The Vanderburgh County Drainage Board met in session this 13th day of November, 2018 at 3:40 p.m. in Room 301 of the Civic Center Complex with President Ben Shoulders presiding.

**Call to Order**

President Shoulders:  I’ll now welcome you to the Vanderburgh County Drainage Board for November 13, 2018.

**Attendance Roll Call**

President Shoulders:  I would now like to call to order, please.

Madelyn Grayson:  Do you want me to call the roll?

President Shoulders:  Please.

Madelyn Grayson:  Commissioner Musgrave?

Commissioner Musgrave:  Here.

Madelyn Grayson:  Commissioner Ungethiem?

Commissioner Ungethiem:  Present.

Madelyn Grayson:  President Shoulders?

President Shoulders:  Here.

**Pledge of Allegiance**

President Shoulders:  Now, I would like for you to join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

**Approval of the October 30, 2018 Drainage Board Meeting Minutes**

President Shoulders:  Okay, upon review, I ask for a motion to approve the previous minutes from our last meeting.

Commissioner Ungethiem:  So moved.

Commissioner Musgrave:  (Microphone not on.) Second.

President Shoulders:  I have a first, I need a second to approve the minutes, please.

Commissioner Ungethiem:  She did.

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

All Commissioners:  Aye.

President Shoulders:  All opposed same sign.

(None opposed)

President Shoulders:  The motion carries.

(**Motion approved 3-0**)
President Shoulders: Mr. Mueller, what do we have in store for us today?

Jeff Mueller: Okay, first off, you have some of your correspondence from the Department of Natural Resources. The first is a denial for a Construction in Floodway. This is for a property located adjacent to the Sycamore Hills Subdivision off of Schlensker Road. The property owner in Sycamore Hills had adjacent property to the sub to the east. They constructed some buildings within the floodway of an unnamed tributary of Schlensker Ditch, and after the fact, a permit had been submitted, and was denied due to a request from IDNR for additional information, which it’s my understanding was not supplied. It’s also my understanding however that they are appealing the ruling. So, I don’t know if that will get worked out or not.

Jeff Mueller: Next, more of interest to us, is a Construction in Floodway, it’s an amendment to approval. This approval is to a consultant doing work for Evansville Water & Sewer. This Board had previously approved Evansville Water & Sewer to bore a sewer line underneath the Wabash Eerie Canal, although you’ll see it’s listed as Lockwood Ditch in the paperwork. The engineering company had a survey bust, so the line could not go deep enough. In addition, in the process of constructing the manhole, it was placed very close to the canal, and the canal actually failed and flooded the manhole construction site. One thing that a, so, what this amended approval is, is for work to do canal repair work. I was never notified by Evansville Water & Sewer of the failure, and I did not find out about the failure until Friday, November 23rd when I went on site. I met with the contractors and personnel from Evansville Water & Sewer. The issues that I addressed was first, why were we not notified? And, second, the plan to restore the site shows seeding with erosion control netting. The contractor was going to do the work with sod, which is not in the permit, and I also did not want it sodded, because, in my opinion, the first time that thing gets full that sod will be downstream clogging a pipe up. So, we did get that straightened out. You will see pictures in your handout, after you go through the permits, there’s one page with two pictures on it. It kind of shows the rough work that was done, and then the final work that was done, correctly. Water & Sewer is going to be coming back, in the future, to probably do something different, because they never did bore the sewer lines underneath the canal.

Jeff Mueller: Which leads me to my next topic, and that’s something I would like to bring up just for a short discussion. That would be, the creation of a proposed ordinance for legal drains. I think we need standards for crossing of legal drains. We’re getting a lot more water and sewer work, and we’re also getting everybody and their brother wanting to run some kind of cable underneath our legal streams. I put out an email yesterday to the County Surveyors, and so far I’ve gotten five responses from counties in Indiana that have standards, and that includes Gibson to the north. So, I believe, personally, that we need to put together an ordinance that would talk about, you know, what we would require for crossing drains. As another example, there’s an engineering firm out of St. Louis that’s working as a consultant for Water & Sewer that was going to put a sewer line across Rexing Creek, which is just south of the Busler property there, that complex up by 41 and 64, and they were going to dig through the creek to put a pipe in, and I told them no way, you’re not going to do that. I don’t want to have that creek, I don’t want to have to be maintaining that creek forever. So, they have come back with a boring plan, but I’m still not completely satisfied with it. So, I guess, what I’m asking is, if before I go through trying to put something together, is the Board, would they be favorable to entertaining me putting an ordinance together? I realize you’re not voting on the actual ordinance or any of the criteria, but I didn’t want to dig into an ordinance if you guys were saying, no, we don’t want one.

President Shoulders: I’ll open it up for discussion for my fellow Board members, to see your thoughts.
Commissioner Ungethiem: Do we, you’re saying we don’t have anything right now for legal drains?

President Shoulders: No, no.

Jeff Mueller: No, I mean, we have the right to, you know, to give permission to do anything, but we don’t have anything like criteria for boring underneath, or criteria for, you know, how far they have to stay out of a drain if they want to run parallel. We have no criteria at all. So, it’s just been kind of been on application by application basis.

Commissioner Ungethiem: Do we have any kind of template that we could use for that kind of thing? Or, is this something you’re going to have to basically start from scratch on?

Jeff Mueller: Well, I mean, it will be like everybody else, we’ll see what everybody else has got, and, you know, kind of, you know, pick and paste and everything.

President Shoulders: Yeah, doesn’t neighboring counties have—

Jeff Mueller: Gibson has one.

President Shoulders: Gibson does?

Jeff Mueller: Yes.

President Shoulders: Warrick does not?

Jeff Mueller: I don’t know. I haven’t heard from Warrick, and I haven’t heard from Posey.

President Shoulders: I thought Warrick did, okay.

Jeff Mueller: But, you know—

President Shoulders: But, Gibson does?

Jeff Mueller: Gibson does, and some of the donut counties do. Some of them also even have crossing fees, which I’m not proposing that, although we could put in the ordinance, you know, a fee and say fee structure is zero right now, but, in case we ever wanted to do that in the future too.

President Shoulders: I mean—

Jeff Mueller: I mean, the reason I suggest it is, then when somebody’s coming in to design something, they know that they’ve got to be so many feet underneath the channel, or they know they’ve got to be so many feet away, so that we….and, you know, just like this example where this guy was going to dig through the channel to put a sewer line, we would put it right in our ordinance, you’re not going to do that, you’re going to bore underneath, you know, what would be some of those criteria. So, we would have something in writing for people to follow.

Commissioner Ungethiem: Sounds logical to me.

Jeff Mueller: And, I mean, when we put the ordinance together, I would bring it to you, we would float it around to the necessary parties. It wouldn’t be something where I would try to come in here and, you know, let’s do it quick on two readings and put it in the books, you know.

President Shoulders: So, you’re asking us to approve your exploratory—

Jeff Mueller: I’m asking you if you would be okay with me proceeding ahead.

President Shoulders: Exploring it?

Jeff Mueller: This may be something that will be two or three months before I even get a first draft to you. I mean, but I just don’t want you, I just didn’t want to spend a bunch of time on it, if you guys were saying, no, I’m just totally against it. So, that’s why I was asking.
President Shoulders: Any other discussion on this matter?

Commissioner Ungethiem: In two or three months I won't have a dog in this fight, so.

President Shoulders: Okay, so on that note, I'll ask for a motion for the County Assessor, Mueller—

Jeff Mueller: Surveyor.

President Shoulders: County Assessor, wow, it's been a long day. County Surveyor, Mueller to explore potentially an ordinance in regards to legal drains.

Commissioner Musgrave: I would prefer to just give him sort of an informal go ahead, rather than a formal go ahead. I would like to see what you would put in writing.

Jeff Mueller: Sure.

President Shoulders: Instead of formally voting?

Commissioner Musgrave: Yeah.

Jeff Mueller: Yeah.

Commissioner Musgrave: So, bring it back to us for formal consideration at some future date.

Jeff Mueller: Okay.

Commissioner Ungethiem: One thing that might be helpful—

President Shoulders: Is that—

Commissioner Ungethiem: --if you can get your hands on the Gibson County.

Jeff Mueller: I've got it.

Commissioner Ungethiem: Maybe you can send that to us and we can start to look at that.

Jeff Mueller: I can send that to you. I can send you a couple of the others too. Hamilton County's got a beautiful set, they've got an 83 page standard book, and they've got, you know, not just on legal drains, but on a whole bunch of other things. But, they've got like, you know, three pages of drawings on just crossing legal drains and stuff. Other people have got drawings or templates and that. So, I can send you a few things. Gibson's is a short, three page, double spaced.

Commissioner Ungethiem: That would help.

Jeff Mueller: Yeah.

President Shoulders: So, Jeff, do you still need a motion?

Jeff Mueller: I don't think I need a motion—

President Shoulders: Okay.

Jeff Mueller: --so much, as I just wanted to see that—

President Shoulders: So, just come back to us...yeah.

Jeff Mueller: --I just wanted to make sure—

President Shoulders: Yeah.

Jeff Mueller: --if we were on the same page, or if—

President Shoulders: Like, in the future.

Jeff Mueller: --you all were opposed to it, then—
President Shoulders: Yeah.

Jeff Mueller: -- you know, okay.

President Shoulders: Okay?

Jeff Mueller: Alright.

**Hunters Chase Drainage Plan Discussion**

Jeff Mueller: Next on the agenda is Hunter Chase. As you can gather, the folks here are here for this issue. I will just make a couple of comments on this. The issue is on the agenda at the request of a group of homeowners represented by their attorney, Reed Schmitt, who is here. I also know that the developer’s attorney, Shannon Frank, is also in attendance. Before we move on, and to perhaps maybe assist the conversation, Commissioner Musgrave and I sat down together yesterday, and I put together a draft letter that you could maybe utilize, when it’s all said and done, about trying to reach a goal of the drainage plan submitted for the site. I would like to go back and point out some things to the Drainage Board. When we were looking for this, a lot of my maps said “preliminary”. John’s maps said “preliminary”. So, I went back and I went through the Drainage Board notes, and noted that originally a drainage plan, preliminary plan, was submitted for a five lot subdivision, which includes this project, as well as four other lots. Then construction began on the one large parcel, which is the Hunter Chase Condominium Project. However, no final drainage plan, I can’t find any approval for a final drainage plan in the, any of the minutes of the meetings. So, I know that John and I have been out on site before, and we’ve discussed about, you know, there’s some issues and problems out there. Some of them are going to require physical fixes, but some of them could just be a matter of, if everybody was happy with what’s out there, just to submit a revised final drainage plan. But, actually, what we’re going to need is a, we’re going to have to have a final drainage plan submitted, because one was never, from what I can tell, been approved by the Drainage Board. So, with that said, what I did was kind of put in a letter what I think a final drainage plan, what items should be in there. If you remember, when I bring drainage plans to you, I’ve got quite a bit of a checklist, some of that checklist items would be kind of moot. You know, like is there a well on site? Or what the soils maps, or some of those issues, since the site’s already been built up. So, what I did was kind of list the, what I think the issues should be to address what a final drainage plan would be to address this site. So, that’s what I’ve got in the letter that I gave to you all, which we could, you know, talk about later if we wanted to send it or use it as a template for what should be submitted. I also want to bring up one other issue before we get in discussions, and it’s kind of a reoccurring theme in that, as you know, when I review a drainage plan, I look at the code, and I say it meets code, or it doesn’t meet code, or it meets code, but with a couple variances. So, there might be some things out there that don’t meet code, but everybody’s happy with the way they are, and they may not be. You know, for example, our swales are supposed to be 3:1, well some of the swales out there aren’t 3:1. If you want to make them 3:1 to meet code, that would be fine with me, but it may not be fine with some of the homeowners, because they may end up having a steep swale on the side of their yard. So, there are some things that maybe, and, I mean, there are some other issues out there, but there might be some things that both sides feel comfortable with, but those sides are going to have to come together, and come together with those things for us to review as a plan, saying we’re all happy with this one particular issue, and we would request a variance on it. Because it’s not something that John and I can referee, because we submit a plan and we review it when it’s done. So, the groups are going to have to come together on some of these issues out there. Like I said, probably the biggest one are the two swales on the north and south side, where you’ve got a sidewalk within what should be where the drain is. So, you know, do you want the sidewalks, do you want the drains, what do you want? But, they’re still going to have to meet criteria so we don’t affect the adjoining homeowners, or lot owners around them. Okay? So, with that, that’s all of the comments I have on this. Unless you’ve got any questions, I was going to let people speak.

Commissioner Musgrave: Was your letter shared with the –

Jeff Mueller: It was shared with both counsels.
Commissioner Musgrave: Well, thank you. Thank you for drafting it.

Jeff Mueller: Yeah, I mean, they haven’t had much time to look at it, so, of course, I didn’t get it written until, you know, we sat down yesterday morning, and you know.

Commissioner Musgrave: Before you sit down—

Jeff Mueller: Yes.

Commissioner Musgrave: --what action would you like to see taken today?

Jeff Mueller: Well, I do think that there needs to be some clarity on what the drainage plan needs to be submitted, and I do believe that letter provides that. But, also, I would hate to say that by the next meeting have something, because I don’t want just a piece of paper handed in that we’re going back and forth on. I would rather have some good time frames, where people sit down, meet with these things and we get a good document in.

I’m not sure what that time frame is, to be honest with you, because, first of all, I don’t know how, I mean, I’ve had conversations with their engineer, but I don’t know where he’s at on things. And, some of that stuff he’s going to have to get direction from his client, and some of that the two parties are going to have to say, yeah, we’re fine with that particular drainage issue. We’re not fine with this one, and everybody’s also going to have to understand that certain things, as I’ve told everybody, if they meet code, they meet code. That doesn’t always make everybody happy.

Commissioner Musgrave: So, just to make sure I understand, you’re looking for a final drainage plan?

Jeff Mueller: I think we have to have that, yes.

Commissioner Musgrave: Okay.

Jeff Mueller: And, but, with a little bit of, instead of the full blown thing, because, like I said, some of the things aren’t going to matter. I think it needs to address the ideas that I did when I said, you know, give us something under Section so and so and so and so and so.

Commissioner Ungethiem: And, that final drainage plan you’re looking for is the responsibility of the developer?

Jeff Mueller: Yes.

Commissioner Ungethiem: And his engineer?

Jeff Mueller: Yes.

Commissioner Ungethiem: To submit to you, and then will come before the Board?

Jeff Mueller: Yes, but like I said, it is complicated, because we have a number of people that have already invested in property out there, so, anyway. Other questions of me? Not now?

President Shoulders: I don’t have any other questions of you, no.

Jeff Mueller: Alright.

President Shoulders: Alright, public comment on this topic here, Hunter Chase?

Reed Schmitt: Mr. President, members of the Drainage Board, good afternoon. My name is Reed Schmitt. I represent the homeowners in the Hunter Chase Condominium Project. I believe everybody here, if you’re not here as a Hunter Chase homeowner, raise your hand.

Unidentified: Not here?

Reed Schmitt: Right. Okay, so we’ve got four people. The other 92 percent are homeowners in the Hunter Chase Subdivision. I prepared a timeline, which I think might be helpful for the Board to review. May I approach?
Reed Schmitt: There has been some confusion relating to the drainage plans. And, as you will note, I have listed on March 8th, I'm sorry, March 4th of 2008 that the preliminary drainage plan was approved. I could never find when the drainage plan had finally been approved. If you'll note, this started back in 2008. There's been concerns relating to the drainage plan and the erosion since 2016. If you'll note, under that timeline, that questions were raised in October of 2016, February of 2017, March of 2017, April of 2017, October of 2017, November of 2017, April of 2018 and then July of 2018. I will say this, that since I became involved, there's been cooperation between Dauby Construction through their attorney, Mrs. Frank. And, you will note that on July 23, 2018, there was a conference with Glen Merritt and Scott Buedel, our Surveyor, Jeff Mueller; our Engineer, John Stoll; Ms. Frank and myself, and there were a number of things that were discussed at that meeting. I thought after we had that meeting there was a clear understanding that it was the end of July, and that things needed to move forward. And the things that needed to move forward was an amended drainage plan needed to be prepared, and that plan needed to have the cooperation of both Cash Waggner, Dauby Construction and the homeowners of Hunter Chase. We're now, I think this is November 13th, and although there's been discussion between Cash Waggner and Jeff Mueller, we still don't have an amended drainage plan. There hasn't been anything of a substantial nature that has come to the homeowners to rectify the serious concerns that they have expressed a number of different times, as is outlined in my timeline. Also, I have pictures, may I approach? These are pictures that, and descriptions. The pictures prepared by Mr. Stoll, the County Engineer, it gives a description. They are also dated, so you can tell the various dates of when the pictures were taken, and the various concerns, which would address the non-compliance with the prior drainage plan. I received the November 13th draft letter from Mr. Mueller at 3:15 this afternoon. So, I've read it, but I haven't really read it. So, the homeowners are here, they want to have their problem addressed, and finally addressed. They've been very patient. At this point in time it's been over two years from an original, if we take the October '16 issue being raised. They've been very patient. They have tried to work within, with Mr. Dauby, but their frustration level has gone beyond where it should be. We would ask that there be...I noticed in Mr. Mueller's letter that there was a provision, and I might get that, it was the second page of the letter, midway down, as I recall. It was his strong recommendation. It begins, "It is strongly recommended by the Board that the drainage plan be reviewed by a group of concerned unit owners in the development PRIOR (all caps) to the submittal to Vanderburgh County through a series of meetings in order for the approval process to move forward in an orderly fashion." I wholeheartedly agree with Mr. Mueller's recommendation, and we have tried to do that, very cooperatively, with a committee of homeowners. Ms. Frank and I discussed also a change in the Homeowners Association where those concerned unit owners would then become the Homeowners Association. The Homeowners Association would no longer be board members controlled by Dauby Construction. So, as it relates to the cooperation between Dauby Construction, our Surveyor and Engineer, and the homeowners, we're wholeheartedly behind that. We just need to have a date certain set that the final drainage plan be submitted. And, I apologize in my timeline, I keep referring, I think I refer to an amended drainage plan. Well, it is an amended drainage plan, because it's amending the preliminary, but I thought that the drainage, there had been a final drainage plan that had been approved by the Board, and I just couldn't find the date. So, in my references within the timeline, I make reference to the amended drainage plan, and it can still be considered an amended drainage plan, but, in essence, it's going to be the final drainage plan. So, we need a date certain that we will receive a copy of the proposed drainage plan, so that we can work cooperatively to make sure that that is a drainage plan that, not only, as Mr. Mueller stated earlier, some of the revisions or work that needs to be done may not meet code, but they may be what is expected from the homeowners, and what would be acceptable to the homeowners. We're fine with that, as long as we are brought into that discussion prior to the submission of the drainage plan. And, not only do we want a date certain for the submission of the final drainage plan, but we also want a commitment, from Mr. Dauby, for that work to be done and completed in compliance with the final drainage plan that is approved by this Board. I will address any questions that you may have.

President Shoulders: Any questions for Mr. Schmitt? I don't have any other questions for you.
Reed Schmitt: Thank you, Mr. President.

President Shoulders: Thank you. Ms. Frank, do you have...it looks like you want to, yeah.

Shannon Frank: I'm waiting on Glen Merritt.

Glen Merritt: I'm here.

Shannon Frank: Oh, I didn’t see him come in. So, he's going to address things on behalf of Mr. Dauby. Glen Merritt is with Cash Waggner. And, then if I could just reserve a couple minutes when Mr. Merritt's done.

Glen Merritt: My name is Glen Merritt. I’m with Cash Waggner and Associates. We’ve been hired by Ron Dauby to try to address these issues. We did not design this subdivision. We come in on it after say it was 90 percent complete construction. We have done a lot of survey work out here on this site to try to identify the problems, and originally we turned in an as-built drainage plan to John Stoll and Jeff Mueller to try to get some initial comments, which I think are the result of the letter that Jeff sent out today. I mean, I’ve had multiple conversations with both Jeff and John, and this is kind of a unique situation with where it's at. I’ve never been involved with a condo association and the transfer of ownership from the developer to the individual unit owners. I mean, the drainage plan, as far as, we met, say back in July, my schedule has not really allowed me to concentrate on it as much as I would have liked, but there have been kind of back and forth with everybody, with Jeff, with me and Shannon, and even John, just because nobody knows exactly what to turn in. I mean, I can put whatever on paper, but, again, Ron could go out there and build it, and the homeowners could come out there and say that’s not what we want, and there’s so many different people involved, and everybody’s got their own opinion. Nobody could give me a real concrete direction on what we needed to show on the plan. The result of the meeting, the conference that Reed mentioned earlier, there were some drainage calculations that they wanted, and that is John and Jeff were looking for along the north and south property lines, to show that those concrete swale, troughs, I don’t know what you want to call them really. They’re just little concrete gutters on both north and south boundaries, and they wanted to know if those small channels were able to carry the 25 year storm, which is what the Vanderburgh County drainage ordinance requires. And, I have ran through those calculations, and the swales that are there do not hold the 25 year storm. So, that kind of leads me to where I’ve got the answers that they were looking for, whether it did or did not meet it, and now, I think, after I did get a chance to read Jeff’s draft letter, which will help me proceed to where I need to get to a final drainage plan to turn back in. But, like I said, they’re just kind of a unique situation, there’s so many people and parties involved, it’s very difficult to come up with a solution to meet everybody’s demands. That’s about, that’s really all I have to bring to your guy’s attention. That’s kind of where I’m at, and Shannon can say what she needs to say at this point.

President Shoulders: Okay, Ms. Frank? Thanks.

Shannon Frank: Alright, thank you. It is a unique situation, as Mr. Merritt stated, and we do appreciate the time, and as Glen had stated, there has been conversations that have gone on. I think the challenging part is trying to come up with a date certain. Certainly nothing has moved quickly with trying to work with various of the homeowners, and what people want. There are a lot of different things. We have one person saying that everybody is upset about this, and then we have someone else tell us that things are fine. So, you know, we’ve been trying to, you know, work through Mr. Schmitt on things. So, from a time standpoint, I think it is really challenging, especially if they do work through what Mr. Mueller and Mr. Stoll have put together, and then Mr. Schmitt and his clients want final review of that, well, we can’t control if they don’t like what’s been done. And, some of those things there may be able to be variances, so, I think from a timing standpoint, certainly we need to be conscientious of Cash Waggner’s schedule, and the challenges that are posed, or that are part of this. I do appreciate there’s been time that’s gone on, but they aren’t things that have been ignored. So, I would just ask that as you consider that request, you look at it from a reality standpoint. I just don’t want to be here on behalf of my client a month from now, because a deadline couldn’t, wasn’t met, and it wasn’t for lack of trying. It’s just wasn’t reasonable given certain circumstances.
President Shoulders: Fair enough. Do you have something else, Mr. Schmitt?

Reed Schmitt: Yes, please.

Commissioner Musgrave: I have a question—

President Shoulders: Oh, sorry, yes.

Commissioner Musgrave: --for the—

President Shoulders: Ms. Frank?

Commissioner Musgrave: --Ms. Frank. Are you in agreement with the Drainage Board signing this letter?

Shannon Frank: I got that at 11:15 today, or right, actually a little before 11:00, and I had meetings from 11:00 until I came to this. So, other than getting it and trying, Jeff Mueller and I tried to give him a quick call, I really haven’t had a chance to completely digest it. I haven’t even had a chance to get with my client to see if he was in the office to receive my email when I forwarded it. So, I’m sorry, on that standpoint.

Commissioner Musgrave: I only just, in Mr. Mueller’s defense, was it yesterday afternoon that we met, Mr Mueller, and I asked you to put it in writing?

Jeff Mueller: Yes, yesterday afternoon.

Commissioner Musgrave: So, he got this done in an amazingly fast amount of time.

Shannon Frank: And, I am not complaining in that regard, because I know it’s very technical.

Commissioner Musgrave: Right, and I also insisted that there be his comments, in writing. That I prefer that all issues be known by both parties, prior to a public hearing. So, at least you had the advantage, if not the time, to know that it was in writing.

Shannon Frank: Right, I mean, perhaps a compromise with Mr. Schmitt. I know you don’t meet in two weeks, it’s next week, isn’t it? Or is it two weeks?

Commissioner Musgrave: No, it’s December 4th.

Shannon Frank: Oh, December 4th? Perhaps we could keep it in draft form from now until then, while Mr. Dauby and myself and Mr. Merritt and Mr. Schmitt have the opportunity to review it.

Commissioner Musgrave: I’m certainly fine with that.

President Shoulders: Would that give you enough time to get this—

Shannon Frank: I’m going to have to defer to Glen.

President Shoulders: Well, that’s definitely a thought.

Shannon Frank: And, Reed, I mean, timing wise.

Glen Merritt: I don’t…what’s your question to me? Whether I can have a plan put together before then?

President Shoulders: Based off the draft, correct? We’re not gonna…isn’t that what you heard, Commissioner Musgrave?

Commissioner Musgrave: Actually, I would like both of you parties, the Homeowners Association and the developer, to do your own list of issues, and then I would like you to meet. I would like you to sort through those issues before you come back to us.

Glen Merritt: Well, that’s one of the, I mean, one of the issues I have is Jeff sent an email, what meeting was that after that we had to notify everybody, and those notices have to go out a week before the meeting too? So, my plan has to be down in Jeff’s office a week before when that goes out. So, I mean, again, with the holidays coming up, the schedule’s gonna get a little tight.
Jeff Mueller: I don’t think we’re, I don’t think Commissioner Musgrave is asking for a plan to us yet.

Glen Merritt: No, I understand that.

Jeff Mueller: Right, and, yeah, so, I think, what she’s asking is when do you guys think that you could have a plan so that you could sit together and resolve the issues before you give a final plan to us, correct?

Commissioner Musgrave: That is exactly what I meant.

Jeff Mueller: That would be much better for us, and for you, because, you know how it is when we’re going back and forth with paper. If Glen knew what would and wouldn’t be accepted, which means no one from the homeowners, what would and wouldn’t be accepted. Because, like I said, I think one of the things, it’s like Glen said, the ditches won’t carry a 25 year storm. Well, do we expand the ditches? If we do, then what happens to the adjoining neighbors? Then we’ve satisfied the adjoining landowners, but then we might knock the sidewalks out that the people enjoy using. So, it’s a combination of trying to get the drainage plan to work to our code as much as possible, to address some of the drainage concerns these folks have. But, also to get some of the quality of life issues that they already have out there, like sidewalks though. There’s a three way balance here, is the way I see it.

Commissioner Musgrave: Right.

Jeff Mueller: So, that’s why, I think that’s where we were coming from, was, I don’t think we want to have something in my office in two weeks that we’re sitting here then that nobody’s happy with.

President Shoulders: So, Jeff, then we meet again in December, right?

Jeff Mueller: December 4th?

President Shoulders: Well, the 4th is the first one, but don’t we meet—

Jeff Mueller: That’s it.

President Shoulders: Okay.

Jeff Mueller: Then we’re done after that.

President Shoulders: I thought we had a second meeting for some reason in December.

Jeff Mueller: No, we tend to only have one meeting in December, because there’s not a lot of business.

President Shoulders: Yeah, I know, I just….go ahead.

Commissioner Musgrave: I would like to hear Mr. Schmitt’s—

President Shoulders: I would too.

Commissioner Musgrave: --comments. But, as he starts making his comments, I really do think that, you know, you handed me these photographs and a timeline, but what I lack is an understanding of what the homeowners want from this Board, that we can do from the government side. Some of the concerns I’ve heard are civil, and don’t belong on our desk.

Reed Schmitt: There’s a number of issues that relate to the development that are separate issues that are being discussed with the homeowners and the developer. We’re here specifically relating to the drainage plan, and trying to resolve that issue. That’s the only thing that we’re here in front of you, Mrs. Musgrave, in order to resolve. And, we go back to the July meeting, where I thought that everyone was clearly under the understanding that time was of the essence, and now we’re here in mid November, and we’ve got one meeting left in December, the December 4th meeting. So, what we will have is, if we keep delaying this, it will be February before we have anything really accomplished, and that doesn’t get us where we need to get. The homeowners, there’s
a committee, they’ve been more than willing to meet at any point in time, to discuss and to resolve any issues that may come before the engineer’s, relating to a variance or a non-conformity with the drainage plan. So, that committee has been formed for, I don’t know, six-seventeen months, something like that? Have met a number of different times, and are willing to meet really almost at any point in time to resolve these issues. So, Shannon and I have, you know, conversed a number of different times, trying to figure out where we are, and what’s going on and what can we do. And, not only are my clients frustrated, but it becomes a frustrating matter when you’re trying, when you leave a meeting and you think that everyone is on the same page, and I think, literally, everybody was on that same page, and we’re here four months later. So, what do the homeowners want? The homeowners want to be provided with an amended drainage plan that Mr. Mueller and Mr. Stoll have reviewed, that they consider to be compliant with the applicable regulations, and we want that sooner rather than later. I don’t know what more we can do to help accomplish that. I think we’ve done, we’ve been available, we’ve tried to contact Ms. Frank on a number of occasions to try to figure out what’s moving forward, and we’re just stymied. So, I understand that everybody has various responsibilities and priorities, etcetera, but this needs to be prioritized. It’s been two years, something needs to be done. That’s what we’re asking, Ms. Musgrave, that’s what we’re asking you to do. We’re asking you to set a deadline that the final plan be submitted to you, and a timeline for the implementation of that drainage plan. I don’t think that’s unreasonable.

President Shoulders: It’s not. Any comments or questions to Mr. Schmitt?

Commissioner Musgrave: Are you asking the Drainage Board to sign this letter today, which has no deadline?

Reed Schmitt: No.

Commissioner Ungethiem: I don’t think we can.

Reed Schmitt: Like I said, I got this letter—

President Shoulders: It’s a draft.

Reed Schmitt: -- at 3:15. I’ve read through it, I haven’t read it. It seems—

President Shoulders: Go ahead.

Reed Schmitt: It seems reasonable to me. There are things in here, but, no, there’s a blank date. I don’t know, the last sentence of the first paragraph contains a blank, that’s my deadline. That’s the deadline by which we wanted it to be submitted. And, so—

Commissioner Musgrave: What date would you suggest?

Reed Schmitt: December 4. Well, no, they would need to be submitted before December 4th, so you could review it. I would say a week before December 4th, so that would be—

President Shoulders: The 27th.

Reed Schmitt: --November 27th.

Jeff Mueller: That’s not enough time. We won’t, a week doesn’t give us—

Reed Schmitt: Okay, well—

Jeff Mueller: That’s what I’m saying, if we push December 4th, we’re not going to get a good package.

Reed Schmitt: Okay, okay, that’s reasonable.

Jeff Mueller: No, you don’t understand.

Reed Schmitt: I understand, Jeff. We want it done right.

Jeff Mueller: Right.
Reed Schmitt: But, we want it done sooner rather than later. Is there any reason why the Drainage Board cannot have another meeting in December? December 11th, or December 18th, or December 25th wouldn’t work well.

President Shoulders: No.

Reed Schmitt: But, some December date.

Commissioner Ungethiem: You would have to wear a red suit.

Reed Schmitt: Well, I can, if you want me to wear a red suit, I will wear a red suit.

President Shoulders: So, you’re asking us to entertain having a plan to Jeff by the 4th, with us to potentially have another meeting in December to approve that plan? Is that what I’m hearing?

Reed Schmitt: I think if, Jeff, would that, if you got it by December 4th, you could review it?

Jeff Mueller: First of all, our schedule is getting, we have a bunch of other things we have in December.

Reed Schmitt: Sure.

Jeff Mueller: Because we have to—

President Shoulders: What’s our—

Jeff Mueller: --we have legal ditches, I have to get all of the legal ditch stuff done.

President Shoulders: Yeah, I know. Do we have a meeting on the 8th of January? Our first meeting of the year is the 8th.

Jeff Mueller: January the 8th, yes.

President Shoulders: Huh?

Jeff Mueller: Yes, January 8th.

President Shoulders: Do we have drainage that day?

Jeff Mueller: Uh-huh.

President Shoulders: So, okay. So, what if we…..go ahead.

Jeff Mueller: I mean, one of the things that’s important for folks to understand is, there is a plan, a preliminary plan out there right now. And, like John said, we were discussing back there, you could go out and build it, just go out there and take the drawing that’s there right now and build it as it is. But, I don’t think people are going to be happy if that gets done. That’s why I think it’s important that the two groups meet, and it’s unfortunate if they haven’t met, but I think that’s the piece that needs to be accelerated, because if we, you know, if we go directly by the code and say put these swales in, put this swale in, you’re going to lose your sidewalks out there. You’re going to have a bunch of other things, and the other thing I think is important is, and we did this with another subdivision, was not only do we have a plan, but we have dates in the plan, because that’s not a normal thing, but I had requested that, so that, and I don’t want to see something that says within 60 days something’s going to be done, so we’re out there tearing grass up in February. We need to have reasonable dates. We need to have a reasonable, this is how everybody wants to see things, and it’s going to get done within certain dates. The dates aren’t going to be three years out, but they’re not going to be 30 days out where we’re mucking in the mud either. And, those are the things that I think are important, and I just want to make sure that everybody is on that same page, so that we’re not sitting here going, you know, because we had one where there was some dirt work done, and I think one of the people were complaining—

President Shoulders: Yeah.
Jeff Mueller: --that their side yard was gone. Well, that was because Mr. Dauby went out and put the swale in at the slope that it was supposed to be. So, I want people to understand that it’s done right, but there’s going to be some variances, but those variances are to accommodate the way people are out there, but that the drainage will still move in a halfway correct manner. So, that’s what I think is important.

President Shoulders: I think that’s very important, and I think there are valid points from everyone so far.

Jeff Mueller: Right.

President Shoulders: Do, well, first of all, does anyone else on the Board have comments? It looked like you had a comment, Andrew?

Andrew Skinner: I do. I just want to make sure that what Mr. Mueller is saying is being understood. So, you know, kind of, for the homeowners, from a legal perspective, what this Board’s job is is to approve plans that are submitted to the Board, in accordance with the ordinances and regulations that are in place. There’s a preliminary plan in place already, and if there are variances that want to be requested from the ordinance, then that’s something that needs to be done, and figured out between the parties—

President Shoulders: That’s true.

Andrew Skinner: --prior to coming to the Board, asking for a plan to be approved.

President Shoulders: That’s a great point.

Andrew Skinner: If a plan comes to the Board, and it meets with the regulations, it can be approved, and the homeowners may not like it. So, it’s important for everyone to come together before saying, well, December 4th we want a plan to be approved by the Board. They can get a plan to us, but the parties should come together and make sure that it’s the plan that you want, before it gets submitted to the Board, prior to the Board considering it.

President Shoulders: Very true.

Reed Schmitt: The problem that has risen with this is, not only do we have a preliminary plan, but it’s already been built. So, we’ve got a preliminary plan, an as-built plan, which doesn’t, the as-built doesn’t meet the preliminary. So, our discussions with Jeff and John were to try to work through that, so that the preliminary plan and the as-built plan became the amended plan. Again, I will say, that committee is willing to sit down, at any time, to walk through this and talk through, if it’s Glen, or if it’s somebody else at Cash Waggner, to get these matters resolved. Literally, any time.

Commissioner Ungethiem: I understand your commitment. I’ve got a question for Ms. Frank. Is the developer committed to pay the cost to take the preliminary plan and revise it with what’s out there, to come up with a final drainage plan?

Shannon Frank: Well, let me back track a few things on Mr. Schmitt. First off, I want to say that the developer has absolutely not been unresponsive. I have had numerous meetings with many of the people of the committee, going back to earlier in this year. So, the developer has not ignored them, there are various issues, and many people, when you have over a hundred units and add one or two people in each of those units, and different people wanting different things, it does add to the challenges. So, I just want to make sure this Board understands that they have not been ignored by me. I have not been unresponsive. They have not been ignored by Ron, and those here may feel that they have been, but things have been moving forward. With regard to the original plan, it was not realized by Mr. Dauby that his previous engineer, who I am not going to name, that no longer is in private practice, did not complete what needed to be done. That was brought to his attention by, I believe, Mr. Mueller to me. Cash Waggner is working on it, and since it is built, he has been understanding that people aren’t going to like certain things. And, I attended a Homeowners meeting and talked to people, and I have met with Cash Waggner numerous times, before that meeting, to talk about the existing plan, and showed people that some of them were going to have significant dips in their backyards. Like they were going to walk off their patios and they couldn’t step
down into their yard. And, people indicated that they didn’t want that. And, Mr. Dauby doesn’t want someone not to be happy with what they have.

(Laughter in the audience)

Shannon Frank: That said, with Cash Waggner being brought on board in the past year, there’s been a lot of legwork and background that they’ve needed to go, and the surveying, as Glen mentioned, to have a complete engineering understanding of what’s there, what’s been built, looking at the original preliminary plan and what needs to be done. I do appreciate that things take time, but certainly Cash Waggner needed time to do their background due diligence, if you will. As well, I think we’re pretty fortunate in our area that construction is up, and Cash Waggner, Morley’s, Lochmueller’s they’re all pretty busy right now. So, I’m not making excuses for timing, but we have to be realistic that, I wish Ron was their only client, but he’s not. In talking to Glen today, he said that it would probably, from where he is now and the work that they’ve done and the information that he’s received from the preliminary draft of the letter from Mr. Stoll and Mr Mueller, that he’s probably about a month out from being able to get a plan put together, that he could give to Mr. Schmitt to review. And, from what I understand today is that they, is that Mr. Mueller would like Mr. Schmitt and his group to review before we come back to you?

Jeff Mueller: That’s correct, because—

Shannon Frank: Okay.

Jeff Mueller: --I mean, Glen can put in a final drainage plan that meets code. We can do that right now, but there’s going to be some people that aren’t going to like it, and that’s why I think it’s very important….and, as you are aware, before saying this thing meets the code, except for one, two or three things, and here’s the variance letter. We’ve done all of that up front, and we want to do that again, so that everyone understands that it’s to code with these exceptions, and people are fine with those exceptions. Because of examples like, ditches too deep….you know, it’s a tight space out there, there’s not much yard in between all of the different units. So, we want to make sure the water flows, but it may not necessarily meet code when it’s flowing. That’s the, but that’s what we’re trying to do. If the sidewalks are to be left, we’ve got to figure out a way for those sidewalks to be left, but for the proper drainage to be carried. So, those are some of the issues. There’s other things out there that are going to have to be fixed to meet code, that doesn’t have anything to do with anybody’s input.

Shannon Frank: Alright, yeah, and one—

Jeff Mueller: You know—

Shannon Frank: -- and I may be speaking a little out of turn, but in talking to Ron, and I believe what the conversation with Mr. Mueller, for example, one option, a variance was to allow some water to flow onto a neighboring landowner, through the engineering, and I’m obviously just giving the lawyer’s perspective of it. Well, it took, takes time to talk to that landowner, have the engineer get out there, look at that as an option, explain things to the landowner, let them review it by their professionals. So, like I said, some of those things take time, and, you know, it’s just, like I said, it’s just taken a longer time. And, Mr. Mueller is right, something could be submitted, and Mr. Dauby would come in and do what’s needed to be done on that plan, but as we’ve said all along, the homeowners may not be happy with what that plan looks like. So, it’s trying to see what’s out there and putting something in place that’s going to work with what is built and appropriate quality of life uses of the area.

President Shoulders: Okay, so, Jeff, Ms. Frank, Mr. Schmitt, is three weeks from today enough time for parties to get together, discuss the adjustments, discuss a final—

Jeff Mueller: They just said that Mr. Merritt needed about a month.

Shannon Frank: He needed about a month.

Jeff Mueller: Just to get his—

President Shoulders: Okay, four weeks, is four weeks enough time?
Commissioner Musgrave: (Inaudible. Microphone not on.) before Mr. Merritt can even put his eyes on it.

President Shoulders: Alright.

Jeff Mueller: Yeah, Mr. Merritt would have to, he would have to have four weeks to put it together, and then they would have to sit down and (Inaudible. Talking over each other.)

Commissioner Ungethiem: And then they would have to do a review.

President Shoulders: Alright, so at that point then, can we, so, let’s look at our first meeting of January.

Jeff Mueller: Yeah, I think that would be the earliest we could—

President Shoulders: Alright.

Jeff Mueller: -- see a drainage plan.

President Shoulders: That is, sounds like that’s, I mean, with schedules and with what I’ve heard tonight here, our first meeting is January 8th of the year, I mean, and I would think that would give you enough time to—

Jeff Mueller: I don’t know, because—

President Shoulders: I mean, that’s—

Jeff Mueller: — Glen takes four weeks, and then it’s a week or two before he gets the folks and then he wraps things up, and then, you know, the 8th may be pushing it. I’m just trying to be realistic, you know.

Commissioner Ungethiem: Let me tell you what I wrote down here, and the reason I asked the first question that I don’t think you answered yet, Mr. Dauby has to approve Cash Waggner to make corrections to the existing plan.

Shannon Frank: Uh-huh.

Commissioner Ungethiem: Cash Waggner will take a month to do that, and have that plan come back. It will take a couple of weeks to review that with the Homeowners Association, to make sure that, and make any adjustments or whatever required with that plan. Then that amended, adjusted plan gets submitted to the Surveyor. That’s going to take a couple of weeks before it comes to the Board. So, if you look at that, that’s eight weeks out, to get it back to the Board. So, just from a standpoint of timing, if they start tomorrow, we’re eight weeks out to get back to this Board with any kind of plan that is both okay with the developer, Mr. Dauby, and okay with the Homeowners Association. Does that seem reasonable?

President Shoulders: Eight weeks is January 8th too, right?

Shannon Frank: I have to defer to Glen, I’m sorry.

Glen Merritt: I mean, if you’re saying that’s January 8th, I told Shannon, I mean, I need about four weeks. With the holidays and everything else, I don’t want to cut myself too short. I still think four weeks is about what it’s going to take me to put it together. I mean, like I said, this is not the only thing that I’ve got to work on, so.

Commissioner Musgrave: Jeff?

President Shoulders: Do we meet a second time in January?

Jeff Mueller: We haven’t set a meeting yet. Whatever that second meeting is in January, we will shoot for.

Commissioner Musgrave: We don’t have it in front of us, but—

President Shoulders: I mean, if it’s the 22nd, that would be ten weeks from today.

Commissioner Musgrave: (Inaudible. Microphone not on.)
President Shoulders: The 22\textsuperscript{nd} would be, it would be the 22\textsuperscript{nd}, if they...so, January 22\textsuperscript{nd}, whether we have a scheduled meeting or not, I think we could make one.

Jeff Mueller: Well, I mean, I haven't made the schedule for the rest of the year—

President Shoulders: I know.

Jeff Mueller: --but I'll follow your scheduled Commissioner meetings.

President Shoulders: But, we would...do we have one—

Jeff Mueller: If you've got one that week—

President Shoulders: --do we have a meeting that day? Alright, well—

Commissioner Ungethiem: Nobody's got the schedule with them.

President Shoulders: But, you just don't think the 8\textsuperscript{th} is going to work for everybody, based on—

Glen Merritt: I mean, I'm not 100 percent sure, what did you say the eight week time frame was that put you after the 8\textsuperscript{th}? That would be the 13\textsuperscript{th}, I guess.

President Shoulders: Eight weeks is from today.

Reed Schmitt: If I understand, I'm sorry.

President Shoulders: Go ahead.

Reed Schmitt: If I understand the timeline, December 11\textsuperscript{th} is four weeks from today, that would be the date by which Mr. Merritt has said that he needs to do that. And, what I would suggest is, when Glen's preparing that, so that we have an understanding of what may or may not be done, that Glen and I and the committee members meet, so that we don't have to re-create the amended plan several different times. What we could agree upon, with Jeff's input, we can get a pretty good amended drainage plan by the 11\textsuperscript{th} of December, which then gives Jeff the ability, three weeks at that point in time to review that plan.

President Shoulders: Four weeks.

Jeff Mueller: —

Reed Schmitt: Four weeks to make...no?

Jeff Mueller: There's a lot going on in December.

Reed Schmitt: Okay.

Jeff Mueller: I have got to set ditch rates so that the Assessor can get tax bills out. So, December is not a good month for us.

Reed Schmitt: Okay. Then, can I at least get...I'm sorry, Ms. Musgrave?

Commissioner Musgrave: I would really...go ahead.

Reed Schmitt: Could I at least then get the commitment, from Glen, that before, that the 11\textsuperscript{th} is our sort of drop dead date to have the amended plan. Mr. Merritt, me, committee members to come together and get a plan together, so that it can be submitted to John and to Jeff for their review.

President Shoulders: I mean, that's something I think you need to work out with Glen. Go ahead, Commissioner Musgrave, what were you going to say?

Commissioner Musgrave: I was going to make a motion that we ask for an amended drainage plan to be delivered to the Drainage Board by our second meeting in January.

President Shoulders: In January? Yeah, that was exactly what I was going to say.

Commissioner Musgrave: So, that's my motion.
President Shoulders: We don’t have the date of our second meeting yet. Obviously, we’re going to have a change on this Board, thus a change on the Commission. We only know our first meeting of January 8th, but there’s a motion on the floor that a final Drainage Board, I’m sorry, final drainage plan is sent to us for approval at our second meeting in January. It will either be the 15th, the 22nd or the 29th. We don’t know which date yet, because we’re working on calendars now, but it will be one of those three. So, that’s the motion on the floor.

Commissioner Ungethiem: I will second that.

President Shoulders: Okay, so there’s a motion and a second. All in favor please say aye.

All Commissioners: Aye.

President Shoulders: All opposed same sign.

(None opposed)

President Shoulders: The motion passes for a final drainage plan to be presented to the Drainage Board at the second meeting in January.

(Motion approved 3-0)

President Shoulders: And, Jeff, you will let them know that as soon as we have the dates for 2019 set, correct?

Jeff Mueller: Now, one other thing, just, and I don’t know how everyone feels about that, since we have both of the attorneys here, we did have a requirement that a notice was going to be mailed out, and that throws a week schedule into Glen. Do we need to mail a notice out to all of the homeowners? Or, do we have a sufficient set up that the homeowners can be notified, without him sending a notice out? Because it just puts a kink in the schedule coming along. That’s up to, I guess, to you all. Do you feel a legal notice—

Reed Schmitt: (Inaudible. Not at microphone.)

Jeff Mueller: Okay.

Shannon Frank: Yeah, I think we need to send notice, because, and I don’t know for certain that Mr. Schmitt represents 100 percent of the owners.

Jeff Mueller: Okay, and that’s fine, I just wanted to bring that up.

President Shoulders: Well, that’s something—

Shannon Frank: I’ve been notified by owners that they, he doesn’t represent them. Individually, individually.

Jeff Mueller: So, the notice provision that you voted on previously—

President Shoulders: Hang on, hang on. That’s what we just, that’s what we just, we’re discussing. So we’re clear, this letter, right, that doesn’t have a date on it, will be sent with a date on it, by you? Right, Jeff?

Jeff Mueller: It’s addressed by you all, and actually—

President Shoulders: Well, I’m sorry—

Jeff Mueller: --there’s a, we have a—

President Shoulders: --sent from the county, yes.

Commissioner Musgrave: As soon as you put the, establish that date, it will be inserted into the letter and we’ll sign it.

Jeff Mueller: Okay, but we will wait until the actual date that we know what that second date is?
Commissioner Musgrave: Yes, but they’re on notice, the contents of that letter, except for that line, which will have the date filled in—

Jeff Mueller: Okay.

Commissioner Musgrave: --isn’t going to change.

Jeff Mueller: Okay.

President Shoulders: Right.

Jeff Mueller: So, we will send it as soon as we know that date of that second Drainage Board meeting?

President Shoulders: And, we should know that very soon.

Jeff Mueller: Okay. That’s fine with me.

Madelyn Grayson: Are you going to sign this today then?

Commissioner Musgrave: No.

President Shoulders: So—

Commissioner Ungethiem: We’ve got to change it and put a date in it.

Commissioner Musgrave: We can sign the second page.

President Shoulders: The second page.

Commissioner Ungethiem: Yeah.

President Shoulders: Alright, Jeff, anything else on the drainage, as it relates to Hunter Chase?

Jeff Mueller: I don’t have anything. I don’t know if anyone else does. I mean—

President Shoulders: Okay.

**Ditch Maintenance Claims**

President Shoulders: Ditch maintenance claims. You don’t have any of those?

Shannon Frank: Thank you.

President Shoulders: No, thank you. Thank you all for being here today.

Reed Schmitt: Thank you very much.

**Other Business**

President Shoulders: Other business, do we have any other business? Commissioners, anything?

**Public Comment**

President Shoulders: And, then, last but not least, public comment. Anybody here for public comment?

Commissioner Musgrave: Motion to adjourn.

Commissioner Ungethiem: Second.

President Shoulders: First and second, we are now—

Joyce Taylor: Wait a minute.

President Shoulders: --adjourned.

Commissioner Musgrave: There was somebody (Inaudible).
Joyce Taylor: We are not adjourned.

President Shoulders: Oh, we’re not adjourned?

Joyce Taylor: No.

President Shoulders: Okay, hang on. You’ve got to come up here, sir.

Skip Caster: I just want to mention, we went through this so fast, I’m not sure you understand that this is a serious.

Unidentified: You have to tell them who you are.

Skip Caster: Oh, Skip Caster. This is a serious flooding problem, not a little flooding problem. The other thing is, Shannon mentioned the fact that she described to the homeowners that some things might be very much against this, as far as the correction. I think that we, our concerns could be satisfied pretty easy, as far as correcting the flooding. When she brought it up at a homeowners meeting, she described a seven foot ditch in the back of every home. And, of course, there was some resistance to that, but that’s not what it needs. Any questions of me? I know I did a poor job, but I did want you to know that the flooding problem is serious.

President Shoulders: Absolutely.

Commissioner Ungethiem: Thank you.

President Shoulders: Thank you, and we hope that you discuss that when you, as you work through this here in the next few weeks.

Joyce Taylor: Hold on a minute.

President Shoulders: Well, we…okay.

Joyce Taylor: (Inaudible. Not at microphone.)

President Shoulders: Yeah, one more, because we’ve technically already adjourned. So, one more.

Joyce Taylor: I’m not a great public speaker, so bear with me.

President Shoulders: Yeah.

Joyce Taylor: My name is Joyce Taylor. I live at 7402 Brycen. I don’t believe Ms. Frank ever answered the original question, and I would like to have an answer to that.

President Shoulders: I don’t know what the –

Joyce Taylor: The original question regarding who was going to pay for the fix.

Reed Schmitt: Well, was the developer committed to—

Joyce Taylor: Yes.

Commissioner Ungethiem: Was he going to pay for this?

Joyce Taylor: Yes.

Commissioner Ungethiem: I did not get that answered, but I assume they—

Shannon Frank: Oh, my apologies, Commissioner Ungethiem. Yes, Mr. Dauby is always, in fact he’s been making changes based on things that Cash Waggner has discussed. So, there’s never been any question as to the developer making the needed changes for the drainage plan.

President Shoulders: Okay.

Joyce Taylor: One follow up, if I might. We, I won’t speak for the other homeowners, since I’m not qualified to do that, but one of my concerns is, is Mr. Dauby using the funds
out of the HOA to make these corrections? Or is he using the money out of his own pocket?

Shannon Frank: The funds for the HOA are related to the HOA expenses. They’re not related to development drainage matters.

President Shoulders: Okay.

Joyce Taylor: Thank you, Ms. Frank. And the other questions that I have, I don’t think involve her, but just for my own education, when the plan was originally made it was a preliminary plan that was submitted to, I guess, a county office somewhere, and that preliminary was approved by the county office. Is that true?

Commissioner Ungethiem: That’s my understanding.

Joyce Taylor: Okay, so is there no mechanism in place for the county to follow, to make sure that the drainage plan is being followed? Or, once they get that they just go out and, apparently do whatever they want? Is there no policing of the building of that drainage system?

President Shoulders: The County Surveyor’s Office—

Commissioner Ungethiem: That was actually done prior to any of us being in this position.

President Shoulders: Yeah, (Inaudible. Speaking over each other.)

Commissioner Ungethiem: So, I don’t know that I can answer that question.

President Shoulders: Yeah, go ahead, yeah, real quick. The County Engineer is going to let you know that.

Joyce Taylor: Okay.

President Shoulders: And, then I think we—

John Stoll: The inspections that were done from my office were based on that preliminary plan. So, the punch list that we generated itemized out the list, the items that we saw that did not match up. This is a condominium development, not a subdivision, so there’s not a letter of credit. So, there is no financial guarantee on those improvements getting done. But, we did go out and do the inspections on the basis of that, what is the preliminary plan, and the most recent punch list I put together, I believe, was April of 2017, and the comments that I put together relative to the as-built drawings submitted by Cash Waggner were also based upon comparing what’s been built to what was on those as-built plans.

So, everything has been inspected and reviewed on the basis of that original March 2008 plan.

Joyce Taylor: And, the faults, or the differences between the preliminary plan and the as-built plan were reported?

John Stoll: Correct.

Joyce Taylor: Okay. My last question, I promise, I know everybody wants to go home, so, when and if we ever get the new plan in place, the new, amended plan, the new building plan, the new whatever you want to call it, will there be someone who will police that building, to make sure that the corrections are indeed made, and are indeed made according to plan?

President Shoulders: Yes, and the County Surveyor here, Jeff, will confirm that.

Jeff Mueller: Not only that, but if, in the letter, when we requested that they respond to certain portions of the code, I also requested deadlines for when things would be corrected.

President Shoulders: Yeah.

Jeff Mueller: Which is not something that’s normally requested. So, for example, if he’s going to modify the ditches, he’s going to tell us he’s going to modify a certain ditch, and
I'll put a date in there of when that's going to be completed. So, we'll have deadlines to follow up on.

President Shoulders: Yeah.

Jeff Mueller: Instead of just having open times where, you know, where it's did it get done or not? There will be deadlines put in there. Okay?

Joyce Taylor: Okay.

Jeff Mueller: Because I did request that in the letter that they have.

Joyce Taylor: That's a step forward.

Jeff Mueller: And, I did request, but I also, just so you know, I did request, and I talked to Mr. Merritt about this, we want reasonable deadlines. We don't want him saying he's going to go out there and re-create the ditches, and he's going to get them done in 60 days, and he's going to be out there in February and March mucking it up. We want times so that the ditches are going to be completed, but he's got good dirt moving time to do it and get it seeded correctly. So, we don't want to put unreasonable deadlines on there, okay?

Joyce Taylor: Yeah.

President Shoulders: Right.

Jeff Mueller: But, we want to make sure they get done during the proper dirt moving seasons.

Joyce Taylor: We all can agree to that.

Jeff Mueller: Okay.

President Shoulders: Okay.

Joyce Taylor: And, the last comment is, Mr. Schultz, Eric, he, while each and every, out of 100 people, imagine not one, if you got in that community, not all 100 of them would have voted, individually for you, you can't get 100 people to vote for the same person, but he does have the majority, and he can speak on our behalf.

President Shoulders: Okay. Sounds great.

Joyce Taylor: Thank you.

President Shoulders: Thank you so much.

(Applause)
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