**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**December 28, 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, Morrie Doll, Attorney; Jason Baxter, Deputy Surveyor; Jennifer Curry, Recording Secretary.

Present in the audience: Joe Grassman, Nick Will, and Brian Litherland

**PLEDGE OF ALLEGIANCE:**

Commissioner Dan Saylor opened the meeting of December 28, 2020 with the Pledge of Allegiance.

**APPROVAL OF MINUTES**

President Bob Johnson: First up we have the approval of minutes for the December 14, 2020 meeting; I will abstain since I was not here.

Commissioner Dan Saylor: I make a motion to approve the minutes.

Commissioner Terry Phillippe: Second.

President Bob Johnson: All in favor. 3-0

**BID OPENING-HOWARD WILLIAMS/BROSHEARS DITCH**

President Bob Johnson: Then we have a bid opening for Howard Williams Broshears Ditch, grading and restoration.

Morrie Doll: We have a very nice note from Jay Ubelhor, who I thought it should be noted in the minutes, he indicated that unfortunate at this time his current work load and vacation schedules precludes them from being able to bid on the project, but he looks forward to being included on future projects. I thought that was nice he didn’t bid on something he might not be able to complete. First sealed bid is from Jerry Aigner, it’s not timed stamped, but I presume all of these were received by the bid deadline?

Jason Baxter: Yes, Sir.

Morrie Doll: Flat fee bid for grading and ditch restoration for Howard Williams Broshears ditch December 2020 bid proposal for $48,850.00. Second bid I have is from Ground Control Excavating Inc., properly addressed to the Surveyor’s Office identifying the project, the bid from them is a flat bid as well, and describes the work to be done for $26,750.00. The third and final bid is from Tom Naas Homes and it is properly addressed intention for to todays bid opening, likewise is a flat proposal for $23,850.00.

Steve Sherwood: One question if I may, Jason, was there a pre-bid meeting? If so, were they all in attendance?

Jason Baxter: Everybody was there.

Steve Sherwood: Thank you, just so everyone should have a clear idea on what they are bidding.

Morrie Doll: I will return these open bids to Jason and his knife which I am not smart enough to close.

President Bob Johnson: So, I guess we would approve this pending validation by Jason that everything is in order?

Morrie Doll: Yes, Sir.

Jason Baxter: I believe everything is in order, I’m good with it.

Commissioner Terry Phillippe: I make a motion to approve the low bid subject to review by Surveyor’s Department.

Commissioner Dan Saylor: I will second that.

Morrie Doll: That would be Tom Naas bid $23,850.00

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

*Howard Williams/ Broshears Ditch Bids*

*\*Jerry Aigner-Aigner Construction- $48,850.00*

*\*Ground Control Excavating Inc.- - $26,750.00*

*\*Tom Naas Homes- $23,850.00----Approved 3-0*

**CLAIMS**

President Bob Johnson: Jennifer, do we have any claims?

Jennifer Curry: We have no claims.

**OTHER BUSINESS**

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

**STORM WATER DEPARTMENT**

Steve Sherwood: Thank you Mr. President, we have with us today it’s some carry over business we did not get to from the December 14th meeting due to time constraints. I will present to you Nick Will from Lochmueller Group, additional fee proposal services for Tanglewood Ditch Study and also after that he will speak to a proposal for North Green Spring Valley Study. You each have a copy of the proposal that I handed out prior to the beginning of the meeting, I believe, Nick, you are going to start with Tanglewood if that is correct?

Nick Will: That’s fine, we can do that.

Steve Sherwood: If you will, I am just referencing this for Nick, a year ago last November this was in the original Phase I structure, but we omitted these two items to keep the cost down to look at the design first and he has completed all the preliminary design work, Nick I will let you take it from there.

Nick Will: Nick Will with Lochmueller Group, we are to the point now where we completed the topographic survey, we’ve completed the preliminary design, the geotechnical investigation, and we are far enough along where we feel comfortable we can start setting right of way or potentially drainage easements, however the County would like to proceed with that to construct what is the bi-pass structure for the Tanglewood drainage on Fuquay.

Steve Sherwood: illustrated in red there on the exhibit.

Nick Will: If you remember correctly, there is an existing corrugated elliptical pipe that crosses there at Pleasant Ridge Drive and the plan for it is to be replaced, but then also another structure of similar size to be constructed parallel to Fuquay to help alleviate some of the drainage issues that are in Pleasant Ridge…

Commissioner Dan Saylor: Nick is that structure that is currently there starting to rust out? That’s what I thought somebody said.

Steve Sherwood: It’s not proper size for what comes that way, Nick will also tell you this is not to divert the flow 100% down the red structure, it will take majority of it and the blue will act as an overflow at a specific storm event.

Nick Will: Right, we looked at sizing one structure parallel to it, but it ended up being a larger box culvert that wouldn’t fit the (?) very well and would’ve been larger in cost as well relatively speaking. From a permitting aspect it is advisable to allow water to flow in the existing channel as well and help minimize permitting impacts as well.

Commissioner Dan Saylor: Nick, in your estimation, you know, I know we have had some 6-7-inch rains in a very short period of time there, probably over 100 year storm rating. What do you think this will do? Just to the north of that structure, probably up 200-300-feet, that whole land area that water was coming through, what do you think this will do? If we get a 50 or 75 year rain event or 100 year, will this, I mean, we could still have that if we get that extraordinary amount of rain, what will happen it will disappear a lot quicker, but what do you think? I think one of the reasons why it caused this there was a big tree that got caught up in there, and you’re never going to be able to prevent that, but do you think in your studies is this going to help a 50 year event?

Nick Will: We designed it for 100 year event, but some of those events that we have had have been over 100 year event for sure, so for a while, depending on how quickly that comes about, how much saturation we have on the ground already you know, it would definitely help up to a certain point, but there is no guarantees that it wont, the potential is still there with the higher….

Commissioner Dan Saylor: If that structure gets clogged or partially blocked, the same thing could happen. There is no guarantees that…I wish the home owners were here to see some of this, but they probably didn’t know about it.

Nick Will: We did have that where some of them were here..

Steve Sherwood: For the initial proposal over a year ago when we discussed it.

Nick Will: Yeah, and we will be contacting the ones we are effecting again with the right of way or drainage easement moving forward too.

Morrie Doll: What do you envision, do you envision right of way easements for the red line, or what do you want to use?

Nick Will: There is..

Morrie Doll: Because they are outside the public right of way of the road.

Nick Will: Yeah, there is, as far as I am aware the existing right of way is the edge of pavement out there, right now we are pretty close to it.

Steve Sherwood: There is no subdivision plat on the east side of the road, we look at right of way records, but for his purposes we can assume edge of pavement is we have to purchase it, but we are hoping still to get easements hopefully donated we have discussed at one point, but we don’t know the temperature of the land owners at this point.

Morrie Doll: What is the right of way for Fuquay from center road?

Steve Sherwood: We think its 40-foot total or 20-foot from center line, but we don’t have any record data to back that up along this particular section.

Nick Will: Portion of it we show some existing right of way and portion of it we don’t…

Steve Sherwood: On the west side because it is subdivided we have 25-feet from center between…

Morrie Doll: But that is meets and bounds on the east side of Fuquay?

Steve Sherwood: Yes, its an old subdivision track

Morrie Doll: Wouldn’t the State Statue give us a right of way?

Steve Sherwood: In this case it would support edge of pavement, which is why Nick is stating as such.

Nick Will: Vectren does have an easement out there as well; they have an overhead line that would coordinate with them with as well…

Morrie Doll: If it is edge of pavement out, how in the world does County ever take care of surface water off the road? Cant be edge of pavement

Steve Sherwood: Hence the argument we deal with…

Morrie Doll: Cant be, got to be more edge of pavement, my recollection of State Statue defines it, Title 36 is wider than just edge of pavement, now do you want to get in that fight or not, but it depends on if you run into a recoust land owner on the east side of the road, you may want to force that issue…

Steve Sherwood: That’s the potential for a delay in all this work, which Nick is going to get into here shortly.

President Bob Johnson: How many homes, or property owners are there on the east side of the road?

Morrie Doll: Three?

Commissioner Dan Saylor: Three or Four.

Nick Will: Yeah, and then we’ve, there’s a potential for total of 10 parcel’s we’d be dealing with, because we’re not only going to get into these, but we are going to put a new structure across the road where we get into the property on either side as well as up here in this corner.

Morrie Doll: Can you cross to the west side of Fuquay will be more than 25-feet off center of the road or not?

Steve Sherwood: The structure will be, yes.

Nick Will: It’s close.

Morrie Doll: Well, obviously if it is a subdivision and it’s 25-feet from the center we can keep it within 25-feet we can eliminate two or three different property owners we’d have to deal with.

Commissioner Dan Saylor: You’re talking about the on the west side of Fuquay there?

Morrie Doll: Yes, Sir, there and of the south.

Steve Sherwood: The last platted parcel there on the north side of the ditch, the south side is not subdivided on that blue line.

Nick Will: I think it would be, yeah…

Morrie Doll: It would just be nice if we could illuminate the accusation of rights..

Steve Sherwood: Nick was going to also talk about the little red structure in the middle, which is owned by a Gentleman, Dan, you and I have tried to talk to, Hartz…

Commissioner Dan Saylor: So we need his permission to do that?

Steve Sherwood: Well, the pipe is a restriction because it’s not large enough, but we have offered to replace that for him as part of this project, which Nick will elaborate when we get to that.

Nick Will: Yeah, so this is basically showing Fuquay, and the ditch, there is an existing 60-inch corrugated metal pipe out there that is not in good shape and there is erosion up and down stream of it and some blockages around it, so, definitely not hydraulically efficient, not big enough to handle the flow coming towards it. Now, do we care that that driveway floods out there? Not necessarily, but we do care if it starts backing up towards Fuquay, so the thought was, we looked at a couple different options kind of as a Phase II to this project was cleaning up the ditch a little bit, but is not in that bad of shape where it needs it immediately. So, the thought was we work on this section to eliminate this flooding and then that is a blockage there really, so if we can replace it now it would be best to replace that structure while they are out there doing structure type work. The issue that comes into play is access here…

Commissioner Dan Saylor: How do you get access to that?

Morrie Doll: Is it a regulated ditch?

Steve Sherwood: No, not until you get to Tanglewood Subdivision is it begin to become a Legal Drain and that is where Phase II as Nick was eluding to in the future, it would begin there at the end of Phase I by the red structure all the way to where Brian is pointing there and entering Tanglewood, cleaning up the ditch potentially in the future, but as Nick said it’s not that bad now except for the restriction in the middle of it..

Morrie Doll: It would be less expensive to clean it up now than it might be in the future…

Commissioner Dan Saylor: Nick, all that water on Brent Drive, Brent Drive is road in the middle, comes between those two houses right there, but that is not a drainage easement is it? The drainage easement is actually to the east of that, was it not? Brian, it was one house to the east, see how that is wider? It was between those two houses.

Steve Sherwood: Newburgh has a 20-foot sanitary sewer…

Commissioner Dan Saylor: Well, that’s where it goes now, but somebody told me that in the original plans it was supposed to be in between those two houses.

Steve Sherwood: As you and I talked about Dan, we want to take it due south between Mr. Miller and Mr. Helfert.

Morrie Doll: Is that a swale or is that something more substantial?

Steve Sherwood: It was an underground pipe when we redo the drainage along Brent Drive from one end to another, and then with an overland swale over the top of the pipe for surplus drainage.

Commissioner Dan Saylor: There’s a pipe that actually comes into that swale up, that carries all the water from…

Steve Sherwood: But that’s not in an easement currently between Miller and Helfert..

Morrie Doll: So, we would need that at the same time.

Commissioner Dan Saylor: Yeah, so somebody made a mistake someplace.

Steve Sherwood: The plat was in the early 70s and there is a lot of things we wouldn’t let happen now, that had happened then during the planning process..

Morrie Doll: How wide of an easement would you need to put the pipe in?

Steve Sherwood: We talked about 10-feet, but Mr. Helfert was not in favor of it and Mr. Hartz would not let it come the 140-feet across his property south of that to get to that from the ditch. As Dan knows, I’ve been working on this off and on 3-4 years trying to make this happen and it’s just fallen through, but that is a side issue to this main drainage problem along Fuquay that Nick is describing.

Morrie Doll: What happens to the surface water as it now flows down?

Commissioner Dan Saylor: It goes between those two houses…

Steve Sherwood: Goes between those two houses and follows a ditch along the southern line going westerly all the way to that fork that Brian is pointing to.

Morrie Doll: There is some kind of a swale or something there?

Steve Sherwood: Yes, there is actually two will cross southerly across Hartz.

Morrie Doll: What are the black marks?

Nick Will: Those are existing pipes, so that is an existing 30-inch pipe there, 15-inch pipe there; it’s a part of that swale..

Steve Sherwood: They are not a part of any approved drainage plan; people have done this privately.

Morrie Doll: We don’t have any easement for the swale, obviously.

Steve Sherwood: No, just the public utility easement along the back line, but not a drainage easement.

President Bob Johnson: How much, how far to the south does Mr. Hartz property go? Past that red dot.

Steve Sherwood: I don’t know if you have his line…

Brian Litherland: Back of the subdivision is right here…

President Bob Johnson: My question was; could we come in from the south?

Commissioner Dan Saylor: It’s a big hill, Bob.

President Bob Johnson: You couldn’t come in from the south to..

Steve Sherwood: That whole irregular shape property Mr. Hartz owns is defined in a Minor Subdivision plat that they have, and it’s not what you would call a accessible by address building site, he claims he can access it through his relatives property to the south. The house to the north where he can access it though his house property off of Pleasant Ridge Drive.

Morrie Doll: You mean access it for just maintenance, but not for development?

Steve Sherwood: As personal property, attached to his platted lot.

Brian Litherland: Yeah, there is not on here with a street like that.

Morrie Doll: Is there any kind of a bridge across the Tanglewood Ditch now on his property

Steve Sherwood: Just that pipe.

Morrie Doll: Yet he objects to the County putting a better pipe in.

Commissioner Dan Saylor: He has not worked one iota in my opinion and I don’t know why. I think because this would help him, but he doesn’t want the easement because that would limit him where he can build, he has already built a garage.

Brian Litherland: A greenhouse type building.

Commissioner Dan Saylor: Yeah he’s built a garage at the end of his driveway and so, I don’t know what thinks he can do with that.

Steve Sherwood: If you recall Mr. Hartz brother was at the original meeting when the rest of the land owners were here over a year and a half ago, and his brother saw the value on what we are trying to do, but I don’t know if he had been successful talking to him.

Commissioner Dan Saylor: He said he was going to talk to Brian, and I even spoke to him I thought he was going to speak with Steve.

Steve Sherwood: These are some of the problems that may postpone a 2021 construction of this project yet, and Nick will get into some of the other issues involved.

Morrie Doll: The County has never to my knowledge or my tenure as Council has used eminent domain to acquire right of way, I take it you wouldn’t be in favor of doing it here if we had to. I mean, I am questioning what happens if we get most of this worked out but there is a log jam, a particular problem we have with a particular land owner, it’s going to effect the efficiency of the overall plan. Is that a fair description?

Nick Will: Yes.

Commissioner Terry Phillippe: You said it’s just restrictive; it’s not completely blocking it, correct?

Morrie Doll: Right, it may still flood his driveway.

Commissioner Terry Phillippe: If we do all the project except for that little piece he basically has a bigger problem on his hands?

Nick Will: Potentially, yeah. We may be getting water to that point a little faster and it may, I mean, if it accidentally washes out I’m not sure…

Morrie Doll: Tanglewood at this location…

Commissioner Terry Phillippe: I would think he would realize that…

Commissioner Dan Saylor: Steve, you haven’t told him that have you? That we would be getting water there probably a lot faster, quicker, harder, and it could send that structure down to Tanglewood Subdivision.

Steve Sherwood: We have not discussed it in those terms or words, no.

Commissioner Dan Saylor: So then he is going to be stuck without an access or he’s going to have to fix it.

Morrie Doll: I guess my question is what is the legal right for us to put the water in Tanglewood at that location. It is not a regulated drain, it’s a private drain.

President Bob Johnson: We’d get sued.

Morrie Doll: How do we tie that new structure along Fuquay into a private drain?

Commissioner Dan Saylor: How can that be private when that’s where all the water is going?

Morrie Doll: Oh, I understand it’s a historic drains, customary drain, natural drain, but it isn’t a regulated drain, it’s not part of Warrick County’s jurisdiction and I am really concerned…

Brian Litherland: It would probably end up here…same water that was there all along.

Steve Sherwood: To extend it upstream as a Legal Drain the land owners would need to petition…

Morrie Doll: I know that, I understand the petition process.

Commissioner Dan Saylor: See, and Brian, in that other, go south there, right there, there is a lot of water that’s coming from the south….a lot of water that’s coming into there…

Steve Sherwood:…through that 48-inch corrugated metal pipe with the elbow.

Brian Litherland: Theoretically, the only person who’s getting more water in their ditch is right here

Commissioner Dan Saylor: And there is a house right there back there in the back that they built…yeah right there.

Brian Litherland: In actuality, they are seeing the same amount of water at this location of the stream, nothing has changed.

Commissioner Dan Saylor: Nick, have you been back there is that house in a flood capacity to where if that disk gets clogged up could that house flood? I don’t know if they built that side up any, I’ve been back there, but I have not looked at it in that aspect.

Nick Will: I don’t remember making a mental note of it being….

Commissioner Dan Saylor: Because who built that house he used to work for Dick Bosma and he would give him that land, he was their main guy and he built that house back there.

Nick Will: The potential problem where the access there is, there is no good access off of Pleasant Ridge, through the actual property owners and then we would need it from his brother which is not a great access point either. It’s a driveway, but it’s steep and narrow, you would have to get equipment, haul the pipe back there…

Commissioner Dan Saylor: Could we buy right of way between those two houses where there is 10-12-feet whatever we would need to get back there to work on that, between the two houses on each side of Brent Drive, on the south side…yeah right there Brian…

Brian Litherland: Yeah, Daryl Helfert, and I mean, Daryl hasn’t been friendly to Steve that I know…and Miller…

Steve Sherwood: Miller was the one who started all of this wanting to enclose the ditch between him and Helfert and I told him you cant just put a 6-inch pipe in there we need to do something bigger, I’ll look at it and see what the County can do and that’s what lead to where we’re at now.

Commissioner Dan Saylor: That gets a lot of water, and then what comes down in that pipe is everything in the back of my house in the side yard, so that gets another 2-3 acres of water.

Brian Litherland: Would Miller be willing to put it all on him?

Morrie Doll: He hasn’t been…

Steve Sherwood: He withdrew his name from wanting this done because of the lack of progress as my last conversation with him; I had talked about putting it all on his side. Helfert tells me it’s his wife that’s the problem; she doesn’t want any of her shrubbery disturbed.

Commissioner Dan Saylor: She’s worried about a scrub tree being damaged, to me I’d say okay let’s take that tree out because…

Steve Sherwood: The problem still is, if I get it to Miller’s southeast corner I still cant get across the Hartz property for 140-feet to the main ditch. I don’t want to go west for 500-600-feet when I can get it done for 140-feet

Brian Litherland: It’ll be too deep to discharge into that private swale.

Morrie Doll: My concern is the nature of Tanglewood not being a regulated ditch. Now, the process for being a regulated ditch would be that the parties that benefit by the natural drain petition County to in fact make it a regulated ditch, you’d notice a public hearing, etcetera, the County decides.

Commissioner Dan Saylor: If we do that then we become legally responsible to maintain it.

Morrie Doll: Yes we do, it becomes like Howard….

Commissioner Dan Saylor: What’s the negative?

Morrie Doll: Time. It takes time to do that, we’d have to drum up a petition, get them to sign a petition and ask us to do this.

Commissioner Dan Saylor: How many land owners would that involve?

Morrie Doll: Theoretically, I think it might even be just one, but the more the merrier would be the benefit of it. I would think the Fuquay neighborhood would be clearly entitled to do that they’re benefitting from the natural drain.

Steve Sherwood: The ditch sits primarily in the hearts of property, there might be a couple more at the east end of Fuquay Road.

Commissioner Dan Saylor: So, we did that and let’s say he opposes it?

Morrie Doll: It’s up to the Drainage Board, now, he could petition the court to set it aside if he thinks it was done incorrectly or wrong or to his disadvantage. The general theme about that is that water is a public enemy, everybody has a right to try to get rid of it if they can, courts will try to facilitate that as they can as long as you are not discharging onto a neighbor in a concentrated channel flow.

Commissioner Dan Saylor: I would think he’d be fighting a losing battle because it’s already the natural flow…

Morrie Doll: It takes time.

Commissioner Dan Saylor: I understand that Councilor…

Morrie Doll: You could draw that out particularly in the age of COVID and our inability to get hearings in front of the court.

Commissioner Dan Saylor: Federal Court?

Morrie Doll: No, Sir, it would probably be Circuit Court, but Circuit Court as I sent you all, the Supreme Courts denied all public jury trials and it’s even backing up bench trials, hearing, motion hearings etcetera at least until March. I have to advise I am concerned about us designing a system, I understand it doesn’t increase flow, but it increases velocity. I am concerned about us dumping that into and un-regulated drain, that doesn’t mean you have to believe me, but that’s my job to tell you what my fear is.

Commissioner Terry Phillippe: Brian, can you do me a favor? Can you trace around that parcel, I’m assuming it’s backing up against all the houses there…

Brian Litherland: Begins behind all the houses, Mr. Hartz’s property that he actually owns is right here to the west of this, and he owns this whole sliver, it comes over, all the way down and comes around the back of this subdivision, back up to the ditch…

Commissioner Dan Saylor: You know Terry, when I bought my house..

Commissioner Terry Phillippe: How many acres is that parcel?

Steve Sherwood: 3-4 acres if I remember correctly.

Commissioner Dan Saylor: Truth be known none of that to the west of his property line I don’t think he even cares about, because I think he is willing to give some of that up if he has not already done so, I thought he sold some to somebody down there. When we bought our house down to where, Brian, in that parcel and his land right there, there used to be a retention pond and Dick Bosma filled it up.

Steve Sherwood: Retention or just a regular pond that he filled in?

Morrie Doll: Natural pond?

Commissioner Dan Saylor: It might have been a natural pond, I don’t think they dug dirt out of it to use it…but there was probably 60 to 70-feet long by 30 to 40-feet wide, 5 or 6-feet deep. I think they had some extra dirt from one of these houses that was built and they filled it in.

Morrie Doll: The blue is a natural drain that is there now, all of that, and it is not in need of improvement.

Nick Will: Not to the point where it’s restricting the…

Steve Sherwood: It is natural; there is growth along it trees and everything else.

Morrie Doll: Is it like Sycamore Ditch? Or less growth?

Steve Sherwood: Not as mature as Sycamore at this point and not as dense.

Morrie Doll: Well, the project is clearly needed it’s just a question if it is legal or whether we are going to be biting off a fight if we…if we get all the red right of way and start excavation and move that then we end up in a court battle because of where we are taking water that is going to get to be fun.

Steve Sherwood: We have to convince people in Tanglewood that we are not pushing more water on them.

Morrie Doll: You think they would assume…

Steve Sherwood: They assume everything at this point in Tanglewood…I mean, Jason is not able to clean the brush out in there yet.

Commissioner Dan Saylor: That cul-de-sac right there all the way on the left side of that picture floods, bad.

Morrie Doll: I know, that’s not good. Where did we quit, Jason, on the last project in Tanglewood? I’m not sure this Board remembers, but that was a project that Steve’s Predecessor sort of got the County into trouble over because we had a contract, I don’t remember who the contractor was now…

Jason Baxter: JBI.

Morrie Doll:…we spent a lot of time together. At the end of that project they dropped a…

Steve Sherwood: They worked below the ordinary pile…

Morrie Doll: C5, the bottom of that ditch and took 9-inches out the rest of the way. 900-feet and the Army Corp of Engineers lost their mind; they made us put it back.

Steve Sherwood: Made us restore it.

Morrie Doll: And vegetate it in the bottom of a ditch.

Steve Sherwood: Essentially we created a two stage ditch at the CORP’s command.

Morrie Doll: Holy cow and I bring that up for the point of view, I think we burned a lot of credibility with the neighbors and then secondly this project since it ties in there, will it be subject to CORP review?

Steve Sherwood: That’s part of the permitting that Nick will be discussing here with the rest of this proposal here.

Morrie Doll: It will arrive with CORP review with a giant “X” over it to begin with.

Commissioner Terry Phillippe: My question is you are enquiring that piece of land in the cards at all, I mean, what is the downside to doing that?

Morrie Doll: Buying the ground?

Commissioner Terry Phillippe: Just the parcel that just Mr. Hartz owns.

Brian Litherland: It’s 2.5 acres.

Steve Sherwood: The whole sliver.

Commissioner Dan Saylor: Terry, repeat your question again.

Commissioner Terry Phillippe: If he is objecting all of this, if we were to make a fair offer and accept it on that, we own it that solves maybe a couple problems.

Morrie Doll: True.

Commissioner Dan Saylor: Yeah, he might be, I don’t think he sees the value in that. When I talked to him, he said I don’t want to give up my right is to build a big building behind there, I don’t know what for, I think storage, kids, whatever, and then I have a place where I cant build and now I’m paying taxes on it. So, he said he wanted tax forgiveness on that area that I cant build on, and then if I lose the ability to build, but I don’t see how he loses the ability to build he’s got enough area there to build.

Steve Sherwood: He’d have to determine how much he wants out of that behind his parcel now and be willing to sell the rest.

Commissioner Dan Saylor: I’ve never asked that, I mean, how much would that cost?

Steve Sherwood: Of course, the other options are to buy out the house that floods, or create a retention basin further up stream east of Fuquay Road, how much would that cost?

Morrie Doll: You’re talking about north of the red line?

Steve Sherwood: The whole north east corner of the map, yeah.

Commissioner Dan Saylor: The house that gets the most flooding is right there where Brian is pointing, because all the water comes down the street, the street becomes a drain and that house is so low it uses his driveway…

President Bob Johnson: Was it getting in the garage?

Commissioner Dan Saylor: Yes, his garage faces the east.

Morrie Doll: How big is the red pipe?

Brian Litherland: 60x36.

Steve Sherwood: About 76x38 elliptical?

Morrie Doll: The diameter.

Brian Litherland: This one is elliptical, it’s 5-feet wide by 3.5-foot tall, approximately.

Steve Sherwood: Oval or egg shape.

Brian Litherland: It’s the same size as this one, yeah.

Commissioner Dan Saylor: You did elliptical because there’s a conflict with the cover on that side?

Nick Will: It’s cover issues so the pipe wouldn’t be sticking out in the ground out there.

Commissioner Dan Saylor: I know there was some reason you were wanting elliptical. How big the pipe going underneath Fuquay? Same size?

Brian Litherland: Same size.

Morrie Doll: How long is Pleasant Ridge Drive, till the bend?

Steve Sherwood: It’s the length of that lot there.

Morrie Doll: No, to the end of Pleasant Ridge Drive, west, across 10 houses?

Steve Sherwood: 900-feet or so, total length of it I would think close to 900.

Commissioner Dan Saylor: Yeah, that’s probably pretty accurate.

Brian Litherland: There is 910-feet here.

Morrie Doll: So, about 1,000-feet. We couldn’t get the water into Tanglewood at the end of the street either could we?

Steve Sherwood: No because you’re coming…that handles the water coming down that last north/south roadway up that street north of that black line.

Commissioner Dan Saylor: Nick, are you aware on what the County did here about a year ago? They put two structures on that first street, Brian Drive, and ran that water east…you are aware of that?

Nick Will: Yes, we got that showing on there that helps out there.

Brian Litherland: It helps until this is all full…

Commissioner Dan Saylor: Yeah, and then it just exacerbates everything else.

Morrie Doll: How deep is the natural drain, the Tanglewood natural drain?

Steve Sherwood: The blue line you see there along the Hartz property, 5-6-feet in depth roughly, it’s a little shallower on the west end too, it opens up more.

Nick Will: Yeah, that’s an existing 60-inch pipe and it pretty well fills up the ditch as far as height.

\**Brian Litherland speaking away from mic-can not dictate*\*

Steve Sherwood: 75-feet either side of top of bank, but in an urban situation we can get it down to 45-30-feet top of bank either side.

Brian Litherland: Maybe just get you an easement along each side to help….

Morrie Doll: We really need to know his state of mind what he is or isn’t willing to do and I don’t know who the best person for him to see is.

Steve Sherwood: It’s probably going to take you, me, and Commissioner Saylor to have a sit down…

\**Everyone talking at once, can not dictate*\*

Morrie Doll: Commissioner, I think at some point in time we have to know what his willingness to cooperate is, what he is or isn’t willing to do…

Commissioner Dan Saylor: You’re talking about Brent Hartz?

Morrie Doll: I am. I think key question tonight is who goes and talks to him? Who is the embracery that goes…and I think engineers need to go and I think they need to actually show them what we are talking about so it’s not imaginary.

Commissioner Dan Saylor: I can go, because I’m a neighbor, but I need people smarter than me there.

Steve Sherwood: Trouble is to get him to devote some time, because he works for Toyota and he travels quite a bit.

Commissioner Dan Saylor: Right, it might have to be on a Saturday or something, I mean I’m willing to do whatever…

Morrie Doll: Don’t you think you’re needing to know that before we decide what we are doing?

Commissioner Dan Saylor: Yeah, or I don’t know if it was Commissioner Johnson or Terry’s idea, or if he is willing to say, “Hey Brent, do you want to sell it? Do you want the County to buy some of that, that way you’re not paying taxes on it” because that’s something that he mentioned that really isn’t any good for him. Again, I thought somebody wanted to buy that, extend their property back some, and I guess I thought he sold something to somebody but maybe he didn’t.

Brian Litherland: It looks like maybe he did down here on this…

Morrie Doll: GIS Map will show us that.

Commissioner Dan Saylor: I thought he did Brian to somebody, but I just don’t remember who it was.

Commissioner Terry Phillippe: Quick question, Councilor. If we were to acquire that parcel does that help with your concern in dumping that water onto private property?

Morrie Doll: If.

Commissioner Terry Phillippe: So, it maybe solves two problems.

Morrie Doll: You could also, I mean, it just depends if you want to put detention in this drain now or not? There is all kinds of options open if you do that, it sounds like at one point in time it had detention in some of that sliver.

Commissioner Dan Saylor: Yeah, so what would happen? So, Terry you asked if we bought it and put a detention basin in there?

Morrie Doll: A drain.

Commissioner Terry Phillippe: I think it solves two problems, it gets the guy that doesn’t want any part of it out of the way, and it also elevates some of his concerns with dumping water onto private property, well, it’s our property now.

Morrie Doll: We could actually build a drain on us.

Commissioner Dan Saylor: That’s a good question though, what if we made all that area a detention?

Brian Litherland: It would help these guys down here that’s for sure.

Commissioner Dan Saylor: That’s what’s flooding there.

Morrie Doll: It’d be lineal detention then, right?

Commissioner Dan Saylor: Yes.

Brian Litherland: It would be what?

Morrie Doll: It would be lineal detention.

Steve Sherwood: To save the argument, you buy it all and make a 50-60-foot wide channel with a two-stage bottom to it that it could help fill up and hold water before it gets into Tanglewood Subdivision.

Morrie Doll: Which, should please Tanglewood.

Commissioner Dan Saylor: It would please those people at the cul-de-sac because that water is not too far from his house, and I know Jason has been working down stream of that, you know, or trying to work on it to get a plan together.

Morrie Doll: If we acquired the title to the property who are you going to have take title? If the County acquired the title to the property are you going to have it acquired by Storm Water? Drainage Board? Who is going to be the owner? How are we going to get it funded? Storm Water is different, that’s a pretty self explanatory answer, but Storm Water doesn’t have the money to buy the property. If it is part of a regulated drain it ought to be Storm Water’s.

Commissioner Terry Phillippe: In terms of the total dollar figure the entire project I would think it would fit in there somewhere wouldn’t it?

Morrie Doll: To acquire it?

President Bob Johnson: It depends.

Steve Sherwood: Just changes the scope.

Morrie Doll: It just depends on his expectations.

Steve Sherwood: Technically, it’s landlocked, and it’s non-buildable. Unless, you were to own a parcel that butt’s it.

Morrie Doll: It would need to be appraised.

Brian Litherland: You might need to think about where to get a drive access for the…

Morrie Doll: You’d have to acquire that as part of the access..

Brian Litherland: To maintain it, yeah.

Steve Sherwood: Yeah, because you’re going to need construction access and maintenance access.

Morrie Doll: The only way you could get to it is to cross his wet crossing or whatever you want to call that.

Steve Sherwood: Just a field crossing at this point, it’s not a driveway per-day. In the essence at time, these are all good points that all need to be taken into consideration to Morrie’s point, we don’t want to proceed unless we have some idea if this is going to be something we can solve down the line before spending another contract or more money.

Morrie Doll: Can we set up a meeting with him?

Commissioner Dan Saylor: That should be our next step. Steve, do you want to contact him? Send a letter stating what we are wanting him involved with a phone call?

Steve Sherwood: I will ask Morrie to contact him either by phone or by letter because he does not respond to my previous attempts.

Morrie Doll: I’ll be happy to do whatever the Board asks me to do. I think you have a familiarity with him?

Commissioner Dan Saylor: Yes, I’d say if you contact him and say “ Hey, Commissioner Saylor wants to talk to you and bring the engineers and the design team, we want to sit down and talk to you.”

Morrie Doll: And offer to do it whenever, wherever, but we would like to do it sooner rather than later

Steve Sherwood: I just need to remind the Board that if we were to think about building what you see there in red in 2021, time is extreme factor and this is more than likely going to delay and I didn’t know if we wanted to at least proceed with a proposal that Nick was here before for at least discussion so you are aware with all involves before we decide what to do?

Nick Will: I’ll say if we go down the route of potentially doing any further work on Tanglewood Ditch, it would change part of this proposal for sure regarding permitting, it would be different permitting requirements. Now, if it is a regulated drain…I guess we will still have permitting requirements.

Steve Sherwood: If we were to make it a 50-60-foot wide ditch, two-stage ditch along all that, that’s going to get into a whole other CORP issues, permitting requirements.

Nick Will: Yeah, there will be other design related issues. So, the proposal in front of us today included, if we were going to moved forward to this proposal we’d have permitting which would include 404-401 permitting, 404 being the Army CORP then the 401 with IDEM, then a Rule 5 permit because we are disturbing more than an acre of land out here, then it was getting into right of way engineering which would actually be actually in the right of way lines or easement lines and write the descriptions for them and getting the acquisition so that is kind of the next step.

Commissioner Dan Saylor: Let me ask you a question, does the CORP care about flooding or fixing flooding? Would the detention or retention pond be a, is that a positive to the CORP or a negative? Or is that a…do they care?

Nick Will: They are more relatively to the extremely more about the streams, the quality of the stream and their water quality of that.

Brian Litherland: The water quality, from that stand point we usually see an improvement of water quality by detaining the water because its going to give the stuff a chance to settle out and give you time to get it cleaned out. It would clean up the water going down the stream and it would also be helping the Ohio River, eventually it all goes to Pigeon Creek through Evansville.

Morrie Doll: Theoretically.

Brian Litherland: A good analysis that would possibly, sounds like you guys have some head scratching on that old cul-de-sac down there, I don’t know if that’s something you want to look at doing and be doing an analysis, if you were to go in that process of how big of a basin we could put in, how much of a benefit could we see on that reduction of flow.

Steve Sherwood: Water in the ditch will actually be higher in the ditch than the water in the cul-de-sac, and the only thing that keeps it from equalizing is the pipe with a flood gate, or what we call a “duckbill” valve, it stays shut until the water in the ditch goes down then the water in the cul-de-sac can flow into the ditch. At that point the cul-de-sac under water, hence the complaints you get from the landowners…

Morrie Doll: How much under water? 6-inches? A foot?

Commissioner Dan Saylor: I cant drive through it in an SUV, I’m afraid it’ll hit my door, matter of fact I am looking for pictures right now.

Steve Sherwood: The lady that owns the second house up from the end of the cul-de-sac says she cant leave her car parked in the street when she knows it’s going to rain for fear it will flood her car, which has happened in the past she says.

Morrie Doll: I’m worried that this doesn’t really fix all the problems…it doesn’t increase the flow, but it does increase the velocity. That fixed Fuquay, but it doesn’t fix the cul-de-sac.

Commissioner Dan Saylor: Morrie, there is the cul-de-sac picture shooting south, there is a car.

Morrie Doll: That’s a person standing by the car?

Commissioner Dan Saylor: That’s a mailbox, but there is a picture of that cul-de-sac and how high it gets, and that’s after it’s gone down a little bit. So it’s probably about 12-15-feet from that guy’s garage.

Morrie Doll: Let me ask a hypothetical for liability reasons, is it possible that if we do the red line construction, that we aggravate the flooding of the cul-de-sac in Tanglewood?

Commissioner Dan Saylor: Yes, you are going to get the water there quicker. If you are getting the water there quicker I would think..

Steve Sherwood: If anyone lives downstream will insinuate..

Morrie Doll: I understand the insinuation, but scientifically it has to be provable, I mean do you think we are aggravating that problem?

Nick Will: I think the issue comes in that whenever this floods, potentially that water is now going to be coming through the pipe and coming this way. Now, for a long time the water is going to continue to flow through this pipe or this pipe to this ditch it’s going to get there in a reasonable time frame, just whenever it floods…

Brian Litherland: It will be a significant shift in the whole pattern of the water flow..

Nick Will: Right, it’s only when you have those bigger storms that cause the flooding, if the water, part of that might still happen here anyways where it’ll build up and just sit there for a little while then eventually drain away in a short time frame there probably where it will get out of there faster because we provided more opening for the…

Brian Litherland: There is more elevation there is what it’s doing because we are opening up more capacity for it to flow under the roadway as opposed to over the roadway so, when it floods there it goes over the road for a pretty wide width through here and floods the entire road and floods around the corner and down through there. That’s a lot of water that is going through there with the flooding, this is actually a long distance to get to there from here…

Morrie Doll: It’s more constricted.

Brian Litherland: It’s more constrictive because we are going to improve the hydraulics, but we are getting the water that would normally go over land then we are getting it to the ditch.

Morrie Doll: All I am worried about is the County having liability if we aggravate the flooding at the cul-de-sac on Tanglewood Drive. If it is already a known hazard, and we do anything at all that could be demonstrated to increase the elevation of the flooding problem in the neighborhood we probably have liability.

Commissioner Dan Saylor: I’d say to Brian’s point if that water goes down the street and it’s now all going down the yard it’s probably getting there quicker that way, but like he said if that gets clogged up that could happen still anyway.

Morrie Doll: How big of a detention structure can be built in the sliver? What capacity could it hold? What effect would that capacity have on the water flow? What do you do with the dirt? So, I mean, there is so many questions, but if you are going to fix this problem, isn’t this….

Commissioner Dan Saylor: A question I have for Nick, Nick have you looked at north east of this where all this water comes from and detaining that area to keeping the amount of water to getting to this point? I guess I’ve never walked up though there I don’t know what’s up there..

Brian Litherland: There is actually a pretty good sized lake up there.

Commissioner Dan Saylor: There is a big house back there off of Old Plank that sits back in there, so that’s a pond? Is it a detention?

Steve Sherwood: Just a natural lake.

Brian Litherland: It’s just a pond that they built, I don’t know if it’s like a controlled structure in it or anything that it goes to.

Steve Sherwood: It really just doesn’t detain any water, it’s water in water out in a big storm.

Nick Will: I’d say there could be some challenges from a topographic standpoint with the…I mean, it does get low as you get near Fuquay.

Steve Sherwood: So, your red line there if you would just take your finger on it, it illustrates the water shed coming across Fuquay there at Pleasant Ridge Drive, it takes in all that…

Brian Litherland: All on that side of Plank still, and Plank is right here.

Steve Sherwood: Roughly how many acres is it? Is it on your print?

Nick Will: Yeah, the area on this side that it drains to an existing pipe is 113.5 acres is where it goes to that existing pipe that crossed to Pleasant Ridge.

Steve Sherwood: When it rains as you know Dan, it get’s there in a hurry.

Commissioner Dan Saylor: In a hurry it does.

Steve Sherwood: 113-acres approximately.

Commissioner Dan Saylor: That is just crazy, because it comes down from even Fuquay from Jenner Road.

President Bob Johnson: So, at this point do you think the best idea is for to have Council to write a letter and set up a meeting?

Commissioner Dan Saylor: I think we need to meet with Brian and say “Hey, what are you willing to do, what do you want to do?” I never thought about buying that land that he owns, but maybe he is willing to sell that, or maybe in lieu of selling it maybe we put in a structure that, I don’t know how that goes, that he can build on and wont keep him from building. You know, we put in a structure that fixes out problem.

Steve Sherwood: They key is if he still wants access from the south, because I don’t think he can access the property through his property because he so overbuild the south end of his lot.

Commissioner Dan Saylor: So, you are saying his brother owns…

Steve Sherwood: Some family member is what he told me.

Commissioner Dan Saylor: It’s his brother, so his brother is west of that then?

Morrie Doll: South.

Commissioner Dan Saylor: No, he is south of that I know that he is on Telephone Road.

President Bob Johnson: Can we put a retention on the east side of it? Tell him we’ll build him a pond.

Commissioner Dan Saylor: Brian, Brian Hartz is his brother.

Steve Sherwood: So, if we were to make an agreement with Mr. Hartz in the next few months or two, depending on what that agreement is we would have to restructure your whole proceedings there anyhow.

Nick Will: Yeah, I mean if you guys would want us to assist in the design of that detention or you know, whatever may come from that would be the out of the scope of our current contract anyway.

Steve Sherwood: Then more than likely we aren’t going to be able to build anything in 2021.

Morrie Doll: You may be able to build part of it.

Steve Sherwood: My point was if we wanted to get to….we have to own all the easement and right of way for the red structures yet, and to get a decent price to build it it’d have to go out to bid in May or June at the latest otherwise contractors are going to be busy, that pushes us to 2022 construction season to get a decent price by bidding it out early in 2022 before they get all loaded up with projects for that fiscal year.

Nick Will: I’ll say the permitting agencies are probably going to want to know if you have definitive plans of doing something out here, they…

Steve Sherwood: They are going to propose Phase II

Nick Will:…build Phase I and immediately turn around and say oh, here you go here’s what we are doing now…

Morrie Doll: And they would think you are billing it backwards, they will accuse us of building it backwards.

Steve Sherwood: Yes.

Nick Will: So, not that we couldn’t approach them or phase that in in time.

Morrie Doll: Do you think it’s possible if one built a detention that you could positively impact the flooding of the cul-de-sac on Tanglewood Drive?

Brian Litherland: If we built detention here? Any detention is going to have a positive impact on all of them.

Morrie Doll: The Tanglewood Drive cul-de-sac is not flooding from south water? It’s all flooding from west water, flooding from water flow from the east? It’s not backing up.

Steve Sherwood: The Tanglewood Drive is technically Brownwood Court.

Commissioner Dan Saylor: Yeah, the Brownwood cul-de-sac. Jason, is there any other area in Tanglewood that get’s so high it jeopardizes getting into the houses along that ditch line?

Jason Baxter: I cant think of anything right now.

Commissioner Dan Saylor: So, it’s just Brownwood Court.

Steve Sherwood: Brownwood Court potentially Crystal Court the next one to the west is slightly higher, but it doesn’t get in the cul-de-sac, maybe the back yards.

Commissioner Dan Saylor: Well, when I was first Commissioner didn’t we do a project on there? Didn’t we cut some structures in there to get water out of that cul-de-sac since I have been a Commissioner?

Steve Sherwood: Per the original work done in Tanglewood replaced the structure, put a “duckbill” on Crystal Court too.

Commissioner Dan Saylor: Yeah.

Morrie Doll: If you would get me the address for Mr. Hartz, or a phone number.

Steve Sherwood: Yes, I will forward you his parcel card with his latest contact information.

Morrie Doll: I will reach out to him and see if we can schedule a time.

Brian Litherland: Would it be an advantage to restructure the cul-de-sac to a higher elevation?

Steve Sherwood: We need to look at that.

Commissioner Dan Saylor: You’re talking about Brownwood Court?

Morrie Doll: Or what about levying it?

Steve Sherwood: It’s below the levy.

Commissioner Dan Saylor: But then, Brian, what do you do with the water getting in the houses? Would you have to raise their driveway?

Brian Litherland: It doesn’t get in the houses…

Commissioner Dan Saylor: Well…not yet…

Brian Litherland: I haven’t heard anybody say that it gets in the houses.

Steve Sherwood: No, just 10-15-feet from their garage door.

Brian Litherland: Right, I mean, that water (?) effectively to raise it.

Commissioner Dan Saylor: Well, the guy’s complaint on the south west of that cul-de-sac is that he is always scared if he has an emergency if he has to leave he’s not going to be able to get through that water, which I disagree because he has a truck. If I had an emergency you could get through there without a problem.

Steve Sherwood: The trouble with just raising just the cul-de-sac is the rest of the street drains towards it so at some point you are going to hit a tipping point with Brownwood Court is not going to drain.

Brian Litherland: Storm sewer can still go down through there, raising the road gets the road up…

Steve Sherwood: The water is going to sit in the roadway, it would be a balance.

Brian Litherland: I just remember when we did that first Phase in Tanglewood that is what was in jeopardy was whoever built that subdivision built that road way too low and we didn’t have enough right of way along Tanglewood Ditch to make it bigger to fix all these problems. It was designed knowing that that was going to be a problem, that’s why they put “duckbills” on them from the get-go, but you know, the water is standing there because it cant flow into the ditch because the ditch is at a higher elevation so, you could raise the road up to get it higher than that hydraulic elevation you do have water that you have to do something with.

Morrie Doll: When was Tanglewood built?

Steve Sherwood: In the 70s, early.

Brian Litherland: Is there an opportunity to pipe it run down the elevation? There is room along the back of those homes?

Steve Sherwood: Yeah

Morrie Doll: Regulated drain, so it would either be a 75-foot or 30-foot top of bank.

Steve Sherwood: All of that would have to be studied.

Jason Baxter: 30-feet I believe is what it is.

President Bob Johnson: Okay, so that’s where we’re at.

Morrie Doll: Do you want to table this for now and I will reach out to Mr. Hartz, I will try to call him this evening and propose a meeting that you will attend, I will attend, the engineers will attend.

Nick Will: Yeah, we will be available.

Morrie Doll: Okay.

Commissioner Dan Saylor: I think before we meet with Brian we need to get our ducks in a row on how we want, what is the best thing..

Morrie Doll: Option 1, Option 2, Option 3…

Commissioner Dan Saylor: Yeah.

Morrie Doll: Motion to table?

Commissioner Terry Phillippe: I make a motion to table.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor 3-0

Steve Sherwood: Next item that Nick has before us is North Green Spring Valley Drainage Study, if you recall Lochmueller Group is the design engineer on the Bell Road plans back in the late 80s early 90s and then the recent Lincoln Avenue Phase III and the drainage basically starts at the Lincoln 261 intersection and then goes cross county through North Green Spring Valley, exits North Green Spring Valley along the back side of Springview Apartments and Wyntree Villas and then turns to head west along the south side of Schnucks into the structure to take to the Bell Road system where Nick is pointing. Since Lochmueller Group is the design engineer for both road projects I think they have a good handle on the hydraulics that were studies, and I asked them to submit a proposal to study this area as you recall, I’m sure Dan does, that we get calls frequently from North Green Spring Valley about when the County is going to improve the drainage along with the streets to it I’m sure he gets calls. Nick?

Nick Will: In the proposal it’s kind of similar to Tanglewood where we do a Phase approach, the first Phase would be to study the ditch from a hydraulic standpoint and it would include doing some survey work to start getting some information out there. This is from the survey, it shows the cross sections, there is a couple bridge type structures that cross under these streets that would be getting a survey on and then using that information and our hydraulic analysis to determine the different capacity of the ditch, there is several restrictions in the existing ditch channel out there. The proposed drainage study would review those and come up with a couple different alternatives, and potential issues that are going to be out there, some of the utilities and homes/buildings are relatively close, so there are several restrictions out there. From kind of a timing standpoint would be to get out there and get the survey done while the leaves were off this winter at all possible and then be sending out, because of COVID, the thought was ideally we’d have a public meeting to try to get everybody in to talk about their individual drainage issues along the route, but we might start off with more of a questionnaire that we would send out to everyone to start getting different ideas from people on what issues they are having along the route.

Steve Sherwood: This entire route is an open ditch with the exception going underneath some bridges it is still an open ditch channel flow, no pipes at all, and again we are dealing with a 70s subdivision in North Green Spring Valley which does not have a single drainage easement for these channels they are just running through public utility easements, hence the utility complication.

Brian Litherland: The entire subdivision drains to the surface..

Steve Sherwood: The whole subdivision drains to through the streets of concrete channels from street to street through yards or common property lines.

Morrie Doll: Where does the water discharge at from the subdivision?

Brian Litherland: It comes up and out of the subdivision right here and back behind the subdivision itself, this is Schnucks here.

Morrie Doll: Sure, then it turns to the west?

Brian Litherland: Yup, goes over and goes under the (?) that was built…

Steve Sherwood: Through a joined operation with Storm Water and Surveyor’s Office we just cleaned the brush out of that back side of Schnucks ditch in the last few months at least on the north side where we can reach. So, I wanted to ask them to prepare a proposal, bring it to the Board, and at least get the study started before the leaves start to sprout by March and if the Board had any questions regarding the proposal this would be the first step moving forward and it would give something to offer to residents that call as we are now starting to study it.

Morrie Doll: Does anybody anticipate that we’re going to need right of ways?

Nick Will: Yes I think we will.

Brian Litherland: This is the same situation all over again I believe. Steve?

Steve Sherwood: Yes, because there are no drainage easements.

Brian Litherland: There is a regulated drain at the end of the east end of…that’s why you were able to get in there and clean.

Steve Sherwood: I believe that is correct. Is it a Legal Drain all the way down south from there too Jason? I know there are drainage easements along Springview and Wyntree Villas to the north side of Green Spring Valley.

Jason Baxter: To that first ditch, or bridge there, that is legal.

Steve Sherwood: It’s a Legal Drain to there.

Brian Litherland: So, the rest of this then is not and there are very mature large trees right up against this ditch, fences…

Steve Sherwood: Bobby and I have walked it twice and we have quite a collection of photographs.

Brian Litherland: It’s going to be…

Commissioner Dan Saylor: I get a lot of calls just as Steve stated and negative comments knowing the street conditions that the drainage and we cant fix one without fixing the other. My opinion is I think we should move forward with this, if something happens on the Tanglewood where it delays maybe we could put this first even though, you know, this is where we got flooding potential. I don’t know, that’s my thought I don’t know what you guys were thinking.

Nick Will: The schedule on the back kind of shows something pulled together this summer to present to the Board.

Morrie Doll: The fee on this would be the $51,000 study fee?

Nick Will: That is correct, that includes the survey and our drainage study and any type of public involvement that we may propose.

Commissioner Terry Phillippe: Nick, I apologize if you already stated this, how many home owners are affected along the way there, roughly?

Morrie Doll: A lot.

Steve Sherwood: Not including the apartment complex and Wyntree Villas there is probably 50-60 homes that boarder it at least.

Morrie Doll: And in Warrick County would this be one of the highest flood prone areas?

Steve Sherwood: It’s one we get a significant amount of complaints on.

Morrie Doll: Okay, so the question would be if you would want to put a proposal motion on the floor that accepts the proposal for the North Green Spring Valley Drainage Study. Or if you want to consider the pamphlet for a longer period of time, but Steve recommends..

Steve Sherwood: I recommend we move forward with it.

President Bob Johnson: Me personally I think they are both serious issues as far as drainage, we got so many drainage problems down there, I think it something we really need to look at. The amount of complaints that come out of that area…

Commissioner Terry Phillippe: We get this done and it enables you guys to better formulate a plan to mitigate what’s wrong right?

Brian Litherland: Right, we can get into what the problems are and Steve had us go ahead and think about it just because he said you were having issues with components about drainage within the subdivision itself, this is the backboard of the drainage of the subdivision, so having this done and in place if you entertain the idea of wanting to try to do something to fix the actual surface drainage in here…

Morrie Doll: And the roads.

Brian Litherland: And within the roadway system it will be set up and ready to set off and start looking at individual drainage figures.

Steve Sherwood: This does not shoot and survey the entire subdivision, but it shoots the main drainage area and enables us to move forward if you want to do a Phase II or III with roads and portion of the roads in the future as Brian said, the backbone of the drainage.

Brian Litherland: Yeah, because if we don’t solve this issue first, the surface drainage is not going…

Commissioner Dan Saylor: I make a motion to move forward with the North Green Spring Valley Drainage Study.

Commissioner Terry Phillippe: I will second the motion.

President Bob Johnson: All in favor 3-0

Steve Sherwood: Is the motion approval good enough? Or we have to produce an actual contract assigned to this effect?

Nick Will: Yeah, we will put a…

Morrie Doll: Get a contract.

Steve Sherwood: Any other questions for Lochmueller?

Morrie Doll: If Steve will give me contact information so we get Mr. Hartz meeting set up I can reach out to one of you to get that started.

Steve Sherwood: I will get you his parcel card and a copy of the subdivision plat on the regular parcel..

Morrie Doll: And engineer’s contacts. Thank you.

Steve Sherwood: Thank you Gentleman. The last issue I have was the areal you have before you that I handed out prior to the meeting. Basically, the red lines that you see within the red clouded section, that is the drainage improvement project for what we call Yorkridge and Stone Gate Drainage Improvement Project, this was designed by Clark Dietz, we have plans designed from 2017 to effect new drainage structures and install them in the locations you see on the areal image. We have been waiting all this time on one land owner’s easement and we just got that the last few months, so now I am clear to proceed with building this.

Morrie Doll: That dumps into Sycamore?

Steve Sherwood: Dumps right into Sycamore Ditch.

Morrie Doll: Which is the ditch we cleared.

Steve Sherwood: The significance of this is I’d have to verify that all the land owners are still saying the same, assuming they are, I have a project shelf ready to bid out that can go to construction in early 2021 anticipated cost in 2017 was around a quarter of a million dollars. So, if we are wanting to proceed with a project that is ready to build in 2021 this would be it, but we have other projects that have come up during these delays that we have other priorities potentially too that we are discussing today and I didn’t know to tell these people who are inquiring when this is going to happen. I have told them I have had other delays in this project because of other commitments while we are waiting for people to sign easements, and like I said I would have to quiz the Board if they are ready to proceed and move forward with this project at this time knowing what we discussed today, you can see we have other potential expenditures on the horizon. It could come as soon as 2021 and 2022.

Morrie Doll: Does the Board need to see, do you have..

Steve Sherwood: I have complete set of plans and bid documents ready to go I just have to revise the dates.

Morrie Doll: Wouldn’t you want to see the plans to see what it entails or do you feel comfortable with the knowledge level about what..

Steve Sherwood: I would be more than happy to send them to the Board along with the bid tabs for construction.

President Bob Johnson: I think we need to, you know, maybe not so new to me, but what Steve is wanting to do with the plans would be. I would like to see that, and I’m sure we will have to go out for newer bids, right?

Steve Sherwood: I would have to update them, yes, and the consultant may still be willing to do that.

Morrie Doll: So, the request then Steve would be, I’m sorry, would there be a motion then by the Board to have Steve submit the plans to you for further review, maybe to the next meeting?

President Bob Johnson: Are you familiar with this Mr. Saylor?

Commissioner Dan Saylor: Not as familiar as the other two projects.

President Bob Johnson: I think we should have Steve submit the plans to us so we could get a better understanding.

Morrie Doll: Put it on the agenda for the next meeting?

Commissioner Dan Saylor: I agree. Does that need to be made by motion?

Morrie Doll: Yes, Sir.

Commissioner Dan Saylor: I make a motion for Steve to submit plans for the Yorkridge Project and Stone Gate to the Board.

Commissioner Terry Phillippe: Second.

President Bob Johnson: All in favor.

Steve Sherwood: The last item I have, we did approve our Erosion Control Inspector’s contract for 2021 at the last meeting and I appreciate that, we also approved the contract for Storm Water Administrator’s issue fee for 2021; we have not addressed the 2020 issue. I didn’t know if there was any way we can address that?

Morrie Doll: It’s a $1,500 annual expense to maintain her certification as a Level III.

Steve Sherwood: Correct.

President Bob Johnson: So, what do you need us to do?

Morrie Doll: If you are inclined to do so, you can make a motion to approve that for 2020, I didn’t put it in the contract because I am absolutely certain it would draw an objection by State Board of Accounts retroactively. If you want to send it out as a stand alone appropriation then we can see where we go.

President Bob Johnson: What do you prefer?

Morrie Doll: Set it out as a stand alone appropriation.

Commissioner Terry Phillippe: I make a motion.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor 3-0

Steve Sherwood: Thank you Gentleman, that is all the business I have today.

**MOTION TO ADJOURN**

Commissioner Dan Saylor: I make a motion to adjourn.

Commissioner Terry Phillippe: Second.

President Bob Johnson: All in favor 3-0