**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**November 22, 2021**

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; Steve Sherwood, Storm Water; Phil Baxter, Surveyor; Jason Baxter, Deputy Surveyor and Jennifer Curry, Recording Secretary.

Present in the audience: Jim Morley Jr

**PLEDGE OF ALLEGIANCE:**

President Bob Johnson opened the meeting of November 22, 2021 with the Pledge of Allegiance.

**APPROVAL OF MINUTES**

President Bob Johnson: First we have the approval of minutes for the November 8, 2021.

Commissioner Terry Phillippe: I make a motion to approve

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor 3-0

**JIM MORLEY JR---MORLEY & ASSOCIATES**

President Bob Johnson: Next up we have Jim Morley Jr with Morley & Associates

Commissioner Dan Saylor: Jim, is this just like what he has now?

Jim Morley Jr: Yeah, any of the outdoor seating at the Acapulco Restaurant is all there via a Hold Harmless Agreement, Encroachment Permit and Variance through the County because it’s all inside what is called the Lake Maintenance and Storm Detention Easement all of those patios they sit on piers and so, some places they are just on regular dry ground since it was high ground and some other places they sit over the top of the slope of the lake so when the water comes up it literally goes in underneath the patio and stores the water then when the water goes back down and then comes back out of the patio. Melvin’s place continues to be super successful and they need more seating and he says everybody likes sitting outside, not right now, but during good weather sitting outside is the place to be, so he wants to continue to expand his outdoor dining option and so that is what that turquoise color in the middle is and that’s what that will look like, but to make it happen we need a few things. We need a Hold Harmless approved by the Drainage Board for the encroachment which is what you guys have done in the past and we submitted a Hold Harmless that was the same as what we had before we just updated the information on it. It requires a variance through the Board of Zoning Appeals and so we filed for that variance and that is to allow to build a structure inside an easement and be done through the BZA we had to do that in the past and that was approved in the past and the other thing that has to be done which is really the second thing on your agenda is currently there is a lot line underneath that proposed patio right now and so we have to redraw the two lots in this area and the purple ground on that map Melvin owns all of it, he owns the Acapulco and there is a Mr. Detail or something like that, a car detail shop back there and he owns both of those buildings so he owns all the purple ground so we have to move the lot line in between them so Melvin has all the lakes.

Commissioner Dan Saylor: Does he not own this too?

Jim Morley Jr: He does own that also, we were actually at site review a couple weeks ago. He had built that parking lot a long time ago and then he basically built a rock pad behind it because he didn’t have then intent to just put a building north of that concrete parking lot and he finally has someone that is interested in going into the building there so he is in the process now of pulling some budgetary numbers and assuming he can make it work then he will build the first phase of that building. That parking lot is substantially larger than what is required for the building and it was done that way intentionally so that he could share parking and he also recognizes that putting a competing restaurant in right next door is not a great idea for him, not just to put competition in but two it’s the other people that would need parking the same time as him. One of the places he talked to was a retail store and they aren’t busy at 7 o’clock on a Friday night, you know? Most parking things happen….their peaks don’t coincide with his restaurant peeks.

Commissioner Dan Saylor: Jim, what is the square footage of the turquoise?

Jim Morley Jr: It was like, 3,000-sq. feet.

Morrie Doll: 3,800

Jim Morley Jr: Yeah, I mean, it’s a sizable addition, but all of it is there via a Hold Harmless which means if it ever gets messed up or anything like that it is on Melvin’s nickel you guys don’t have any liability or responsibility at all. You’ll see on that turquoise there is a little bump out on the left hand side he actually has to put a drink station out there because so far from the kitchen it’s a long ways to run back with chips, margaritas, sodas, and stuff like that so that is kind of a drink station that will then take care of the outdoor dining so it would be winterized kind of like a trailer to blow lines out and stuff and when it gets nice they will actually run all their drinks and chips out of that kind of that square area it will be their drink station.

President Bob Johnson: Steve, do you have any issues with this?

Steve Sherwood: No, as long as the Attorney or Council doesn’t have any issues with the Hold Harmless Agreement.

Morrie Doll: Hold Harmless is fine.

President Bob Johnson: Commissioner Saylor?

Commissioner Dan Saylor: I don’t have any issues with it, I cant think of any.

Commissioner Terry Phillippe: I make a motion to approve it.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor 3-0

Commissioner Dan Saylor: Councilor, in our motion do we need to make mention on the Hold Harmless Agreement?

Morrie Doll: It never hurts

Commissioner Dan Saylor: So…can we add that to our…

Morrie Doll: Yeah, or you could pass that the second prior motion in vote was assuming that the Hold Harmless that was reviewed today in the public meeting is in fact recorded by the Surveyor’s Office.

Commissioner Terry Phillippe: That is exactly what I will add to my motion.

Commissioner Dan Saylor: I second that.

President Bob Johnson: All in favor 3-0

Commissioner Dan Saylor: Okay, so the second motion is the Hold Harmless.

Morrie Doll: Yes, Sir.

President Bob Johnson: High Pointe Center North Sec. 5 PUD

Jim Morley Jr: It’s the exact same exhibit, that Section 5 PUD is moving the lot line to make it so there is not a lot line underneath the patio, so currently put a lot line here that goes vertical the lot line currently goes east west right here and so we are taking it from here and moving it there. It was a significant enough change that we had to re-plat it because typically we do lot line adjustments 10-feet or less in Warrick County and so because it was more than 10-feet it comes back through the subdivision plat process.

Morrie Doll: That is exactly what we have been talking about.

President Bob Johnson: Yup

Morrie Doll: We’re about to change that

Jim Morley Jr: Oh, okay. Bless your hearts thank you.

Morrie Doll: What do you think it ‘ought to be?

Jim Morley Jr: I would say, I mean, if a person makes a good judgement I mean there are is a lot of reasons to do a minor adjustment. You know…I mean, to be honest….

Morrie Doll: So, no figure? No numerical?

Jim Morley Jr: I don’t really know how you do a figure because to be honest with you, going from here to here, to me, doesn’t make a big difference on this plat, but I wouldn’t have known how to tell you that was 20-feet, 100-feet, or 10-feet, you know? If you don’t balance that with good judgement I guess you may end up here anyways because somebody says well, it looks significant to me…

Morrie Doll: Well, it’s arbitrary capricious

Jim Morley Jr: Yeah, but this is the number that is on the agenda.

Commissioner Dan Saylor: I make a motion to approve the proposed combination of the two lots at the High Pointe Center North Section 5 PUD.

Commissioner Terry Phillippe: Second.

President Bob Johnson: All in favor 3-0

Jim Morley Jr: Thank you. The next one is Golden Pond Estates, so on the front of what I just handed out its kind of a where in the world are we in Warrick County, you can see it’s basically due west of Chandler and if you flip to the back of the page it looks something like this, like always an environmentalist trying to keep the tree killing down, there are currently two homes on this piece of property and they want to create a third building site and they are going to adjust the lot line between the two homes and so those two home owners combined are the plat signatures for Golden Pond Estates. They are kind of giving the smaller lot up here they are giving him a little more room and then they are creating this lot here because this guys daughter is in trusted in moving out there.

Commissioner Terry Phillippe: This drawing is in sense the after?

Jim Morley Jr: Yes, this is the after.

Steve Sherwood: In other words it’s another lot line adjustment with the creation of another lot.

Jim Morley Jr: It’s a minor lot line adjustment with the creation of a building site. In fairness this would not be a lot line adjustment this would be a subdivision.

Morrie Doll: Minor?

Jim Morley Jr: In my mind it would be…well, you could either do it as a lot line adjustment and then a minor or if you would allow a three lot Minor you could do a three lot Minor they are all septic system lots, they are all I mean….

Commissioner Dan Saylor: How many acres is this site Jim?

Jim Morley Jr: Three acres.

Commissioner Dan Saylor: Is that the minimum?

Jason Baxter: 2.5

Jim Morley Jr: 2.5 acres is the minimum for septic, it’s a three acre lot.

President Bob Johnson: Any questions or issues?

Commissioner Dan Saylor: Steve? You guys have any issues with it? Legal Council?

Morrie Doll: No, Sir.

Commissioner Dan Saylor: I make a motion to approve the lot line adjustment.

Morrie Doll: It’s not a lot line.

President Bob Johnson: This is waiving the drainage plan requirements

Commissioner Dan Saylor: Oh, okay let me rephrase my motion. I make a motion to approve the request to waive drainage plan requirements.

Commissioner Terry Phillippe: I will second that.

President Bob Johnson: All in favor 3-0

Jim Morley Jr: Thank you. I got one more, the first page is the where in the world are we, just right around the corner, the second part is going to be 15 2.5-acre lots if you look on the back of that sheet it kind of shows you the zoom in this is out kind of out in the replained mine ground and they are going to do 15 2.5-acre lots and all have shared driveways and I guess that eventually comes to Commissioner meeting eventually we are putting in driveway pipes and the Certificate of Compliance and stuff like that but the lots themselves are large lots.

Commissioner Dan Saylor: So, you say shared driveways there will be a shared driveway for every two houses?

Morrie Doll: For every two houses.

Steve Sherwood: Common lot corner of two houses

Morrie Doll: So half the driveway is a Lot 1 and the other half is Lot 2

Steve Sherwood: That is what Bobby required so it minimizes the number of driveways on Stevenson Station Road.

Jim Morley Jr: It’s done both ways, we did shared drives on Lake Ridge Crossing that is across the street from the Victoria entrance if you ever notice those houses all have shared drives where it’s one drive then they come out I guess it’s preference. In theory you have half the number of drive cuts, but the drive cuts you do have get twice the traffic you know, or a little wider than a normal drive cut and so…I don’t know if it’s a win or a loss I’m not sure but it makes not a huge difference to me one way or another.

President Bob Johnson: Is this Jordan’s?

Jim Morley Jr: No, Jordan is involved with it, but I believe it’s the guy that makes trusses, Phillips. Jordan is involved with because that’s like their world out there you know?

President Bob Johnson: Any issues here Gentleman?

Phil Baxter: No.

Steve Sherwood: No, Sir.

Morrie Doll: The topography and everything is you are not impacting drainage it’s all going to drain the way it is now.

Jim Morley Jr: Yeah, we’ve got some drainage easements and stuff on the plat to maintain the drainage ways and stuff but it all just drains down

Morrie Doll: Drains south and then east?

Jim Morley Jr: Yes.

Steve Sherwood: The plat will show some drainage easements where they plan on relocating a few of the natural drains that exist out there and make it more developed into four lots.

Jim Morley Jr: Yeah, the lots are about 630-feet deep and they are like 180-feet ish by 630-feet or something like that.

Morrie Doll: 2.5 acres

Jim Morley Jr: Yeah, so they are big lots but their intent isn’t not to put a bunch of easements on them but to protect the flow of water.

Steve Sherwood: By converting these pastures or woodlands to grass lots for the amount of impervious surface they are creating they are actually improving the runoff of the lots.

Jim Morley Jr: The turf grass has a lower runoff coefficient than what crop ground does so yeah you add a little bit of impervious surface with roofs and patios and stuff like that but because the lots are so big the runoff coefficient for the grass more than offsets the roof…

Steve Sherwood: That’s why generally speaking for a 2.5 acre or larger lots there is no drainage required for that reason

Commissioner Terry Phillippe: I make a motion to approve

Commissioner Dan Saylor: Second

President Bob Johnson: All in favor 3-0

Jim Morley Jr: Thank you all, that is my last one I promise.

**BID OPENING—HUTCHINSON DITCH**

President Bob Johnson: Next we have some bid openings for Hutchinson Ditch

Morrie Doll: They are not on the agenda

President Bob Johnson: They’re on mine.

Commissioner Dan Saylor: They are on mine

Steve Sherwood: This one, bid opening.

Morrie Doll: Mine just isn’t updated. First bid I have is from Naas Homes for Hutchinson Ditch bid from 11/22/2021 for the total amount of $18,975.00.

Commissioner Dan Saylor: How many bids were received Councilor?

Morrie Doll: Two (2).

Commissioner Dan Saylor: Just two bids.

Morrie Doll: The second bid I have is for Ubelhor Tree Service dated 11/22/2021 titled “Hutchinson Ditch Bid” sealed envelope…

Steve Sherwood: Roughly how long is Hutchinson Ditch?

Jason Baxter: Quarter mile.

Morrie Doll: It’s addressed to the Warrick County Surveyor in the care of Jason Baxter and it’s a single lump sum bid in the amount of $37,863.00 those are the only two bids I have and I will return them to Jennifer.

President Bob Johnson: That’s quite a swing.

Jason Baxter: Jay was going to have to rent a machine and go out of his tree service way, so.

Phil Baxter: There was five Contractors?

Jason Baxter: Four Contractors were asked to come and only had two.

President Bob Johnson: Okay, and they went out and looked at it and seen what they were going to clean?

Jason Baxter: Yeah, we had a pre-bid on November 8th.

Phil Baxter: This is up off of Lincoln Trail.

President Bob Johnson: When are you planning on doing this Jason?

Jason Baxter: We had it to start within 14 days and get it done weather permitting in the next month or so.

President Bob Johnson: You have the funds in your budget?

Jason Baxter: Yes.

President Bob Johnson: I will entertain a motion.

Commissioner Terry Phillippe: I make a motion to approve the lowest bid for Naas for $18,975.00

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor 3-0

***Hutchinson Ditch Project Bid***

* *Tom Naas Homes-----------$18,975.00----Awarded 3-0*
* *Ubelhor Tree Service------$37,863.00*

President Bob Johnson: That is pending that your quote does everything they have done what you asked them to do?

Jason Baxter: Yeah, we gone through and it was specified within the bid quote what we are wanting.

**CLAIMS:**

President Bob Johnson: Next up we have claims.

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

Commissioner Terry Phillippe: Second.

President Bob Johnson: All in favor 3-0

**OTHER BUSINESS**:

President Bob Johnson: Any other business for Drainage Board? Mr. Sherwood.

**STORM WATER DEPARTMENT**

Steve Sherwood: Thank you Mr. President. First item I have is regarding the Tanglewood Fuquay project update we have received the IDEM approval for the 401 General Water Quality Permit it came in last week we are still waiting for the 404 Army Corp of Engineer permit which should be fourth coming. Next issue on the same project I have asked Morrie to review Lochmueller’s draft documents for all the easement accusations for those parcel owners along Fuquay Road Mr. Saylor and I were in a meeting in early October regarding the easements we had a walk-through with the neighbors and there is quite a bit for Morrie to review I would have him ask the Board for permission to proceed because it is going to be pretty comprehensive to what they are asking, Lochmueller Group is asking our Council to review.

Morrie Doll: What Lochmueller has said to you is this regime of paper, and it consists of five temporary and or permitted right-of-way easements for this project. Now, some of this is duplicated because they set the right-of-way easements temporary and permanent both as a Word document anticipating I may want to make changes on some of them on behalf of the County and as a .pdf. The .pdf versions have also with then attachments that are not part of the Word Document, so when you look at this you will say “Well Morrie, this is five duplicative documents they are three pages each, that is 15 pages that’s not a big deal” the problem is everything behind this is the legal documentation that is the bases for the five easements and so, my question to the Board, I actually have several, this is going to take a long time to read so there is going to be an expense the Board will incur on my behalf to go through this.

Commissioner Dan Saylor: So that’s going to be different next month, that’s why I made it quick.

Steve Sherwood: Technically, it will be for Storm Water and not Drainage Board

Morrie Doll: Yeah, this is a mixed one. These easements run to the benefit of Warrick County and the Warrick County Commissioners so I would be wearing that hat if I am reading this. Now, is it in my field of work? Yeah, but it also could be in Todd’s because it’s in her responsibility so you you’d have to decide who is reading this. Somebody ought to read it for Warrick County…you are putting a half a million dollars in this project somebody ought to read it for Warrick County to make sure it does what it’s supposed to do and then you would need to decide who would want to read it. Then would do you want me to just read it to make sure we’re getting what we are paying for? In this case not paying for being donated so we have the full legal rights temporarily during the construction and permanently there after? Or do you want me to go back through and verify the legal documentation supports that Joe Smith has the authority to give us what Joe Smith has asked to give us or not. I need some direction and I need you to understand that and you are welcome if you want…I know you want to get started on this project but these are the documents if you want to take them and look at them and say “this is what Morrie is asking about or not”…

Steve Sherwood: We’re hoping Lochmueller did their…

Morrie Doll: Do you want them Phil?

Phil Baxter: No, I’m asking if Aaron reads faster than you.

Morrie Doll: Well, with the same dollar amount and I don’t know I took speed reading in collage so I don’t know.

Steve Sherwood: We’re hoping that Lochmueller has the professional hired to do these and do their do diligence and they are just wanting an approval by our Council.

President Bob Johnson: I’d be surprised if they didn’t.

Commissioner Terry Phillippe: I would say more than hoping, we are expecting.

Steve Sherwood: It is what we would be in contract with them to do it is part of their right-of-way services.

President Bob Johnson: My expectation is to 1. Keep me out of jail and 2. Is to make sure all our ducks are in a row and the County is not being taken advantage of in any way.

Morrie Doll: The legal background work was researched by a lady named Sue Ann Wood with Wood Co. Enterprises, LTD; I have no idea who that is. Some of these, they range in collections…some of them are 23 pages of legal documentation for a particular parcel and some are 46 maybe one of them is 56 pages of legal documentations for a particular easement. This is where the authority to give us the easement is or isn’t in existence, okay? So if I knew maybe whom this woman was we could bring her in and say, “hey, tell us about this and it was thorough and it was complicated, but I did it and it’s good and I have no doubt”…

Commissioner Dan Saylor: Did she do every one of them?

Morrie Doll: She did.

Commissioner Dan Saylor: Okay

Steve Sherwood: Perhaps I should have Morrie speak with the representative from Lochmueller to get that question answered.

Morrie Doll: I’m sure Lochmueller is a reportable Engineering Firm, they must have firm confidence in Mrs. Woods ability to do the legal research, but that’s who they relied upon to tell them who owns that piece of ground that they need to cross.

Steve Sherwood: She basically did the title research for this parcel

Morrie Doll: She did. I’m not asking to re-do it, but I think somebody should at least read through it to make sure its….before we spend a half a million dollars whether it’s me or it’s Todd or somebody of Warrick County money we need to make sure we are getting what we are paying for.

President Bob Johnson: I would prefer you would look through them given you have time to do so.

Steve Sherwood: The Gentleman who created the document I forwarded he is on that email

Morrie Doll: Yeah, in fact he is waiting to hear back from me. So, there you go. That is all I have to say about that, and it will be a high priority if he could tell me in the open meeting what the time period is here. Is this something you want in the next week to 10 days, two weeks? Where are we at?

Steve Sherwood: I would say within the next two weeks.

Morrie Doll: Okay, I know what I’ll be doing while I’m eating my turkey.

Commissioner Dan Saylor: Councilor, does that need to be put into a motion or just a consensus of the Board?

Morrie Doll: It would be beyond the monthly minimum…

Commissioner Dan Saylor: Yes, I understood that.

Morrie Doll: Yes, please put it in the motion that I read this and in a matter that I am comfortable to ascertain we are getting what we are getting the necessary right-of-way in the temporary permanent easements, because we are not paying for it, we are asking them to donate it.

Commissioner Dan Saylor: Okay, so I make a motion for our Legal Council to look through the document for the Tanglewood Project and make sure all the representations are correct and look out for our best interest for the temporary and permanent road easements. Is that right?

Morrie Doll: Not road easements, drainage easements.

Commissioner Dan Saylor: Drainage Easements.

Commissioner Terry Phillippe: I will second that.

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

Steve Sherwood: Thank you. The next item I have if you recall I’ve asked the Board to authorize me to get a proposal from Wessler to re-do our Storm Water Ordinance and the other new General Permit requirements, they did respond with a proposal. I have asked Morrie to review it he will probably have a few questions, essentially it will be up to $45,000.00 over the next 2-years to do all the requirements, review and revise our ordinances to do new SWPPP, facility plans and update them to IDEM’s approval based upon our last audit and then we are going to add two more properties the new Highway Department prospect yard and then Freidman Park has to be added Joe’s maintenance facility basically because they store fuel and other things, chemicals. This takes care of all the new General Permits stuff that is about to be approved we think we have a handle on everything and it will also create and require our GIS layers maps, reporting forms, and new documents required by IDEM that will be required and then more other items that are cited within the report over the next 2 year period. They will not exceed the $45,000.00 amount, of course without approval or further amendments this is the third amendment we will have with them off of our original contract of 2014. That is essentially what I have asked Morrie to review and Morrie do you have anything to say to the Board at this time?

Morrie Doll: I have looked though this proposal Amendment #1 and we’ve been with Wessler since 2014 this covers the 24 month period of time if you want to know exactly what they are going to look at site wise it is “Q” on the third page of the Wessler….

Steve Sherwood: They don’t have that in front of them, they don’t have the document.

Morrie Doll: Okay, the 4th page has the compensation should be amended as follows: “the estimated cost to provide these services including out of pocket reimbursable is $45,000.00”. Steve and I talked about the fact I’d be happier if this stated for the 2 year period of the contract, it doesn’t say that and I’m worried that could be “well, we meant for that to be an annual fee”

President Bob Johnson: It needs to be defined.

Morrie Doll: Presently, or previously we’re under contract with them in 2021 right now, and that amount…is that an annual amount of $15,000?

Steve Sherwood: Yes, we satisfied that requirement at the end of the last period.

Morrie Doll: So we are going from $15,000 a year to $45,000 for I believe 2 years.

Steve Sherwood: It wasn’t for a $15,000 a year it was $15,000 for whatever terms we agreed for in that amount.

Morrie Doll: Do you know if that was multiple years total?

Steve Sherwood: Yes, it covered more than one about 2 years worth

Morrie Doll: Okay, we are going from $15,000 for 2 year period of time to $45,000 not to exceed $45,000 for a 2 year period of time. Now, in all fairness we are asking for a heck of a lot more of this engineering firm, that’s the tripling of the expense and I get that, but if you had the document in front of you what you would see and I would be happy to shove it down is A-R is all the new things we are asking them to do for Warrick County which by large we are required to do…somebody is required to do that for a MS4 for Warrick County by the State of Indiana.

Steve Sherwood: I have asked the consultant is it a 2 year period and here’s where it says for the services to be completed in 2022-2023.

Morrie Doll: I am sort of Old-School in the sense that I’d rather have where it actually talks about money that it says in the contract that this is for 2022-2023 total. There are great many of very detailed things, they are talking about coming down to Warrick County and holding instructional seminars and things of that sort for our staff, it covers virtually every component in que of Warrick County Government that can possibly contaminate surface water, it talks about educating representatives of the Storm Water Department, Billing Department, Highway Department, Parks Department, Warrick County Soil and Conservation District…I mean the list just goes on and on and on.

Steve Sherwood: These are all new things that are going to be required by the General Permit that’s getting very exhaustive to deal with IDEM and the new regulations.

Morrie Doll: They are going to be doing a site compliance inspection of very specific sites for you in Warrick County including Animal Control, Highway Department, General Location District II, Highway Department State Lot, Highway Department District I, Highway Department District III, Park Maintenance Facility, Parks Department, Freidman Park, Scales Park and Sheriff’s Department would all be specifically inspected to see if we are in violation of State Law.

Commissioner Dan Saylor: Nice.

President Bob Johnson: These trips is where they come down and do the training and all that, does that fall under that $45,000 or is that above and beyond?

Morrie Doll: No, but how do they get to the $45,000? They get to the $45,000 not to exceed by applying the hourly rates of their staff and they describe them by positions and they give us an advance on what their hourly rates are so it depends on upon who is conducting the seminar that is how much the hourly rate is and that goes into the $45,000 bi-annual computation. I may have misspoke, I don’t know if they come down to do the training or if they are going to be doing it by Zoom. It would be more efficient and cost saving to do it by Zoom, but they conduct the seminar to teach our staff, employees, and multiple departments to learn how to not contaminate.

Steve Sherwood: Their previous contracts were all hourly rate, not to exceed the stated figure.

Commissioner Dan Saylor: Steve, where does this money come from?

Steve Sherwood: Out of our Storm Water budget.

Morrie Doll: So, these are dollars we wont spend to fix drains, but we are required to do this by the State of Indiana and the State of Indiana is required to make us do this by the Federal Clean Water Act….

President Bob Johnson: It’s a big deal and you could get in trouble

Morrie Doll: We can be fined.

Steve Sherwood: I’ve been attending these conferences and keeping up with these new General Permit rules and regulations and I try to foreworn those that it is going to be exhaustive and very difficult every year IDEM gets…and they say this is being handed down by Federal Mandates, not just created by the State of Indiana.

Morrie Doll: It is. Richard Nixon signed the Clean Water Act in 1971 that’s where all this originated.

Commissioner Dan Saylor: Steve, how much does your budget go up on an annual basis? The money you receive how much does it go up on an annual basis?

Steve Sherwood: It doesn’t really go up with these annexations we actually lose money and if you recall Council cut our rate 10% a number of years back.

Morrie Doll: Well, this Board initiated that cut

Phil Baxter: It was a trade off

Steve Sherwood: Trade off for raising the wheel tax, but I have a…

Commissioner Dan Saylor: So with the new homes being built you don’t receive a….

Steve Sherwood: I do, it goes up.

Commissioner Dan Saylor: That’s the only way it goes up, we don’t get a cost of living increase so this here as Council mentioned it basically comes out of your budget and we do less now because we got to do more with this money basically.

Morrie Doll: 225 a year or approximately less in maintenance and services to drains. Theoretically, dollar for dollar on trade…

Steve Sherwood: To answer your question, yes, there will be more administrative cost.

Morrie Doll: I don’t know if Steve can tell us or not, Wessler is who we know and who we dealt with and they are obviously compliant.

Steve Sherwood: They do the majority of the work in the State of Indiana as well. Commonwealth Engineering did our original design back in 2006, but Wessler was the low consultant fee demonstrated when we chose to go with them many years ago and they continue to have the best, and most amount of experience and praise from IDEM and working with various Counties.

Morrie Doll: That is worth a lot when we send something to Indianapolis and Wessler has signed off.

President Bob Johnson: Steve, you should remember this and put this in your budget and increase your budget request next year.

Steve Sherwood: I’d like to, but I am continually told by Council to not address anymore additions to my budget. Trying to explain all this to that 7 Board member is like beating my head against the wall.

Commissioner Dan Saylor: I think to Bob’s point, that is a document that you can hold up and say this right here is costing me out of my budget $45,000 more. I think…

Morrie Doll: We have no choice

Commissioner Dan Saylor: We have no choice and I think we put it on them and say Steve, your budget is frozen, we aren’t going to give you anymore money to do your job.

President Bob Johnson: Your asking for $35,000 more.

Steve Sherwood: I would be more than happy to present that to the Council at the appropriate time.

Commissioner Dan Saylor: You know, we’re criticized for not going out here and doing stuff because we have “all this money” we supposedly have because people in Ohio Township thinks all this growth should be putting hundreds and thousands of dollars back and they don’t understand…

President Bob Johnson: Councilor, what do you need us to do with this?

Morrie Doll: Motion to approve. Amendment #1 to the agreement

Commissioner Terry Phillippe: I make a motion to approve the agreement with Wessler Engineering for the $45,000 not to extend over 2 years.

Commissioner Dan Saylor: I just feel like my hands are tied. Second.

Morrie Doll: When you vote on this, recognize that someone on the Board has to sign the contract

Steve Sherwood: I will ask Bob Johnson to sign as the MS4 Coordinator or Operator and then I would ask Morrie to attest it that is what I was told when I asked that very question.

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

Steve Sherwood: Thank you, I will get your signature at the end of the meeting. Next item I have with the Board I want to report the new John Deere mini-excavator the 50G was reported to me by the salesman he has located a new one it should be shipped to their facility within the next 2-3 weeks, however the only item I wont be able to have to attach to it is the hydraulic thumb but it will be in by no later than February and it will be attached of course when it comes in at no charge as part of the sales agreement. The next item I have is the Lincoln Avenue box culvert if you recall the Board allowed the Storm Water Department to purchase this box culvert for the Highway Department and the cost was just under $19,000. I am awaiting the crane time I am expecting it to be built somewhere between $3,000-$4,000 for that and this is in the first curb west of State Highway 161 on Lincoln Trail Road that should be District III and just some photos for you to see how the box culvert installation went, the crew did a very good job Bobby and I supervised the final alignment grades and the road is back open as of the end of the day last Thursday the lanes were closed for those four days, Metzger has already put the asphalt patch over the top of it you can see there was a hydraulic box puller you can see the attachment where it actually pulls the joints together, then you can see the mastic that went between the interior joints and then the mastic wheel that laid over the top of the joints in those photos.

Morrie Doll: Who was the laborer that put that together?

Steve Sherwood: All of District III and a couple of District I people came down with Marlin to assist to pour the concrete mud slab that you see that it is sitting on we poured that the day before that makes the insulation in the box go much smoother you already got the grades set and then when you pull the grates together there is no rock that would get in between the concrete box joints.

Morrie Doll: By doing it in house what do you think that saved the tax payers?

Steve Sherwood: Probably about four times the amount of money we would’ve spent buying the box and the crane service.

Morrie Doll: Good job, and that’s the cooperation between Storm Water and the Highway Department

Steve Sherwood: Correct

Morrie Doll: Which is the way it’s supposed to be done.

Steve Sherwood: Just to report to the Board how that went for the Boards information

Commissioner Dan Saylor: For some reason I didn’t even know that was going on, I probably would’ve shown up on that…probably why it went well

Steve Sherwood: That’s why I wanted the Board to at least see some of the photographs so you could understand…

Morrie Doll: Is there another project like that forthcoming?

Steve Sherwood: Not in the immediate future, but there will be more down the road. The last item I have for the Board is this is called the Blue Water Court Old Hickory Waterfront Project, this is the handout that the three of you have before you and I will give this to Morrie. Essentially there is six lots involved there is a 20-foot wide Drainage and Public Utility Easement 10-foot on either side of the common rear yard lot line, it is heavily encroached and in that there is a 15-inch Storm Water pipe that has been compromised by various activities created by the land owners some of which you can see in the photographs they have driven multiple teeth bar posts through this plastic pipe and they have fence post and fences erecting on and through the pipe itself as well. I finally over a one years time been able to secure six executed temporary right of entry agreements, the question I have before the Board and Legal Council, I can make a contract for a Contractor to do this and not do it with our own crew because it will probably be a lot of controversy with the land owners, but they have been told in the letter and package I sent them that it’s their encroachments in the easement and they may be liable for removing them out of their way in order for us to do the work or I can have a contract drawn up and allow the Contractor to allow them to deal with all such encroachments and keeping us with having to deal with them individually if I had my Storm Water Crew to do all the work. I am really asking the Board A. do we want to do the project? Because it is compromising the existing drainage structure and B. Do we want to do it in-house and have myself create a contract and silicate proposals or rather bids to do the work and have them deal with the land owners and the encroachments.

Commissioner Dan Saylor: You don’t have an idea what this is going to cost Steve?

Steve Sherwood: The pipe itself shouldn’t be such a problem; it’s the 370-feet worth of 15-inch pipe.

Commissioner Dan Saylor: What kind of pipe?

Steve Sherwood: I’d go back with the same type of plastic pipe.

Commissioner Dan Saylor: What is going to prevent a home owner from putting another fence post through it or “T” post?

Steve Sherwood: Hopefully we remove all of their encroachments and they learn from this lesson to not put their (?) back in the easement. As you are referring what is to stop the next home owner that buys the house from doing it.

Commissioner Dan Saylor: How much more would it be to put a concrete or more a pipe that not as easy….

Steve Sherwood: It would be expensive to do it, but we can put back a concrete pipe, that’s not to say I haven’t seen somebody drive a post through a concrete pipe

President Bob Johnson: I’d ask those six home owners which one they prefer to buy

Steve Sherwood: We have been asked by one or two of the owners to create some additional inlets that they have cut into the pipe and created themselves off to the side.

Commissioner Terry Phillippe: If we silicate bids that does not mean we have to accept them.

Commissioner Dan Saylor: I would like to see what it would cost them and it gives me more information on whether we do it in house, I don’t know.

Commissioner Terry Phillippe: That’s what I was thinking.

Steve Sherwood: These are the problems I run into constantly on these Storm Water projects.

Morrie Doll: Can you ask the request for proposal two ways? One is assuming that all the obstructions are removable from the home owner and the other is the Contractor would also be responsible for the removal.

Steve Sherwood: Assuming we are going to go back with a reinforced concrete pipe versus plastic.

Commissioner Dan Saylor: I would like to see that as a bid option

Commissioner Terry Phillippe: What was the length again? 170-something?

Steve Sherwood: 370-feet of pipe from the street inlets to the lake that it discharges to.

Commissioner Dan Saylor: Steve, can that be an option? A bid option?

Steve Sherwood: It can be I will just have to ask the Contractor to prepare the bid both ways.

Morrie Doll: How deep is the pipe?

Steve Sherwood: It has anywhere from 2 to 4-feet cover closer to the lake and 2-feet closer to the west end at Blue Lake Court.

Morrie Doll: Is it possible to pour concrete cap over the plastic pipe under the ground that way it would cover it up? Would that protect it from post intrusion?

Commissioner Dan Saylor: Is that cheaper?

Steve Sherwood: Probably would be cheaper to just lay the concrete pipe, we can case it in concrete.

Morrie Doll: I don’t know if you need to case the sides, it’s the top that was the problem.

Steve Sherwood: We can case the top of the plastic pipe..

President Bob Johnson: Here’s something that I don’t really understand and bare with me a minute, you know, out where I’m at there are a lot of farmers out there, a farmer comes across my road with a disc and tears up the road I make the farmer pay for it. Why cant you do the same thing with this?

Commissioner Dan Saylor: How do you prove who did it?

Steve Sherwood: We can…

President Bob Johnson: Their pole in the middle of the pipe.

Commissioner Dan Saylor: What if they’re not the home owner that put up the fence then what do they do?

Morrie Doll: They own it now

Steve Sherwood: They’re going to say the person before them did that, to Dan’s point.

Commissioner Dan Saylor: I don’t see how you can make the home owner…. I’d fight that…. I don’t know, you’re the Attorney.

Morrie Doll: Well, they cant install these improvements or own them after buying the house from the person prior to them who may have installed them in the right-of-ways

Steve Sherwood: A lot of these issues go back to we did away with people having to get fence permits through the Area Plan Commission because Phil will tell you there were so many permits coming in requests fences in easements coming before this Board, that this Board finally told them to not bring them to us anymore…is that not the case?

Phil Baxter: Yup. We’d have 3 or 4 a meeting and have to go out to every site and make sure…take our drawings, go out there, and make sure they weren’t going in the easements, staying on their property…

Morrie Doll: It was unmanageable

Phil Baxter: Then they would get their permit and do how they wanted it

Morrie Doll: Then put it where they said

Steve Sherwood: When I talk to the fence companies we just say we know there’s an easement there we just make the land owners sign a waiver. The land owners argument is it’s my land and I want to use all of it, but the subdivision plat says on every plat there is a Dedication Certificate says what you can and can not do in these easements. Public Utility or Drainage, but they are supposed to remove their fence when we need to access the easement for maintenance the trouble is they go to extremes and start building landscaping, plants, and other things that can not be easily removed as you see in these photos I try to illustrate all the issues going on and the fence line is built right down the property line which may or may not be over the pipe and other things. I just felt I needed to bring this back to the Board, they are already wanting to know why I haven’t been able to repair the pipe yet…

Morrie Doll: What is the damage?

President Bob Johnson: They tore it up why tell them to wait?

Steve Sherwood: I’ve waited six months alone for the last signature to appear…

President Bob Johnson: To me it’s just ridiculous.

Morrie Doll: How does this impact the drain? I know you cant put posts through pipes…

Steve Sherwood: Water is not ponding in the street yet, but as I explained earlier there is a transformer that fell through into the pipe that we had to go in and Vectren said we had to repair the pipe in that particular area before they could reset the transformer. That is the problem with the combination of Public Utility Easements and Drainage Easements there is no separation, utilities always get in the way when we have to come back to replace a pipe. It’s not a matter of “*if*” we replace the pipe it’s “*when*” we have to replace the pipe, they do not last forever.

Morrie Doll: Do you have a ballpark range with this?

Steve Sherwood: If we were to contract it out and go with a concrete pipe and if the Contractor had to not deal with all the encroachments it was open ground they could probably put it in for $50,000-$60,000. Now, trying to work around everything that’s in the way until the land owner has so many weeks or months to remove everything.

Commissioner Dan Saylor: Steve, do you have this money in your 2021 budget?

Steve Sherwood: I do yet to do this project, but it’s late in the year that we couldn’t bid it out and do it this year.

Commissioner Dan Saylor: Could you encumber it for 2022?

Steve Sherwood: We are going to take what money is left in our project budget and encumber it, I was going to earmark it to the Tanglewood Fuquay any money we had left over because I didn’t have a specific project other than the Fuquay Tanglewood Project at this point.

Commissioner Dan Saylor: What’s the repercussions if this project is kicked down a year or two?

Steve Sherwood: Eventually the pipe will fail and water will pond in Blue Lake Court at the western end of what you see there and the water wont be able to drain away.

Morrie Doll: Vectren or Center Pointe is satisfied?

Steve Sherwood: That has been fixed at this point where the transformer, one of those big green boxes just sank and fell in the top of the pipe. That was interesting because with that one the land owners who had that had a built in pool then he asked us not to do any work during the summer months because he cant enjoy his pool if he is working in his back yard.

Morrie Doll: The one on the corner?

Steve Sherwood: Yup. He has since sold and somebody else moved in.

Morrie Doll: I guess one of the other options for the Board is to table this.

Steve Sherwood: Table it; I just want to bring it up to the Board because at this point I need direction.

President Bob Johnson: Let’s table it.

Commissioner Dan Saylor: If we table it, is it going to hurt your ability to encumber the money?

Steve Sherwood: Yes, I can still pay this out of the 2022 budget and still encumber the 2021 money for the Tanglewood Fuquay.

Commissioner Dan Saylor: I make a motion to table.

Commissioner Terry Phillippe: Second.

President Bob Johnson: All in favor 3-0

Steve Sherwood: That is all the business I have Mr. President thank you, unless you have any questions for me.

President Bob Johnson: Council?

Morrie Doll: Trying to get a trial date for the Pruitt lawsuit over the disaster

Commissioner Dan Saylor: The grass kill?

Morrie Doll: The grass killing king.

Commissioner Dan Saylor: We are going to go to trial over that?

Morrie Doll: Jury trial, we didn’t ask for the jury.

Commissioner Dan Saylor: Can Commissioners be there?

Morrie Doll: Sure you can, you have every right to be present.

Commissioner Dan Saylor: Will you let the Commissioners know when that happens?

Morrie Doll: I will, we have to move it one way or another lets just look him in they eye and say “try it”

Steve Sherwood: I’ve sent Morrie photos from the last few months, he keeps mowing it down to the ground in just the right-of-way area because his yard next it is just a few inches of grass and they keep scalping this trying to kill it.

Commissioner Dan Saylor: Can that be used?

Morrie Doll: We are going to use all the photos, particularly where he parqueted it or Round-Up it.

**MOTION TO ADJOURN:**

Commissioner Terry Phillippe: Motion to adjourn.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor 3-0