**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**October 26, 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 (*via conference phone*); Terry Phillippe, Secretary; Morrie Doll, Attorney; Phil Baxter, Surveyor; Jason Baxter, Deputy Surveyor; Jennifer Curry, Recording Secretary.

Present in the audience: Joe Grassman

**PLEDGE OF ALLEGIANCE:**

President Johnson opened the meeting of October 26, 2020 with the Pledge of Allegiance.

**APPROVAL OF MINUTES**

President Bob Johnson: First up we have approval of minutes for October 12, 2020

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

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor. 3-0.. Any discussion here, Jason, Phil? Anything?

Jason Baxter: No Sir, we’re good.

**CLAIMS**

President Bob Johnson: Okay, next we have claims Attorney fees, Ubelhor Tree Service twice, for a total of $8,150.00.

Commissioner Dan Saylor: I have a question on these claims, we’re getting a little bit of grief from the Auditor on this, Jason have you been able to handle that? I guess, Morrie, if the Board approves a claim, does she have a right to reject that claim, or not certify that claim?

Morrie Doll: Only for technical reasons, if there is something missing on a technical sense, she can raise that question, but she doesn’t get to question the validity of the claim on the merits of the work that was done, no.

Commissioner Terry Phillippe: So, she didn’t have a copy of the bill, or a correct invoice number on the claim document?

Morrie Doll: For example, my contracts, she question my contract and required me to not only have an annual contract, but each month I have to submit to Steve an invoice for that month and I have to do that for Area Plan, BZA, and all the government agencies. So, she could raise that, I give Steve invoices and he submits my invoice. So, she can do that, that is in the scope of her Auditor’s responsibilities, but not as to the merits, Commissioner. If this is what the contract was, whether we got the amount of services we were supposed to receive, etcetera, but that not is in the purview of her job.

President Bob Johnson: Jason, will you explain to Dan what went on here.

Jason Baxter: This particular project was a portion of Howard-Williams Ditch that was just shelled, they had corn in there, I was unable to see the ditch until they went in and shelled it. The farmer called me when they got to the ditch and saw there were three (3) beaver dams there, they were class 4’s top of bank, so they were holding back as much water within the ditch as they were able to be. Hurricane Delta was due in three (3) days to dump and scheduled to have 3-5 inches of rain dumped on us, so I called a contractor, met the contractor out there and asked him if he could get on these beaver dams right away, he said no problem. The farmer was out there at the same time, we were talking and we cleaned up to Oak Grove Road on Howard-Williams Ditch heading south, so that portion of the ditch had not been cleaned out yet. The farmer asked while we were in there cleaning out the beaver dams if we could clean the ditch out down stream, which is actually north, and I talked to the contractor, he said he had time and then I talked to the farmer and told him I would have to check the funds and everything, he said if we could do it now we can pile up all the debris that came off the ditch banks and he would take care of the brush piles and we can save money on that. With that, I went ahead and let the project go, then that is where we stand on that. The reason I started out with the beaver dams with the forecast of the 3-4 inches of rain, that is where we started, now we have about ¾ miles of ditch cleaned out, I’ve got pictures but everyone is in compliance here on the quality of work that was done. That is on what happened on this project.

Phil Baxter: Dan, if you recall, this is the same ditch that carries the water from the hospital area, Gateway Hospital, all that area down there, we possibly would’ve had problems if we got all the rain and those beaver dams weren’t out of there.

President Bob Johnson: So, it probably would’ve flooded.

Jason Baxter: If the forecast was what it was, and happened…

President Bob Johnson: Jason made an executive decision on how to go ahead and do it, it wasn’t in a quote, so she is going to be balking at it.

Jason Baxter: There are estimates, I’ve given estimates.

Commissioner Dan Saylor: It sounds like that decision probably saved us money in the long run if they had to come back and re-set up and transport equipment and all that, there is always some kind of technical thing wrong with her with the claims no matter what you do.

President Bob Johnson: Sometimes you get into doing a job, and when you quote it sometimes you just don’t see the extent of something that needs to be taken care of, it’s kind of like a change order as you will, and that is what happened on this one.

Commissioner Dan Saylor: I’m not disagreeing, I just, you know, it seems like if it’s not exactly how she thinks it should be done then she…

Jason Baxter: I’m not sure exactly what she wants done…

President Bob Johnson: I’m not quite sure anybody does…

Steve Sherwood: Not to mention the potential for flooding damages, which could be astronomical if we would’ve gotten the 3 to 5-inches of rain.

President Bob Johnson: If we would’ve gotten that rain, and this wasn’t cleaned out, we could’ve done a lot more damage and gotten more expensive, so…

Morrie Doll: To a hospital.

Steve Sherwood: Nursing home, hospital…

President Bob Johnson: Does that answer your question Commissioner Saylor?

Commissioner Dan Saylor: It does.

President Bob Johnson: Okay, anything else for Drainage Board?

Steve Sherwood: You have to approve the claim yet.

Morrie Doll: Right, there was no vote on the claims.

President Bob Johnson: Any issues with the claims?

Commissioner Terry Phillippe: I make a motion to pay the claims.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor 3-0

Jason Baxter: Thank you.

**STORM WATER DEPARTMENT**

President Bob Johnson: Mr. Sherwood.

Steve Sherwood: Thank you Mr. President, first item I have under Storm Water business is to give you an update on all of our bided projects that we have. The first project has been completed fro Hornet Hill, Metzger has completed all the drainage I reported earlier and now all the paving has been completed for both Storm Water and Highway Department. Second item I have is the 2166 Lakes Edge Drive, which would’ve been the pipe lining project by Insituform that was completed on October 7th, I am still awaiting a final video inspection that was performed by them, here are some photographs of what transpired, as soon as I get a final video and look at it and it meets with our recommendations I will bring that payment for you for the Board’s approval. Next item I have is the various three Old Hickory Projects, if you recall they were all under one bid awarded to JBI, two of them on Pine Ridge Drive and one at the corner of Summit and Clearview, I will report to you that basically they are all complete with the exception of some final grading in Mr. Joest’s yard, seeding and strawing, and asphalt work. All of the drainage portion of the project, new side walk, drainage structures, curb and gutter has been completed. Again, I will report when they are finally completed and bring them for you for payment. The last project I have at 2344 Lakeridge Crossing, if you recall Ragle was the low bidder at $22,500.00 there was some questioning if they could do it or not, they said they could for the price, they were awarded the bid, the work is now 100% complete. When I inquired about if they lost any money, I just got a little bit of a grin from them, so I can say we got a good value for the work that was awarded for that price. With that I would like the Board’s approval for their invoice of $22,500.00 as all work being completed as of late last week.

Commissioner Terry Phillippe: Make a motion

Commissioner Dan Saylor: Steve was that, I’m having a little hard time hearing, that was at Lake Ridge where they had to dig that pipe up in between the two houses that go back to that retention pond, or that lake?

Steve Sherwood: That is correct, that is the very location.

Commissioner Dan Saylor: So, you say they video taped that? You know that pipe has been replaced and that it is level okay and that sort of thing?

Steve Sherwood: That is correct, I watched it go in, I saw it when the trench was open and I got some photographs to report that. It was not in their contract to video tape it.

Commissioner Dan Saylor: Okay, I second the motion

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

Steve Sherwood: Thank you, next item I have, Dan you spoke with Chris Combs about Williams Landing, I think you sent me an email, either Thursday night or Friday morning about being 75% complete, does that sound familiar?

Commissioner Dan Saylor: Yeah, I actually happened to be by there, I cant remember what time it was, Steve maybe 3 or 4 in the afternoon and they were getting ready to make the turn on the east side of that property getting ready to make that east side going south and they were getting ready to make a right hand turn and go west to finish that up. I’ve been by there since then and saw that it has all been completed.

Steve Sherwood: That is correct, I want to report to the Board that the site is 100% contained in silt fencing, he has probably done more than what his original SWPPP required, but I’m sure he instructed his erosion control contractor to go around the site 100%. He has yet to construct his 150-foot temp. construction entrance because technically he put silt fencing across it and fenced him out of the property, but Garyilin is meeting with him with all these issues to bring him into 100% compliance with a SWPPP with her last inspection report which was sent this past Friday. My only question to the Board is, did the Board want to levy any fines per our ordinance for not being in compliance prior to starting the project? By ordinance we can level up to $2,500.00 per day.

Commissioner Dan Saylor: I did talk to Chris Combs, he reached out to me and explained why he had to start, well, the scenario he was supposed to get that, his contractor was supposed to start a couple weeks ago, he went out there, the machine broke, he had to get parts, the parts got delayed because of COVID is what I have been told. The plant was shut down due to COVID exposure, so as soon as the part got to Chris they were there that day as soon as they got the part they were there that day, so that is what his explanation was for it, so he said he had to call for all the rain and he thought that if the site would be contained and that’s why he started moving dirt.

Commissioner Terry Phillippe: I think at some point he is going to have to get a message, I’m not saying this is the particular instance that it needs to be, but goodness.

President Bob Johnson: I agree, I mean, he took care of it, he stopped worked like Steve asked him to until, he still hasn’t went back so, I think it has costed him enough money in my opinion, but at some point I am sure we are going to have to send a message to Chris.

Steve Sherwood: He still has to deal with some brown water being pumped off the site, he is aware of that so I am waiting to see how that transpires. He did say in his last email he would meet with Garylin to resolve that issue. I will move on then…

Morrie Doll: Well, I think if the question has been asked it needs to be answered, if it is the Board’s intent to not fine, then the safe thing to do is to make a motion is that we accept this as a resolution project, and not fine so there is some record on what we decided to do which protects the tax payers as well as the Board.

Commissioner Terry Phillippe: I will make that motion as stated by Council.

President Bob Johnson: That we do not fine at this point.

Commissioner Dan Saylor: I had a hard time understanding Morrie, but I’m just clarifying it, I am agreeing to at this point with this particular instance, I will second that motion.

President Bob Johnson: All in favor 3-0.

Steve Sherwood: Thank you, and on the flip side of that, I have a site being cleared by Danny Ubelhor, it officially has a name now of Essex at Berkshire, where he did contain his site 100% with silt fencing, but there was no SWPPP on file, I was able to get a SWPPP filed last Thursday night, and approved, called and titled it a “”Mass Grading Plan for Essex at Berkshire” so now his site is in compliance, and if the Board would wish to take the same recommended action that would be fine as well.

President Bob Johnson: Did you catch all of that Commissioner Saylor?

Commissioner Dan Saylor: Yeah, basically he said that site is in compliance?

President Bob Johnson: Correct.

Commissioner Terry Phillippe: So again, the question that needs to be answered. I will make a motion not to fine.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor 3-0

Steve Sherwood: The last bit of information I have, I was informed today that the County Council has now presented to all Department Heads the 2021 Budget, as you recall I have discussed previously the $1,500 issue that was not being paid by County Council in 2020 for the Storm Water Office Administrator Barbi Shelton, apparently that salary, with that $1,500 is not included in her salary for 2021. I feel bad for stringing her out for 2020 without addressing the $1,500 salary issue I know I have spoke with all Board members before and they have all expressed they believe she was hired and entitled to that money. Without waiting for 2021 to get here and knowing now that it is not in the County Council’s budget, how can we achieve her or pay her the $1,500 that we agree she was hired on because of her extra credentials to do this job. We pay James in our office $3,000 for extra work, I was discussing with Morrie prior to the meeting starting, is there some way we can contract for one year with Barbi to make that $1,500 come out of our budget and get in her hands as compensated for her credentials for what she was hired on for.

President Bob Johnson: What are those credential’s Steve?

Steve Sherwood: She has a level certification as the same as the people that work in the Assessor’s Office, she wishes to retain those credentials, keeping that level of certification helps her work with the property values that she works with daily still as assessing Storm Water fees, so having that level of certification does benefit which is the leading reason why she was chosen as the replacement for Chris Skinner, Chris even agreed with it too. By Indiana State Statue if you have that certification you are entitled to be compensated, the person doing the job study said she should be compensated for it, it will be in her job study as we are being told, but the Council has yet to act on it monetarily, as well as being $1,500 and I have not seen the approved job descriptions for all the County yet at this time neither, I have been told those have been delayed for review. I don’t know if that is true or not.

President Bob Johnson: Do you feel that this was an oversite by the Council?

Steve Sherwood: We already paid her this money in 2019, and then Council took it away in 2020.

President Bob Johnson: Do you have any type of budget monies for continuing education or anything like that?

Steve Sherwood: Yes, it would come out of Storm Water budget under the appropriate line item that we have funded for say something such as this, similar to how we pay James.

President Bob Johnson: Councilor, how should we do this?

Morrie Doll: If it’s a Statue, the Indiana State Statue trumps County Ordinance, so if the Statue says if you have the certification you shall be paid, I’m assuming the State Statue doesn’t say how much you are supposed to be paid if you have the certification.

Steve Sherwood: I believe it sets that level at $1,500 which is what they are being paid across the street if they maintain these Level I, II, & III certifications, she has the most at a Level III.

Morrie Doll: So, I think what we do is we have a contract to compensate her as a Level III pursuant to State Statue for purposes of Assessing Storm Water fees on the value of the assessed property.

Steve Sherwood: I allow her to continue education every year to maintain this level of certification. So, if it is okay with the Board, I would like for Morrie to come down to the office and her produce all the paperwork for Morrie to write the proper contract that reflects what we just discussed

President Bob Johnson: Sounds great to me. Do we have a motion over that?

Morrie Doll: Yes, you have a motion and the motion should include Steve’s responsibility to turn in for processing and payment.

Commissioner Terry Phillippe: I make the motion to form a contract with Barbi Shelton, and pursuant with the Indiana State Code for certifications and also for Steve to turn in the paperwork for processing.

Commissioner Dan Saylor: I will second that.

President Bob Johnson: All in favor.

Steve Sherwood: Thank you, my last item is to ask Joe if he has anything for the Board at this time.

Joe Grassman: I have nothing else.

Steve Sherwood: With that any questions for me from the Board members?

Commissioner Terry Phillippe: I do not.

President Bob Johnson: Nope.

**MOTION TO ADJOURN**

Commissioner Terry Phillippe: I make a motion to adjourn.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor. 3-0