**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**February 22, 2021**

Regular Session

Old Historic Courthouse

107 W. Locust St. Suite 303

Boonville, In 47601

812-897-6170

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

Present in the audience: Brian Litherland

**PLEDGE OF ALLEGIANCE:**

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

**APPROVAL OF MINUTES**

President Bob Johnson: First we have the approval of minutes from the February 8, 2021 meeting.

Commissioner Dan Saylor: I make a motion to approve the February 8,2021 minutes.

Commissioner Terry Phillippe: I will second

President Bob Johnson: All in favor 3-0. Do we have any business at all Jason?

Jason Baxter: No, Sir.

**CLAIMS:**

President Bob Johnson: Next up we have claims, Treasurer for gas $112.73 and Attorney fees for $100.00 for a total of $212.73.

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 business for Drainage Board?

Jason Baxter: No, Sir.

President Bob Johnson: Okay, with that being said I will hand the meeting over to Mr. Sherwood.

**STORM WATER DEPARTMENT**

Steve Sherwood: Thank you Mr. President, the only item I have for the Board’s business, you have a copy of the Lochmueller Group proposal dated February 18, 2021 this is the result of the meeting we asked Lochmueller Group to go back and look at the Tanglewood Ditch to connect our Fuquay Road with the Tanglewood Subdivision, Tanglewood Ditch Legal Drain. Brian Litherland with Lochmueller Group is here to present to you the proposal from February 18th for his firms study and what benefits we may get from doing the proposed work. We also have the original proposal from December 11, 2020 which includes all the permitting fees still and right of way engineering fees that has been on hold ever since after we met with Mr. Hartz and talked about connecting the rest of the Tanglewood Ditch and Fuquay Road improvements. With that, I will turn it over to Brian for his continued discussion.

Brian Litherland: Brian Litherland, Lochmueller Group. What you have in front of you there, so, if you recall we were talking about doing the next phase of the Fuquay design and I wont repeat it too awful much you know, if you recall the red stuff over here along Fuquay is pretty much what is in place already as a construction package. What we are looking at now, is after we get things under control along Fuquay here and in combination with the Telephone Road project and so forth, the rest of the ditch down stream of the red structures here down to the previous work done in the Tanglewood Subdivision area is what is being looked at for additional improvements. If you recall when we were talking about that someone brought up that there was some drainage issues there around Brownwood Court, there are flooding issued with Brownwood Court gets under water occasionally with big storms and so forth so we went into discussion was there a way to do something now in this particular area to benefit the problems there in Brownwood Court. Putting a time out on the blue line there you asked us to put a proposal together to take a look at what is going on down here in Brownwood Court and is there something we can do in regards to utilizing some of the property immediately upstream to do some detention, which obviously would have the effect of taking the water that is coming from upstream, holding it, then reducing it at a lower rate which would lower the water elevations in Tanglewood Ditch and the vicinity of Brownwood Court. What you have in front of you, like I said as we started talking to our hydraulic experts that have a little better feel for things for a big picture standpoint they really question whether or not there was going to be enough room to do a detention that has any significant benefit honestly, we are looking at over 250-acres of watershed coming to that location and they just have a real suspicion there is not going to be enough there. Instead of diving into the full depth at the last meeting and really going towards that or why, they said we don’t need to spend your money on activities that aren’t going to be beneficial. Doing some survey, which obviously we had already done a survey for the previous Tanglewood projects so we have some stuff already picked up. There ends up being a small area which is the photo in the very back of that proposal is basically showing what little bit we would need to pick up some survey information to get an idea on what elevation Brownwood Court is at and then some geometry on what the actual ditch is built to and evolved to since the construction a few years ago in 2012. That would give us enough information to do some very basic hydraulics and would tell us if there is going to be an opportunity to do anything in the way of detention up stream there that is going to be beneficial to Brownwood Court if their not and effectively what you see you have a price there of Phase I to do the survey and to do those preliminary hydraulics. If it proves out that there is enough room that the detention basin can be beneficial, then you’ve got a Phase II price there to do the more detailed study of the detention basin to tighten up the screws and get more accurate information for the purposes of design of permitting and so forth. So, what is in play here is we are going to look at the area, see if there is enough room and volume to create the volume that we need to help Brownwood Court. The other option that is in play there and that’s why we did so much survey on Brownwood Court is that maybe there in a combination in play here, maybe we can do enough detention and possibly reconstruct a portion of Brownwood Court to a higher elevation to get it dry and it may be that it needs to be a combination of both.

Commissioner Dan Saylor: Brian, would you look at maybe a berm or taller berm, a retention wall, or a flood wall or something?

Brian Litherland: So, here’s effectively what is going on here Dan…

Commissioner Dan Saylor: I know the road is lower.

Brian Litherland: The road is low, but there is already a berm there and an inlet was put in in that location. Effectively what we have going on is that today already the water in the ditch gets up so high it’s higher than the pavement and because of that we put an actual backflow prevention valve on the end of that to keep that from flowing back up and into Brownwood Court. The problem is that as long as the water is higher in the ditch any water that is coming down Brownwood Court wont go anywhere, so building a higher berm isn’t going to help that in any way shape or form if you follow what I’m saying.

Commissioner Dan Saylor: Yup, makes sense.

Brian Litherland: By doing the detention and releasing the water upstream at a slower rate we’re going to look and see how much lower can we get that ditch to see if we can dry up Brownwood Court purely with detention which would be great or can we do enough with….and that’s up to you guys. I don’t know how big of an issue the Brownwood Court flooding is to you guys.

Commissioner Dan Saylor: Steve or Jason might be able to answer this; I know it effects two houses pretty bad, so let’s say you build up Brownwood Court, how would building that up, yeah you’ll still maybe be able to get out but how is that going to help the houses with water getting in their garage? I think that would just create less storage and water has to go someplace because that holds a lot of water.

Brian Litherland: Sure. I would doubt, I don’t know, we would have to see what the hydraulic says as to if just purely built in Brownwood Court would even get it high enough. From what I understand it hasn’t gotten into the garages, from what I understand.

Commissioner Dan Saylor: No, on this house here on the southwest corner it was probably about 8-feet from the garage door he said it has been up to the garage door, but I have not witnessed that with my own eyes. This house over on the east side was probably about half-way up his driveway.

Brian Litherland: He does appear to be a little higher.

Morrie Doll: If you get the water over the levy and back into Tanglewood does that solve the Brownwood Court flooding? If so, why don’t you pump it? Not backflow it, because it wont flow because the surface height of the ditch is too high to allow the water to drain, why don’t you pump it? It’s not that big of an area to dry with a pump you could build a sub-pump container area that is designed to take municipal water like that and just pump it over the top of the levy and that is the least expensive, we wont have to inquire more land. I have a concern legally, if we speed up the water off of Fuquay down that drain in some capacity or another I’m worried we are going to aggravate the flooding in the neighborhood because we created it by this improvement on Fuquay, we didn’t fix it we aggravated it and cause of action and we could have liability as a County.

Commissioner Dan Saylor: So, what if Lochmueller shows that….

Morrie Doll: Phase I?

Commissioner Dan Saylor: Well, whether we go downstream and clean that ditch out or whatever it takes to show that water is going out there faster than it did before, would that be a…

Morrie Doll: It’s a matter of degree, if we are adding an “X” number amount of gallons or whatever per hour per day per whatever from the Phase I improvements down that drain, but we are exiting half that I think we still have liability. The only way we get out of liability it’s in that neutral that we…it’s sort of like the design plans for drainage that you look at all the time for subdivisions and the result are neutral there is no more water leaving that previously left. Now, I would think that would be complicated to figure out but it could be done I’m sure. I am just asking, if we are dealing with two houses…

Commissioner Dan Saylor: Two with maybe potential of maybe four…

Morrie Doll: Okay, really with a limited number of houses and we deal with about a foot and a half of water, can we pump it more economically than any other solution to the problem?

Steve Sherwood: Pumping it is another design consideration and then how big of a pump with how big of an event is the other and we have not pumped out any storm water in the County that I am aware of yet.

Morrie Doll: Do we have any pumps in any drainage ditches? A lot of County’s do, I think Knox County has huge pumps that they are pumping their drainage ditches into the rivers, but that is a lot bigger deal than this one, this is a real small…

Steve Sherwood: To my knowledge there has not been very many house damage although water has been close on the garage driveways.

Commissioner Dan Saylor: Brownwood on Fuquay…

Steve Sherwood: The actual damage has been for people who have parked their cars in the cul-de-sac…

Morrie Doll: Which is a public right of way, the only hesitation in my mind is whether or not you can keep the water on the other side of the levy. If you pump it into the ditch can you keep the water on the other side of the levy.

Steve Sherwood: There is a cul-de-sac to the ditch, but it has a backflow device that allows when the water gets up on the ditch side of the levy it doesn’t backflow into the cul-de-sac, all the water is coming down Brownwood Court that gathers in the cul-de-sac that cant drain away, hence your pump solution, until the ditch recedes and the flood gate will act as it is supposed to and let the cul-de-sac drain down.

Morrie Doll: Pumps also take maintenance, they have utility costs, etcetera so it would be an ongoing…but the question gets to be is this a solution that works, that’s less expensive than buying or inquiring ground and building a detention system that may be questionable at best.

Brian Litherland: I think when we get into that we get into liability discussions of okay, what usually happens during big storm power outages, would you have generators involved to deal with that like you do on this station and sanitary stations and so forth. I think we would still be in a good position, good thing we did the Phased approach, that approach is going to get us to have the right information if that is a direction you want to consider possibly.

Commissioner Dan Saylor: In one of your approaches can you look at, and I don’t know downstream on the ditch, if downstream on that ditch if that was opened up can that be made wider? Is that too expensive? Can it be cleaned out? Can we go in there? Those are the questions that I have downstream…

Commissioner Terry Phillippe: My mind is still stuck on something else, I’m going to change gears on you a little bit here I know we are talking about the cul-de-sac here but back to this odd parcel of land behind to the south of all the properties, where did the conversation go with the land owner there? Would he allow, I know that’s not part of what we are talking about.

Steve Sherwood: He was agreeable to us studying it, there was part of the land I think he would part with, he didn’t say for sure or how much.

Morrie Doll: Towards the west end of the ditch.

Steve Sherwood: Yes.

Brian Litherland: He has family that are in here, there’s a culvert that is right here more or less gets in the connection between him and his family, he was okay thinking about to the west of that to consider going to build there.

President Bob Johnson: How much land would that be to the west?

Steve Sherwood: It’s less than 3-acres and he wants to keep a portion of it.

Brian Litherland: It’s the whole thing right here that was about 5..something..less than an acre I think which has our folks going hmmm…

Steve Sherwood: To answer your question Dan, the….

Commissioner Terry Phillippe: I guess I bring that up because when you say you have already had some concerns with the Brownwood Court retention, do those tie together I guess is where I’m going. If we have a retention area over here and a retention area over here or one big retention area that holds it all I don’t know if that’s enough.

Brian Litherland: I apologize if I didn’t explain it well enough, that is what you have in front of you…

Steve Sherwood: The February 18th proposal.

Brian Litherland: Yes, there was the February 18th proposal that kind of tags onto the original proposal.

Steve Sherwood: The December 11th which I just put a copy in front of you.

Commissioner Terry Phillippe: So when you say you have concerns, it’s with that area that I just asked about?

Brian Litherland: So, we were going to look into doing a detention basin in here to help this situation, we aren’t doing any detention down here necessarily, if we did look at a detention it would be from a plump standpoint purely.

Steve Sherwood: To answer your question Dan about making ditch improvements further west and downstream of there, the problem is that that area begins to flatten out through Tanglewood going to the west, it is under the CORP’s jurisdiction and Jason will tell you the Legal Drain which that Tanglewood ties into, I think it’s called Gardner-Webb?

Jason Baxter: Correct.

Steve Sherwood: Then all that flattens out all the way to Telephone Road and SR 62 so a lot of that is a back water situation when Pigeon Creek is up, the water just does not get away from that area quickly no matter how much drainage improvement, you are going to run into a storm at some point that will be so large it wont physically drain away until you get some downstream relief from Pigeon.

Morrie Doll: The CORP has restrictions on the ability to lower the ditch.

Brian Litherland: As well as when we did that original drainage through there one of the decisions that was made was to not bite the big bullet and that main road that goes in with the bridge in it?

Steve Sherwood: Sandalwood Drive, the far western one then Tanglewood Drive with the box culvert is the eastern most two structures, two roads.

Brian Litherland: Okay, so Tanglewood we did not entertain the idea of replacing that structure.

Steve Sherwood: That is a 5-foot by 20-foot box culvert at Tanglewood Drive and physically downstream is a bridge on Sandalwood Drive.

Brian Litherland: It was built a little too low.

Steve Sherwood: A foot too low.

Commissioner Dan Saylor: Yeah, I’ve seen water on both those bridges hitting both those bridges.

Morrie Doll: Who put the bridges in may I ask?

Steve Sherwood: The bridge on Sandalwood was put in by the contractor who worked for the developer, Murphy Homes and then the box culvert the County put in to replace the smaller structure that was there…

Morrie Doll: Did we do a hydraulic study before we put the box in?

Steve Sherwood: Before we put the box in just the dementionary that was required, it did not go through the CORP. It’s never been over the road on the box culvert, it’s been up on the top wall, that is a four-sided structure at Tanglewood, and the bridge is a true bridge at Sandalwood.

Morrie Doll: General Assembly has a mandate before we drop culverts and bridges in that we have got to do a hydraulic study, it’s not an if, it’s a requirement.

Steve Sherwood: That was done before Tanglewood was made a Legal Drain.

Morrie Doll: I’m not sure it is determined by the Legal Drain, I think it is determined by whether it’s in a public right of way or not, but that’s another fish for another day because they are not cheap to do those.

Commissioner Dan Saylor: We got a lot of kettles going on here.

Brian Litherland: My point is that could be the first tight spot that is causing some back up in the neighborhood of Brownwood Court.

Morrie Doll: My concern, I don’t want to make policy it’s not my job, my concern is legal protection from the County and if we get water there faster which is the whole purpose of Phase I, get it away, I’m worried we created more liability.

Brian Litherland: Phase I was necessarily to get it away faster, the purpose of Phase I, we didn’t change the watershed of Phase I we have not added more water to the watershed.

Commissioner Dan Saylor: It’s to divert it.

Brian Litherland: It was to get the water past where it was causing problems and so…

Morrie Doll: But if we move water from “A” to “B” wont more water fill up “A” again and therefore we actually move more water?

Brian Litherland: No, if we haven’t changed the watershed then we haven’t increased the amount of water…

Morrie Doll: Are you willing to say that in court on the witness stand?

Brian Litherland: Yeah.

Steve Sherwood: Just to summarize…

Commissioner Dan Saylor: Well, hang on Steve let me just say one thing about that I have been down there and stood down there when water was going over Fuquay Road by 100-foot it looked like a river and it was going down the street.

Brian Litherland: With a kid in a kayak, I’ve got that picture.

Commissioner Dan Saylor: I did see one of our upstanding young men that lived in the subdivision try to go through there in his car and got flooded and stranded, that was probably one of the happiest days of my life and that is on record…

President Bob Johnson: Was it a Mustang?

Commissioner Dan Saylor: No, but it was a white car though.

Brian Litherland: Well, I was going to say did your phone shortly ring after?

Commissioner Dan Saylor: No, I witnessed it, I told him to stop but he kept on going, I was being sarcastic when I said an upstanding young man who no longer lives in the subdivision.

Brian Litherland: Yeah, what he is saying that quite honestly in his condition what we are doing is slowing the water down as compared to what it does today because when it goes over Fuquay it goes over in a big way and…

Commissioner Dan Saylor: An uncontrolled way.

Steve Sherwood: What Morrie is saying that public perception will be that we are speeding it up.

Morrie Doll: Not only that, but if you are going to install detention other than maybe a pump on the one, Brownwood, doesn’t the detention have to be upstream? No? East of Fuquay?

Brian Litherland: For what?

Morrie Doll: If you are going to try and capture the water, hold the water, release the water in a controlled way we don’t create liability for the County with the neighbors. Is the best place to capture it on the east side of Fuquay?

Brian Litherland: If the purpose is to protect Brownwood Court it just needs to be upstream of Brownwood Court someplace.

Commissioner Dan Saylor: Brian, have you looked, it’s not on the map a little bit of it, there’s a big side yard there on the upper right hand corner, those houses sit way back that is a big side yard, the house is up probably just north of the little clip and the house on that property is way up and the house next to that is way up. Have you; is there a thought of what if there was a detention basin in there that could be deeper? Is that getting into the CORP stuff? Would that make more sense than trying to do it down here in a smaller spot?

Brian Litherland: Deeper is surely relative to the bottom of the ditch, and so this ditch is much deeper here than up there. It looks like a big yard, but I don’t believe it’s going to have that much detention that that does; I have looked at it and thought the same thing. Now, what is true is that is up here, so this acreage that is coming in from down here isn’t part of it, problem is that flows down here and is not part of this detention up here so we have a whole area down here that is still flowing and detained….

Steve Sherwood: Basically all of Rolling Hills Manor I and II….

Brian Litherland: Obviously it would be beneficial to some capacity, but would it be enough?

Steve Sherwood: Just to summarize if I may, when we contracted originally with Lochmueller Group with the work that you see in red, the geotechnical, the design, the fieldwork is roughly around $75,000-$80,000 to date and then this second copy I put before you which we have had on hold until we met with the Hartz, December 11, 2020 documentary that was the extra work with Lochmueller Group that we didn’t include in the original study we deferred that expense which was for the permitting and the right of way engineering, right of way services that used for $121,000 then we met with the Hartz and that resulted in this supplemental proposal that you have before you today February 18, 2021 for the additional on Phase I and Phase II total about $43,000. You still anticipated around a little less than half million dollar construction cost for what you see there in red, but just to give you a summary of where we are at, we are invested in about $80,000 to date and you are looking at another $121,000-$163,000 proceeding with these two together.

Commissioner Terry Phillippe: Okay, back to this parcel of the land that the Hartz own, if you feel like where we are at now is probably a little shy of what is needed, what is the thought of what is needed? Do we need a full 3-acre lake to retain water there? What do we need?

Brian Litherland: I guess it comes down to do you want Brownwood Court to be dry?

President Bob Johnson: Ultimately, yes.

Commissioner Terry Phillippe: That seems like two drops in the bucket compared to everything else that is going that way.

Brian Litherland: Right, so like I said there is a combination of things that can be done. You could put a pump in, I’m not sure what that will be price wise, but after Phase I on what we are looking at to get more of an idea on what hydraulics are involved and I don’t know about Brownwood Court but down there as well we will have the information to do that kind of rough number to look at a pump. We are going to look at the hydraulics of a detention basin to see if a detention basin here alone will be enough to dry it up, if it is not enough to dry it up is it enough to drop the water level in the creek enough that doing that and an elevation adjustment to Brownwood Court to a higher elevation will dry it up. There is about three options here, and that is what Phase I will do is give you some rough numbers to make a decision on what option you want to go to and the final details before needing to spend any money on whatever option that is.

President Bob Johnson: Brian, going east to west and you got that culvert that the gentleman crosses over to visit his family, is that going to be able to handle the added water flow through there that culvert?

Brian Litherland: We believe that culvert is undersized today. Period.

President Bob Johnson: That is my concern is that we are going to create a bottle neck perhaps and backflow and create what Morrie is saying another issue up there by those homes where the two converge and meet.

Commissioner Dan Saylor: Didn’t we talk about making that structure bigger?

Steve Sherwood: Yes. We would make it whatever size to not cause a bottle neck or flooding issue, that little red segment there.

Morrie Doll: Yeah, but that is not a regulated drain.

Steve Sherwood: Not at that point there, it ends right there.

Morrie Doll: That’s private property.

Steve Sherwood: Yes. Everything you see in blue is not a regulated drain at this point in time, it has not been petitioned to become that I am aware of.

Brian Litherland: I think you had jumped into that conversation at some previous meeting as to what was involved in that.

President Bob Johnson: I guess my next question would be going east and west again, if we dug out a little half acre detention pond in that area there could we use it for those 100 year storms that come every 5 days? Continue to let the creek flow, but when it reaches a certain level it’s an overflow.

Brian Litherland: That is exactly what would have to be done, the CORP does not let us do what is called an “In-line detention” anymore, we cant use the ditch, just wipe out one bank and turn into a detention basin anymore. So, yes it would effectively operate as a back-flow whenever water starts backing up water flows over into that and slows down.

President Bob Johnson: Just trying to get it in my head.

Commissioner Dan Saylor: You know what is really disappointing is that these folks that live, I cant think of their names right now, the first house that faces Pleasant Ridge Drive there kind of one of the black, yeah right there, that they are not here to hear this. I don’t think we can make people appreciate the different conversations that has been had over several meetings, the different ideas; of course we have the minutes that they can look at. This is definitely not an easy fix here.

President Bob Johnson: I guess another concern I have, once again the east to west creek, if it is not a regulated drain who is going to keep it clear and if it gets clogged up it’s going to go back down to the one we just put in.

Commissioner Dan Saylor: I think that is what we have going on right now, Jason, when is the last time to the south of Brownwood, I’m sorry to the west of Brownwood, didn’t you tell me you cleaned that out once?

Jason Baxter: No, we’re trying to get the vegetation taken out of it, but how many years ago has it been now?

Steve Sherwood: About 7 years since the Tanglewood Ditch Improvement Project was done. Almost 7, we had to go back in and reconstruct the original high water table issue after that.

Commissioner Dan Saylor: If we do nothing, do we have a liability?

Morrie Doll: I don’t think so, but if we touch it we own it.

Brian Litherland: To his concern to something happening here and not having control of it and backing up, isn’t there law in place about if the land owner did something down here that causes that to back up there is something to keep that from happening.

Morrie Doll: Certainly, but the reality of it is that they don’t.

President Bob Johnson: They wouldn’t catch it until it’s too late.

Morrie Doll: Then they’ve damaged their neighbors property and then now you have a war going on among neighbors and if it is an intentional act their homeowners insurance wont cover it and it’s a mess. By that I mean, I intentionally put a culvert in, I was told it was too small but I did it anyways.

Commissioner Dan Saylor: Let me ask this question, the structures that are going underneath Fuquay Steve are those not, and maybe you can answer this questions, are those not towards the end of their life?

Steve Sherwood: The one at Pleasant Ridge needs to be replaced, it is towards it’s end of it’s life and then the one south of there closer to Telephone Road the 48-inch round culvert was new about 30 years ago so it is getting close to the end of it’s life as well.

Commissioner Dan Saylor: So, if we do the project in red….

Steve Sherwood: Both of those structures were designed for 25 year storms, which of course now we would design them for 50.

Commissioner Dan Saylor: If we do the project in red, we have to help Brian, right, the house at the corner there and the corner of Fuquay there?

Brian Litherland: Yes.

Commissioner Dan Saylor: I mean…

Steve Sherwood: We would reroute the water.

Commissioner Dan Saylor: So, one day in the near future we’re gong to have to replace that structure anyway because it’s going to be rotten out, it doesn’t look too healthy when I have gotten down in there in the summer time. I didn’t get too close; I have a phobia about snakes so I didn’t want to put more holes in the structure by shooting snakes inside the structure….

Steve Sherwood: To build a route in red, we still have to complete the right of way engineering, the…

Morrie Doll: Permitting.

Brian Litherland: That’s part of that package there.

Morrie Doll: $121,000

Steve Sherwood: We would have to basically proceed with the December 11, 2020 agreement which is right of way engineering, right of way services, and permitting just to build what is there in the red.

Morrie Doll: Is Lochmueller Group willing to go on record saying that if you install the red improvements, we will not either increase the velocity or the quantity of water that is going down Tanglewood Ditch?

Brian Litherland: Yes.

Morrie Doll: Well, I have my defense.

President Bob Johnson: Brian, south of where the two merge together there, right where your hand is at now going further south…

Morrie Doll: West.

President Bob Johnson: I’m sorry I’m going north; east…put your hand back there, right where your hand is at right now what is that property there?

Brian Litherland: What is it?

President Bob Johnson: Yeah, is it a field?

Commissioner Dan Saylor: That’s part of what’s his name…

Steve Sherwood: That’s part of the Fuquay frontage there.

President Bob Johnson: Okay, I cant see it.

Commissioner Dan Saylor: That’s presently for sale; it just went up for sale.

President Bob Johnson: And they own all that property there, Dan?

Commissioner Dan Saylor: Well, I don’t think so. Hartz owns all that up to the blue doesn’t he? Or did he sell all those off?

Brian Litherland: He sold these two off to the neighbors, he owns this.

Commissioner Dan Saylor: That’s what I thought, I thought he sold off because I have walked back there from that first house all the way back and also got some personal stuff on there because I thought well, doesn’t Brian Hartz own this and they said no they bought it, or it has been bought.

Steve Sherwood: Yeah, he parceled portions off in the Minor subdivision, we have a plat to that effect and his lines on that map reflect that information.

Brian Litherland: If you are starting to think about doing something on this side, this is all big hills.

Morrie Doll: That’s what I thought; I think we talked about that last time.

Brian Litherland: That house is right at the base of the big hill that eventually comes over and basically the bottom of the hill is a ditch all the way down to about here.

President Bob Johnson: I’m just basically looking for an escape route for all that water.

Brian Litherland: Yup, I hear ya I’m scratching my head on it too.

Steve Sherwood: So, buying out the real estate isn’t a real option either because you’re talking about 4-5 homes all together.

Morrie Doll: Well, if they will give us an opinion letter that says they aren’t going to increase the velocity or increase the flow of the water with improvement, the red improvements, and then you look at inexpensive as possible pumping Brownwood Court just to dry it out enough that we wont be endangering their property.

Commissioner Dan Saylor: I agree with you Councilor, it wouldn’t take a huge pump just to get that over and we can shoot it down there at a high pressure and clean out that ditch.

Morrie Doll: I don’t know about that, but okay.

Commissioner Dan Saylor: You got to like the way I’m thinking, sending it out at about 300-PSI and we don’t have to worry about cleaning anything.

Morrie Doll: My only concern I have no say in anything, my only concern is the liability at the least.

President Bob Johnson: We can make a bad situation worse.

Morrie Doll: We touch it, we own it.

Commissioner Dan Saylor: Here’s what I do know, those houses on Brownwood Court have not flooded, and there has been one, two, three houses on Pleasant Ridge that has gotten water in their garage…

President Bob Johnson: I have seen the pictures of that.

Commissioner Dan Saylor: Yeah, I don’t that it has been in their houses but it has been in their garages, the one on the corner it was real close to getting in the house that one time it was over 6-inches deep in their garage, about 8-inches deep and it was over the step if it went up 3-4 more inches it would’ve went down their hallway.

Morrie Doll: So, you could do Phase I, but it going to cost $121,000 permitting etcetera to do this, you can do Phase I with the opinion letter and stop. Then if the funds become available or the situation gets worse you could pump Brownwood Court.

Commissioner Dan Saylor: That could be another project 2-3 years down the road, but can Jason look at cleaning that ditch downstream from there because is that not full of vegetation now? Jason, could that be a project?

Jason Baxter: Yeah.

Commissioner Dan Saylor: I think if you tell them we are doing that and it’s going to make water get out of there a little faster, now if it is all backed up there is nothing we can do. That’s just part of educating some of these people, Guys, we cant speed up the flow of Pigeon Creek, we have tried that.

Brian Litherland: You did do that too by taking out the jam in Vanderburgh County.

Morrie Doll: Yeah you did.

President Bob Johnson: At the end of the line of the right hand side, that flows into our regulated drain?

Morrie Doll: Yes.

Steve Sherwood: That’s where it begins to start to become a regulated drain right there at the west end of the line.

President Bob Johnson: And that’s, how big is that, is that a creek? What is it?

Steve Sherwood: A ditch.

Morrie Doll: We cant lower it.

President Bob Johnson: Can you make it larger is what I was saying?

Steve Sherwood: It was already made into a 2-stage ditch by the Tanglewood Ditch drainage improvement project.

Jason Baxter: Touching that ditch is really tricky with the CORP.

Morrie Doll: They hate us.

Jason Baxter: That last project, they didn’t like it.

Steve Sherwood: We are on their radar.

Morrie Doll: Yeah, they made us put 9-inches of dirt back at the bottom of the ditch we also had to vegetate it.

Commissioner Dan Saylor: I’ll tell you what I would like to see happen because I would like to see a letter sent to those four, three or four residents right there on Brownwood that we have done something down stream. They are sitting there thinking right there today we have done nothing to help them.

Morrie Doll: On Brownwood?

Commissioner Dan Saylor: Yes, but the fact of the matter of cleaning that log jam on Pigeon Creek has helped them it has to, but I think if we communicate we are doing some things and then we are looking at maybe something else as a project on the Brownwood Court and then look ahead with going with this over here. I think we have to communicate with these people because in their minds to date we have done nothing.

Morrie Doll: The question before the Board today is the December 11th proposal whether or not Phase I you want to proceed with it or not, it’s $121,000. Maybe we postpone this from December to get this additional information and now you have it, the question is do you want to authorize the $121,000 continued permitting and right of way engineering and services for the Phase I if we can get, my only caveat is if Lochmueller will give us an opinion letter that says it’s not going to worsen water flow down stream or you could take it under advisement again.

Commissioner Dan Saylor: Brian, on the permitting, is that the cost of permits or is that the cost of you guys applying for the permits?

Morrie Doll: It’s the cost of applying, and the permits, the fees are probably in there but they are large.

Commissioner Dan Saylor: Who do you pay the fees to, the CORP?

Brian Litherland: The State and the Federal, instead of doing mitigation sites now…

Steve Sherwood: The right of way engineering is either by acquiring, that’s not the cost of buying right of way that is just getting it at no cost or an easement, but they would have to do the right of way engineering to determine the size of the easement and or parcels. If they are not going to donate to it in a form of an easement, then we will have an actual right of way cost if we have to buy it on top of that.

Commissioner Dan Saylor: Does anyone know if there is any grant money to help with the cost of this project?

Steve Sherwood: Not that we can get in looking at the grants that are available with, what’s the name of that agency….OCRA there is nothing through OCRA, I have not found anything else outside of OCRA that would apply. I don’t know if Brian or his firm knows of any grant money that would be specific to this type of drainage improvement but I have not seen any.

Brian Litherland: No, but that doesn’t mean that it doesn’t exist and I can put my hounds on it and see if there is something out there.

Steve Sherwood: Because it may elevate certain homes from flooding I don’t know if that would open up another grant access.

Brian Litherland: Possibly out of FEMA or something like that.

Steve Sherwood: You include those houses there around Pleasant Ridge Drive and Brownwood Court.

Brian Litherland: For what it’s worth you do not have to approve the December one for us to get benefit out of doing the February one, they are not a two for package deal.

Steve Sherwood: The second one, today’s one, you presented supplemental to the December one.

Commissioner Dan Saylor: That is included in that?

Morrie Doll: No.

Commissioner Dan Saylor: Oh.

Brian Litherland: No, it’s in addition to.

Morrie Doll: But the one today studies detention and detention in the form of a lake or holding pond is not highly probable to work so maybe…

Commissioner Dan Saylor: So in your mind if it is not probable, why are we studying it then?

Brian Litherland: Because we don’t know for sure and we wont know if there is a possibility of doing it and Brownwood Court as a combination deal. Once we know how much room and volume we can take advantage of and how much flow we can reduce which then tells us how low we can get the water tells us how much of Brownwood Court would have to be reconstructed to make it dry is all I am saying. Without doing that exercise we don’t know.

Steve Sherwood: The December 11th contract that we put on hold is basically an extension of the work you see there in red, we eliminated it a year and a half ago because we didn’t want to bare that cost in the original contract, we just postponed it to a future date once we knew we could build what is there in the red.

Commissioner Dan Saylor: Here’s the thing about Brownwood Court and I have talked to two of those neighbors at the end of that cul-de-sac and their concern is getting out in their vehicles when it is flooding, so if we did raise that road we would have to raise their driveways a smidge because their driveways go like this. If we raise their driveways I think that would eliminate…well help not eliminate with some of their concerns because it comes up so fast that they don’t get their cars out of there and then all of a sudden…I mean that’s how fast it happens, it happens within minutes.

Morrie Doll: You’ve spent $80,000 already on the red, the question is do you want to spend another $121,000 to keep it moving?

Commissioner Terry Phillippe: I’ll go ahead and tell you guys where I’m at, I am defiantly in favor of moving forward with the Fuquay project, I am a little bit scared that we will have to buy right of way not knowing what that costs.

Commissioner Dan Saylor: Yeah but this right of way is not at Epworth and 66, this right of way is Terry is land locked, the value of that cannot be extraordinary in my mind would you agree with that?

Brian Litherland: In comparison to the other, yes.

Commissioner Dan Saylor: Yeah, so I don’t think that would be a huge cost. It would be interesting to see if there could be a detention built there, but like what Brian is saying if it’s not going to make a significate difference do we want to go down that path? Do we want to spend our money someplace else. I just don’t know.

President Bob Johnson: I don’t either; I have a lot of concerns here.

Brian Litherland: Asking for donation? Because right now they have a ditch in their yard that I know for a fact they do not like trying to mow it and we will be leaving them with a nice flat area with inlets and it’s going to look nicer than it does today when we are done. But we still have to go through the process.

Commissioner Dan Saylor: The biggest donator would be Brent Hartz, right?

Steve Sherwood: Not on the red part.

Commissioner Dan Saylor: Oh, no I agree okay, I’m sorry.

Steve Sherwood: We have been successful in the past on these drainage projects where we ask for a drainage easement and getting them at no cost when they know we are gong to correct certain situations.

Commissioner Terry Phillippe: So that is just the three parcels?

Brian Litherland: I think there might be four by the time we get done because of this right here, but I know these three….

Commissioner Terry Phillippe: That’s less than what I remember so that’s good too.

Brian Litherland: I think if you get one land owner you will get all of them to be on the same page, I just don’t know this person at all.

Steve Sherwood: Have any of them been talked to during survey work or anything like that as to knowing..

Brian Litherland: Yes.

Morrie Doll: So, do you want to act on this today or would you like to table it to the next meeting to ponder it, in terms of the red Phase I Fuquay.

Commissioner Dan Saylor: I think I’ve pondered enough, I agree with the statement Terry said, I would like to keep moving forward, that is my opinion. Bob, Terry?

Commissioner Terry Phillippe: That’s where I’m at with it; it’s your District, so if anything differs from my opinion please say so.

Morrie Doll: It changes the completion dates though because we didn’t act in December, it’s going to push that back three months pretty much.

Brian Litherland: Yes.

Steve Sherwood: Plus this doesn’t have any signatory, he would have to go get contract based upon the approval of this and change the deadlines as Morrie is stating, the dates.

Commissioner Dan Saylor: Steve, you are the PE that is employed by the County, we seek your advice on a lot of things and appreciate your expertise and your advice, give us some thoughts on quite frankly if you were in my shoes. You know, yes it is in my neighborhood I’ve disclosed that, but I don’t want to make the wrong decision here, what are some of your thoughts on this?

Steve Sherwood: It’s been my opinion all along to move forward with what you see there in the red and to put in the structures, and to get a letter to Morrie’s caveat with items he has stated.

Morrie Doll: An Opinion Letter.

Steve Sherwood: I don’t see that as creating any issues with proceeding with what is in the red, I just need to make the Board aware that we asked for these costs in this December 11th package to be presented at a later date, which is why this letter came out it was not in the initial one back in 2018 we just wanted them to do the field work, come up with a design, and now we have to do the rest of the permitting right of way engineering to honor the construction with what you see there in the red before we even bid it out, that has to be done.

Commissioner Terry Phillippe: Now, Dan if you would let me make one more point I am just going to reiterate what you have already said once today, we are going to be replacing those pipes at some point very soon if we are going to do the work lets do the work once then be done with it.

Commissioner Dan Saylor: I agree.

Morrie Doll: You can approve the concept if you wish, but you can not approve the contract because we don’t have the contract yet.

Commissioner Dan Saylor: We can approve, can Bob ask for a motion to approve the February 18, 2021 proposal? Is that what we are doing?

Morrie Doll: If you want to study the Brownwood Court issue, that would be…

President Bob Johnson: That has nothing to do with the red?

Commissioner Dan Saylor: No? Okay. How do we move forward with the project under the red then?

Morrie Doll: You could pass a Resolution in favor of the December 11th concept and ask for contracts.

Steve Sherwood: They will produce a contract based upon that December 11, 2020 proposal and revise it to current time frame.

Commissioner Dan Saylor: I make that motion to approve the letter that is in front of us date December 11, 2020 and resubmit it to us as a contract, is that right Councilor?

Morrie Doll: Yes, Sir.

Commissioner Terry Phillippe: I will second that motion.

President Bob Johnson: All in favor 3-0.

Morrie Doll: Get Steve a contract and a letter.

Commissioner Terry Phillippe: Letter first, contract second.

Morrie Doll: If you did a feasibility study on the ability to pump Brownwood, would that be less expensive because it’s less scope?

President Bob Johnson: And we wouldn’t have to buy the property.

Steve Sherwood: I think what he would find eventually is that you are going to raise Brownwood to a pre-determined portion and yet supply some pumping to keep the road from accumulating any water that would cause damage.

Morrie Doll: If you did that you pump less water to cure the same problem if you could raise the surface of the street.

Commissioner Dan Saylor: So, in a sense you make Brownwood to drain, put a basin at the end of that cul-de-sac and you are just pumping whatever water is coming down Brownwood out?

Steve Sherwood: Correct.

Brian Litherland: That cant get out.

Steve Sherwood: Assuming the pipe is working correctly now and the water is coming from the ditch back flowing into the cul-de-sac.

Morrie Doll: You could plug the pipe if you needed to?

Steve Sherwood: Yeah, you could terminate it and then the pump would take care of everything, but the gravity flow is the backup to the pump.

Commissioner Dan Saylor: Would the physical piece of pipe be over the top of bank berm?

Brian Litherland: No. The pump pipe? No.

Commissioner Dan Saylor: It would be buried?

Brian Litherland: Yeah, you don’t want that thing freezing.

Commissioner Dan Saylor: Good point, that’s why you are the engineer and I’m just the Commissioner.

President Bob Johnson: Thank you Brian.

Steve Sherwood: Thank you Brian.

President Bob Johnson: We will take the other one under advisement I guess.

Brian Litherland: Okay.

Steve Sherwood: I do not have any further business for you today, Joe is not here and he doesn’t have any business I don’t think so with that, any questions from the Board?

President Bob Johnson: No, Sir. Councilor, do you have anything?

Morrie Doll: No, Sir.

**MOTION TO ADJOURN:**

Commissioner Terry Phillippe: I make a motion to adjourn.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor 3-0