**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**September 12, 2022**

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; Morrie Doll, Attorney; Steve Sherwood, Storm Water; Phil Baxter, Surveyor and Dana Upton, Recording Secretary

Present in the audience: Chris Combs, Glen Meritt Jr, Jim Morley, Jr., Karla Dodson, Nicole & Lonnie Ziliak, Jim Greer, Curtis Southard.

**PLEDGE OF ALLEGIANCE:**

President Bob Johnson: We will call the September 12th 2022 Drainage Board Session to order if you will all stand and recite the pledge.

**APPROVAL OF MINUTES**

President Bob Johnson: First we have approval of minutes for August 22, 2022.

Commissioner Terry Phillippe: I’ll make a motion to approve the minutes.

Commissioner Dan Saylor: second.

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

**Stahl Road Apartments PUD (Tabled from 8/8/2022)**

President Bob Johnson: Next up, we have Glen Meritt with Cash Waggner & Associates for Stahl Road Apartments PUD.

Glen Meritt Jr.: Glen Meritt with Cash Waggner & Associates. Stahl Road Apartments. IT was continued last month. We met, I did not meet, and Scott and the owner met with the ad joiners at his existing complex at Bell Road Apartment site a couple of weeks afterwards. A 6 foot privacy fence has been added to the plat along that west boundary and then the developer also agreed to add some trees to shield the buildings. We’ve got 24 trees on the plat that will be planted as well. That’s really all I’ve got to add. If anybody has any questions, I’d be happy to answer them.

President Bob Johnson: Ok. Do you have any questions?

Commissioner Dan Saylor: Glen, was there any movement, I think with the homeowners, obviously they were worried about the retention and their properties flooding. Was there anything added or anything done with the retention basin there?

Glen Meritt Jr.: No, nothing was changed on the basin. We shifted the buildings and the parking lots to the east a little bit to get a little more buffer but no, nothing was changed on the basin. We feel that we met the ordinance with our design.

Commissioner Dan Saylor: Is there a, there is not an existing detention on this property right now right?

Glen Meritt Jr: Just the one that adjoins it on Venetian Way.

Steve Sherwood: East. Venetian Ways retention basin.

Glen Meritt Jr.: Ours will be adjoining theirs once this one is constructed.

Commissioner Dan Saylor: Is there any gain or benefit by combining those or is that a whole….when legal counsel huffs and puffs, that’s not a..

Morrie Doll: It gets to be a real nightmare about maintenance responsibilities. You looked at that didn’t you?

Glen Meritt Jr: Again, I wasn’t at the original site review meeting, I was out when Scott brought it up and I think everybody was kind of the same thing. I think it makes a lot of sense from an aesthetic problem that you bring up Dan, it would be a lot wider body and a lot easier to maintain but there is like 7 or 8 people in that subdivision that have existing lots that we would have to deal with and the legality of it and timing was just not real conducive at keeping this project moving so we kind of abandoned it at one point.

Commissioner Dan Saylor: I don’t know, maybe that’s something with land getting tighter and tighter, maybe that’s something we as, maybe we need to look at our subdivision ordinance or something. I just think its smart business. You know, we got a developer here that develops a lot and everybody is putting in these little retention basins and I know I talked to Jim Morley about a big region one. That’s kind of off the table so you know, I’m just trying to. I know I’ve been told bigger, deeper retention basins are easier to maintain so.

Glen Meritt Jr.: Yea, absolutely.

President Bob Johnson: Anything Terry?

Commissioner Terry Phillippe: So, I know there was conversation Glen, I don’t know if it was immediately after the meeting, or during the meeting or when it was had you know about the existing conditions. Bottom line is that you guaranteed this development is not going to put any more water onto the neighbors than what is already there, we get that however, there are existing conditions and I know it’s not necessarily your responsibility but have those existing conditions been discussed or is there a way to solve some of that problem because what’s going to happen here is these developments are going to go up and these folks that already live there are going to point at those apartments even though that’s a perceived problem not an actual problem.

Glen Meritt Jr.: It has been discussed a little bit but I mean the one problem that that site has got is like a number of other projects that Warrick County has come back on that I even dealt with 6-7 years ago. That property was developed before there was an ordinance in place and there is no basin, there’s no storm sewer, there is nothing drainage other than the culvert on the entrance road and I believe that is all that’s in that development so I mean no, we haven’t really had much in depth discussion on the existing problem. Like I said, the water from their site comes on to us for probably 2/3 of those eastern lots and then there’s a little bit at the front towards Stahl that was going that direction and we’ve taken that and diverted it to our detention basin and let a little bit go just because it’s so low that we can’t physically get it back to our basin and so it’s running north and then turns West along Stahl road for just a short distance and then there’s a culvert that crosses Stahl that goes to the north and like I said, we’ve taken, there is less water going through that ditch than what is there today when this development is done.

President Bob Johnson: Are there any remonstrators that would like to come up and speak about this? C’mon up sir. Can you state your name for the record please?

Jim Greer: Yea. Jim Greer. Really, it’s more of a question to Glen. He mentioned they added more green space really on the property boundary between Clover drive residence and the apartments or the parking. I wanted to know how much more because that’s really one of the concerns. Previously they stated it was I think the apartment building was like 30 foot from our property line, which is awful close for a 3 story building and we are concerned about the existing septic and so we want some of that green space to make sure there is a buffer zone and we’d like to know how much that is and actually we would like to ask the Drainage Board and the Commissioners and the planning commission to kind of consider stepping in an putting some required green space in there proactively if you could. 30 foot doesn’t seem appropriate to me. This body may have a better feel of what’s a reasonable amount of buffer from a drainage standpoint.

President Bob Johnson: Alright. I’ll ask Mr. Meritt to answer your question.

Jim Greer: Ok. Thank you.

Glen Meritt Jr.: we shifted the buildings 3 feet which is all we had available. We’ve got the detention basin we’ve got the easement to maintain the detention basin, we’ve got the 24 foot drive aisle and we had like 10-11 feet to the buildings off of the sidewalk and we moved it what we could because we still have a waterline that has to go in between the building and the parking lots and the sidewalk. I did pull the parking lots east 9 feet. We got rid of a parking bay on the ends so we did move the parking stalls a little bit more. We just got rid of a parking which is 9 feet but that’s literally all we have to move it is the 3 feet that we were able to shift it. We are well beyond the setback that is required for this.

President Bob Johnson: So approximately 30-ish?

Glen Meritt Jr.: Well, the notes that I’ve got on my drawing. It was 25 originally and so we moved it to 28. I’m not sure where the 30 come from. We had it as 25 and now at 28.

President Bob Johnson: Ok. Thank you. Anybody else? Come up and state your name.

Curtis Southard: I didn’t sign in.

President Bob Johnson: It’s fine. Just come up and state your name and address please.

Curtis Southard: Curtis Southard. 3886 Clover Drive. My question is well, I called the Newburgh sewer department trying to get ahead of this and what happens if we could tap into the line that they put in and all of that and a week later I got an email saying that it would, no I got a call back saying it would be $2,000 maybe but it could be more. That’s just tap in fee. We’d have to run our line to their line then. Do we have to legally fill in the old septic tank if that’s what we do? If we run that. So we are talking several thousands of dollars if it doesn’t go as their designs say it will. Yea I’m sure it looks good on paper but what happens if reality hits and our septic systems don’t work any longer. So that’s my question. Who do I go to then? It’s just out of luck once again? So that’s my question. What happens when it all goes south? Who is going to be there for us? Any answers? Any questions?

Morrie Doll: It’s a burden to prove. It’s a question of you have to prove what caused the septic system to fail and that would take an Engineer or Hydrologist.

Curtis Southard: So several thousand on top of the several thousand it would cost already. In other words we are out of luck.

Morrie Doll: Well, I don’t want to say you are out of luck because I don’t know what the proof would be. But if you had a Hydrologist or an Engineer who said hey, the modification of the surface water or drainage caused the failure of your septic system then you may have liability you may have the right to proceed.

Curtis Southard: Right, well I can’t afford that.

Morrie Doll: It’s a high burden.

Curtis Southard: so it’s like too bad so sad. Who do you go to? Well you are out of luck, that’s the bottom line.

Morrie Doll: That’s not just this project. That’s the American judicial system. That’s just the way it is. Got to have a burden to prove.

Curtis Southard: ok well then I’m asking you guys before it happens to consider it. At least consider it.

President Bob Johnson: ok. Anyone else. Any other questions from the Board.

Glen Meritt Jr.: The only thing I will add to that is, I know sanitary is not this Boards issue but I submitted plans to Newburgh Sewer and got comments this past Thursday and they are asking me to add 13 laterals that would service the east side of the clover subdivision that is next to us. Not the front lot because it’s either already connected or it could be connected to the existing sewer that’s along Stahl.

Morrie Doll: What are you calling laterals?

Glen Meritt Jr.: the 7 foot lateral to service each building. I mean that will be there with the gentleman that was up here before me. They still have to run the private plumbing from that lateral into their building but there won’t be any connection to main. Newburgh is requiring that and I mean they are paying for it. They call it a betterment but I mean Newburgh Sewer is paying for it to be put in with our development.

Morrie Doll: But that doesn’t do away with the with the tap fee?

Glen Meritt Jr.: No, like he said there would be a tap fee. I’m sure that is how they are justifying paying for it and getting their money back probably.

Steve Sherwood: What he’s saying is a 7 foot lateral would be there to connect to it if he chose to do so.

Morrie Doll: Right, but it wouldn’t be free.

Steve Sherwood: but does the 7 foot reach the property line or?

Glen Meritt Jr.: No, but there is a P.U.E. that we are granting there. That’s where Newburgh Sewer wants it to stop because that’s the end of our PUE which is where Newburgh is going so there is a 6 foot adjacent to that then that’s being added because Vectren is running their lines or their existing lines and poles are right on the property so we are dedicating that 6 foot P.U.E.

Steve Sherwood: But any resident would have the right to have access to it and connect to it at that point?

Glen Meritt Jr.: Correct. I mean they wouldn’t have asked for it if they wouldn’t have been allowed to connect.

President Bob Johnson: Ok. Thank you. Mr. Baxter do you got anything to add?

Phil Baxter: All we’ve got is numbers and all of the numbers calculate out so that’s all I can go by.

President Bob Johnson: Terry?

Commissioner Terry Phillippe: I don’t think I’ve got anything else.

Morrie Doll: it’s it’s in technical conformity.

Phil Baxter: I’m sorry?

Morrie Doll: it’s in technical conformity.

Phil Baxter: Yes.

President Bob Johnson: Ok. Steve?

Steve Sherwood: As counsel says, everything meets the minimum requirements. I believe Mr. Meritt has demonstrated it actually has more capacity than what is called for.

Glen Meritt Jr.: There is a little bit more, I can’t remember the exact number but yea, there is a little bit of excess above the 50.

Steve Sherwood: So that meets or exceeds our minimum requirements.

President Bob Johnson: Ok, I’d entertain a motion if somebody wants to.

Commissioner Dan Saylor: It exceeds you said the 50?

Glen Meritt Jr: Correct.

Commissioner Dan Saylor: If it meets all technical requirements. I guess I’m good with it.

Commissioner Terry Phillippe: Counsel, I believe it’s our requirement if it meets then.

Morrie Doll: It would be arbitrary and capricious to turn it down if it meets technical components.

Commissioner Terry Phillippe: That’s what I think folks here need to understand is you know we’ve heard what your concerns are but at the same time, it would be against the law if we said no. Dan did you make the motion?

Commissioner Dan Saylor: Yes.

Commissioner Terry Phillippe: Ok. I’ll second the motion.

President Bob Johnson: All in favor? 3-0

Glen Meritt Jr: Thank you.

**North Warrick Industrial Park (Section 4 Subdivision Drainage Approval & Lot 5 Development Site Drainage Approval)**

President Bob Johnson: Next up we have Jim Morley Jr. with Morley for North Warrick Industrial Park.

Jim Morley Jr: Hello everybody. Jim Morley Jr. Project Engineer. I actually have the next 2 projects so I’m going to pass out 2 so I don’t have to. The first project that we have before you today is the north Warrick industrial park section 4 and there is an exhibit that looks like this that should go with this conversation and so north Warrick industrial park section 4 creates what is called lot 5. This right pink area. It’s just under a 30 acre ground to be sold off for industrial use and it increases the size of lot 11 which is kind of the pink square at the bottom by 1 acre. All of the rest of the ground is left undeveloped. I think it is being used to bale hay off of it now. It all stays in out lot A so the subdivisions purpose is really only to create lot 5 and to increase the size of lot 11 by 1 acre. Lot 5 when it is fully developed. You can see the top of that purple square there is a blue square that is a future detention basin that will be required when the lot 5 is fully developed. And the smaller square about halfway up in the purple area is the detention basin that will be built as part of the phase I of the lot 5 project and then down on lot 11, there is a blue square. That is an existing lake that was sized when it was built. It was sized large enough to handle the 1 acre but they are requesting to add to that lot and so this is the drainage plan for Warrick industrial park section 4 and after we’ve discussed this one we will roll right into the drainage for lot 5 which is being developed but because of its size it has its own drainage report that comes with it instead of utilizing the north Warrick industrial section 4 for it.

President Bob Johnson: Ok. Any questions.

Phil Baxter: Jim, I got a question. Which one of these could affect the Ziliak property?

Jim Morley Jr.: I think. My understanding is the Ziliak property is kind of this darker green square down here to the right of lot 11. That is my understanding. There is a Ziliak or the only ad joiner with Ziliak in their name. That piece of property, currently there is an existing basin in the out lot A that drains that way. The discharge pipe is about somewhere between 150-200 feet from the Ziliak property line and so water comes out of that basin, wonders across the north Warrick property for about 150-200 feet and enters onto Ziliak property. That pipe and that basin is not being changed, so that pipe will be the same pipe now as it was yesterday and 5 months from now. So that pipe is not changing so they will not see any difference in the amount of water as they did yesterday vs. a year from now.

Phil Baxter: Mr. President. I’d like to ask Mrs. Ziliak if she’s got any questions. She’s in the audience.

President Bob Johnson: She’s on the list. Come on up please and state your name for the record.

Lonnie Ziliak: Hi, Lonnie Ziliak. Only concern was to make sure the water, if there was any change in the future that there is some kind of control of it because it doesn’t just cross the road to our property. It goes all the way across our property to interstate 64 so it’s quite of a ditch there and if we don’t control the water now or in the future, it’s going to keep eroding. So we are basically asking and kind of concerned to control it, slow it down and maintain it is what we are getting at.

President Bob Johnson: Sure. You want to respond Mr. Morley?

Jim Morley Jr.: Yea. Sure. You won’t see any additional water. It’s the same water that’s been in there the last 10 years or so. That dry detention basin has been there for 10-15 years and it won’t change. The discharge pipe won’t, the discharge pipe is the same as it’s been for the last 10-15 years so they shouldn’t see any more water there and I then I think a little bit of the water on their property drains onto lot 11 and so that will stay the same too. You won’t see any changes. This shouldn’t change anything for them.

President Bob Johnson: Ok. Thank you. Anything else Mr. Baxter?

Phil Baxter: No.

President Bob Johnson: Jason?

Jason Baxter: No Sir.

President Bob Johnson: Terry?

Commissioner Terry Phillippe: No.

President Bob Johnson: Dan?

Commissioner Dan Saylor: No.

President Bob Johnson: Counsel?

Morrie Doll: No Sir.

President Bob Johnson: ok. I’d entertain a motion.

Commissioner Terry Phillippe: I make a motion to approve

Morrie Doll: Now we are approving both of these at once? I think you got to put them separate.

President Bob Johnson: We are. This is just North section 4.

Jim Morley Jr.: Yea. This is just North Warrick Industrial Park Section 4.

Commissioner Terry Phillippe: North Warrick Industrial Park Section 4 Subdivision Drainage Plans, I make a motion to approve.

Commissioner Dan Saylor: I’ll second.

President Bob Johnson: All in favor? 3-0

Jim Morley Jr.: Thank you. The section 4 plat has a spot where it specifically calls out a date the drainage was approved at in the meeting that it calls out so we had to do it separately. Now we are talking about the Lot 5. It is more or less the same. That is on that picture lot 5 is the bigger of the 2 purple squares. It is going to be developed as an industrial project. In phase I only basically the half south is going to be developed and to hand the south half of that property. That blue dot about halfway up that will installed as a detention basin and then part of that water also drains down there at an existing lake. Part of the water drains through a pipe there and then part of that water then drains to the detention basin in out lot A that I referenced earlier.

Steve Sherwood: This is to be a permanent retention basin not temporary correct?

Jim Morley Jr.: This one here?

Steve Sherwood: Correct.

Jim Morley Jr.: I will say that it is permanent as long as this project stays as it is. If for some reason when they expand they want to relocate it, I would come back before you to ask to relocate it but it wouldn’t go away if let’s say it stored 1,000 gallons. I’d have to store a 1,000 gallons somewhere else so.

Morrie Doll: Capacity.

Steve Sherwood: But if it was to change, you’d come back and make the appropriate changes to this board accordingly.

Jim Morley Jr: Yes. Whatever changes, I would come back here, but I couldn’t get rid of that detention basin if anything, I would ask to relocate it somewhere else but for today’s purposes it’s in the best spot.

Steve Sherwood: The other part of my question is who would be responsible for the maintenance of this basin at this point?

Jim Morley Jr.: The owner of lot 5.

Steve Sherwood: And is it a dry or wet basin. Please specify.

Jim Morley Jr.: Dry Basin.

Steve Sherwood: it is a dry basin?

Jim Morley Jr.: Yes.

Steve Sherwood: The only questions or comments I have relative to the rest of the drainage is you show an 8” discharge pipe 32 feet. I would ask that you make the pipe a 12 inch pipe with an 8 inch orifice so in the event it gets clogged, it’s easier to clean so to speak.

Jim Morley Jr.: We can do that.

Steve Sherwood: and then add an appropriate trash guard at the basin side of that pipe.

Jim Morley Jr.: we can do that.

Steve Sherwood: Those are the only 2 items I saw from a hydraulic standpoint looking at the plans and the calculations.

Morrie Doll: So the motion, if a motion is made to approve would incorporate Steve’s recommendations as agreed to by Mr. Morley.

Steve Sherwood: See if there are any remonstrators.

President Bob Johnson: Are there any remonstrators for lot 5? Ok.

Commissioner Terry Phillippe: I make a motion to approve lot 5 development site drainage with the pipe change size and the trash guard as suggested by Director Sherwood.

Commissioner Dan Saylor: ok I have a, hold that motion for a second. Jim, that big detention basin on the north end of the property. Is that wet or dry?

Jim Morley Jr.: To be honest with you, it’s not designed at this point because it’s unknown what happens on the north 15 acres of that property. None of the water of I’ll call phase I of this industrial development drains there and so it actually doesn’t get built until phase II of the industrial development occurs. No water drains there at this time. The southern of those two basins. That one right there where you got your pen. That’s the one that catches all of this water for what I’ll call phase I and then if phase II happens then they will have to put the northern basin in and we will come back before you for phase II of lot 5 for drainage approval of phase II.

Commissioner Dan Saylor: I second Terry’s motion.

President Bob Johnson: All in favor? 3-0

Jim Morley Jr.: Thank you.

**Stahl Landing (Added)**

President Bob Johnson: Stahl Landing.

Jim Morley Jr.: So that would be the other picture you have here. This is, you see kind of the corner of clover leaf of I-69 and highway 66 here on the corner. This is the northeast quadrant. On lot 1 is the old ITT building and then lot 2 is immediately south of lot 1 and currently is a vacant grass field. They are going about the process of subdividing lot 1 and lot 2 apart from one another and we’ve requested, there’s no new construction as part of this subdivision. They simply want to split the lot apart so they can sell lot 2 and so we’ve requested no drainage improvements occur with the subdivision and lot 2 would have to come before this board once it’s known how it will be developed and they would have to do storm water detention, pipes, swales at that point and so lot 2 would come before once it’s known how it will be developed. Because it is a larger lot, it’s unknown how that use may be or what it might look like. Which is typical, typically in commercial developments when the lots are smaller and it’s more predictable about what goes on those lots, we do a big detention system and account for it then but when it’s a larger lot and it’s unknown what’s coming in the future we typically pick those up as the development plan comes in.

President Bob Johnson: Any questions from anybody?

Steve Sherwood: No, that would be appropriate that no drainage plans required until they come in with a development plan for lot 2.

President Bob Johnson: ok.

Commissioner Dan Saylor: I make a motion to approve.

President Bob Johnson: Are there any remonstrators for this particular project? Ok.

Commissioner Dan Saylor: I make a motion to approve.

Commissioner Terry Phillippe: Second.

President Bob Johnson: All in favor? 3-0

Jim Morley Jr.: Thank you very much.

**Old Hickory Complaint (*NOT ON THE AGENDA*)**

President Bob Johnson: We have a Karla Dodson. Say your name please.

Karla Dodson: Karla Dodson. I live at 3066 Trailwood Drive in Newburgh. That’s in the Old Hickory Subdivision. We are having a problem that we’ve been having since we first moved in in 1998 when we first moved in, the very week we moved in and it floods our property, 2 other properties, it goes across the back lot across that was vacant at the time and if it’s real serious it will extend into the parsonage for the Lutheran Church. Not into the house, but it comes very close. We’ve dealt with this since then and it will get progressively worse and worse until finally we realized in 2006 that the whole pipe, it’s an underground drain, the whole pipe collapsed. So at a great expense we had it dug up, they put in a bigger pipe and things were fine for a while. The reason we knew we had problem then, we had a sink hole. You could stand in the sink hole. It was that big. Once that pipe collapsed, everything under there just completely eroded away. So that’s what we fixed in 2006. Now we are seeing another sink hole develop. We had somebody come out and look at it in July to see what it is doing and somebody from the County actually came out and sent one of your drones under there and determined that the pipe that was put in 2006 has a breach in it. It’s leaking out and its eroding out under the sod and the hole is just sinking and it’s now encroaching in on the brand new driveway we put in last year. This pipe has just been a problem from day 1. We are going to have to fix it again. Now what’s different now than 2006 is that I understand there is some federal grant money available for drainage issues. We feel like we’ve done our due diligence, we did put what we could into it, we had it dug up, put in a whole new pipe, at our expense, and I realize this is our expense, it’s a covered drain in Old Hickory and it’s not supposed to be covered we found out later too, but we feel like we’ve done our part and if the federal money is available, we’d like some help with that. Now if that’s not an option, we’d at least like to know the report from the drone so that if we go to someone else and say we’ve got a pipe that needs to be fixed, we’d like to know where that location is so we don’t have to dig up the entire side of the yard again. So, that’s what we are asking for is some help.

President Bob Johnson: Steve, are you familiar with it?

Steve Sherwood: I’m familiar with it. I believe I spoke to you the day that I was out there.

Karla Dodson: Oh were you one of the guys out there, I’m sorry, I didn’t recognize you.

Steve Sherwood: as I explained to her I believe the drainage plans call for it to be an open ditch. I wasn’t sure if I was aware of that fact because I told her at the time I had to go back and look at the plans but since it was an open ditch in the original plans, she said she replace the pipe so I don’t know if Roy Foster or the previous home owner may have enclosed the ditch but she enclosed it. Dug it up a second time and enclosed it.

Karla Dodson: it was enclosed when we moved in.

Steve Sherwood: It’s a 24 inch plastic pipe. We did send our video camera down it’s what I call a non-uniformed installation. The contractor didn’t follow a uniformed slope so it’s kind of up and down and all over the place. It butts up to the property which I think is owned by a Terry Devault.

Karla Dodson: Well, on one side its Terry Devault to the East and then Terry Marshall to the north.

Steve Sherwood: It gets a considerable watershed and I believe the Devault property or a combination of the Church and Default’s property, passes the water from their property through a 15 inch pipe into their 24 inch pipe. It has problems but.

Karla Dodson: It actually comes from Castle Elementary.

Steve Sherwood: but because the original drainage plans were an open ditch, I believe that is why she is here before the board and I’m not aware of the federal money available that she is referring to.

Karla Dodson: That was information I was given to I think by Gary Slankard. I think he was the one that mentioned that.

Steve Sherwood: Gary was the one that I think sent the original email asking for the help on this. It needed to come before the Drainage Board or the Storm water Board as to A. the original plans call for an open ditch and B. it’s been privately enclosed in our opinion so Counsel has an opinion of what we’ve done before in Old Hickory when it tends to differ from the original drainage plan, we really stay away from it.

President Bob Johnson: ok.

Morrie Doll: It’s not maintenance at that point.

Commissioner Dan Saylor: Steve, what would, and I don’t know if there is federal monies but if there is federal monies, is that a cumbersome, I mean have we done any federal compensated drainage projects?

Steve Sherwood: Not for drainage, no. He may be referring to some type of grant money and I don’t even know if this qualifies for that because it’s not what you call low income where you could qualify for OCRA or any of the other anonyms for that type of funding. They usually have grants for low a blighted or low income areas. I’ve tried to get those before and we’ve always been turned down because the areas we are applying for don’t qualify.

Commissioner Terry Phillippe: Could you find out what Gary was speaking of?

Karla Dodson: I’ll see if I can get the name of the program.

President Bob Johnson: Yea, if we could just get Gary to call Terry or Dan. Its Dan’s district so I imagine Gary would call Dan.

Karla Dodson: Yea, apparently this is not a program that was available back in 2006, the first time we fixed this.

Commissioner Terry Phillippe: We do have a grant writer now, which we haven’t had previously so if it’s something that’s possible.

Karla Dodson: Ok, I will see if I can find out and then contact Terry Phillippe?

President Bob Johnson: Terry Phillippe or Dan Saylor. It’s Dan Saylor’s district.

Commissioner Dan Saylor: Unfortunately the grants that Steve spoke of is, they seem like they target that stuff for low income or poverty based areas and fortunately Ohio township.

Karla Dodson: we will be low income if we keep fixing this ditch. So, if that doesn’t work out, we won’t make any decision yet, can we at least get the report of the drone being sent in because Hydromax was going to charge us to send a drone in and if we’ve already done that, I would like to see that.

Steve Sherwood: We can provide a copy.

Karla Dodson: Ok, that would be helpful.

Commissioner Dan Saylor: And that would be Steve’s office. The Engineers office.

Steve Sherwood: It will probably be too large to email, I will have to download flash drive and mail it to her or drop it off to her.

Morrie Doll: or she can come to the office.

Steve Sherwood: we are down there quite frequently so I can drop it off.

Commissioner Dan Saylor: I can drop it off too.

Karla Dodson: ok. Do you need anything else from me then?

President Bob Johnson: No ma’am. Thank you.

Commissioner Dan Saylor: Thank you.

**Little Pigeon Log Jam Bid Opening**

President Bob Johnson: Next up, we have Jason on the Little Pigeon Log Jam Bid opening.

Jason Baxter: This is going to be a bid opening for a log jam on Little Pigeon. It is just below Coles Creek. Morrie has our bids.

Morrie Doll: I have 2 sealed envelopes. 1 of them is Michel Enterprises LLC, Little Pigeon Log Jam bid opening. It indicates 9/12/2022. Contains an estimate. Total amount of $44,700.00. Estimate is for the Little Pigeon in Cole’s creek as discussed and the second sealed bid is from Naas & Sons LLC and its properly dated 9/12 and now is in 2 pieces. Provided equipment labor and materials to remove log jam, put debris behind existing standing trees, and cabling debris to standing tree on the Little Pigeon below Coles Creek and it’s $24,890.00. And I’ll return these to.

President Bob Johnson: That’s a big discrepancy there.

Commissioner Dan Saylor: So on the Michel Enterprises, the $44,000, what was he doing with the debris?

Jason Baxter: Same thing.

Morrie Doll: It doesn’t say.

Jason Baxter: It says same as discussed and we had our bid pack.

Commissioner Dan Saylor: and in the specifications, does it take it and move it behind the tree?

Jason Baxter: Correct.

Commissioner Dan Saylor: and what happens with the water? Does the water get up in there?

Jason Baxter: This is why they cabling. This is what the state does. When we did the grant for the state that was their requirement so we just did that.

Steve Sherwood: Standard practice is you take those 3 piles and they have to be cabled into the ground so they don’t float away and become a habitat for wildlife.

Morrie Doll: That’s what we did on Little Pigeon.

Jason Baxter: It’s what we’ve done on all of them.

Morrie Doll: $750,000.00 project.

Steve Sherwood: They are pretty strict on how they want that done.

Morrie Doll: State specifications.

Jason Baxter: No way we could afford to take them offsite.

Commissioner Dan Saylor: So when the cables rot, the trees go back in.

Steve Sherwood: The site is pretty inaccessible as I understand.

Jason Baxter: Yea, it’s very difficult to get to.

Commissioner Dan Saylor: ok.

President Bob Johnson: any other questions. I’d make a motion.

Commissioner Dan Saylor: I make a motion to approve the lowest bid based on it meets all the criteria and legal counsel takes a look at it.

Commissioner Terry Phillippe: Second.

President Bob Johnson: All in favor? 3-0

**Magnolia Place *(NOT ON THE AGENDA)***

President Bob Johnson: Mr. Combs, you are not on the Agenda but I know you’d want to speak to us. Come on up Sir.

Chris Combs: Yes. I’m Chris Combs, the developer for Magnolia Subdivision and we are just trying to get the street acceptance done and everything and there’s been a lot of conversation on the chambering system we put in and Mr. Sherwood asked for camera video and we brought in a company out of Louisville and put cameras down in it and checked the system thoroughly, got a letter that we’ve given the county and everything is fine and whatever after they inspected it and we are wanting to get the street acceptance and get it all done. Of course the great testament of it is it just took a 4 inch rain and then took a 9 inch rain and functioned properly in a very short amount of time so we know the system is functioning properly and as to several conversations, I’m one of the first ones to put that type of system in that is used all over the country, in Evansville and other areas. We are just wanting to get the streets accepted. It is private. It’s on the plat and recorded that it’s owned privately by all of the individuals that have purchased properties from me but anyway we’ve gone to great extent to make sure that the system works and prove to the county that it works and brought in a private company that travels around the country and does this and cameras, the best they can and what they do and again we are just here to try put this to bed. I appreciate you letting me come up. I believe there was a little confusion on my part on getting on the agenda, so I appreciate that. But we just want to get the streets accepted. That was one of the last things we had to get done and it’s been done by JBI & Metzger.

President Bob Johnson: Ok.

Morrie Doll: Chris, my understanding was that maybe Commissioner Saylor had spoken with you about maybe sending a letter to the homeowners that you are proposing to turn over the underground drainage.

Chris Combs: Actually we have the homeowners association being formed right now by Marco Delucio and it’s on the plat when they close.

Morrie Doll: Nobody reads the plat unfortunately today.

Chris Combs: It was informed by everyone Morrie on that and it’s all in the packet for them that Marco is preparing.

Morrie Doll: So there is a packet being prepared?

Chris Combs: Yea. We are having an associate handle it, I’m done there. All 72 units have been sold and an associate is handling turning it over.

Morrie Doll: When will it be?

Chris Combs: Hopefully here in the next 8 weeks because I’m the one paying the bill for mowing the grass there right now.

Morrie Doll: Can we get a copy of that packet?

Chris Combs: Yea. Absolutely. No worries at all.

Morrie Doll: Can we table this until after the meeting?

Chris Combs: Well you guys are holding a fairly sizable retainer on the letter of credit. A cash retainer. I’ve done everything according to the rules and I keep getting it drug out and drug out and I’ve done everything I’m supposed to do so I’m happy to give you anything you want on that stuff because I’m the one legally responsible to my customers on this.

Morrie Doll: Yes. The only thing is, it’s kind of the cart before the horse. If we release the bond before you have the meeting and turn over to the homeowners, if at that meeting there are significant objections that are valid, can’t be but if there are, that would be when they would come up and we probably need to have that meeting occur before you and your other capacities as Commissioners release the bond on the streets. That really isn’t this meeting’s agenda.

Chris Combs: No, and I agree with that but that’s why I’m here because we keep having these discussions.

Morrie Doll: Right. And you are having all of the property owners in that subdivision attend that meeting?

Chris Combs: No, the Board. The elected board that we’ve done is going to be attending that. Everybody will be, everybody has already signed off, all the covenants and restrictions on that and it’s been recorded Morrie, legally by what we are supposed to do so everything been done correctly. The chamber system we discussed and having to send them a letter individually, there’s no reason to do that, all that does is open up a whole other can of worms again.

Morrie Doll: But it makes, you’re transferring responsibility for a unique system of drainage that’s never been done in Warrick County until you done it.

Chris Combs: No, there is another system that Warrick County has put in.

Morrie Doll: Is there?

Chris Combs: absolutely. Steve, can attest to that. It’s not the first one.

Morrie Doll: Ok.

Steve Sherwood: Epworth Village is what he’s referring to. We put it in, we had no choice when we retrofitted a 60’s- 70’s development.

Chris Combs: But it’s working correctly correct?

Morrie Doll: So what you are saying is that you want the Board to tell the Commissioners to release this street bond prior to you having this meeting with these homeowners?

Chris Combs: Well, I don’t know why you wouldn’t. I’ve done everything, the streets are fine. I’ve done everything that Sherwood has told us to do. I’ve had JBI out there. I’ve done every single thing on the punch list that I know of. I mean, it’s not going to be life or death if I’ve got to wait 60 days on it. I’m just trying to get this done and get all of these other subdivisions and streets accepted and get all of the letters of credit and cash bonds that I’ve put up so, but it just keeps dragging out and dragging out.

President Bob Johnson: Anything to add Mr. Sherwood?

Steve Sherwood: We have a few issues that have yet to be resolved.

Chris Combs: We are not aware of anything else that’s not resolved so.

Commissioner Terry Phillippe: I think my biggest concern is making sure that the property owners knew that they were responsible for the basin. That’s been done. Or will be done

Chris Combs: Absolutely. They were told that. It’s in all of their documents that they have. It’s on the recorded plat. All of that has been done.

President Bob Johnson: what other issues do we have Steve?

Steve Sherwood: Well, he went into the underground retention basins at 2 points with just a camera fixed on a cable, there are multiple chambers and we only looked at 2. They both show and undisclosed thickness of mud and some leaves. It’s supposed to be an aggregate bottom so that the water can just permeate into the ground and the other issue is that we’ve got a street inlet that they’ve ground on the curb but still water comes to it, leaves the curb then goes around the street inlet and continues back on its merry way.

Chris Combs: I had Commissioner Saylor come out and take a look at it after it was repaired.

Commissioner Dan Saylor: I did go out and look at it, unfortunately there was a white truck parked right over it so I did not get down on the pavement and look. I saw where some grinding was done but Chris I could not see that and it was dry, you know so there wasn’t any water running. There was water running on the other side of the street but had no effect on this. I could tell where there was some grinding done. It didn’t look like it was significant in nature. I’ve talked to Tim Metzger about this. Tim said the street was done right, there was stabilization done. He spoke highly of Chris and the job he did on the street. The quarter inch or half inch of the drainage issue. My concern is the fix going to create more of an issue cosmetically. I don’t know how it performs Chris but I did see some grinding marks on the pavement and it appeared to be something was underneath but I couldn’t see.

Chris Combs: We had JBI & Metzger, who you guys use every day on projects constantly put up their lasers and I paid them to go in and do that on that grinding professionally, not my guys. And then from the standpoint back to the chambers and everything we have hundreds of pictures of how the chambers went in professionally and an outside firm that sold us the chamber system actually was there on site as we installed it and signed off on the chamber system as well. And again, I go back to the fact that the system is functioning properly with no issues so it’s not designed where you can just crawl down in there and these chambers are connected by pipes so you can’t just crawl in there and they are not accessible to run cameras all the way through every inch of these systems. And that’s one of the reasons why I came, to explain that.

President Bob Johnson: Ok.

Morrie Doll: Chris you are asking the Board to withhold any objections to the release of your bond. Is that an accurate?

Chris Combs: Really, I’m wanting to have a public discussion of this is why I’m here because we are trying to get this resolved and put to bed. You know, we’ll do this and then all of a sudden there’s something else and we’re having another discussion. We’ve had 20 discussions on this chamber system. It’s working functionally and properly. No matter what you do whether it’s a storm sewer you put in there, you’re going to get some dirt in there. It’s impossible to keep a leaf out or keep that type of stuff out.

Morrie Doll: well I’m not hearing where you are asking this board for any performance of any sort of

Chris Combs: This is Glen Meritt, my Engineer on this project.

Glen Meritt Jr.: Glen Meritt with Cash Waggner. The only thing I guess I really wanted to add was in order for the streets to get accepted the drainage has to be accepted as well and I mean, I thought that’s why he was coming to drainage and I knew the last time I was up here, that the chamber system got brought up again, is to get the drainage portion of it release and approved so we can move forward to the Commissioners meeting for the streets.

Morrie Doll: So you are asking, or you and Chris are asking for the chamber system to be released?

Glen Meritt Jr.: correct.

Chris Combs: Correct.

Morrie Doll: That’s what’s sought.

President Bob Johnson: Ok.

Steve Sherwood: The letter of credit on hold with the planning commission is roughly $15,000 for the streets, $7,500 for the drainage.

Morrie Doll: I think that’s right.

Chris Combs: Correct.

Steve Sherwood: Bobby has comments.

Commissioner Dan Saylor: Well, if there is an issue with that chamber system $7,500 isn’t going to touch it.

Morrie Doll: Depends on the issue.

Steve Sherwood: Bobby Howard has comments on the street inlet in question too.

Commissioner Terry Phillippe: I’ll just say that I’ve seen the pictures and you can see the water marks on the side so I’m convinced it drains and works.

Commissioner Dan Saylor: yea, my only issue is that I think I told Chris, we saw the pictures, and there is a layer of mud on there. It didn’t appear to be a foot of mud but to Steve’s point, because I saw them going in. the project was an interest to me so id stop and watch them and I guess with the inspection Chris, I thought we’d get a little bit more technical data. Hey there is an inch of mud or debris on there, that sort of thing. I agree, you’re not going to keep every leaf out of it and that kind of thing but to your point, we’ve had some pretty significant rains in there and if it’s working then. But understand it’s not the Boards responsibility however, there are a lot of things that aren’t the board’s responsibility but then we get taxpayers coming in every other week and complain or ask for help and we legally can’t help because it’s a private system, we can’t spend taxpayer dollars to help with private systems.

Chris Combs: It’s no different than the lady that just filled in the ditch or had the ditch filled in, I get it.

Commissioner Dan Saylor: Exactly. So you can see where we are at and so we just want to make sure we don’t have 70 something homeowners filling this room and jumping up and down.

Chris Combs: Well, I’ve spent thousands of dollars to inspect, re-inspect, had the company come in from Louisville and written a letter. I don’t know what else I can do. I can’t dig the thing up and tear up everybody’s back yard because it’s not like it’s not functioning so I’m just here trying to be reasonable. It keeps getting all of these big rains and keeps functioning properly so that’s a testament to itself but I can’t give you or pull up all the dirt to inspect this thing, it’s not designed that way.

President Bob Johnson: ok.

Commissioner Terry Phillippe: I am convinced that it drains, but with regards to putting the cart before the horse as you stated earlier, are we still doing so?

Morrie Doll: well, Chris is going to transfer financial responsibility for the future maintenance to the homeowners that was envisioned in that subdivision.

Chris Combs: Absolutely.

Morrie Doll: and that’s what he’s purposing to do. He can’t really do that until you release the drainage system. Approve it and accept it. So that’s. It seems to me that’s the cart before the horse but I don’t get to vote.

Commissioner Terry Phillippe: I’m still concerned that the homeowners are fully understanding their responsibility. You’ve said the homeowners association, which is how many people?

Chris Combs: Well, there’s 3 people

Commissioner Terry Phillippe: They get it. Obviously at this point. But how many?

Chris Combs: There is 72 to be exact and every single one of those people had a meeting with me when I sold them the place and a home and went through all of that and explained to the chamber system and the drainage, explained to them that they can’t plant trees in their back yard, they are going to go down into the chamber system, went through the detail of this is why you don’t have a retention pond, you either had the option for a long skinny retention pond that you are going to be mowing cattails or weed eating and all of this. This is a newer design. It’s done all over the United States every single day. This is what we are putting in there, that’s why you can’t plant any trees in your back yard and you can’t do anything that would inhibit this. It’s no different than when you widened Bell Road and they got in there and they hit some of the pipes that were coming along there that were there. So.

President Bob Johnson: ok.

Commissioner Dan Saylor: I don’t want to put the cart before the horse, so give me some direction.

Morrie Doll: You’re going to provide us with Marco’s package.

Chris Combs: Absolutely.

Morrie Doll: I think you should see the package

Commissioner Dan Saylor: table this to the next meeting? Chris when is Marco’s package going to be done?

Chris Combs: Well hopefully it’s done here very shortly.

Commissioner Dan Saylor: So can we table this until next meeting?

Chris Combs: Yea, that’s fine but I don’t want to keep spending money to try to inspect my chamber system that’s working and you know we are down to one thing on the street that we did the grinding on. That’s the only that I got and Glen Meritt got, my Engineer.

Morrie Doll: I don’t think you are envisioning another inspection right? You just want the homeowners to be aware that they are accepting sole financial responsibility and there are 70 property owners.

Chris Combs: 72.

Morrie Doll: Pardon me. There are 30 that have this system in their back yard?

Chris Combs: That, I couldn’t give you the answer on.

Morrie Doll: I think there are 72 lots, 30 of them

Chris Combs: 72 lots.

Glen Meritt Jr.: There are 72 lots.

Chris Combs: I don’t know what that chamber count is.

Commissioner Dan Saylor: so do all of those people take responsibility for that drainage system?

Chris Combs: I can’t answer that.

Morrie Doll: Why don’t you get us Marco’s package, the board can look at it and decide if you want to release the project before the homeowners sign off on it or if you are going to want the homeowners to sign off on it with acceptance of financial responsibility and then release it.

Chris Combs: Oh I can make it easy. It’s whether I get the $22,000 today or whether I get it 60 days from now, it’s not going to make a difference.

Morrie Doll: Ok.

Chris Combs: I’m tired of spending money to keep re-inspecting and re-inspecting on something that’s working every single day and just took a 4 inch rain.

President Bob Johnson: I’m convinced that it works and it’s functioning.

Chris Combs: So I mean, I’m good with that, but like I said, I don’t have any issue with that. I’m just tired of re-beating the same horse on that. So, I have no issue with that, happy to get you the packet. We’re turning it over to the board here and it should be done in the next 30 days. I’m good with all of that. I just don’t want to keep going back and going back and doing more work.

Commissioner Dan Saylor: ok. So, Chris, let’s set this up for the 26th and if Marco doesn’t have the packet done, have somebody call Steve’s office and then we will just kick it to the first meeting in October. Is that good?

Chris Combs: It’ll be in October for sure.

Morrie Doll: And it should go to Phil’s office because its drainage and it will be in October you think?

Chris Combs: It’ll be in October. I’m gone the 12th through the 14th I know in October and I’m gone the 28th and 29th in September.

Commissioner Dan Saylor: So we can do the 10th? October 10th work?

Chris Combs: That’s perfect.

Commissioner Dan Saylor: Tell Marco you need that stuff done by then.

Morrie Doll: October 10th is a holiday. Columbus Day. Is that a County Holiday?

Commissioner Dan Saylor: No.

Steve Sherwood: Not this year.

Morrie Doll: Ok. The 10th.

Commissioner Dan Saylor: Thank you Chris.

Chris Combs: Thank you for letting me speak.

**CLAIMS:**

President Bob Johnson: Next we have claims for a total of $4,188.84. With the larger ones being for Howard Williams Ditch for $1,500 and SJCA, Section Corner Perpetuation for $2,300 approximately.

Commissioner Dan Saylor: 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: Anything else for Drainage Board?

Jason Baxter: We are good.

**STORM WATER DEPARTMENT**

President Bob Johnson: Mr. Sherwood. I see you got an Agenda today.

Steve Sherwood: Yes.

President Bob Johnson: Way to go. You’re up.

Steve Sherwood: First item I have, thank you Mr. President. Fuquay Road, Drainage Improvement project update. We should be completing the project here within a week providing that the appropriate castings get delivered from our supplier and they will be striping later this week if the weather cooperates and it looks like it will. Sodding has been completed, I’m sure Commissioner Saylor has seen that as well.

Commissioner Dan Saylor: Looks wonderful. I have to say the finished product looks really really good. I know we talked about pavement. Is there going to be a new layer laid all over the road or are they just doing the patching?

Steve Sherwood: Just did the patching as part of this project. We can talk about resurfacing that but I thought we would coordinate that more with the Telephone Road project coming within 2 years.

Commissioner Dan Saylor: oh ok.

Steve Sherwood: Regarding that project, I have 2 pay estimates. Pay estimate number 1 in the amount of $105,665.40, and that is the first pay estimate for the board’s approval.

Morrie Doll: What was that for?

Steve Sherwood: that’s for the construction. That’s the first submittal of payment of the $609,000 project. I have 2 pay estimates, would you like me to introduce the second one and then we vote on them one at a time. The second pay estimate is for $291,205.83 and then there is 10% retainage fee. Obviously that only comes to 72% of the project completed by the second pay item but we are closer to 95 or a 100% completed so those remaining costs will be coming forward, but I need the board to approve those 2 pay estimates as cited.

Commissioner Dan Saylor: I thought they already did 1 pay estimate but yea like Steve said this project looks to appear almost complete so I’m good with approving pay estimate number 1 and number 2 if we can all do that in the same motion.

Morrie Doll: Separate motions.

Commissioner Dan Saylor: ok, so I make a motion to approve pay estimate number 1 for the Fuquay Road project.

Commissioner Terry Phillippe: Second.

President Bob Johnson: all in favor? 3-0 And number 2?

Commissioner Dan Saylor: I make a motion to approve the pay estimate number 2 on the Fuquay Road project.

Commissioner Terry Phillippe: I’ll second and also add that I’m pretty impressed with how quickly that project seemed to move. I know time does fly but it has moved quickly.

President Bob Johnson: All in favor? 3-0

Commissioner Dan Saylor: Steve, let me ask you a question, they watered that sod heavily, how long, is that their obligation to water it once and Mother Nature take it twice?

Steve Sherwood: Two weeks worth of watering.

Commissioner Dan Saylor: Two weeks worth of watering?

Steve Sherwood: I believe it’s every 2-3 days depending on Mother Nature.

Commissioner Dan Saylor: Ok.

Steve Sherwood: That should be standard.

Commissioner Dan Saylor: ok.

Steve Sherwood: any other questions on that project?

Commissioner Dan Saylor: we had a pretty good rain there and didn’t have any issues at all.

Steve Sherwood: Looks nice so far.

Commissioner Dan Saylor: It does.

Steve Sherwood: the second item I have is a Mr. & Mrs. Faas that reside at 8788 Arizona Dr. I sent them a report on April 21st regarding her complaint. They came to the May 23rd meeting this year and the board directed me to go back out and do some more investigating. If you recall she lives out in the Westwood Subdivision and you have a packet in front of you that details most of the information. They have a 10 foot drainage and utility easement together with the next section of Westwood and they have a 10 foot drainage and utility easement so a total of 20 foot of easement but you can see again the 20 foot easement is heavily encroached by fence lines that go to the ground and her complaint was the backyard drainage does not drain away but basically most of the neighbors own encroachments prevent drainage from reaching the center of the drainage ditch and when it gets there isn’t a drainage ditch that exists over the 24” pipe. The ground is basically flat and doesn’t get away any depreciable amount of time. But you can see the easement is heavily encroached and particularly her own back yard as illustrated by this photo. It has some landscaping and other things that prevent the water from getting through the rear yard of the fence. If the board did want to make this a drainage project we did video investigate the drainage pipe. It’s a 40 something year old 24” corrugated pipe in various states of egress. To replace all that pipe some of what we are doing in the old hickory waterfront construction. I’d have to replace 500 feet of pipe and create additional drainage inlets and create a drainage swale to collect this water in those 14 common back yards. If the board wanted me to pursue that, that’s the point that we are at if you want to do that. And then there is a pipe across the street in Angel ditch with 2 more lots, so a total of 16 lots that the 30” corrugated pipe is also in bad shape.

Commissioner Dan Saylor: Steve have you camera this pipe?

Steve Sherwood: Yes, that’s how I know the condition of this pipe.

Commissioner Dan Saylor: Do you know if there are any structures or posts or anything?

Steve Sherwood: There were a few utilities that tried to bore through the pipe. It’s close to some fence lines but for the most part, it’s open and draining but it’s in various degrees of rust and the bottom of the flow line is very rusty.

Commissioner Dan Saylor: So it’s metal? Is that all? In this packet here, I see no pictures so I don’t understand that.

Steve Sherwood: Of the inside of the pipe that is correct.

Commissioner Dan Saylor: I understand that but I see no issues. Is the water backing up, it’s not flowing?

Steve Sherwood: it doesn’t get through the fences to collect basically. And then when it does it doesn’t have anywhere to drain to. There are no intermediate inlets.

Morrie Doll: There are what 2?

Steve Sherwood: there is 1 at either end of the 500 feet.

Morrie Doll: So there is insufficient inlets?

Steve Sherwood: And there is no drainage swale for it to drain and collect to and for us to get into even the easement to install inlets into the, there would be multiple encroachments, fence lines, sheds and landscaping that would have to be removed as you know there aren’t supposed to be any encroachments within the easement but everybody doesn’t seem to share that opinion.

Commissioner Dan Saylor: how many homeowners was this?

Steve Sherwood: It would be 14 involved on that side of Colorado Drive between Arizona and Nevada Drive but as directed at the May 23rd meeting I was supposed to go back out and reevaluate it and that is the picture I am giving you today. Don’t have to take any action. She’s just anxious for a reply because she has called a few times already wanting to know what we intend to do.

Morrie Doll: Move on?

Steve Sherwood: Item Number 3. I applied for ARP funds for the Bluewater Court drainage project that the Board recently approved. We have a contract out for Ragle Construction for $145,000.00. I’ll hopefully wait for a reply on the status of that monies similar to how we applied for it and used that money for the Fuquay Pleasant Ridge project. I’ll report to you on the Pruitt update on Anderson Road that he has recently completed his part of the agreement that he seeded, strawed and graded and provided dirt of his own liking. So basically the commitments of both parties have been completed. I just wanted to report that.

Commissioner Dan Saylor: what grass seed did he us Steve?

Steve Sherwood: I have no idea. And the last item I have. Counsel advised I should bring this before the board. We have a drainage easement and public utility easement 2-6 footers. A 6 footer on the Luellen property and a 6 footer on the Porter property. I do have permission to enter that easement on the Luellen Property. I do not have permission on the Porter property. I do have a slope to work with its just a matter of it’s encroached on both property lines by both property owners. I believe I can work between the property lines but I did not want to get on another person property without the temporary right of entry being returned. I can send a second package to get in there but I’m going to have to point to ask legal counsels opinion, can we get in there and work within the easement without the consent of both property owners.

Morrie Doll: we can. We have the right to maintain the improvement. A temporary right of way has always been the manner in which Warrick County has operated in which we say hey we are coming, we want you to know, if there is anything you need to move, get it out. And that way, we don’t have any liability. In this case, one of the property owners, we’ve sent both out, one of the property owners says fine, come on, the other property owner just will not agree to the temporary right of entry at this point as I understand it.

Steve Sherwood: At this point, correct.

Morrie Doll: and so we are taking a risk. We have the right legally to maintain our improvement. If we enter without the temporary right of entry, we are taking a liability. It’s your call. Knowing that. It’s your call.

Commissioner Terry Phillippe: What type of equipment are you talking about using?

Steve Sherwood: My foreman says he can rent a piece of equipment narrow enough to get through the fences and utilities that are above grade and causing limited access to the easement. It shows we have slope so we were just going to grade about a 6 inch swale more or less, 2-3 feet in width. The length of the property.

Commissioner Dan Saylor: This is not a lined ditch?

Steve Sherwood: No. I’ll show you the

Commissioner Dan Saylor: No, I’m familiar with it so I know. I’ve walked it. I just wanted to make sure. I couldn’t remember if it was silted up. But it’s not lined.

Steve Sherwood: It’s another ditch that the drainage plans showed it should’ve been there but I don’t believe it ever was from the original drainage plans. It’s got healthy slope from north to south, it just gets caught up.

Morrie Doll: It’s routine maintenance.

Commissioner Terry Phillippe: I think if we’ve got the ability to do it and it’s somewhat our obligation, we’ve been talking about it since I’ve been a commissioner, so I say fix it.

Morrie Doll: Motion?

Commissioner Terry Phillippe: that’s my motion.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor? 3-0

Steve Sherwood: 3-0. Thank you very much. I will put that plan into motion. That’s all the business I have today.

President Bob Johnson: I’m concerned about damage. That’s my only hesitation. Anything else.

Steve Sherwood: that is all that I have. Thank you.

Phil Baxter: Nope.

**MOTION TO ADJOURN/RECESS:**

Commissioner Terry Phillippe: I make a motion to adjourn.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor. 3-0