**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**April 13, 2020**

\*Phone Conference\*

Old Historic Courthouse

107 W. Locust St. Suite 303

Boonville, In 47601

812-897-6170

The Warrick County Drainage Board and Department of Storm Water met in a special session via phone conference with Bob Johnson, President; Dan Saylor, Vice President; Terry Phillippe, Secretary, Jason Baxter, Deputy Surveyor; Steve Sherwood, Director of Storm Water; Morrie Doll, Attorney; and Jennifer Curry, Recording Secretary.

Present with the phone conference: Mike Engleman, Robert Pendleton, Chad Sullivan

**ROLL CALL**

Drainage Board meeting started with Commissioner Dan Saylor requesting Jennifer Curry, Recording Secretary to take roll call.

**APPROVAL OF MINUTES**

President Bob Johnson: First up, we have the approval of minutes for the March 23, 2020 minutes, did everybody get a chance to look at those?

Commissioner Terry Phillippe: I reviewed them, I will make a motion to approve.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor. 3-0

**CASTLE ORCHARD ESTATES No.2—MORLEY ASSOCIATES—JIM MORLEY JR**

President Bob Johnson: Next up, we have Castle Orchard Estates No. 2, Morley Associates, Jim Morley Jr requesting no drainage. Steve do you want to elaborate on that?

Steve Sherwood: I can, if Jason doesn’t have any information, basically they are dividing 4 large lots into 5, they still have a large amount of acreage and I think about 2+ per acres per lot, I believe it is Drainage Board’s recommendation that no drainage, additional drainage was required. Jason, can you confirm that?

Jason Baxter: That is correct.

President Bob Johnson: Okay, in that case I will entertain a motion.

Commissioner Dan Saylor: Motion.

Commissioner Terry Phillippe: Second.

President Bob Johnson: All in favor of Castle Orchard Estates No.2 for request of no additional drainage. Pass 3-0

**MIKE ENGLEMAN- PEABODY ENERGY SEVEN HILLS MINE**

President Bob Johnson: Next up, we have Peabody Energy Seven Hills Mine with Mike Engleman.

Mike Engleman: Yes, thank you to the Board for pulling this meeting together. We have requested back on March 26, 2020 for a letter from me to Mr. Howard and Mr. Sherwood to effect within the 75-feet of the stream of Pigeon Creek, that’s in conjunction to the activity to comply with our Spectrum permit for mining, and the Seven Hills permit which will be on the West side of Pigeon Creek, in that permit contains a construction and flood way permit that was required due to the size of the drainage area that we would be constructing in, that was to open up the flood plain that is located on the East side which contains some old levee reminisce from pervious Peabody mining, and also some spoil piles that were dumped there, left there and reclaimed there. So, the request went out to show in that request I showed a plan view which roughly has the 75-foot corridor and the activities we are proposing or requesting to do inside the 75-foot buffer. I sent in four (4) sections with that plan view which describes the activities those being to remove trees, some brush, to allow for us to excavate in the areas we need to excavate in the old levies in the North, and in the South of the areas we are affecting. Last week we met with Jason Baxter in the field to show him what the conditions were at the time and the proposed activities and excavation that were needed to comply with the permit, the reason for it basically to open up the flood plain to allow the flood to pass while our temporary levies on the West side of Pigeon Creek are constructed, and finally we claimed ultimately the improvements we are making on the East side are obviously they will be permanent, we are knocking down the levies to allow any flood event to pass through the area easily, more effectively, fluently, we employ Buckridge Environmental from Newburgh to model the area, to submit the application for us in our name to the Army Corp of Engineers to get this approved as part of our spectrum permit. At this time we are asking to be able to excavate inside that 75-feet and be able to push the material East and to taper the material and final grade to the East such that any debris would stay in the existing pond and implements over there and we will reclaim all the excavation as per our spectrum permit with various seeding rates and species that are required. We do ask as well, in the South where we will need to excavate 3-4 feet to the bank of Pigeon Creek to outlet a sediment pond spillway which is about a 4-feet at the bottom and tapers out to about 25-feet at the top. The velocity in that spillway is depending of the storm to 1.5-2.5 feet per second, not a high velocity, we plan to vegetate that as well. That kind of describes the activates that we are going to do. Anybody have any questions?

President Bob Johnson: Jason, do you have anything to elaborate on?

Jason Baxter: No, everything Mike went over we went over in the field and it is all the improvements that they are doing I find is being beneficial to us, and the quicker they get on it the less likely the trees and brush that is on the ground now will stay out of our creek, so I think it is a good thing, I suggest...

Commissioner Dan Saylor: Jason, I am sorry to be so blunt here, have we ever had any problem with Peabody not doing what they said they were going to do, or have any problem with them taking care of?

Jason Baxter: On my end personally I have not.

Commissioner Dan Saylor: Okay, that is what I needed to hear.

Steve Sherwood: Commissioner Saylor, as Mr. Engleman said, all this is permitted under DNR or FOR mining permit, so they are held by other regulations to make sure this work is done correctly.

Commissioner Dan Saylor: Perfect. Okay.

Steve Sherwood: Just to be clear, Mike, you said that all of the East side of the creek is that correct?

Mike Engleman: That is correct Steve.

Steve Sherwood: Okay, and then you are going to vegetate the spillway and for some reason it doesn’t work and until you can get that corrected you will take other measures to make sure your spillway is preserved and doesn’t get eroded away.

Mike Engleman: Yes, that is inspected regularly by our DNR inspector that we have to comply with that to repair any erosional issues, as built design changes or needs yes.

Steve Sherwood: There is no erosion control required Commissioners from the county because all of this is covered under all their permitting.

Commissioner Dan Saylor: Okay, so Steve we are not going to get a call from the residence, and I know there is a big buffer, but this is not going to put any additional water on anyone else or anything like that correct?

Steve Sherwood: That is what they hired Mr. Buckman for, for the environmentalist to regulate the holding pond and any discharge requirements, there are no immediate residents in the mining area, if anything they may get some silty water that comes down stream, but that will dissipate as it travels. They have regulations as imposed pond or permitting as to how much they can discharge and I think all that should be covered in their mining permit. Mike, is that a fair assumption?

Mike Engleman: That sums it up yes Steve, we do have a compliance qualities to adhere to, yes.

Steve Sherwood: Just so the Board knows, they had to knock down the trees first due to the Bat Law here in Indiana.

Bob Johnson: Council, do you have anything to add?

Morrie Doll: There was some mention earlier of, Chad, did Peabody get a sign-off from the Army Corp of Engineers on this modification?

Chad Sullivan: I will defer to Mike, do we have a 404 permit to cover this?

Mike Engleman: Yes Mr. Doll, we do have a 404 permit approved.

Morrie Doll: Good, that is what I wanted to hear thank you very much, nothing further Commissioners.

President Bob Johnson: Okay, do I have a motion one way or the other?

Commissioner Terry Phillippe: I make a motion to approve.

President Bob Johnson: Commissioner Saylor?

Commissioner Dan Saylor: Sorry Bob you cut out, are we voting?

President Bob Johnson: Do you want to second.

Commissioner Dan Saylor: Yes, I will second that sorry I didn’t hear the first, but I will second.

President Bob Johnson: All in favor signified by “I”

Commissioners Dan Saylor and Terry Phillippe: I

President Bob Johnson: That is 3-0. So, that motion is approved, Thank you Mr. Engleman.

Mike Engleman: Thank you to the Board I appreciate the exposition of this, we will do what we said we will do.

**CLAIMS**

President Bob Johnson: Next up we have claims for $221.32.

Commissioner Dan Saylor: Mr. Johnson

President Bob Johnson: Yes, Sir.

Commissioner Dan Saylor: I have not seen the claims, I have not looked at that sheet can you briefly say what the claims are?

President Bob Johnson: It is for Treasure Gas, Jennifer do you want to elaborate on that.

Jennifer Curry: That is for our monthly gas bill for the Surveyor and Cumulative Drain trucks, we get it once a month it is just our normal gas bill.

Commissioner Dan Saylor: Okay, with that being said I make a motion to pay the claims.

Commissioner Terry Phillippe: Second.

President Bob Johnson: All in favor? 3-0

**OTHER BUSINESS**

President Bob Johnson: Any other business?

Jason Baxter: Nope, we are good here.

Steve Sherwood: One out of Storm Water please.

President Bob Johnson: Go ahead, Steve.

**STORM WATER DEPARTMENT**

Steve Sherwood: Just briefly President Johnson I appreciate that, I just need to report to you on the Woodfield lot 69 and 70 issue with Chris Combs was the contractor, Mr. Saylor and I received an email on April 8th showing photos of what Combs has established out there, it is sufficient I believe he needs to complete the seeding or sodding, I believe he intends to sod all the yards but as today it is not been done as depicted by the pictures on April 8th, but I believe the intent of the requirement of the deadline of April 1st has been met. If the Board cares to release the letter of credit, or certified check that I believe Morrie is holding, I guess we entertain a motion to do so at this time or any discussion.

President Bob Johnson: Well, should we wait until he is finished?

Steve Sherwood: We can wait until next meeting to see if he sods the rest of the easements on his clients side, he did sod the easement on the other side of the initial complaint so I believe they are satisfied.

Commissioner Dan Saylor: Steve, I would like to wait maybe the next meeting and then approve it to release the check for assuredly.

Steve Sherwood: That’s not a problem, I will follow up and inspect it the prior to the meeting assuming we will have another conference call or whenever the meeting will be. That is all that I have, I don’t believe Joe is on the phone to have business today.

President Bob Johnson: Okay, thank you. Mr. Saylor do you want to carry on with your motion?

**MOTION TO ADJOURN**

Commissioner Dan Saylor: I make a motion to adjourn.

Commissioner Terry Phillippe: Second.

President Bob Johnson: All in favor. 3-0