The Vanderburgh County Drainage Board met in session this 24th day of October, 2017 at 3:34 p.m. in Room 301 of the Civic Center Complex with President Cheryl Musgrave presiding.

**Call to Order**

President Musgrave: Let's call to order the October 24, 2017 Drainage Board meeting.

**Pledge of Allegiance**

President Musgrave: If you will please stand and say the Pledge of Allegiance with me.

(The Pledge of Allegiance was given.)

**Approval of the October 3, 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. If there's no further discussion, all in favor please signify by saying aye.

All Commissioners: Aye.

President Musgrave: The motion carries.

(Motion approved 3-0)

**Construction in Floodway: Union Township**

President Musgrave: We move now to construction in the floodway in Union Township.

Jeff Mueller: This is for the construction of a home along the Ohio River. As always, they've provided us with the copy of their Construction in Floodway permit. It doesn't really affect anything that we have. It's an Ohio River issue. So, I give it to you as part of your correspondence.

President Musgrave: So, we don't need to vote on this?

Jeff Mueller: No.

President Musgrave: Okay.

**Application to Affect Legal Drain: Sonntag Stevens**

President Musgrave: An application to affect legal drain in Sonntag Stevens.

Jeff Mueller: This is a request that's tied to the expansion of a warehouse facility at 4400 Garrison Avenue. The project is for the expansion of a warehouse in this area. The required drainage plan, which is reviewed by the city, requires the construction of two basins, one of which is a fair distance from the drain, and will eventually sheet flow to the drain. The second has a discharge pipe into the drain, which necessitates this application. The pipe will have rip rap placed below the drain. I've reviewed the plan and I'm fine with the application. Just so you know, this is the warehouse, they're going to about double the size of the warehouse. They're going to have a basin and they're going to have an
outlet pipe here. So, actually the basin is here, and the outlet pipe is there. So, you’re just approving that they can put an outlet pipe there.

President Musgrave: Is there a motion to approve the application to affect the legal drain Sonntag Stevens?

Commissioner Shoulders: So moved.

Commissioner Ungethiem: Second.

President Musgrave: We have a motion and a second. Is there any further discussion? All of those in favor signify by saying aye.

All Commissioners: Aye.

(Motion approved 3-0)

Jeff Mueller: Before you move on, I just do want to point out that part of this site, there’s an old railroad grate that crossed Sonntag Stevens, and this culvert that’s underneath here is starting to become, it’s been becoming a problem. We identify it in our annual drainage report. I have talked to the developer, and we’re going to try to work with him to find out who exactly has control of this, because I would like to put on our wish list to go in there and completely pull this out and open this drain up, you know, before that pipe gives us any problems. So, I’m going to bring it to you sometime next year to discuss it. You’ll kind of like, oh, yeah, that Garrison Avenue project, that’s there.

President Musgrave: Okay.

Application to Affect Legal Drain: Crawford Brandeis

President Musgrave: Now we move to the application to affect the legal drain of Crawford Brandeis.

Jeff Mueller: This is for the installation of a gas line that will feed the Fresh Market or Fresh Thyme Market off of Burkhardt Road. Vectren, the folks that I dealt with out there, the gas people, I guess, they weren’t aware of the requirements to supply an application. They’ve had some change in personnel from what I used to deal with, so that doesn’t surprise me. The gas line is parallel to Vogel Road, and so it will just cross our double pipes in one spot. Their plan is to, they’ve actually started and then they stopped, was to have a gas line, it’s going to be about 36 inches deep, which will give about two and half feet of cover above our pipe. So, in other words, our pipe is almost five and a half feet deep. So, I don’t have any problem with it. My only comment would be, like anything else that we put in the minutes, if, you know, 50 years from now when that pipe has to come out, that it’s their baby to move their line.

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

Commissioner Shoulders: So moved.

Commissioner Ungethiem: Second.

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

All Commissioners: Aye.

President Musgrave: The motion carries.

(Motion approved 3-0)

Waiver & Release: Crown Ridge

President Musgrave: We move to the waiver and release at Crown Ridge.

Jeff Mueller: Last meeting we granted a revised drainage plan for this overflow swale here. We didn’t have any problem with it, you signed the approval, but we did request that
we get waivers from the two homeowners regarding that overflow swale. You have those waivers in your packet, and I’m asking that you approve those waivers as part of the revised drainage plan.

President Musgrave: Is there a motion to approve?

Commissioner Shoulders: So moved.

Commissioner Ungethiem: Second.

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

All Commissioners: Aye.

President Musgrave: The motion carries.

(Motion approved 3-0)

| Waiver & Release: Lots 3 & 4: Blue Heron Estates |

President Musgrave: We move to the waiver and release for Lots 3 & 4 in—

Jeff Mueller: Blue Heron.

President Musgrave: --Blue Heron.

Jeff Mueller: I apologize for that.

President Musgrave: Yeah.

Jeff Mueller: There are two lots, this is Millersburg Road, there’s two lots right here, they don’t carry much drainage. The folks back there really don’t want a swale. They’ve got nice, sodded yards, there’s a sheet flow, like I said, it doesn’t carry much drainage. So, on those particular two lots they had requested a waiver to just have the water flow, sheet flow back through the easement as it is. I don’t have a problem with it. It’s not affecting any other folks. So, I would recommend those waivers be approved. They’ll be a part of the approved final drainage plan for Blue Heron.

President Musgrave: Is there a motion?

Commissioner Ungethiem: So moved.

Commissioner Shoulders: Second.

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

All Commissioners: Aye.

President Musgrave: The motion carries.

(Motion approved 3-0)

President Musgrave: We move now to the Heartland Crossing encroachment agreement.

Jeff Mueller: Let me just insert one thing, because I was expecting a question from you guys and you didn’t give it to me. How are we doing on Blue Heron? There is a spreadsheet, you’ll see that it’s a lot more green than it used to be. We are meeting, John and I with the consulting engineer out there on Thursday to kind of walk through, where are we and what we have left to do. Okay? So, we can hopefully be able to tell you something at the next meeting.

Commissioner Ungethiem: Do we have a completion date?

Jeff Mueller: A lot of it’s paperwork now.

Commissioner Shoulders: Yeah.
Jeff Mueller: And we've got a few people that don't want to sign paperwork. So, we'll have to wrestle with that one when we go.

Joe Harrison, Jr.: Which you and I have talked about.

Jeff Mueller: Yeah.

Commissioner Ungethiem: Yeah, okay.

Jeff Mueller: Alright.

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Heartland Crossing Encroachment Agreement

Jeff Mueller: Now, I'm sorry, Heartland Crossing encroachment agreement. Wolf Creek, when we came through last week, there was some different things that were going on out there. There's a wall back in here, and there's a wall here that encroaches on our easements. They have supplied us with an encroachment agreement. Madelyn's got the original, so their request is that they can have these stone walls within the drainage easements and the lake maintenance. I don't have a problem with it. They're not going to cause an issue with maintenance. So, I would go ahead and say that you're fine with approving that.

President Musgrave: Is there a motion to approve the Heartland Crossing encroachment agreement?

Commissioner Ungethiem: So moved.

Commissioner Shoulders: Second.

President Musgrave: Any further discussion? I will call for the vote. All of those in favor signify by saying aye.

All Commissioners: Aye.

President Musgrave: The motion carries.

(Motion approved 3-0)

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Wolf Creek Final Drainage Plan

President Musgrave: Wolf Creek final drainage plan.

Jeff Mueller: Okay, so, when we met last week, or last meeting, I'm sorry, there was a list of some paperwork that hadn't been done. Some of those things, like this vacation, like the encroachment agreement was one thing. They were supposed to transfer—

Joe Harrison, Jr.: Assignments.

Jeff Mueller: --yeah, assign the drainage easement, which they have done but they haven't recorded yet. They have three outstanding issues still out there that they have not addressed to me yet. I'm just going to make you aware of these; timing on when they're going to actually develop Swale 11; responsibility for maintaining some of the structures, if it's going to be the homeowner or is it going to be the condos; and what they're doing about the design of the retaining wall, since some of those are in the easements and it requires anything over six feet that they have an engineer design those. So, I'm going to hammer back with them and say, okay, folks, you know, we kind of let you guys go, but it's time to finish up your paperwork. They've got quite a bit of the paperwork done. Oh, one other item, they did get us the vacation paperwork for the easements out there, but we've got three things. So, right now I'm just telling you that they haven't quite met all of their agreements yet of what they said they were going to have done for us this meeting. So, we'll get on them if they don't have their homework by the next meeting I'll suggest something to you.
President Musgrave: We move then to cancelling the Joint Drainage Board meeting for October 26th, but has it been reset?

Commissioner Shoulders: Yeah.

Joe Harrison, Jr.: Yes.

Commissioner Ungethiem: The 15th of November—

Joe Harrison, Jr.: At 2:00.

Commissioner Ungethiem: --at 2:00.

Joe Harrison, Jr.: In here.

President Musgrave: Okay, the 15th of November, 2:00 p.m. here, Joint Drainage Board meeting, and that is the Joint Warrick and Vanderburgh County Drainage Boards.

Commissioner Ungethiem: And Gibson.

President Musgrave: Oh, and Gibson, I’m sorry, looking primarily at the drainage along the eastern Vanderburgh County line, essentially.

Commissioner Ungethiem: It’s basically the Pigeon Creek runoff.

President Musgrave: Yeah.

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President Musgrave: Enclave postponed to a future meeting date. That’s the issue with the lake?

Jeff Mueller: Yeah, well, as you’re aware—

President Musgrave: The pond.

Jeff Mueller: -- we received a request from the attorney for the developer to look the site over regarding the compliance of the site. There was some disagreement on whether we should include or not include the off-site facilities, mainly Bolin Lake, but also the remediation site that was constructed in the city. So, the inspection was an agree to disagree inspection for site only, and we did that, John and I did on October 4th. I provided to the developer’s attorney a list that covers the major items, but no way addresses letter of credit. In other words, you’ve got these items, but that doesn’t mean you get your letter of credit released. John still has issues with it, and some things like that. With that coming along, the developer was going to come in tonight, but they didn’t get their list done of the things that we gave them. We received an email from Mr. Johnson on October 20th that stated that he still had additional work to complete. So, that they would be now planning on coming before this Board on November 7th.

President Musgrave: Alright.

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President Musgrave: The drainage code changes and technical memorandum. We had such a lovely meeting last week and lots of comments.

Jeff Mueller: The meeting was held October 12th to review the code changes and the memorandum changes. Commissioner Musgrave and Commissioner Ungethiem were both there. So, I’ve included you in some emails that address some of the suggested changes. I believe I’ve addressed all of the concerns, and what I would like to do is, I’ve already started on Mr. Harrison’s assignment to me, which is take it to the code, the language so that he can have it for our code. So, I guess, we would be ready as early as
the next meeting to do that. Does the Drainage Board need to approve that, Mr. Harrison? Or do we take that to the Commissioners for two readings?

Joe Harrison, Jr.: Well, the Commissioners have to approve it, but I would, it really doesn't matter, in their capacity you might want a recommendation from them, but it doesn't matter.

President Musgrave: Should we go ahead and do a recommendation today without that document?

Joe Harrison, Jr.: That's fine, if you want to.

President Musgrave: Okay, well, there have been a number of changes that were suggested.

Joe Harrison, Jr.: It is what it is.

President Musgrave: I don't know, should we trust him?

Jeff Mueller: Well, I mean, it's however, you know, I mean, you could do a recommendation today and then you could, if you don't like it at the Commissioners meeting we could delay it. I mean—

President Musgrave: I'm just joking with you.

Jeff Mueller: I think I've made most of the changes. So, you know—

Commissioner Ungethiem: I'm familiar with most of the changes, and I'm comfortable with them. So, I would make a recommendation from the Drainage, make a motion that we recommend from the Drainage Board to the County Commissioners to put this into an ordinance.

President Musgrave: That the Commissioners accept the Drainage Board's—

Commissioner Ungethiem: That they accept the Drainage Board—

President Musgrave: --documents.

Commissioner Ungethiem: --documents.

President Musgrave: For ordinance purposes. Okay.

Commissioner Ungethiem: Yes.

Commissioner Shoulders: I would second that.

President Ungethiem: Alright, any further discussion? All of those in favor signify by saying aye.

All Commissioners: Aye.

President Musgrave: Okay.

(Motion approved 3-0)

President Musgrave: And, again, thanks for the meeting. I thought you got some great feedback from everyone.

Jeff Mueller: Yeah, and like I said, Joe, I'm working, I took the last one and just, you know, where you said, you showed me how to do it.

Joe Harrison, Jr.: Right.

Jeff Mueller: That such and such now is now ready to amend. So, I'm getting all of that massaged, and I almost had it done for today, didn't quite, but I'll get that to you in the next few days, and then double check it and then I'll email it to everyone.

Joe Harrison, Jr.: Okay.

Jeff Mueller: Showing them what it is.
Commissioner Ungethiem: Jeff, since Kristin is gone, can you make sure that she’s got that on the November 7th meeting?

Jeff Mueller: I will make a note to that.

Joe Harrison, Jr.: That will just be a first reading.

President Musgrave: But, to any concerned parties out there who neglected to review the document, please do so right away. We would rather have your comments before we get to the end of the line.

Jeff Mueller: Uh-huh.

Ditch Maintenance Claims

President Musgrave: Okay, ditch maintenance claims.

Jeff Mueller: You’ve got a spreadsheet with a summary, five claims for a total of $8,427.21. All of the claims were for previous work approved, except for the spraying of the canal, which we discussed about at, I think, the last meeting. That was the spraying for the water primrose. Okay?

President Musgrave: Okay, so we have a total, five claims totaling $8,427.41?

Jeff Mueller: 21.

Commissioner Ungethiem: Motion to approve.

President Musgrave: It says 41.

Jeff Mueller: Do you have 21 or 41?

President Musgrave: It says 41.

Jeff Mueller: Alright, well, my mistake, I’ve got it written in my notes wrong then.

President Musgrave: Okay. Is there a motion?

Commissioner Ungethiem: Motion to approve the ditch claims.

Commissioner Shoulders: Second.

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

All Commissioners: Aye.

President Musgrave: The ditch maintenance claims are approved.

(Motion approved 3-0)

Other Business

President Musgrave: What other business do we have?

(No other business.)

Public Comment

President Musgrave: Any public comment?

(No public comment.)
President Musgrave: Is there a motion to adjourn?

Commissioner Ungethiem: So moved.

Commissioner Shoulders: Second.

Jeff Mueller: Thank you.

President Musgrave: We are adjourned. Thank you again for your fine work.

(The meeting was adjourned at 3:47 p.m.)

Those in Attendance:
Cheryl Musgrave  Ben Shoulders  Bruce Ungethiem
Jeff Mueller    Joe Harrison, Jr.  Madelyn Grayson
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.)