The Vanderburgh County Drainage Board met in session this 28th day of February, 2017 at 3:56 p.m. in Room 301 of the Civic Center Complex with President Cheryl Musgrave presiding.

**Call to Order**

President Musgrave: We can go ahead and convene the Drainage Board for February 28, 2017.

**Pledge of Allegiance**

President Musgrave: If we could all please stand for the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

President Musgrave: Thank you.

**Approval of the February 7, 2017 Drainage Board Meeting Minutes**

President Musgrave: We have approval of the previous minutes. Would anyone, like Commissioner Shoulders, be willing to make a motion for approval of the previous minutes?

Commissioner Shoulders: So moved.

Commissioner Ungethiem: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

(Motion approved 3-0)

**Construction in Floodway Permit: ADM Grain**

President Musgrave: Mr. Surveyor?

Jeff Mueller: Ready?

President Musgrave: Yes.

Jeff Mueller: Okay, first is a construction in floodway permit, ADM Grain. This is being supplied to you as the Drainage Board is copied on all Construction in Floodway permits within Vanderburgh County. No issues with this, so I’m just presenting this to you for correspondence to be made part of the Board’s record.

**Emergency Removal of Beaver Dams within Wabash-Erie Canal**

Jeff Mueller: Next, the emergency removal of beaver dams within Wabash-Erie Canal. You have before you quotes to do removal on two beaver dams on a portion of the Wabash-Erie Canal just east of Green River Road. These dams combined are holding back between two and three feet of water. I did not see a hut anywhere, but it could be located north of Morgan Avenue where we do not have access. So, I’m not sure what kind of reoccurring problems we have, but for now I want to get these removed, and then we can monitor and see what happens from there on. We will be notifying the winning
bidder either tonight or tomorrow morning, which you have a list there. My recommendation would be McCullough Land, as they are the lowest. All three of these bidders do work for us on a normal basis. We are requesting that the bidders will begin work immediately, and weather permitting, be completed within one week. The beaver dams are right here. This is Green River Road, this is Morgan. If you look, you’ll see this nice, clean pipe here looking west of Green River Road. There’s the first dam, there’s the second. If you look right here, you can see that they’ve got this pipe almost completely full, and if you look, you can’t see very well, but this is down at the Oak Grove Road, and they’ve got that water back there too. So, between this dam and the other one, like I said, two to three feet of water. I just noticed this last week, and I would like to move quickly on it. So, I’m asking for your approval.

President Musgrave: Is there a motion to approve the emergency removal of beaver dams within the Wabash-Erie Canal?

Commissioner Shoulders: So moved.

Commissioner Ungethiem: I will second that. I do have a comment. In a previous life I did a fair amount of trapping of different animals. Removing the dams is going to be a temporary solution to this problem, unless we also remove the animals that create the dams. Because they are very, very industrious little creatures, and they can put that dam back in short order. So, do we have a plan to not only remove the dams, but to trap the animals?

Jeff Mueller: Not yet, because, I mean, one thing I’m concerned about, Commissioner Ungethiem, is that I didn’t see a hut. If it’s on the other side of the road, I’m not sure what, how we could legally trap it, you know, if it would be on the other side. I would like to get the dam out first, and then I’ll probably be coming back to you, but, yeah, I agree with you, this is just a temporary solution.

President Musgrave: Alright, we have a motion and a second. If there’s no further discussion, and I see none.

Joe Harrison, Jr.: And that’s to take the low bidder as well?

Jeff Mueller: Yes.

President Musgrave: Yes. We’ll call for the vote. All of those in favor say aye?

All Commissioners: Aye.

President Musgrave: Opposed same sign?

(None opposed)

President Musgrave: The motion carries.

(Motion approved 3-0)

Board Granting Authority to Surveyor on Emergency Drainage Issues

President Musgrave: I would also like to make another motion, or ask for another motion, the Surveyor occasionally is faced with emergencies, such as this one, and I would like this Board to grant him the authority to take action, when there is an emergency, and come and talk to us about how he arrived at his decision, and allow us to vote later, but not let the emergency linger until we have a meeting.

Commissioner Ungethiem: In that motion do you want to put a cost limit on that?

President Musgrave: Well, you know, almost, but not really. I mean, I went through an emergency situation where you just can’t put a cost on it. So, I trust our Surveyor. Should I ever stop trusting our Surveyor, maybe we can revisit this.

Joe Harrison, Jr.: There you go.

Commissioner Ungethiem: There you go.
Jeff Mueller: Well, I appreciate that.

Commissioner Ungethiem: I will second that motion.

President Musgrave: I think you need to make it.

Commissioner Ungethiem: Oh, I thought you made the motion.

President Musgrave: No, no, no, I was asking for one.

Commissioner Ungethiem: Oh, okay. I would make the motion that in the rare instances where we have an emergency situation with regard to legal drainage in Vanderburgh County, that the Surveyor has the purview to take action and come back to us at a later date.

Jeff Mueller: As a suggestion to that, unless there would be some power failure, I can always send you guys an email, at the same time, telling you what’s going on, so you wouldn’t be in the dark. Now, if it was being I’m at home and we can’t email back and forth, I may take action first and then send you an email, but, otherwise I’ll get you an email.

President Musgrave: Okay.

Commissioner Ungethiem: Okay.

Jeff Mueller: You know, say, hey, you know, here’s what I’m planning on doing.

Commissioner Shoulders: I too trust the Surveyor, and I will second.

President Musgrave: We have a motion and a second. Is there 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 unanimously.

(Motion approved 3-0)

Jeff Mueller: Thank you.

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Resolution Regarding Decreased Allowable Runoff for New Projects Within Pond Flat Main Impacted Area

Jeff Mueller: Next is a resolution regarding decreased allowable runoff from new projects within the Pond Flat Main impacted area. At the last meeting we spent some time discussing a proposed reduction in the allowable release rate within the Pond Flat, North U.S. 41 impacted drainage area. You had a couple of farmers in the area speak to you on the importance of further controlling the drainage in this area. I’ve met with some of the stakeholders and no one has raised objections for proceeding with the proposal in this area. You have before you a resolution, which I previously sent out for your review. The highlights of the resolution are as follows; the post-development controlled release rate of the storm water for this area shall not exceed a two year return period storm for the same land area, prior to its development, and shall therefore store the excess stormwater generated during a 100 year storm. The proposed revised release rate, as defined in this resolution, shall not apply to any existing developed projects where such projects propose additional developments within their site boundaries, as those boundaries existed at the time of the original drainage plan approval. For those type projects, the originally approved runoff rates and storms shall apply. The resolution can be reviewed on a site by site basis, and where determined due to undue hardships, lack of available area for the required basin size, or other cases that fall under the Drainage Board’s discretionary powers, that a project may release at a rate not to exceed a five year return storm period, or a ten year return storm period for the same land prior to the
development, in those cases where a two year might not work very well. So, you have the resolution in front of you. I know it was discussed a little bit last night at the Big Creek Drainage Association. Like I said, I think it’s a good thing to move forward on this. It does only apply to this impacted area.

President Musgrave: Is there a motion to approve the resolution regarding runoff rates from projects within the impacted U.S. 41 North Pond Flat drainage area?

Commissioner Ungethiem: I will make that motion and I will also say that I was at that meeting last night, and Jeff reviewed this with the Big Creek Ditch Association, and they were in favor of it. So, I would make that motion on their behalf.

Commissioner Shoulders: Second.

President Musgrave: We have a motion and a second. Is there any further discussion? Hearing none, I will call for the vote. All those in favor please signify by saying aye.

All Commissioners: Aye.

President Musgrave: Opposed same sign?

(None opposed)

President Musgrave: The motion carries unanimously.

(Motion approved 3-0)

Jeff Mueller: Thank you.

Blue Heron Status Update

Jeff Mueller: The next thing is that, on Blue Heron status update, I did want to let you know that I received notice that the parties have come to an agreement on the 200 foot of pipe on Lot 80 along Millersburg Road. If you remember that was Mr. Lawson, and they have, he came in here last time and said he thought they had an agreement, they do have an agreement. They sent me a copy of the signed agreement.

President Musgrave: Excellent.

Jeff Mueller: So, that piece of that project can move forward.

Commissioner Ungethiem: Do you know how long that will take to complete?

Jeff Mueller: They said they were going to start on it soon, but there’s no, I did not read the entire agreement to see if there was a start or finish date.

Commissioner Ungethiem: Okay.

Jeff Mueller: But, it’s part of that drainage plan, so, again, they have to get that approved, along with a whole bunch of other things before the letter of credit is released out in that area.

Commissioner Ungethiem: When are we going to be able to fold this up and say it’s done?

Jeff Mueller: I remember somebody saying it was going to be done last year, and I wasn’t that person, and I don’t think you were either.

Commissioner Ungethiem: No, I wasn’t.

Jeff Mueller: But, you know, I’m going to, you know, we’ve got a lot of paperwork issues out there. I’m going to push them and say, where are you guys? We’ll keep pushing on them. We’ve gained some, we do have some people that are happy out there now, but we’ve got to get more of them happy and get the thing done.

Commissioner Ungethiem: Okay.

Jeff Mueller: I’m fully in agreement with you.
Ditch Maintenance Claims

President Musgrave: Is there any other business to appear before the Drainage Board?

Jeff Mueller: Yes, there is, I'm sorry, we have one claim.

President Musgrave: Alright.

Jeff Mueller: We have a ditch claim. We have one claim for $1,800 for a partial payment for a tree clearing for the work to be done along Pond Flat Main. Our Construction in Floodway permit specifies that no clearing can be done between April 1st and September 30th. This is standard language to ensure that tree cutting is not being done while the Indiana bat, which is a federally endangered species, or the Northern long eared bat are nesting. Therefore, even though we haven't started the dirt work, and probably won't until this spring or summer, we had to get the clearing work done before April 1st. That clearing work has been done, and they've submitted a bill for part of that work. So, I'm requesting that that invoice for $1,800 be approved.

Commissioner Ungethiem: I make a motion to pay the ditch claims.

Commissioner Shoulders: Second.

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

All Commissioners: Aye.

President Musgrave: Opposed same sign?

(None opposed)

President Musgrave: The motion carries unanimously.

(Motion approved 3-0)

Public Comment

President Musgrave: Any other business?

Jeff Mueller: IU and Purdue tip off at 6:00.

President Musgrave: Alright. Is there any public comment?

Adjournment

President Musgrave: Is there a motion to adjourn.

Commissioner Ungethiem: In light of that, I would say go engineers.

Commissioner Shoulders: Man.

President Musgrave: Motion to adjourn?

Commissioner Shoulders: Second.

Commissioner Ungethiem: I make a motion.

President Musgrave: Okay.

Commissioner Ungethiem: I make a motion so you can second.

Commissioner Shoulders: Second, yeah.
President Musgrave: We are adjourned.
Commissioner Ungethiem: We are adjourned.
President Musgrave: Thank you.
(The meeting was adjourned at 4:07 p.m.)

Those in Attendance:
Cheryl Musgrave
Ben Shoulders
Jeff Mueller
Joe Harrison, Jr.
Others Unidentified
Members of Media

(VANDERBURGH COUNTY
DRAINAGE BOARD)

________________________________________
Cheryl Musgrave, President

________________________________________
Ben Shoulders, Vice President

________________________________________
Bruce Ungethiem, Member
(Recorded and transcribed by Madelyn Grayson.)