**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**November 12, 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, Morrie Doll, Attorney, Jason Baxter, Deputy Surveyor; Steve Sherwood, Director of Storm Water; and Jennifer Curry, Recording Secretary.

Present in the audience was Bill Bivins, Nick Will, Joe Grassman, Glen Krueger

**PLEDGE OF ALLEGIANCE:**

President Johnson opened the meeting of November 12, 2019 with the Pledge of Allegiance.

**APPROVAL OF MINUTES:**

President Bob Johnson: First thing today we have the approval of the minutes for October 28, 2019.

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

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor. 3-0

Commissioner Dan Saylor: I just saw this, can we make a correction on the minutes it says I was absent, but I was here.

Morrie Doll: Sure, we can amend the prior approval of minutes to show that Commissioner Dan Saylor was in fact present. That would be the motion.

Commissioner Terry Phillippe: I make a motion.

President Bob Johnson: I second that.

Jason Baxter: Wait a second, where?

Morrie Doll: Absent after approval of minutes, Dan Saylor absent

Steve Sherwood: He only missed a minute or two.

Commissioner Dan Saylor: Oh, okay no it says here. I will second it because…

President Bob Johnson: Because you were late.

Morrie Doll: So, just let the record reflect that you were in fact here for the majority of the meeting.

President Bob Johnson: Sorry, Mr. Bivins.

**PEBBLE CREEK SUBDIVISION PHASE No. 2-BILL BIVINS-ACCU SURVEYING**

Bill Bivins: No problem.

President Bob Johnson: requesting no change in the existing drainage plans for subdivision, Pebble Creek Subdivision, Jason?

Jason Baxter: There was no changes in the drainage…

Bill Bivins: Lot 48-61 were originally designed for duplex’s and in order to sell them now we had to divide those lots up individually, used to you could sell unit 1 or unit 2 of lot 48, but now each lot has to have

Morrie Doll: Legal description.

Bill Bivins: So, nothing has changed on the drainage.

President Bob Johnson: So you are okay with that Jason?

Jason Baxter: Yes, Sir.

President Bob Johnson: I entertain a motion.

Commissioner Dan Saylor: I make a motion for the approval of the drainage plans for the Pebble Creek Subdivision Phase 2.

Commissioner Terry Phillippe: I second the motion.

President Bob Johnson: All in favor. 3-0. Thank you Sir.

Bill Bivins: Thank you.

**CLAIMS:**

President Bob Johnson: Next for the Drainage Board we have claims, we’ve got Tom Nass Homes for Angel Ditch for $22,159.00 and gas $204.38 for a total of $22,363.38.

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

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor. 3-0

**OTHER BUSINESS:**

President Bob Johnson: Any other business for Drainage Board?

Jason Baxter: No, Sir.

President Bob Johnson: Mr. Sherwood.

**STORM WATER DEPARTMENT**

Steve Sherwood: Thank you Mr. President, first item I have is regarding Tanglewood Phase 1 estimated proposal, I have asked Nick Will with Lochmueller Group to be present to answer any questions you may have regarding the estimated fee. I have a copy of his email from November 1, 2019 with the itemized line items I believe Mr. Will has a handout for you to elaborate the history on where we are at today with the proposed Tanglewood project and to answer any questions that you may have.

Nick Will: Nick Will with Lochmueller Group, Steve I would like to give you a copy of the final report that’s got the…..(*stepped* *away from mic inaudible*)…..So, I guess we are to the point in the Tanglewood Subdivision drainage improvements to see if The Board would like to move forward with the design and then eventual construction of the improvements that were proposed as part of the drainage study. The handout kind of just gives recent history of the last couple meetings that we did have the public meeting where we invited the property owners that were adjacent to the project and gave them an opportunity to as questions and there were a few questions right of those responses which we brought to the Drainage Board meeting on August 12, 2019 where we went over how that meeting went, what those question and answers were, and to see how we wanted to move forward, and if the Board concurred with the recommendations on the report with what is knows as Alternative #1 and Phase 1 of that Alternative #1, so Alternative #1 is where we were, if you remember correctly, splitting the flow at Fuquay Road from the existing corrugated metal pipe or its culvert that crosses at Pleasant Ridge Drive, we were actually replacing that culvert and then putting a culvert parallel to Fuquay Road and then replacing another structure down there where Tanglewood Ditch meets Fuquay, then there was a driveway culvert in the middle of the woods along Tanglewood Ditch that needs to be replaced as well. We need to go into more detail than we can, but that was kind of the last place that we stood, Steve had agreed that was the direction we were heading with this. Based off of that we did prepare a proposal to complete the design services for the project which includes supplemental Topographical Survey, we did enough to do the drainage study, but didn’t know for sure where that drainage study was going to go but we do need some to finish that up. We have geotechnical engineering which we would use exploration for our sub-consultant because we don’t provide that service, and the purpose for them would be to help provide the proposing head and wing walls for the structures as well as to see what solar conditions we are going to be in to provide recommendations so we can minimize construction issues down the road with getting into what types of soils we’ll be putting in there. This also includes obtaining environmental permits, including USACE-404 original general permit, I want to make note since this is not a federal aid project, it wasn’t proposed to be so an environment document doesn’t need to be completed, but for that individual permit it requires a completion of a waters report and a history properties, and archeological report, that is included in there as well.

Commissioner Dan Saylor: That is $33,000?

Nick Will: There is also a 401 regional general water quality notification permit and potentially a rule #5 erosion control permit, so that includes all those permit requirements.

President Bob Johnson: I will be quite honest Nick, when I first saw this, the cost of the estimated design fees I got sticker shock, I had no idea it would be that much money.

Nick Will: Okay.

President Bob Johnson: In fact, it never entered my mind, I figured it was part of the Phase #1 $450,000 or whatever it was I was all encompassing, so that, I got a little sticker shocked from what I can tell you that.

Nick Will: Okay.

Commissioner Dan Saylor: So, Nick let me ask you this, on the item with the $52,000 is that, I guess is that right of way services, appraisal and accusations, is that just for the services or is that the dollars that you think that is going to take the buy…

Nick Will: In the report we actually had a figure in there, this is just for the services.

Commissioner Dan Saylor: This is just for the service, okay.

Nick Will: Yeah, but I mean, unfortunately it is reality I guess, but if we are able to obtain easements along those properties, which is what we are proposing, I think the estimated figure in the report was around $30,000 to purchase those easements, this is just the services to do that. Now, I was talking to our right of way guy, and you know this is normal, the right of way portion of this we assume it would be done similar to what we do for a federal aid type project, so it includes a problem analysis to figure out what kind of appraisal needs to be done, that can possibly be removed and they can work with the county themselves to figure out what kind of appraisal needs to be done, and it also includes an appraisal and an review appraisal which is also not a requirement, as far as I know, of County standards but you know, that is just a good faith way to verify that your first appraisal is good. Now, again, that is standard to what we do for State and Federal Aid projects, that is something that can be possibly removed as well, I think if it is over $25,000 what that appraisal will end up being for a particular parcel, which I don’t anticipate being that for this one, then we would recommend it just so its open for everybody to feel good about that number that comes back from the appraisal at that point. There is some room on the right of ways portion of it, we can go back….

President Bob Johnson: Nick, we are going to spend $52,000 to appraise $30,000 worth of property, something is not working in my brain.

Nick Will: Problem is, you still have to go through the same process for each parcel and this is, we are assuming 8 parcels maybe we can get by with not touch all 8 of them and then that would be reduced. You know, this is a fee that doesn’t build unless the parcel needs work done to it also.

Morrie Doll: Steve can correct me, but I don’t think Storm Water has yet, ever paid for a right of way fee.

Steve Sherwood: Not yet, that was part of my questions for Nick if we were to talk with the parcel owners involved and ask for an easement no cost, would we have to go through all the right of way…

Morrie Doll: You still have to have a survey in the right of way but other than that I don’t think you have to have the appraisal, and you and I can do the easements.

Steve Sherwood: Right, but I didn’t want to assume that, see the property owners the update parcels if it’s going to be a no-fee right of way or easement accusation for us at this point.

Morrie Doll: Well, the question is we would need to know for sure how many parcels there are and am I correct this is going to improve the overall drainage of this neighborhood including the 8 parcels we may be crossing?

Steve Sherwood: Yes.

Morrie Doll: How we have handled it in the past, in fact some cases Steve and I have went and sat in people’s living rooms and said “look, we need this right of way, here is why we are going to do this and here is why it’s going to make your life and property better for doing it”

Steve Sherwood: Technically, it will be a drainage easement, typically is what Morrie and I try and secure. Not a, in this case, a potential road right of way.

Morrie Doll: How much of the road work is going to occur in the easement area do we know? You are widening the road.

Steve Sherwood: Yes, most of this drainage work I believe that Lochmueller Group has designed and alternate one, there is a sanitary sewer that parallel what would be the Eastern easement of Fuquay Road and we would have to be East of that and outside of the existing road right of way for this structure.

Morrie Doll: Would to road work be in this existing road right of way or outside the existing road right of way?

Steve Sherwood: Well, other than where we cross the road at two different points, everything would be outside the existing road right of way.

Morrie Doll: I don’t know, but if we were looking to economies, I mean, we don’t know until we ask.

Steve Sherwood: If we go down through his line items of his $7,000 for additional of the topographic survey work that they need to complete their design work, the bulk of the project and the design what they propose in Alternate #1 is the design for the quoted $450,000 estimated cost of Alternate #1, that is all the structures and estimated material and labor fee, until we put that out for bid the construction, they are forecasting it around $450,000. The permitting isn’t a necessity because the CORP of Engineers 404 permit IDM-401 is probably going to be a requirement for a project this size, the rule #5 is going to be that we are going to be disturbing 1-acre or more which is pretty close to being anticipated at just exceeding 1-acre. Then of course the two line items after that, the $22,000 is for design right of way engineering which can be either easement and or road right of way and all the title search that has to go with it, then the staking of the design right of way, then the $52,000 is the other part of what he was explaining previously about right away services, appraisals, and all the…

Nick Will: The actual buying of it as well..

Steve Sherwood: Purchasing, not the cost of the property but the cost of purchasing the property with land agents and other necessities required by the consultant, as he has eluded to, mimics are federal aid road process for right of way acquisition all the necessities to that we are legally to perform to do a land accusation. So, of that fee and the last one of the geotechnical for the $8,060 is anticipation punching holes in the ground doing soil analysis to support the head wall design structures that goes in the engineering so they know what kind of ground and soil they are working with. Of the $180,000 total $74,000 of it is right of way related, which I believe is what concerns The Board the most.

Commissioner Dan Saylor: Yeah, I agree with Bob I think I was a little sticker shock with it too, I guess when we were talking numbers I had it in my mind we were talking that’s what the $400,000 range would encompass everything. Steve, in your experience with the construction cost what are those usually done I mean you know with this estimate I mean, could they come in lower? The economy is so hot now its going to drive prices up, what is your thoughts?

Steve Sherwood: I am not seen a break down on what constitutes the $450,000 they had a better pulse on that when the proposed it, but generally we’ve come in somewhat slightly less than what engineering estimated fees to date in general, not to say it wouldn’t exceed it, but..

Nick Will: It definitely could be based on…a lot of this project is concrete pipe, it could be directly effected by the price of concrete at that time.

Steve Sherwood: Part of what I would recommend if they were to secure and finish the design, does the County go out in advance and buy the material? The bulk of it such as the reinforced concrete pipe and the precast structures, cut out the middle man so to speak we would contract and buy those out ahead of time because there is a certain amount of time delay if we were to incorporate that into the project with the bid. Storm Water has traditionally bought the structures and the material of that nature ahead of time, number 1 to have the project go off in a timely matter and number 2 lessen any mark-up we can just buy those materials direct.

President Bob Johnson: Makes sense.

Commissioner Dan Saylor: Steve, help me understand on the permitting, the $33,000 that is paid to other Government entities is that correct?

Steve Sherwood: Through the US Army CORP of Engineers and IDM I believe most of the cost of that is not so much to permitting fee, it is the actual cost of the consulting engineer to have to prepare all the work that goes into enquiring necessary permits, a lot of data has to be completed.

Nick Will: This is a potential project that would be watched closely by the permitting agencies due to the larger down stream project that happened out there.

Steve Sherwood: I wasn’t here when they designed Tanglewood, but I know for a fact that there were permitting fees at one end of the first phase of the Tanglewood project that was already performed, Morrie you could probably attest to some of the permitting requirement that was required on the drainage we did in Tanglewood Proper.

Morrie Doll: The biggest part of the roll I played with the Tanglewood Proper was trying to remedy the violation that occurred in its final phase’s with the Army CORP of Engineer and dealing with that, but I suspect the $33,000 is mostly professional service and fees that the actual permit fee paid to the Army CORP of Engineer and the Indiana Department of Environmental Management is pretty small portion of the $33,000.

Commissioner Dan Saylor: Okay.

Nick Will: Again, part of that kind of increases because of those additional waters report, the historic properties, and archeological report is just a requirement when you get a federal permit like that, if that was a federal aid project that we were doing separate environmental document on that would be included in that and not in the permitting fee so it is kind of dumped into that as well. For example, the Oak Grove’s and Lincoln Avenue project that we have worked on, those couple items would’ve been put in those environmental documents instead of in here.

Commissioner Dan Saylor: I’m going to ask a stupid question, there is no grants or anything out there for something like this?

Steve Sherwood: Not at this time that we know of.

Nick Will: We can certainly hold off on the right of way, part of it if that is something that you guys are interested in, working with the property owners themselves.

Steve Sherwood: If The Board is interested in going forward with a proposal for the supplemental topographic survey, the road culvert design, and then the geotechnical portion, that rivals around $72,000, then we would know what we have a design for and then of course that would generate the amount of easement and or right of way that we know we’d have to acquire, either by continually with this listed items or try to procure them by other meeting by possibly a donation from the land owner. I don’t know how well that would go over with each of the land owners, knowing we are wanting to put a structure outside that right of way in their individual front yards. Even thought their houses are set back quite a fair distance from the road way in this situation.

Commissioner Dan Saylor: Correct me if I’m wrong, there’s not an open ditch out there now, but there is down South of this?

Steve Sherwood: There is just a general road side ditch along the majority of it, very shallow.

Commissioner Dan Saylor: Right, but to the South of that it gets real deep and where that pipe…

Steve Sherwood: Deep where it first crosses over the Southern end, yes. This project would not go too far South of that point, just enough where we would collect it and turn it with a new structure, more or less where at the same structure location that is there today.

Commissioner Dan Saylor: So, Steve let me ask you this, I think Bob and I and Terry’s concern is the cost of the project, Steve kind of walk us through you know, is any 2019 monies going to be applied to this? Is this from 2020 budgets? Could any other monies from any other project that you have in the area, that might not be done? Can that money be used on this project? I guess we’re concerned about your budget.

Steve Sherwood: Yes, it can be used to answer your question Commissioner Saylor. I have approximately $40,000-$50,000 left in this years budget, I am going to have a $400,000 line item in 2020, and from what I understand I have a $700,000 surplus that I can draw from in future projects.

Morrie Doll: If we did all of this, plus $450,000 of actual cost we’d have $630,000 in Phase 1?

Steve Sherwood: I’d have to go to the council and ask for the additional money from my surplus budget.

Morrie Doll: That is all your surplus is, your totality of your surplus money?

Steve Sherwood: Yeah, and I plan on using a portion of next year’s budgeted project.

Morrie Doll: $400,000?

Steve Sherwood: Wouldn’t leave me much funds to do any other projects, I would have to go back and get into my surplus budget, and ask Council accordingly.

Commissioner Dan Saylor: So, Steve you made a comment here just a few minutes ago about looking at maybe moving forward on a few of these items and at that point seeing where we’re at?

Steve Sherwood: Yeah, if we went ahead with just the minimum design information the $7,000 supplemental, the $58,400 road culvert design, which is the bulk of the project design wise, and then the $8,060 geotechnical I think upwards it adds up to around $72,000 and some change. We would have a better idea, he would be able to design this over the winter, we may not be able to construct it in 2020 but we would have it designed and have a better idea on what we will need for the rest of the requirements at that time, give us some time to talk with those property owners too and see if we can enquire an easement.

Commissioner Dan Saylor: Okay, I kind of like that, so you are telling me the construction can take place in 2021, where this project can technically kind of be spread over three years of budgets, taking a little out of 2019, 2020 and then…

Steve Sherwood: Yes, and the bulk of that being construction dollars.

Commissioner Dan Saylor: Yes, I mean I don’t want to speak for the other guys, but that was my concern that it would suck everything out and you would have to go to the council with additional monies, I feel a little better about the project, but it’s bigger, its encompass a little more than I thought so. It is a problem.

Commissioner Terry Phillippe: Do you think that little bit of extra times gives you any other future avenues of funding?

Steve Sherwood: In the case of some type of grant money comes available, yes.

Commissioner Terry Phillippe: Has the SDA ever fund anything like that?

Steve Sherwood: Not that I know of, other than Ocra but that is highly competitive funding that we have to be in the pool for, all of that is based on need and necessity.

Morrie Doll: There are two culverts that are crossing Fuquay?

Steve Sherwood: Yes, on the Northern end and Southern end.

Morrie Doll: Is it possible to divide Alternative #1 into a part A part B, and only moving forward with Part A…

Steve Sherwood: Not really in my opinion because the two are connected, and one doesn’t work without the other.

Morrie Doll: So, even improving the direct culvert not requiring the lateral next to the road way to the secondary culvert.

Steve Sherwood: If we wanted to limit the amount of water that is going in the Northern end because we are shifting it the South to cross you cant do one without the other without having some kind of outlet to funnel the water to.

Nick Will: Correct.

Morrie Doll: Regardless of the size of the culvert on the Northern end.

Steve Sherwood: Correct, because we are trying to limit the amount of water crossing at the northern end to shift it to the South which is the basis of alternate #1 that was selected. I don’t have a problem with the Board if they want to break it into the design and related functions that go with it and not pursue permitting right of way engineering or right of way services at this time. Once we have a design it will narrow down and focus more of what we need to acquire, we can ask them to project another number at that time for those services. On the same hat, I don’t want to waste money designing something that may not be built, I think if we approve a design we’re kind of insuring that step one is moving forward and will lead to a future step two.

President Bob Johnson: I was just going to say, I think in time we are going to have to address this situation, its going to have to be addressed.

Commissioner Dan Saylor: It’s probably not going to get any cheaper.

President Bob Johnson: Probably not, at the same time eating up Storm Water monies for two years or all of next year or however, in my mind we need to get a little creative on how we are going to fund this and see what else is out there, take it a piece at a time maybe to where we don’t…. Even if we don’t address this for another 2-3 years, we have a plan on how it needs to be addressed, I don’t know, Mr. Saylor this is your district here.

Commissioner Dan Saylor: I kind of like the idea of Steve said, take out these three, the topo-survey, the road culvert design, the geotech engineering, itemize those three. So, that is probably would be coming from funds for maybe what Steve, 2019?

Steve Sherwood: It would come out of 2020 but we will still quite a bit left operated in 2020 without touching out $700,000 surplus.

Commissioner Dan Saylor: So, the construction cost would be more in the 2020-2021 budget?

Steve Sherwood: Correct, and there is always a chance those costs will go up due to just inflation year by year, but I think there is some money to be saved by us buying the materials, say the project does go to contract in 2021, I think there is money to be saved by us to buy the material direct, have it made up in advance, some of this concrete stuff will take 3-4 months, maybe even longer to be made and we can get a contract to get it built in a time period and have it shipped to the site if ready if they are willing to store it or we can store it somewhere here. We always seem to get a better price when we buy the majority of the material ourselves so there is no markup on it, then just bid for the minor amount of material plus the labor to install it.

Commissioner Dan Saylor: I guess I feel better about maybe peeling this off into three (3) different pieces so to speak, to where its not all just coming out of the 2020 budget, that is what I worry about Steve, I don’t want to see your hands tied, I understand you have surplus in there, which it sounds like a lot is going to be used anyway. I feel better knowing that it is going to be split over a couple years.

Steve Sherwood: Perhaps once we have a design, then Lochmueller will be in a place where they can tell us how much area we need from each of the parcels we would be able to dictate that from the design, perhaps Morrie and I can approach the land owners and save some money in that respect.

Nick Will: If I could just add real quick, we do have it scheduled to have preliminary plans by March, which those plans would have that area where we think right of way would be, so the bigger dollar value of the $58,400, that is kind of broken up into kind of preliminary plans then the final plans in contract documents, that also includes project management time as well as utility coordination which having that sanitary sewer and the overhead electric out there, we would have to work with them to make sure we avoid them as much as possible. Come March, we should have a better idea of cost as well, when we did our drainage study it was kind of a ballpark estimate by that stage as well.

Steve Sherwood: In the contract documents, the date would be generic, we could always have them change the date to match when we want to bid it out in 2020-2021, the unit prices could change at that time too they can supply us with a word document, or we can have them make those changes at time when it is ready to go to bed.

Nick Will: You can correct me on this Steve, but I wasn’t actually planning on having all that stuff prepared in March necessarily.

Steve Sherwood: But you would have the design where we could figure out some other things.

Nick Will: Yes, exactly.

Morrie Doll: Would it just be that we wouldn’t be able to do, if you did it all, you wouldn’t be able to do any other projects in 2020.

Steve Sherwood: Without acquiring a surplus money, yes.

Morrie Doll: So, do you need to obligate the $40,000-$50,000 in 2019 to this project to carry it over?

Steve Sherwood: Yeah, and I will carry it over to this project and mark it accordingly.

Morrie Doll; Okay, and if you, about this time next year decided to move forward you could obligate part of, if we are frugal in 2020, some of the $400,000 in your operating budget from 2020 could get perhaps the construction started on this project about this time next year and then, that is a terrible time to do the work perhaps, but you could take the actual cost over the 2020-2021 year depending on when you started….

Steve Sherwood: As Commissioner Saylor said, that would give us the most flexibility.

Morrie Doll: And you wouldn’t have to do any work in the county, but you might not have to get into your reserves.

President Bob Johnson: Commissioner Phillippe, do you have anything?

Commissioner Terry Phillippe: I am in agreement with spreading it out, I would definitely like to see some other funding forces come into play, I don’t know if that would be under our control.

Morrie Doll: So, if you are interested in doing that, if you wish, you could make a motion to approve entering in a contract with Lochmueller for the supplemental typography survey, road culvert design, and the geotechnical engineering work at this point, then taking it up again in March when the preliminary drawings are ready.

Commissioner Dan Saylor: I kind of like that.

President Bob Johnson: I do too.

Morrie Doll: Now, Steve is right, you don’t want to spend $80,000 then abandon the project in the future.

Commissioner Dan Saylor: No, I think when you have houses that are flooding, I think we have some exposure there that we have an obligation to get this fixed, so that is what we told the people in the public meeting, I think we all just got the sticker shock, but we also don’t want to tie Steve’s hands. We understand he has some surplus money, so that is always good to have money in the bank, I just feel better if the project was spread out for a 2-3 year budgets vs. it all come out in next years, then go to the Council to get money just to do anything. I like that, and I will make that motion to move forward with the three items listed by council, and enter into an agreement with Lochmueller to do that work.

Commissioner Terry Phillippe: I will second that motion.

President Bob Johnson: All in favor. 3-0

Steve Sherwood: Nick, if you could give us a proposal of those three items and then I can bring it back to The Board before the next meeting for review and execution.

Morrie Doll: Well, as long as it retains I don’t think he has to come back.

Steve Sherwood: That’s fine too.

President Bob Johnson: I’m good with that.

Nick Will: We will just need to prepare an amendment to the original contract for this drainage study, is that okay?

Steve Sherwood: Unless Council suggests we just need a contract for the design of the selected Alternative #1.

Morrie Doll: Either way, give it to Steve and we will take a look at it and we will decide if we like it or where we should go from there.

Nick Will: Sounds good.

Steve Sherwood: I appreciate it, thank you.

President Bob Johnson: Thanks Nick.

Steve Sherwood: Next item I have for The Board is, I put out a proposal for some work to be done along Oak Grove Road, the South side, this is East of Epworth Road, East all the way down just all the way down to just West of bridge 378. If you see the areal before you, it has about 2700-lineal feet of road side ditch that has some trees and saplings as illustrated in that photo being passed down, I have asked for three (3) quotes to clear those saplings. Those three (3) quotes I have back before you are as follows: Tom Naas of Tom Naas Homes gave me a bid of $6,990.00, that was to grind the saplings down. Ubelhor Tree Services gave me also a quote for grinding of the saplings, that amount was $4,473.00 and then S&S Tree Masters was the third proposal, they would clear, cut, and remove the saplings along the same mentioned route for the amount of $3,500.00.

Commissioner Dan Saylor: Steve, could you repeat the first number for Naas?

Steve Sherwood: Yes, for Tom Naas Homes $6,990.00.

Commissioner Dan Saylor: Thank you.

Steve Sherwood: Ubelhor Tree Services $6,990.00, and S&S Tree Masters $3,500.00. S&S would clear cut them, remove them by cutting flush from the base, and removing them, the other two Nass and Ubelhor were to grind them down.

President Bob Johnson: When would this work take place, Steve?

Steve Sherwood: If we went with the low bidder, the work could be done, he told me start with two weeks from notification.

Commissioner Terry Phillippe: Clear cutting them and removing the debris and towing it away? Would that be better than grinding it and leaving it in the ditch?

Steve Sherwood: That’s what I asked for, the other two asked if we could grind them being Naas and Ubelhor said grinding would be acceptable too, I just need a quote to have that stuff, saplings removed. S&S Tree Masters is the contractor that did similar work on Telephone Road a few years ago.

Morrie Doll: Sycamore Ditch?

Steve Sherwood: Not there, but on Telephone Road in the Northern road side ditch we had saplings growing up the concrete line ditch, but yes, S&S did work Sycamore Ditch too before that for us. I am asking The Board for their approval of the projected low bid of $3,500.00 by S&S Tree Masters.

President Bob Johnson: Steve, S&S bid is outstanding, it’s a great price for this work here, but my curiosity is why is it this something our team couldn’t do?

Steve Sherwood: That is as far as we could reach with our long arm mower, that is what is left, the steepness of the ditch and the reach involved, that is all we could safely mow according to the Highway Department. We eradicated several hundred feet of saplings.

President Bob Johnson: What is S&S going to do? Go down and cut it with chainsaws or whatever and pull it out?

Steve Sherwood: Yes, similar to what they did on Telephone Road.

President Bob Johnson: Is there a reason why our guys couldn’t do that?

Steve Sherwood: I haven’t asked the Highway Department to do that by hand not with their current schedule.

President Bob Johnson: What about your team?

Steve Sherwood: I haven’t asked them to do that neither, I could pursue that.

President Bob Johnson: Maybe we ought to just do away with the teams, and start hiring out everything. I just don’t understand why we cant….what are we going to do this winter?

Steve Sherwood: My Storm Water crew will be cleaning county highway bridges as we do in winters in the past. Doing deck cleaning, standard maintenance, per the bridge ordinance that is coming out, while they cant do other things Storm Water related, then street sweepers are getting activated as soon as the current ice storm clears up.

Commissioner Dan Saylor: Steve, I have a questions, is there a piece of equipment that we are missing that could do this? I just seen large pieces of equipment with the grinders on them, that have a substantial reach…

Steve Sherwood: Essentially, as I understand it, that is what the first two quotes would do, the Tom Naas and Ubelhor piece of equipment that has a larger reach, we do not have that piece of equipment in our inventory, either Highway Department or Storm Water.

President Bob Johnson: What equipment is that Steve?

Steve Sherwood: It would be an excavator with a long arm with a flair motor grinder

President Bob Johnson: An articulated arm and…

Steve Sherwood: I believe that type of equipment has done work for the county Surveyor’s office in the past, is that correct?

Jason Baxter: Not recently, but I’m familiar with the product, the machine.

Commissioner Dan Saylor: And that machine is going to be, to purchase is going to be very expensive.

Jason Baxter: We don’t have an excavator in-house that would support it as far as…

Steve Sherwood: My goal was just to get rid of these before they became more mature and became a real problem.

President Bob Johnson: I don’t disagree that it needs to be taken care of, I am just curious as to…

Steve Sherwood: It is a Highway Department function, but I am offering to do it for Storm Water.

Commissioner Terry Phillippe: What diameter are the trees?

Steve Sherwood: Little saplings, generally most of them range in the 1-2 inch category.

Jason Baxter: About a one year growth.

Morrie Doll: Do any of the bids have a herbicide application component?

Steve Sherwood: No.

Morrie Doll: Shouldn’t they?

Steve Sherwood: We discussed that, but it would be an additional cost too. If we are clear cutting it down to the stump there is nothing really to apply to it other than the stump.

Morrie Doll: But, if you apply a herbicide you could limit, control or delay.

Steve Sherwood: We can apply the herbicide during the spring when these things start to grow every year, that would be the most effective application. We have a lot of road side ditches that would qualify.

President Bob Johnson: Okay, is there a motion?

Commissioner Dan Saylor: I make a motion to go with the lowest bidder.

Commissioner Terry Phillippe: I will second.

President Bob Johnson: All in favor. 3-0

*\*Oak Grove Road-sapling removal quotes*

*\* Tom Naas Homes- $6,990.00*

*\* Ubelhor Tree Services- $4,473.00*

*\* S&S Tree Masters- $3,500.00---approved 3-0*

Steve Sherwood: Thank you, next item I have is the Robert’s Ridge Road Drainage Improvement Project, as you recall O’Risky was the contractor we had a $250.00 retainage left, two small sections had grass growing on them, we have achieved the grass growing in those two areas, we recommend we release the $250.00 retainage to the contractor.

Commissioner Terry Phillippe: I make a motion to release the retainage.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor. 3-0

Steve Sherwood: Thank you. I have a similar request on the Old Hickory Estates Drainage Improvement Project, the contractor was Ragle, I am sending some photos down for your review for the finished product, they had a $1,000.00 retainage in place for watering the sod, the sod contract for watering part of the project has concluded, the land owners are watering it on their own as needed. I have no reason not to return the retainage that they have asked for to be released and that will complete that project as well, the contractor for that is Ragle, so I am asking a release of the $1,000.00 retainage on that project.

Commissioner Terry Phillippe: I make a motion to release the retainage for Old Hickory.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor. 3-0

Steve Sherwood: Thank you. Next item I have for The Board’s consideration, and this will involve Council, Commissioner Saylor and I met on the Woodfield Subdivision Lot 69-70 last week on November 6, 2019 we met with the house contractor, CAC Development, Chris Combs, and then the property owner and father were present, as well as Dan Saylor, myself, and Bobby Howard, and I believe Morrie has a conversation to relay to The Board relating the results of that meeting.

Morrie Doll: I have received a couple of phone calls from Chris Combs wanting me to return a call from him, I reached out to Commissioner Saylor because I wanted to hear his side of the conversation before I was asked to make some commitments to Mr. Combs. Commissioner and I have talked and indicated that a letter of credit for the correction of the needed work for the drainage in the rear yard of the new construction of lot 69 & 70 of Woodfield Subdivision Section 4 was discussed and preliminarily agreed upon, I then returned called Chris and told him that I had been instructed to draft a letter of credit for $7,500.00 for the completion of the work, Chris and I had a conversation about how long he wanted it to be open ended without a time limitation, I told him I didn’t think that would work, given this has already had some time extensions previously. Finally, I suggested with the certificate of occupancy was issued for the house and he thought that would be before Christmas but that wouldn’t work for drainage work, we finally agreed upon an April 1, 2020 completion date, I drafted that and emailed it to Commissioners, Steve, and Bobby. As a pattern for that, that is a similar form that we receive from the bank for letters of credit for street, sidewalks, and things of that sort, adapted instead of going through the Warrick County Area Plan Commission, it comes to the Storm Water Department, and it entails the descriptions of the work that is necessary at this site that was in the citation of violation letters that Steve’s office said, CAC Development for those projects. I think it has everything covered, I provided it to Steve, he asked me to verify that the next door neighbor that filed the complaint in Woodfield, his lot was correct and I took it out of Steve’s citation for violation, so I believe it to be accurate. If this is acceptable, I recommend, you don’t have to deal with it today if you don’t want to, but if you wish to deal with it today that would a motion to approve the draft, and authorize me to send it to Mr. Combs who has not yet seen this, for him to deliver to his bank and to get this done.

Commissioner Dan Saylor: Councilor, I have one question.

Morrie Doll: Sure.

Commissioner Dan Saylor: The contractor, Chris Combs, asked if it be a cashiers check vs. a letter of credit because of the cost associated with the letter of credit, there is a minimum I guess, what did he say Steve? A $1,000.00 or $750.00…

Steve Sherwood: 10% roughly.

Commissioner Dan Saylor: Yeah, so where a cashiers check is obviously funds available, and we just deposit the check and release it when, because I don’t think we hold cashiers checks right Steve?

Steve Sherwood: It would have to be deposited in the Auditor’s Office

Morrie Doll: The state board of accounts wont let you hold a cashiers check either.

Commissioner Dan Saylor: So, is that acceptable?

Morrie Doll: It would be, what I would do is go ahead and send this as is, and if he comes back and doesn’t want to do it with a bank, we want to do it with a letter of credit, I will take the center paragraph and form an agreement for a cashiers check as to be held the same as the letter of credit and make the modification. You can approve the language, and if you haven’t read it yet don’t approve it yet, we can do it in two weeks from now if you wish, but you can approve the language as described either way as a letter of credit or cashiers check and I can make the changes as necessary to keep it moving. Obviously, if you don’t want to do it today, table it, we will deal with it in two weeks. I did tell Chris that it wasn’t necessary for him to be here today, that was after my conversation with Commissioner Saylor.

Commissioner Dan Saylor: The land owner is just for the record, really concerned about this, is more involved in it and basically has said he will do whatever it takes, whatever he needs to do to get it done because he doesn’t want to see Morrie in court, he is adamant that either he will make sure this is done. First of all, he didn’t understand why he was responsible, I told him the lot is in his name and so that is why, so he had a better understanding of that, but I think we all are in agreement that cashiers check, that way if it is not done by the date then we move forward and get it done.

Morrie Doll: I can actually modify it and send two versions of Mr. Combs, one is a cashiers check and the other is a typical letter of credit.

Commissioner Dan Saylor: I’m good with this language, it spells out what he needs and I make that motion to give Councilor to give him the option to send Mr. Combs two options that Mr. Combs can pick, so I make that motion.

Commissioner Terry Phillippe: Second.

President Bob Johnson: All in favor. 3-0

Steve Sherwood: Next issue I have, I have several issues regarding the same matter, various states of the SWPPP (Storm Water Pollution Prevention Plan) as you recall, Keith’s Ridge Subdivision, another Combs subdivision, we had a non-compliance issue about Storm Water carrying eroded material off site down to Remington Subdivision to the North, through a road side ditch in the lake, that portion of that site has been addressed, however the rest of the site is not in compliance. Similar, that he is in violation of the 15 days of the site not being temporary seeded, similar to the issue we just addressed. I had another report sent to, again CAC Development, Chris Combs on Magnolia, my concerns on the erosion issue there if you recall that is the underground retention basin system that needs to be protected from entering of eroded material. I had another report, I wrote to R.A McGillem, Custom Homes, on the Chantom Place Subdivision off of Grimm Road, the roadway has been put in and paved majority of street drainage has been put in, but none of the parameter ditches or retention basin has been established, running unabated into the site into the neighboring subdivision with sediment leaving the site.

Morrie Doll: Brown water.

Steve Sherwood: Then I have reports from our erosion control, hired service with similar issues on Ironwood Subdivision, which he is trying to meet with them on site, again, the entire site being disturbed with access with no temporary seeding for 15 days. I have various projects with states of non-compliance, I just wanted to give The Board an update, on the majority of those that are currently under observation, and under study.

Morrie Doll: So, you are not recommending The Board considering any action?

Steve Sherwood: None at this time, other than I will continue to keep The Board apprised at what is going on. One, I talked to Mr. Bill Bivins who is in the audience on The Enclave, he still does not have a SWPPP approved for The Enclave, there has been some site disturbance which I talked to him about before the meeting, a building demolition on The Enclave, a majority of the site has been disturbed, basically I emailed Mr. Bivins several weeks ago a cease and desist until we have an approved SWPPP approval on file, he in in the process of getting the SWPPP completed, I have had some revisions, he is aware of those and he will make those revisions as soon as he can.

Morrie Doll: So, is that project not moving right now then?

Bill Bivins: No, it is not moving, we are at a stand still for getting the sewer and water line approved, so we are not going to do anything until spring.

Steve Sherwood: I just wanted to present most of the stuff to the Board to show we are canvasing the County and addressing sites as they come before us, specifically when complaints have been filed when issues as they arise. Does The Board have any comments or questions regarding any of that information?

Commissioner Terry Phillippe: Simple questions I would assume, Lockhart is out doing his thing do you guys keep each other appraised on what you are looking at and what he is looking at just to help each other out?

Steve Sherwood: We do talk in that regard, probably not as much as we should but I try to tell him what projects I have issues with and he can confirm or let me know of other similar projects that may or may not have issues involved. Some of these have arisen such as a building lot in Victoria, again dealing with Mr. Combs, that started out as a complaint through Dennis Lockhart that officially got addressed to me, and I turn my erosion control inspector over to it and try to get the site in compliance without having to take further action. We continue to monitor those situations.

Bill Bivins: I just wanted, tomorrow we are going to run some elevations at McGillem and see what we need to do to finish that up.

Steve Sherwood: What Bill is talking about it Chantom Place Subdivision, Bill is the design engineer record for that, I don’t know why the contractor hasn’t built any of those things yet, I would assume he would’ve known.

(*Bill Bivins speaking away from mic*)

Steve Sherwood: I know my erosion control inspector should have met with Mr. McGillem either yesterday or today. If The Board has no other questions, I will ask Joe if he has anything?

Joe Grassman: Nothing.

Steve Sherwood: With that I conclude.

Morrie Doll: I just want to once again say, The Board is not asking me to take any action on these at this time, this is just for your ratification?

Steve Sherwood: Correct, I just want to keep everyone informed of the status.

Morrie Doll: Okay.

Steve Sherwood: The two (2) complaints that have been filed, are or have been addressed, the issues with them are being addressed.

Morrie Doll: Okay, thank you.

President Bob Johnson: Anything else?

**MOTION TO ADJOURN:**

Commissioner Terry Phillippe: Make a motion to adjourn.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor. 3-0