The Vanderburgh County Drainage Board met in session this 8th day of January, 2019 at 3:58 p.m. in Room 301 of the Civic Center Complex with Commissioner Ben Shoulders presiding.

<table>
<thead>
<tr>
<th>Call to Order</th>
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<tr>
<td>Commissioner Shoulders: At this time we are going to commence the Drainage Board for January 8, 2019.</td>
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<tr>
<th>Attendance Roll Call</th>
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<tr>
<td>Commissioner Shoulders: Madelyn, call to order please.</td>
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<tr>
<td>Madelyn Grayson: Okay, let’s see how we’re going to do this.</td>
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<td>Commissioner Shoulders: Or, roll call.</td>
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<td>Madelyn Grayson: We’ll do, Commissioner Hatfield?</td>
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<tr>
<td>Commissioner Hatfield: Here.</td>
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<tr>
<td>Madelyn Grayson: Commissioner Musgrave?</td>
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<tr>
<td>Commissioner Musgrave: Here.</td>
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<tr>
<td>Madelyn Grayson: Commissioner Shoulders?</td>
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<td>Commissioner Shoulders: Here.</td>
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<table>
<thead>
<tr>
<th>Pledge of Allegiance</th>
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<tr>
<td>Commissioner Shoulders: And if you could join me in the Pledge of Allegiance.</td>
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<tr>
<td>(The Pledge of Allegiance was given.)</td>
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<table>
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<tr>
<th>Approval of the December 8, 2018 Drainage Board Meeting Minutes</th>
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<tbody>
<tr>
<td>Commissioner Shoulders: Okay, at this time, we ask for a motion to approve the previous monthly minutes.</td>
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<tr>
<td>Commissioner Musgrave: So moved, and you have to second it.</td>
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<td>Commissioner Shoulders: And I will second the motion. So, all in favor please say aye, in reference to approval.</td>
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<tr>
<td>All Commissioners: Aye.</td>
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<td>Commissioner Shoulders: Any opposed same sign.</td>
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<tr>
<td>(None opposed)</td>
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<tr>
<td>Commissioner Shoulders: The motion passes.</td>
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<tr>
<td>(Motion approved 3-0)</td>
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</table>
Election of Officers for Drainage Board for 2019

Commissioner Shoulders: At this time we will do the election of officers for the Drainage Board.

Commissioner Musgrave: I would like to make a motion that Jeff Hatfield be the President and that Ben Shoulders be the Vice President.

Commissioner Shoulders: I will second the motion of Commissioner Hatfield being President of the Drainage Board in 2019, and myself serving as the Vice President of Drainage Board. So, all in favor please say aye.

All Commissioners: Aye.

Commissioner Shoulders: Any opposed same sign.

(None opposed)

(Motion approved 3-0)

Commissioner Shoulders: I will, at this time, pass the gavel to Mr. Hatfield.

Schedule of Meeting Dates & Times for 2019

President Hatfield: Okay, our first order of business is to approve the schedule of meeting dates and times for 2019.

Commissioner Musgrave: So moved.

Commissioner Shoulders: I will second the motion.

President Hatfield: Do we need roll call votes, or can we do it—

Commissioner Shoulders: I think on, well, Jeff, what are you comfortable with?

Jeff Mueller: Whatever, I just did want to point out that you did pass a resolution, and the dates that you are proposing are what was in that resolution. That covered all, it covered—

Commissioner Shoulders: The dates you’re talking about?

Madelyn Grayson: It covered Drainage Board and rezonings as well.

Jeff Mueller: Drainage Board, rezoning and all of that was in that resolution that the Commissioners passed.

Commissioner Shoulders: Why don’t we do a roll call then? Don’t you think on that?

Commissioner Musgrave: (Inaudible) them out.

Madelyn Grayson: Did we have a motion already?

Commissioner Musgrave: Yes.

Madelyn Grayson: Okay. And, Ben, you seconded it?

Commissioner Shoulders: I seconded, yeah.

Madelyn Grayson: Okay. Commissioner Shoulders?

Commissioners Shoulders: Yes.

Madelyn Grayson: Commissioner Musgrave?

Commissioner Musgrave: Yes.

Madelyn Grayson: President Hatfield?

President Hatfield: Yes. Let it show three to nothing approved.

(Motion approved 3-0)
Permission to Use Signature Stamp for Approved Ditch Claims

Jeff Mueller: Permission to use the signature stamp for approved drainage claims. As in the past, once the drainage claims are approved, the Board’s Secretary uses a signature stamp on the claims. Every year at this time the request is made, especially when we have new Commissioners, for approval to continue this practice. So, I’m requesting, on behalf of the Board’s Secretary, for approval to use a signature stamp upon approval of payment of any claims.

Commissioner Musgrave: So moved.

Commissioner Shoulders: I will second the motion.

President Hatfield: All of those in favor say aye.

All Commissioners: Aye.

President Hatfield: All of those opposed?

(None opposed)

President Hatfield: The motion carries.

(Motion approved 3-0)

Discussion of Urban Flooding Findings

Jeff Mueller: Next is a discussion of urban flooding planning, urban flooding findings. I’ve placed in your packet a report entitled, “The Growing Threat of Urban Flooding: A National Challenge of 2018”. The report was done by Texas A&M and the University of Maryland. Which this is interesting, since, as we can all recall, the flooding that occurred in Houston, and you may also recall the flooding in Ellicott City, Maryland. That one, kind of, was even more interesting to me, since ten years ago I looked at moving to Ellicott City, Maryland.

Anyway, I’m telling you that I’m still reading this report myself, but I wanted to bring it up so that you, because everybody around gets a false sense of security that because we have regulations that we may be safe from flooding. A prime example that we always look at is the 100 year flood maps, and as the report states, in Ellicott City, Maryland in 2018 they were hit with the second of a thousand year rainfall event within a two year time period. So, we can talk about all of these flood events, but in the end, there’s no such thing as a perfect storm. It’s just a storm that hasn’t hit you yet. So, there’s a report there, it’s pretty interesting, and like I said, I’m still reading it, but it’s something that I just thought—

Commissioner Musgrave: We got a visit from some folks from IU last year, and they’ve set up an office to actually study the environment, or maybe they were just doing outreach.

Jeff Mueller: Uh-huh.

Commissioner Musgrave: And, I know that they are planning, or perhaps have already issued some reports that talk about the impact of climate change upon Indiana. Maybe we can remember who those folks were, and let you know, because I think you would really like to talk to them.

Jeff Mueller: Yeah, and what we’re hearing, and they’re all at conferences is that, let’s throw away the argument of whether, you know, who’s causing what. In the end, the weather is changing, and in the end, what we are seeing is we are seeing different types of storm events than we used to historically. We’re seeing events on a more, maybe not as frequent basis, but we’re seeing some very intense events that come along, and that’s one of the problems that we see. A good example was here two years ago when we had a storm here in Evansville that was an inch and a half, but farther up in Dubois County when the water came down, they had nine inches of rain. So, you know, we’re seeing some crazy rainfall events that I don’t think we’ve seen in our lifetimes before. And, so, that’s the one big discussion that’s out there now, is these intense rainfall events that are coming about. And, even questions about, when you hear people talk about ten year storms, or 100 year storms, there may be a move to change those numbers.
Commissioner Musgrave: Good.

Jeff Mueller: So, and just for historic, a ten year storm in this area, 24 hour is 4.6 inches, I believe, and for a 100 year, I think it’s 5.6 or 5.7. Don’t trust my memory exactly, but anyway that’s kind of roughly what it is. So, but anyway I wanted to give you that, and just it’s some interesting reading, if you’re having trouble falling asleep at night.

**Encroachment Agreement: Cambridge Village, Phase II**

Jeff Mueller: Next moment of business, encroachment agreement for Cambridge Village, Phase II. You have in your packet a request for an encroachment within a lake maintenance and drainage easement, for the purpose of constructing a retaining wall along a lake located within Cambridge Village. Both John Stoll and I visited the site, and I, I’m speaking for John as well, he’s headed to the Aces game here pretty soon, have no issues with the encroachment and the proposed wall. I would like to point out that the request for approval, if you would, make that contingent upon them, us receiving the check for the recording fee. So, I’m asking for a motion for approval of that agreement.

Commissioner Musgrave: So moved.

Commissioner Shoulders: I will second the motion.

President Hatfield: Just to catch me up—

Jeff Mueller: Okay, sure.

President Hatfield: --this was prepared by Joe Harrison, Jr.?

Jeff Mueller: Yes.

President Hatfield: And, you have gotten signatures from, is it Tom O’Niones?

Jeff Mueller: Yeah, I believe so, that’s the homeowner, yes.

President Hatfield: Yeah, and so, kind of just, in English tell me what we’re doing?

Jeff Mueller: Okay, so—

President Hatfield: I mean, I heard what you said, but just expand on that.

Jeff Mueller: So, let’s go back. So, any drainage easement or lake maintenance easement that’s on a plat that says that you shall have the permission of the Drainage Board before you do anything in that.

President Hatfield: Okay.

Jeff Mueller: So, in this particular instance, there’s the lake easement, and they want to put a retaining wall there, instead of having it slope down. When they first showed us this, as a matter of fact, the drawing they gave us actually showed a pipe being blocked, coming off the street, but that was a mistake on their part. They now have it so it’s not shown that way.

President Hatfield: Okay.

Jeff Mueller: So, what you’re doing is you’re saying it’s okay for you to put that retaining wall within that easement.

President Hatfield: Okay.

Jeff Mueller: You’re giving them permission to do that.

President Hatfield: And, knowing you, you approve of this? You’re fine with this?

Jeff Mueller: I wouldn’t, yeah, I’m always going to bring these, if I have a problem with it, I always will bring them to you—

President Hatfield: Right.

Jeff Mueller: --but, I will tell you if I have a problem with them.
President Hatfield: Okay, I was counting on that.

Jeff Mueller: Because I was, as I’ve told people before, I am only your technical advisor.

President Hatfield: Right.

Jeff Mueller: And, you know, people say, well, you know, whatever you say goes.

President Hatfield: Uh-huh.

Jeff Mueller: And, it’s like, no, it’s not.

President Hatfield: Right.

Jeff Mueller: And, I’ll bring stuff before—

President Hatfield: Right.

Jeff Mueller: --I may say don’t do it, and I’m not going to, if you guys override me, that’s your—

President Hatfield: Sure.

Jeff Mueller: -- privilege of office.

President Hatfield: Okay, thank you, Jeff.

Jeff Mueller: But, yeah, we’ll review these things all of the time. And, actually, Linda, one of her jobs, I give her the job of going through these things.

President Hatfield: Okay.

Jeff Mueller: So, after she makes sure the “i’s” are dotted and the “t’s” are crossed, and that signatures are right and everything like that.

President Hatfield: Okay. Does this need a roll call vote? Or acclamation? Okay, all of those in favor say aye.

All Commissioners: Aye.

President Hatfield: All of those opposed?

(None opposed)

President Hatfield: The motion carries.

(Motion approved 3-0)

President Hatfield: Thank you, Jeff.

Jeff Mueller: And, I’m sorry, one other thing I did want to bring up was that at one time we used to have, in this agreement, that the county would be listed as additionally insured, and we got so much push back from insurance companies on that, and then plus the other issue was, we would get these insurance statements every year showing that we were still doing it, and who was tracking all of this stuff. Finally, Joe said, it really, as far as he was concerned, it didn’t need to be on there anymore. So, the agreement was changed last year to drop that requirement of the naming us as additionally insured.

David Jones: Was there any consideration given to just having some indemnity language? That you indemnify the county for any damage that happens to the county?

Jeff Mueller: I don’t know that, but if you would, I mean, I’m more than fine with you wanting to look at this agreement. We can change it and put a new one out there.

David Jones: That’s an alternative to insurance.

Commissioner Shoulders: That’s a good point.

President Hatfield: Yeah, I will tell you, in my line of work, it’s not uncommon for corporations to ask for hold harmless’ and indemnity clauses, to protect—
Jeff Mueller: Uh-huh.

President Hatfield: --you know, I would be very in favor of Jones Wallace looking into new language that would give a level of protection to the county for that.

Commissioner Shoulders: Do we need a motion for that?

Commissioner Musgrave: Well, then, in that case, do you want us...did we already vote on this one?

President Hatfield: I think we did.

Commissioner Shoulders: Well, but I—

Commissioner Musgrave: We can rescind it and—

President Hatfield: Ahhh—

Commissioner Musgrave: --just let this one go?

Jeff Mueller: I mean, it's up to you all.

President Hatfield: What's the value of that work?

Jeff Mueller: I'm sorry?

President Hatfield: What is the value of the work they're going to do?

Jeff Mueller: They're putting a retaining wall along the back of two lots?

Commissioner Musgrave: That's a lot.

Jeff Mueller: You know, a footer and three or four stones.

President Hatfield: Uh-huh.

Jeff Mueller: It's going to be along their property line and the lake.

President Hatfield: Alright.

Jeff Mueller: And, it's all within their property, because they actually own a portion of the lake.

Commissioner Musgrave: Alright, we've already voted on this.

President Hatfield: Yeah.

Commissioner Musgrave: But, I would like you to talk with our lawyer, afterwards, and come back with a recommendation regarding this indemnification language.

Jeff Mueller: And we won't accept any more of these until we've got some language.

Commissioner Musgrave: Right.

Jeff Mueller: Is that what you would prefer?

Commissioner Musgrave: Right, and—

Jeff Mueller: Or, if you—

Commissioner Musgrave: -- you may want to consider adding it to this one. We can always rescind this one and add it to that, should anyone think it's necessary.

Commissioner Shoulders: Yeah.

Commissioner Musgrave: I'll wait for you to tell me.

Madelyn Grayson: Commissioners, I also record that document. Do you want me to hold off on that?
David Jones: Well, that was my second… Jeff, because for recording purposes you’ve got to meet a certain formality, and one of them is the prepared by, and that was Joey. So, I can’t sign off on this before you record it.

Jeff Mueller: Okay.

David Jones: So, you’re either going to have to have …. Joey prepared it. So, you’re going to have to have Joey sign off on it. Then, I will get with you, I’m, I need to check this. I’m a little sketchy whether this meets the recording requirements.

Jeff Mueller: Well, I mean, it’s, we’ve recorded that form before, so.

David Jones: Okay.

Jeff Mueller: I don’t know about—

Commissioner Musgrave: Okay, I’m feeling uncomfortable a bit.

David Jones: Joey, just needs to sign off on it to record it, so.

Jeff Mueller: Okay, so, I will take this to Joe to sign off on, but we won’t allow any more to come forward until you’ve looked over the language and make any changes that you might want to do. Is that what we’re saying?

President Hatfield: Yes.

Jeff Mueller: Okay. That’s fine.

President Hatfield: Thank you, Jeff.

Jeff Mueller: Okay, no problem.

Proposed Policy Regarding Encroachments of Fences in Drainage Easements

Jeff Mueller: The next thing on the list, and all I’m doing is just giving you something tonight to chew on, and no date or anything, but a proposed policy regarding encroachment on fences in drainage easements. I’ve brought this up before, and as you all are aware, one of the biggest issues regarding drainage within platted subdivisions, is the placement of fences within drainage easements. The Commissioners, about four years ago, at my request, as well as Evansville City Council, both passed ordinances that gave additional enforcement to the removal of fences within drainage easements. Therefore, we are now receiving more requests to encroach in the drainage easements, which is good. But, because they request an encroachment doesn’t necessarily mean that it gets approved. I’ve always told people two things; first, I will tell them what I will and will not support when it comes to an encroachment, to this Board; and, second, that in the end, however, the decision to grant an encroachment is up to this Board. The rule of thumbs that I follow when talking with people, are essentially what’s in this proposed policy that I’m delivering to you tonight to review, with a goal of eventually having an approved policy that can be posted on our website. An example, when we were talking about Fieldstone and the developer, the fence was in there and the developer said, well, I’ll just go and cut a hole in the fence. And, we said, no, we’re not going to do that. That’s in this proposed policy. And, I do want to point out that in the second page of the policy, the very last paragraph, it says, “The above policy is a guidance document only, any final decisions by the Vanderburgh County Drainage Board, regarding any encroachment, shall be on a case by case basis, at the discretion of the Vanderburgh County Drainage Board.” So, all we’re doing is just saying, I would like to have a policy on our website, so people can say, oh, you may not want me, you know, I may have trouble getting an encroachment. Oh, or, I can do an encroachment, but I’ve got to kind of follow this little policy, so.

President Hatfield: When you said second page, are you talking about this?

Jeff Mueller: The back page, the back side.
Commissioner Musgrave: Have you already brought this to the builders attention? And, have they concurred?

Jeff Mueller: I’ve not brought it to anybody’s attention yet. I wanted to just let people start scratching on it.

Commissioner Musgrave: Okay, because I would want that to happen. Plus, I would also like, if possible, and you should be able to figure out how to go about this, to talk to the majority of the fence installers, by like having them come to a meeting.

Jeff Mueller: Yeah, well, and one of the things that we did when we passed the fence ordinance—

Commissioner Musgrave: Not this meeting.

Jeff Mueller: No, no, no, no, no, but, I mean, in the fence ordinance, we had the fencing people there, and they were very behind the fence ordinance, because the other issue that got brought up was having permits for fences, and we were like, we don’t want you guys to have to come down here every time you want to put a fence in, to come through security and pay $25, and, then, you’re doing it right, and then guys going out to—

Commissioner Shoulders: Yeah.

Jeff Mueller: -- you know, one of the builders and they’re buying a fence, and they’re not following the rules. So, they were very by that, and, so, and the other thing about this is, is that this is being proposed for the, you know, the idea is the people after they’ve bought the lot, you know, so that they understand what we will and won’t allow, or what the general gist of things are. So, all I’m looking for you all, and I’m happy to spread this around to everything was, here’s a policy and what do you guys think of it? And, do you see problems with it? Or what’s your suggestions with it and stuff, so?

President Hatfield: Do you think we can revisit this in a couple of months?

Jeff Mueller: Yeah, yeah. Yeah, it’s no, you know—

President Hatfield: Okay.

Jeff Mueller: -- it was just, here’s something in your mailbox to read in your spare time. I’m giving you guys a lot of spare time.

Commissioner Shoulders: A lot of bedtime reading, huh?

Jeff Mueller: Yeah, so, but, you know—

Commissioner Shoulders: Okay, good stuff.

President Hatfield: Thank you, Jeff.

Jeff Mueller: Last thing—

Commissioner Musgrave: I do want to thank you for going to the extra step of putting it in writing. I know how difficult that is, and I know that getting consensus is sometimes a very elusive goal, but I think it is important to have something in writing and on the website. So, thank you very much for taking that proactive step, and for having the foresight to do this.

Jeff Mueller: Okay.

Commissioner Musgrave: And, I look forward to a resolution, you know, in the next few months, as Commissioner Hatfield said.

Jeff Mueller: Yeah, and like I said, I think it’s better that we have it in a policy format than an ordinance format, so that you all would have discretion, instead of just, sorry, it’s in the ordinance, can’t do that. Because, we all know there’s special situations, so, anyway.

President Hatfield: Thank, Jeff.
Ditch Maintenance Claims

Jeff Mueller: The last thing is ditch maintenance claims. You have in your spreadsheet summarizing 20 claims, for a total of $5,825.85 to six vendors. I know Eldon is here, at least interested in two of those, but I’m asking for your approval. Most of these claims are for the 15 percent remaining. There is one claim for, it’s the first payment for 85 percent, and all of the work that’s on this has been by work that’s previously been approved by the Board.

Commissioner Musgrave: Move approval of the ditch claims, as listed.

President Hatfield: Second. Do we have a second? Do you want to second it?

Commissioner Shoulders: Second, I’m sorry.

President Hatfield: Yeah, all of those in favor, say aye.

All Commissioners: Aye.

President Hatfield: All of those opposed?

(None opposed)

President Hatfield: The motion carries.

(Motion approved 3-0)

President Hatfield: Thank you.

Other Business

Jeff Mueller: The only other thing to note is that next meeting I will be bringing in the annual drainage report, and we will be bringing in the proposal for the ditch assessments, which is the one meeting that our Auditor is there, because once we get that done, and everything else is in, he can go ahead and get his numbers to the State, and then the State can approve the assessment figures and the tax bills can be printed. So, you’ll be getting that report next time, and I know we’ve got a fair amount of drainage plans that will be coming through next meeting.

Commissioner Musgrave: Are we going to have the follow up meeting for—

Jeff Mueller: Hunters Chase?

Commissioner Musgrave: You haven’t heard?

Jeff Mueller: I’m assuming they’re going to be sending, submitting us a plan. I mean, it’s three weeks away.

Commissioner Musgrave: Do you ever reach out to them? Not that I’m anxious about it, but I—

Jeff Mueller: I mean, I’m waiting on the engineer to give me something. So, I don’t know where he’s at on it. If it’s him, or if it’s with the developer, or the developer and the folks. You know, there’s that, so I’m not sure, but, yeah.

President Hatfield: You know, I’m not sure, but I don’t think we need to reach out, because, you know, I think that we just deal with it whenever it—

Commissioner Musgrave: (Inaudible. Microphone not on.)

President Hatfield: Huh?

Commissioner Musgrave: (Inaudible. Microphone not on.)

President Hatfield: You know, so—
Jeff Mueller: Okay, I mean, there’s a letter to them, and, you know, they’re supposed to notify the residents when the time comes, so.

President Hatfield: Right, right.

Jeff Mueller: And, Mr. Hatfield, you saw the letter. I know you got it late.

President Hatfield: Yep, I did. I read it, thank you.

Jeff Mueller: So, we spelled it out for them, so.

President Hatfield: Sure, no confusion there. Okay, other business anyone?

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<th><strong>Public Comment</strong></th>
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<tr>
<td>Commissioner Musgrave: Motion to adjourn.</td>
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<td>President Hatfield: Public comment?</td>
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<td>Commissioner Musgrave: Oh, sorry.</td>
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<td>President Hatfield: None? Okay.</td>
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<tr>
<th><strong>Adjournment</strong></th>
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<tr>
<td>President Hatfield: Motion for adjournment?</td>
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<tr>
<td>Commissioner Musgrave: So moved.</td>
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<tr>
<td>Commissioner Shoulders: Second.</td>
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<tr>
<td>President Hatfield: All of those in favor say aye.</td>
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<tr>
<td>All Commissioners: Aye.</td>
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<tr>
<td>(Motion approved 3-0)</td>
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<tr>
<td>President Hatfield: Alright, the meeting is adjourned.</td>
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<tr>
<td>(The meeting was adjourned at 4:17 p.m.)</td>
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**Those in Attendance:**

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<tbody>
<tr>
<td>Jeff Hatfield</td>
<td>Ben Shoulders</td>
<td>Cheryl Musgrave</td>
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<tr>
<td>Jeff Mueller</td>
<td>David Jones</td>
<td>Madelyn Grayson</td>
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<tr>
<td>Others Unidentified</td>
<td>Members of Media</td>
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**VANDERBURGH COUNTY**

**DRAINAGE BOARD**

_______________________________

Jeff Hatfield, President

_______________________________

Ben Shoulders, Vice President

_______________________________

Cheryl Musgrave, Member

(Recorded and transcribed by Madelyn Grayson.)