**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**JANUARY 22, 2018**

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; Marlin Weisheit, Secretary; Jason Baxter, Deputy Surveyor; Steve Sherwood, Director of Storm Water; Morrie Doll, Attorney; and Kim Lutton, Recording Secretary.

Present in the audience was Chris Combs, Joe Rogers, Joe Grassman and Bobby Howard.

**PLEDGE OF ALLEGIANCE:**

President Johnson opened the meeting of January 22, 2018 with the Pledge of Allegiance.

**APPROVAL OF MINUTES:**

President Johnson: Approval of minutes for January 8, 2018.

Commissioner Saylor: I make a motion to approve the January 8, 2018 minutes.

Commissioner Weisheit: Second.

President Johnson: All in favor? 3-0.

**MAGNOLIA PLACE:**

President Johnson: Next up we have Magnolia Place.

Chis Combs: Hello, I’m Chris Combs representing Magnolia Place Subdivision. Want to talk about the chamber drainage system that I’ve been working with Bobby and Steve Sherwood on. I brought the engineers from ADS. Joe Rogers who is the Lead Engineer that designs them all over to answer any questions for the Board because there was concern that now that it’s covered up whether the thing is functioning or if everything is intact and in good shape. It’s the first one I’ve ever done in Warrick County and I had 9-inches of rain in 24-hours and I got to watch the system work perfectly which would be considered an unbelievable 500-year rain and 9-inches in 24-hours. That was last spring. I delivered to Mr. Sherwood all the pictures of the larger area of the system. I also have pictures of all the areas now for you all to view. I guess there was a concern that now that it’s all covered up, is the system intact and is it functioning because we’re trying to get our letter of credit reduced. Being that it’s the first one that was done in Warrick County on a residential subdivision, I brought the experts to educate the Board in exactly how these things work and to answer any questions for you because this is my first one too. Currently the system is operating very well. I had a camera go in at the request of Mr. Sherwood to go down in there to take a look to see if any pipes or anything like that were damaged. Those camera pictures show that there was no damage on what we could get into. This system is not designed to be able to run a camera system all through there in all these chambers. I talked to Morrie and he suggested that I come here to this meeting today and bring my experts. They put these in all over the place. They’re getting ready to put 10 or 15 of them in Evansville here in the next 6-months. Obviously I’m here trying to get my letter of credit reduced because right now it’s almost $190,000.00. I’ve paid all the money, it’s all installed, it’s working, it’s all there but Morrie just thought it would be good to bring the experts here to answer any questions. We certainly have tons of documentation as far as the pictures you have of all of the installation. The engineers will tell you that it’s one of the best jobs that they’ve seen anywhere in the country as far as the installation and the detail that we went to. At the end of the day, it’s my development and if I build my 72-townhomes and the water won’t drain, I have a big problem. Joe Rogers is with us, with ADS. He’s the engineer that does all this and designs them all over so I’m going to step aside and let him answer any questions because he’s the expert, not me, on this but that kind of gives you a general overview of why we’re here.

Joe Rogers: I’m Joe Rogers, the Regional Engineer for ADS. I cover the state of Indiana. Basically I work with some of the specialty products ADS has. With regard to this specific project, I have my laptop here and I believe that the primary concerns are with the northern corner of the site.

Chris: Originally there was some concern because we planted some trees over the top of it and removed all of the trees at the request of Mr. Sherwood and Bobby. Then we took a camera out there, put a camera down in there to make sure there was no damage to any pipes or anything. There was no damage on everything that Steve was able to see. His concern was, in an email to me, it was a short amount of footage. We can only go in and get in so far. There is one high dollar camera that can come in but they said if it gets stuck, because they’re not designed to go into these chamber systems, then they have to dig down to it and tear it all open.

Commissioner Saylor: What I was concerned about is when those trees were planted, are there holes in this? And the other thing too, possible crushing from the trucks.

Chris: I don’t have a problem with us being here. I’m glad for the opportunity and that Morrie recommended us coming up here because we know the system is in tack or it wouldn’t be functioning. If it were crushed it couldn’t function. I went to, being the way this tight of a project where there wasn’t room for a retention pond, it’s a $15-million-dollar project so my liability is massive.

Steve Sherwood: Now in regard to the camera on this, I only got two 10-second clips of two different locations. I sent you an email on January 11th.

Chris: That was done by Hoffman Plumbing and that was up there on the chamber where you were concerned about the trees.

Steve: But that’s all I got is two static views, 10-seconds in length.

Chris: I understand that and I got your email and I talked to Morrie about that and he suggested, before we spend any more money, I come to this meeting and have this conversation. The 30-inch that you’re talking about and everything, there’s boxes at each end of that. I mean you can put the camera up in that 30-inch and get it through there but we can’t jump in and out of all those chambers.

Morrie: If you camera as much as possible, how much does that cost?

Chris: That’s another $2,000.00 to have them out. We already had them out once.

Morrie: You previously called it a high-dollar camera, is that what we’re talking about?

Chris: Yes. We used Hoffman Plumbing. The other camera that’s even more expensive to use is the one by Hydromax which you guys have probably used as well.

Morrie: What you’ve given to Steve, is that the best that the plumbing camera can provide, Chris?

Chris: Yes. Because they put it down in there.

Morrie: And what you’ve seen, Steve, is static view?

Steve: It’s basically two stationary views. Probably didn’t move about a foot, if that. It’s only two views and it doesn’t say where the views are from.

Morrie: Where are they from? Are they from this northeast corner where the trees were planted?

Chris: Yes.

Morrie: Could you tell much what the views are?

Steve: Just, again, the two distinct views. One pipe leading to another.

Morrie: But not any clogging or any siltation or anything like that? How much cover is on these systems?

Joe: You guys wrote a letter last spring and we responded to some of your concerns and with respect to cover over the system, just reading directly from my letter dated May 15 of last year, “cover over system per latest Stormtech drawings, the maximum allowable grade over chamber system number 4 is a grade of 416.50. Please confirm that you have not exceeded this grade”. Which they went out and shot grades and confirmed that grade is not exceeded so I think at that point we’re right around 7 to 8-feet of cover. At that point is when they planted the trees.

Chris: The maximum depth of any of the root bulbs was 22-inches.

Morrie: If you have that much cover over the top of these types of systems, what should they be able to take weight wise?

Joe: We have construction guidelines and if you’re very shallow, that’s when you need to be concerned with live loads. When you have a lot of cover, that’s when you’re concerned with dead loads or the weight of the dirt but once you have 7-feet of cover, if you drive over with a backhoe, the loading prism, the load is going to spread out.

Morrie: That’s because the systems are arched?

Joe: It’s because that is the way load distributions work as the loads travel through dirt.

Steve: That’s the loading for system 4. The others are much shallower. What is the cover on the remaining systems of 1, 2 and 3 in the 30-inch perforated diameter pipe?

Chris: Whatever was called for in the specs and what you approved is what we put on it.

Steve: Because that was one of the concerns of Commissioner Saylor’s. If equipment gets on those structures…….

Commissioner Saylor: Chris, I had two concerns. I didn’t know that there was 7 to 8-feet of cover and you’re talking about the northwest corner of that system kind of right on Bell Road. And then your other systems run back behind the homes. My concern is, what happens if someone puts up a privacy fence?

Chris: First of all, we’re putting the privacy fences up. That’s part of my contract on every house. So all the fences are being done before the units are sold.

Commissioner Saylor: Okay. That’s good. So how much cover………

Morrie: Unit 4 has 7-feet and the other units, 1, 2, and 3, that’s the question.

Joe: If you were to drive a dozer over it with one foot of cover you might have a problem but if you drive a backhoe with 12-inches of cover, up to about 10,000lbs, that’s not going to be problematic.

Chris: The systems that run behind the buildings have a minimum of 3-feet of cover.

President Johnson: How much of the system is completed?

Chris: It’s done.

Morrie: And that’s what these photographs are of?

Chris: Yes.

Commissioner Saylor: Chris, you made reference to the 9-inches of rain in a 24-hour period. How did the system perform? Did it overflow? And if it did, where does that water go?

Chris: On the end of that, on the discharge, there…………

Steve: For the record, he submitted photos of units 1, 2, and 3 right here at the beginning of the meeting. No one from the staff has had a chance to look at those yet. Has Cash Waggoner offered an upgraded certification based after the January 3rd one was submitted?

Chris: I have not asked for them to do anything until we met here.

Steve: Because it just says a “portion” of the drainage improvements required are in place and have been constructed. There’s no definition of what a “portion” is.

Chris: It makes no sense why they said it that way because it’s completely installed with the exception of next to Bell Road where we’re doing surface work. The actual system itself is 100% complete.

Steve: What the Board is interested in is we need some certification by the engineer that oversaw the construction and development of the subdivision. It’s nice that you have the engineer here from the product line. Did they oversee all of the installation?

Morrie: Did Cash Waggoner have any role in the installation?

Chris: They did not do any of the actual installation other than the layout.

Morrie: I mean inspecting as you did it or advising as you did it?

Chris: Yes, they were involved.

Steve: Was Joe and Bob here for all of the units being installed or just unit 4?

Chris: Bob was here during the construction of all of it.

Steve: And cover obviously varies on the other systems. I believe you said a minimum of 3-foot cover on systems 1, 2, and 3. That was one of Mr. Saylor’s concerns and mine. The question is too, there’s $138,000.00 irrevocable letter of credit that expires January 26th, which is 4-days from now. Something I’m sure Mr. Combs would like to have decided. Our last motion from the meeting on January 8th was made to deny the request to reduce the letter of credit until such a time an inspection can be provided demonstrating that it’s been installed as the plans and specifications provided in an undamaged manner.

Morrie: Could a new certification be provided, instead of saying “portions” of, could we get an engineer’s letter that says it’s all installed? And that it’s been installed per specifications?

Chris: Absolutely. I can have that to you tomorrow morning.

Morrie: What’s the expected cost of the surface drainage to finish the project?

Chris: About $2,500.00.

Steve: There’s still some grading and final………

Chris: I’m talking about just in front.

Steve: There’s still some grading and planting that may have to be done over the rest of the basins. It was frozen the time that Bobby and I were doing the last inspection.

Morrie: So what you’re proposing is to maybe get us a new letter that’s more emphatic and talks about the totality of the system being installed according to specifications and without damage. Secondly, that the estimated cost with a cushion of error, letter of credit may be $5,000.00 or $6,000.00 would cover that.

Steve: The units were installed in totality. It’s just a matter of the condition they’re in without visually going underground to inspect them which Mr. Combs is saying some of it you cannot physically get into just because of the design and constraints of the system.

Commissioner Weisheit: Seeing the pictures today makes it a little understandable.

Steve: Just so the Board understands, the design is essentially a 1-foot minimum or more rock base that these units stand on top and then they’re backfilled with rock and then at least up to the top and then there is rock over the top of that to a certain amount and then the rest is all fill-dirt. The operation for most of these underground basins is for the water to enter and permeate into the ground through the rock strata beneath it. And any overflow makes its way out in a restricted orifice at both the northwest and southwest corners into the roadside ditch. Bobby, did you have any comments relative to this?

Morrie: So the question gets to be, how do you feel about it? Subject to a new certification letter answering those questions and perhaps holding the amount to $7,500.00 for some grading and vegetation………

Commissioner Saylor: We just had some questions on what condition the system was in. We deal with things so many years after the fact, we just want to make sure it’s done properly and there’s no damage to it.

President Johnson: Mr. Sherwood, do you have any recommendations?

Steve: We discussed the improvements that are left to be done on surface. Number 1, we need a proper certification from the engineering firm that oversaw the design and 2, I don’t know if the Board wants any further attempts at video inspection. I would think the 30-inch pipe could be videoed because there’s less than 400-feet and it’s not supposed to have any gravel in it but it is perforated.

Chris: You can actually look at that one with a flashlight.

Steve: If the Board is willing, I’d just reduce it to an amount that we’re comfortable with until we get the certifications in, any other required video inspection, and ………………..

Morrie: I think what was offered today was you can get the certification in tomorrow. I don’t want to do it in two steps because there is some contention, Warrick County can only reduce its bond once a year. If we’re going to reduce it, we need to reduce it subject to the certification letter and if you’re asking for more photographs or video, now is the time to make that decision so we know what we’re doing here. But that would be my recommendation. Knowing that this letter of credit expires in 4-days, it either has to be renewed as is or you decide to reduce it today.

Steve: And certain things cannot be done this time of year because it’s too muddy. You can’t do any grading. You can’t do any grass planting.

Bobby Howard: Bobby Howard, Warrick County Highway. One question I had, after this is done, is the maintenance of this going to your Homeowners Association? It’s a basin. It’s private.

Morrie: Is there going to be a Homeowners Association? What Bobby’s asking is, who’s going to be fixing this in the future if it has to be worked on? As you know, Warrick County doesn’t fix detention basins.

Chris: Yes.

Steve: Just for clarity. Are all 72-units responsible or just……….

Chris: All 72-units because they all function off of the system.

Commissioner Weisheit: I like that.

Steve: Jason, did you have a comment before the Board makes any action?

Jason Baxter: No.

Morrie: If the Board decides to reduce the letter of credit, it should be subject to the delivery of this new certification and any other conditions but now is the time to make that decision. I do think you can only reduce it once in a calendar year.

President Johnson: I guess the other question would be, what amount would we decrease it to?

Commissioner Weisheit: Steve, are you okay with $5,000.00?

Steve: We had talked between $5,000.00 and $10,000.00.

Commissioner Weisheit: Want to go $7,500.00?

Morrie: Bobby, do you disagree that that amount should cover the remaining grading etc.

Bobby: That should be fine.

Commissioner Weisheit: I make a motion that we go ahead and reduce the letter of credit to $7,500.00 on the drainage subject to the certification letter stating that it was installed properly as that satisfies the legal counsel and engineering department.

Commissioner Saylor: And with a deadline.

Morrie: Can you get it here by tomorrow?

Chris: Yes.

President Johnson: I need a second.

Commissioner Saylor: Second.

President Johnson: All in favor? 3-0.

**CLAIMS:**

President Johnson: Next up we have claims of $566.81.

Commissioner Saylor: I make a motion to pay the claims.

Commissioner Weisheit: Second.

President Johnson: All in favor? 3-0.

President Johnson: Any other business?

**HALSTON MANOR:**

Steve: One item under Drainage Board before we go to Stormwater. In regards to the last meeting, you asked Morrie to address Neil Chapman regarding why nothing has been done at Halston Manor with the basin outlet structure. Morrie has an email back from Mr. Chapman.

Morrie: I did write him a letter. Sent it to him by email and sent it by US mail and got a response from Mr. Chapman. Apparently he’s anticipating that it will now go forward and begs your continued forbearance. I don’t know if you want to set a timeline. We all now know that the drainage structures in that subdivision had to have contained ice in the last few weeks.

Steve: I just wanted to bring that up so it was entered into the record so the Board was aware.

Morrie: If you want me to give them a timeline again, I will do that.

Steve: After we get through this season, he’s not going to be able to do anything until spring or summer.

President Johnson: If there’s damage to the pipes, it’s already been done.

Steve: It’s been done between now and the last 15 or 16-years. I would give them a July 1 or August 1 deadline to get it done by. That should be enough dry time and still leave leeway for any work that may have to be done after that.

Commissioner Weisheit: I’d make that a motion.

Morrie: July 1?

Commissioner Weisheit: July 1st, due to weather.

Commissioner Weisheit: Second.

President Johnson: All in favor? 3-0.

President Johnson: Mr. Sherwood, Stormwater.

**DEPARTMENT OF STORMWATER**

**LINDA MORRIS / FRAMEWOOD ESTATES:**

Steve: Thank you. On the Stormwater side, if the Board will recall, Linda Morris was before us from Framewood Estates a few months ago. Morrie and I were to visit the two landowners. We decided towards the end of 2017 I would just write a letter to the two land owners. I sent that letter out on January 5th requesting permission from the two landowners. As of today, I have not received any permission to discuss the possibility of conveying the underground stormwater structure west through their properties to Frame Road. I did speak, today, with Mr. Paul Kerry who is one of the two landowners and he’s acknowledged to me verbally that he is not interested in letting this happen. He thinks it’s going uphill. I conveyed that it would have to go underground through a pipe and he wasn’t interested in losing any trees. I said I would like to have a letter to that effect. I will wait to see if he responds accordingly.

**7655 HILLSBORO DRIVE / OLD HICKORY SUBDIVISION:**

Steve: Next item I have; I reported to the Board an issue at 7655 Hillsboro Drive where we did some work in Old Hickory Subdivision on an underground stormwater system existing, it was in place across several lots. The gentleman complained that we apparently cut his electric line to his property and he had several days of no power over Christmas. I’m still waiting to get a list of any and all damages that he’s claiming to have sustained. Vectren apparently mended the electric line at 10pm until 3am. I’m waiting for photographs. We were working near the area but the photographs we have show that no excavation was done on the electric line. I’m still waiting to verify that with all members of the crew. I talked to the foreman, he claims that we did not cut the line or he would have had it repaired appropriately. I’m waiting for further information from the homeowner and I will be quizzing the rest of the crew.

Morrie: Did we have a utility location?

Steve: Yes, we had a utility location. The line was located.

Morrie: And the line was where it was marked?

Steve: Yes but we did not dig deep enough to affect the line. I’ll keep the Board apprise as this moves forward.

**WEBSITE INFORMATION:**

Steve: Last item I have for the Board; a student in Warrick County was using our website to do research for her Stormwater project for her school. Apparently she’s homeschooled and her tutor sent us an email saying “we appreciate your information on the website, we found it very useful” and they provided us a link to “Water Conservation Throughout The Home” and asked us to link it to our website. Chris explored it, we found out it does not have any viruses and we attached it to our website at her request for more information out there for whoever visits our website. I thought the Board would like to know that our website is useful and we do get a certain number of visitors and provide some good information which is part of our MS4 obligations. That’s all that I have gentleman. Any questions?

**MISC / 2018 CONSTRUCTION LIST / STORMWATER BUILDING / BUDGET:**

Morrie: Does the Board have a construction list for 2018?

Steve: I have a couple carryover projects from 2017 that are the current priority for 2018. Those being the Stonegate and Yorkridge Subdivision. We encumbered the money from 2017. We also have another project in Pleasant Ridge Subdivision concerning a stormwater drainage system and trying to create a new relief point on Bosma Drive or Pleasant Ridge Drive. I believe Commissioner Saylor is familiar with the area and the project. So I’ve carried over all the money from 2017 that I could earmark to those two projects.

Commissioner Weisheit: If we don’t have many projects, is it still a goal to put in a new building down there for Stormwater?

Steve: It’s still a goal if we have the money. I’m still waiting to hear if the county has officially acquired the property. I’ve not heard the final answer to that. I know we’ve made motions to go ahead to secure the 3-acres on Prospect Drive adjoining our current lot that we own and have the salt storage facility on. The Yorkridge/Stonegate project is roughly a $250,000.00 and our budget is right at $400,000.00.

Commissioner Weisheit: Might be something that we could at least get the lot ready this year and then next year put a building up. I think we need to keep that on our “to do” list.

Steve: It is. As soon as the Board informs me that we have secured the property and it is ours to work, we will endeavor to put plans together and get it back before the Board and work towards that resolution.

Morrie: And the purpose of the building is storage for equipment?

Commissioner Weisheit: Yes. We could actually move our Stormwater Department down there. Most of the work is done in that area down there and it would be more of a central location.

Steve: We have discussed to do just that. That way we can turn over our current building to EMA.

Morrie: So you’re talking about a pole barn?

Steve: Yes. And there’s been talk of trying to provide some space in there for the District 1 Highway Department crew as well so they could use that as a satellite facility. They already have storage components. We could probably offer some type of building space and an office area to make that work as a satellite and that would help in snow response and other issues as well in District 1.

Commissioner Saylor: Steve, the last I heard is that Ubehlor’s were not able to get some kind of agreement with Newburgh Water through there.

Steve: I thought the line, for the most part, was already installed. It may not be connected yet. We just need to get some finality on the acquisition of that property.

Commissioner Weisheit: We appropriated the funds for that?

Steve: I believe all that has been done through council already, yes.

Morrie: Is there any other projects that the members of the Board want to ask Steve to look at for 2018 in your respective areas of the county?

Steve: The door is always open when you gentleman may have anything.

Commissioner Weisheit: We need to get our budget built back up. We’ve spent more than we’ve taken in a few years. It would be nice if we could put $100,000.00 aside for that project and then next year you guys could go ahead with it. $100,000.00 out of this year’s budget and $100,000.00 out of next year’s budget. I think for $200,000.00 we could put up a heck of a facility down there. The building we built 4-years ago, I think it was around $80,000.00. We could probably build one a little bigger for a little over a $100,000.00.

Steve: We would need to talk about other things such as insulating the building and if we’re going to go heat or passive heating.

Commissioner Weisheit: I just think, if we’re planning for the future, it would be a good idea. That’s a priority project I think we should keep on the top burner.

Morrie: You just don’t want to lose your funding out of this year’s budget. If the money does appear to be available, you either have to encumber it or spend it.

Steve: We can definitely earmark it at the end of the fiscal year. Just so the Board is aware; 4 years ago when I came onboard we had over a $2M surplus in Stormwater. A lot of that is because it was collected since the taxing started in 2006/2007 and we weren’t spending it as much and the council encouraged us to develop some projects and somewhere in the middle of that is when I came back and the larger projects that were on board and designed ate up more than what a normal annual budget would have. We drew from that surplus and, as I talked to the Board earlier, in 2017 we’ve basically used all that surplus up on these projects. That’s why we’re at the point where we’re at.

Morrie: You also have the availability, if you ever decide to do a big project, to do a bonded indebtedness to do major multi-million dollar projects like Pigeon Creek would be. The very western area of Warrick County and Chandler are affected the greatest by Pigeon Creek’s inefficiency. Which is also an area that’s getting a great deal of development.

President Johnson: Anything else?

**MOTION TO ADJOURN:**

Commissioner Weisheit: Motion to adjourn.

Commissioner Saylor: Second.

President Johnson: All in favor? 3-0. (Phil Baxter was absent)