The Vanderburgh County Drainage Board met in session this 4th day of October, 2016 at 4:48 p.m. in Room 301 of the Civic Center Complex with President Stephen Melcher presiding.

Call to Order

President Melcher: Alright, we'll go ahead and start the Drainage Board. It's October 4, 2016. It looks like it's about ten minutes to five.

Pledge of Allegiance

President Melcher: Okay, will you rise for the Pledge of Allegiance?

(The Pledge of Allegiance was given.)

Approval of the September 20, 2016 Drainage Board Meeting Minutes

President Melcher: Okay, we need approval, a motion to approve the minutes of the past meeting.

Commissioner Ungethiem: So moved.

Commissioner Kiefer: Second.

President Melcher: All in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

President Melcher: Thank you.

Burger King: Crawford Brandeis: Burkhardt Road

President Melcher: Next.

Jeff Mueller: Okay, are you ready?

President Melcher: Yep.

Jeff Mueller: Burger King. I gave you three sets of, I think three sheets of 11" X 17", Burger King is located, this is a proposed location within The Promenade Subdivision, east of Burkhardt Road. The location is on the north side of the newly constructed Zaxby's Restaurant. The drainage plan will go to the city, since it's in the city, but I want to bring you some drawings showing that they will be putting some fill within the right-of-entry for the Crawford Brandeis drain. The material, as you can see from the drawings, will be a maximum of just under three feet, and it's sloped to roughly 4:1. The fill will not affect the drainage to the existing drain design outlets and will not add any additional fill over the existing piping. This is really a small issue, but I'm bringing this to your attention, (1) for your approval, but (2) because as we go up The Promenade, those folks are going to be coming in and they're going to want to really stretch on the right-of-easement here, and they'll be coming in in the next couple of weeks. So, I kind of wanted to just give you a preview of what's out there, so that when they come in, you'll have a feel for that one. On this particular issue, I don't have a problem with it, but, I'll be honest with you, they're going to have to do a hard sell to me on their other one. I may come in here and say I don't recommend what they propose, but, for tonight, for Burger King, I'm fine with that. Just to kind of show you, to get a feel for it, Burkhardt Road is over here, there is a slight
swale right here. We’re looking south. This shows it a little better. So, Zaxby’s is right here, and Burger King is going to be up here. So, they’re going to just tail, come up here where this fill is and kind of come in with a little bit of material to pick up on the lot. If you look north from Zaxby’s, you can kind of see Zaxby’s here, Burger King would be right here. This swale will stay intact this will be roughly a 4:1 slope. So, I’m not, like I said, again, not concerned about it, but I am concerned, as we go up Promenade, they’re wanting to extend out about 25 feet. So, we might have a little issue with that in the coming weeks. Again, the general swale area, just so you know, you’ve got the two twin pipes over here, and in various places you have these little outlets with drains, and then there are actually places where you can tap in. So, when this drain system was set up by County Engineering and my predecessor, I’m not sure who had how much involvement, they did a great job of it, and as you know, I like to protect this drain as much as possible. So, anyway, that’s kind of the overall issue. Here’s the Burger King plan, where you see these two manholes those are the pipes, there where you can see a drain, so the swale’s still in place here. They just want to actually come in here and put a little bit steeper slope. When I say steeper, like I said, again, it’s a 4.1 slope. So, it’s a slope that can be maintained. So, this kind of shows their cross section, of course, as with any cross section it’s exaggerated. So, I would, I don’t have any problem with this, I just ask for your approval for it, and, like I said, you’ll probably be seeing some of these slides, plus some other ones when the folks from The Promenade come in, whether it’s in two weeks or a little bit later on after that.

Commissioner Ungethiem:  Jeff, who’s going to maintain that area?

Jeff Mueller:  We are responsible for maintaining the, on anything, let me back up, excuse me, we are responsible for maintaining like the pipes, or if it’s a ditch we’re responsible for maintaining it, but when we maintain, like for example mowing, we don’t maintain for beauty, we maintain just to keep the height of the grass down. Now, we don’t mow any of that area up through there, any of that grass area up through there. I’m not sure if it’s the individual property owners that do that, or if the city mows up through there. John, do you know who mows?

John Stoll:  The county used to.

Jeff Mueller:  The county used to.

John Stoll:  So, I assume it's the city.

Jeff Mueller:  So, it’s in the city now.

Commissioner Ungethiem:  If it grows up too high, it’s the city’s responsibility?

Jeff Mueller:  That’s right. Any questions on this other than that?

President Melcher:  Not with me. Any questions? I think we’re done with that one.

Jeff Mueller:  Do you guys want to approve them putting that fill there?

President Melcher:  Okay.

Commissioner Ungethiem:  I make a motion to approve the plan as submitted.

Commissioner Kiefer:  I’ll second that.

President Melcher:  All in favor say aye.

All Commissioners:  Aye.

President Melcher:  It passes.

(Motion passes 3-0)

Clearcrest Parcelization: Final Drainage Plan

Jeff Mueller:  The next item on the list is the Clearcrest parcelization. I’m still waiting on a recording document for the easements for this project. So, it’s being continued.
Jeff Mueller: Next is the Buggy Bath on Lot 5 of the Heckel Road Commercial Subdivision, final drainage plan. As you may recall, the revised final drainage plan for this commercial subdivision was approved on August 23, 2016. Normally, individual lots under section 13.04.065, Section F, are exempt from drainage plan approval, as I’m going to quote, and this is written a little strange; “so long as the construction fully complies with, and does not alter or the approved drainage plan for that project or adversely affect the project’s storm drainage system”. Like I said, I think we’ve got a bad word in there that we need to change next time, but anyway, in this case the approved drainage plan for the subdivision assumed an allowable runoff coefficient that was, that’s less than what is planned for the site. So, they’re actually going to have more runoff. Also, they were originally going to tie into a different, into the storm sewer system. It’s like, no, I really want you guys to tie into the stubbed out pipes, the way they are right now. So, what we have is a very simple drainage plan. You’ve got a very truncated version of the approval, or the review document. It’s for this, again, like I say, it’s for this Buggy Car Wash that will be located right here. So, the final drainage plan was submitted on September 28, 2016, with revisions submitted on October 3, 2016. The plan that is requested to be approved consists of the submitted document, with a receipt date of September 28, 2016, along with drawings C-1 through C-5 with the same receipt date, and additional submitted information submitted October 3, 2016. An abbreviated review of the submitted drainage plan is part of your package, and I request that the review document be made part of the approved final drainage plan. The drainage plan was reviewed by the County Surveyor and found to be in compliance with Vanderburgh County’s drainage code, and therefore is being submitted to the Drainage Board for approval under section 13.04.090. It is recommended that as a condition of the approval of the Drainage Board, that no certificate of occupancy be approved until such time as an as-built or an engineering certification of the drainage plan is submitted.

President Melcher: Any questions?

Commissioner Kiefer: No. You’re satisfied, right?

Jeff Mueller: Yes.

Commissioner Kiefer: Okay, then, in that case, I’ll make a motion to approve.

Commissioner Ungethiem: I’ll second.

President Melcher: All in favor say aye.

All Commissioners: Aye.

(Motion passes 3-0)

Violation Letters: Blue Heron and Trilogy North

Jeff Mueller: Violation letters for Blue Heron and Trilogy North. You have in your handout copies of the green cards for both violations, showing that both parties received the violation letters. It’s for the record. Ramsey Development signed their green card on September 23, 2016, on the Trilogy North site, and receipt for Blue Heron was signed on September 24, 2016. On the Trilogy North, at the request of the new site manager, John and I met with him yesterday on the site. There’s been some work done, but they’ve still got a way to go, but they were wanting us to just come out and take a look, and, you know, find out if they were at least on the right track. On Blue Heron, John and I met with the developer, his partners, his engineer and attorney last Tuesday, on the 27th. They went through their plans. There are some physical changes that they want to make, which they asked of approval, and which we told them they would have to be submitted to the Drainage Board for approval. Also, there are numerous locations where easements will be required to be modified, or encroachment agreements will be required. There are also a couple of locations where fences were in the easements, and they wanted to just put the arch through the fence for the drainage, which I told them that the county had been burned on these before, and that I didn’t think the Board would approve them. So, I
suggested that they get the fences out of the easements so that the water will drain. The question was brought up in regards to a notification, which I discussed with Mr. Harrison. In view of the number of changes they will be requesting, the request to seek some variances from various homeowners, and due to the amount of complaints, I believe that we should require them to make a notification. Under the notification requirements in our code 13.04.140 (L), the code states: “for significant changes to any previously approved final drainage plan, the Drainage Board may require, at their sole discretion, the applicant to notify all adjoining landowners, as well as registered neighborhoods within a half mile of the development of any proposed drainage plan. The notification shall meet the criteria of subsection (H).” Since there’s so many changes that are going to be made, we’ve had so many complaints, we’ve got people out there, you know, wanting to know what’s going on, I would recommend that the Board require them to make a notification, so that people out there know what’s going on, and they know that we are working to try to get this situation solved out there. So, I would ask for that.

Commissioner Kiefer: So—

Joe Harrison, Jr.: A motion to require notification by the developer.

Jeff Mueller: Yes.

Commissioner Kiefer: Okay, I’ll make that notion, I mean, motion, as notated by the attorney.

Commissioner Ungethiem: And, I will second.

President Melcher: Okay, all in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

Jeff Mueller: Ditch maintenance claims, before we go to that I do want to point out that—

Commissioner Ungethiem: Before we go that—

Jeff Mueller: Sure.

Commissioner Ungethiem: -- on these two separate issues.

Jeff Mueller: Yeah, I’m sorry, I should have given you the opportunity to discuss it.

Commissioner Ungethiem: The letters that we sent?

Jeff Mueller: Yes.

Commissioner Ungethiem: Oh, my microphone is off. The letters that we sent apparently got their attention.

Jeff Mueller: Yes.

Commissioner Ungethiem: How would you rate their response back from those two letters? Is it mostly positive, largely positive, kind of so-so?

Jeff Mueller: I don’t know what was said outside the room, but we got their attention, yes. In the case of Trilogy North, I think that those folks up there were like, geez, we’ve got some problems up on this site, not only with us, but just their road system in general. They recognized they had some site problems in general, you know, without drainage. So, they’re out there trying to work on it. Blue Heron, you know, their engineer was there, their attorney was, I think, helpful from our side more, you know, as much as, yes, you guys are going to have to do these kind of things, you know. So, and he called, or he sent me an e-mail today wanting to know about the county encroachment agreements, where they were and stuff. So, you know, moving along, but like I said, I will tell you that there are a number of people out there, I mean, almost every week I get approached by somebody here in the last few weeks. What’s going on out there? When are we going to get this solved? So, I’m glad we’re doing a notification. We may have a room full of people, but at least everybody will know that we are trying to address that situation.
Commissioner Ungethiem: We’re moving the ball forward.

Jeff Mueller: And they did have a contractor out doing some work. I mean, some of the questions they asked us was, well, we want to make some modifications, we want to do this. It's like, that's fine, guys, submit it on a piece of paper. I'm not going to sit here waiving my hand and say yes or no. My job as the technical advisor to you, you guys are the ones that approve the plans. You need to put it on a piece of paper what you want to do. We’re moving forward.

Commissioner Ungethiem: Do you have any estimate as to when these two individual locations will be resolved?

Jeff Mueller: If I was at a coal mine I could tell you. I had a lot more equipment. I don’t know, I'll be surprised if either one of them makes the 30 days. I would say Trilogy North has a better shot at it, of the two.

Commissioner Ungethiem: We’re soon getting out of the growing season. I just want to do everything we can to get the green stuff on the ground before November.

Jeff Mueller: John will tell you, that it was mentioned. It was mentioned, and, as a matter of fact, that's why I think on Blue Heron, at least, there was some things that they were going to go ahead and do, realizing that, let's do them now at our risk, because, you know, it's doing it outside of the approved drainage plan, but they have to do it at their risk, but to get it done so that it would be seeded. Like I said, we don't have any choice, we can't say, yes, that's fine. You need to give us what you're going to do, the calculations and, you know, we'll go through it.

Commissioner Ungethiem: Okay.

**Other Business**

Jeff Mueller: Okay, on other business, before I get into claims, I just want to point out that, if you will recall, Aiken Ditch runs along Pollack Avenue, and we kind of did something different in that we were going to let the County Highway do that work. They were out there, they started yesterday and again today, and I'm really glad that they're doing that work, because I know I was talking to Scot back there, and Scot was saying that, you know, people were going around the barricades, well, he was able to get a Sheriff out there to put a stop to that. Some things that can be done with county folks, that, you know, might be a little harder with some other things. The work they're doing so far looks good. We had a couple of glitches out there, where we had one farm field where there were a number of entrances off Pollack Avenue, and we didn't know what to do with them, and we were able to track the farmer down, Chris Wathen, and he said as long as you leave me one good one, the other ones can be taken out. As a matter of fact, you'll be doing me a favor, because a couple of them people come over and dump grass in his fields and that. So, by taking those out, he can have his fields in better shape. So, things are looking good out there, and the Highway Department is doing a real nice job. Like I said, being right along Pollack Avenue, it works out better.

**Ditch Maintenance Claims**

Jeff Mueller: Other than that, I do have the ditch maintenance claims. You have the summary sheet for seven claims for a total $4,801.92. As far as those claims, there's nothing unusual. Some of them are the 85's and some are the 15's.

Commissioner Ungethiem: I make a motion to approve the ditch claims.

Commissioner Kiefer: I'll second it.

President Melcher: All in favor say aye.

All Commissioners: Aye. Thank you.

(*Motion passes 3-0*)
Public Comment

Jeff Mueller: I have nothing else for the Board. I don’t know if anybody else does.


Adjournment

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

Commissioner Ungethiem: I second.

President Melcher: All in favor say aye.

All Commissioners: Aye.

(Motion passes 3-0)

President Melcher: We’re adjourned.

(The meeting was adjourned at 5:04 p.m.)

Those in Attendance:

Stephen Melcher  Joe Kiefer  Bruce Ungethiem
Jeff Mueller     Joe Harrison, Jr.  Madelyn Grayson
John Stoll      Others Unidentified  Members of Media

VANDERBURGH COUNTY
DRAINAGE BOARD

________________________________________

Stephen Melcher, President

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Joe Kiefer, Vice President

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Bruce Ungethiem, Member

(Recorded and transcribed by Madelyn Grayson.)