**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**JANUARY 14, 2019**

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; Phillip H. Baxter, Surveyor; Jason Baxter, Deputy Surveyor; Steve Sherwood, Director of Storm Water; Morrie Doll, Attorney; and Jennifer Curry, Recording Secretary.

Present in the audience was Joe Grassman, Bobby Howard, Nathan Long, and Tim Mosbey.

**PLEDGE OF ALLEGIANCE:**

President Johnson opened the meeting of January 14,2019 with the Pledge of Allegiance.

**APPROVAL OF MINUTES:**

President Bob Johnson: First order of business, I entertain the motion to approve last meetings minutes.

Morrie Doll: December 10, 2018

Steve Sherwood: Yes

President Bob Johnson: Yes

Commissioner Dan Saylor: I don’t think I’ve looked at them.

President Bob Johnson: We can table that until our next meeting, do I have a motion for that?

Commissioner Terry Phillippe: I make the motion to table the approval of minutes from the December 10th meeting.

Commissioner Dan Saylor: Second

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

**ELECTION OF OFFICERS:**

President Bob Johnson: First, we have the election of the officers, president, vice president, secretary. Do I have a motion for President?

Commissioner Dan Saylor: I make the motion for Bob Johnson for President.

Commissioner Terry Phillippe: I’ll second that.

President Bob Johnson: All in favor. 3-0

President Bob Johnson: Vice President.

Commissioner Terry Phillippe: I make the motion for Dan Saylor Vice President.

President Bob Johnson: Ill second. All in favor 3-0

President Bob Johnson: Secretary, I make motion for Terry to perform the duties of secretary.

Commissioner Dan Saylor: Second

President Bob Johnson: All in favor 3-0

**APPOINTMENT FOR DRAINAGE BOARD ATTORNEY:**

President Bob Johnson: Appointment of drainage board attorney.

Phil Baxter: I’d like to retain Morrie.

Commissioner Dan Saylor: I make the motion to retain our current council.

President Bob Johnson: I second. All in favor 3-0

Morrie Doll: Phil has a copy of the 2019 contract, its identical to the last years contract, no changes other than dates.

Commissioner Dan Saylor: Thank you councilor, we appreciate your service.

Morrie Doll: Thank you.

**RESOLUTION #2019-1:**

President Bob Johnson: Resolution 2019-1 our meeting dates.

Commissioner Dan Saylor: I think it’s the same as our Commissioner meetings.

Morrie Doll: Second and fourth Mondays at 2:30, in conjunction with Stormwater.

President Bob Johnson: There will be revisions based on Commissioners calendar.

Morrie Doll: A couple of dates I think November doesn’t work.

President Bob Johnson: We changed the December time, I just need a motion to accept the meeting dates and times.

Commissioner Dan Saylor: I make a motion to accept resolution 2019-1 for our meeting dates and times.

Commissioner Terry Phillippe: I second that.

President Bob Johnson: All in favor. 3-0

**CERTIFICATION OF ACTIVE DRAINS 2019:**

President Bob Johnson: We do have a copy of that in our packet.

Phil Baxter: None have changed this past year.

President Bob Johnson: They’re still there?

Phil Baxter: They’re still all the same, no more or less.

President Bob Johnson: I need a motion to accept the current drains and ditches.

Commissioner Dan Saylor: I make a motion to accept the certification of active drains for 2019.

Commissioner Terry Phillippe: I’ll second that.

President Bob Johnson: All in favor 3-0

**TIMBER VIEW ESTATES:**

President Bob Johnson: Next up we have Timber View Estates.

Phil Baxter: Morley is representing this, they’re changing the sizes of lots in Timber View Estates #2. It wont affect the drainage plan at all it’ll be the same, it just needs to be voted on.

Morrie Doll: No change in the drainage is necessary?

Phil Baxter: No, no change what so ever.

Steve Sherwood: What were the lot numbers involved.

Morrie Doll: 6-9?

Phil Baxter: Yes.

Morrie Doll: And there is an adjacent subdivision to this parcel ground? Gentleman that has one of those lots bought it attending for his children to live there they chose not to live there, so he and his neighbors have all agreed to extend the back yards to cover the extended ground in strips that match their existing lots. So, they’re not expanding, building, or needing additional drainage. That’s what the APC is understanding.

Phil Baxter: Yes, that is what we understand.

Steve Sherwood: And that doesn’t effect any of the easements in place or retention easements I don’t believe either so.

Phil Baxter: No.

President Bob Johnson: So you’re okay with it Steve? You’re okay with it Phil?

Steve Sherwood: Yes

Phil Baxter: Yes its lots 3-6.

President Bob Johnson: I entertain a motion.

Commissioner Terry Phillippe: I make a motion to approve Timber View Estates II.

Commissioner Dan Saylor: Second

President Bob Johnson: All in favor. 3-0

**LITTLE PIGEON CREEK BIDS:**

President Bob Johnson: Little Pigeon Creek bids.

Morrie Doll: I have received from the surveyors office (4) four sealed envelopes containing bids by various vendors for the Little Pigeon Fall 2018 project, indicating they were received from within the time frame….although they are not time stamped.

Morrie Doll: First one is from Jerry Aigner construction sealed bid Little Pigeon Fall 2018, Hendrickson Road to Maxville Road the bid proposal is for $13,000.00. Second bid I’ve been handed is Scott’s Transfer Inc. estimate for Little Pigeon Fall 2018, their estimate #1010 “perform work as discussed in bed specification packet pre bid meeting” $27,888.00. Third one is from Tom Naas Homes identified as same project bids is to remove logs along Little Pigeon Creek Fall 2018 bid Hendrickson Road to Maxville Road, supply all equipment and labor remove log jams and pile it in the field on Spencer County side and all bid guidelines, $14,500.00. The last one is from Elliott’s Excavating Inc, of Little Pigeon Fall 2018

“Remove blockages as specified in the bid package”, their bid $16,548.88.

President Bob Johnson: Jason, do you want to take these under advisement and look at the bids and make sure they’re all ….

Jason Baxter: I’m happy with it.

Commissioner Dan Saylor: Okay, I make a motion to take the Little Pigeon Creek bids under advisement.

Commissioner Terry Phillippe: I second that

President Bob Johnson: All in favor. 3-0

Morrie Doll: Returning the (4) bids to the Surveyors office.

President Bob Johnson: How do we know we are comparing apples to apples?

Jason Baxter: I was with them when we did the pre-bid, I met all of them at the project to discuss.

President Bob Johnson: Are you okay with taking the lowest bid then?

Jason Baxter: I’m good with that, yeah.

Commissioner Dan Saylor: So do I need to retract my?

Morrie Doll: We need to retract the prior motion, was it take to a vote? I was handing the bids to the surveyor. Then you need to override the prior vote, motion to in fact accept whichever bid your accepting I guess it’s the Aigner bid, and see if that seconded and if it is then you can vote on it now. You can take it under consideration for a minute.

Phil Baxter: While your considering, this will be paid 50% by us (Warrick County) and 50% by Spencer County.

Morrie Doll: Warrick County commitment of $6,500, hypothetically, on the Aigner bid.

Phil Baxter: Right.

Morrie Doll: Legally do we need Spencer Counties acceptance of that same bid?

Phil Baxter: We got it, through him.

Jason Baxter: I don’t know, to be honest with you.

Morrie Doll: I think you do, if their going to pay half the bill I think they have to vote for it too.

President Bob Johnson: Lets leave it alone and take it under advisement and we’ll address it at the next meeting.

Phil Baxter: Okay sounds good.

Morrie Doll: Can somebody talk to Spencer County?

Jason Baxter: Yes, ill be on the phone with them here in a little bit.

Phil Baxter: In fact we could get him on the phone if you wanted.

Morrie Doll: I don’t care how we get it, I just want to make sure if we accept a contract that we are liable to pay for.

Phil Baxter: Yeah they are the ones that contacted us to do the project and they’ve already acquired the money for it through councils.

Jason Baxter: I’ll talk to him.

Morrie Doll: Obviously they don’t know how much it is until just now.

Phil Baxter: Its less than we all thought.

President Bob Johnson: Is there an immediate need to get on this? January, February?

Jason Baxter: No, it can be tabled until next meeting if that’s what needs to be done.

Phil Baxter: It needs to be done before Spring.

Jason Baxter: Before crops and spring planting.

Commissioner Dan Saylor: Aigner’s is the lowest bid I don’t have a problem retracting my motion and then we vote awarding it to the….

Morrie Doll: You can do that as Steve jut suggested too you could always do it approving it subject too Spencer County joining us in the project at $6,500.00 as they promised.

Commissioner Dan Saylor: Council do I need to make a motion to retract?

Morrie Doll: Yes

Commissioner Dan Saylor: Okay, I make the motion to retract my original motion.

Commissioner Terry Phillippe: I’ll second that motion.

President Bob Johnson: All in favor 3-0

President Bob Johnson: Now I’ll make the motion for the bids.

Commissioner Dan Saylor: I make the motion to accept the lowest bid of $13,000.00 from Jerry Aigner for the Little Pigeon Creek project, subject to Spencer County approving their financing of the project.

Commissioner Terry Phillippe: I will second that.

President Bob Johnson: All in favor. 3-0

**CLAIMS:**

President Bob Johnson: Do we have any claims that need to be approved?

Jennifer Curry: No.

President Bob Johnson: Any other business?

**DRAINAGE ISSUE- NATHAN LONG**

President Bob Johnson: I have on here drainage issue with Nathan Long, come on up please and state your name for the record.

Nathan Long: My name is Nathan Long, and I actually have two and I don’t know if this is the right venue for this or not but I have two complaints that I have put in and I’m just trying to get something resolved with them or at least find out more information about what I need to do. The first one is that 5646 Greensboro Drive and I own a house there, it’s a rental property but I own the house and there’s a drainage that is identified in the subdivision plot that goes along between the two houses and it commonly backs up with a heavy rain and from some contact and whatever looking at it, it has at some point in time its identified as a 3 foot 36 inch concrete pipe that is there but somebody also at some point in time I’m assuming back when the lot was developed put in a 2 foot pipe in front of that. Its pretty obvious to me that the 2 foot pipe is not handling the flow that it needs to be, its backing up and causing some erosion on my property and I’m just trying to look for some solutions and I was told it was going to be taken to this board to look at.

Steve Sherwood: Mr. Long was in our office back when the complaint was originally filed, I’ve had some email discussions with him. What I believe is that he is here for both the first one is the 5646 Greensboro Drive the second one is 7099 Woods Drive that you wish to address? Getting back to the Greensboro, you took information from me on November 13th and November 26th of last year (2018) in the minutes. The attorney’s recommendation was no action at the Nov. 26th meeting and I believe Mr. Long wants to address what his options are at this point. We discussed about 50 feet of 24 inch pipe added in front of the 36 inch reinforced concrete pipe you have basically a copy of the approved drainage plans before you and a couple of photos showing how it was enclosed in the diagram. Mr. Howard and I were out at the property the 36 inch 120 feet was approved in the 1978 street and drainage plans, however as Mr. Long stated its about 50-54 feet of either 24 and or 36 core grade metal pipe was added onto the concrete pipe. You can see where it was most likely done either by the developer or the first residents that occupied those houses when they originally built, the ditch was enclosed to basically give them more yard between the two homes other wise it would be somewhere in the nature of 10-12 feet in depth. Mr. Howard and I did identify a sanitary sewer manhole which is drawn in, in blue across and parallel with the Northern right away with Greensboro Drive we have verified that the manhole and sewer line is on top of this storm sewer 36 inch reinforced concrete pipe. We have attempted to run a video camera up it, its hallway filled with water we’re not able to get a clear inspection because of the water and the blockage. It needs to be ditched downstream to eliminate some of the water from the pipe, but as Mr. Long described he’s constantly removing blockage in front of the 24 inch pipe and because of the decrease of size from the 36 to a 24 it limits the amount of water it can carry. You can see in the easement that its grown up with brush, trees, people continue to dump their grass clippings, leaves, cut timber which I assume doesn’t help, it exasperates the situation. So, a fair amount of water that comes in from the North offsite into this ditch I’ve had conversation with Mr. Long via email that basically falls into the same circumstances we’ve always discuss about these easements, the plan says the joining property owners are to maintain them, however this portion here was enclosed with nobody’s permission. We’ve run into this on occasion, no fault of his, I’m sure it probably happened before he inquired the property. If you would just tell the board about when you did acquire the property.

Nathan Long: I believe I purchased it in 2012, I suspect it does goes back to the original development because this used to have a walk out basement, and I was told that they had to enclose it because of the water backing up and getting into the basement. So, that has been enclosed and to me if you’re going to add a pipe at a later time and you know it already backs up with a 3 foot pipe you’re not going to go in an extend it with a 2 foot pipe that doesn’t make any sense, so to me they put the 2 foot pipe and its been a problem probably from the start.

Steve Sherwood: Mr. Long has expressed that he continually having to take away the debris so that the pipe will function, there’s some question about its function ability, a total 120 feet in the approved drainage plan that crosses through the roadway its our obligation, it’s the first 50-some feet of the illegal amount of pipe. If we were to dig that out and remove it, if the board would chose to do so, it would leave a sizable valley in close proximity to the two homes for I’m sure the reason it was extended to the North in the first place. The other question I have for Mr. Long if we were to remove the 50 foot of blockage so to speak would it be acceptable to leave it as an open ditch because you’re looking at a 30 foot easement, 15 feet on either side of the common lot line and we don’t have permission from the lot owner to the West or lot 20 he has not been contacted that I am aware of yet I don’t know if Mr. Long spoke to him or not. That’s one of the issues we will probably have to start with if he just wants it removed, of course if its fine we have a 120 foot of 36 inch pipe that needs work that will fall under our jurisdiction.

President Bob Johnson: Steve, as part of the original scope of this project, the original street with drainage plans the green portion was not part of it period?

Steve Sherwood: No. The highlighted there in yellow on the issue before you is what we discussed in November I’ve added the green and blue marks since you reviewed it November just so you could see graphically the illustration of the pipe extension and then the East/West sanitary sewer that is on top of this pipe it just happens to be a manhole in that easement, I’m sure you are familiar with the manhole just in the corner of your yard so to speak. Its about 9 or 10 feet deep, Mr. Howard and I pulled the lid off and looked down into it.

Nathan Long: You’re saying that’s a sanitary sewer?

Steve Sherwood: Yes, it runs East West or parallel to the North side of the road right away.

Morrie Doll: Which one is 9 feet deep? Sanitary?

Steve Sherwood: Sanitary sewer manhole because the pipe runs beneath it so its another 3-4 feet below that. The photos you have just illustrate the amount of yard space you can see, it doesn’t really capture the depth of the beginning of the 24 inch, I had that sent previous to emails to you. As I explained to Mr. Long I presented the information to you, and I have and now he is back in here wanting to know our position to date.

Morrie Doll: The extent of the area we have, jurisdiction over is the road right away area of the 36 inch.

Steve Sherwood: For the Highway Dept for the road right away the structure itself the 120 feet falls under the approved drainage plan which falls under the drainage board which is why he is before this board today.

Morrie Doll: Well, do we accept that for maintenance or is there a Homeowners Association to this, or anything else to retain liabilities.

Steve Sherwood: I don’t know of a Homeowners Association that exists in your (Mr. Long) development.

Nathan Long: No, there’s no fees or anything like that. This is just to follow up with those, this is the water back up as you see it so he has pictures that shows the ditch then that’s how much water backs off in that with the heavy rain storm.

Steve Sherwood: Mr. Long yard on his side of the ditch, it is lower in elevation the water will come into your back yard where you say the erosion is.

Nathan Long: Yes it just saturates the ground and it continually just more and more of the side of it just falls in as it saturated.

Commissioner Dan Saylor: Where is your yard at here?

Nathan Long: Mine is actually on the other side of that ditch picture. Part of my concern now is that my belief is that that water that backs up there is not all going through the pipe. So my belief its finding another route under the ground when it backs up like that. Its not just holding it back and when the water, time when the rain stops or whatever it drains through that pipe. Its my belief, you can see back where it has eaten into the side of the hill and expose the roots and trees and such back there. So that is part of the concern is that the water that backs up just doesn’t get backed up by solid wall, its getting backed up and finding a different route.

President Bob Johnson: So from your neighbors property…

Nathan Long: Yes, from this property backs up to a non-subdivision the properties to the North of there don’t fall under the drainage that I’m aware of and it’s a wooded lot, so it’s a completely wooded lot just North of this property. So that is where I believe a lot of the debris comes from that’ll need to try to keep this open. I was just looking for, I have not been aware, he told me he was going to discuss this I didn’t know that there had been any kind of decision.

Morrie Doll: So this is, is it a main drain?

Steve Sherwood: Its just a platted easement, utility and drainage easement in Whispering Hills subdivision section A & B, ultimately drains down the North side of Ferstel Road. Marlin and I met on site, when Marlin was the former commissioner prior to you Terry to try and work out the ditch along Ferstel Road widened, with no success.

Morrie Doll: How far south of the outlet of the 120 feet of 36 inch is the ditch needing to be dug and do we have right away?

Steve Sherwood: We haven’t shot grade, but it would appear Bobby and I looked at it about 200 feet of ditch would need to be regraded just to get the 36 inch to drain down. It was about half full I’m sure Mr. Long has seen the other side of the road, but its apparent that none of the property owners have been maintaining the drainage easement on either side of the structure.

Morrie Doll: And we don’t need right away, if the board chose…

Steve Sherwood: Well, we would have to get temporary permission from all the property owners no matter what, if we were to decide to do anything. Mr. Long expressed to me he’s not really wanting to spend any money to resolve the 50-some odd foot of 24 inch pipe, he would not like it to be his problem if I quoted that correctly.

Morrie Doll: Well, my question is what’s the condition of the 36 inch of legal drain that’s there.

Steve Sherwood: That has yet to be determined

Morrie Doll: Because you cant get the camera and it wont drain and until you dig 200 feet of this drain.

Steve Sherwood: We’ll have to get the trailer with enough footage to get the camera in, we had it on the side of the South end which is the short of the two ends and we got a nice video footage of underwater, its just too cloudy to see anything.

Nathan Long: And one question I’ve always had from the start of this, is I guess communication on knowing what maintenance entails, that’s always been something you brought up to me is saying it isn’t being maintained and I agree when I first approached this issue. I knew that the drain was clogged, that’s why I wanted to come up. You know you have muck and dirt that weighed a couple hundred pounds and oh hey this is your responsibility to clean it out, and to me it’s a couple hundred pounds of mud and debris that I’ve got to go in there and dig out and should that really be my responsibility. That was part of it, but even at this point, yes it looks like a natural ditch so yes you have trees, you have some brush and that’s the way it is on the property just behind mine where the water is coming from.

Steve Sherwood: And I believe that is why the planning commission put statements on each of the plots since they’ve been conceived. If the county had to go out and clear out the brush in front of every drain and every easement, every subdivision then we would not be able to handle the expense, demand, or the time.

Nathan Long: I guess my thing is like the interpretation or what should it look like? What is maintenance, what should that be?

Morrie Doll: Should be an open ditch, the 54 feet should not be covered I mean that’s the answer. There was an approved drainage plan in 1978 that proposed that that would be open ditch of some considerable depth.

Steve Sherwood: I believe Mr. Long is referring to what’s in front of the 50 feet of 24 inch as well. The comments to this is that the ditch preceding the structure that’s there.

Morrie Doll: What is it now? Is it just filled in yard at the end of this?

Steve Sherwood: Well one of the photos I sent down shows without the water.

Morrie Doll: So that’s what’s at the North end of this between lot 19 and 20. I don’t know what it was supposed to look like in 1978.

Steve Sherwood: Pretty much we have a 2 dimensional view lines on a map, I don’t believe there is even a typical cross section involved because the plans are so pre-date any ordinances we would’ve had regarding these issued.

Morrie Doll: I don’t think we have a right away.

President Bob Johnson: What was the plan at the end of this yellow, the approved plans at the end of it, Mr. Longs property, what was the plan through there just an open ditch?

Steve Sherwood: You can see the thread of the ditch weaving throughout the easement the line with 3 dashes on either side of the..

Morrie Doll: So the approved plan was for 36 inch pipe 120 feet long protruding to the North of Greensboro and to the South of Greensboro Road. and everywhere else around the drain was an open ditch?

Steve Sherwood: We can only assume its natural drainage when the lot was developed they put a pipe across their new future roadway at the time this was being developed. Pretty much natural drainage on either side of the road before the subdivision would’ve been there because I’m sure they, you can see by he path the way the lots were developed the easements were created for the ditch, the ditch probably predates well in advance from where the subdivision was going to be built.

Morrie Doll: Well, you see there’s an easement, there’s a platted easement but I don’t think there’s a public right away.

Steve Sherwood: There’s just a platted drainage public utilities, PUE and drainage easement is what the plat calls for.

Morrie Doll: So are there utilities in this right away?

Steve Sherwood: Probably the sanitary sewer runs down one side of the other two as it goes down the hill, that’s typical there’s a line in that that changes and the manhole goes that way. The line East and West collects these houses and I’m sure it follows the ditch from one side to the other. We’ve seen manholes down here to the South along the side of the ditch.

Morrie Doll: So, South of Greensboro you anticipate there a sanitary sewer that runs in the same route?

Steve Sherwood: On one side or the other, yes. That’s typical on how they develop these. Sanitary sewers like stormwater runs downhill. My first question still to Mr. Long is if the 50 feet of pipe was to be removed, yet by some shape or form we haven’t decided on, are you agreeable that that can be an open ditch to restore to the original drainage plan that I forwarded to you? Your neighbor will have to agree with it too, I just want your opinion while you’re here, it would severely limit your side yard space.

Nathan Long: Correct, the question would be even for this case is what would be approved is I guess even on the cost or whatever to say okay if you were agreeable to do that instead of, I would assume if you were going to do that you’d either rip-rap or do something to protect to edge or do something so wouldn’t it be easier to throw in a 3 foot pipe and bury it back the way it is would be just as easy to take all the dirt excavated everything to uncover this pipe and put in a new pipe. I’m not apposed to paying for something , you know I just didn’t know, I’m trying to figure out who’s responsibility should it be. I still have a little bit to say this was put in illegally I don’t know how often people actually approach the board to get things approved, even when you read the plot of the subdivision, even when you read that it says even if you don’t alter the drainage, alter the ditch, so somebody could have the opinion that I didn’t alter the ditch and I thought 2 foot pipe would be enough so I didn’t alter the water as far as even if you read this, and of course this isn’t passed onto the homeowners or anything so it just seems like there’s some gaps in.

Steve Sherwood: Just to answer your question, if it was just 120 feet was in the approved planning and you wanted to add some 50 feet of the same size to it, typically you’d come before the drainage board and want an approved plan by a design engineer and have this drainage board approve it, then install it, and then it would officially be added to the drainage plans of the development for the county to maintain, that means the county is not paying for any of it if it was to happen through the normal process.

Nathan Long: In this case I believe this pipe was put in professionally, because from what I’ve seen it has rock and chicken wire around the outside of it, so I believe a contractor put this in at some point, so you would think that a contractor would have known what the approval process was.

Steve Sherwood: Well we don’t have anything on record, and I beg to differ with it being done professionally because I don’t think anybody would’ve put a smaller pipe in front of a larger pipe, and then there is no connection where the 50 feet meets the 120 feet or access there is no manhole for anybody to get in because the pipe should’ve changed direction and flow at that point which should have had some type of proper access to it so we can actually get down and see the connection and for all I know the 24 inch pipe or whatever pipe is there is stubbed into the 36 and that might be part of the problem too once we dig down and find out if we are to move forward and remove the obstruction I consider almost a 50 feet of pipe is the obstruction to the approved structure that’s there. Again, something for the board to consider we basically discussed back in November that’s why we reached it as a no action.

Nathan Long: I wasn’t communicated at that.

Steve Sherwood: No you weren’t because it was just no action at that point in time which means that it wasn’t a done or dead issue we just continued to monitor the situation.

Commissioner Dan Saylor: So, Steve in your opinion if the 24 inch pipe put in is a choke point obviously, if you put in a larger pipe would that solve this problem?

Steve Sherwood: Well, that and maintenance leading into it you can see there’s still a large amount of brush and debris that arrives from offsite which is as Mr. Long described as a wooded area undeveloped North of there that drains into it.

Commissioner Dan Saylor: So if you turn this back into an open, is that just going to catch more? We just approved a bid for Little Pigeon Creek and they have log jams in there.

Steve Sherwood: If we were to consider removing the 50 feet we would probably have to re-ditch the entire easement to the North edge of the development and regrade it, remove trees, re-slope it and look at the possibility of adding rip-rap and something to stop the amount of brush that gets down there and blocks up the pipe. If the 120 feet of 36 is fully functional under the road everything should wash through we don’t know that the 120 is fully functional yet until we’re able to at least clear out this first 50 feet so we can get the pipe to drain and do some work down stream, we will need to contact whatever lot owners downstream enough to re-ditch it and its not an easy site to get to Mr. Long will tell you it is very steep on both sides of the pipe.

Phil Baxter: What happened to the sanitary?

Steve Sherwood: Whatever has to be done to the pipe and sanitary sewer because of the weight of a manhole I’m sure its Town of Newburgh’s sewer. If we’re totally replacing everything we’re quickly approaching a 6-figure contract.

Phil Baxter: I agree.

President Bob Johnson: So somebody can have a larger yard?

Steve Sherwood: We would have to contract it out because its outside the scope of any of our equipment and labor that we could perform.

Morrie Doll: But it was an illegal modification that’s caused this, and I’m not saying, obviously Mr. Long has no responsibility for it, somebody modified the drain in contradiction to the approved drainage plan. Its private property.

Steve Sherwood: Id like to see if there’s some way we can assist Mr. Long with this issue but at the same time also have a problem committing the county to a 6 figure liability that could potentially be there too.

Bobby Howard: We’ve had similar situations in the past where there’s been improvements done and drainage easements that weren’t part of the original drainage plan and we work with property owners along those lines and if they wanted the ditch re-enclosed we size the pipe, they paid for the pipe, we did the install, they paid material only they didn’t pay for labor those kind of things have happened in the past. Now, what we don’t know is this 36 inch RCP under the street if its in good shape and we can utilize it maybe we can line it, maybe it doesn’t need to be lined maybe its okay and it can just be connected, but we don’t know that until we ditch downstream and can evaluate that 36 inch, but either way the 50 foot piece of pipe doesn’t need to be there in my opinion and if they like a pipe and the homeowners in that area can still be done we want to size it, to the size of the other pipe. If we need to replace the 36 inch it may be larger, based on todays calculations, back then in the 70’s they were designed for 10 year maybe a 25 year storm event. We’re designed to a 50 year minimum now so there’s more to this, if the 36 inch can be evaluated if it needs to be replaced it may need to be upsized based on the drainage calculations.

Bobby Howard: We haven’t got that far yet on the drainage calculation because we don’t know if that pipe actually has to be replaced and we don’t replace them when their undersized we replace them when they fail because every development is undersized from todays standard.

Morrie Doll: So the first thing you’re going to have to dig 200 feet South.

Steve Sherwood: More or less we have to shoot grade to determine the exact distance but that’s a fair estimate.

Morrie Doll: So if you want to investigate this further it seems to me that’s the proper motion is to determine what the Southern portion of excavation needs to be to drain the pipe so you can evaluate the condition of the 36 inch, is that accurate Bobby, Steve?

Bobby Howard: That will need to be done.

Morrie Doll: And then you can make an intelligent decision about what else has to be done or doesn’t have to be done.

Bobby Howard: Whatever size is put in, the inlet of that pipe will have to be maintained by whoever is living here or it will stop up again with the woods draining into it and erosion back there its going to continually, without it being cleaned regularly which it hasn’t been all these years.

Nathan Long: Well, it has been periodically I think the 3 foot pipe would not clog near as much if it was a correct pipe because it would go in a 3 foot pipe and not a 2 foot type.

Bobby Howard: Erosion wise I don’t know if its ever been, you’re taking care of the limbs and debris since you got it but it was already halfway filled up.

President Bob Johnson: Lets go ahead and get a motion going on here.

Commissioner Dan Saylor: Id like to make the motion to give Steve and Bobby, to shoot some grade and get some information and bring it back to the board.

Steve Sherwood: And to do that we’ll have notified the downstream property owners necessary, enough of them to get this to drain dry. That will have to be done first, we’ll assess it and report back to the board, the other issue is still the 50 foot of pipe to the North end will have to be addressed at some point.

President Bob Johnson: We need to understand more upstream first to figure out what we can do.

Steve Sherwood: We’ll have to analyze the 120 feet of pipe.

President Bob Johnson: If anything.

Commissioner Terry Phillippe: Ill second that.

President Bob Johnson: All in favor 3-0

President Bob Johnson: Mr. Long we’re going to do some more research and we’ll get back to you and keep you updated on what we decide.

Steve Sherwood: I believe the other Mr. Long has here for 7099 Woods Drive, he called regarding drainage that was flooding his garage I have some photos of this from Mr. Long you can see the water coming out between the two homes and I have some pictures from when the water was down, now where the water comes out through his yard there is no drainage easement its just a natural drain. Again, this is an older subdivision no easement what so ever it conveys it from the rear yard to the front yard, once it hits the front yard it goes into his driveway culvert everybody down stream has enclosed their driveway frontage through the length of Woods Drive.

Morrie Doll: So there’s no swale?

Steve Sherwood: We have no drainage ditch. How long have you owned this property at 7099 Woods Drive?

Nathan Long: Roughly the same 2012 I’ll guess, 5 years.

Steve Sherwood: Is it a rental property as well?

Nathan Long: Yes. One of my questions on this one mainly, this one is down the street and this is just where it was coming out so one of the drainages down, like he said they have now been all connected and I was even told I talked to a neighbor down the street that one of these was just connected or somebody just filled it within the last couple years. So now you have a continuous run and I know underneath my driveways is a 15 inch pipe I cant say 100% certain from looking at it I believe one of the pipes down the street is 12 inches so you run into that same thing where people downstream of where I’m at may have put in the smaller pipe and then at the very end of the road its pretty clear to me that one of these pipes is blocked because when it rains hard pretty much all the water is coming out of one of the openings for the drain and onto the roadways there. That was one of my first questions and it didn’t seem like the Stormwater Dept wanted to check in too much for me was whether or not it was blocked or who’s responsibility if it is blocked to say “hey this homeowner needs to open up this drain to let it flow”.

Steve Sherwood: To answer his questions all these enclosures are in the road right away so its out of the Stormwater jurisdiction at that point, but its enclosed all the way to the very Western edge of the subdivision it even crosses Woods Lane and the inlet you see bubbling out in the photo he pointed out to you is down at Woods Drive and Woods Lane intersection, so all the way across this yard across the intersection to the West its all basically pipe and all those ditch enclosures in the road right away are illegal. They were all done by each individual home owner over time and its become the conglomeration today.

Nathan Long: That’s one of my points here I guess is that when I started looking into things with who’s responsible for what and even going onto the website looking at the Warrick County website it is very difficult to see who is responsible for what and what duties do homeowners have, even to get a permit to say “I need to get a permit for something”, you go to the website and look its not out there to tell somebody so you have all these people do they knowing illegally enclose these things or do they just think it was their right to do it. So like, for digging most people know “hey when you dig you’re supposed to call first” because there’s a lot of public service announcements out there to say “hey call before you dig” with the Stormwater systems it seems like its very hard to even find the information or get the information. Part of what my thing is here, what am I even allowed to do? I was trying to look and I guess I was a little disappointed, here I have this situation where I got a bunch of water coming up next to the house, its in the garage a little bit I had a close in one of the crawl space vents because water would get into the crawl space through that, but my main thing was “hey I’m a home owner here trying to help this situation and it feels like I went to the Stormwater Department and I’m not getting any help, I just get “oh this is your responsibility, and really all I’m looking for is some guidance to say “you know what your best bet here is to actually take out the culvert in front of your house and let it drain naturally the way it was originally. I’m just guessing on things that here I’m a homeowner and I haven’t studied stormwater, taken classes and say hey how can I help correct this? So that’s really where I’m at with this one I’m just looking for some help to say “what’s my best option?”

Morrie Doll: The 1974 plat for Shady Woods subdivision contains the following language: “Within the easements no structure planning or other materials should be placed or permitted to remain which may damage or interfere with the installation or the maintenance of utilities on which may change the direction or flow of drainage channels in the easements or which may obstruct or retard the flow of water through the drainage channels and the easements. These easement areas of each lot in all improvements in it shall be maintained continuously by the owner of the lot except for those improvements for which a public authority or utility company is responsible.” The contract for the approval of the subdivision which was contract we use for the present owners of the lots, each of the lot owners says no authority to modify the drainage of their lot and all the responsibility for maintaining the drainage in a working manor, the county assumes no responsibility, and that’s every subdivision in the county including this one.

Nathan Long: So how can I get any help to even determine what the best course of action, basically you’re saying I can do whatever I want because this isn’t a, not plotted that’s not the right word, but its not identified as an actual stormwater drainage next to this house that I don’t have to get a permit to get anything for that. I’m still looking for somebody’s expert opinion to say” hey if this was me with my experience that I think you’re better off opening up the ditch, you’re better off putting a berm, you’re better off…”can you see that in this picture there’s a lot of water that even if its an open ditch there’s a lot of water that’s going to be flowing down the front of the yard, but I don’t care if its in front of the yard but like I said I’m just trying to look for some assistance.

Commissioner Terry Phillippe: I’m just curious, you called Stormwater which would seem like a good place to call first did you call anybody else? Any other departments?

Nathan Long: No I have not.

President Bob Johnson: If those were my properties Mr. Long what I would do, I would be calling an engineer to help me out. Unfortunately, its going to cost you a little bit of money.

Nathan Long: I was just looking for somebody’s, you would think like, one of the mission statements, and you have to dig deep to find a mission statement for the drainage board, but I found it and one of the missions is to try to help protect the property and so I’m here and saying “hey I have an issue with my property and if its part of the mission statement to try to help people protect property, can I not get any assistance? Is there nobody on the board or nobody else that can give me a pretty good opinion on what my best option would be by looking at it?

President Bob Johnson: No, I think we can give you an opinion on it, however you have to be careful there because when we give you an opinion and you act on it and something happens we don’t want to be held liable for that necessarily, but the best course of action here is to hire an engineer that deals with drainage issues all the time and ask their option on a good course of action. Now, can we help maybe lead you in the right direction or give you the right contact? Yes we can, as far as the website goes we’ve just revamped our website and we have a brand new website that should be a little easier to use and a little bit easier to understand I don’t know if it will have the information that you want but we’re working on it and it’s a work in progress, but the best advice I can give you and you guys help me is to contact an engineer to help you out with some of those issues the cheapest and most economical way that you can go.

Steve Sherwood: To answer Mr. Long’s question about pipe enclosures and Woods Drive which is in the planned county road right away, we have a form on the Highway Department’s website for ditch enclosures. Do any of these properties enclose the ditch ask for one? No, they did it on their own as their own private drainage in county road right away. Now, this is a 1974 development this mostly all happened before a ditch enclosure form was arrived back in late 90’s early 2000’s, as a county Stormwater had no jurisdiction to road right away.

President Bob Johnson: Mr. Long, we run into these issues every month don’t feel like your alone there’s developers out there putting in the wrong pipes, there’s people who have buying homes that unknowingly are buying these situations, we run into it every month.

Nathan Long: Just for clarification, if you’re removing and putting it back to the original do you still need to get a permit for the right away in the county?

Morrie Doll: If you’re removing soil that’s been put in as swale or drain?

Nathan Long: Correct, so I’m saying if my decision either after just trying things on my own or contacting a engineering firm to remove the pipe.

Steve Sherwood: To answer your question as Mr. Johnson stated, have an engineer look at it one of your options are to remove the pipe along your frontage of your property and create a roadside ditch that will move the water downstream, to the downstream property quicker.

Nathan Long: Correct

Steve Sherwood: Now, do you want to talk to all your neighbors and have them all construct one neighborhood project to construct the ditch from one end to the other? Id leave that up to you.

Nathan Long: Okay.

Steve Sherwood: Someone will have to decide it, they’d all have to pay their portion of it, does the county want to orcastrate that? No.

Morrie Doll: Its private property.

Steve Sherwood: Its private property.

Nathan Long: Honestly I mean, I’m just trying to get it away from house I would just uncover it and let it flow.

Steve Sherwood: There is no drainage easement where that water runs beside your road and brings it to the road right away. You can obviously construct a drainage ditch from the rear of your property to the front but as you said its spills out into your garage which apparently when the water hits the certain elevation the garage gets damaged from the water. Again, to Mr. Johnsons comments if an engineer can analyze that for you.

Nathan Long: So the last comment, the only other request will be that the water down the street that’s coming out of the drain it would still seem like that would be some sort of responsibility to say to that homeowner that their not maintaining. I guess if its not maintaining your illegal enclosure, but somebody, at some point it is causing back pressure even if it is not for certain in front of my house if its 15 inches under the driveway, but it could go to 12 inches right away I just don’t know what point it changes, but at some point its blocked downstream which is causing at least some back pressure to not allow as much water to flow through.

Morrie Doll: Who’s yard is it that has this gauzier?

Steve Sherwood: We’d have to go look at the records but its at the downstream intersection, at Woods Lane and Woods Drive.

Morrie Doll: I guess I’m trying to understand how this impacts Mr. Long other than…

Nathan Long: I don’t think it impacts very much, my only thing is since that water has to come out how…

Steve Sherwood: Its several feet lower than his garage…its coming out of the..

Morrie Doll: The culvert under the driveway.

Steve Sherwood: It’s a hole under the ground with two pipes connect and its just not taking all the water and its just spilling out.

Nathan Long: Right, so it may not have much, I don’t know if its slowing the flow at all or not.

Steve Sherwood: The main jam is to be seen in the other photo.

Morrie Doll: I understand that but I’m just thinking for the lawyers point of view the liability and whether Mr. Long has understanding to complain about this or not if its not his property that’s being over washed by this wash out and if its not impacting the drain of his property I don’t know if…

Steve Sherwood: What you see in that photo is several hundred feet down stream of the property

Morrie Doll: That’s what I understand, so I don’t know if that has any baring on his drain issues or therefore would create standing to complain about that. Again, do I understand this correct that whatever it is that’s underground that’s bubbling out to the surface is not legally permitted. It was installed illegally?

Steve Sherwood: Yes.

Morrie Doll: Okay the we still only have liability for it.

Nathan Long: Okay, thank you for your time.

President Bob Johnson: Thank you.

Commissioner Dan Saylor: Thank you.

Tim Mosbey: I’m just here to encourage the three drainage board members to keep the Warrick/Vanderburgh drainage board active because I know we had change of personnel involved.

President Bob Johnson: We’ve addressed that Mr. Mosley and Terry is going to take it.

Tim Mosbey: We don’t want to let that issue die, we always forget about it until it floods again and we’ll probably have another flood this spring, but we go to get something done.

President Bob Johnson: Commissioner Phillippe and myself will be on that board.

Tim Mosbey: Great, get a meeting set up so we can keep it.

Phil Baxter: I believe its March 24th.

Tim Mosbey: Great, thank you.

President Bob Johnson: Thank you sir. Joe do you have anything?

Joe Grassman: Nope.

President Bob Johnson: Steve, Stormwater?

**DEPARTMENT OF STORMWATER**

**APPOINTMENT OF STORMWATER ATTORNEY:**

Steve Sherwood: Yes, Mr. President we would like to also renew the Stormwater attorney retain Morrie Doll for his services same contract as last year.

Morrie Doll: Steve has the contract.

Steve Sherwood: Ill have your signature if you agree to prove it.

Commissioner Dan Saylor: I make a motion to retain legal council.

Commissioner Terry Phillippe: Ill second.

President Bob Johnson: All in favor 3-0

**STORMWATER**

Steve Sherwood: Next I have to renew our erosion patrol inspection contract, Geralyn and Bradly it’s the same contract again as last year, Mr. Doll has reviewed it and I believe it meets with his review.

Commissioner Dan Saylor: I make a motion to renew our Geralyn and Bradly’s contract for Stormwater erosion control.

Commissioner Terry Phillippe: I will second that.

President Bob Johnson: All in favor. 3-0

Steve Sherwood: Thank you, and the last item I have the county surveyors old pickup truck which was delivered out to the Highway department back before Jason got the new pickup truck that had replaced it, it did not run we had to tow it out there. Mr. Howard’s effected repairs to it we have some other repairs that are being made to it in conjunction to my previous discussion with the board members. Stormwater would like to have a second hand pickup truck at our disposal, right now it still is an asset to the Surveyor’s office if the board will agree I would like to turn over asset to Stormwater and we can make, pay for the improvements when we obtain the vehicle for our use.

Morrie Doll: It would have to go through the Commissioners meeting it seems to me.

Steve Sherwood: To declare surplus?

Morrie Doll: Yes, and for the benefit of the board, we have a unique contract arrangement between the Stormwater department and the Highway Department that is reminiscing of the Winston Churchill FDR Agreement of WWII or award to, it’s a lead lease agreement in which if either department has extra equipment or excess equipment or equipment that they know the other department needs from time to time they’ve agreed to share the access ability to that equipment for the mutual benefit of the entire county and there’s even an arrangement that if it’s a particular piece of equipment that has a unique operator that goes with an arrangement in agreement for reimbursement or the wages/expenses for the operator that is necessary to operate that piece of equipment. That could cover this truck if it goes from surveyor to Highway Dept. There has been a contention in the past by various members of the board that Stormwater is not a county agency that it is in fact legislatively created by the general? We collect a fee, not a tax for drainage which is against the property of the county for the purposes of meeting federal clean water act requirements from 1972 that we are MS-4 because of our proximity to the Ohio River. There are limitations as to what we can use that money for and how we can use it exedra but there has been a contention in the past between the county council and the board that we are not a branch of county government, although sometimes we act like it we have county insurance, our employees have county insurance things of that sort, but the county council is wanting to review your budget of the Stormwater district board, which if it not a branch of county government they don’t want the authority to do that. I don’t know if you can transfer that truck to a disputed agency that may or may not be an agency of county government, but you could transfer it to the Highway Department legally as opposed to towing it out there. Under the lease agreement they could supply that in Steve’s department for back up transportation for the Stormwater division. That would be my advice.

Steve Sherwood: Just for the records Stormwater has given Highway Department, since I’ve been here, a pickup truck and a skid loader.

President Bob Johnson: Cant you just borrow it for a year or two?

Morrie Doll: Well…we need some legality in case it causes an injury to somebody at the job site.

Steve Sherwood: So whether it goes to Stormwater or Highway technicality however would be permissible to Mr. Doll and Mr. Howard would be fine with us.

Morrie Doll: I think from time to time Highway has loaned equipment to Stormwater too.

Steve Sherwood: The truck would still be at Highway Department’s exposal when needed, so you would just move to Stormwater so they have access to it.

Morrie Doll: But it has to be done at the Commissioners meeting.

Steve Sherwood: Yes, it will brought back up but I wanted to bring it up here.

President Bob Johnson: We’ll have to put that on the agenda.

Commissioner Dan Saylor: So you will bring it up into your business?

Steve Sherwood: That’s all that I have.

President Bob Johnson: Take a motion.

Commissioner Dan Saylor: I make a motion to adjourn.

Terry Phillippe: I second.

President Bob Johnson: All in favor? 4-0