The Vanderburgh County Drainage Board met in session this 24th day of January, 2017 at 4:40 p.m. in Room 301 of the Civic Center Complex with President Cheryl Musgrave presiding.

**Call to Order**

President Musgrave: This opens the Drainage Board meeting for January 24, 2017. I call it to order.

**Pledge of Allegiance**

President Musgrave: We can do the Pledge of Allegiance again.

(The Pledge of Allegiance was given.)

**Approval of the January 3, 2017 Drainage Board Meeting Minutes**

President Musgrave: We have the previous minutes. Is there a motion to approve?

Commissioner Ungethiem: So moved.

President Musgrave: Is there a second?

Commissioner Shoulders: Second.

President Musgrave: All those in favor signify by saying aye.

All Commissioners: Aye.

President Musgrave: Opposed same sign.

(None opposed)

President Musgrave: The minutes pass unanimously.

(Motion approved 3-0)

**Application to Affect Vanderburgh County Legal Drain: Vectren**

President Musgrave: We now have an application to affect Vanderburgh County legal drain from Vectren. Surveyor Jeff Mueller?

Jeff Mueller: Okay, you have in your package an application to affect Vanderburgh County legal drain. In this case, the request is from Vectren. It’s for the purpose of placing a gas line underneath the Sonntag Stevens Drain, adjacent to Hitch Peters Road. As this is a legal drain, the Drainage Board must approve any action to be done alongside, under or in a legal drain. I’ve reviewed their plans and have no issues with the proposal, and bring it to you for approval. A copy of the application along with the two plan sheets are included in your package. It’s pretty self-explanatory, they’re just going to put a gas line along the road, in the right-of-way, and they just want to go underneath Sonntag Stevens.

President Musgrave: I thank you very much. Is there a motion?

Commissioner Ungethiem: So moved.

President Musgrave: Is there a second?

Commissioner Shoulders: Second.
President Musgrave: I call for a vote. All those in favor signify by saying aye.

All Commissioners: Aye.

President Musgrave: Opposed same sign?

(None opposed)

President Musgrave: The motion passes unanimously.

(Motion approved 3-0)

**EVSC Petersburg Road**

President Musgrave: We move now to EVSC Petersburg Road.

Jeff Mueller: This plan is for a proposed construction of a new grade school on a 26 acre site located in McCutchanville, in the area north of McCutchanville Community Park, and on three sides by the Eagle Valley Golf Course and some homes along Petersburg Road. The proposed plan is for the construction of a new grade school and associated facilities, including parking, playground, soccer field and basketball courts. One large baseball field in the southeast corner of the property that at one time, I believe, was used by North High School as their varsity field, is to remain. The drainage plan includes the construction of two dry detention basins that will discharge into Furlick Creek. There are some items that I believe are worth its note that I would like to bring to everyone’s attention, of which some of these will be noted as conditions. First, in one of the first meetings we had with the design engineers, we expressed our desire to relocate the north entrance, which was done. The original entrance was to be directly over a large culvert on Petersburg Road that would have required a large connection box and may have resulted in the culvert under Petersburg Road not being able to maximize its flow. So, based on our suggestion, both John and I’s, they moved the location a little bit away from that pipe. Second, the proposed sanitary sewer hookup is located directly north of the school, and runs underneath the proposed dry basin. Normally this is not desirable to have this situation, however, our code does not specifically rule out this situation, but the easements will sometimes be in conflict. In this case there is no easement for the basin, but that still doesn’t make this the best situation. Therefore, rather than just moving the sewer line, the engineer has shown that the sewer line will be covered with a minimum of three feet of cover, and that the line will be in casing for that portion of the line that’s underneath the detention pond. So, we shouldn’t have any problems with leaking sewer. Okay? Third, the required, the code requires that any seep, spring, sinkholes, caves, shafts, vaults or other geological features visible or of record be, per the submittal, they did not see any of these on the project site. However, it should be noted in the minutes that an adjacent landowner has stated that he has springs on his property. That’s the property owner in question. I just want to make everybody aware of this situation, because we do have problems with springs in some of this area. Our plan is for the design of surface water handling and temporary detention, it’s not to address any dewatering. This is a separate engineering exercise outside of the purview of the Vanderburgh County drainage code. I only bring this up because we have had some issues of slides, including one not too far away, which occurred as a result of a developing subdivision. So, I just kind of wanted to make everybody aware of that we’ve got water out there, and be sure and take care of it. Next, there are two proposed swales on the property. One along the east side of the property that will carry drainage from the golf course, as well as the project site, and one along the west side of the property that will carry drainage off of three homes located on Petersburg Road. As these swales carry drainage from more than just the site, they need to be put in the easements, and the drainage plan has proposed easement documents for both swales as part of the proposed plan. Those easements would not be recorded until the project is nearly complete in order to allow flexibility should the swales need to be altered during construction. Fifth, the code requests, and I quote, “the location and design of the proposed street system, including depressed pavements used to convey or detain overflow from storm sewers and over the curb runoff is only from heavier rain storms, and the outlets for such overflows all with their designed elevations.” The purpose of this requirement in the code is to address what would happen to the water should a street drain become clogged. As you may recall, this was a situation we discussed in Blue
Heron. While there are no streets, there is some question as to what would happen to the water in the parking lots should the drainage become clogged? We addressed this question to the engineering firm, and while there’s no design in the parking lot, per se, for this situation, they have addressed the situation adequately in their response, that should the situation occur, the water will flow to the basin, or to Furlick Creek, and not flood the building. Sixth, the outflow from Basin One shows construction of outlet protection material, which is geotech style fabric and rip rap, into the existing creek, which is partially off of school property. I requested that a right-of-entry document be provided, which is part of the approved plan, and you have a copy of that in your handout. What you have is a signed agreement between the Brinker’s, who are the owners of the golf course, and the School Corporation, which allows EVSC the right to work on the Brinker property in order to address this problem. Also, it is my belief that the work will require a Construction in Floodway permit, and therefore in the comments to the plan, the engineering firm has stated that this will occur. Finally, in their comments from the County Engineer regarding a potential blister on Petersburg Road, which he was discussing, I believe, the Petersburg Road plans with you, but there is a swale shown on the other side as part of the plan, and they have addressed the drainage should they have to put this passing blister in. So, I would go ahead and, you know, approve the drainage plan realizing that they might have to put a passing blister in. It’s not going to really affect what we’re going to be doing. Okay, so is there any questions? If not, I could move ahead with giving you the rundown on the documents for approval.

President Musgrave: Go ahead.

Jeff Mueller: Okay, alright, the final drainage plan was submitted on November 3, 2016 with revisions on December 8th, 14th and 27th of 2016, and January 11th, 17th, 18th and 20th of 2017. The plan that is requested to be approved consists of the revised documents submitted December 8, 2016, with additional information submitted with receipt dates of December 14th and December 27th of 2016, and January 11, 2017, and emails with attachments dated January 17th and 18th of 2017, along with drawing 1, with a submittal date of December 8th, December 16th, and drawings C-1.0, 1.1, 1.5, 1.6, 1.7, 2.0, 5.0 and 5.1, with a submittal date of January 11, 2017, and drawings C-5.2 with a submittal date of January 20, 2017. The review of the submitted drainage plan is part of your package, and I request that that 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 the Vanderburgh County drainage code, and therefore is being submitted to the Drainage Board for approval under section 13.04.090, although I do recommend the following three conditions. First, that the easements for the two proposed swales that I showed you be executed and recorded, and evidence of the recording be provided to the Board, through the County Surveyor, prior to any sign off of a certificate of occupancy by the County Surveyor. Second, that the required Construction in Floodway permit be filed and received prior to work within Furlick Creek, or if the out fall is redesigned to negate the Construction in Floodway permit, then appropriate paperwork be filed with the Drainage Board for any redesign. Third, as with all single drainage plans, that as a matter of record, that prior to any sign off by the County Surveyor of any certificate of occupancy, that EVSC provide the required as built or record drawings or certification documentation, as required by the code.

President Musgrave: Do we have a motion to accept the drainage plan, subject to the three easements as recited by Surveyor Mueller?

Commissioner Ungethiem: So moved.

Commissioner Shoulders: Second.

President Musgrave: We have a motion and a second. Any discussion? All those in favor please say aye.

All Commissioners: Aye.

President Musgrave: Opposed same sign?

(None opposed.)

President Musgrave: Let the record show that it is unanimously passed.
President Musgrave: We now move to 11313 Old State Road.

Jeff Mueller: Okay, this is for a proposed apartment complex located in the vicinity of U.S. 41, Hillsdale and Old State Road. The project is located within the corporate boundaries of Darmstadt. Unlike the City of Evansville, when the City Engineer’s Office and the Board of Public Works review and approve the plans, drainage plans for Darmstadt still go through the County Drainage Board, under a resolution passed by, adopted by this Board on August 23, 2005. That’s when you were on the Board before. With that said, the drainage plan addresses the construction of four apartment buildings and associated parking lots and one wet retention pond that controls the storm water to meet our county code requirements. As you are aware, all drainage plans within the county, outside of Darmstadt, the County Engineer, Mr. Stoll, also reviews the plans and looks at the plans in terms of any effect onto existing county roads, as well as any proposed roads. I have requested in the past, and with this plan, that Darmstadt take a similar role in reviewing the plans. At this time, personnel from Darmstadt have deferred any formal comment on the drainage plan, as they may have other non-drainage issues with the project. Assuming those non-drainage issues are eventually resolved, if any modifications are required by the Town of Darmstadt, such as with the entrance drive or the potential for upgrades to Old State Road, they should be addressed at the time with minor modifications that would be submitted to our office for review. Second, as you are aware, the developer sent out notifications to adjoining landowners, and I’ve only received one written comment, and that was from Vectren. You have that letter in your file. Essentially, what Vectren was saying was that before you go doing any drainage work over there and you start moving a bunch of dirt, let them know so they can get their poles out of the way that service the house. I don’t believe there’s anybody else here with any, I don’t see any other neighbors, so, I don’t think we have any other comments. With that said, the final drainage plan was submitted on December 22, 2016, with an additional submittal of January 6, 2017, and a copy of the public notice and green cards submitted on January 23, 2017. The plan that is requested to be approved, consists of the submitted document with a receipt date of December 22, 2016 and January 6, 2017, along with revisions made on the January 17, 2017 and January 23, 2017, and drawings 1, 2, C-105 and C-109, dated December 22, 2016, and the adjoining drawing 1 and drawing C-102 submitted January 17, 2017. The review of the submitted drainage plan is 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 found to be in compliance with Vanderburgh County’s drainage code, with one exception, and therefore it’s being submitted to the Drainage Board for approval under section 13.04.090. The exception is that the proposed lake to be constructed does not meet the criteria under section 13.04.440 (L), which addresses that a lake is supposed to be at least six feet over 50 percent of the area. This criteria cannot physically be met with small lakes, and actually the next round of changes to the code, I plan on making an exception for ponds under a certain size, but, until then, the engineer has submitted a request for a variance, which I have no problem with this request. Okay? I do recommend two conditions. First is also with drainage plans, that as a matter of record, that prior to the County Surveyor signing off on any certificate of occupancy, that the owner or developer supply the required as built or record drawings or certification documentation as required by the code. Second, that as previously discussed, that any modifications that might be required by the Town of Darmstadt regarding the road or the driveway, would be submitted to the County Surveyor for review.

President Musgrave: Is there a motion to accept based on the conditions that you previously described?

Commissioner Shoulders: So moved.

Commissioner Ungethiem: Second.

President Musgrave: Any discussion? All those in favor signify by saying aye.
President Musgrave: Opposed same sign?

(None opposed)

President Musgrave: Hearing none, the motion passes unanimously.

(Motion approved 3-0)

Blue Heron: Status Update

President Musgrave: We now move to the Blue Heron status update.

Jeff Mueller: Okay, I don’t really have a lot to say. This is more on the agenda for the placeholder. As you recall, there was some dispute between the developer and one landowner, and they’ve got a 30 day commitment. So, they’ll be back in here in February. I did hear from that landowner today, and he said he had made contact with Mr. Wischer, the attorney, to try to discuss the issue. So, there is some discussion that’s been going on. Other than that, we’ve got a work list of paperwork and other things going on, but I don’t have anything else to say on Blue Heron tonight, or anything to bring forward on it.

Ditch Maintenance Claims

President Musgrave: Is there…I’m sorry, go ahead.

Commissioner Shoulders: Go ahead.

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

Jeff Mueller: Ditch maintenance claims.

President Musgrave: Alright, let’s move to ditch maintenance claims.

Jeff Mueller: I have nine claims totaling $1,778.42 that go to three vendors. All but one of the claims are for the remaining 15 percent withholding. We should only have one more claim for under $100, which would be the remaining 15 percent of the claims submitted tonight for $531.25. That will wrap up all of the claims for the 2016 Drainage Board, and then we’ll start all over again. The only other thing is that Linda and I met with Big Creek yesterday, so, you know, we’re already working on our work list of ditch work that we’ll be bringing in to you in late February. So, I ask that the ditch claims be approved.

President Musgrave: Is there a motion?

Commissioner Ungethiem: So moved.

Commissioner Shoulders: Second.

President Musgrave: Any discussion? All those in favor signify by saying aye.

All Commissioners: Aye.

President Musgrave: Opposed same sign?

(None opposed)

President Musgrave: Hearing none, it passes unanimously.

(Motion approved 3-0)

Public Comment

President Musgrave: We now move to public comment. Is there any public comment? Seeing none.
Adjournment

President Musgrave: Is there a motion to adjourn?
Commissioner Ungethiem: So moved.
President Musgrave: Is there a second?
Commissioner Shoulders: Second.
President Musgrave: All those in favor?
All Commissioners: Aye.
President Musgrave: It passes unanimously.

(Motion approved 3-0)

President Musgrave: We are adjourned.
(The meeting was adjourned at 4:55 p.m.)

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

VANDERBURGH COUNTY
DRAINAGE BOARD

Cheryl Musgrave, President

Ben Shoulders, Vice President

Bruce Ungethiem, Member

(Recorded and transcribed by Madelyn Grayson.)