The Vanderburgh County Drainage Board met in session this 20th day of October, 2015 at 5:51 p.m. in Room 301 of the Civic Center Complex with President Bruce Ungethiem presiding.

**Call to Order**

President Ungethiem: I would like to call to order the Vanderburgh County Drainage Board for October 20, 2015.

**Pledge of Allegiance**

President Ungethiem: I would like to ask the proud mother of a recent scholarship award recipient to lead us in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

**Approval of the October 6, 2015 Drainage Board Meeting Minutes**

President Ungethiem: I would entertain a motion to approve the previous month’s meeting minutes.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Ungethiem: All those in favor say aye.

All Commissioners: Aye.

President Ungethiem: All opposed.

(Motion approved 3-0)

President Ungethiem: It is passed.

**Update on Proposed Drainage Board Code Changes**

President Ungethiem: Okay, Jeff, Walmart final drainage plan.

Jeff Mueller: Before we jump into that, I just wanted to add one thing. I know I gave you guys a bunch of changes regarding the drainage plan. One of the things I did want to point out is that on the proposed changes that will be coming to you is a notification not only of adjoining landowners, but of neighborhood associations. So, we'll be requiring drainage plans to be sent out to the neighborhood associations, which hadn't been done in the past. So, you know, just going back on that same conversation that you all had. I do believe it's important they know about them too.

**Walmart Final Drainage Plan (Continued from August 11, 2015)**

Jeff Mueller: Okay, Walmart. As you're aware, this is a plan continued from August 11, 2015. This is the final drainage plan for a proposed Walmart Supercenter and four outlots to be located at the northwest corner of Indiana State Highway 57 and Boonville-New Harmony Road. The drainage plan consists of the construction of a large dry detention pond located on the northern portion of the development. Water will be
conveyed to the pond through a storm sewer system, as well as a concrete open swale to be located on the western border of the property. The swale construction is adjacent to a proposed berm that was agreed to by Walmart with the BZA as a condition for relief of certain other zoning requirements. The discharge from the onsite drainage consists of approximately 31 acres, plus an additional offsite area of 15 acres that will eventually discharge through an 18 inch pipe located at the northeast portion of the property into Schlensker Ditch. The side slopes of the dry basin are a lawn type mixture with the bottom in a wildlife mixture, which the proposal is probably better than a lawn type mixture that would be over the whole thing, since some of it will be inundated. So, I think what they proposed for the seeding is actually better than what is in our code. I'll show you a couple of slides here; this is the location right here, the layout with a large pond up here. It will drain out this corner right here. This is a concrete ditch along the west borderline that also takes into account the berm that Walmart was required to construct. I did run these cross sections by the Area Plan, Ron London of Area Plan so that he did agree that that was what was agreed to. As many of the required drainage easements of this project, like other commercial plats, will lie within the parking lot. Many functions normally associated with parking lots, including paved parking spaces, landscape islands, etcetera, will be located within the same area that will be conveying the drainage within the lot and surrounding areas. Therefore there is attached with the drainage plan a request to encroach within the easement to allow for these normal parking lot functions. When we look at encroachment of easements, we normally are discussing these in relation to residential areas or sometimes requests to put signs in the easements that serve commercial lots. So, you know, it's kind of strange that we're asking for a variance here, but it's really needed as it's obvious the parking lot is going to also be constructed over part of the drainage system. This is similar to any other commercial lot we have in the area. So, the, I believe it’s good to call this out so everybody knows it in advance. In the future everybody would understand that the landscape was part of it. The final drainage plan was submitted on November 24, 2014, with revisions submitted on December 17, 2014 and June 18, 2015, and two revised drawings submitted on July 9, 2015. The plan that is being submitted for approval consists of the revised submitted document with a received date of June 18, 2015, responses to comments with an as received date of June 18, 2015, a copy of Section 401 Water Quality Certification from IDEM, and drawings one through nine, 12-15, 17-23 and 29-37 that were received on June 18, 2015 and drawing 16 and 28 with a received date of July 9, 2015. I’ve provided you with a copy of the review of the submittal drainage plan and request that that review document be a part of the approved final drainage plan. The drainage plan was reviewed by the County Surveyor, and with the requested variance 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. Approval of the drainage plan would also be conditioned on Walmart acquiring the required easements across Evansville Water and Sewer easement, and across a parcel previously controlled by Verizon and now controlled by American Tower, and any other easements that may be required. So, that's what I’ve got on Walmart. I know Mr. Tracy Richard is here representing Manhard Consulting, who did all of the engineering. I don’t know if anyone else has any comments on this or not.

President Ungethien: Thank you, Jeff. I know this was a long process, but I think we’ve come to a conclusion that everybody can live with, and I appreciate your work and the work of the consulting engineer and Mr. Stoll in getting this put together. Is there anyone from the audience that would like to speak on this? State your name for the record.

Dwight Markwell: Dwight Markwell, 11712 Highway 57. That's Evansville. There again, I want to thank the two guys that we worked through. I just have one little question, the ditches along Boonville-New Harmony Road, were they seeded or mulched, or can we have sod? So, we don’t have to worry about all of that straw going in those structures. Do you remember?

Jeff Mueller: I don't know because that would be (Inaudible).

John Stoll: I couldn’t recall what was called out on the plans, but I just asked Tracy Richard about that, and he said they could go sod. So, we can just make that part of the plans.
Dwight Markwell: We appreciate that, because that’s, anytime you do one of these jobs, that’s what you run into in a residential section, these culverts will get stopped up.

President Ungethiem: It will plug up your culverts.

Dwight Markwell: And there’s no one there to clean them out, the next thing you know it’s backed up. I want to thank the designer too for working with us. I think it takes a whole group to work together and listen to some of these old timers that’s lived out there for years, listen to what they say, because you get something out of it sometimes. Thank you.

President Ungethiem: You’re there when it rains hard, so, you’ve got the expertise.

Jeff Mueller: I will point out that Dwight and I met, and Dwight and I walked over quite a bit of the area, and Dwight showed me some things that, you know, weren’t apparent, and it was helpful. We relayed that information to Walmart, so I do think we got a better design. You know, he’s not getting paid to do this, he’s just representing the neighbors. So, he gets an atta boy too.

President Ungethiem: Okay. Any other comments from the public? No? I would entertain a motion to approve.

Commissioner Melcher: I’ll go ahead and say I approve.

President Ungethiem: Is that a motion?

Commissioner Melcher: Yeah.

Commissioner Kiefer: I’ll make the second.

President Ungethiem: Roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: I abstain.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Commissioner Kiefer: Well, I apologize, but the reason I’m abstaining is because one of my associates is selling the land out there, although our company is not taking any pay or benefit from it, he is an associate of our company. He is a licensed agent with our company.

President Ungethiem: Understood.

Commissioner Kiefer: That’s why I’m abstaining.

Commissioner Melcher: No problem.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

(Motion approved 2-0. Commissioner Kiefer abstained.)

President Ungethiem: Alright, it is approved.

Jeff Mueller: Okay. Good, we move on.

Jeff Mueller: Enclave at Eagle Cliff status report. Per the last meeting, Mr. Johnson, an attorney representing the developer, provided a schedule of activities to the Board. The Board requested of Mr. Johnson a letter with that schedule, which he provided to me.
I’ve provided a copy of that letter to you for your review in the files. I think I also even e-mailed it to you. Madelyn has the original to be made part of the minutes of this meeting. Also, per the minutes of the last meeting, the developer was to provide a status report at this meeting and the November 10th meeting. As you recall, Mr. Johnson informed us at that time that he would not be able to attend tonight’s meeting, but that he would provide an update in writing. I received an e-mail from Mr. Johnson on Friday, October 16th, and Mr. Johnson informed me of the following; and I’m just going to quote his e-mail, so it can be put in the file. Basins #1 and #2 have been mowed, over seeded and mulched; swales 200A, 200B, 208 and 209 have been regraded, seeded, erosion control blanketed and mulched. The other areas will be addressed as utility work is completed. So, that’s all I have. I do know there’s, I think Mr. Stemaly’s here, I don’t know if he’s got any comments, or Manuel Ball is here from Jagoe. I don’t know if you’ve got any questions of them, or comments.

President Ungethiem: Have we done a visual at this point?

Jeff Mueller: I was going to wait until the November 10th meeting when they were supposed to have a lot more work done.

President Ungethiem: Okay, that’s fine. I had planned on going out there yesterday, but I got tied up as well. So, I didn’t know whether we laid eyes on it or not.

Jeff Mueller: John, I think John made a quick pass through there the other day just on his way to lunch and said there had been, some work had been done.

President Ungethiem: Okay. Keep moving forward.

Jeff Mueller: Okay, keep moving forward.

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**Bittner Dam Update**

Jeff Mueller: Bittner Dam, we kind of discussed it at the last meeting, but just so you know, Joe and I were to prepare a letter to IDNR with the proposed schedule of mowing and inspection of the dam. That letter was completed and signed by Mr. Kiefer as the Commissioners’ President, since the original letter from IDNR was sent to the County Commissioners. I put a copy of that letter in your handout. As to potential inspections, I received, Joe, I believe you got something too from one firm interested in doing an inspection. I also contacted Morley and Associates, since they were involved with the dam before. I was informed by Morley and Associates that they are not interested in doing an inspection. There is at least one other local firm that we could contact, if you would want to, to see if they’re interested, but I didn’t know how much farther we wanted to go with this until we see where we are with DNR and get the mowing done, or how you all wanted to proceed with that.

Commissioner Kiefer: I mean, I don’t know, did Mike Duckworth get with you?

Jeff Mueller: That’s the letter I was talking about, yes, from Commonwealth. I just got that letter today and just kind of perused it real closely, but, you know, I hadn’t had a chance to get into it.

Commissioner Kiefer: Okay, I mean—

Joe Harrison, Jr.: I think at the next meeting you can take a look at it.

Commissioner Kiefer: Yeah.

Joe Harrison, Jr.: We don’t, if it looks reasonable, you can make a recommendation. If you need to look at somebody else, you can do the same.

Jeff Mueller: We should move that though to the Commissioners meeting though, right?

Joe Harrison, Jr.: Right.

Jeff Mueller: Shouldn’t we, since it will be coming out of that?

Joe Harrison, Jr.: Right.
Jeff Mueller: Okay. That's all I have on Bittner Dam.

Joe Harrison, Jr.: Didn’t we say we would, the county would retain an engineer before the end of the year?

Jeff Mueller: Well, we said we weren’t going to inspect until the next quarter, and have something to them by March 31st, but we don’t know if they will accept those deadlines or not.

Commissioner Kiefer: I think our next meeting is November 10th, we should be able to, if you feel comfortable with what Mike has given you to do that work, we could vote on it at the Commissioner meeting on the 10th.

Jeff Mueller: Okay.

Joe Harrison, Jr.: The only thing I would want to do is wait till we hear back from DNR to see if they’re okay with the time schedule and whether they, you know, maybe they would say they don’t want us to (Inaudible).

President Ungethiem: Whether they agree with the plan?

Joe Harrison, Jr.: Yeah.

Jeff Mueller: Yes, and I did e-mail that letter to them on top of it going out by mail. So, they already actually have it in their hands.

Joe Harrison, Jr.: Just, I mean, the thing, if you decide to go with Commonwealth, I would just say, well, we’ll tell you when to proceed.

Jeff Mueller: Okay.

Joe Harrison, Jr.: You know.

Jeff Mueller: And John and I will have a chance to look it over, and, I don’t know, we may want to tweak it or ask more questions for it too, so. Okay?

President Ungethiem: Jeff, you had made a comment in one of the e-mails that one of the residents out there thought that there were some improvements made to the dam that would take this out of the—

Jeff Mueller: That was his comments, but you can’t just go and make, do things—

President Ungethiem: Well, I understand. Do we follow up on any of that to determine whether—

Jeff Mueller: We could let Commonwealth tell us what their thoughts are on that.

President Ungethiem: Yeah.

Jeff Mueller: But, you know, just a matter of throwing a pipe in and lowering the water doesn’t take it out of the high hazard classification.

President Ungethiem: Well, that’s what I was thinking. Maybe Commonwealth could first give us there opinion on whether it’s a high hazard.

Jeff Mueller: Yeah.

President Ungethiem: Before we go further with the inspection, and then—

Jeff Mueller: Well, it will be a high hazard until it is officially removed from the State, which takes paperwork.

President Ungethiem: Okay.

Jeff Mueller: That’s been my experience on that, because, and you still have to issue, just because it’s not impounding water right now, what will happen in the storm? Because it’s the potential of what it impounds during the storm. So, if you’ve got a little six inch pipe and a storm comes along and the water comes up, it could still be
considered high hazard. Like I said, it has to take a written analysis to get it removed from a high hazard status.

President Ungethiem: Okay. Do you think we’ll have a response back from IDNR before the next meeting on the 10th of November?

Jeff Mueller: I could call them and ask them. I mean, you know, I could certainly do that. We’ve been in communication with them before, I don’t mind calling them.

President Ungethiem: Just let them know that we would like to proceed, but we’re waiting for their correspondence.

Jeff Mueller: Right, and tell them also we’ve already, you know, gotten the mowing, you know, moving ahead.

President Ungethiem: Yeah.

Jeff Mueller: So, you know, it would be a point in our favor. So, yeah, I’ll wait a couple of days for them to have a chance to get the letter and then I’ll give them a buzz.

President Ungethiem: They probably like it if we under promise and over deliver.

Jeff Mueller: Yeah.

President Ungethiem: Okay.

Crown Castle Request to Encroach on Legal Drains

Jeff Mueller: Okay, next on the agenda is the Crown Castle request to encroach on legal drains. On Monday, October 12th, during the weekly Site Review meeting, Crown Castle presented plans to the Site Review Committee for the purpose of receiving approval on the location of several installations. Crown Castle is proposing what they call, I guess, three hubs. One is in the south central portion of town, one is in the area of Boeke, Morgan Avenue and the north Stockwell area, and the third is along Green River Road, Virginia Street and Burkhardt Road. The first two hubs are not along any legal drains, but the third, the Green River Road, Virginia Street and Burkhardt Road run would be crossing legal drains in five locations. The Crown Castle personnel were in a hurry to move forward, and I believe they already had contractors lined up. So, Assistant City Engineer, Chris Weil and I met with the engineer from HBK Engineering, plus three people from Crown Castle last Tuesday morning. We went to the different locations, and I told them how they would need to submit the applications for crossing the legal drains. Of the five locations, the one that I have the most heartburn about is Burkhardt Road, which as we understand was to be in the right-of-way of the Crawford Brandeis double 9’ X 6’ concrete culverts. It’s not clear, and still not clear to me, whether boring is planned to occur under the culverts. As I understand, Crown Castle is requesting installing a power tower, it’s a pole or a tower, kind of like a pole more than a tower, within the Crawford Brandeis right-of-way, and that would entail also a maybe 30” by 60” shallow pit. As I told them, it’s ultimately up to the Board, you all, but that my recommendation would be to deny this location. We went to the other potential locations and at each location discussed any issues. While at each location, both Chris and I noticed some boring had taken place and were concerned about who else was working in the area. Also, Chris had noticed on Virginia Street where boring had occurred, that the curb had been damaged. After the meeting, the City Engineer’s Office sent out e-mails to a number of utilities trying to determine who had been boring in the area. On Wednesday, October 14th, John Stoll and I came upon the company doing the boring along North Green River Road, only to find out it was the contractor for Crown Castle. I asked the gentleman if they had bored along Green River and Virginia Street, and they said yes. I also went back to Crawford Brandeis and found a stake at the site where the boring had occurred. I won’t speak for the City Engineer, but I was a little bit surprised that when we were on site, with the company on the potential boring sites that they didn’t tell us that they actually already did it. I mean, I understand people make mistakes, but I would have appreciated had they said, well, we messed up and we’ve already bored and we didn’t know we needed your permission. That didn’t occur, and that does not settle with me very well. Alright, so with that history, I have applications to
cross legal drains at five locations. They have already crossed them, as you are aware, or at least four of them. Like I said, Crawford Brandeis, I’m not sure if they’re crossing it, or they’re just trying to get in our right-of-way. I am concerned that when they crossed Harper, which as you recall is the underground drain that goes underneath the Shoe Carnival, through Fazoli’s parking lot, through the parking lot of Macy’s and on up into the Wabash-Erie Canal, that’s the drain that we just had inspected last year by...I can’t think of the name of firm off the top of my head, but that’s where we had the camera ran all the way down through it.

President Ungethiem: Was it Hydromax?

Jeff Mueller: Hydromax, thank you, yes, you know, so, I hope they didn’t puncture it when they were doing it. It appears that on Crawford Brandeis they could have missed the pipes, but, again, it would have been kind of nice to know what was going on on these two pipes. So, I do want to show you, what they want to do is they want to cross here at the Wabash Eerie, Harper, Harper again down here, Stockfleth over here, and then they want to come across and essentially be right in front of where Old National Bank is along Burkhardt Road. So, you can see, this is Old National Bank, and this, all the way from the road to this curb is our right-of-way for the Crawford Brandeis double pipes. So, this kind of shows the outer edge of the western culvert, and you can kind of see, I think they bored and they actually came up right here. You get a better idea of where the culverts are, that’s the outer edge. These manholes lie on the outer edges of the pipe. So, when you’re sitting there looking at those two pipes, you know, that’s about how wide those pipes are that are going up through there. As you’re aware, those pipes carry the drainage from neighborhoods around Lincoln Avenue, Target, the Lloyd Expressway, Walmart and a whole bunch of other development in there. I don’t think it’s any secret that, you know, we’ve got legal drains throughout the county. We have a lot of farmers looking after them, but the east side drainage system I’m a little more passionate about, because I don’t have 20 farmers out there keeping an eye every time a tree falls in them. I feel like we’ve got to give double due diligence on those issues. So, you know, my concern is, first of all, I hope that they did not damage anything out there, but, second of all, I really don’t think that we should be allowing anybody to be putting up any kind of poles within that easement. I’m not sure what that gains us, from the Drainage Board’s viewpoint. So, that’s my two cents. I know there’s some people here from the companies that might want to address these issues. So, I’ll let them do that.

President Ungethiem: Jeff, before we go to that, when we do grant an application to cross a legal drain, what are the inspection requirements after that work is completed to make sure that that legal drain is still functioning properly?

Jeff Mueller: I think that’s a matter of whatever you would want to put them in, whatever requirements you would want to put in.

President Ungethiem: I mean, if we’ve got large pipes underneath here, I would think if we would allow them to cross through there that we would want some kind of inspection of those pipes to make sure that they weren’t damaged.

Jeff Mueller: Yeah, I would like to have that done at Harper right now, just because they’ve already done that, and I would like to know that Crawford Brandeis also hasn’t been damaged. Because, like I said, I am concerned about those, and, you know, Harper, we all were very encouraged by the inspection of that, but it is a 35 year old pipe going through there. So, I hope they didn’t hit it.

President Ungethiem: Okay. Is there anyone from the audience who would like to speak on behalf of this? Please come forward and state your name.

Matt Murphy: Good evening. I’m Matt Murphy from HBK Engineering. We were hired by Crown Castle.


Matt Murphy: Just to give you a summary, the basis of the installation, this is the installation of various wooden utility poles, very similar to a power transmission pole that you see carrying aerial power along the roadways. It will be holding radios and a small
cell antennae for cellular coverage. You're used to seeing very large 100' to 200' towers in different areas of the city that provide cell coverage, this new technology gets mounted to wood utility poles that are approximately the same size as what is out there, and it provides a larger grid coverage for the cell networks, including access for 911 calls. At this particular area that is on Burkhardt Road, we were made aware of the drainage culverts at the meeting on Monday the 12th, and we conducted the site meeting just to walk the location with the County Surveyor and the City Engineer. We’re requesting to be able to place the pole outside of the culverts within what we believe is a 10’ public utility easement, and we would just like to get clarification on that utility easement and that it exists to see if we can place a pole outside of the culvert so as not to damage them. Is there a document available? We met with the County Engineer, John Stoll, as well as checking the Evansville website to look for the easement information, and it appeared that there looks to be a 10’ public utility easement that we would like to use to place the pole, if possible.

Jeff Mueller: Well, State law determines what the right-of-ways are for legal drains. So, if they’ve been relaxed, it’s 30’ from the top on each side.

Matt Murphy: Okay.

Jeff Mueller: So, you might be within the right-of-way, but you’re also within our easement, our right-of-way.

Matt Murphy: Okay. The section R188 from the Hirsch plat where the bank was constructed, the way the document reads, it appears that there is a 30’ segment and then a 10’ public utility easement. I wondered if we could review that to confirm if that’s the case.

Robert Ritter: This is not a to scale copy.

Matt Murphy: It’s not a to scale copy, but there is a 30’ segment required for Vanderburgh County Surveyor, and it’s called out with a 10’ green space easement. There’s notes about public utilities being able to access those easements to be able to cross through.

Robert Ritter: As long as that does not affect drainage of the easement.

Matt Murphy: We would like to work together and make sure that it does not get damaged, but it’s just one of the particular locations that the cell carriers are looking to enhance coverage with the antennae itself.

Jeff Mueller: Of course, I would have appreciated it if you would have told us you had already bored when we were on site that day. It would have been kind of nice.

Matt Murphy: Uh-huh.

Jeff Mueller: I don’t understand why you and three other personnel from your company were there and never said we’ve already bored. I’ve worked in the industry for 36 years, we made mistakes—

Matt Murphy: Uh-huh.

Jeff Mueller: -- we would say, dang gone, sorry about that.

Matt Murphy: I understand the concern, and as the engineer I was out there representing the drawings of the design in place.

Jeff Mueller: Well, that’s, you didn’t start off on a good foot with me, after we went out there the next day to try to help you guys get through the system.

Matt Murphy: Well, and I can speak, I know that this one location is—

Commissioner Melcher: Can you step up to the mic, please?

Matt Murphy: Yes, the one location we’re talking about here is an unincorporated area of the county, those other locations are all within the City of Evansville, and we have for approximately a year been working with the City. We consulted with the City Engineer’s
Office, the Public Works Department, the Building Commission, the Area Planning Commission about all necessary permits. We got all of our permits from the city, and until, I believe, last week nobody had raised this issue to us on those other locations within the city.

Jeff Mueller: Well, wait a minute, let’s back up. According to the City Engineer you don’t have all your permits. According to the Water and Sewer Department, they would kind of like to know what you’re doing, because I got an e-mail from them. So, I think you need to go back and retrace your steps with both of those, both with the Utility and with the City.

Matt Murphy: Okay. Then, starting in September of last year we, Zoran Heitzelman of Crown Castle and John Stoll the County Engineer (Inaudible) locations, and the hubs that they tie back to with the fiber optic cable, and the only location that was flagged as required for county review was a hub that was removed, including this pole location was not flagged as needing any county review or permit. Which started us off in the direction of, okay, we’ve done our due diligence, we didn’t need to go through that side of house here within Evansville. The City Engineer at the time was also Chris Koester who is no longer a staff engineer, I believe he left early this year in 2015 for a new position. But we did confirm with him the need of encroachment permits to through the City Engineering Department in order to direct for bore or hang fiber area (Inaudible) from utility poles. So, as we went forward with that direction we then had subsequent meetings with the departments to confirm those comments that were made to us, and submitted for them appropriately. Within the past couple of weeks we were made aware of the City Engineer was requesting an additional construction permit, and then also reviewing in the Site Review meeting about the legal drain encroachment permit.

President Ungethiem: Okay, from the standpoint of this Board, what we’re concerned about is the crossing of the legal drain. So, if you’ve got work to do with the City Engineer, if you’ve got work to do with the Water and Sewer Department, that’s not in our jurisdiction. What I understand from listening to this conversation is that you have crossed legal drains without proper authority to do so at this point in time. What I’m going to recommend, at this point in time, is that before we give any condition on these applications to actually cross the legal drain, I want an inspection done on the areas where you have crossed.

Matt Murphy: Okay.

President Ungethiem: I want visual site inspections to make sure that those pipes have not been damaged. You can bring that back to this Board, that information back to this Board, the next meeting is November 10th.

Matt Murphy: Okay.

President Ungethiem: I don’t know if you can get that information completed by then.

Matt Murphy: We should be.

President Ungethiem: But, you bring that information back to this Board that none of those legal drains have been damaged to this point in time, and then at that point in time we will consider approving these applications.

Matt Murphy: Okay.

President Ungethiem: Does that make sense?

Matt Murphy: Yes, that sounds like an exploratory (Inaudible) or dig operation to expose and show that damage has not, or what the existing conditions are.

Joe Harrison, Jr.: If it is damaged we want to know.

Matt Murphy: Right, you would want to know.

President Ungethiem: If it’s damaged then we’re going to need a plan from you of how you’re going to repair it.

Matt Murphy: Understood.
President Ungethiem: Okay?

Matt Murphy: Okay.

President Ungethiem: Now as to the easement in this particular area, you know, there’s some questions about is it an easement, isn’t it an easement, please work with Jeff—

Matt Murphy: Okay.

President Ungethiem: -- to find that out, and by November 10th, if we’ll have that information then we can go forward at that point in time. But, I won’t entertain these applications until we find out whether we’ve got damage to the pipes.

Matt Murphy: Understood. Okay.

President Ungethiem: Any other questions or comments?

Commissioner Kiefer: I agree with you on that.

Jeff Mueller: May I make one comment? On Harper, the best thing to do on that would be to look at it from the inside. It’s real easy to access. It can be accessed from Fazoli’s, it can be accessed from across the street at Green River in front of the old Abuelo’s, but, I don’t know how we’d know for sure it wasn’t damaged without somebody just going down there and looking at it. It can be walked through with somebody that has close confinement, yeah, confined space training. But, I would like to know that it wasn’t pierced, because as you’re aware, where it goes across Green River it’s a nice concrete culvert, but at some point it switches back into an old steel pipe that, you know, like I said, it was 35 years old, but it was in great shape. I’m hoping we get, if we get another 35 years out of that, somebody deserves a real big pat on the back.

President Ungethiem: Yeah.

Jeff Mueller: You know, we want to keep that pipe in good shape.

President Ungethiem: The last thing we need is a damaged pipe that’s going to lead to erosion and wind up having a sink hole out in the middle of a location somewhere down the road.

Jeff Mueller: One other comment as far as the easements or right-of-ways, I think Mr. Harrison is going to have to help us on that point.

President Ungethiem: Okay. Anything else?

Commissioner Melcher: I just think you need to keep the Surveyor in the loop from now on.

Matt Murphy: Yes.

Commissioner Melcher: What’s happened has happened, let’s move forward, and just keep him in the loop. When you are inspecting it might not hurt to let him know when you are, so if he wants to send somebody out, you know, from the office with our eyes, we could do that.

Robert Ritter: Certainly.

Matt Murphy: Okay.

President Ungethiem: Okay, thank you gentlemen.

Commissioner Kiefer: Thanks, Jeff, good work.

President Ungethiem: Any other comments on this issue? Okay, thanks, Jeff.
Ditch Maintenance Claims

Jeff Mueller: Getting close to the end. Other business, ditch claims. I supplied you with a sheet summarizing the 12 claims, $18,300.18. Madelyn has the claims.

Commissioner Kiefer: I didn’t see it.

Jeff Mueller: No, you’ve got—

Commissioner Melcher: Is that it?

Commissioner Kiefer: When you (Inaudible), what are you talking about?

Commissioner Melcher: We don’t know what you’re talking about.

Jeff Mueller: I’m sorry, what’s that?

President Ungethiem: They were looking at the pictures.

Commissioner Melcher: When you say (Inaudible). What kind are you talking about?

Jeff Mueller: Oh.

President Ungethiem: I would entertain a motion—

Jeff Mueller: Okay.

President Ungethiem: --I would entertain a motion to approve—

Jeff Mueller: You didn’t see any plants growing there.

President Ungethiem: -- the ditch claims.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

Commissioner Kiefer: First, second.

President Ungethiem: Roll call please.

Madelyn Grayson: Who’s on first?

Commissioner Melcher: I’m sorry.

President Ungethiem: Roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

(Motion approved 3-0)
Other Business

President Ungethiem: Jeff, anything else?

Jeff Mueller: Just a reminder, November 23rd, whatever it is, the second meeting in November we do not have.

Joe Harrison, Jr.: Good.

Jeff Mueller: Just kind of keep reminding you of that.

President Ungethiem: So, we'll need to do everything on the 10th.

Jeff Mueller: Yeah.

President Ungethiem: Or wait till December.

Jeff Mueller: Mr. Harrison and I are still working on drainage code changes, and, hopefully, will maybe have you something here shortly.

President Ungethiem: Okay.

Joe Harrison, Jr.: So, there’s no meeting on the twenty what?

President Ungethiem: Third.

Madelyn Grayson: 24th.

Jeff Mueller: 24th?

Madelyn Grayson: It’s actually the 24th.

Jeff Mueller: 24th, yeah.

President Ungethiem: The 24th, which is the Tuesday before Thanksgiving.

Jeff Mueller: Yeah, the Tuesday before Thanksgiving.

Commissioner Melcher: There’s no Drainage Board.

President Ungethiem: Is there any other public comment? Seeing none.

Adjournment

President Ungethiem: I would entertain a motion to adjourn.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Ungethiem: We are adjourned.

(The meeting was adjourned at 6:25 p.m.)

Those in Attendance:

Bruce Ungethiem  Stephen Melcher  Joe Kiefer
Jeff Mueller       Joe Harrison, Jr.      Madelyn Grayson
Dwight Markwell   John Stoll           Matt Murphy
Robert Ritter     Others Unidentified Others Unidentified

Members of Media
VANDERBURGH COUNTY
DRAINAGE BOARD

Bruce Ungethiem, President

Stephen Melcher, Vice President

Joe Kiefer, Member

(Recorded and transcribed by Madelyn Grayson.)