**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**APRIL 22, 2019**

Regular Session

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 regular session with Bob Johnson, President; Dan Saylor, Vice President; Terry Phillippe, Secretary; Jason Baxter, Deputy Surveyor; Steve Sherwood, Director of Storm Water; Aaron Doll, Attorney; and Jennifer Curry, Recording Secretary.

Present in the audience was Roger Gain, Glenn Merritt, Jim Morley Jr, Lisa Freedman, Bob Lacer, Joe Grassman

**PLEDGE OF ALLEGIANCE:**

President Johnson opened the meeting of April 22,2019 with the Pledge of Allegiance.

**APPROVAL OF MINUTES:**

President Bob Johnson: First, we have the approval of minutes for April 8, 2019.

Commissioner Dan Saylor: I make a motion for the approval for the April 8, 2019 minutes.

Commissioner Terry Phillippe: I will second the motion

President Bob Johnson: All in favor. 3-0

**ROGER GAIN- MEDXCEL-ST VINCENT @ ORTHOPEDIC BUILDING**

President Bob Johnson: First is Roger Gain Medexcel St. Vincent new Orthopedic building for monument sign, hello Sir please state your name.

Roger Gain: My name is Roger Gain and I represent Medxcel which represents St Vincent in Evansville and we are the builders of the new hospital off of Epworth and Warrick Wellness Trail. The reason, thank you for allowing me to come here, the reason why I am here is that I wanted to present to you a location, what I wanted to show to you is a monument sign that we are wanting to locate on our site. This is at the corner of Warrick Wellness and Epworth and as you can see from the property lines, where we have it indicated is 42 feet off of the property line off of Epworth and then 2 feet off, there’s a drainage easement that is 40 feet away from that property line and we are wanted to locate 42 feet from that. To the North where our property line is off of Warrick Wellness we’re wanting to be 2 feet off of that location. Right now, as you can see on the drawings where we were looking at was putting it on the high portion berm this is the actual conditions of how the site is laid out. So what you are seeing with the group of contour lines we do have a retention pond that is basically taking up the entire drawing is what you see, where our sign is going to be located at the top of the berm. What I passed out to everybody is what the actual sign will look like and what the location will be, the sign is going to be 9 feet high with a width of 11.4 feet for a total overall height of 10.1ft, this coincides with the location of where the existing Warrick Wellness Trail sign is located right now, that is owned by the county and we are actually about 5 feet from the edge of that, if we’re going West to East.

Commissioner Dan Saylor: So you are wanting to go East of the current sign?

Roger Gain: We are wanting to go East of the existing sign that’s located right here, this is a Warrick Wellness sign that is not owned by us, its actually owed by the county.

Steve Sherwood: If I may, the Warrick Wellness train sign is that accurate in this photo up here.

Roger Gain: Yes, exactly that you for pointing that out.

Steve Sherwood: And that is much smaller in nature, and it is East of the stop bar. If your picture is accurate on your PowerPoint you’re wanting to put the sign…

Roger Gain: That picture is not accurate, I’m sorry.

Steve Sherwood: The picture shows your new sign forward of the stop bar, my question is, is it a sight distance issues with that intersection?

Roger Gain: That photograph is not an actual representation, that sign would actually be, if we go to the plan, the sign would actually be more towards a lot towards the East.

Steve Sherwood: My other question you said it was a 40 foot drainage easement, is that a 40 foot legal drain easement Jason?

Jason Baxter: Its 75 at this time.

Roger Gain: Its 75 but I believe the owners under Lochmueller and Associates applied for variance and I believe they were granted the variance of 40 feet.

Jason Baxter: Okay, I will have to check on that, but that could be very well true.

Steve Sherwood: Is there another easement involved in that location?

Roger Gain: I am told, and we didn’t find this out until last week, but I am told there is a 100 foot maintenance easement..

Steve Sherwood: I don’t have the benefit to have the subdivision plat in front of me since this just appeared before the board today’s request.

Roger Gain: I believe there is a 100 foot easement for maintenance, and I’m not exactly sure how or where that appeared, all of our drawing we had from our designers and from our surveyors did not indicate a 100 foot easement we found about it last week. I believe that that’s what the reason why I am here today.

Steve Sherwood: Basically what you are wanting action from this board is in regard to being the placement of the sign outside the existing 40 foot relaxed legal drain easement which is about 2 feet and about 2 feet off the little jog in the property line that I see as indicated on your sketch.

Roger Gain: That is correct.

Steve Sherwood: I would also ask the Board that the County Highway Engineer needs to review this to make sure there is no conflict he probably needs a sign at scale that you describe as being 9 feet high or a total of 10.1 total height width 11.4 feet?

Roger Gain: Yes, and we can get with our, I apologize for not having the right photo up there, we can get with our sign manufacturer and have the produce the exact location of where we’re wanting this to go.

Steve Sherwood: If council would allow you to take action probably should be subject to whatever the county highway engineer has referenced to this sign location.

President Bob Johnson: I think that you and perhaps Bobby and maybe Jason need to lay some eyes on it and verify everything.

Steve Sherwood: Is there a time table involved with this, I assume with it being brought at the last minute today.

Roger Gain: Yes, there is a time table. We are looking to be operational on this building at the end of June, early July.

Steve Sherwood: Would another two weeks be a problem if this was to be tabled to the next meeting, well 3 weeks to the May 13th meeting I believe.

President Bob Johnson: Would that be sufficient to give us time to review the site?

Roger Gain: If there is a, one of the things that we are trying to do was, and I apologize our sign vendor should’ve went ahead and done all this necessary work ahead of time, but for some reason.

Commissioner Dan Saylor: Who is the vendor?

Roger Gain: The vendor is thru our National Supply Company, its called Architectural Graphics Inc. (AGI) and I believe they have already gotten approval for sign location except for this sign.

Steve Sherwood: Has any of this needed to go through APC?

Roger Gain: I believe it has gone through Area Plan, like I said the only one that didn’t get approved was the location of this sign and it was based on…

President Bob Johnson: I haven’t seen it, and I’m on the Area Planning…

Roger Gain: You are on the Area Plan? Then I need to follow up with my vendor.

Steve Sherwood: I would just make sure nothing will be violated with APC that may be required regarding signs, usually the sign request comes through them if Council will verify that.

Aaron Doll: Yes, that is usually the case.

President Bob Johnson: So, where are we at? Should we postpone this and move it out 2 weeks?

Steve Sherwood: Well, I wanted to ask Jason if he had other issues relative to the proposed sign location at this point.

Jason Baxter: Need to check to see if the easement has been relaxed, other than that I don’t.

President Bob Johnson: Mr. Gain is two weeks going to be too late to have some time to review and check the plot and the plans?

Roger Gain: If there’s anything that I need to do between now and the 2 weeks I will be more than happy to do it…

Steve Sherwood: Its actually 3 weeks.

President Bob Johnson: 3 weeks, I’m sorry.

Roger Gain: 3 weeks puts us at mid May?

Aaron Doll: 13th I believe.

Roger Gain: So let me ask, what happens after the 13th of May and I get all the necessary documents?

Steve Sherwood: Well, the County Engineer would act on it on a Commissioner Meeting which again is the same meeting, 4 PM on the 13th where this Board meets at 2:30, you would probably need to get the other information that is required, we discussed an actual graphic of the board, actual location, actual size, make sure there is no site distance conflict just speaking on behalf of the County Engineer, he is unaware of this at this point that I know of.

President Bob Johnson: And then you would also need to check with the APC to see if all the paperwork is in order, APC meets on that same day at 6 PM.

Steve Sherwood: This board 2:30, Commissioners 4 o’clock and APC at 6 p.m.

Roger Gain: Okay, and then, and I’m sorry gentleman I’m just trying to follow up what happens after, if everything goes well after the 6 p.m., is there another step?

President Bob Johnson: I don’t believe so, I think you would have your approval to proceed or not.

Roger Gain: Okay, I believe we can make 3 weeks work then.

President Bob Johnson: We need to table this, I need a motion.

Commissioner Dan Saylor: I make a motion to table till our next meeting on May 13th.

Commissioner Terry Phillippe: I will second.

President Bob Johnson: All in favor. 3-0.

Roger Gains: Thank you gentleman.

President Bob Johnson: Thank you.

**IRONWOOD PUD**

President Bob Johnson: Next up we have Ironwood PUD, reduction of legal drain width 75 foot to 35 foot. This came up two weeks ago, it got to the APC meeting, I think it was a month ago wasn’t it?

Glenn Merritt: It was on Phil’s paperwork we just didn’t talk about it, the drainage got approved, but the relaxation wasn’t discussed.

President Bob Johnson: Phil had mentioned it to me in causal talk, but we never discussed it in the meeting so we couldn’t approve it in the APC meeting, so that is what these gentleman are here for.

Glenn Merritt: Just making sure you guys had a chance to discuss it and decide to grant the approval.

President Bob Johnson: I believe Phil was okay with relaxing it?

Jason Baxter: Yes, Sir.

President Bob Johnson: Do you have any issues Mr. Sherwood?

Steve Sherwood: No, I just differ to legal drain through Drainage Board representative the County Surveyor’s Office I believe is in line with residential relaxation of units prior for residential subdivisions.

Glenn Merritt: The whole area that we’re relaxing we’re putting a detention basin in and their, I mean its like a 100 foot additional width South of the new legal drain line that is going to be a lake maintenance easement to access so there’s a lot more ground back there to access the area to.

Steve Sherwood: The language reduces this to a 35 foot from the top of bank is that correct instead of the traditional 75 foot? and I believe you are stating there is more width than that to work within.

Glenn Merritt: That is correct.

President Bob Johnson: I will take a motion.

Commissioner Terry Phillippe: I make a motion to approve the Ironwood PUD

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor? 3-0.

**MITCHEM DITCH**

President Bob Johnson: Next up we have Mitchem Ditch, discuss removal. Hello, Mr. Morley

Jim Morley Jr: Hello everybody, so we were doing a survey on a piece of property and found what I think is an old hold over on the counties records Mitchem Ditch runs along Roslin Rd and so if you look at the second document which looks like this one, this is a page off of your GIS page, and the red line is what the county says Mitchem Ditch is and Mitchem Ditch is a legal drain now. Back before they did all that coal mining that indeed is what Mitchem Ditch looked like, but once they mined it now Mitchem Ditch looks like this and so there is a large part of Mitchem Ditch that on the county records is there’s a ditch there but in the real world condition there today there’s no ditch there. There’s a path, subdivision and a few other things.

Steve Sherwood: Does water still drain through that location?

Jim Morley Jr: We’re going to talk about it in two pieces, the piece back here, no. Jason and I went out there and looked at it and there is clearly no ditch there. In fact, the water in that western end actually runs North, there are two new ditches that run North now and then there is a piece of Mitchem Ditch that runs as it did 40 years ago before mining, but the West half of it if you will is gone those ditches run North instead of East/West. When we did Berkshire Subdivision to be honest with you we didn’t even look for a legal drain, because there is no ditch there to look for a legal drain on, so the West end of it ill say, there’s just no ditch there at all there’s no ditch of any shape you walk right through it there’s no drainage there, nothing. And so, at a minimum we want to get the county records updated to have that last Westerly end of Mitchem Ditch taken off those properties because there’s literally no ditch there at all, because when they mined it the re-routed the water in that area and now it runs North/South up through the park. That is the West end of it, so that’s one portion to deal with to me that is a no brainer to have a legal drain removed in that area because there is no ditch to have a legal drain on.

Commissioner Dan Saylor: So Jim, that goes right to that retention pond right now that I think Bob Lacer, his house, Bob your house this is the retention basin your house sits on right?

Bob Lacer (in audience): Yes.

Jim Morley Jr: Yes, and that retention basin drains North out of the county to Friedman Park. Rewind 100 years ago before mining occurred that area actually drained East and went over to Roslin Rd so it is interesting because it shows you how much the mining operation changed the elevations in that area because now there is a high point that’s 20 feet high between that ditch and Roslin Rd. When they did the mining they dramatically changed how that area drained in there but the legal drain maps were never updated to account for the change in mine flow, so there’s a West end of the portion to be dealt with that I think is a no brainer just to get the maps right and to get the updates right, because the county has no reason to have a legal drain easement where there is no legal drain, nor will there ever be a legal drain this is already been developed and going in a different direction. It will never go East there, its not like we would put that ditch in or something like that. Jason is that the way you saw it also?

Jason Baxter: Yes, that’s fine that’s exactly how I saw it.

Jim Morley Jr: So, as we met out there and looked at that, that means the remaining portion of the legal drain south of Roslin Rd there is a ditch there but it sits solely on Lisa Freedman’s Country Gal, LLC and so I asked her, we really need to get rid of it off the tail end because it shouldn’t be there, do you want to pay, because I believe on a legal drain she pays a tax into the fund to maintain that ditch, but that ditch to my knowledge hasn’t been maintained in a long time, ill put it that way. I said do you just prefer that that be eliminated anywhere South of Roslin Rd to get that right of entry taken off the property knowing that you will have to maintain that ditch, but pretty much her property is the only thing being drained on that ditch anyways and she said yeah if we could shed like to just get rid of the legal drain on her property. We can take that in two pieces the West end is a no brainer to me, because there’s no ditch there at all, the East end the ditch sits solely on Country Gal, LLC’s property and she would desire for either the county to start maintaining it if she is gong to pay taxes on it, or more desirable than that is just to go ahead and vacate that portion and she take over maintenance of it, but then she would also stop paying taxes in the legal drain fund for maintenance. So, there are two pieces there you can handle them however you want, they can be handled individually, separately, together, really doesn’t make any difference to me, I know this is a lot of stuff so if this is something we need to introduce today maybe have you all go out to the job site id be happy to meet you out there, walk you the thing with you, explain to you what’s going on…

Commissioner Dan Saylor: Jim, let me ask you this, all that is safe to say her property is the different color shading there is that Lisa Freedman property?

Jim Morley Jr: Yeah, her property on this GIS map is this square, this square, and this square.

Commissioner Dan Saylor: Okay, so she’s got these here. Lets say we eliminate this, is it safe to say the water is still going to drain that way and go down?

Jim Morley Jr: Yeah, the water wont change you’re just eliminating the title of legal drain. The water those two will always drain North there’s not a desire to change that…

Commissioner Dan Saylor: So if we, again I don’t necessarily know how this works, lets say we eliminate this legal drain aspect and she goes in there and changes the lay of the land so to speak and changes the flow of that water where is it going to go?

Jim Morley Jr: Underneath Indiana State Law, because that’s what’s called concentrated flow, she can not obstruct concentrated flow by IN State Law, that’s IN Drainage Code, you can alter sheet flow, sheet flow is called a common enemy you can alter sheet flow but you cannot alter concentrated flow and in this situation its concentrated flow so she cannot go in there and dam up that ditch or anything like that, in addition to that to, even if she wanted to move that ditch around you all would probably push back on that saying that’s transferring water she’d because the pipe downstream isn’t sized to reroute that water through and those kinds of things so I don’t think the legal drain status gives you, you can say no because it’s a legal drain because we maintain it but you can say no anyways because under State Code she cannot just go in there and plug that ditch.

Steve Sherwood: Right to the point where you’re last map illustrates you want to vacate it, aren’t there two large drainage structures underneath Roslin Rd taking it from the South side to the North side?

Jim Morley Jr: Yeah, and so the intent would just be, we just thought that would be a nice clean break anything South of Roslin would not be a legal drain and anything North of Roslin would be legal drain.

Steve Sherwood: If you were to petition the board to do away with the legal drain would these property owners have to be formally petitioned to or be advised to be at a public hearing?

Jim Morley Jr: We are only asking South of and the only property owner is Mrs. Freedman and she is here. Literally it doesn’t cross anybody else’s property once we come underneath the road it comes on..

Steve Sherwood: Who owns from the Western portion that you are wanting to vacate?

Jim Morley Jr: Oh, I take it back you’re right. Danny’s subdivision has that tail in it you are correct.

Steve Sherwood: That gets back to my question, does not all parties involved need to agree?

Jim Morley Jr: You are correct I forgot about that tail, I went further down to where she is at. Yeah I think that would be all making including Mr. Lacer, it would actually be them and the county because the legal drain would fall inside the right-of-way for that road which is the counties. I did speak to Danny Ubelhor and he said he didn’t care, he didn’t realize there was a ditch there anyways.

President Bob Johnson: What is the benefit of vacating this ditch Jim?

Jim Morley Jr: If she ever wanted to, so the legal drain carries with it by default a 75ft right of entry from top of bank as you just exhibited a while ago you can reduce it to 35ft, but it brings with it the legal drain right of entry and so in the future if she ever wanted to develop that property she has that ground tied in a legal drain right of entry, if it ends up falling lets say in a back yard where a lake is it sometimes really doesn’t matter, depending upon the lop layout maybe done it might matter. Historically, as what was stated previously almost all the residential subs we’ve don’t we’ve reduced them from 35ft to top of bank and that’s a pretty standard deal, but we just felt like there wasn’t much need to keep it as a legal drain if it starts and stops on hers so to speak. Danny Ubelhor they own the ground on the far side of Oak Grove that eventually drains through here but it has to cross about 1000ft of flat field before it ever hits here you know so the only, Lisa Freedman obviously has the biggest dog in the fight, Danny may have a small one but he’s already said verbally to me, we can have him come to a meeting, but he didn’t see an issue with it.

Steve Sherwood: Has the County Surveyor’s office had a chance to review this from one way to the other? Jason, you or Phil?

Jason Baxter: I went out with them last week and looked at it yes.

Steve Sherwood: There is still a certain amount of natural drainage that flows that way it may not be as significant to warrant a legal drain, you’re not asking to terminate that you’re just wanting to reduce the legal drain status. It would become I guess a common drainage ditch?

Jim Morley Jr: Yes, it would be a regular drain ditch South of Roslin, North of Roslin has it flows through Roslin Industrial Park and on out to Cyprus if it would remain a legal drain.

Steve Sherwood: Until say such time that property would be developed South of the trail, then it could be protected by drainage easements that if/when the property gets developed is that what you are suggesting?

Jim Morley Jr: I don’t know if I was going as far as putting a new easement on it I guess we can be more open to that, or if the intent was to leave it a legal drain until a development comes along if a development comes along we can do that too I just didn’t know if we wanted to get it all done at once?

Steve Sherwood: To Commissioner Saylor’s comments some type of right or being able to protect the drainage corridor I guess in the event that there are any drainage issues if we were to drop the legal drain status it would be a potential concern of the natural drainage or whatever…

Jim Morley Jr: You are correct, if it was every developed then it would get an easement on the plat, whether or not one was recorded in advance on a plat I don’t know what the future holds there you know, and if it doesn’t get developed and no plat ever comes then it doesn’t hurt to keep it as a legal drain, but I think from that standpoint they’ve been paying taxes into that legal drain fund, but that Mitchem Ditch, it hasn’t been maintained anytime recent that is for sure. As it crosses underneath Roslin Rd it is kind of in a wooded ditch area and it is suffering from a lack of maintenance. Again, I would be happy if anyone wants to meet out there, walk it with them.

Commissioner Dan Saylor: Jim when they built the park, this is not, was the service road so to speak where they brought in the heavy equipment was that not on the North side of the paved trail now?

Jim Morley Jr: Yes, it is

Commissioner Dan Saylor: Because that’s Lisa’s property right?

Jim Morley Jr: No, where the construction entrance was more or less where the bike path is now and that is about 50ft-100ft North of this ditch, and so you may not even realize the ditch was there because when you’re walking on that path you don’t even see it. I’ll be honest with you when we met out there I didn’t remember it being there, when we walked out there, there a ditch there. I didn’t remember it being there its not until you get to the Western end until it disappears.

Commissioner Dan Saylor: I’m real familiar with this where you have marked as the existing ditch to the West, because I just looked at that retention and that does go through the park so that’s working.

Jim Morley Jr: The one on the right has a pipe under the bike path where it goes under the…

Commissioner Dan Saylor: What size is that pipe do you know?

Jim Morley Jr.: We didn’t measure it, we looked but we didn’t measure it.

Steve Sherwood: The pipes leading North of the Northeast corner of the basin there at Berkshire into the county?

Jim Morley Jr: That’s about a 36 in pipe.

Commissioner Dan Saylor: I’m talking about the dotted line that goes underneath the bike path.

Steve Sherwood: The one in the middle there, I don’t know I don’t have that.

Commissioner Dan Saylor: My opinion is if it doesn’t cause any issues…

Jim Morley Jr: I understand its kind of a lot to throw at you so I’m happy to meet out there and walk it to whoever wants to look at it, but the ditch itself is protected under Indiana Drainage Law as a concentrated flow so you don’t have to, whether you keep it a legal drain or put an easement on it doesn’t matter that to the extend that is a violation of IN Law to plug that ditch.

Steve Sherwood: My only comment if the Board wants to consider it we should investigate if there are any other legal issues that need to be addressed prior to the vacation being indorsed by the Board.

Aaron Doll: His statement on the Law is correct, I think my only suggestion is that we split them and do them in two separate, again to vacate the one that doesn’t even exist the portion that looks like about a 3rd of it maybe Jim, to the Western 3rd to be vacated to make sense. I do see you’re concern that later on down the road if that does get developed as a housing addition you may have to use that as a legal drain in the future.

President Bob Johnson: They would have to submit plans.

Commissioner Dan Saylor: But you would have to plat that out, plan that out.

Aaron Doll: But I understand the property owners concerns as well, she’s been paying tax on this and the ditch isn’t being maintained to vacate it and leave it alone as we’ve done, or maintain it since she is paying the tax.

Jim Morley Jr.: I believe she’s assessed, I mean that’s the way a legal drain works if anyone that touches the legal drain they are assessed a tax and that goes into the legal drain fund to be used to maintain those legal drains.

Aaron Doll: Correct, I believe that is my understanding as well.

Commissioner Dan Saylor: I’ve never been taxed to a legal drain.

President Bob Johnson: Steve is that correct?

Steve Sherwood: Pardon?

President Bob Johnson: A tax for legal drain? Are we talking about Stormwater fee?

Steve Sherwood: That’s not Stormwater.

Jim Morley Jr: That’s not Stormwater, they’re preexisted to Stormwater.

Steve Sherwood: There is a legal drain assessment, separate from Stormwater.

Jim Morley Jr.: Whether its called a tax or legal assessment I don’t know but the legal drain assessment is pre-dated back when Warrick County didn’t have a Stormwater Board we still had legal drains and they were assessed so that assessment is totally different than the Stormwater Board assessment but when we add it on the Stormwater Board assessment it didn’t get rid of the legal drain it just stacked on top of it.

President Bob Johnson: So what do we want to do here?

Commissioner Dan Saylor: Do we table it and let Steve and Jason do some research?

Steve Sherwood: Run it by legal council and report back.

Commissioner Dan Saylor: So we just table it until our next meeting, is that enough time? Steve?

President Bob Johnson: 3 weeks.

Jason Baxter: Good with me.

Jim Morley Jr: That’s fine with me, so May 13th at 2:30?

Commissioner Dan Saylor: I make a motion to table this issue till the May 13th meeting.

Commissioner Terry Phillippe: I second.

President Bob Johnson: All in favor. 3-0.

Jim Morley Jr: If anybody, Steve, or anybody wants to meet me out there I’m happy to go out there just let me know. Thank you.

Everyone: Thank you Jim.

**VACATE DRAINAGE EASEMENT—CONSENSUS**

President Bob Johnson: Next we have vacate drainage easement consensus, vacating drainage easement in Glendale PRUD for development.

Steve Sherwood: Cash Wagner was here earlier I believe, is this the same Peachwood Drive property that was I think that is what is called Glendale?

Jason Baxter: Yeah

Steve Sherwood: Do you have those documents? I believe that was on the original schedule is that correct Jennifer?

Jennifer Curry: This first one is supposed be a consensus with us, but Commissioners are supposed to approve it at their meeting at 4.

Steve Sherwood: They’re not needed a legal motion, they are needed a consensus, and I believe these are all easements that are diagramed here on what was virtually platted under subdivision some time ago, and they are beginning to redevelop and replat that area so they are basically vacating these easements and they will all go away. They are asking that we get a consensus for the APC is my understanding the APC will act on this this evening.

President Bob Johnson: No, BZA (Board of Zoning Appeals)

Steve Sherwood: BZA sorry whatever meeting comes up at and then properties are going to be redeveloped and resub divided and replated.

Aaron Doll: New easements at that time?

Steve Sherwood: Yes, as long as all utilities involved have signed off I don’t have an issue, so basically a consensus is what’s being asked for by the Area Plan at this time.

President Bob Johnson: Jason do you have any issues?

Jason Baxter: No, sir.

President Bob Johnson: Questions?

Commissioner Dan Saylor: Do we need to motion?

President Bob Johnson: I don’t think so, I just think we need a consensus.

Commissioner Dan Saylor: I’m good with it.

Commissioner Terry Phillippe: I’m also good.

President Bob Johnson: Let’s carry on.

**BID OPENINGS- (K&H LATERAL & SPRENGLE/ STUBBS FREUDENBERG DITCH)**

President Bob Johnson: Bid openings, K&H Lateral reconstruct.

Aaron Doll: I’ve been handed several bids today, some of which have been marked for K&H Lateral, first one I am opening is from Elliott’s Excavating. Elliott’s Excavating K&H Lateral Reconstruct, the description says “reconstruct ditch to plan specs for Warrick County Surveyors Department total cost of $21,000.00”, and they have an amendment in here as well stating “Project will extend from the original scope approx. 3,351ft up-stream to Skelton Rd as discussed at the April 16th pre-bid, general specifications removal of all hardwood along and within legal drain restore flow line to create a consistent gradual flow, all specifications and provisions are to run true to the original project with the accepting of ditch/bank excavation. Contractor is to sign and date this amendment as accepting terms and conditions” they have so signed and dated it.

Aaron Doll: The next one is from Tom Naas Homes its also a K&H Lateral bid, description “bid job we will supply all equipment and labor to complete the entire K&H ditch contract to approx. 4851 LF (lateral feet) of ditching total cost $33,299.00” and it is signed and dated by Thomas Naas. The amendment as previously read the exact same amendment has been signed and dated by Thomas Naas as well.

Jason Baxter: Can you read off that amount again?

Steve Sherwood: $33,299.00

President Bob Johnson: But there’s almost a thousand extra foot.

Jason Baxter: No, it’s the same bid.

Aaron Doll: I understand what you’re saying, that in the bid itself its said 4,800-something, however in the amendment it says…

Steve Sherwood: You have to add in another…

President Bob Johnson: Is it 3,351?

Jason Baxter: It should be closer to, the amendment

Commissioner Dan Saylor: So if they signed the amendment they are doing the whole thing?

Jason Baxter: Correct, yes. They can only bid to be acceptable with the signing of the amendment.

Steve Sherwood: Just for clarification the K&H Lateral amendment from Elliott excavating was to extend the original scope approx. 3,351 ft.

Jason Baxter: The original was at 1,500ft, so the amendment should…

Steve Sherwood: So, that should reflect Mr. Naas..

President Bob Johnson: Oh okay so you just add those two together and you get the 4851, okay.

Aaron Doll: I also have more bids here that aren’t marked to which project they are related to, so do you want me to move on to the Sprengle and Stubbs or do you want me to open these unmarked?

Jason Baxter: I would just open the unmarked.

Aaron Doll: Opening them unmarked, okay. This bid is from Ground Control Excavating it says Scott Normington on the outside of it, this one the description is Blue Grass Ditch will remove 18 inches of silt….

Jason Baxter: That’s the next one.

Aaron Doll: That’s the next one, however it does have the K&H amendment signed in it.

Steve Sherwood: So he submitted both bids in one envelope.

Aaron Doll: No, doesn’t seem like it.

Commissioner Dan Saylor: There’s another envelope.

Aaron Doll: (Opening second envelope) This is also from Ground Control Excavating the description being Phillips Rd to Skelton Rd.

Jason Baxter: That one is the K&H Lateral.

Aaron Doll: Okay, “Removal of all wood material and placed in single pile on site, dig out a 7ft. wide bottom with a smooth edge bucket to restore water flow, reconstruct a 2-to-1 slope with a smooth edge bucket, place silt within 75ft of the ditch in the right-of-way and grade >6 inches amended scope of work 3,351ft will include: removal of woody material, place on site in single pile, dig out bottom of the ditch to restore flow line, return no later than a week after notification to bury the residual in total cost of $23,400.00, the K&H Lateral Amendment is signed. So, I believe that’s the 3 bids we have for the K&H Lateral project.

President Bob Johnson: Okay.

Jason Baxter: I’m good with the low bid.

Steve Sherwood: Question if I may, were all three of these in attendance at your pre-bid?

Jason Baxter: Yes, Sir.

Steve Sherwood: Was there anybody else in attendance not bidding?

Jason Baxter: Not bidding, no.

Steve Sherwood: Okay.

Commissioner Dan Saylor: So the low bid is?

President Bob Johnson: Elliott.

Commissioner Dan Saylor: And he has the additional footage in there and the amendment signed?

Jason Baxter: Yes.

President Bob Johnson: Are we good with that amount?

Jason Baxter: Yes, Sir.

Commissioner Dan Saylor: I make a motion to accept the low bid, Elliott for $21,000.00

Commissioner Terry Phillippe: I’ll second the motion.

President Bob Johnson: All in favor 3-0

\*K&H Lateral Bids\*

-Elliott Excavating $21,000.00 \*\*

--Tom Nass Homes $33,299.00

-Ground Control Excavating $23,400.00

Aaron Doll: Going onto the next one, this is the Sprengle and Stubbs Ditch project the previous bid I already opened from Ground Control Excavating from Scott Normington the description is “Blue Grass Ditch remove 18 inches of silt, haul off all woody material and grade silt >6 inches up to 75ft of the ditch, Wellness Trail removing 18 in of silt and haul off all woody material and grade silt >6 inches up to 75ft of the ditch.” It has it broken down, those are two different components, the total is $6,990.00.

Aaron Doll: Next bid I will be opening on the Stubbs and Sprengle is by Tom Naas Homes, the job description is “Bid job, we will supply all equipment and labor to complete the entire job for the Stubbs Freudenberg and Sprengle Ditch contracts approx. 4540 lateral feet of ditching for total amount of $14,489.00.

Aaron Doll: Last bid is Elliott’s Excavating for the Stubbs Freudenberg Sprengle Ditch, the job description states “The Stubbs Freudenberg Sprengle Ditch projects, clean ditch and spread dirt per Surveyor specs, for the total cost of $29,249.49.

President Bob Johnson: That’s a huge differences.

Commissioner Dan Saylor: Who was the first one?

Aaron Doll: Scott Normington with Ground Control Excavating for total price of $6,990.00

President Bob Johnson: You have a $20,000 spread there.

Aaron Doll: Which makes me wonder whether or not Ground Control knew what they were bidding.

Steve Sherwood: Again, I ask Jason were all three of these parties at the pre-bid? Were there any other contractors present?

Jason Baxter: Same situation, and I spoke with Scott 3 times today so I don’t know if there would be any kind of confusion.

President Bob Johnson: Can he do the work and do it right?

Jason Baxter: I mean, we’ve not used him before but, it’s a simple task.

Commissioner Dan Saylor: So, it was Ground Control, Elliott, and who was the other one?

Steve Sherwood: Tom Naas Homes. Is there a representative from Ground Control in the audience?

Jason Baxter: No, he had to be in Owensboro today, at this time.

Commissioner Dan Saylor: That’s a huge difference…

President Bob Johnson: Has he (Elliott) done work for us before?

Jason Baxter: No, he has not.

Aaron Doll: He got the previous bid in K&H.

Jason Baxter: Excuse me?

Steve Sherwood: Elliott got the previous bid, and he was $21,000 on the previous.

President Bob Johnson: Ground Control is close at $23,400, but I know its huge.

Steve Sherwood: Is there a time constraint on either project?

Jason Baxter: I mean, the time constraint, yes.

Steve Sherwood: I mean, could one contractor do both projects simultaneously?

Jason Baxter: Physically yes.

Steve Sherwood: Even though Elliott’s the high bid on the Sprengle.

Jason Baxter: The scope of the project is just dipping the bottom of the ditch and that’s to the East of the apartments into the field, the crop and just layering that out. We went in and had a project last year at the end of the year where we removed all the hardwood and all the trees off the project.

President Bob Johnson: So its just the matter of digging it up.

Jason Baxter: It’s just silt at the bottom is all it is.

Steve Sherwood: If I may, I will let council address the bid from Scott Normington on Ground Control.

Aaron Doll: The description he’s got it broken down into two different sections, the first section says “Blue Grass Ditch”.

Steve Sherwood: is that related to this project?

Jason Baxter: That would be closer to, it’s the Stubbs Freudenberg is one ditch and that is probably what he had was a typo on that. It’s in the bid where we met was Stubbs Freudenberg Ditch.

Aaron Doll: Then that portion of that is for $4,195 and then the Wellness Trail is that a separate?

Jason Baxter: No that’s Sprengle Ditch, he’s just going off of location and not…

Commissioner Dan Saylor: Wait a minute, so you gotta add the $6,990?

Aaron Doll: No, the $6,990 the total price, he has it broken down into two different subsections so Blue Grass Ditch is what he’s calling Blue Grass Ditch $4,195 Wellness Trail $2,795 for a total of $6,990.

Jason Baxter: That bid sounds about what I was expectation, the Elliott bid is off, way off. He may have, I honestly don’t know what he did there.

President Bob Johnson: What do you want to do Jason?

Jason Baxter: My issue is if we table it, I cant wait 3 more weeks to a meeting because the farmers are going to be wanting to get into their fields.

Commissioner Dan Saylor: Can we make a motion to accept the low bid based on Jason contacting as an understanding of the project what the scope is? What I don’t want to do is award this bid then there is a misunderstanding, but I don’t have a problem by saying giving Jason the authority that if the scope of the project is right, does that?

Aaron Doll: I agree, one of the bids specifically said 4 thousand some-odd feet but the low bid did not specify the lateral foot so as long as he understands that his bid is for that many lateral feet by all means.

Commissioner Dan Saylor: So, can you call him and make sure our footage is right and he is going to clean all of that because we don’t want to award this bid and he only cleans half of it and he says “well I only said half of it”

Jason Baxter: Right, yeah.

Commissioner Terry Phillippe: (to Bob) Do you want to state your concern again to Jason.

President Bob Johnson: Just that its done right because its right next to the Wellness Trail.

Jason Baxter: Right, what if Elliott’s bid was somehow got an extra, he made a mistake typing it in because I can see it more of the closer to the $3,000 mark, does that make sense?

Commissioner Dan Saylor: No.

President Bob Johnson: He added a digit, so it should’ve been more like $2,900.

Jason Baxter: I can see that being a possibility and then that would make him the low bid, because he only typed it one time so I don’t know if he just didn’t proof read?

Commissioner Dan Saylor: Let me see that real quick.

President Bob Johnson: But he typed it twice?

Jason Baxter: No, he just typed it in once.

Commissioner Dan Saylor: But the fact of the matter is, he is not the low bid according to what he submitted, so I don’t know.

President Bob Johnson: Are you okay with the low bid?

Jason Baxter: Yes, I’m okay with the low bid.

Commissioner Dan Saylor: I’m okay with the low bid as long as it meets the specifications of the Warrick County Surveyor for the scope of the project. I make the motion as long as you verify that and give you the authority to go ahead with the project based on my motion being accepted by the other commissioners and that you verify that the scope of the work is what was bid.

Jason Baxter: Yes, Sir

Commissioner Terry Phillippe: I will second that motion.

President Bob Johnson: All in favor 3-0

\*Sprengle/ Stubb Freudenberg Ditch\*

-Ground Control Excavating $6,990.00

-Tom Nass Homes $14,489.00

-Elliott Excavating $29,249.49 (?)

**Claims**

President Bob Johnson: Next we have three claims, we have $100.00 for legal, $135.34 for gas, and $17.78 for copy charges.

Commissioner Dan Saylor: I make a motion to pay the claims.

Commissioner Terry Phillippe: I will second that.

President Bob Johnson: All in favor. 3-0

**OTHER BUSINESS**:

President Bob Johnson: Any other business for Drainage Board? Mr. Lacer do you want to come on up? Can you please state your name?

Bob Lacer: My name is Bob Lacer I live at 5400 Abbywood Dr. which is part of Berkshire next to Friedman Park, I represent 5 other homes that live on the retention pond and we have an issue with the grate that was installed and I don’t know by whom, on the retention pond drainage, and it resulted in this year that lake coming out of its banks coming up to my patio and even coming up onto the transformer we have for our pond and burning that transformer out. I would like to ask, because what we have is 3 at least 30 inch pipes and maybe one 20 inch pipe all feeding into our pond. It has came out of our banks before, but not to the extent that it did since that grate has been put it, I ask that that grate be removed other home owners and myself have went and taken debris out away from the grate is because what happens is its kind of a perfect storm out there when they are building because you have a lot of construction material and if you’ve been to Friedman park there’s a lot of breeze and wind out there so it blows installation that has been broken apart and cut up and it blows it into that pond and makes its way to that grate and then we have a complete shut off. I asked Mr. Saylor to come out and look at it last week he came out and looked at it.

Commissioner Dan Saylor: Just for the record, I did more than looked at it, and I cant believe I didn’t shoot a picture of it, but I made a modification of the grilled grate because it looks like it could be on a Weber grill, I understand Bob’s, I mean I understand because I’m a common sense guy, I’m looking at this and I see why those structures are on there to keep trash from going down in the pipes, but the pipe that feeds into that goes into another retention basin, not a basin but a dry bed from here to here is about what 20 feet? It’s a pipe, nothing gets in there except for a piece of plastic or something we picked up a couple pieces of plastic bags and that kind of thing, so what’s happening is that cheap grate that has one inch width, what I did is that I modified it, I bent the tines out to give it a little bit of concadious there so it would curve so if a piece of plastic gets on it its still going to cover it up.

Steve Sherwood: Just for the record those are not approved retention basin trash guards, as a matter of fact there’s letter credits still pending on that development and it states on the drainage plans that the county engineer will approve the trash guard for that structure.

Commissioner Dan Saylor: Did you guys get a chance to go out and look at it?

Steve Sherwood: Yes we did.

Commissioner Dan Saylor: Do you feel like that structure is insignificant or inappropriate in this particular area?

Steve Sherwood: Well, you and I have discussed that it looks like a BBQ grill it’s not what we would recommend for an outlet trash guard. The whole point of the trash guard is to prevent larger debris getting stuck inside the pipe as you and I discussed it’s a shorter run in this case and leads to another series of rock line ditch and culverts crossing North into Friedman Park and it was at the previous discussion we had about the vacation on the Mitchem Ditch that Mr. Morley was in for. Mr. Morley is the designer of that basin, there are some other issues with the basin the emergency over flow is not built in the correct location, some other things we need to address prior to releasing the final letter of credit. Obviously the street hasn’t been finished yet all the drainage structures may or may not be complete but we do have some issues with the basin that need to be addressed.

Commissioner Dan Saylor: Would you, Jason or Steve, would either of you guys have, I mean can we cut out half of those things or just remove…

President Bob Johnson: Id say just put the proper piece of equipment on it.

Steve Sherwood: I’d say to just get the developer which I believe is Mr. Ubelhor in here before drainage board lets get the final trash guard that the county has yet to approve be address in the mean time remove the BBQ grill for the lack of better term until the issue can be addressed.

Commissioner Dan Saylor: I’m good with that. Because I think that is what caused the problem right Bob?

Bob Lacer: Yes, but my question is with a new device would that not do the same thing?

Steve Sherwood: It would have a larger opening or space between them, we’ve had success with a proper trash guard is used. You have to understand too the location of the lake maintenance agreement that’s platted on the subdivision plat and what structures can or cannot be built within that too. There is an emergency overflow, we have not determined yet if its at the right elevation or the top of bank, so when it receives an excess of a 50 year storm it supposed to go out the emergency overflow and then that it should breach the top of bank of the surrounding basin before it endangers anything else that’s within the permitted easement that’s surrounds the basin.

Bob Lacer: So you’re saying modify the North side of that?

Steve Sherwood: Well, currently the over flow is in the center of the basin on the North side its supposed to be closer to the structure we’re talking about within about 20 feet, I’m not sure why it wasn’t built there in the first place, but again the developer is still responsible until the final letters of credit have been released. As Drainage Board here with the Warrick County Surveyor’s office we will look into addressing that.

Bob Lacer: So, would that be mediated before we put in another grate in there? If not would we have the same problem?

Steve Sherwood: As far as the improvements I’m referring to checking the elevation we’re waiting on Mr. Morley to recommend that he’s going to reduce and release his letter of credits that’s when we would do a punch list to evaluate that. The “BBQ grill” if you will, the current trash guard that’s there we’ll probably get a letter to Mr. Ubelhor instructing him to remove that right away and approach this board with an effective trash guard solution for that basin that would be more implacable.

Bob Lacer: Okay.

Steve Sherwood: As for improvements that may or may not be within the basin I think you have a patio, and you referred to an electric outlet box that may be lower than the emergency over flow or equal to?

Bob Lacer: It possibly could be yeah. I guess what I am asking to is that if we put that new grate in there prior to taking care of that overflow are we not going to have the same problem?

Steve Sherwood: Well, I’d like to get a letter to Mr. Ubelhor and copy his engineer to get the existing thing removed immediately, so hopefully that will address, unless a major storm happens within the next few days before.

Bob Lacer: I think if we take it off, if we have nothing there we have no problem, I think once we put something up there…

President Bob Johnson: that would take care of your immediate problem, then we need to talk to Mr. Morley.

Bob Lacer: For a long term solution.

Commissioner Dan Saylor: To me, it’s a very small wet retention basin its not very big and I mean with these guys living on there its probably not 150 feet out your back door, and he has a very nice outdoor BBQ area, I know if I lived there and saw a piece of trash in there I’m going to go pick it up as we did the other day. That is just natural for me to pick up trash, I just don’t see that guard protecting anything, what’s it protecting? Its going to go down to the pipe 15 feet and its going to be in an open, you know if it was protecting something down stream of it…if a trash bag gets in there its going to pass through the pipe and Joe is going to pick it up down at the park.

President Bob Johnson: This is nothing but a retention pond?

Steve Sherwood: Yes, the pipe that he is referring to is a 24 inch diameter HDPE (High Density Polyurethane Pipe) which the size is predetermined by Morley to release the appropriate amount of water a lot of our other basins have smaller pipes and that’s the intent of the trash guard so that the 12 inch pipe doesn’t get blocked up by a milk jug or a beach ball whatever along with some limbs.

Commissioner Dan Saylor: And I understand that.

Steve Sherwood: The intent is that if it does get blocked it should go out the emergency overflow before endangers any other improvements.

Commissioner Dan Saylor: So, my thing is and I agree with Steve, get the guard removed but get Ubelhor’s engineers and Morley, and Steve is going to check where that emergency over flow should be, Steve thinks its in the wrong place, is that correct Steve?

Steve Sherwood: Yes.

Bob Lacer: So should it be closer to the over flow?

Steve Sherwood: According to the approved drainage plan its just West of the approved overflow which would make that flow much shorter in the rip rap line ditch, right now you have a bunch of standing water on the trail park side of the berm between the walking trail that parallels the North berm there’s a bunch of standing water in there where the Vectren easement runs through, but there shouldn’t be any standing water. Why? Because emergency overflow is not located in the correct location, it should have a shorter travel distance to get to that rip rap line ditch.

Commissioner Dan Saylor: I would say we don’t put a grate back until we get that over flow, spill way makes sure that’s correct, because if that’s not correct that’s what technically putting water on raising it too high.

President Bob Johnson: Are you okay with that?

Bob Lacer: I am okay with that.

President Bob Johnson: Okay Mr. Lacer.

Bob Lacer: Thank you.

President Bob Johnson: Do we need to do anything here councilor?

Aaron Doll: No, I think Jason is going to write a letter and get the grate removed, or is he just going to go out there and take it out himself?

Jason Baxter: I’m just going to take it out.

Aaron Doll: You might just still write a letter to inform the builder.

Steve Sherwood: Jason will address it with Ubelhor to get it removed and have Morley’s pre-approved plans to approach the county engineer to get an approved structure and design and submit it.

President Bob Johnson: Any other items for Drainage Board?

Steve Sherwood: Just an update for the Board and speaking with Jason he sent me an email regarding the Asbury Parke Subdivision with Mr. Mike Post, basically they are still working on completing the improvements to restore the original pool elevation?

Jason Baxter: Correct, just spoke to him again today I’m going to meet with him or at least talk to him tomorrow, they have HOA meeting tomorrow evening, he sent me pictures and they have lowered the water level it looks to be to the point where street drains are draining, draining dry and there’s a few other issues that need to be taken care of with another emergency over flow issue and a couple other things, but I’m going to talk to him tomorrow and basically get an update on where they are, but they are working on it.

Steve Sherwood: Halston Manor, we’re in the wet time of the year where the water elevation is going back to about 3 feet, Jason and I both been there they are working on the structure of the slues gate has not been installed, but they do have a structure problem with an issue with 4600 Rolston Drive where the pipe is completely underwater and its created a hole, that is the DeWees(?) property. The last item I have for Drainage Board is Mansfield Basin again, the release structure that connects it with Ivy Glenn’s basin which drains to I-69 we have a beaver problem, Jason was kind enough to go out, remove the blockage and we have a trapper instructed to contact those people that own the basin and maybe remove the beaver problem. That’s all I have for Drainage Board.

President Bob Johnson: Anything else? Mr. Sherwood Stormwater.

**STORMWATER DEPARTMENT**

Steve Sherwood: Briefly under Stormwater I just want to report to the Board that Bobby Howard, Commissioner Saylor and I went to Lochmueller Group study in the Tanglewood Drainage Study they gave a presentation to the three of us last week I believe we decided that June 10, 2019 would be the best meeting to ask them to invite the public that was adjoining the project so all have a chance to attend the drainage board and view the presentation before moving forward any further. Mr. Saylor anything to add to that?

Commissioner Dan Saylor: No, it was a very informative meeting, and a real eye opener how much water and area that ditch is servicing, other than that learned a lot.

Steve Sherwood: The next issue I have regarding Mr. David Matzen that was here at the last meeting we asked him to possibly return or have the retention basin structure issue corrected with Mr. Holwager by the May 13th meeting, you all have a copy of the response I got last Thursday from Brent Holwager concerning the structure we will wait and see what happens prior to the May 13th I will continue to monitor the situation to see if it has returned to its original approved status. The last item I have before the Board, as you all know the Lincoln Ave Phase 3 project is completed, we’ve had a few drainage issues related to the major outlet, one of the major outlets of that Lincoln Ave Phase 3 at the NW corner of 261 and Lincoln Ave a large portion of the underground structure outlet to an existing ditch, that ditch goes North along the East side of the what I call North Green Springs Valley Subdivision and it goes in and thru the

North Green Springs Valley Subdivision in the outlets along North through an area that boarders Spring View Apartments on one side and Wind Tree Apartments on the other hits the South property line of Schnucks and travels Westerly to a structure that takes it into the Bell Road system. Lincoln Avenue Phase 3 was designed by Lochmueller Group although road drainage system was designed Lochmueller Group. I’ve asked Lochmueller Group to propose us a study similar to the Tanglewood Ditch study in nature as to what we can do to approve drainage between those two connection points, if you recall we’ve had people come in complaining about the drainage through North Green Springs Valley from one end to the other and I would like to see what they would charge us to study that area similar to what they have done in the Tanglewood drainage area, so I’ve asked for a proposal, no cost to us, just to see what it would cost to evaluate it.

Commissioner Dan Saylor: In the add to that, we’ve gotten a lot of feedback and questions on when their street is going to be repaired I don’t think our engineers want to repair the streets until the drainage issue is looked at.

Steve Sherwood: This would be the major drainage corridor for the large portion of North Green Springs Valley basically the Eastern two-thirds drains into this corridor, if you recall all of North Green Springs Valley North of Lincoln Avenue between Bell Road and 261 is designed around 1970-71 there are no underground drain structures other than the two bridges that convey this this ditch through that development. There is no underground street inlets, subterranean drainage systems, it all drains through street curve gutter and shoots that runs between back yards. That’s all that I have.

President Bob Johnson: Anything else, anybody?

**MOTION TO ADJOURN:**

Commissioner Dan Saylor: I make a motion to adjourn.

Commissioner Terry Phillippe: I will second that motion.

President Bob Johnson: All in favor 3-0 (Phil Baxter was absent for this meeting)