**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**January 10, 2022**

Regular Session

Old Historic Courthouse

107 W. Locust St. Suite 303

Boonville, In 47601

812-897-6170

The Warrick County Drainage Board and Department of Storm Water met in regular session with Bob Johnson, President; Dan Saylor, Vice President; Terry Phillippe; Secretary; Steve Sherwood, Storm Water; Phil Baxter, Surveyor; Jason Baxter, Deputy Surveyor and Jennifer Curry, Recording Secretary. Aaron Doll, Attorney for Morrie Doll

Present in the audience: Glen Meritt

**PLEDGE OF ALLEGIANCE:**

President Bob Johnson opened the meeting of January 10, 2022 with the Pledge of Allegiance.

**ELECTION OF OFFICERS**

President Bob Johnson: First up we have election of officers. President.

Commissioner Terry Phillippe: I nominate Bob Johnson

Commissioner Dan Saylor: Second

President Bob Johnson: All in favor 3-0. Vice President

Commissioner Terry Phillippe: I will nominate Dan Saylor for Vice President.

President Bob Johnson: I will second it. That leaves Secretary which would be Terry.

**APPOINTMENT OF DRAINAGE BOARD ATTORNEY**

President Bob Johnson: Appointment of Drainage Board Attorney

Steve Sherwood: That was done at the last meeting I believe.

President Bob Johnson: I believe so, that is of course Morrie Doll

**RESOLUTION #2022-1**

President Bob Johnson: Resolution #2022-1 which is the meeting dates and times, we have a copy of it, there are two that is going to have a conflict. It’s March…

Phil Baxter: March and November isn’t it?

President Bob Johnson: Yes, March and December

Commissioner Dan Saylor: Is it November or December?

President Bob Johnson: It’s November 28th; do you want me to get the Commissioner meeting sheet?

Steve Sherwood: The second meeting in March due to Road School I believe, the Commissioner meeting will be at 10am both those days

Phil Baxter: So, we would be 9am

Commissioner Dan Saylor: March 14th at 9am

Jennifer Curry: March 14th, November 28th Commissioner meetings are at 10am

President Bob Johnson: March is for the Road School and then the 28th is Commissioner Conference.

Jennifer Curry: December 28th

Steve Sherwood: November 28th

Jennifer Curry: Then the December 28th…..

Steve Sherwood: No, March 14th and November 28th meeting date changes from 4p.m. to 10am

Jennifer Curry: In December it was moved from the 27th to the 28th

Commissioner Dan Saylor: Because that’s after a 4-day off period we wanted a work day in there, same time.

President Bob Johnson: Okay, so the March 14th do we want to move that to 9am and then the same for the November 28th?

Phil Baxter: Yes.

President Bob Johnson: Okay, so with those three changes I will take a motion.

Commissioner Dan Saylor: I make a motion to approve Warrick County Drainage Board Resolution #2022-1

Commissioner Terry Phillippe: I will second.

President Bob Johnson: All in favor 3-0

**CERTIFICATION OF ACTIVE DRAINS 2022**

President Bob Johnson: Certification of Active Drains 2022.

Phil Baxter: There are no changes.

Commissioner Terry Phillippe: I make a motion to accept the Certification of Active Drains for 2022

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor 3-0

**APPROVAL OF MINUTES**

President Bob Johnson: Approval of minutes for the December 27, 2021

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

Commissioner Bob Johnson: Second

President Bob Johnson: All in favor 3-0

**GLEN MERITT- CASH WAGGNER & ASSOCIATES- PEACHWOOD PUD LOT 5-REPLAT LOT 5**

President Bob Johnson: Mr. Glen Meritt, Replat of Lot 5 in Peachwood PUD

Glen Meritt: Glen Meritt with Cash Waggner I am the Engineer on the project. This lot is at the north west quadrant of Peachwood and Casey just a little north of the Lloyd Expressway; we are proposing nine (9) duplex commercial office buildings and a couple storage buildings on the north west side of this site. This is part of the overall Peachwood Workplace Commercial Subdivision that was done several years ago when there was a regional detention basin that was already constructed and we do not have detention on this site, there is a 36-inch concrete pipe stubbed out of the back of a curb inlet that is on the southwest quadrant of our lot and we are running all of our runoff to that pipe we are doing a little storm sewer truck line extension of course roadways and utilities but we are running all of that into our internal storm sewer system. That’s all I have, I’d be happy to answer any questions if anybody has any?

Commissioner Dan Saylor: This is at Peachwood and Casey?

Glen Meritt: Yeah, north side.

Steve Sherwood: North west corner of that intersection, this will all be private drainage within Lot 5 and there will be private streets and Glen is correct, he is currently draining to a previously approved retention basin as part of the overall subdivision for that area.

President Bob Johnson: Any issues?

Phil Baxter: We’re good

President Bob Johnson: Okay

Commissioner Dan Saylor: I make a motion to approve to Replat of Lot 5 of the Peachwood PUD

Commissioner Terry Phillippe: I will second.

President Bob Johnson: All in favor 3-0

**DENA JACOBS- 8241 BLAKE BLVD, NEWBURGH, IN 47630- “THE OAKS” SUBDIVISION-REQUEST FOR RETAINING WALL INSTALLATION**

President Bob Johnson: Next we have Dena Jacobs for the request to install retaining wall continued from the 11/22/21 meeting; I see we have a packet in here. Do you guys want to…

Jason Baxter: I don’t want to comment on it if she is not here.

Commissioner Dan Saylor: Do you want to move it to our next meeting?

President Bob Johnson: How about if we move forward and see if she shows up.

**CLAIMS:**

President Bob Johnson: Next we have claims for Attorney fees and SJCA Surveying….

Jason Baxter: There is a second page

President Bob Johnson: Alpha Laser copy machine and Tom Naas Homes for a total of $34,695.29

Commissioner Dan Saylor: Mr. President I have a couple questions, so the SJCA Surveying has that all been complete, Jason?

Jason Baxter: It has

Commissioner Dan Saylor: Okay, and then on the Alpha lease is this a new monthly charge that you guys are going to be incurring now?

Jennifer Curry: Yes, we got the new copier back in October

Commissioner Dan Saylor: Right, and you have that in your budget?

Jennifer Curry: Yes

President Bob Johnson: Is this the same thing that Sherri is working on with the copy machine contracts?

Commissioner Terry Phillippe: She is working on copy machine contracts, however I do not know if that is one of them.

Commissioner Dan Saylor: I think this was done a few months ago

Jennifer Curry: Yeah

Commissioner Dan Saylor: Then that Tom Naas Homes, Jason is that all been done to your satisfaction?

Jason Baxter: Yes, I went out there this morning and it looks good.

Commissioner Dan Saylor: Good deal; Bob I make a motion to approve the claims if there are no more questions.

Commissioner Terry Phillippe: I will second

President Bob Johnson: All in favor 3-0

**OTHER BUSINESS**:

President Bob Johnson: Anything else for Drainage Board at this time?

Steve Sherwood: Just one other item if I may, Commissioner Saylor and I have discussed Magnolia Place Subdivision which will be coming up, Letters of Credit are about to expire later this month and in that issue him and I have discussed concern in notifying the adjoining property owners that have the underground detention basin in their backyard. I have prepared a list for the County Attorney or my office to send these people letting them know that the Letter of Credit is about to expire and that this condition does exist in their rear yard. Of the 72 lots, 30 lots have an underground retention basin in a platted easement in their backyard and I didn’t know with the timing and such if this letter needs to get produced and sent to these people if the Drainage Board does indeed wish to put them on notice prior to acceptance of maintenance or expiration of the current Letter of Credit, it is my understanding the letter will expire January 26th and this issue will be addressed by the Planning Commission at your 4 o’clock meeting and Bobby’s request that the Letter of Credit will need to be extended about 6 more months because there is no way they are going to get these punch list items from 2019 completed yet prior to the end of this month.

Commissioner Terry Phillippe: So, do you just need our consent for that now? What do you need?

Steve Sherwood: I would just ask for the Board’s consensus or motion to notify these owners and send the copy of the plat and the Covenants Restrictions that tell them as Mr. Combs portrayed to this Board that the maintenance of the basin in their back yards will become their responsibility.

Commissioner Terry Phillippe: I know if I were one of those 30 citizens I would appreciate that, so I will make that motion.

Commissioner Dan Saylor: I second it, but I have discussion….So, you said 30 out of how many lots Steve?

Steve Sherwood: Out of 72

Commissioner Dan Saylor: Okay, so 30 people have this behind their home, so if I’m not one of those 30 people since I live in that subdivision am I still responsible for that underground detention basin?

Steve Sherwood: I don’t believe it states that as such, it’s just saying people who have these in their backyard are to maintain them; it’s not part of the overall HOA as I read…

Commissioner Dan Saylor: See, I tell you what, if I am one of those 30 people now I’m really going to be pissed because all those other people, that’s all their water too being handled under our so called “underground retention basin”.

Steve Sherwood: I would be more than happy to forward all these documents to Council for their interpretation, they have not been aware of this situation prior to…Morrie and I have discussed it, but we do not have all the documents.

Phil Baxter: Even though all of them don’t have the retention in their yards, it’s still going to affect them if the drainage….

Commissioner Dan Saylor: Legally, who is responsible for that?

Jason Baxter: The HOA would be wouldn’t they be?

Aaron Doll: Generally, but we need to see what the HOA actually says.

Commissioner Dan Saylor: Right, but who is the HOA guys? It’s the residents. So, is it those 30 or is it all of them?

Aaron Doll: It depends on what the HOA says, it may specify and say just these 30 lots are responsible for the maintenance and not all the remaining 42, but you need to see what it says.

Commissioner Dan Saylor: Okay, got it. So, Legal Council you see what it says then I think we can make the determination on who we notify if it says everybody shares in it then I think everybody needs to get a letter. If its only those 30 people, then it’s only those 30 people but then watch out because now it’s being spread among 30 people versus 72 people.

President Bob Johnson: Also Mr. Sherwood, the Letters of Credit that is coming up in our 4 o’clock meeting about to expire, those are for streets?

Steve Sherwood: Streets and Drainage a total of $22,000 and some change.

President Bob Johnson: Alright.

Steve Sherwood: They are tied in together.

Commissioner Dan Saylor: I second that motion

President Bob Johnson: All in favor 3-0

Steve Sherwood: Based upon that I will forward the information to our Council’s Office and they can make a recommendation back to the Board as to address all 30 versus the 72 or all 72. That is all I have for Drainage Board.

President Bob Johnson: Okay, might as well continue with Storm Water

**STORM WATER DEPARTMENT**

Steve Sherwood: Thank you Mr. President, first item of business I have is for the Annual Appointment I need to ask if Mr. Bob Johnson is still willing to serve at the 2022 MS4 Operator, it must be a Commissioner.

President Bob Johnson: Sure

Commissioner Dan Saylor: Does that need to go in a motion? I make a motion for the MS4 Operator to be Commissioner Johnson for the 2022 calendar year

Commissioner Terry Phillippe: I will second that motion

Steve Sherwood: Thank you. Next item I have is to re-new our MS4 Erosion Control Inspector’s Contract, Mrs. Gerylan Bradley, it is virtually the same contract as 2021 and I would recommend the approval of her 2022 contract, no change.

Commissioner Terry Phillippe: I make a motion to approve.

Commissioner Dan Saylor: Second

President Bob Johnson: All in favor 3-0

Steve Sherwood: If the Board would like to sign it or authorize me to sign it on your behalf, it’s whatever the Board will want to do.

Commissioner Dan Saylor: He can sign it Steve

Steve Sherwood: I will just have Bob’s signature please. Next item I have to clear up a technicality on Encumbrances; the new mini-excavator just got delivered last week with the thumb, so everything is delivered in tact that was originally budgeted. To clear up the Encumbrance, we decided back on December 13th to Encumber $32,000 for the new excavator and the Foreman’s truck, we were assuming we would pay for the excavator in 2021, but just so there is no technicality with the Auditor’s Office we would like to Encumber the amount of $101,391.16 to be used for the purchase of the excavator in 2022 and the balance go to the Foreman’s truck in 2022. Again, the amount cited it $101, 391.16 to be Encumbered out of our equipment fund from 2021-2022. Motion to that affect if the Board would so agree.

Commissioner Terry Phillippe: I make that motion.

Commissioner Dan Saylor: Second

President Bob Johnson: All in favor 3-0

Steve Sherwood: The last item I have for the Board is the Tanglewood/Fuquay meeting dates and times were sent in an email by Lochmueller, I forwarded those dates and time to Commissioner Saylor and Morrie and Aaron. We have meetings at 2-3pm on January 12, 2022 this week at the respected residences for the Hall and (?) and January 17, 2022 at 3:30pm-4:30pm for Morgan and McIntosh, and January 25, 2022 for Janice Patton at 2:00pm, those are the only 2 days she will be in town in between where she is coming back from and going to Florida.

Commissioner Dan Saylor: What was the second date Steve?

Steve Sherwood: January 17th. I will forward you these dates and times again so you are aware of them. I will be out of town for the January 12th I will be at the Indiana Society Professional Land Surveyor’s Conference Wednesday, Thursday, and Friday…I will miss the 12th, Legal Council has expressed interest to be at these, I believe both Aaron and Morrie can not be there on the 12th

Aaron Doll: That is correct

Steve Sherwood: I wait to hear from Morrie on the 17th and 25th, Aaron said he could not be there on the 25th…

Aaron Doll: 25th I know we have a 3-day Jury trail.

Steve Sherwood: So, the representation from Lochmueller Group said he could handle these meetings; we just express interest to be there if at all possible. I should be able to attend the 17th and 25th meetings if you are not able to attend Commissioner Saylor, that is understandable. I will resend you the email again; if you are able to attend I know you wanted to be there. That is all I have for the Board unless the Board has anything else for me.

Commissioner Terry Phillippe: I have a question for you, have you taken the Survey that Debbie has sent out?

Steve Sherwood: I have, I submitted that information.

Phil Baxter: I have not.

Commissioner Terry Phillippe: I encourage you to do so because some of that Arch monies is able to be spent on projects that we can handle here at these Board meetings.

Steve Sherwood: For the record, our office submitted $1.2 Million for the two different drainage projects, $800,000 for the Tanglewood/Fuquay and $400,000 for the Yorkshire and Stonegate Project. If anything else is needed from us, please let me know.

President Bob Johnson: Okay, are you finished with Storm Water?

Steve Sherwood: I am thank you

DENA JACOBS-continues

President Bob Johnson: So, we need to go back now and since Ms. Jacob’s did not show up for this meeting we need to table this “The Oaks” Subdivision Lot 7 request to install a retaining wall.

Phil Baxter: Mr. President if I could, she sent us these photos an hour ago, so she knew the meeting we just ask that we take it off the agenda until she asks to be put back.

President Bob Johnson: That’s fine with me.

Commissioner Terry Phillippe: I make a motion to remove the item from the agenda

Commissioner Dan Saylor: Second

President Bob Johnson: All in favor 3-0

Phil Baxter: Thank you

**MOTION TO ADJOURN:**

Commissioner Terry Phillippe: I make a motion to adjourn

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor 3-0