MINUTES
WARRICK COUNTY DRAINAGE BOARD
&
DEPARTMENT OF STORM WATER
February 9th, 2026
2:30 pm.
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 Terry Phillippe, President; Sarah Seaton, Vice President; Stacey Franz, Secretary; Morrie Doll; Attorney, Steve Sherwood, Storm Water; Steve Spinks Surveyor; and Ashley Knight, Recording Secretary.

Vice President Sarah Seaton not in

Present in the audience: Jen Curry, Glen Merit, Chris Combs, Sherrie Sievers, Debbie Bennett-Stearsman, Aaron Mendenhall, Jeff Lockhart, Jeff & Judy Kincaid, Jay Kinman, Bob Smith.

PLEDGE OF ALLEGIANCE:

President Terry Phillippe: I'd like to call the Warrick County Drainage Board regular session February 9th, 2026 to order. Please stand and recite the pledge with us.

APPROVAL OF MINUTES:

President Terry Phillippe: next order of business is approval of minutes from the February 2nd, 2026 meeting.

Commissioner Stacey Franz: I'll make a motion to approve.

President Terry Phillippe: I'll second that. All in favor 2-0.

CLAIMS:

President Terry Phillippe: next order of business is approval of claims. We have one for Alpha Laser, one for our Attorney for a total of $205.42.

Commissioner Stacey Franz: I'll approve the 205.42.

President Terry Phillippe: I'll second that. all in favor? 2-0

KIRBY PUD:

President Terry Phillippe: next order of business is Kirby Planned use Development and my understanding is folks are here to speak for or against the project maybe or ask questions. Anyone that wants to come up come up one at time please. The engineer is here to present the project for us. Council do you care what order we go in?

Morrie Doll: I'd like to have the engineer.

President Terry Phillippe: sounds good. Sorry Glen didn't mean to get in front of it.

Glen Merit: Glen Merit with Cash Wagner and Associates engineer on the project. Kirby PUD. It's a 11.65-acre development on the North side of Oak Grove Road. It is between Bell and Libbert pretty well midways between those two. There's an existing house on that site. Existing driveway, developer is going to leave that house. It's going to be incorporated into the development. Its still going to going to access Oak Grove Road with the individual driveway and then we're going to put a new road to access 34 new lots. We've got a detention basin in the southwest corner. It is discharging to a ditch located on the east or west property line. That ditch runs northwest over towards Libbert. Terry your probably familiar with that. Warrick County just replaced that box culvert when Libbert Lakes got developed a year or two ago. We've got an 8in orifice pipe out of that detention basin. Then there is another detention basin catching the majority of the site on the north property line. It's got a 15inch outlet pipe. Both detention basins have been designed for the hundred years to store the hundred year and release at the five. So, I mean Warrick County just updated their drainage ordinance manual you know at the beginning of the year and you're required or we're required to design to the 50 and we're still designing to the hundred with even a little more freeboard on top of that. So, I mean I think we've went above and beyond what's been required. We've done everything that site review and surveyor's office asked us to do at the meeting. So, I think everything's in order. If you have any questions, I'll be happy to answer them.

President Terry Phillippe: any comments? Steve?

Steve Sherwood: I went over these plans with Mr. Spinks. I don't believe we have any questions at this point. They made all the revisions our office required.

Steve Spinks: yes, they did.

President Terry Phillippe: okay, folks one at a time please.

Morrie Doll: and when you come up, please state your name for the record and your address.

Jeff Lockhart: representing 8833 Oak Grove Road. That would be on the south west corner of that. The ditch goes through our property.

Morrie Doll: Sir, pardon. What's your name?

Jeff Lockhart: Jeff Lockhart. I was; had concerns about the overflow as far as the ditch that runs where they're wanting to put the retaining pond at there's a small ditch that runs just a tad north and then it goes really west towards Libbert and the mouth of the drain that it goes to at Libbert it already runs over the road. I don't know if anyone know that or not, twice this summer. It had overflowed over the road, Oak Grove into that and because there its just not wide enough on the northwest end of that property to take that water and the ditch. I don't know if that ditch has ever been cleaned out as far as widened up and deepened up what it needs to. When you have a mouth to take that much water, its only that wide and yay high, probably 18 inches high. Its just not taking enough water to get out. And with your retaining pond, it looks to me like they're want to bring even more from the it would be from the northeast side of that property. Bring their drains down into that too. That's just going to be that much more that's a problem. That would be a problem backing water up on everybody else property. Not only will it back it up onto that 21-acre spot there, its going to back it up even onto the one, two, three, four properties maybe five properties even up in the north, the northeast part of it across the road that I mean it there's I just don't know where you're going to put the water at. I'm really concerned about where the waters going to go. That's already I mean there's times it backs up a 100 foot out into that field that we've got and you know it may take a day for it to go down but it shouldn't be water should not be laying in there like that even as of right now and I don't know who to talk to; to address the situation. I'm just letting you know that's the concern of that right now because that's a you know….

Steve Spinks: is that a legal drain, Steve not just a county ditch?

Steve Sherwood: it's a natural drain owned by the property owners; owned by the property owners.

President Terry Phillippe: so, were ultimately dumping Edwards, is that right?

Steve Sherwood: yeah, it drains to Libbert it's not a legal drain in the essence of the words, I don't believe its even in a platted drainage easement…

President Terry Phillippe: after that?

Steve Sherwood: after that it drains into Libbert Lake Subdivision and it crosses Libbert Road to that box culvert.

President Terry Phillippe: help me out here. I know we got several developments going on here, so is this one?

Steve Sherwood: this is the acreage that is underdeveloped. It drains through this drain along the south line of shadow ridge and then crosses the new box culvert right there where that lady with the sunflower seeds to the south and Libbert Lake subdivision to the north in that main ditch.

Jeff Lockhart: do you see the water; the waterway where I'm talking about that; I don't think that can handle enough water. The way I'm looking if you put more water in it's going to back more water up back towards the south and the water does not run south. Even on this here it points it runs the other way and it runs to the north and then runs back over to the west. That's a problem, that's the problem with what I've got going on. I think a few other people have the same problem going on.

President Terry Phillippe: can you address that?

Glen Merritt: I mean there in the southwest corner that all we have is an 8in orifice draining over there to the west to choke the water down to meet that five year. I mean that's the whole point of the drainage code. The existing undeveloped runoff for the 5-year storm that's leaving that site right now as it exists today is all we're allowed to release at that southwest corner is 2.11 and we're releasing at 1.45. So, I mean when this gets developed the waters going to go into that detention basin that orifice is choking that water down there, it's going to store it in that pond and then its going to release it at an 8in.

Jeff Lockhart: but whenever the heavy rains come is what I'm saying because there's going to be you're; the retaining pond's going to be fuller because you're taking the water from your northeast spot. It says on here you're going to run it down that property this way and then back towards that again.

Glen Merritt: No, the north part of its going to that other detention basin here….

Jeff Lockhart: no all these, these arrows pointing here this is all water coming this way.

Glen Merritt: I don't know where all the arrows are. That's the plat. So, pretty much all the water from this point. I mean you're going to catch water like this little part here is going to you. The rest of its going up here.

Jeff Lockhart: no, it can't because this here is still a hill up to here. Unless you guys are going to shave that all down on this on this subdivision back here. Then that's going to put more water onto that.

President Terry Phillippe: sir, so it sounds like you've got a plat document not a drainage document. I mean, is it safe to say council that its one thing that we try to do here is put less water onto…

Morrie Doll: well, the regulation is that it can't discharge more water than it could prior to the construction…

Steve Sherwood: development versus pre-development.

Morrie Doll: right.

Jeff Lockhart: you're going to try to reduce the water is what you're saying…

Steve Sherwood: from their development.

Jeff Lockhart: what do we do when if it does increase and it fails?

Glen Merritt: well, we designed it for the 100 year which its only has to be designed for the 50 and then we still have a little bit of extra. I mean the detention basin right now the 100-year elevation is like three and half inches below the emergency spillway and I mean if we get a 200- or 500-year storm…

Jeff Lockhart: the other thing how deep are you going to put your retention pond? Is it going to be deep or are you going to start filling in from up above and come in because I know how that land sits there?

Glen Merritt: as far I mean there's going to be a berm on the back side of that detention base and I don't know if you can see this a little better.

Jeff Lockhart: I see a berm but as what I'm saying how deep are you going to dig down into this deep or you just going to start filling in? because there's a lot of underground wells there too. I don't know if you've taken that into consideration or not because I know there's three of them up on top of that hill and I know that there's another one on the other across the road.

Glen Merritt: detention basin is 2 and a half foot. Its got two and half foot of storage elevation in that detention basin. I mean its going to be wet. So, I mean it they're going to excavate down quite a bit further than the 2 ½ ft to maintain permanent pool on that basin. But as far as the storage above permanent pool to the emergency spillway, there's 2 ½ ft of storage in that basin.

Jeff Lockhart: have you checked to see if there's any underground wells at that point in that area? Because if there is, then you're going to bring more water to the top and you're going to actually destroy some of the other people's wells that we use up, especially up on the hill up there for livestock and stuff.

Glen Merritt: no, we didn't. we did a topo survey and did not identify and wells anywhere.

Jeff Lockhart: that's all I have to say. I don't think that's going to work. I really; I'm really opposed to it. I mean it just I don't think that'll work.

President Terry Phillippe: I understand sir, there's been many times on this board where I've sat up here and listened to an engineer and their calculations and still hear somebody that's lived there for a long time and see things for over 60 years. But with the firm that we're talking with here they have'; they're required to design to the 50-year storm and they're designed above that.

Jeff Lockhart: I understand what I'm looking at is what it could promote towards bad to other property owners around the area is what I'm looking at. Because if it fills up any more than what its filling up, even the one house that's just southwest of that one, I don't know who owns that property. I don't know if those rent houses or whatever, I know that it gets up pretty close to that house, I know that house has a basement underneath, use to have a basement still does, but they didn't tear it down and it would fill up with water all the time.

President Terry Phillippe: I don't think your problem's going to come from the development I think the lord provides us with a lot of rain…

Jeff Lockhart: What I'm saying when that happens is whenever the water stands and you can't get out, that's when everything starts back filling on everybody. It just hits the back. What I'm worried about that water needs to get out and you say that the ditch that runs to Libbert Road, there's nothing nobody can do about that, but the land owners are responsible for that. So, they could close it up.

Morrie Doll: its not a regulated ditch, its not under the surveyor's jurisdiction.

Steve Spinks: I didn't realize this was going to be a topic. That's why I asked Mr. Sherwood, is it a legal drain? If it's a legal drain, sir, I could get involved right? Because that's under my jurisdiction as a surveyor, but its apparently its not a legal drain.

Jeff Lockhart: okay, well my questions is back. My question is if that is a ditch, but its not a legal drain. If those people fill that in, that's going to make it even worse is what I'm saying. So, what do you do in a situation like that?

Steve Spinks: that's what I was going to ask you all because apparently, we got quite a few residents here attending this meeting. If we could all work together, what would be your suggestion that could improve that water flow that you wouldn't have to worry about?

Jeff Lockhart: well, it was kind of brought up even when the road was widened that the ditch that runs behind those other three. There's one I don't know there's the one rent house, another rent house, and the guy took the old Kenway Building and then there where Mr. Grigsby lived at his house and then where the on the corner where they sold that lot for that used to have the old church on it. I don't remember who the guy was that lived there. That ditch runs behind them onto the south side of the one subdivision back there that has the wood fence that needs to be deepened and widened a little bit and there needs to be a bigger mouth at the end of it because like I said a drain that is no more than its probably three foot wide and probably 18 inches it can't take water in.

President Terry Phillippe: sir, let me answer your question directly. Keep in mind I'm not an attorney and our attorney if I'm wrong. So, if somebody were to fill that ditch in natural, it's their property, right? That would become a civil issue if it backs water up on somebody. That wouldn't be under our jurisdiction as a drainage board. It wouldn't be under his jurisdiction as the surveyor. It would be under his jurisdiction.

Jeff Lockhart: so, nobody needs to worry about none of that water. But where if it does back up and gets like at where's the water supposed to go? Into your drain into your road drains, your sewage, your road drains the drain on the road because there's a lot of water that goes into your drains even now. I don't know where you guys' flush that. I don't know if its all back goes where it goes, but there's a lot of thousand, hundreds of thousands of gallons that go into there when that road floods is what I'm saying because that road does flood.

President Terry Phillippe: Highway department takes care of roadside ditches. The surveyor takes care of legal drains. I'm not sure exactly; your kind of bouncing around here. I'm not sure exactly where you're talking about. I know there's an area of watershed that we're talking about.

Morrie Doll: which road?

Jeff Lockhart: it would be the ditch that they're wanting to put the retaining pond at the south the southwest corner of that. There's a ditch that goes across the road and its got I mean ya'll when they put the highway the road in I mean its like 4 foot square thing that they put in its plenty wide but as it goes down it just bottlenecks gets smaller and gets narrower as it goes and you got all that water running to something that's three foot by 18in I mean that it cant take all the water fast enough and if your putting more water into it, its going to back it even up.

Steve Sherwood: what he's referring to, there's another box culvert across Oak Grove Road that was done when the road widening project. Same ditch he's referring to that flows out of that pipe. The problem is all the water coming to that pipe on the south side of Oak Grove, that's all undeveloped, unregulated, unsubdivided property for the most part. There is no retention built into that yet until it gets developed further. If it ever gets developed further. There are some larger tracks south Oakgrove, but most of it is residential but a lot of that water, what he's referring to, you said came over Oak Grove Road twice since it was widened. In reference to as what you're saying, Mr. President, they're releasing will be releasing less water than what it does now. But the bulk of his flooding issues, if I understand correctly, are coming from the south side of all that acreage trying to cross under Oak Grove Road, which discharges to that ditch between the two box culverts.

President Terry Phillippe: we've kind of ventured outside matter.

Jeff Lockhart: if that ditch that goes through there and once it crosses under the road, it gets narrower and narrower and shallower and shallower and it goes to, whoever did the road on Libbert whenever they done that whoever done the road there that's not big enough to take the water.

Steve Sherwood: we understand the ditch is too small between those two box culverts, the one on Libbert and the one on Oak Grove and the ditch is heavily wooded with brush and trees which helps restrict some of the flow as well but again its owned by property owners it's a natural ditch there's no easement no legal drain connation to it.

Jeff Lockhart: well, I think one time everyone was under the impression that you guys, that the county was to take care of the ditches and keep them open.

President Terry Phillippe: only legal drains.

Jeff Lockhart: only legal drains.

Morrie Doll: we'd be trespassing otherwise.

President Terry Phillippe: thank you sir.

Jay Kinman: I'm Jay Kinman. I just listened to everything you said. So, what you're; I just want to recap it. Basically, it doesn't matter what anybody does here. If they put more water in that ditch and backs it up, that's not your problem. It doesn't matter what they do, why do we even have a commission? But basically, that's what you're saying, oh well there's nothing we can do here. We're talking about backing up. There's nothing we can do there, that retention pond will be there. There's going to be more water coming into it. We know that, it can't get away. It's going to back up. That's what he was trying to tell you. And you're saying wait there's nothing we can do about it. There's a lot you can do about it. You can refuse it. I don't want to see that happen. If they want to put a subdivision here, I don't have a problem. Get rid of the water. The county has got some responsibilities, you can't flood somebody else's property.

President Terry Phillippe: I'm not sure I understand the point where water…

Jay Kinman: were we not listening to the same guy?

President Terry Phillippe: we're talking about a development here. It's going to put less water than what's currently being…

Jay Kinman: no, no, no, no. I'll tell what an engineer told me one time. Inch rain is an inch rain. So, we're no more water, it's the speed that we put it there. That's pretty obvious, I think everybody can understand that. It can't soak in and its running into a ditch that can't get rid of it, where's it going to go?

President Terry Phillippe: Steve, help me out here you're the engineer at the table, it's a calculation is that the water is going to go in at a lesser rate than what its currently moving, right?

Steve Sherwood: yea, Mr. Merritt's already demonstrated, I believe, that information. But I'll let him speak to his questions.

Jay Kinman: I don't want to speak to him, I tried I went back there and tried to talk to him while ago. He didn't want to talk to me so, I don't need that. What I need is an answer. If that ditch runs over to Libbert Road or cleaned out, that would let that water flow over to that ditch like it should. But you're saying that's not your responsibility. You're saying we can't help it; it's going into open field.

President Terry Phillippe: we're not here on our agenda to talk about a ditch outside the development, we're talking about the development sir.

Jay Kinman: That's what we're talking about. The water that's going to be running off the development. We've already got a problem with the water that comes down. Now, we're going while we're talking about speed that its going to come in and also more of it because that's the wat that's going to be covered. There's no place for it to drain, there's no place for it to go into open soil to drain into the ground. I don't understand this.

Steve Spinks: sir, if the was cleaned out that you're concerned about, would that improve your concerns?

Jay Kinman: yes, it would. If that ditch was cleaned out over to Libbert Road that would let the water get away more like it should.

Steve Spinks: is that a private ditch? We can't do nothing there, sir.

Jay Kinman: see, well that's what I'm that's what I guess I'm getting at. Nobody can do anything about it.

President Terry Phillippe: sir, let me ask you this. Do you know the property owner where that ditch resides?

Jay Kinman: I went through this when they did that road and the county finally told me, we will go clean that ditch because it used to be a county ditch and all of a sudden its not ours anymore. It's private, I don't know how it went from being a county ditch to being private, but they quit cleaning it out.

President Terry Phillippe: I don't know, I've only been here for a number of years. Do you know the property Owner?

Jay Kinman: I don't know the property owner. Things changed there, but it don't matter were talking about as you said were talking about a subdivision and the effects of the subdivision.

President Terry Phillippe: were not.

Jay Kinman: were not, then I'm totally not even in the right meeting because I thought that's what we were talking about.

President Terry Phillippe: the effects of the subdivision are providing less water than what's currently.

Jay Kinman: its not, can you give me a paper and water and I'll show you?

Bob Smith: Bob Smith, I'm on shadow ridge 8733. So, what I think what the point he's trying to make and I got a question to the engineer. The amount of surface area that's going to and this 11.65 acres the amount of surface area that's going to be either asphalt or roofed versus the vegetation that's currently there when you get an inch. I guess the question for the engineer is the retention pond. Have you done the homework because you said it was 2 ½ feet tall and I think on that south berm if I heard correctly? Have you done the calculation that says all the water that's engineering that retention pond on a 50- year storm plant covering all the surface area that's going to be asphalted or concreted or the housing development when the a one inch or two inch that 50- year plan or whatever plan it was will not fill that retention pond up period is what you're saying if I hear you correctly.

Glen Merritt: that's correct. They're both designed for the 100-year storm. Warrick County requires the 50.

Bob Smith: what is a 100-year storm? Can you tell me that?

Glen Merritt: I can't tell you the exact rain.

Bob Smith: you don't have to answer that. And what I think he's trying to say is…

Glen Merritt: I don't have that number; I mean it's a big number.

Bob Smith: so, what I think he's saying is the 8inch for all this surface area that's going to be consumed taken away from grass. Even though that 8inch is going to allow it to flow out probably at a fairly consistent flow. And if you don't have a ditch downstream, which they don't, then its just going to go out there and wherever the ground flow is off of the existing property that's not in the legal ditch. Then it's going to allow that water to flow over the street and back into his yard. That's what I'm hearing. So, I don't think the development and Chris has done a good job. I appreciate his time of trying to explain it to me. Because my question and so that's is that not your issue? So, I just want to clear that piece up. So, I don't know if he's got any other comments then I'll go into mine.

Steve Sherwood: but Glen will tell you as the design engineer, his coefficients for drainage have already taken in the increase of roadways, driveways, concrete, rooftops, sidewalks. And they come up with an empirical formula that says x amount of water will now be generated from that site based upon a developed coefficient, which is what you're talking about, a lesser coefficient for open pasture or grass. And it's a higher coefficient for development, and his numbers were telling you that it meets the county minimum for a 50-year storm event, but yet their basin designs to hold a 100-year storm event. Which means they've got extra capacity, but that's not to say if there's more rain than a 100-year.

President Terry Phillippe: could you do me a favor please? The baseline requirement was two what?

Glen Merritt: the baseline is 50.

President Terry Phillippe: I know that…

Glen Merritt: the existing? The five-year undeveloped is what you can release off of the property per the code.

Bob Smith: what does that mean?

Glen Merritt: just a five- year storm intensity versus a hundred- year storm, I mean just the amount of rainfall. I mean its significantly less. Warrick County is the most restrictive in this whole area. Vanderburgh's a 10, a lot of communities are in the 10- year range and Warrick is a 5. And like I said, you know that you design it for the road, the houses, whatever watershed is draining through that detention basin, that's the calculation that goes into it. And that new C value which is what the surface hard surface of the land is converted to. So, its like woods right now it's probably a point 4 and so when you put houses and pavement on it then it goes up to like a 0.92. So, that is all factored into the detention volume calculation that tells us how big it needs to be, how deep it needs to be and then the outlet rate for sizing the spillway pipe is based on that five-year rate and you're limited by that five-year rate can't allow anymore. I mean we're choking both of them back. The one in the southwest is not choked back as much because there's not that much water there. Again, we've only got two CFs to deal with and we're releasing a one and half.

President Terry Phillippe: that's the number I was looking for thank you.

Glen Merritt: the basin that drains over towards your direction, we could be releasing at 13.1 and releasing at 8.7. cubic feet per second.

Bob Smith: is the existing your calculations in the way the land design now as far as the flow of water off the land? Will there be any change of more going one direction versus the other?

Glen Merritt: I mean potentially it could be a little bit different but again the undeveloped I mean as it exists today, we do undeveloped watersheds. If it split like what you're saying this one had a couple different watershed. So, the watershed that was existing draining to that southwest corner is different was allowing me to release at the 2.1. The watershed for the basin on the north property line that's releasing to the north ditch that 5-year rate up there was 10. But we've got a lot offsite water from over here that's running onto us as well. So, that added to the release rate a little bit. That's why the third; that's where the 13 come from. But then again, we choked it down above and beyond that by almost four and half, so we went from 13.1 down to 8.73. And I mean, even with the 100- year, we've still got three and half inches before we get to that emergency spillway mark. I mean, there's a lot of storage in these two detention basins. And I've been doing this quite a while and I mean I've heard a number of concerns like this on other developments and once they get developed, I mean we've had I mean sometimes you don't hear nothing from

anybody but I mean I've heard from people that come back in later on and be like you know you were right you know the numbers….

Bob Smith: I'm sure you hear it both ways.

Glen Meritt: you do, I mean I don't honestly, I mean from they don't all go one way but I mean I've been doing this a long time and we get these huge rains and very little problems that I have heard of come back. Even from the developers or I mean its going to get back to us somehow the joiners or the people that are living there now are going to call the developer you know start complaining to the developer that they're getting water you know in the roads whatever. And we don't hear a lot of complaints after the fact on these developments. There's a reason that ordinance is in place to make us store the water to the undeveloped conditions and restrict that release rate to the that set amount. And again, we've feel like we've went above and beyond what Warrick County's ordinance requires.

Bob Smith: the next thing, and I'm not as concerned with Chris's development here, but here's the problem we get into. The problem we get into is Chris get his development done and it's okay. And then you get Bell Road properties developing theirs and you got that 15-inch running that water over there and Bell Road, but that water runs back this way, and this is my house where the swell is right here. And we get a let's say a two- or three-year flood or rain. That swell was twice the size as it shows on this map. So, I'm not as concerned about Chris's because I think but when that Bell Road property comes up for development and they start because all this 15inch pipe flow is going to go back to a ditch back here. On back in this section back here and then it'll start backing up and it'll start going all the way up Shadow Ridge. I've seen it happen and I know you've got developments that happened all the way south to telephone and I don't know if there's any restriction or anything that's been looked at on that whole corridor of that ditch that legal ditch because that's a legal ditch between Bell Road, Shadow Ridge, Westwood and all those new subdivisions that have head all the way up to telephone.

Steve Sherwood: you're referring to Angel Ditch. Going North to Telephone.

Bob Smith: I don't know the names.

Steve Sherwood: It begins at the south the common southern corners of Westwood and Bellwood.

Bob Smith: so, when his gets developed and then you get Bell Road comes up here for development then things, I guess that's when things will really get exciting. Because I don't know what Chris can do any different other than them putting a ditch underground or the Bell Road property putting a big covert underground in their development. But when that development comes up, please look at that real closely because it's probably coming.

Steve Sherwood: I believe your talking to the design engineer…

Bob Smith: he hasn't heard anything. I asked him about it. So, I don't know where that's at. I've heard a lot of different things like it's as you and I talk wetlands and stuff like that. So, I don't know if that's…

Steve Sherwood: as you and I talk we don't know if its ever going to happen or not.

Bob Smith: I can't imagine putting that much money into a purchase and not having the aint raising cows over there. But I appreciate what you've done. I didn't understand the dry ditch and the engineering firm explained that part of it to me and where it was releasing at. It'll go beyond my property unless it backs in, it backs up that ditch. You know, where the swell is back here because this is all going to flow right here and then it depending on how much water comes into this angel ditch. Then it comes it starts going backwards and then it'll get in houses and that be a problem.

President Terry Phillippe: sure, Chris why not.

Chris Combs: I didn't sign in to talk. But I just wanted to explain. I'm Chris Combs, I'm the developer. All of you know me. So, this is my 16th development that I put in. And in 16 developments, I've never caused a major problem for somebody else around. Just to assure you of that. I respect your opinion. I get all that, I'm new to your area right there. But keep in mind, I want to make sure you understand that I've doubled the capacity that I have to hold in my retention. Double for that water that's coming off there at my expense. Second of all, what you don't know is when I developed Libbert Lakes Subdivision, there was a mess from the prior developer's development that did that and caused all that flooding. In conjunction with the commissioners and Steve Sherwood and all the work we did, myself and the Niehaus family spent $300,000 putting all that concrete pipe in and doing all that where the county put that new culvert across there. That was because of us. I paid $300,000 out of my pocket to alleviate all that flooding down there on Libbert. So, I just want to explain just a little bit more because we've talked briefly. We've talked a lot and you know; we go to great lengths when we come into a community, not to make it worse. I can assure you and what we're going to do there is going to make it a lot better. And I think when its all said and done, you'll look at me a year or two from now and you go well, that was way better. Your right, I can't control what's not on my property. And you can hold me to that, that's fine. I have total confidence in these engineers. They've done a dozen projects for me. And I've yet, you know, I did Belleview Subdivision. When we had that massive rain there was six foot of water across Telephone Road, we still had capacity to hold that water in our retention pond releasing at one tenth of what it was before I developed that 112-lot sub. Still had capacity. So, I'm just trying to just elaborate for just a second because obviously the engineers and Steve, they're way smarter than me when it comes to those calculations, but I use these people because they do it right. So, I want to assure you of that. That's all I got to say.

President Terry Phillippe: thank you sir. And for you guys out there, he said some of what I wanted to say. At the end of the day, it was required to be 50. It's designed for 100. We see Glen Meritt almost every single drainage board meeting we have. And Glen can back me up on this, there's been times where he stood here and said one thing and a person that's lived in a property for 40 years has said the opposite. I'm kind of leaning this way sometimes, but I don't recall a time when anybody has ever come back and said that he was dead wrong. So, I'm confident and

also keep in mind that, you know, the matter before us is a specific thing and we've talked about somethings that are outside of what we're supposed to be talking about today and there's; your certainly welcome to come back and talk about those, you know, whether it be a drainage board meeting which is responsible for private property or a commissioners meeting. I don't know and I don't want to get into a rabbit hole here, but you know we have a new drainage ordinance that might lend a different view on some things than we've had in the past. So, that's my little soap box for the min. Go ahead sir come on up.

Jeff Kincaid: My name is Jeff Kincaid and I live at 8766 Camelot Drive. So, my question is I guess a little bit more narrow but it is about the drainage. My property is the west border of this subdivision, the proposed subdivision. And so, we've talked about the southwest drainage pond and then the north drainage but my property is lower than the field behind my house. So, where is that drainage going to go? And what would the development do to my house?

Glen Meritt: can you show me where you're at? The only water that correct the only water I mean there's curb inlets here that's capturing the street that's running down that direction and that's routed back to this detention basin here or no, I'm sorry take that back. That is going over here and this here. So, this little probably that area right there is draining to the southwest corner here. I mean we've got a little bit that right on the edge that we can't catch because what you're saying. There's elevation difference there. There is a little bit of a fill embankment. These here are one-foot contours for what we're proposing. So, there is a little bit of a slope coming down to your property. But I mean the only runoff I mean is again coming from that flared in section outlet from the detention basin. There's a little bit of backyards that are allowed to run off there detained. Everything else would be going to that north drive.

Jeff Kincaid: should I expect this to be this elevation to be leveled from north to south?

Glen Meritt: no, I mean there's a lot of there's a lot of grade out there on that site. I'm assuming you know from living next to it. I mean there's a decent amount of fall on those streets. I mean again each one of these that are those are the proposed contours there.

Jeff Kincaid: but the contours from this direction should flow to that street is what you're saying?

Glen Meritt: were putting a ditch along this whole property line the west property line, to capture all those backyards. So, the darker lines that you see here, that's just a breakdown of my watershed areas, that are draining to run the full length that will run except for just that little bit. That little bit there is just going to sheet off towards you but the swell starts right here. So, the swell starts here and runs all the way down to that detention basin. So, I mean there's probably 100 or 200 square foot that run off to you. The rest of it's all going to go down there to that detention basin is how its designed.

President Terry Phillippe: okay, anything else? Kirby Plan use development drainage approval. Is there any other discussion? I'll entertain a motion for approval or denial, I guess.

Commissioner Stacey Franz: do you feel like your questions have been sufficiently answered? I'm sorry, I don't have any, I don't have the right education to lend to.

Inaudible from the audience

Commissioner Stacey Franz: it just sounds like from he's saying as they develop its going to be less of a problem and I hope that's true.

Inaudible from the audience

Commissioner Stacey Franz: so, it does sound like you have it amicable as much as we can.

President Terry Phillippe: council, I know not to elongate things here, but could you please give us your tiny lecture about arbitrary decisions.

Morrie Doll: yeah, you can't make and arbitrary capricious decision. If it meets the standards of the county ordinance, then we'll get sued if we don't approve it.

President Terry Phillippe: that's the thing that this gentleman right here has taught me. You know I do appreciate you guys coming, taking the time out of your day, but we are required to make a decision and can't be arbitrary. You know, because of your concerns and even with your lengthy time there that you've lived, we are required to make a certain decision.

Inaudible from the audience

President Terry Phillippe: so, let me help you refine your question. If that were to back up in the event of a 100- year rain or less, I'll let him answer that question. If it would happen in the event of a 100-year rain or more, then that's a whole different story. It's possible we get a lot more rain than; I mean we've had since I've been on this board, we've had larger rains. So, council?

Morrie Doll: well actually it's a little more difficult than that. If its above a 50-year flood, technically there's nothing that can be done about that. If its less than a 50-year flood, then that would indicate the design has failed to contain it and that would be a violation of the ordinance. There is a scientific calculation that the engineers can look up and will tell you what a 50-year flood is. At one time Warrick County only required a 25-year flood. So, we doubled it in the recent ordinance to 50- year flood. But it sounds like this design is a hundred-year flood. Having said that, we all agree sometimes it rains a lot and we've seen that recently and I think they call that climate change. I don't know, I'm not getting into that. But something's happening all of a sudden. We're getting a ton of water and this board has to figure out what to do with it. If it's a public drain, a regulated drain, this man right over here is the solution to that as a county surveyor because it falls within his jurisdiction and I happen to represent the drainage board and the storm water board. And we have 300 miles plus almost 400 miles of regulated drains in Warrick County. But it pales by comparison to unregulated drains, private drains, and that's what it sounds like that field has as a private drain. The commissioner to his question was a good one. It seems to me a collection of you ought to go to the neighbor who owns the property and say hey, can you do something with that drain? Because we can't. We would actually be trespassing.

We being Warrick County would actually be trespassing if we went on another man's property or woman's property and dug that drain. We can't do that. But he has a duty to retain the water and slowly let it back out so that it equals five- year rain and that's the calculations have been checked. They appear to be in compliance with that. We've done everything, in fact they've went above and beyond Warrick County's ordinance requirements. And correct me if I'm wrong, Steve. I think our ordinance is much tougher than Vanderburgh County.

Steve Sherwood: yes, they have a 10-year release we only require 5.

Morrie Doll: we're trying, we really are. And it's a mess, but you look out by there and that's flat as a pool table. I mean, its just flat. Its hard to make water run flat.

Inaudible from the audience

Morrie Doll: its sort of in the eye of the beholder and quite frankly that's why we have courts and they can figure that out. Sometimes, they have expert witnesses who testify and give them advice and sometimes you come out of the courtroom and you scratch your heard and you know how did they get to that decision? But that's what happens.

President Terry Phillippe: I like your statement; we're doing the best we can.

Morrie Doll: we're doing the best we can.

President Terry Phillippe: So, I hope I tell you what, I was on this board for many years and I learn something every day and so I hope this was helpful if nothing else. Thanks for being here.

Commissioner Stacey Franz: I appreciate the healthy discussion. I also learned something new. So, that being said I'll make a motion to approve the Kirby PUD.

President Terry Phillippe: I'll second. All in favor? 2-0.

WILLOW LANDING:

President Terry Phillippe: next order of business is Willow Landing.

Glen Meritt: we came in several months ago with this development. We've been going back and forth with Newburgh Sewer. They've got some capacity issues with their existing sewer mains down in this area and we had to change the route of the sanitary sewer. Currently, the sewer runs down the west side of Morningside Drive. I don't know if you guys are familiar, its down in Pollock and Morningside down on the south side of the county just west of Newburgh and the I mean the attorneys have been involved with Newburgh and the development group trying to come up with a solution on the best route and the new route that the developers have agreed to and Newburgh sewer have agreed to crosses Willow Pond ditch in the middle of kind of in the middle of the subdivision. I mean, Willow Pond Ditch currently kind of separates this

development. There's probably about two thirds of the developments on the north side of the ditch and about a third of its on the south side down along Pollock. So, the proposed route crosses Willow Pond Ditch and we're just trying to get approval to cross that legal drain is what we're here today for.

Steve Sherwood: Mr. Spinks any comments?

Steve Spinks: I think me and you talked about it. And didn't he do what we talked about?

Steve Sherwood: he responded, I asked. Is there another way they could sanitary sewer that side of the ditch without having to cross it? His response was no.

Glen Meritt: we went through multiple renditions with Newburgh sewer. Problem with Morningside is they have their existing main on Morningside right now in order to keep it over there. It's got to be way off the road and it's a deep sewer and it was interfering with the lots and the easiest solution was to come the route that we're proposing today to cross kind of in the middle of the development and reroute Newburgh. It's almost like I guess it's a secondary main because their capacity is not very good in that particular area and they're wanting to put this 10inch we usually put 8inch lines in. They're wanting us to put a 10inch and they've already got the existing 10in on the one side of Morningside. And once they converge there at Pollock and Morningside, they're going to come back in the future and put like a 36inch sewer main east of Morningside and Pollock for like detention storage in their sewer main apparent sanitary…

Steve Sherwood: but you're also saying it's a 10inch gravity line. So, its on a fixed grade or fixed slope. And these are all town of Newburgh requirements for the line size and placement. And I asked him to provide additional information. He provided me the inverts of the multiple drainage structure crossing about 800ft downstream on Pollock Avenue. And by time you get to the top of the pipe, Newburgh's requiring a concrete encasement of the pipe at the bottom of the flow line. And then they're also in requiring a flexamat, which basically is a concrete flexible mat that will maintain the bottom of the flow line of the ditch and prevent future scouring of the ditch, Willow Pond legal drain. So, they're asking to maintain a fixed flow line. If I read this correctly basically and then the hold harmless will address that and then it'll turn to legal counsel.

Morrie Doll: we don't have a traditional 60inch of cover.

Steve Sherwood: we don't have 5ft. of cover. No, they're asking basically from the top of the concrete about 1.3 foot of cover if that's what I calculated from your information if you concur.

Glen Meritt: correct, form the top of the concrete encasement to the…

Steve Sherwood: bottom of the existing flow line of the existing ditch which basically will be maintained with the flex a mat if I read the specifications correctly.

Morrie Doll: well, not only will we want a hold harmless but I would recommend that we need to have signage that was part of the very very clear conspicuous signage that this sewer is not

60inch below the flow line of the ditch. Its less than 2ft below the flow line of the ditch if its approved.

Glen Meritt: part of the application, which was the first time I've ever submitted a legal drain crossing application, it had signs required on both sides of the ditch.

Morrie Doll: that's Warrick County's standard. And we use it a lot with cable. It's used when the cables are going in. But this is different this is sanitary sewer. And if it gets busted, somebody digging out that ditch, cleaning that ditch or whatever. I mean, obviously this kind of mat…

Glen Meritt: and it's encased in concrete the whole pipe.

Steve Sherwood: it's a layer of protection.

Morrie Doll: we've not ever done this before. This is Warrick County's requirement and its actually for our benefit, it protects our ditch.

Glen Meritt: have you guys used flex mat anywhere? I know we had…

Steve Sherwood: I know we had a few of our federal aid road projects and some roadside drainage ditch armory so to speak.

Glen Meritt: they had to do it on Oak Grove Road across from Chris's other development road near…

Steve Sherwood: the development for John.

Morrie Doll: it depends on if the surveyor is happy.

Steve Sherwood: So, they're asking for less than five foot below the flow line.

Steve Spinks: well, Mr. Sherwood and his chief deputy advisor…

Morrie Doll: here is comes.

Steve Spinks: yeah, here it comes. What do you think sir? As your recommendation, should we let it go or should we hold off?

President Terry Phillippe: actually, I have a question before that. So, I'm assuming you guys had a discussion that if the drainage board does not approve this, what's plan B?

Glen Meritt: I have no idea right now. Like I said this got approved drainage, commissioners in the primary plat August or September. I can't remember when that happened.

Morrie Doll: it moved, where you put the sewer moved, correct?

Glen Meritt: correct. And I mean the storm sewer designed, as of right now I mean we wouldn't have to come back for those approvals, but it's been six or seven months, I guess…

President Terry Phillippe: however, I don't recall that. Is this the same thing only different location or is the sewer line now intersecting with the legal drain?

Glen Meritt: the existing sewer line runs along Morningside which crosses under the box, there's a box culvert or twin elliptical pipes there on Morningside that I mean it crosses the legal drain but its within the road right away underneath the pipe. Its not open ditch at that point. I mean so yea, I don't know. They went back and forth with attorneys and I was not involved. I mean I don't know what the next best option is. I don't know what the next best option is. We got a capacity letter from Newburgh Sewer before we got the primary plat approved. Then they come back and were like we got all these issues with capacity. We got to do this other stuff because I mean the sewer design, sanitary sewer design was not completed when we come through drainage roads. That normally comes later. And then all this stuff started coming up after the fact and now we're back here trying to get this route approved.

Morrie Doll: if it's encased with concrete, if it has the flex, if its signed really well and if we have a hold harmless agreement. Now, the only problem I fear is if somebody bust that sewer, the sanitary sewer accidentally while we're cleaning it, you know we're going to have a hold harmless. So, were not responsible for that but you've just dumped a legal drain and the State of Indiana and the Army Corps of Engineer's ultimately will go nuts.

Steve Spinks: well, it sounds like me you need to make it deeper.

Morrie Doll: we can't.

Glen Meritt: we can't make it deeper, there's an existing 10in and it drains to the 12. I don't know, I don't have an exhibit showing the overall layout, but no. We're coming from an existing at our northwest corner and draining to the southeast corner. And I mean there's two fixed elevations and it's the slope in between it. But no, we're coming from an existing at our northwest corner and draining to the southwest corner. And I mean there's two fixed elevations and it's the slope in between. And Morrie just to kind of add on your comment about the dredging you want. Well, I mean if we do the concrete encasement and the flexamat, I mean granted they are going to need to dredge the ditch on either side of that but I mean they shouldn't even have to dredge right there in the strip. That flexamat is supposed to be a 20foot wide swath…

Morrie Doll: and it'll hold the bottom of the ditch stable.

Glen Meritt: right, and I mean if it gets sediment on top of it you got to skim it across the concrete, I mean its like a concrete rumble strip is what I think that flexamat looks like to me. I mean you shouldn't be dredging over that 20-foot area because it's going to have…

Morrie Doll: someone who doesn't know what they're doing with a trackhoe could clean it…

Glen Meritt: and they're going to hit it and know its not mud. When you're dredging a ditch out you know its soft. They are going to either hit the flexamat or they're going to hit a foot of concrete that if they bust that pipe, somebody don't need to be out there doing that if that what they do. If that's what could potentially happen. But that's all I can add.

Morrie Doll: there isn't any other solution. There's no design for this drain for this sanitary sewer.

Glen Meritt: we did try to come down the west property line originally and we hit the culvert that Steve was questioning there, the elevation of earlier.

Morrie Doll: so, this is the only option and it has to be gravity flow. So, its only have less than two feet of cover. It's going to be encased in concrete, a pipe is going to be in the sanitary sewer pipe is going to be encased in concrete and its going to have the flexamat over the top of it on the bottom of the sewer and its going be signed and we're going to have a hold harmless. I don't know any other way to protect the county.

President Terry Phillippe: I think there's going to be a limited amount of people operating a piece of machinery that could eventually…

Morrie Doll: well, everybody at the surveyor's office needs to make a notation. Hey, if we have to clean this ditch, what about its sewer? And our operator, whoever the contractor may be, or the highway department, if it's the highway department, needs to be careful when they do this. And there will be signage.

President Terry Phillippe: Steve, I don't recall ever seeing anything on GIS layers, you know that's a big red explanation point about hazardous area to work in.

Morrie Doll: I see overhead but not under head or underground warnings. Right, so you've got all the facts. Whether you want to approve the crossing or not is up to the board, but you know all the facts.

President Terry Phillippe: Mr. Sherwood I don't know if you did, I was listening I apologize. Answered Mr. Spinks question. I think I interrupted you.

Steve Sherwood: its fine, I'm ready to answer. I understand the logistics, I understand what they're asking. It's not the first time we've had to deal with consultants and Town of Newburgh with sanitary sewers. It's a legal drain, we're going to be less than 5ft. of cover, but if they can maintain the 1.3ft of cover. We address it with a hold harmless that if the flow line changes then, the hold harmless puts this on their shoulders to reduce or improve their cover over the pipe accordingly. The flexamat is kind of like an armoring over a little bit of dirt over the top of the concrete that's encasing the pipe. So, I don't think we are restricting the flow, we have about like he was saying 1.3 feet of cover higher than the downstream pipe which is still plenty of slope over 800ft of legal drain ditch. All this does drain to the Ohio River. We're getting pretty close but if the hold harmless covers us from any damages and maintenance, I don't have an issue.

President Terry Phillippe: so, when you know the works going on down there, obviously we have county inspector. I would want him there and feel real comfortable if both you and Bobby could go down there and just keep your eyes on it once it…

Steve Sherwood: well, that's my advice to Mr. Spinks.

Glen Meritt: Newburgh will have somebody there, too. I know that's not the county but there's going to be…

Morrie Doll: how long will it take you to construct the crossing? Can you do it in a day?

Glen Meritt: I would think so. BMB is the contractor that is ready to go out there if this keeps moving and progressing. I don't think its going to take that long to run through there. I mean there's not a lot of excavation honestly. It's not very deep.

Steve Spinks: how far is that going to be? Okay you're going to encase it in concrete, but how far is it going to be from one end of the ditch to the other widthwise?

Glen Meritt: Like from top of bank to top of bank?

Steve Spinks: no, no. yeah from the width, you got your ditch here. How far are you going to go back with that concrete double and the concrete double here?

Glen Meritt: I think its 10 foot either direction form that flow line, Steve.

Steve Spinks: from the Center Point?

Glen Meritt: yep, from the center point of the ditch.

Morrie Doll: Would you stipulate to it being to the point in time in the bank of the ditch where you have 5ft of cover wherever that is?

Steve Spinks: yea I think that would improve the safety situation on it.

Morrie Doll: excavate something back on to the ditch…

Glen Meritt: its not going to take very long. It's pretty steep bank.

Steve Spinks: that's what I'm saying Morrie, send it on back here a little bit further and double case that concrete…

Morrie Doll: till the point in time that you got five foot of cover.

Steve Spinks: right, exactly sir. And I think that would work.

Glen Meritt: we can do that.

Morrie Doll: subject to that condition and the hold harmless and the signage it's up to you.

Steve Spinks: surveyor agrees to it.

President Terry Phillippe: make a motion to approve contingent upon the surveyor's recommendation width of concrete…

Morrie Doll: subject to the five foot in the bank cover and the hold harmless.

President Terry Phillippe: and the hold harmless and the signage…

Morrie Doll: and the signage and the flexamat and encased by the concrete.

Commissioner Stacey Franz: as stated by counsel. I will make a motion to approve Willow Landing.

President Terry Phillippe: I will second. All in favor? 2-0.

RUSTIC HILLS SOLAR:

President Terry Phillippe: next is Rustic Hills Solar. Hi there, sir, how are you?

Aaron Mendenhall: Aaron Mendenhall. I'm with Clenera Renewable Energy and project developer for the Rustic Hill Solar Development. We're requesting permission to construct an access driveway on the south side of the Taylor Ditch within the 75-foot drainage easement for an access drive to a future substation that'll be related to our solar project. So, basically be coming off of the SR61 and then jogging north to parallel the ditch and then total length would be about 2,000 ft over to our future project substation.

President Terry Phillippe: just curious what are you trying to stay away from there?

Aaron Mendenhall: from top of bank? Its just the project area. We're trying to maximize the solar panel layout. So, be bale to kind of go up and around on the outside of the fence line and it would be an access point that would be I mean the project itself would be fenced in a secured location, but this would be something that would be outside of the fence line that would be you know it will be used by the county to access the south side of the ditch as well.

Morrie Doll: what's the surface of this road? Is it gravel?

Aaron Mendenhall: it would be a gravel surface.

Morrie Doll: well, we use that 75ft sometimes to spread soil if we dig that ditch. That's a regulated ditch, isn't it?

Steve Spinks: yea its Taylor Ditch council. I was out there today and you all have I gave you all a picture yesterday. You all have a real super nice road coming out.

Aaron Mendenhall: we built that last year…

Steve Spinks: right to your substation…

Aaron Mendenhall: going to the future CenterPoint switchyard that they need to build to be adjacent to our substation. And when we built that last summer, we were going; the plan was to share that with them to access that corner for both substations. Since then, in conversations with CenterPoint, they want to own and maintain complete control of that driveway and they don't want to share it. They don't want to allow a dual use on that. So, for us to continue, you know we're basically going to be required to carve out the pad for their switchyard that they're calling the Taylor Switchyard and as well as the access point, that access driveway. That's why we're having to go a different route to come into our substation coming off of the 61. I agree, I mean it's a nice straight road ready to go off of Kaiser Road coming in the from the south. But yea they've made it clear that they did not want to share that road with us, so; we've got to get that over to them.

Morrie Doll: who's road, is it?

Aaron Mendenhall: its ours.

Morrie Doll: I don't know if CenterPoint gets to make that decision.

Aaron Mendenhall: the challenge is that with our interconnection application going through is that they specify that we need to provide to them the location for the set of the switchyard specify. Miso terrif they specify that the developer has to grant to the transmission owner which in this case is CenterPoint that we need to provide them the area for the substation that's going to benefit our project as well as CenterPoint's interpretation is that they also include the access point. So, then rather argue with them, we're just going to go ahead and carve out a nice flat lot for them here probably this next year and then that over to them and then…

Morrie Doll: well, the only problem with that is that your course of actions impacts the surveyor's flexibility on digging Taylor Ditch. If you maintain Taylor Ditch, you're going to have to maintain it on the other side of Taylor Ditch.

Aaron Mendenhall: our design, we've made sure that any fence line, any improvements are outside of that 7…

Morrie Doll: but that gravel road will be in the 75ft rightway.

Aaron Mendenhall: on the southside, this would be a gravel road that be within the 75ft that would provide.

Morrie Doll: so, will lose the southside of Taylor Ditch for future maintenance.

Steve Spinks: yes, Morrie I was out there today and walked that whole thing and I've got a lot of questions about it. I really do Aaron because you know concerned about it, we give up that you want to you want to put that road inside of that easement that is the jurisdiction of the county surveyor because it's a legal drain. So, you know you're going to have equipment on there going back there and forth, heavy equipment. You're going to probably have cranes going in there while you're putting the substation in during construction. And it's going to actually decay some of that bank if its not built deep enough of quality going down and making it stable. So, that's my main concerns. Also losing the area that we can run a track hoe up and down there and actually when we silk it out and then we're going to have to; we'd have to haul them spoils out as our council was saying earlier. We usually just flip around, lay it down and spread it out and give it back to the farmer or in this way it would be your company. We won't be able to do that no more. So, to me I need to get with our legal counsel and consult him. And also, Ms. Seaton is not able to be here today, she is a drain member. She might have some questions for you that she would like to answer.

Morrie Doll: how timeline is critical?

Aaron Mendenhall: something we're wanting to have completed by June of this year.

Morrie Doll: well two weeks, if this is tabled for. Well, I don't know…

Commissioner Stacey Franz: she'll be back.

Morrie Doll: she'll be back within two weeks. So, if this is tabled till the next meeting of the drainage board, which is two weeks from today. Is that going to handicap Rustic Hills Solar?

Aaron Mendenhall: no, we've already had some preliminary discussions with an engineer to do a preliminary design. But again, if there's any I guess a question I would have for you within that 75ft, the road we're looking to proposing to construct would be you know 20-25ft wide. A solid surface similar what you saw today. I mean if you want, we will pull it all the way down to the side or off to the edge. So, if you had 30 feet, 40 feet, 50 feet from top of bank for the excavators to pull and smooth out like the spoils or whatever from the ditch. Is that sufficient or you need a full 75ft to spread that?

Morrie Doll: usually they put it spoil off the 75ft completely. Track hoe.

Steve Spinks: as long as it can reach. Just get it out of the way so it don't when we get these big rains it doesn't wash it back in there, we're just going back clean it out. But I would like to ask the drainage board to table this today and let me talk with my chief deputy advisor there Sherwood. Give us a little more time and then let Ms. Seaton come back before we do anything.

Morrie Doll: and the manner of construction I mean its just not going to be, you're not going to dump gravel out and spread it…

Aaron Mendenhall: no, there will be compacting certain level of gravel.

Steve Sherwood: I would ask that they come back with a planning profile of the route and show the offsets from the setback the edge of pavement cross-section of the roadway shows how they're going to construct. I don't know if you're going to impact any drainage on the southside of the roadway that needs to get north across the roadway into Taylor Ditch. And of course, that's; I'm assuming you've talked to INDOT about access off of state route…

Aaron Mendenhall: conversating with INDOT right now as well.

Steve Sherwood: So, I probably want to look at that information that Mr. Spinks would want to sit down and discuss.

Morrie Doll: the highway department will have a type of driveway.

Steve Sherwood: this is a state access…

Steve Spinks: but that road that you all put in you know. I was in the operating engineers 28 years and worked on a lot of highways. You know you're going to have to undercut that. Get all that top soil out of there. Go down, put your layer in, compact it.

Aaron Mendenhall: the last one, I think maybe put some fabric down, then we put down the gravel. That's kind of…

Steve Spinks: and what kind of equipment are you thinking about having on this road? Just pick up trucks or you going to have to get your train?

Aaron Mendenhall: generally, yeah, during construction and during delivery equipment, there'll be some very heavy equipment going on property. Once its completed, then yeah trucks, pickups just occasional access to getting back and forth to the substation for routine maintenance. But no, during the construction the equipment that's been the transformers, the breakers, all that but those relatively heavy and so they require the you know the long load multi axle.

Morrie Doll: what surfaces on the road that you built already out there?

Aaron Mendenhall: gravel.

Steve Spinks: is that alright with you?

Aaron Mendenhall: yeah, we can do that. I can work with our engineer to provide the profile. I guess the question would be if you have a preference if there's you know we want…

Morrie Doll: which was to put the road?

Aaron Mendenhall: yea if we put it back 50ft. from the top of ditch, is that a good starting point?

Morrie Doll: that man's call.

Steve Spinks: yea let me get with Sherwood that the engineering part of it does have that degree.

Morrie Doll: and frankly you know some spots 50ft away may be the ideal location of the road and some spots along Howard Ditch or Taylor Ditch it needs to be maybe a little closer.

Steve Spinks: then counsel you would also have to have legal document prepared correct for them to enter…

Morrie Doll: we'd want a hold harmless.

President Terry Phillippe: sir, can you also provide Steve your information for the design of the road and you'll also provide some information. So, if you did take it completely out of the easement, put it back into your own property how many panels would that impact?

Aaron Mendenhall: yeah, look at that and see. Basically, could probably convert from a three I mean a four-row tracker system. So, we're doing the tracker on the tables and typically they're kind of grouped into sections. So, probably convert it from a four- row tracker to a three row or three section. To be a certain number of panels. So, we can do that.

President Terry Phillippe: we do have another meeting here in a bit.

Commissioner Stacey Franz: motion to table.

President Terry Phillippe: I'll second that. All in favor? 2-0. Any other business for drainage?

OTHER BUSINESS:

Steve Sherwood: do we want to address the Stahl Road Business?

President Terry Phillippe: yes, completely. Thank you for doing that. Printed out here ready to remind you and you reminded me.

Steve Sherwood: Mr. Spinks called a meeting last Tuesday. I was talking with the three commissioners on zoom and I was present. Did the commissioners want to address the issue with the retention basin in the industrial park or the Stahl Road business park I should say? I've don't the property owners research for the attorney. He has a report that I did January 9th, which is the same one that Mr. Spinks presented at the Tuesday meeting last week. Was there a consensus or a directive for the county attorney on that we need to address the property owner to maintain their property including the basin?

President Terry Phillippe: I think we can go ahead and send them a letter. That's my two cents. I did do some diligence and see if I could track them down and I haven't had any success.

Commissioner Stacey Franz: that was my understanding from the zoom call was that we would formulate a letter first.

Morrie Doll: do you want the letter to come from me or from Steve?

Steve Sherwood: I'd be happy to supply Morrie the letter. I think the letter had more impact coming from our council.

Commissioner Stacey Franz: I agree.

Morrie Doll: so, we need a motion to contact the property owners of lot 5 and 6 Stahl Road Business.

Steve Sherwood: 8,7,6 and 5.

Morrie Doll: 8,7,6 and 5.

Commissioner Stacey Franz: I make that motion.

President Terry Phillippe: I'll second that. All in favor? 2-0.

Steve Sherwood: and the other issue with that same properties, we're still fighting the off-site drainage on the east side. We tried a couple years ago to contact the three major parcel owners, one of them it being Colonial Garden Center. No luck, I believe we tried to send them to request a 25ft. drainage easement for all property owners. I think it basically died at that point. We can address that in the future, but that's the other part to prevent the incoming water into the Stahl Road Business Park that should not be currently. And with that I got just a brief storm water.

STORM WATER DEPARTMENT:

Steve Sherwood: As you are all aware, at the council meeting February 3rd, last week county council basically reviewed and approved our proposed $7.50 per month rate. Morrie is going to address the next step we need to take.

Morrie Doll: I've prepared a fee increase resolution for the drainage board to consider. It would go to the board of county commissioners asking and it sets forth each of the steps we were required to take. It asserts that we have taken those steps which we have and that everything is proper and in order and it cites the section of Warrick County code that needs to be amended with the $7.50 cent section 55 and I would ask that be adopted transmitted to the board of commissioners.

President Terry Phillippe: just reaffirming what we've already decided.

Commissioner Stacey Franz: yeah exactly.

Morrie Doll: just need a motion. Need a motion to adopt the resolution and surveyor 2026.

President Terry Phillippe: 2026 what?

Commissioner Stacey Franz: I'll make a motion to adopt the resolution.

President Terry Phillippe: and I'll second. All in favor? 3-0

MOTION TO ADJOURN/RECESS:

President Terry Phillippe: final motion.

Vice President Sarah Seaton: I'll make a motion.

Commissioner Stacey Franz: I'll second.

President Terry Phillippe: thank you. All in favor? 3-0