The Vanderburgh County Drainage Board met in session this 18th day of July, 2017 at 3:46 p.m. in Room 301 of the Civic Center Complex with President Cheryl Musgrave presiding.

Call to Order

President Musgrave: I want to call to order the July 18, 2017 meeting of the Vanderburgh County Drainage Board.

Pledge of Allegiance

President Musgrave: If you will all please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of the June 13, 2017 Drainage Board Meeting Minutes

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

Commissioner Ungethiem: So moved.

President Musgrave: I will second. All of those in favor signify by saying aye.

Commissioner Ungethiem: Aye.

President Musgrave: Aye.

(Motion approved 2-0)

Waiver & Release and Drainage Easement Encroachment Agreement for Lot 21: Jaffee: Blue Heron Estates

President Musgrave: We move now to the Surveyor for a report on Blue Heron.

Jeff Mueller: Okay, first of all, you’ve got an encroachment agreement and a waiver to the drainage plan for Lot 21 for the Jaffee’s. You’ve got that packet in your hand outs that I gave you. I’ve reviewed both of these documents and have no issues with their approval, and recommend that they be approved by the Board.

President Musgrave: Is there a motion to approve the encroachment agreement?

Commissioner Ungethiem: So moved.

President Musgrave: I will second. Is there any further discussion? Hearing none, I’ll call for the vote. All of those in favor signify by saying aye.

Commissioner Ungethiem: Aye.

President Musgrave: Aye. The motion carries.

(Motion approved 2-0)

Jeff Mueller: Were you going to do a motion for the waiver too?

Joe Harrison, Jr.: Yeah.

Commissioner Ungethiem: For the letter, for the waivers? I’ll make a motion to approve the letter regarding the waivers—
Jeff Mueller: No, no, no, no, the waiver for Jaffee.

President Musgrave: The waiver for Jaffee.

Joe Harrison, Jr.: They had an encroachment agreement and a waiver.

President Musgrave: Sorry.

Commissioner Ungethiem: Okay.

President Musgrave: Yeah, sorry.

Commissioner Ungethiem: I make a motion to approve the waiver agreement for Lot 21, Jaffee.

President Musgrave: I will second. Is there any discussion? I’ll call for the vote. All of those in favor signify by saying aye.

Commissioner Ungethiem: Aye.

President Musgrave: Aye. That motion carries as well.

(Motion approved 2-0)

Commissioner Ungethiem: Jeff, one question before we move—

Jeff Mueller: Sure.

Commissioner Ungethiem: -- are you done, or before we move on to Blue Heron, how close are we to getting that wrapped up to where it’s out of our hair?

Jeff Mueller: We’re getting fairly close on most of the physical work, although there’s still a couple of things outstanding there that we’ve got to get resolved. To be honest with you, there’s a couple of places where it’s kind of like, what are you going to do here? I mean, we still have to get that answered. There are three vacations that will be coming in here shortly. That will help out some situations. With one of those vacations, there’s going to be a waiver. So, we’re starting to get down to a lot of the paperwork.

Letter to Residents of Blue Heron Estates

Jeff Mueller: As we talk about, on the other thing here, this letter to the residents that I sent you a copy of, we’ve got some residents that don’t want to sign some paperwork out there. I understand their reluctance, but we had Jaffee who you just signed, she was here at the last Drainage Board meeting, and she was kind of not sure what she wanted to do. I had about a ten minute conversation with her, and she said, oh, I’m fine with signing it then. She talked to Joe too. We’ve got a house out there for sale right now that they need to sign a waiver and an encroachment agreement. It’s listed by a realtor, so, I don’t know what they put with their statement with their realtor, but it’s like, they’re not in compliance, but all they need to do is sign the paperwork. That’s all we’re trying to get all of these people to do, is sign the paperwork, because it only helps them. On these waivers, I know Bill had some waivers signed, and I remember we had somebody move in a house afterwards and they tried to do something different, and I went back and said, and when I say Bill, you know, Mr. Jeffers, and I said, you guys signed this, you know, you signed this piece of paper, you can’t do that. You know, it’s like, it’s so great to have all of this stuff on file, because my memory is not that great, and I’m not going to be here forever, and you know, it just makes it better.

President Musgrave: So, that’s what this document is?

Jeff Mueller: Right, that letter that we sent, we sent to a number of folks. The letter that you have is, you know, I didn’t send it that way, I sent it to individual ones. We sent a letter to all of these folks out there explaining to them why they should sign the waiver or an encroachment. Why it’s being given to them, and why it’s to their benefit. My understanding is that the developer is paying the recording fees, Morley’s doing all the work. It’s like, my goodness, sign the paperwork. You’re never going to get a better deal than this.
Commissioner Ungethiem: If they do it now it's free. If they wait till later, they're going to have to pay for it.

Jeff Mueller: Right, right, plus, as we're aware of, we have a fencing ordinance, and anybody can complain about a fence that's been put up after a certain date, the Building Commission goes out and sees it, and they can order that fence out. But, if they've got that encroachment agreement, the fence can stay. It's like, it's a no brainer in my mind, but I know there's a little bit, there's been a lot go on out there.

Joe Harrison, Jr.: It's a get out of jail free card.

Jeff Mueller: Yeah, it is, but we've made a lot of progress out there. There's still, like I said, a few things that have to be...I know, I talked to Mr. Lodato, I don't know if you remember, he came up and spoke to you a while back, and he's one of them that has to do some paperwork, but I asked him, and he said, they were just out here, Jeff, and I think that the work they did is good, so I'm going to be happy with it. So, you know, we're making ground out there. We're you know—

President Musgrave: Okay, do you need us to approve this letter?

Jeff Mueller: No, I just sent it out. It was just given to you for your—

President Musgrave: Information?

Jeff Mueller: Yeah, so, we might use it in the future on some other places too.

**Construction in Floodway Permit: ADM Grain Company**

President Musgrave: Construction in Floodway, it looks like a permit.

Jeff Mueller: Yeah, as you know, the Drainage Board is copied on all Construction in Floodway permits that come through Vanderburgh County. This one is for ADM. It's an open structure down on the Ohio River. It really doesn't have anything to concern us, but it's given to you for your files.

President Musgrave: Alright, thanks so much.

**EVSC: Minor Revision to Final Drainage Plan**

President Musgrave: We move now to EVSC minor revision to the final drainage plan.

Jeff Mueller: Okay, this is a minor modification to the approved drainage plan up at the McCutchanville School. It's to relocate a two inch private forced main on the EVSC property. The reason it's being even brought before the Board is because a portion of the sewer will lie within the easements of the detention pond, and perhaps some drainage swales. Therefore, my only comment is that I would recommend the following conditions to the approval; first, that if any easement is required for the sewer line, that it's easement be subordinate to the drainage and/or lake maintenance easements; and, second, that any repair work to be done on the sewer line within the easement for the detention pond, that the spoil from the line be placed to the north side of the sewer line. If they placed it in the south side, it would go into the detention pond. Then, third, that these conditions, where applicable, would be noted on any easements that are eventually filed. But, pretty simple, and I don't have a problem with it.

President Musgrave: So, you would like us to make a motion to approve?

Jeff Mueller: Sure.

President Musgrave: With the conditions?

Jeff Mueller: Yes, please.

Commissioner Ungethiem: I make a motion to approve the minor revision of the final drainage plan for EVSC, McCutchanville Elementary School.
President Musgrave: With the three conditions, as outlined by the Surveyor?

Commissioner Ungethiem: Yes.

President Ungethiem: I will second that. Any further discussion? All those in favor signify by saying aye.

Commissioner Ungethiem: Aye.

President Musgrave: Aye. The motion carries.

(Motion approved 2-0)

Hawthorne Estates, Section 2: Revision to Final Drainage Plan

President Musgrave: Hawthorne Estates, Section 2, revision to the final drainage plan.

Jeff Mueller: There’s a letter in your package that pretty much explains this request. The change in the final drainage plan affects Lots 203 through 208. In the original preliminary plan the drainage on these lots was to drain from the back to the front, since there’s a hillside, they are essentially built into a hillside. In the final drainage plan they showed a swale along the back side of the lots, but when they commenced dirt work, the developer really didn’t like the way it was going to look, and he really wanted to go back to what was in the preliminary plan. So, what you’re approving is a minor change, minor changes to the final drainage plan. Drawing C-101 that was submitted with the request on July 14, 2017 is going to replace the version of drawing C-101 that was originally approved with the final drainage plan on December 6th of 2016. The submitted revision meets the county’s drainage code, and therefore is being submitted for your approval.

President Musgrave: Alright, is there a motion to approve?

Commissioner Ungethiem: So moved.

President Musgrave: I will second. Any discussion? All of those in favor signify by saying aye.

Commissioner Ungethiem: Aye.

President Musgrave: Aye. The motion carries.

(Motion approved 2-0)

Applications to Affect Legal Drains (5): Nurrenbern, Boesche & Crawford Brandeis

President Musgrave: We move now to applications to affect legal drains; Nurrenbern, Boesche, is that Boesc... or Bosch?

Jeff Mueller: Boesche.

President Musgrave: Boesche?

Jeff Mueller: That’s the way I pronounce it. I don’t know.

President Musgrave: Crawford Brandeis.

Jeff Mueller: I’m using the German “oe”, so. Anyway, you have five applications for the installation of underground fiber optics on Nurrenbern, Boesche and three of them are on Crawford Brandeis legal drains. The three on Crawford Brandeis are in different locations. This is for a proposed fiber optics line that’s going to go over from an area around Lynch Road over into Newburgh. So, where they cross they are asking for permission to cross our drains. Where they’re going to actually cross the drain physically, they will be boring underneath our drains, a minimum of three feet underneath the drains. So, I don’t have any problem with it, and, you know, they filled out the applications that they’re required to. So, I bring them to the Board and recommend their approval.
President Musgrave: Motion to approve the applications?

Commissioner Ungethiem: I make a motion to approve all five of the applications.

President Musgrave: And, I will second. Is there any discussion? All those in favor signify by saying aye.

Commissioner Ungethiem: Aye.

President Musgrave: Aye. The motion carries.

(Motion approved 2-0)

President Musgrave: We move now to the ditch maintenance claims.

Jeff Mueller: One other comment, I’m sorry. If I could, just one thing. We are getting an awful lot of requests for all kind of stuff to be going into Crawford Brandeis. If you remember, we had the issue with Crawford Brandeis on the east side of it, you know, which is where it’s nice and wide and nice and green, and the piping is there. I have told everyone that’s come in that always wants to put anything in there, that I’m only a technical advisor to this Board, but I will recommend that the Board denies anything on that side. We don’t want anything on that east side of Burkhardt Road where it’s nice, green grass and we’ve got everything flowing through there. That’s why they always want to put something there. I’ve told them that’s the interstate highway of drainage through there. So, I’m just telling people that’s my opinion, they can always come to the Board for if they want, you know, I’m only the advisor to you all, but I would like to see things on the west side of Burkhardt, away from our drainage structures.

President Musgrave: I sure hope someday we can pipe that and cover it up.

Jeff Mueller: Well, it is piped, but it's nice, green grass—

President Musgrave: Oh.

Jeff Mueller: -- and then if we can keep everything out of there, then somebody in the future isn’t going to have to fight with all of that stuff. It’s where those two great big, I think you may have been Commissioner when all of that was done.

President Musgrave: Bettye Lou Jerrel was.

Jeff Mueller: Okay, but anyway, you know, let’s keep that all nice and green. Okay.

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Jeff Mueller: I’m sorry, ditch claims. You have a spreadsheet summarizing the claims for this meeting. There are 25 claims totaling $11,657.12. Most of the claims are the 15 percent retainage that we pay 60 days after the original claim. All of the claims are for work that this Board previously approved.

President Musgrave: Is there a motion to pay the claims?

Commissioner Ungethiem: I make a motion to pay the ditch claims for July 18, 2017.

President Musgrave: I’ll second. Any discussion? All those in favor signify by saying aye.

Commissioner Ungethiem: Aye.

President Musgrave: Aye. The motion carries.

(Motion approved 2-0)

1 Should be east.
President Musgrave: Joint Drainage Board meeting on July 20th.

Jeff Mueller: Just a reminder we have that Joint Drainage Board meeting on July the 20th. I'm not sure where we're going with it, other than we scheduled it a month ago, and I understand that Warrick County has appointed a couple folks.

Commissioner Ungethiem: Do we know, at this point in time, who's going to lead that? It's going to be somebody from Warrick County, but they haven't decided?

Jeff Mueller: I don't know. I mean, the only thing that I know of is State statute requires that their Surveyor be the technical advisor to the Board because of the length of the stream.

Commissioner Ungethiem: Okay.

Jeff Mueller: So, I don't know what they're planning. I don't know if Representative Bacon is going to come back. If you remember, he had mentioned something about bringing a Bob Barr here from IUPUI to talk about the stream. I didn't realize it until after I talked to some folks at DNR that I've heard a presentation of his before, and, so, I don't know what's being planned on the meeting. I guess, we'll all find out.

Commissioner Ungethiem: Show up and find out.

Jeff Mueller: Yeah.

Commissioner Ungethiem: Okay.

Jeff Mueller: So, the only thing I found out is that they had appointed one Commissioner and they appointed an engineer. I know that the statute actually says it's supposed to be, they're supposed to appoint two members from their Board.

Joe Harrison, Jr.: Yeah, it's got to be two members.

Jeff Mueller: Yeah, so, I don't know. I think someone told them about that. So, I don't know if they've went back and relooked at that or not.

Commissioner Ungethiem: Okay.

Other Business

President Musgrave: Alright, is there any other business?

Commissioner Ungethiem: One question, we've got an issue out at Vanderburgh Industrial Park where we're having a sinkhole develop. At this point in time we don't know whether it's a sanitary drain or a storm drain. My question is, if it is a storm drain, is the county responsible for that? That may be a question for John.

Jeff Mueller: We would have to go back to the drainage board and see, or John could go back in his records, we would have to go back to look and see how that subdivision was set up.

Commissioner Ungethiem: Well, this is the Industrial Park.

Jeff Mueller: It's still a subdivision though. Let's see though, they can't, it's only residential that they can do the plan...I would have to go back to the code on that one.

Commissioner Ungethiem: Scott's going to do a locate, and he's going to dig to find out what's causing the hole, but if we find out that it is a sanitary sewer, obviously, it's Evansville Water and Sewer Department's. If we find out that it is a storm sewer, we need to understand who's responsibility that is to fix.
Jeff Mueller: We’re sure it’s not—

Joe Harrison, Jr.: The county put them all in.

Jeff Mueller: Okay, we’re sure it’s not subsidence, right?

Commissioner Ungethiem: Don’t know. Don’t know until we dig in.

President Musgrave: Oh, boy, so you get the digger out there and figure out if subsidence ran up to (Inaudible. Microphone not on.)

Jeff Mueller: I mean, that is the Daylight Mine—

Joe Harrison, Jr.: Shelf.

Jeff Mueller: --is, well, it was actually Daylight Shell never actually mined any coal there. That’s the old Daylight-Engle Mine that was mined in 1950 was out there.

Commissioner Ungethiem: On that side of the road?

Jeff Mueller: Uh-huh. The slope was on 57, and it sloped across 57—

Commissioner Ungethiem: Oh.

Jeff Mueller: -- and went underneath.

Commissioner Ungethiem: Okay.

Jeff Mueller: And they hit the number three coal, and they mined in there until they had, I think they had a work stoppage, and the problem is the mine had salt water in it, and when they went back in a lot of the equipment had problems with it. So, they never went back in and reopened the mine. It was a real small mine.

Commissioner Ungethiem: Why don’t you give Scott a call and figure out what he knows so far.

Jeff Mueller: Okay.

Commissioner Ungethiem: Before he goes to digging a big hole.

Jeff Mueller: Well, he won’t have to dig very far, if it’s subsidence. Hopefully it’s not. It was down 300 feet. So, I’m hoping that it wouldn’t be a subsidence issue.

Commissioner Ungethiem: Okay.

Adjournment

President Musgrave: Alright, is there a motion to adjourn?

Commissioner Ungethiem: Motion to adjourn.

President Musgrave: So moved, and we are adjourned.

(The meeting was adjourned at 4:01 p.m.)

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