The Vanderburgh County Drainage Board met in session this 2nd day of May, 2017 at 3:48 p.m. in Room 301 of the Civic Center Complex with Commissioner Ben Shoulders presiding.

Call to Order

Commissioner Shoulders: I want to call to order the Vanderburgh County Drainage Board for May 2, 2017.

Pledge of Allegiance

Commissioner Shoulders: If you will all please join Commissioner Ungethiem for the Pledge of Allegiance please.  
(The Pledge of Allegiance was given.)

Approval of the April 11, 2017 Drainage Board Meeting Minutes

Commissioner Ungethiem: Here, now you’re official.

Commissioner Shoulders: Oh, yeah, I’ve got my gavel here. Is there a motion to approve the previous minutes?

Commissioner Ungethiem: So moved.

Commissioner Shoulders: I will second. We have a motion and a second. Any discussion in regards to the minutes? Hearing none, I will call for the vote. All those in favor signify by saying aye.

Commissioner Ungethiem: Aye.

Commissioner Shoulders: Aye. All opposed same sign.  
(None opposed)

Commissioner Shoulders: The motion carries 2-0.  
(Motion approved 2-0)

Discussion of Rainfall Over the Previous Weekend

Commissioner Shoulders: Jeff, if you could provide us with an update on Blue Heron please.

Jeff Mueller: Before that, if you don’t mind, I was wanting to talk about rainfall for just a second.

Commissioner Shoulders: Sure, absolutely.

Jeff Mueller: Because I know that’s been in the news.

Commissioner Shoulders: Had a little bit over the weekend.

Jeff Mueller: As you are aware, we had a little bit of rain over the weekend. I pulled this off of the National Weather, NOAA site, and you can see the differences and some of the numbers that were recorded. These aren’t off of just anybody's rain gauge. To get these numbers recorded by NOAA you have to be a certified, or a trained spotter. So, you can see, and the one spot that you can’t see is that there’s a spot right over the airport, and I believe that’s 4.37 inches, okay? So, that’s what the airport officially reported. You can
see some numbers, and the 4's, interesting, over in Henderson, 1.61 inches, but you can see also a 7.1 inches and 8.32 inches. A couple things I just kind of want to point out, most of the rainfall occurred, it was recorded in an 18-hour period, but a lot of it actually occurred over a 12-hour period. So, if you’re wondering what some of that means, you’ve got a spreadsheet like this in your packet. Just a couple of things there, for example, in Holland, Indiana, 7.93 inches of rain in 11 hours. That’s off the scale. I mean, I’ve got numbers for a hundred year, 12 hour storm, and it doesn’t fit that. So, it would have been a hundred year, it would have been something more than a hundred year storm over a 12 hour storm, hundred year storm. Some of the other rainfalls, when you’re looking at these ranges of 4.37, or 5.87. The 4.37, that’s a 10 year, 24-hour storm, but actually if it occurred in 12 hours, you’re looking at about a 25-year storm. Again, we’re talking, when we’re talking storms 25 year, that’s the probability that it would happen once every 25 years. A ten year would be once every ten. So, we had some, probably, since most of this rainfall occurred in a 12 hour period, we probably had a 25 year, 12 hour storm, and some variations beyond that in some of these other areas. So, we did have some significant rainfall. I think we can all tell stories about everything we saw, and how we saw some rain that we never saw before. Also, this wasn’t a typical rainfall distribution, so that made it even worse. Because when we talk about storms, they talk about in the Midwest having a Type 2 distribution where the rain kind of does this and comes back down. I think it just did this. So, anyway, it wasn’t a normal rainfall. We did have a lot, and I do bring this up too because I know Blue Heron’s going to be up here talking in a minute, and they got that big rain out there, plus some other rain. So, it did hamper some of their efforts. With that, I will move on and talk about Blue Heron, unless you all have any questions. So, I think this little map here is pretty neat. I happened to find that today.

Commissioner Shoulders: Yeah, that’s, wow!

Blue Heron Update

Jeff Mueller: Alright, so, Blue Heron, the first two maps are some maps that Morley and Associates have provided us before. So, it’s kind of been their working game plan. So, let’s talk about what’s going on. The Lot 80, Millersburg Road, that’s Mr. Lawson, he’s addressed this Board before. So, the picture on the left was what it looked like, and the picture on the bottom right is what they’ve got done. Drainage on Lot 62-65, this is some work that was done recently. I will bring up Lot 66 in just a minute, okay? That’s looking good on those lots. This was done a little bit before, but this was one of the areas where the swale between Bombay Circle and Osprey, and there’s some hand digging where you can see on the lot and everything, and that’s what it looks like now. So, some definite improvements in these areas. So, with that said, what’s still required? I’m going to go through pictures on each one of these, but I’ll kind of go off. One is to complete the riprap installation on the Millersburg Lot 80. There was a request to put some riprap, additional riprap in there, which we gave approval. Complete drainage on Lot 62, that’s Mr. Ladato’s lot. Mr. Ladato has been here to talk before.

Commissioner Shoulders: Yeah.

Jeff Mueller: You know, we showed pictures of where everything else has been done. I’ll show you what still needs to be done there. Install a pipe next to Lot 48. That’s where a house got too close to the pipe. So, they’re going to reinstall it. They have a drainage structure on order for that. There’s an overflow drain that still needs to be created. Drainage on Lots 58-61, that’s, and also there’s some encroachment agreements needed, and actually some drainage vacation that needs to be there. That’s Joe Ibay’s property and some other lots up through there. Gutter drainage from Lot 15. If you remember, Mr. Wayne Fehd had spoke to the Board about some drainage coming off. So, that’s something that needs to be addressed. There’s a little bit of drainage correction between Lots 45 and 46. Additional paperwork, and then once that gets done they would submit some as-builton, and then John would do an inspection and come up with any punch list that would be there. I would hope that the punch list would be short and sweet, because there has been a lot of work done out there, and there’s been a lot of good work. So, I would hope that we wouldn’t have a whole, long list of…sometimes John’s lists are pretty long, because there’s a lot of things to be done. I think a lot of that stuff is going to be done this time. So, hopefully, that list will be short. Just to run through a few of these
items. A picture is worth a thousand words. Again, you can see the, where the pipe’s been installed, where the pipe finish is, you can see a little bit of a ditch right there. It still needs some riprap in the bottom of that. I think Mr. Morley is going to address a timetable for that. The drainage I showed you earlier on the other lots, but you can see right here, Mr. Ladato still has some drainage there, so we need to do something right in there, or maybe they’ve got an agreement with Mr. Ladato that he’s going to take care of that, but that still needs to be fixed, that one spot there. Okay, Lot 48, that’s where the house was constructed too close to the existing storm sewer, and where the storm sewer is going to be moved over. They have acquired an easement for that, and that easement was recorded, and that’s where you are waiting on the structure. So, that’s on order. So, that one is in the system. Lot, there was originally supposed to be an overflow swale on the solid blue line, I think there was talk about moving it to the dotted blue line, but whatever is going to be done out there we need to have that submitted and have it done. So, whatever the game plan is, that needs to be addressed. This is Joe Ibay’s property, like I said, part of his house is actually in the drainage area. This is to the north, I’m sorry, this is to the south of Mr. Ibay’s property, and something’s got to be addressed so this drainage that’s going to be coming off this lot, actually, there’s going to be a house started out there pretty soon, it’s been staked, but something has to be done on this backyard drainage, as to how it’s going to be handled, how it’s going to be handled through Mr. Ibay’s. Whether they’re going to put a pipe back in there, or whatever, but we need a plan to know what’s going on there. That’s the drain coming off of Lot 15. I think, Mr. Morley, again, they’ve got some plans on that, but that’s where Wayne Fehd was talking about he’s got water coming out his front field. So, I think they’ve got a plan to address that. I’ve showed you a picture before, we’ve got this beautiful drain coming down, but then, and it goes into a pipe, but we’ve got two lots where there’s a swale and there’s water standing. So, that swale needs to be reworked and that drainage gets into that drain right there, but, the rest of the drains through those neighborhoods is starting to look pretty good. Complete paperwork, we’ve got some places where there’s supposed to be swales constructed, and to be honest with you, I don’t think they’re needed, but we’ve got to have the owners sign a waiver. Otherwise, we’ll have the next guy come out there and complain to John and I about, well, you know, I’ve got standing water in the backyard. Where we can say, well, your previous owner signed a waiver saying he was fine with the drainage. To be honest with you, these are lots where there’s no, it’s not like there’s three other lots, they’re at the top of the drainage. So, you know, they’re fine with it. Again, also, some paperwork to do with some fences in the easements too. As I stressed when we had people in the room here before, these encroachment agreements are to their benefit, as well as to the developer’s, you know, because they’ve got a clean piece of paper saying, yeah, I’ve got a fence in the drainage easement, but I got permission to have it there. I know that, Mr. Morley, I think he’s going to tell you that he’s getting a little push back on a few of those, and I don’t understand why, because like I said, they’re doing it, it’s something they would have to do otherwise, and it’s only helping them. Then, like I said, I’ve got a copy of the spreadsheet in your packet, but we need it to turn green. So, we’ve got some things green, but we need some more things to turn green. So, John, do you have anything that you want to add?

John Stoll: No.

Jeff Mueller: So, with that, that’s my update. I know that they were supposed to be completed with everything by today. I’ll be honest, I thought that was an aggressive schedule. Then, with this monsoon that we had, that’s put it back farther. All I want to do is just see these guys continue to work and get this stuff knocked out, and right now that’s what we’re seeing. So, but I would like either Mr. Morley or the developer, or whoever, to address whatever other issues they would like to address.

Jim Morley, Jr.: Jim Morley, Project Engineer. So, we did get some of the stuff done from last time. As you saw, the ditch along Millersburg Road looks a lot better. The remaining riprap, originally there was only going to be grass in the bottom of that ditch. They’re going to go in and put riprap in the bottom to offer a better product. They were supposed to put that riprap in the ditch tomorrow. So, that should be done tomorrow. Then, you saw the two pipes stubbed out that were draining to Mr. Fehd’s field, there plan is after they get done with the riprap, they think even yet tomorrow, but if not, the next day they plan on going in and cutting those drain pipes off, back in the yard and then putting pop up, like downsput pop ups on them, you know, so that doesn’t just discharge right into Mr. Fehd’s
field. So, they’ve got a solution for that. Short of Mr. Ladato’s house, we’ve got the ditch work done at the top of the hill. The pipe across Mr. Ibay’s lot, Mr. Ibay’s other lot, we had planned on having done, there was confusion on the easement, but we did get the easement signed and recorded, and now they’ve got to order a box to turn that manhole. I’ve talked to the contractor to see if there’s an opportunity to do a different type of box, which may make it happen faster. He was going to call the precast company and see if that was possible. He said, at this point, the precast company does have the pipe in the concrete yard, and they can deliver the pipe whenever, but having the pipe out there without the box to turn it in doesn’t help a ton. The, so the contractor, short of some of these things we just looked at there, like a couple of those swale things, he thinks he will be done this week with the things he know, minus that pipe. So, we can go back to him, yet this week, and say, like Mr. Ladato’s lot, you know, and there’s one other lot that’s got some bad drainage on it. So, we can keep him out there, you know, working on that stuff that we’ve already discussed that just kind of fell through the cracks, if you will. The biggest challenge we’ve had is we’ve sent all of this paperwork out. We wrote a cover letter that said, you know, to try to make it easier and understand, you know, a cover letter that said something like, you know, hey, you have a fence in a drainage easement, you know, you either need to move the fence or sign this hold harmless agreement, or you have a retaining wall in the drainage easement. Some of them we got back, no problem. Some of them we got an email back, or a contact back from one guy, and he says my insurance agent doesn’t think he can name the county as an additionally insured. Then he also, we got one, the guy says, why would I sign this? This increases my liability. So, to be honest, I don’t have any authority to say you have to sign it. I was talking to Jeff back here before we started, there is, I guess, what three years ago, two to three years ago, through the Building Commissioners Office now there’s a permit that if the fence was there two or three years ago we can turn them into the Building Commissioners Office, and the Building Commissioners Office can make them move it. But, if it predates that—

Joe Harrison, Jr.: Right.

Jim Morley, Jr.: --I don’t really know what our options are for forcing anything. To be honest with you, because I’m sure we don’t, I’m not lucky enough to have an aerial photo on the date that ordinance was passed, I don’t even really know how to say if the fence was there or not the moment the day that ordinance was passed, or the retaining wall was there the day the ordinance....I mean, I can, if it’s there in an older photo, that’s an easy one, but if it shows up somewhere in between, I’m not 100 percent sure what to do with it. So, we’ve sent out paperwork to, I don’t know, 75-80 percent of these people. The only ones that don’t have the final paperwork are like Mr. Ibay’s where we’re dealing with, in his backyard, you know. But, all of the one’s that we’ve dealt with, that we have a clear path forward on, we’ve sent out, and the developer’s people have been out, you know, knocking on doors, pressuring the flesh, but, in our cover letter we said, if you’ve got any questions, give us a call. So, now we’re starting to get these calls, I guess, for lack of a better term, the low hanging fruit’s gone, you know, so now we’re starting to get these calls of, why would I sign that? Then, to be honest with you, it’s a little bit of a mob mentality, once one of them says, well, I ain’t going to sign that, you know, and his neighbor hears him say that, then he says, well, if Bob ain’t going to sign it, I ain’t gonna sign it. I already can’t even get insurance. So, now we’re starting to butt up against that, and to be honest with you, I don’t really know, I mean, we can approach the Building Commissioners Office maybe about some of those, but I bet you a dime to a dollar some of them predate that ordinance. So, I don’t know really what to do with them.

Joe Harrison, Jr.: I’m sure most of them do. In fact, I would be shocked if they probably all do. But, you know, a lot of times the contractor’s got to get a license, don’t they, to put the fence up, or not?

Jim Morley, Jr.: I don’t….back then I don’t think they did.

Joe Harrison, Jr.: I mean, I don’t know, but the issue really is going to be when they try to sell their house. If there’s any issues with neighbors, if they’re in the drainage easement, you know, at some point they may have to move it. Whatever it is.

Jim Morley, Jr.: And that’s what Jeff said. I mean, we share with them that, you know, hey, if you sell your house you have to sign a statement that says you don’t have any issues.
Joe Harrison, Jr.: That’s their deal.

Jim Morley, Jr.: But, you know, if they say, well, I’m okay with that, I would rather deal with that than sign this. Where do we go with that?

Jeff Mueller: My only suggestion is let’s get everything in that you’ve got—

Joe Harrison, Jr.: Yeah.

Jeff Mueller: -- and let’s see what high hanging fruit is there.

Jim Morley, Jr.: Okay.

Jeff Mueller: Let’s get some stuff in, and let’s see what’s left.

Joe Harrison, Jr.: Somebody did call me, the last name, I think, was Jaffe or Jeffy.

Jeff Mueller: Jaffe, wasn’t it?

Joe Harrison, Jr.: I tried to call the lady back, and I haven’t heard back from her, but, I mean, I didn’t prepare any documents. So, I don’t know why she’s calling me, but, anyway, I just wanted to alert you of that.

Jim Morley, Jr.: Yeah, and we even, you know, in our letter we said, you know, the hold harmless agreement is the same one that’s one, I mean, we even gave them the link to the County Surveyor’s website that’s got, I mean, so, it’s not like we were trying to pull a fast one on them and this was something we cooked up. We sent them right to the county’s website so they could see—

Joe Harrison, Jr.: She mentioned something about the waiver. Now, I know the encroachment agreement is kind of a form that’s been out there.

Jim Morley, Jr.: Yeah, the waiver is more of a custom—

Jeff Mueller: Yes.

Joe Harrison, Jr.: But, it’s nothing, I mean, you prepared those, or your attorney, or Mr. Wischer or somebody.

Jim Morley, Jr.: Yeah, we did them, we reviewed them with Jeff—

Joe Harrison, Jr.: Okay.

Jim Morley, Jr.: --I mean, so it’s not, but to be honest with you, we’re a private company, you know, we’re not necessarily a governmental agency, and so we may be in cahoots with the developer, you know, and so they don’t necessarily look to us and say, well, sure, let me sign here.

Commissioner Shoulders: Sure.

Jeff Mueller: Like I said, I think it would be best to get everybody in, and then let’s see who’s out there left. Then, let’s approach it from that point. That would be my recommendation.

Joe Harrison, Jr.: Yeah.

Commissioner Shoulders: Well, that’s what I was going to ask you, Jeff, keeping in mind that we can’t predict the weather, what is a realistic, yet attainable time frame to circle back on all of this do you think? Before you said that you thought it was a little aggressive, I think it was four weeks, but what do you think, four more?

Jeff Mueller: Well, Jim’s telling me the box is probably three weeks out.

Jim Morley, Jr.: I think to make that box is three weeks.

Commissioner Shoulders: Well, we have a meeting in three weeks from today, no, we do not actually.

Jeff Mueller: Yeah, three weeks from today is correct.
Commissioner Shoulders: Yeah.
Jeff Mueller: But, the other thing is, is some of this work is kind of fancy work. So, you don’t want to be out there screwing these yards up, right after a rainfall.
Commissioner Shoulders: Right.
Jeff Mueller: So, I would rather, I just want to know that they’re—
Commissioner Shoulders: Doing, sure.
Jeff Mueller: Okay, I would rather know that they’re working on stuff, than out there slopping around in somebody’s back yard, just to meet a deadline.
Commissioner Shoulders: So, why don’t we do this, why don’t we circle back on this at our first Drainage Board meeting in June? That gives us a full five weeks, I guess.
Jim Morley, Jr.: Okay.
Jeff Mueller: By then you’ll have your box in and stuff.
Commissioner Shoulders: Which is June, I believe it’s June—
Madelyn Grayson: 6th.
Commissioner Shoulders: 6th, there you go. Thank you, Madelyn. June 6th, five weeks from today, is that—
Jim Morley, Jr.: Yeah, I mean, we should by that time, assuming the manufacturer is on schedule with the box, we should have the box done and installed by that time.
Commissioner Shoulders: Great.
Joe Harrison, Jr.: Some of these forms ought to be, you ought to have them all in except for a few.
Jim Morley, Jr.: Yeah, and what we’ll do on the ones we don’t have, we’ll give you an update, saying they won’t return our call, or they said we’re not signing it.
Commissioner Shoulders: Right.
Jim Morley, Jr.: We’ll kind of give a status of each one of those. Then, I don’t know if you guys have been getting it, but we’ve sending in kind of update emails to let you guys know what’s going on. We can continue to do that.
Jeff Mueller: Yes, I think we should.
Commissioner Shoulders: Yeah, alright.
Jeff Mueller: It’s like, I think we talked about before, Mr. Shoulders, I just, we all want to see this done.
Commissioner Shoulders: Sure.
Jeff Mueller: I just want to see them keep grinding away at this. I’m sure everybody else feels that way too.
Commissioner Shoulders: And the weather really didn’t help these last five, six, seven days.
Jeff Mueller: Yeah. So, I mean, we’re supposed to get another one to three inches of rain starting tomorrow night. If that’s the case, I don’t want to see people’s backyards messed up.
Commissioner Shoulders: Right. Okay, anything else on Blue Heron?
Jim Morley, Jr.: Now, I will say, hopefully from the pictures you guys saw, you saw, I mean, there’s sod and all, I mean, they look great.
Commissioner Shoulders: Yeah.
Jim Morley, Jr.: So, hopefully you guys see that.

Commissioner Shoulders: No, absolutely.

Jim Morley, Jr.: And see that they’re trying to do a good job.

Jeff Mueller: We are getting positive comments back from some of the, you know, everybody that’s happy, we’re getting positive comments back.

Commissioner Shoulders: Yeah.

Jeff Mueller: And, we’re getting more and more happy people. So, you know——

Commissioner Shoulders: That’s great.

Jim Morley, Jr.: Thank you.

Jeff Mueller: Thanks, Jim.

Commissioner Ungethiem: Thank you.

Commissioner Shoulders: Thank you.

Jeff Mueller: Did you guys have any other comments?

Jim Morley, Jr.: Not unless you guys have any questions.

Commissioner Shoulders: I don’t. Any other comments on Blue Heron?

Commissioner Ungethiem: No.

Commissioner Shoulders: Any other public comment? Okay.

### Ditch Maintenance Claims

Commissioner Shoulders: Ditch maintenance claims, Jeff?

Jeff Mueller: I have three of them. They’re summed up on your spreadsheet. Let me find that spreadsheet, $2,400.26. You know, we’re starting on the new cycle, so this is the first of some of the work that’s been done. So, you know, as we go along, we’ll have more and more. All of these are for 85 percent, which is our standard. We pay 85 percent, and then the other 15 percent 30 days after. No, it’s 60 days after. Do you remember, Madelyn?

Madelyn Grayson: I don’t remember.

Jeff Mueller: They put them in a file. They sign them and then put them in the right file, and they give them to at that time.

Commissioner Ungethiem: Then, at a certain time later they come back?

Jeff Mueller: Yeah, it’s all nice and organized. So, we keep it moving.

Commissioner Ungethiem: I make a motion to pay the ditch claims

Commissioner Shoulders: Second. A motion and a second, any discussion on the ditch maintenance claims? Hearing none, I will call for the vote. All in favor signify by saying aye.

Commissioner Ungethiem: Aye.

Commissioner Shoulders: Aye. All opposed same sign.

(None opposed)

Commissioner Shoulders: The motion carries 2-0 on the ditch maintenance claims.

(Motion approved 2-0)
Other Business

Commissioner Shoulders: Do we have any other business?
Jeff Mueller: I have nothing, unless you Commissioners have anything for me.
Commissioner Shoulders: Mr. Ungethiem, anything?
Commissioner Ungethiem: I had one comment on Locust, was it Locust Creek, John?
Jeff Mueller: Yeah. John and I went out and looked at that.
Commissioner Ungethiem: Okay, I’ve gotten a phone call, or an email as well. My understanding is that’s not a legal drain, that’s nothing we can do about that. It’s private property, it’s their responsibility.
Jeff Mueller: Yep.
Commissioner Shoulders: And, I had a call about Elmhurst Road, there off of east Oak Hill.
Jeff Mueller: John and I would like to talk to you about that one.
Commissioner Shoulders: Sure.
Jeff Mueller: There’s some, there’s an issue there that we can discuss.
Commissioner Shoulders: Absolutely.
Jeff Mueller: We would rather do that.
Commissioner Shoulders: Okay.
Jeff Mueller: Just to let you know what’s going on.
Commissioner Shoulders: Good deal.
Jeff Mueller: I mean, and then we’re still going to hear about Pigeon Creek again.
Commissioner Ungethiem: Oh, I’ve got a couple already.
Jeff Mueller: Commissioner Ungethiem and I took the royal tour on it, but again, it’s not a regulated drain.
Commissioner Ungethiem: Jeff, is there a way that we can put together a graph that shows the volume that Pigeon Creek, the volume of water that Pigeon Creek can handle, if it was clean; the volume of water that Pigeon Creek can handle, and then the volume of water that actually flows into Pigeon Creek on a rain like that? My guess is it’s quite a bit higher, I know that the volume of water that Pigeon Creek can handle is not nearly as high as the volume of water that landed in that Pigeon Creek area.
Jeff Mueller: Yeah, you would have to run a HEC II analysis. That’s way, they didn’t even have HEC II when we were in college, Bruce.
Commissioner Ungethiem: I’m just trying to—
Jeff Mueller: Yeah, because you would have to have the cross sections, and then you would have to have all of the constriction points. Because that’s, you know, you could say, well, the channel can handle this, but yeah it won’t because of this bridge or that bridge or whatever. Again, it gets back to the issues of, if there’s some logjams and the fact that, you know, it’s not a regulated drain. To make it a regulated drain is almost an impossible venture, unless the State law were to be changed. The law would have to be changed to make it a simpler process.
Joe Harrison, Jr.: The State does—
Jeff Mueller: And there’s 5.9 miles of Pigeon Creek that is—

Joe Harrison, Jr.: --(Inaudible), but they don’t have any money to do it.

Jeff Mueller: --up to roughly Kratzville Road it is a navigable water.

Commissioner Shoulders: Right.

Joe Harrison, Jr.: From (Inaudible) to Kratzville.

Jeff Mueller: Based upon the navigability standards of when the State became a state in 1816, they went through and they said what’s navigable, and there were probably barges going up Pigeon Creek so far to a lumber mill or something like that.

Joe Harrison, Jr.: Yeah.

Jeff Mueller: So, but after that, it’s an individual property situation, even though it’s Pigeon Creek.

Commissioner Ungethiem: Would there be anybody that would have that kind of information? I would think the Army Corps or somebody that could give us a volume flow rate for Pigeon Creek.

Jeff Mueller: I don’t know if any analysis has been done or not. I really don’t.

Commissioner Ungethiem: Because what’s happening now is we’re actually getting all of that water from Pike, and wherever the water is coming from, getting into Warrick County, and it just doesn’t have anywhere to go except into the field, because Pigeon Creek in Vanderburgh County is already full.

Jeff Mueller: And you’ve had other issues, you’ve had changes on the creek throughout the years, you know, different things have been constructed—

Commissioner Shoulders: Debris.

Jeff Mueller: -- and, you know, different things have been done. It’s not a real simple answer, to come up with that.

Commissioner Shoulders: And that’s where Elmhurst eventually flows into, isn’t it?

Jeff Mueller: Yeah, but Elmhurst is a different situation.

Commissioner Shoulders: No, I know, and we can talk about that.

Jeff Mueller: You know, I mean, but like I said, you know, just for people watching so they understand, in order for something to become a regulated drain, someone has to petition this Board. There’s some different percentages, and I would have to read the law and everything, but you go through the law and it essentially says, well, if the Drainage Board thinks it’s a good idea, then you need the petitioner to send out registered letters to everyone who drains into the drain. So, if you were talking about making Pigeon Creek regulated, you would have to send a registered letter to every household who’s water eventually ends up in Pigeon Creek. That’s a lot of households. I mean, we’re in—

Commissioner Ungethiem: In this county, or in every county?

Madelyn Grayson: Could you just run a legal notice in the paper?

Jeff Mueller: Well, then you would get into a situation of would you try to set up a dual Drainage Board.

Commissioner Shoulders: Wow!

Jeff Mueller: It gets, and so the way the law...because people don’t realize that when you’re setting up a regulated drain, people are giving up something. You’re giving up a right of 75 foot on each side of that drain. So, the people that are along that drain, because right now we do not have the legal authority to walk along Pigeon Creek, and, you know, to pull stuff out. It’s private property, just like your backyard is private property. Correct, Mr. Harrison?
Joe Harrison, Jr.: No, you’re correct, but, again, it’s down to Diamond.

Jeff Mueller: Yeah, so, yeah, when someone wants a regulated drain, it has to go through a hearing, because the people who are losing that 75 feet have a right to say I’m for that, or I’m not for it, because it’s my 75 feet that I’m giving up. You know, it’s just like, I talked to the farmers in Armstrong Township, Mr. Ungethiem has been out there a lot, and it’s like they always say, oh, we would like to do that, I would like to do this, and it’s like I always say, I’m fine with it guys, I’m not the one losing one row of corn, or two rows of corn, or three rows of corn. It’s coming out of your pocket. So, if you’re fine with that, I’m fine with it, but I’m not going to dictate to you that we’re going to do this and you’re going to lose five rows of corn. So, I mean, it’s a very complex process for things to become regulated drains.

Joe Harrison, Jr.: It’s a (Inaudible) in the long run.

Jeff Mueller: And that’s the other thing, then you start an assessment, just like you do on every other drain. I mean, would it be good that we had more regulated drains in this county? Definitely. Locust Creek, Carpentier Creek, Little Pigeon, Schlensker, what’s the other one? That takes in—

John Stoll: Furlick.

Jeff Mueller: Furlick. That would be my hit list, if Jeff got his wishes. But, every time you look at one of those, because I’ve looked at some, thinking, boy, it would be great to have one of these as regulated drains, and then you start looking at, well, who’s going to convince all of these people that it’s a good idea? To be honest with you, if I’m not sitting right on the creek, what do I care? I mean, that’s going to be the attitude of a lot of people. Why would I care? I don’t want to pay to do it. My backyard drains fine. I mean, that’s a shame, but, I mean—

Commissioner Shoulders: Sure.

Jeff Mueller: -- you know, so.

Commissioner Shoulders: You make some good points.

John Stoll: While you’re talking about Pigeon Creek, one thing I was going to throw out there too is, I’ve heard it a couple of time today, and I’ve heard it in the past, that people say the Lynch Road bridge is a restriction that’s backing up water on Pigeon Creek as well. I don’t, just like Jeff, I don’t have a creek model that shows before and after, what the actual creek elevations are, but the bottom line is, Lynch Road was a federal aid project. It had to go through all of the State approvals, through DNR, to be able to be constructed. So, whatever regulations were in effect at the time that that bridge was approved, it met all of that criteria. So, whether it affects the elevations now, I’m not going to say it’s irrelevant, but it did meet the requirements at the time that it was approved. So, that’s something else that keeps coming up over and over again, that you may hear as a potential restriction on the creek.

Commissioner Shoulders: I’ll get with you guys about that Elmhurst.

---

**Public Comment**

Commissioner Shoulders: Any other public comment?

Jeff Mueller: The public has left.

Commissioner Shoulders: I was going to say. Did you have anything else on your end?

Jeff Mueller: I’ve got to go home and mow grass.

Commissioner Shoulders: There you go.

---

**Adjournment**

Commissioner Ungethiem: Motion to adjourn.
Commissioner Shoulders: Second. We are adjourned.

(The meeting was adjourned at 4:18 p.m.)

Those in Attendance:
Ben Shoulders                  Bruce Ungethiem          Jeff Mueller
Joe Harrison, Jr.              Madelyn Grayson          John Stoll
Jim Morley, Jr.                Others Unidentified     Members of Media

Ben Shoulders, Vice President

Bruce Ungethiem, Member

(Recorded and transcribed by Madelyn Grayson.)