The Vanderburgh County Drainage Board met in session this 5th day of September, 2017 at 3:49 p.m. in Room 301 of the Civic Center Complex with President Cheryl Musgrave presiding.

Call to Order

President Musgrave: Call to order the September 5, 2017 meeting of the Vanderburgh County Drainage Board.

Pledge of Allegiance

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

(The Pledge of Allegiance was given.)

Approval of the August 22, 2017 Drainage Board Meeting Minutes

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

Commissioner Ungethiem: So moved.

Commissioner Shoulders: Second.

President Musgrave: A motion and a second. If there’s no discussion, all in favor signify by saying aye.

All Commissioners: Aye.

President Musgrave: The motion carries.

Awarding of Bids: Kolb & Crawford Brandeis Extension

President Musgrave: Mr. Mueller, if you would like to talk about awarding the bids for Kolb and Crawford Brandeis Extension.

Jeff Mueller: We, hold on just a second here, we are waiting on Windows 10. I’m a big fan of it, as you can tell. Maybe we can go ahead and talk while we’re doing that. As you may recall, we had bids from the August 22, 2017 meeting on both of these projects. You’ve got a summary sheet there, spreadsheet. On the Kolb Ditch there were three bids, and the recommendation is to take the lowest bid of $12,684.45 to Niemeier Enterprises, LLC. We are awaiting to here back on the temporary easements to the two landowners. So, with the award tonight, once we have the signed easements, then the contractor can be in. So, I need a motion to approve that bid, if you guys feel comfortable with it.

President Musgrave: Is there a motion please?

Commissioner Ungethiem: So moved.

Commissioner Shoulders: I will 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.

President Musgrave: The motion carries.
Jeff Mueller: Just so you remember, this is what the Kolb Ditch work was going to be. Okay, on the next item is the Crawford Brandeis, we had two bids, and, again we will recommend the lowest bid, McCullough Land Improvements for $2,946. The bidder has supplied us with the specification, because as you remember we are crossing a private bridge, and we will still need Mr. Clouse’s written approval before the contractor can cross the bridge and begin the work. Other than that, I need approval for that bid.

Commissioner Ungethiem: So moved.

Commissioner Shoulders: Second.

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

All Commissioners: Aye.

President Musgrave: The motion carries.

Jeff Mueller: Next—

President Musgrave: Burdette Park/Bayou Creek.

Jeff Mueller: --okay, at your request, I went out and got with Jerry…I’ve got to move some stuff here, hold on, bear with me for one second, there we go. Alright, the major problem is Bayou Creek, from Bayou Creek Road all the way to the east, and I will pull that up here. So, if you see the arrows right there, you can see Bayou Creek Road, and from here all the way up to Burdette Park we’ve got problems in that creek. It’s become a swamp. There’s supposed to be a channel there, but it’s not anymore. This is from Graff Road, which is about half way up. I didn’t get a very good picture there, but to give you a feel for it, farther downstream at West Franklin Road, you can see Bayou Creek is a creek, with a little bit of water in it and that’s it. So, we’ve got a problem. I can’t tell you what the problem is, because it’s a wasteland back there, you know, and so, outside of getting a canoe or a flyover, I don’t know how else to get back in there. One of the things, I know Commissioner Ungethiem had talked to the EMA before, and I think Cliff was wanting to try out his toy in the past. If that’s something that he would still be willing to do, we could see if they would be willing to fly that.

President Musgrave: If he’s not, try Ryan Key in Area Plan. He’s got an amazing drone.

Jeff Mueller: Yeah, he does, but he’s not, it’s not a county—

President Musgrave: I know.

Jeff Mueller: I mean, I know, but then at that point are we going to pay someone?

President Musgrave: Sure.

Jeff Mueller: Yeah, well, I mean, that’s yeah, I mean, so at that point we could see who would be available, but I thought if we could get somebody free first. Until we can figure out what’s going on there, I don’t have any good suggestions. Obviously, you know, the first thought is it might be beaver dams, and that’s always a legitimate, you know, possibility, but we just don’t know for sure. One other thing I wanted to do was, just to show you, by the way, this is the creek again, by West Franklin again. Like I said, you can see it, it’s not a problem. Bayou Creek, this is the drainage area for Bayou Creek. In this particular area, it’s 4.7 square miles, heavily, not heavily urban, but you know about a quarter urban, it’s got some wetlands. If we were, want to look at this in the future, to make it a legal drain, we would be looking at notification of 1,400 parcels. But, I just threw that out just so in case, you know, it’s something if we ever wanted to look at, for a long term solution to this area, it’s something we could consider. Alright?

President Musgrave: So, your next step is to—
Jeff Mueller: See if Cliff can fly it.

President Musgrave: --and fly it, and once you look at it to see what the obstruction is, whether it's beavers or logs or whatever, then you'll come back with a plan of action?

Jeff Mueller: Well, yeah, I may come back with something, but yeah, I mean, you know, it's going to depend on what it is, and, you know, how big of a...I don't know what we're into yet.

President Musgrave: Okay.

Jeff Mueller: Okay?

Commissioner Ungethiem: We will probably have to identify who the landowner is, where the obstruction is.

Jeff Mueller: We also may be talking about permitting.

Commissioner Ungethiem: Yeah.

Jeff Mueller: So, and, you know, so then we might be taking on some fair amount of things. So, we'll just have to see what happens. I would rather just find out, if we can figure out what's there first.

President Musgrave: What problem, just explain the problem that it would solve, should we clear up the issue.

Jeff Mueller: Well, I mean, what problem we would solve for the park?

President Musgrave: Right.

Jeff Mueller: We're starting to get some backwater, and Jerry can probably explain it better there. He's got water standing in some pipes right now. He's got some water standing from a neighbor, and the other thing is, if it is truly a beaver dam, these guys don't like to be happy with the height they are. My experience is they tend to build them bigger and bigger. So, eventually you could, you know, it might be two or three years away, but eventually you might have a new lake at Burdette Park that really wasn't planned.

Jerry Grannan: The immediate concern is, three or four years ago this wasn't a problem. So, the immediate concern is the agricultural to our east, that whole 20 acres is under water now. That was never like that. This spring, we have an in-house guy that took the backhoe and cleared that beaver dam out on our east property line, he cleared it out a dozen times. The problem is now, when Jeff came out and looked at it, it is navigable by canoe, and I would suggest we get with Jerald Jones, he one of the residents that's been there about 30 years. It is mainly agricultural land, and you can navigate all of that by canoe. He's told me there's two to three dozen beaver dams. There's not just one or two. He said the whole thing is chock, plugged up. That's why when you get past Graff Road down there it goes back down to nothing, but you look from that mile, from Bayou Creek Road, I guess—

Jeff Mueller: Yeah, that's Bayou Creek Road.

Jerry Grannan: --yeah, all the way up to Burdette and it's now, it's 12' to 16' deep. It's deep, deep.

Commissioner Ungethiem: Is it flooding farmground at this point in time?

Jerry Grannan: It is. The east of our, that's now forestry. It was rezoned as forestry about three years ago, but that was agricultural forever, but that whole 20 acres has got standing water.

Commissioner Ungethiem: I'm surprised we haven't heard from the landowners.

Jeff Mueller: Except it's not ours to maintain.

Jerry Grannan: Right.
Jeff Mueller: So, you know, but in that, you know, if the goal were to be to try to long term maintain it, these guys might be ones that would be, they might be willing to be involved in a legal drain situation.

President Musgrave: Okay. Is that all for that issue?

Jerry Grannan: Yeah.

President Musgrave: Okay, thanks.

**Drainage Code Revisions**

Jeff Mueller: Okay, we’re not going to spend a whole lot of time on this, so don’t get too nervous, because I know it’s pretty big in your packet. But, I do want to explain to you what I’m doing, and just talk about it just real fast. Like I said, I’m not going through line by line or anything like that. I gave you three documents, and one of them is a single page document that just has the drainage control sections that are proposed to be changed. So, that’s a nice little summary. The second document is what’s called the Vanderburgh County Technical Memorandum. I think it’s about seven pages. Then the last part is the actual drainage code, as far as the sections that would be changed. So, what we’re talking about on this deal is a couple things. There are several mentions in the drainage code that haven’t been talked about before, talking about a Technical Memorandum. We’ll talk about that in just a second. So, two things are occurring with this Technical Memorandum, first there are dated items in the code, or portions of the code that really are no longer relevant, that are proposed to be removed. Second, there are portions of the code that are being condensed to put in the Technical Memorandum. So, let me just give you a quick example, on pages 17 and 18 of the code you will see C values for undeveloped and developed areas. That’s now been moved to this Technical Memorandum, and it’s in one nice, concise little table. Okay? Another example of the code, you’ll see on pages 20 through 24 of the code document, all of those pages are being eliminated. These are Huff Curves, and they are published data that has not changed since, I believe, Mr. Huff did a study in Illinois in 1969. Furthermore, I’ve never found anything in our files to show that the curves were even used. So, we’re going to take this out of the code completely, and in the Technical Memorandum we’re going to just say, the Huff code, the Huff Curves are available, they’re in the LTAP Manual if you need to use them, and that’s all we’re going to talk about them anymore. The last example of why we would have a Technical Memorandum, well, we’re all reading about Texas. We’ve had some unprecedented storms occurring, and now I saw where somebody said, well, Texas was a 500 year storm. Other people are saying we don’t know what it is, because we only have a hundred years worth of data. But, the end of the thing is, in our code, there’s been a lot of conversations, nationwide and in the state, about the storms that we talk about when we talk about a ten year storm, a 25 year storm and so on and so forth, about whether these storms are even relevant anymore. Whether they’re the right numbers or not. So, what we would have is, right now we have a Technical Memorandum that talks about the NOAA Atlas 14, and those rainfall datas. So, if they would come out with an NOAA Atlas 15, we wouldn’t have to change our code, we would just say in the Technical Memorandum, these are now the numbers we’re going to use. So, we’re not sitting here republishing the code every time something like this occurs. Another thing is, is that when people use a hydrograph, we don’t even have anything in our code right now that defines what is a ten year storm. So, the Technical Memorandum has got some of that data. So, like I said, there’s a lot of things that I want to move to the Technical Memorandum, and I want to decrease the length of the code, and make more flexible. So, that’s what we’re going to work with. So, what you have has been sent out to all of the engineering firms that I normally work with. It’s been sent out to SIBA, and I’ve asked them to give me comments in 30 days, or more than likely we will probably have a sit down with them. So, we can sit down and talk through the issues and I can explain to people what’s going on and see what things give people heartache and what things are like, oh, okay, this is pretty simple. So, that’s all we’re doing right now, but, this way you’ve got it, so if somebody comes up to you and says what is going on, you can say, well, Jeff kind of brought it up at the Drainage Board meeting the other night, he sent me a bunch of paper. Okay? So, that’s what we’ve got going on right now. If you want to look through this, or if you’ve got questions, let me
know, but I will tell you that a lot of the other counties, their codes are a lot shorter than ours, and they use a technical manual. So, this is kind of like our first stop at...what I would like to do with ours, I would like to, later on, I know John’s talked about, you know, a lot of our material data is out of date, and we would like to have the flexibility of when, you know, new products come online, you know, new pipe or whatever, to be able to change that. So, this would be a vehicle where we could do those kind of things and keep our code more up to date with what's going on. Okay? So, any questions on this?

President Musgrave: Can you briefly tell me anything you’re making more strict? I see that you’re inventing code for solar, or is that in your Technical Memorandum?

Jeff Mueller: Yeah, that’s in the Technical Memorandum, and there’s been a lot of questions about solar energy and solar panels, and what happens to them. So, what I have suggested is, based on research that we have, because if somebody comes in right now and says I’m going to put a solar field in, I’m going to say, okay, are you going to do drainage for it or not? They’re going to say, well, you know, we’re going to have this discussion back and forth. What I have found is that, depending on what source you say, and kind of think about this, it makes sense, if you’ve got a solar panel sitting this high like this, it’s not going to affect the drainage. That’s what we need is somebody saying, it’s not going to affect it. But, if we’ve got panels sitting down here like this, and they’re covering the whole field, then it is going to affect the drainage. So, what we’re saying in the Technical Memorandum is, you guys come to us and show us what you’re going to be doing, and show us if you’re going to be putting in more impervious area or less impervious area. But, right now it’s kind of a question mark, and so now it’s going to open that up to give a vehicle for somebody to say yes or no.

President Musgrave: Solar on an existing building does not enter into this?

Jeff Mueller: No, no, because you already have an impervious roof.

Commissioner Ungethiem: It’s 100 percent runoff anyway.

Jeff Mueller: This is more from the issue of solar panels, solar fields. Like I said, drive around and I think you’ll see that, you drive by some of them, like there’s one up on 69 and would be like, oh, well maybe that won’t cause much, but others could. Maryland, the State of Maryland has done a lot of research on it, and they even have some formulas on the height of the panel and the angle of the panel, and therefore, depending on that, it may or may not require it. It’s a pretty simple formula, but that’s really all that we’re going to be asking in the end, is if you’re going to put a solar field in, show us that you’re not going to increase the runoff. Because where these solar panels are going to go are up in farm fields, and then we’re going to hear from our farmer friends if they do get a lot more runoff from them. If they sit there and it’s a field that now becomes grassed area, it’s going to actually be better, but we should know that in advance.

President Musgrave: Okay.

Jeff Mueller: Probably—

President Musgrave: What was your time line on adopting?

Jeff Mueller: I asked for comments at the end of the month, you know. I don’t have a strict time line. It’s, you know, we would, you know, because we might go through this and people will say (inaudible) some things and they may not. Probably, you asked me what other things might give heartache. I have, in the code, a line that says, “fees”, and it says look at the Technical Memorandum. Then in the Technical Memorandum it says right now there are no fees, but I will tell you that I am not asking to charge fees for normal projects that come in. But, we’ve had two projects in our office in which I personally spent two weeks worth of time on. When people are taking that kind of time, then I think that, I don’t think that’s fair to everybody else, including the other folks. One of those developments was an out of town developer on a project that never even went through. The other one was a local project that they kept changing. It’s like, come on guys, figure it out and submit it right the first time, because it’s not fair to other people. On a normal drainage plan, I spend three or four hours, on a subdivision, eight hours, and that’s fine. It’s just I think we should, we might need a mechanism for when review time takes too
long. So, right now I’m not even suggesting it, I just want to have the code open so we can—

Commissioner Ungethiem: So would you say something to the order of, your first four to eight hours are free, and after that it’s “x” number of dollars per hour?

Jeff Mueller: Right now I’m saying free for everything, but I think we should leave that door open just in case, yes.

Commissioner Ungethiem: Yeah.

Jeff Mueller: As fairness to other folks. The other thing that happens is one of these days you may not have a registered engineer in this job. There are some counties that actually send this work out, they actually charge per hour. I hope that my, whoever comes in after me, has, you know, got the, you know, the technical knowledge. I will say, and I’ve said this before on record, Bill wasn’t a licensed engineer, but the guy was amazingly self educated and did a great job. But, you better hope the next person you get is either that good, or you get somebody with a degree, or otherwise they may have to hire out some of that work. I’m just setting that flexibility up for that. Okay? So, anyway, I think that that’s, I can’t think of anything right off the top of my head that would give things, there’s a few things that we actually knocked out. There’s things in the code that we’re not, there’s a schedule in there that nobody is submitting, and it’s like, if nobody’s submitting it, and we’re not checking it, why have it in the code? You know, I think, that we should have things in the code that we are going to check and we’re going to administer, and if we’re not, then it shouldn’t even be in there.

President Musgrave: Hallelujah.

Jeff Mueller: Well, I mean, honestly, you know, I’ve learned through the years that they always talk to you about, you know, if you set up a corporation and you have a dummy corporation with a President and Vice President, you’re supposed to meet once a year, vote and say you met, and you had a meeting date, right?

President Musgrave: Right.

Jeff Mueller: They told us that in our corporate culture. They tell you that in other things. If you’re going to have a code, administer it, and then if you ever get challenged in court you can say we administer the code as it’s printed, and we administer it to everyone. But, let’s not have stuff in there that’s garbage, but let’s do have stuff in there that’s good stuff.

President Musgrave: Okay.

Jeff Mueller: So, that’s—

President Musgrave: Well, someday when you get back to the fee thing and you want to charge fees for certain things, put in there also that we would have the ability to waive the fee—

Jeff Mueller: Oh, yeah.

President Musgrave: --the Drainage Board.

Jeff Mueller: Well, we could put that in the Technical Memorandum.

President Musgrave: Okay.

Jeff Mueller: Yeah, yeah.

President Musgrave: Because there might be a case—

Jeff Mueller: Yeah, no, I fully agree with that, and I also, like I said, I fully, I’m not one of these people that want to charge every time somebody walks in my office.

President Musgrave: Good.

Jeff Mueller: I think people will tell you that, if somebody comes in and you want one little piece of drawing or something, we’re going to run it off. If you want ten copies, we’re going to charge you. If you want three copies off the Xerox machine, fine, if you want a whole
copy of the book, we’re going to charge you, you know. So, I think everybody that’s been in our office will tell you we treat people fair, but I’m not going to let them take advantage of us either.

President Musgrave: Okay.

Jeff Mueller: Alright?

President Musgrave: Shall we move to the final drainage plan?

Jeff Mueller: Yeah.

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**Final Drainage Plan: 9700 North Highway 57**

President Musgrave: For 9700 North Highway 57.

Jeff Mueller: By the way, if you see the review on this, you will also see it’s called Project Six Pack. That is not my name, that is the people who put it in. We are not having a field trip on this. Okay, so, this is a drainage plan for construction of storage buildings and a previously constructed parking lot and a proposed future mobile office building located at 9700 North Highway 57, just north of Kansas Road between Highway 57 and the old portion of Seib Road. That’s it right here. Here’s 57, here’s the Old Seib Road, Kansas Road would be right down here. Midwestern Pet Foods is across the street. Okay? I have submitted a summary of the plan. Rather than read this information, I’m requesting that this information be included into the minutes as if read into the record.

**Six Pack Properties-9700 North Highway 57-Summary of Approved Plan:**

"The final drainage plan was submitted on August 25, 2017 with revisions submitted on September 1st. The plan that is requested to be approved consists of the submitted document with a receipt date of September 1st, along with erosion control plan for reference only, with a submittal date of August 25, 2017. Also the following drawings; Drawings C1.0, C2.0, C2.1, C2.2, C2.3 and W1.0 with a submittal date of 9/1/2017 & Erosion Control Drawings EC1.0 and EC2.0 for reference only with a submittal date of 9/1/2017."

Jeff Mueller: I’ve also included with your package a review of the submitted drainage plan, and request that the review document be made part of the approved final drainage plan. The drainage plan was reviewed by the County Surveyor and found to be in compliance with Vanderburgh County’s drainage code with two exceptions, and therefore is being submitted to the Drainage Board for the approval under Section 13.04.090. The first exception is that they don’t quite meet the freeboard requirement under section 440 M (2), but they’re close enough. This area is really flat, so I don’t have any issue with this small variance. The second variance is to use Nyoplast drains, which are only used to capture area lawn drainage and in the downspout gutter system for the existing building. It will not be utilized on any drainage system within county streets. The Nyoplast drains are used often on private projects, and they are a proven product. So, I have no issue with this variance. So, I do recommend one condition, that being, as with all single lot drainage plans, that as a matter of record, that prior to the County Surveyor signing off on any certificate of occupancy that the owner or developer supply the required as-built or record drawings or certification documentation, as required by the code. So, with that I’m bringing to you for your approval the drainage plan, including the two variance requests, with the condition for the CO, and the condition for the CO sign off pending submittal of completion of drainage work.

President Musgrave: Is there a motion for approval?

Commissioner Shoulders: I will second, or you need a motion?

President Musgrave: I need a motion.

Commissioner Shoulders: I will motion.

Commissioner Ungethiem: I will second.
Madelyn Grayson: President Musgrave? I had one question. Is there a document they need to sign for the variances?

Jeff Mueller: No, there isn’t.

Madelyn Grayson: Okay.

President Musgrave: Okay, we have a motion and a second. Any discussion? All of those in favor signify by saying aye.

All Commissioners: Aye.

(Motion approved 3-0)

Ditch Maintenance Claims

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

Jeff Mueller: You have a summary sheet for five claims for a total of $5,358.51. All five claims are for work previously approved by the Board. I ask for these to be approved.

President Musgrave: Is there a motion?

Commissioner Ungethiem: So moved.

Commissioner Shoulders: Second.

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

All Commissioners: Aye.

President Musgrave: The motion carries.

(Motion approved 3-0)

Public Comment

President Musgrave: Is there any further business to come?

Jeff Mueller: I have nothing else, unless you all do.

President Musgrave: Public Comment?

Adjournment

President Musgrave: Any further business? Is there a motion to adjourn?

Commissioner Ungethiem: So moved.

Commissioner Shoulders: Second.

President Musgrave: We are adjourned.

(The meeting was adjourned at 4:11 p.m.)

Those in Attendance:

Cheryl Musgrave  Ben Shoulders  Bruce Ungethiem
Jeff Mueller    Joe Harrison, Jr.    Madelyn Grayson
Jerry Grannan   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.)