The Vanderburgh County Drainage Board met in session this 10th day of May, 2016 at 5:08 p.m. in Room 301 of the Civic Center Complex with President Stephen Melcher presiding.

**Call to Order**

President Melcher: We'll call to order the Vanderburgh County Drainage Board. It's May 10, 2016. It looks like it's about ten after five?

**Attendance Roll Call**

President Melcher: Roll call please.

Madelyn Grayson: Commissioner Ungethiem?

Commissioner Ungethiem: Here.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Here.

Madelyn Grayson: President Melcher?

President Melcher: Here.

**Pledge of Allegiance**

President Melcher: Let's stand for the Pledge.

(The Pledge of Allegiance was given.)

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

President Melcher: Is there a motion to approve the minutes of the prior meeting?

Commissioner Ungethiem: So moved.

Commissioner Kiefer: Second.

President Melcher: All in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

**Eagle Ridge Estates 2 & 3: (Continued to Next DB Meeting)**

President Melcher: Next is Eagle Ridge Estates Three to be continued to the next meeting.

Jeff Mueller: Yes, if you're here for this subdivision, the final drainage plans for this subdivision was actually approved previously, but they're going to be coming in with a revision to that plan. They did not get it submitted in to me in time, but it's just a revision to the plan. So, they will have it for the next meeting.
Jeff Mueller: Do you want me to keep going?

President Melcher: Okay, yes.

Jeff Mueller: Construction in floodway permit. You have in your packet for some work that’s proposed by ADM along the Ohio River, and as with all Construction in Floodway Permits, this correspondence is forwarded to the County Drainage Board through the Surveyor’s Office for the Board’s information. I don’t have any recommendations on it, to do anything with it, other than just filing it.

**Jacob’s Village Community Center: Final Drainage Plan**

Jeff Mueller: Next, Jacob’s Village Community Center, final drainage plan. This plan is for approval of a portion of the Jacob’s Village community located off Vienna Road. This is a phase of the overall site. The preliminary plan for the entire Jacob’s Village site was originally approved December 18, 2000. All drainage work, including the construction of a basin, was completed for the entire southern half of the project. The submitted final drainage plan is for a 6.65 acre site at the entrance to Jacob’s Village. The site was originally proposed as a light industrial land use. This site is now proposed to have a Community Center located on the site. Much of the south site, the south area of Jacob’s Village is still not developed. You can see here on the picture, this is Jacob’s Village, we’re talking about this area right in here, where they’re going to be putting a little community center in. But, as I said, in there, a lot of this whole southern area goes to this basin, which I’ll talk about in a minute, but it’s still not been developed. Okay? The included plan proposes additional septic, while included with the drainage plan, the septic plan should be considered only for locational purposes, and will not review to confirm technical viability or if the designs meet any county or state code. Also, in the original overall site plan, there was concern expressed by Mr. Jeffers, the former County Surveyor, regarding the existence of producing oil wells on this property, including a well at or near the location of the proposed building. According to correspondence in the files, these wells have been plugged, but I did mention it in this review. The consultant has provided a copy of the plugging affidavit for our files, to show that that well, where they’re going to be constructing, was plugged. The final drainage plan was submitted on April 20, 2016, and that plan, along with drawings C-S, and C-1 through C-8, is what is requested to be approved. As previously stated, additional information regarding the septic system as shown on drawings C-9 through C-11 are provided for informational purposes only, and not to be part of the reviewed plan. The County Surveyor has requested an as-built and maintenance plan to be submitted for the basin that serves the overall southern area of Jacob’s Village. This has been submitted, but I have not had a chance to completely review it and to get back with them. But, you know, that, we’ve got it on file and they’re moving forward with that particular issue. So, 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, and therefore is being submitted to the Drainage Board for approval under Section 13.04.090. Any questions?

President Melcher: Anybody got any questions?

Commissioner Kiefer: Yeah, so, on this type of development they can do this without sewer because they have a septic system that handles the whole development? How does that work?

Jeff Mueller: I don’t know, Joe, because, like I said, they just gave me the drawings and everything, but, you know, we’re not approving any sewer.

Commissioner Kiefer: Right, right, I understand that. I was just curious.

Jeff Mueller: I mean, they’ve got a pretty intense septic system proposed out there.
Commissioner Kiefer: Okay, so, it's....okay.

Jeff Mueller: Yeah, I mean, but they gave me drawings showing where the lines were going and stuff, but I just want people to understand that we're not stamping that that's part of the approved drainage plan. We're just stamping that, you know, the pipes, the parking lot, runoff, what's going into the basin and stuff like that.

Commissioner Kiefer: Right. Okay.

Jeff Mueller: Okay?

Commissioner Kiefer: So, you're recommending approval then on the drainage?

Jeff Mueller: I'm saying that I've reviewed the plan and it meets the code.

Commissioner Kiefer: And it meets the code? Okay, in that case, I'm going to make a motion to approve.

Commissioner Ungethiem: I will second the motion.

President Melcher: Okay, is there any other discussion? Any questions from anybody? Seeing none. Roll call please.

Madelyn Grayson: Commissioner Ungethiem?

Commissioner Ungethiem: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

(Motion approved 3-0)

Azteca (Continued until next Drainage Board Meeting)

Jeff Mueller: Next on the list is Azteca. Azteca, there was some information submitted for the expansion of a building up there, but there was a number of things that had to be addressed, and they didn't get that back to me in time. So, that will be continued at the next drainage board meeting.

President Melcher: Is that the building they're building now?

Jeff Mueller: No.

President Melcher: Okay.

Jeff Mueller: They're building some bins...the ones that you see along 41, that construction activity, that's some bins. Then they're also building, way on the other side of the railroad tracks, but that was a drainage plan that was approved probably a year or so ago.

President Melcher: Okay.

Jeff Mueller: Okay.

Schnucks North: Revision to East Basin (Continued)

Jeff Mueller: Schnucks North is a proposal to revise the east basin. Again, I was waiting on some additional information on that, and it didn't get to me on time. So, that will be continued to the next Drainage Board.
Clearcest Two: Final Drainage Plan

Jeff Mueller: Clearcest Two, final drainage plan. This subdivision is located on the east side of Darmstadt Road in a portion of the old Clearcest Pines Golf Course, and consists of a short road with a cul-de-sac and four lots. This was what Mr. Stoll talked to you about on the road plans. So, it's essentially there's a road going up and then a cul-de-sac and there will be four lots, two on each side of the road. The preliminary drainage plan was approved by you on April 5, 2016. The final drainage plan was submitted on April 27, 2016, with additional submittal on May 9, 2016. The final drainage plan is requested to be approved and consists of the submitted documents dated April 27, 2016, and drawings C-100, C-502 and a preliminary plat with a receipt date of May 9, 2016. A copy of the review of the submitted drainage plan is in 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, and therefore is being submitted to the Drainage Board for approval under Section 13.04.090.

President Melcher: Any questions?
Commissioner Ungethiem: No.
Commissioner Kiefer: No, I don't have any.
President Melcher: So, we need a motion.
Jeff Mueller: Yes.
Commissioner Kiefer: I'll make a motion to approve.
Commissioner Ungethiem: I'll second.
President Melcher: Any questions from anybody? Roll call please.
Madelyn Grayson: Commissioner Ungethiem?
Commissioner Ungethiem: Yes.
Madelyn Grayson: Commissioner Kiefer?
Commissioner Kiefer: Yes.
Madelyn Grayson: President Melcher?
President Melcher: Yes.
(Motion approved 3-0)

Jerry David Enterprises: Final Drainage Plan

Jeff Mueller: Next, Jerry David Enterprises. This plan is for approval of a final drainage plan for a concrete plant located on Tekoppel Avenue. Much of the area has been previously disturbed, the area is partially in the city and partially in the county. So, the City Engineer's Office also is reviewing the plan. The submitted drainage plan consists of the construction of a small basin on the south side of the property. The final drainage plan was originally submitted on November 18, 2015, with an addendum submitted on April 28, 2016, and additional submittals on May 9th and 10th of 2016. The final drainage plan that is requested to be approved consists of these submittals, plus revised drawings C-101, C-102, C-103, C-103.1 and C-501 submitted on May 10, 2015. 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, and therefore is being submitted to the Drainage Board for
approval under Section 13.04.090. Just so you know, the city portion is this big block here. You can see the city line. This is the county portion. Now, most of the activity is actually going to be in this part. There's going to be a basin down here, and they're going to put a concrete plant in down here. As I stated before, a lot of this area was previously disturbed. It's, you know, down by the railyards.

Commissioner Kiefer: Because it's half in the city and half in the, or a big chunk is in the county—

Jeff Mueller: The biggest portion is in the county, but most of what they're doing is in the county right now.

Commissioner Kiefer: Right, so, I guess my question is, do they submit two different drainage plans?

Jeff Mueller: They submit one plan to us. The city follows our drainage code.

Commissioner Kiefer: Okay.

Jeff Mueller: Okay? And, then, what happens is they submit a plan to both me and to the City Engineer's Office, and we kind of do a joint review. So, the city's had it too, and they've looked it over, and they're pretty much going along with anything that I said in my comments.

Commissioner Kiefer: Okay.

Jeff Mueller: So, the city does not have a separate drainage code. Their requirements are no different than what are the code requirements for outside the city limits of.

Commissioner Kiefer: And, right now, it meets all of their requirements?

Jeff Mueller: It meets all of the requirements for the county code, and the city would deal with anything within the city lines anyway.

Commissioner Kiefer: Okay.

Jeff Mueller: Okay? You're only approving that portion that's in the, you know, the county, per se.

Commissioner Kiefer: Okay. In that case, seeing that it's meeting the code, the city seems to be satisfied with it as well, I'll make a motion to approve.

Commissioner Ungethiem: I'll second.

President Melcher: Any further discussion? Any questions? Anybody from the audience?

Commissioner Ungethiem: Jeff, this looks like most of this land is disturbed at this point in time.

Jeff Mueller: Yes.

Commissioner Ungethiem: Do we have any concerns about runoff?

Commissioner Kiefer: I know where you're going with this.

Jeff Mueller: Well, I mean, their runoff calculations that we look at, Bruce, are only from the aspect of water quantity, and, you know, what's going to go through the silt basin, and does it store the 25 year developed, you know, and only release at the ten year undeveloped. So, that's what's been checked against our code.

Commissioner Ungethiem: But, from a soil erosion perspective?

Jeff Mueller: Well, an erosion control plan would have to go through, you know, anything they did on the county side would go through Mr. Stoll's office. Anything erosion control wise on the city side, would go through the City Engineer's Office.

Commissioner Ungethiem: And we haven't seen anything?
Jeff Mueller: I haven’t. I don’t know if Mr. Stoll has or not.

John Stoll: It’s submitted.

Jeff Mueller: It’s submitted? So, they have submitted their storm water plan for the county at least.

Commissioner Ungethiem: Okay.

President Melcher: Okay. Ready to call the roll? Yes.

Madelyn Grayson: Commissioner Ungethiem?

Commissioner Ungethiem: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

(Motion approved 3-0)

Saddle Creek Subdivision: Preliminary Drainage Plan
(Preliminary Plan Approval Deferred—Public Comment Taken)

Jeff Mueller: Okay, next on our list is... bear with me here. Sorry, I had to do the 12 minute mile here when I ran down to my office. Saddle Creek Subdivision, a preliminary drainage plan. Originally this plan was to be submitted for preliminary approval, but because of some of the technicalities regarding the notifications, the actual preliminary plan will not be submitted for approval tonight. However, there are representatives that are here tonight, and it’s my understanding that there may be persons, I think there are, there are persons here tonight that would like to speak on the development tonight, before it would go forward. I would also like to mention that because the preliminary drainage plan will not be voted on for approval, the subdivision will not move forward to Area Plan on Thursday night. So, if you would show up on Thursday night, the first thing they would announce would be that it would not be heard on Thursday. Okay? So, it would save some folks some trips down here this Thursday.

Commissioner Ungethiem: Let’s make sure everybody out in the audience heard that. There will not be, this will not be heard at Thursday night’s Area Plan meeting.

Unidentified: Does that automatically roll to the subsequent month?

Joe Harrison, Jr.: June 9th.

Commissioner Ungethiem: June the 9th, I think is the next Area Plan meeting.

Jeff Mueller: Yes, yeah, let me get through that, and like I said, I know there’s some representatives here from the development, and, so, hopefully, folks can ask some questions, and we can either record them and get them down, or, in some cases they might be able to address them. Some of the things that I’m going to show on the drainage plan might answer a few of the questions too. Okay? The preliminary drainage plan that was submitted is for a proposed 131 lot subdivision located off Baumgart Road, south of the Bentwood, Plantation Estates and Havenwood Subdivisions. Access to the subdivision is from Baumgart Road and through the Havenwood Subdivision. The proposed subdivision will require construction of two retention ponds; one located near Little Pigeon Creek, and the second that will discharge into an unnamed tributary of Little Pigeon Creek. The west basin, or Basin 1, which I’m going to discuss in a little more detail, is proposed to have a 15 inch outlet pipe. The plan shows developed watershed three going through Basin 1, and the small watershed six directly adjacent to Basin 1 to leave undetained. Developed watershed one is to be routed through Basin 2. Developed watersheds two, four and five are proposed to leave the site undetained.
The final calculation submitted by the consulting engineer include a hydrograph showing the ten year undeveloped storm for the entire watershed, and then a number of hydrographs, along with some combined hydrographs, that show that at the point of discharge that the discharge rates meet the code. This is a result of the east basin, Basin 2, having a discharge pipe of only 24 inches, and therefore offsets the flows from some of the other developed basins. The basin is also capturing flows from an offsite watershed that is, at this time, naturally would be undetained. The plan was developed utilizing HydroCAD Version 9.1, and the program ran a Type II, 24-Hour Storm. Additional shorter storms were also ran, and provided for additional reference. The input for the development utilized average lot size assumptions that conform with the data from USDA Soil Conservation Service TR-55 Urban Hydrology for small watersheds, which is the bible for hydrology programming. As you may recall, revisions in the Vanderburgh drainage code, effective January 1, 2016, required the use of more sophisticated programming for watersheds in excess of 50 acres, which was done for this site. Returning to the west basin, there are portions of Lot Six, Seven, 12, 13, 16, 17 and 18 that are located in the floodway of Little Pigeon Creek, per a special study entitled, “Special Flood Hazard Information Report-Little Pigeon and Locust Creeks, Evansville-Vanderburgh County, Indiana”, by the United States Corps of Engineers, March 1981. Due to this designation, an IDNR Construction in Floodway Permit will be required. The plat for this area will need to address issues regarding any modifications within the floodway, and therefore special language may be required on the plat regarding the easement, the lake easement maintenance easement. Furthermore, the Drainage Board needs to determine how the maintenance of the outlet structure from this basin will be handled if the subdivision were to utilize Plan B under Section 13.04.460 of the drainage code. The Board should consider whether to exclude the outlet pipe of Basin 1 from any Plan B maintenance, as this may require the county to permit any future activity when requiring this pipe. When repairing this pipe, I'm sorry. I bring this up now because it's the pleasure of the Board to want to discuss that, or do you want to make that a condition when the plan comes up for approval, we can note that. I have another issue that I wanted to point out, and that is nothing that's in our codes, and nothing that State law deals with, but there is one lot that is directly downstream from the impoundment that's located in Bentwood Estates. I just want to point that out that we do not have any criteria that states you can't build a house downstream from an impoundment, but that issue does exist here, and I feel I would be, you know, I should bring that up that there is this one situation. Okay? Finally, regarding the outlet structure for Basin 1, a proposed offsite easement is shown on the Baumgart property for the discharge of the outlet pipe from the detention Basin 1 for the final...okay, for Basin 1. For the final drainage plan, this easement would need to be recorded and provided as part of the final drainage plan submittal. Mr. Tom Baumgart, who represents the Family Trust that owns the adjoining property....I think Tom's here tonight, yes, he's in the room tonight. He's had conversations with the developers, and he, you know, the understanding is that they're going to have to get an easement from him, and so that would be a part of any approval process for the final drainage plan in that area. Okay? Let's see here, the other comment is, like I said, we are here tonight to just discuss the final drainage plan. The notification process, in the past, before January 1, 2016, required an APC notification for a subdivision. It did not require notification for a drainage plan. However, there was language in the APC form that you could say, oh, by the way, also the drainage plan is going to be heard on a certain meeting date. If you'll recall, we had people that came in here and said, well, I just got this notice today. So, what we did was in the drainage code we require that when a subdivision goes in that people receive notification seven days in advance that the drainage plan is going to be heard. The language that was used was not exactly as what was out of the code, and Mr. Harrison also saw some other issues with that, and because of that it was determined that the notification did not meet our code. Is that a fair statement, Mr. Harrison?

Joe Harrison, Jr.: Yes, for the most part. Also, whenever the notice goes out, the drainage plan must be on file with the County Surveyor's Office. Because the notice does indicate that a copy of the drainage plan is available for review in the County Surveyor's Office, and it must be on file before the notice goes out, or on the date of the notice, the date that it goes out.
Jeff Mueller: So, for that reason, they’re going to have to do a re-notification, but we’ve got a lot of people that I think want to talk about this thing. I think there’s some people that maybe just want to find out about it. Maybe some folks that have some comments. I know the developer, I believe, is here, and his attorney, as well as their engineer is here. So, hopefully we can have some productive conversation tonight. I was going to yield the floor....oh, wait, let me go through a couple of slides here just so you can see what’s going on. The very west area of the subdivision is right here, and this is Little Pigeon Creek right here, and the basin, the west basin would be located here. This is kind of the middle area. So, you can see, up here this is Plantation, and this is Bentwood, and the other basin was actually going to be located in this woods. Then this is the very eastern area. This is Baumgart Road, Browning Road, and the subdivision actually comes up into this wooded area right here. Some things that folks might bring up, there is a wooded channel, you can see through here, and another one that doesn’t come out very clear, but the discharge from the Bentwood lake is right here. Most of the discharge from the Plantation Subdivision, by the way, Plantation is an old enough subdivision that their drainage plan didn’t require retention. So, most of the discharge from Plantation is over at this yellow point here, but it is the plan of the developer that these two channels will remain as they are right now. There will be a road that comes across here, and there will have to be a pipe that crosses that, but as far as, other than that, their intent is to leave most of that channel intact. Okay? The west basin, as I already discussed, is going to be shaped like this, and there will be different parcels that their ownership would actually go across the basin. As I said before, some of this area is in the floodway, not the flood zone, so that will require Construction in Floodway Permit from DNR. This is Basin 2 proposal, this is that wooded channel that you saw before, and the other channel coming through here. So, the basin would be located right in this location here. This kind of just shows the eastern area of the subdivision, the way it’s laid out, and the west area as it’s laid out. So, unless you’ve got questions to me, I would yield the floor to anybody that wants to talk. For the audience’s purposes, which, if you come up to the microphone, if you would please state your name and address so that we know who’s commenting, and we can understand where you live at. It also makes life easier on Madelyn, because she actually takes these minutes and records every minute of them.

Madelyn Grayson: And speak into the microphone so that people can hear you in the room as well.

President Melcher: Shouldn’t we have the developer go first?

Jeff Mueller: Yes, that would be fine.

President Melcher: Because that way they could hear first.

Jeff Mueller: Do you guys got some comments you want to make? We’re going to let the developer go first.

Joe Harrison, Jr.: The developer should go first.

President Melcher: Alright, thank you.

Glen Merritt: Glen Merritt with Cash Waggner and Associates, the engineer on the project. A couple of things, I guess, that I would like to say, starting out, Jeff brought up a couple of them. There’s been some concerns with the offsite water from the north, from Bentwood and Plantation, running through our development. The two existing channels that Jeff just mentioned that are going through the wooded area, I mean, the subdivision has been laid out multiple times to try to accommodate requests from the county through Sub Review Committee meetings. That existing ditch is going to be left intact. There will be just two road crossings. I sized the culverts to meet the ordinance, the 25 year storm. One of them, I do believe, was a 48 inch culvert on the west end, and then the larger one that’s coming from the detention basin on Bentwood was a box culvert. I do not remember the size. I think it was maybe an eight by three box culvert, but they have both been sized to meet the ordinance. The runoff from our property, it’s basically split into two watersheds, there’s the west half and the east half. I’ll start with the east half, which is the majority of the wooded area. The existing runoff from the undeveloped site, and then the offsite watershed from the south that is actually running
north and crossing our property, is 129 cfs. Under the proposed conditions, the design release rate, once we put in the improvements with the homes and the streets and the detention basin, the release rate is going to drop to 104 cfs. So, we’re going to be releasing less water than is currently going there today. The west half, which contains the, about a five acre detention basin that’s down in the floodway, which Jeff brought up that there’s going to be a DNR Construction in Floodway Permit, the undeveloped runoff that’s leaving that area right now, today, for the farm field is 65 cubic feet per second. Under developed conditions with such a large lake, we’re only releasing at five cfs. So, we’re holding back a considerable amount of water. The offsite easement that the primary spillway of that detention basin that’s running off on to the adjoining property, Mr. Baumgart, we met with him a couple of weeks ago, and that’s where they wanted the spillway pipe to be located at. I mean, he has agreed to grant that easement, when we come back for final drainage, at that time. I mean, so we’ve worked that out with the adjoining property. That’s really all I have. I would be interested to hear any comments from the adjoiners and see if we can address them. Thank you.

President Melcher: Any questions?

Commissioner Kiefer: I’m just looking at this on an aerial view right now just trying to better understand how it’s situated.

President Melcher: Okay. Bruce, do you have any questions? Okay, is that done with the development side? So, we can have others come up? Okay, just come up one at a time.

Mike Maguire: Hi, I’m Mike Maguire. I think I know Bruce from Scott Baseball about 20 years ago. Did your son play baseball there?

Commissioner Ungethiem: It was longer than that.

Mike Maguire: Excuse me, because I’m kind of new at this part of it. I’m a meteorologist, so, my expertise is in the weather, and in this case rain. The Little Pigeon Creek has a floodway zone through there that’s, what I understand is based on old standards, and they’re in the process of doing a new study. I don’t know if you can see the picture here, but the National Oceanic and Atmospheric Administration did a very comprehensive study on an increase in precipitation, high end events are up 37 percent for flooding local rain events over the last three decades. I don’t know if the code or the standards, I heard somebody say 1981, is that what the code is based on? Ten year rain events? Do you know what that’s based on?

Joe Harrison, Jr.: Where’s Jeff?

Commissioner Ungethiem: You would have to ask Jeff.

Jeff Mueller: The 1981 was the study done by the—

Joe Harrison, Jr.: Come on up, Jeff.

Jeff Mueller: ---Corps of Engineers on the floodway.

Mike Maguire: Okay, well, that floodway is currently being, a new study is being done on the Little Pigeon Creek floodway to update, and it will incorporate the drastic increase in high end rain events that have affected the Midwest. There’s been a 37 percent increase, and anybody that’s lived around here knows that we’ve had—

Jeff Mueller: Which will affect their Construction in Floodway Permit. It will affect that.

Mike Maguire: Yes, correct.

Jeff Mueller: If there is a study done within a reasonable amount of time, because we haven’t heard about any new studies being done.

Mike Maguire: Well, when I went into the office, 304, or 312, they indicated that there’s a new study coming out, and that the revised floodway, if there is a revised…the boundary will be set and then adjustments will need to be made to this current subdivision, correct?
Jeff Mueller: That could affect the development of those lots, yes.

Mike Maguire: Okay, well, that's my only point is that clearly when they come out with the revised floodway, it's going to be expanded some, based on the observations and the data. So, that would affect more units. There's several right now that are in there, that are in the floodway, correct?

Jeff Mueller: There's some homes in the floodway right now is our understanding, yes.

Mike Maguire: Okay, I don't know what the legalities are. Just my point is that when they update this study, it's going to expand the floodway for the Little Pigeon Creek.

Jeff Mueller: And that would be, we are not dealing with the Construction in Floodway Permit.

Mike Maguire: Okay.

Jeff Mueller: That's DNR. So, if they take that into account in their study, that would be...we have to wait for DNR to give approval of the Construction in Floodway before we can let them build their basins. Okay? So, as far as the Little Pigeon, that's what we're talking about. They're going to have to get a Construction in Floodway Permit. So, that will be between them and DNR, and what DNR decides they are to require.

Mike Maguire: Okay. Thank you.

Jeff Mueller: Yeah.

Mike Maguire: Thank you. That's my only point.

Commissioner Ungethiem: Thanks.

Jerry Clements: Good evening. My name is Jerry Clements. I live at 10020 Baumgart Road. I've actually reached out to Mr. Kinney a number of times. I called him on 3-4. He indicated to me that he would call me back in 30 to 40 days. I didn't hear anything from him, so I called a couple more times. I just wanted to put that on record that I reached out to the developer and he never called me back, but he has reached out to my neighbor to talk about his concerns. He hasn't reached out to me to talk to me about my concerns. So, I just want to make you aware of that. I think, as we move forward that we put together a group of people, the Councilmembers and then as well as get some folks from Plantation, Bentwood and Havenswood, I think we really need to pull those people together and talk about this project moving forward. The thing about this, this has driven negative impact with all the neighbors out there that I talk to. He is from that area, he knows that area very well, and he knows where we're at and how it's going to impact us. So, communication is key going forward. He's a business consultant. He has a very successful business, and he knows communication is key going forward to talk to everyone, to understand a project and how it impacts everyone. Baumgart Road is very narrow, it's 18 to 19 feet in width, five blind curves, two blind hills. Heavy rain frequently causes gravel and mud to wash across places on Baumgart Road. Guys, I want you guys to take a trip out there and drive the road. You really need to see how narrow that road is. Today, with the recent rains that we just had, look at the curves, they've all been washed out. The road has been poorly maintained. In the winter, when we have bad weather conditions, we experience runoffs on all property. We have, let me back up, in the winter we've had bad weather conditions, we've experienced runoffs, cars running off into our yard because the road is not maintained properly, which causes property damage, major and minor. A lot of this is done by drainage. Some of the drainage that we get, or I receive is from Browning Road, all the way down through Baumgart Road. Just recently I spent $4,500 on my yard of repairs, due to the guy had no insurance. You know, really, concerns that I have on the drainage, from Browning Road that feeds along Browning Road. Then, good friends and neighbors over there in Plantation are very concerned. My understanding is that they've reached out to various people, as well as him, and have not received any feedback on their issues that they have. I realize this meeting has been moved to June the 9th, there's other issues I would like to talk about at that time, and I'll address those. Thank you. Any questions?

President Melcher: No, thank you.
Keith Krietenstein: Good evening. My name is Keith Krietenstein. In the “for what it's worth” department, I am the President of the Havenwood Meadows HOA. Our concerns really are not related to drainage, and I realize this isn’t the forum. I’ll just mention then briefly, obviously, the increased volume of traffic that would go through Havenwood Meadows Subdivision to the new Saddle Creek Subdivision is a major concern. A concern in terms of safety, a concern in terms of security, a concern in terms of the damage to the roads, even though the county, I realize is responsible for repairing those roads, it’s going to take a beating not only with equipment, but with the increased traffic on a daily basis. One other consideration, which maybe to some is minor, to us it is not. The front end area for Havenwood Meadows Subdivision, the entrance from Hillsdale to Havenwood Meadows Drive, that is common area that’s maintained by the HOA. We maintain landscaping, we do the mowing, we maintain irrigation, we maintain electrical lighting that lights that entry so that it’s more visible. We also have liability insurance, and a portion of that liability insurance premium is based on the volume of traffic that flows in and out of that subdivision. When I secured our insurance for the first time, this would have been three years ago, I think it was, the point at which the HOA took over from the developer, one of the very questions was how many homes are in your subdivision? The reason they asked that question was, they measure the volume of traffic in and out of that area. So, that would determine how much liability actually exists. Again, I apologize, this isn’t the forum, the property meeting, since it’s not drainage related. We did have a drainage concern on what would be Havenwood Meadows southwest corner, but the retention pond, obviously being oversized, from a layman’s perspective would take care of that, as far as I know. We are not opposed to development. We have some mixed concern in the neighborhood about it, but a vast majority of the members of the neighborhood have contacted me and expressed their concern about the issues I just mentioned, plus the potential decrease in property values in our subdivision, if in fact the lots in Saddle Creek are smaller and would justify smaller size homes, maybe lesser quality. One person in particular also expressed that in the event the subdivision is approved, that it would be very beneficial if covenants, restrictions, requirements of the new subdivision were to match, or at least shadow or mimic those of the Havenwood Meadows Subdivision, so that we would maintain our subdivisions in a somewhat equal fashion. I thank you for your time.

Joyce Perry: My name is Joyce Perry. My address is 1311 Bentwood Drive. My subdivision, Bentwood, backs up to this new subdivision. Although my property doesn’t back up to it, I’m keenly aware of where all this is taking place. Our lake does back up to this, and I understand that that is a drainage thing that has been addressed. I will tell you one thing, I contacted the County Surveyor, and I talked to Mr. Mueller about the drainage issues that I had, and, you know, he was wonderful. He was very patient with me. He walked me through all of this, and said what all they were going to do and that there have been issues. He talked to the developer about them. They had remedied those, and now it looks like there’s others that may be an issue, so they’re going to talk about those and they’ll fix them. But, my, so, I’m just giving him a high recommendation. He’s done a really good job. Another one is the County Auditor, some of us are doing this for the first time, we’re trying to do our own homework and research, and I found his website very easy to navigate and to get around. So, I thank you for that. I’m not opposed to this subdivision, but I just am very concerned about it, because of what has already been mentioned and that is our roads. If you have been up there at all, and, Joe, you’re a Realtor, you have to drive those roads up there. Baumgart Road is only 18-19 feet maybe, and I used to live at 9430 Baumgart Road for a time before we bought our current home, and that was right on the blind curve, going up the hill, down the hill, around the curve and back up again. So, it's extremely dangerous. I’ve read the letters on file from EVSC stating how difficult it would be to navigate a school bus down Baumgart Road, and then the fact that they doubted that they could even get into that subdivision and pick those children up. There’s a sidewalk variance that has been applied for. Their concern was children walking around heavy construction equipment, and picking up those children in a safely manner, safe manner. Baumgart Road, I’ve
been behind school busses there, it is, it's just not good. I know, from a fact, that they're county, even though you're saving money, Joe, there's no money in the county to fix up these roads. When the FAA mandated that runway to be extended, you cut off our access down Whetstone, going down Oak Hill, effectively cutting us off from Oak Hill. So, that meant all of us going to the east side now have to funnel down Kansas Road. The fire department, the police department will tell you what a nightmare that is to try to navigate. We're going to have the same issues on Baumgart Road with our safety, fire and safety people trying to get down there. I also understand from the plan that you’re going to have the road come out on Baumgart handle all of the heavy construction equipment. So, that means everything, all of those muddy trucks are coming in and out of Baumgart, on to Baumgart Road. Maybe that's going to save Havenwood Drive, the ingress and egress of your construction equipment, but sooner or later those people are going to be driving in and out that way. You're going to have homes that have septic systems and you're going to have some homes that are on water and sewer. It's a mix, but I think more than anything is that those of us that live up there, we can see from the plat, those homes are not compatible with what you see built up there. They are just not.

There's no home up there, that I know of, in any of those new subdivisions that has a 50 front footage, a 50 foot frontage, sorry. When I was telling this friend of mine, she said, oh, is it going to be a senior development with patio homes. It's like, we’re all seniors now. Yeah, we want to live in a place like that, over 55, but, no, that's not what this is. So, it's just, we're going to...then we'll have these small, little homes all right next to each other, and they're simply not compatible with what you see up there. I want anyone of you to tell me that I'm wrong. I think it would be lovely, this is a gorgeous piece of property, absolutely beautiful. It's all wooded, it is home to wildlife, they make their way through my backyard. Mr. Jeff, the County Surveyor has been out to my house. He has seen how the drainage goes through there. I'm downhill, everything comes downhill. This thing is even more downhill. It's going to keep going. It goes through my backyard. It just keeps going. The builder, the developer that put in my subdivision, it was the first one out there, it was designed to have all of the residents maintain their swale. All the water was going to go down the swale, and then it was going to go out to the lake over there. Well, you know, that works if the property owner maintains the swale. You find that people don’t do that. They flatten out the swales so they can mow it. So, that means the water goes down the road, or it goes through people's yards, and that's what's happened with my yard. The water that doesn't go through the swale comes down the road, through my neighbor's driveway, through my yard, and down out to the lake. Then it goes out onto this property. So, there's just lots of things that I would like to see happen. It's a beautiful piece of property. I think it could be attractively developed. It could be a very, it could be a plus out in our community. I would like to see the developer consider larger lots, so that we would have a home that was more compatible with what you see in Bentwood, Plantation, Cypress Creek and now Havenwood. Getting back to the roads, There's very few roads that we can actually travel on. They're all very narrow, they're all very heavily trafficked now, because of all of the development that's out in our area. I also understand, from talking to Blaine Oliver, that there is a new master plan that's been presented. He did present it at public hearings November, December and January. I learned this from Jeff Mueller yesterday, I didn't know this, but anybody who buys agriculture property or has agriculture property, if they want to put a subdivision on it, they can, because it just automatically goes to R-1. This new master plan now will, which suggests or is recommending that now, since we're seeing this happen to all of our farm ground out here, that we have them now approach the Area Plan for a zoning, for it be zoned from agriculture to R-1. That's you guys, you have to put the teeth in that, you have to pass the ordinance that says these people now have to approach Area Plan or the zoning commission to have those rezoned for residential. I know that the builder's associations, the Realtors, everybody would be against that, but we have been sitting here all these years and watching this happen and we've had nothing to say about it. We don't have our green spaces. A place like this development is a beautiful, beautiful spot, home to a lot of wildlife. We're going to lose that green space. Your master plan will help to conserve those green spaces. They will conserve those areas that could be used for trails, for recreating. Set aside land for parks, set aside land for schools. That's another thing that's going to impact on us up there, is that new school on Petersburg. We asked Dr. Smith, are you going to widen the road there at Petersburg, you know, for ingress and egress into the school? He said, no, I don’t think so. So, now we're going to have all of
that to contend on, contend with. Those roads, I can’t describe to you what they’re like. You have no money to fix them. You haven’t fixed anything up by the high school yet, and now all of this is happening. No shoulders, no nothing. Okay, I’ll think of something else later, but right now I think I’m done.

President Melcher: Any questions?

Joyce Perry: Does anybody have a question?

Commissioner Kiefer: No questions, but, Joyce, you know, you’re well appreciated and I, you know, I’ve known you for years, and thanks for coming tonight.

Joyce Perry: Well, I’ll tell you why I had to do this, because I thought I was going to be able to speak on Thursday night, and apparently it’s all been pushed back, and I’m leaving, I’m not going to be here when you have your next hearing, because I’m going out to my granddaughter’s birthday. But, anyway, I just appreciate the time now, I would like to see this go forward, but with some more thought as to, you know, lot size and that type of thing. Okay, thank you.

Commissioner Ungethiem: Thank you.

President Melcher: Thank you.

Kathleen Elpers: My name is Kathleen Elpers. I live on Baumgart Road, 10111. My driveway is almost directly across from the projected entrance into that subdivision. I know this isn’t the place, the only thing I came up to say is, something resonated with me when Commissioner Melcher, at your previous meeting, your Commissioners meeting said, I wish I had communicated. We need communication. There has been no communication at all. Only the certified letter that we received. That’s the only communication we’ve had from anybody. If we hadn’t gone and talked to….we saw people out there surveying with sticks and stuff, had no idea what was going on, and if we hadn’t gone and tried to ask some of them, and even they didn’t know, they were just told to do a job. Communication is key, and we have none of that. Thank you.

President Melcher: Thank you. After this gentleman, one gentleman has been trying to get up here. You’ll be able to come up next, after him.

Nicholas Crowley: I’m Nicholas Crowley. I live in Havenwood Meadows Subdivision, 919 Rafael Drive. I think on the plat it’s 95. So, we abut up to this proposed subdivision. We’ve been there since around November, I believe, of 2011. I’m in agricultural research, and so the really, I have a few questions maybe for the Surveyor and the county official about the drainage easements that are present in Havenwood Meadows that flow from Havenwood Meadows Drive, at the current dead end, straight due west into the, one of the existing private lakes. Which I believe will, and my other question is, how will the new five acre lake be connected to any existing lakes within Havenwood Meadows? How will this new subdivision potentially affect drainage on existing easements, surface easements in Havenwood Meadows? How will the new subdivision potentially affect drainage on existing easements, surface easements in Havenwood Meadows? So, before, I guess, if I get those questions answered, I know the surveyors have done their due diligence. I trust their data, and I trust the, all of the conservation engineering specifications that they have to go by, but really the only, unless you live adjoining to that field, do you understand the amount of water that runs off into Little Pigeon Creek and to the unnamed tributary that was mentioned, that then, I believe, does flow into Havenwood Meadows? Since I’m in agriculture, I know how that farmer struggles to get the crops well maintained. In my opinion, the drainage plan for this would have to be strongly considered, or reviewed at least one more time to insure that adjoining properties easements aren’t affected and that water is able to flow safely into Little Pigeon Creek and potentially into Havenwood Meadows so further erosion does not occur, because Little Pigeon Creek does flow, basically, northwest, which flows under East Hillsdale Road, which always backs up during heavy storms. We’ve received heavy storms the past few weeks, and even our drainage easements back up in Havenwood Meadows, not to the area of overflowing into homes, but clearly back up with the containment ponds, the two containment ponds that are present within Havenwood Meadows. So, I guess, could I ask the questions to the Surveyor?

President Melcher: Yeah, Jeff, would you want to –
Commissioner Ungethiem: Jeff, the question was whether the drainage from this property runs into the lake in Hazelwood\(^1\), and I don’t believe it does.

Jeff Mueller: No, it doesn’t. The lots that are against him run down a drainage easement, and they will tie into the lake that’s being proposed along Little Pigeon Creek. Yeah, your drainage easements continue to flow to Havenwood’s lakes. They’re not doing anything with the drainage out of your subdivision. Okay?

Nicholas Crowley: Okay. It drains south (Inaudible).

Jeff Mueller: Yeah, it drains, well, no, it will drain west and then south, yes.

Commissioner Ungethiem: West into Little Pigeon Creek.

Jeff Mueller: Yeah, and you have a drainage easement, if I recall, you guys have a drainage easement along your properties that runs east and west, and then takes the drainage west. There will be another drainage easement on the lots in this subdivision that take it into a different lake.

Nicholas Crowley: Okay, and then there is that unnamed tributary that runs due north that abuts Havenwood Meadows that intersects with Hillsdale—

Jeff Mueller: Okay.

Nicholas Crowley: -- that runs into the subdivision across Hillsdale.

Jeff Mueller: Okay, you’re talking about, okay, Little Pigeon runs up to the north and turns and goes underneath the highway, north of Hillsdale Road, it goes up through that older property that's been there forever, Radio Avenue and where the baseball fields are, and then it goes north. The drainage comes underneath 41, comes down, comes underneath Hillsdale, then it goes behind the gas station, goes by Mr. Baumgart’s property, as a matter of fact, and then continues south. Eventually it crosses 41 and goes in Petersburg Road right there by the golf course and goes through Hamilton’s, or, I’m sorry what is that now?

Commissioner Ungethiem: Thunderbolt.

Jeff Mueller: Thunderbolt, sorry.

Nicholas Crowley: And, is, does that surface drain consider the potential road that would extend? Will there be drainage under the road that would extend out from Havenwood Meadows? Because all of that flow is east to west.

Jeff Mueller: They would pipe, I don’t have the plan in front of me, but they’re, you know, essentially they’re going to be either swaling, putting swales or pipes, and the water is going to essentially go in generally the same direction as it is right now. And, although instead of sheet flowing, it’s going to be in swales and in pipes going to one of two basins. Which, in your area, it’s going to go all down into that lower basin. So, the property is being developed, in that particular area, would be captured, put into the basin, and then it will discharge into right next to Little Pigeon Creek into a small, undetained, unnamed trib of Little Pig, and it will flow into Little Pigeon Creek at that point. Okay? Does that answer your question?

Nicholas Crowley: Yep. Thank you. Then, the only other comments I would make would be in terms of safety, which we can talk about in June, but I second anything that Keith, our Havenwood Meadows President mentioned in terms of safety, egress and ingress through this subdivision for Saddle Creek Estates through Havenwood Meadows. Thank you.

President Melcher: Okay, thank you. Anyone else? I knew it was going to be your turn eventually.

Unidentified: He wanted to be last.

\(^1\) Should be Havenwood.
President Melcher: He wanted to be last?

Unidentified: Yes.

President Melcher: Oh, that’s what was going on. I kept thinking he’s getting up and going down, getting up and going down. I wasn’t going to let anybody cut you off again.

Tom Baumgart: (Inaudible).

President Melcher: I’m sorry.

Tom Baumgart: My name is Tom Baumgart representing the TMK Baumgart Trust, who owns the farm to the south of the Saddle Creek Subdivision, proposed Saddle Creek Subdivision. Also, we own property to the west line of Havenwood. Our family, it’s been in our family for 114 years. We have had very small tributary creeks going into Little Pigeon, but since these four subdivisions have sprung around us, we have seen a significant amount of washing out of these tributaries and also Little Pigeon. We’ve put in 14 drop structures in our fields that takes the water and accumulate it there in one spot and then drop it into the creek, without any washing involved. When we put these pipes in, we tried to get them to the middle of the creek, which I think is the proper way. The Farm Service Agency monitored all of this, and now we find that we have to cut these pipes off, three, four, five feet back because of all of the additional water coming down through there. When we saw the plans, we have communicated with Mr. Mueller and the Kinney’s and Glen, I can’t think of his last name, the engineer, and he has given you the parameters of how this water is going to be ejected into these tributaries and into Little Pigeon. It seems to me that it’s a significant drop in the cubic feet per second going in there. We’re all for that. I’m only here concerning the drainage, and that’s all that I spoke to him about was the drainage. We hope that you will see fit to see that these things are held up, that they do what they say they’re going to do, and I have no reason to believe that they won’t. We have communicated with them, and we have found them very, the owners and engineers, etc., and we have found them very cooperative. That’s all. Thank you.

President Melcher: Thank you.

Commissioner Ungethiem: Thank you.

Tom Baumgart: Do you have any questions?


Jeff Mueller: Yes?

President Melcher: I think Bruce has got the same note. We always hear about these swales and how great they are, but they always get covered up. So, whatever we’ve got to do about these swales, these new swales not getting covered up. Now, I think that should be something in the, maybe the Area Plan ought to do something about that, I don’t know.

Jeff Mueller: Well—

President Melcher: But, we just don’t want them covered up.

Jeff Mueller: Right, and if, a good example of that is, we had the complaint up off of Baseline Road from Mr. Farney about the water coming out of Fenway Park. You all signed a letter to the homeowners saying, you guys have got to re-establish your swales in your backyard. John Stoll and I met with someone from Jagoe Homes, because they built a couple of the homes out there, and they’re looking at putting those, getting that re-established. The problem is that they didn’t build all of the homes where the problems are. So, they’ve got to figure out how to, you know, you can’t just build a swale and stop it, you know, so they’re trying to figure that out. I will go back to, you know, swales in a lot of these subdivisions are a problem. You know, Linda left, because she could back me up on this, we get these calls all of the time from, I’ve got this problem and my neighbor is doing this, this and this. You go out there and it’s like, well not only is your neighbor doing it, but you’ve put a fence right down the center of
the swale, you've got a yard barn sitting in the swale, and you guys need to work this out, because it's not just your neighbor that's causing problems, it's you. The problem is, is how to keep people out of these drainage swales in their backyards. You know, everybody wants to fill them in, they want to put a yard barn in them, they want to flatten them out, or they just don't maintain them. Now, one of the things that we've talked about here, and one of the things that's done in a couple of counties, and I've still been looking at it, it's got some plusses and it's got some minuses to it is, these backyard swales and these ditches would, we could set them up as a regulated drain. Then, we would be responsible for maintaining them, the property owners would pay us to maintain them, just like we do any other ditch, and then we could have a lot more control over those. But, there are some ups and downs to that, but I will tell you that St. Joseph County, where South Bend is, does this. A couple of the donut counties in Indianapolis do this, and you're exactly right, Mr. Melcher, these, you know, these guys spend all this time doing these plans, everything works great, and then all of a sudden it doesn't.

President Melcher: Well, a few years ago, I think it was before you, we had a swimming pool—

Jeff Mueller: I got to finish that up.

President Melcher: You got to finish it?

Jeff Mueller: Yes.

President Melcher: But, look how long that went before we could get that all...it was a swimming pool, a yard barn, a fence.

Commissioner Kiefer: Well, recently on Baseline Road, I mean, out there on Baseline Road that subdivision across from the high school.

Jeff Mueller: That's the one I'm talking about that you guys just signed and sent the letter to on that.

Commissioner Kiefer: Yeah.

President Melcher: Somehow we've got to get it into, I don't know how we do it, but we've got to get something in there that takes care of this for 20 years from now.

Jeff Mueller: Well, we're already experiencing 20—

President Melcher: As long as it's a covenant, it should cover it.

Jeff Mueller: The problem is, Mr. Harrison, you know, can tell you this, when it's a restriction in a covenant, we have no power over a restriction in a covenant. If someone builds a yard barn in a subdivision that says it can't, we, as a county, do not have the authority. The restrictions in covenants are between the property owners of the subdivision. So, we don't—

President Melcher: Okay, okay, I've been involved in that before too.

Jeff Mueller: Yeah.

President Melcher: What about if it's on the plat?

Jeff Mueller: What if it's what?

President Melcher: Isn't if it's on the plat—

Commissioner Kiefer: Part of the subdivision plat?

President Melcher: Yeah, if it's on the subdivision plat—

Joe Harrison, Jr.: It doesn't matter.

President Melcher: Well, that's not....okay, maybe I got....when I was in the city it did matter.
Joe Harrison, Jr.: If it’s a condition of approval—

President Melcher: That’s what I’m talking about.

Joe Harrison, Jr.: -- of drainage.

Jeff Mueller: That’s where we get back to our policing powers—

Commissioner Ungethiem: No yard barns.

Jeff Mueller: --of trying to, exactly what you’re talking about, of trying to figure out how to keep people out of these drainage easements.

Commissioner Kiefer: Well, you’d have to have an access easement too to get back there, right?

Jeff Mueller: Some of the easements are written where you’ve got the right to go through each easement. In other words, you don’t have to, I mean, what John and I have done on some of these when we’re looking at these is, like on a lake, anymore, we’re like, okay, how do you get back to the lake? So, we’re requiring an easement so that somebody can drive a truck back to get to the lake, because they don’t have them anymore.

Commissioner Kiefer: Yeah.

Jeff Mueller: In some of them you’ve got the, I can’t remember the exact language, but it’s essentially that in order to get to the drainage easement, you have the right to pass through everybody else’s drainage easement to get to that. There’s a statement on the plats that is being put on there a lot more. I mean, you’re exactly right, and, like I said, the 20 years is already here because we’ve got a lot of subdivisions where people just ignore their drainage easements. They do, and, you know, we also, if you recall, we passed the fence deal, where, you know, there’s an ordinance now that the Building Commission can write a fine if someone puts a fence in a drainage easement or another obstruction. That ordinance was passed by you guys, what, two years ago?

Commissioner Kiefer: Well, couldn’t you do something similar to that, that if you have a drainage swale, that if you disturb it or—

Jeff Mueller: Well, the way it’s written now is if they put a fence, or some other obstruction, the county ordinance is actually stronger than the city’s, because the city’s, I believe, just said a fence, whereas the county’s said a fence or other obstruction. So, they can now go out and write, you know, write a letter and fine somebody for putting a fence in, or for putting a yard barn in a drainage easement.

Joe Harrison, Jr.: But, it had to be from the date of the ordinance forward.

Jeff Mueller: Yeah, but that was something that you all passed.

Commissioner Kiefer: I meant, you know, for the people that are going out there and they’re taking their little, they’re putting dirt out there, or smoothing it out, or eliminating the drainage swale, what Joyce was saying.

Jeff Mueller: Or, we put a six inch pipe in to carry 50 cfs. That’s the one I always get a kick out of, you know, a six inch pipe is not going to carry 50 cfs.

President Melcher: I think we ought to do something, whatever we do, because I know, at one time, it was like Area Plan could do it, or the homeowner’s association could do it, or the neighbors could do it themselves. I think it ought to always be, should be on our responsibility, not the people that live there.

Jeff Mueller: I think if we can get through the nuances of trying to figure out how to do these as regulated drains, that will be the best way, because then we’re out there, we’re maintaining them, and we can tell people that’s a regulated drain, you’ve got to get out of our footage, you know, because we can’t maintain otherwise. But, there’s some things that I’ve looked at that give me some heartburn too, so, how do we get it so it will balance and work? What I like about it is, is that everything gets maintained because we assess the people for them, you know, just like what we do on a regulated drains, we
can go in the subdivision, unlike a homeowner’s association, and you get your
assessment letter and you always get some people that are like, well, I’m not going to
pay that, you know, I’m not going to pay to mow the entranceway or anything else.
We’ve got a president of a homeowner’s association here, I’m betting you don’t get 100
percent.

Keith Krietenstein: Close.

Jeff Mueller: Close, but you’ve had to go out and chase and beat on them a few times
haven’t you?

Keith Krietenstein: (Inaudible).

Jeff Mueller: So, in my subdivision too, but if it would be a regulated drain then it would
be an assessment that would go on their tax bill, then it would get paid, but there would
be some other nuances we would have to figure out how to get through. That, I think, in
the long run is the best way to handle it.

President Melcher: Well, I think, I just asked Bruce, he’s an engineer, as you know,
maybe he could work with you. He said he would. Maybe we ought to look into this.
Now is the time to do it.

Jeff Mueller: Yeah, the problem, here’s the problem, and let me give you a prime
example.

President Melcher: That’s why we’re putting Bruce there, to solve that problem.

Jeff Mueller: Yeah, the problem is, is that when we would do something like this, let’s
say that you have a 20 acre subdivision, and you’ve got a ten acre piece of ground that
Bruce owns right above that subdivision. So, now we take that subdivision and we make
it a regulated drain and we tell everybody we’re going to charge you five dollars. Well,
Bruce is also in the watershed, and all of a sudden now he’s got to pay to keep a
watershed up, to keep a drain up in a subdivision that he never had to pay for before.
He’s not going to be very happy about that. That first of all that subdivision was built
next to his ten acres, and second of all now he’s got to pay to upkeep it. So, we’ve got
to figure out a way to do this, but not hurt the offsite people that aren’t getting benefit
from it.

President Melcher: That’s why I asked Bruce if he would work with you.

Jeff Mueller: Remember, two engineers from Rose Hulman who both have a Political
Science minor.

President Melcher: I didn’t want to bring that up, but since you said that, I’m sure two
Rose Hulman’s can answer this question. I think we owe it to our community to do this.

Jeff Mueller: You know, I agree, you know, John and I….John’s back there, you
wouldn’t believe how many complaints we get, and some of them are from the newest
subdivisions. It’s like, come on people. It’s like, before the subdivision, and we hear this
from the developers all the time, it’s like, I haven’t even gotten things approved and
they’re already out doing this, and they’re already out doing that, you know, and it’s like,
I don’t know, it’s like, how do you tell people, stay out of the drainage easements?
They’re there for everybody’s benefit. It’s getting to be more and more of a problem. So,
I share with you, Mr. Melcher, exactly that, and, John and I are tired of going out and
looking at everybody’s backyards being flooded because somebody puts a yard barn or
a fence or whatever else in there. You know some of the fence ones we’ve had too.

President Melcher: No, no, I already know. I’ve walked them same steps.

Jeff Mueller: Yeah.

President Melcher: Okay.

Jeff Mueller: So, but that’s it for Saddle Creek, unless anyone else has got any
comments. By the way, John was out with me too when we went out to some of these
places.
President Melcher: Yeah, but I know John don’t want to come up. Anybody else?

Margaret Miller: I might.

President Melcher: Okay.

Margaret Miller: My name is Margaret Miller, 2121 Championship Drive. I’m a very long time resident of the area. I must say that I just found out about the possibility of the development. I’ve learned a lot tonight. I had no idea all of this was going on, and I would like to express my concern and have it noted that I am concerned about any drainage problems. I think there are a lot of others, but specifically tonight it’s drainage. So, I would just like to have it noted. Thank you.

President Melcher: No, thank you.

Jeff Mueller: That’s all I’ve got tonight, unless, I didn’t know if…are you guys good?

Commissioner Kiefer: So, do we need a motion to approve?

Joe Harrison, Jr.: No.

President Melcher: No, they’re not ready.

Commissioner Ungethiem: They’re not submitting it.

Commissioner Kiefer: Okay.

Jeff Mueller: They’re going to do a re-publish.

Commissioner Kiefer: Got it.

Jeff Mueller: They’re going to do a re-notification.

Commissioner Kiefer: Okay.

President Melcher: We listened because the neighbors came out here, and they had the right to speak to us.

Commissioner Ungethiem: We don’t have a Drainage Board meeting next meeting. So, this will be heard?

Jeff Mueller: June the 7th.

Commissioner Ungethiem: June the 7th?

Jeff Mueller: Yes.

Joe Harrison, Jr.: Go to Area Plan?

Jeff Mueller: June the 9th.

Joe Harrison, Jr.: June the 9th?

Jeff Mueller: Right.

Unidentified: The 9th?

Joe Harrison, Jr.: The 7th here, Area Plan on the 9th.

Jeff Mueller: The 7th for the drainage plan. So, essentially what was covered tonight, pretty well, and then the 9th would be the Area Plan.

Unidentified: So, will we be getting any new knowledge on the 7th, if we were to come?

Joe Harrison, Jr.: You might.

President Melcher: Well, it depends on what they work out between now, and really I would reach out to the builder to get with all of you in between time, because that seems how it works. It usually comes here, and then, at that time, that’s when everybody kind of gets together.
Jerry Clements: Well, we talked about that earlier, that communication is key.

President Melcher: No, and I understand.

Jerry Clements: Communication is a two way street.

President Melcher: Communication never starts till it gets here, for some reason.

Jerry Clements: That’s what I thought.

President Melcher: Well, a lot of people don’t do it till it’s time. I’ve been doing this for 25 years, and nothing has changed. They’re just going to wait until that time to do it.

Jerry Clements: I understand what you’re saying. I run a company, I have 230 employees, communication is key from top to bottom. You’ve got to communicate, and it’s not happening.

President Melcher: Alright, I’m just urging everybody to step in here.

Krista Lockyear: Do you mind if I come forward?

President Melcher: Go ahead. I didn’t think you came here just to… you could see this on t.v.

Krista Lockyear: I apologize. Krista Lockyear on behalf of the developer. I have to let this Body know that the developer has talked to Mr. Clements. Mr. Clements may want additional communication—

Jerry Clements: No, that’s not correct.

Joe Harrison, Jr.: Okay, hey, hey. Let her speak.

Jerry Clements: He did not talk to me.

Joe Harrison, Jr.: Let her speak please.

Krista Lockyear: But, we certainly have talked to many of the neighbors. My understanding is that Mr. Clements has a property line issue, and he’s left messages regarding that to my client. So, we’ll reach out to him again, but it’s really not fair for you to believe that the developer has not communicated already with many of these neighbors, and we’ll continue to do so.

Commissioner Ungethiem: Krista?

Jerry Clements: Can I rebuttal?

Commissioner Ungethiem: Would it be advantageous for the developer to hold a neighborhood meeting and go through this, so that everybody could be there and have their questions answered all at once, instead of trying to do this in one and two’s?

Krista Lockyear: I can talk to him about that. I don’t know that, because it’s a subdivision review really, it’s technical, you know, it’s not a rezoning in this situation. So, it’s really more of a Plan Commission staff who looks at the subdivision, and Jeff, the Surveyor, who looks at the drainage plan that says, these do or do not meet the technical requirements. Now, that being said, he wants to be a good neighbor, and so, you know, we’ll talk about reaching out with some other neighbors as well, and certainly take everybody’s desire that we don’t have a war in this room in a public meeting with the neighbors.

President Melcher: I think it would behoove them to do that.
President Melcher: You know that with all of the zonings that you’ve done. The only way to get them done is to have one mass meeting sometimes. Then, after that you can have individual meetings, but I think it works better that way.

Krista Lockyear: Right, right. Thank you.

Commissioner Ungethiem: Okay.

President Melcher: We could actually give you a copy. Can’t we give her a copy of...we’ll get you, get with Madelyn and you’ll have their names, because they signed in.

Madelyn Grayson: I can e-mail that to you, Krista.

Krista Lockyear: Alright, thank you.

President Melcher: Then, hopefully, you’ll expect to hear from her. As far as rebuttal, there’s, I don’t know why, right now you’re going to get some notification. So, that should work.

Jerry Clements: Thank you.

President Melcher: Okay, Jeff?

Jeff Mueller: The only other thing, is we do have now the drainage plan in our office. I would urge if anyone wants to come and look at it, please call me in advance, so, because I’m the most familiar one with it. I would hate for anyone to waste a trip, if I wasn’t there for some reason. The second thing is, is that we can scan that and I can get that online within the next couple of days, so we’ll have the drainage plan electronically available on the County Surveyor’s website. We do post drainage plans of large projects when they’re approved by you all, but we could also go ahead and post this one, you know, as not approved, but it would be available so if someone wants to look at it from their home.

President Melcher: Thank you, but when you post that, say that it’s not approved.

Jeff Mueller: Yeah.

President Melcher: Because somebody that’s not here tonight will look at it and say, oh, that’s been approved.

Jeff Mueller: Right.

President Melcher: So, let’s just make sure everybody knows what’s approved and what’s not.

Jeff Mueller: We can scan that. We can scan the maps, and we can scan the—

President Melcher: Or put “preliminary” or something on it.

Jeff Mueller: --language, and put on there.

President Melcher: I think you ought to put the date on there too when we’re hearing it. So, if somebody’s not here and they see that and they want to talk about it, they know they can come.

Jeff Mueller: Okay. We could do that. Okay? But, that’s no biggie, I say it’s no biggie, Linda does all that.

President Melcher: Linda does it?

Jeff Mueller: Hey, somebody’s got to know how to run the computers, you know. So, we’ll do that. We’ll get that on in the next few days, but also if someone wants to, they can contact me. I’ve got the plan, and they can see it and understand, you know, what’s there. As you’re all aware, it’s a preliminary plan, so it’s not going to have everything that the final plans do, but it’s got everything that, you know, is in my little checklist that
all the engineering firms hate to see, especially when it’s got red behind it. So, but, it, you know, it will be there. So, you know, we’ll be happy to help folks.

President Melcher: Okay.

Commissioner Ungethiem: Okay.

Jeff Mueller: Okay?

President Melcher: Anything else? Anybody else got anything? I do appreciate the way everybody acted tonight. A lot of times these get a little testy, but I do appreciate the way everybody acted tonight, on both sides. So, with that we get along better, things work out it seems to be better and nobody goes home hot. So, we appreciate it very much. Any other thing from the Commissioners?

**Adjournment**

President Melcher: I need a motion to adjourn.

Jeff Mueller: Yeah, I have nothing else on the agenda, and I know it’s getting close to another $100.

Commissioner Kiefer: I’ll make a motion to adjourn.

Commissioner Ungethiem: Do you have drainage claims?

Joe Harrison, Jr.: No claims?

Jeff Mueller: No, no claims.

Commissioner Ungethiem: Okay.

Jeff Mueller: Yeah, nothing else.

President Melcher: There’s nothing (Inaudible) about that. Okay.

Commissioner Kiefer: I made the motion.

Commissioner Ungethiem: Second.

President Melcher: Okay, all in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

President Melcher: We are adjourned.

(The meeting was adjourned at 6:28 p.m.)

**Those in Attendance:**

| Stephen Melcher               | Joe Kiefer                | Bruce Ungethiem
| Jeff Mueller                 | Joe Harrison, Jr.         | Madelyn Grayson
| Glen Merritt                | Mike Maguire              | Jerry Clements
| Keith Krietenstein          | Joyce Perry               | Kathleen Elpers
| Nicholas Crowley            | Tom Baumgart             | Margaret Miller
| Krista Lockyear             | John Stoll                | Others Unidentified
| Members of Media            |                          |
VANDERBURGH COUNTY
DRAINAGE BOARD

_______________________________
Stephen Melcher, President

_______________________________
Joe Kiefer, Vice President

_______________________________
Bruce Ungethiem, Member

(Recorded and transcribed by Madelyn Grayson.)