**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**November 9, 2020**

Regular Session

Old Historic Courthouse

107 W. Locust St. Suite 303

Boonville, In 47601

812-897-6170

The Warrick County Drainage Board and Department of Storm Water met in regular session with Bob Johnson, President; Dan Saylor, Vice President; Terry Phillippe, Secretary; Phil Baxter, Surveyor; Jason Baxter, Deputy Surveyor; Jennifer Curry, Recording Secretary.

Morrie Doll, Attorney-Not in attendance

Present in the audience: Joe Grassman, Jeramy Elrod, Lyle Mehringer, Jim Morley, Jr., Glen Meritt

**PLEDGE OF ALLEGIANCE:**

President Johnson opened the meeting of November 9, 2020 with the Pledge of Allegiance.

**APPROVAL OF MINUTES**

President Bob Johnson: First up we have approval of minutes for October 26, 2020, did everyone get an opportunity to read?

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

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor. 3-0

**LYLE MEHRINGER-THREE I DESIGN- GATEWAY SUBDIVISION-NEWBURGH, IN 47630**

President Bob Johnson: First up we have Lyle Mehringer with Three I Design, Gateway Subdivision. Please come up and state your name.

Lyle Mehringer: Lyle Mehringer, Three I Design.

Phil Baxter: If you all remember, two or three moths ago this came before us and they wanted to lay some pipe for drainage for this building, it is at Gateway, we gave them permission to go ahead and start the construction part of it, just for the pipe. This is just formally to bring it before the Board to approve the drainage part. We actually approved the drainage before; this is just formality to go ahead.

Steve Sherwood: If you recall we had an emergency meeting on March 23rd, it was all conference call, and I think they technically it was approved to move forward, but there was no real vote and the APC wanted us to bring it back up for the record just to get it in to have a motion for drainage approval so they can act on the rest of the matter following drainage. Is that accurate Lyle?

Lyle Mehringer: To be honest, I’m not really sure what happened. We were given drainage approval back in March…

Steve Sherwood: March 23rd.

Lyle Mehringer: APC and the others involved that it go before the Board again.

Steve Sherwood: The trouble was we just took notes from that meeting because we were all on different conference calls because of COVID and there were no minutes recorded.

Commissioner Dan Saylor: So, this is more a formality then? So, you are good with it?

Steve Sherwood: Yes.

Commissioner Dan Saylor: I make a motion to approve the Gateway Subdivision with Three I Design by Lyle Mehringer and his group.

Commissioner Terry Phillippe: Second.

President Bob Johnson: All in favor 3-0

Lyle Mehringer: So, with this approval can we start to lay storm pipe?

Phil Baxter: Yes.

Lyle Mehringer: Okay, thank you.

**JERAMY ELROD-MORLEY & ASSOCIATES-HIGH POINTE VILLAGE PUD-NEWBURGH, IN 47630**

President Bob Johnson: Next, we have Jeramy Elrod with Morley & Associates, two items on our list.

Jeramy Elrod: Hey Guys, Good Afternoon how are we?

Commissioner Dan Saylor: Good.

Jeramy Elrod: Which one is first? High Pointe Village?

President Bob Johnson: High Pointe.

Jeramy Elrod: So, for High Pointe Village PUD, this is a townhouse project, PUD project on High Pointe Drive, which obviously we need drainage approval of, those plans were filed and plans were pretty straight forward drainage plan for the Replat of the three (3) existing commercial lots, we are using an existing lake that is south of the project, that is also oversized for this development. Maybe a month or two ago we came before Drainage Board and actually vacated a drainage easement that ran catawampus through the lots, that was planned for future but that never got installed and so, I am here to answer any questions on the drainage plan if you guys have any?

Steve Sherwood: Technically, what are the lot numbers of this lot?

Jeramy Elrod: It is 13, 14, and 15…

Steve Sherwood: In Bellmoore Landing?

Jeramy Elrod: Yes.

Steve Sherwood: So, basically it is approved as a larger development. When all of Bellmoore Landing was approved the drainage was part of that package, so he is developing these three lots and the numbers look good for the piping and the calculations he is projecting. The question is, it gets rezoned at 6 o’clock tonight and I didn’t know if the Board did consider approval if it should be subject to the property being rezoned. The only problem you will probably hear from Bobby Howard on the street plans is that he had an issue with the right-of-ways being designed at the 33-feet and Bobby says that the subdivision control ordinance shows 40 at a minimum, but this is a PUD and plan to be private. The main drain is underneath the edge of the street or underneath the curb and gutter for most of this drainage and I think Bobby will address that at the 4 o’clock meeting I just needed the Board to hear that, Phil, I don’t know if you have anything else to add to that.

Phil Baxter: No, I agree the pipe and everything looks good.

Jeramy Elrod: Steve is right about all that, I think Bobby wasn’t too crazy about the 33 and we got that resolved with both Bobby and also worked with Planning Commission to do a private out lot and the street with be private, the drainage facilities will remain private and instead of a right of way we will put drainage easements on all the pipes and it is a Replat of existing commercial lots, it had previously approved drainage plans we are just adding some new internal pipe network.

Steve Sherwood: I think Bobby’s concern was if this ever wanted to be put back as a public maintained street, certain parameters need to be met, but in lue to that I believe they want private easements and the ingress egress as to oppose to an approved right of way. So you are not acting on the right of way part, or the easement part, you are acting on the drainage at this meeting, Bobby may have more information at 4 o’clock.

President Bob Johnson: Okay.

Commissioner Dan Saylor: Well, the only question I have on these PUDs do we have the ability to enforce them to keep the road up to a certain standard? I am getting calls right now with the road around Wendy’s and that motor sports place there…

Steve Sherwood: Federal Drive

Commissioner Dan Saylor: Federal Drive. So, that is a PUD right?

Steve Sherwood: It is a private street; it is not a right of way, correct.

Commissioner Dan Saylor: I am getting hammered that we can’t keep up, or maintain our roads in the simplest, there is a chuckhole there about 3-foot by a foot deep by about 2-feet…

Steve Sherwood: The answer to that is that it is not our road to maintain.

Jeramy Elrod: Now, we do have to as part of this PUD, maybe not on some others, we have to fill out a Certificate of Compliance which certifies that the engineers…

Commissioner Dan Saylor:…built to standards…

Jeramy Elrod: Right, we also have to post bonds, the ongoing maintenance…

Commissioner Dan Saylor: Yeah, what about the ongoing maintenance, that is my question, maybe it is not for here, maybe it is for later conversation but that is something that I would like to have in our Subdivision Ordinance, right, because I mean what recourse do we have to get that fixed?

Steve Sherwood: Right, I mean as you say it is built probably correct to begin with, but after 20-40 years who’s responsibility is it and I don’t know what the Covidence and Restriction address that or the…

Jeramy Elrod: The way this plat is arranged in lue of the right of way it is going to be done as an outlot with private ingress, egress and so in those covenants, I mean, because someone has to maintain those roads, I’m sure it is addressed somewhere, it would be in those Covenants and Restrictions in that community, whether they act on it and call you, I don’t know because we all know how that works.

President Bob Johnson: Okay, so I guess what we are looking for here is an approval of the drainage plans in lue of looking forward to getting approval with this to APC, is that right?

Jeramy Elrod: Yeah, I mean, I am here for drainage approval for the High Pointe Village PUD plan subdivision, I think what Steve was saying was it being approved subject to the rezoning being approved or recommended for approval this afternoon at Planning Commission.

Steve Sherwood: Correct.

Commissioner Terry Phillippe: I make a motion to approve subject to later approval at this evenings meeting.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor 3-0. Jeramy, you also have Lot 29 Interstate Office Park

**JERAMY ELROD- MORLEY & ASSOCIATES—LOT 29 INTERSTATE OFFICE PARK, NEWBURGH, IN 47630**

Jeramy Elrod: Yes, Sir. I have a couple pictures on this one.

Steve Sherwood: While he is handing that out, this is basically the northwest corner lot, Jim and the Interstate Northern most, it is along the Vanderburgh County line adjacent to Warrick south of Lincoln Avenue.

Jeramy Elrod: Correct, we are here tonight to request a legal drain relaxation from the standard 75-feet down to 50-feet as Steve mentioned this is the lot that is there at Lincoln and Rose Bud on the aerial image, if you go to the last page on what I handed out you will see the site plan that is in the works, 75-foot really kind of hurts that lot at the development standpoint so we are asking relaxation to 50-feet, the property owner has also signed the Hold Harmless for the pavement that is in the remaining 50-feet we got that paperwork to Phil and everything was in order.

Steve Sherwood: This condition has been allowed to have south of their lawn of some other lots in this development correct?

Jason Baxter: Yes, all the lots actually and up to 25-feet, so this is actually better.

Steve Sherwood: Just to bring you Gentleman up to speed on Howard-Williams, it does begin to come out of Colonial Hills under I-69 then comes though of this Industrial Park and then along the common and rear end of the Warrick County line, then it goes under the twin pipes, back along the north western side of deaconess and crosses the Lloyd to Stahl Road then Oak Grove Road to Epworth Road…same ditch.

Jason Baxter: Right.

Commissioner Dan Saylor: So, Phil, Steve do you have a problem with thus? Does that create any issues for you to get in there to maintain it and work on it or anything?

Phil Baxter: No, and Steve mentioned, that is pretty well standard through there, besides that it is going to be parking lot pavement, the Hold Harmless covers it if we need it. So, we are good with it.

Commissioner Dan Saylor: Okay, I make a motion to approve the legal drain relaxation of the Lot 29 Interstate Office Park in Newburgh, Indiana

Commissioner Terry Phillippe: Second.

President Bob Johnson: All in favor 3-0

Jeramy Elrod: Thank you.

**GLEN MERITT-CASH WAGNER & ASSOCIATES-SR 66 COMMERCIAL—SR 66 NEWBURGH, IN 47630**

President Bob Johnson: Glen Meritt with Cash Wagner & Associates; SR 66 Commercial.

Glen Meritt: Glen Meritt with Cash Wagner, SR 66 Commercial John Mattingly has a development there, there is an existing pole barn building on that site, he is looking to build four (4) new pole barn buildings, he bought some additional property to the south and to the east he is not ready to develop those yet, but this detention basin that has been submitted before you to get this approval will be part of that property to the south drain to that. We went to site review a month and a half, two months ago, I submitted it to INDOT, got their approval, there is actually another basin south and I got approval from INDOT to construct both of those basins and discharge to INDOT right of way there by SR 66.

Steve Sherwood: The road that you are going to construct will also access off of SR 66, the entrance will be approved with INDOT, and the roadway will be private in nature.

Glen Meritt: Correct, and that has already been done in nature, the INDOT permit we have had it for a month.

Steve Sherwood: Are you Gentleman familiar with where this is at? This is the Monty Williams property, I believe John bought it, that northern portion, north of Wildwood Drive coming in off of 66 and as Glen said it has one existing building and Mattingly’s master plan is to create three (3) buildings total on either side of the proposed roadway that has yet to be constructed.

Glen Meritt: Well, there is five (5) total buildings, there is going to be four (4) new ones.

Commissioner Dan Saylor: Are these storage buildings right here Glen? These here?

\**Glen and Commissioners speaking away from mic-cannot dictate*\*

Commissioner Dan Saylor: This is the subdivision here?

Glen Meritt: This is an existing subdivision here, Wildwood is to the south, he is not going to do a subdivision, I believe his plan is to do like townhome type…it is still in the works.

Steve Sherwood: The road will be a ride in ride out only because o the median, it keeps from connecting to the other side of 66.

President Bob Johnson: Mr. Baxter, do you have any issues?

Phil Baxter: No, we’re good with it.

Commissioner Terry Phillippe: I make a motion to approve SR 66 Commercial.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor. 3-0.

 **GLEN MERITT-CASH WAGNER & ASSOCIATES- STRATMAN-JOHNSON PUD- CHANDLER, IN 47610**

President Bob Johnson: Next, Glen you have Stratman-Johnson PUD.

Glen Meritt: This development, we requested no drainage improvements I believe this come before either the Drainage Board or Commissioners several months ago. Stratman owns a couple hundred acres up north, close to Bluegrass, couldn’t think of it…but anyways, when they were drawing up the plat, the majority of the plat is been platting boundary work on the survey side of it, there is an existing road that has been through this property they have used to access for years there is an existing house back there and some other pole barn building. Johnson also owns several hundred acres that accesses this road and they started combing properties, it ended up being like 600-acres which is part of this plat, but is basically just utilizing that existing road that is going to remain in “\_\_\_ Road” it is a gated road right now, it will continue to be gated and will just being platting 19 lots out there, but its again 600-acres the it will be good sized. We are requesting no drainage improvements on this particular development.

Steve Sherwood: No change in the existing drainage obviously, I believe the road way was an old coal mine road, as Glen said it is over 600-acres and originally we were just going to divide it with handful of lots, but to get their bang for their buck they are going to divide it into 19 lots.

Glen Meritt: That’s what I understand.

Steve Sherwood: To place this in everyone’s mind it is Asbury Cemetery Road, about half mile plus north of Heim Road on the east side of the road.

President Bob Johnson: Okay.

Phil Baxter: The lots are all several acres, I recommend approval.

Commissioner Terry Phillippe: We are accepting it as is correct?

Glen Meritt: The whole reason they started it, I guess Stratman’s boy has a house out there and he is wanting to build a house out there, it got so involved that it started to join the extra property and basically build one house out there right now, assuming more will come at a certain point, the whole goal is to build a house out there.

Commissioner Terry Phillippe: I make a motion to approve.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor. 3-0

Glen Meritt: Thank you very much.

President Bob Johnson: Thank you, Glen.

**CLAIMS**

President Bob Johnson: Claims, we have (3) three for a total of $6,499.15

Commissioner Dan Saylor: So, Jason, these claims the Auditor seems to be dinging you on, or turning them down and I don’t understand why, don’t you get bids for these?

Jason Baxter: No, I have gotten bids for them in the past, this particular one with Tom Naas with the bush hog, he has been doing work for us for six years now, it’s the same he does it once a year for us, and does a fine job with it.

President Bob Johnson: Do you have a contract for that?

Jason Baxter: Yeah I will have one, yes.

President Bob Johnson: Turn it in with it.

Phil Baxter: It’s right there at Gateway and I-69.

Steve Sherwood: The part of Howard-Williams that was spoke of previously at this meeting.

President Bob Johnson: I just know I have seen a lot of email flying back and forth. So, do I have an approval for the claims?

Commissioner Dan Saylor: Sole move.

Commissioner Terry Phillippe: Second.

President Bob Johnson: All in favor. 3-0

**OTHER BUSINESS:**

President Bob Johnson: Okay, other business we have bid openings so, Mr. Grassman.

Jason Baxter: I will explain this, we have bid openings on Broshears Ditch, it is a little bit of grinding and ditch restoration basically dipping out roughly ¾ of a mile of ditch on the east side of the Epworth Road and there was four (4) bids that were sent out, we had three (3) come to the pre-bid, two (2) of the bids that were sent out have neglected to give out a bid and they sent out a curtesy letter saying they were too busy, or whatever, what Joe is going to do is basically there is two (2) sealed bids, one from Tom Naas and one from Jerry Aigner, he will open those and see where it goes.

Joe Grassman: Joe Grassman, Purchasing Manager. First bid is from Tom Naas Homes; Broshears Ditch Restoration it looks like it is one page, the dollar amount of $9,950.00 even. Second bid is from Jerry Aigner Construction, again just the one page document the bid proposal amount s $14,850.00.

President Bob Johnson: So, do we take this under advisement until Jason verifies it is all criteria is matched?

Jason Baxter: They were both at the pre-bid; we discussed what we needed and what needed to be done.

Commissioner Dan Saylor: We can award it being as you guys, the language, I mean, what they submitted.

Jason Baxter: Yes, Sir.

Commissioner Dan Saylor: I make a motion to award the lowest bidder to Tom Naas Homes for $9,950.00 as long as it meets all the criteria approved.

Commissioner Terry Phillippe: I second Dan’s motion.

President Bob Johnson: All in favor 3-0

***\*Broshear’s Ditch Restoration Project\****

*-Tom Naas Homes---$9,950.00—Awarded 3-0*

*-Jerry Aigner---$14,850.00*

President Bob Johnson: Anything else for Drainage Board? Mr. Sherwood.

**STORM WATER DEPARTMENT**

Steve Sherwood: Thank you Mr. President, first item I have to report on is the status of the three (3) Old Hickory Estates Projects being done by JBI Construction, project #1 still has some dirt work grading, seeding, and strawed to be in the road right of way, that should be completed sometime this week. The second and third in Old Hickory Estates projects are completed. Next item I have to report on is the 2166 Lakes Edge Drive, first item regarding the pipe lining has been completed by Insituform, I do have an invoice in the amount of $68,675.00 which is the exact amount that was bid for the pipe lining project, they have supplied a video tape. I do have some snapshots of the pipe lining improvement. I have went through it, and it has met the bid specifications, it is lined and I have no imperfections in the pipe lining I recommended we approve their invoice and pay them as a completed project.

Commissioner Dan Saylor: So, Steve you have looked at them and you are satisfied?

Steve Sherwood: Yes, I believe they met intent of their bid specifications.

Commissioner Dan Saylor: I make a motion to approve the invoice for Lakes Edge project for $68,675.00

Commissioner Terry Phillippe: I will second the motion.

President Bob Johnson: All in favor 3-0

Steve Sherwood: The other part of that as I address on the other side of the street, I have been asked about the AT&T restoration of the pipe leading to this pipe, I have been informed that Ragle Construction did repair the damaged section of the pipe late last week. I have been asked for some photo documentation, as soon as I get the video documentation from Ragle I will instruct Sam to video tape the interior of the pipe to make sure it was done 100% correctly, this is no cost to us, we are trying to get AT&T to do a repair that is long overdue. I think you all are aware of the struggle it has been to get to this point. That is all I have for the Board, unless someone has something for me?

Phil Baxter: I have one thing to bring up on the bids on that project, I don’t know if you have read it or not specs last week on the final page we put in there after the dipping, if it is too wet to spread we will pay 70% of the project and hold 30% until it is completed until the dressing of it, or whatever. That way the contractor doesn’t have to wait.

President Bob Johnson: Makes sense.

Steve Sherwood: I would like to report to the Board that the Surveyor’s Office and Storm Water has been working together on several Legal Drain projects, with the County Surveyor the ditch behind Schnucks, I believe that is called the Edwards Ditch Extension we have done a lot of work on that, they are spraying that, and we have also worked on I believe Springle Ditch south of SR 66 along the west side of Rabbit Run, they have been able to secure permission of TROE from the property owners on the west side of the ditch and we have been and to do a lot of cleaning and removing brush, restoring positive drainage on to the INDOT structure I know Jason has contacted INDOT to do some work on their structure along SR 66, so we continue to work with them as they present themselves and we can help them whenever possible.

Phil Baxter: We appreciate the help

President Bob Johnson: I wish more offices would work together in the County

Commissioner Dan Saylor: Steve, I have a question for you guys when you are securing right of entries for these particular ditches, is that just for that individual project or are those indefinite? Can those be indefinite so we don’t have to do them down the road?

Steve Sherwood: Yeah, we do those as events specific requirements, it’s not a lifelong let us get in there. According to Morrie we need to contact them and give them notification and their cooperation to allow us to get on their land.

President Bob Johnson: So it has a date limitation to it

Steve Sherwood: As Commissioner Saylor is aware we have some subdivisions drainage easements as you are aware of what we call Mansville #1 which is a western, north, south ditch, we are attempting to secure permissions for Mansville #2, the next north eastern, north south ditch, and Mansville #3 the third ditch, east in there north south ditch, and Mansville #4 that comes out along Lincoln Avenue to that part east of the endurance back towards Epworth Road to try and get that opened up. We are still waiting to get the various TROE to get into Section 2-4, but we are working to get that done. We have not moved in on Colonial Hills, which private property owners have all the TROEs for us, and we will be moving in on that soon.

Jason Baxter: Back to the TROEs, the Tanglewood that we have right now we kind of realize that there is residents that have moved, changed ownership during this time so they are getting these notices and throwing them away, saying let somebody else take care of it, they do not inform us on that, I have learned this from a neighbor of somebody.

Commissioner Dan Saylor: So, where are you getting your information from? A property card?

Jason Baxter: Yeah, that’s where we send it out to, but we sent out 2nd, another one and follow up letter of sorts.

Commissioner Dan Saylor: So, you aren’t getting responses?

Jason Baxter: No, not getting anything and that is…

Steve Sherwood: That is not uncommon; I am on second and third notices for Mansfield that we just discussed.

Commissioner Dan Saylor: Can you change the verbiage on there, I don’t know, demanding a response?

Jason Baxter: If they don’t care, then they don’t care is my thought.

Steve Sherwood: On Jason’s case with Tanglewood we are dealing with a Legal Drain, not just a drainage easement that technically is a Legal Drain with that section of Tanglewood. So, for our Legal Council, I think at some point he can advise them, you served due notice, and he can probably access it, but he will need to be here to tell you that, since it is a Legal Drain and not just a dedicated easement in a subdivision.

Commissioner Dan Saylor: Those houses in that ditch have flooded again since our last meeting, I got pictures and the house on the corner of Pleasant Ridge flooded again I got an email from them…so, thank you Commissioner Johnson.

President Bob Johnson: Is that all? Motion?

**MOTION TO ADJOURN**

Commissioner Terry Phillippe: I make a motion to adjourn.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor. 3-0