The Vanderburgh County Drainage Board met in session this 6th day of September, 2016 at 4:55 p.m. in Room 301 of the Civic Center Complex with President Stephen Melcher presiding.

<table>
<thead>
<tr>
<th>Call to Order</th>
</tr>
</thead>
</table>
President Melcher: Alright, we’re going to go ahead and start the Vanderburgh County Drainage Board, September 6, 2016.

<table>
<thead>
<tr>
<th>Pledge of Allegiance</th>
</tr>
</thead>
</table>
President Melcher: If we could all rise for the Pledge.
(The Pledge of Allegiance was given.)

<table>
<thead>
<tr>
<th>Approval of the August 23, 2016 Drainage Board Meeting Minutes</th>
</tr>
</thead>
</table>
President Melcher: We need a motion to approve the minutes of the previous meeting.
Commissioner Ungethiem: So moved.
Commissioner Kiefer: Second.
President Melcher: All in favor say aye.
All Commissioners: Aye.
President Melcher: So it passes.
(Motion approved 3-0)

<table>
<thead>
<tr>
<th>Construction in Floodway: Vectren</th>
</tr>
</thead>
</table>
President Melcher: Construction in the floodway.
Jeff Mueller: As usual, any certificate of approval for construction in the floodway within Vanderburgh County, the Drainage Board is copied. This is just for some work along Little Creek that Vectren is doing. It’s not a regulated drain, so there’s nothing here, that I see, of any concern for us, but it’s being passed on for you all, as I always do when we get these. It’s there for the record, to be put in the record.
President Melcher: Okay.
Jeff Mueller: Okay?

<table>
<thead>
<tr>
<th>Clear Crest Estates: Final Drainage Plan</th>
</tr>
</thead>
</table>
President Melcher: So, the next one is Clear Crest Estates.
Jeff Mueller: Yes, final drainage plan. This was continued from August 23, 2016. This submittal is for approval of the final drainage plan for a proposed eight lot subdivision located on the old Clear Crest Pines Golf Course, located on the east side of Darmstadt Road. You previously approved a final drainage plan for a four lot subdivision at this same location on May 10, 2016. So, you approved this, and now you can see it’s just a bigger footprint, but it’s still, it’s eight lots. The street length is the same, it’s just going to be, there’s going to be a couple of lots that are going to be accessed off of Darmstadt Road. One of the lots is actually the old clubhouse location, which may end up being a
commercial lot at a later date. So, like I said, there’s really not a whole lot of change from the previous plan. There’s two lakes instead of one, but the one is actually acting as the major basin. The final drainage plan was submitted on August 9, 2016, and resubmitted on August 25, 2016, with an additional submittal on August 31, 2016. The plan that is requested to be approved consists of the submitted document dated August 25, 2016, and additional dated August 31, 2016, along with drawings C-100 and C-502, dated August 31, 2016, and a drawing of the primary plat, with a submittal date of August 9, 2016. I’ve provided you with a copy of the review of the submitted drainage plan and request that the review document also 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 drainage code. I noticed the developer and his engineer are also here if you have any questions.

President Melcher: Any questions?

Commissioner Ungethiem: So is this all, these are all lots that are facing, or actually touching Darmstadt Road?

Jeff Mueller: There’s actually a short stub street that goes in, and it’s already, if you’ve been down Darmstadt, Bruce, you’ve seen it. So, four of those lots are to be accessed off of that, and then two lots are accessed off of Darmstadt, and then, let’s see, two, I think that’s right, two off of Darmstadt, and then two off of the commercial area. Okay? So, it’s essentially, like I said, the same, they just added four additional lots in that area. They’re two and a half acre lots, roughly, so, they’ll all be on sewer, or, I’m sorry, on septic.

President Melcher: Okay. Any other questions? Okay, I don’t see anybody in the audience for or against. Do you want to make a motion somebody?

Commissioner Kiefer: Okay, I’ll make a motion to approve.

Commissioner Ungethiem: I second it.

President Melcher: All in favor say aye.

All Commissioners: Aye.

President Melcher: It passes.

(Motion approved 3-0)

Eagle Ridge Estates 3: Final Drainage Plan

President Melcher: Next.

Jeff Mueller: Next is Eagle Ridge Estates 3. This was originally continued from May 10, 2016. This submittal is for the approval of a final drainage plan for a proposed four lot subdivision located in Eagle Ridge. The original drainage plan for the entire Eagle Ridge area was approved February 23, 2004. The streets, as you can see on the photo there, are already in place, and had been installed with the previous plan. The submittal that you have is for the installation of pipes on two of the proposed four lots. The remaining two lots are laid out, so at this time there’s no crossing that will be required. So, there’s a drainage ditch that goes through those trees. On two of the lots they’ll be able to build houses, access them from the street without crossing the drainage ditch. On the other two they have pipes, so, there’s two driveway pipes that are actually the designs. So, the final drainage plan was submitted on May 10, 2016, and was resubmitted on June 17th, August 1st and August 18, 2016. I had a little disagreement on pipe sizes. Additional responses were provided on September 1st and September 2nd of 2016. The plan that is requested to be approved consists of the submitted document dated August 18, 2016, along with supporting data submitted August 1, 2016, and additional responses dated September 1st and 2nd of 2016. I’ve provided you with a copy of the review of the submitted drainage plan, and request that the review document also be made part of the final drainage plan. The drainage plan was reviewed by the County Surveyor and found to be in compliance with the Vanderburgh County drainage code. I would suggest that as a condition of approval to the drainage plan, that since these are essentially driveway pipes
located outside county road right-of-way, that the plat clearly state that the responsibility for maintenance of these pipes be the responsibility of the individual property owner.

President Melcher: And they understand that?

Jeff Mueller: I hope they do. I mean, it's not something that we normally put, you know, but normally assume. Like I said, they're going to be 42 inch pipes.

Joe Harrison, Jr.: And that's a condition that you've got within your recommendation?

Jeff Mueller: Yes.

Joe Harrison, Jr.: Okay.

Jeff Mueller: So, that would be what I would recommend to put that condition in there.

President Melcher: Okay.

Commissioner Ungethiem: Does this finish out Eagle Ridge Estates?

Jeff Mueller: I believe it does, because there was an Eagle Ridge 2 which is to the south of there, but there was no drainage plan actually required for, I mean, the drainage plan was already approved, and they didn't have to do anything additional when they wanted to plat that, and there were three or four lots down there. So, there would be a total of eight lots roughly, and, I believe, there's a couple of lots that may not be sold in there yet, but as far as any more street construction or anything like that, I don't know of anything else that would be required back there.

Commissioner Ungethiem: Okay.

President Melcher: Any other questions? I would entertain a motion.

Commissioner Ungethiem: I'll make a motion to approve.

Commissioner Kiefer: Second.

President Melcher: All in favor say yes.

All Commissioners: Yes.

President Melcher: Thank you.

(Motion approved 3-0)

Issues Regarding Completion of Drainage Plans

Jeff Mueller: Okay, the next thing we've got, not an approval, I'm having issues, I know everyone else is having issues, we are trying to get people to get things completed and done. I know you know that I've been fighting this and some other issues, but, for example, I'm going to show you a site up off of Baseline Road. As you can see, that angled ditch, just to this side of it, is supposed to be the basin. So, essentially what they did was they dug the basin for dirt, and that was in the spring. This is supposed to be a dry pond, it's supposed to have grass in it, it's supposed to be mowable, it's supposed to have a whole bunch of things, and that's what we have. So, the issues, it's supposed to be a dry basin, it's supposed to be seeded with a grass mixture, the pond is supposed to have an installed concrete liner, which has not been done, the pond is supposed to have an outlet structure installed, the pipe that was installed has been washed out, it's allowing silt to wash directly into the stream. Mr. Stoll, in regard to the erosion issues, wrote these folks a nice little letter here about ten days ago. I also sent them an e-mail saying, I expect this detention basin to get done. It's just like we've had on other issues, we're going to be up against weather and they're going to be in here crying in December and all, well, the weather ran out on us. This thing as long as, well, I know that there's been some discussion in Blue Heron about some issues, but I have been pushing people to give us certifications, I've been holding further approvals up when I don't have the certification on file, we've been conditioning drainage plans, like they have to have a basin done and certified before the first house gets moved into, but I'm thinking that it's going to be starting
time here pretty soon where we’re going to have to start sending people certified letters, and inviting them to give us a $100 donation every day if they don’t start getting the work done, because I don’t know how else to get folks to get going here anymore. I think it’s going to be time to start slapping folks with fines pretty soon. I guess we’re going to have to get in the pocketbook like everybody else. I hate to do that, but—

Commissioner Ungethiem: The ordinance states that we do that if they don’t comply, correct?

Jeff Mueller: That’s right.

Commissioner Ungethiem: So, we are following—

Joe Harrison, Jr.: We’ve got to send them a letter first.

Jeff Mueller: Yeah.

Commissioner Ungethiem: We’re following the current county ordinance?

Jeff Mueller: I would make a recommendation that we send one up to these folks, and we might want to consider doing one to Blue Heron. I got a phone call from some residents of Blue Heron—

Joe Harrison, Jr.: We’ve talked about that.

Jeff Mueller: Yeah.

Joe Harrison, Jr.: That’s necessary.

Jeff Mueller: They’re even thinking about coming in at the next Drainage Board meeting, because they are getting a little bit fed up with the promises that they’re not getting out there.

Commissioner Kiefer: The one up there on Baseline Road, that development is fairly, isn’t that like a senior—

Jeff Mueller: Yes, living—

Commissioner Ungethiem: Assisted living, yeah.

Jeff Mueller: Yeah, assisted living.

Joe Harrison, Jr.: Ramsey?

Commissioner Kiefer: Is that, yeah, I think that’s Ramsey.

Jeff Mueller: Uh-huh.

Commissioner Kiefer: So, I know those guys, so I’ll make a, I’m actually meeting with them on Friday, so, I’ll bring it up as a concern. If you want to send me some specifics, I can get with them on that.

Jeff Mueller: Okay, well I could send you, I could give you a copy of the presentation, and also some e-mails that I’ve sent, and, you know, what we get back is, well, we’re going to be addressing it, we’re going to start paving the road, and we’re going to start doing this, we’re going to start doing that. I’m like, that’s not the basin.

Commissioner Kiefer: Yeah.

Jeff Mueller: You know, and across the road we’ve got Fed Ex, and I go over there and we’ve got tractors over there working, they’re dressing it down, trying to get it ready, you know, doing the right thing. You know, we’ve got something—

Joe Harrison, Jr.: The Drainage Board has to send the letters out actually, don’t they?

Jeff Mueller: Yeah, I believe it’s the Drainage Board that has to send the letter out.
Joe Harrison, Jr.: Well, if, by the next meeting, if we don’t have cooperation, somehow, by all of these people, which we might, but we might not, I think we ought to be able to get letters together to be approved at the meeting.

Jeff Mueller: I can start a general letter—

Joe Harrison, Jr.: Yeah.

Jeff Mueller: -- and, especially with Blue Heron, because that’s been going on for over a year now, you know, and just the specifics there, and then we can kind of cut and paste out of it. Maybe, like I said, if Joe’s successful Friday, you know, maybe getting them going, but, you know, when we go out there, Joe, I keep hearing something is going to be done, but there’s dozers sitting.

Commissioner Kiefer: Yeah, how long has that been going on?

Jeff Mueller: I mean, they should have had that basin done this summer.

Commissioner Kiefer: Okay.

Jeff Mueller: You know, and just—

Joe Harrison, Jr.: They also cut the road out there on a line, they got a permit, the permit says if you damage the road you’re responsible for paving of the road, and the county’s incurred tort claim notice. They had to pay out some money, we’ve asked them to reimburse the county a certain sum of money, which isn’t that much, and they still haven’t done that either. So, that’s another, well, I’ll get that to you.

Commissioner Kiefer: Okay.

Jeff Mueller: Okay?

Commissioner Kiefer: Thanks.

President Melcher: Why do we have to wait to the next meeting? Why don’t we just go ahead and do it tonight?

Joe Harrison, Jr.: Well, we don’t have the letter in front of us right now. You all have to approve it. The Drainage Board has to, he can’t send it out, I can’t send it out, the Drainage Board has to approve the letter that has to go out. We’ll just get it all, we’ll attach the plan, and they’ll say this is what you gotta do and you’ve got 30 days, if not, you’re going to be incurring a $100 a day fine.

Commissioner Ungethiem: How close are they to occupancy of that facility out on Baseline?

Jeff Mueller: I would say a few months, if that. I mean, they’re in there doing interior work.

Commissioner Ungethiem: Do we have the ability to prevent a certificate of occupancy if they don’t complete this?

Jeff Mueller: Yes, and I’ve told them, I explained that to them in my last e-mail.

Commissioner Ungethiem: I was going to say, they need to fully understand that they’re not going to get into their building until they get this completed.

President Melcher: That ought to be in the letter.

Joe Harrison, Jr.: Sure.

President Melcher: Say, just so you know, this is not going to happen.

Commissioner Ungethiem: Jeff, how would you suggest that we, in the future, make them more responsive to getting the drainage done sooner? You know, I’ve seen a number of different occasions here where we, the drainage is the last thing that they even think about. Is there a way to say, you’re not going to get anything further until this drainage is complete? Or, you need to submit to me at what point in time this retention pond is going to be complete, and if it’s not, they stop construction.
Jeff Mueller: In the last couple of subdivisions, I have put in like there’s no certificate of occupancy for a certain house until the basin is done and completed. I think we’re just going to have to put more and more conditions in like that, so that, for example, on a subdivision, you can go out there and, you know, I understand, like everybody else, you’ve got to take dirt out for the, you know, sometimes you’re taking dirt, you’re using it for the subdivision, you know, you’re trying to generate cash, I understand all that, but, you know, like you said, by the time that first house is ready to be moved into, that basin out to be green.

Commissioner Ungethiem: Right.

Jeff Mueller: I think that’s where we’re going to have to start pushing people. We have the right to do that, and, I think it’s going to have to be, every drainage plan we’re going to have to have a statement like that, or if it’s on a single lot issue, even though we have that right to do it, I think we’re going to have to start putting in the condition that no certificate of occupancy until the drainage plan is completed. So, that it’s known up front, and understood by folks that, you know, the idea of coming in and throwing a piece of paper and getting it approved and then just forgetting about it, those, we’re not doing that.

Commissioner Ungethiem: Yeah.

Jeff Mueller: You know.

Commissioner Ungethiem: Yeah, if they don’t, they’re in prime growth season right now. They need to be planting seed this week.

Jeff Mueller: You know, the best dirt moving, the best time for us in the mining industry for putting our final reclamation in was September and early October. The only thing about October was, you started hitting your seeding issues. We put out wheat, so it didn’t matter, and replanted in the spring, but when we’re looking for permanent vegetation, like you said, the next week or two.

Commissioner Ungethiem: Yeah.

Jeff Mueller: So, anyway, I just had to get on my soapbox a little bit and express my issues, not with, definitely not with this Board, but with some of the folks. There’s a lot of developers out there that are doing the right thing. I don’t want anybody to get the impression that this is, we’ve got a lot of people out there doing the right thing, but it’s time to step on a few feet of those that need their feet stepped on.

Commissioner Ungethiem: As far as I’m concerned, hold their feet to the fire.

Jeff Mueller: That’s what I was wanting to hear. I appreciate that.

**Ditch Maintenance Claims**

Joe Harrison, Jr.: Ditch claims?

Jeff Mueller: Yes, I have six claims for a total of $4,171.43. I ask for your approval.

Commissioner Ungethiem: So moved.

Commissioner Kiefer: Second.

President Melcher: Thank you. All in favor say aye.

All Commissioners: Aye.

President Melcher: Approved.

**(Motion approved 3-0)**

**Public Comment**

President Melcher: Public comment? Anybody in the public want to speak? They’re not very happy out there.
Adjournment

President Melcher: Okay, I guess it’s time to adjourn.
Commissioner Ungethiem: Motion to adjourn.
Commissioner Kiefer: Second.
President Melcher: All in favor say aye.
All Commissioners: Aye.
President Melcher: We’re adjourned.

(Motion approved 3-0)
(The meeting was adjourned at 5:12 p.m.)

Those in Attendance:
Stephen Melcher  Joe Kiefer  Bruce Ungethiem
Jeff Mueller  Joe Harrison, Jr.  Madelyn Grayson
Others Unidentified  Members of Media

VANDERBURGH COUNTY
DRAINAGE BOARD

Stephen Melcher, President

Joe Kiefer, Vice President

Bruce Ungethiem, Member

(Recorded and transcribed by Madelyn Grayson.)