The Vanderburgh County Drainage Board met in session this 3rd day of January, 2017 at 4:00 p.m. in Room 301 of the Civic Center Complex with Commissioner Bruce Ungethiem presiding.

Call to Order

Commissioner Ungethiem: Aright, again, good afternoon. I would like to call to order the Drainage Board meeting for January 3, 2017. We don’t do a roll call on the Drainage Board do we, or should we?

Madelyn Grayson: We can if you want to.

Attendance Roll Call

Commissioner Ungethiem: Let’s do a roll call, since we have two new folks in the seats. So, please have roll call.

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Here.

Madelyn Grayson: Commissioner Musgrave?

Commissioner Musgrave: Here.

Madelyn Grayson: Commissioner Ungethiem?

Commissioner Ungethiem: Here, and we have three members present, so we have a quorum.

Pledge of Allegiance

Commissioner Ungethiem: If you would, please stand for the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of the December 6, 2016 Drainage Board Meeting Minutes

Commissioner Ungethiem: Okay, as the lone representative of the Drainage Board from last year, I assume I’m the only that can approve…how do we do the previous minutes.

Commissioner Musgrave: I can make the motion.

Joe Harrison, Jr.: Yeah, that’s fine.

Commissioner Musgrave: I’ll move approval.

Commissioner Shoulders: Second.

Commissioner Ungethiem: We have a motion and a second to move the, to approve the previous minutes from 2016, the last meeting in 2016. All of those in favor say aye.

All Commissioners: Aye.

Commissioner Ungethiem: Opposed? The minutes are approved.

(Motion approved 3-0)
Commissioner Ungethiem: Now we need to move on to election of new Drainage Board officers for 2017. I would entertain a motion for nominations for President.

Commissioner Shoulders: I will nominate Commissioner Cheryl Musgrave to serve as President of the Drainage Board.

Commissioner Ungethiem: And I will second that nomination. Any other nominations? Seeing none. All those in favor of Cheryl Musgrave, Commissioner Cheryl Musgrave being the President of the Drainage Board for 2017, signify by saying aye.

All Commissioners: Aye.

Commissioner Ungethiem: Opposed?

(Motion approved 3-0)

Commissioner Ungethiem: Cheryl, you are the new President, and I will give you the gavel.

President Musgrave: Are we going to switch spots?

Commissioner Ungethiem: Not really. Then you can do the Vice President.

President Musgrave: Oh, I would entertain a motion for the Vice President of the Vanderburgh County Drainage Board.

Commissioner Ungethiem: I would nominate Commissioner Ben Shoulders to be the Vice President of the Drainage Board.

President Musgrave: I’ll second. All those in favor?

All Commissioners: Aye.

(Motion approved 3-0)

President Musgrave: Ben, you are duly elected.

Commissioner Shoulders: Alright.

President Musgrave: Alright. The duties are just so intense.

Schedule of Meeting Dates and Times for 2017

President Musgrave: Let us move on then to the schedule of meeting dates and times for 2017. We, in our previous meeting as Commissioners, we passed the ordinance that set those out. Does anybody want to go over those? Or do we just refer to the ordinance?

Jeff Mueller: Yeah, the only other thing that I wanted to make, is that you got a memo from me on that, and I think the ordinance, like you said, has got those dates in there. So, that’s good. I also did want to point out that I sent you something, it’s in your packet too, that not only has the dates, but also has some dates that we’re going to be looking at as far as some issues coming up, like the tax rates for the regulated drains, and when we’re going to be doing contracts and stuff for regulated drains. So, it just kind of gives you a highlight of some of the earlier part of the year of what we’ll be doing. So, with that, yeah, like I said, I’m fine with the dates. I don’t know if we need another vote on that.

President Musgrave: Yes, do we need to vote on that?

Joe Harrison, Jr.: I think you’re okay. It was in the ordinance.

President Musgrave: That’s what I thought too.

Joe Harrison, Jr.: You’re good.
Construction in Floodway

President Musgrave: We move now to construction in floodway.

Jeff Mueller: Okay, the Construction in Floodway permits are issued by the Indiana Department of Natural Resources Division of Water. Depending on the proposed activity and the size of the stream, a Construction in Floodway permit may be required. All Construction in Floodway permits that are issued in Vanderburgh County are copied to the Drainage Board and sent to the County Surveyor. The Board can appeal a permit within 18 days of receipt. Most of these are pretty common, and to be honest, in most cases if IDNR has put their stamp on the permit, I would not see any reason to appeal one of these, unless it would somehow affect the maintenance of one of the county’s legal drains. With that said, you have two copies, you have copies of two different permits before you. First is one that was actually applied for by the County Commissioners for the work on the St. Joe Avenue twin culverts that was discussed in the last meeting. That’s over an unnamed tributary of Locust Creek. The second, so this is being forwarded to you as the Drainage Board, for your information, the second is for a permit by INDOT. So, even INDOT has to get a permit from the Division of Water when they do work. This is on work they propose on an unnamed tributary of Little Pigeon Creek on U.S. 41, north of Petersburg Road intersection. So, these two are in your files, and Madelyn will put them in the, in her package in the minutes. There’s nothing to be approved.

President Musgrave: No action taken?

Jeff Mueller: No.

President Musgrave: Alright, thank you.

The Stables South: Revision to Approved Final Drainage Plan

President Musgrave: We’ll move on then to The Stables South, revision to approved final drainage plan.

Jeff Mueller: Okay. This is a minor revision to the plan for The Stables South, located off Green River Road south of Pollack. That was, the original drainage plan was approved July 21, 2015. The developer is requesting approval to install a small retaining wall along the swale on lots 37 through 47. The swale carries very little drainage, and even with the swale being somewhat smaller, with the retaining wall it will still carry more than the designed flow. The developer is nearly ready to file a secondary plat. I would suggest, as a condition of approval, that the plat have very explicit language stating that, “It is going to be the responsibility of the lot owners to maintain the retaining wall, and that Vanderburgh County will in no way be responsible for the maintenance of the retaining wall”. So, what we’re talking about is The Stables South, and it’s going to be along those bottom lots. You can see he’s already actually constructed the wall. It’s a nice looking wall. Like I said, he’s submitted the plan, it shows that even though we, you know, normally are supposed to have 3:1 side slopes, on one you won’t, you’ll have a straight wall, but there’s very little drainage back there. So, it will carry it. So, I’m fine with it.

President Musgrave: Does this require a vote?

Jeff Mueller: Yes.

Joe Harrison, Jr.: Yes.

President Musgrave: You’ve heard the report. Is there a motion for approval?

Commissioner Ungethiem: I move to approve the final drainage plan for The Stables South Subdivision with the revision as Jeff indicated.

Commissioner Shoulders: Second.

President Musgrave: Any discussion? All those in favor, or is this a roll call?
Joe Harrison, Jr.: Yes. Well, whatever. I would.

President Musgrave: Roll call please.

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Madelyn Grayson: Commissioner Ungethiem?

Commissioner Ungethiem: Yes.

Madelyn Grayson: President Musgrave?

President Musgrave: Yes.

(Motion approved 3-0)

President Musgrave: Thank you.

Niehaus Lumber: Final Drainage Plan

President Musgrave: We move now to 13020 North Highway 57, Niehaus Lumber, final drainage plan.

Jeff Mueller: The Board previously approved a drainage plan for the addition of a building on the back portion of the site on September 20, 2016. This plan is for the drainage plan revisions to the front portion of the site along Highway 57, and to meet the needs of an existing building that was constructed, as well as two additional buildings. The proposed detention for this project will be underground storage utilizing an ADS system. I’m going to talk about this a little bit more in a minute, but in your packet you have a review document. I just kind of want, since we have two new Board members, I just want to bring you up to date on these real fast. What we do is, we take the code and we go through the code, and if they get what we want, or you know provided the information, I put the information in blue. If it wasn’t provided or I needed additional information, it’s put in red. We send those comments back to the engineering firm, and then they provide us a different, additional information. Then when that information comes back, then we put purple behind it. So, you’ll go through and you’ll pretty much see that behind every comment there’s either a blue or a purple comment after, you know, blue initially, or red and then purple. So, that’s how these plans are reviewed. We’ll be talking about this in a minute, but this review document I always request that it be made part of the approved drainage plan. That way when people come back in and look at the drainage plan, they can see what was submitted, they can also review the comments and see what happened in the review process. Okay? With that in mind, our code requires that drainage in excess of what would be released by a ten-year storm on the undeveloped site be retained. To retain the drainage this is done by sizing a pipe of the diameter that will not allow any flow beyond what is calculated from a theoretical storm. On small sites, a 12-inch diameter pipe will release the water at too quick of a rate. At that point the Vanderburgh County Code allows for an orifice plate to be installed. However, in this case the water is being released to a State highway, and the State does not want to see an orifice plate, but would rather see a smaller diameter pipe, which normally we don’t allow. So, the outlet pipe to Highway 57 is going to be 10 inches in diameter, then to 12 inches in diameter. Now, I also want to state that I agree with the State, and actually in the next round of code revisions, I’m going to recommend that our code be adjusted to allow for smaller diameter pipes, only in the situation where they would be short in length, and at the outlet pipe, points we require less drainage instead of an orifice pipe, plate. I’m going to tell you why, two reasons, one, sometimes the orifice plate isn’t, doesn’t get installed. And, two, when it does get installed, sometimes it disappears later on. So, when that happens, things aren’t working the way they should be. So, it’s a little harder to go out there and change an eight inch pipe, 20 foot length of eight inch pipe than it would be to slide an orifice plate out when a couple of cups got in there and somebody says, aww, the heck with them, let’s just put the plate out. So, that’s going to be something I’m going to be bringing to you in the future. I agree, that’s why the State Highway wants that diameter pipes. So, with that said, the final drainage plan was originally submitted on December 12, 2016. A
resubmittal of the original plan, along with a couple of revisions was submitted on December 16, 2016. The plan that is requested to be approved consists of the submitted document with a receipt date of December 16, 2016, along with drawings 1708-1, 2 and 3 with the same receipt date. The review of the submitted drainage plan was part of your package, and I request that the review document be made part of the approved final drainage plan. The drainage plan was reviewed by the County Surveyor and is found to be in compliance with Vanderburgh County’s Drainage Code, with the exception that the outlet pipe is ten inches in diameter instead of a pipe 12 inches in diameter. The drainage plan is being submitted to the Drainage Board for approval under section 13.04.090. I do recommend, as I will on most single lot drainage plans, that as a matter of record, and that prior to the approval of any certificate of occupancy, and in this case the construction of the two additional buildings, that the owner or developer supply the required as-built or record drawings or certification document as required by the code.

President Musgrave: Is there a motion?

Commissioner Ungethiem: Let me understand what you said about the orifice plate. You’re going to put a 20 foot ten inch pipe to serve as the orifice plate instead of having an orifice plate and a 12-inch pipe?

Jeff Mueller: In the future, let’s say, I would just use that as an example. Let’s say though that your pipe coming out of your basin is 20 feet long. Okay, before we would have a 12-inch pipe, and they would put an orifice plate in there. Now we would say, okay, on a short distance of pipe, we would allow eight inches or ten inches. We wouldn’t allow people putting in eight or ten inches all through the developments, but just on where that outlet is going to be.

Commissioner Ungethiem: Okay.

Jeff Mueller: That’s what I’m suggesting that we’ll probably be looking at in the code. I think it’s going to work a lot better.

Commissioner Ungethiem: Okay.

Joe Harrison, Jr.: That essentially is what it is.

Jeff Mueller: Yeah.

Commissioner Ungethiem: Alright.

Jeff Mueller: Okay?

Commissioner Ungethiem: I make a motion to approve the final drainage plan for 13020 North Highway 57, Niehaus Lumber.

Commissioner Shoulders: I second.

President Musgrave: All those in, oh, I’ll call for a roll call vote.

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Madelyn Grayson: Commissioner Ungethiem?

Commissioner Ungethiem: Yes.

Madelyn Grayson: President Musgrave?

President Musgrave: Yes.

(Motion approved 3-0)
President Musgrave: We move now to 11313 Old State Road, notification for drainage plan.

Jeff Mueller: A drainage plan was filed in late 2016 for a proposed apartment complex at Hillsdale and Old State Road in Darmstadt. The plan has not yet been reviewed, so it's not being brought to this Board for approval. However, and Mr. Ungethiem can attest to this I'm sure, the proposed complex has not been without controversy. With that in mind, the drainage code as submitted in January 1, 2016 started a requirement to notify adjoining landowners to major subdivisions, and minor subdivisions with commercial or industrial zoning in the drainage plan, to let them know about the hearing. The revisions to the code also stated that the Drainage Board could require, at their discretion, notification of major changes, which is what was done, for example, in the case of Blue Heron. While there's not specifically a requirement in the code for notification of adjoining landowners in regard to this kind of development, so I'm really also not sure if we can do this or not, but I'll leave that to Mr. Harrison. What I wanted to do was bring before the Board, is do you want to require a notification to the adjoining landowners on this drainage plan prior to the meeting at which it will come forward?

President Musgrave: I would like to know more about why you feel that's necessary.

Jeff Mueller: We've had rooms full of people on this issue on Area Plan, they had them up at Darmstadt when it went through the Town Board. The reason that we asked for, we had a lot of situations in the past where people said, well the drainage plan got approved and I didn't even know about it. So, my feeling is that I want people to know about these things in advance. So, in this particular case, because of the fact that we had so many people in a public interest in it, is why I was suggesting that we notify the adjoining landowners, so they have an opportunity to come in. Because, number one, in the notice it says that there's been a drainage plan filed, you can go to the County Surveyor's Office and look at it, and number two it will be heard at a Drainage Board meeting on such and such date. Just a little bit more open government, it gives people a chance to know what's going on.

Joe Harrison, Jr.: The ordinance changed last year, it does have that in there now.

Jeff Mueller: Yes, for subdivisions and for, let's see, it's for major subs and minor subs with commercial or industrial zoning. This is not a sub though, it's a single piece of ground.

Joe Harrison, Jr.: Okay, gotcha.

Jeff Mueller: If you guys don't want me to notify, that's fine. It's up to you all on whether you want the requirement, if you want to require them to do a notification.

Commissioner Ungethiem: I agree with you. With the number of folks out there, this is a hot button issue. The last meeting that I was at that we talked about this particular development, there were over 500 people at the meeting. So, sending out notification to the folks that are adjoining this would probably be a good idea. So, I would make a motion to notify the adjoining property owners of the Drainage Board meeting.

Commissioner Shoulders: I second. I think that's a good idea too.

President Musgrave: We have a motion and a second. Is there any further discussion? I would like to ask, the 500 people who are showing up, obviously, you're not notifying them, they are obviously well aware of this issue.

Jeff Mueller: We would be notifying just the adjoiners, and any registered homeowners association within a half mile. So, there would probably be, well, you've got some people, because Highway 41 doesn't count, if there's somebody across the Highway, but if there's more than 15 notifications I would be surprised.

President Musgrave: You've told me that there is 500 people who are interested in this, and lots of people are coming out, but you haven't told me why it's important, in this case, this drainage plan, why it would be of benefit to neighbors. Are we going to pass a bad drainage plan?
Jeff Mueller: I want people to be aware of what the drainage plan is, so that they can't say that I didn't know about it. That they have, and the other thing of it is, is that, you know, we review a drainage plan, we look at it and we look at it on the code, but sometimes people come in and they say, did you know this happened? Or did you know that happened? A lot of times we do, or sometimes it's like, yeah, it may, but the code doesn't address it, but sometimes it gives us an opportunity to say, huh, do you want to look at this, because this is something that nobody picked up on. The people that know drainage best are the ones that live right by it.

President Musgrave: How many times have we notified neighbors? How many times have we done this?

Jeff Mueller: In the last year, probably three or four times, but you've got some people back here in Blue Heron that were notified when the drainage plan was being changed there, because we required those people, we required them to be notified of it, so that people knew what was going on out there.

President Musgrave: I'm a little concerned about singling plans out. I guess, I don't quite understand why we're doing it in some cases and not others.

Jeff Mueller: We are doing it now on all new subdivisions, but we can also do it on other issues that this Board might feel it's important to.

President Musgrave: Is this a subdivision?

Jeff Mueller: Huh?

President Musgrave: Is this a subdivision?

Jeff Mueller: No, it's not, it's a single lot.

President Musgrave: So, we're singling out the single lot?

Jeff Mueller: I'm notifying people because people have been wanting to be notified before. If nobody showed up to it, no, I wouldn't recommend it, but people want to know about it. I mean, it's been an issue with people, and I think people want to know what's going on.

President Musgrave: Alright, we have a motion and a second. Is there any further discussion? I call for a roll call vote.

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Madelyn Grayson: Commissioner Ungethiem?

Commissioner Ungethiem: Yes.

Madelyn Grayson: President Musgrave?

President Musgrave: I'll vote no.

(Motion approved 2-0. Commissioner Musgrave opposed.)

President Musgrave: Alright, do we have anything further on that?

Jeff Mueller: No, I'll just notify the developer, or the engineer for the developer that they've got to send a notification out.

President Musgrave: Okay.

### Hawthorne 2: Final Drainage Plan

**Update of Condition Placed by Board at December 6, 2016 Meeting**

President Musgrave: Now we move to the Hawthorne 2, final drainage plan, update of condition placed by Board on December 6th.
Jeff Mueller: Okay, as Mr. Ungethiem will remember, we approved the drainage plan out there, but there was some problems with the erosion control out there. We wanted them to get the erosion control under control, that sounds strange, before they moved ahead with their actual construction activities. The basis for that was the fact that in Hawthorne previously, there was a lake that's already there, the drainage from the subdivision goes to that lake, the new part goes to that lake, and we want to make sure that the water that's leaving the new section and going into a lake that's owned by existing homeowners is clean. The reason for that is we've already had a situation like that on the west side where we've had a person that had run off from a site that wasn't controlled very well, going to their lake. It resulted in the Indiana Department of Environmental Management and the U.S. Corps of Engineers being involved in it. We don't want another one of those situations. So, when we were out there before—

President Musgrave: Is it the same developer?

Jeff Mueller: Same, different developer, but the same potential. So, we what we wanted to make sure was that this developer did not go in and cause a muddy lake on people's property that he did not own. Okay? So, all we're doing is saying, get your site under control before you start doing anything else out there. Now, after that happened, I've got these out of order, and I apologize for that. You can see in the area in blue, this is the area that's the new subdivision. The original proposed plan is to put everything in this big lake (Inaudible) house is built around. The proposed plan does the same thing, which is allowed. Now since we talked to the developer and put this requirement, as you can see, a whole bunch of brown up there that's now straw, that was not the case before. There were several acres in which the ground was exposed. He's also went back and put rock check dams in, more areas that show it's been strawed, more areas that show it's been strawed, check dams, check dams where the water leaves the property. You can see both straw bales and the rock, and here again. So, what we're seeing is, where before there wasn't a very good effort out there, and we had received some complaints from people saying, I've got muddy water coming in, we've gotten the developer's attention to do what he's supposed to do in his storm water prevention plan. Okay? Now, as you are aware, or may not be aware, our office deals with storm water as far as the quantity is concerned. John's office, Mr. Stoll, deals with quality, but we work together on issues, and a lot of times we get the same complaints. John, do you want to get up and talk about this one a minute? John has not had the opportunity to be out there yet, but I know we were both planning on going to be out there Thursday. We're going to take our semi-weekly road tour of sites.

John Stoll: Back, the last time I was at that site, like Jeff said, the site was bare dirt throughout, there was no straw down. The erosion control measures had failed. I did issue a citation for erosion control violations on that site. So, Jeff called me when he was out there, he did say it looked substantially better. Like Jeff said, we'll go out there and verify that things look pretty good, and then we'll allow the storm sewer installation to proceed. The one thing that the downstream owners may still see muddy water coming off that site, it won't be entirely prevented, but the plan needs to be followed in order to minimize how much sediment does leave the site. So, we'll go out and verify that, and hopefully things still look good enough to allow the developer to proceed with his pipe installation.

Jeff Mueller: So, I guess, based on that, there's one of two things that could occur. We could report back to the Drainage Board, which would be in two weeks, or do you want to let John and I, if we're happy with the site, as far as the quality of the storm water system set up, to tell the developer he's okay to, he's met his condition and he's okay to move forward with installation of pipes? It's however you guys want to handle that.

President Musgrave: Sounds like you're doing a great job on that already. I'm perfectly confident with what you're doing.

Commissioner Ungethiem: I'm satisfied with you guys making that call.

Jeff Mueller: Okay. That's fine. That will help the developer too to know, you know, they won't have to wait almost two weeks to hear back. Okay?

President Musgrave: Good plan.
President Musgrave: Trilogy North, the status of the work there.

Jeff Mueller: Okay, I apologize, because I had the slides out of order. So, bear with me for just a second. This was another site that we...I’m going to restart this, give me one second here. Sorry about that. Okay, so on Trilogy North, there was a lot of work that they had not done out there, including the construction of the basin, and including the construction of the swale on the south side of the property. The basin finally got constructed, but they still didn’t have the swale constructed. These pictures were taken last week, and you can see, this is the swale along the south side of the property. They’ve got a little issue with their ditch eroding out, but they did get this constructed, which before it wasn’t. This again shows the ditch being constructed. This is the inlet to the basin, and the outlet to the basin is down there. As President Ungethiem, or I’m sorry, Mr. Ungethiem, Commissioner Ungethiem recognized before when they were doing the basin, they finally did get it strawed. It’s unfortunate they didn’t get this done a little earlier, and we would see some green coming up in there. So, we are getting a little erosion, but the basin’s been constructed now, and the swale’s been constructed now. We had told them two things, one was that until they got this work done we weren’t going to sign off on the certificate of occupancy. I feel that they’re in a lot better shape now. Number two, there was some discussion about fines, but we have gotten their attention. We had sent them a letter threatening them with fines. It’s up to the Board on whether they want to issue those fines or not, but, I mean, my main goal was to get the site under compliance. They’ve still got some, like I said, some straw work to do. That’s more under John’s area, but as far as physically getting things constructed, they’re in much better shape than they were.

President Musgrave: So, are you asking for a determination on fines tonight?

Jeff Mueller: I, you know, I don’t like to fine people unless we’ve just got to slap them to get them to go. We sent them a letter threatening them fines. It did get their attention. Sometimes we have to get in people’s pocket book, but it did get their attention, and more importantly it got things done too, because I know they are going to be wanting to have a sign off on their certificate of occupancy from myself, as well as several other people. I don’t have a problem now signing off on that certificate of occupancy for their main site. They’re still going to have some other buildings out there under construction. So, if they kind of fall backwards and don’t do quite as good, we still have that second issue that we can fall back on, but right now I would go ahead and, I guess what I’m saying is, I would go ahead and say it’s okay to issue the certificate of occupancy when they ask for it.

President Musgrave: Okay, so do you want us to vote on that tonight?

Jeff Mueller: Yes, if you don’t mind.

President Musgrave: Alright, the Surveyor has asked for us to go ahead and issue a certificate of occupancy.

Jeff Mueller: You would give me permission to sign off on it.

President Musgrave: Give him permission to sign off on that as the site issues have been rectified, and also not, to waive the fees that were in his earlier correspondence. Correct?

Jeff Mueller: We can waive the fees, or we can just leave the letter hanging out there with the idea that we could always assess some fines in the future.

Commissioner Ungethiem: I would make a motion that we approve that you go ahead and sign the certificate of occupancy for the buildings that—

Jeff Mueller: The main building.

Commissioner Ungethiem: --the main building that’s completed now, and that we leave the fine letter as is for right now, so that we don’t have to go back and do it later if we don’t have, or if we have non-compliance on the other buildings that are there.

Jeff Mueller: I think that’s a great idea.
Commissioner Shoulders: I second that.

President Musgrave: Alright, we have a motion and a second. Roll call vote.

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Madelyn Grayson: Commissioner Ungethiem?

Commissioner Ungethiem: Yes.

Madelyn Grayson: President Musgrave?

President Musgrave: Yes.

(Motion approved 3-0)

Blue Heron: Revised Drainage Plan

President Musgrave: We now come to Blue Heron, the revised drainage plan.

Jeff Mueller: Okay, we’ve got a lot going on out at Blue Heron. So, let’s do some of the easy issues first, if you don’t mind.

President Musgrave: Please.

Jeff Mueller: First we have one encroachment agreement and one variance, both for Lot 77. The encroachment agreement is in order, it’s been reviewed by Linda Freeman in my office. Linda is my encroachment agreement expert. Okay? The, it’s essentially what it is the lake maintenance and drainage on one of the retention ponds, these folks have a fence there. So, you’re signing off on the encroachment agreement to allow that fence there. The waiver is on basins. The basins are supposed to be at a 4:1 slope. The waiver request that they allowed to remain as is, which is about 3:1 or a little more shallow. I think part of it is 3.3:1. So, they’re not 4:1, but they’re in good shape. They can be mowed, and people don’t really want anybody coming back in there to do that little additional dirt work. So, in view of the fact that the basin looks good, nobody wants anybody to disturb it, and this one person, we’re going to have more of these waivers, but these are the first people to sign off on it. So, I would recommend that we accept the waiver and the encroachment agreement.

President Musgrave: Alright. Is there a motion?

Commissioner Ungethiem: Do we do these separately?

Joe Harrison, Jr.: I think you can do them together.

Commissioner Ungethiem: Okay, I make a motion to approve the drainage easement encroachment agreement and the waiver and release for the, let’s see this is for—

Joe Harrison, Jr.: Lot 77.

Jeff Mueller: Lot 77.

Commissioner Ungethiem: --Lot 77.

Jeff Mueller: Both of them.

Commissioner Ungethiem: At Blue Heron.

Commissioner Shoulders: Second.

President Musgrave: We have a motion and a second. Any further discussion? Roll call.

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Yes.
Madelyn Grayson: Commissioner Ungethiem?
Commissioner Ungethiem: Yes.

Madelyn Grayson: President Musgrave?
President Musgrave: Yes.

(Motion approved 3-0)

Jeff Mueller: Okay, second, the Board gave the County Engineer and myself a temporary approval authority over three projects within the subdivision once the proper paperwork was submitted. The first was for a drainage swale between Osprey and Bombay, which John and I approved, and then we brought to the Board for formal approval on December 6, 2016. The reason of the early approval was to allow them to go ahead and start working before a Drainage Board meeting. So, that happened, that project has been complete. This shows it. So, there was quite a bit of standing water there. It’s now built according to specifications, on top of that it has a French Drain underneath it. Okay? So, these pictures show that particular project. Okay? So, that one has been done. The second one, which is a pipe along Millersburg Road. Originally the pipe was supposed to be, I think around 100 feet, and then there was a request to make it 200 feet. My understanding is that the extra 100 feet was going to be paid by the adjoining landowner, but apparently the adjoining landowner and the developer are not in agreement on what that cost should be. So, then we’ve come back with them saying, well, we would like to just go back to the original 100 feet, but the adjoining landowner is saying the issue is going to be there when you try to get on my property and fix that swale, you’re going to be outside the easement and be on my property. So, I guess where we’re at right now is that we’ve got the two sides in disagreement. So, I don’t have anything to bring to you for approval. I know Mr. Lawson is here. He’s the landowner. Mr. Lawson, do you want to say anything about this? Until we have some kind of an agreement between the two parties, I don’t have anything to bring to you on this particular project, on this piece of the project anyway.

Bruce Lawson: Hello, my name is Bruce Lawson. I live at 7930 Pelican Pointe. I’ve been in front of this Board, this is the third time now. At issue is the second 100 feet that I am an advocate for having a pipe, rather than that open ditch along my property. At issue is the cost for that second 100 feet. I was originally told that it would cost anywhere from $2,000, and then $4,000 and then $4,500. I got a proposal from Mr. Bosma’s contractor for over $9,000, of which included the labor and the equipment that has to be there anyway, but expecting me to bear the responsibility of that labor and equipment cost, again when it has to be there anyway. I have spoken to Mr. Bosma’s attorney, Chris Wischer, and offered to pay $4,500 towards the cost of that second 100 feet, which would cover the pipe and the material that would be used for that second 100 feet. I have not received a response back from them one way or another. I made that offer to Mr., to attorney Wischer back on December 19th. I had not heard from him, I tried calling him this morning, left a message, he tried calling me, I wasn’t there. So, that’s basically where that stands right now, is we’re at odds over the cost of the material, excuse me, the cost of the labor and the equipment for that second 100 feet. So, that’s my position.

Commissioner Ungethiem: So, you’re proposal at this point in time is you pay for $4,500 of—

Bruce Lawson: Of a little over $9,000 cost.

Commissioner Ungethiem: -- that they estimated was $9,000?

Bruce Lawson: For the second 100 feet of pipe.

Commissioner Ungethiem: Right.

Bruce Lawson: That’s correct.

Commissioner Shoulders: Bruce, where did you first hear it was two, then four, then $4,500?

Bruce Lawson: One of the employees of Mr. Bosma’s contractor thought it might be in that range.
Commissioner Shoulders: Okay, it was from Bosma’s? Okay.

Bruce Lawson: Correct. That’s correct. I have since talked to another excavation contractor, and without getting a firm quote from him, he thought the $9,000 for the second 100 feet was a little over priced, but he thought that my offer of $4,500 for the cost for the pipe and the rock, under and above, is certainly within reason.

Commissioner Shoulders: Okay.

Bruce Lawson: But, I guess, to add this comment, that is my property. I know that that easement is on my property, but since September nothing has been done to that piece of property, and it continues to erode every time it rains. I do urge this Board to try and push this along so that we can get resolution to this.

President Musgrave: What would you suggest we do?

Bruce Lawson: I guess it has to be worked out between myself and Mr. Bosma, or his contractor. Short of an agreement between that, I don’t know, because I will not let them on my property. This lot was sold to me by Mr. Bosma, and I never knew about any of this work that had to be done. Apparently he was required to have this work done for quite some time, long before we bought this lot.

Commissioner Shoulders: But, you don’t know for sure if, you reached out to Mr. Wischer on 12/19, 15 days ago and you haven’t heard back to know for sure if he’s receptive to the $4,500?

Bruce Lawson: The message he left for me today was that he’s not been able to get with Mr. Bosma to either accept my $4,500 contribution or not.

Commissioner Shoulders: Since the 19th when you sent the proposal?

Bosma: Since December 19th, that’s correct. I talked to Chris Wischer on December 19th.

President Musgrave: Mr. Bosma, would you like to respond? Mr. Bosma?

Alan Bosma: Yes?

President Musgrave: Would you like to respond? You have to come to the microphone though in order to do it.

Joe Harrison, Jr.: He may not want to.

President Musgrave: I feel I should give him the opportunity.

Joe Harrison, Jr.: If he wants to.

Alan Bosma: I really don’t understand a lot of this in a way, because we go back and forth, back and forth. It’s a pretty simple process. We tried to talk to him, he wants it all, first off he come in and he said I’ll pay for the other 100 foot, and I’ll pay for it, no problem. We said okay, then he turned right back around, turned around and all of my crew was sitting there and he cussed everyone of us out, right there on the job site. I’m like, wait a minute, this is a simple process. Why are we not finding out what we’re wanting to do here? For one, Mr. Lawson, you didn’t buy that lot from me, you bought it from another person.

Bruce Lawson: No, I bought that from you. Go back and look at your records. I bought Lot 80 from you.

Alan Bosma: Lot 80 maybe, the other lot, no. But, I mean, it’s time to get this, I want to get it done, I want to get it out of there. We’ve done ace in the hole on everything else. I’ve been to every meeting, I’ve done everything I was supposed to do. All we’re structured to do is put 100 foot out there, and he’s not willing to even come to bat. If he wants to get somebody else to do his other 100 foot, that’s fine with me, but, I mean, I don’t know. Maybe we just didn’t get to sit down and talk about it, but it doesn’t seem like he wants to, I mean, he wants it all his way, and with everybody else, everything in Blue Heron has been more than satisfied. We’ve had no problems. This is the only thing is that right there.
Commissioner Ungethiem: Is there any reason that the first 100 feet could not be installed and completed while we figure out what is going to happen with the second 100 feet.

Alan Bosma: Yeah. Yes, yes.

Jim Morley, Jr.: Can I speak to that for a second?

Alan Bosma: Yeah, go ahead.

Jim Morley, Jr.: Jim Morley, Jr., Morley and Associates, Project Engineer. So, just a brief summary, because a couple of you folks weren't here for the first part. The process along Millersburg Road was originally approved as an open ditch. The open ditch, when it was installed, was installed in the easement and all of that stuff. Then, over the years, as this project happened, there was some silt that built up in the ditch, and when that ditch, to get that ditch accepted we had to clean the ditch out. When the ditch, when the silt was taken out of the ditch, when the ditch was cleaned out, it affected the side slopes that went up on to Mr. Lawson's property. So, that is, I guess, maybe a little bit of a source of that's kind of where the rub started, if you will. The ditch bank had to be sloped up on to Mr. Lawson’s property. I was called out to a meeting there a couple of months ago, I don't remember how long. Mr. Lawson was there, the excavator was there, or the contractor was there, Mr. Bosma was there, and at that meeting, I sure walked away from that meeting with the understanding that Mr. Bosma agreed to install a pipe for basically the first 100 feet of that lot, which is the useable portion, the back portion is all in a drainage easement and a lake maintenance easement. Mr. Lawson said that that would be fine. Then he would allow for an open ditch beyond there. I later got called out to a meeting out there, and there was discussion of Mr. Lawson paying for another 100 feet of pipe to be put in, and I remember saying that's fine, but that's something that you'll need to work out between you and Culberson is the contractor out there. I said you’ll want to work that out with them directly. I said I really would like for you guys to work that out prior to us revising the drainage plan, because I either want to show the revised drainage plan with 100 feet of pipe, or with 200 feet of pipe. I said, I don’t want to show it both ways. So, it appeared that they had come to, that they were going to come to an agreement, so we went ahead and submitted the initial revision with 200 feet of pipe on it, with the intent that Mr. Bosma was going to pay the first 100 feet and Mr. Lawson was going to pay the second 100 feet. Evidently the contractor for Mr. Bosma underestimated the cost of that pipe when he told Mr. Lawson up front $2,000, $4,000 whatever that cost is. So, now, when the price came back in higher than what Mr. Lawson originally had expected, and he said, well, I’m not going to pay for that pipe. So, then we took that 100 feet of pipe off, and resubmitted that plan as another revision, to go back to the 100 feet of pipe, because that’s what was agreed upon that day in the field. The cost, I don’t disagree that there is cost involved in reshaping a ditch, I don’t disagree with that one bit, but the, to put a pipe in that ditch costs more than just the cost of the pipe and the cost of the rock underneath it. You have to, the backfill process on the pipe is different, the trench they cut for the pipe is different, I mean, so it is a more detailed construction process to put a pipe in that ditch than it is just to open that ditch up. So, yes, I would agree that that last 100 feet of ditch isn’t going to get shaped for free. I don’t disagree with that at all, but to say all of the equipment is on site and he’s already there, the cost of installing a pipe is not the same as the cost of straightening out a ditch. So, yes, I don’t disagree there’s some increased costs, you know, to me there’s a cost of the pipe material, there’s the cost of the rock material, and there’s the increased cost of the construction labor required to put a pipe in the ground, versus just opening up a ditch and laying the banks back on the ditch. So, I don’t really know where that leaves them. I mean, we have, Mr. Lawson wants to get the work done. We provided a plan, actually provided two plans, but then Mr. Lawson will not let the developer on the property to do the work. Yes, we can put the first 100 feet in, but the, when we get to the end of the 100 feet, if the pipe stops there, it's a flared end section and rip rap and grading and such. Which, to be honest with you, you wouldn't want to put that pipe on, put that flared end section on, put all of the rip rap in and then two weeks later go in and take that flared end section off and take all of that rip rap out just to extend the pipe. So, Mr. Bosma and Mr. Lawson are at a bit of an impasse, so to speak, of how to move forward, because the truth is probably neither of them feel like they're being treated fairly from a financial standpoint.
Alan Bosma: We had to buy the box, it’s a new box, it was designed by the city, which is fine. We decided, you guys decided, because you did, and let us okay that, correct? They okayed the manhole that we had to put this pipe in, because it’s a new pipe. This pipe is a what—

Jim Morley, Jr.: I think it’s a 30 inch.

Alan Bosma: -- a 30 inch pipe.

Jim Morley, Jr.: They didn’t have the size pipe we needed in stock.

Alan Bosma: So, I mean, your pipe is going to be this big around, you know. So, I mean, there’s a lot of material that’s going in all around this pipe, and putting in, and you’ve got to tamp it in, you’ve got to put it in. I’m just going by what my contractor tells me. They do it all the time. I mean, you can get different bids from everybody, but, I mean, this is a guy I’ve been using, and Culberson does a great job. He’s done a fantastic job on everything in Blue Heron. You know, we just have to work with it.

President Musgrave: So, the issue before us is which plan to accept? One with a 100 foot pipe and a swale, or?

Commissioner Ungethiem: The current drainage plan, you said you revised it back to the 100 foot pipe right now?

Jim Morley, Jr.: Uh—

Commissioner Ungethiem: So, the current drainage plan, as it’s submitted, is a 100 foot pipe with the flare end and rip rap?

Jim Morley, Jr.: That’s my understanding. Jeff, would you agree with that? That’s what we’ve submitted most recently.

Jeff Mueller: I don’t know that we’ve actually gotten either approved.

President Musgrave: Jeff, could you come to the microphone?

Jeff Mueller: Yeah.

Jim Morley, Jr.: Yeah, and when I, I asked—

Jeff Mueller: If we’re talking approved plan, we’re open ditch.

President Musgrave: So, are they both before us then?

Jeff Mueller: I am not putting anything before you, because I’m in the same boat as I think you all are, I’m a little bit confused on what’s to be done. So, and my situation is even further in the fact that we have someone who’s, you know, we’ve got, do you put 100 foot in, do you put 200 foot in, do you put nothing in? But, the other issue is, when subdivisions get built and work isn’t done up front, you get into issues about who has a right-of-entry on a drainage easement when the work wasn’t completed. That’s the other issue that’s staring this in the face, which is where Mr. Lawson is coming from is that it is his property. So, that’s why it would be best if both sides could get together and something could be resolved, so that I can come up here with a plan to give you all that everybody feels comfortable with, and we’re not going to end up in a lawsuit somewhere.

President Musgrave: Well, let me just ask the parties, do you intend to come to agreement?

Alan Bosma: I think we will somehow.

President Musgrave: In that case then, we won’t discuss this particular aspect any further tonight. We’ll look forward to seeing you at a later date on this particular issue, but I think you did say that the drainage swale between Osprey and Bombay is good to go?

Jeff Mueller: That one is complete. That’s one that the Board gave us permission to approve so that they could work ahead, and then that’s one that we actually brought in to the Board. So, it’s been, the design work was approved by John and I, and then followed up with the Drainage Board. So, the only thing would be, on a lot of these issues things
are done, but, you know, we’ll still be going back for a final check on the letter of credit when all of this work is done.

President Musgrave: Do you need us to vote on the drainage swale between Osprey—

Jeff Mueller: No, it’s already been voted on.

Commissioner Ungethiem: It’s already been voted on.

President Musgrave: Alright. So, we’ve done two votes already, you’ve explained the issue with these two, or with one of these two. Is there more?

Jeff Mueller: Okay, yes.

Commissioner Ungethiem: What I would like to do is get a commitment from both parties of timing on when this would be resolved. I don’t want this to go on forever. Is 30 days enough?

Bruce Lawson: Sir, I’ve already made an offer to his attorney.

Joe Harrison, Jr.: Understood.

Commissioner Ungethiem: We understand.

Bruce Lawson: I haven’t heard back from him yet.

Commissioner Ungethiem: But, you guys need—

Bruce Lawson: I want it done as soon as possible. My property continues to wash away every time it rains. On that photo up there, a majority of that slope on the right hand side is my property. That was cut without my permission. So, if we can’t come to an agreement, then I’m going to ask for my property to be put back just as it was. So, but, yes.

Commissioner Ungethiem: Again, I ask the question, is there a time frame that we could say that we either have an agreement or we’re at an impasse?

Bruce Lawson: Correct.

Commissioner Ungethiem: Within the next—

Bruce Lawson: 30 days.

Commissioner Ungethiem: —30 days appropriate for both of you?

Bruce Lawson: Yes.

Commissioner Ungethiem: Okay.

President Musgrave: And at the end of 30 days we’ll vote on one plan or the other?

Commissioner Ungethiem: Yes.

President Musgrave: Okay. Alright, sounds good.

Joe Harrison, Jr.: February 7th, and if you happen to work something out before then, we have a meeting on the—

Jeff Mueller: 24th.

Joe Harrison, Jr.: --of January.

President Musgrave: We would sure like to know in advance in order to avoid a drawn out discussion again on the public record, okay?

Jeff Mueller: Okay.

Commissioner Shoulders: Thanks.

President Musgrave: Mr. Mueller, continue please.
Jeff Mueller: Okay, another thing we’ve got over there is a pipe, this one is going to be a little easier, excuse me while I find my notes here. Okay, the third project was for the relocation of a pipe on Lot 48 and 49. This was submitted on December 2, 2016. The landowner of Lot 48 works out of town, he originally had some concerns about the installation and there were changes that were made and addressed. So, you have in your packet an email from the landowner addressing his comments, which is essentially saying that he had no objections to the proposed plan. So, therefore there’s a single drawing that’s dated December 2, 2016 for the pipe on these lots. That would be the relocation of this pipe, that is being submitted for your approval.

President Musgrave: Is there a motion?

Commissioner Ungethiem: I have a motion to approve.

Commissioner Shoulders: Second.

President Musgrave: Any discussion? Roll call vote please.

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Madelyn Grayson: Commissioner Ungethiem?

Commissioner Ungethiem: Yes.

Madelyn Grayson: President Musgrave?

President Musgrave: Yes.

(Motion approved 3-0)

Jeff Mueller: Finally, there’s one other issue and that’s on Lot 56. This is the lot that the Board released. As you may recall, we withheld any further development out there on the lots owned by Mr. Bosma until we got some things done. The Board decided that, at a previous meeting, that they were going to release that lot. They have a request of you. Did you bring some copies? I’m going to let Mr. Morley explain to you what he is requesting.

Jim Morley, Jr.: Jim Morley, Jr., Morley and Associates. At the last meeting, or a meeting ago, the Lot 56 was released to be able to be sold to a buyer, and then that money was going to be put into a trust fund or escrow account or whatever, to be used for, or to pay for all of these drainage improvements. So, that was great and we appreciated that. The person purchasing the lot wants to know what elevation that house has to be built at prior to them closing on the lot. Where this comes into this room is that they are basically at the end of a cul-de-sac, and there was an emergency overflow swale that came out of the roadway that did not get installed originally, and now there are utility boxes and utility lines all over the place where it was supposed to be installed. So, we have recommended moving that emergency overflow swale to the end of the cul-de-sac, and when we do that, typically the way emergency overflow swales are set up is, you know, water can break through those if the road ever floods or whatever. That will affect the finished floor elevation of the house that would be built on Lot 56. So, we have requested that the finished floor elevation of that house be set 18 inches above the emergency overflow. Which means, in theory, water could be flowing over the top of the curb and through these
emergency overflow 18 inches deep before it would ever come to the house, the finished floor of the house, assuming they built it at the minimum. So, we've submitted that, and I think Jeff and John have both reviewed that, and we're asking for approval of that elevation so that the buyer knows what elevation he has to build his house at, and then therefore can close on that property, therefore transferring money into the account to pay for drainage improvements.

Commissioner Ungethiem: Question, why 18 inches? I think on buildings that are built in floodway or floodplain, terminology might be different. I think it's two feet above?

Jim Morley, Jr.: Yes, a house is typically set two feet, the flood protection grade is two feet above the 100 year floodplain. When we looked at kind of normal circumstances in subdivisions that aren't out, that aren't inside the 100 year floodplain, 18 inches was a pretty common elevation above the (inaudible). So, to be 100 percent honest with you, no huge engineering reason why it was 18 versus 24. We felt like 12 was too low, we felt 18 was sufficient. We felt 24 was higher than it needed to be. The house, there's an existing house there, so if you look at, on this sheet right here, what we did to help set those elevations is we went out and we shot the finished floors of all of the houses in the area that would be affected, because we didn't want to set an emergency overflow that was so high that it would flood out an existing house or something like that. So, the existing house here, let's see, it is set 1.35 feet above the new emergency overflow. The house up here is set 1.7 feet above the emergency overflow, but the truth of it is, is the limiting factor is the house here, on Lot 54, it would be the lowest in the entire cul-de-sac. So, the elevation we have proposed for this house is higher than an existing house, not because we think the existing house is going to flood, we were just trying to round up, so to speak.

Commissioner Ungethiem: Okay.

Joe Harrison, Jr.: What does Jeff think?

Commissioner Ungethiem: Jeff, do you think 18 inches is sufficient?

Jeff Mueller: Let me back up, so we go a little farther here. The street goes like this, and this is the low point of the street, and then it goes back up in the cul-de-sac. So, there's a drain right here. So, if that drain gets clogged, the original plan was this water would then run through here. Because of the construction of houses and fences and everything else, this is quite a bit higher than what's required. So, the alternative plan is to put in a swale here. So, if this would get clogged, the water would back up, but then eventually would run through there. Okay? Now, one of the issues is the fact that you have a house here, you've got a lot over here, so this lot owner we would like to see a waiver from, or like to see that they're fine with it, because if not, then they're going to have to go back to this plan. I guess, the way I feel about the whole thing is, whether they want to build a house at whatever elevation, it's done at their risk. Because until we know whether it's going to be here, or if this doesn't work it's going to be back here, you know, we don't have a solid plan yet, because we don't know if this landowner here is going to sign off on what's being proposed. This house is going to be above it, this pipe is going to drain most of the time. It's going to take one heck of a storm and a lot of debris to clog this up and for the water not to go there, but it's not usually a situation where we are approving floor elevations.

President Musgrave: Did you bring this up with Mr. Morley prior to the meeting?

Jeff Mueller: We have been talking to his engineer before, yes. This is not, like I said, this is, if they want to build the house and build it high enough that it's going to, the swale is going to work, that's they're risk, but I don't know that we should be—

Joe Harrison, Jr.: I agree.

Jeff Mueller: --yeah, Mr. Harrison, you know, I don't know that we should be doing this. Especially since we don't know what's going to actually occur out there, because we still are waiting to hear what's going to happen down at this end of the subdivision, as far as other folks.

President Musgrave: Mr. Morley, our attorney is advising us not to take you up on your offer of setting a minimum floor, I mean, a minimum elevation here.
Jim Morley, Jr.: I think that's fine with us. We were under the impression that this was something that we had to do as part of our amended drainage plan, because it deals with an emergency overflow that was set as part of the original subdivision. I will say, and I didn’t know that, could I run the mouse from here?

Jeff Mueller: Yeah.

Jim Morley, Jr.: There we go.

Joe Harrison, Jr.: I wouldn’t have a problem if it was 24.

Jim Morley, Jr.: Commissioner Ungethiem, you had asked about the 100 year floodplain, if you look on that piece of paper, on Lot 56, the flood protection grade is the two feet above the 100 year floodplain. So, we're actually putting an elevation on there six inches above that. So, relative to the 100 year floodplain, we’re six inches above that. We felt it was safe to the extent that if when the emergency overflow is approved or not approved, I'm assuming that it would be approved based on this existing house here, because it's the lowest house in the cul-de-sac. So, if we suggest an elevation three to four tenths above that house, to me that is the controlling house. So, I wouldn't think you would approve or not approve something based on a house that three or four tenths above an existing house. I would assume that any changes in that cul-de-sac all rest right on top of that house, that existing house, and its elevation.

President Musgrave: Okay, well your comments are on the record, but I don’t see an appetite to take action here tonight.

President Musgrave: Okay, so do we not need to have it? I’m just trying to understand, because I was under the impression we had to come here for this.

Jeff Mueller: I mean, we don’t have a drainage, we don’t have anything to approve out there, because we still don’t have the waiver on the other lot. So, the way I look at it, you’re building it at your own risk, as far as the elevation.

President Musgrave: Okay. Is that all?

Madelyn Grayson: Jim, do you have an extra copy of that document for the record?

Jim Morley, Jr.: Yeah, yeah I do.

President Musgrave: Mr. Mueller, is that all for this evening?

Jeff Mueller: No, we still have claims.

President Musgrave: Alright. Is there any other business before we get to the ditch maintenance claims?

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Jeff Mueller: Okay, you’ve got ditch maintenance claims. You have 29 ditch claims from nine vendors totaling $8,974.88. You’ve got a summary spreadsheet that shows those.

President Musgrave: Okay.

Jeff Mueller: All of those claims, except for two, are for the 15 percent retainage that we withhold on all payments for 60 days. I know there’s no signature stamp available, because we have some new members. I didn’t know, I mean, tonight, I guess you’ll have to sign the claims.

President Musgrave: Oh, no.

Jeff Mueller: But, I didn’t know in the future what you all wanted to do. In the past Madelyn has had a stamp that she stamped them. Is that a policy you want to follow? Or do you want to sign claims?

President Musgrave: I believe Ben and I want to Madelyn’s life as easy as possible.

Joe Harrison, Jr.: As long as they get approved, they can be stamped after the meeting.
President Musgrave: That's what you're gonna—

Jeff Mueller: Okay, that's fine. I'm not signing anything. Well, I already signed all of them.

President Musgrave: Alright, so do you want a motion to approve?

Jeff Mueller: Yeah, just a motion to approve.

Commissioner Ungethiem: I make a motion to approve the ditch claims for the Board meeting of January 3.

Commissioner Shoulders: I second to sign 29 times.

President Musgrave: Roll call vote please.

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Madelyn Grayson: Commissioner Ungethiem?

Commissioner Ungethiem: Yes.

Madelyn Grayson: President Musgrave?

President Musgrave: Yes.

(Motion approved 3-0)

Public Comment

President Musgrave: If there's no other, no public comment?

Jeff Mueller: Did you have, this gentleman here.

President Musgrave: Sir? Please state your name and address for the record.

Lenox Rand: Lenox Rand with Trilogy Health Systems. I'm actually with Ramsey Development. I just want to appreciate coming before you and to thank you for the recognition of the work and the action on the fines. I do have a question about the letter, that being left open. It was a dated letter, and it was after 30 days fines would be $100 a day. If that is left open, I foresee no problems whatsoever, but if that is left open is there a situation where we would back date back to the 30 days after that letter?

Joe Harrison, Jr.: I don't think that's been addressed yet, if I may speak. But, I think Mr. Mueller will come to us, come to this Board at some point and say, everything is fine.

Jeff Mueller: I'm hoping to.

Joe Harrison, Jr.: And hopefully that will take care, and he can mention that we've, he recommends possibly if that's his intent and his comment to the Board, that they will then discontinue any thought about fines.

Lenox Rand: Okay. The only reason I ask is this is kind of a two phase development, and where he was talking about the main building and approving the certificate of occupancy whenever requested, that the second phase is The Villas, and that there would still be those certificate of occupancies that would need to be required, that that would be—

President Musgrave: Well, I would hope that we would finalize all of the business before you get to your second phase. I would like to see this wrapped up, so that it's not left hanging over his head, okay?

Lenox Rand: Yeah, and that's, I mean, that's where we're at. We're in the second phase. The main building is done, and we're actually going to be asking for, we've already gotten
the final approvals from plumbing, HVAC and we’re going to be looking for his approval so that we can get our final certificate of occupancy within the next couple of weeks.

President Musgrave: Okay, I expect him to, I fully expect him to come back and withdraw his letter, essentially.

Lenox Rand: Okay.

President Musgrave: Okay?

Lenox Rand: Alright, just wanted to make sure.

President Musgrave: Alright, any other comments?

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Adjournment

President Musgrave: If not, is there a motion to adjourn?

Commissioner Ungethiem: So moved.

Commissioner Shoulders: Second.

President Musgrave: Roll call?

Commissioner Ungethiem: We can do that by voice.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: We’re done.

(Motion approved 3-0)

(The meeting was adjourned at 5:07 p.m.)

Those in Attendance:

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<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>Bruce Lawson</td>
<td>Alan Bosma</td>
<td>Jim Morley, Jr.</td>
</tr>
<tr>
<td>Lenox Rand</td>
<td>Others Unidentified</td>
<td>Members of Media</td>
</tr>
</tbody>
</table>

VANDERBURGH COUNTY
DRAINAGE BOARD

_______________________________
Cheryl A.W. Musgrave, President

_______________________________
Ben Shoulders, Vice President

_______________________________
Bruce Ungethiem, Member

(Recorded and transcribed by Madelyn Grayson.)