The Vanderburgh County Drainage Board met in session this 7th day of February, 2017 at 3:30 p.m. in Room 301 of the Civic Center Complex with President Cheryl Musgrave presiding.

**Call to Order**

President Musgrave: Call to order the February 7th meeting of the Drainage Board of Vanderburgh County.

**Pledge of Allegiance**

President Musgrave: If you would all please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

**Approval of the January 24, 2017 Drainage Board Meeting Minutes**

President Musgrave: Is there a motion to approve the minutes of the previous meeting?

Commissioner Ungethiem: So moved.

Commissioner Shoulders: Second.

President Musgrave: All those in favor signify by saying aye.

All Commissioners: Aye.

President Musgrave: Opposed same sign?

(None opposed)

President Musgrave: The motion carries.

(Motion approved 3-0)

**Submittal of 2016 Annual Drainage Report & 2017 Ditch Assessments**

President Musgrave: Mr. Mueller?

Jeff Mueller: Okay, we’re ready. First of all, you’ll notice your packet is a little thicker tonight, but don’t be scared off by that. The first thing you have in there is a copy of the 2016 annual drainage report. This report is required under Indiana Code 36-9-27. Like many things in the Indiana Code, they’re not very specific on the requirements, except to say to give an update on the status of the drains. So, the report that you have follows reports of the previous Surveyor, though I’ve also combined a couple other items in the report. The report gives you a status of the drains, discusses additional maintenance that may have been performed, future additional maintenance that will require attention, and a general layout of the required maintenance, with normal annual maintenance and proposed additional maintenance for 2017. You’ll find in the back of your report four pages that fold out, it’s white and yellow, okay? It’s a spreadsheet, but that’s the itemized proposed work for 2017. So, from those sheets Linda will be putting together her bid specification sheets that she’ll bring to the Board on the March 14th meeting, and from there bidders will then begin submitting their bids, which will be due before the April 4th meeting. With that said, I would then ask you to turn to page 18 of your report. You will see balances for each drain, as well as the estimated costs for 2017, which comes from those spreadsheets. So, it’s kind of a summary sheet there. So, from there, if you would also look at, you’ll have a legal size sheet in your files, and it says “2017 Ditch Assessment
Summary”. It’s an 8 ½” X 14” sheet. That’s what we’re really after, okay? Alright, these rates that you see on this sheet, okay, are essentially what are our rates that we use every year, but you will notice that on some of them we say “bill”, and on some of them there’s a “no bill” on those. I’m going to get to that in just a second. One other thing, so I’m totally confusing you here, is that if you look on a piece of paper you have that’s got, I’ve got to back up here just a little bit. It’s got a, it’s titled and it’s got “Ditch Assessment Summary”, and it’s colored, okay? So, if you look at that, you’ll see that for 2017 we are proposing to bill most of the ditches, but we are not proposing to bill Aiken, Eagle Slough, East Side Urban, Pond Flat Lateral or Singer. So, the question that you probably have is how do you determine what to bill and what not to bill, okay? So, if you look on that page you’ll see a projected balance/2017 estimated cost numbers, and it starts with the number five and it goes to 8.9. So, that number is calculated by taking the account balance in the first column and dividing it by the 2017 estimated cost. So, the Indiana Code says that if that number, that ratio is less than four, then we bill. So, you will see on that sheet a number of ditches which are green. I hope everybody, nobody is colorblind, I apologize if they are, and let me know so I’ll make sure not to make that mistake in the future. By the same token, if it’s greater or equal to eight, then by law we cannot bill, and you will see for Eagle Slough that it’s over eight, so we cannot bill Eagle Slough. So, most of our calculations on billing or not billing are based simply on those calculations. The “no man’s land” is the area between four and eight, and that’s kind of up to our judgement. So, in the case of Aiken, East Side Urban, Pond Flat Lateral D, and Singer, we recommend not billing this year, as those are shown in tan, while Pond Flat Lateral B we recommend billing, which is shown in yellow. So, that’s how we’ve decided what to bill and not bill. I don’t know if you’ve got any questions or will let me go a little bit farther, because Brian is here too. That’s why he stayed over. I would recommend to the Board that the ditch rates for 2016 payable in 2017, which go on this year’s tax bills be approved. Like I said, Brian’s here, and he can also probably put this in a better terminology than I can, but once he gets all the numbers, tax rate numbers and assessments from everybody, he can then send his information up to the State, the State does whatever they do with it, they get back to him, he sends the numbers over to the Treasurer’s Office, the Treasurer's Office can print the bills. So, this is kind of an important piece in the overall taxing bills of the county. I don’t know, Brian, did I do okay?

Brian Gerth: Yeah.

Jeff Mueller: Like I said, he wore the tie tonight for the Drainage Board, not for the other one.

Brian Gerth: This is just one piece of the puzzle that we do every year. We get the tax rates in so we can calculate the taxes, get the abstract approved by the State. We ideally like to get it turned over to the Treasurer early, so they can print the tax bills and hopefully get the tax bills out sooner rather than later.

Jeff Mueller: So, unless there’s any other questions, I’m asking for a motion to approve the tax rates that you have before you, and the billings.

President Musgrave: Is there a motion to approve the tax rates for the billings, and the billings?

Commissioner Ungethiem: So moved.

Commissioner Shoulders: Second.

President Musgrave: We have a motion and a second. All those in favor please signify by saying aye.

All Commissioners: Aye.

President Musgrave: Opposed same sign?

(None opposed)

President Musgrave: The motion carries.

(Motion approved 3-0)
Jeff Mueller: Next, Big Creek Drainage Association, concerns regarding future development within the Big Creek watershed. Since I've taken office, one of the things that any Surveyor for Vanderburgh County will find is that you'll get to know many of the Big Creek Drainage Association members. These folks make up a large percentage of the landowners and the farmers in Armstrong Township, as well as some of the adjoining townships. They work hard to keep the drainage in good shape in this area, which helps not only their farming operations, but assists in carrying away the drainage from the Highway 41 area, North of Inglefield Road, all the way to the Gibson County line. I can't count the number of times in the last four years that various members have said to me, we're not against development along 41, but we are concerned with the amount of water we are getting. I told them that it would best if they could talk to you for just a few minutes about this issue, and the discussions we've had about taking this, possibly changing the requirement for retention in this area. So, before I go on, I think, John, are you going to speak to this? Or Eldon? John, if you would come up for a minute. I'll let John Bittner speak to you on this issue.

John Bittner: Well, I'm John Bittner, and I have a small farm out in northwest Vanderburgh County. It straddles Pond Flat Creek, and I was instrumental in starting the Big Creek Drainage, which is just mainly to tax ourselves and annual maintenance of that ditch. It's worked well since the 1965 drainage law. Definitely not against development. We welcomed Fed Ex, and I understand they've built a detention basin that exceeds the requirements. If you look at Azteca, compared to when Leo Rexing owned the farm out there, and you see how much hard surface there is compared to prior to the development, it's a no brainer that if you can somehow restrict the overflow or storm water, it's a good idea. I remind you that every road between U.S. 41 and Highway 65 is under water whenever you have a major storm. So, that probably won't go away, but I think the more we can restrict that without impeding development, that would be a good idea. Thank you.

President Musgrave: John? John? John?

John Bittner: Yep, who's asking me? What's that? What do you need?

President Musgrave: Are there things that we're not doing now that you want us to do? Or, are you satisfied with the efforts we're making?

John Bittner: Talking to our Surveyor, there's, I think, Bill Jeffers had outlined an impacted zone, and that area, if the restrictions could be a little more stringent for commercial development, would be, I think, most helpful. Of course, I think, Jeff, you would be willing to talk to the developers and also the homebuilders about that. Is that correct?

Jeff Mueller: Yes, that's correct.

John Bittner: Thank you.

President Musgrave: Okay, thank you.

Jeff Mueller: Eldon, did you have anything?

Eldon Maasberg: I'm Eldon Maasberg, and I'm also President of the Creek Association that John just mentioned. Back in '59 my dad bought a farm on Baseline Road. Back then we used to talk about the water covering the road once in three years. Under today's standards, we're getting it covered three times a year. So, if we could get a holding area set up somewhere, it will help everybody, not only in Vanderburgh County, all the way down the creek. Thank you. Any questions?

President Musgrave: Where would this holding area be?

Eldon Maasberg: Well, that's the problem. Like farmers, we put standpipes in the middle of the field to let the water off at a slower rate. It would be nice if developers would do the
President Musgrave: Okay, thank you.

Eldon Maasberg: Thank you.

Jeff Mueller: Okay, so, as you are aware, for most of Vanderburgh County, a project looks at the runoff rate from a project area that will occur in the undeveloped state for a ten-year storm. The engineers then calculate what would be the runoff rate from the same project site when it’s developed and there’s a 25-year storm. The increased volume of water is stored and then released at the calculated undeveloped scenario. The drainage code addresses two impacted areas within Vanderburgh County, which instead of providing detention/retention on the excess water from a 25-year storm, requires storage from an excess runoff of a 100-year storm. Now, the problem in these areas is that theoretically when we get storms of an intensity of less than 10 years, we have no retention. Now, a 10 year, first of all I want to show that’s the area impacted, which is in our code right now. I know you can’t read these, but I’m just going to fly through them real fast, you’ll see different graphs for a 10 year, a two year storm, I’m sorry, a two year 24 hour storm, a five year 24 hour storm, ten, 25 and a 100. So, somebody has graphed all of these things. So, what you get is, in our code, like I said, says ten years, but our code also says that in any impacted areas that we can reduce the undeveloped runoff rate to a five year or a two year storm. That’s already in the code, but it’s on a case-by-case project. So, just to give you a feel for things, on a two year 24 hour storm, that’s 3.3 inches. We have some of those, but not a lot. A five year is 4.2, a ten year is 4.6, a 25 year is 5.4, and a 100 year is 6.7. So, in other words, we take a piece of ground and we say, with a 4.6 runoff in 24 hours, if that’s the storm they use, then you have to hold the additional rain from that. So, what I would like to think about is going to that smaller rainfall, okay? So, what we have, and I’m going to just go through this real fast, so don’t get blown away, okay? Cheryl and I spent a fair amount of time on this, I’m not going to go through that explanation, but I did a calculation, and this sheet you have in your document, but what it essentially is, I just hand-picked one project, and I said, right now what are we looking at, okay? And what would it look like if we changed it a little bit? So, the first column, A, is the engineer’s calculations, as it is right now, where they’re allowed a certain runoff. Now, that runoff, we don’t make pipes that carry exact runoff, so, they decreased the pipe size a little bit, or they use the pipe size and that increases the basin. The next case is you go to a five-year storm, and the last case is where you go to a two-year storm. On this particular case only, if you can compare B to E, you talk about going from a basin right now, you add an additional 11,000 cubic feet, which isn’t that many cubic feet, which isn’t that many cubic yards, and you decrease the outlet pipe from a 15 inch to a 12 inch. So, what I would like to do is, I want to talk to a few groups, but what I would like to do is, if you guys, and I don’t want to get, if you guys are saying no, no, forget it, don’t go any farther, Jeff, but what I would like to do is to reach out to a few folks and come back with a resolution that we would say that for the impacted area, instead of using a ten year undeveloped, we would use a two year undeveloped. You know, we might take into account, you know, like, I’m going to use EVSC as an example. North High School, if they were going to just add a tennis court, we would just use the same standards right now. If they were going to buy 20 acres across the road and build a new middle school, then we would say you’ve got to apply the new one, okay? But, we would look at it, it would only be a resolution, which also would mean if somebody was coming into town, and somebody said, gosh this is killing us, we’ve got to build a basin 15 times as big. Then you could always go back and say, okay, we’ll go back to the ten-year storm for this particular project. It would just be a resolution, but it would be something that when somebody calls me and says, what’s your requirements? Instead of saying a ten-year 100, I would be telling them a two year 100. Okay? So, that’s what I’m talking about. We don’t have anything to vote on tonight. I just wanted to throw this idea out to you, and see if anybody thinks that, you know, like I said, we’re trying to work with this group of guys, we’re trying to work with the developers, and hopefully this would tighten things down a little bit, but without anybody coming in…I know you don’t want a room full of other people saying forget it. So, you know, trying to balance, but making it a little bit more tighter than what it is now.

President Musgrave: Any discussion?
Commissioner Ungethiem: Jeff, you’re proposing this in just the Pond Flat area?

Jeff Mueller: Yes.

Commissioner Ungethiem: At this point in time?

Jeff Mueller: Yes. The other impacted area is the eastside Burkhardt Road, and that’s all in the city. So, it would be up to the city if they would want to do that. I have told them though that we are looking at that here, so, they may talk to the Board of Public Works about doing that there, I don’t know.

President Musgrave: Okay. Alright, well, let us know when you’re ready to report back on what your conversations with important parties reveal.

Jeff Mueller: Okay. Like I said, if you’ve got any questions on my spreadsheet. Bruce, I know you’re dying to get back into some old engineering, you know, we could sit down and wrestle. I know, you were mechanical, you were across the hall from me.

President Musgrave: Ready to move on?

Jeff Mueller: Yes.

**Construction in Floodway: Schlensker Ditch**

President Musgrave: Construction in floodway, Schlensker Ditch.

Jeff Mueller: Yes, Schlensker Ditch, you’ve got a copy of the Construction in Floodway Permit there. That’s for Green River Road widening over Schlensker. As I’ve told you before, they address these to the Drainage Board and send them to me, so you’ve got a copy of that. But, you can see that they’ve approved the proposed construction in floodway over Schlensker for the Green River Road expansion. Okay?

**General Assembly Transborder Groundwater Authority**

Jeff Mueller: Next is the General Assembly Transborder Groundwater Authority. I gave you a piece of paper with about a paragraph of House Bill 1211, which is to establish a Transborder Groundwater Authority between Indiana and Kentucky, specifically for Indiana and the counties that border the Ohio River. So, that would be us. I’m not sure exactly what’s driving this bill. Whether it’s going to pass, or what resources they would be requiring. They do talk about each county providing members to this board, but I just wanted to bring this to your attention. I’m going to be at the Stormwater Conference Thursday, if I hear anything about it, or at Road School in a few weeks, I’ll let you know. Like I said, it’s something that might come up, and I just wanted to let you know about it.

**Final Drainage Plan: Klenck 5800 Ruston Lane**

Jeff Mueller: Next is the final drainage plan for the Klenck site at 5800 Ruston Lane. This site is for a drainage plan located on Ruston Lane, adjacent to I-69. The proposal is to actually fill the existing lake, pretty much at the very northern corner, and to construct a couple of buildings, which would leave a smaller retention pond when completed. I’ve submitted a summary of the plan, and rather than read this information, I’m requesting that the information be included into the minutes as if I read it into the record, and Madelyn has a copy of that. “The final drainage plan was submitted on January 6, 2017, with additional information submitted on January 27, 2017, and by email on February 6, 2017. The plan that is requested to be approved consists of the submitted document with receipt date of January 6, 2017, revisions and additional information submitted on January 27, 2017, and email submitted on February 6, 2017, and the following drawings all submitted on January 27, 2017: Drawings 1 and 2 (cross sections), Drawing 1, undeveloped basins, and Drawing 2 Developed Basins, Drawing 3, C-102, C-104, C-105 and C-107.” I’ve also included with your package a review of the submitted drainage plan, and request that that review document be made part of the approved final drainage plan. The drainage plan was reviewed by the County Surveyor and found to be in compliance with the Vanderburgh County drainage code, with one exception, and therefore is being submitted.
to the Drainage Board for approval under Section 13.04.090. That exception is that the proposed final retention pond would not meet the criteria under 13.04.440(L), which addresses that a lake is supposed to be at least six feet over 50 percent of the area. I think I told you before that's a problem in the code that we're going to have to address. It's just that the lake is so small. So, they've got a variance in there for that. I would recommend as one condition, in addition to the variance, that the project is dependent upon the review of both INDOT, because the water is released to I-69, and the Corps of Engineers, because there are wetlands. That when the project approval is received from those agencies that the approval documents be forwarded to the County Surveyor.

President Musgrave: Okay, so is there a motion to approve the final drainage plan for Klenck 5800 Ruston Lane, with the document here to be considered read into the record?

Joe Harrison, Jr.: And the waiver.

President Musgrave: And the waiver? I'm sorry.

Jeff Mueller: And the one condition.

President Musgrave: The waiver and the one condition, as outlined by the Surveyor at the podium.

Commissioner Shoulders: So moved.

Commissioner Ungethiem: I'll second it. I do have a question. Jeff, what was that lake originally used for?

Jeff Mueller: I don't know if that was a borrow lake, or what for sure. You know, the old Turris, well, actually the old Vanderick Mine that was there back in 1950 was up to the north where the Shoe Carnival was. Then Turris Coal came in and built a preparation plant there and they were going to clean that slope out and go back in and get the Number 3 coal. That's when coal was at a lot higher price than it is today. I don't know if that lake was part of that process, or if that was part of a borrow pit, because it is a dam on part of it. So, I'm really not sure.

Commissioner Ungethiem: I'm just wondering if it was, if that lake was originally used for part of that mining operation and what we might find in that lake as you fill it up or as you—

Jeff Mueller: It wasn't used for a defined storage area. That's not to mean that, in my experience you sometimes get slurry in those old lakes. I don't know, Mr. Ungethiem, to tell you the truth.

Commissioner Ungethiem: Okay.

Jeff Mueller: Because I don't know that much about that property. It was not one that was with one of the companies that I worked with.

President Musgrave: Any further discussion? Hearing none, I'll call for the vote. All those in favor signify by saying aye.

All Commissioners: Aye.

President Musgrave: Opposed same sign?

(None opposed)

President Musgrave: The motion carries.

(Motion approved 3-0)

Blue Heron Status Update

Jeff Mueller: Next we have Blue Heron, status and update. First, you have for your approval two waivers to the drainage plan on Lots 54 and 55 on property owned by David and Lynn Bender. The waivers to the drainage plan are for the slope steeper along the retention pond lake. They are at 2.8:1, instead of the designed 4.1. The slopes are stable.
The owners of the property are, I'm assuming, fine with that, since they signed the waivers. So, I would ask that these two waivers be approved and be made part of the drainage plan, the amended drainage plan for Blue Heron.

President Musgrave: Is there a motion to approve the waivers?

Commissioner Ungethiem: So moved.

Commissioner Shoulders: Second.

President Musgrave: Any discussion? Hearing none, I'll call for the vote. All those in favor signify by saying aye.

All Commissioners: Aye.

President Musgrave: Opposed same sign?

(None opposed)

President Musgrave: The motion carries.

(Motion approved 3-0)

Jeff Mueller: Next you also have an approval, a request for approval for an encroachment into the drainage easement on Lot 35, owned by Thomas and Patricia Bartley. Their fence parallels the newly constructed swale, but it does not cross that swale where the water will flow. I would ask for approval of the encroachment, however they do need, they or the developer, or someone needs to provide us with the recording fee. Which, Madelyn, doesn't that usually run about $22? I know it depends on pages, but approval pending once they get us the check, then it can be recorded.

President Musgrave: Is there a motion to approve the drainage easement encroachment agreement?

Commissioner Ungethiem: So moved.

Commissioner Shoulders: Second.

President Musgrave: Is there any discussion? Hearing none, I'll call for the vote. All those in favor signify by saying aye.

All Commissioners: Aye.

President Musgrave: Opposed same sign?

(None opposed)

President Musgrave: The motion carries.

(Motion approved 3-0)

Jeff Mueller: Finally, as far as I'm concerned, well, I'm sorry, two other things. First of all, in the back you will see another spreadsheet. In case you haven't figured it out, I like spreadsheets. But, this is a spreadsheet that we use to keep track of what needs to be going on out there. It's one I put together, and John and I worked on updating it last week. We sent it over to Mr. Morley's office, so we're trying to keep track of what paperwork and what plans and what construction still needs to occur to finish this up. Of course, a couple of these things will turn green after your last vote, but just to let you know, we are trying to keep a running total and get this thing cleaned up. A lot of that is paperwork, but there are a couple of physical pieces of work to be done. I think one other physical piece of work to be discussed tonight is, if you recall, at the December 7th meeting, we approved a 200-foot length of pipe on Lot 80. After that time there was some disagreement between the parties on who was going to pay, I think for part of that pipe. We asked those two parties, or you asked those two parties to go back and work that out. It's my understanding from Mr. Lawson, who is the owner of Lot 80, that, I think they've reached an agreement, although it's not been signed, because he's got it to his attorney. Bruce is here. I mean, is that, have I reflected it correctly?
Bruce Lawson: That’s correct.

Jeff Mueller: So, in other words, I think we’ve got a handshake deal. It’s a matter of the attorney making sure that the words are right, but, I guess, the dollars are correct. So, assuming that that’s worked out, then they can move ahead. That 200-foot length pipe was already approved. Mr. Morley’s office sent us an easement, because I think they needed a little bit more easement than what’s been there. John and I will check that easement for the additional easement to be required, but that’s just something that we normally do in our normal course of business. So, it sounds like we’ve got that one taken care of. That’s all I’ve got to report on Blue Heron, unless Mr. Morley’s got something to say, or there’s anyone else here regarding Blue Heron.

**Ditch Maintenance Claims**

President Musgrave: Is that all then for you?

Jeff Mueller: Yeah, I have no claims for tonight.

President Musgrave: Okay.

Jeff Mueller: I think we only have one outstanding claim, which will come up next month, regarding last year’s work. Then, like I said, then Linda is going to come in with her pile of paperwork, and we’ll start the process all over again. So, we won’t be paying any bills for a few months then.

**Public Comment**

President Musgrave: Any public comment? Any other business?

**Adjournment**

President Musgrave: Is there a motion to adjourn?

Commissioner Ungethiem: So moved.

Commissioner Shoulders: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: We are adjourned.

*(Motion approved 3-0)*

The meeting was adjourned at 3:56 p.m.

**Those in Attendance:**

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<thead>
<tr>
<th>Cheryl Musgrave</th>
<th>Ben Shoulders</th>
<th>Bruce Ungethiem</th>
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<tr>
<td>Jeff Mueller</td>
<td>Joe Harrison, Jr.</td>
<td>Madelyn Grayson</td>
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<td>Brian Gerth</td>
<td>Bruce Lawson</td>
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<td>Eldon Maasberg</td>
<td>Others Unidentified</td>
<td>Members of Media</td>
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