The Vanderburgh County Drainage Board met in session this 17th day of July, 2018 at 4:04 p.m. in Room 301 of the Civic Center Complex with President Ben Shoulders presiding.

Call to Order

President Shoulders: Let's call to order the Drainage Board for July 17, 2018.

Approval of the June 26, 2018 Drainage Board Meeting Minutes

President Shoulders: Okay, now I would like to entertain a motion for the approval of the previous minutes from last time.

Commissioner Musgrave: So moved.

Commissioner Ungethiem: Second.

President Shoulders: Okay, I have a first and a second. All in favor please say aye.

All Commissioners: Aye.

President Shoulders: All opposed same sign.

(Please provide outcome of vote)

President Shoulders: The motion passes.

Construction in Floodway: Pigeon Creek-Columbia/Delaware Bridge

President Shoulders: Jeff, what do we have here today?

Jeff Mueller: First of all, oh, by the way, I need the minutes to show that I'm wearing a St. Louis University shirt. My youngest daughter wanted to make sure that she gets covered, as well as the University of Miami, or Miami University. So, it's in the minutes. I wear my Rose Hulman shirts, and I wear my IU shirts, so, anyway. Construction in Floodway, Pigeon Creek-Columbia/Delaware Bridge. That's for work that the county has planned, so this is just a copy of the Construction in Floodway Permit that they send out to the Drainage Board for your records. Okay?

President Shoulders: Got it.

Harmony Hallow: Variance to Drainage Detention

Jeff Mueller: The next thing is Harmony Hallow, variance to the drainage detention. This is a four lot major sub, however, actually it's already existing lots. So, even though our code says all major subs would have to have a drainage plan, they are requesting that they don't have to do detention or do anything since it's already in existence. I don't have a problem with it. You've got a little write up in your file. It starts off with introduction and
site information, you know, requesting that they don't have to do detention, and I don't have any problem with it. I would recommend that you let them go with that.

Commissioner Musgrave: Do you need a motion for that?

Jeff Mueller: Yes.

President Shoulders: Okay.

Commissioner Musgrave: Move the variance to the Harmony Hallow drainage detention.

Commissioner Ungethiem: Second.

President Shoulders: Okay, a first and a second. All in favor please say aye.

All Commissioners: Aye.

President Shoulders: Opposed same sign.

(None opposed)

President Shoulders: The motion passes.

(Motion approved 3-0)

Application to Affect Legal Drain: Crawford Brandeis

Jeff Mueller: Application to affect legal drain, Crawford Brandeis. This is for one of the sections of The Promenade. As you may recall, I brought this up at the last meeting, there was a Vectren easement in that area, and so they are requesting permission, they are only requesting permission for overhead utilities. There is no plans to do any gas line construction, which was my concern. They have the application here. I don't have any problems with the application. Mr. Harrison, if you want, on the plat, we could have a note saying that for that easement, that no gas lines would be permitted within that area without approval.

Joe Harrison, Jr.: I think that would be good.

Jeff Mueller: Okay, I'll make a note that they put that note on the plat.

Joe Harrison, Jr.: Okay.

Jeff Mueller: Okay. So, I would request that the application be approved.

Commissioner Ungethiem: Motion?

President Shoulders: We need a motion?

Joe Harrison, Jr.: Yeah.

Commissioner Musgrave: Move approval to approve the application to affect legal drain for Crawford Brandeis.

President Shoulders: Okay.

Commissioner Musgrave: I said that twice.

President Shoulders: A motion and a--

Commissioner Ungethiem: And, I will second.

President Shoulders: A first and a second, all in favor please say aye.

All Commissioners: Aye.

President Shoulders: All opposed same sign.

(None opposed)
Jeff Mueller: Fieldstone. I would like to start by first of all saying that, the other night I was in a local pizza place and I ran into the new President of the Blue Heron Homeowners Association, who is very appreciative of what we, and I say that as a collectiveness, not only myself, John Stoll, but you, as the Board, did at Blue Heron in helping them get that, get everything in compliance out there. We've got a bunch of happy people out there now. Their homeowners association is moving forward, and I think everything's good. You know, that got us there by trying to make sure that the drainage plan that was approved for there got constructed as it is. That's all I'm after on anything when I bring up a drainage plan before you guys, ladies and gentlemen, is that, that we try to get things done in an orderly fashion so that we don't have a roomful of people like we did, several nights, when we had Blue Heron. So, with that said, I want to bring out the issues that I have with Fieldstone. I know the developer is here to discuss them, and, so, I've got to talk to you a little bit about it. When Fieldstone was brought before this Board for a drainage approval plan on August 9, 2016, it was brought with the idea that we would not, that the Building Commission would not issue a Certificate of Occupancy to any home until we got final drawings on the final cut lake, of the lake, so that the lake would be done before anybody moved into any homes. That way, it gave the developer a chance to be working on the lake, be doing the lake, while at the same time building homes. So, we weren't keeping him from starting homes, just that by the time the home was finished, that we wanted to see the lake finished at the same time. I was concerned, because I saw some homes finished out there. And, on December 14, 2017 I sent a note to the developer saying, you need to get us, get that lake done and get us a certification. Also, one of the other concerns is that we have a fence out there in the drainage easement. You know, my other favorite subject. So, anyway, like I said, I did send an email to Mr. Dauby, so, saying, you know, Ron, you need to get this work done, so that, you know, because that's a requirement. Okay? Then, a response from Glen Merritt, who's the engineer that represents him, that they supposedly just had a little bit more work to do. That was, again, back, this was back in December. The issues that I want to bring up are the following; the slopes on approximately 325 feet of the shoreline are not to the county code, or to the approved drainage plan. There's additional erosion at the outlet pipe, and the erosion, there's additional erosion control needed at the outlet pipe, because we're already seeing some erosion. The emergency spillway, as when I inspected it last Friday, was not constructed, per the approved drainage plan. The vegetation is poor to nonexistent, and does not meet the drainage code requirements, in that, even though there was a certification submitted July 13, 2018, the deficiencies, there were deficiencies in the construction of the basin. If you look to the, right in here, these are 4:1 slopes. That's what they show on the proposal and they appear to be 4:1. You can walk on them, you're not going to fall in the lake. However, where these are 4:1, or supposed to be 4:1, they're more like 2:1 to 3:1. Now, the concern here is (a) mowing and maintenance, and (b) safety. This morning I asked my crew to go out and check this area; 2:7:1, 2.6, 2.2, 2.1, 2 point, what is it five, and 2.2:1. So, it wasn't like, well, they were 3.9 I'm up here beating on them because they're off a tenth. These slopes are not the way they're supposed to be. The rest of the lake, the slopes are good. They are in there the way they should be. Like I said, the reason I bring this up is, we don't want to have this situation where, well, what's this guy doing in my backyard, I bought this lot, I already built a house. I don't want anybody back here. If you remember, we had all of those waivers and everything else. So, you know, the idea is just to get the lake done before we move on. This is the outlet from the pipe, and you can't see it very good in the weeds, but there is some erosion already started. This needs to have some additional work done. As you can see, this is the area where it's 4:1, however, we are supposed to have, per our code, it's supposed to be a lawn type surface, and we're a long way off from that in the vegetation here. The outlet pipe, the emergency spillway is supposed to be to the north, and when this picture was taken on the, is that the 12th or 13th? I can't remember, but you can see it with the outlet had not been cut at that time. According to the drawing that, one of the other drawings, there's a little bit of confusion on where the emergency spillway is supposed to be, south of the pipe or north of the pipe. But, this is a picture looking south, but it should
actually be to the north, just so you know. I did receive some pictures today, these are the notations for them. It’s my understanding that the emergency spillway was dug today and seeded, but and those are some more pictures, but that still doesn’t resolve the other issues that are out there, especially the concern about the 4:1 slopes. So, and, again, with the vegetation. The other issue I have is, one of the houses by the developer that’s currently for sale, has a fence within the drainage easement. When we had the drainage plan, all of these folks back here all came in, and they were all concerned, I think, Mr. Ungethiem, you were on the Board at that time, we had some older people and they were like, we don’t want this water flooding our houses and this and that. Yeah, we’re going to have a ditch behind your house, and, as you know too, we did ask for an ordinance for fencing to keep, to keep fencing out of drainage easements. So, with that said, the idea was, get your work done, and there’s not supposed to be any Certificate of Occupancies issued, and there are two homes in which people are living in out there. I don’t think any Certificate of Occupancies were even issued on them, they just, the houses were sold and folks moved in. I bring this issue before you, I know Mr. Dauby is here to probably make comments. I’m just asking that we somehow get this work done before we get a bunch of people in here, and we have round two and round three of these issues.

President Shoulders: Okay, anything else, Jeff? Go ahead, sorry.

Commissioner Musgrave: I just want to make a list here. You have issues with the 2:1 slopes?

Jeff Mueller: Yes.

Commissioner Musgrave: Insufficient vegetation?

Jeff Mueller: Yes.

Commissioner Musgrave: Fence in the easement?

Jeff Mueller: Yes.

Commissioner Musgrave: And houses occupied without a C of O?

Jeff Mueller: Certificate of Occupancy, yes. And, the emergency spillway may or may not be built, I don’t know, it’s been, something’s been done, but I don’t know if it’s completed properly.

Commissioner Musgrave: Okay.

Jeff Mueller: Then, also we have some erosion control on the outlet pipe too that needs to be addressed.

Commissioner Musgrave: So, that’s six issues. Alright, thank you.

Jeff Mueller: Okay, so that’s—

Commissioner Ungethiem: The erosion was on the primary spillway?

Jeff Mueller: Yes.

Commissioner Musgrave: Is that seven issues?

Commissioner Ungethiem: No.

President Shoulders: No, that’s still part of the six.

Commissioner Ungethiem: I’m just making a difference between the emergency spillway and the primary.

President Shoulders: Any Commissioners have anything else before we open it up to—

Commissioner Ungethiem: One question, on the area around the lake where we don’t have proper slope right now, have there been any houses built on that area?

Jeff Mueller: No, but there appears to be, there’s a driveway being done, and I don’t know if the lot’s sold, or if there was just some rock put in there, but there was one lot where it
appeared, you know, there might be a house being started, or maybe there was just some rock put in there to store stuff. I can’t say for sure.

Commissioner Ungethiem: Well, we need to solve that slope problem before that becomes somebody’s backyard.

Jeff Mueller: And, I want to also say, you know, our code says 4:1, and on a dry basin 4:1 might be a little exaggerated. I mean, you know, it’s no big deal, but on a wet basin, I’ve driven a pickup on 3:1. It can be a little tense. If it’s wet, it can be very tense. I don’t want to, I hate to use a tragedy as an example, but I don’t think we want another example of what happened at the State Hospital when we have a mower sliding in, or flipping over on a wet slope. We’ve got a code that says 4:1, I think it was very smart to put 4:1 on a wet basin. On a dry basin, I don’t think it’s that big of an issue. But, I don’t think the county wants to, and I don’t ever want to be responsible for saying, well, we’ve let steep slopes go and someone ends up getting injured or slips into a basin, or anything like that.

President Shoulders: Okay, any Commissioner, either Commissioner—

Commissioner Ungethiem: Especially with a zero turn mower.

Jeff Mueller: Uh-huh.

Commissioner Ungethiem: They go to the water like a mosquito.

Jeff Mueller: We, you know, I had a dam that was 70 feet high and had 3:1 slopes, and the guy that mowed it, he had a special tractor. He’s the only guy I knew that had one that had special traction on the back that could hold that slope. Like I said, I never did like driving a pickup on 3:1, although I did in a previous life.

President Shoulders: Anything else from other Commissioners or counsel before…okay.

Either public comment and/or Mr.—

Commissioner Musgrave: Dauby.

President Shoulders: --Dauby? Jeff, thanks.

Ron Dauby: I don’t have any comment, other than we will repair that. I don’t know exactly how long it will take us to repair, with the weather and all, but, you know, within a month we should be able to get it repaired. The fence is another problem. I’ve actually sold that house. If you can see under the fence where I left it up off the ground, for the drainage to go under it. I don’t know if I can get with them and apply for a variance, and how much distance we have to leave there. I would like to leave it there. The homeowner would like to leave it there. He hasn’t moved in yet. If we can apply for a variance to do that.

Jeff Mueller: You need to talk to the Board about that.

Ron Dauby: Don’t allow that? Okay, well, I’ll have to talk to him about moving it then. I have no problem with doing any of that stuff.

President Shoulders: So, other than the fence, Mr. Dauby, huh—

Joe Harrison, Jr.: What about the other issues?

President Shoulders: Yeah, like the erosion, certificate of (Inaudible).

Ron Dauby: The erosion around the lake—

President Shoulders: Yeah.

Ron Dauby: --to put it to a 4:1 slope, and the erosion off of the spill, off of the actual pipe that comes out of the lake.

President Shoulders: Yeah.

Joe Harrison, Jr.: And the vegetation.

Ron Dauby: Yeah, and the vegetation.
President Shoulders: But, he said certificate of occupancy.
Ron Dauby: Yeah, that's the erosion control.
President Shoulders: Yeah, and certificate of occupancy, I think we addressed that.
Joe Harrison, Jr.: Well—
President Shoulders: Did you mention that one?
Joe Harrison, Jr.: --he doesn't have it.
President Shoulders: Well, you don't have it, but, I mean—
Commissioner Ungethiem: Is that a legal issue?
President Shoulders: --30 days would—
Commissioner Musgrave: Yeah, what does the Building Commissioner do about that?
President Shoulders: Do about that, yeah?
Joe Harrison, Jr.: I don't know.
President Shoulders: I don't know the answer to that.
Commissioner Musgrave: Well, yeah, you're going to have to deal with the Building Commissioner on that, but I know that the Surveyor will want to know that that's been granted.
Ron Dauby: I can do that.
Joe Harrison, Jr.: It's just something you have to do.
Commissioner Musgrave: But, they won't give you that until these other issues are—
Ron Dauby: Yeah, I can take care of that, yeah.
Commissioner Ungethiem: I think what I would like to see is a letter addressing each one of these issues, giving a date at which these issues will be completed.
Ron Dauby: Okay.
Commissioner Ungethiem: So, that the Surveyor can go back out and re-inspect and make sure that those issues have been completed before we go forward.
Ron Dauby: Okay.
Commissioner Ungethiem: Let me give you an example. The slope being 2:1 instead of 4:1, that's something that can be done right now, and it needs to be done before a house is built.
Ron Dauby: Yeah.
Commissioner Ungethiem: Vegetation, you're not going to get anything to grow until the end of September, so I would give you a leeway on getting something started, as far as vegetation, until the growing season starts in September. The fencing issue can be done now. Certificate of Occupancy needs to be done now. Emergency spillway, if that's a vegetation issue, that may require some additional vegetation, that may wind up being in September. And, erosion on the primary spillway, I'm not sure what the solution to that is, but that's something that could probably be fixed now as well. So, what I would like to see is a letter, signed by you, indicating these issues, and indicating when they will be completed, so that we can come out and check those. We're talking about completed within the next couple of months—
Ron Dauby: Yeah.
Commissioner Ungethiem: --so we can go out and check those and make sure that everything is complete, so we can move forward.
Ron Dauby: Hopefully, I can get all of the grading done way before that.

Commissioner Ungethiem: Yeah, does that sound reasonable?

Ron Dauby: Yeah.

Joe Harrison, Jr.: Can you get us a letter within the next ten days?

Ron Dauby: Yeah.

Joe Harrison, Jr.: Okay.

Ron Dauby: No problem. Okay?

President Shoulders: Do we need a motion for that, Joe?

Joe Harrison, Jr.: No, no.

Ron Dauby: Thank you.

President Shoulders: Okay, we sure appreciate it, Mr. Dauby, and we'll look for the letter.

Ron Dauby: Okay.

President Shoulders: Thank you.

Joe Harrison, Jr.: I would like for you to send it to the Surveyor.

President Shoulders: Yeah, Jeff.

Ron Dauby: No problem. Thanks.

Commissioner Musgrave: Thank you.

President Shoulders: Good stuff. Alright, Jeff, claims?

Jeff Mueller: Sounds good. Thank you.

### Ditch Maintenance Claims

Jeff Mueller: Claims, oh, I'm sorry, Ron. I think there, you have a spreadsheet, bear with me, 14 claims, $3,493.68. Most of them are for 15, the remaining 15 percent, two of them are for 85 percent for some initial mowing. All things that you guys have previously approved.

Commissioner Musgrave: Move approval of the claims.

Commissioner Ungethiem: Second.

President Shoulders: Okay, a first and a second. All in favor please say aye.

All Commissioners: Aye.

President Shoulders: All opposed same sign.

(None opposed)

President Shoulders: The motion passes.

(Motion approved 3-0)

### Old Business

Jeff Mueller: The only other thing I don't have on the agenda, is tomorrow we have a Joint Drainage Board meeting—

President Shoulders: Yeah.
Jeff Mueller: --at 2:00. DNR will be sending some people, at least one that I know of, his name is David Nance. David is a geologist that I used to work with in my previous life. David is going to come down and give us some information, including the cost of putting in a monitor, flow gauge and stuff, so that we could say what's going on. He's also going to give us some information regarding some stuff that he did back in 2001, regarding Pigeon Creek. So, I think it's going to be pretty interesting. Unfortunately, Mr. Bacon's not going to be here. I wish he was, because there's some dollar figures that have to be talked about in some of his suggestions. I hope to meet David a little bit before the meeting tomorrow. John and I to just kind of talk some other generalities. But, I have been in conversations with both him and with George Bowman, who's the Deputy Director of DNR, to tell them, I don't know that they were given a whole lot of direction as far as what was going on. So, I kind of gave them a history of what's happened and what's been going on in the meetings, so that they wouldn't come in cold. So, hopefully that will help in our meeting tomorrow.

President Shoulders: Good stuff. Any other business? Oh, yes?

Commissioner Ungethiem: I had one question. I was in the Vanderburgh Industrial Foundation meeting yesterday, and they asked a question about the ditches within the VIP property.

Jeff Mueller: Uh-huh.

Commissioner Ungethiem: And the potential of making those regulated drains.

Jeff Mueller: We have a meeting set up with Mr. Harrison on August the 9th.

Joe Harrison, Jr.: The 8th or 9th, yeah.

Jeff Mueller: The 8th or 9th where we can talk about the pros and cons of that.

Commissioner Ungethiem: Okay.

Jeff Mueller: I brought that item up to them when I met with them before.

Commissioner Ungethiem: I understand you had talked with them—

Jeff Mueller: Yeah.

Commissioner Ungethiem: --I just wanted to know where that stood.

Jeff Mueller: So, what I wanted to do was say, guys, here's an idea, but it does have some cons. So, I want you to understand the pros and cons, and if you like the idea, here is how you could proceed forward. And, also with the fact that one of the ditches, if you remember the last spec building that was being built, there was discussion about doubling it in size, and when they did that, they were actually going to have to move the ditch. Lochmueller's already done the design for the ditch, and there's permitting and all of that, and there was even discussion of maybe we want to wait, if they do decide to do that, until after that ditch is moved. But, we were going to just kind of talk in generalities about that whole issue. Because I do think it would be good that, especially as the buildings get built up, that someone can look over the shoulder and keep an eye on things.

Commissioner Ungethiem: I think they're struggling with that, because they don't understand ditch maintenance very well, and—

Jeff Mueller: Yeah, and we've had some problems out there. With one ditch, it's actually caused problems with the road, as John can tell you about. So, you know, I think we can, it would be a good thing. You know, that's what legal drains—

Commissioner Ungethiem: Okay.

Jeff Mueller: -- are all about.

Commissioner Ungethiem: Just was curious as to where that was in the planning stages, and—

Jeff Mueller: Yeah, Dan Ahrens and Pepper—
President Shoulders: Mulherin.

Commissioner Ungethiem: Pepper Martin?

President Shoulders: Mulherin.

Jeff Mueller: Is it Martin?

President Shoulders: No, Mulherin.

Commissioner Ungethiem: Mulherin.

Jeff Mueller: Mulherin, and there was another fella from Old National.

Joe Harrison, Jr.: Yeah.

President Shoulders: Sam.

Jeff Mueller: The three of them are supposed to meet with John and I.

President Shoulders: Yeah.

Jeff Mueller: And Joe.

Commissioner Ungethiem: Okay.

President Shoulders: Was it Nell, probably? I don't know. Okay, good stuff.

Commissioner Ungethiem: Okay.

President Shoulders: Anything else, other business?

Jeff Mueller: No.

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Adjournment

Commissioner Ungethiem: Motion to adjourn.

President Shoulders: Public comment? Okay, well, are we going to ask for any public comment? But, I guess not alright, second?

Commissioner Musgrave: I'll second it.

President Shoulders: Okay.

Commissioner Musgrave: We're done.

President Shoulders: We're all adjourned.

(The meeting was adjourned at 4:26 p.m.)

Those in Attendance:

Ben Shoulders                Bruce Ungethiem                Cheryl Musgrave
Jeff Mueller                 Joe Harrison, Jr.                Madelyn Grayson
Ron Dauby                    Others Unidentified             Members of Media
VANDERBURGH COUNTY DRAINAGE BOARD

Ben Shoulders, President

Bruce Ungethiem, Vice President

Cheryl Musgrave, Member

(Recorded and transcribed by Madelyn Grayson.)