Old State Road north of Mt. Pleasant and south of Hillsdale Road, just west of the railroad tracks at what is called the Lloyd By-Pass (where the railroad was by-passed around the north end of Evansville during Russell Lloyd's administration). (The development is closer to U. S. Highway 41, but there is no access that way.) This also previously came to the Drainage Board and was approved. The engineer at the time it was approved was Sam Biggerstaff. Jim Morley is currently the engineer.

This is a situation where everything is basically the same with the exception of two (2) items. Two lot lines were adjusted on the back (a very minor adjustment) and the detention lake which was earlier shown as a single lake is now a twin lake with a service road across the dam between the two (2) lakes -- to allow for a service entrance to maintain some landscaping, etc., along the railroad tracks.

Mr. Jeffers said this needs re-approval. The reason he is saying "re-approval" is because his time expired. He believes you have eighteen (18) months at Area Plan Commission to record a plat and he's been building other sections of Brookview that were more marketable at the time. He is now ready to come back and finish the streets (Lakebrook Drive and Lakebrook Court). The lot lines he adjusted are the back lines of Lots #16 and #15, where they border the railroad track. One of those was 360 plus ft. and one was 290 plus ft. and he just adjusted them so they'd be closer to the same distance -- just balanced it out a bit.

Mr. Jeffers said this drainage plan meets with all the conditions of the previous drainage plans approved by the Board, and he is just asking the Board to re-approve it so it can go on to Area Plan Commission and through whatever processes are necessary to be recorded.

Continuing, Mr. Jeffers said he would like to point out that the culvert near Lots #1 and #18 -- where Lakebrook Drive comes across into this section -- used to be a twin round concrete structure and it proved to be insufficient to handle the flow. Mr. Bussing spent several thousand dollars replacing it with a precast box culvert and he has improved that ditch from that point all the way back around to Old State Road. He knows Mr. Willner is familiar with the situation, because he viewed the street being flooded that one time -- three or four feet deep. He asked if Mr. Willner recalls this and Mr. Willner responded in the affirmative. Mr. Jeffers said this is the site and Mr. Bussing has enlarged that culvert substantially and spent a substantial amount of money improving that drainage out there. The recommendation of the Surveyor's office is to re-approve Section "E" as shown in this plan.

The Chair entertained questions. There being none, a motion was entertained.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the drainage plans for Brookview Sub, Section "E" were approved. So ordered.

RE: HENZE ESTATES

Mr. Jeffers said he believes the street plans for Henze Estates were brought to the Commissioners a week or so ago. This development is off Happe Road in Northern Vanderburgh County (German Township) and the street is Laubscher Court. This is located about one quarter mile west of Henze Road, thus being named Henze Estates.

The drainage plan was approved a year or so ago. Sam Biggerstaff is bringing it back to us. This is the road that had a rock surface on it. The drainage plan is the same plan approved earlier. He guesses what Mr. Biggerstaff is asking for is approval of street and drainage plans. He (Jeffers) is not sure it requires drainage approval again. It has already had drainage approval for a roadway 24 ft. of pavement, 6 ft. of shoulder, side ditches with a crossing culvert 12 inches diameter. It has a bee hive on the north side and an apron on the south side.

It was the consensus of the Board that if no changes were made the drainage does not require approval again. The Commissioners approved road construction plans in Henze Estates on March 13, 1989, with the condition that the roads will not be accepted for County maintenance once they are constructed. The requirement for sidewalks was also waived on Laubscher Court.

In summary, the Board determined that no further action was required with regard to this development insofar as drainage or road construction plans.

RE: READING OF BIDS ON ANNUAL DITCH MAINTENANCE

Attorney Hustace reported that all the bids appear to be in proper order and each is accompanied by the proper bid bond or Cashier's Check or Certified Check. The bids were as follows:

<u>Ditch Name</u>	<u>Bidder</u>	<u>Amount</u>
Pond Flat "E"	Big Creek Drainage Assn.	\$ 289.28
Barr's Creek	"	3,513.56

Pond Flat Main	"		4,053.72
Buente Upper Big Creek	"		5,250.70
Pond Flat "C"	"		722.88
Maidlow	"		6,258.98
Rusher Creek	"		355.52
Sonntag-Stevens	Evelyn Paul		\$ 2,355.10
Wallenmeyer	"		1,127.92
Barr's Creek	Daniel J. Paul		\$ 3,720.24
Kamp Ditch	Union Township Ditch Assn.		\$ 334.80
Edmond Ditch	"		461.85
Maddox Ditch	"		716.61
Barnett Ditch	"		250.74
Helfrich	"		380.94
Aiken Ditch	Terry Johnson Construction		\$ 2,472.79
Harper Ditch	"		1,398.70
Kolb Ditch	"		2,230.02
Henry Ditch	"		729.59
Eastside Urban South Half	"		19,013.00
Eastside Urban North Half	"		5,001.82
Singer Ditch	Eugene Rexing (2,450 ft.)		\$ 269.50
Baehl Ditch	Albert Steckler		\$ 895.70
Maasberg Ditch	Eldon Maasberg		\$ 132.36
Kneer Ditch	"		273.24
Eagle Slough	Green Grasshopper Flying Service		\$ 4,806.40
Pond Flat "D"	Ralph Rexing		\$ 641.06
Pond Flat "A"	"		743.54
Pond Flat "B"	"		391.58
Hoefling Ditch	John Maurer		\$ 557.10

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the bids will be taken under advisement for a one (1) week period. A Special Drainage Board Meeting will be scheduled for April 3, 1989, immediately following the regularly scheduled Commissioners Meeting for purposes of awarding the Annual Ditch Maintenance contracts for 1989. The Secretary will prepare legal notice and send notice to all news media concerning the Special Drainage Board Meeting.

Mr. Jeffers noted that no bids were received on Keil Ditch.

There being no further business to come before the Board at this time, Commissioner Willner declared the meeting recessed at 4:30 p.m.

PRESENT:

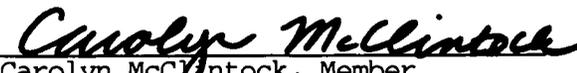
Robert L. Willner/Vice President  
Carolyn McClintock/Member

Absent: Richard J. Borries/President  
Sam Humphrey/County Auditor  
Cedric Hustace/Acting County Attorney  
William Jeffers/Chief Deputy Surveyor  
Jerry Riney/Commissioner's Asst.  
News Media

SECRETARY: Joanne A. Matthews

  
Richard J. Borries, President

Robert L. Willner, V. President

  
Carolyn McClintock, Member

MINUTES  
DRAINAGE BOARD MEETING  
APRIL 3, 1989

The Vanderburgh County Drainage Board met in session at 4:30 p.m. on Monday, April 3, 1989, in the Commissioners Hearing Room with President Rick Borries presiding.

The meeting was called to order by President Borries, who subsequently entertained motion concerning approval of minutes.

Upon motion made by Commissioner Willner and seconded by Commissioner Borries, the minutes of March 27, 1989 were approved as engrossed by the County Auditor and the reading of same waived. So ordered.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the minutes of March 20, 1989 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: REQUEST FOR CROSSING PERMIT OVER EAGLE SLOUGH -  
SOLAR SOURCES, INC

Mr. Jeffers said that Solar Sources, Inc. presently has a temporary crossing over a legal drain known as Eagle Creek or Eagle Slough that was given to them last year and it expires in April. They would like to extend it from April 1, 1989 until November 1, 1989. It is the same crossing where they were given permission earlier last year and there are no problems with it of which he is aware and he doesn't see any reason why they shouldn't be allowed to extend it until November 1, 1989. Mr. Jeffers said November 1st is the projected completion of construction date for that portion of I-164.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the request for extension until November 1, 1989 was approved. So ordered.

RE: AWARDING OF ANNUAL DITCH MAINTENANCE BIDS

Mr. Jeffers said in the March 27, 1989 minutes on Page 3, Attorney Hustace reported that all bids appeared to be in proper order. So, with the advice of the Attorney that all the bids are in proper order, the Vanderburgh County Surveyor would recommend the award for the ditches go to the following bidders:

These are the same figures as on PP. 3 and 4 in the March 27, 1989 minutes with two exceptions. He will get to those when he gets to those -- but he put them in alphabetical order.

Aiken Ditch	Terry Johnson Construction	\$ 2,472.79
Baehl Ditch	Albert Steckler	\$ 895.70
Barnett Ditch	Union Twp. Ditch Association	\$ 250.74
Barr Creek	Big Creek Drainage Assn.	\$ 3,513.56
Buente Upper Big Creek	Big Creek Drainage Assn.	\$ 5,250.70
Cypress/Dale/ Maddox	Union Twp. Ditch Association	\$\$ 716.61

Eagle Slough	Green Grasshopper Flying	\$ 4,806.40
East Side Urban/N. Half	Terry Johnson Construction	\$ 5,501.82
East Side Urban/S. Half	Terry Johnson Construction	\$19,013.00
Edmond Ditch	Union Twp. Ditch Association	\$ 461.85
Harper Ditch	Terry Johnson Construction	\$ 1,398.70
Helfrich/Happe Ditch	Union Twp. Ditch Association	\$ 380.94
Henry Ditch	Terry Johnson Construction	\$ 729.58
(He did not use a floating decimal, and he bid \$.2295 per ft. for 3,179 l.f. and he rounded off improperly. It should have read \$729.58 and his bid reads \$729.59. The only reason he brings this up is that Mrs. Evans requires absolute accuracy on billings. He asked if Mr. Humphrey recommends he go to the lower figure, which would be the proper figure. Mr. Humphrey concurred. Mr. Johnson's bid is based on lineal feet times per foot figure, but his bottom line was inaccurate by one penny.)		
Hoefling Ditch	Johnny Maurer	\$ 557.10
Kamp Ditch	Union Twp. Ditch Association	\$ 334.80
Keil Ditch	No Bidder	
Kneer Ditch	Eldon Maasberg	\$ 273.24
Kolb Ditch	Terry Johnson Construction	\$ 2,230.02
Maasberg Ditch	Eldon Maasberg	\$ 132.36
Maidlow Ditch	Big Creek Drainage Assn.	\$ 6,258.98
Rusher Creek	Big Creek Drainage Assn.	\$ 355.52
Singer Ditch	Eugene Rexing	\$ 269.50
Sonntag-Stevens Ditch	Evelyn Paul	\$ 2,355.10
Wallenmeyer Ditch	Evelyn Paul	\$ 1,127.93
(Again, there was an improper rounding of figures. She didn't add the half a penny.)		
Pond Flat Main	Big Creek Drainage Assn.	\$ 4,053.72
Pond Flat Lateral "A"	Ralph Rexing	\$ 743.54
Pond Flat Lateral "B"	Ralph Rexing	\$ 391.58
Pond Flat Lateral "C"	Big Creek Drainage Assn.	\$ 722.88
Pond Flat Lateral "D"	Ralph Rexing	\$ 641.06

Pond Flat  
Lateral "E"                      Big Creek Drainage Assn.                      \$    289.28

Mr. Jeffers said all of the awards are to the contractor who had the only bid or the lower bid. All the contractors they are recommending have completed work for the Drainage Board satisfactorily to the Vanderburgh County Surveyor's specifications in the past year. All the bids were accompanied by a Bid Bond, Certified Check, Cashier's Check, or a Money Order in the amount of or exceeding 5% of the bid submitted and they also checked the per foot figures and the lineal feet and the bids were all correct with the two exceptions he pointed out earlier on the two ditches -- where they rounded them off a penny one way and then a penny the other way.

Commissioner Willner asked if Mr. Jeffers can give him all the bids that were over 5% of last year's bid.

Mr. Jeffers responded, "No, Sir; I can tell you what last year's bids were -- but I didn't run it down that way. You are asking how many of these ditches are 5% more than last year?"

Mr. Willner said, "Yes."

Mr. Jeffers said, "I can't tell you that. I can tell you which ones are equal to."

Mr. Willner said, "I really want to know if any of them went up over 5%."

Mr. Jeffers said, "Some of them did, yes sir."

Mr. Willner said, "Can you name which ones they were?"

Mr. Jeffers said, "I'd have to do it from memory and what I would say though would be as accurate as my memory."

Commissioner McClintock said, "There were only one or two that had competitive bids. Is this usually the case?"

Mr. Jeffers said, "On many of these ditches, yes."

Ms. McClintock asked, "How long have we been doing this this way?"

Mr. Jeffers asked, "Doing what?"

Ms. McClintock, "Taking bids."

Mr. Jeffers said, "Since 1966."

Mr. Willner said, "Since 1947 -- that is when the State Law came up. It is part of the State Law."

Mr. Jeffers said, "I think in 1966 it went from the allotment program to the open bidding program. My experience is since 1981."

Commissioner Willner said, "I would like to know if any of them are 5% over last year's bid."

Mr. Jeffers asked, "Is there a reason for that?"

Mr. Willner said, "Yes; I want to know if any of them went up considerably -- especially any where there was only one bid. Isn't that a reasonable request?"

Mr. Jeffers responded, "Not if you're going to have a Special Drainage Board Meeting to award bids and not ask me that before the meeting; I could have brought that information to you. If that is the case, do you want to re-bid them?"

Commissioner Willner, "Certainly not; I want to know which ones have gone up tremendously."

Mr. Jeffers said, "Tremendously -- East Side Urban South Half went from \$12,000 to \$19,000."

Mr. Willner asked, "Is there some problem as to why that happened? And are there two bids on that?"

Mr. Jeffers said, "There were not two bids on it. I don't know what the contractor had in mind, except that we have gotten much stricter in the last few years, and then there is a chemical cost increase."

Mr. Willner asked how much those two bids were per foot?

Mr. Jeffers responded, "East Side Urban North Half was \$.2995 per lineal foot or 30 cents per lineal foot. And East Side Urban South Half was \$.3995 per foot, which is almost 40 cents per lineal foot."

Commissioner Willner asked, "Now, let's take anyone down the line -- Hoefling, Kneer, Maasberg, Maidlow, Rusher, or any of those -- what are they per foot?"

Mr. Jeffers said, "Hoefling - 10 cents per foot; Maasberg, 6 cents per foot; Kneer, 9 cents per foot; Wallenmeyer, 13-1/2 cents per foot; Sonntag-Stevens, 22 cents per foot; Maidlow is not comparable. Harper Ditch is almost 35 cents per foot."

Ms. McClintock asked, "How about Ralph Rexing?"

Mr. Jeffers said, "Ralph Rexing's two bids are 14 cents per foot."

Ms. McClintock asked, "What is the Big Creek Drainage Association's?"

Mr. Jeffers said, "Pond Flat Main is 11 cents per foot; Pond Flat "C" is 8 cents; Pond Flat "E" is 8 cents."

Ms. McClintock asked if there is some reason there is such a discrepancy between some of these bidders?

Mr. Jeffers asked, "Which ones in particular?"

Ms. McClintock said, "Take Ralph Rexing -- he's private and he's at 14 cents and Terry Johnson Construction is at 39 cents."

Mr. Jeffers said, "Ralph Rexing is maintaining Pond Flat Lateral "A" at 14 cents and Pond Flat Lateral "B" at 14 cents. They run through clear open farm ground and Terry Johnson is doing East Side Urban South Half at 39 cents (almost 40 cents) and it runs through subdivisions, commercial development alongside highways and the highway department has put guard rail from one of Burkhardt Road to the other - so he has to mow one side of the ditch with a mower mounted on a mowing machine and the other side of the ditch he has to mow by hand -- because there is guard rail all along that ditch for 1-1/2 miles. The State Highway Department did not put the banks in at 2:1 slopes like they are out in the rural areas where the farmers do their stuff. They put in a 1:1 slope and 1:1-1/2 slope and you can't hardly walk on it -- yet, we require that he mow the entire ditch. Some ditches have subdivisions with stockade fencing right up to the top of the ditch bank, so he can't mow that side of the ditch with his tractor-mounted mower; he has to go over and walk that side with a hand sprayer and a hand mower. We have areas where trucking companies have applied rough fill all along the ditch and they fenced it off and you can't get in there to mow by tractor -- you have to mow it by hand....and on, and on, and on." END

Ms. McClintock asked, "You are satisfied with the base amount of these bids? The Surveyor's office doesn't have any problems with the fact that we're paying one group 35 cents or 39 cents for one type of ditch and somebody else 20 cents, etc.?"

Mr. Jeffers said, "This is the Vanderburgh County Surveyor's recommendation and these ditches also have a wide discrepancy in size, width and depth. For example, Big Creek in their questionnaire has told us they will hire a sub-contractor to spray Pond Flat Main and they bid 11 cents to do that. And he challenges the Board to find a way to fly an airplane down Burkhardt Road to spray. Yes, if we could fly an airplane down East Side Urban and spray it -- it would not be \$.3995 per foot. Competitive bidding in the past has taken that ditch from about 37-1/2 cents per foot (if his memory is accurate). Around 1983 or 1983, that ditch was 37-1/2 cents per foot; it went down to 24-1/2 cents per foot; and apparently it was not economical to the contractor to do it any longer for 25 cents per foot. This is speculation on my part. But it has been my impression of contractors in the past that as the ditches got cheaper and cheaper and cheaper per foot through competitive bidding, the various contractors dropped off and stopped biddings. The comments I heard back was 'Hey, I can't make it on 25 cents per foot'. So, one after another they dropped off, dropped off, and dropped off. Now, all of a sudden the lone bidder apparently feels this is what he needs to make it. Again, some of that is speculation on my part and part of it is my idea of how things have happened over the last seven years. But that is not what we took into consideration when we prepared our recommendation. What we took into consideration was the necessity to maintain the ditches and recommended to the Board the low qualified bid in each case. What we are recommending to you is the low qualified bid -- and the State defines that as the lowest responsive and responsible bidder. "Responsive" is defined as submitting a bid in proper order. And, "Responsible" is defined as being able to do the work and standing behind it."

37 1/2  
24 1/2

Ms. McClintock asked, "Were there any bidders who had a lower price?"

Mr. Jeffers said, "In any of our recommendations, there is not a bid lower in price than the one we are recommending."

Ms. McClintock said she is ready to make a motion.

Commissioner Borries asked if Commissioner Willner has any further comment at this time.

Mr. Willner said, "Well, I was going to ask that we re-bid all the ditches that are 5% over last year. But I don't really care."

Mr. Jeffers said, "Before you make that motion (and you're entitled to make any motion as a member of the Board you please) -- let me single out two where there is a definite reason they are higher than last year -- if you're going to make a motion like that."

Mr. Willner said, "I'll listen; go ahead."

Mr. Jeffers said, "Maidlow Ditch was bid at \$6,258.98. Last year it was around \$2,600 or so. We propose to clean 5,500 linear feet, which is somewhat over a mile, by excavation. That means we're asking an excavator to go in and dip out any accumulated silt, any earth material that's slumped into the channel from the banks, any debris or whatever to recreate or to approximate the channel that existed five (5) years ago. It was done in 1981 and that held up until a couple of years ago. So we're trying to regain that channel. This is not a reconstruction; it is simply

cleaning with an excavator. Basically, what you'd do if you were a contractor is bid that in at the mowing price per foot (which is like 10 cents to 14 cents per foot) and then take out that 5,500 feet to be dipped out by the sub-contractor -- and then put it back in and come up with the total cost per lineal foot -- because that is what we asked for -- a bid based on the total lineal feet and that is 38 cents per foot. If we didn't do that dipping out it would have been 12-1/2 cents or 13 cents (whatever the bidder would have bid this year and I would guess it would be around 13 cents). The reason it is 38 cents is because a mile of it is being excavated and the bid is according to the specifications that were published and handed to you."

Commissioner Willner commented concerning Maidlow and East Side Urban Ditches.

Mr. Jeffers said, "They are not the same size ditch and there are not the same conditions. Again, Maidlow is an agricultural ditch with no houses, fences, trucking companies, guard rail, etc. If there are questions like that, I'd say to go out and look at these things."

Commissioner Willner said, "I have walked the East Side Urban drain from one end to the other and I know where Maidlow Ditch is."

Mr. Jeffers asked, "Do you see a difference in the two ditches?"

Mr. Willner responded, "Certainly, but I doubt whether there is that much difference."

Mr. Jeffers continued, "Buente Upper Big Creek is the same thing. We're doing 1,350 lineal feet by excavation and the other 19,000 odd feet by mowing and spraying and it is 26 cents per foot and last year it was 11 cents or 12 cents per foot, also. So on those two ditches, the reason for the increase is because the excavation is ten times more expensive than simply spraying with an airplane and mowing with a tractor."

Mr. Willner said, "We have some ditches where the commercial is taking care of it themselves."

Mr. Jeffers said, "They're supposed to -- correct. One particular parcel we did that on -- it is up for sale and the guy will not do anything -- and there are 1,000 l.f. of rubble and debris and you can't even get in. He is supposed to maintain it -- but it is for sale and he is not maintaining it -- and our choice is to go in there and do it ourselves and bill him -- but first we have to go in there and do it ourselves."

Commissioner Borries entertained further questions or discussion.

There being no comments, Commissioner Borries asked if there is a motion to approve or re-bid any of these items.

Commissioner Willner moved that any bids that are not over 5% of what they were last year be awarded and the exception to that rule would be Maidlow and Buente Upper Big Creek that we know of. Ms. McClintock seconded the motion. So ordered.

Mr. Willner asked, "And we have to re-bid Keil Ditch?"

Mr. Jeffers said, "Yes -- if they all had passed, I was going to ask for invitational bids on Keil Ditch. But did that motion order the Vanderburgh County Surveyor's Office to re-advertise for anything above 5%?"

Mr. Borries said, "It would be my understanding that we approved the contracts for (unless you want to do a roll call vote at this time) -- but is it unanimous consent that we approve those except

the ones indicated here and then we can make another motion to re-advertise the others."

Mr. Jeffers said, "Right now you made and seconded a motion to approve everything 5% and under and Maidlow and Buente Upper Big Creek."

Commissioner Borries confirmed that this is correct.

Ms. McClintock moved that the Board request the Surveyor's Office to re-advertise for those ditches not awarded at today's Special Drainage Board Meeting. A second to the motion was made by Commissioner Willner. So ordered.

Mr. Jeffers asked if the Commissioners will allow them to advertise once rather than twice?

Mr. Willner said, "You have to do what the law says."

Mr. Jeffers said, "Well, I'd suggest that somebody start reading the law. And I can do what the law says, is that correct? Re-advertise according to Statute?"

Commissioner Willner responded, "Absolutely."

Mr. Jeffers, "Thank you. I have no further business."

Commissioner Borries entertained further matters of business to come before the Board. There being none, President Borries declared the meeting adjourned at 5:00 p.m.

PRESENT:

Richard J. Borries, President  
Robert L. Willner, Vice President  
Carolyn McClintock, Member  
Sam Humphrey, County Auditor  
Curt John, County Attorney  
Bill Jeffers/Chief Deputy Surveyor  
Others (Unidentified)  
News Media

SECRETARY: Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Carolyn McClintock, Member

MINUTES  
DRAINAGE BOARD MEETING  
APRIL 24, 1989

I N D E X

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Meeting Recessed @ 5:15 p.m.	

MINUTES  
DRAINAGE BOARD MEETING  
APRIL 24, 1989

The Vanderburgh County Drainage Board met in session this 24th day of April, 1989, in the Commissioners' Hearing Room with President Borries presiding. He said that, as advertised, the Board is meeting today to consider sealed re-bids and/or new proposals regarding Aiken Ditch, Baehl Ditch, Eagle Slough, East Side Urban Drain (South half), Harper Ditch, Henry Ditch, Keil Ditch, Kolb Ditch, and Sonntag-Stevens Ditch.

RE: APPROVAL OF MINUTES

Commissioner McClintock moved that the minutes of the Drainage Board Meeting held April 3, 1989, be approved as engrossed by the County Auditor and reading of same be waived. Commissioner Willner seconded the motion. So ordered.

RE: AUTHORIZATION FOR ATTORNEY TO OPEN SEALED BIDS

Commissioner Willner moved to authorize the Attorney to open the bids and to read them aloud. Motion was seconded by Commissioner McClintock. So ordered.

Bill Jeffers, Deputy Surveyor, stated, "At your April 3rd, 1989 meeting, you awarded contracts for several ditches and I have the contracts signed by the Contractors that you needed signed."

The Chair entertained a motion to sign these contracts. Motion was made by Commissioner Willner and seconded by Commissioner McClintock. So ordered.

President Borries asked how many signatures these contracts needed on them.

Mr. Jeffers responded that it asked for the signatures of Richard J. Borries, President; Robert L. Willner, Vice President and Carolyn McClintock as a Member and Sam Humphrey as Auditor. It has already been signed by the Contractor and the contractor's signature has been notarized. He added that he thought they could authorize their secretary to rubber stamp these contracts. Mr. Jeffers further stated that all of the other signatures on these contracts were original signatures.

RE: READING OF BIDS - CEDRIC HUSTACE

Attorney Hustace stated that the bids were as follows:

Aiken Ditch - Terry R. Johnson - \$2,472.79  
Baehl Ditch - Albert J. Steckler - \$861.25  
Eagle Slough - Grasshopper Flying Service - \$4,806.40  
Eastside Urban (South half) - Terry R. Johnson - \$19,013.00  
Harper Ditch - Terry R. Johnson - \$1,398.70  
Henry Ditch - Terry R. Johnson - \$729.58  
Keil Ditch - Terry R. Johnson - \$691.25  
                  Evelyn Paul - \$692.76  
Kolb Ditch - Terry R. Johnson - \$2,230.02  
Sonntag-Stevens - Terry R. Johnson - \$2,349.75  
                  Evelyn Paul - \$2,355.10

President Borries stated that all bids were in order.

Mr. Jeffers said they should be bid 'per foot'.

President Borries asked what the Board wished to do with the bids at this time.

Commissioner Willner stated that they could be taken under advisement.

Commissioner McClintock asked if they could go through and see what the bids were last time.

Mr. Jeffers stated that they could if that was their pleasure.

Mr. Jeffers said, "The handouts that I have given you are hand written, but it is what I prepared from questions that apparently were desired last time and the second sheet, Ms. McClintock asked me if I would break it down per foot after the conversation that I had with her later. I do not have Keil Ditch broken down the same way."

Commissioner McClintock asked, "Where you have '1989, that was the previous bid that we had?"

Mr. Jeffers stated that this was the bid that they rejected. "You rejected all of the bids that were filed in column '1989.'"

Mr. Jeffers continued, "You will notice that on some ditches the bids have been higher than what the bid is today. In other ditches, that is not the case. The number underneath the bids in the columns on the top page, that is the number of bids that we received for that particular year and obviously, what you are seeing there is the lowest or most qualified bidder for the year. Some of the other bids, which I did not write in there, were substantially higher than they are this year, but were not awarded because the low bidder was a satisfactory bidder. That was a question that was asked by Ms. McClintock during the last meeting, 'Do we normally have only one bidder per ditch?', and this will show you that some years we do and some years we don't."

President Borries asked Mr. Jeffers to explain the difference on Keil.

Mr. Jeffers said, "I didn't think about it until this morning, but I hadn't broken down Keil into the same categories as I did the day after our last meeting on the rest of the ditches, so I just put down what last year's bid was on Keil. It is simply that last year's low bid on Keil was \$617.40 and there were two (2) bidders and the bid price was 20 1/2 cents per foot."

Commissioner McClintock said, "The only ditch that there was a major....The new bids, basically, all stay the same with the exception of Baehl and Keil and Sonntag-Stevens."

Mr. Jeffers said, "We do have a bid on Keil, rather than not having one at all and you have two (2) bidders on Sonntag-Stevens, rather than having one (1) bid. In fact, Baehl Ditch went down \$34.41."

Ms. McClintock said, "You explained the difference between last year's price and this year's price is about \$7,000 or \$8,000 on Eastside Urban/South 1/2. Could you run through that again for me please?"

Mr. Jeffers responded, "The question on ESU/South half, Ms. McClintock and I discussed some different factors that, on my part are, again, somewhat subjective, in other words, I am looking at it as if I were the bidder, and I would have to go out there and do this work, and also, to some extent speculation, because I am not the bidder and I don't know exactly what is in

his mind, but these are the reasons I gave based on that, that possibly the bid is higher now than it ever has been: I-164 crosses Nurrenbern Ditch and requires a long detour on both sides during spraying and mowing. Also, Lloyd Expressway was expanded to four (4) lanes with a wide median and it crosses Nurrenbern and the right-of-way fences require a long detour to spray and mow both sides of the ditch. This was not the case last year. Same on Kelly Ditch at I-164 and Morgan Avenue. Again, the right-of-way fences and new bridge structure that you can't go under that bridge structure, they increased the slope of the ditch bank and applied rip-rap on it and you can't go underneath it; the new right-of-way fence along that portion of I-164, Stofleth Ditch has construction going on all along the west side of the ditch which may have an uncertain impact on the ability to get in and maintain it on the day that the contractor may want to get in. At the time I talked to Ms. McClintock, I said, 'Southern Railway restricted or eliminated all access to the railbed by machinery,' but I do have an agreement from them that if they have seventy-two (72) hours notice, they would send flagmen down to flag any potential trains coming down through there while the contractor or his men and equipment are on the railbed, but that would require seventy-two hour notice by telephone to a man whose telephone number is attached to their specifications. That changes, to some extent, his ability to get on the railbed. That affects 2 1/2 miles of the ditch bank. There is also restricted access to all of ESU, South half due to increased continuing commercial/industrial/residential development, which includes such things as construction sites, fences, loose fill, storage (by owners along the ditch), trash, pipe outlets or increasing the number of pipe outlets. Another reason is that it requires double mowing. I did specify about 1/2 mile of ditch that has to be mowed twice rather than once and that is the Bonnieview Extension around subdivisions because of continual complaints by homeowners paying a ditch assessment and thinking that the weeds should not get over a foot or two high. Again, I mentioned last week, guard rail, put in by the County and just in general, increase the standards and special inspections over the last couple of years. If you want to hear from the bidder, he is in the audience."

Commissioner McClintock made a motion to award these bids to the lowest bidder in each case.

Commissioner Willner stated that he would agree with the exception of Eastside Urban which he thought from \$12,826.04 to \$19,013.00 was too much. He thought maybe they should hold that this year and bid it out next year. *DIP*

Mr. Jeffers said, "The areas that they were mowing twice are now in the city. When they were in the County up until last year when the individuals paid their individual assessments, they were continually complaining. Now, the City pays the assessment for them, but the same individuals live there and they still call."

Mr. Jeffers continued, "If it were an agricultural drain, I wouldn't have any problem with mowing it once. The only agricultural reason to mow it twice is that we do have some Johnson grass in that area, but the spray should be sufficient to take care of that. We do have a severe cattail and weed infestation in many of the ditches in the Eastside Urban because of the slow moving condition. They need to be sprayed at least once a year."

Commissioner McClintock said, "Mr. Johnson is here, maybe we should hear from him as to why. He was the bidder last year and took care of it last year."

Mr. Jeffers said, "There was a time when each ditch on Eastside Urban was bid individually and I told you last year that I remembered some prices somewhere around 37 cents, but when I

looked back through the records, I realized that was when each was individually bid and some of the larger parts received bids that high, but this, what I am showing you here, is the total cost for each of the years for Eastside Urban South half from 1984 to 1989 and the highest total is \$13,593.16 and that was 1985."

President Borries asked Mr. Johnson to come forward so that the Board could ask questions of him if they wished to do so.

Commissioner Willner said, "Terry, last year you bid the ditch for \$12,826.04 and this year it is \$19,013.00. Is there some reason for that?"

Mr. Johnson responded, "One of the reasons is like the Railroad Company last year, I had signed on their forms, I couldn't get on the tracks and then any damage, like rock rolling off the railbed or anything like that, I would have to pay to have it put back on. They would send their construction worker out there and I would have to pay for it. That is one of the problems. It started out that they wanted me to pay the flagman from the railroad company and their cost started from whenever they left Bloomington, Indiana until they got here to Evansville and they finally agreed that the ditch had to be mowed and Aspen had the contract to spray that side and never got down there and they were going to cut like six (6) feet off of the railbed. So, they agreed to forget about paying the flagman. There is washout out there and you have restrictions such as fences, guardrails, and numerous things out there. You got all of these businesses stuck right up through the ditch bank and they don't move their stuff, so you have to mow it by hand and labor is not cheap anymore. You can't find anybody that wants to work. That is one of the biggest problem. Then, you put that I-64 spur through there and you have all of those fences and that restricts you from going down in the ditch like we used to and your farmers are planting all of their crops right at the top of the banks and you have to wait for the access road getting back to the ditch which may be a mile or 1/2 mile down the road and you can't get in there until they get their crops out unless you want to pay for the crops."

Commissioner McClintock asked, "Mr. Johnson, how many years have you done this ditch?"

Mr. Johnson responded that he had done this ditch three (3) years.

Commissioner McClintock continued, "So, you have bid in '87 \$11,874.20; '88 -\$12,826.04 and this year \$19,013.00. So, you have had two (2) years experience out there with the whole deal?"

Mr. Johnson responded that actually he had worked out there for four (4) years because he worked for another contractor the first time. He said, "When you get out there mowing it by hand, it is no picnic. At Rudolph's, it is thirty-five feet to the bottom of the ditch. So, you climb a pretty steep embankment and that is all mowed by hand."

Ms. McClintock asked, "How much time will you spend out there this summer?"

Mr. Johnson said, "Probably about four (4) or five (5) months."

Mr. Jeffers said, "I think she is just talking about Eastside Urban."

Mr. Johnson said he didn't know right off hand but it was probably a couple of months.

Ms. McClintock asked how many men he had on that ditch.

Mr. Johnson responded that he had fifteen (15) men out there last time.

Ms. McClintock asked, "Fifteen men @ six weeks for forty hours per week? This would be about 3,600 hours. Do you pay them \$10.00 per hour?"

Mr. Johnson said, "That depends. Most of them get \$8.00 per hour."

Ms. McClintock said, "Do you have to pay \$8.00 per hour? You are going to lose \$9,800.00."

Mr. Johnson said, "That is why I bid on all of these ditches, so I can make it up. I made it last year and the year before. Chemicals are also going up."

Ms. McClintock asked, "Are most of these people seasonal employees that work for you in the summertime?"

The Chair entertained further questions of the Board.

President Borries then asked the pleasure of the Board.

Commissioner McClintock made a motion that they approve the low bidders on the Aiken, Baehl, Eagle, Eastside Urban, South 1/2, Harper, Henry, Kolb, and Sonntag-Stevens Ditches and Keil. Motion was seconded by Commissioner Willner. So ordered.

RE: WRITTEN PERMISSION FOR CONTRACTOR TO HIRE  
SUB-CONTRACTOR

Mr. Jeffers said, "The statute requires the Drainage Board give written permission to a contractor to employ a sub-contractor. I think I have prepared about as simple a form as I can. Your attorney is here and he can look at it, but I am asking for the Drainage Board to allow Big Creek Drainage Association as a prime contractor, to employ Green Grasshopper Flying Service on all of their ditches as they so wish to employ him and Big Creek Drainage Association, as prime contractor, to be given written permission to employ Martin Farm Drainage on the two ditches which are going to be cleaned with an excavator and those are Maidlow Ditch and Buente Upper Big Creek and the only signatures that I will put on the form are Board signatures and a date."

Mr. Jeffers continued, "We will be preparing contract forms just like the ones you signed today on the other ditches for the nine (9) ditches that you let today and I will bring those to you. They are required, by statute to sign them within five (5) days, but I can't bring them to you until the next meeting."

RE: WAIVER OF PERFORMANCE BOND ON ALL CONTRACTORS

Mr. Jeffers said, "I would ask you to waive the performance bond on all of these contractors. In each case, we have dealt with the contractor for at least two (2) years. This is the second year for Steckler and he did an excellent job the first year. In each case we feel that we are experienced enough with the contractor that was given the bid to know that he is capable of and willing to perform the necessary work to meet the terms of the specifications of the contract and that you waive the performance bonds as you have in the past years on all of these contractors."

Commissioner McClintock so moved. Seconded by Commissioner Willner. So ordered.

RE: CONTRACT FOR SUB-CONTRACTORS/COUNTY ATTORNEY

Mr. Hustace stated that he thought these sub-contractor contracts were okay except that the sub-contractor should agree to abide by the terms of the ditches of the prime contractor and they have to have a signature of the sub-contractor.

Mr. Jeffers asked if it should be on this same form?

Attorney Hustace said, "I think it should be a separate agreement, which we have not provided here that he will agree to abide by the terms of the prime contractor."

Mr. Jeffers asked Mr. Hustace to sketch that in at the bottom and he will bring a signature to you next month from the sub-contractor agreeing to abide by the terms of the contract.

RE: DAMAGE TO BARR CREEK

Mr. Jeffers said, "There was severe to moderate damage to Barr Creek, particularly on April 3rd in the afternoon during the heavy storm. I know that you are familiar with some of the damage that occurred at Bridge 13 and similar or even more severe damage occurred at places both upstream and downstream at that location, particularly between Buente Road and Boonville-New Harmony. There are some severe washouts, etc. It pulled the banks out in several locations. We are also going to have to do some work at an area between Boonville-New Harmony Road all the way down to Trapp Road. There are several bad embankment slides that are going to have to be repaired this summer. On Old Trapp Road, particularly at the railroad track, below Heppler Road Bridge, your Bridge Inspector brought this one to my attention. It is a very severe draw down situation that caused a big mud slide and then down above the Posey County Line, from the Posey County Line upstream about 1/2 mile, there are several locations where the water was so high out of this ditch during this storm that it drew back down and caved in the embankments. We are continuing to look at that situation and come up with some specifications. We are carrying about \$7,000 surplus in that account and so our proposals, we will try to limit the amount of work that we do this year to that amount of dollars which is going to be a real trick because there are a lot of problems out there. I don't think we will be doing it all for \$7,000.00. Again, this same storm called to our attention, it didn't damage nearly as bad, Pond Flat Main, but did call to our attention, some conditions we were unaware of particularly northwest of Bixler Road. All of the work we have done in there has done a great job in 2 or 2 1/2 inch rainstorms, but this storm, it appeared to pop out in a wooded area and if we allow it to do that, it will go in behind the improvements that we have made and will wash them out from the backside. Mr. Homer Buente is in the audience today and he is one of the gentlemen who is kind of a director on Barr Creek and he owns the farm above Mr. Maasberg."

RE: SUB-CONTRACTOR AGREEMENT

Prsident Borries said, "What this would read and Cedric has written this in by hand, I think it will certainly suffice, 'Provided that the sub-contractor shall agree to abide by the terms and conditions of the contract of the prime contractor.'"

The Chair entertained approval to sign these two (2) contracts.

Motion was made by Commissioner McClintock to approve and sign same. Motion was seconded by Commissioner Willner. So ordered.

RE: WHETSTONE MEADOWS SUBDIVISION

Mr. Jeffers said, "For the Area Planning Commission, you will have a small subdivision on your docket next Wednesday on Whetstone Road (Whetstone Meadows Sub). It was to come before you for drainage review today, but I did not get the Drainage Plan in time to review it."

RE: BARR'S CREEK DAMAGE - HOMER BUENTE

The Chair recognized Mr. Homer Buente.

Mr. Buente's remarks were, for the most part, inaudible; but he was commenting on the work that needs to be done to repair damage to Barr's Creek which was done during the April 3rd storm. He said that "Bill is going to come up with the worst spots first and work from there and that is fine."

President Borries asked Mr. Jeffers to keep the Board informed about Mr. Buente's situation.

The Chair entertained further business to come before the Board. Being no further business, the meeting was recessed at 5:15 p.m.

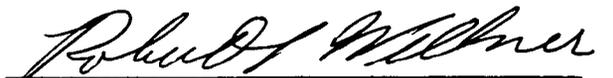
PRESENT:

Richard J. Borries, President  
Robert L. Willner, Vice President  
Carolyn McClintock, Member  
Sam Humphrey/County Auditor  
Cedric Hustace/Acting County Attorney  
Bill Jeffers/Chief Deputy Surveyor  
Dave Ellison/Big Creek Drainage Assn.  
Terry Johnson  
Others (Unidentified)  
News Media

SECRETARY: Joanne A. Matthews

(Transcribed by Bettye Miles - Proofed  
and Corrected by Joanne A. Matthews)

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Carolyn McClintock, Member

MINUTES  
DRAINAGE BOARD MEETING  
MAY 22, 1989

The Vanderburgh County Drainage Board met in session this 22nd day of May, 1989, in the Commissioner's Hearing Room with President Borries presiding.

RE:           APPROVAL OF MINUTES

Commissioner Willner moved that the minutes of April 24, 1989 be approved as engrossed by the County Auditor and the reading of same be waived.

Mr. Jeffers stated that he had a correction: On page 2, paragraph 7, Commissioner McClintock asked, and I believe that it should read 1989. He also asked Mr. Willner a question, because he was not sure, I think I misunderstood you, if the minutes are correct, on page 3, one long paragraph and underneath that, the 2nd paragraph under the big one, did you mean to hold it for one (1) year and then bid it out next year or dip it out? I understood you to say dip it out.

Commissioner Willner clarified that it should be dip it out.

Commissioner Willner moved that with these corrections, the minutes be approved. Motion was seconded by Commissioner McClintock. So ordered.

RE:           WHETSTONE MEADOWS SUBDIVISION

Mr. Jeffers stated that on the Area Planning Commission Agenda for the first week in June is the Whetstone Meadows Subdivision, which is a four (4) lot subdivision on Whetstone Road, east of the Airport and west of Oak Hill Road. It is a small and straight forward simple subdivision layout of four (4) lots, and it has been reviewed and everything appears to be designed in accordance with the way we like to see things done. The only question I have about it is that I received a note from Mr. Biggerstaff, "Bill, what do you think about 12 inch corrugated metal pipes under driveways?" There will be four (4) driveways here and he has been asking how about.....those are the only culverts that will be needed for the project are driveway culverts....and rather than me make that decision, I think that this should be reviewed during Driveway Permit Application, where the Driveway permits are applied for through the County Engineer and he recommends driveway pipe sizes at that time and the material.

Commissioner Willner asked if there is anyway to combine the driveways to be both on the first two (2) lots, so that we could have only two instead of four.

Mr. Jeffers stated that would probably be up to the homeowners.

Mr. Biggerstaff's response was inaudible.

Commissioner Willner said, "It would sure be nice here to have two (2) driveways instead of.....have two (2) common drives."

Mr. Biggerstaff said this would also alleviate the drainage problem. There is a house.....

Commissioner Willner said they would back out into the roadway if you have this. If you have four (4) driveways, it is hazardous, where if you have one drive there and one drive here, you eliminate half of your problems.

Mr. Biggerstaff said, "I don't feel there is going to be a problem. There is an existing residence on what would be Lot 3 on the plat and we would have to....Lot 4 is big enough that I don't think there would be a problem with that. They are not going to raze that house on Lot 3. That will remain and become part of that."

Mr. Jeffers said, "There are no culverts under the road."

Mr. Biggerstaff responded that there are none at this time.

Mr. Jeffers said, "What I would like to recommend is that you accept his Drainage Plan for Whetstone Meadows as is, but let the driveway culverts, or the size, location, and material of them, be handled at the time that the driveway permits are applied for to the County Engineer."

President Borries entertained a motion.

Commissioner McClintock so moved, with a second by Commissioner Willner. So ordered.

RE: CLAIMS

Mr. Jeffers presented the following claim:

Green Grasshopper Flying Service, Inc.: Spring Spraying of Eagle Slough per bid price of \$2,403.20. He has completed the work. Mr. Jeffers has looked at the work and there is a Surveyor's Report that the work was accomplished on April 27, 1989 and was inspected on May 18, 1989 and is approved for payment. This is the first of two (2) payments that will be made. The Spring Spraying which is 50% of the total which will be paid this year. The claim is signed by the County Surveyor.

Commissioner Willner moved to approve the claim for payment, with a second by Commissioner McClintock. So ordered.

The Chair entertained further business with Mr. Jeffers or of the Surveyor's Office.

There being no further business to come before the Board at this time, President Borries declared the meeting recessed at 5:25 p.m.

PRESENT:

Richard J. Borries, President  
Robert L. Willner, Vice President  
Carolyn McClintock, Member  
David V. Miller, County Attorney  
Sam Humphrey, County Auditor  
Bill Jeffers, Chief Deputy Surveyor  
Aaron Biggerstaff  
Others (Unidentified)  
News Media

MINUTES  
DRAINAGE BOARD MEETING  
MAY 22, 1989

PAGE 3

SECRETARY: Joanne A. Matthews

Richard J. Borries, President

*Robert L. Willner*  
Robert L. Willner, Vice President

*Carolyn McClintock*  
Carolyn McClintock, Member

MINUTES  
DRAINAGE BOARD MEETING  
JULY 3, 1989

The Vanderburgh County Drainage Board met in session at 4:30 p.m. on Monday, July 3, 1989 in the Commissioners Hearing Room with Vice President Robert Willner presiding. (President Rick Borries is currently out of the country.)

The meeting was called to order by President Willner, who declared the Board in session pursuant to adjournment.

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the minutes of May 22, 1989 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: CHANGE IN MEETING DATE

Chief Deputy Surveyor Bill Jeffers said this meeting was advertised to replace the meeting of June 24, 1989 and the advertisement also included notice that the Drainage Board will have a meeting on July 31st to replace the meeting on the fourth Monday of July.

RE: REQUEST TO RELAX EASEMENT COUNTRY TRACE SUB, SECTION I

Mr. Jeffers stated that Mr. and Mrs. Charles Gwaltney of 6335 Country Lane are in the meeting today. They own that lot (Lot #34) and reside at that address. This is in Country Trace Subdivision, Section I. Along their north boundary with Lot #11 they have a 15 ft. drainage easement on their side of the line and there is a 5 ft. drainage easement on their west line and the 5 ft. is on the east line of Lot #11. That makes a total of a 20 ft. drainage easement. They are asking for a 3 ft. relaxation for the purpose of taking a riding lawnmower between the shrubbery they have planted against the west side of their house and an ornamental wood board fence that they would like to install 3 ft. out into the easement. They need enough room to pass a riding lawnmower between the ornamental wood fence and the shrubbery. As it grows it will grow too large for them to pass between the shrubbery and the existing easement line. Mr. Gwaltney has not yet installed the fence. Mr. Jeffers said he had a memo prepared just in case he wasn't here today (because he is on vacation) and he would like to submit the memo to the Board. But basically what he is saying is that the 20 ft. width of the easement was intended to facilitate the installation and maintenance of detention swales in this subdivision. The approved drainage plan shows that this detention swale only occupies a portion of the easement -- specifically, the southwestern 25 ft. of their lot. There is no detention in the portion of the easement where Mr. Gwaltney wants to relax the easement and the easement is only being used for access to and maintenance of that swale.

Upon request, Mr. Jeffers provided a map to the Board for their perusal. He said the yellow shaded area along the west line of Lot #34 is 5 ft. wide and 55 ft. long from the right-of-way of Country Lane southward for 55 ft. (a strip 5 ft. wide).

Mr. Jeffers said he made an inspection of the site and the detention swale appears to be constructed in accordance with the plans approved by the Drainage Board about three years ago and the remaining portion of the easement is occupied by a very low profile swale that drains both of those yards and leads to the detention area. A 15 ft. easement would be sufficient to access and maintain the detention swale. Mr. Gwaltney is only asking for 3 ft. at this time. Therefore, the Surveyor's office is prepared to recommend to the Vanderburgh County Drainage Board that:

- 1) The Drainage Board reverse the requirement for a 20 ft. easement along the west line of Country Trace Subdivision on Section I, Lot #3, by exempting that portion of the easement as described as follows (he then has a legal description of that 55 ft. x 5 ft. strip). Or,
- 2) Relax the restriction against fences or a fence being placed in that portion of the easement which was described -- but only if these changes can be made within whatever parameters apply regarding the Board's legal capability to change a recorded plat. This plat is recorded and on the recorded plat in the Recorder's office it says, "Strips of ground the width shown on this plat and marked drainage easement are to be used for drainage swales and within these swales no trees, shrubs, structures or fences are permitted".

So what the Surveyor is recommending (if that if the Board is capable of relaxing the easement) is to relax it as shown on that map and as described in the aforementioned memo or to simply relax the restriction against fences in that 5 ft. x 55 ft. strip. The reason he went from 3 ft. to 5 ft. is just to have that 2 ft. leeway in case the fence happens to require more than the 3 ft. relaxation. He feels that a 5 ft. relaxation will not harm the drainage plan. The memo is accompanied by an attached map, a site plan drawn by Mr. Gwaltney, and a copy of the portion of the plat that restricts fences.

Ms. McClintock asked, "You're recommending this if we can legally do that?"

Mr. Jeffers responded, "If you can legally relax the easement or if you can legally relax the restriction against fences within easements -- to relax the easement or the restriction only for that 55 ft. x 5 ft. strip as shown on the map and as described in the legal description attached to the memo."

Ms. McClintock asked, "You do not know whether we can legally do this?"

Mr. Jeffers said, "I do not know that."

Ms. McClintock asked Attorney Harlan whether he knows if the Board can do this.

Mr. Harlan said he has some reservations, because it is a recorded plat.

Mr. Jeffers said he would assume that if the Board had that authority, perhaps some sort of document could be recorded. The only reason he is hesitant about it is that he wants the abstractors in the future (when the Gwaltney's sell their home) -- the abstractor needs to be able to pick up a document in the Recorder's office -- because the bank usually sends out a surveyor for a bank certified survey -- and he will pick this fence up as being inside the easement that was recorded on that plat. Then the abstractor needs to pick up a document showing that fence was allowed. That is all he is worried about if

somebody twenty years from now has a question. The 4 ft. wood board fence probably would not restrict any water, if there were any. The boards will be 4 inches wide with a 2 inch opening. He asked Mr. Gwaltney if they aren't also setting those boards up some one (1) inch from the ground level and Mr. Gwaltney said they are 1 inch off the ground.

In response to query from Commissioner Willner, Mr. Gwaltney said this is just a decorative fence. They already have a decorative fence on the Burkhardt Rd. side of their lot -- and then it goes into a 6 ft. fence that encloses the back side of their yard. So the new fence will match the existing 4 ft. fence.

Mr. Willner asked if Mr. Gwaltney is in the process of selling his home or if he plans to sell in the future?

Mr. Gwaltney responded negatively to both questions. He said they are a retired couple and have been retired for two years.

Mr. Willner said he has no problem with allowing them to build the fence with the stipulation that they maintain the easement and if it was ever needed for anything they would be willing to take the fence down. He does have a problem of trying to undo 3' to 5' of the easement. But he has no problem with giving them permission to put up the fence with the stipulation that it would come down if the easement were needed.

Commissioner McClintock asked, "What would they have when they sell the house? What would they have -- the minutes of the Drainage Board Meeting showing they had permission to construct this fence?"

Mr. Willner responded, "Yes, they can construct the fence within the drainage easement, as long as it doesn't hurt our future needs for that easement."

Attorney Harlan said if they went ahead and built the fence without coming to the Drainage Board -- they own that land and it is subject to an easement -- but they could put a fence there now. However, if it was ever needed, then they could be required to remove the fence.

Mr. Gwaltney said 15 ft. of the easement is on their property and 5 ft. is on the adjoining property. If they go out 5 ft., that would still leave 15 ft. -- and it is not strictly for drainage -- it is for access to the drainage area. There is nothing in there -- no pipes or anything -- nothing except grass to his knowledge.

Commissioner McClintock asked, "The Surveyor's office doesn't have any problem with this? They don't think they will need the additional 5 ft. in the future?"

Mr. Jeffers said he doesn't think the County will ever need it. If it is annexed into the City with their drainage revenue they may need access to the drainage swale area -- and he is saying that he thinks 15 ft. is sufficient for that purpose and there is 20 ft. now. Starting at their southwest corner, the swale itself occupies most of the 20 ft. But back up where they are asking for the relaxation, there is simply a very, very slight swale that just drains the yards and doesn't serve as detention area -- and they are now maintaining it themselves and are doing a nice job of maintaining it as a lawn. His impression is that they just want to do things right. In other words, there are fences and drainage easements all over the east side of town and these people just simply wanted to do it according to what the Drainage Board feels is right. They didn't want to stick a fence up there and have somebody come and tell them to take it down.

Commissioner McClintock said she doesn't feel she can vote on this today, because the Commissioners don't know that they can legally do what they are being asked to do. Her request would be for the Attorney's office to see what the Board can do legally and make a legal recommendation to the Board. She thinks this is the only way she can make a decision. Ms. McClintock asked if this can then be scheduled for the next meeting agenda.

Mr. Jeffers said Mr. Gwaltney is in the process of installing a fence and this portion is just a continuation of that fence.

Mr. Willner said he doesn't have any problem with that. However, he asked that Attorney Harlan retain the memo and see that the Board receives advice on July 31st at their next meeting.

Mr. Willner again said he has no objection to the Gwaltneys going ahead with the fence.

Ms. McClintock said, "If we come back and say you can do basically what Bob had said -- I guess what we're saying is that you can go ahead and do the fence; but what we might say on July-31st is that we're not going to give you that 5 ft. and it is basically going to be as Bob outlined -- you can have it there as long as the County doesn't need it, but they may come back at some future point and say you have to take the fence down."

Mr. Jeffers said what Bob Willner is saying is basically the position that the other utilities take. People put fences in public utility easements and SIGECO doesn't do anything about it until such time as they have to get in there. The only difference is that SIGECO, in that situation, can simply come take the fence down the day they want to take it down and I don't think the Drainage Board prefers to operate in that manner.

Mr. Willner said, "I think what I am saying is, will you build the fence if we don't give you that 5 ft. back? Will you build it anyway?"

Mr. Gwaltney said, "We've got part of a fence there now -- and it's right next to the shrubbery and we can't get in there to mow. So we'd like to move this partial fence we have over and extend it back so that the total length would be 55 ft. long.

Mr. Willner said, "As far as I am concerned, you can go ahead and do that whether or not we give you permission."

Mr. Gwaltney asked, "Are there any other forces involved?"

Mr. Willner responded, "No; we are the Drainage Board and that is a drainage swale."

Mr. Jeffers continued by explaining that the plat was submitted by a corporation that consisted of two (2) people (Tony Clements and Jack Davis) and we required the 20 ft. easement (although he didn't think it was necessary along this lot). But to do all the surveying necessary to taper it down, etc., was more expensive than leaving it a straight shot from the drainage swale out to the street.

Mr. Willner asked, "Who is going to give the Gwaltneys trouble over this problem?"

Mr. Jeffers said one of the lots adjacent to this easement is now owned by a relative of one of the men who had this put on the plat. He thinks it is his daughter.

Mr. Willner asked, "Are they going to raise their voice because this fence will hurt the drainage?"

Mr. Jeffers said, "No; because it would cross into the easement and their corporation was made to put the easement on the plat."

Mr. Willner asked, "And there are other extensions into the easement from other lots down the line?"

Mr. Jeffers said he didn't notice any in this subdivision. However, Mr. Gwaltney says he has. He is just saying that there is a lot of this that goes on without the Drainage Board ever knowing about it -- and Mr. Gwaltney wanted to do it in the proper way to make sure that no one could come along and tell him to move the fence after he built it.

Mr. Willner said, "I wouldn't say 'no one'; but I would say that it would take an act of this Drainage Board to do that; if we give him permission to build in it."

Mr. Jeffers said he would tend to agree with Mr. Willner; however, not being an attorney is why he deferred to the Attorney.

Mr. Willner said, "Let's talk about the building on the north side of Morgan Avenue on a legal drain. We gave permission to build a lean-to out into the 50 ft. or right-of-way, did we not?"

Mr. Jeffers responded affirmatively.

Mr. Willner continued, "With the stipulation that if it was ever needed he would take it back down and keep it mowed."

Mr. Jeffers said, "That was on a legal drain; you have ultimate authority on those."

Mr. Willner said, "This covers no new ground for us to do that. But giving it back to them does cover new ground. Okay?"

Mr. Jeffers said he sees Commissioner Willner's point.

Mr. Willner informed the Gwaltneys they can build the fence; but they might have to take it down if the Drainage Board requests him to do so or subsequently the City of Evansville -- if they annexed the area.

Mr. Gwaltney asked if Mr. Clements came down there and said he can't do that and he's going to have it changed back the other way?

Ms. McClintock said, "He would have to come down here and argue with us."

Mr. Jeffers said he's already talked to Tony Clements. But he believes it is Jack Davis' daughter. Tony Clements said if it isn't going to cause him any problem, then he doesn't have any problem with it.

Mr. Willner said if the Drainage Board ever wants to use the easement, they will ask the Gwaltneys to take the fence down. That's the best he can do right now. He will have the County Attorney to research the matter and give the Commissioners a legal opinion. But if wants to go ahead and put up the fence, he can go ahead.

The Gwaltneys expressed their appreciation. They asked if they should wait until the Board has the legal opinion back -- that will be July 31st.

Mrs. Gwaltney said Mr. Davis' daughter stopped them last year. Mr. Davis called them about 7:30 a.m. one day and said they couldn't put the fence there. So the fence man took out the top

and told them they'd better find out what they can do. But if they make a move, Mr. Davis' daughter has her husband call Mr. Davis and he tells them they can't do it.

Ms. McClintock said, "They can't tell you that you can't do it. We appreciate your coming to us."

RE: OAKVIEW PLACE II, SECTION B /REVISED DRAINAGE PLAN

The meeting continued with Mr. Jeffers submitting a revised drainage plan for Oakview Place II, Section B. He said Mr. Jim Fuquay is the owner and Mike Fitzsimmons is the Engineer. He believes Andy Easley is present to represent the Engineer. This is a set of street and drainage plans that Mr. Fuquay would like to have approved as soon as possible. The revision is down where Mr. Willner is pointing. The twin pipes have been moved from the natural creek channel south -- or it is proposed they be moved south to the southeast corner of the subdivision. The purpose of this is that Mrs. Ida Schmidt (who is also in the audience with her niece) would like to fill in that old creek channel that is part of Licking Creek, so she can mow the triangular piece of ground that lies between the creek and Mr. Fuquay's subdivision.

Mr. Willner asked if this carries any water across designated area and Mr. Jeffers replied in the affirmative. He said that comes off Knob Hill and it carries a substantial amount of water. They are going to fill that old channel and route the water down through the detention swale that runs along the east boundary of Mr. Fuquay's property. That was designed as a detention swale and it was going to outlet into the natural outlet, which is the natural creek -- but they want to move it several hundred feet south and outlet it down there in the new easement. The calculations remain the same; the pipe size remains the same. Actually, they are dressing it up quite a bit. They are putting quite a bit of additional rip-rap and extending the length of the pipe. And he thinks they are going to concrete pipe as opposed to corrugated metal pipe, if he remembers correctly.

Mr. Willner asked Mr. Jeffers for the Surveyor's recommendation.

Mr. Jeffers said their recommendation is to approve the revised drainage plan for Oakview Place II, Section B, utilizing the original calculations, and with stipulation that an easement that is required to get over to the natural drainage is acquired from Mrs. Ida Schmidt and the drainage easement document was prepared (he doesn't know whether it has been signed) -- and that is why the stipulation is there. and if this easement arrangement is worked out for that 75 ft. x 25 ft. it is basically the same drainage plan as approved by the Board earlier.

Mr. Willner said he doesn't have a problem with it and he entertained a motion.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner the revised drainage plan for Oakview Place II, Section B was approved, as recommended by the County Surveyor. So ordered.

Ms. McClintock said the street portion was approved in today's Commission meeting, so this takes care of Mr. Fuquay's subdivision.

Mr. Easley said if they do not provide the easement, then they will have to go back to Plan "A".

Mr. Jeffers said that is correct. He thinks the Board understands that the easement is not acquired; they are crossing ground they don't have a right to cross -- and they will have to go back to the original drainage plan.

RE: AUTUMN HILLS SUBDIVISION

Mr. Jeffers said Mr. Sam Biggerstaff is the Engineer on this subdivision, but he doesn't see him in the audience today. The Surveyor's office has reviewed the plan that Mr. Biggerstaff submitted to them, with calculations. This is five (5) lots and the Surveyor's office recommends the Board approve the plan with the 42 inch corrugated metal pipe to be installed at the north end of the subdivision as shown, with the condition that the County Engineer approves the material to be placed as a culvert. The reason for that stipulation is that this roadway may be extended into another 10 acre parcel north of this parcel; it appears as though it is headed that way and that may become a County road in the future. So the Board may want that material approved by the County Engineer, who is presently working on some revised street and road specifications. He asked that the Commissioners please note that the Surveyor's recommendation is based on the knowledge that the roadway for this subdivision was represented to their office as planned to remain private. But the inclusion of the pipe in the drainage plan indicates there may be a future plan to extend the road into the land lying north of the site and there is a possibility that the road may become a public roadway. Also, note that the roadway was presented to their office as planned to be asphalt concrete without curb and gutter, with earth shoulders and open side ditches (presumably built to current County standards) -- and that is that 24 ft., 6 ft. shoulders, and 1 ft. deep side ditches. That is how it was presented to them.

Mr. Willner said that toward the end of last year Commissioner Cox and the rest of the Commissioners agreed that they would not do anything but rolled curbs and gutters from that day forward. Rolled curbs and gutters are much better drainage and traffic control and you don't have to worry about shoulders and grass can grow up to the roadway and it is better. So that was their decision. He then asked Mr. Jeffers what road this would connect to. That depends on whether or not the Commissioners will waive the sidewalks.

Mr. Jeffers said they have Koring Road and they propose to build a roadway all the way to designated area and then it just dead-ends with no cul-de-sac. So that indicates to him that this parcel might be subject to development. You don't hit another road until you get up to Marx Road, which is about a mile. There are only five (5) lots in the subdivision and he would imagine that they will want their sidewalks waived.

Ms. McClintock said Mr. Jeffers based a lot of his recommendation upon what the County Engineer recommended insofar as the materials and what Bob Willner is saying is what the Board really wants the people to put in is rolled curb and gutter roadway. What she thinks the Drainage Board ought to do is to send it to Area Plan and they will either approve it or not approve it pending approval of Mr. Jeffers' recommendation on the drainage plan anyway. It will then come back to the Commissioners in August and they can get a recommendation from the County Engineer on July 31st.

Mr. Willner said they're just asking for the drainage plan right now and he has no problem with the drainage plan.

Mr. Jeffers confirmed that this is correct. They have reviewed the drainage calculations, the pipe sizes, etc., and they meet the requirements. What he is saying, however, that in the process of discussing this with the Engineer he learned that the developer would like for it to remain a private road and that he had no intentions of building a road that exceeded the minimum County requirement that exists at this time. The empty parcel

could have another five (5) lots in it. There is no cul-de-sac indicated and he wants to put a pipe in and the pipe is actually at the very north end of the subdivision. Either he wants to haul dirt across the lawn or he would show a cul-de-sac. To him, if he had no intention of going another five (5) lots he'd show a cul-de-sac.

Mr. Willner said he has no objections to the drainage plan. He again asked Mr. Jeffers' recommendation with regard to the drainage plans.

Mr. Jeffers said that, based upon the calculations and pipe size, they recommend approval of the drainage plan.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the drainage plans for Autumn Hills Subdivision were approved as recommended by the County Surveyor's office. So ordered.

Ms. McClintock said she will indicate to the APC that they have a serious problem with the road plan.

RE: PAY FOR SERVING ON AREA PLAN COMMISSION

Mr. Willner said since Ms. McClintock was asked to serve on the Area Plan Commission there has been a serious problem. She will now be paid to do that job. He thinks the new law goes into effect July 1, 1989. The pay is \$35.00 per diem.

RE: BARR CREEK

Mr. Jeffers said that Mr. Homer Buente is in the audience today. He manages property where the Commissioners may have purchased some right-of-way from his family for Bridge #13 on the Boonville-New Harmony Road.

At the last couple of Drainage Board Meetings Mr. Curtis indicated there was some damage (particularly after the April 3rd storm) to the bridge itself; and then we had some embankment damage all down through Barr Creek as a result of the that storm. They also said they would bringing a Notice to Bidders to the Board as soon as possible to repair some of that damage. He has that notice to prepare Barr Creek ditch banks by excavation in Section 31, Township 4, South Range 11 West. This is the square mile area from Baseline Road on the south, County Line Road with Posey County on the west, and Heppler Road on the east. What they want to do is start down at the County Line Road and work their way back up Barr Creek to Heppler Road and repair the damage there first -- and then they will bring in another proposal to repair some other damage when they see how much this is going to cost. We have approximately \$8,000 in that account in surplus to start this project. They do plan some additional repair this fall and again next year, until all the damage is repaired.

Mr. Willner queried Mr. Jeffers concerning the required equipment.

Mr. Jeffers said it will require a dragline or a large -- well, Johnny Mann would do it if he were the successful bidder (as he was on Pond Flat) and he would probably use a dragline -- like he did on Pond Flat. Or, a large excavator such as Steve Blankenberger uses. It works faster, but it probably cost more to operate. In some areas they may actually have to haul some fill out, because there's some big collapsed areas. They may have to use some dump trucks to get rid of some of the dirt. Or the farmers may wish to have the dirt and it wouldn't cost us anything to haul it away.

Mr. Willner asked how many property owners have indicated they would like to see this done?

Mr. Jeffers said he would say every property owner along the ditch came to the last Association meeting and they joined the Big Creek Drainage Association. They brought Barr Creek in and he would say at least 70% or 80% of the property owners were in attendance at that meeting. He went out with some of them and reviewed the areas that are going to be repaired under this contract -- if it is let. And all of them are in agreement with what we are attempting to do. In fact, the property owners themselves pointed out the damaged areas to him.

The Chair entertained further questions. There being none, a motion was entertained.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, Mr. Jeffers was authorized to advertise for bidders for the repair of the Barr Creek ditch banks by excavation in Section 31, Township 4, South Range 11 west, with the bids to be received in the office of the County Auditor until 2:00 p.m. on Monday, July 31, 1989; advertisements will appear on July 6 and 13, and bid opening on July 31, 1989, with a second from Commissioner Willner. So ordered.

Mr. Jeffers said that apparently Joanne Matthews has this all set up with the newspaper due to the fact she is on vacation and because of the July 4th holiday. But someone needs to confirm the running of the ad with the newspaper by 8:30 a.m. on Wednesday. Mrs. Meeks said Ms. Matthews had made her aware of this.

RE: CLAIMS

Mr. Jeffers said he has some claims to be paid. These are for 40% payment of contracts (which he will indicate). What we have been doing on this is after the spring spraying of these ditches has been accomplished and after our inspectors go out and verify that the spray has been applied and that there is evidence that the spray is working -- then the contractors come in and ask for 40% payment so that, in turn, they can pay their suppliers and sub-contractors for the work they have accomplished -- rather than waiting until November to do so. The claims have been signed by the County Surveyor and each claim has the Surveyor's report attached indicating the work is approved:

Big Creek Drainage Assn.	(Barr Creek)
" " " "	(Pond Flat)
" " " "	(Pond Flat "C")
" " " "	(Buente Upper Big Creek)
" " " "	(Maidlow Ditch)
Terry Johnson Constr.	(Aiken Ditch)
" " " "	(Harper Ditch)
" " " "	(East Side Urban South)
" " " "	(Kolb Ditch)

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the claims were approved for payment as recommended by the County Surveyor's office. So ordered.

RE: BIG CREEK DRAINAGE ASSOCIATION - ADDITIONAL MTCE.

Mr. Jeffers said that Mr. Dave Ellison of the Big Creek Drainage Association is here today. In conjunction with their normal annual maintenance of ditches for which the Board is now signing claims, Big Creek Drainage also went into Pond Flat "C" and Pond Flat near the mouth of Pond Flat "C" and did some additional maintenance that basically consisted of dipping out some silt bars and repairing some damage to the banks of those ditches after the April 3rd storm -- and they really did a great job. He

knows Mr. Ellison has some photos of the work and he just wondered if Mr. Ellison wants to take a couple of minutes to brag about the work they did.

Mr. Ellison said he appreciates the opportunity to do so. He knows the Board exempted them from the 5% increase (the Board was kind of questioning anything over 5% increase over last year's ditch maintenance cost). What he was concerned about is that it doesn't take much to raise a ditch 5% -- a penny can do it insofar the footage they have out there. What he wanted to really express to the Board -- even though they didn't have any funds down here in the County, they go ahead and take what little profit they do make and put it back into their ditches. This is their livelihood -- and they appreciate the Board's looking at them with a little different look as they did this year -- when it comes time for spring bidding. Every one of those bridges has debris from the April 3rd storm and they have restricted flow. They did Rusher Ditch, Pond Flat beyond Frank Barr, Pond Flat by Elmer Schmidt, and the Boren property down by Mann Road. The total monies they spent out of their funds amounted to \$5,462.50. The Board expressed their appreciation to Mr. Ellison.

RE: BRIDGES

In response to query from Mr. Ellison, Mr. Willner said the concrete bridge on Darmstadt Road has been closed as a result of the bridge inspection saying it was unsafe and there are plans to replace that bridge this construction season.

There being no further business to come before the Board at this time, Commissioner Willner declared the meeting recessed at 5:30 p.m.

PRESENT:

Robert L. Willner, Vice President  
Carolyn McClintock, Member  
Cindy Mayo, Chief Deputy Auditor  
Jeff Harlan, Acting County Attorney  
William Jeffers/Chief Deputy Surveyor  
Mr. & Mrs. Charles Gwaltney  
Homer Buente  
Mrs. Ida Schmidt & Daughter  
Andy Easley/Easley Engineering  
Dave Ellison/Big Creek Drainage Assoc.

SECRETARY:

Taped by Cindy Mayo  
Transcribed by Joanne A. Matthews

  
Robert L. Willner, Vice President

  
Carolyn McClintock, Member

MINUTES  
DRAINAGE BOARD MEETING  
JULY 31, 1989

The Vanderburgh County Drainage Board met in session at 5:05 p.m. on Monday, July 31, 1989, in the Commissioners Meeting Room, with President Rick Borries presiding.

The meeting was called to order by President Borries, who said that Deputy County Surveyor Bill Jeffers has an agenda and he will let him proceed at this point.

RE: AUTHORIZATION TO OPEN BIDS RECEIVED ON REPAIRS TO BARR CREEK

Mr. Jeffers said three (3) bids have been received with regard to repairs to Barr Creek.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Attorney John was authorized to open the bids on the Barr Creek project. So ordered.

RE: DRAINAGE PLANS - AUDUBON ESTATES, SECTION C

Mr. Jeffers said the Board discussed the drainage plan for Audubon Estates on August 24, 1987 and approved the original drainage plan minus Section C, which is what is before them at this time. The reason they postponed that is because at the time Mr. Bussing, the developer, was borrowing earth out of this pit that now exists along the south boundary of Audubon Estates Section C alongside Interstate 164 and the borrow pit basically represents a holding pond for water that can be diverted into it from Kolb Ditch and we needed to see a plan that proposed to divert Kolb Ditch (a legal drain in Vanderburgh County) through this holding pond and then back out through the structure at the bottom right hand corner of the orange area the Commissioners are perusing at this time -- which the State has now installed underneath Interstate 164. It is a 6 ft. x 8 ft. box culvert. Jack Alles of Morley & Associates is present and the Board can direct any questions they may have concerning the drainage plan to Mr. Alles. The drainage plan Mr. Alles has in front of the Board at this time is the product of Morley & Associates and Messrs. Morley, Alles and Bussing had a meeting with him and the County Surveyor. What the Board is seeing is pretty much what we asked for if they want to divert Kolb Ditch into this lake. They would assume maintenance of the ditch from the point where it is diverted from its present course (which is the beginning of the line where the red, orange and green come together) due south into the pit and then we asked for a maintenance roadway 15 ft. wide (the narrow orange line alongside the north side of the bank) and we asked for the ditch right-of-way to be carried through the lake (which is the large orange area running around the outside of the lake and along the Interstate right-of-way. Also, they intend to submit 50 cents per lineal foot for the shoreline maintenance to go into the maintenance fund. He believes this is pretty much what was discussed. Mr. Jeffers then introduced Mr. Alles.

Mr. Alles said the only addition would be what they see as a two-stage approval -- the drainage plan, as shown today, and then the second phase of it would be the actual vacation of Kolb Ditch (which is shown in the green area on the drawings).

Ms. McClintock asked, "So you are requesting that we approve these drainage plans and that we vacate Kolb Ditch?"

Mr. Alles said this is correct.

Ms. McClintock said she assumes Mr. Jeffers is recommending approval of the plans.

Mr. Jeffers said the Surveyor's office recommends that this plan be approved and that we initiate proceedings which we hope will ultimately result in the green stretch of Kolb Ditch being vacated and filled and the new ditch being constructed by Mr. Bussing diverted into the lake. The lake will act as a holding or retention pond and, hopefully, alleviate some of the problems we've had with that ditch (which stands full of water all the time right now). We also are presently trying to get the contractor for the State to clean out from that pipe on out to the levee. It has all been silted shut by construction, as well. We hope that once we get this all cleaned up and Kolb Ditch diverted into this lake that we will have better drainage for Kolb Ditch than that which presently exists.

Mr. Willner asked if there is going to be an open ditch starting with the green area on Mr. Jeffers' left?

Mr. Jeffers said it will and it will drain into the lake in designated area. In response to query from Commissioner Willner, Mr. Jeffers said he doesn't think there are plans to rip-rap it. This is a very slow moving ditch and they haven't seen the kinds of velocities that would require rip-rap in the designated area. It's a very flat ditch.

Mr. Willner asked, "If we have a 100 year storm the lake will run full?"

Mr. Jeffers said the retention results from the fact that we have a certain number of square feet covered with a sheet of water and it is restricted at its outflow end. The water will build up. Instead of running straight down the ditch, it will build up and spread out and probably leave the lake at a lower rate than it would have had it gone straight through the existing ditch. He believes there is some retention inherent in that action. We also would have some evaporation occur and that would be replaced during the initial phase of the storm.

Mr. Willner asked if on the outside that is also an open ditch? What is going to keep that from eating down?

Mr. Jeffers said they have a rip-rap crossing in designated area adjacent to the State right-of-way, and that is maintenance crossing -- but this will prevent what you might call a downgrading of the ditch. It will be well packed in there. They asked them to pack the rip-rap crossing tight enough that a tractor can cross that to maintain the legal drain and that will prevent the water leaving the lake from eating down or washing down the flow line of the ditch. We also asked them that if they encounter unstable soil that would require fabric to hold the rip-rap stable that we would like it. Otherwise, just to apply the rip-rap in such a way that we could cross it with a tractor and a mowing machine. The other control would be the box culvert itself. It is a complete box with a concrete floor and the elevation on it -- the ditch could never get any lower than that -- which is presently approximately 1-1/2 ft. below the existing flow line.

Mr. Willner said he has no problems with relocating the ditch and he has no problem with what they are showing here. But it seems to him that while we are doing this we certainly ought to get 1 ft. to 1-1/2 ft. retention to help the east side drainage plan. Should we not?.

Mr. Jeffers said there is not 1-1/2 ft. available from one end of Kolb Ditch to the other. There is only .8 fall from Covert Avenue to Pollack. If he recalls correctly, there is only about 1 ft. of fall the entire stretch of the ditch from the levee all the way back up to Covert. He doesn't think we could create much more than six (6) inches of retention anyplace along there.

Motion made by Commissioner McClintock and seconded by Commissioner Willner, that the drainage plan for Audubon Estates Section C be approved, as presented by the Surveyor's office.

Mr. Borries queried Mr. Alles about the side slopes of the and asked if he has any statistics as to what kind of rain event the lake was designed for.

Mr. Alles said the drainage ditch and pipes were all designed for a 25 year storm.

Mr. Willner asked, "When we approve this, you're going to say that we have to maintain that just like we do the legal drain?" You're going to dedicate the easement to the Vanderburgh County Commissioners, is that correct?"

Mr. Jeffers said from designated point back to Covert Avenue we were going to maintain that as a legal drain. Because designated area is basically his construction area, we're just asking for a drive-through area to get to the original legal drain again and continue on. The Drainage Board won't be maintaining the lake. But we will have right to access the 15 ft. maintenance pathway to get to where our legal drain continues.

Mr. Willner asked, "Why are we accepting the easement then?"

Mr. Jeffers said we need a continuous easement all through there for maintenance purposes either dedicated as a legal drain or dedicated to some branch of government, because they intend to submit 50 cents per lineal foot for the (red) shoreline as part of our drainage ordinance for the purposes of maintaining this in lieu of a Homeowner's Association. It's the same as 50 cents per lineal foot for pipes outside the right-of-way.

Mr. Willner said that is not part of the motion. There is not going to be any pipe there.

Mr. Jeffers said, "No, but the drainage ordinance that was passed allows the developer to submit 50 cents per lineal foot for pipe outside of right-of-way and shoreline of retention lakes."

Mr. Willner asked, "To maintain what? Since there is no pipe there, what are we going to maintain with that 50 cents?"

Mr. Jeffers replied, "Whatever the ordinance says."

Mr. Willner asked, "What does it say?"

Mr. Borries interjected, "It says 'legal drain', doesn't it?"

Mr. Willner said, "That means we've got to maintain that lake and that's ridiculous."

Attorney John said "What Commissioner Willner is asking is, does this mean the Drainage Board maintains the lake in that area?"

Mr. Jeffers said he may not have made it as clear as the Board would like with regard to this. In their meeting with the developer and the engineer, Mr. Brenner asked how about if someone in that subdivision obstructs the flow of water through

the new channel or through the lake by doing something along the shoreline or anything? If anything were to occur, how could we get in there and remove that from the lake so that our legal drain water continues in its course? The solution to that was to plot the orange easement all around the outside of the lake so that a contractor working for the Drainage Board under the direction of the County Surveyor could be sent in to the lake area and clear any obstruction to the flow of the water. That will probably not occur; or, if it does occur, it will probably be a rare instance. But we needed right-of-way to get in there and it turns out on the plat that it is dedicated to the Commissioners. He guesses it could just as well be dedicated to the Drainage Board. He doesn't think it makes any difference. But if the Board prefers to see it dedicated to the Drainage Board as a legal drain easement or access thereto, fine. However, as a retention lake, it qualifies separately as being able to submit 50 cents per lineal foot for shoreline under the Commissioners ordinance for maintenance of that shoreline in lieu of a Homeowners Association.

Ms. McClintock asked, "So you're saying that has to be done at a Commissioners meeting?"

Commissioner Willner explained, "Let me say that Mr. Borries and I were here when we instituted the 50 cents per lineal foot of pipe for the maintenance of legal pipe drains. Never was that ordinance meant to maintain somebody's lake. Never."

Mr. Willner then cited an example, as follows. Suppose in the lower left hand corner of the plan we had a big rut and water coming into the lake and some child slips and falls into this lake and drowns. Are we going to sue Audubon Estates Section C or are we going to sue Vanderburgh County? What this says here is 'Retention lake to be protected by the maintenance easement dedicated to the Vanderburgh County Commissioners' -- and he certainly doesn't want that to happen. He doesn't want to take responsibility for this lake -- and that is what it says we're going to do here.

Mr. Borries said he thought Bill Jeffers said we weren't going to be responsible for the maintenance.

Ms. McClintock said, "Yes we will -- for the 50 cents. He just said that."

Mr. Alles said, "Without that there will probably be no maintenance except for the easement. Without the maintenance agreement there will be no maintenance of the lake."

Mr. Willner said we have the same thing out on the west side where they have the dam across the lake. This is the identical same thing.

Mr. Borries said he doesn't want to take on the road on the dam.

Mr. Willner said, "Here you're taking the maintenance -- what difference does it make whether or not there is a road on it. It's immaterial. You're taking the maintenance of that -- no matter what is there -- and the liability."

Mr. Jeffers said if Kolb Ditch is not vacated and they don't allow the re-routing of the ditch through the lake, that would substantially change the plat -- and probably change the drainage plan substantially enough to require that they come back with a new drainage plan anyway.

Commissioner Willner said they couldn't vacate the ditch anyway today, because public notice has to be given. However, he doesn't want to maintain the lake -- he thinks the homeowners should do that. If there were any pipes in there, he wouldn't mind taking them -- but he doesn't want to take that lake.

Mr. Alles said this will be fine, because they have to come back later and he will ask Mr. Bussing whether he wants to ask the Commissioners to re-consider that.

Mr. Willner asked that the secretary read the motion. Ms. Matthews said the motion was to approve the drainage plan but not to include maintenance of the lake.

It was suggested that both the previous motion and the second should be withdrawn and a new motion should be made.

Upon motion made by Commissioner McClintock the drainage plan for Audubon Estates Section "C" was accepted as presented, with the exception that the Board will not agree to the language or agree that the retention lake will be protected by maintenance easement dedicated to the Vanderburgh County Commissioners. A second was made by Commissioner Willner.

Mr. Jeffers asked if this could not be discussed before a vote was taken.

Mr. Jeffers said his idea about this was that because it is complicated, he wanted to trot it out to the Board in this meeting and get their feelings on it -- which he has done. But before they pass a motion that says the County Drainage Board will not accept the maintenance of the lake, he would suggest that they would read the Drainage Ordinance that was passed in 1987 -- because he believes they would be setting a precedent. He'd like for them to read the ordinance before they decide they are not going to maintain shoreline of the lake, when the ordinance does allow for them to do it.

Attorney John asked if Mr. Jeffers is requiring a vote today.

Mr. Jeffers said that is the pleasure of the Board -- he is truly just making a suggestion and the meeting can proceed with other items while Attorney John researches this.

Commissioner Willner asked Commissioner Borries if the thought the ordinance meant we would maintain the lake.

Mr. Borries responded, "No, but I can't tell you for sure whether it is or isn't in there. It was my understanding that what we were doing was that we were allowing -- instead of a Homeowner's Association to do the maintenance, we were allowing a separate fund to be set up for every subdivision in relation to a drainage pipe through that subdivision and as maintenance would occur, the 50 cents per lineal foot was to be used for that pipe. I don't think we've taken over accepting maintenance for a lake before."

Mr. Jeffers said, "No, you haven't yet."

Mr. Willner said that if he can remember correctly, it says when you have a holding lake or a retention lake that holds water and drains through a small pipe and as the water builds up -- to a great big pipe, that we would charge 50 cents for the pipe -- not for the retention lake.

Mr. Jeffers said Commissioner Willner could be right. The ordinance was changed from one time to another when it was passed. At one time it said concrete pipe -- and then the word concrete was left out in the next version. Again, he is sorry he didn't bring a copy of the ordinance with him. Nonetheless, as far as he knows, as he could best determine, the Drainage Board must follow IC-5 on advertising on this.

RE: CLASSIFICATION OF URBAN DRAINS

Mr. Jeffers said he has prepared a Notice of Public Meeting stating that certain regulated drains in Vanderburgh County are in need of classification as urban drains (Kolb Ditch, Aiken Ditch, Sonntag/Stevens Ditch and Keil Ditch). These ditches are listed in order of priority relative to their need to be designated as urban drains. In each case these drains will not provide proper drainage for urban lands without some type of construction, re-construction, re-routing, or other improvements and in all cases these drains serve land which has been or is being converted rapidly from rural to urban land. The Surveyor will submit a more detailed report on the improvements that are required at a later meeting. This is what he determined was necessary from IC-36-9-27. The advertising, as far as he could determine (and he may be wrong and the Board may want the County Attorney to verify it before notice is published) on any type of meeting that is not specifically named in IC-5-3-1-2, you put it in the paper once and wait ten (10) days to have your hearing. He is asking the Board to put the ad in the paper two months in a row and have two (2) hearings. He is asking that the notice be advertised at least ten (10) days before August 28th and again at least ten (10) days before September 25th to allow any person who may have a comment to attend said meetings.

Commissioner Willner said he doesn't have any problem with this, but he wants to add to it. He has had several requests from County residents to combine some ditches. He is going to ask that Mr. Jeffers provide the Commissioners with a County map of all the legal drains in Vanderburgh County and to give them his expertise on which ones may be combined into a single drain. Can we do that at the same time we do these? He doesn't think that requires notification, but, does it?

Mr. Jeffers said it requires some kind of notification, but he doubts that it is anything more complicated than this. Since we have until August 18th to advertise, if the Board would like to make a motion to that effect he will get with Attorney John and they will see if that can be added to this notification.

Motion to this effect was made by Commissioner Willner, with a second from Commissioner McClintock. So ordered.

(Subsequent to the meeting, Mr. Jeffers advised that the meeting will not occur on August 28th and the ad will have to be re-written prior to publishing at a later date.)

RE: ACCEPTANCE OF CHECK

Mr. Jeffers said he has a check from Kuhlenvola, which is a corporation of some sort that is doing Evansville Toyota's Royal Commercial Court. Last year we agreed to dip out that ditch so they could properly install their pipes and they agreed to submit a check for \$2,200 for 80% of that project. He would like for the Board to accept that check and deposit it into the proper account (the account for the maintenance of East Side Urban, South Half) and then he has a claim from Blankenberger Bros., Inc. which is in the amount of \$2,200 for 80% of the project they completed. We're withholding 20% for a final punch list, etc. Mr. Jeffers then submitted the check and the claim, together with the Surveyor's report with regard to satisfactory completion date, etc.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the check from Kuhlenvolz was accepted, endorsed, and given to the Secretary for deposit into the proper account and the claim was approved for payment. So ordered.

RE: REQUEST FOR RELAXATION OF EASEMENT/COUNTRY TRACE SUB

Mr. Jeffers said that Mr. and Mrs. Gwaltney are present today with regard to relaxation of an easement on their property in Country Trace Subdivision. He thinks Attorney John has an opinion.

Attorney John said he has discussed the matter with Attorney Jeff Harlan; apparently it had been assigned to him. He had some material and they both basically agree that it appears there is almost a restricted covenant that runs with the land dedicating this easement, which has a restriction regarding the placement of trees, shrubs, structures, and fences in this easement. The Commissioners have the authority to inform the Gwaltneys they have no objection to the placement and it is very possible they can go in and build the fence. But he believes it also goes beyond them. It also goes to the surrounding landowners. They would possibly have the right to come in and enforce this (basically a covenant) that says there will be no structures placed in there. Have the Gwaltneys discussed this with their own attorney regarding the possibility of the placement if the Commissioners stated their lack of objection to this?

Mr. Gwaltney said in the last meeting they submitted a plan and Mr. Jeffers came out and checked the area in question and suggested they could move the one 4 ft. decorative fence -- and it was accepted at that time that they could go ahead and do it. The question was could it be recorded?

Attorney John said he doesn't think the Commissioners could state that this no longer applies to his land, just as they can't to the other landowners along there. This is actually called an Owner's Certificate -- and it puts a restriction on that land similar to other restrictive covenants protecting the other lot owners in there. While the Commissioners may say they have no objection and they will go ahead and waive that and allow him to build that fence, that doesn't mean that the other landowners may not object to it and they would have the right to file and have that enforced. Possibly if he went ahead with his project, six months down the road one of them will sue Mr. Gwaltney and the Judge will tell him he has to move it anyway. So he may want to contact an attorney, show him what the Board has, and see if he can find a remedy for him -- whether that be a waiver by all parties affected having this right, or just the Commissioners. But he doesn't believe the Commissioners are the answer to the problem.

Mr. Gwaltney asked if Mr. John is saying that the other landowners would....

Attorney John interrupted, "I think they have the right to come in and say they bought their lot knowing that fences couldn't go in this area -- and that bothers them -- so they are going to enforce their right by having the Judge tell him that this is enforceable and that he can't place the fence there. This isn't something that just goes to the Commissioners."

Mr. Gwaltney asked, "That is within that drainage swale, isn't it?"

Attorney John said, "I don't know exactly where it is located; I know it is within the easement and according to the certificate the easement says there will be no trees, shrubs, structures, or fences permitted. Even though you waive that, my opinion is that the other landowners and other neighbors could come in and enforce this."

Mr. Gwaltney again explained their plans.

Attorney John said, "If you're not within what is restricted in designated area, you don't have to come in front of the Commissioners. If you are within it, like I am saying -- even if they do give you permission, that doesn't mean that some other landowner might not try to enforce it."

Mr. Gwaltney asked, "Could the developer enforce that, rather than the landowners?"

Attorney John said, "I would say -- does the developer still own any of the lots?"

Mr. Gwaltney responded, "Yes; but not adjacent."

Attorney John said it doesn't necessarily have to be adjacent. He would recommend that Mr. Gwaltney talk to a good land attorney in town, show him what he has, and very possibly there is a way he can build it. But he doesn't believe the Commissioners have the authority to allow him to do that and it be binding on the other landowners -- that's all he is trying to say.

Mr. Gwaltney asked, "If there are other landowners who have already violated some of these rules and regulations ..."

Attorney John interrupted, "That is not a waiver of their rights against you."

Commissioner Willner commented, "Legally, what he needed to do was to declare an easement null and void -- what do you call that?"

Attorney John asked, "To vacate it?"

Commissioner Willner said, "Right; vacate an easement. Legally that is what he'd have to do -- right?"

Mr. Gwaltney commented, "The easement is not for drainage -- it is to allow a truck or tractor or whatever to pull in there in case they would have to maintain it. The consensus was that the 5 ft. would still leave a 15 ft. opening there for any kind of vehicle or whatever to go through there."

Attorney John said, "I am not saying that there is anybody that would object or that there wouldn't be enough room or that it wouldn't be a nice asset to the community there. All I am saying is that with what I've seen, it doesn't look like the Commissioners can give you authority that would be binding on the other people. All they could do is state that they have no objection to the placement of the fence there; but that may not be the end of your problem. Somebody else may come forward and say that they do object."

Mrs. Gwaltney said, "We were told wrong last year."

Attorney John asked, "Were you here last year?"

Mrs. Gwaltney said, "No; we had a fence company and he staked it off after calling the builder."

Attorney John said, "He probably wasn't familiar with the restrictions on this easement. That is why I recommended you get an attorney, show him this, and see what he says that your rights are. I am not saying there will be a fight. It may be perfectly okay. What I am trying to prevent is your coming before this Board and their saying they have no objection to the Gwaltneys building the fence, they build it, and then find out they have to take it down. I just want you to know that what the Commissioners do is not going to be binding on other people that have the rights that this gives them."

Mr. Borries said, "Mr. John is exactly right. I'm sure that you all are very well intentioned on this, but I can remember when this subdivision was approved that there were other nearby residents who had tremendous concerns (in fact, we even saw video tape on this particular area) -- and this was put in there as a covenant simply because of the ongoing concerns, not only for future home buyers such as yourself, but the surrounding residents -- that these drainage easements would be free and

clear of any kind of structure or fence -- and it would be my understanding that this would be in every homeowner's abstract who bought in Country Trace. So, again, it is not designed to penalize you in any way -- but he is exactly right. We could say 'go for it' and your next door neighbor could say they simply cannot do that -- because this was why this was put in -- to make sure that if there was a major storm or major event out in that area that used to have flood water -- and the whole drainage plan was designed with these swales in there. "

Attorney John said, "There are certain requirements that are recorded and it is considered notice and 99.9% of the people who buy these things aren't aware of them, unless they really look for it."

Mrs. Gwaltney offered comments, but since she wasn't speaking from the podium they were, for the most part, inaudible.

Mr. Gwaltney said since there wasn't actually drainage in that area, that is why they felt they could be on safe ground by moving it that 5 ft. and still give access for a vehicle to come into there and maintain the drainage area. This was their thought behind the whole thing.

Commissioner McClintock said she is sorry the Board can't help the Gwaltneys.

Commissioner Borries reiterated that the Gwaltneys may need an attorney's advice if they do want to proceed, because they are going to expose themselves perhaps to some potential litigation if they decide to go ahead and do it.

Attorney John said if the Gwaltneys don't know any attorneys who specialize in real estate law, he will be happy to name three or four who practice in that area.

RE: READING OF BIDS RE BARR CREEK DITCH IMPROVEMENTS

The meeting proceeded with Attorney John reading the following bids received re Barr Creek Ditch Improvements:

J. L. Chastain (Evansville)	\$8,930.00
Blankenberger Bros. (Cynthiana)	\$6,600.00
Ray Stratner Excavating (Boonville)	\$10,800.00

All three bids appear to be in proper order.

Mr. Jeffers said the project is broken down into Areas 1, 2, and 3 and we only have about \$6,000 available to do the work. The way he wrote the specifications, we can eliminate one area. The Surveyor's office will take the bids under advisement and come back to the Board with a recommendation on August 28th.

Motion to this effect was made by Commissioner McClintock, with a second from Commissioner Willner. So ordered.

Attorney John said the Engineer's estimate is as follows:

Area #1 -	\$2,400.00
Area #2 -	\$3,600.00
Area #3 -	\$3,000.00

Mr. Jeffers said it is \$9,000 total. So two of the bids would have been allowed or can be allowed -- but we only have \$6,000 available for the project. They will eliminate Area #3 and come back to the Board with a recommendation on August 28th.

RE: AUDUBON ESTATES SECTION "C"

Discussion once again turned to Audubon Estates Section "C", and Mr. Borries said he isn't sure he said "So ordered". Mr. Willner said the lake is there and he doesn't mind the plan. Mr. Borries said, "So ordered."

There being no further business to come before the Board, President Borries declared the meeting recessed at 6:20 p.m.

PRESENT:

Richard J. Borries, President  
Robert L. Willner, Vice President  
Carolyn McClintock, Member  
Sam Humphrey, County Auditor  
Curt John, County Attorney  
William Jeffers, Chief Deputy Surveyor  
Jack Alles/Morley & Associates  
Others (Unidentified)  
News Media

SECRETARY: Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, V. President

\_\_\_\_\_  
Carolyn McClintock, Member

VANDEBURGH COUNTY AUDITOR  
208 CIVIC CENTER  
1 N.W. MARTIN LUTHER KING JR. BLVD.  
EVANSVILLE, IN 47708-1880

MEMORANDUM

NOVEMBER 17, 1995

TO: PRESIDENT COMMISSIONER PATRICK TULEY  
FROM: SUZANNE M. CROUCH *Suzanne*

ATTACHED PLEASE FIND MINUTES FROM THE DRAINAGE BOARD MEETING OF AUGUST 28, 1989, DECEMBER 18, 1989, JUNE 24, 1991 AND NOVEMBER 25, 1991.

WHILE ORGANIZING DRAINAGE BOARD MEETING MINUTES OF THE PREVIOUS COMMISSIONER'S SECRETARY WE FOUND TAPES THAT WERE NOT TRANSCRIBED. THESE MINUTES HAVE BEEN SOLEY TRANSCRIBED FROM THE TAPES SINCE NO OTHER NOTES OR RECORDS HAVE BEEN FOUND.

WE WILL BE SUBMITTING THESE MINUTES AT THE NOVEMBER 27, 1995 DRAINAGE BOARD MEETING FOR MR. RICHARD BORRIES APPROVAL AND SIGNATURE. MR. BORRIES IS THE ONLY COMMISSIONER THAT CAN APPROVE AND SIGN THESE MINUTES. THE OTHER TWO DRAINAGE BOARD MEMBERS ARE NO LONGER IN OFFICE. AFTER BEING ACCEPTED AND SIGNED, WE WILL THEN PLACE THEM IN OUR PERMANENT RECORD BOOKS.

THANK YOU FOR YOUR TIME AND CONSIDERATION IN THIS MATTER.

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MINUTES  
DRAINAGE BOARD MEETING  
AUGUST 28, 1989

The Vanderburgh County Drainage Board met in session on August 28, 1989 in the Commissioners' Hearing Room 307, with President Richard Borries presiding.

RE: NORTH HAMPTON ESTATES SUBDIVISION:

Bill Jeffers: The Area Plan Commission has North Hampton Estate Subdivision and the developers represented by Michael Feldbusch registered land surveyor. He prepared a set of plans and distributed copies to Greg Curtis and the County Surveyor. It's a combination street and drainage plan with over all drainage plan showing on the first page. County Surveyor's office reviewed the calculations with storm sewer sizing and found them to be okay as certified by Mike Feldbusch...okay, it's Edinborough which is an accepted county road that comes off Heinlein Road and goes up into McCutchan Estates and you guys had to repair those and the calculations for the gutter line hole, which would be the height of the water and the gutter during the twenty-five (25) year storm also found to be correct calculations as certified by Mike Feldbusch. Comments that we have to make are that we do recommend approval of drainage plans as presented by Mr. Feldbusch with the following stipulations I've outlined in orange, three pipes that go into the cul-de-sac to the open ditch and ask that swales be constructed on top of the pipe from the curb inlet south westerly to the end of the lots, between lots 18 and 19, 27 and 28, 36 and 37.

(Inaudible Remarks)

Bill Jeffers: Connecting road? I was not familiar with that question. I know the Effingers have comments to make (inaudible). Item 3, the stipulation for a slotback or a tee type drain grates on top of the three inlets, those are the grates that allow overflow into the inlets that are clogged by grass clippings. We found those to be better. Number five, the appropriate en-treatment of the three pipes outletting to the west property line ditch. Then trenching erosion from the end of the pipe. Since there's no above ground utility (inaudible), like telephone pedestals, etc., within any drainage swale, channel or open waterway except some existing manholes for sanitary sewage which cannot be moved in another place. We would allow them as long as it didn't interfere with the swale capacity of a twenty-five year. Number seven, all trench and utility installation, again like telephone and Sigeco that may fall within the open waterways must be compacted and back filled sufficiently to prevent the erosion of that utility trench. Number eight, any utility trench that does erode within a waterway that's integrated easement may be required to be repaired and additional erosion control methods may be required for any eroding trenches inside the roadway. Number nine, all the utilities to be installed on the inside of the drainage easement either in a separate utility easement or the inside of the drainage easement facing the subdivision and all the waterways to be installed on the outside edge of the easement along the property line so that the adjacent development as it occurs can use the same ditch, and this applies to those waterways around the outside of the subdivision. Number ten, relocation of a reinforced concrete pipe that you have already accepted, that's down here near the entry of Heinlein Road, it's obvious that this plan will require the relocation of that and that is an accepted road, so we will prefer to the highway of engineer for what he wants as a replacement pipe in whatever en-treatment with what's specified. And with those ten stipulations that the County Surveyor recommends approval of the drainage plan as presented, and Mr Feldbusch is here in the audience.

Commissioner McClintock: And you agree with these?

Michael Feldbusch: I think he's got some really good suggestions and we have absolutely no problem with what we've heard about

everything Mr. Jeffers has said. If you have any questions I'd be glad to answer them.

Commissioner McClintock: Mr. President I make a motion that we approve the drainage plan as presented by the Surveyor's Office with the ten stipulations that he has outlined both verbally and in writing to us.

Commissioner Willner: I will second.

Commissioner Borries: So ordered.

RE: HARBORS EDGE SUBDIVISION:

Bill Jeffers: Second subdivision to come before the Planning Commission will be Harbors Edge, development on the river front and river side of the levee near the Marina, adjacent to the same pond that the Marina occupies and it has come before us on May 25, 1987 and received Drainage Board approval with certain stipulations and this is the reworking of the same drainage plans. The first time our recommendation for approval is subject to any other governing body that has anything to do with the land on the outside of the levee including the Corp of Engineers, Levee Authority, etc., and again we would recommend approval of this drainage plan, with the same stipulations that our recommendations is subject to any regulations or stipulations that another governing body such as the Corp of Engineers or the Levee Authority would enforce upon this drainage plan. Mr. Morley is here in the audience and his letter that accompanies this drainage plan says that the Corp of Engineers permit has been approved and received before the Drainage Board and that the drainage structures will be maintained by a Homeowners Association. I'll present that letter for entry into the record.

*DO YOU HAVE THIS LETTER IN FRONT OF YOU?*  
Commissioner McClintock: Mr. President I'll move that we approve that drainage plan for Harbors Edge Subdivision as presented by the county Surveyor's Office with the same stipulations that the Corp of Engineers or any other governmently unit that has authority over this project subject to their approval.

Commissioner Willner: Second.

Commissioner Borries: So ordered.

RE: AUDUBON ESTATES:

Bill Jeffers: Since Mr. Morley is here, subject of old business more or less, or on going business is Audubon Estates where they presented a plan last month to re-route Kolb Ditch through a lake and that would require a hearing or series of hearings by the county board or drainage board and one of the questions was, "How does the water get handled shoreline?" In the interest of time, Mr. Morley says this is not urgent matter of business, I'll just present you with some information we can try to move on quickly and discuss it. Is it real urgent?

Unidentified Person: No I don't--

Bill Jeffers: I'll just make a few brief comments then. This is the ordinance that was passed by the Commissioners on detention lake maintenance and Mr. Willner's comments in last months meeting regarding what the ordinance intended or didn't intend to do were right. Basically, you can have a Homeowners Association take care of all of it, as an association they would possibly hire someone to do the work and pay them or if they submit 50 cents per lineal foot for the shoreline, then the individual lot owners contiguous to or underneath any part of the retention basin would be responsible for everything but storm sewers and I assume that means pipe storm sewers outside of street right-of-way. So, in other words the county would collect 50 cents per lineal foot and only maintain

storm sewers associated with a retention lake that would be outside street right-of-way. I would think that if I were a developer I wouldn't want to pay 50 cents per lineal foot to have forty (40') feet of pipe in there and that the Homeowners Association might be an alternative to look at. However, I'll just submit this for your review and would ask again that we publish a notice of public meeting to discuss on September 25 and make a declaration or come to a resolution on October 23, 1989 to declare Kolb Ditch, Aiken Ditch, Sonntag Stevens Ditch and Keil Ditch to be urban drains so that we can proceed with some of this type of re-routing of drains or reconstruction of drains or improvements of the assessment process. Something to take care of these four drains that are rapidly becoming heavily urban and already past the point of being urban enough to be urban drains. I have prepared another notice of public meetings exactly like the other ones only upping each date one month. So you discuss it on September 25, 1989 and make some type of declaration of whether or not these will become urban drains on October 23. I would say that most likely the developer and his engineer Mr. Morley may be back at these public hearings to also discuss the application of this Audubon Estates, re-routing of Kolb Ditch. I'll present one copy to the council, for your board to review the form of the content. While you're looking at it, I'd say that that would have to be advertized at least once ten days prior to the first meeting and probably as a matter of keeping the public informed publish it once again at least ten days prior to the second meeting.

Mr. Morley: I have one comment or question here. In an urban drain situation or any legal drain situation the watershed for that particular drain pays the assessment or maintenance that you establish and then the maintenance is carried out by contract? None of it is on the tax roles, so therefore, seeing the formation of a Homeowners Association seems to be not a part of...you know if you did not have a legal drain, then a Homeowners Association to care for that legal drain would be appropriate, but, I mean that drain would be appropriate, but if you have a legal drain that is what a legal drain is, an association that's assessed independently for that particular drain and everyone that goes into that pays that assessment. I'm questioning what you're doing here in, if we establish a Homeowners Association to work, to do, to take care of a legal drain, isn't that the same thing as the legal drain itself and what a legal drain does?

Bill Jeffers: Mr. Morley's comments and questions basically revolve around the fact that a legal drain does exist. Kolb Ditch does exist and we are assessing individual property owners within the watershed of Kolb Ditch. Most of them on the basis of five dollars per parcel as a minimum charge and then some of the larger farm acreage that still exist out there on a per acre basis not at a urban rate, at a rural rate, not at an urban rate. If we declare an urban drain, well, let me follow up on what he's after here. Why should we have additional Homeowners Association that puts out additional cash to maintain a part of that legal drain when they're already maintaining the entire legal drain fortunately with their five dollar minimum charge, and I believe that's the nature of his statement.

Mr. Morley: Right, and if the charge should be ten dollars a fine, then the charge is ten dollars, you still have the same drainage association.

Bill Jeffers: The idea behind the declaring Kolb Ditch an urban drain is that it's under urban pressure, it's taxed and I don't mean that by money. The drainage capability of that ditch is taxed to the maximum by the fact that the developers have developed all along it and are really pumping some water through it and they're not collecting enough money to maintain it properly and Mr. Bussing chooses as the developer of Audubon Estates to excavate a large lake for whatever purposes he chose to do that, whether it was for

acquiring fill for building purposes or whether it was to enhance the marketability of the lots around the lake. The lake is not one 100 percent or absolutely needed as a part of the ditch. It may help us with drainage, we feel it will, however, those people located along a ditch look at it as a drawback, an open ditch with mosquitos in it. We get phone calls all the time on Kolb Ditch. People who are located on a lake look at it as a benefit to their property or an enhancement of their property and therefore, we need to, and I'm not saying that it's the case, but in a public hearing we could find out whether the use of that portion of Kolb Ditch which becomes a lake gives those people a higher benefit than those people who live along an open ditch that's full of mosquitos or whatever, because that's just the nature of the ditch. So I would submit that it's possible that that question may come up in an open meeting, a public hearing that we are asking for, that yes those people along the lake, because they have created a larger number of lineal feet to maintain and also increase the value of their property, possibly increase the value of their property by enhancing the nature of their lot, should pay more and one way to make them pay more would be a Homeowners Association pay their way. However, on the other hand, Mr. Morley's point is well taken. It is all legal drain, basically, in Tippecanoe County detention basins and retention basins are all legal drains. So you can look at it in a number of ways and I feel we need to have an open meeting to discuss it more fully. The County Surveyor believes we should have an open meeting to discuss it more fully at which time we'll bring you a report.

Mr. Morley: It could also have been as a part of a borrow pit out on I-164 project.

Bill Jeffers: I'm not sure--

Mr. Morley: It's located immediately adjacent to it.

Bill Jeffers: Some of that dirt went to I-164?

Mr. Morley: I don't know. (Inaudible remarks)

Bill Jeffers: Well, it could have...if it went there it was sold there or what have you ... I assumed a substantial portion of it also went to building pads or street (inaudible).

Mr. Morley: Michael might have, but you know--

Bill Jeffers: I wasn't there to count the votes--

Mr. Morley: It's typical of what a borrow pit would look like... It's a borrow pit.

Bill Jeffers: It is a borrow pit.

Mr. Morley: Yes. Correct. The kind you see most of the time along I-164, not these things that--

(Inaudible remarks. Everyone speaking at the same time.)

Bill Jeffers: I would say it falls into the classification of a borrow pit at this time. The China syndrome borrow pit.

Commissioner Borries: Well, I don't know of any other situation, than your testimony and debate this, but we're not prepared... I don't know of any other situation where we maintain a lake or whatever you want to call it, a retention pond by the county.

Bill Jeffers: Either as the Commissioners or as the Drainage Board, I know of no situation where you maintain a shoreline. Ditches, yes.

Commissioner Borries: Yes, that's correct, because...define what a legal drain is and then set up and we administer those and you bring those to our attention, but I'm not aware of any situation where the county has ever entered into that agreement and I'm not sure that I'm prepared to do that.

Bill Jeffers: Other counties do. It may or may not be a good idea for us to begin doing it...that's a matter for the board to decide, I don't think it should be decided without considerable testimony or a thought--

Commissioner Borries: Southern Indiana, southwest Indiana?

Bill Jeffers: Not that I know of. The only county that I do know of, that I believe from the information I have, maintains detention and retention facilities is Tippecanoe. It's the only one I'm familiar with, but I've heard and gotten information...Purdue sent down a proposed drainage ordinance using Tippecanoe County as a model and that was included in the 75 foot easements around the top of the bank of the retention lake, setting the whole water to the side as a retention area and then maintaining it as a part of the legal drain system and the clearance of it.

Mr. Morley: The proper maintenance of the banks are probably of the landowners or the homeowners assuming that they own all the way down to the waters edge. In that case what really should be done is proper review of the covenants associated with every individual lot and that way they know about their responsibilities for bank maintenance. That was one of the things that "talking" causes hard feelings, is if, there is a lake and a man owns out to it where someone else can move back and forth along the bank and you know (inaudible) make decisions, perhaps covenants along that bank is the best way to deal with that maintenance. Now, if the lake on the other side is simply not against any ones property, then that takes in the association because that's all going to have to be cared for unless the board (inaudible) other than once a year.

(Inaudible Remarks)

Commissioner Borries: These people are going to want this mowed with a lawn mower every other week or every two weeks.

Mr. Morley: That's exactly right.

Bill Jeffers: We have begun to mow urban drains, particularly Harper and Buente View extension. We are now mowing them twice a year simply to do exactly what Mr. Morley was referring to which comes from continual complaints from property owners. They want their ditch maintained just like they maintain their yard. They live there.

Mr. Morley: There's one other thing that makes Kolb Ditch unique and that is that Kolb Ditch, I was just researching some old (inaudible) maps the other day, Kolb Ditch originally flowed from the levee near Angel Mounds north westerly of Covert and then to the west. Yet today, that ditch through the dredging has been made to flow southeasterly parts of it towards the levee. What is in there is some ground that is a ditch that has almost no slope from Covert to Pollack and that means that water stands. Ultimately the decision might be made that we should pave a portion of the bottom of that. If that happens then all of those who are in that drainage basin should share in those costs and I think Bill's suggestion to make it an urban drain was proper. It needs a higher level of maintenance than was normally afforded a rural drain.

Bill Jeffers: What Mr. Morley is referring to, again, would be the fact that Kolb Ditch really could be made to flow either way. It has flowed northwesterly, now it flows southeasterly and there's so little fall between Covert Avenue and Pollack Avenue, I think eight

tenths of a foot, that water stands in many stretches of that ditch for long periods of time and we still maintain it as a rural drain, because that's all we can afford to maintain it at this time and yet it is truly in need of becoming a urban drain. I'm not sure we are ready to pump all the water or let all the water go northwest again, because until the city repairs Indian Woods or whatever you call it, pumping station, that they're having problems with, I'm not sure you want anymore water going that way, but right now most of the water goes north. We tried to get it down to the levee gate near the corner of Fuguay and Pollack as much as we could.

Commissioner Borries: So the action you need then is for us to take action on this?

Bill Jeffers: I would like to see the board publish this notice of a public meeting and hold these two (inaudible) meeting to spread the discussion out a little bit and get a better idea of what we're trying to do.

Commissioner Borries: Well, it's a rapidly urbanizing area as it's pointed out. I would say probably at some point, in all honesty, it will be annexed into the city.

Bill Jeffers: Then the city will want us to maintain it even better. They've already... I hate to admit this, but they've sent us a twelve inch or one foot high weed notice on Harper Ditch this year. It's the first time they ever...they won't maintain the ditch, they want us to keep maintaining it, but as soon as those leaves got over a foot high, we got a notice. Thank goodness we had two mowing's a year in our contract this year. We got it mowed before they exercised their authority otherwise.

Commissioner Borries: Can we include these in that public hearing?

Bill Jeffers: Yes, Mr. Willner last month ask me to also go ahead with some type of a hearing for combining or looking into the possibility of combining some legal drains, and I got the idea from Mr. Willner that the public comments that were directed towards him regarded Pond plan area. I took the liberty of writing another public notice on that and again for September 25 to discuss the possibility of combining certain regulated drains in Scott and Armstrong Township, Pond Flat, Pond Flat Lateral A, Lateral B, Lateral C, Lateral D, Lateral E and Rusher Ditch inviting the effected parties, property owners and others to make public comments or objections to combining drains and then prepared this list of assessments that we charged people per acre in 1989 for each ditch showing you, that yes, maybe someone living on Pond Flat Lateral A and owning property there are paying 76 cents an acre is looking across the field at his neighbor who's only paying 31 cents an acre for Pond Flat Lateral B. I mean he's almost paying two times as much for his acres and really Lateral A and Lateral B are very similar in nature and you are allowed as the board to combine branches or ditches that form a branch of the same ditch. You are allowed to combine those if they are, if the nature of the maintenance needed and the nature of the use of the ditch is similar or identical. So down here I'll show you that if you combine all of these from Pond Flat Main Ditch, say from Scott Township line east, which would be from St. Joe Avenue east. Basically, the nature of all those ditches are the same. If you combine all those ditches together, the immediate maintenance divided by the acreage comes to 85 to 95 cents an acre. If you just take A and B which is two branches of one ditch and combine them, the per acre cost is estimated to be 55 cents an acre, instead of 76 for one and 31 for the other. If you combine C, D, E and Rusher into one ditch, which all of them are very similar in nature, you'd end up with a ditch that would probably be assessed about a \$1.05 an acre, rather than \$1.35 for one, and a \$1.01 for another. One dollar and seventy six cents for Lateral E which is high because of the limited number of acres in Vanderburgh County that serve on it.

That ditch takes water from Gibson. Then Rusher Ditch which is probably the most heavily used ditch up there because of Busslers complex sitting right on top of it is only paying 59 cents. So there is some merit, a lot of merit to what Mr. Willner is saying. There's guys up there in his part of the county that's saying "How come I am paying \$1.35 and this guy over here on this ditch across the field from me is paying 59 cents, and that's basically the same ditch?" So, if you'd like to look into that, you could also do that on September 25 or if you'd like to change that date to another date.

Commissioner Borries: I'm sure the ones that are paying 31 cents are not going to want a change and the ones that are paying \$1.76 sure will want to.

Bill Jeffers: But I'll tell you those fellows up there and the drainage association in particular have really become very neighborly and their out look on how to maintain these ditches. They have seen a lot of benefit and I think they are much more progressive than some people give them credit for...sometimes speculate. I think a lot of guys own ground in two or three water sheds, so they know it's going to be spread, and their families, I don't think they begrudge their neighbors and their families. There's one here that lives in Scott Township if you want to ask him.

Commissioner Borries: Let's call on David Ellison.

David Ellison: I'm sorry, I just can't talk very well today. I just want to say, David Ellison representing the Drainage Association, about a year ago we had a meeting out there on Rusher, C and E to combine them at that time. Directors on our association said the people were not in favor of that. We had no problem with it, but I just wanted to know if Sherry got the right comments on everybody out there, because we could have combined a year ago. As for as the association we have no problems. We just did C, E and Rusher. That's our association.

Commissioner Borries: C, E and Rusher?

David Ellison: Right. The A and B is not in the association?

Commissioner Borries: Thank you.

Commissioner Willner: Is there some explanation why Pond Flat Lateral A is 76, and the main ditch is much bigger than the lateral (inaudible)--

Bill Jeffers: Okay, a couple years ago you guys agreed to combine Pond Flat Main with Lower Big Creek to equalize the assessment on a ditch that was identical in nature, and the fact that Pond Flat Main has 9,432 acres draining into it, paying an assessment and only takes \$6,320.00 to maintain it on an annual basis, Big Creek maintains that, but it's a big job for \$6,320.00, so you divide \$6,320.00 by 9400 acres and it only takes 67 cents to maintain it. Where...what was the other one? I'm sorry.

Commissioner Borries: Well Lateral B doesn't have very many acres in it either. Right?

Bill Jeffers: Lateral B has 975 acres draining in to be assessed and it takes \$300.00 to maintain it on a yearly basis, approximately \$300.00, so that comes out to 31 cents. Our county does everything on a per water shed basis, the number of acres draining into the ditch, individual ditch, divided into the cost that it takes to maintain that ditch where, say, Warrick County assesses 5 cents per hundred dollars evaluated real estate collects from everybody in the county and spreads that out over all acreages.

Commissioner Borries: Does that take care of Pond Flat Main too?

Bill Jeffers: Yes sir.

Commissioner Borries: I thought it did.

Bill Jeffers: Maidlow was like 70 something cents and Buente Lateral A was \$2.14 and when you combine them it equalled out to about 91 cents an acre, and they were happy. Apparently there are some people up here in some of these laterals that don't want to combine. I wasn't aware of that--

(Inaudible Remarks)

Bill Jeffers: Well, I know but I'm going to pay that inspector on that sewer project, because I want it done right. I want to spend that extra \$200.00 out of by household to do that. Maybe I just think different.

Commissioner Borries: Do you want to ask them to pay?

David Ellison: I don't care.

Commissioner Willner: If you could talk with these people and tell them the differences like in Maidlow. (Inaudible remarks)

Bill Jeffers: Very little acreage. About five property owners--

Unidentified Person: (Inaudible)

David Ellison: One other request that I have that I need to tell the board I guess, and that's on Buente Ditch that's stops at (inaudible) property and Maidlow, someone wanted to know if we would (inaudible) on the other side of Boonville New Harmony Road.

Bill Jeffers: The water way actually begins up by Fleener Road.

Commissioner Borries: Well they didn't want to go quite to that. They wanted to go to Bittner, Earl Bittner and pick it up there, because it is grown up, it does need it. I don't know if you have to follow to extend a ditch, do you have to follow the same statutes, if you had to create one?

David Ellison: Yes.

Bill Jeffers: Right.

Commissioner Borries: I don't think you'll ever get that done.

Bill Jeffers: I don't know. I think we can go quite a distance by advertising in the newspaper. I don't when we have to start sending out public notices by mail. I don't think we have to in either one of these two issues myself, reading what I've read, but you may need to consult your lawyer on it. However, you can extend a ditch by some how notifying the public there's going to be a public hearing and then the Surveyor has to demonstrate the need for the extension and balance it against the benefits just like that (inaudible) and you know from living out there that that ditch where it goes underneath, doesn't that go underneath just down below the cemetery of the Luthern Church? It's in bad need of proper maintenance, because that water has come up and gone over that road and it is as you said, clogged with growth and what have you Willow trees and so forth.

Commissioner Borries: You're saying that we can extend it without going through the--

Bill Jeffers: You have to go through some process, and I believe as Commissioners you can petition the Drainage Board because of the

need to protect that public highway, which may belong to Darmstadt but the bridge belongs to you. Is that not correct? Is that one of your bridges?

Commissioner Borries: Yes.

Bill Jeffers: If you would like to protect your public property, you as the Commissioners own that bridge and you may petition the Drainage Board to proceed with a hearing to take it at least up to the bridge to open that waterway so your bridge isn't damaged by high water conditions. But then you would have to notify at least those persons whose assessment might be raised because of the additional work. Because we're already taxing everybody back to Fleener Road, the 91 cents an acre and it might go to \$1.10 an acre, but Maidlow has been carrying the surplus, so it might not affect us that much. You need to hear a report from the Surveyor on what we think it might cost. If you'd like to put Maidlow in here that's also in Scott Township, and we can add it right behind Rusher and Maidlow as being one of the ditches.

David Ellison: I'd like to say one more thing. I don't know if your phone has been ringing or not, but right there by the Green House on Princeton Road, it goes down to the Maidlow Road, it's there...they came to me and said their money is going into the Maidlow and they can't get that waterway. It's not a legal drain.

Commissioner Borries: What's the answer?

David Ellison: Well, I told him... I said, Mrs. Buente doesn't have any money and would you hold back reopening that creek up? Only problem is until you get Maidlow opened and you just opened it, until Maidlow empties that creek ain't going to do nothing but stay full, because the... (Inaudible because David is suffering with laryngitis).

Commissioner Borries: Do we need to do something there or can we?"

Bill Jeffers: We can't because it's not a legal drain. In case the secretary has trouble, it's because of David's laryngitis. He's speaking of the ditch that runs from the Green House near, basically is on Inglefield Road, that ditch is just about on the north corporate limits of the town of Darmstadt and it runs west into Maidlow Ditch and it's very clogged up with vegetation. I think that Mrs. Buente, what she's talking about has a lot of woods growing along the south bank and apparently the various property owners can't afford the cleaning of that ditch. Mr. Willner referred to as an obstacle which is the concrete abutment of the old traction lines that ran up to Princeton. That rock abutment still sits down in that ditch and Mr. Ellison is correct. That ditch could handle a larger body of water even though it might be relatively slow moving until Maidlow drains out.

Commissioner Borries: Does the old traction line deed belong to Southern Indiana Gas and Electric Company? Could we ask them to clean it out?

Bill Jeffers: Traction line itself?

Commissioner Borries: It's their property. That should have been out of there a long time ago.

Bill Jeffers: It serves no purpose. No one is using it for a farm crossing.

Commissioner Borries: Why couldn't we just ask them to be neighborly and remove that obstruction?

Bill Jeffers: That might help, but I think David is referring to a large number of property owners that also would like to see the

entire ditch cleaned out .... they can come down and petition for this to be a legal drain. They do pay the tax or the assessment all the way back up in there towards PPG and all that. Well, if it's your pleasure to sign these two notices we can discuss this and hold the hearings.

Commissioner Borries: Do you want to add Maidlow Ditch to the second notice?

Bill Jeffers: I think it's ok with everybody. Darmstadt is developing even though they had those one acre lots, we're getting more and more 5 dollar assessments out there in that area. Obviously people are building houses.

Commissioner Borries: What else Mr. Jeffers?

RE: BIDS IN REGARD TO APPROVAL LAST MONTH FOR BARR CREEK:

Bill Jeffers: We have to award a bid that you opened last meeting on Barrs Creek and the bids were all in order. Stratner was \$10,800.00. Chastain was \$8,930.00 and Blankenberger was \$6,600.00. The estimate by the engineer was \$9,000.00, so two of them were under that.

Commissioner Borries: Read that again, please.

Bill Jeffers: Stratner \$10,800.00, Chastain \$8,930.00, Blankenberger \$6,600.00. The estimate was \$9,000.00. The available funds at this time is just over \$7,000.00. There was a typo in that last month. I said \$6,000.00, which it should have read \$7,000.00. Actually the account for Barr Creek has \$10,611.70 in it and we will owe the contractor for the regular maintenance \$3,513.56 at the end of the year, which leaves \$7,098.14 and then we have our fall collections to make, so we'll have some play in there. The County Surveyor would recommend that the award of this bid go to Blankenberger Brothers Inc. Cynthiana, Indiana in the amount of \$6,600.00 for repairs and additional maintenance to Barr Creek.

Commissioner Borries: Does that include any seeding?

Bill Jeffers: No, the farmers will spread the soil and seed with a mixture of wheat and grasses as soon as we complete the project and if I might continue to suggest the motion including the bid bonds to the non-successful bidders and keeping the bid bond of Blankenberger Brothers in leu performance bonds and wave the performance bond due to their long history of excellent performance and never failing to perform a contract.

(Inaudible)

Commissioner Borries: Not keeping Blankenberger's?

Bill Jeffers: No, keeping Blankenberger's bid bond of 5 percent in leu of a performance bond.

Commissioner Borries: Motion to this effect was made.

Commissioner Willner: Second.

Commissioner Borries: So ordered. For the record Bill, Joanna needs to correct this on page eight of the minutes that we have to approve regarding Barr Creek, how much was in the account? It says \$8,000.00.

Bill Jeffers: I think I said \$6,000.00 last month. That was either a typo or a misquote--

Commissioner Borries: This says eight.

Bill Jeffers: Eight thousand?

Commissioner Borries: We have eight. It says we have approximately eight thousand in that account in surplus to start this project.

Bill Jeffers: Oh, okay, that was about right at that time.

Commissioner Borries: Okay.

Bill Jeffers: Right now we have actually \$7098.14.

Commissioner Borries: Okay.

Bill Jeffers: And with fall collections I expect it should be eight by the end of the year.

Commissioner Borries: Alright.

RE: REQUEST PAYMENT OF BLUE CLAIMS MAINTENANCE:

Bill Jeffers: The only other thing I have is claims. Four or five claims here to Terry Johnson Construction for work on east side ditches. First one's Harper Ditch for the first of two mowing's, we're asking you to pay 25 percent of the total bid, 25 percent of the first mowing would be \$349.58. I inspected the ditch and found it to be sufficient and the surveyors report shows that it's been approved. The second one is Terry Johnson Construction, Keil Ditch for spraying, we're asking that progress payment of 40 percent be paid on the total contract, 40 percent total is \$276.50 and accompanied by a report and has been inspected and approved by the County Surveyor. Third one is Terry Johnson Construction on Henry Ditch and again for spraying, the progress payment of 40 percent in the amount of \$291.83, accompanied by a report that's been inspected and approved by the County Surveyor. And the last one is Sonntag Stevens Ditch for spraying, request to pay 40 percent and the total contract the amount would be \$1,299.90 also accompanied by a report.

Commissioner Borries: Questions or comments?

Commissioner Willner: Have you inspected it all?

Bill Jeffers: I personally have seen and inspected all four ditches. Several of the trips by the new employee in our office who we're training to be an inspector, Chris Kern. I believe Mr. Kern and Mr. Kessler also went out and looked at them without me, but I'm saying I inspected them and found them to be sprayed.

Commissioner Willner: Okay the one 25 percent. Pay this in increments of 25?

Bill Jeffers: We are allowed to pay part of this payment and I estimate that the (inaudible) wants amounts for about 25 percent of the total work. He will mow it again on or before October 1 I believe, something like that according to the contract and he'll probably submit another claim for another mowing. That will take care of his contract, that'll be the end of it when he mows it the second time he'll get the balance, which is 35 percent. I will say, though, and it doesn't have to go on the record or anything like that, I'm just going to say, I did send at your request or maybe it wasn't at your request. You ask me if there was another way we could handle this matter from last year instead of having approval and I sent a memo to the lawyer describing how we were doing it and referred to the statues and allowed us to do it that way. Statues don't say you have to do it that way, it just allows you to it that way. As yet I have not heard back that there's a preferable way.

Commissioner Willner: If I were a superintendent of your department, I would tell Terry Johnson that instead of doing 40

percent of this ditch and 40 percent of that ditch and 40 percent of that ditch, he'd take these two ditches and do them all and we'd pay him all for them. Okay?

Bill Jeffers: I understand the point you're trying to make. However, our contracts require that you spray a ditch before a certain day and that's like the most part June 15 and then he owes someone for that spray that he bought from like Daylight Farm Supply and if we make him wait until November 15 to pay for it, he pays interest, service charges, what have you, so we give him a progress payment so he can pay off his bills. He's like any contractor that has bills at the bank, bills from his suppliers. They're performing work from May 15 through November 15 and we think it's unfair to cause them or their suppliers to wait six months to get paid.

Commissioner Willner: Or the ones that have to be mowed twice or something it should be at least be 50 percent down instead of 25 percent.

Bill Jeffers: Well, according to the statute we have to retain 15 percent for 60 days after the completion of the whole project on a ditch, you have to hold back 15 percent for a 60 day period to allow people to come in and say, hey, we didn't get paid.

Commissioner Willner: How many times when you pay 25 percent hold 15 back, how many times do you have to inspect that ditch?

Bill Jeffers: Just the final time. When he says he's finished and we go out and find that it's finished he can submit a claim for up to 85 percent. If he's never submitted before up to 85 percent of what we owe them and then we have to still hold that 15 percent--

Commissioner Willner: It seems to me, Bill, that when he says he's 25 percent through you'd have to go inspect it.

Bill Jeffers: We do.

Commissioner Willner: And when he's 50 percent through you have to go inspect it again and when he's 75 you go inspect again and when you finally give him the 15 percent you go inspect it again, that's four times.

Bill Jeffers: That's possible and though the statute does say we have to inspect it and that we have to say that he did what he said he did and that we find it to be approved, we have to file a report each time that he asks for money, it's worked for us. He came in today and wanted me to do a progress payment on part of Eastside Urban, because he says he's done, what he can do without doing any property damage. Now I'm not about to be the one to tell him to go knock down four rows of corn on a year like this year, following a drought like last year, I'm not going to be the one to say you can go knock down four rows of corn to finish your project. He wanted me to go out there today and inspect what he has done, come in with a progress payment on the Eastside Urban where he's mowed everywhere except where crops are. Believe me I don't want to have to do any more paperwork than you guys want to approve. I feel that the contractor is entitled to a progress payment when he owes bills and has completed a certain percent of the work. You do it on bridges and do it on highway projects, it's just that we have a hell of a lot more ditches coming in than we do bridges at this time.

Commissioner Borries: Bridges are a hundred, two hundred thousand a project. We're talking about peanuts here.

Bill Jeffers: Well, I know. Peanuts to some people and livelihood to another. We have eighty miles of legal drain broken down into thirty ditches and so you do have to deal with a lot more claims

per year than you would on a bridge. But you're right it's a lot more money and then there's farmers that can sustain themselves on these claims and never ask for a penny until November 15, but it's usually the individual contractor that needs his money now. I see your point, I just hope that maybe we can work something out and don't hold you up for thirty minutes every time we have to run a passel of claims.

Commissioner Borries: Thank you, Bill. One set of minutes to our secretary here who's hanging in there, I can't approve of July 3, I wasn't here, and Mrs. McClintock had to leave before the end of the meeting, so we'll have to delay approval on July 3. I can July 31, 1989.

Commissioner Willner: I move the July 3 minutes of the drainage board be approved July 31, 1989.

Commissioner Borries: I will second and so ordered. Not any further business, we'll let the record say that this meeting be dismissed.

PRESENT

President, Richard J. Borries  
Vice-President, Robert L. Willner  
Member, Carolyn McClintock  
Sam Humphrey, Auditor  
Bill Jeffers, Chief Deputy Surveyor  
Joanne Matthews, Secretary  
Transcribed: jah

  
Richard J. Borries, President

Robert L. Willner, Vice-President

Carolyn McClintock, Member

MINUTES  
DRAINAGE BOARD MEETING  
SEPTEMBER 25, 1989

I N D E X

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MINUTES  
DRAINAGE BOARD MEETING  
SEPTEMBER 25, 1989

The Vanderburgh County Drainage Board met in session at 4:35 p.m. on Monday, September 25, 1989 in the Commissioners Hearing Room, with President Rick Borries presiding. Commissioner Willner was absent.

RE: NOTICE OF PUBLIC MEETING RE COMBINATION OF CERTAIN REGULATED DRAINS INTO ONE OR MORE SINGLE DRAINS

Mr. Jeffers asked if there is anyone in the audience today who wishes to respond to the Notice of Public Meeting re combination of certain regulated drains in Vanderburgh County into one or more single drains? (There was no response from the audience.)

Mr. Jeffers said the timing may not be right, because most of the farmers he has talked to the last couple of weeks (including today) are in the fields shelling corn rapidly. We'll have another meeting and he would ask that the Board allow him to re-advertise this. It was advertised that we would have the meeting on September 25th. But we're having another Public Meeting regarding the declaration of certain ditches to be urban drains and we're having that meeting today and again on October 23rd. There are some farmers who are interested in this who have called him and who have called Bob Brenner and also David Ellison, as President of the Big Creek Drainage Association -- and they have expressed their interest in this subject. Rather than speak for them and tell the Board whether they are for or against it, he would just as soon they come in and speak for themselves. So if we can re-advertise this. Also, if the Board would allow him to post a notice in some local establishments that are frequented by the farmers in this area and the property owners in this area, he will also go up to the Darmstadt area and post some notices in the local establishments -- as they used to do in the old days.

Commissioner Borries said this will be fine.

As long as he is on this particular subject, Mr. Jeffers said the question did arise -- and it is supported by the Surveyor's office -- that if there is a prison located at the site that is being proposed, they will be recommending to the Drainage Board that detention ponds be included in the Site Plan -- because it does flow directly into one or more of the ditches named in this notice and we did require AmeriQual to build detention basins because of the concern the farmers have for accelerated run-off. We also required McDonald's to do the same in Rusher Ditch.

RE: NOTICE OF PUBLIC MEETING REGARDING CERTAIN LEGAL DRAINS INCLUDING KOLB DITCH, AIKEN DITCH, SONTAAG-STEVENS DITCH, & KEIL DITCH

Mr. Jeffers said the second notice regarding public meeting regards certain legal drains, as above mentioned, to begin discussing the declaration of these ditches as "Urban" drains, so that we may perform specific maintenance on them -- including re-construction, re-alignment. Anything that would deepen the ditch, widen the ditch, re-route the ditch, etc. requires that they be classified as "Urban" drains. All of the drains named in this notice have experienced rapid urban growth and are presently overtaxed by additional waters and other things peculiar to urban development -- siltation, etc. Basically they were built as "rural" drains to drain farmland and they are now surrounded by industrial and residential subdivisions. Thus, we'd like to move forward, particularly on Kolb Ditch. He knows there is a fellow in the audience whose client (Mr. Bussing) is awaiting the

declaration of Kolb Ditch as an urban drain so we can move forward on his plan to re-route that drain through a retention lake alongside I-164. It would enhance the ability of the drain to handle the flow of the water and it would enhance the property owners' subdivision insofar as beautification or increasing the desirability of the property to be on a lake that is continually full of water, rather than a lake that presently is looked at as a borrow pit.

Commissioner Borries asked, "This in no way, Bill, has anything to do with some discussion we've had earlier regarding some detention ponds and any maintenance of those ponds by the county?"

Mr. Jeffers responded, "Yes, it does; but I don't know if I brought it with me -- I did find some copies of the Ordinance passed by the County Commissioners some few years ago regarding the maintenance of the shoreline of retention lakes. And I was in error when I interpreted it -- or gave you my interpretation of that ordinance, which is a part of the drainage statutes now of the Vanderburgh County Code of Ordinances, a couple of months ago in the meeting. The ordinance does not provide for the County's maintenance of the shoreline with the 50 cents per lineal foot that is submitted. That 50 cents per lineal foot is reserved for the maintenance of the discharging structure out of the retention lake, as pointed out by Mr. Willner. So, in other words, if you have a discharging pipe at the downstream end of the retention lake and it requires maintenance, that 50 cents per lineal foot could be used for that. Otherwise, the individual property owners whose land is adjacent to or under the retention lake is responsible for the maintenance the same as if they had a Homeowner's Association. They have a choice; they can have a Homeowner's Association which takes care of the lake jointly as a Homeowner's Association, or they may individually keep the area that they own and the portion of the lake adjacent to and over their property maintained according to other County regulations regarding the cutting of weeds, etc. So our original thought that we needed a maintenance easement dedicated to the County would be amended to say that we would like a maintenance roadway so we can take our equipment along the legal drain and continue through the area of the retention lake to the next leg of our legal drain that we will maintain. We won't do any mowing in between. But in other words, when we come down Kolb Ditch and are moving downstream with our maintenance equipment, we would like to have a maintenance pathway that would continue around the lake without having to go back out onto the County road and come around from a different direction. But insofar as a maintenance easement dedicated to the County and removed from the tax rolls of the individual property owners, we are not asking for that. Mr. Allis is here representing Morley & Associates and Mr. Bud Bussing, the developer of Audubon Estates Section B, and if he has any further comment on that. He is the only person in the audience who would have anything to say about this particular phase of the public meeting. We can just move forward with the other hearing on October 23rd and a final determination can be made at that time with with regard to all of these ditches. Insofar as any reports the Board would want from the Surveyor's office between now and October 23rd, they can just give him a call. The ones we're particularly concerned about are first of all, Kolb Ditch. It is in horrible shape due to increased pressure not only from residential developers, but from I-164 being constructed over it, and from the construction that took place on Covert Avenue. It only has about one (1) foot of fall from one end to the other. We have got to get this ditch back in shape to carry water out of these subdivisions. Sonntag-Stevens is becoming critical because it is in a designated industrial zone that has been annexed by the City. We do have sufficient funds in the account, but we would like to take some steps to insure the integrity of Sonntag-Stevens. But Kolb Ditch is our first priority.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Board authorized the re-advertising of the public hearing for the ditches listed in the public notice, with the addition of Rusher Ditch and Maidlow Ditch with the hearing to be held on October 23, 1989. So ordered.

RE: MCCUTCHAN ESTATES SUBDIVISION

Mr. Jeffers said he doesn't have any subdivisions to come before the Board today for the Area Plan Commission. However, he would like to make one comment about a subdivision. It was brought to his attention that McCutchan Estates may go before the APC again on the first Wednesday in October. As far as he knows, there have been no revisions to the drainage plan. The developer, Mr. Gary Williams, just happened to let the time lapse when he had to extend his permit. Apparently this subdivision is in the path of a planned or future contemplated Airport runway. However, that wouldn't have anything to do with the drainage. What he is saying is, if these minutes are picked up by members of the APC or if the Commissioners would like to convey it to them, the drainage plan for the subdivision was passed in 1985 (he thinks) and the portion of the work and street and drainage improvements that have been made are very well constructed. Mr. Williams was very cooperative each time some erosion problem or anything came up -- and the Surveyor's office doesn't feel there is additional review necessary on existing drainage plans, because Mr. Williams has performed very well in the past.

RE: OLD PETERSBURG PLACE

Continuing, Mr. Jeffers noted that Mr. David Derkee of Old Petersburg Place has been to the Surveyor's office and he is working with him re drainage problems. (Ms. McClintock said he has also contacted her and Mr. Borries has a note regarding Mr. Derkee.) Mr. Jeffers said that what it boils down to is that there was a drainage easement that houses a swale along the east line of Petersburg Place Section II. Mr. Derkee, along with several other residents, has bought lots whose east line is this drainage easement and they have experienced some drainage problems because the swale in that easement has been damaged from Day 1 by utility installations. Now he understands a neighbor or two of Mr. Derkee's is installing a plastic drain tile in the easement in the swale. The swale was designed to be an open swale and it was designed to handle water as an open, grassy swale. He understands the size of the pipes being installed is 12 inches, which will not handle the amount of water that this swale was designed to handle. He is a little concerned about that. He is also concerned that possibly the swale was not constructed properly to begin with. Mr. Jeffers said he did file a Surveyor's Report on the condition of that swale at the time of the street acceptance and the Commissioners approved the street subject to the developer's subsequent dressing up of the swale. But what the deal was -- that was done around January 1, 1988 and the weather was such that the developer had to wait until spring. So the Commissioners were kind enough to extend the period into the next construction season. Possibly there was not a follow-up inspection in his behalf to see that this was fully accomplished - although he did go back out there and saw that work had been done. So we need to work with these people to try to get some sensible resolution to their drainage problem back there. But he doesn't know exactly how much power we have as a Drainage Board or as a Surveyor's office in enforcing the developer to come back onto a site two or three years later to correct problems that may or may not have been left that way, or may have been altered by subsequent action by private property owners or others, including utility companies.

Commissioner McClintock suggested we find out.

Mr. Jeffers continued, "Maybe we can give them some advice; but I don't know who is going to pay and who is going to do the work. I guess that is the bottom line. But apparently these people are prepared to seek a solution to their problem -- no matter what it takes."

RE: CLAIMS

Big Creek Drainage Assn.: Claim in the amount of \$1,710.00 for progress payment for 4,500 l.f. at 38 cents per ft. on Maidlow Ditch. The claim has been signed by David Ellison, President of the Big Creek Drainage Assn. and signed on behalf of the Surveyor by himself, with an inspection notice.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the claim was approved for payment. So ordered.

Terry Johnson Construction Co.: Claim in the amount of \$279.73, a progress payment of 20% more or less for his second mowing of Harper Ditch, retaining 15% for 30 days, until such time as he proves he has paid his workers and suppliers. The inspection was performed by Mr. Jeffers and signed by Mr. Brenner.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the claim was approved for payment. So ordered.

Terry Johnson Construction Co.: Claim in the amount of \$865.47 a 35% progress payment, retaining 25% for final inspection re Aiken Ditch. The claim is properly signed, he did the inspection and the inspection sheet is attached.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the claim was approved for payment. So ordered.

Terry Johnson Construction Co.: Claim in the amount of \$4,429.66 as progress payment on Eastside Urban South Half, retaining \$6,978.14 until final completion of this project. Mr. Jeffers performed the inspection.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the claim was approved for payment. So ordered.

RE: CONTRACT WITH BLANKENBERGER BROTHERS, INC. RE  
ADDITIONAL MAINTENANCE TO BARR'S CREEK

Mr. Jeffers said he has a contract entered into with Blankenberger Brothers, Inc. re additional maintenance to Barr's Creek. We've been holding back on this one until they got their corn crop out and he understands they got it out over the weekend. He'd like for the Commissioners to sign the contract, which they let at their last meeting.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the contract was executed. So ordered.

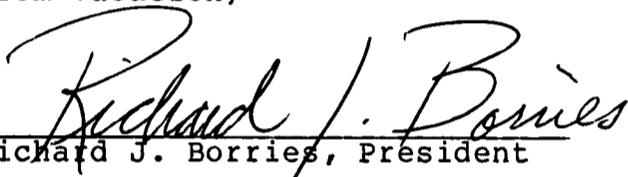
There being no further business to come before the Board, President Borries declared the meeting adjourned at 5:00 p.m.

PRESENT:

Richard J. Borries, President  
Carolyn McClintock, Member  
Sam Humphrey/County Auditor  
David Miller/County Attorney  
Bill Jeffers/Chief Deputy Surveyor  
Jack Allis/Morley & Associates  
News Media

ABSENT: Robert L. Willner, V. President

SECRETARY: Taped by Carol Haas  
(Transcribed by Joanne Matthews  
following return from vacation)

  
Richard J. Borries, President

  
Carolyn McClintock, Member

MINUTES  
DRAINAGE BOARD MEETING  
OCTOBER 23, 1989

I N D E X

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MINUTES  
DRAINAGE BOARD MEETING  
OCTOBER 23, 1989

The Vanderburgh County Drainage Board met in session at 3:35 p.m. on Monday, October 23, 1989 in the Commissioners Hearing Room with President Rick Borries presiding.

RE: APPROVAL OF MINUTES

The meeting was called to order by Commissioner Borries, who subsequently entertained approval of the minutes of September 25, 1989 for approval by himself and Commissioner McClintock.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the minutes were approved as engrossed by the County Auditor and reading of same waived. So ordered.

A motion was then entertained for approval of the minutes of July 3, 1989, for approval by Commissioners Willner and McClintock.

Upon motion made by Commissioner Willner and seconded by Commissioner McClintock, the minutes were approved as engrossed by the County Auditor and reading of same waived.

President Borries said that Bill Jeffers, Chief Deputy Surveyor, is the Board's Technical Advisor and he will now conduct the meeting.

RE: DECLARATION OF KOLB, AIKEN, SONNTAG-STEVENSON, KEIL & HARPER DITCHES AS URBAN DRAINS

Mr. Jeffers said we had advertised earlier on at least one occasion that we would have a hearing on the declaration of Kolb, Aiken, Sonntag-Stevens, Keil and Harper Ditches as Urban Drains. He asked if there is anyone present in the audience who came to speak at today's public hearing regarding same. There was no response.

Commissioner Borries noted he has copies of both public notices, as pointed out by Mr. Jeffers, and he submitted copies of the legals for the secretary's records.

Mr. Jeffers said the Vanderburgh County Surveyor continues to support the feeling that we should declare those ditches to be urban drains so that we can proceed with the type of maintenance that urban drains require. They also think they should be urban drains because of the intensity of the development around and into these drains. The nature of the development is industrial, commercial, and residential and very little of the watershed in these drains remains agricultural or rural in nature. However, if the Board would like to continue this hearing until the next Board Meeting, since there has been no responses from the public and there is no urgency at this time, possibly the Board's Legal Staff might want to make sure that we have done everything absolutely properly required of us before we declare them urban drains. We've had absolutely no response from the public and he doesn't know why.

Commissioner Willner asked if the public hearing on combining drains was also scheduled for today?

Mr. Jeffers said yes it was and that will be the next subject.

President Borries noted he has copies of that legal ad, as well, and submitted same to the secretary for the record. These include Pond Flat Main, Pond Flat Lateral "A", Laterals "B", "C", "D", "E" and Rusher Ditch.

Mr. Jeffers said there was some interest expressed to Commissioner Willner and some interest expressed to him on the telephone regarding Pond Flat "A". But one of the farmers called him today and said they lost a whole week last week because of rain and they can't come in this week and talk about it. They are interested in it -- but just don't have time to come in and talk about it. That's the call he got from an active farmer in that area. The only other calls he's received were individuals who were apprehensive as to what it might do to their drainage assessment -- raising it possibly.

Commissioner Borries said he would imagine the negatives would be that they wouldn't want their assessments raised and the positives would be that they would have improved drainage and a lessening of any threat of flooding and ruining their crops. Wouldn't that be the positive?

Mr. Jeffers said the positive comments made just from casual contact with people with in that area and Mr. Willner may have other comments that were made to him -- but the positive comments were that in some cases it would lower the assessment (he believes it would lower Pond Flat "A" and Pond Flat "E" assessments to combine it with another drain, and the negative were comments were just the opposite. Some other drains would go up. Another positive comment that was made is that that portion of Maidlow Ditch which is not a legal drain but extends on up to Boonville-New Harmony Rd. and the neighborhood of the Trinity Lutheran Church could be improved. That would be a positive aspect; that particular 2,000 ft. of drain is in bad repair and clogged with trees and a positive aspect of this would be that we may have money -- or just the declaration of it as a legal drain would allow us to clean it out with funds we have or could raise.

The negative aspect of it is that anytime you extend a drain under our system, we have a set boundary of the watershed, which means we have a set number of acres that can be assessed. And if we increase the money that we will spend by maintaining a drain or clearing a new section of it, obviously the assessment would go up. So anytime you look at the positive end of it, it is because we could take better care of the drains. The negative end of it would be that it may cost some people more money. But, as he said, a couple of the farmers told him they didn't have time to come in and talk about it. They are out there getting their corn and beans in.

Mr. Jeffers suggested the Board delay both matters, because there is still some interest out there -- but no one seems to have time to come in to express it during the months of September and October.

Commissioner Willner suggested the matters be delayed until the January 1990 Meeting and re-advertise.

Mr. Jeffers said he doesn't see any reason it cannot be delayed until the January meeting, because Mr. Bussing doesn't have plans to develop his subdivision until next spring - and no one is doing anything in January. By then the farmers might have cabin fever and want to come to talk to the Board.

It was the consensus of the Board that both of these matters will be deferred until the January 1990 meeting.

RE: DRAINAGE PLAN - DENZER ESTATES

Mr. Jeffers said the only other matter of business he has concerns the drainage plan for Denzer Estates. Mr. Robert Yeager is in the audience as the owner, along with Mr. Steve Hahn, who is his Consulting Engineer. The Commissioners saw the plans when the sidewalk waiver was requested. He has seen the set of drainage plans which Mr. Hahn has in his possession at this time. They expressed the desire earlier (and also to him in his office) to maintain this very beautiful Sylvan surrounding -- not digging any new ditches or tearing down trees. He asked them to size the culverts in case those folks who build driveways back into the woods -- make sure they have a large enough culvert. Mr. Hahn sized it out at 24 inches necessary, but then oversized it on the plan and said that they would put in no smaller than a 30 inch culvert in that main waterway. So it's about 20% to 25% oversized. The reason he oversized it (and Mr. Jeffers said he agrees with him) is when you're dealing in woods you have a lot of litter (branches, leaves and things like that). He thinks he did the right thing. He also set a minimum size of 15 inch for driveway culverts onto the County roads, which is 12 inch minimum -- so 15 inch represents a little leeway there, also. He does have a statement on the plat (right below the drawing) he believes that the private property owners will maintain any portion of a natural waterway that passes through their property. We've had a little problem with that in the past and Messrs. Hahn and Yeager agreed to those stipulations -- that the private property owner will maintain the drainage ways that cross his property.

Large lots, when you convert them to lawns -- say from an average pasture or woodland -- when you convert a portion of that to a lawn, the type turf will reduce the amount of run-off and especially on these large 2-1/2 acre lots. Generally speaking, putting a house on them doesn't increase any run-off and he guesses any other areas of concern the Board might have could be addressed to him, Mr. Hahn, or Mr. Yeager -- but the Surveyor's office recommends approval of the drainage plan Mr. Hahn has submitted to the Board. He will be on the APC agenda on November 1st.

Messrs. Willner, Jeffers, and Hahn spent several minutes perusing and discussing the pros and cons of the drainage plans (much of which was inaudible, because Mr. Hahn was not at the microphone). In response to comments by Mr. Willner, Mr. Hahn stated that what they have done was at the suggestion of the APC. What they have done here, they have developed two of what they call "flag" lots (Lots #6 and #7).

Mr. Willner said his question is whether Lots #3, #4, and #5 can enter off of those 60 ft. easements.

Mr. Hahn said, "Not without an easement from Lot #6 or Lot #7. Lots #4 and #5 reach 200 ft. frontage, which makes them a fairly wide lot. Mr. Yeager has said to him that his intentions for Lots #6 and Lot (the two flag lots) are not to build two drives side by side, but rather to join them in one (1) common drive between the two. So Lots #6 and #7 will share the same driveway.

Mr. Willner asked if they can't get Lot #4 and #5 to share the same driveway?

Mr. Hahn asked, "With a 250 ft. lot frontage, do you think that will be a problem, Mr. Willner?"

Mr. Willner, "Yes, I think you will have five (5) driveways in a matter of 700 ft. and I think that is excessive."

Mr. Hahn said, "Lots, #3, #4 and #5 would each have their own drives and Lots #6 and #7 would share a common drive -- so we'd have four (4) drives in 884.7 ft."

Mr. Willner said, "Yes, when we could have two (2) just as easily. By just a little stroke of the pen here we can cut out two (2) extra driveways."

Mr. Hahn said, "With a 250 ft. lot, that is a long way down a county road."

Mr. Yeager said that road was a gravel road -- it is not a highly trafficked area.

Mr. Hahn commented, "Its main use is to go to back to two houses south of there and the surrounding farmland."

Commissioner McClintock said, "I think Mr. Willner's point is that this might be the case now, but that road may change if the population grows. If I were buying a 2-1/2 acre lot in a nice wooded area, my preference would be to have my driveway in the back so the front would just have trees. I think it would make the lots more appealing -- to have the driveway come off the side rather than the front."

Mr. Hahn said he can see Ms. McClintock's contention, but a drive every 250 ft. doesn't seem to be overloading it to him. But they will yield to the Board's .....

Mr. Willner interrupted, "What about when this is developed and we have twice that many? Anytime that I can cut out a driveway I am going to do that. I don't care whether it is 850 ft."

Mr. Hahn countered, "I don't disagree at all; and I really don't have any feelings -- if it is all right with Mr. Yeager, we can give Lots #4 and #5 that option, if you would like --- by placing a restriction on Lots #6 and #7."

Mr. Willner said, "Not only does it stop a driveway, we have another three culverts here that it does away with."

Mr. Hahn said, "I will be happy to put a note on the plat that give Lots #4 and #5 the use of any drive that leads to Lots #6 and #7, if you'd like."

Mr. Jeffers pointed out, "You do have one problem with that situation though. If Lots #4 and Lot #5 are given access onto this 120 ft. strip that is made up of a 60 ft. portion of Lot #7 and a 60 ft. portion of Lot #6, in essence you have created a private lane that all the lots are going to use. And in the future they may come back and petition the County Commissioners to maintain that private lane as a public way. That is a possibility."

Mr. Willner said, "As long as they bring it up to County standards, I would do that."

Mr. Jeffers continued, "And that is not so bad, except that in essence they are dedicating 120 ft. of right-of-way for this private lane, when possibly they could have gotten by with 40 ft. and that would have enlarged Lots #4 and #5 in the same way."

Mr. Willner said, "I really don't know the APC's plans when they asked for two (2) 60 ft. roadways. What was their reasoning?"

Mr. Hahn said, "They reasoned that for there to be what they call a 'flag' lot, there be a 60 ft. access to a public roadway. When there are two (2) flag lots, each of them must have a 60 ft. access."

Mr. Jeffers said, "This is a hybrid lot; this is not your standard lot. It is a hybrid lot and what happened (it's dumb) but what it is is that in government you have a series of

regulations that each time somebody tries to stretch a regulation they finally say, 'Okay, but you have to have 60 ft. frontage on a road to have a lot'. And they won't give an inch on that one. They used to say you had to have a 60 ft. frontage. Then they said you had to have a 6,000 sq. ft. lot -- that is minimum lot size in Vanderburgh County. But now they go back and say a lot has to have 60 ft. frontage on road. So that is what they are saying and this is really just a hybridized lot."

Mr. Hahn said the discussion was economic for Lots #6 and #7. They couldn't afford to build 450 ft. of street to go back to two (2) lots. To make this work financially they had to have seven (7) lots and the whole idea is not to build something like a runway back to these two lots -- but build something that looks like a little lane that goes back to nowhere. To do that, working with the APC they said, "You will dedicate 60 ft. for each of these flag lots: and that is how the two (2) 60 ft. strips came into being. Originally they had talked about doing it a different way and they were told emphatically by the folks in APC that they had two choices -- take it or leave it.

Mr. Jeffers said they want a private entrance into a private place to live -- like a 12 ft. strip. But the County will not let them build that and this is the end result of all the County's regulations. You have to have that set-up or they won't go for it. But all they really want is a private lane going back into a private area to build four (4) houses.

Mr. Hahn asked, "Can they share a 60 ft. strip? That is more than adequate -- but we were told emphatically no -- each lot had to have a 60 ft. strip."

Ms. McClintock asked, "Who has authority to grant relief?"

Mr. Jeffers said the Commissioners (as the Board of Commissioners -- not the Drainage Board) are the only people who have the authority to waive all that and let them have a private lane. Their only hold-back on that has always been that private roads eventually get petitioned to become public roads.

Mr. Hahn said, "That is my hesitancy in arguing a little bit with you, Mr. Willner. It seems like the more people we involve in this lane the more people might come back to you in the future and say make it a County road and do something with it."

Commissioner Willner asked, "Is this going to be a blacktop road?"

Mr. Hahn said it is not. But the whole idea is to get three or four cars per day down that road.

Following further exchange of comments between Messrs. Willner and Hahn, Commissioner McClintock noted they already were going to build one common driveway between two lots.

Mr. Hahn said the whole reason in trying to do something with the flag lots was that for two lots you cannot economically support building 450 ft. of street.

Ms. McClintock asked, "Aren't we going to talk about the drainage?"

President Borries noted the Board needs to act on the drainage plan and asked the feeling of the Board.

Commissioner Willner said they're going to have to have 25 ft. of driveway pipe.

Commissioner Borries asked if the Board can't approve the drainage plan and provide comments and ask either Mr. Jeffers or the Area Plan Technical Committee or Sub-Review Committee (whoever is on that) to look at that as an alternative?

Mr. Jeffers said with the Board's approval, the drainage plan will go to the APC with the Subdivision Review Committee's technical sheet or field sheet -- that will all be in front of the APC at the same time -- on the first Wednesday in November.

Commissioner Willner moved that the drainage plan be approved subject to Lots #4 and #5 being able to use the driveway easement and not the County Line Road for an entrance to Lots #4 and #5.

Commissioner McClintock provided a second.

Mr. Yeager asked, "Is your recommendation that they have to use that 60 ft. drive? You commented a few minutes ago that you didn't want to stir up the dust going down that road -- and now we're adding more traffic to that road."

Mr. Willner responded, "Right; I think if we get four (4) we'll have a blacktop driveway."

Mr. Yeager said, "You must live in a different area than I do. You know, that was a gravel road before I purchased the property and it is a rural setting. My driveway is gravel and most people cannot afford that length of blacktop road. I'm trying to keep the cost down for the homeowners."

Mr. Willner commented, "I didn't say you have to blacktop it; I just said I'd like to see it blacktopped."

Mr. Yeager said, "I would, too; I mean, I appreciated it when you blacktopped the road in front of me. But, you know, economically it is a pretty stiff point to make I think."

Mr. Willner said, "It will be cheaper this way. Depending on where they build the house, you might eliminate 400 ft. of driveway, too, right? On Lots #4 and #5?"

Mr. Yeager said, "That's possible. I guess it's all right -- if that is what they want."

Mr. Borries asked if a roll call vote is needed -- or does everybody agree with the motion. The three Commissioners indicated they agreed with the motion. So ordered.

Ms. McClintock said, "This is a subdivision and it doesn't come back to the County Commissioners."

Mr. Jeffers said, "It has already been to Subdivision Review and it goes to Area Plan from here."

Ms. McClintock asked, "So, can the APC (the Commission, not the Staff) waive the two (2) 60 ft. requirements to make it one (1) 60 ft. for the driveway?"

Mr. Hahn said, "The Staff says they can not or will not, I'm not sure which."

Ms. McClintock said, "I'm a Commissioner and I'm on the APC. Do we have the authority in the APC to make a motion that overrides? Because you said somebody had the authority to override what they say. If they don't get what they want from the APC, do they come back here to the County Commission?"

Attorney John said, "If there is a question or a request for relief from the decision of the Area Plan Commission, I believe that this would be the Board that would have the power to override the action of the Area Plan Commission."

Commissioner Borries said, "We've made a recommendation and Commissioner McClintock will be there. I think she can relay the feeling of this Board. If they vote it down, we'll ask for a reconsideration on it."

Ms. McClintock interjected, "And then we could vote on it in our regular Commission Meeting (not as the Drainage Board)."

President Borries expressed appreciation to Messrs. Yeager and Hahn.

RE: OLD PETERSBURG PLACE SUBDIVISION

Commissioner McClintock said she wants to know what is going on with Mr. Durkee and Old Petersburg Place. Have we made any progress since last week?

Mr. Jeffers noted that there has been no progress since last week.

Ms. McClintock asked if we can do something before next week?

Mr. Jeffers responded, "I would say that each of you -- or together -- however you guys do things -- could talk to Mr. Lehman about his ability to enforce something. The Vanderburgh County Surveyor's Office has no police powers and no ability to enforce anything out there on that private property. So you need to find someone who can tell those people to take those pipes out of that ditch -- because I will tell you that those pipes will never work."

Mr. Willner said, "I think what Carolyn wants to know is whether or not the developer put his subdivision in according to his plans. When it was through, did it meet what he said it was going to do?"

Mr. Jeffers said, "Well, I was never asked to go out and make the final inspection after the last bit of work he did. But from seeing what I have seen, I would say he came very close to meeting the requirements of the drainage plan in regards to that swale."

Ms. McClintock said, "What I think we need from you is a recommendation as to what should happen? Whether to take the pipes out or move bridges or whatever -- and what needs to be done to restore that to the way it should work."

Mr. Jeffers asked, "This is the swale that is along the east line of the subdivision?"

Ms. McClintock said, "Right; and then we can talk to Mr. Lehman and see what he can do to go out and get that fixed -- because otherwise, it is just going to be continuing."

Mr. Jeffers said, "Give me a little more time to take the Survey Crew out there and we'll identify the actual shape and size of everything that is out there. Okay?"

Ms. McClintock said, "That will be great -- and make sure somebody sees you out there working."

Mr. Jeffers said, "Don't worry -- they are there and they'll see you."

There being no further business to come before the Board, President Borries declared the meeting recessed at 4:10 p.m.

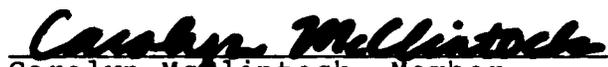
PRESENT:

Richard J. Borries, President  
Robert L. Willner, Vice President  
Carolyn McClintock, Member  
Curt John, County Attorney  
Sam Humphrey, County Auditor  
Bill Jeffers, Chief Deputy Surveyor  
Greg Curtis, County Surveyor  
Cletus Muensterman, County Highway Supt.  
Mr. Steve Hahn, Consultant Engineer  
Mr. Robert Yeager, Developer/Denzer Estates  
Jerry Riney  
Others (Unidentified)  
News Media

SECRETARY: Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, V. President

  
Carolyn McClintock, Member

MINUTES  
DRAINAGE BOARD MEETING  
NOVEMBER 27, 1989

I N D E X

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Emergency on Barr's Creek .....	1
Surveyor authorized to solicit three quotes, to be reviewed by County Attorney prior to awarding to lowest bidder.	
Emergency on Sonntag-Stevens Ditch .....	2
Surveyor authorized to solicit three quotes, to be reviewed by County Attorney prior to awarding to lowest bidder.	
Intersection of Sonntag-Stevens/Keil Ditches .....	2
Surveyor authorized to solicit three quotes and if quotes exceed \$10,000 Surveyor will bring to Board in January. Otherwise, quotes will be reviewed by the County Attorney and returned to the Surveyor for awarding contract to the lowest bidder.	
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Meeting Recessed at 3:30 p.m. ....	4

MINUTES  
DRAINAGE BOARD MEETING  
NOVEMBER 27, 1989

The Vanderburgh County Drainage Board met in session at 3:45 p.m. on Monday, November 27, 1989 in the Commissioners Hearing Room with President Rick Borries presiding.

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the minutes of October 23, 1989 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: AUTUMN HILLS SUBDIVISION

Mr. Bill Jeffers, Chief Deputy Surveyor, said that Autumn Hills Subdivision is on the Area Plan Commission agenda for the first week in December and he believes there is still a hang-up on whether they are going to allow the three or four lots in Part II. "To comment for the minutes, we had said that regardless of whether it was three lots or four lots, that the drainage plan was sufficient with the stipulation that the County Engineer's Office okayed the culvert plans if there is a culvert requirement for a proposed County roadway."

RE: METRO EAST DEVELOPMENT

Mr. Jeffers said the same applies to Metro East, but the developer's engineer is out of town today and he (Jeffers) has not seen his revised plan. We gave approval to Metro East last year and these are minor revisions -- but he'd rather wait and see what the revisions are prior to making a recommendation.

RE: EMERGENCY ON BARR'S CREEK

It was noted by Mr. Jeffers that we have an emergency on Barr's Creek at County Line Road, which is maintained by Posey County. The bridge over Barr's Creek has a large jam made up of several trees underneath it. One is three or four feet in diameter. When he was out there the water was up to the top of the bridge, so he couldn't see that one. He would ask the Board to declare an emergency so that we may get prices from three (3) contractors. We need to do that immediately, because all that debris came from our portion of Barr's Creek in Vanderburgh County and it is jammed under the bridge and will cause flooding the next time it rains. In order to award an emergency contract, the Board has to declare an emergency and then he has to name at least two persons who would be asked to provide quotes. He would also ask that the Board include in the motion that the County Surveyor be allowed to initiate the contract and send the successful bidder out to cut and encumber and otherwise remove these logs and trees immediately upon receiving the three quotes.

Mr. Borries entertained questions of Mr. Jeffers.

Ms. McClintock said she would want there to be three (3) contractors and ask that the County Attorney review the quotes.

Mr. Jeffers said he would suggest the following be asked to submit quotes:

- 1) Terry Johnson Construction
- 2) Blankenberger Brothers Construction (Cynthiana)
- 3) Eldorado Tree Service

In response to query from Mr. Willner as to the number of the bridge involved, Mr. Jeffers said he does not know the number of that bridge because it is in Posey County. It is on County Line Rd. -- but it's our creek.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the Board declared an emergency and authorized the County Surveyor's Office to obtain quotes, including those from the three aforementioned contractors to remove the debris that is lodged underneath the bridge on County Line Rd. over Barr Creek. Once these quotes are received they are to be reviewed by the County Attorney and returned to the Surveyor's Office to be awarded to the lowest bidder. So ordered.

RE: SONNTAG-STEVEN'S DITCH

Mr. Jeffers said we also have a similar problem on Sonntag-Stevens. We have a culvert on Clover Drive about 300 ft. west of Oak Hill Road. The culvert was originally installed by Blankenberger Bros. as a part of a bridge and ditch four years ago (in front of Lloyd Whipple's house) and during the last storm he (Jeffers) was out there inspecting the ditch and noticed that water is leaking in behind the concrete and down at the toe of the slope it is going to just wipe that apron completely out of its present position. If we don't get somebody out there immediately, he is afraid we're going to lose it. Therefore, he asks that the Board also declare an emergency with regard to Sonntag-Stevens re the culvert on Clover Drive approximately 300 ft. west of Oak Hill Road. in front of Lloyd Whipple's house. Again, he would suggest we ask the following contractors to submit a quote:

- 1) Terry Johnson Construction
- 2) Jerry Chastain, Jr. Construction
- 3) Blankenberger Bros. Construction

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Board declared an emergency with regard to Sonntag-Stevens re the culvert on Clover Drive 300 ft. west of Oak Hill Road -- directly in front of Lloyd Whipple's residence and authorized the County Surveyor's to receive quotes from three separate contracts that can include the aforementioned contractors. Said quotes are to be reviewed by the County Attorney's Office and returned to the Surveyor's Office to be awarded to the lowest bidder. So ordered.

RE: INTERSECTION OF SONNTAG-STEVEN'S/KEIL DITCH

Mr. Jeffers said we have a situation on Sonntag-Stevens at the intersection of Sonntag-Stevens and Keil Ditches, directly east of the CONRAIL tracks behind Whirlpool on U. S. Highway 41. What we have there is a situation where there is a lot of brush growing along the east bank of Keil Ditch and some brush growing along the north bank of Sonntag-Stevens. We have a lot of grown up lots around there. It is directly behind the Musicians' Union. There are also a couple of trucking firms and it's just the perfect place for people to pull back in there without being viewed and dump their junk into our ditch. That is due largely to the remoteness and scarcity of people back in that industrial area. Also, we feel that a lot of this grown up brush has provided a little extra camouflage to get back in there, do their dirty deed, and get out. What we have is a lot of roofing material, etc. Again, he is asking for an invitational type bidding procedure. He feels this will cost under \$10,000. In fact, they think it will cost somewhere between \$5,00 and \$10,000

to go back in there and clean up what has been done and also clear the brush. Subsequently, we will ask the City Police to occasionally drive back there.

Mr. Jeffers said he doesn't have any suggested contractors, but would obtain at least three (3) quotes. He would prefer to do this invitationally rather than advertising for bids. If it appears it will exceed \$10,000 he will bring it back to the Board in January.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the County Surveyor's Office was authorized to prepare documents for invitation bidding process for the clearing of Keil and Sonntag-Stevens Ditches and clearance of brush for 25 ft. from the ditches. Said bids are to be brought back to the January Drainage Board Meeting for review by the Board. So ordered.

RE: CLAIMS

Mr. Jeffers submitted the following claims for approval, stating that the signed Surveyor's Report is attached to each claim.

Blankenberger Bros.: Claim in the amount of \$5,610.00 for additional work done on Barr Creek at the end of October.

Big Creek Drainage Assn.: Claim in the amount of \$289.28 for work done on Pond Flat Lateral "E".

Ralph Rexing: Claim in the amount of \$332.84 for work on Pond Flat Lateral "B".

Ralph Rexing: Claim in the amount of \$544.90 for work on Pond Flat Lateral "D".

Evelyn Paul: Claim in the amount of \$958.74 for work on Wallenmeyer Ditch.

Ralph Rexing: Claim in the amount of \$632.01 for work on Pond Flat Lateral "A".

Albert Steckler: Claim in the amount of \$861.25 for work on Baehl Ditch.

Green Grasshopper Flying Service: Claim in the amount of \$2,403.20 for spraying of Eagle Slough.

Terry Johnson Construction, Inc.: Claim in the amount of \$4,126.19 for work on East Side Urban South Half.

Terry Johnson Construction, Inc.: Claim in the amount of \$618.20 for work on Aiken Ditch.

Terry Johnson Construction, Inc.: Claim in the amount of \$209.81 for work on Harper Ditch.

Terry Johnson Construction, Inc.: Claim in the amount of \$328.31 for work on Henry Ditch.

Terry Johnson Construction, Inc.: Claim in the amount of \$697.39 for work on Sonntag-Stevens Ditch.

Terry Johnson Construction, Inc.: Claim in the amount of \$311.06 for work on Keil Ditch.

John Maurer: Claim in the amount of \$557.10 for work on Hoefling Ditch.

Eugene Rexing: Claim in the amount of \$269.50 for work on Singer Ditch.

Terry Johnson Construction, Inc.: Claim in the amount of \$4,676.55 for work on East Side Urban North Half.

Big Creek Drainage Assn.: Claim in the amount of \$355.52 for work on Rusher Ditch.

Big Creek Drainage Assn.: Claim in the amount of \$2,108.14 for work on Barr's Creek.

Big Creek Drainage Assn.: Claim in the amount of \$2,045.39 for work on Maidlow Ditch.

Big Creek Drainage Assn.: Claim in the amount of \$2,362.81 for work on Buente Upper Big Creek.

Big Creek Drainage Assn.: Claim in the amount of \$1,824.17 for work on Pond Flat Main Ditch.

Big Creek Drainage Assn.: Claim in the amount of \$433.73 for work on Pond Flat Lateral "C".

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the foregoing claims were approved for payment. So ordered.

There being no further business to come before the Board at this time, President Borries declared the meeting recessed at 3:30 p.m.

PRESENT:

Richard J. Borries, President  
Robert L. Willner, V. President  
Carolyn McClintock, Member  
Curt John, County Attorney  
Sam Humphrey, County Auditor  
Greg Curtis, County Engineer  
Cletus Muensterman, County Highway Supt.  
Mike Moade/Intern  
Margie Meeks, Commission Office  
Jerry Riney, Commission Office  
Others (Unidentified)

SECRETARY: Joanne A. Matthews

  
Richard J. Borries, President

Robert L. Willner, Vice President

  
Carolyn McClintock, Member

VANDEBURGH COUNTY AUDITOR  
208 CIVIC CENTER  
1 N.W. MARTIN LUTHER KING JR. BLVD.  
EVANSVILLE, IN 47708-1880

MEMORANDUM

NOVEMBER 17, 1995

TO: PRESIDENT COMMISSIONER PATRICK TULEY  
FROM: SUZANNE M. CROUCH *Suzanne*

ATTACHED PLEASE FIND MINUTES FROM THE DRAINAGE BOARD MEETING OF AUGUST 28, 1989, DECEMBER 18, 1989, JUNE 24, 1991 AND NOVEMBER 25, 1991.

WHILE ORGANIZING DRAINAGE BOARD MEETING MINUTES OF THE PREVIOUS COMMISSIONER'S SECRETARY WE FOUND TAPES THAT WERE NOT TRANSCRIBED. THESE MINUTES HAVE BEEN SOLEY TRANSCRIBED FROM THE TAPES SINCE NO OTHER NOTES OR RECORDS HAVE BEEN FOUND.

WE WILL BE SUBMITTING THESE MINUTES AT THE NOVEMBER 27, 1995 DRAINAGE BOARD MEETING FOR MR. RICHARD BORRIES APPROVAL AND SIGNATURE. MR. BORRIES IS THE ONLY COMMISSIONER THAT CAN APPROVE AND SIGN THESE MINUTES. THE OTHER TWO DRAINAGE BOARD MEMBERS ARE NO LONGER IN OFFICE. AFTER BEING ACCEPTED AND SIGNED, WE WILL THEN PLACE THEM IN OUR PERMANENT RECORD BOOKS.

THANK YOU FOR YOUR TIME AND CONSIDERATION IN THIS MATTER.

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MINUTES  
SPECIAL DRAINAGE BOARD MEETING  
DECEMBER 18, 1989

The Vanderburgh County Drainage Board met in session on December 18, 1989, at 7:03 p.m., in the Commissioners' Hearing Room 307, with President Richard J. Borries presiding.

President Borries: We will now recess the Vanderburgh County Commissioners meeting, and turn the meeting over to the Vanderburgh County Drainage Board. Let the record show that it is 3 minutes past 7:00 p.m. This is a special meeting of the Vanderburgh County Drainage Board pursuant to its adjournment to advertise to be held on Monday, December 18, 1989, at 7:00 p.m. It is being held here in Room 307, Civic Center Complex. The purpose of this meeting is to discuss drainage concerns regarding rezoning of property located at Red Bank Road and Highway 62. As customary on Drainage Board matters, the County Surveyor's office by State Statute is the technical advisor to this Drainage Board. Mr. Bill Jeffers is here from the Surveyor's office, and Bill if you'd like at this point begin discussion of the meeting.

Commissioner Willner: For the record Mr. Borries, Chris Melton is here from the Board of Public Works, and any portion of this meeting that pertains to the city, he will at least be knowledgeable of.

**RE: EXPRESSWAY COMMERCIAL SUBDIVISION:**

Bill Jeffers: Bill Jeffers from the Vanderburgh County Surveyor's office. I apologize to anybody that can't see the display, but I'm sure it will be up there for a little while, so you can come around and look at it. This is Expressway Commercial Subdivision, and the entire area that's colored in various colors is Expressway Commercial Subdivision. The yellow area running down through the middle is approximately ten (10) acres of the original subdivision that had 9 lots. It received Drainage Board approval on 9/26/88. It then received Area Plan Commission approval on 10/05/88 and to my knowledge was never recorded.

The pink area on the bottom is an additional approximate ten (10) acres that's been expanded. It's my understanding that's also zone C-4 at this time. That's made up of three or four different parcels that amount to about ten (10) acres and represents an expansion of the original subdivision. I'm loosely calling it a subdivision at this time...I think it was just purchased by the same owner.

The blue area in the middle of the bottom is approximately three (3) acres that has not yet become a part of this development.

The green area in the top left-hand part of your map is approximately five (5) acres. That is my understanding what is up for rezoning from agriculture, to C-4 at this time. Most of you people sitting back here are oriented in the right way, the same way you would be looking at the land, Indiana 62 runs along the bottom of the page at the south. Red Bank Road runs north along the right-hand side of the page. Obviously, the expansion of this commercial subdivision from ten (10) acres to approximately twenty-five (25), required extensive changes to the layout of the lots in the drainage plan. Then of course, the final drainage plan will follow the outcome of this rezoning petition for that five (5) acres in the northwest corner up there that's shaded green. That's our normal procedure, and the county is for the rezoning to take place on the recommendation of Area Plan Commission that met about a week ago. Then it comes to the Commissioner's for rezoning and then it goes to Subdivision Review Committee on a second Tuesday of the following month. I would anticipate that the final Drainage Board approval would come January 23. Then it goes back to Area Plan Commission as a subdivision. My understanding is that last week Commissioner McClintock requested a Special Drainage Board Meeting at this time to accommodate any questions the neighbors may have on this rezoning. The Surveyor's office then communicated with

the developer and his engineer, all of whom is in the audience at this time. We visited the site Thursday, December 14, 1988 and viewed it in detail. Then Friday we discussed the project in detail with Jack Roger's and Danny Leek. Danny Leek is the Engineer. The Surveyor's office is satisfied that we covered the entire slope of the work that will be required in regard to the storm water detention...the storm run-off into Carpentier Creek. Carpentier Creek is shown in red squiggly lines across the upper left-hand corner.

The orange dash lines is the approximate extent of what you would anticipate to be the flooded waterway under flood conditions. As I was saying, we feel that we've discussed the entire slope of what's needed in regarding the storm water detention, storm run-off and prevention of off-site erosion and siltation. We feel confident that Jack Rogers and Danny Leek understand the slope of the site work and the drainage requirements that must be met. We expect a very well designed drainage plan to come before your Board on January 23, 1990. That would be the normal course of events. We hoped that at that time we are able to make a positive recommendation on this project, so that it can move forward this spring, and the Developer can complete the work that is needed to secure the site, and prevent any off-site problems. At this time it's still preliminary. The orange bean shaped area in the upper right-hand corner of the green area is a water and silt controlled basin that's in place at this time with the stand pipe in it much like an agricultural siltation basin. The other orange oval shaped area between the yellow and the pink is one that has not been constructed, but is planned. The area in between those two on the down slope facing Carpentier Creek should have a terraced type waterway to convey any sheet run-off over to the basin that is in the upper right-hand corner. Once this area is fully developed and seeded with the proper types of grasses and other measures to control erosion have taken place, we feel that two (2) basins if properly installed will handle the storm run-off for the area. As I have said, we're awaiting the final drainage plan to review before we make our recommendation at your next Board meeting on January 23.

President Borries: Okay, thank you Bill. As Mr. Jeffers pointed out, this is an informational meeting, so that there will be no decision made at this meeting. That will be based upon further information and also the outcome then of the rezoning, which will occur later this evening when the County Commissioner meeting will again adjourn at approximately 7:30 p.m.

Commissioner McClintock: Mr. Borries, I think there is a little confusion that I want to clarify before we go any further. The request for a drainage board hearing was to listen to the concerns that these individuals had about the drainage. And the reason for that was that there was a lot of confusion as to what had happened and what was going on. We didn't want to get to a rezoning and get bogged down in only that and not have consideration of the other issues in the rezoning. That's why we're here.

President Borries: It's my intent at this time to ask to see if anyone who is representing the developer's at this time would like to make any comments regarding the drainage.

Les Shively: My name is Les Shively, Attorney for Rogers and Jarrett who is developing this property. We concur of your understanding of this particular public hearing at a special meeting of the Drainage Board. We're also in order to facilitate the exchange of information. Mr. Danny Leek of Morley & Associates is here to discuss the particulars of the drainage plan. I would note that basically what we're talking about here that Mr. Jeffers alluded to is expanding a drainage plan that is already in place in conjunction with Express Way Subdivision incorporating this additional land to provide for appropriate to surface water run-off

drainage. Mr. Leek is here and we're more than happy to answer any questions. We would hope the Commissioner's would allow this session to be a question and answer type of session. We have the two experts here. The expert for the Developers, Mr. Leek and we have the expert for the County, Mr. Jeffers. This is certainly a unique opportunity for all parties concerned. The county representatives as well as the residents to have questions answered with regard to the plan that we seek to put in place. Thank you.

President Borries: Thank you, Mr. Shively. At this time we will open up our agenda for any questions that could be answered by Mr. Leek or by Mr. Jeffers at this time. We ask that you be considerate (this is a very good audience this evening. I want to certainly commend you. Your in the Christmas spirit.) and so if we could have at this time anyone who wishes to speak or to ask any information about this particular preliminary drainage to give his or her name for our record please, and then ask the question.

Shirley James: I'm Shirley James and I'm with West Side Improvement Association. This siltation basin that's showing here I'm assuming that it is this right here.

Danny Leek: My name is Danny Leek with Morley & Associates, in representing Mr. Rogers and Mr. Jarrett. Everything that we have is fairly preliminary. Partly from what we've done is, I've designed this drainage being, I used a ten (10) year storm undeveloped to let the run-off go and to store everything for a twenty-five (25) year storm. These basins which will have two of them. One in northeast corner and one on the far west side are designed to handle that additional run-off. Right now they're going to act as a silt basin for the development while the construction is ongoing and as this is completed, these basins will be small lakes approximately about three (3') feet depth in water, that the dam will be high enough that when a twenty-five (25) year storm comes through, we will retain all of that water and not let it off the side any faster than what the water is currently going off. Within the site will be controlled by drainage constructors. I don't have them designed yet. Our intention is as we develop Express Way Commercial Road here to install storm drainage structures, all of which will be tied to these various basins in these two (2) corners. Then the only water that we really can't control will be a small portion of the water that is right here at the creek now. Along the side of the bank (I wish I had just a little bit finer detail. I'm sorry) we're going to use a berm that is actually shaped as a small drainage swale to divert all the water back into this basin. So, the only water that we'll actually get back into the creek (that is currently going in that direction) will be from the top of that bank slope to the ditch. Everything else will be diverted into the basins and be held, and not let off at any faster rate than it is currently going off.

Shirley James: Stand point of water, that's the major drainage basin for the west side. The west side is the major watershed for all of Vanderburgh County. We're expecting plenty of water shortages in the next few years, so we need some water coming into the creek.

Danny Leek: Well, you're going to still have water.

Shirley James: So we'll still have water?

Danny Leek: Yes. The basins are designed for a ten (10) year storm, and what we're trying to retain is anything from a ten (10) year storm to a twenty-five (25) year storm, which is current County standards. The red line is the center of the creek as it currently exists. What Mr. Rogers and Mr. Jeffers are going to do at the time when the completion is done, we want to clean this ditch out. I think right now it has some debris in it from when we were doing the construction. But there is no intention of leaving

that like it is.

Shirley James: Are you going to rip-rap that creek, or anything of that sort? You won't need to do that once it's cleaned out, and this berm is in?

Danny Leek: Right. The weather has kind of caught us right now. What we intend to do is to seed this bank with what's currently called crown vetch. It's an erosion material, vegetation that doesn't require mowing and it will be seeded along the side of these slopes. Then once that's taken place in the temporary, we're going to use straw bales along this creek and along this northern edge to retain any kind of erosion that might go off at this time. We understand that during the construction we've got some mud that will go off in the ditch a little bit. We're trying to retain as much as possible.

Shirley James: How tall is your berm?

Danny Leek: It will come from an elevation of about 405 to about 416. We're about eleven (11') feet from this point, and then from where our side berm's are going to be at, will be another fifteen (15') feet at the top of that bank.

Shirley James: We have a major problem with the Schmadel Lake which exists on the east side of Red Bank Road. It's surveying right now as a very temporary retention basin. It actually was a recreational lake for a family, but because of all of the development that has been...well it's lost to them for their recreation. And now it's become a real problem, because in several instances contaminated water was being pushed up onto the apartments, and etc. Because that lake does not have the proper depth now, it's full of silt to contain anymore water that comes off of this area. Now this is Golden Towers right here, right?

Danny Leek: Golden Towers is the northeast corner over here.

Shirley James: Will any of the water coming down this way at all affect that lake?

Danny Leek: No more than it currently does. What we're trying to do is, we don't want to let the water off at any faster rate now, or at opposed condition as it currently is doing now. So, no we don't want to increase the flow to it.

Shirley James: That particular lake though is not affective now. It doesn't have correct over flows, and it's slowly filling with dirt from all of the construction and everything. So it's really in a dangerous situation right now.

Danny Leek: I can't speak for the developer on this other property over here. I don't represent them.

Shirley James: Except this will impact in some ways on that lake, won't it?

Danny Leek: Should be very little impact if any, because like I said, all of the excess we're going to retain on our side. So we don't let water off at any faster rate or anymore volume than we currently are right now.

Shirley James: Okay.

Danny Leek: We're not taking all of our drainage and just purely dumping off the side and increasing this flow across here into that ditch. What we're trying to do is retain that water, so we slow the water down. These lakes will have smaller size pipes, probably not over twenty-four (24) inch that will allow this lake on a storm condition to a pond approximately four (4) feet depth. When the

storm is over with, it will go ahead and go out at a rate that pipe will carry.

Shirley James: Okay.

Danny Leek: But not to increase the flow into the ditches out there.

Shirley James: Okay.

Commissioner Willner: Any other questions?

Margaret Basden: My husband and I own the property immediately north of this proposed rezoning area. We understood you to say earlier that the original drainage was approved when the original area was rezoned. Since that time we have never had flooding on our property, but since that time, apparently this plan is not working, because since that time we've had flooding on our property that we haven't had in twenty-five years living there. You mentioned ten (10) year storms or twenty (20) year storms, or whatever, and just this past summer we had a flood that was unbelievable, and I think it even washed the dumpster from Golden Towers out onto Red Bank Road or near that area.

Danny Leek: This past summer we had some storms that were a hundred year ... (inaudible) We don't design for them, we can't afford the... (inaudible). Those are things of nature that we can't control.

Margaret Basden: But we didn't certainly have every storm of that magnitude.

Danny Leek: No.

Margaret Basden: Every time it rains we seemed to be just drowned recently. If this was the plan for this original thing, and it's not working, what's going to happen now that all of this vegetation has been removed? All of that water can just freely flow from black top or whatever, down onto this area. That pond is up on the top of a hill. Now, how can that catch water on top of a hill?

Danny Leek: This is in the swale. This is in a low area right now. Both this one and this one right here. It comes downhill from here, from that elevation of 440, it drops off to a possibility of--

Margaret Basden: But that's a lot higher than our property.

Danny Leek: This northern/western corner of this property shaded partially where you're at is in hundred (100) year flood zone. What we try to do we try to keep our basin in a hundred (100) year flood, because if we do get a hundred (100) year flood, we don't want to end up having this thing fill, flow over, and everything dump into that ditch. We won't be able to (inaudible) at that point. What we're trying to do is keep that area the most convenient location, still retain that amount of water that we should retain.

Margaret Basden: But, you can see where our concern comes from. We've had flooding since this has been scalped, that we have never had in twenty-five years.

Danny Leek: We'll, you have to understand, currently we're still under construction. (Inaudible) We had time whenever the original drainage plan was approved. They constructed the silt basin in a location this year that the drainage detention basin was supposed to be at. The schedules about filled up. They excavated dirt and moving it out is my understanding that Mr. (inaudible remarks) to move the dirt. We just got this back in place and this one here at the time at this first stage has dumped in this long drawn area--

Margaret Basden: Okay, now what's going to happen to these two big ditches that have started across our property there like to the north/east corner off of that area since the vegetation been removed? They were not there before.

Inaudible comments being made from someone in the audience.

Danny Leek: What we're going to do, we don't have all of this in place, when this is completed the drainage from this lake here will come out ... (inaudible).

Margaret Basden: We have another concern too, and maybe you can answer our question. What if these or whatever, are like three, did I understand three (3) feet deep in normal times? What's going to keep that from breeding mosquitos and that sort of thing?

Danny Leek: Depth of three (3') feet most vegetation we can put three (3) foot depth at one ... (inaudible) and cattails and that nature. You have to understand that every time a rain comes through these ponds will be regenerated. All this flow that comes through these ponds and build these up, all of this water like I say, will be diverted back out through the pipe and back out into the ditch. So you won't have that constant stagnant water standing there for a long period of time. Now in the summertime you may have a little dry period, you have some water here, but like I said a three (3') foot depth should start growing cattails.

Margaret Basden: But we can't help...remember the property over on Boehne Camp that has that shallow water and it is just stagnant, it's green always?

Danny Leek: The alternative there is to keep these basins dry. They will fill up at twenty-five (25) year storm, hold the water until it escapes out slowly at a (inaudible) pipe rate, and then when the storm ends these ponds will completely dry out. The particular problem you have there is once they there formed like this they're hard to maintain them both. They will grow weed and you'll have snakes in the river. But by leaving you'll get the water in there three (3') feet of water, you won't have that much of a problem.

Margaret Basden: Guaranteed?

Danny Leek: The developers.... (Inaudible) All of these slides are going to be built 3-1 slope, which will make easy to mow. Along this we'll have crown vetch on it, and it will eventually grown out. We may have a little bit of area back here that will have to be maintained... (inaudible).

Margaret Basden: Now the only problem we see is that we've been there for a long time, and we hope to be there for a long time and most generally developers come in and after they get the area developed they sell it. What assurance do we have that the present owners or the future owners will maintain this?

Danny Leek: I can't answer that question. (Inaudible)

Bill Basden: I'm Bill Basden. A couple of questions I'd like to find out about. The other night we talked about a berm around a buffer zone. Are we going to have a hundred foot buffers zone?

Commissioner McClintock: You need to ask that in the rezoning.

Bill Basden: The same thing with the traffic onto Dog Wood Lane, we're assured that there would be no--

Commissioner Borries: If you could bring that up, I think that Commissioner McClintock again, asked for this Special Meeting for an informational session here so that any questions regarding

drainage could be asked at this time so that we could get further information pending any decision then on January 23.

Bill Basden: Yes. So--

Commissioner Borries: We will address that as soon as we re-adjourn back into the rezoning.

Bill Basden: Okay the reason that I'm asking that, that hundred (100') foot is going to go clear back out into this pond.

Inaudible conversation among unidentified persons.

Bill Basden: My understanding is that they're going to put a hundred foot--

Commissioner McClintock: No. They agreed to fifty (50') feet on the north and fifty (50') feet on the west. They never said a hundred (100') feet. They didn't ask for it, and they didn't agree to it.

Bill Basden: Yes we asked for it.

Commissioner McClintock: We need to discuss that in Rezoning.

Bill Basden: Okay, but the fifty (50') foot will even come out into the pond. What's that going to do?

Danny Leek: Nothing. (Inaudible remarks)

Bill Basden: Okay. These other two things will come up in Rezoning?

Commissioner McClintock: Right.

Commissioner Borries: Yes ma'am.

Joyce McCaffry: I'd like to read a statement as to my position and I won't bog things down. My name is Joyce McCaffry. I am the business representative and property manager for Jones Enterprises, which owns and operates Golden Tower Apartments. Since we're talking about our ditch, we have a real concern about the drainage from the area that was just recently graded and we have not had any runoff from that yet. The present grade that has just been changed is going to divert any water runoff that previously drained towards Hwy 62 to go to the north and will drain directly on our property. We consist of approximately seventeen (17) acres, part of which contains our apartments of one hundred and twenty (120) and the office. The development was started in 1971 and completed in '73. Part of the seventeen (17) acres contains 5.41 acres of wooded undeveloped land. On March 4th, 1982 I met with the County Council represented by Attorney Les Shively and Sam Biggerstaff handling the survey and drainage questions. The zoning was approved to build apartment buildings in the area. Our company does anticipate using this land for expansion in the future. However, due to the extreme amount of water being diverted from the south, and the southwest of our property onto the new building sites, it will cause us tremendous problems with draining and flooding and will put this property under water with any significant rainfall. Eighteen years ago we never had any water in our woods, and now there's water all of the time. Several years ago, the problem started with the stripping of the acreage at Boehne Camp Road and Hwy 62. When they graded and stripped all vegetation and trees for apartment development the project never materialized but the grading started erosion that has felt it on our property and we now have two (2') feet of silt and sand in the drainage ditch, which you're talking about. Eventually this ditch crosses Red Bank Road and down to the already troubled Carpenter Creek. The proposed development at Red Bank Road and Hwy 62 has changed the contour of the natural land

slope so that all top soil and erosion will lead directly onto our property through this drainage ditch and will cause us unforeseen problems with more water standing on the property. To contemplate using our rezoned acreage for a future development will be out of the question in a great hinderance for our own plans of expansion. Due to the large amount of land at Hwy 62 and north Red Bank Road that has already been stripped of all vegetation, this latest grading of approximately ten (10) acres has been sloped that the drainage from Red Bank Road will go to the west and then downhill to the north directly to the Golden Tower Apartments. During our last large rain, we did have a large dumpster float from our back property to Red Bank Road. In addition four (4) cars were under water. Any additional large amounts of rain will be causing a problem that we cannot imagine. We are not in any way objectionable to any expansion. However, we ask that the proposed project be postponed until all these problems have been solved. Now you talked about rip-rapping the ditch at the bottom of the bank, that you have now. How far down that ditch?

Danny Leek: At this part I don't have rip-rap at this ditch. Once we get it cleaned up and get vegetation back on it.

Joyce MacCaffry: I couldn't see this from where I was sitting. Okay, where are you at here? What is this?

Danny Leek: This is State Road 62 and this is Red Bank Road.

Joyce MacCaffry: Okay.

Danny Leek: Golden Towers of course is over here on the northeast corner of Red Bank.

Joyce MacCaffry: Were you talking about a ditch here or here?

Danny Leek: The ditch that I was speaking about, so we don't let anymore water off in there, we're going to put a drainage swale along this north power finder. It will go to this creek, of course that's our natural drainage point. I know the property that you're speaking about on Boehne Camp, it was completely stripped and then left to lay low. I don't know what the plans are, if there's any plans for that property in the future. What we're looking at is here on our side. You know we had some really severe grades. We've come in, flattened all of this, we're going to divert the water back into the drainage structures and back into the basins. Which the rate that the runoff goes off as far as the velocity should be less when we get developed, than what it is now.

Joyce MacCaffry: This here down here has been cut down to go into the direction of Dog Wood which puts the drainage runoff right here going into our ditch.

Danny Leek: This all preliminary... This will be the top of our bank, the elevation 440. We will slope, I mean we'll have, this will be built into a parking lot. These will be designed to be small bowls as you have it with drainage structures in them that will collect water of that drainage at the basin and then go into the lake and then eventually back out into the ditch. In the end of the developed condition we have have some grades up here, well like I said, we're 450's down to 400's, really severe grades, but we had a lot of runoff fast. I understand that there was no mud at the time, because all it was leaves and trees. We've opened that back up, which we had to do for the construction. But I don't feel like at any point when we get completed with our construction that we'll have any increase runoff to that property.

Joyce MacCaffry: Would you explain to myself and the audience how big these retention basins are? You said they were three (3') feet deep. We don't have any idea how much water they'll hold.

Danny Leek: This particular basin here will hold as far as storm retention...just a minute, I have to check my figures. Okay, this particular lake here or basin I'll call it, the storm water capacity will hold or retain is 48,000 cubic feet of water. Below that level, like I said there's three (3') feet that we're going to try to hold is permanent pool, will probably be around and once I get the bottom shaped around, 35,000 cubic feet of water. This particular lake here is approximately (300') feet long. Across the dam about (125') feet and it tapers back to basically zero (0) at this point. This particular basin here will hold about 49,500 cubic feet of water. At this point I don't have this one complete. I don't know if this is going to be a wet lake or dry lake. At the elevation it is I was looking at probably having here again three (3') to four (4') feet of water in this particular basin at all times, but I don't know that for sure.

Joyce MacCaffry: This all looks good on paper. Paper's flat. But draining out there is very rolling and anything that comes off of our already graded property to begin with is fine, and then when they went in the back half and did the grading and sloped that hill you can stand on Red Bank Road and see that the drainage is going straight back and straight down and across there. These retention basins, it doesn't sound to me like (inaudible).

Danny Leek: Well here again, the other design for a twenty-five year storm if we have a storm of fifty to a hundred year magnitude, which in this past summer we had I think about three of them as a matter of fact. There were flooding problems not only here, but there every where across the city. I personally can't do anything about that. That's an act of God. We try to deal with it the best that we can. These basins are the best remedy that we have for that runoff. Give me time to get this completed and this vegetation gets some growth on these side slopes, you won't see the mud if there is any down through there. At this particular time I understand that they are bare and it's hard...you can't get anything to growth this time of year no matter what we try to do. We were going to try to put winter wheat on it, but we got caught by the snow. We were having real good weather, bang, you now it just happened to us and we didn't get a chance to get it completed. So like I say right now what we're going to try to do is line this ditch bank with straw bales held in place and along this north line right here, which will hold a majority of that erosion that we get off of there. I understand we don't have all, but we do have the basin in contact now, so they'll help out. There are some small temporary pipes that go into these and like I say with the straw bales it's about as good as we can do until we get spring where we get good weather we can plant. Yes ma'am.

Unidentified Person: Is that that pile of straw that's out--

Danny Leek: It's just a pile right now. We have to line this ditch bank with it.

Unidentified Person: Tell me, you know after two years they disintegrate. Who's going to replace this straw?

Danny Leek: We won't need them. Whenever the spring comes around or if the weather changes now, we're going to continue on trying to improve this certainly in the spring. We have no intentions leaving this bare. Right now this slope has been built, as soon as weather permitting we're going to go in and this seeded so we don't have that particular problem. As the developer is concerned the longer that lays there without any kind of vegetation on it, he's going to get erosion on it too more than likely on a side slope. He doesn't want to have to go in and do any more repair work to this side bank than he has to. So we're trying.

Commissioner Borries: Alright are there any drainage questions at this time?

Unidentified Person: Who's responsibility--

Commissioner Borries: Would you give your name please, for the record?

Unidentified Person: Who's responsibility of Carpentier Creek if it doesn't handle the water after all these good laid plans? We ain't talking about who's responsibility that is.

Commissioner Borries: Would you please give your name, please?

Troyce Tyson: Is that Mr. Jeffers department? Who takes care of this Carpentier Creek drainage problem when this runoff comes?

Commissioner Borries: Each property owner at this point is responsible for his or her portion of that. Carpentier Creek in this particular area sir, is not what we call a legal drain. There are no taxes assessed for that particular creek and it is not at this time maintained by any county agency, because there is no tax money or any kind of tax payments assessed on that particular creek.

Troyce Tyson: Well it's a natural drain for hundreds of years.

Commissioner Borries: I understand that.

Troyce Tyson: Let's dam it up then.

Commissioner Borries: What was it a generation ago...yes go ahead.

Troyce Tyson: There's no clause in there to protect you hundred year drainage--

Bill Jeffers: To clarify Mr. Tyson's question or the answer that was given, "Who takes care of Carpentier Creek if this plan doesn't work?" First of all I would like to clarify that there's nothing in the current subdivision or drainage ordinance which requires the developer to install retention ponds on this property, period.

Commissioner McClintock: They don't have to?

Bill Jeffers: They do not have to submit a drainage plan that detains water on this property. The only part of the county that is under that particular restriction is the east side or we can impose that restriction on any development that drains into a legal drain. In 1965 during the revamping of the state drainage statutes the county held hearings at which certain drains were abandoned for maintenance by the County Commissioners' as the Drainage Board and certain ditches were continued to be maintained beginning in 1966. Those ditches are named in the County Commissioners' records and Carpentier Creek is not one of those drains. Specifically because the residence of the west side who's property drained into the Carpentier Creek petitioned the Commissioners', and numbers greater than 51 percent of the total that they did not want it maintained as a legal drain, so therefore it was dropped. So the responsibility for maintaining the drain reverts to the property owners who are subsequent to errors and designs, etc., some of them are still alive today and still come into our office and tell us how much better it used to be. Seventy-five year old men, several have come in and told me they wish they'd never asked that it be abandoned. Be that as it may, again, the developers of this property have volunteered to install detention basins the same as Mission Viejo, the apartment project that's been referred to as west of this and facing on Boehne Camp also volunteered to put in detention basins and Woolco west the developers I believe is Regency Corporation also voluntarily put in two detention basins. We only ask for one. They found a need for two. So I do believe the developers have all, so far, when we requested that they detain water and water has to be detained up hill of the flood plaine or

it does no good. You can't put your detention basins down in the flood plaine. They have to be up on the hill some what. We think this voluntarily system really is working very well since 100 percent of those asked have complied it without having to write it into law.

Troyce Tyson: As I understand it then, if they don't want to they don't have to do this and they can flood the whole valley west of Red Bank Road. Am I right? As a voluntary you have no control over Carpentear Creek, you have no control over that, so what are we here for?

Bill Jeffers: I'm here to say thank you to the developers for voluntarily--

Troyce Tyson: I would too if they'd do it.

Unidentified Person: Mr. President, may I address--

Troyce Tyson: We've got water coming from far west going down through here and--

Bill Jeffers: My response wasn't intended to be flip. My response actually... It shows the responsibility of the developer and it shows that the developer is aware of his responsibility to his downstream neighbors that he install a plan like this, because any damage he throws downstream, he may be liable for.

Troyce Tyson: What about upstream backing up? We're talking about backing up too. See that gets so heavy down there it backs plumb west, so he's not responsible... We're talking about backing up.

Bill Jeffers: The system is designed to discharge water at the same rate or at a slower rate than it previously discharged as a natural area and, so therefore, it should not add any additional load to the downstream structures.

A lot of voices being picked up at the same time makes the remarks inaudible.

Danny Leek: (Inaudible)...no change in the event of water that goes off the side. If we have, as we say again a hundred year storm--

Troyce Tyson: Your under no obligation to keep this up. You can do it until you get zoned when everything get's built you can go on in and build a building there.

Commissioner McClintock: No that's not true.

Danny Leek: Mr. Tyson if I could answer--

Troyce Tyson: You can't do that?

Danny Leek: If I could answer your question sir, that's precisely why we're here this evening and that's precisely what we're conditioning the approval of this rezoning on and that is the use of this property will be subject to, not just putting on paper to use someone's term here tonight, but to putting in force in effect construct physically the plan that Mr. Leek has outlined for this evening. If that is not in place they cannot use their property for the intended commercial purpose. Plain and simple. That's the law that's enforceable by these people.

Troyce Tyson: He just said you didn't have to have drainage system.

Commissioner McClintock: Sure you're misunderstanding. You're misinterpreting.

Troyce Tyson: No I ain't.

Commissioner McClintock: Yes you are.

Troyce Tyson: In other words you won't...if he don't put the drainage in, you will not approve it?

Commissioner McClintock: What Mr. Jeffers is trying to say is that are voluntarily doing it, but once it's in the drainage plan that's approved by this Board, we can enforce that plan. Do you understand?

Troyce Tyson: I don't think you can, but I'll buy it. You can't enforce him to do it now, you ain't going to enforce him to keep it.

Commissioner McClintock: If we have an agreement in writing sir.

Commissioner Borries: Are there other comments? Thank you very much for your questions. I think they're very thoughtful, very well said. We will take these under advisement pending the out coming of the rezoning of this informational hearing. If there is no further business I will recess the Drainage Board meeting at this time.

**PRESENT:**

President, Richard J. Borries  
Vice-President, Robert L. Willner  
Member, Carolyn McClintock  
Sam Humphrey, Auditor  
Bill Jeffers, Chief Deputy Surveyor  
Joanne Matthews, Secretary  
Transcribed:jah

  
Richard J. Borries, President

Robert L. Willner, Vice-President

Carolyn McClintock, Member

MINUTES  
DRAINAGE BOARD MEETING  
DECEMBER 26, 1989

RE: SONNTAG-STEVENS/EMERGENCY REPAIRS

Bill Jeffers, "Last month we asked for an emergency contract on Sonntag-Stevens ditch. It took a while to get three bids in. I'd like the record to show that, in addition to Blackenberger Brothers, that Terry Johnson Construction, who was named in the minutes of the November meeting, is going to be contacted and we also contacted Chastain after repeated attempts and I saw a bankruptcy notice in the paper this morning; so we will not be accepting a bid. To refresh your memory, you asked me to give those to the lawyer to open after I acquired three bids."

Commissioner Willner moved to authorize Bill Jeffers to give the bids to Attorney Curt John to be opened, with a second from Commissioner Borries.

Bill Jeffers, "Let me show you where to look for the price. This will be the price of the known quantities of concrete and then they would charge this much per cubic yard."

RE: EASTBROOK SUBDIVISION

Bill Jeffers, "While he's looking at those, the Area Plan Commission has Eastbrook Subdivision on your agenda. I think this is an extension of Eastbrook Drive, which is off Aspen Drive, south of Bergdolt Road and east of Oak Hill, and the front portion of the property is owned by a church. This is a fairly simple and straight forward subdivision and it is more or less an extension on the subdivision to the east of there along Eastbrook Drive. At the end of the cul-de-sac, between lots #1 & #2, the people pose to have a curb cut and he'll have a two foot spill out into a grassy swale and carry this water toward to the north lines one and two and then west to the church's property. I believe the Developer is Morgan Avenue Church and Steve Pawn is the Engineer for that Corporation."

Commissioner Borries asked Mr. Jeffers if there were four single dwelling lots. The answer was positive.

Bill Jeffers, "I have reviewed the plan as submitted by Mr. Hahn. I find everything to be okay."

Commissioner Borries asked Mr. Jeffers if it was going to be connected to the City utilities and Mr. Jeffers stated that it had sanitary sewers.

Bill Jeffers, "It has two-hundred feet of sanitary sewer from the existing sanitary sewer, along the north line of lots #1 and #2. Although it's not absolutely required, I would strongly recommend a paved bottom to this swale should not be filled by its property owners as they build their garages and level their lawns, that type of thing. This is something that Eddie Bower Jr. has put into his and it works real well. Just pave the bottom of the swale and that tells people that this is the total line of the swale. Don't fill it. Don't pipe it, and so forth. I strongly recommend that they pave the bottom of the swale although it's not absolutely required by the great authorities. Other than that, I find everything else to be in it's proper order and recommend that you approve the drainage plan."

Commissioner Willner made a motion to approve the plan with the concrete bottom on the swale and was seconded by Commissioner Borries. So ordered.

RE: VANN SUBDIVISION

Bill Jeffers, "Another one that is on the agenda for January's meeting is Van Subdivision. I'd like to say at this time that they're simply dividing lots or asking to divide lot two. There is a lot 2-A and 2-B. It does not effect the drainage plan. Probably, the major subdivision for this month is Old Boonville Highway - Commercial Park. It's located on Old Boonville and immediately east of Eastside Industrial Park, which is an existing industrial park inside the City limits. More or less, the east line of Industrial Park is the City limits. Mr. Jim Arvin lives immediately east of this proposed development and feels he may be affected and he would like to speak to you today. His property goes a little less than half way back. It goes back to about the second or third lot. Before he speaks, I would like to say that I have gone over this plan in detail with Keith Poff, representing Morley Associates. Keith is also in the audience today. I expressed some of the concerns that Mr. Arvin has for his adjacent property to this. I've also discussed the general concept drainage with Mr. Jim Morley, who represents the Developer. Mr. Morley is also here. We worked together for a couple of days and feel that the drainage plan will work. We have reviewed the calculations and find them to be accurate calculations. Basically, Mr. Morley

is proposing a retention basin on the east line of the sub-division. You can see the basin on the bottom of your plat. He proposes to build this by raising to an elevation of 384 feet above sea level, which basically will connect those contour lines on three and four."

Some portion of the tape cannot understand enough to type...

Bill Jeffers, "Mr. Morley is going to give you some plats. I didn't realize that they were in more detail. Basically, this drainage system will pull the water to it's previous cubic feet of discharge, the pre-development discharge, as we asked people to do on the eastside. So, the discharge from that single pipe, which is shown with an apron on it. That apron should spread the water back out into kind of a flat, instead of channelizing it. It will spread it back out so it will be more flat and shallower as it would naturally be going down through that swale and then it shows you some elevations, like 79.4, 79.6, 78.4, 78.1. The water is traveling northward and it goes around the back of Miller Trucking Company and into Crawford Brandeis Extension. Our review that the water would discharge at approximately the same rate as it did before development and then it would find it's way into Crawford Brandeis Extension through the natural course or drainage ways that it did under natural conditions. Therefore, we are recommending approval of the drainage plan for Old Boonville Highway and Commercial Park. As I said, Mr. Arvin is in the audience and would like to express a few things to you at this time."

Mr. James Arvin, Sr., "5812 Old Boonville Highway. I have been there twenty-six years or a little over. We don't have a natural drain, so to speak, right now. We did have, because when Mr. Miller built his place out there, he had a lake back there and said that's where the water was supposed to go to. But, he filled that lake up with all kind of fill from over off the highway over there and he filled up all the drainage, he's got anywhere from 12 to 15 feet of wall before we leveled it all down there a while back. We had a natural drain come off the farm land and they had a ditch all the way down to the creek. He has come in and filled all that up and didn't put no tile in or nothing. The water that comes off his property and my property is drowning me now. I've dug 400 and something feet of ditch around my garden to keep it from drowning and it still got drowned several times this summer. I was out there at 3:00 a.m. two or three time when I got off work when it was raining hard, trying to get the water off of my garden, and finally had to start digging ditches all the way through my field to get it off my garden plus it gets into my building. It can't rain because the natural drain there is gone. He says he is going to put some tile in there. Well, over the past three years he hasn't put no tile anywhere. He hasn't done what he said he was going to do. I've talked to him about it. My boy talked to him about it. He said he would put some tile in there when he gets a border back there he said he's going to dig all that out with a back hoe and put the tile in there where the water can go down there. I'm paying to use that drainage ditch with my taxes every year. It's stopping my drainage. He says he's going to put tiles in there and he hasn't done it. It's damaging my property is what it has done. It wasn't that way, because it all sprayed out and went down to the creek and the farmer's had it, and then you can see where they lost part of their crops because of that. He put a ditch in there, yeah but, the ditch he put there along his property drains water back down to the center behind my place. He's got big tilings on his gutters and it comes out on the back of my front lot, some 200 feet from the road. A while back, he brought a big back hoe out there and on that side next to me, he graded all that down and put some concrete slabs in there to keep it from washing off his property anymore and that just made that much more water come over to me. If they put a dam over here, what I'm wondering is, is that going to make my property a canal because all that water back there can't go to the creek? That's what I'm wanting to know. That's what I'm concerned about."

Commissioner Borries, "Bill, how do we address Mr. Arvin's concern here in relation to Miller Trucking. Are they in the City now? (Negative response) At some point, we apparently approved their drainage plan, I guess."

Mr. Arvin, "That's right, but he's changed that since then. He filled that lake back there up with concrete slabs, trees trunks and everything else. The lake was supposed to be there to take care of the water. Plus, he didn't leave a ditch there for the natural drainage that was there. He could have put a tower across his property and the water would have went straight on down the creek but, it can't do it if he's got a 8 foot wall in front of it. No ditches, no tiling either. He stopped up the area that we were paying \$5.00 a year on our taxes to keep clean."

Bill Jeffers, "I'm familiar with what Mr. Arvin has expressed to you in this meeting. I've talked to him on the phone and I'm familiar with the other projects as well. Miller Trucking Company was a small commercial development. It was unclear whether or not, it was required to have a drainage plan because it was not a subdivision and it was not what you might call an extension development or a big development like Wal-Mart. However, they did submit a plan through Easley Engineering. Their representative at the time was Mike Fitzsimmons, who is no longer available in town. The plan did have retention basin that discharged into Crawford-Brandeis Ditch and based on that plan we honored their request for relaxation of the 75 foot easement for Crawford-Brandeis extension, gave them a 25 foot easement so they could utilize more of their ground. We asked them not to fence that. Subsequently, they abandoned their drainage plan, filled in the detention basin and had Mr. Fitzsimmons design another drainage plan, which was a swale going around their western and northern boundary and simply carrying the water and discharging into Crawford-Brandeis. Had some detention shown in the original plan but we never got to the point of bringing it to the Drainage Board and having it approved and superseding the previous drainage plan with it. Had some problems develop in between where the Miller Trucking Company began filling the west bank of Crawford-Brandeis ditch to equal the elevation of the rest of their ground, building it up to use it for storage and so forth. We had a large sewer line coming down from Country-Trace sub-division, along within that 25 foot easement along Crawford-Brandeis ditch. Those people purchased, the developer for Country Trace purchased that easement to put a sewer line in and then the Sewer Department said they wouldn't accept the sewer because Miller Trucking Company had filled over the top of the manholes. So, one thing led to another, I wasn't going to bring a drainage plan to you until they resolved it with the Sewer Department just what they were doing out there. Last time I was out there, it's just a big mess. The banks are all filled up with rubble concrete. The detention basin is all filled with rubble concrete. They have left a man-made swale of sorts around their property to carry the water off and approximate the natural drainage that had existed there. I don't know, or can't prove that there is any detention involved on their property. All I can say is that over a period of time the water drains all through there approximating it's natural drainage pattern. Now, Mr. Arvin says, Yeah the water finally goes away, but not like it used to. Or, he experienced some flooding, this year, that was unusual compared to what it used to be. I don't doubt the man's word a bit. Then, Miller Trucking Company bought the strip between them and what Mr. Woodward is now developing as this one that you have in front of you, Commercial Park-Boonville Highway, and that's still being formed. So, the water maybe is not making it through this farm ground the same way that it used to, or as efficiently as it used to. But, it is going that way. I can't stand here & recommend that this drainage plan to you for Old Boonville Highway-Commercial Park based on what Mr. Arvin tells you, even though I don't doubt his word, and I can't deny recommending it on account of what I know about what Miller Trucking Company has done, because this drainage plan is based on figures that Mr. Morley will stand by, for rate of discharge. It meets the criteria that we set down for rate of discharge. It does detain the water and it does discharge it at the natural point of discharge that has always existed out there as far as we know, at least from 1969. It does it in an orderly fashion and we feel if it's constructed this way, it will work. Whether or not the discharge from this drainage sight, that we recommend approval of, always finds it's way through it's natural pattern back to Crawford-Brandies ditch, can only be answered in time and whether or not what Miller Trucking Company has done or will do will improve that or make it worse. It's just a matter of time. It is, as far as we're concerned, a civil matter if that natural drainage path is obstructed by someone other than the owner of this commercial park that we are asking you to approve, then we feel it's a legal matter that will have to be settled and not fall back on us. We are approving the calculations, we are approving the plan. We think it will work. If someone else obstructs the water after it leaves the sight, that will have to be settled somewhere else. I guess to not totally shirk our responsibility, we do have a drainage plan that was approved, that's no longer in place from Miller Trucking Company. We do have a right to enter onto Miller Trucking Company's property for 25 feet from the top of the bank of Crawford-Brandeis ditch and maintain it and we cannot now get on there due to fencing, rubble and debris and machinery and everything else. We have not maintained that stretch for two years on account of this. We can't get over there to do it. We probably could notify Miller Trucking to take at least some steps to improve the situation. We have not yet notified them to do so. That's where I stand, today."

Commissioner Borries, "We could play the numbers, here, all day and I have no way of refuting your numbers. Mr. Jeffers correctly pointed out that your numbers are going to agree but that doesn't solve Mr. Arvin's problem. It seems like we go into these situations and want to help development. We did so and it effected and falsely so at this point, that this Miller Trucking would do as they said they were going to do. We had relaxed their easement, now they've had some impact. It's probably right on paper that this plan might... Sure, the numbers are going to work, it's easy to stand by that but that's not going to help Mr. Arvin. What can we do legally in terms of Miller Trucking to insure that with Crawford-Brandeis that we can either maintain it or have them maintain it, since apparently as Mr. Jeffers' comments have indicated, they have not lived up to their part of the original agreement."

Commissioner Willner, "We have a lack of enforcement also. We have no one enforcing. I think therein lies the problem. I wanted to ask Mr. Arvin whether he thinks this plan that they have will work. Has he seen this plan?"

Mr. Arvin spoke away from the microphone and cannot be heard or understood.

Mr. Morley, "I'd like to briefly address that. As you can tell from Bill's explanation, Mr. Arvin's statement. There really are two issues involved here and I think Mr. Arvin talked with Keith Poff and Keith had suggested that he come to this meeting and be able to tell you this. Woodward's property drains near the center at a point several hundred feet north of Boonville Highway and north of Arvin's property into a swale that Miller has cut down along there. Woodward, we would assume, is a knowledgeable Developer, a boy big enough to sue Miller if he shuts off his drainage. Mr. Arvin's problem is that the ditch that was created by Miller does not extend all the way up Mr. Arvin's east line and Miller has, in fact, created a dam against Mr. Arvin's property. It's not adjacent to this property and so Mr. Arvin is here today, to tell you that when these plans don't get carried out the way they are prepared and presented, he's asking you for a response or a solution to how to deal with that. Now, I've discussed this with Mr. Woodward and should Miller try to do anything to block the drainage from this site then Woodward knows his legal rights and can take it to suit. I think Mr. Arvin has not yet approached an Attorney, have you Mr. Arvin? But, currently he is in a situation of having something that doesn't... It's adjacent to this but he is a neighbor to both of us, to both Woodward as a Developer, and to Miller who has developed on the other side and this was an opportunity for Mr. Arvin to come before you and tell you that when these plans are presented and then not carried out, problems are created. I don't know, he's asking you for a solution that deals with Mr. Miller. The plan that we have will, of course has a ditch all along, Mr. Arvin. We're not backing any water onto him. It's being captured and carried away, but that doesn't solve his problem with Miller. So, there are two issues here. One, whether or not this drainage plan is acceptable and the second is the issue Mr. Arvin raises is that previously you were presented a plan by Miller which was not lived up to and Mr. Arvin is asking you for help."

Commissioner Willner asked how far from the back property line is the ditch.

Bill Jeffers stated that the Crawford-Brandeis ditch is at least 400 feet.

Several people talking at once and cannot understand what was said.

Mr. Morley, "Mr. Miller's ditch has been built all the way along to right here in this low area but what he didn't do is he didn't extend the ditch up along Mr. Arvin's east line, right along here. He's just built that in right over against there. So, Mr. Arvin's property, right here, can't drain off as it once did. He's, (Miller) got an embankment all the way along Arvin's east line and he had promised him that he would have a ditch there, but he didn't put it in. This ditch is supposed to come down and hook to this ditch. Now, if Miller does anything to block this ditch as it goes down and then crosses Crawford-Brandeis right here. As it goes down and gets to here, I've already told Mr. Woodward that he will need to watch for that and make sure that Miller doesn't do anything to hurt him. There was a promise to Mr. Arvin that there would be a ditch and it's not there."

Mr. Morley stated that Miller owns behind Mr. Arvin as well and he doesn't have a ditch.

Bill Jeffers, "What this doesn't quite show you is that Miller Trucking goes on out this way and Crawford-Brandeis ditch is way over here. So, it has to go across this property, which belongs to Miller and is still farmed, then Miller's ditch which starts along about here, all the way back to Crawford-Brandeis which really is way over here, which is about 300 feet."

Commissioner Borries, "Well, this doesn't look like it runs on his property."

Commissioner Willner, "Like you said, it looks like we have two problems."

Bill Jeffers, "Mr. Arvin's first reaction on the phone, when I first talked to him, was "Are they going to put a big embankment up on Woodward's side the same as they did on Miller's side?" and the answer to that is no. It's approximately two feet high in the back."

Commissioner Willner stated he would like the Commissioners to send a letter to Mr. Miller saying that they would like to review his drainage plan.

Commissioner Borries asked if the Board of Commissioners had the power to do that. "We have been in good faith granting Mr. Miller the easement. To ease the requirements here and apparently there... What are our enforcement powers here?"

Bill Jeffers, "Do you want to give me the authority to send a letter from the County Surveyor's office requesting to see..."

Commissioner Willner, "Not yet. We are talking about what effect it would have. What if he threw it in file 13, then what?"

Bill Jeffers, "I do know that he spent good money for Mr. Fitzsimmons to draw another drainage plan that would replace the one that he destroyed. So, maybe a letter to him would result in him sending us another plan to be approved."

Commissioner Willner, "No, what I'm saying is: what if he ignores the letter. That's what I'm asking you."

Bill Jeffers, "If he ignored the letter?"

Mr. Morley, "You don't have enforcement powers through the ordinance. I would hope in this next year you would consider creating some kind of enforcement powers."

Bill Jeffers, "He's apparently moving towards increasing his square footage under roof."

Commissioner Willner, "That's what I wanted to know. How soon?"

Bill Jeffers, "As soon as he gets it all filled and leveled. He's still filling."

Commissioner Willner, "Alright, suppose we put a red tag at the Building Commissioners saying that no building issued on this piece of property until the drainage is approved or a new plan or the first plan that was approved, either one of those goes into effect."

Commissioner Borries, "Mr. Arvin, what you need to do is put in writing the things, we'll have this in writing, and what your testimony is. But, you talked about fill and a few other things, all of which were not in accordance with what this Board originally approved in the Drainage Board plan."

Mr. Arvin, "I can't say how much he has filled but I know it's created a problem."

Commissioner Borries, "Well, we need to have some written documentation or some photographs. Take some photographs. What we have to do here today, on a flat piece of paper and with the elevations, this plan doesn't look like it's going to impact you. What Miller has, has impacted you. What we are questioning and talking about are what are our enforcement powers here at this point or if we have any. Apparently, Miller at some point when it suited his needs, came before this Board to ask for a variance on the easement."

Bill Jeffers, "That's correct. He acquired that by showing us an orderly drainage plan, that was done by a competent engineer."

Commissioner Borries, "Now, what you have to prove and it may end up being a civil matter, that he has not lived up to that plan which he had shown us. You have not proved different and if there is any flooding that does take place, you also need to take some photographs of that as well. Set up a file. Then, as Mr. Willner has pointed out, we will contact or ask Bill to say to the Building Commission that if there is further building that it won't happen until this is fixed."

Commissioner Willner, "I think that's the only enforcement we can have. Put a red tag on that property for building."

Bill Jeffers, "If you have that power and it wouldn't cause a legal problem for you to use it. I don't see anything wrong with it. There is one thing that I will point out to you that maybe that our office can do. Mr. Arvin does pay a \$5.00 minimum drainage fee. I do remember cases where people were being billed \$5.00 and told us that their water did not go to the ditch that we are building for them and we went out and did a quick survey and found that in one case on Old Henderson Road, the water went straight to the river so the person should not have been billed for Edmond ditch. We removed him from that billing. So, I think we have a legal opportunity to go onto private property to find out if Mr. Arvin's water does leave his ground and go to Crawford-Brandeis ditch. If it doesn't go to Crawford-Brandeis ditch, it either should or he shouldn't pay for it. At least in that way, we can find out what's going on. We can cross private property to find out what's going on. If you would like us to do that we will and report back to you. In the process of doing that, we will also find out... If you want me to find out, I can find out."

Commissioner Willner, "There's no question in my mind that it's going into Crawford-Brandeis."

Bill Jeffers stated another option is to go along the bank that Mr. Miller had filled in on and find out how much Mr. Miller has filled. Mr. Jeffers stated that he had visited and inspected and stated that Mr. Miller is not physically blocking the water in the main ditch. Mr. Miller has been preventing the County from mowing the ditch on his side.

Commissioner Borries asked if Mr. Miller had been doing any maintenance on the ditch and was given a negative response. There has been no spraying or mowing and Mr. Jeffers stated that it was an unsightly construction yard.

Commissioner Borries suggested that the Commissioners needs to determine that Mr. Miller is not maintaining the ditch and if the County is unable to maintain it that this shows a problem right there. Commissioner Willner stated that he thinks the Commissioners have the power to make Mr. Miller clean that legal drain and stated that there was no question in his mind to that effect.

Commissioner Borries stated that he would like to see some pictures and then have the Drainage Board issue a letter to Mr. Miller that based on what they have been able to find that the Board does not feel that this legal drain is being effectively maintained. Therefore, it's really robbing the value of the tax dollars that are assessed on that drain. Commissioner Borries further stated that he thought there would be further official actions and that should be stated to Mr. Miller as well.

Bill Jeffers stated that the Surveyor's office will give the Commissioners a report on the conditions of the drain, alongside his property, with some pictures.

Commissioner Willner stated that he would also like Mr. Jeffers to bring a copy of the drainage plan that the Board did approve originally.

Commissioner Willner, "I think we ought to send a letter to the Building Commissioner asking for no permits be issued until the drainage plan has been presented and approved by this Board."

Commissioner Borries, "Mr. Arvin, will you take pictures of your property at any point, if there is any occasion of high water or any situation, in order for us to document this? You may want to take other pictures where you feel he has changed this drainage plan to the effect where it's affecting you. I'd want to say that if we have to start increasing the requirements of legal drains..."

Commissioner Willner made a motion to approve the drainage plan and was seconded by Commissioner Borries.

Commissioner Borries, "I also want to add: I would think that Mr. Morley has done enough of these to understand that this will not or should not impact your property. (Mr. Jim Arvin's property) And that should be understood in the record. I think they would work with you to insure that that will not happen in what they are doing."

Commissioner Borries, "Miller Trucking Company will just have to, and you should work with them as this is being constructed in order to insure that this will not happen again. The elevations here indicate that where their drain is going to go is going to be some five feet below, so that's not going to affect you. This other situation is, we are going to contact the Building Commission to make sure that they are not able to build and thru the Surveyor's office and Mr. Jeffers we will have further communication to put Miller Trucking on notice that we want to review the plan. If nothing else, we ought to have the power to review plans. Shouldn't we?"

Mr. Arvin spoke but could not hear his comments.

RE: READINGS OF BIDS/EMERGENCY REPAIR TO SONNTAG-STEVEN'S DITCH

The bids for emergency repair to an apron of the culvert on Sonntag-Stevens Ditch are as follows:

Terry Johnson Construction bids \$1,016.00 for the definitely required work and \$65.00 per cubic yard of concrete for filling existing voids, which are unknown.

Bill Jeffers, "Unknown estimated to be up to three yards."

Ray Stradtner Excavating bids \$1,625.00 for the definite work and \$78.50 for the per cubic yard of concrete for the unknown.

Blankenberger Brothers, Inc. bids \$4,350.00 for the definite work and \$380.00 per cubic yard of concrete.

Curt John, "Bill tells me that at this point in time, as long as things stay frozen, the emergency nature of this project is subject to some question. Although, if we would get a heavy rain, then it becomes an emergency again."

Bill Jeffers, "That's correct. It's an emergency during heavy rains."

Curt John, "I would encourage you, given the weather situation that we have here and the time that we appear to have in the next couple of weeks, I would encourage you to bid this one publicly. Just given the haste that this was put together, there are clearly possibilities for criticism that this Board does not need inasmuch as the emergency situation is not really upon us. I encourage you to go back through this again."

Commissioner Willner moved to approve and was seconded by Commissioner Borries. So ordered.

Bill Jeffers, "Will you give me permission to publish a notice in the paper?"  
Positive response.

Commissioner Borries, "Yes, and do some specs."

RE: RELAXATION OF STOCKFLETH DITCH LEGAL DRAIN EASEMENT

Bill Jeffers, "Mike Mitchell, Attorney at Law, sent a letter, which I will enter into the record. Basically, there is a piece of property located at 520 Kimber Lane. The property's west line is Stockfleth Ditch, which is a legal drain. On the other side is Metro Center East, a commercial development zoned C-4. We did relax the maintenance easement to 25 feet from the top of the bank for Metro and Mr. Mitchell is asking that we do the same for his client on the east side of Crawford-Brandeis. We have no problem with that. The statute allows it. Actually, the statute indicates that's what they would rather have and Mr. Mitchell is asking for that line to be drawn 37 1/2 feet from the center line of the ditch or 25 feet from the top of the bank, whichever distance is greater. Our office recommends that you allow this variance so that they may more fully utilize the property commonly known as 520 Kimber Lane. We ask them not to put anything in that 25 foot strip, parking lot or otherwise, but to leave it fully open and give us the right of entry. They agreed to that."

Commissioner Willner asked if the west bank had already been relaxed and if they were just requesting the same for the east bank. The response was positive.

Commissioner Willner moved that the relaxation for the east bank to 25 feet from the top of the bank be approved and was seconded by Commissioner Borries. So ordered.

RE: PUBLIC HEARING RE DECLARATION OF URBAN DRAIN  
& COMBINATION OF CERTAIN DRAINS

Bill Jeffers, "We had a couple of public hearings back in September and October. One was for the declaration of a couple of drains to be urban drains. Kolb ditch, Sonntag-Stevens Ditch, Keil, etc. At another public hearing, Mr. Willner was particularly interested in looking into the combination of certain drains or the extension of certain drains. We had no response in the public hearing, however, we have had some response by telephone or in person. We had another one last week. A lady indicated she would call the Commissioners on it. She lives on Boonville Highway in Darmstadt and would like to see Maidlow Ditch extended up to the bridge. I believe the last action you took was to say that we would put off any further public hearings until January and at that time I said I would like the Attorneys to make sure that we have properly advertised sufficiently or notified the public sufficiently and that there's nothing legal that we have overlooked before declaring certain ditches to be legal drains. That was our office's concern. We feel we have to declare Kolb Ditch an urban drain immediately and we want to make sure that there is no problem that the lawyers foresee and so declare it an urban drain insofar as notification. We have notified the public at least twice in the newspaper, both papers, well in advance of the public hearings and we would like to notify them again before the January public hearing. Mr. Miller was not the attorney at those hearings. It was Mr. Curt John. I'm asking for permission, at this time, to readvertise in the paper for the January public hearing."

Commissioner Willner so moved to approve to advertise in the papers for the January meeting and was seconded by Commissioner Borries. So ordered.

RE: YEAR END CLAIMS/DITCH MAINTENANCE

Bill Jeffers, "Union Township Drainage Association for Barnett Ditch in the amount of \$250.74. I will say at this time that every claim I'm going to read has been signed by Mr. Robert Brenner and is accompanied by a certification of payment, signed by the Contractor that he has paid for all expenses including labor, supplies, sub-contractors, etc. and at the bottom of the certification of payment is a short surveyor's report saying that it has been inspected on a certain date and approved. So, I won't repeat that. I will just read the ditches and the amounts."

Union Township Drainage Association for Cypress Dale and Maddox ditches in the amount of \$716.61.

Union Township Drainage Association for Kamp ditch in the amount of \$334.80.

Union Township Drainage Association for Helfrich and Happe ditch in the amount of \$380.94

Union Township Drainage Association for Edmond ditch in the amount of \$461.85.

Bill Jeffers stated that he was the Inspector on those ditches and approved them and Mr. Bob Brenner signed for them.

Commissioner Willner moved to approve the claims and was seconded by Commissioner Borries. So ordered.

Ralph Rexing, Pond Flat lateral D - final payment of \$96.16

Ralph Rexing, Pond Flat lateral B - final payment of \$58.74

Ralph Rexing, Pond Flat lateral A - \$111.53

Big Creek Drainage Association, Pond Flat Main - \$608.06

Big Creek Drainage Association, Buente Upper Big Creek - \$787.61

Evelyn Paul, Wallenmeyer Ditch - final payment \$169.19

Terry Johnson Construction - Sonntag-Stevens Ditch - final payment \$352.46

Terry Johnson Construction - Kolb Ditch \$1,338.01

Terry Johnson Construction - Kyle Ditch \$311.06

Terry Johnson Construction - Eastside Urban South 1/2 \$2851.95

Terry Johnson Construction - Eastside Urban North 1/2 \$825.27

Commissioner Willner moved that the claims be approved and was seconded by Commissioner Borries. So ordered.

There being no further business before the Board, the hearing was recessed.

COUNTY COMMISSIONERS  
December 26, 1989

PRESENT:

Robert L. Willner, President  
Richard J. Borries, Vice President  
Carolyn McClintock, Member  
Curt John/County Attorney  
Sam Humphrey/County Auditor  
Greg Curtis/County Engineer  
Bill Jeffers/County Surveyor's Office

SECRETARY: Karen S. Hadfield

  
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Robert L. Willner, President

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Richard J. Borries, Vice President

  
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Carolyn McClintock