The Vanderburgh County Drainage Board met in session this 26th day of February, 2019 at 4:10 p.m. in Room 301 of the Civic Center Complex with President Jeff Hatfield presiding.

**Call to Order**

President Hatfield: We’ll get started on the Drainage Board, call to order. Roll call, Madelyn.

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Here.

Madelyn Grayson: Commissioner Musgrave?

Commissioner Musgrave: Here.

Madelyn Grayson: President Hatfield?

President Hatfield: Here.

**Pledge of Allegiance**

President Hatfield: Let’s stand for the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

**Approval of the January 29th & February 5, 2019 Drainage Board Minutes**

President Hatfield: The first order of business is approval of the previous minutes.

Commissioner Musgrave: Motion to approve.

Commissioner Shoulders: Second.

President Hatfield: Madelyn?

Madelyn Grayson: President Shoulders? I’m sorry, Commissioner Shoulders?

Commissioner Shoulders: Yes.

Madelyn Grayson: Commissioner Musgrave?

Commissioner Musgrave: Yes.

Madelyn Grayson: President Hatfield?

President Hatfield: Yes.

*(Motion approved 3-0)*

**AT&T Encroachment of Crawford Brandeis**

President Hatfield: Mr. Mueller?

Jeff Mueller: Okay, first on the list is AT&T encroachment of Crawford Brandeis. If you recall, this was brought up at the last meeting, and it was tabled. Pepper Mulhulin, did I pronounce that correct, Pepper?

Pepper Mulherin: Close enough.
Jeff Mueller: Close enough? I’m sorry, with AT&T called me yesterday regarding this encroachment agreement, and she asked that she could talk to the Board about it. So. She’s here, and I’ll let Pepper come up and—

Pepper Mulherin: Thank you. Thank you, Jeff. Pepper Mulherin, AT&T Business Location, 134 N.W. 6th Street, Evansville. I’m here about a request to place a small cell pole on Burkhardt Road. The issue is coverage capacity, I’m sorry, capacity, not coverage with too many people attempting to access the network in the Target parking lot and that surrounding area, apartment complex. This small cell will give us the ability to be able to serve those locations well. It also serves as a location for 5G and, in the future, as we roll that technology out for augmented reality and driverless cars, so.

President Hatfield: But, that’s on your pole, right?
Pepper Mulherin: Yes.
President Hatfield: Yeah.
Commissioner Musgrave: No, it’s a brand new pole placed on their easement.
Pepper Mulherin: Yes, well—
President Hatfield: Yeah, but it’s not a Vectren pole, or someone else’s pole.
Pepper Mulherin: No, we don’t have an attachment agreement with Vectren at this time, and in attempting to place on the traffic control signal, that was not an option because of its location.
President Hatfield: That’s…got it.
Commissioner Musgrave: I really don’t want to make the motion to approve this, but I understand that you have looked and it is not possible to do it anywhere else.
Pepper Mulherin: That is true, we’ve exhausted every possible alternative, and this is the best, last case scenario.
Commissioner Musgrave: Okay, move approval.
Commissioner Shoulders: I’ll second.
President Hatfield: Madelyn?
Madelyn Grayson: Commissioner Shoulders?
Commissioner Shoulders: Yes.
Madelyn Grayson: Commissioner Musgrave?
Commissioner Musgrave: Yes.
Madelyn Grayson: President Hatfield?
President Hatfield: Yes.

(Motion approved 3-0)

President Hatfield: Thank you, Pepper.
Pepper Mulherin: Thank you very much.
Commissioner Shoulders: Thanks, Pepper.
Commissioner Musgrave: Pepper, make sure that it’s attractive enough.
Pepper Mulherin: Okay.
Commissioner Musgrave: We really don’t need an eyesore right there.
Pepper Mulherin: Understood.
Jeff Mueller: Madelyn, are you handing out the, yeah, so you’ve got something to sign? Okay.

| EWSU: Proposed Crossing of Rexing Creek |

Jeff Mueller: Are you ready for me to move on? Proposed crossing of Rexing Creek with Evansville Water & Sewer. You have in your files a request to bore under Rexing Creek in the extreme northern portion of Vanderburgh County. This is the area. Right up here would be where you start seeing I-64, the exits for 64, that’s Stoll’s, the restaurant there. So, you know, like I said, the very northern part of the county. I reviewed this request, and it’s my recommendation to deny the request, based upon the overall cover being one foot. I believe Laura Rightler that was with Civil Design is here, and John Rexing with Evansville Water & Sewer. They want to talk to you about some other possibilities. They asked me what I would be willing to accept, and I said I really would prefer that the Board hears their proposals before we move any farther, so.

Matt Montgomery: Good afternoon, Commissioners. I’m Matt Montgomery. I’m with the Evansville Water & Sewer Utility. Jeff didn’t mention me, but I’m here with John Rexing and Laura Rightler. She’s our design consultant on this project. I had some, a slide too to help understand maybe some of our options, if you could bear with me a minute here. I’m not sure how to get out of this. Let me get back to the home screen here.

Jeff Mueller: What’s it say there? Does it say…I’m not sure if we can…I’m not sure? I can’t see far enough, to tell you the truth.

Matt Montgomery: There we go. Thanks, Jeff. I apologize. Well…that’s the drawings? I’m sorry. Yeah, let me just explain what’s going on here. There is a, we have an existing lift station up in this location that, back in, I believe around 2013 or ’14, the county came in and built a new lift station up there to facilitate some of the growth up there that was anticipated. Part of the arrangement, at the time, was to, for us, for the county to build this lift station and then EWSU to eventually maintain it. Part of the deal was, we were going to eventually eliminate the lift station we have up there. So, the lift station was put in, and we’re at the point now that we want to decommission this existing lift station and gravity flow over to the new lift station that’s there. So, we had studied a couple alignment routes for this, and the route that we came up with pushed us out of the, basically, the drainage, the stream offset. So, we were trying to avoid that, and as we’re crossing the ditch the elevations that were set is forcing us into this one foot of cover, and Jeff is requesting three foot of cover. We have looked at a couple options here; one of them would be to go in and lower this existing lift station that the county built, another two feet, to pick up our flow there. And, we’ve done some cost analysis on that, we believe there’s rock in the area is why this lift station wasn’t put lower to begin with. So, as you know, with a gravity alignment, our elevations are pretty well set. We’ve gotta go from point A to B. So, this lift station elimination, with the alignment we have proposed is about $350,000, we think. To go lower the lift station and redo the piping that’s going to it now would probably add another $500,000 to $600,000 to the job, if we didn’t hit any rock. So, we are anticipating rock, because, based on the as-builts that the county did back in ‘14, rock was encountered. So, we could be looking at, you know, possibly a million dollars here to eliminate this station. Another option—

Commissioner Musgrave: I’m not sure I’m following. To dig it deeper would cost a million dollars?

Matt Montgomery: No. To redo the piping that we are going to tie on now to, to go to the elevation it is, we would have to go in and lower all of that piping, and then lower the lift station itself. There would be two phases to that.

President Hatfield: You know, Matt, I’m sure you know what an inverted siphon is?

Matt Montgomery: Yes.

President Hatfield: (Inaudible. Microphone not on.)

Matt Montgomery: We don’t think we have the hydraulic head to make an inverted siphon work. We just—
President Hatfield: Have you looked at it?

Matt Montgomery: Um, not to the engineering calculations, but, you know, based on the elevations and the flow we have now currently, it doesn’t appear feasible. We can, one reason we pushed ourselves to cross the ditch, is we do have a route to the north of this road that we could investigate exploring. We do have an easement there for this system, but we felt like we were going to be within about 20 feet of the ditch, if we run east and west along the drain to the north of it, Jeff. We didn’t know if we would be allowed to be that close to the ditch bank. So, we thought this was the least, you know, invasive path we could take.

Unidentified: (Inaudible. Not at microphone.)

Matt Montgomery: Yeah, and it’s in between the existing road too that we would get into. Now, we can go back and study that, but we may run into some issues at the existing lift station where, you know, if, would we have an option to maybe open cut that crossing.

Jeff Mueller: Let me make a couple comments on that, please.

Matt Montgomery: Okay.

Jeff Mueller: So, one of the reasons why I have a problem with minimum cover is, you see this right here? As you can see, there’s water here, it’s almost acting like a dam. This is an exposed line, it’s along Morgan Avenue where the bridge crosses the Wabash-Erie Canal. The problem I have with channels, when we don’t put these pipes in deep enough, is channels tend to cut and cut. Now, if what you’re saying is there’s rock there, then that could be a different story, but if we’re going to spend a bunch of money, I think the first question would be, I would like to see some of the alternatives spelled out a little bit more, and instead of talking about there might be rock, why don’t we bring a drill rig in and find out if there is rock? You could drill on each side of the ditch and find out if there’s rock there or not. I don’t know what a drill cost now, but it—

Matt Montgomery: We’ve done geotechnical studies on our alignment. I’m saying if we were forced to tie, to go deeper, that would force the existing lift station deeper. We haven’t studied that, we’ve just seen information from the as-builds that indicated rock was there.

Jeff Mueller: But, what I understood was that you were saying that the cost might be a lot higher because if there could be, if the rock is there, but do we know if the rock is there or not?

Matt Montgomery: No, we would have to (Inaudible. Talking over each other.)

Jeff Mueller: And that’s the thing. How much is it going to cost to drill? Because, my problem is this, there’s a guy back here that’s a farmer, and he represents a whole bunch of other farmers, and if this line ends up like this one day and we have a problem, him and a hundred other farmers are going to be the ones that are going to pay to fix this, not the whole city and county. My issue is to protect that drain and those people who pay an assessment in that drain. So, I’m very conscious of the fact that this is going to cost money, but I really would like to know, (a) is there rock like you say, and (b) instead of just saying it could cost this or it could cost that, I would rather see, personally, that you come back and say here’s the alternatives; a, b, c & d. Mr. Hatfield has been in construction long enough, that’s the way you like to see numbers, instead of, we need something more than just off the cuff right now.

President Hatfield: Yeah, there’s a little bit more to this than your request. If it was just your request, this one location, you know, I don’t think that I would be terribly concerned.

Matt Montgomery: Right.

President Hatfield: But, there’s precedence that gets created. We have a County Surveyor that wants three feet of cover—

Matt Montgomery: Uh-huh.
President Hatfield: -- and, I would like to know if an inverted siphon just will not work. I would like to know if there’s rock.

John Rexing: Yeah, we don’t have the grade to do an inverted siphon.

President Hatfield: Pardon?

John Rexing: You have to have grade to push this through. When Jim Farney, when this was designed by the county, they designed it to go north, and that’s, the crossing probably would have three foot.

President Hatfield: Okay.

John Rexing: Okay.

John Rexing: But, because of that clearance between the road and the ditch top, we didn’t think the county wanted us in that area.

President Hatfield: Okay.

John Rexing: So, we moved it to the south side of the creek. You have to have grade to push the velocity to get adequate velocity through a siphon. You’re supposed to have three feet per second.

President Hatfield: Okay.

John Rexing: With no, with minimum velocity for a 12” pipe we would not have that.

President Hatfield: And, I have no reason to dispute you. I’ve known you a long time. You’re a good man, and, I guess, what I’m getting at is, I’m not comfortable going against the advice of my County Surveyor, until we know for sure of his concerns.

Matt Montgomery: Would, w— would like to pursue the third option I talked about, if the Board would allow us to, basically, encroach within the 75 foot, we’ve got another option that we (Inaudible. Talking over each other.)

President Hatfield: Okay.

Jeff Mueller: Will that option get us three feet below the channel?

Matt Montgomery: We think, we did the rough calculations—

Jeff Mueller: Because, personally, I mean, I think we can live...because if you’re down, I mean, you’re telling me you’re going to be 20 feet away, but you’re going to be down deep?

Matt Montgomery: Yeah, we’ve got—

Jeff Mueller: Yeah, then that’s less obtrusive if you do that, and get me three feet below the channel, then coming straight, I mean—

Matt Montgomery: Right.

Jeff Mueller: --perpendicular is my preference.

Matt Montgomery: Right.

Jeff Mueller: But, I would rather have you 20 feet in the easement, where I doubt we ever touch, and then going three feet under, because then we’re not going to have this situation. That’s the situation I’m most concerned about.

Matt Montgomery: Right.

Jeff Mueller: So, I think what you need to do is come back to us with a, b, c and d and tell us the cost and the options, and, you know, if you can do it with three feet, and you’re 20 feet running parallel in there, I personally, could—

President Hatfield: Will two weeks make a difference? Is our Drainage Board two weeks from now again or not?

Jeff Mueller: Two weeks, and then we have one a week after that. F
President Hatfield: Will that hurt you guys?
Matt Montgomery: No.
President Hatfield: Okay.
Commissioner Musgrave: Oh, motion to table.

(Laughter)
Jeff Mueller: Yeah, so, let’s get some numbers going back and forth. Because you understand my concern. This is what I don’t want to live with.
Matt Montgomery: What we wanted to ask, if you would consider us encroaching in the—
Laura Rightler: (Inaudible) stream buffer.
Matt Montgomery: --stream buffer, thank you.
Jeff Mueller: You’re talking about the 20 feet off the—
Laura Rightler: Yeah.
Jeff Mueller: -- would you be 20 feet off the top, or 20 feet off the bottom?
Laura Rightler: We would be 20 feet off the top, back.
Jeff Mueller: We can live with that a lot easier than we can live with one foot.
Matt Montgomery: Okay.
Jeff Mueller: Now, I mean, they’re the ones that will make the decision.
Matt Montgomery: Right.
Jeff Mueller: But, I can make a lot better recommendation saying they’re going to run a line 20 feet off the top, down deep, but they’re going to cover the channel three feet below, versus what you’re proposing right now.
Matt Montgomery: Well, that’s what we want to do, to see if that was even a viable option that we could pursue and get some hard numbers on that.

President Hatfield: It sounds like it.
Jeff Mueller: 75 feet, the issue of the whole 75 feet and the reason it’s there is that when you’re there cleaning and stuff, you have room to spread the material out. So, if you’re down, whatever distance you’re down deep, and you’re 20 feet away from the top, we’re not going to touch, we’re not going to be touching anything, or we might be running a piece of equipment over there, that isn’t going to make you guys any difference either, because you’re going to be deep enough.
Matt Montgomery: Where we’re going to be crossing, there is a line in place there. Would you consider open cutting that if we—
Jeff Mueller: I think you’re going to have trouble with DNR in open cutting.
Matt Montgomery: Well, we’ve—
Jeff Mueller: Let’s table, as Commissioner Musgrave has suggested. Let’s have a meeting, and let’s sit down and talk about some proposals. You kind of draw some sketches, and then we’ll talk about a, b, c and d.
Matt Montgomery: Okay.
Jeff Mueller: And how we’ll go. Is that okay with the Commissioners?
President Hatfield: I’ll second Commissioner Musgrave’s motion to table. Madelyn?
Madelyn Grayson: Commissioner Musgrave?
President Hatfield: Yes. The motion is approved.

(Motion approved 2-0. Commissioner Shoulders stepped out of the room.)

Jeff Mueller: Okay.

President Hatfield: Is that good?

Matt Montgomery: Thank you.

President Hatfield: Yep.

Laura Rightler: Thank you.

Hunter Chase Update

Jeff Mueller: I feel like I’m bringing up here, getting ready to read here at church. Okay, Hunter Chase. There’s been additional information submitted, of which we are still reviewing. I met with the homeowners in my office, a group of them came in on February 20th, as they wanted to review the plan. At that time we still had some issues that had to be addressed, that I hadn’t even received comments back yet. So, I did receive those February 21st. There’s still some additional information we require, and also John and I are still reviewing what’s already been submitted. So, we may even have additional comments. With that also said, before we just try to say, well, can we do this at the next meeting or whatever, I do want to point out that next week I’m going to be at, and I hate to say this word out loud, Purdue, excuse me, for Road School. John’s going to be up there for a couple days too, so, we are going to have a short week next week. But, you know, we’ll see what we can get done. I do, I know both attorneys are here, I think they’re on the same page as far as trying to get the picture going and everything, but I have one comment that I think we do need to address, and it’s an attorney question more than anything else. The entrance road that serves the development is currently private. It will need to go through John’s inspection process, and I know he’s got some issues that will need to be addressed before he’s going to be willing to accept it. But, that road is mainly on the developer’s property, but some of the cul-de-sac is on the PUD’s property. So, to convey that right-of-way, I don’t know who conveys that. If the developer has that ability to do that, or if the homeowners association, or if everybody that owns a piece of property there has that. But, if that road is then going to end up being public, then the structures underneath it will be maintained by the county, and that’s good, but if not, then we’re going to have a situation where the pipes underneath the road and everything else are going to have to be in drainage easements. So, it would be good to know, (1) if that piece, whoever owns it, they’re going to sign off on it, and (2) it would be really good, if regardless of what happens, if we could get that right-of-way for that road, get it done and get it recorded, even though we haven’t got it, I mean, you don’t have a subdivision there, but if you have to go back through the subdivision process or anything else, why not get that right-of-way recorded, and everybody sign off, then we don’t have to do drainage easements for the structures that are underneath that. That’s my thought. I don’t know if they have any comments, but I wanted to throw that one out, because I would like to keep things moving, and that’s one I see.

Shannon Frank: Shannon Frank, Kahn Dees Donovan and Kahn here on behalf of Dauby Properties. I think I maybe misunderstood one of your comments, Jeff, but are you talking about, if you’re talking about the little half-moon kind of at the top?

Jeff Mueller: Uh-huh.

Shannon Frank: That was addressed probably close to a year ago. There was a document that was filed to include that as part of what the road is going to be. Or, I’m sorry, recorded. So, I believe that question—
Jeff Mueller: Well, bring me a copy of that recording and that would answer that question.

Shannon Frank: Okay, alright.

Jeff Mueller: Okay, but the other piece of it is...I'm sorry, I'm not up at the mic, the other piece is the part, the whole road to the west, if we could go ahead and get that easement recorded now, so that the whole right-of-way of the road is recorded, and then the pipes and everything are already in an easement, because they're in a right-of-way.

Shannon Frank: I'm just making a note here.

Jeff Mueller: That would be my, I just think it would make things cleaner.

Shannon Frank: Okay, I know Scott Buedel's been working on that front development, and it's kind of a little bit of a chicken and the egg. We've been in a little bit of a hold up getting that development recorded, because back in the, I think, 2007 when the property was purchased and it was divided into actually, or, I guess, into a couple of lots, in order to get the condominium development approved, there was required there to be, I believe it's a 50 or 60 foot strip on the north side of the property in order that the back lot could have road frontage. So, we've been holding off getting the commercial subdivision completed, until we can figure out what we're going to do with this 50 or 60 foot strip. And, I'm sorry, I don't have—

Jeff Mueller: Yeah, I don't either.

Shannon Frank: --that here in front of me, because that 50 foot strip was declared as part of the condominium when the attorney who did the condominium declaration didn't make it a contractable declaration, he only made it a expandable condominium development. So, we're trying to, and to amend the declaration is a very large process, and it's on Reed's and my radar to do that. So, that's why that's been delayed, while we figure out some of these other things.

President Hatfield: So, what you're saying is his concern is duly noted and you'll take care of it in the future?

Shannon Frank: Yes, I just wanted to report, I know what was going on. Thank you.

President Hatfield: Okay.

Reed Schmitt: Good afternoon. I would just like to say, Boiler Up. Come on. Shannon and I are working through it. The 50 foot easement on the right-of-way on the north side, we've talked about it a number of different times. We've got a newly elected board of directors of the homeowners association, so, we've got an entity to work through. So, it is one of the things on our to do list. So, we'll get it worked through. And, I think—

President Hatfield: So, we're not ready yet?

Reed Schmitt: --we're in a process. No, I think we've been making very good process.

President Hatfield: Good.

Reed Schmitt: And, I think by the next, either the 12th or the 19th, we'll be ready to have a drainage plan approved and submitted. I think so.

Jeff Mueller: Well, I think it just depends on how we get through the terms.

Reed Schmitt: Sure.

Jeff Mueller: But, I think the main thing is, and I think they're both here telling you this, that everybody's working together still. We're trudging through it, and I think everybody feels good about that so far.

Commissioner Musgrave: Do they want to be on the Health Insurance Committee?

Shannon Frank: If I could get government health insurance, yes.

Jeff Mueller: I don't have anything else, but like I said I do want to make—
President Hatfield: So, today was just really a report?

Jeff Mueller: It was really a report.

President Hatfield: A status report.

Jeff Mueller: And bringing up that one concern, so.

President Hatfield: Great.

**Saddle Creek, Section 2: Final Drainage Plan**

President Hatfield: Okay, Saddle Creek, Section 2, final drainage plan.

Jeff Mueller: Okay, give me one second here. Okay, Saddle Creek, this subdivision is located off of Baumgart Road in McCutchanville. The proposed subdivision, the entire subdivision is for 131 residential lots. However, what we’re going to be talking about tonight is for the final drainage plan for Section 2, which is the east area, which consists of 45 lots, and will require the construction of one retention pond for this section. A small section, Section 1, consisting of two lots that did not require any development work, but has direct access to Baumgart Road, were carved out October 2, 2018 when this area was originally submitted. At that time, the language for condition 8, which I’ll talk to you in just a minute about, had not been submitted, and the Board at that time did not want to move forward until the language had been submitted and reviewed, which did occur last year after that Board meeting. It did get taken care of. However, we’ve not brought the project back then for your final approval. The preliminary drainage plan for the entire subdivision was approved by a 2-1 vote by the Drainage Board at their June 7, 2016 meeting. As a matter of record, at the time of the approval of the preliminary plan, none of the current members of the Drainage Board were members of the Board at that time. The entire proposed 131 lot subdivision will require the construction of two retention ponds; one located near Pigeon Creek, and one located, and a second that will discharge into an unnamed tributary of Little Pigeon Creek. This first slide I showed you, showed the entire area. These slides here show you the west area. This is Havenwood up here. This is Little Pigeon Creek. This area right here we’re not talking about tonight. Okay? That’s kind of what’s been proposed, like I said, but this is not what we’re talking about. Okay? So, what we are talking about is one basin and the east area. Okay? So, the east area is kind of this area right in here all the way back. Okay? I do want you to note too, and I’m going to bring this up in a minute, that there is a lake right here, Bentwood’s lake. Okay? So, with that said, we’re going to only be dealing with one basin, the east basin, and some of the development on that. So, the east area, this is Baumgart Road, the construction of a road into the sub, a basin that will be located here. None of this over here is on what you’ll be talking about tonight. Okay? The plan was developed using HydroCad Version 9.1, and the program ran a Type Two 24 hour storm. The input for the development utilized average lot size assumptions that will conform with data from the United States Department of Agriculture, Soil Conservation Service TR-55 Urban Hydrology for Small Watersheds. Revisions in the Vanderburgh drainage code, effective January 1, 2016, require the use of more sophisticated programming for watersheds in excess of 50 acres, which was done for the analysis of this sub. An issue that was addressed in the preliminary plan, and I wanted to cover again, is that Vanderburgh County does not have any code, nor do I know of anything with State law that deals with the construction of homes downstream from an impounding structure. Although, naturally, this can be a problem in the future, as DNR could at a later date make a determination that a high hazard dam could exist. In regards to the subdivision, the developer is showing five lots, Lots 116-120, that adjoin the property that contains an impoundment that is located in Bentwood Estates. Any home built on Lot 116, and potentially 117 and 118, may be constructed below the elevation of the impounded water. I just want to emphasize, first of all, I’m in no way inferring that there are any structural issues with this impoundment. But, I do just want to note the situation does exist, and I do have a proposed condition that I will read and can be discussed as to whether it would be a part of the approved plan.

President Hatfield: But, you did read earlier that they’ve complied and they’ve, all of the agencies that they’ve had to go through and get approvals, they’ve done that.
Jeff Mueller: They wouldn’t have had to gone through any agencies for this.

President Hatfield: Okay.

Jeff Mueller: Okay. There’s no agency approval.

President Hatfield: Okay, I was listening to what you were reading earlier, and so—

Jeff Mueller: Yeah, there’s no agency approval for this. There’s no DNR rule.

President Hatfield: There’s no rules against it?

Jeff Mueller: There’s no rules against it.

President Hatfield: Got it.

Jeff Mueller: Okay, so, but just, we are going to be building a few houses below a dam, just so people know that.

President Hatfield: Right.

Jeff Mueller: We’ve done that in other parts of the county.

President Hatfield: Yep.

Jeff Mueller: Okay, so, I’m not saying we’re not doing that or anything like that.

President Hatfield: Okay.

Jeff Mueller: But, just want to point this out, you know. It’s going to be a buyer beware situation. So, in your packet you have eight conditions that were approved with the preliminary drainage plan. There are seven of them that are typed out, and one of them is handwritten. Some of those don’t apply to this, because they applied to the first, to the basin to the west and that, but eight, four of the conditions do, and those are one, three, five and eight. So, first of all, that the basins handling the drainage, or the watershed for which they are designed, be completely constructed and certified prior to the occupancy of any home within the watershed of the corresponding watershed. So, in other words, they get the basin dug and they get it certified before somebody can move into that first home. It doesn’t mean they can’t be building the home, just before we do it. And, it’s similar to what we did at Fieldstone. So, we kind of keep the developers moving on our drainage plan while they can build homes, but that we’re not sitting here ten years later after the fact trying to trace things down. Okay? The second condition, labeled number three, that future buyers of lots downstream of the pond within Bentwood Estates be aware that there is a pond directly upstream of Lots 90-95, and that approval of the preliminary drainage plan by the Board, or in this case the final drainage plan by the Board, in no way certifies the technical safety of this structure. Furthermore, that the plat clearly show the offsite existence of the lake, and they state that the outflow from this lake drains directly to the existing stream located on Lots 91-94. So, we would just be asking them to show the lake and note it on the plat. Because, believe it or not, you can’t believe how many people come in and they go, well, I walked out back and there’s trees back there and I didn’t know there was a dam behind me. So, that’s what we’re asking, just to put that on paperwork. Five that the developer would submit to the Drainage Board, through the Surveyor's Office, any approval of any State or Federal permits regarding crossing of any potential jurisdictional streams. I don’t think they’re going to be doing any of that this time, I’m not sure, but if they would, they would give us a copy of the permit.

President Hatfield: This lake’s not bigger than six acres, is it?

Jeff Mueller: I don’t know.

President Hatfield: Oh.

Jeff Mueller: And the other thing, this was a request of Commissioner Kiefer at the time, this is kind of what held things up last time, but the language is all there. On lots with drainage easements, the initial deed will contain language prohibiting obstructions within said drainage easements. So, like I said, that one was, as I previously said, this last one, number eight, at the time of the October 2nd meeting, we didn’t have the language yet,
and, so we wanted to get it. We got the language from Krista Lockyear, it was sent to Joe Harrison, and he approved it. So, he was fine with that language being there. In addition to the four carry over conditions, I would also request one additional condition to be added to the approval, which is as follows: the County Engineer, who is here, Mr. Stoll, had concerns relating to the drainage coming off Baumgart Road. Based on the final drainage plan, the drainage from Baumgart Road will be routed through easements between Lots 1 and 2, and 127 and 128. Once the grading is completed, to redirect the Baumgart Road water to flow through the easement between Lots 1 and 2, the area where this easement intersects the road’s right-of-way from road one will be monitored for erosion. Per the County Engineer, if the concentrated flow coming from the easement into the road results in the area getting eroded, a pipe would then be extended from the curb inlet 502 back to the point where the easement between Lots 1 and 2 intersects the road right-of-way, and then an area drain would be needed at the end of the pipe. The requirement to install this pipe would be solely at the recommendation of the County Engineer. So, to kind of put that in layman’s terms, John and Glen had a little disagreement on the issue, and John said, okay, I’ll tell you what, you guys go ahead and grade it, if it doesn’t need a pipe, then fine, but if I think it needs a pipe, then you have to come back in and put it. The other option would be John saying, hey, put a pipe in regardless. So, in other words, it’s kind of an, okay, we’re willing to see if it works without a pipe.

Commissioner Musgrave: Is there a time limit on that? I mean, obviously, you don’t mean to mean until the end of time.

Jeff Mueller: No, no, I think we mean—

Commissioner Musgrave: Like the—

Jeff Mueller: --like, once the, how about once both houses were built on the two adjoining lots? Because then the grading would be done at that point. Would that be okay, John? That once the two lots that the houses are built on, the two adjoining lots, when that’s going to go through? Yeah.

Commissioner Musgrave: Okay.

Jeff Mueller: Yeah, if he doesn’t—

Commissioner Musgrave: And, the developer is fine with this?

Glen Meritt: Glen Meritt with Cash Waggener, I’m the engineer on the project. I can vouch for the owner, and I am fine with that condition being a part of the drainage plan approval.

President Hatfield: You said yes, you’re okay?

Glen Meritt: Yes.

President Hatfield: Okay.

Commissioner Musgrave: Are you ready for a motion?

Jeff Mueller: Let me read just a couple things, then I will be, okay? Alright, I’ve provided you with a copy—

President Hatfield: Hey, how big is, do you know how big that lake is?

Jeff Mueller: It’s a couple of acres, at least.

Glen Meritt: I don’t know exactly how big it is. It’s been a while since I’ve looked at that. I don’t believe it’s anywhere close to six acres.

President Hatfield: Okay.

Glen Meritt: It’s probably an acre or two, but it’s not six acres.

President Hatfield: Got it. Thanks.

Jeff Mueller: I’ll go through my spiel real fast. I’ve provided you a copy of the review of the submitted drainage plan, and request that the review document be made part of the approved final drainage plan.
The following was submitted by the County Surveyor: Saddle Creek, Section 2:

“The final drainage plan was submitted on August 20, 2018, with revision submitted on September 12, 2018; September 26, 2018; October 2, 2018 & November 12, 2018, and email October 2, 2018, and attachment to email dated November 5, 2018. The plan that is requested to be approved consists of the above submitted information, along with the following drawings: Drawings submitted August 20, 2018: Drawing 1: Offsite Subbasins & Drawing 1: Undeveloped Basins. Drawings submitted September 12, 2018: C-121; Drawing 2: Developed Detention Subbasins; Drawing 3: Developed Storm Sewer Subbasins. Drawings submitted September 26, 2018: C-120 & C-101. Drawings submitted October 2, 2018: C-102. Drawings submitted November 12, 2018: Drawing 1: Sections 1 & 2 Exhibit & Road plans for reference only: C-107, C-108, C-110 & C-113.”

Jeff Mueller: The final drainage plan was reviewed by the County Surveyor and found to be in compliance with those provisions of the Vanderburgh County drainage code relevant to this project. I would recommend that the five conditions that were previously addressed be included with the final drainage plan, and I would like to note that on condition three that referenced the lot numbers be changed, as the lot numbering has changed. So, in other words the condition referenced 90 through 95 that it would actually be 116 through 120, and the other reference to Lots 91 through 94 would be Lots 116 through 119.

President Hatfield: Okay. Alright, any action? We need to go ahead and approve final drainage?

Jeff Mueller: Yeah, we need to vote, with the, and if you’re agreeing to the five conditions.

President Hatfield: Okay, just entertaining a motion on that.

Commissioner Musgrave: Would you state the language of the motion that you would like to hear?

Jeff Mueller: Motion for you to approve the final drainage plan, including five conditions, those being one, three, five, eight, plus the additional one from Mr. Stoll.

President Hatfield: And, the owner’s rep is okay with that?

Commissioner Musgrave: Alright.

Glen Meritt: Yes.

President Hatfield: Okay.

Commissioner Musgrave: I'll move approval.

Commissioner Shoulders: I will second the motion, as stated.

President Hatfield: Madelyn?

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Madelyn Grayson: Commissioner Musgrave?

Commissioner Musgrave: Yes.

Madelyn Grayson: President Hatfield?

President Hatfield: Yes.

(Motion approved 3-0)

Jeff Mueller: Okay, thank you.

### Ditch Maintenance Claims

Jeff Mueller: Ditch maintenance claims. There’s only one claim, so instead of making a spreadsheet, I just gave you a copy of the claim. The claim is for $4,698.63, its payable
to Big Creek Drainage Association for their annual maintenance on the lengthy Pond Flat Main Ditch. This work was previously approved as part of the maintenance work for 2018. So, it’s 2018 work that you’re paying for.

Commissioner Shoulders: Motion to approve.

Commissioner Musgrave: Second.

President Hatfield: Madelyn?

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Madelyn Grayson: Commissioner Musgrave?

Commissioner Musgrave: Yes.

Madelyn Grayson: President Hatfield?

President Hatfield: Yes.

(Motion approved 3-0)

Other Business:

Revised Final Drainage Plan & Variance: Basden RV: 728 E. Baseline Rd.

Jeff Mueller: I do have one other thing, because it came in late. It’s been sitting on my desk, and then Glen got it to me. Real quick, 728 Baseline Road, Basden RV. There is already an approved drainage plan for this, however this is to request a revised final drainage plan for the project. The plan, essentially, is the same as what was previously submitted, however, the final basin has changed, and that’s what they’re coming in for approval on. The plan is, this is in the Pond Flat drainage area, so in accordance with our Technical Memorandum, they used a 2/100 criteria, instead of the 10/25 criteria. I’ve submitted with the plan, and rather than read this information, I’m requesting that this information be included in the minutes as if read into the record. That’s a summary.

The following was submitted by the County Surveyor: Basden RV: 728 E. Baseline:

“The final revised drainage plan was submitted on December 18, 2018, with a variance request submitted on February 25, 2019. The plan that is requested to be approved consists of the revised basin design as submitted, along with the following drawings submitted on December 18, 2018: Drawing 2: Developed Basins; C-106, C-101 & C-102.”

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 final drainage plan. The drainage plan was reviewed by the County Surveyor and found to be in compliance with Vanderburgh County’s drainage code, with the exception of the need for one variance, which you have. The excess ten percent volume was not met, however this is due to the release rate being choked down to the rate less than required. So, if he would have used the allowable release rate, which would have allowed more water to go out, he would have had the ten percent capacity. He actually choked it down, so he doesn’t get quite the extra capacity. He’s got enough capacity, he just doesn’t have the ten percent additional. But, I would rather have the choke down than the extra ten percent, especially since this is going to be a dry basin. They’re going to go out there, they’re going to build a lot. They’re not going to be out there doing a bunch of construction activities. They’re going to be doing it one time and being done. It’s not like they’re going to be building houses for the next five years, and tearing the ground up. So, I don’t have a problem with that variance. So, the only thing I would say, the only other thing was there was a condition on this previously, that they get a recorded easement. They’ve done that. So, the only other thing I would ask is that you would approve the drainage plan, that it would be approved only with one condition, that being that no certificate of occupancy be signed off until they’ve given us the as-built records, and with the variance that we submitted for you for your approval.

Commissioner Musgrave: Motion to approve as stated.
President Hatfield: Is there an owner rep here?

Glen Meritt: Glen Meritt with Cash Waggner.

President Hatfield: What say you?

Glen Meritt: What’s that?

President Hatfield: What say you?

Glen Meritt: I don’t have anything to add. I mean, basically, the reason we came back, they originally were going to do gravel in the drives, in the parking area, and they had a little bit of a, not necessarily a fight, but went back and forth with APC, and they gave them like a three or a five year time frame to put asphalt down. So, we had to adjust our calculations to account for the asphalt pavement. Then, like I said, we ended up, the reason we ended up a little, we didn’t end short of the overall capacity, but we ended up short on that ten percent, was because just the pipe sizes. I could have released four and half, but from going from an eight inch to a ten inch, I went over the four and a half, so I choked it down to the eight, which is only releasing at like 315, and then that put my storage basically right at capacity.

President Hatfield: How did you feel about Jeff’s recommendation on the Certificate of Occupancy?

Glen Meritt: That’s fine. There’s only two structures, and it’s just pole barn covered storage.

President Hatfield: If you’re okay with what has been said.

Glen Meritt: Absolutely. Yeah, I mean, the Certificate of Occupancy is coming up on every plan that we do.

President Hatfield: Sure.

Glen Meritt: To get that as-built in before house, somebody actually moves in.

President Hatfield: Okay.

Glen Meritt: So, it’s standard practice.

Commissioner Musgrave: Yeah, we really want that to be standard practice. Alright, so I’ve made the motion.

Commissioner Shoulders: I will second the motion, and appreciate your diligence and color on this subject.

President Hatfield: Madelyn?

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Madelyn Grayson: Commissioner Musgrave?

Commissioner Musgrave: Yes.

Madelyn Grayson: President Hatfield?

President Hatfield: Yes.

(Motion approved 3-0)

Jeff Mueller: Thank you, and I have nothing further, unless you all have.
Public Comment

Commissioner Musgrave: Motion to adjourn.

President Hatfield: We've got public comment, possibly. Anybody in the audience want to address the Drainage Board for any reason whatsoever? Seeing none.

Adjournment

Commissioner Shoulders: Motion to adjourn.

President Hatfield: Motion to adjourn.

Commissioner Musgrave: Second.

President Hatfield: All of those in favor say aye.

All Commissioners: Aye.

President Hatfield: The Drainage Board is adjourned.

(The meeting was adjourned at 4:52 p.m.)

Those in Attendance:

Jeff Hatfield  Ben Shoulders  Cheryl Musgrave
Jeff Mueller  David Jones  Madelyn Grayson
Pepper Mulherin  Matt Montgomery  Shannon Frank
John Rexing  Laura Rightler  Reed Schmitt
Glen Meritt  Others Unidentified  Members of Media

VANDERBURGH COUNTY
DRAINAGE BOARD

Jeff Hatfield, President

Ben Shoulders, Vice President

Cheryl Musgrave, Member

(Recorded and transcribed by Madelyn Grayson.)