The Vanderburgh County Drainage Board met in session this 3rd day of October, 2017 at 3:51 p.m. in Room 301 of the Civic Center Complex with President Cheryl Musgrave presiding.

Call to Order

President Musgrave: Call to order the October 3, 2017 meeting of the Vanderburgh County Drainage Board.

Pledge of Allegiance

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

(The Pledge of Allegiance was given.)

Approval of the September 5, 2017 Drainage Board Meeting Minutes

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

Commissioner Ungethiem: So moved.

Commissioner Shoulders: Second.

President Musgrave: We have a motion and a second. Is there any further discussion? Hearing none, I'll call for the vote. All of those in favor please signify by saying aye.

All Commissioners: Aye.

President Musgrave: The motion carries.

Waiver & Release: Lot 61: Blue Heron

President Musgrave: We move now to the waiver and release of Lot 61 in Blue Heron.

Jeff Mueller: Let me get…there we go. Alright, it took less time than it did earlier. It took me 15 minutes earlier, somebody messed everything up. Okay, Blue Heron, this is a waiver on Lot 61 that essentially requests that the backyard drainage be left as it is currently, and waiving the requirement for a swale in the backyard. Since the yard is at the top of the drainage and will not affect any other drainage, I have no problems with this request, and upon approval of the Board, this would become part of the approved drainage plan for this subdivision.

President Musgrave: Is there a motion to approve the waiver and release for Lot 61 in Blue Heron?

Commissioner Ungethiem: So moved.

Commissioner Shoulders: Second.

President Musgrave: We have a motion and a second. Is there any further discussion? Hearing none, I'll call for the vote. All of those in favor please signify by saying aye.

All Commissioners: Aye.

President Musgrave: The motion carries.

(Motion approved 3-0)

(Motion approved 3-0)
President Musgrave: We move now to construction in floodway.

Jeff Mueller: You have in your handout a copy of the Construction in Floodway permit. This is for work on a portion of the Greenway near Garvin Park, where a slide has occurred, necessitating the removal and relocation of that portion of the Greenway. A copy of the permit is included in your packet, as always, since the Drainage Board is notified of all Construction in Floodway permits issued by IDNR in Vanderburgh County. So, that's just there for your information, but they are, there is a slide at, oh, right there, and they're actually going to end up moving the Greenway to the other side of the wall, in that location. Where the Greenway is right now they'll have to slope some of that dirt out. That's nothing that we're doing, but just FYI.

President Musgrave: Alright, is there a motion to approve the Construction in the Floodway to repair the Greenway?

Jeff Mueller: You're not—

Joe Harrison, Jr.: I don't think you need to do anything.

Jeff Mueller: Yeah, you're just—

Joe Harrison, Jr.: It's just an FYI,

President Musgrave: Okay, never mind.

Jeff Mueller: Yeah, I give all of those to you because you guys are copied, and that way it keeps you in the loop of what's going on.

President Musgrave: Here I am in the habit.

Commissioner Ungethiem: Informational only.

Carrington Meadows: Section 3: Modified Drainage Plan

President Musgrave: Carrington Meadows, Section 3, modified drainage plan.

Jeff Mueller: Okay, this is for the modification of a drainage plan that would allow the placement of a 30" pipe in a portion of the swale along Lots 142, 150, 149 and 148. So, it's this piece right here, as well as a 12" piece of pipe along Lot 142. The request is being made at the request of Jeff Kelsey. Mr. Kelsey is the owner of all of the aforementioned lots. I reviewed the submittal, with the receipt date of September 11, 2017, and I have no problems with this request. I do know that Mr. Stoll may probably want to state though that he would be responsible, Mr. Kelsey would be responsible for this pipe since there's no fee been paid in to the county for this particular pipe. Is that correct, John?

John Stoll: Yes.

Jeff Mueller: Yeah, so, Mr. Kelsey would have to be responsible for the pipe. So, we would want to note that.

President Musgrave: So, you want a motion on this one?

Jeff Mueller: Yes, please.

President Musgrave: Absolutely. Is there a motion to approve the Carrington Meadows, Section 3, modified drainage plan?

Commissioner Shoulders: So moved.

Commissioner Ungethiem: Second.

President Musgrave: Any further discussion? Hearing none, all of those in favor please signify by saying aye.
President Musgrave: The motion carries.

(Motion approved 3-0)

Application to Affect Legal Drain: Nurrenbern Ditch: Michael Rerecich

President Musgrave: The application to affect the legal drain at Nurrenbern.

Jeff Mueller: Okay, Nurrenbern Ditch runs along Fuquay Road and it heads up to the canal. There’s a request to bore along, right along Nurrenbern, just in a small area, and to bore underneath it. I don’t have any problem with their proposal. They have an application, which is in your package, however, I would make note to the Board that we should probably add that if the county would ever have to do any work that would require the relocation of the cable, that any relocation would be at the expense of the applicant. So, I would put that, I would suggest you put that in your motion.

President Musgrave: Let me just ask you one question.

Jeff Mueller: Yes?

President Musgrave: What if it’s long in the future?

Jeff Mueller: That’s why I want you to put it in your motion, so that it’s in the minutes.

President Musgrave: But, after the applicant has died?

Jeff Mueller: Well, I mean, I’m hoping that we’re doing paperwork so that all of this stuff, you know, Madelyn’s got all of this stuff in there about Nurrenbern, and we’ve got these in our files. I mean, I understand what you’re saying, but I went back and researched a lot of stuff back in the 60’s, so, if things, this is one of the reasons, by the way, I’ll get on my soapbox for a minute. There are people that always say, let’s don’t have verbal, verbatim notes. That’s why I love them, because somebody can come back and read paper 50 years from now and see, oh, this was discussed in a meeting. So, anyway.

President Musgrave: Alright, is there a motion to approve the application to affect legal drain, at Nurrenbern, with any problems now or in the future being the expense of the applicant?

Commissioner Shoulders: So moved.

Commissioner Ungethiem: Second.

President Musgrave: We have a motion and a second. Is there any further discussion? Hearing none, all of those in favor signify by saying aye.

All Commissioners: Aye.

President Musgrave: The motion carries.

(Motion approved 3-0)

Niehaus Lumber: 13020 Highway 57 North: Revised Drainage Plan

President Musgrave: We now move to the revised drainage plan for Niehaus Lumber at 13020 Highway 57 North.

Jeff Mueller: Okay, this is a revision to the final approved drainage plan for Niehaus Lumber. The original plan was approved by this Board on January 3, 2017. The revised plan is to construct a dry detention pond in place of the originally planned underground storage. I’ve submitted a summary of the plan, and rather than read this information, I’m requesting that this information be included into the minutes as if read into the record.
The County Surveyor submitted the following summary for inclusion into the minutes of this meeting:

“The revised final drainage plan was submitted on September 11, 2017, with additional information submitted on September 27, 2017. The plan that is requested to be approved consists of the submitted document with a receipt date of September 11, 2017, and revisions submitted on September 27, 2017, along with the following drawings: drawings 1708-1 and 1708-3 submitted September 11, 2017, and drawing 1708-2 submitted September 27, 2017.”

Jeff Mueller: I’ve also included with your package a review of the submitted drainage plan, and request that the review document be made part of the approved, revised 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 Musgrave: Is there a motion to approve the revised drainage plan?

Commissioner Ungethiem: So moved.

Commissioner Shoulders: Second.

President Musgrave: Is there any further discussion? All of those in favor please signify by saying aye.

All Commissioners: Aye.

President Musgrave: The motion carries. (Motion approved 3-0)

Crown Ridge: Modified Drainage Plan

President Musgrave: We move to the modified drainage plan for Crown Ridge.

Jeff Mueller: Okay, Crown Ridge Subdivision. That’s located in the northeast corner of Kansas and Green River. It was developed around the time period of 2003. Unfortunately, like many other subdivisions in this time period, the developers went through some hard times with the housing bubble burst in 2007-2008 time period. Only one partner in the original group that developed this subdivision is still active, and he’s trying to complete the work in this subdivision so that he can get final release on his letter of credit. He gets an atta boy, because he has been working very hard out there to try to get this work done. John and I were out there the week of September 11th, and much of the outstanding work has been, or is being addressed. There are two issues, however, that require your attention, and I have included in your packet the complete submittal, which is only nine pages. First there are some overflow swales at two locations that are being requested to be left as currently constructed. I would suggest as a condition of the plan approval that waivers similar to those that we have required in Blue Heron be provided. I don’t think that’s going to be an issue, because these folks don’t want him back in there doing any more work anyway. Secondly, the second issue is the reconstruction of a swale between Rathbone Drive and Erinwood Court, by the way, these are the two swales that we’re leaving as is. There is a swale going all of the way down through here. The reconstruction is somewhat difficult due to the width of the existing easement, coupled with the required depth of the ditch and the elevation of some of the backyards, especially after the normal placement of fill from excavation. Essentially, it would be very difficult for him to put the swale back and have 3:1 side slopes and fit it in the easements, because as the homes were constructed they placed dirt in the backyards, and you can’t, you haven’t got enough room. The developer is therefore requesting side slopes of 2:1, instead of code requirement of 3:1, in order to fit the swale within the easement. I did ask the developer, and he did do this, sent out a notification to all of the adjoining landowners on both sides of the swale, and he submitted the notice and the list of the mailings, as well as any of the green cards he had received, to me on Friday, September 29th. So, later, if somebody comes in and says, well, I don’t like the swale, why did you let him do that? They got a letter letting them know about it. As a matter of fact, according to Mr. Zeller,
he’s told me that a lot of the people are really happy that he’s addressing it, because this is a, it’s been a swamp back there. So, he’s fixing this up. So, I don’t think there’s anybody here to protest that particular issue. So, it would be my recommendation that we allow these to move forward.

President Musgrave: Is there—

Jeff Mueller: With him giving us, I’m sorry, with us, giving us the waivers on those four lots.

President Musgrave: Well, I really appreciate the notification process that you’ve put in place. I think it really does help to let folks know what’s going on, and to have a paper record.

Jeff Mueller: Yeah.

President Musgrave: To show that folks were notified. So, is there a motion to approve the modified drainage plan of Crown Ridge?

Commissioner Shoulders: So moved.

Commissioner Ungethiem: Second.

President Musgrave: Any further discussion? All of those in favor please signify by saying aye.

All Commissioners: Aye.

President Musgrave: The motion carries.

(Motion approved 3-0)

Creekside Meadows: Section 5: Final Drainage Plan

President Musgrave: We go to the final drainage plan for Creekside, Section 5.

Jeff Mueller: This is a drainage plan for the next section of Creekside, and consists of 106 lots. By the way, this is Creekside, this would be the area that the 106 lots are in. Some of those streets that you accepted were somewhere up in here, okay? That .89 feet that Commissioner Ungethiem brought up? Okay, since that time the subdivision has been submitted, the original plan for the entire subdivision was approved April 26, 2005. Since that time the subdivision has been submitted in sections, each with detailed plans. Section Four of the subdivision was approved on October 6, 2015, and Section Five of the drainage plan, for your review tonight, is an extension of the overall planned development. With Section Five, barring any further real estate acquisition, Creekside as originally submitted will be completed. I want to point out that when the original plan was approved, that was before the drainage code was changed requiring notification to adjoining landowners. I bring this up because in the original plan the proposed lots on the east side of the subdivision were to have a swale constructed on them. Let me bring this up so you can see it. So, these lots right here were to have a separate swale along here. But, as you can see, there is a swale within Asbury Pointe. The plan that’s being brought to you tonight shows that they would use the existing swale within Asbury Pointe Subdivision, and not construct a new swale on their own property. I don’t have a problem with this plan, since after the development there will actually be a smaller area draining into the existing swale than there is today. If you’ll notice, you’ll see out here in these farm fields you can see some pretty nice little ditches through there. Some of those areas now will actually be going to the street that’s in front of this. So, it will be a smaller area. The engineer used the criteria that I’ve laid out in the proposed technical memorandum for when we have all site drainage leaving without going through a basin. What I like about that is that what he’s showing is that we have a smaller area, a little bit higher runoff coefficient, but overall, on any rainstorm, there will be less runoff coming into the backyards. Again, because these folks didn’t realize they were going to have this water going to them, he did send a notice to 17 homeowners along the eastern boundary notifying them of the drainage plan submittal. I had not had anyone contact us, as of today. I don’t know if there’s anybody here protesting. Apparently not. So, they again have
had their shot, if they have any questions. I would have one suggestion to the Board, which you may or may not want to entertain. I would suggest, because this gets to be a problem, that if anyone wants to put a swimming pool in, that the drains would be installed to go to the front, instead of the back. My feeling is, if you can afford to put a swimming pool in, you can afford to put an extra 50 foot of PVC pipe, and put it the other direction. That way we don’t have people, later on, complaining about, well, this guy is dumping his pool water into my drain and in my backyard. So, we could put that note on the plat. That would be my only suggestion. Other than that, I have submitted a summary of the plan, and rather than read this information, I’m requesting that this information be included into the minutes as if read into the record.

The County Surveyor submitted the following summary for inclusion into the minutes of this meeting:

“The final drainage plan was submitted on July 14, 2017, with additional information submitted on September 5th, September 11th, September 14th and September 20th. The plan that is requested to be approved consists of the submitted document with a receipt date of July 14, 2017, revisions and additional information submitted on September 5th, September 14th and emails and attachments dated September 11th and September 20, 2017, along with the following drawings: Drainage Plan C101 and C102 submitted September 5, 2017; Undeveloped Drawing 1 and Developed Drawing 2 Subbasin sheets submitted July 14, 2017; Road & Storm Sewer Details C113 and Drainage Details C114 submitted September 5, 2017; Road Drawings for reference to drainage C104, C105, C106 and C107 submitted on September 5, 2017.”

Jeff Mueller: I’ve also included in your package a review of the submitted drainage plan, and 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 with one exception, and therefore is being submitted to the Drainage Board with the approval under Section 13.04.090. The one exception is that the developer is requesting the use of Flexamat, which is a permanent erosion control matting, instead of a concrete ribbon in the swales #45 and #47A. Also, I would like to note, that one other note that we should do is that several of the lots, it appears as a result of existing topography, that sheet flow drainage will occur from side yard to side yard, even with the existence of backyard swales. The plat should have an additional statement that states, “Side yard fences shall be placed so as not to obstruct natural sheet flow drainage from adjoining lots.” I would advise that that condition also be made part of it. So, in other words, you’ve got lots lying like this, you’re going to have a swale in the backyard to carry the drainage, but their backyards are still going to sheet flow. I just want a statement on the plat saying, hey, you guys put a fence up, make sure the water, the sheet flow water will drain through the fences. So we don’t have people out there, again, complaining about these issues. So, like I said, my recommendation is, I don’t have any problem with it, there is the one exception, which is to use the Flexamat. I don’t have any problem with the Flexamat, he gave me all of the material on it. I would recommend that the two notes on the plat; the one about the side yard to side yard drainage, and that the pool on those lots that face Asbury Pointe that they have to drain to the front.

President Musgrave: Is there a motion incorporating the Surveyor’s requests into the final drainage plan approval for Creekside, Section 5?

Commissioner Shoulders: So moved.

Commissioner Ungethiem: Second.

President Musgrave: Any further discussion? All of those in favor please signify by saying aye.

All Commissioners: Aye.

President Musgrave: The motion carries.

(Motion approved 3-0)
Jeff Mueller: Okay, Enclave request for inspection. I received a call from attorney Jim Johnson, who as you are aware is an attorney for the developers, stating that they would like to move forward with the final platting of this subdivision. He is requesting that we make an inspection of the site. To answer one question, which I brought up to Mr. Johnson, the remediation of Ms. Bolin’s pond has not been completed, and just to make a long story short, Mr. Johnson and I agreed that right now we’re just going to agree to disagree, but we’ll go out and look at the rest of the subdivision. So, right now John and I are scheduled to go out on the site tomorrow to see what other issues are outstanding regarding that. I just wanted to bring you up to date on that, because I do think they’ll be coming in here, or wanting to come in here the next meeting requesting to plat that subdivision, the remaining parts of that.

President Musgrave: Does the owner of the pond, is she aware of that, and her attorney are they aware of that?

Jeff Mueller: I mean, we can make them aware, if he is planning on coming in.

President Musgrave: I think that that’s important.

Jeff Mueller: Yes.

President Musgrave: And, I think the sooner that they are aware of that the more fair it would be.

Jeff Mueller: I’ll give Mr. Ziemer a call, Ted Ziemer IV is his, is their attorney.

President Musgrave: Okay.

Jeff Mueller: And let them know, and, like I said, John and I will kind of go over and hit the highlights on the subdivision as far as what, if there’s anything else out there that’s an issue or not. So, whether it’s just an issue of the remediation, or if there’s other things that need to be done out in the subdivision.

President Musgrave: Okay.

Drainage Code Changes and Technical Memorandum

President Musgrave: We move now to the drainage code changes and the technical memorandum. You and I discussed a way forward.

Jeff Mueller: Right. We have not had, Madelyn gave me some comments back.

Madelyn Grayson: I read it.

Jeff Mueller: She read it, gave me comments, which I’ve changed. So, in order to move forward, Commissioner Musgrave and I met yesterday, and she suggested that we give the commenters one final opportunity, and that I have a meeting saying, hey, I’m going to explain the drainage code changes, come in here and comment. So, we have done that, I mean, I’m sorry I’ve set up a meeting for next Thursday, October 12, 2017. The meeting will be from 8:30 to 10:00 in Room 318 of the Civic Center. I’ll send out an electronic email tomorrow to all of the parties.

President Musgrave: Alright, so that’s good. So, anyone can come to this meeting on October 12th at 8:30 and ending at approximately 10:00 in Room 318, and hear a presentation from you going over the changes that the Drainage Board is suggesting to the drainage code.

Jeff Mueller: Correct.

President Musgrave: So, we’ll walk everyone who wants to know through this, answer questions, take comments, and at the end of that, hopefully, everyone will be on the same
page and we can move forward with confidence that every opportunity has been given to understand and comment.

Jeff Mueller: Okay.

President Musgrave: Alright.

Commissioner Ungethiem: The plan would be then, at the next Drainage Board meeting we would approve those final?

Jeff Mueller: Well, I guess, it would depend on, you know, if I've got a room full of people and they're all mad, you know, would that happen? But, yeah, I would like to move it forward, but I also have to take it and give it into a form of an ordinance to Mr. Harrison.

Joe Harrison, Jr.: I'm sure it will be November.

Jeff Mueller: Yeah.

Joe Harrison, Jr.: We'll have to have a couple readings.

Jeff Mueller: But, with the wonders of Word Perfect we can get that, or, I'm sorry, Word.

Joe Harrison, Jr.: Would you want it to start January 1?

Jeff Mueller: Yeah.

Joe Harrison, Jr.: Or this year?

Jeff Mueller: If we could, I just think it would be better.

Joe Harrison, Jr.: I mean, do you just want a clean break to start immediately, or do you want it to start January 1?

Jeff Mueller: I think we want to shoot for January 1, if that's possible.

Commissioner Ungethiem: Good.

Joe Harrison, Jr.: Okay, great.

Jeff Mueller: Okay?

President Musgrave: Is this up on your website where people can see it now?

Jeff Mueller: I think so. I'm going to be honest with you, our website has, you know,

President Musgrave: Morphed?

Jeff Mueller: --first of all, we redid our website, and, then, of course, they then changed the whole website structure.

President Musgrave: Will you double check and place it out there?

Jeff Mueller: I'll double check, but, you know, because the website looks a lot different than it used to. I like it a lot better, but we're still fine tuning it a little bit too. So, yeah, okay?

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**Wolf Creek III Condominiums: Final Drainage Plan**

President Musgrave: The Wolf Creek final drainage plan.

Jeff Mueller: Okay, this is a submittal for the final drainage plan for Wolf Creek III Condominiums, which Mr. Stoll talked to you about the roads earlier. The, it's a condominium project that consists of a new piece of ground, as well as revisions to Heartland Crossing Subdivision, as part of the condo project is located on some of the lots that are incorporated within this project. The preliminary plan for this project was approved by the Board on June 6, 2017. I do note that in the approval of the preliminary drainage plan, that there was a requirement to notify three adjoining property owners who were either in attendance or represented at the June 6th meeting, and that a notification
did occur. One of the adjoining landowners came in today. He’s the one that lives to the north, up in here, and he looked at the drainage plan, and his comment was basically, well, you know, I would love not to see the project built, but as far as what they’re planning, I don’t have any objections to that particular piece. So, there were a couple of other folks here, but I don’t see them, because I recognized on the list that one of the other adjoining was here. So, I don’t know if they decided to leave or what, but, anyway, they met that requirement, okay? I’ve submitted a summary of the plan, and rather than read this information, I’m requesting that this information be included into the minutes as if read into the record.

The County Surveyor submitted the following summary for inclusion into the minutes of this meeting:

“The revised final drainage plan was submitted on September 5, 2017, with additional information submitted on September 20th, September 25th, 27th, 29th and October 2, 2017. The plan that is requested to be approved consists of the submitted document with a receipt date of September 11, 2017, along with revisions submitted on September 20th, September 25th, 27th, 29th and October 2, 2017, along with the following drawings:

Drawings submitted 9/5/2017: Undeveloped Subbasins Drawing 1 & C107; Drawings submitted on 9/20/2017: Existing Stream Drawing 1, Developed Sub-basins Drawing 2, C109 & C105; Drawings submitted on 9/25/2017: C102, C110 & Evansville Water & Sewer Standards (reference only).”

Jeff Mueller: I’ve also included with your package a review of the submitted drainage plan, and request that that review document be made part of the revised drainage plan. The drainage plan was reviewed by the County Surveyor and found to be in compliance with the county’s drainage code, with the exception that there are some easement encroachments that need to be filed, and some easements that need to be vacated. The developer is here, and Mr. Merritt is here, and I assume, Glen, you’re here for that reason. They may want to talk to you about some of these. As you are aware, there are times when the developers ask for a variance. In this case, you know, they’re going to be asking for, I think, essentially, of the variance, that they can move forward, but get some paperwork done. I’m going to let them speak, but in order to make matters a little bit simpler, if you look in your packet, bear with me for a minute here, instead of the 15 page review, there is a two page review, which I kind of cut out the...so, if you find one page, it should just have stuff on there. This kind of explains some of the documents that are still needed. Let me kind of just highlight a few things, so you’ll understand and we’ll be going forward. One parcel, one pond is to be located right here, they have gotten an easement from these folks, but the easement is made by these folks to Mr. Haas. It’s not made to the county. So, that would have to be taken care of. There are some swales back in here that are going to have to be redone. There’s been some agreements made with some of these folks to access their property, but the swales are going to be, there’s one swale that has to be relocated, so we need a new drainage easement. There is a pond over in here where Mr. Haas has constructed a wall, so they’re going to need an encroachment agreement. There’s some work that’s been done down here, and they have supplied us with a new easement for where the existing drain is, but they’re going to have to vacate some easements. So, there’s a lot of paperwork that has to be done. Some of this paperwork has been outstanding for a while. I’m going to tell you right now, up front, my own opinion is, if you want to let the plan move forward, I think there should be some deadlines tied to getting the remaining paperwork in, and I think that if the paperwork is not, until the paperwork gets in that we should say, hey, hold up on your building permits, once you get the paperwork in then we can release those permits. That’s my own opinion. I’m going to let Mr. Merritt or Mr. Haas speak to the issue.

President Musgrave: Be sure and state your name and address.

Glen Merritt: Glen Merritt with Cash Waggoner. I’m the engineer on the project. A lot of the documents that are referenced in Jeff’s comments, several of them were submitted yesterday. Jeff, did you get copies of those easements and that encroachment agreement?

Jeff Mueller: I got stuff at like 1:30 today. I haven’t even looked at it yet.
Glen Merritt: We dropped stuff off at like noon yesterday, with those encroachment agreements.

Jeff Mueller: Okay, I got this. I need to talk to you about this one. That’s the encroachment.

Glen Merritt: That’s the encroachment agreement.

Jeff Mueller: But, I have a question for you on that one.

Glen Merritt: The easements on Lots 39, I’m sorry, Lot 43, were submitted to the Recorder’s Office yesterday. Then there’s also the lake maintenance easement on Lot 48—

Jeff Mueller: Okay.

Glen Merritt: --that goes around that retaining wall, that was submitted to the Recorder’s Office yesterday as well. So, there are a couple of items on there that we turned in yesterday. Should get recorded copies tomorrow, to get back in Jeff’s hands. Krista Lockyear, Tom Haas’ attorney, was taking care of some of the other agreements between the adjoiners. The one issue about the drainage easement for the lake, Jeff, I talked to Krista earlier, and she mentioned leaving it in Tom’s name during construction, and then granting it over, as a drainage easement, when we’re completed, and when we do as-builds. Is that not what you, you don’t want to do that?

Jeff Mueller: Code requires that the easements be put in place. I don’t know if it’s a good idea.

Glen Merritt: Well, I mean, typically when we do any subdivision, the plat is not recorded when construction is going on. The plat gets recorded when construction is completed is where I’m coming from. You know, we submit a primary plat that is not recorded, and the developer goes and does the improvements, and then we turn around and record the easements. We can do it either way.

Joe Harrison, Jr.: He’s going to sign that, or he’s going to grant—

Tom Haas: Yes.

Glen Merritt: Correct, the easement that he got in the agreement with this Parsons-Reinitz, the big—

Joe Harrison, Jr.: Is it the whole drainage easement, is it the whole lake?

Glen Merritt: Correct, I mean, it goes outside the lake about 20 feet. They granted that from Parsons-Reinitz to Tom Haas, the developer, instead of granting it over as a county drainage easement. I mean, Tom, he can tell you, you know, he is going to grant it. If you want it done now, Krista said that she would take care of the paperwork and get it done here in the next week.

Jeff Mueller: But, don’t we have two easements? We have the drainage easement, and then you have a temporary construction easement, that’s actually a larger area. So, if you granted the drainage easement in our hands, you would still have the construction easement between Tom and them.

Glen Merritt: I don’t know if that one actually would go away. That’s more of a question for Krista. Yes, the temporary drainage easement does go outside of the lake maintenance easement that’s going to be dedicated, because there’s a significant cut slope on that adjoining property. You know, it’s not something that the county would need to get in there and maintain. It’s just to basically level off that adjoiners property so it’s easier to mow and take care of and that type of thing. It probably goes out another 40 feet to the east towards that house.

Joe Harrison, Jr.: That’s just temporary?

Glen Merritt: It is just temporary, yes.
Joe Harrison, Jr.: That's fine. You know, I would prefer to see the lake maintenance easement be granted—

Glen Merritt: Dedicated.

Joe Harrison, Jr.: --here in the near future.

Glen Merritt: That's fine. I will get with Krista then tomorrow and have her prepare that.

Joe Harrison, Jr.: Is that okay, Jeff?

Tom Haas: That is fine, yes.

Glen Merritt: Okay.

Jeff Mueller: Yeah, I think we want to get that paperwork done.

President Musgrave: Jeff, you mentioned that you wanted deadlines. Are you comfortable with what's said here today, or do you actually want dated deadlines?

Jeff Mueller: Well, I guess, my feeling is, on the encroachment agreements and the easements, why couldn't we have those by the next meeting, and then we have the vacation, which I know you can't get a vacation that quick, but a deadline on when the vacation paperwork would be filed.

Glen Merritt: Okay.

Jeff Mueller: Then, I mean, after that I know you're at the mercy of the calendar and going through the meetings and everything.

Glen Merritt: Sure.

Joe Harrison, Jr.: Yeah, but those initial documents, you can have those by the 17th?

Jeff Mueller: Well, it's the 24th.

Joe Harrison, Jr.: Oh, is that, okay the 24th?

Jeff Mueller: I mean, that's three weeks away. Could we not get all of the rest of those easements in by the 24th?

Joe Harrison, Jr.: So, you've got three weeks.

Glen Merritt: Did you get the easements for 38 through 41?

Jeff Mueller: I got that one.

Glen Merritt: Correct. The other two are in the Recorder's Office right now, from us.

Jeff Mueller: Okay.

Glen Merritt: For 43 and 48.

Jeff Mueller: And, then there's a requirement of some kind of formal paperwork for who's going to maintain some stuff. I know Tom's put it in some writing—

Glen Merritt: That was from Krista.

Jeff Mueller: --but we need some kind of a legal document to that effect.

Glen Merritt: Just as far as covenants and restrictions?

Jeff Mueller: Yes, and we need, it's the responsibility—

Glen Merritt: The vacation was the main thing that I knew of that we still needed to take care of.

Jeff Mueller: Then also the design of the retaining walls, that one was opening up too still.
Glen Merritt: Tom has said he has got someone to take care of that, because that's something that I can't.

Jeff Mueller: I understand. I couldn't either. That's too many years ago.

Glen Merritt: Yes.

Jeff Mueller: So, I guess, my question would be, if we move forward, that they would have everything, they can't do the vacations, other than they could get the vacation process filed. So, the vacations would be filed, and all other legal work would be signed and recorded to me by the next, October 24th meeting. That would be my request.

President Musgrave: Sound good?

Madelyn Grayson: Well, just to let you know, the vacation, once you file it we have to hear it within 30 days.

Joe Harrison, Jr.: Yeah, it would be November.

Madelyn Grayson: Okay.

Glen Merritt: Right, I think that's what I think Jeff is getting at, that it's going to take some time.

Joe Harrison, Jr.: Which is fine.

Glen Merritt: I mean, the main intent for Tom, and correct me if I'm wrong, I mean, the end of the year construction season is upon us, and he's trying to get some storm sewer installed and in the ground to divert some of the offsite water, because there's a significant ditch that comes through this property. He's worried if we get a big rain it's going to severely delay his project. That's why he's wanting to get the drainage plan approved, so he can get infrastructure in the ground. I mean, our office is committed to getting Jeff whatever he needs. Like I said, everything from our office has been turned in to the Recorder's Office, other than that vacation, that I'm aware of. I will get with Krista Lockyear, his attorney, to get the drainage easement for the lake on Parsons-Reinitz's property taken care of here in the next week. I was going to say, Tom's just got to sign it.

Joe Harrison, Jr.: (Inaudible) whatever he's talking about?

Glen Merritt: Correct.

President Musgrave: Alright, rather than me restating all of the documents that are to be filed by, done or filed by the 24th, is there approval for the final drainage plan of Wolf Creek, contingent upon the deadline being met on the 24th for the documents discussed earlier?

Commissioner Shoulders: So moved, as long—

Jeff Mueller: Can I mention two other things?

President Musgrave: Oh boy.

Jeff Mueller: Sorry.

President Musgrave: Do you want a motion on this, and then we come back to the two other things?

Jeff Mueller: Whatever.

President Musgrave: Or do you want to incorporate it? Go ahead.

Jeff Mueller: Well, I want to incorporate just two other things. One, John brought this out, there's a pipe that's not entirely within the right-of-way on Blessing Way. Portions of that would be outside of the right-of-way, so we want to make sure and just note in the minutes that that pipe would be, that portion of the pipe outside of the right-of-way would be maintained by the homeowners association. The second thing would be, as this is not a, John, are you going to have letter of credit on this?
John Stoll: Just the streets.

Jeff Mueller: Yeah, so since we won’t have a letter of credit, the only other thing would be, like we do on a lot of other sites, that prior to any certificate of occupancy being issued, that we have as-built drawings. So, before he lets somebody move into one of his buildings we’ve got as-builts done on all of the drainage.

President Musgrave: Sound good?

Tom Haas: Yeah, now, I do have a question on that…I’m sorry, Tom Haas. We have two condos under construction—

Jeff Mueller: No, I’m sorry, in the new area, not on the existing condos. Yeah, I’ll rephrase that.

Tom Haas: Okay.

Jeff Mueller: Yeah.

President Musgrave: Okay.

Jeff Mueller: Condos in the new area, not on the existing lots.

President Musgrave: Alright.

Jeff Mueller: Okay?

Tom Haas: Yeah, that’s good.

President Musgrave: So, that’s just basically a note for the record. Okay, we have a motion. Is there a second?

Commissioner Ungethiem: Second.

President Musgrave: Any further discussion? Hearing none, I’ll call for the vote. All of those in favor please signify by saying aye.

All Commissioners: Aye.

President Musgrave: Alright, the motion carries.

(Motion approved 3-0)

Glen Merritt: Thank you.

President Musgrave: Alright, thank you so much.

Spraying of Drains: Wabash Eerie & Nurrenbern

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

Jeff Mueller: Okay, sorry about that. I’ve noticed that we’re getting some kind of growth in the Wabash Eerie Canal. Last week when I went out there, it just almost overtook the canal. It appears that there’s some standing water and some other issues, but I couldn’t even really see. So, we moved ahead with some spraying, and I’d sent you an email, a copy which is in your packet. The spraying was done on Thursday, September 28th. The culprit, there won’t be a test on the latin on this, but it’s known as Creeping Water Primrose. I’ve got a picture, that’s what it looks like, and this is what it actually looks like in the bottom of the Wabash Eerie Canal. That’s usually been, we’ve never had this kind of growth. By the way, when the spraying was done, it was by K&H, which are folks that were formally part of Scheidler Spray. These folks were the only folks of our spray bidders that had the license to spray over water itself. So, they gave us, they came down and did the work, and while they were out they also sprayed not only the canal, but they found some of this going down into Nurrenbern. So, that was an additional cost of a little less than $300, but the idea was to hopefully eradicate this, or put a severe blow to this stuff. So, I wanted to show you what happened there. I’m ready to move on to ditch maintenance claims, unless there’s any question with this.
President Musgrave: I, we discussed that you provide copies of the emails where you informed the members of the Drainage Board that you were going to go ahead and do this. Unless somebody question, in the future, how did that happen, it wasn’t approved. I’ve expressed to you my desire, and I know that the other Commissioners probably feel the same way, that when there is a problem, we want you to take care of it.

Jeff Mueller: Yes.

President Musgrave: We want you to move forward. You send us an email, it’s those emails that I would like you to just include in the record.

Jeff Mueller: And, that’s, you’ve got that, and you’ve got the other one.

President Musgrave: Okay, good.

Jeff Mueller: And, Madelyn’s got it in her packet to include as part of the minutes tonight. Or as an attachment to the minutes tonight.

President Musgrave: Okay, so that’s why they’re there, Madelyn.

Jeff Mueller: Okay.

**Ditch Maintenance Claims**

President Musgrave: Now we can move to the ditch maintenance claims.

Jeff Mueller: Okay, we’ve got claims, 20 claims for a total of $30,689.31. The claims are summarized on your spreadsheet in your packet. They also include the one other one, which you also have an email for, was for Pond Flat. What happened was we had some, right at Woods Road, which is essentially the road just south of I-64, we had some clutter material underneath the bridge. While the hoe was onsite, because it’s a long reach hoe, and they rent that hoe, we had him go ahead and get that material out at the same time. Again, like I said, I sent you an email, and that copy of that email is also in your packet.

So, other than that, all of the work was already previously approved, that also includes though the major work on Pond Flat, which was actually approved last year, but was delayed to this year because of our permitting, in order to get permitting. Because, as you may recall, anything we do on Pond Flat Main falls under permit requirements from DNR. Because the way the DNR requirements are, it’s a one mile length in stream, except the County Surveyor is allowed to not file a Construction in Floodway Permit on streams under ten miles if it’s normal type maintenance. So, the only stream over ten miles on regulated drains is Pond Flat. So, we were a little bit held up on permits on that one. So, that’s it.

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

Commissioner Shoulders: So moved.

Commissioner Ungethiem: Second.

President Musgrave: Any further discussion? All of those in favor please signify by saying aye.

All Commissioners: Aye.

President Musgrave: The motion carries.

(Motion approved 3-0)

President Musgrave: The claims are approved.

**Other Business**

President Musgrave: Is there any other business before this Board?

Jeff Mueller: Fall Festival, that’s your sponsor for tonight. I was there last night, and I’ll be there tonight.
President Musgrave: Any public comment?

Adjournment

President Musgrave: I need a motion to adjourn.
Commissioner Ungethiem: Motion to adjourn.
Commissioner Shoulders: Second.
President Musgrave: The motion carries.

(Motion approved 3-0)
(The meeting was adjourned at 4:29 p.m.)

Those in Attendance:
Cheryl Musgrave
Ben Shoulders
Bruce Ungethiem
Jeff Mueller
Joe Harrison, Jr.
Madelyn Grayson
Glen Merritt
Tom Haas
John Stoll
Others Unidentified
Members of Media

VANDERBURGH COUNTY
DRAINAGE BOARD

Cheryl Musgrave, President

Ben Shoulders, Vice President

Bruce Ungethiem, Member

(Recorded and transcribed by Madelyn Grayson.)