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: November 9, 2026
Meeting Time: 2:30 P.M.

Meeting to be held at Friedman Park

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: Terry Phillippe, Sarah Seaton, Stacey Franz, Morrie Doll, Steve Sherwood, Michael Rusche, Steve Spinks, Rachel Cook.

Terry: I call the Warrick County Drainage meeting to order, today is November 9th, 2026, its 2:30 pm. Would you please stand and join us in the pledge.

Pledge of Allegiance.

1. Approval of Minutes-October 26, 2026

Terry: First order of business is approval of minutes from the October 26, 2026 session.
Stacey: I'll make a motion to approve.
Sarah: I'll second.
Terry: All in favor?
All: Aye
Terry: Motion carries 3-0

2. Claims- Total $100.00- Morrie Doll Monthly Legal Fee's

Terry: Next, we have claims for a total of $100.
Stacey: I'll make a motion to approve.
Sarah: I'll second.
Terry: All in favor?
All: Aye
Terry: Motion Carries 3-0
Morrie: Thank you

3. Kelley Lake Estates II (Morley)- No Drainage Approval

Terry: Next is Kelley Lake Estates 2.
-Difficulty with crowd hearing the board members
Sarah: Is this any better? Do we have to talk that close?
Terry: Number two. Morley Jr.
Sarah: You asked for it (Speaking on sound levels). That's you, Mr. Morley.
Jim: Bobby (Howard) was chatting in my ear. Sorry about that. Jim Morley, Jr., project engineer. (Rachel Cook hands papers to Mr. Morley) Perfect, thank you.
-Mr. Morley hands out papers to the board with the location of Kelley Lake Estates on a map.
Jim: Jim Morley Jr. project engineer. this is uh for request of no drainage improvements on Kelly Lake Estates. on the exhibit I just passed out to you. Kind of shows where this is in the county relative to where Boonville area kind of to the northeast of Boonville. if you will. And on the back, it's kind of an aerial photo that shows the exterior or the exterior limits of the subdivision. there are currently 13 lots now and there will be 13 lots when we're done. It's just moving lot lines around and as you can see, there's a couple lakes out there already that this water drains to lakes and such like that. And so, we're seeking no improvements for this.
Steve Spinks: There is no drainage required
Sarah: Okay, I'll make a motion to approve.
Stacey: Second.
Terry: All in Favor?
All: Aye.
Motion carries 3-0
Jim: Thanks everybody.
Sarah: Thanks
Steve Spinks: Thank you Jim.

4. <u>Logging on Little Pigeon and Coles Creek- Blake Voges</u>

Terry: Next is logging on little pigeon and Coles Creek.
Steve Spinks: I'll get you started here on this. Commissioner, this is the deal that where they were doing some things out there, they shouldn't have been doing. and we showed you the pictures of that and they were sent a letter. He has responded. This is the owner of the property and he has cleaned it up. All those pictures that we gave you in the previous meeting, you still have some here today, I believe. But that shows where there had been some things put in the legal drain that shouldn't have been there. He has cleaned it up since. And-
Sarah: So is this where there was a like a dirt bridge in the- (Blake nodded head yes) Okay. And that's gone now? (Blake nodded head no) No?
Steve Spinks: Well, the bridge is, the bridge is still there, right?
Blake: Yes
Steve Spinks: Okay but I have explained to him it has to come out. But he's here today. you know, we are allowed to give them permission to put one in there so that he can access that other piece of property he has, but it cannot restrict the water. So, that's why he's here today to ask for some ideals or what is it exactly you want to ask for?

Blake: I've got a whole bunch prepared here, but yeah, ultimately, yeah, asking for it to be considered as a permanent structure.
Sarah: What would that do to the water?
Steve Spinks: Do what Sarah?
Sarah: What would that do to the natural flow of the water? Is that not damming that up?
Steve Spinks: He's not going to dam it up. We're going to underneath the code here 36-9-27-72(c). We can by Indiana code. We're allowed to through this board and the direction of your surveyor allowed to let him have something there as long as it meets what we want him to do. Okay? Which will not restrict the flow of water. So basically, he needs to submit to us after today the kind of bridge he would like to have on there so he could access and he won't be a landlock. And then we'll take a look at the hydraulics. He would need to come in and work with Michael here, the deputy, and show us what he would like to have done to where he could access it. And then we'll study the water flow and let him know. It comes through the surveyor's office if he can build that or not. Just off of the cup. I kind of say something like put you some telephone poles across there and then some big board's picking up to hold your side by side because he's not going to go back there with a truck, you know? He just needs a side by side. It's his hunting ground. So, I mean, if you would agree to that, you know, then come on in and I'll approach the board and let them know.
Blake: I have a lot more intentions of taking more than a side-by-side across. I understand what you're getting at and definitely cross my mind when, you know, weighing options. as far as a structure, get to the other side. the problem with, you know, telephone poles or something high up on the top of the bank, it just gets so much water and so much debris um that couldn't imagine something like that holding up long term to the amount of flow. this this property holds an incredible amount of runoff will blow your mind. and there is no structure that will meet the hydraulic demands of the channel itself. my 17 acres of my property goes under 8 foot of water. almost every time we get a rain over a couple of inches. back water from Pigeon Creek, back water from Coles Creek. my math, I'm not a surveyor, but over 15,000 acres of runoff comes down Coles Creek and crosses my 17 acres. So, the amount of water that t is handled by that drain is not contained to the channel itself. It is crosses my entire 17 acres. I had a whole bunch prepared here, but yeah, I can start from the top or, I can share some of the pictures I have or however you guys would like.
Sarah: I guess I just my question is where you say that you would like to avoid the expensive disruption of removing the crossing only to put it back? It's I mean it's not your intention to leave that type of an obstruction there, is it?
Blake: I put a lot of time and thought into the design that I have. Took a lot of time and resources to get that in there. The access is very limited. The 17 acres that floods regularly carries so much water and the soil conditions are not favorable for equipment hardly ever. And in the course of logging, we opened it up a little, got some sunlight and dried out. So, I was able to get that in there. Put a lot of thought into it. The design I chose is called a vented low-water ford. And by the USDA forestry rural handbook, which is an acceptable design for the surveyor to use when selecting crossings by the drainage law, their selection tool recommended this crossing would be one that would be acceptable for this application. In designing this, I came up with some preferences that I wanted. I didn't want erosion. I wanted this to drain the creek because the more water

that's backed up, the less access I have. Because from the road to the creek, anytime there's backwater on there, I can't get to my property. So, our interests are aligned in handling the water. So, what I want to avoid is the incredible expense of taking out what's already there when down the road we might ultimately decide that that could have been an applicable design.
Steve Spinks: So, are you saying you want to leave what's in there now?
Blake: Per Indiana code, the one on the enforcement letter, Indiana Code 36-9-27, it doesn't prohibit approval of existing crossings.
Steve Spinks: That culvert's not big enough. I will advise this board not to let that happen.
Blake: I agree that that culvert is small and I did that intentionally. There are no culverts that can handle the flow through that creek. That water comes up so slow and over tops those banks so fast. Anybody that lives around Pigeon Creek knows how high that water comes. So, there are no pipes that can handle the amount of water that comes through that creek, and anything that we have built above the banks itself will just be destroyed with runoff. So, my intention of the design—if you can look at the pictures of the side view—I put the 36-inch culvert against the bank because that's where the natural flow is, and then if you look as it goes to the right, the elevation of the crossing drops. So, whenever the pipe fills, then it doesn't have to go much higher to top the side on the right. And again, the water in that area oftentimes is backwater from Pigeon Creek. So, it doesn't have much velocity at all. And so, as that pipe fills, it will also come up on the side and then go over. Since Steve's pictures, I've armored the sides with concrete. That was before I got the enforcement letter. And so, I'm not saying that this has to pass as it is. I am completely open to meeting Steve out there and coming up with modifications that might need to be done. But again, I used the USDA recommendations to design it and put significant resources into it and I don't want to tear it out if it's something that could serve the purpose.
Sarah: I think it's reasonable to have it looked at before we would ask you to remove it
Blake: Thank you.
Steve Spinks: I'll go out there and take a look at it with him again. I'll go out there and take a look at it with him again. But you're going to have to have more of an opening there than that. I can tell you that right now. That's not enough. That waters got to come out of there.
Sarah: And what you're saying is that when it floods, it's a large area.
Blake: Yeah. Can I hand you guys—
Sarah: Sure.
Terry: (Talking with Sarah) Yeah. My next question would be if we had— Oh, start this right now. Sure.
Blake: Actually, I want to hand out one more if that's okay. 17 acres goes underwater a lot and you can tell how high the water gets because there's marks on the tree and when the water's high the beavers float the mark, so it's really easy to see how high the water gets
Terry: While you're right here. I want to get you to give me some perspective: where is this on this map?
Blake: Sure. My crossing that I built is there.
Terry: Yeah.

Blake: And then those telephone poles were to walk off just right there.
Terry: Okay.
Blake: Yeah. So, it's just—
Terr: Okay.
Blake: And then this is probably taken almost from the perspective on that.
Terry: So furthermore, if you can tell me on this map, maybe this map's not big enough. Okay. So, where are the bridges? Right there. Right in there. Yeah. When the water starts to rise, and this water's not coming straight down the creek, you get stopped by this. Where does it start to rise and overflow the banks? Approximately
Blake: This entire slashed area. This is almost 300 acres, and on the other side of 161 is another couple hundred acres. So, the top elevation of this, or the bottom elevation of that tree, is the same elevation over this entire property, plus another 100 acres on the other side of 161.
Terry: So, to the point of conversation, this isn't all back water because by the time it even gets there, it's feet deep spread everywhere.
Sarah: It's already flooded, right? Okay
Steve Sherwood: What is the size of your pipe in that?
Blake: It was 36 inches and it was a recycled piece. So, it had been used previously and it has squatted some, but as you can see from that, on the right side, I tried to dip it down lower. So, once that pipe does fill, it can go over the other side.
Steve Sherwood: You mentioned a low-water crossing.
Blake: Sorry?
Steve Sherwood: You mentioned earlier a low-water crossing.
Blake: Yeah. A vented low-water ford. Yes.
Steve Sherwood: But this is not a low-water crossing.
Blake: I agree that it isn't that low. It is higher because I was afraid to cut into the banks more and encourage erosion or sediment that then would restrict my access. Anyways, so with the interest of the drain, I did keep it higher so that we didn't have steeper sides.
Steve Sherwood: I mean, a true low-water crossing, you would follow the perimeter of the bank,
Blake: Correct
Steve Sherwood: Low line, and come up the other way.
Blake Correct.
Steve Sherwood: You would basically undercut it by what depth of rock you were going to install, the width you wanted to.
Blake: Yeah. And then the vented ones can be a little bit higher, but yes, I agree with the low-water crossing. It's a vented over-toppable crossing.
Steve Sherwood: And then at some point, I would believe the board would want some type of a hold harmless agreement as well. I don't know if-
Blake: Per the state statute, the benefactor of the crossing is required for maintenance as well.
Terry: So, it doesn't sound like we necessarily need action today on anything. Is that your expectation?
Blake: I believe Steve can—per the state statute, Steve is responsible for the approval.
Terry: So, Steve, you're going to go out there and—

Steve Spinks: Yes, I'll go out there and we'll take a look at it again. And I'd like to talk to Mr. Sherwood about it also.
Sarah: Yeah, I was going to see if maybe the two of you could go out there together.
Blake: I'm available tomorrow before it rains later this week. It's supposed to rain later this week, so it may be inaccessible. So, I'm available anytime tomorrow. I'm not sure that would work for you guys, but yeah, once it starts raining, it's going to be hard to access for sure.
Terry: Very good.
Steve Spinks: I'll get with Sherwood and see what his availability is. He's one of the engineers, so I need to work with him on his availability. See what he's got going on.
Terry: All right. Thank you for your time.
Blake: Thank you, sir.
Sarah: Thank you.

5. Little Bend Solar (Ranger Power)- Preliminary Drainage Plan Request

Terry: Okay. Little Bend Solar.
Colin: Should we all come up? Does that make sense?
Terry: It's up to you guys.
Colin: Okay. Yeah, I think that makes sense. You guys want to come up? Hi. I'm Colin Snow. Work for Ranger Power, 320 North Sangamon, Chicago, Illinois. I'll let everyone else introduce themselves.
Daniel: I'm Daniel Madruga with Atwell. We're at 6200 South Syracuse, Greenwood Village, Colorado.
Owen: Owen Speth, also with Ranger Power in Little Bend Solar.
Pete: And I'm Pete Endres. I'm a vice president of development with Ranger Power. Same Chicago address.
Owen: I've spoken a lot with a few of you, especially on this matter. But I think a short overview of where our project has started and where it's come to is just good to kick things off. We've been in the Tennyson area since about 2023, and have leased just over 2,000 acres of land for a solar project. Back in August, as part of our permitting push, we submitted a preliminary drainage plan as required by the Warrick County solar ordinance. That was submitted on August 19th. And, you know, we've been in close communication with the surveyor's office, with the commissioners as well, and as much as we can with the county engineer's office. And I think we've come to a point today where we've received this list from this board. And our ask would be to just go through this list at this meeting, determine what is feasible for a project like ours, what's reasonable and what is not. I don't think we're expecting any sort of decision today, but we would sincerely hope that we have a good path forward for what will need to be demonstrated to the county.
Colin: Does it make sense for us to kind of walk through some of the points that stood out to us or do you guys have questions or want to start off? You know, Surveyor Spinks?
Terry: What do you guys have? Do you have this?
Colin: What's that?
Terry: Do you have this document?
Colin: Yes. That's what we got. Yeah. This one right here. Yeah. With the two pages, if I'm understanding correctly, looks like up top kind of gives the general parameters for

what the county's looking for from a preliminary drainage plan. And I think that other form also kind of lays out preliminary versus final, which made a lot of sense. Some of that has stuff that applies more to like a subdivision drainage ordinance or something than our project, and we can talk about that, but this makes a lot of sense. But then, we just saw this list just now and there's a couple points that we have questions on. We're happy to kind of go specifically to the ones we have questions on with the assumption that the other ones that we don't bring up make sense, if that is how you guys want to chat about this. Following your guidance here,
Steve Spinks: Go ahead,
Terry: Mr. Spinks.
Sarah: He says, go ahead.
Colin: Do you want me to kind of just go through? Does that make sense?
Steve Spinks: Yeah, you can read it off there and you can go through. But I want to state first of all, let's get this correct. That over there is what you turned in as a preliminary drainage plan.
Colin: Yes.
Steve Spinks: That does not go along with our ordinance that I handed you and Speth at a site review meeting on that date. We've got to have this stuff here to go along with it in order to look at it. You can go ahead.
Colin: Right. So, this was also handed. This is the full drainage ordinance. And this is something that is very normal in every county we work in to submit a drainage plan closer to building a project that meets all these kinds of criteria. We don't have the information now that we would have then on final placement such that we could show something that met these criteria that made sense for where the project is now. I think in that guidance for preliminary versus final, mistakes people make is like exact placement of pipes and stuff like that. We just don't have that yet. We haven't gone through the BZA process and road use agreement, decommissioning. There are all these other county processes that inform that. And as you read this drainage ordinance, it's pretty clear about that. It says before construction. So, these are again processes that we would follow later on in the process. So that's why we needed the guidance from the preliminary as an intent for how to move forward and get to where we can then submit the final. But to be clear, no construction happens between preliminary and final. Construction only happens as required by the ordinance after a final drainage plan. So, whatever is approved in the preliminary you know I think its outlined here is subject to change and then is baked up at the final, you know, is firmed up at the final, but no construction is in between. The preliminary allows us to figure out the parameters from which we can then do the studies and work with a county-hired third-party consultant to ensure that we get to a final that meets all the county requirements. Does that make sense?
Steve Spinks: It does on your part, Snow, but you've got to look at my part. Okay?
Colin: Yeah
Steve Spinks: I've got to have a set of blueprints that describe in this drainage management ordinance here
Colin: Yeah
Steve Spinks: In order to look at and see that it's going to work. Okay?
Colin: Okay.

Steve Spinks: I know you say that you can't produce that until you get your BZA special permit, but you're going to have to produce it before I can approach this board with the engineer down there and say, "Hey, this looks like it's going to work." And if he tells me that, "Yeah, Steve, it kind of looks like it's going to work," then we can recommend that. I know you say that things change, okay
Colin: Yeah.
Steve Spinks: Because BZA might change your footage. They might change things. Well, all you got to do is shrink it. That's all you do is just shrink it. You know, if they want another additional thousand-foot offset from a property line and you turn in, I cannot say, "Okay, that there will work," because it shows me it won't work. There's nothing on there that's got swales, got a retention pond. You're going to be building into some of the floodplains. Okay. That is already a low-lying area out there. So, I've got to look at blueprint plans that show that and I have to secure these board members, which are the commissioners that are responsible to say yes or no, that it will work. And that blueprint set of plans is the only thing that's going to show me that yeah, you can control the flow of water because what you got here, yes, you made a mention of subdivision, but you got a commercial project going on here with thousands of panels out there with no gutter and you got a drip line and those things are going to rotate to collect the sun and they're going to turn. And so, we get a big rainstorm, we get anything going on like that that's going to cause a massive downpour like a rooftop with no gutter and that water is just going to take off. The vegetation's not going to stop it. We've got to have swales, retention ponds, dry dams to be able to slow that water down before it gets to that floodplain and slow it down to where it can get in there. I can't say, "Yeah, that's going to work," because there's nothing there showing me it's going to work. There's nothing there.
Colin: All right. Some of the topics you just brought up, I think it maybe makes sense to level set on some of what we've discussed here. I'm going to hand over to Daniel Madruga from Atwell who can speak more specifically to some of the things you talked about regarding impervious surface, drip lines, and these kinds of things.
Daniel: That's right. Yeah. Thank you. My name is Daniel Madruga, civil engineer. I've designed about a dozen different solar facilities, and in most instances, we see actually a reduction in runoff from a solar facility versus pre-solar facility. One of the main reasons for that is you're replacing agricultural land in most instances with grass. So agricultural land has a lot barer ground in those instances. You come back and replace it with grass. There was ASCE—which is American Society of Civil Engineers—they did a white paper about a dozen years ago. Can't remember the exact date off the top of my head, but they did a white paper where they studied this to verify whether or not this actually happened. And what they came up with was it was an actual reduction, because there were a lot of people similar to yourselves where you see these big panels go up and you're like, "Wow, this is impervious ground, you're going to really increase your runoff." What happens is because you have these panels in broken-up segments across the property, water hits the panel, rolls off, and then it goes underneath the panels for hundreds of feet in many instances. And as it goes through, you've replaced agricultural land with grass. It gets absorbed by the grass as it moves down the line. Now, you did specifically mention the drip line. The one advantage we have is the panels do rotate, so you're not hitting the same spot every single time. It falls off the panel and then goes

underneath those. As long as we don't see velocities that are approaching or exceeding 3 feet per second, we don't have the erosion concerns that many people seem to think there will be there. The water coming off this ground from reviewing the study was less than 6%. We do as part of our hydraulic analysis we do inundation depth; we do velocities, we do scour depth. We had a few areas that were above 3 feet per second. Those were primarily contained within the higher flood depth elevations. Given that we don't have a design yet, but normal practice would be you stay out of the really high depths. More than a foot, really, you're starting to get into some problems. But I have seen it where we can grade out some areas and reduce that amount of inundation at those locations, and we can actually put panels there. But that takes a little bit more final engineering design-type thing. So, I understand what the concern is, but if we're reducing, I guess the question I'd have is if we are actually reducing, which is what our drainage study showed, we were reducing runoff across the property, would we be required to put detention ponds in at that point? Because my interpretation has always been the ponds are to restrain the flows as you increase it so that you're releasing at a historic rate.

Steve Spinks: Those retention ponds, once you get those swales put in around the area to collect that water, they'll go into that retention pond and then it will slowly release it. You're going to have to come up with a design that will slowly release that.

Daniel: But if we're decreasing the runoff, do we need a detention pond? Isn't a pond supposed to take it from pre- to post-? Post- you have a higher runoff value, so you're slowly releasing it so that it hits at a historic level. If we're already decreasing that level of runoff across the site, do we need a detention pond? It doesn't seem like that's necessary.

Steve Spinks: I feel it's necessary because it talks about it in the drainage ordinance. Every commercial spot we have that is built in this county has a retention pond. So, you need to hold that water and release it at a slower rate because you're in a low area. If you don't, you're going to cause massive flooding off of those panels. It's just going to happen if you don't, and we've got to secure that, sir. You're an engineer,

Daniel: Yes sir.

Steve Spinks: So please design that on blueprints. Every parcel that you're going to put under panels, I need a blueprint to look at, not just one that shows your little bitty spot here, there, and over here, and then a little line where you have a swale. I've got to have a copy for each area. Also, let's remember we've got five legal drains, and that's where I come in at most of all.

Daniel: Okay.

Steve Spinks: Five legal drains that are going to try to hold that water and run it down to the Ohio River eventually. So, we've got to secure that and hold it back so that it can go in there gradually from all of those panels. You know? That's the thing right there. We can't flood those creeks.

Colin: But Steve, I think we're running into something here, which is that in Daniel and his team's analysis and looking at the way water flows off of there and what they know from engineering these projects, the flood events you're describing don't happen more than what's out there. It is a low area and there's already some flooding. And with the solar going in and the permanent vegetation, there's less runoff. There would be less. So, you'd be making a retention pond where there is none to capture less runoff. And if that's what we should-

Sarah: Have you done those studies? Do we know that it's going to be less? How if you've done you those studies, you can give those to us.
Colin: Yeah.
Daniel: Yes, we did a preliminary study in it. We showed years 1 through 50 at 1, 2, 5, 10, 25, 50. So we did those drain events and in each event the drainage actually went down.
Sarah: So, we can give those to-
Terry: This might be a smart-alecky and it's not meant to be-
Daniel: I'm sorry?
Terry: This is going to sound smart-alecky and it's not meant to be, but in serious question—and maybe this is a follow-up—out of the 778 pages we have, what page is that?
Daniel: I can't tell you off the top of my head.
Terry: Maybe that's a follow-up?
Daniel: And yes, I know we tabulated it towards the end near the conclusions, but I can't tell you the exact page number. So, I can certainly-
Terry: But to Commissioner Seaton's point, could you guys point us to that?
Daniel: Absolutely.
Sarah: And then Steve, do we have somebody that could independently review that? And I mean No disrespect, but of course if there's any wiggle room, it's going to, your study is going to favor you and we want that looked at.
Daniel: Absolutely. And I mean my goal is not to try and get one over on anybody or anything. We've had sites in Michigan, as an example, where they're heavily forested, and when we take down trees, that's usually the opposite effect—we actually do increase runoff. Every time we've changed an agricultural property to a solar farm, the runoff has decreased. But in those situations where we've had to go in and cut down trees, those increase, so we add ponds for it. That's something we account for in the design. So, we're certainly not coming here trying to say, "Oh, this never happens." We have had instances where that happens, and in which case, we put swales and get it all to the pond so we can release at a historic level.
Terry: So, Mr. Spinks, from a surveyor's point of view on this list, what do we need from them before we can approve this preliminary drainage plan?
Steve Spinks: Terry, we need pretty well this whole list.
Terry: Okay.
Steve Spinks: And we need them to bring back that set of blueprint plans for each area that they're going to have panels so that I can look at it, Michael can look at it, Steve (Sherwood) can look at it. And we need somebody local or your engineer needs to come down with about five days' worth of clothes and come into my office because I'm going to have a whole list of questions and I want him to prove it. And one more thing before I turn it back over to you all: the tile. Okay. We've got it in here. You're going to have to put a whole set of tiles in their brand new because there's no way that you can find out which ones you've tore up when you pounded in there and pilings in there. And two of those are hand-written. There's no certification on that.
Colin: Yeah,
Steve Spinks: It's hand-drawn.

Colin: Sure. Sorry, let's jump in because I think that's on the list. Okay, so, the first item, Commissioner, you brought up: the first item here is the third-party consultant hired at cost to developer. That's something we talked about a little bit with attorney Doll and yeah, I think how the county wants to structure that, it's something we're totally open to and understand that you want someone on your side to be able to review all these plans. It's complicated. You know, baseline groundwater testing of areas—we certainly have no issue with that. That seems fine. We've never had a project where groundwater was affected by our projects. So, the map of existing drain tiles—that's what Surveyor Spinks was talking about. That's a tough one because there's a lot of tiles out there. There's historical tile. There's tile that landowners know when it went in, and there's tile where they have heard that it went in at a certain time and they're not even sure where it is. This is a big project, you know, big and costly project to locate all the tile out there. There's LiDAR tools to find tile, private drain tile, and there's GRP, and from what I understand, none of them actually give you 100%. They might be good to whatever it is, 75 80%, or something like that but there's always questions about because tile shifts, you know, and the exact location is difficult to find. As was proven by us asking all of our landowners, "Hey, where's your tile?" and all we got was the handwritten stuff. No offense meant, that's just what we got, and we wanted to communicate that directly to you. So that's a big project and it's one that we haven't seen in other counties at a final level. Usually, the county requirements are for the runoff based at the corners of the private property of the landowners. So, you know, I think I'm just bringing that up as be worth further discussion because it's a requirement we haven't really seen before. And if there's sort of results that everyone's worried about, maybe we try to address the results rather than chasing something that may not even be possible. Or we can certainly do a drain tile survey, but it's got to be understood that it's not exactly where everything is, if that makes sense. I'll pause there because surveyor Spinks you brought this up before.
Terry: Colin
Colin: Yeah?
Terry: Let me ask you a question. Alternatively, would it be reasonable to request that, you know, this piece for our approval
Colin: Yeah.
Terry: That you provide us with a hold harmless with each landowner
Colin: Yep.
Terry: That basically says, "We don't know where your tile is, but if we break it, we'll fix it"?
Colin: That's what our contracts with landowners currently require. So, I think we should be able to do that. That's totally reasonable.
Peter: Is the county just looking for a release of liability in that respect? (Board nods heads yes) Yeah, that should be fine.
Terry: I think yes, from the attorney and legal point of view, but also over and above that, just making people whole if you damage something on their property.
Peter; No, that's not a problem. That'd be standard course for us anyway.
Colin: The perimeter drainage tiles you brought up, Surveyor Spinks—that's a different one for us. That's a huge cost to the project you know. I don't know Pete, if you want to speak to that a little bit. I think you-

Peter: Sure. I think, again. I think the focus on this one, rather than, in my view anyway, rather than sort of an arbitrary requirement for a perimeter drain, I think the infrastructure that we put in should be driven by the results of what the hydrology studies show. And so that to me is more of a sit-down. Probably in our case, we would argue for later in the process, like before an ILP is issued and before we can actually start construction, we would sit down and propose a final plan, including any final infrastructure, which might include a perimeter drain in certain instances. But in our view, signing up for what would be a really high cost everywhere across the project without evidence that it's required is probably a waste of money. That's our view on that one. So again, it's not that we're opposed to the perimeter drain, but it should be driven more by the results of the data.
Colin: Yeah, and speaking back to right. So, if the independent consultant and everyone agrees that there's a reduction in runoff, then maybe the perimeter drain maybe, you know, it's be good to be a, you know, allow for wiggle room there. The 500-year flood event—we were kind of curious why 500-year. 100-year is something we've seen as a more standard metric and it's kind of what we've been working off of. Just wanted to hear what the thought was behind 500-year.
Terry: I'm going to say something about that. I don't know what all has gone into that, but from my perspective sitting on this board for seven and a half years, I think it was my first year as commissioner, 2019 or 2020, we had several five- or six-hundred-year events. We actually ended up changing some of our requirements from the 50- to the 100-year design. And I think at least once we've had I don't even know what it was, a 500-year or a 1,000-year event. And it's just, it just rains more, very simply put. And so, knowing that this is a lot of floodplain development area—and again, I don't want to speak for anybody else here, I'm just telling what my thoughts are—this has to be looked at very closely.
Daniel: So, I mean, I'm not going to say standard practice or anything, but I've almost always seen 100. I know when we did our analysis, we did back-to-back 100-year events as well as an example of what might happen if you were to get that 1% rain over a short period of time. A 500-year though is usually a huge step up in flooding and would have an enormous impact on developable land. I guess my question is, is that just, you know, working, what's the concern there? I mean, we're putting solar panels up in the field, and-
Terry: I don't know what else it would be.
Daniel: I mean, well, I guess then, you know-
Steve Spinks: Well, it's a low area, sir. It's a low area.
Daniel: Right, but-
Steve Spinks: We have got to be secure before we, before they say yes, this can go forward. We've got to be secure that you're not going to flood those people out.
Daniel: But why 500? Why not a thousand or something greater?
Terry: I don't know.
Steve Spinks: Well, if you want a thousand, we'll put it on there.
Daniel: I mean, I guess I'm just asking, what does the code require?
Steve Spinks: Well, there it is right Okay. And there again, I go back to—let's bounce back up here really quick to the very first one. Establish rough-
Terry: Mr. Spinks
Sarah: Steve

Terry: Hang on a second. Let me do this. It's 3:15. We've got a very critical meeting here at 4:00. We're trudging slowly along here. Do you guys have time right now after this meeting to sit down with Mr. Spinks and Michael over here and kind of knock through this list a little bit more? Then we can have some follow-up activity at a later day? Okay. I think we're all working in the right direction here. To finish out this bullet point, again, I don't know what all goes into some of these. I'm just giving you my own personal perspective and what I've seen sitting on this board. There's a lot of public remonstrance on your project. You know that. I don't know if that is just a starting point. Tell us what you think. Give us some basic designs for what it looks like at the 100-year, the 500-year. Demonstrate to us what it looks like. You got to remember that when we're sitting here casting a vote, at least we have some pictures and pages of documentation to look at.
Daniel: Sure.
Terry: Sometimes it's just an address and some people standing up here talking. We really have to know what we're talking about here. So, demonstrate that to us.
Daniel: Okay.
Colin: Thanks. We'll sit and we'll circle up with you guys.
Steve Spinks: Are you going to be in town tonight, because it'd be better tomorrow if y'all are staying? I've got to get with Mr. Sherwood. He's the engineer I work with and he would need to be there, so we've got to work with his schedule. Okay? I can flex on mine because I have a good deputy here that can take control. But Mr. Sherwood is a very important part of this.
Terry: So, are you guys here tonight or not?
Colin: We are not.
Terry: So, Mr. Spinks, can you guys at least take the time to roll through a little bit of this after the meeting?
Steve Spinks: We could probably
Terry: Just do you and Michael if you're not available (speaking to Mr. Sherwood) I don't eve n know if you are or not.
Steve Spinks: Sherwood, what do you look like?
Sarah: He's about yay tall.
Steve Spinks: Yeah, you're a pretty tall guy, aren't you. Tallest one here. What's your schedule look like, Mr. Sherwood?
Steve Sherwood: Rest of the day, I'm not available.
Steve Spinks: Okay. Well, I'm not either, sir. I need him present. You all want to come back down and sit in?
Ranger Power Group: Yeah.
Steve Spinks: Okay. Well, let's get together then and find out. Let me talk to Mr. Sherwood and find out when he's available because he needs to be there, because he's, my consultant. Okay? He needs to be there
Colin: Thank you.
Terry: Thank you guys
Steve Spinks: Thank you Owen, Snow. Appreciate it. And the other two men. I'll get ahold of you once I talk to Mr. Sherwood. But here's another copy. I think we gave you one.
Colin: I got one and I have it
Steve Spinks: Okay

6. Comments & Discussion

Terry: Okay, That's drainage board. Is there anything else for drainage board?
Steve Spinks: No Terry, that's it.

7. Storm Water

- 5777 Shadow Creek Drive - Pre-Litigation Notice
    - Update

Terry: Okay, Mr. Sherwood.
Steve Sherwood: Thank you, Mr. President. On my agenda, the first item I have under stormwater department is an update on 5777 Shadow Creek Drive. As you recall, Morrie filed a pre-litigation notice on October 12th, 2026. I just want for Morrie to update the board where we're currently at with that notice.
Morrie: I sent out the pre-litigation notice by certified mail on the date of the letter, October 12th. It was picked up on October 17th by Mr. Hermann. He has hired legal counsel, he's hired the Ziemer firm. I've received a phone call from the firm and they wanted an extension of time to respond. I told them they had to submit a request in writing to me for an extension. He's done that (DeLucio, Marco) did that by email, and he requested until November the 24th to respond to my October 12th letter. I don't have the authority to agree to that. You do (Speaking to the board).
Terry: Can I ask a question? I saw the letter; I don't recall what it said. I think it just asked is it or isn't it installed?
Morrie: No. I've not received any indication that a replacement sewer was ever installed. That's certainly not, I talked to Mr. Hermann.
Terry: Okay.
Morrie: He called me. I told him that Warrick County expected—he's the one who asked to vacate the easement. Therefore, Warrick County expected that he would be the one replacing the underground pipe.
Steve Sherwood: Should I summarize this project from what the board decided to tell Morrie and I? Everybody understand the problem? Okay, I don't need to summarize.
Terry: I think we're getting ready to be asked to make a decision on allowing the extension.
Morrie: That's right. 24th of November. At this point in time, it's the ninth. So,
Terry: I think in my mind,
Morrie: 13 days, two weeks.
Terry: It's very simple. They either can or can't provide evidence that it was installed.
Morrie: He was going, my understanding from my conversation with Mr. Hermann was that Mr. Hermann has talked to Mr. Combs, who was an adjacent property owner, and they were going to go to Mr. Gupta, who is the current property owner where this pipe is or isn't, and try to come to some agreement that would be a compromise that wouldn't cost, I guess, as much money as putting the pipe in the ground.
Sarah: Doesn't the pipe need to go in the ground?
Morrie: We need a drain
Sarah: Okay.

Morrie: That drains a city street or a county street.
Sarah: The current property owner can't make an agreement that doesn't—
Morrie: He could agree you can use my yard or you can't use my yard or something of that sort.
Sarah: He can't agree to waive this?
Morrie: No. It takes his agreement and this drainage board's agreement both.
Steve Sherwood: And Mr. Gupta is the third property owner in the chain since this problem originated.
Sarah: Right.
Morrie: Mr. Hermann owned the property, he sold it to Mr. Adams,
Steve Sherwood: Mr. Adams sold to another person who sold it to Mr. Gupta.
Terry: Okay. I'll just say where I'm at. I'm okay with an extension for them to provide us a proposed solution. I don't think we need to give them till November 24th to say, "Nope, we didn't put it in."
Morrie: So, if you'll make a motion to the effect of what you expect, I'll communicate that to Marco DeLucio.
Terry: Stacey what your thoughts?
Stacey: I'm all in on whatever
Terry: Okay give them time to respond that we know we didn't put it in till the 24th.
Stacey: Yes.
Terry: Okay.
Stacey: I make that motion.
Sarah: I'll second that.
Terry: All in favor?
All: I.
Terry: Motion carries.
Morrie: Just to verify that it's not been installed.
Terry: Yes.
Morrie: All right.

- Approval for Invoices over $5,000.00:
    - Utility Pipe ($5,771.98 – for "material? For Willowbrook Project)

Steve Sherwood: Next item I have is approval for two invoices over $5,000. The first invoice is utility pipe for $5,771.98. This is the pipe or material for the extra strength pipe I had to purchase for the Willowbrook project we discussed at the last meeting that we were going to do with the highway department and hire a contractor through our annual bid, Metzger Construction, to install. Since it's over $5,000, I have to bring the invoice before the board. I did get two proposals on the project and this is the lesser amount of the two pipes available.
Terry: Anyone?
Stacey: I'll make a motion to approve the invoices over $5,000.
Sarah: I'll second that.
Terry: All in favor?
All: I.
Terry: Motion carries. (4-0)

    - Baker Tilly ($7,035.00 – for "services" for SW Rate Fee Contract)

Steve Sherwood: The second invoice is for Baker Tilly. As you'll recall, that's for the services for their approved contract for $20,000 working on the stormwater rate fee. This is the first payment of three for $7,035. And again, I request your approval.
Stacey: I make a motion to approve.
Sarah: Second.
Terry: All in favor?
All: I.
Terry: Motion carries. (4-0)
I will have the paperwork at the end of this meeting for all of your signatures. And with that, I have no other business unless the board has any questions for me.
Terry: Okay, thank you.
Stacey: I do not.
Sarah: I do not.
Sarah: I motion to adjourn.
Steve Spinks: Second.
Terry: All in favor?
All: I.
Terry: We are adjourned.