**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

***December 28, 2022***

Regular Session

Old Historic Courthouse

107 W. Locust St. Suite 303

Boonville, In 47601

812-897-6170

The Warrick County Drainage Board and Department of Storm Water met in regular session with Bob Johnson, President; Dan Saylor, Vice President; Terry Phillippe; Secretary; Morrie Doll, Attorney; Steve Sherwood, Storm Water; Phil Baxter, Surveyor; Jason Baxter, Deputy Surveyor and Dana Upton, Recording Secretary

Present in the audience: N/A

**PLEDGE OF ALLEGIANCE:**

President Bob Johnson: We will call the December 28th 2022 Drainage Board Session to order if you will all stand and recite the pledge.

**APPROVAL OF MINUTES**

President Bob Johnson: First we have approval of minutes for December 12, 2022.

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

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor? Motion carries 3-0.

**SPRENGLE DITCH BID-OPENINGS**

President Bob Johnson: Next up, we have Sprengle Ditch Bid-Openings.

Morrie Doll: Mr. President I received 1 bid from the Drainage office or Surveyors Office. It’s identified for that project, but it doesn’t have the name of the bidder on the outside. It shows that it was received or was to be opened today. It’s from Ubelhor Tree Service. The proposal is dated December the 24th. Saturday. It’s identified to be for the Sprengle Ditch and the estimate for the proposal is a flat fee of $36,289.00. I will return this to Jason. That is the only bid.

President Bob Johnson: Jason, do you have money to cover that?

Jason Baxter: We do for 2022.

Commissioner Terry Phillippe: Is that in the range you thought it would be?

Jason Baxter: It’s close.

Phil Baxter: Just for the record, that was the only bid, or the only person that even looked at the job. The other ones that we solicited didn’t even show any interest at all.

Jason Baxter: We sent out 4 bids and that was the only one.

President Bob Johnson: So we need to get a motion to either approve or deny and if we approve, it has to be in conjunction with Jason making sure that all of the specifications meet his requirements.

Commissioner Terry Phillippe: I’ll make a motion to approve as long as they all meet.

Commissioner Dan Saylor: I hate only getting one bid. There’s just nothing to go by. I guess I’ll second it.

President Bob Johnson: A first and a second. All in favor? 3-0

**EDWARDS DITCH / BELLMOORE LANDING BID-OPENINGS**

President Bob Johnson: Next up, we have Edwards Ditch, Bellmoore Landing.

Morrie Doll: No bids.

President Bob Johnson: No bids?

Jason Baxter: No bids. The Contractors were wanting to add a bunch of cribbing and such adding to the cost that we don’t have. We are going to try here again this spring or summer to try and do it again.

Steve Sherwood: Is that the section of Edwards Ditch North of 66?

Jason Baxter: No, it’s at Libbert Road, Bellmoore Landing.

Steve Sherwood: Yea. Libbert, North of 66.

Jason Baxter: Yea, north of 66, yes.

Steve Sherwood: Ok.

**CLAIMS:**

President Bob Johnson: Next we have claims for a total of $5,437.85. With the majority of that going to SJCA for Section Corner Perpetuation. 100% complete.

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

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor. 3-0

**OTHER BUSINESS:**

President Bob Johnson: Any other Drainage business?

Steve Sherwood: Just one item Mr. President. I sent a letter to David Gossman. The President of the HOA of Halston Manor on December 20th. If you recall, they are supposed to have their basin at Halston Manor at a certain level from December 15th to March 1st. These photos illustrate the pool elevation on December the 20th. You can see the gate is closed. So, I basically resent him Morrie’s request or a letter that Morrie sent in October stating in plain English what the requirements were for maintaining the water level. The basin and the disgate should be fully opened and not closed. As you can see the water level is increasing and the pipes have some water in them. You can see the water level did drop some but after he dropped it, he closed it again, which I don’t understand. He is supposed to leave it. There was, I measured 3 foot 4 inches down on this side and then on the inside I measured 1 foot 10 so he’s basically holding a foot and half and increasing. So I will follow up with another inspection hopefully yet today and see if he has responded to the letter but I don’t understand why they are not following the agreement.

Morrie Doll: We could summons him to appear before the board and explain his lack of compliance before taking any other more harsh recourse. We can enforce that agreement in court.

President Bob Johnson: Since he’s relatively new, do you think he that he just doesn’t understand the requirement?

Steve Sherwood: Jason spoke to him I believe, recently.

Jason Baxter: well, it’s been more than a year ago and yea. I mean, I explained it to him the best I could as it reads.

Commissioner Dan Saylor: Who is it again?

Steve Sherwood: David Gossman.

Morrie Doll: You remember that the prior president moved.

Jason Baxter: Yea, I think this is probably the third, maybe the fourth since.

Steve Sherwood: Since Neil Chapman.

Morrie Doll: We have a binding agreement with the homeowners association to do that.

President Bob Johnson: So what course of action do we suggest?

Morrie Doll: My recommendation is we send him a notice to appear and explain why they are failing to comply and if that doesn’t work, we can get a court order to compel but I hate to leap to that extreme remedy if we don’t have to.

Commissioner Terry Phillippe: Humor me here for just a minute with my thoughts please, common sense solution seems to make that agreement say if it doesn’t already say, that Jason or Dylan or somebody in the Surveyors Department can go twist the valve and open and close it when need be and be done with it but is that possible?

Morrie Doll: well they would have to technically trespass on the association property.

Steve Sherwood: We don’t want to own or maintain or control the basin per the subdivision.

Jason Baxter: I think the wording of the agreement says that.

Morrie Doll: It may say that but it’s a risk. They could in fact determine that they were trespassing.

Commissioner Terry Phillippe: I don’t want to create a situation where they are going and doing everybody’s valves for everybody so.

Steve Sherwood: Yea, and I just hate to keep putting a grievance together on basins but obviously he opened it and drained it and then he returned to close it so who is to say if Dylan was to open it, he wouldn’t go back out and close it.

Jason Baxter: And he may not be the one that closed it.

Morrie Doll: He may not.

Steve Sherwood: It may be one of the other residents. I don’t know.

Morrie Doll: We don’t know.

President Bob Johnson: Well, let’s go ahead and maybe summons him here to address the issues and make sure he.

Phil Baxter: Should we wait until we see that it’s not.

Steve Sherwood: I can report back to the board at the next meeting if it’s been open to Phil’s point.

Morrie Doll: A phone call?

Phil Baxter: Or contact Morrie.

Steve Sherwood: Yea, I can contact you. If it’s still not been resolved after I inspect it then I’ll just contact Morrie and follow through with the Boards wishes.

Morrie Doll: Does the Board want me to call the guy and say look we are getting ready to send you a notice, you’re going to have to come in here and explain why in the world aren’t you out there opening that valve?

Steve Sherwood: And leaving it.

Morrie Doll: And leaving it open for the winter months like we’ve agreed.

President Bob Johnson: That’s the best way to go I think.

Morrie Doll: Can you get me his name and phone number again or not?

Steve Sherwood: Dana, did you have contact information on his name or address?

Morrie Doll: I can find his phone number if you can just give me his name.

Phil Baxter: David Gossman.

Dana Upton: It’s David Gossman. I mean I can try to find his phone number but I haven’t specifically talked to him before.

Steve Sherwood: You should have an email with that copy.

Morrie Doll: well, I’ve written to him so I’ve got his address. Yea. Thank you. I will call him this week.

President Bob Johnson: Any other drainage business?

**STORM WATER DEPARTMENT**

President Bob Johnson: Steve.

Steve Sherwood: Thank you Mr. President. I have a few things of notice.

* First item I have on the agenda is the Bluewater Court project that we talked about in the last meeting with CenterPoint Energy Company. Morrie and I were not able to meet and make a joint phone call to Jody Chapman between the last meeting and now. I sent Mr. Chapman an email this morning requesting as the Board asked if they would entertain a 50/50 split on the cost of the relocation of the CenterPoint Utilities that are conflicting with our proposed Stormwater project and obviously I have not gotten response back but I did make him aware that all other utilities that are in conflict are relocating at no cost to Warrick County. As you know, we stated that we were there first obviously. The drainage structure was installed before the subdivision was even platted or the easement existed therefore we think, Morrie and I both believe we were there first but they chose to install over the top of our pipe in a 20 foot wide joint public utility and drainage easement. We’ve had discussion that we will probably run into these instances in future projects as well.
* Next item of interest that I have, in your copies presented to you, you’ll see that you have a summary sheet of Warrick County Stormwater projects outreach complaints filed, the money supply, the highway department annual audits, IDEM permits, new equipment proposed for purchase in 2022 to be delivered in 2023. I do report to the Board twice a month at these meetings about different Warrick County Stormwater projects and items but the new general permit that requests that I present a summary to the Board at the end of the fiscal year and in meeting with that, I am presenting that to you if you would have any questions, please feel free to contact our office or myself at any time. But I just wanted to put that 2 page summary in front of you. That was prepared jointly by Barbie & Jennifer. Tomorrow will be Barbie’s last day and Jennifer Curry will be the new Office Administrator.
* Next item I have is Morrie’s annual contract as Attorney for the Warrick County Stormwater and he was kind enough to fulfill my request and send one prior to this meeting and Morrie if you would, explain to the board if there is any changes.

Morrie Doll: There is no changes. It’s the same exact contract as 22, 21, etc. backwards so it’s still $500.00 a month payable and then if we have court litigation, it’s at the hourly rate of a $125.00 which is our Government rate. That’s never changed.

Commissioner Terry Phillippe: I make a motion to approve.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor? 3-0

Commissioner Dan Saylor: Do you know there is inflation going on in the United States?

Morrie Doll: I know. My partners know too.

Steve Sherwood: Inflation will come up on the next.

* I spoke with our contractor that does the erosion control inspections Geralyn. Geralyn Bradley with Applied Land Solutions LLC and she reminded me that her hourly rate of $75.00 an hour has not increased since 2014. With inflation and everything else that has happened with the advent of 2023 about to happen, that will be almost 9 years since she’s had any type of or requested any type of a pay increase or had a pay increase.

President Bob Johnson: I’d show her Morrie’s contract.

Steve Sherwood: I’ve had that discussion with her. She feels as she discussed with her accountant the core rate of inflation over the last 9 years is 26.1% so she would ask the Boards consideration of increasing her rate from $75.00 to $95.00 an hour. Now, note that the amount of work that she does, does not change. We have an annual budget amount of $48,000 and she has to work with that. I have not asked the Council for an increase in that but with all these continued inspections and the amount of SWPPPS, I will probably have to address that issue in 2023 with the Council and ask for an increase in the line item in that budget eventually so I don’t have a contract from her for that amount yet. I just said I needed to discuss this with the Board to see if they’d be willing to allow a contract to increase your rate from $75.00 per hour to $95.00 per hour since you’ve not had an increase in your rate in 9 years. Any comments from the Board?

Commissioner Terry Phillippe: Steve, we just had a conversation in Heathers office about the new County Inspector and I know you made the statement that they are just going to keep doing what you’re going to do but we, everybody needs to kind of iron out that new inspectors scope of work so to speak and so that may play into that conversation somehow, maybe it won’t, I don’t know but I’d like for us all to have a meeting and line that out before we do anything else.

President Bob Johnson: Is she part time?

Steve Sherwood: Yes. She is contracted. We don’t pay her health insurance, gas, mileage, anything. She does everything in that contracted rate per hour.

Commissioner Dan Saylor: Oh, so that covers her expenses and everything.

Steve Sherwood: Yes, everything. She is not on the County payroll, other than as a Contracted Service. And I understand her dilemma that she’s in with it. She is previously worked for IDEM and is familiar with all of the rules and continued rule changes and I’m sure each of you have heard from Contractors that they are not in favor of her or don’t like her etc.

President Bob Johnson: That means she’s doing her job.

Steve Sherwood: It means, she’s doing her job and I don’t know anybody else who wants to do that job and as I said we are contracted at the amount budgeted annually at $48,000 not to exceed to pay her. I just have to keep right on her time which seems to be in more demand but with the rule changes and stuff with IDEM, I don’t.

President Bob Johnson: Have you figured out how many hours she works now compared to what she will work if that raise got approved?

Steve Sherwood: Yes.

President Bob Johnson: And what is that?

Steve Sherwood: I had that discussion with Barbie before Christmas.

Morrie Doll: $48,000 divided by 75.

Steve Sherwood: Let me pull that up real quick.

Commissioner Dan Saylor: That number is 640.

Morrie Doll: And what would it be if it was divided by 90? Closer to 400?

Steve Sherwood: 640 hours is what we are getting now. If you were to divide that by 95 you would get 505 hours. So we are basically loosing 135 hours out of the year or about

Morrie Doll: 10 hours a month.

Steve Sherwood: So about 21% as which was her, she requested a core inflation rate of 26%, but we would be losing about 21% of the total hours.

President Bob Johnson: Right.

Commissioner Dan Saylor: Steve, if you had to find somebody else with her experience, I mean, would you not be able to retain somebody for $75 an hour?

Steve Sherwood: The question is IF I could find somebody with that experience and the education and certifications to do this kind of work. She does have a passion for it as I’m sure you’ve heard complaints about her tenacity.

President Bob Johnson: It may be a silly question, but do we have the authority to raise that?

Morrie Doll: I don’t think so. I think it’s got to be included in the budget to Council doesn’t it Steve?

Steve Sherwood: If I was going to increase our total contract of $48,000 to a higher figure, yes but I can still work her in the current $48,000, I just have to limit her hours.

Morrie Doll: Yea, we are capped at $48,000.00.

President Bob Johnson: And it’s a contract as Mr. Saylor said so.

Morrie Doll: From when to when?

Commissioner Dan Saylor: Is it an annual contract renewable every January 1 Steve?

Steve Sherwood: That’s what we’ve been doing.

Morrie Doll: So she is coming up for renewal now?

Commissioner Dan Saylor: So basically we are going to get up to 505 hours if we approve this new rate vs 640. So my question is, does she work 640 hours or did she work 640 hours in 2022?

Steve Sherwood: Yes and she has billed for that although I’ve been told that she’s worked more hours than what she’s billed for regardless. And I could see that by the number of reports and the depths of the reports.

Commissioner Dan Saylor: This is where I think an annual 3, 4, 5% increase is better than this because this is a problem that it causes. I think,

President Bob Johnson: Yeah, I agree.

Steve Sherwood: And that’s the problem of not having any adjustment of the contract for the last 9 years.

President Bob Johnson: And this has to be a decision made now correct?

Steve Sherwood: Well, we can wait until next meeting I believe but I would like her to prepare a contract with a rate that would be acceptable by the Board.

Morrie Doll: Our next meeting is January the 9th and the 23rd.

Commissioner Terry Phillippe: I think if we are going to lose some time, it’s between January 1st and January 8th.

Steve Sherwood: I just don’t want her to start working right after January 1st and start charging at a rate that’s not been approved by the Board.

Commissioner Dan Saylor: So, 9 years, 3% comes out to starting at $75.00 an hour at 3% increase comes out to right around $100. Or $100.54 so it’s kind of less than a 3% increase.

Steve Sherwood: I think she was hopeful for asking more than the 95 but I had to pull her back to what I considered reality.

Commissioner Dan Saylor: Well, I mean, here is my two cents you know while she could be worth more, I don’t know. I don’t know what’s out there, I don’t know what’s out there in the private sector or what these people command. I mean, look what our legal counsel makes and I know you know, I mean, while he’s been generous to this Board, you know, I’m not against an increase for her however, I wish this conversation would’ve happened to where you could’ve got it in your budget and we don’t lose. If we approve this, we are going to lose hours unless you go back to the Council for an additional appropriation.

Steve Sherwood: I’ve had that discussion with my Office Administrator that I will probably be addressing it before budget time to ask for more out of our Stormwater Utility Fee to supplement the additional.

Morrie Doll: Would she wait until the next budget cycle do you think Steve?

Steve Sherwood: She has indicated that it’s gone on too long.

Morrie Doll: Are there any other service providers out there who do what she does?

Steve Sherwood: Not that I am aware of.

President Bob Johnson: I think we would be hard pressed to find somebody that would be that rate.

Steve Sherwood: The Vanderburgh equivalent of hers was making less money and they only lasted 2-3 months before they left that job.

Morrie Doll: How is Vanderburgh County handling it now do you know?

Steve Sherwood: I don’t know how they are handling their inspections now but they have not been able to retain anybody.

Morrie Doll: Do you know if the Vanderburgh County Inspector is full time staff with the County or contract part time?

Steve Sherwood: it was offered as a county position I believe.

Commissioner Dan Saylor: Well, I think her, it seems like maybe, I could be wrong in this but it seems like things are slowing down in the building industry a tad bit. Here maybe not as much as some other areas but you know, I would think her work load wouldn’t be any more than what it was in 2022 but of course it could be if she is taking on more responsibilities but.

Steve Sherwood: And I can keep her working within the current budget. It’s not a problem. I don’t think it is.

Commissioner Dan Saylor: has she brought this request up before Steve?

Steve Sherwood: For an increase? No.

President Bob Johnson: Well, shame on us for not

Commissioner Dan Saylor: Well, shame on her for her to make a statement that it’s gone on too long.

Morrie Doll: Sort of an ultimatum.

President Bob Johnson: Sometimes it’s hard for a person or individual to put a price on themselves.

Morrie Doll: It is.

Commissioner Dan Saylor: Yeah, I don’t understand but I don’t like that statement like we didn’t do our job. I don’t know what she’s paid.

Steve Sherwood: I don’t think she’s necessarily implying that we don’t do our job but there were rule changes a year ago with a new general permit and it’s taken a year to vet most of that out and I think she’s foreseeing that the time requirements because of the new changes in the new general permit that’s adopted almost a year ago to the date by IDEM.

Morrie Doll: So the new IDEM rules are going to take more inspection time?

Steve Sherwood: Well, they’ve relaxed some of the inspection times. It’s not a requirement that you have to be at every site every month but we continue to operate as such because of the necessity of problems that are out there. I can scale her back but that requires more enforcement and more action by myself and the Board to get these people’s attention to make sure that they do the proper amount of soil erosion control per the IDEM requirements.

Phil Baxter: You know, if we had known this a few months ago instead of the last week of the year, it would’ve made things a lot easier too.

Steve Sherwood: And that’s partly my fault because I didn’t ask her for a contract until about 2 weeks ago.

Phil Baxter: Well, I mean, she knew it was coming. I mean she knows she goes 12 months at a time.

Morrie Doll: Well we can’t read her mind. We didn’t know that she was going to say it’s gone on long enough, it’s got to be upped.

Commissioner Dan Saylor: That’s my whole thing. It’s like hey, and I’m not again, I’m not opposed to, she’s obviously kept this rate for a long time. I didn’t know what she was making really. I’ve heard Steve talk about there is a contract in place and there’s been an amount. I never knew what that equated to on a per hour basis however, you know what $75 an hour is not bad money. I’d take it as a Commissioner. I don’t know which one of you made a point, would she work with us on some time? You know, can we go half that and just say hey we will get it worked into next year’s budget to.

President Bob Johnson: That is what I was thinking on this.

Steve Sherwood: I’d be more than happy to have her appear at the next meeting.

Commissioner Dan Saylor: that would be fine or I would give Steve the authority to talk to her.

Morrie Doll: If you bring her to the next meeting, it will almost look like a confrontational meeting. I don’t know if that’s.

Commissioner Dan Saylor: No, I would rather Steve talk to her and just propose to her. Just say hey, we are in a pickle because of budget because we’ve already set the budget.

President Bob Johnson: so do a half, a 10% of the raise.

Commissioner Dan Saylor: And get the rest in your 2024 budget. In what of August of 2023.

President Bob Johnson: Then bump it another 10%.

Morrie Doll: That will hold us. Instead of 640 hours, was that the number Commissioner?

Commissioner Dan Saylor: Yeah.

Morrie Doll: If we could get 10% of it and then hold it there with a budget increase next July, we wouldn’t lose more than we are willing to.

Steve Sherwood: So, would it be fair to say to have her offer a contract for 2023 at an hour rate of $85 per hour noting that in 2024 we would be expected to increase it to $95. Is that basically the same thing?

President Bob Johnson: Yeah.

Steve Sherwood: I can go back and approach her on that basis if the Board is in agreement.

Commissioner Dan Saylor: Yea, just tell her if we would’ve knew this 3-4 months ago, we could’ve got it worked in our budget and then.

Steve Sherwood: In the meantime, I can work with Council about increasing it from $48,000 to whatever we need to make it. $60 or $65, 0000 or whatever.

Morrie Doll: Whatever it takes to cover 95 at 640 hours a year. If that’s what you need.

President Bob Johnson: And, you know, coming 2024 it may be a little bit more than the 95 because of the rate of inflation.

Morrie Doll: But, it would seem to me that the utilization of her inspection services goes up or down with the construction cycle and so if we are seeing a low and the APC can tell us that by permits then maybe she’s not as necessary on some sites. I don’t know that, I’m not an expert but logic tells me.

Steve Sherwood: And I can help regulate that from our end with the budget.

President Bob Johnson: And our new inspector. I don’t know what type of role that’s going to roll into to where it might help out a little bit in some of the other areas too that she might be covering. Are we ok with that?

Morrie Doll: A 10% raise now and

Steve Sherwood: I will approach her with it and see if she will entertain 85 for 2023 with the note that in 2024 we will look at $95 plus.

Morrie Doll: The commitment that we will go to Council and ask for it.

Steve Sherwood: And try to get a commitment from Council.

President Bob Johnson: To get more funding because I really hate to go down so much on hours of inspection time.

Commissioner Dan Saylor: So that’s building permits. This is September of 2022, so that’s 17. You see what it’s done there throughout the month.

Morrie Doll: It looks like it’s tapering off.

Commissioner Dan Saylor: And there is comparison to what it did on September to those dates.

Morrie Doll: So it rose to 21,000 on 21 and now it’s going down to 17?

Commissioner Dan Saylor: Yeah.

Morrie Doll: That’s a 10% or more fall in permit revenues which is equated to permits.

Commissioner Dan Saylor: I think with interest rates the way they are, I’m not.

Morrie Doll: It has to go down.

Commissioner Dan Saylor: I know this, somebody told me that not Danco but who is the real small builder that does a bunch of.

President Bob Johnson: Jagoe.

Commissioner Dan Saylor: Jagoe. Thank you Bob. That they were pulling 15-20 permits a month and they are down to 3 or 4 right now, so that is substantial.

President Bob Johnson: So Counsel, do we need to do anything on this?

Morrie Doll: I think a motion to move her to or authorize Steve to offer her $85.00 an hour with a commitment that Stormwater will go to the Council and seek more appropriations in the next budget cycle but for 2023, authorize Steve at $85.00 per hour for the contract with the inspector.

Commissioner Terry Phillippe: I make the motion as stated by Counsel.

Commissioner Dan Saylor: I will second that.

President Bob Johnson: All in favor? 3-0

Steve Sherwood: Thank you. That is all that I have unless you have any questions?

Commissioner Dan Saylor: Thanks Steve.

**MOTION TO ADJOURN/RECESS:**

President Bob Johnson: Anything else? Gentlemen? Lady?

Commissioner Terry Phillippe: I make a motion to adjourn.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor. 3-0