The Vanderburgh County Drainage Board met in session this 3rd day of April, 2018 at 3:28 p.m. in Room 301 of the Civic Center Complex with President Ben Shoulders presiding.

**Call to Order**

President Shoulders: I would like to call to order the Drainage Board for April 3, 2018.

**Pledge of Allegiance**

President Shoulders: On that note, if you could please stand and join Commissioner Ungethiem for the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

President Shoulders: Thank you.

**Approval of the March 27, 2018 Drainage Board Meeting Minutes**

President Shoulders: Now I would entertain a motion for the approval of previous minutes, from last time.

Commissioner Ungethiem: So moved.

President Shoulders: And, I will second. All in favor please say aye.

Commissioner Ungethiem: Aye.

President Shoulders: Aye. Opposed same sign.

(None opposed)

President Shoulders: The motion passes.

(Motion approved 2-0)

**2018 Maintenance of Regulated Drains: Award of Contracts**

President Shoulders: Jeff, we're now moving on to the '18 maintenance of regulated drains, award contracts on regulated drains.

Jeff Mueller: I'm going to let Linda speak to that effect.

Linda Freeman: I get to have all the fun. Linda Freeman, Vanderburgh County Surveyor's Office. Basically, you should have a nice, pretty piece of paper, two pieces of paper for you guys, I did one. Basically, we're awarding, we're recommending the award of the bids, all of the low bids, the lowest bids is what we're recommending award to. We didn't have any real issues. We had rounding errors, which is typical, things like that, but there was no discrepancies that changed anything that we read into the minutes the other day. So, basically, we would like to award these to the bidders as listed, under Bidder A.

Commissioner Ungethiem: Was there anything in these bids that seemed out of the ordinary?

Linda Freeman: No, if they keep going like this they're going to pay us to do some of these, because we had, two of the bidders, well, one of the…we have two spray bidders, and we had two mowing bidders, and they basically, the one that got most of them last
year, did not get most of them this year, in both cases. So, the prices have gone down, you know, pennies per foot, but overall.

Commissioner Ungethiem: Good, so, nothing that jumps out at you?

Linda Freeman: Right, and then just a note, when I get the contracts ready, unless you want to sign them all, we can take them to Madelyn and have her stamp them and put them in the file that she keeps in her office. Or, we can bring them back to a meeting and you guys can sign them.

Commissioner Ungethiem: I think I’ve got a cramp.

President Shoulders: Yeah, I was going to say—

Commissioner Ungethiem: Jeff, we talked about this before the meeting, if there’s anything in here that is a direct result of the flood that occurred—

Jeff Mueller: I already talked to Cliff out in the hall.

Commissioner Ungethiem: Yeah.

Jeff Mueller: So, he’s gonna, I recommended three sites that they are going to put in there.

Commissioner Ungethiem: Okay.

Jeff Mueller: Okay?

Commissioner Ungethiem: Because, you know, there’s damage to regulated drains that—

Linda Freeman: Yes.

Commissioner Ungethiem: --also by flooding that we should incorporate into that number.

Linda Freeman: Right, we haven’t been able to get out really with the rains we’ve had, and I’m sure there’s even more.

Jeff Mueller: Yeah, we know Maidlow is one, and Pond Flat was another. Then, I recommended a third one, probably Wabash-Eerie, I’m betting with the amount of water we had come through there, we probably had some issues with that rip rap coming off the railroad on the north side.

Commissioner Ungethiem: Okay, good. I will make a motion to award the bid to Bidder A, the low bid, on all of these items—

Joe Harrison, Jr.: As listed.

Commissioner Ungethiem: --as listed.

President Shoulders: I will second the motion to award to Bidder A, as listed. All in favor please say aye.

Commissioner Ungethiem: Aye.

President Shoulders: Aye. All opposed same sign.

(None opposed)

President Shoulders: The motion passes.

(Motion approved 2-0)

Linda Freeman: And, Madelyn can stamp the contracts when they come in her office afterwards?

President Shoulders: Yes.

Linda Freeman: After we collect, I mean, it will take me awhile to track everybody down and get them to mail them.
Commissioner Ungethiem: I’ll amend my motion to say that she can stamp them.

President Shoulders: And, I will second the motion to, for Madelyn to stamp it, yeah.

Linda Freeman: Thank you gentlemen.

President Shoulders: Uh-huh.

Jeff Mueller: Okay.

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President Shoulders: Jeff, Vectren.

Jeff Mueller: Okay, next up we have Vectren’s solar farm, final drainage plan approval. We’ve got two representatives back here, representing Vectren, or consultants for Vectren. As you’re aware, we saw the solar farm issue coming about, and we changed our code to say, solar farms are kind of, it depends on whether you have to have retention or not, because it depends on how the panels are placed and how close and everything else. We actually addressed that in our Technical Memorandum #1, that we approved, that you guys approved December 5, 2017. So, what Vectren’s done, I’m going to kind of walk you through it, only because, since this is the first time, and then we’ll kind of have this plate set up for future issues. Vectren’s solar farm is up here on 41, they’re actually only proposing the solar farm on this area right here. By the way, guys, if you want to jump in or tell me you’re crazy, but you can say that anyway, but, if you’ve got any issues, or if I say something wrong, let me know, or they’re back here for questions. So, on the next slide you’ll see that, you can see the rows of the solar panels, but there’s areas in between them. So, they’re proposing green strips on, in between their panels. I want to point this out, because if you go over, like on Lynch Road, the solar panel project that was put in by the School Corporation, they’re sitting right on top of each other. So, their runoff would be definitely different than this project. So, here we’ve got all of these grassed areas. So, I don’t know if you can read those numbers, but you’ve got these in your package, if you can see that quite a few of these, if you look at for the different storms and for the different watersheds, you actually see that the peak flow is less for the developed areas than the undeveloped areas. Very unusual situation, but it does happen, and the reason is, is if you look at your CN values, by the way they ran a Hydrograph, they did not use the rationale method, I required the Hydrographs from them. I love Hydrographs, and we’ll talk about that in a minute, but if you look on the existing versus the proposed, and you look at the weighted CN’s, you will see that on the proposed, the weighted CN’s are less than the undisturbed. That’s even with them saying that we’ve got solar panels that are impervious, but then we have grass areas. That compares to a farm field, and grass areas have lower CN values than a farm field does. Which makes sense if you think about it, you’re driving around, it’s pouring down rain, a farm field it’s muddy after awhile it’s going to come in, if it’s a grass area it’s going to absorb the water. So, the amount of grassed area offsets the amount of impervious area to a positive point of view. Now, the audience doesn’t have this, but if you look in your packet, you will see, first of all pages 8 and 9, I just kind of want to show you this. So, on the existing site, if you look at those two pages, you’ll see two Hydrographs, the red Hydrograph is the total, okay? If you’ll see on page 9, the existing site has a peak runoff of 28.31 cfs. The proposed site, after developed, the peak runoff actually drops from 28 to 12, almost 13 cfs, on a two year storm. Equally as important, is that the peak discharge for the undeveloped, 105 cfs, for developed, 70 cfs, on a hundred year storm. The volume, about 353,000 cubic feet versus 280,000 cubic feet. So, based upon what they gave me, and they gave me a drainage plan with some of the other things, but what they’re saying is, and I agree with this, I’ve looked through their numbers and I agree with their assumptions, I agree with their calculations, is that they would be able to build this solar farm, as they planned, they’ve got maintenance in there and everything else, but they would not be required to have any retention or any detention. Do you have any questions with this?
Commissioner Ungethiem: A couple of questions, I guess, when we first talked about this I wasn’t, I didn’t grasp where this is actually taking place. This is right up on the highway?

Jeff Mueller: Yes, right there on Pond Flat, and it goes into the Pond Flat drainage area.

Commissioner Ungethiem: Right.

Jeff Mueller: And, by the way, I wanted to make a comment too, I forgot, Vectren reached out to the adjoining landowners, and, Bruce, you’ll remember we talked, Vectren came to the Big Creek Drainage Association, gave a nice presentation, and we put the drainage plan on the website the next day. I’ve had nobody come into my office to look at it, nobody’s called about any questions or anything. So, I’m assuming that we’re smoothed over with the adjoining landowners.

Commissioner Ungethiem: Yeah, there’s really only one adjoining residential property, I think, across, south on Volkman.

Jeff Mueller: Yeah, well, and then on the other side. We require adjoining, if a highway divides it, so the people on the other side of the highway would have been also notified. There were six people notified, I believe.

Commissioner Ungethiem: Okay.

Jeff Mueller: Okay? So, I mean, the good thing is, we don’t have a roomful of people here to complain about this thing.

Commissioner Ungethiem: This is reasonably flat ground too. There’s not a big hill.

Jeff Mueller: Yeah, it’s a little bit, it’s on top of a small knob, but yeah.

Commissioner Ungethiem: Yeah, is Vectren going to own the property?

Jeff Mueller: I think they already do own it.

Commissioner Ungethiem: You already own it?

President Shoulders: Yeah.

Unidentified: (Inaudible. Not at microphone.)

Commissioner Ungethiem: Okay.

Jeff Mueller: Yeah, they, didn’t you guys purchase it at the end of ’17.

Unidentified: Yes.

Commissioner Ungethiem: The part that’s not being used for the solar farm, will it continue to be farmed?

Jeff Mueller: I believe that’s right, right?

Chris Leslie: Yes, the (Inaudible) wants to (Inaudible)—

Jeff Mueller: You probably need to come up to the mic. Sorry, you have to put your name and address, your first born child.

Chris Leslie: Chris Leslie, Vectren Corporation, 1 North Main Street, Evansville, Indiana 47702. The question again please?

Commissioner Ungethiem: Well, the question is, was the rest of the ground—

Chris Leslie: Yes.

Commissioner Ungethiem: --that’s not going to be used for the solar farm, will it still be normal tillage acreage?

Chris Leslie: Yes, so last fall we actually put a cover crop down, after we purchased the property, and after the harvest. It was part of the contract in the purchase. We put a cover crop down to hold the ground. It’s coming in nicely, it’s a little bit shorter than it would
have been if we had got it in about a month sooner, but because of the purchase period, there was a little lag there, but it is coming up nicely right now. We plan to mow that and maintain that through construction this year, and then once construction is complete, and the fencing boundaries are established, then the remaining portion of the property will be leased out for agricultural and farming activities. So, it will not be farmed this year, but does have a cover crop across it. It will be mowed and maintained, and then it will go back into farming production, the excess property, in 2019.

Commissioner Ungethiem: Okay.

Jeff Mueller: Chris, I think too the other thing to point out is that the existing power lines will take the power off of this project—

Chris Leslie: Yeah.

Jeff Mueller: --so there won’t be any new power lines constructed.

Chris Leslie: Right.

Jeff Mueller: Cross country power lines constructed.

Chris Leslie: Yeah, that was a question from the neighbors and the folks at the Drainage Association. There will not be a major sub-station that needs to be built, or additional power lines, so this site, this solar field is small enough that it, there will be an inverter and transformer on site, and it will take it up onto the distribution circuit, and it will be fed on that distribution circuit.

President Shoulders: Thanks, Chris. Jeff, your recommendation is to approve this, correct?

Jeff Mueller: Yeah, I have no problem. They meet the code, they meet the Technical Memorandum.

President Shoulders: I know we met earlier today, but I just wanted to—

Jeff Mueller: Yes.

President Shoulders: --reiterate that.

Commissioner Ungethiem: Jeff, is there any concern here that we get into a drought condition, and that the vegetation underneath these solar panels dies, and what might happen? Because that will change your values.

Jeff Mueller: Well, now, their values are only for the vegetation within the strips.

Commissioner Ungethiem: Right.

Jeff Mueller: They actually assumed impervious underneath the panels.

Commissioner Ungethiem: Okay.

Jeff Mueller: So, if they get vegetation growing underneath there, that’s even going to be better than what their numbers have.

Commissioner Ungethiem: Right.

Jeff Mueller: They took a worst case scenario, in my opinion.

Commissioner Ungethiem: Okay, so they’re just talking about vegetation where the panels are not?

Jeff Mueller: Yes, but they’re actually planning on putting vegetation underneath there.

Commissioner Ungethiem: Right.

Jeff Mueller: So, you know, I guess the way I look at it is to think of it in these terms, if you went out and put a four pole building, you know, just a roof out there and had a dry dirt, you know, you would sit there and it would be out there pouring down rain and rain would be all around the building, and the dirt would remain pretty much dry, and so your
roof is pretty much impervious. Although after a huge storm, you would start to get some soaking underneath, and plus, you know the rain is going this way and all of those other kind of things.

Commissioner Ungethiem: Yeah.

Jeff Mueller: So, that’s what, kind of what they’re saying is, assume that there’s not water, that everything is rolling off that panel, but you’re probably going to get some water infiltrating underneath there. So, they may, they were very conservative on their calculations, and the numbers still came out good.

Commissioner Ungethiem: Yeah, I’m just speaking from experience in trying to get a stand of vegetation on the yellow clay in northern Vanderburgh County—

Jeff Mueller: Uh-huh.

Commissioner Ungethiem: --in a drought condition, and how many times I had to replant it before I got it to hold. That was, you’re making a position here that that vegetation is clean, green and viable. Is there any provision, from Vectren, should it die off, that it will be replanted and you will maintain it?

Chris Leslie: Yeah, so, we will have inspections, not only for the equipment, but the property. We’ll be looking for erosion, we’ll be looking for grass growth or not growth, mowing, trimming, those types of activities, and we’ll be writing up through our Work Order Management System anything we find, getting bids and doing the proper repairs, whether it’s reseeding, or whether it’s erosion or we need to haul in dirt to fix or repair an area.

Commissioner Ungethiem: Any watering systems proposed for the vegetation?

Chris Leslie: No watering systems proposed. One thing to note is our system is taller than maybe what you’ve seen on Lynch Road or other systems that are smaller commercial or residential systems. Our system will be comparable to what you’ve seen at I-69 that Hoosiers put in, or up in Dale, or Lanesville or Bedford. If you’re familiar with any of the Hoosier Energy projects, we’ve worked closely with them through the Indiana Utility Solar working group, and lessons learned from them, and they are getting vegetation under the panels. They’re using some INDOT grass mixes in their areas, and so we’re going to be doing soil testing and fertilization plans, and we expect to be able to grow grass underneath the panels, as well as in between the rows.

Commissioner Ungethiem: Okay, as long as we don’t have a 2012 drought, you’re okay.

Jeff Mueller: And, that, there is a paragraph in the plan, so the approved plan does contain their requirement to do the maintenance, to do the seeding and the (Inaudible) work.

Commissioner Ungethiem: Maintain the vegetation.

Jeff Mueller: Maintain and that, so if it got terrible and they’re up there and we’ve got erosion problems in there, which I wouldn’t expect of Vectren, but they are, that is in their drainage plan.

Commissioner Ungethiem: Okay.

Jeff Mueller: So, what you’re approving tonight is in there.

Commissioner Ungethiem: Alright.

Jeff Mueller: Okay?

President Shoulders: So, on that note, I’ll entertain a motion.

Commissioner Ungethiem: I would make a motion to approve.

President Shoulders: I will second. All in favor please say aye.

Commissioner Ungethiem: Aye.

President Shoulders: Aye. All opposed same sign.
President Shoulders: The motion passes for the Vectren solar farm final drainage plan.

(Motion approved 2-0)

President Shoulders: Thank you all.

Aching Acres: Drainage Plan Exemption

President Shoulders: Jeff, Aching Acres.

Jeff Mueller: Okay, this is a site located off of Schmuck Road, which is on the southwest side of the county. This is essentially a farm/commercial landscape operation. It's a single commercial parcel with improvements. Since this was a commercial parcel and not Agriculture by code, a drainage plan is required. As you can see in the letter provided, the business had already been operating as an Ag business with improvements made over the years. The letter is requesting that the Board waive the requirements for a drainage plan, and therefore retention, since it flows into a large existing lake. This is one of those cases where, to me, it just doesn't make a lot of sense to go in there and mess up a whole bunch of area right in front of a lake, when there's a woods and lake there. So, I don't have any issues with their request. Like I said, they're asking for the drainage plan to be waived on this property.

President Shoulders: Okay, anything else about that, Jeff, before we entertain a motion?

Jeff Mueller: No.

President Shoulders: Okay.

Jeff Mueller: I think the letter is pretty self-explanatory.

President Shoulders: Yeah, it is. I looked at it earlier.

Commissioner Ungethiem: I would make a motion to approve the drainage plan exemption.

President Shoulders: Okay, I will second. All in favor please say aye.

Commissioner Ungethiem: Aye.

President Shoulders: Aye. All opposed same sign to approving Aching Acres.

(None opposed)

President Shoulders: The motion passes approving Aching Acres drainage plan exemption.

(Motion approved 2-0)

Elite Striping: Final Drainage Plan

Jeff Mueller: Elite Striping, this site is located at 8322 Baumgart Road, just north of Heinlein Road in Lot 2 of the Omicron Industrial Park Subdivision. I do want to note that, it doesn’t show up on here, but there is a dry basin over here for the overall subdivision, and it is undersized. That’s one of the reasons these folks are coming in with their own drainage plan, is because it was like, okay, you’ve got to tell me who gets what’s left of the drainage pond. They said, we’ll just do our own. So, the plan that you have, that’s been presented consists of construction of a single service building with parking lots. I’ve submitted a summary of the plan, and rather than read this information, I’m requesting that this information be included into the minutes as if read into the record:

The following summary was submitted by the County Surveyor:

Elite Striping-8322 Baumgart Road. The final drainage plan was submitted on March 16, 2018, with revisions submitted on March 23, 2018 and April 2, 2018, and by email on
March 27, 2018. The plan that is requested to be approved consists of the submitted document with a receipt date of March 16, 2018 and revisions and emails submitted on March 23, 2018 and April 2, 2018 and by email on March 27, 2018 (all part of the bound final package), along with the following drawings: Drawings submitted 3/23/2018: C1.1; C1.3; C1.5; Drawings submitted 4/2/2018: C1.0; C1.2; C1.31. The following Drawings submitted 3/16/2018 are included for reference only and should not be considered part of the approved final drainage plan; C1.4-Non drainage features; C1.6-Erosion Control Details; C1.7-Utility Plan; C1.8-EWSU Utility Plan.

Jeff Mueller: I’ve also included with your package a review of the submitted drainage plan, and request that the review document be made part of the approved drainage plan. The drainage plan was reviewed by the County Surveyor and found to be in compliance with Vanderburgh County’s drainage code. I do recommend one condition, that being, as with all single lot drainage plans, that as a matter of record, that prior to the County Surveyor signing off on a Certificate of Occupancy, that the owner or developer supply the required as-built or record drawings or certification documentation, as required by the code. As noted in the summary document, the as-built plans will need to be provide as-built elevations to verify the depth and location of the pavement swales, and show that the swales indeed empties into the detention pond as shown. So, with that, I’m bringing to you, for your approval, the drainage plan, with the condition of Certificate of Occupancy sign off pending submittal of completion of the drainage work.

President Shoulders: Okay, I will entertain a motion to approve Elite Striping, assuming again that the Certificate of Occupancy is (Inaudible).

Commissioner Ungethiem: I will—

President Shoulders: With that condition, yeah.

Commissioner Ungethiem: Oh, yeah, I will make that motion with the condition as stated.

President Shoulders: I will second. All in favor please say aye.

Commissioner Ungethiem: Aye.

President Shoulders: Aye. All opposed same sign.

(No opposition)

President Shoulders: The motion passes.

(Motion approved 2-0)

**Ditch Maintenance Claims**

Jeff Mueller: Ditch maintenance claims. We have one claim for $485 for the beaver removal on the Wabash-Erie Canal.

Commissioner Ungethiem: I make a motion to approve the claims.

President Shoulders: I will second the motion. All in favor please say aye.

Commissioner Ungethiem: Aye.

President Shoulders: Aye. All opposed same sign.

(No opposition)

President Shoulders: The motion passes.

(Motion approved 2-0)
Jeff Mueller: I do have just a couple other things just to discuss real fast, while we’ve got you guys handy. First of all, I did mention to Commissioner Shoulders today, that yesterday a small group of the County Surveyor’s Association, which I was one of, met with the Indiana Department of Environmental Management. As I think we’ve talked about and you might be aware, the Rule 5 that John’s office handles is going away, and in place of it you’re going to have a General Permit that people will operate under. Some of the things in that General Permit that concern the County Surveyors was the language, as originally written, would have required us to essentially have a permit every time we did something on a regulated drain. We successfully, we believe, got IDEM to agree that that doesn’t need to be the case. So, we are going to be exempt from that, on normal activities. If we get out there and start digging and tearing trees up and everything else, we’ll have to get a permit just like anybody else will, but, for our normal activities, we will not. That’s going to save us time and save some money also. So, that was something that was very successful on our part, and I give our County Surveyor’s Association a lot of credit for that. There are some other things in that, that I will tell you, that the developers of this county are not going to be real thrilled about. I hope that they’re monitoring that through their Builder’s Association, but there’s some things in there that are going to cause people to rethink how they layout subdivisions. Mainly with strips, that you will not be able to affect within 50 feet of a stream, those strips, those natural filter strips.

Commissioner Ungethiem: Is this change a State law change?

Jeff Mueller: This is a permit change, I don’t know how it goes into the State law. I don’t know, I think what you’re asking is, does this, is this stronger than what State law is? I don’t know the answer to that, because this is not my—

Joe Harrison, Jr.: It might be a Reg.

Jeff Mueller: Yeah, I don’t know. I don’t know how much of this is being pushed down….IDEM kept telling us that, you know, Federal EPA, Federal EPA, so, I don’t know how much of this is being pushed down from Federal EPA either.

Commissioner Ungethiem: So, this is actually a Federal condition, not a State condition?

Jeff Mueller: We don’t know. I don’t know on that particular case. What’s happening is the State is rewriting this stuff, they send it to Federal EPA, Federal EPA says, yeah, we like it or no, we don’t like it, you’ve got to add this language, or no, we’re not going to fly with that. So, it’s that negotiation back and forth. So, I don’t know what all’s being put in there at the requirement of the Federal EPA, and what all is being required for some other reason, and what the driving force is.

Commissioner Ungethiem: In your opinion, is this overreach of government?

Jeff Mueller: In my opinion, there’s a lot of things that are overreach of government. Some people might say my office is an overreach of government.

President Shoulders: But, I do want to ask though, on the 50 foot buffer strip change—

Jeff Mueller: Uh-huh?

President Shoulders: --that doesn’t affect, I mean, that’s not retroactive? You can’t, they’re not—

Jeff Mueller: No.

President Shoulders: Okay, good, that’s just moving forward? I mean, not that it’s, but okay, at least you don’t have to go back.

Jeff Mueller: Right.

President Shoulders: Okay, that would be a nightmare.

Jeff Mueller: But, there’s some things in there, like I said, that, and there’s some things in there that could affect some of our drainage code. Not nearly as bad, you know, for
example, when we talked about changing the drainage code, we talked about, you know, they may, if you’re going to use a basin for also erosion control, you know, they want the water siphoned off the top. So, we may have to change how we design our outlet structures and that. We changed the drainage code to say, if you have your structure to meet that, you know, you can do that. It will meet our code. So, we have some things in there like that, but there’s a few things in there. Next Wednesday, April 10th at the Hornville, there’s going to be an erosion control seminar, and I am going to address a few of those things, and I know a lot of the builders are going to be there.

President Shoulders: I do have a question, I mean, is the 50 feet, is that just an arbitrary, I mean, why, are there proof that clean water, I mean, why 50 feet? Is that just a—

Jeff Mueller: You know, Joe Kiefer asked a question like that.

President Shoulders: I just don’t understand.

Jeff Mueller: I mean, I think it’s a good question, and it’s like, you know, why does the air have to come out, or why does the water have to be a certain number? You know, it gets back to an issue of over here, let’s leave everything completely as nature has it, and over here—

President Shoulders: Yeah, I mean—

Jeff Mueller: --is let’s, you know, let anything happen. So, somewhere people come together.

President Shoulders: I mean, if there are case studies and proof that 50 feet is, but—

Jeff Mueller: I would bet that there was something that showed within 50 feet that your water filters out enough that it cleans, or maybe it’s 75, but 50 gets 90 percent.

President Shoulders: Right, okay.

Jeff Mueller: So, we got with that.

President Shoulders: Gotcha.

Jeff Mueller: You know, that’s usually the way these things are—

President Shoulders: Just curious.

Jeff Mueller: -- it’s kind of like, when I was over in Illinois and we got into what percentage of some little snail darter died you know based on some water quality standard.

President Shoulders: Right.

Jeff Mueller: It’s pretty interesting how they get into all of the statistics, and by the time they’re done with it—

President Shoulders: I was just curious.

Jeff Mueller: --you can’t figure out what’s going on.

President Shoulders: Right.

Jeff Mueller: But anyway.

President Shoulders: We appreciate the info, Jeff, and keep us posted on anything like that as regards to State or EPA, Federal.

Jeff Mueller: The other thing is, I copied, I don’t know if you got it yet or not, we got, Joe, you got it, a complaint from somebody that said he had an erosion problem on his property, and because the county approved the drainage plan, he was going to sue the county. Now, we’re not talking about an adjoining property owner to a subdivision, we’re talking about somebody in the subdivision who says, well, the swales on his property are eroding, the county approved that plan, so, therefore, you’re responsible for it. If you’re

1 Should be April 11th.
not going to fix it, you know, we’re going to sue. I told him, well, if you want to come to the Drainage Board, the County Attorney will be there, and I said, good luck on that suit, by the way.

President Shoulders: Okay, appreciate it, Jeff.

Jeff Mueller: You know, it’s like, buyer beware.

President Shoulders: Anything else? Go ahead, Bruce.

Commissioner Ungethiem: I did have one question, I noticed when I drove by the retention pond at the Schnucks out on Highway 41—

Jeff Mueller: Uh-huh.

Commissioner Ungethiem: --that that’s being redone.

Jeff Mueller: And, we approved that, that’s been approved, if you remember. So, if you think about the side slopes that’s like this, so they’re doing this.

Commissioner Ungethiem: Yeah, they’re building a retaining wall there.

Jeff Mueller: They’re building a retaining wall, but they also have to do a little excavation. I went out there the other day and it appears that the retaining wall and the structures that they’ve put in, because they are also doing some piping structure, was done, but the dirt that they’re supposed to be removed has not been, as a matter of fact it looks like they put a little more in there. I sent an email to, what’s that called Desco? I think is Schnucks landowning company. I sent an email to them and copied Jim Farney, because he did all of the engineering work, reminding them that we need an as-built, and oh by the way, from what I saw it looks like you put dirt in and not taking it out. So, you need to give us that as-built. They also owe us, as a condition to when they change that way, a drainage easement for that additional piping, and it was stated in that, you can’t develop on Lot 2 until you give us that information. So, yeah, and our good friend, Mr. Habermel has called me and asked me to check on it.

Commissioner Ungethiem: I assumed he probably had some comments about that.

Jeff Mueller: He has. He, you know, I was supposed to also root for Purdue University. Anyway, so, yeah, they are doing according to plan, other than they have some dirt to remove, and, so, like I said, I did send them an email to that effect.

Commissioner Ungethiem: Okay.

Joe Harrison, Jr.: So, is that the bank doing that, or is that Schnucks?

Jeff Mueller: I don’t know.

Joe Harrison, Jr.: Decum, or whatever?

Commissioner Ungethiem: It’s actually, I think, the developer is doing that, and they’re going to move the road a little further south, because they want that open area where the Hacienda is now, and they’re going to...my understanding was they were going to move that out a little bit so that they could do an outdoor patio kind of thing.

Jeff Mueller: Yeah, I don’t know. I just know that they wanted to fill that in because that lot, you know, is like this, and by putting that wall in they’ve flattened it off, but it’s still an awful small lot. What you’re saying makes a lot more sense than, you know, somebody else trying to squeeze in there.

Commissioner Ungethiem: There’s a rumor going around out there.

Jeff Mueller: Because it still looks like—

Commissioner Ungethiem: That they’re going to expand that building out a little bit to give Hacienda an outdoor eating area, and they’re going to move the road over, which means they had to move the—
Jeff Mueller: Of course, they’ll have to come in through Site Review when all of that comes about.

Commissioner Ungethiem: Yeah.

Jeff Mueller: Okay, that makes a lot more sense than what I thought they were going to do, or what they had originally thought they were going to do.

President Shoulders: Good deal. Anything else, Jeff, from other business?

Jeff Mueller: I don’t have anything else, unless you all do. It rained like cats and dogs at my house last night.

President Shoulders: There’s supposed to be more, I think,

Jeff Mueller: That and it got a bunch of hail. So, we’re having a wet spring, guys.

President Shoulders: It’s been wet lately, yeah.

Jeff Mueller: I think there’s going to be a lot of beans planted.

Commissioner Ungethiem: And the river’s back up, well, will be over flood stage here by later this week, I think,

Jeff Mueller: Yeah.

President Shoulders: Yeah.

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Public Comment

President Shoulders: Any public comment from anyone out there? No? Okay.

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Adjournment

Commissioner Ungethiem: Motion to adjourn.

President Shoulders: I will second. All in favor please say aye.

Commissioner Ungethiem: Aye.

President Shoulders: Aye. All opposed same sign.

(None opposed)

Jeff Mueller: Thank you.

President Shoulders: We are adjourned. Thank you.

(The meeting was adjourned at 3:58 p.m.)

Those in Attendance:
Ben Shoulders
Joe Harrison, Jr.
Linda Freeman
Bruce Ungethiem
Madelyn Grayson
Others Unidentified
Jeff Mueller
Chris Leslie
Members of Media

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Ben Shoulders, President

Bruce Ungethiem, Vice President

(Recorded and transcribed by Madelyn Grayson.)