**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**November 26, 2018**

10:00AM

Old Historic Courthouse

107 W. Locust St. Suite 303

Boonville, In 47601

812-897-6170

The Warrick County Drainage Board and Department of Storm Water met in regular session with Bob Johnson, President; Dan Saylor, Vice President; Marlin Weisheit, Secretary; Phillip H. Baxter, Surveyor; Steve Sherwood, Director of Storm Water; Morrie Doll, Attorney; Kim Lutton, and Jennifer Curry Recording Secretary.

Present in the audience was Joe Grassman, Donnie Denton.

**PLEDGE OF ALLEGIANCE:**

President Johnson opened the meeting of November 26, 2018 with the Pledge of Allegiance.

**APPROVAL OF MINUTES:**

President Johnson: First up we have approval of minutes for November 13, 2018.

Commissioner Dan Saylor: Motion to approve

Commissioner Marlin Weisheit: Second

President Johnson: All in favor? 3-0

Steve Sherwood: Bellveue subdivision, drainage approval Mr. Donnie Denton.

Donnie Denton: Hello guys, this ditch has been a bone of contention for everybody here and the neighbor on lot 59 is now complaining about the ditch being, he cant get across it to mow. So, I remember last time I was in here I told you guys we’d have that done before the next meeting, well the excavator we had out there did not have a tilt bucket so we had to get our guy to do it, John Busch (sp?), long story short his broke down we finally rented one to get it done. And now the owner is complaining about not being able to get across the ditch, so we are asking permission to put a 12 inch culvert at a .065 grade in covering that ditch back in now going into the lake.

Morrie Doll: The whole ditch, or just the passage culvert

Donnie Denton: Well, its draining lot 57 and 59 is heading from North to South is the two lots that is draining, so we would basically put an inlet on Bell Rd, on the West side of Bell Rd and then dump it into the lake and let it, you know run it until it starts to fall off and then stop the pipe. But, we had our engineers check the length and their thinking 12 inch is big enough to carry that amount of water no problem.

Morrie Doll: It would take a modification, an approval of modification, from drainage plan.

Steve Sherwood: I have an existing drainage plan for the subdivision so if what Morrie is correct, you just need to submit the drawing or drawings and drainage calculations to support the pipe size to show the limited water shed that drains into there .My comment would be probably the minimum pipe size due to the amount of debris and stuff that comes out of that ditch probably looking at about 12 to 15 instead of a 12 inch so it’s a little larger so it doesn’t block. Depending on the length of the design.

Morrie Doll: How deep is this ditch, the ditch is there today.

Donnie Denton: Yeah its, I’m going to guess 2 ½ feet to get the amount of fall we needed.

Steve Sherwood: Is your current engineer Cash Wagner?

Donnie Denton :Yes, Cash Wagner.

Steve Sherwood: They’ve done the last mound work on the subdivision that I recall, but they want to modify the drainage plan just submit the appropriate sketches and calculations back to Phil’s office, Phil and I will review it and bring it back for the board for approval. Then they can get the modification approved and get the ditch enclosed.

Morrie Doll: So you could table the request today, submit paperwork and then it can be active to public the next meeting if we get it that quickly, get it to Cash Wagner.

Steve Sherwood: Donnie what is length of the pipe you are wanting to install.

Donnie Denton: Yeah this is a total guess on my part but I would think its 25-30 feet long and we had our engineers Glenn Merritt do the calculations on the length and that’s where he came up with the 12 inch because it helps the longer the pipe is..

Steve Sherwood: So, basically you want to start it in the ditch in the right of way and still leave an open ditch just so this guy can cross from one side to the other?

Donnie Denton: No, were closing the whole ditch Steve.

Steve Sherwood: Well, then I think it would be longer than 25-30 feet if you want to close it all the way from the ditch to the waters edge.

Donnie Denton: Well, the dam actually we have retention in there we’re going to let it run down you know where it starts to slope.

Steve Sherwood: Well, just your plans will show for clarification.

Donnie Denton: Yeah it will, I mean I was just guessing guys I didn’t know.

Morrie Doll: I don’t have a problem with it, ill make a motion to table so they can get it approved.

Commissioner Dan Saylor: Second.

Morrie Doll: Get it to Phil’s office

President Bob Johnson : Yes get all to Phil’s office. All in favor? 3-0

Donnie Denton: Okay, thank you gentleman, take care.

President Bob Johnson: Claims, there’s claims in here somewhere.

Donnie Denton: Sorry guys, do you want me to do the 15 inch the drawing?

Steve Sherwood: I would recommend the 15 inch over 12 we’re trying to get away from 12 just because in that area, it’s got brush it tends to accumulate with the trash, leaves, grass other things especially the shallow slope you mentioned of the 0.6% roughly, If Glenn Marrot has any questions just have him call Phil or my office.

Donnie Denton: Okay

Steve Sherwood: But for that short of pipe I would for that short of pipe I would recommend 15 inch over 12 just so it doesn’t clog, its easier to maintain.

Donnie Denton: That’s how I’m going to have it drawn out.

Steve Sherwood: Thanks

Donnie Denton: Thanks guys.

**Claims:**

Commissioner Dan Saylor: I make the motion to go to claims.

Commissioner Marlin Weisheit: Second

President Bob Johnson: All in favor? 3-0

President Bob Johnson: So, back to the claims. Phil do you have anything?

Phil Baxter: Gentleman in the back?

President Bob Johnson: Sir, do you have anything to…

Gentleman: Oh, no I’m here for the commissioners meeting.

President Bob Johnson: Joe, anything?

Joe Grassman: Stormwater?

**Halston Manor Update**

Steve Sullivan: Just on the drainage board we are still waiting for any possible work to occur in Halston Manor, my trip out there last week still shows that they hadn’t done anything on the outward structure at Halston so, the clocks running. They said November, December just wanted to report to the board that there’s been no action to date to my knowledge.

Morrie Doll: Anything else from drainage? It’s onto you Mr. Sherwood

Steve Sherwood: Thank you Mr. President.

**DEPARTMENT OF STORMWATER**

Steve Sherwood: Under stormwater department, last meeting we tabled any action on the drainage issue on lot 19 Whispering Hills do you recall we discussed 120 lineal feet of 36 inch reinforced concrete pipe was installed per the original drainage plans of Whispering Hills subdivision back in the late 70s somebody modified and added 50 feet of the lesser size pipe on the upstream end of that, we said we would table it so I could discuss the issue with Morrie, Morrie is here today I just wanted to have Morrie have some input on the situation see where we can head further with this.

Morrie Doll: Steve and I have reviewed the facts on this issue this is a easement in a platted subdivision which contains standard caveat customarily used in Warrick County that makes all maintenance the requirement of the property owners in that addition. I as the board has previously voiced its apposed to general use to public funds to fix private property problems. This would be in my opinion a bad thing to do in this case for us to go in and assume responsibility because its not just removing the blockage in the traditional sense of the word its not that is sulted up, its trees there’s a buried, 50 foot long 24 inch section drainage pipe that is over the top of you head deep in the ground in a very narrow passageway between two homes, the liability risk are unknown if we go in there and start ripping this up, plus the approved drainage plan had it as an open ditch. So what do we do if we do take out the 24 inch pipe do we leave it an open ditch that’s 8 feet deep between the two homes? I don’t think anybody is going to like that solution to the problem. If we get into it, and you decide you want to remedy the problem then do we go in, dig up the 12…8 feet of top soil remove the 24 inch pipe that’s in place to be replaced with a 36 inch pipe with an injunction box because the elbow of sorts in the drain. If we are all doing this in a neighborhood we have no public responsibility to do anything there is a drainage issue there but its been manmade by someone of an unknown date and time where they jumped in contrary to the approved drainage plans buried 50 feet, 24 inch pipe so I mean I think it’s a slippery slope we do this how we turned the next private property owner down when they come to us with a similar issue.

Commissioner Marlin Weisheit: Steve, what’s the nearest street for this?

Steve Sherwood: This is called Greensboro Drive, just near the intersection of Westchester Dr and Whispering Hills subdivision off of first Rd 66.

Morrie Doll: We have done joint projects, thinking of the project we did with a real steep drain of a project that Chris Combs had done many years ago, we buried, either we bought the pipe that they buried or we buried it and they bought the pipe I think it was the ladder. I’m trying to remember the name of the subdivision, we have done joint projects before but I think it’s a dangerous present if we assume full responsibility for it, and I think we have a real liability risks here, we have to dig it up between these houses. Ill be happy to answer any other questions, but I concur, I think Steve and I are on the same page about this particular question.

Steve Sherwood: Yes.

President Bob Johnson: Any questions? So at this point…

Morrie Doll: No Action,

President Bob Johnson: No action is that what you are recommending?

Steve Sherwood: Without committing, public funds to that which Morrie and I agree is not the proper action.

Morrie Doll: Perhaps if we come back and want to do a joint project something of that sort then maybe can talk about it again, Steve has written to them on the 15th of November and informed them that this would be the position he would recommend, I concur with his recommendation. So we would both recommend no action at this point if they want to come back propose a joint project we can see what you think then. Its still, if we do the installation it still appears to be a risky venture because its close proximity of the homes.

Commissioner Dan Saylor: So as, If we do it in a joint project, we will still be assuming some of that risk.

Morrie Doll: We do, whoever does the installation part is assuming the risk whoever buys the pipe is not, their just spending money to buy 50 feet of 36 inch pipe.

Commissioner Marlin Weisheit: But we would expect waivers to be signed by all the joining parties?

All: Yes

Morrie Doll: But you cant wait what you don’t know.

Steve Sherwood: As Morrie described its not just simply removing 50 feet and adding 50 feet of proper size, there is a turn at that location so the junction chamber with a proper size and type will have to be installed, and say its 10 feet deep

Commissioner Marlin Weisheit: And who is going to maintain it after its done?

Steve Sherwood: That would take amendment again to the drainage plan which we just finished discussion on Bellvue.

Morrie Doll: If there’s a waiver of liability in process of making this change, we’d also want them to assume future maintenance, specifically in the waiver.

Steve Sherwood: And one land owner knows nothing about this and the other owns it but rents the property, he’s the one who’s been complaining to me about him having to maintain the debris that collects which he says its eroding away his property. Thus, leading in the investigation, the problem is there’s 50 feet of pipe added on illegally at a lesser size to the pipe that is on the approved plan crossing onto Greensboro Drive that’s just a complication of many errors to get it to this point.

Morrie Doll: And to further complication, is he’s an absentee landlord, he’s not a local person who can come to a meeting and address us with proposals he’s out of state. So its not easy to communicate. I still recommend no action at this time.

Commissioner Marlin Weisheit : Do we need to motion on that?

Morrie Doll: I think no action is no action I don’t believe we need a motion, I think we’re about done addressing it.

Commissioner Marlin Weisheit: I’m in favor of not doing anything at this time. Id say we’d need a proposal to consider.

President Bob Johnson: You okay with that Dan?

Commissioner Dan Saylor: I’m okay with that.

President Bob Johnson: So am I, No further action.

**FREEMAN PARK/ PET DEPOSIT STATIONS**

Steve Sherwood: Thank you gentleman, next item I have for the board is if you will recall previously we supplied 6 pet poop stations for freeman park the manager would like some additional ones before you I have a quote for 12 additional stations which he said he can get erected and put out throughout the development at appropriate locations for the pets to properly dispose of their byproduct $1,735.68 plus that includes the significant refill of baggies for him to maintain these pet poop stations. If we’re recommending we go ahead and do that if the board so approves its consistent with our policies providing public education another such items, especially for the Parks Department where it could be a benefit to the public.

Commissioner Dan Saylor: Steve, do you have money in your budget to do this, is it in your 2018 dollars, or?

Steve Sherwood: This is this years dollars, yes we have money in our current budget to support this.

Morrie Doll: Who buys the bags in the future?

Steve Sherwood: That would become the Parks Department’s responsibility and he’s okay with that.

Commissioner Marlin Weisheit: I make the motion to approve.

Commissioner Dan Saylor: Second

President Bob Johnson: All in favor? 4-0

Steve Sherwood: Thank you gentleman, Joe do you have anything for the board?

Joe Grassman : I do not

Steve Sherwood: That’s all the business I have gentleman, unless you have any questions for me.

Morrie Doll: No sir

Commissioner Dan Saylor: I make the motion to adjourn.

Commissioner Marlin Weisheit: Second

President Bob Johnson: All in favor 4-0