The Vanderburgh County Drainage Board met in session this 19th day of January, 2016 at 5:00 p.m. in Room 301 of the Civic Center Complex with President Stephen Melcher presiding.

**Call to Order**

President Melcher: We'll go ahead and start the Vanderburgh County Drainage Board for January 19, 2016.

**Pledge of Allegiance**

President Melcher: If we could all rise for the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

President Melcher: Thank you.

**Approval of the January 5, 2016 Drainage Board Meeting Minutes**

President Melcher: I need a motion to approve the previous minutes.

Commissioner Ungethiem: So moved.

Commissioner Kiefer: Second.

President Melcher: Okay, all in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

**Request for Permanent Relaxation of Right-of-Way of Stockfleth Drain**

President Melcher: Next is a request for permanent relaxation of right-of-way for Stockleth Drain.

Jeff Mueller: Okay, this is a request to relax a 75 foot right-of-way on Stockfleth Ditch, from Oak Grove Road up to the point where the 75 foot right-of-way exists for Hirsch Ditch. The request is made by Tri-State Fence, who is acquiring the property from Marty Nussmeier. I'm going to bring that up only because formerly this property was Southwest Engineering, and Marty's dad, Dick Nussmeier, was the former County Engineer and County Surveyor. So, enough history, but I thought I would kind of throw that one in. Okay, so, in keeping up with the other boards tonight, I was going to try to do this electronically, so, some of your handouts were on there. As we know, it's not working, but I did get some stuff to you. Anyway, you have, you do have the application for this request, and that application, along with drawings 1.0 and 1.1 of job number 158139 would be made part of any permanent record, if you approve this request. Under I.C. 36-9-27-33, right-of-entry over private land, I'm going to quote a short section, "the County Surveyor, the Board, or an authorized representative of the Surveyor or the Board, acting under this chapter, has the right-of-entry over and upon land lying within 75 feet of any regulated drain". Okay, that's the end of the quote. So, even though we talk about a right-of-way, it's titled "right-of-entry", but they also interchange the terms in the code. Under this section also, the 75 feet can be reduced to 25 feet, which is what the petitioner is requesting. So, what they're requesting is that, this is Stockfleth, it's pretty much a north-south ditch, and most of this ditch has been...
reduced to 25 feet. So, they’re requesting the similar reduction to 25 feet along the west side of this ditch. They are not requesting a relaxation along here. This is the Hirsch Ditch, or what I like to call the canal, you know, that all of these different ditches run into. So, they’re just requesting going from 75 feet from the top of the bank, to 25 feet to the top of the bank. I’ve been out there and I looked at it, this particular ditch is pretty shallow. I think 25 feet will give us more than what we need through there. Like I said, it’s 25 feet most of the other places. Mr. Larry Byers from Tri-State Fence is here if you’ve got any questions of him.

President Melcher: Does anybody have any questions of him? I didn’t think so. Any questions at all? None? I would entertain a motion.

Commissioner Kiefer: So moved.

Commissioner Ungethiem: I’ll second that.

President Melcher: Well, without any further ado, all say aye if you are for it.

All Commissioners: Aye.

President Melcher: Okay.

(Motion approved 3-0)

President Melcher: Thank you. Next.

Jeff Mueller: I just also wanted to point out, since the Aces fan, and Gretchen, her dad was Gus Myer, or Gus Doerner, but I left that out until afterwards. I didn’t want to influence your vote.

Final Drainage Plan: H&R Dirt: 8000 Warrick County Line Road

Jeff Mueller: So, anyway. Okay, the next issue is the final drainage plan for the H&R Dirt at 8000 Warrick County Line Road. This plan is a little unique in that it’s a development for a borrow pit site. The site is located at the northwest corner of Millersburg Road and Warrick County Line Road, and east of I-69. Even though we just made modifications to the drainage code, there’s always going to be some gray areas as to when the code applies, and this is one. Since you’re taking a site and it’s going from agricultural to a lake, and the lake is going to be considered 100 percent impervious, in the past we haven’t required drainage plans for lakes, but the code here is a little bit different, and there’s a couple of issues that are a little bit unique with this. First, unlike an agricultural or residential site where we’re just building a lake, this site is to be initially utilized as a borrow pit from which dirt is going to be sold. It has an M-2 zoning. Second, the water from the site, once it’s completed and it becomes full, will be discharging in the State highway. So, they did have to get a permit from the State highway. So, based upon those arguments, it’s my opinion that this development should be reviewed before the Board, and also, more importantly, one of the things that I wanted to point out is that without some protection along the drivers of the County Line Road, which we’re going to discuss in just a minute, this borrow pit could be a hazard to public safety if appropriate berms or guardrails are not provided. I’ve expressed concern to the open borrow pit with no protection into a pool where the ground is pretty well flat out there to Mr. Stoll, the County Engineer. His thought was either guardrail or some other means of protection outside the county road right-of-way should be provided. With that in mind, the developers have come back and proposed a construction of a berm two foot three inches high. The berm would be 20 foot long, with a four foot break, and then 20 foot long with a four foot break. So, I just wanted to bring that up for comments. There is a drawing that I gave you in your packet that kind of shows this proposal. I also think I put that up here, so, yeah, so, in other words you’ve got flat ground out here, you’re going to have a pretty deep lake, they’re proposing putting up a small berm right here. So, that way, you know, if this gets a little...you’re out there at night, this country is pretty desolate out there, if it’s slick or whatever, if you kind of slide off the road you’ll hit that berm instead of going into the lake. With that said, the final drainage plan was submitted on November 19, 2015, with revisions submitted on December 21, 2015. The plan mainly reviews the outlet structure. The plan that is
requested to be approved consists of the submittal dated November 19, 2015, with revisions submitted on December 21, 2015, along with drawings D-1, D-3 and A-2. If you are in agreement with the berm, drawing B-3 would also be included in the approval. The review that’s being submitted to the drainage plan, the review of the drainage plan, I usually give you guys a color copy, that was put in the electronic package. So, anyway, we did do a review, and I would request that that review, it’s found to be in compliance with the drainage code, and that review would be part of the submittal, and that the submittal is being submitted to the Drainage Board for approval under Section 13.04.090. So, is there any questions, or would you like to talk to John about this proposed berm, or any issues with that?

Commissioner Kiefer: Could you restate…what was the purpose of why they’re wanting to do this?

President Melcher: So, they won’t go in the lake.

Jeff Mueller: So, they won’t go in the lake.

Commissioner Ungethiem: So somebody won’t go in the lake.

Jeff Mueller: It’s flat, you know, I worked out in that area, it’s flat as can be out there. The water level is going to be pretty high. The elevation of the water out there is going to run about 373 or 374. Most of the ground out there is the 380’s. It’s got a very high water table. So, what I don’t want to have happen is have a lake out there 20 feet deep that somebody can just spin off the road and go into, and without having something to block. So, that’s why they’re proposing a berm.

Commissioner Kiefer: Is this the least expensive thing then?

Jeff Mueller: I’m going to leave that…probably, but I would leave that up to…is there a representative here?

Commissioner Kiefer: I mean, you could put in…wouldn’t it be safer to put in like the steel, like you see on the highways?

Jeff Mueller: A guardrail?

Commissioner Kiefer: A guardrail.

Jeff Mueller: My opinion about guardrails, I think it’s great, but out there in a desolate area, it tends to have a tendency to walk away.

Commissioner Kiefer: Oh, okay.

Jeff Mueller: That’s been my experience with the mine that I worked at over there.

Commissioner Ungethiem: And grow up in weeds.

Jeff Mueller: Yeah.

Commissioner Kiefer: Okay, well, then, in that case, do we need to make a motion?

Jeff Mueller: I mean, I don’t know if John wants to make a comment on it.

Commissioner Kiefer: No, I’ll make a motion to approve.

Commissioner Ungethiem: I second.

President Melcher: All in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

Jeff Mueller: Okay.
Jeff Mueller: Next on the agenda is the final drainage plan for Wabash Plastics. This plan is for a revision of the site drainage plan for Wabash Plastics, which is located between Highway 57 and Birch Drive and just west of the Evansville airport. The drainage plan revisions are required to facilitate the expansion of an onsite building, and consists of modifications to two basins and construction of ditches and installations of culverts. The final drainage plan was submitted on December 9, 2015, with revisions submitted on January 6, 2016 and January 12, 2016. The plan that is requested to be approved consists of the revised submitted document with the receipt date of January 6, 2016, along with drawings C-1 through C-10, with the same receipt date, and minor revisions to drawings C-4, C-6, C-8 and C-9 and five pages of the report submitted January 12, 2016. In the drainage plan the owner is requesting three variances, which are as follows; the building will not be two feet above the elevation of the 100 foot storm elevation and the ponds; the building is within 50 foot of the basins; and the basins are not within easements. As you may recall, in our new code, and we're kind of bouncing, you know, this was submitted before the code was approved, so, we're kind of back and forth on this. We no longer require the 50 foot distance, and we no longer require easements on single lot properties, but we do require the two foot above the elevation of the 100 year storm for the emergency spillway, the ponds. So, with the two foot elevation requirement, though, the owners understand that they're building has potential flooding hazards, and they've seen, you know, they've been out there for a long time, they understand what kind of water comes through. In their letter to you all they've stated as such, and they're willing to accept the liabilities or risks from the buildings not meeting these criteria. It's spelled out in the variance letter, which has been provided, and it's been reviewed by Mr. Harrison. If you've got any questions, I do believe there's a representative here for Wabash? Yeah.

Commissioner Kiefer: And you're recommending approval you said?

Jeff Mueller: I don't have any problems with the plans. You know, like I said, as long as they're fine with understanding that their building is not two feet above, which they state so in their letter.

Commissioner Kiefer: Okay, I'll make a motion to approve.

Commissioner Ungethiem: Second.

President Melcher: All in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

President Melcher: Thank you.

Jeff Mueller: The next item on there would be the, is the request to encroach on a drainage easement. This is CVS out on the west side. They're wanting to expand their parking lot. There's a drainage easement along here. There's nothing in that easement. All they're wanting to do is they're just wanting to pave over it. So, they're making the request to be able to pave over that easement, that grass area. So, the easement is, like I said, it's a little sliver of ground right here. By paving over it that would allow them to expand their parking lot out. Like I said, I don't see any problem with it.

Commissioner Ungethiem: We have no plans for that area in the near future, right?

Jeff Mueller: The easement that they're requesting is actually the drainage easement for their property to handle drainage, but actually the drainage is being handled...it's almost really not even a required easement, but it's easier for them just to request
paving over than it is to try to come back and vacate the easement. There's some other easements in the way anyway.

President Melcher: Well, that's their property anyway.

Joe Harrison, Jr.: Yeah.

Jeff Mueller: Yes, it's their property.

Commissioner Ungethiem: They're just requesting to pave over the easement?

Jeff Mueller: Yes.

Commissioner Ungethiem: I make a motion to approve.

Commissioner Kiefer: Second.

President Melcher: All in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

Ditch Maintenance Claims

Jeff Mueller: The only thing I have is we have two ditch maintenance claims. They total $491.60. They're summarized on the back of your agenda. I did try to save at least one piece of paper. So, those are the two claims.

Commissioner Kiefer: Okay, I'll make a motion to approve the ditch claims.

Commissioner Ungethiem: Second.

President Melcher: All in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

Public Comment

President Melcher: Any public comment? There's one left. Do you want to say anything? We've gotten rid of everybody else.

Commissioner Ungethiem: We chased everybody off.

Adjournment

President Melcher: Okay, is there a motion to adjourn?

Commissioner Ungethiem: So moved.

Commissioner Kiefer: Second.

President Melcher: We are adjourned. Thank you.

(The meeting was adjourned at 5:13 p.m.)

Those in Attendance:

Stephen Melcher       Joe Kiefer          Bruce Ungethiem
Jeff Mueller         Joe Harrison, Jr.    Madelyn Grayson
Others Unidentified  Members of Media