The Vanderburgh County Drainage Board met in session this 30th day of October, 2018 at 3:42 p.m. in Room 301 of the Civic Center Complex with President Ben Shoulders presiding.

Call to Order

President Shoulders: I would like to call to order the Solid Waste….Solid Waste? Boy, it's been a long day. The Drainage Board meeting for October 30, 2018.

Attendance Roll Call

President Shoulders: On that note, we will ask for attendance, Madelyn.

Madelyn Grayson: Commissioner Musgrave?

Commissioner Musgrave: Here.

Madelyn Grayson: President Shoulders?

President Shoulders: Here.

Pledge of Allegiance

President Shoulders: Okay, on that note, I will ask that you follow Commissioner Musgrave for the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

President Shoulders: Thank you.

Approval of the October 2, 2018 Drainage Board Meeting Minutes

President Shoulders: Now, I ask for a motion to approve the minutes from last month’s meeting please.

Commissioner Musgrave: So moved.

President Shoulders: I have a first, I will second the motion. All in favor please say aye.

Commissioner Musgrave: Aye.

President Shoulders: Aye. All opposed same sign.

(None opposed)

President Shoulders: The motion passes.

(Motion approved 2-0)

Schedule First Drainage Board Meeting of 2019

President Shoulders: Jeff, what do we have today?

Jeff Mueller: Okay, first thing is, I know that the Commissioners…do you have a finalized schedule yet for 2019? Or kind of a proposed one? I mean, your Commissioner meetings?

Commissioner Musgrave: Yes, we voted on that several months ago.

President Shoulders: Yeah, we did. Yeah.
Jeff Mueller: Okay, well, I’m still kind of working on the drainage schedule, working with your schedule, but if we could, could we go ahead and set the, at least the first meeting for 2019 for January 8, 2019, to follow your Commission meeting?

Commissioner Musgrave: As long as we have one on January 8th, I’ll make that motion.

Jeff Mueller: Yes.

President Shoulders: Is that what it is? I will second the motion. All in favor please say aye.

Commissioner Musgrave: Aye.

President Shoulders: Aye. Opposed same sign.

(None opposed)

President Shoulders: The motion passes for that meeting.

(Motion approved 2-0)

Jeff Mueller: Yeah, like I said, I’m trying to work through some of the other scheduling, and then I’ll get back with you. Of course, I’m going to use your dates, but, you know, we don’t necessarily have them all when you all have them. So, okay?

Construction in Floodway: Little Pigeon Creek: Vieira Brothers

Jeff Mueller: The next item is a Construction in Floodway for Little Pigeon Creek, for Vieira Brothers. This is near Mt. Pleasant Road and U.S. 41. The stated purpose is to allow for construction of a 1,200 square foot building, parking lot and etcetera. I don’t have any issues with that Construction in Floodway permit.

Construction in Floodway: Pigeon Creek: Next Segment of Greenway

Jeff Mueller: The next thing you have in your file is a Construction in Floodway for Pigeon Creek. This one’s a little bit exciting, because it is part of the planning process for the next segment of the Greenway. It’s to facilitate the construction of the next phase of the Greenway from Heidelberg, which I think they call the Heidelberg Canoe Launch, to Stringtown. So, it’s this stretch right in here. So, they’re moving ahead with their permitting on that project. Okay?

President Shoulders: That is great.

Ensle Place: Letter Regarding Outflow

Jeff Mueller: Next is, you have in your file a letter regarding an outflow at Ensle Place. Ensle Place is located at the intersection of Heckel Road and Oak Hill, and it is adjacent to Kinway. When John and I were out doing an inspection of Kinway off of Heckel Road, we noticed that the outlet pipe from the dam adjoining the subdivision was eroded. We do not have any jurisdiction on this dam, but we did send a letter, and you have a copy of that. We wanted to make the owner of the dam aware of the issue. Okay?

Commissioner Musgrave: Thank you for doing that.

President Shoulders: Absolutely.

Commissioner Musgrave: I think that that really helps when we communicate.

Jeff Mueller: Yeah.

Commissioner Musgrave: With people that need to know something.

Jeff Mueller: Yeah.

Commissioner Musgrave: Thank you.

Jeff Mueller: Well, and also, it’s kind of, John and I both feel we have an obligation, as Professional Engineers, too, to notify those folks, so.
Revision to Drainage Plan: 12600 Warrick County Line Road

Jeff Mueller: Next is a revision to the drainage plan at 12600 Warrick County Line Road. You don’t have in your package your usual review, because this was kind of just a really small project. In the process of doing a building expansion and some parking lot expansions that have occurred, they’re going to need to expand their basin. So, they gave me a revised basin design. I would ask for, that you approve this, but I would request that, as with all single lot projects, that as a condition of approval, no sign off or Certificate of Occupancy from the Surveyor’s Office will occur until an as-built or a record drawing or a certification statement be supplied to the Surveyor’s Office saying that they’ve constructed the basin as the new design.

Commissioner Musgrave: I will make the motion with that caveat, as stated.

President Shoulders: I will second the motion with the caveat. All in favor please say aye.

Commissioner Musgrave: Ay.

President Shoulders: All opposed same sign.

(No one opposed)

President Shoulders: The motion passes.

(Motion approved 2-0)

Browning Manor: Final Drainage Plan

Jeff Mueller: Next is Browning Manor. As you may recall, previously it was brought to the Board’s attention that this site was under a cessation order by the Corps of Engineers. Since the last meeting, that developer has worked out those issues with the Corps. It did result in some changes to the final drainage plan, which they had to submit to us, and from the preliminary plan that you already approved, those changes have been taken into account with the plans that have now been submitted. The changes reflect the design on one of the basins, and an agreement not to disturb certain areas, and the installation of some piping that’s not part of the storm sewer system that was required by IDEM. Essentially, the engineer on this project really felt that the piping was not going to carry any water, but it was something that they did in order to meet IDEM’s requirements. This subdivision is located off Browning Road, just south of Boonville-New Harmony Road. The subdivision will connect, well, I’m sorry, won’t connect, it was originally going to connect to Red Gate, but we changed that. The subdivision itself—

Commissioner Musgrave: (Inaudible. Microphone not on.)

Jeff Mueller: Yeah, that’s what happens when you copy and paste sometimes. The subdivision has went to the Area Plan, it got approved, and it’s a combination of single lots, as well as some, a PUD development. The plan envisions the construction of one dry basin in the southwest, and the reconstruction of the existing lake in the southeast. As you may recall, to the north there’s no basin proposed, and as approved with the preliminary plan, this drainage will be allowed to leave undetained. As you may recall, the county, in the Technical Memorandum, addresses undetained drainage, however, the area did not meet this criteria. But, with that said, the developer proposed a tree easement, and this was approved in the preliminary drainage plan that was approved by this Board on June 5, 2018. As required in the preliminary plan, proposed tree easement language has been inserted in the final drainage plan. The language was given to Mr. Harrison, and he reviewed it, and he’s fine with it. 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.

Information Submitted by Surveyor: Browning Manor: Final Drainage Plan:

*The final drainage plan was submitted on September 17, 2018, with revisions submitted on October 9, 2018 and October 24, 2018, along with emails October 13th, 16th, 22nd and 25th, 2018. The plan that is requested to be approved consists of the submitted document and revisions and emails on the respective submitted dates, along with the following
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 for a final drainage plan, with two exceptions, and therefore it’s being submitted to the Drainage Board for the approval under Section 13.04.090. The first exception being that, as we’ve previously stated, there was a variance for no detention on the north side, but there would be a tree easement. The second is at the east basin, the applicant desires to use a native grass, or what I would call warm season grasses, and in the grass seed mixture around the basins. They have requested to be able to do that, because they feel that's some water quality issues, it will help in the water quality issues, put a little bit cleaner water in that basin. So, here’s Browning Manor, here’s the way it’s laid out, pretty much the same. Like I said, there’s a basin down here that’s proposed, and one over here that's an existing lake. This kind of just shows the south end of the area. They did kind of reconfigure this basin, because there were some jurisdictional waters that they had to stay out of originally, so their original basin was in those jurisdictional waters and they are now out of there. They do have an area that they can’t disturb. Those are in the maps that they supplied us. The proposed tree easements, as we discussed previously, and like I said, the County Attorney has reviewed the tree language and he’s fine with that. I’ve got the engineer here if you’ve got any questions. If not, I’m fine with the plan.

Commissioner Musgrave: Alright, so I will make a motion, with the insertions as stated by the Surveyor in his discussion.

President Shoulders: I will second the motion. All in favor please say aye.

Commissioner Musgrave: Aye.

President Shoulders: Aye. All opposed same sign.

(No opposed)

President Shoulders: The motion passes, Jeff.

(Motion approved 2-0)

Jeff Mueller: Okay, next we have a final drainage plan for Magnolia Ridge. This subdivision is off Green River Road, north of Daylight and Highway 57. The proposed subdivision, I believe, is still for 156 residential lots, which will require the construction of three retention ponds. The preliminary drainage plan for this subdivision was approved by this Board on June 26, 2018. The plan requests that three separate areas along Green River Road be allowed to leave undetained. As you may recall, the county, in the Technical Memorandum, addresses undetained drainage, and these areas do meet that criteria. I have submitted a summary of the plan, and rather than read this information, I’m requesting that this information be included in the minutes as if read into the record.

Information Submitted by Surveyor: Magnolia Ridge: Final Drainage Plan:

“The final drainage plan was submitted on September 27, 2018, with revisions submitted on October 24th and October 30, 2018, and email dated October 16th and October 25, 2018. The plan that is requested to be approved consists of the submitted document and revisions and emails on the respective submitted dates, along with the following drawings. Drawings submitted on September 27, 2018: Drawing 1 Undeveloped Subbasins. Drawings submitted on October 24, 2018: Drawing 1 Existing Stream Plan & Profile; Drawing 2 Existing Stream Cross Sections; C-120; C-123; C-124; Drawing 2 Developed Subbasins and Drawing 3 Off-site Subbasins. Drawings submitted October 30, 2018: C-101 and C-102. Road plans for Reference Only: C-107; C-108; C-109; C-110; C-111; C-112 and C-113.”
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 final drainage plan. The drainage plan was reviewed by the County Surveyor, and found to be in compliance with Vanderburgh County’s drainage code for a final drainage plan. I would like to point out one thing about this, so that it’s on record, and everybody understands what’s going on. This shows you the area. This kind of shows you the layout, in general, but I want to show you this basin right here. I want to talk about it for just a second. This kind of highlights it a little better, but you see the basin and you see red area? I’m going to expand out a little bit. So, in this basin, it has the required retention area, or required retention volume, and it also, they will actually be able to encompass a 100 year storm without discharging out, except through the pipe. Now, our code requires us, that the emergency spillway release a 100 year storm, in case the pipes clog. So, when it releases, it goes into an open area, and it will go into a pipe, but if we really had that storm, if the basin, for some reason was already full, which meant it had quite a bit of water in it before, the water would cross the road before it left, and there would be about six inches of rain, six inches of water temporarily on the road until it drained out. We don’t have anything in the code that says, that they can’t do what they’re doing. I’m not saying we might not look at something in the future.

President Shoulders: Right.

Jeff Mueller: But, also, by the same token, if this basin was releasing to Green River Road, we don’t have any criteria once it leaves the property, as far as how far down stream do you have to carry the storm. So, I just want to make you aware of this. Like I said, I’ve reviewed the plan, so as far as I’m concerned, it does meet the code, but if you’ve got any questions on that, if not, I’ll keep going through it.

Commissioner Musgrave: Keep going through it.

Jeff Mueller: Okay. So, with that said, we’ve got, I’ve provided with you the submitted drainage plan, and request that the review document be made part of the approved final drainage plan. The final drainage plan was reviewed by the County Surveyor and found to be in compliance with Vanderburgh County’s drainage code. I would recommend that two conditions be included with the final drainage plan. First, that the plat for the section that contains Lot 87 and Lot 88, which is on the extreme south end, that will state that gutters and swimming pool outlets will not discharge directly into the farm field to the south. They’ve got other places to go. This is one of my number one complaints from farmers next to subdivisions. Second, as this is a large subdivision, that an as-built or record drawing be supplied for the basins, as construction proceeds, and that therefore no Certificate of Occupancy be granted for any home within a watershed, until such time as that basin for that watershed be certified as complete, with the required documentation. And, just so you know, the first area to the north, that has one basin, the basin is pretty well under construction. So, what we’re saying is, give us an as-built before you start moving people in there. You know, you can still go ahead and start building houses, but just give us that as-built so we can keep ahead of this game. So, with that, I’ve got this for your approval.

Commissioner Musgrave: Move approval, with any of the conditions, and any other points that were brought up during the Surveyor’s discussion.

President Shoulders: I will second the motion. All in favor please say aye.

Commissioner Musgrave: Aye.

President Shoulders: Aye. All opposed same sign.

(Motion approved 2-0)
Hunters Chase: Continued to November 13, 2018 Meeting

Jeff Mueller: Hunters Chase, it was originally on our agenda, as you are aware. John and I have received many complaints regarding this development, and we’re going to be doing some things on it between now and November 13th. But, the residents have requested to come in on November 13th for that meeting, and at that time we can discuss, in greater detail, some of the issues that we know that are going on out there.

Commissioner Musgrave: Okay, and we discussed this in depth the other day.

President Shoulders: Yes.

Commissioner Musgrave: So, I don’t think you need a motion to table it, do you?

President Shoulders: No.

Commissioner Musgrave: Okay.

Jeff Mueller: I don’t think…I’ve got it on the agenda, I think—

Commissioner Musgrave: Alright.

Jeff Mueller: --as continued till next meeting, I believe.

Ditch Maintenance Claims

President Shoulders: Well, ditch claims, hold on. Right, don’t you need a ditch claims motion?

Jeff Mueller: Well, let me get to them.

President Shoulders: Oh, sorry, go ahead.

Jeff Mueller: Okay, next, ditch maintenance claims. You have in your packet a summary of the claims. I’m requesting approval to pay 27 claims, for a total of $35,143.41, all for work that was previously approved by this Board. I do want to point out that one job on Barr Creek consisted of a portion of the work be done under a county road bridge, and that work was approximately, was $1,000. The request for that portion of the work would be paid out of the Cumulative Bridge Fund. I discussed this with the County Engineer, and I’ve discussed it with both of you. So, we would have one claim for that thousand, but everything else will be coming out of each fund. So, I’m requesting approval for that.

Commissioner Musgrave: Motion to approve.

President Shoulders: I second the motion. All in favor please say aye.

Commissioner Musgrave: Aye.

President Shoulders: Aye. All opposed same sign.

(None opposed)

(Motion approved 2-0)

President Shoulders: Okay.

Commissioner Musgrave: It looks like you’ve been really busy, all these claims.

President Shoulders: Yeah, absolutely.

Other Business

Jeff Mueller: Yeah, now, the other thing is, I just got, in like the last minute, the language for the deed, or the deed language for Saddle Creek. But, also, we’re going to have to go back to Saddle Creek, because everything says Section 1, and we already approved a Section 1, so we’re going to have it—

President Shoulders: Go back?
Jeff Mueller: --I’ve got to say Section 2. So, I’ve got to do some changes on the paperwork. So, we'll have it all ready for you next meeting, but I didn’t get all of this stuff...some of that stuff I didn’t get until, Joe, you didn’t get it until 11:30. So, we just didn’t have time—

Commissioner Musgrave: Okay.

Jeff Mueller: --- to move forward with it.

President Shoulders: Okay.

Commissioner Musgrave: Okay.

Jeff Mueller: I don’t have anything else, unless you all have any questions.

**Public Comment**

President Shoulders: Any public comment? Oh, we do have some. Okay.

Commissioner Musgrave: Eldon, keep in mind that we’ve got to get the kids out Trick or Treating, since they rescheduled Halloween.

Jeff Mueller: Eldon’s already dressed. He’s going to go out as a farmer.

Eldon Maasberg: My (Inaudible) comment was supposed to have been in your meeting—

Commissioner Musgrave: Oh.

Eldon Maasberg: --but you went through so fast I didn’t get there.

Commissioner Musgrave: Well, doggone it, I didn’t mean to—

Eldon Maasberg: No, anyway—

Commissioner Musgrave: Okay, thank you.

President Shoulders: Thanks.

Commissioner Musgrave: Give one to Madelyn, if you have an extra.

Eldon Maasberg: (Inaudible) I’ll give her mine (Inaudible).

Commissioner Musgrave: Okay, I’ll give her mine.

Eldon Maasberg: My name is Eldon Maasberg. This is, what I’m complaining, showing you here is how the ditch is fluffing off of Wallenmeyer Road. What you're trying to see here, in other words, I've got Baseline there and Wallenmeyer in picture one. She don’t have them in order here.

Commissioner Musgrave: Is it in our right-of-way, do you know, Eldon?

Eldon Maasberg: Do what? It's a legal drain to start off with.


Eldon Maasberg: If that's what you’re asking.

Commissioner Musgrave: Have you brought this to the Surveyor’s and the Engineer’s attention?
Eldon Maasberg: We talked a little, and Linda knows it. She’s got it in her computer. If you’ve got any questions, either call her or me. I would be more than glad to meet, and if you look at picture six, you can see part of the reason why the water is standing.

Commissioner Musgrave: Uh-huh. It’s like caved in.

Eldon Maasberg: Like I said, if you look at picture five, you can just see how the….and that is the worst one. The question is, is this a road problem, or is this a ditch problem, which there ain’t no money in that, because I asked Linda a while ago.

Commissioner Musgrave: Okay.

Jeff Mueller: Yeah, and Jeff didn’t get a chance to….he was too busy with his other stuff, so he doesn’t know too much about it.

Jeff Mueller: Wallenmeyer does never have much money in it though. It’s pretty much, it takes in and spends out.

Eldon Maasberg: Yes.

Commissioner Musgrave: Well, Jeff, could you take a look at this problem and come back to us at our next meeting?

Jeff Mueller: Well, John and I are going to need to look at it too, because—

Commissioner Musgrave: Right.

President Shoulders: Both of you, yeah.

Jeff Mueller: --(Inaudible). So, we’ll—

President Shoulders: Do you mind?

Commissioner Musgrave: Okay.

Jeff Mueller: We’ll go out in the field, probably, soon.

Commissioner Musgrave: Alright.

Jeff Mueller: We tend to go out about every two weeks together, for about a half a day. So—

Commissioner Musgrave: Okay.

Jeff Mueller: --on one of those field trips.

President Shoulders: So, between now and then, do you mind? You and John going out, Jeff?

Commissioner Musgrave: Alright, well we’ll take a look at it, Eldon.

Eldon Maasberg: Well—

Commissioner Musgrave: Know that we’re concerned and we want to make it right.

President Shoulders: Absolutely.

Eldon Maasberg: I would love to see you start widening these roads, instead of worrying about University Parkway, because, like I said, the county just turned over a truck about six weeks ago on First Avenue, or St. Joe Avenue, out there in front of (Inaudible), and our roads were made the width they are back in the horse and buggy days. It’s time we started widening them for these big trucks, because we’ve got semi’s running on them now. They’re not horse and buggies anymore.

Commissioner Musgrave: Okay.

Eldon Maasberg: So—

Commissioner Musgrave: I hear you.
President Shoulders: Fair point.

Eldon Maasberg: Let’s start taking care of our roads.

Commissioner Musgrave: Alright.

President Shoulders: Alright, Eldon. Thank you. Anything else, public comment wise? I wish everyone a happy and safe Halloween tonight, if you’re doing it early, like most of us are.

Adjournment

President Shoulders: On that note, I ask for a motion to adjourn.

Commissioner Musgrave: So moved.

President Shoulders: Second. We are adjourned.

(The meeting was adjourned at 4:01 p.m.)

Those in Attendance:
Ben Shoulders   Cheryl Musgrave   Jeff Mueller
Joe Harrison, Jr. Madelyn Grayson   Eldon Maasberg
Others Unidentified   Members of Media

VANDERBURGH COUNTY
DRAINAGE BOARD

Ben Shoulders, President

Cheryl Musgrave, Member

(Recorded and transcribed by Madelyn Grayson.)