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: July 27, 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, Sarah Seaton, Steve Spinks and Ondrea Temme. (Terry Phillippe not present)

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

1. Approval of Minutes

July 13th meeting- Stacey Franz made motion to approve, Sarah Seaton seconded motion. Approved unanimously (2-0)

2. Newburgh Sewer/ Commonwealth (South Broadview)

Attorney Chris Wischer appeared on behalf of the Town of Newburgh and the Newburgh Sewer Department. Also present were Drew Flamion of Commonwealth Engineers and Russell Powell, the Town's Sewer Superintendent.

Chris Wischer: Chris Wisher, I'm an attorney. I'm here, representing Town of Newburgh, and Newburgh Sewer Department. Drew Flamion with Commonwealth Engineers, and Russell Power with the town, he's the sewer superintendent, are here. I'm just going to give a quick, brief overview and then if you've got questions or we need additional information, these guys are the guys with the information. This is the town's proposing an interlocal agreement, but basically what the town in South Broadview, Kenwood Ct, Kenwood Drive. There's an exposed manhole, and the town investigating that and talking with the surrounding property owners, happens to also be within a ditch. So, the proposal is to, in addition to addressing the sewer work, is to do some work within the drainage system there, to try to come out of there with it being a better situation than it is, and that and that the town's finding it. So that's where the interlocal agreement comes from, because we will be doing work within drainage easements that aren't the town's easements, there are some portions of the work, I think that they've identified as there are some portions of the work, I think that they've identified as would be the county portion vs the town portion. The line share, as you can see, I think on Exhibit A of the agreement, the total cost of the project is $322,375. Estimated county contribution would be $25,500, and the remainder would be the town. The town has designed the work and is ready to

proceed. The town would be responsible for construction. The town would obtain all permits and approvals necessary, and the county would reimburse the town for its portion and allow the town to utilize its easement in conducting the work. These guys have met with property owners. There were two easements—two or three, three easements—that were needed, additional sewer easements. Those have been obtained; property owners have signed off. I think the Nantz's have some—we've talked with them a number of times. I think they have some questions about the project. There are existing easements. The work will be done within their property. But with that, I think I just want to give you an overview, and Drew and Russell can answer any questions or give you a little bit more of an explanation...

Sarah Seaton: Okay. About the work that's going to be done and the problem that's—I always try to in my head figure out exactly where this is. Where can you orient me to where this is?

Russell Powell: Kenwood and Marywood.

Sarah Seaton: Okay. Thank you

Sarah Seaton: Steve, I think you had given us some information on this, right?

Steve Sherwood: Pardon?

Sarah Seaton: You gave us some information on this.

Steve Sherwood: Yes.

Sarah Seaton: Do you want to recap for us?

Steve Sherwood: I've written reports previously in April of 2024 to Mr. and Mrs. Donald Nance and Ms. Deborah Peak. They both about each other on the common ditch line and easement line. They both had concerns about getting the ditch repaired back then. It's a concrete-lined ditch that Kenny Ubelhor put extensively through South Broadview. As you can imagine, over time, they start to fail, but we have not repaired one yet to date. And the plat states that the easement is for property owners to maintain and repair. And that's the issue that I think they want to speak to today. And then we met—Bobby and I met with the Town of Newburgh on their project back in May, and they wanted to approach the board about us participating. But by participating, I infer that we maintain the easement.

Chris Wischer: So, in the agreement, I think that's what I said, but I'll say it this way. My intention was to draft it in a way that just preserved the status quo afterward. And so, I may have been mistaken or mischaracterized what the county's current obligation is to maintain the ditch, but we mainly wanted to make sure the town, after it was over, was responsible for its infrastructure and its easements, and the county would stay the way it is now. So, we can revise the language in the agreement to make that clear that we're not affirmatively putting responsibility on the county that it doesn't today possess. That wasn't my intention.

Drew Flamion: Would the board want me to just explain the project just briefly so you have an understanding of what we're proposing from the town's perspective versus the drainage?

Sarah Seaton: I would like to. I want to clarify: all of this is within the town?

Steve Sherwood / Chris Wischer: No, this is outside the town. It's in the county limits.

Sarah Seaton: What is our legal obligation right now for any of these easements?

Steve Sherwood: Yeah, it's in South Broadview.

Sarah Seaton: So, do we maintain any of this now?

Steve Sherwood: Not the current ditch in its form. No, we are maintaining the pipes and drainage structures which we have replaced pipes upstream in conjunction with the highway department coming down from Robin Hill Drive, but they maintain still being the same size. There's a large development that was built there within 20 years ago, Wyngate and they have a large retention basin which was built to county standards at the time and detains water. But some of the residents contend that much more water is being brought down through this location. And I think in talking with the residents around there, they had an objection to this—that they would like it to go further in dealing with that asserted drainage claim: all the water coming from upstream. But we can't do—we're not doing that much, but we're taking care of what is there and restabilizing it or however you want to explain it in engineering terms to make it well. Town of Newburgh asked and sent this to both Mr. Spinks and I, put it on Stormwater agenda. I felt it was more appropriate to be for a Drainage Board since it's in platted drainage easements in the subdivision and working within the approved drainage plan of that particular section of South Broadview that was approved previously through Drainage Board.

Sarah Seaton: You have anything to add right now?

Steve Spinks: I think what they're mentioning is you're going to go to the telephone pole, correct? You're going to reconstruct the drainage ditch to the telephone pole.

Drew Flamion: So, I can just give a quick overview. Right now, the Town of Newburgh has a sewer line, an 8-inch sewer main that provides service, to numerous residents in the local area. That sewer line is exposed in the ditch over time. As Mr. Sherwood said, there's been erosion of that concrete ditch. So now it's probably eroded about 3 to 4 feet from what it previously was, exposing the sewer main. And as a sewer department, they have an obligation to take care of that sewer facility and make sure it doesn't have an overflow and create issues for the residents there. So, what we're proposing to do is to actually relocate part of the sanitary sewer main outside of the ditch and also lower the sewer main in one location and provide hard armor overtopping, which we call with a tied concrete block mat system to protect the ditch. So that's what we're proposing. I think it's about 150 linear feet that we're proposing to do. I think it extends from about roughly Deborah's—Miss Peak's whole entire property, extends the whole entire length of her backyard.

Steve Sherwood: And all the existing infrastructure currently is within a 20-foot-wide platted public utility and drainage easement (10 ft on Mrs. Nantz, 10 ft on Mrs. Peak).

Steve Spinks: My thinking is to the board... the pictures, these are pictures I took of a complaint that was filed, and the two residents here, Debbie and this lady here, she filed a complaint. So therefore, I followed up under the responsibilities of the surveyor, went out, met her, met her neighbor there, Debbie. These are the pictures that give you a visual of what that drainage ditch looks like now, which is totally busted up. It's totally been eroded away. I would like, if we're going to enter into this proposal with the Town of Newburgh, they're going to move this sewer line out of that ditch. My understanding is it's buried

underneath there now. They want to move it out onto Debbie's property, and then they're going to reconstruct the ditch; it'll be a brand-new drainage ditch. We're going to enter into a contract to pay for some of this, is my understanding. So therefore, as a surveyor, I suggest you start up there at the beginning of the pipe that comes out—at that picture I've got here on the first page to the board, which is this is the beginning of the pipe. It's all busted up, too. Let's start up there. And then I got you pictures all the way down through there. They were going to stop before they get to this section here, which is—this is the house that is adjoining to the neighbor here at Nantz's, and then I suggest if we're going to enter into this agreement and pay for some of it, let's put it back to where it's acceptable by all of the residents that are adjoining this. Here's apparently where they were going to stop—right in here is the telephone pole area. Let's go down to where it is good here. You can see this is the tail end that goes on down through there on the second page, the corner picture. Let's go ahead and have them rebuild down to here while they're doing it. Then there should be no reason that any other resident can complain.

Steve Sherwood: What total distance are you asking for?

Sarah Seaton: Yeah, that seems like a lot.

Steve Spinks: It's only a little bit more. I'll get the measurements on it. I didn't measure it; I'm sorry.

Sarah Seaton: Estimate? Do you guys have any idea of the additional distance...?

Drew Flamion: I mean, is the county—are you proposing that the county pay for those beyond those?

Steve Spinks: I think we should join together, though. I mean, you're putting the line in, you're tearing up these people's yard, they're going to give you, grant to that. So, I think that since we're doing this kind of together, you guys need to pay for some of it, too. Let's not put the burden on them.

Chris Wischer: First, let's make sure everybody—before we talk about that, let's make sure we understand what we're talking about.

Steve Spinks: Yeah. Go ahead.

Mrs. Nantz: Russell, it's the area that you said you weren't interested because you didn't have any pipes down there. Did—I told you it's, yeah, it's the neighbor. I could show you on the plat the measurements. But remember, the culvert that empties out off of Robin Hill Street, and you said you're not interested going past that willow tree down that way because you had no pipes. I can show you... You're saying your backyard?

Russell Powell: If you're looking at Ms. Peak's house, you're talking about to the left.

Drew Flamion: Upstream. Upstream or down? Upstream, 200 ft.

Russell Powell: They're saying 200; we said 150.

Drew Flamion: So, I mean, we're doing 150 total. I don't know what he's proposing a "little bit" consists of.

Sarah Seaton: So that 150 is out of necessity.

Drew Flamion: That's where the utility is.

Sarah Seaton: The additional is more cosmetic.

Steve Spinks: Well, Sarah, you can tell by the pictures, it's just not cosmetic. It's going to reconstruct this ditch that is totally—it's just going to end up, if we don't do this and go ahead and take it down to where it actually is good, it's just going to gully wash on out. It's going to continue to decay and destroy.

Morrie Doll: But what I'm worried about is that we've created a precedent where if we're spending taxpayer dollars on an easement on a drain that the plat says is to be maintained by the property owners in that subdivision, haven't we created a precedent?

Sarah Seaton: Yeah. And I know that you got—I don't know if you've been before us before, but I promise it's every two weeks somebody comes with this kind of a... and then we have the same discussion: public funds, private properties. So that's usually our litmus test on whether or not we can legally do something.

Russell Powell: So, I can say that the headwall and the energy dissipators that we're asking for are directly for the storm pipe. It's not for the drainage ditch itself...

Morrie Doll: But it's still in an area that the plat, as approved, and the drainage plan, as approved, says that there's no public responsibility for the costs incurred in the future. That that is the property owner's responsibility. Is that correct?

Chris Wischer: I think I'm looking at it more like sidewalks, where the ordinances put responsibility for sidewalks on residents, but public money is often used to restore, repair, or redo. And we're talking about facilities that—I mean, they're responsible for maintaining in the easement, but we're talking about the—what Steve was talking about, the infrastructure, which I thought he said you traditionally have taken some responsibility for:

Steve Sherwood: The physical infrastructure, pipes, headwalls, the underground pipes that are on the approved drainage plan.

Chris Wischer: So if the headwall breaks, these folks get together and fund restoring it? I mean, I'm just trying to understand.

Morrie Doll: There has been neighborhoods where they have banded together to do that. And I mean, last meeting, we had people here that were wanting us to install a new drain in an area—and frankly, it's an area outside the right-of-way. And we had to tell them that, same thing .And one of the things I'm concerned about is the definition here on paragraph 8.2, Chris, on page five. It talks about us maintaining—"shall be maintained solely by the council."

Chris Wischer: That's the part I said... that's one of—there's a couple of provisions I've noted that I would change, because that wasn't my intent. My intent was to more say...

Morrie Doll: Can you tell me what your intent was? Was your intent that we are to maintain the stormwater portion?

Chris Wischer: My intent was to make sure the town wasn't responsible for what it's not responsible for today, and I assumed the county was responsible for the ditch and the drainage. And there's an assumption on my part that was wrong. So, what I would want to basically say is the town would continue to maintain its sewer line and easements.

Morrie Doll: I think we ought to use the word "sanitary" and "storm." I think that sanitary clarification...

Chris Wischer: Right, but no, I didn't mean to put an obligation on the county it doesn't currently have.

Morrie Doll: I apologize if I couldn't look at this earlier.

Chris Wischer: That's okay.

Chris Wischer: Main thing is, the town needs to get in and repair its sewer line and relocate it out of the ditch, then reconstruct the ditch. There's a minimum level that we could do to get that done, but we want to make sure to do it in a way beyond that that restores the ditch so that it works properly, maybe comes out better than it is now. And that's what we were trying to do.

Morrie Doll: So, how deep is the existing sanitary sewer under the county's ditch?

Drew Flamion: Right now, it's exposed, so it's sticking above the top of the ditch.

Morrie Doll: That's at the manhole cover area?

Drew Flamion: That is correct. There is another location where the county has a headwall or a pipe that's coming into the ditch, and I'd say it's only a matter of time before it becomes exposed as well.

Morrie Doll: How deep is it?

Drew Flamion: Oh, probably 3, 4 feet. But there's a lot of severe head cutting taking place with the last few storm events that happened in June that substantially changed the ditch since we first got started.

Steve Sherwood: The 150 ft of sanitary sewer line that you want to relocate: would you abandon the current line in its position, or would you remove it?

Drew Flamion: Right now, we're not relocating or replacing 150 linear feet; we're only replacing about 50 linear feet. We're just moving it out of the ditch line. It's got a bend—it's got a dog-leg bend in it. So, we're just following the natural ditch line, and then we're lowering the sewer main under the ditch. So, the linear footage is much different than the actual ditch reconstruction linear footage.

Steve Spinks: So, you're moving the ditch over, then?

Drew Flamion: Correct. As I said earlier, you're going to dig it up and move the whole thing—not the ditch, but the sewer. Just a portion of it.

Steve Spinks: Yeah. I don't blame y'all. You don't want it down there in that ditch. It's getting worse and worse. Sooner or later, it's all going to be exposed.

Steve Sherwood: But we have many sanitary sewer lines in line footage of drainage ditch throughout the county.

Steve Spinks: Yeah. Well, they've been killing copperheads out there, too. They got kids playing in there they try to keep out. That's one of them pictures. She's got that caution tape. They try to keep the local kids out of there and all that. So, it's a major situation right now. It needs to be addressed as soon as possible. I think that's what Newburgh's trying to do. So, we need to get on board with this; we need to satisfy the residents that own that property.

Sarah Seaton: Steve, can you find a legal way for us to do that?

Steve Spinks: I wish I could.

Sarah Seaton: I wish I could, too.

Steve Spinks: I was up the other night; I've studied our ordinance.

Sarah Seaton: That's the crux that we're against all the time. I wish we had millions of dollars that we could fund all of these projects for everybody that comes every two weeks and asks us to. It kills me. I hate this more than anything else I do as commissioner—is to look at residents, at taxpayers, and say, "We can't help you. We legally can't help you." And if we could, we don't have the funds to take on every project that comes before us. And so then, how do you decide?

Chris Wischer: So, is the main concern—setting aside the concern about whether we're going far enough or Mr. Spinks raised—is the concern the funding part of it?

Sarah Seaton: The legality of the funding of it?

Morrie Doll: Yeah. Using public dollars on private property.

Chris Wischer: If—and don't hit me on the head if I'm just suggesting—if the town, because there's—we could scale the project back or we could do it and pay for it, the sewer department,

Morrie Doll: But it's future maintenance, too, and we've been really reluctant to do that. We, just turned one of these projects down for Mr. Mattingly that had future maintenance in it. And that was a stormwater drain for a street.

Chris Wischer: But I'm suggesting... I mean, I'll make revisions to this to take that out.

Morrie Doll: The maintenance out?

Chris Wischer: Yeah. Like I said, I was only trying to preserve what I thought was the status quo. I wasn't trying to put an obligation on the county. What I was trying to say was, when we're all done, we'll do ours and you'll do yours.

Sarah Seaton: Is this a discussion that you two can have? If there is something we can do,

Morrie Doll: Could we table this, and you and I can try this week

Chris Wischer: Try to work it out before the next meeting? And we'll come back with a revised agreement at next meeting that addresses maintenance, and we'll work through the funding issue and talk through it to see if there's... if you can't, then we'll figure out what we can do.

Morrie Doll: And then maybe, Chris, if you and I could meet...

Chris Wischer: Okay, sure, happy to.

Chris Wischer: And then we can get with Mr. Spinks and you guys can talk about the...

Morrie Doll: I mean, he's welcome to the distance. Maybe we'll just meet out there.

Steve Spinks: I want to make sure that our residents, the taxpayers that support this county that has the land adjoining, are somewhat happy with what you're going to do. Because once we put this back, you put it back for them. I want them to be assured that there's going to be no maintenance going to have to be required for a while. Because we go back, as Sarah addressed and as I looked up in the ordinance of draining the stormwater, it always goes back to Appendix C. That is to where it goes back to them, which is the covenant that was made on their plat when they bought that property—it's their responsibility,

Chris Wischer: Right?

Steve Spinks: But I want to make sure that they're happy that that engineer can say this is going to last for years. Okay, that's my thinking and what I want them to be assured of, because it does go back to them.

Morrie Doll: There's an awful lot of erosion, a lot of power. I don't know what the fall is on this drain, but it's significant.

Drew Flamion: I wouldn't classify it as "significant," but it's just gotten underneath the concrete and eroded over time, found a path of least resistance,

Morrie Doll: and broke up the concrete.

Drew Flamion: Yep

Morrie Doll: So, a motion to table and direct Chris and I to meet with the surveyor and see what we can do?

Stacey Franz made motion to approve, Sarah Seaton Seconded 2-0

Chris Wischer: When do you all meet again?

Morrie Doll: Every other Monday. Second and Fourth

Sarah Seaton/ Stacey Franz: Thank you so much, gentlemen.

Edwards Ditch Contract Award

Sherrie Sievers: Acquisition Administrator. I just wanted to address at the last meeting the bids were opened for the Edwards Ditch project. And I did a little bit more of a deep dive in that. I know with our new purchasing ordinance, there's a lot of questions and a little bit of confusion there. I did reach out to Cliff, and we discussed in that meeting. It's actually come to my understanding that the project involved regulated drains, stormwater management, or drainage construction. And because of that, the Drainage Board holds the authority to award that contract, so it actually wouldn't fall on the Commissioners. We've pulled IC codes. I have spoken with my legal counsel on this as well. So, the new ordinance does not take that authority away from the Drainage Board. I know there was a consensus vote sent out, and I believe it was to go ahead and proceed, but I just wanted to make sure for the record it's done in the Drainage Board meeting. We have prepared a service agreement for Beaver being the low bid, and I wanted to formally get that done in the meeting today.

Morrie Doll: I agree. Okay, thank you.

Morrie Doll: You probably need to make a motion to approve

Sarah Seaton: Because it was done by consensus at the Commissioners.

Morrie Doll: So, you would do it under IC 36-9-27-79 under this board, and you would approve this contract—the proposed contract specifically for Beaver Services in Boonville for the project, and it's $24,780. It would come out of cum drainage?

Steve Spinks: Yes, sir.

Stacey Franz: I'll make a motion to approve Bieber Services for $24,780 for Edwards Ditch.

Sarah Seaton: Second (2-0)

Morrie Doll: And that should be reported in the minutes of the Drainage Board, not Stormwater Board. (This was discussed during Stormwater Meeting)

Stormwater

Westwood Subdivision Sections A & B

Steve Sherwood: Just a report to you on the Westwood Subdivision Section A and B drainage improvement project: the pipes have been 100% replaced. They're about 85% more or less complete. I look for them to finish up the work within the next 2 to 3 weeks. We're almost down to points where the sodding is going to be done, and then we have an obligation to water the sod for two weeks.

Quarterly Report

Steve Sherwood: And the last item I have is just—you have before you the Warrick County second quarter report. I'd like to thank Jennifer Curry for putting this together. [clears throat] We wanted to bring a quarterly report before you once a quarter. If you have any questions, this is just a brief outline of what you can see that our office has been involved in. There's a lot more detail to it, but I don't have the time to prepare every project for your... That's all that I have unless you have any questions.

Stacey Franz: I'll make motion to adjourn.

Steve Spinks: I'll Second.

Sarah Seaton: All in favor (3-0)

Meeting Adjourned
