**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**October 12, 2020**

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, Aaron Doll, Attorney (*standing in for Morrie Doll; Attorney*); Phil Baxter, Surveyor; Jennifer Curry, Recording Secretary. Bobby Howard; Highway Department Director (*standing in for Steve Sherwood; Director of Storm Water*)

Present in the audience: Jim Morley Jr., Glen Meritt, Tom Keith, Greg Kissel, Chuck Beaven, Michael Stevenson

**PLEDGE OF ALLEGIANCE**

President Johnson opened the meeting of October 12, 2020 with the Pledge of Allegiance.

**APPROVAL OF MINUTES**

President Bob Johnson: First up we have the approval of minutes from September 28, 2020.

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

Commissioner Dan Saylor: Second.

President Bob Johnson: I have a first and a second, all in favor 3-0

**JERAMY ELROD-MORLEY-BELLMOORE LANDING SECTION 1- LOT# 13-15, NEWBURGH, IN**

President Bob Johnson: Next we have Jeramy Elrod from Morley and Associates.

Jim Morley Jr: My name is Jim Morley with Morley, I’m the project engineer for this project, Jeramy is not available today. I brought you three exhibits and the question comes about on the first exhibit is that first areal picture, and the second exhibit is a copy of the Bellmoore plat, and this red and yellow line that runs in the north/south manner on this plat is a drainage easement that is in question here. This green area is eventually going to come before you guys to create a PUD development that looks like this. So, if you look at this one, this is what is coming to you eventually, not today but maybe next month as a part of Drainage Board.

Commissioner Dan Saylor: You say this green area, Jim?

Jim Morley Jr: That green area there is the same as this development, so the green area is the future development if you will. On here, you can see a green line and you can see a green line, and you can see the location and where a bunch of condos are going to sit eventually if it is ever approved. So, that drainage easement is there and we would like to vacate that drainage easement, but that drainage easement was a little bit of a mystery so we had to do some detective work, pretty much nobody knew why it was there, there is no pipe in it, no ditch, it’s not referencing a drainage report for Bellmoore Landing, it just kind of appeared there. We spoke with the engineer who did the design work and he said the reason that is there is based off of the areal photo, the developer of Bellmoore landing, which is this part down here, at the time was going to develop these apartments up here. He thought he was going to develop these apartments and so he wanted to do his Storm Water detention in this triangular lake down here because this lake is larger than is required for this detention for this subdivision, they over-dug the size of it as a borrow pit, so it had more detention space than it needed, so he wanted to take what was his version of the apartment complex here and send it through a pipe through that triangular like down at the bottom. That apartment project never ended up happening for him, but he never got rid of the easement, so the easement got put on the plat and recorded that way. The apartment project now has it’s own detention basin, and that discharges into a ditch and so it doesn’t utilize that drainage easement, so therefore we would like to vacate the drainage easement at this time because it is no longer needed and it is in the way of future development on the lots down in Bellmoore Landing.

Commissioner Dan Saylor: So, Jim that detention of the apartment complex that is right there on the west end of this, where does that water go?

Jim Morley Jr: I think there’s a ditch that runs out there in that tree line…

Commissioner Dan Saylor: Ok so that tree line, and it goes west?

Jim Morley Jr: Yeah, I believe it goes west and then it cuts diagonal through here.

Phil Baxter: To Libbert.

Commissioner Dan Saylor: Right, that’s kind of where Newburgh Sewer is working right now on the project.

Jim Morley Jr: Yeah, so originally the easement was there to handle that northern project, but the developer that put the easement there ended up not doing the northern project and the new developer never used the easement to store on someone else’s lake.

Commissioner Dan Saylor: So, you’re saying this future is going to be apartments or condos?

Jim Morley Jr.: Condos, Townhomes, Townhomes is the plan, so you will see that come to you next month at Drainage Board as part of the PUD, before we can do that we have to vacate the easement, otherwise without the easement vacated the project doesn’t work as you can see all of the gray boxes, those are the building envelops for those condominiums and you can see that they are all running at the top of that easement.

Commissioner Dan Saylor: So, are you in agreement with the calculations that this is bigger than it needs to be?

Jim Morley Jr: We didn’t do the original, I did the primary plat of that sub, and based on the primary plat, yeah it was oversized as a borrowed pit. That subdivision got redone when Walmart came in, they took the east half of that subdivision and blew it out, Bellmoore landing went all the way from Bellmoore to Libbert, and then when they redid the west half to kind of put it all together I didn’t finish that portion of it. Everything I remember was yes, it had excess capacity because they used it as a borrow pit and to be honest with you by deleting this easement, it prevents anyone from piping off-site into it in the future anyways, so by vacating this easement, we would just be eliminating the route for anyone else to get to that lake. For what it’s worth, that question about do we have the capacity, that will come in front of you when we bring the PUD in, that is part of the PUD process we will have to show the PUD develop does not exceed what was designed for the basin.

Commissioner Dan Saylor: Mr. Baxter are you good with all of this?

Phil Baxter: Yes, Sir.

Commissioner Dan Saylor: Bobby, do you see any issues with it?

Bobby Howard: I do not.

Commissioner Dan Saylor: I make a motion to release the vacation of the drainage easement for the Bellmoore Landing Section 1 Lot #13-15 Newburgh, IN.

Commissioner Terry Phillippe: I will second the motion.

President Bob Johnson: All in favor 3-0

Jim Morley Jr: Thank you all, I appreciate it.

**TOM KEITH-ANDY EASLEY ENGINEERING, INC.- LEXINGTON SUBDIVISION LOT #17, NEWBURGH, IN**

President Bob Johnson: Next we have Tom Keith Andy Easley Engineering for Lexington Subdivision Lot #17.

Tom Keith: Tom Keith with Andy Easley Engineering here to speak to you concerning Lexington Estates, I’m sorry that I wasn’t thinking as quickly as Mr. Morley, I did not bring exhibits for everybody I didn’t think that far ahead, I hope I can do this, hopefully some arm waiving can explain what occurred up there. As you recall, Lexington Estates Subdivision was done by Derrington Development, the bank took over that project, they went ahead and re-subdivided, re-platted the south portion of it, they eliminated a bunch of lots, they eliminated a bunch of roads, the roads that were there they put into cul da sacs, multiple lots coming off the cul da sacs. However, the existing roads that were there previously platted, there were two inlets that when routing the water to the creek, these two inlets got put in place because, well it makes sense to put them in place as you are developing the road. Now, it comes out, we are not putting in the road, we got two inlets there, we need to do something with them. We have originally planned to put in just, you know, I thought they were there in the field had been brought up to grade, they weren’t, one was buried with a concrete lid, sealed down, the second one I’m not sure what structure they had on it but we had requested to put a bee-hive inlet on both of them. The contractor has installed a flat grate radio plate inlet there now and that is what we are requesting is that we go back and allow the two inlets to become one and instead of a beehive, put in a radio inlet. Second, we are asking that the outlet pipe be shortened slightly to allow for instead of an infrared section they would like to just put rip-rap on geotextile fabric, and that is truly the best course of action in this instance. Did I confuse everyone?

Commissioner Terry Phillippe: I believe this is from your email right?

Tom Keith: Yes.

Commissioner Terry Phillippe: Okay, where are we talking, can you show me where you are talking about on here?

Tom Keith: Lot #17 right here, there are two inlets right there.

Commissioner Dan Saylor: So, Phil you looked at this?

Phil Baxter: We discussed it, we’re good with it.

Commissioner Dan Saylor: No issues?

Phil Baxter: No issues.

Commissioner Dan Saylor: Bobby, did you have a chance to look at this?

Bobby Howard: I looked at it briefly, I believe we met in the field and talked about a couple things, at that time I was under the impression that structure 2-10 would be extended and have a lid put on it as an access point because the change in direction of the pipe, now the request is to leave it?

Tom Keith: It’s only an 11-degree bend there.

Bobby Howard: Right.

Tom Keith: We’ve already had a guy down in the pipe, he crawled through the pipe he had no problem getting through it, I would say in the future if there is an instance of a problem…

Commissioner Dan Saylor: How big is that guy? We got some big engineers on our staff, need a minimum 48-inches….56 if the Commissioner goes down in it…I’m sorry.

Tom Keith: Yeah, but again it’s only an 11-degree bend there and it’s not substantial, I would not see a reason to have an access point at that point, because there is another access point 40-feet away.

Bobby Howard: Yeah, any debris would get stuck at the 90-degree at the first access point anyway.

Tom Keith: We have an access point at the first one.

Bobby Howard: That’s a grate? A flat grate?

Tom Keith: Yes.

Bobby Howard: Do you know how big it is?

Tom Keith: 24-inches I believe. It’s not taking any water at all, all the water is going down to the creek, the drain is there, the lid is there simply as an access point because it takes a hard turn.

Commissioner Dan Saylor: So, you’re saying all the water is going to the creek, what if we have a rain the creek gets high?

Tom Keith: Then we all got in trouble, that’s a big creek.

Phil Baxter: That’s Cypress Creek.

Commissioner Dan Saylor: So, Phil and Bobby it looks as, I want to take your advice on it, because I don’t…

Bobby Howard: I’m okay with it, I just wanted to understand it more.

Commissioner Dan Saylor: You’re okay with it?

Phil Baxter: Yeah.

Commissioner Terry Phillippe: I make a motion to approve.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor 3-0

Tom Keith: Thank you Gentleman, very much.

**GREG KISSEL & CHUCK BEAVEN-KISSEL LAND SURVEYING- 4B ESTATES SUBDIVISION-ELBERFELD, IN**

President Bob Johnson: Next we have Greg Kissel & Chuck Beaven Kissel Land Surveying 4B Estates Subdivision Elberfeld requesting “No Drainage” Lot 2 and Lot 4. Please state your name.

Greg Kissel: Greg Kissel, Kissel Land Surveying. Just briefly, Mr. Beaven is the developer of the small subdivision of the small extension of private road, as part of that subdivision approval process we are here requesting no drainage on this project and basically we are here to answer any questions if you have any.

President Bob Johnson: Phil, have you had your eyes on this one?

Phil Baxter: Yes, we have no problem. The smallest lot is 2.1-acres all the way up to almost 4.5-acres, don’t see that they need a drainage plan.

President Bob Johnson: Bobby?

Bobby Howard: No, I just didn’t, I guess Lot #2 and Lot #4…

Greg Kissel: I was a little uncertain why that was labeled like that also, other than there was previously a different subdivision that was a lot in the subdivision for a private title whoever had it on there as that.

Bobby Howard: Okay, so it’s just no drainage request for the entire subdivision.

Greg Kissel: Correct.

Commissioner Terry Phillippe: Make a motion to approve.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor. 3-0

Greg Kissel: Thank you

**GLEN MERITT-CASH WAGNER & ASSOCIATES-IRONWOOD PUD (LINCOLN & 66)-NEWBURGH, IN**

President Bob Johnson: Glen Meritt.

Glen Meritt: Glen Meritt with Cash Wagner, the reason I am here today Ironwood PUD out of Lincoln Avenue, Mattingly developed it I believe they started last summer, there is a large ditch out front on Lincoln I think it ended up being 3.5-4-foot deep, there has been some complaints called in that people don’t like that deep ditch, it was probably about 1.5-feet deep originally. The developer has decided to pipe that ditch, we are going to install a 36-inch HTPE pipe about 250-foot completely inclosing that ditch, there will be a small depression left on top of it for rear yard drainage coming off of the sub, and a little bit of water that’s coming from the road. Our pipe is connected to the existing culvert that is coming across the street from the south, I got a few comments from Bobby, Steve, and Phil to make those changes and I think we are ready to go. If anybody has any questions I’ll be happy to answer them.

Bobby Howard: My only question with this, is there a Certificate of Compliance that goes with this or a Letter of Credit for these improvements because it is different than what we are already holding?

Glen Meritt: That section has already been recorded, I honestly don’t think I have ever dealt with…

Bobby Howard: I don’t know what we are holding now, I guess that just hit me, but other than that I’m happy with everything it meets the ordinance.

Commissioner Terry Phillippe: So, we approved the ditch and they are going to make it better…

Bobby Howard: Right, well the ditch also wasn’t constructed exactly to the plan initially either, but yeah, it is an improvement and it is very welcome for this location and I think it will be a benefit for everyone.

Commissioner Terry Phillippe: Is this the one we got an email from?

Bobby Howard: Yes.

Commissioner Dan Saylor: Bobby, that size of the pipe is that all good?

Bobby Howard: Yeah, everything will work, I think it will pass the flow it was just the cover issue and then he has pipe anchors designed on it 3 every 20-feet?

Glen Meritt: Three every joint, for the first 100-foot after that it gets deep enough where you don’t need the anchors, the first part is just a little shallow, or shallower than ADS Criteria allows to prevent floatation, so we are required a few anchors.

President Bob Johnson: Do I have a motion? Phil said it needs to happen.

Commissioner Dan Saylor: Phil’s good? Alright, I make a motion to amend the subdivision plan for the Ironwood PUD at Lincoln and 66.

Commissioner Terry Phillippe: I will second.

President Bob Johnson: All in favor 3-0

Glen Meritt: Thanks.

**CLAIMS**

President Bob Johnson: Next we have claims for it looks like gas for $141.46.

Commissioner Dan Saylor: I make a motion to pay the claim.

Commissioner Terry Phillippe: Second.

President Bob Johnson: All in favor 3-0

**OTHER BUSINESS:**

**MICHAEL STEVENSON-SJCA-PROFESSIONAL SURVEYING SERVICES-WARRICK COUNTY SURVEYOR’S DEPARTMENT SECTION CORNERS**

President Bob Johnson: Other business we have Michael Stevenson SJCA, Professional surveying services Warrick County Surveyor’s Department Section Corner.

Michael Stevenson: Michael Stevenson SJCA, basically here to answer any questions that you want, I think this is maybe a Commissioner approval in the contract, but I know this is a good place to answer any questions. We will be assisting the Surveyor’s Office in the perpetuation of section corners which is part of his requirements under Indiana Code 36-2-12-11, so we will help them through that process.

Commissioner Dan Saylor: Do you have any handouts?

Michael Stevenson: No, I don’t I’m sorry I can go make you some real quick.

President Bob Johnson: Any questions? Any issues?

Commissioner Dan Saylor: Is that a motion? Have you (Aaron) had a chance to look at it?

Aaron Doll: This is the first time I’ve seen it, but Morrie said this is, you have done this before, pretty much the same we would have no problems with this.

Commissioner Terry Phillippe: He said he thought it was Commissioner’s approval do we need to do anything?

Commissioner Dan Saylor: Do we need to make a motion on it?

Aaron Doll: Yeah, why not it doesn’t hurt.

Commissioner Dan Saylor: I make a motion to approve the professional services for the contract of surveying.

Commissioner Terry Phillippe: I will second Dan’s motion.

President Bob Johnson: All in favor 3-0. Any other Drainage Board business?

Bobby Howard: How does that get in front of the Board? I guess the Commissioner’s Agenda.

President Bob Johnson: Is it not on the agenda? I don’t see it. Sorry Michael.

Bobby Howard: I just didn’t know if that needed to bring that up to Roger then if it is going to be signed by the Commissioners?

President Bob Johnson: That, or we can handle it under one of our businesses.

Commissioner Dan Saylor: Michael, does that need to be approved at the Commissioner meeting tonight?

Michael Stevenson: It will work however you want..

Commissioner Dan Saylor: If it does, see if you can get that taken to Roger and take it under one of his items.

Phil Baxter: We would like to get it done so we can get started.

Commissioner Dan Saylor: Okay, do you want to do that Phil?

Phil Baxter: They can talk to Roger or bring it up under your business however you want to.

President Bob Johnson: Any other business on Drainage Board? Mr. Howard, turning it over to you.

**STORM WATER DEPARTMENT**

Bobby Howard: I have nothing for Storm Water

**MOTION TO ADJOURN**

Commissioner Dan Saylor: I make a motion to adjourn.

Commissioner Terry Phillippe: Second.

President Bob Johnson: All in favor. 3-0