

WARRICK COUNTY DRAINAGE BOARD

REGULAR SESSION - AGENDA

107 W. LOCUST ST., STE. 303- BOONVILLE, IN 47601

PHONE - (812) 897-6170

SARAH A. SEATON

TERRY J PHILLIPPE

STACEY FRANZ

Meeting Date: August 10, 2026

Meeting Time: 2:30 P.M.

Link to view meeting via YouTube: [Warrick County Meetings](#)

Note: Persons with disabilities or non-English speaking persons who wish to attend a public meeting or hearing and need assistance should contact the Commissioner's Office, 107 W. Locust Street, Suite 301, Boonville, Indiana 47601 or 812-897-6120 not later than one (1) week prior to any meeting or hearing. Every effort will be made to make reasonable accommodations for any such person or persons.

Present: Steve Sherwood, Morrie Doll, Stacey Franz, Terry Phillippe, Steve Spinks and Ondrea Temme.
(Sarah Seaton- Virtual)

Meeting was held at Friedman Park, audio recording was delayed at beginning of meeting

The meeting was called to order following the Pledge of Allegiance.

1. Approval of Minutes

July 27th meeting- Stacey Franz made motion to approve, Sarah Seaton seconded motion, Motion approved unanimously (3-0)

2. Minors Ridge Phase 2 Lot 8

Glen Meritt with Cash Waggner & Associates appeared before the board to vacate a 12' foot drainage easement. (portion of this meeting was not recorded)

Terry Phillippe: Is that the appropriate strategy?

Steve Sherwood: All this information was turned in through the county surveyor's office. Mr. Spinks had me contact Donnie Denton early. Donnie said it was, we questioned to be sure that DNR says it's a non-jurisdictional ditch and he confirmed it was not.

Glen Meritt: That's correct.

Steve Sherwood: It takes a smaller amount of water than to be jurisdictional. My only concerns and I believe Scott Buedel shows this on your very last page of Mr. Spinks package is that your vacation of the existing ditch which is a natural drain. The subdivision was platted and they follow the existing natural drain. That's why the easements look so irregular.

Glen Meritt: Correct.

Steve Sherwood: That when they do vacate it, it'd be subject to relocating it at place to be designated in a reasonable amount of time. In other words, if you vacate the ditch, the water does have to go somewhere. And that was my only concern. I believe that's what the email said in Mr. Spinks office that Scott said, can you make the vacation contingent upon and take effect on recording of the new easement so we only have to do this one time?

Glen Meritt: Yeah. They're going to leave the existing ditch there until they get the new ditch constructed and then they'll turn around and we'll as built it turn in the new easement location, get it recorded and then the old ditch will get filled in and old easement get vacated.

Steve Sherwood: And I believe I've stated everything correctly, did I not? Glenn and Donnie.

Glen Meritt: Correct?

Steve Sherwood: Okay, very good.

Glen Meritt: We had our wetland stream ologist look at it. I mean, he said there's no connectivity for water of the US out there because it goes into the stripper pit and like Steve said, there's not a lot of water that drains into this ditch to begin with.

Steve Sherwood: Yeah, I would defer to Mr. Spinks if he has any additional comments.

Steve Spinks: No, Mr. Sherwood, I don't. I think it'd be good thing and that way the homeowner can proceed and build the house they want to build.

Morrie Doll: My understanding is you're not vacating the existing easement until the new easement is built.

Glen Meritt: That's correct.

Terry Phillippe: So, you don't need any action today. You're just putting this on our radar.

Glen Meritt: Well, we need a recommendation to go to county commissioners, is all that we're trying to do here today at the drainage board meeting because Scott's going to come to the county commissioners meeting at 4- 4:30, whatever time that is. And he wants to get an approval for the vacation. That way when we get the new easement recorded, we can just take it to the recorder's office and get it get everything filed and vacated and not have to wait two weeks to come back to a meeting is what we're that's the process that we're trying to go about.

Terry Phillippe: So, their comment about the timeline on building?

Morrie Doll: How long is it going to take you to complete this project where you're building the new easement the, the new drain?

Donnie Denton: It will take a week for the time to get started because we'll be out there moving a lot of dirt and stuff. So, we'll cut the ditch in right away and then once that new ditch is operating then we'll close off the old.

Morrie Doll: And when do you think you're going to start this project to cut the new ditch?

Donnie Denton: They're actually coming to the meeting tonight about the data center. So, it's really going to be a call whether they built out that there. I explained to them that the data center halfway to 64 and they were at ease with that. We're coming to your meeting tonight. So...

Morrie Doll: Well, that's not the commissioner. Yeah, that's not the commissioner's meeting tonight. That's the area plan commission's meeting tonight.

Donnie Denton: Yes, I'm sorry.

Morrie Doll: So that's the meeting they're coming to?

Donnie Denton: They're coming to tonight, yes

Glen Meritt: But let me ask you, are you looking for like a three-month, six-month time frame?

Morrie Doll: Yeah

Donnie Denton: I would say as long as they like what they hear tonight. I can assume we.. I know. I don't know what to say. I'm sorry.

Glen Meritt: Is six, are you guys okay with six months or is that too long? What kind of time frame are you looking?

Terry Phillippe: So, if there's going to be a motion, it's probably going to sound something like this. I'm not making the motion. Vacate the ditch as it is subject to building the new ditch on its completion by X date.

Glen Meritt: Gotcha.

Donnie Denton: I would say three months would be plenty of time because if I wait much longer, I'm not going to be able to move the dirt back to the way it needs to be done. So, I would say three months would be ample time and then if they decide they don't want to, but they bought the pole barn on that property. So, I can't see them not building

Terry Phillippe: And if they don't then we've made an action?

Steve Sherwood: I would just ask that Cash Waggner submit a typical ditch cross-section to Mr. Spinks office so he can see what the new ditch proposed be built like.

Glen Meritt: That's fine.

Steve Sherwood: And that way he could put it in his file with the rest of the minutes.

Morrie Doll: Well, I think what you're worried about is if you approve it today, that doesn't get built. Now you got a problem.

Glen Meritt: We will not, I mean, it's not going to get vacated. Like I said, if you say subject to getting the new easement recorded, I mean, I'm fine with that. That's what we want to do. We don't want the ditch to be there and no easement to be around the ditch. So that's not our goal at all.

Morrie Doll: Which will be done within 90 days.

Donnie Denton: Yes 90 days.

Glen Meritt: So, there's not much there with this ditch, honestly.

Donnie Denton: Honestly, I still don't understand why the ditch is even there.

Steve Sherwood: It's just a small portion of the road ditch, but that's even smaller than what runs to the ditch on the property.

Glen Meritt: The roadside ditches are bermed off and it doesn't even drain onto the field until it overflows the roadside ditch.

Steve Sherwood: The adjoining driveway was sized by it dumping into this ditch.

Glen Meritt: I got it.

Donnie Denton: Just literally it's the surface water that's running down the line.

Morrie Doll: So, the motion would be contingent upon filing of the replacement easement which would be done within 90 days.

Stacey Franz: I'll make that motion.

Sarah Seaton: I'll second it.

Terry Phillippe: Okay. I have a first and a second. All in favor? Motion carries 3-0.

Glen Merritt: Thank you.

Steve Spinks: All right. Dig that ditch and get it done.

3. The Reserve- Lot 16

Terry Phillippe: So, the next order of business is The Reserve Lot 16 and that's vacating portion of that easement.

Glen Meritt: Yeah, we're going to we need to table this one for another month, built some of the detention basin out there and still going through that information before we're ready to come back before the board.

Morrie Doll: Motion to table?

Stacey Franz: I'll make a motion to table.

Sarah Seaton: Second.

Terry Phillippe: All in favor? Motion carries 3-0

4. Libbert Lakes Lot 10-12

Glen Meritt: Libbert Lakes, a couple years ago, we came before the board and asked to pipe lot 9 and lot 13, which are on the east and west end of these three lots that I have before you today. And Chris Combs, the developer, is wanting to just continue that pipe and make it one long run of pipe over those five lots on the north side of Libbert Lakes. All they're collecting is the rear yards from like eight or ten lots along the north side of that development. I put a couple area drain structures in to catch what little bit of surface water is going to be left after the rest of it is piped underground with the flared in sections on the east end. Yep, that's all I have on that one. If anybody has any questions...

Terry Phillippe: I see down here just on the top side of like lot 64 that that's 12 in HTP is the same thing.

Glen Meritt: Where are you seeing that at?

Terry Phillippe: Below where it says lot 10 on the top part of lot 64 gives a description of what's there.

Glen Meritt: That is the existing road storm sewer pipe. Everything's up on the north property line.

Terry Phillippe: Yeah, I understand that. Is it the same?

Glen Meritt: Yeah, that is all existing pipe in the subdivision that's there today. Everything that they're putting in along this north line is all concrete. They put in 12 inch and 18 and 21, I think, the last time, and now we're putting the a 12 and a 15 in in between.

Terry Phillippe: Mr. Spinks, do you have any comments? Anything to add?

Steve Spinks: No, I think it will be all right as the engineer has asked for. I think everything will be okay if you approve it.

Glen Meritt: The storm sewers all size for the 50/ 50-year storm for the code.

Terry Phillippe: Okay, Mr. Sherwood, any comments?

Steve Sherwood: Yes, Mr. Spinks asked me to review this. Glenn and I had some conversation back and forth. He made the adjustments on the final plan that show the details of the drainage area, drainage and pipe calculations all meet our minimum standards. So, I recommended approval.

Terry Phillippe: Okay. Very good.

Stacey Franz: I'll make a motion to accept the drainage at Libbert Lakes

Sarah Seaton: Second that.

Terry Phillippe: All in favor? Motion carries 3-0.

Glen Meritt: Thank you

5. Town of Newburgh & Commonwealth Engineers

Terry Phillippe: All right. Town of Newburgh.

Steve Spinks: They are not here.

Morrie Doll: Chris was on vacation last week. We were going to go out and take a look at it. And I was tied up so a personal matter. So, we need additional time to take a look at this site.

Terry Phillippe: Okay. Table that one.

Stacey Franz: I'll make a motion to table.

Sarah Seaton: Second.

Terry Phillippe: All in favor? Motion carries 3-0.

6. Big Creek / American Land Holding

Big Creek American Land Holding Mark Chamness w/ Morley.

Mark Chamness: So basically, during some other work in the area, this area here that was once Big Creek was a regulated drain, which has been moved during coal mining activities has been relocated. Mr. Spinks, the county surveyor, had asked that we come up with a new description for what's there now so that that drainage regulated drain book could be updated. And so, this is our exhibit here showing where the original Big Creek was and where it is now located.

Steve Spinks: It's longer than the old one. Tell them the difference.

Mark Chamness: So, there's about 660 ft more centerline than what was there before. 2,789 is what was there in this portion and now there is 3,648.

Steve Spinks: And then we'll change it in the on the list of illegal drains. It'll be changed and then when you certify it at the beginning of next year, it'll be on there correctly and then this will be put into the files and into the record.

Terry Phillippe: Okay.

Morrie Doll: When was the actual construction of the replacement when was the actual construction of the replacement drain accomplished? Do you know?

Mark Chamness: I do not.

Morrie Doll: We met with the coal mine company and surveyor and I did and we reminded them that if it's a regulated drain, they can't just close the drain without notifying the drainage board. They notified DNR and all that at the state level, but they just didn't think to notify us.

Mark Chamness: Yeah.

Morrie Doll: And it does impact Warrick County. So, they needed to tell us that.

Mark Chamness: Right?

Morrie Doll: So, this is them telling us that.

Steve Sherwood: If I recall, this was all discovered during the subdividing process of that area.

Terry Phillippe: So just a little cleanup paperwork, right? And we are approving the relocation of the easement.

Steve Spinks: Well, if I remember right, you've done approved it, but we didn't have the footage then, Terry. So, you requested the footage and that's what we have for you today is the correct footage so it can be documented and put into the record.

Morrie Doll: So, it's a modification of the previous approval.

Steve Spinks: Yes.

Stacey Franz: I'll make a motion to accept.

Sarah Seaton: Second.

Terry Phillippe: First and a second. All in favor? Motion carries 3-0.

Mark Chamness: All right. Thank you.

Terry Phillippe: Is that all for drainage board?

Steve Spinks: Yes, sir. That is all.

Storm Water

Westwood Subdivision Sections A & B

Steve Sherwood: Thank you, Mr. President, under storm water department, I have an update for you on the Westwood subdivision section A and B drainage improvement project. My crew chief and I had a walk through last week with Koberstein. Basically all the work has been completed. We did a punch list. There's a few remaining items that need some corrections. They should be done within the next two to three weeks. They are finishing up their watering of the sod later this week. I put a letter out last week to all the homeowners updating them the status of the project being completed. Most of them have been pretty gracious location of their fences outside the easement area and they've been told to continue the watering the sod after the contractor ceases his required time period. With that, I have an approval of invoice No. 3, less the 10% retainage for the property. The amount of the retainage is \$151,577.00. That's \$151,577.00 which is the bulk of the project remaining on invoice No. 3 less the 10% retainage we are still holding. I need a motion for approval to release the amount cited for invoice No. 3 and I'll need signatures after the meeting.

Steve Spinks: I'll make a motion to approve.

Stacey Franz: Second.

Terry Phillippe: All in favor? Motion carries 4-0

Steve Sherwood: The next item I have is for the same subdivision, is approval of change order No. 1. I reached a consensus with the board members so I can have the contractor finish this work in a timely manner. It was for \$3,200 even and that was basically we did a concrete sidewalk. The landowner was adamant that it was an exposed aggregate sidewalk and he demanded we replace it in kind even though the condition was bad. We agreed that it was crosses frontage as exposed aggregate and the contractor put in plain regular cement sidewalk and it was not in the specs to do otherwise, but I reached a consensus with the board. I just need approval of that \$3,200 change order at this time to complete that change order.

Stacey Franz: I make a motion to approve the \$3,200 change order.

Sarah Seaton: I'll second.

Terry Phillippe: All in favor? Motion carries 4-0.

Steve Sherwood: The next item I have is our erosion control inspector for the July bill of 2026. The invoice was \$5,011.25. In other words, it was \$11.25 over our maximum of \$5,000 per month which is budgeted in the contract. But I must have board approval when that amount exceeds \$5,000 for the monthly contract. We've done this before with our erosion control inspector, but I just needed to have that again approved by the board. Morrie, you're somewhat familiar with that in the past, too I believe.

Morrie: I am.

Morrie Doll: She wouldn't deduct \$11.25 from our monthly bill. She already had it submitted and it's ridiculous I keep bringing it before the board, but there it is.

Stacey Franz: Make a motion to approve.

Sarah Seaton: Second

Terry Phillippe: All in favor? Motion carries 4-0

Steve Sherwood: Thank you. I'll have signatures on change order and then small amount for the erosion control at the end of the meeting.

Violation Notice-Ellerbusch & Willow Pond (Gesselman)

Steve Sherwood: My last item I have is a violation notice of site disturbance of over one acre for a Mr. Michael Gesselman. He lives at the southwest corner of Ellerbusch and Willow Pond Road. It's about a 26 acre parcel. He's obviously disturbed most of that acreage, but I put him on notice that he's in violation of our erosion control ordinance. In other words, he does not have a storm water pollution prevention plan or a SWPPP on file. He's made contact with our office on August the 5th after I sent him this package on July 30th. I believe he's also working within the Willow Pond legal drain and I notified the county surveyor's office, Mr. Spinks, as such. I believe he's trying to make contact with a gentleman regarding that as well. I have no action to be taken other than I just wanted to notify the board.

Steve Spinks: Yes, I went out there. I looked at it from the truck. Everything was set in idle. Was out there Friday. I'm going to try to make personal contact with that man. He has went into the 75 ft easement, which you're not allowed to do so. So, I will explain to him that he has to put it back.

Steve Sherwood: My violation letter was a cease and desist order until he gets a SWPPP on file. So, he contacted us. He's quit working the site and I think Mr. Spinks said the equipment is standing idle.

Terry Phillippe: Very good.

Steve Spinks: And I'm going to talk to him, let him know first steps is for me to tell him what he's got to do, which is put it back. And then if he follows that, then everything will be okay. If he denies it and wants to fight us, then I'll bring it to the board the next meeting and we'll send him a letter from Morrie... he'll have 10 days to get it put back. And then if you don't do it then, then we go to another step and I hope we don't have to go to that step. But I'll let the board know how that conversation comes out.

Terry Phillippe: Okay

Steve Spinks: Because we've got to protect that 75 foot easement and protect that legal drain. And I do thank Steve for his people catching that and so we can get this taken care of. Thank you Steve.

Terry Phillippe: Anything else, Steve?

Steve Sherwood: That's all the business I have. Mr. President, I appreciate it, any questions of me?

Morrie Doll: No, sir.

Terry Phillippe: Anyone?

Stacey Franz: I'll make a motion to adjourn.

Steve Spinks: Second

Terry Phillippe: All in favor. Motion carries 4-0

Meeting adjourned