**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**February 8, 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; Phil Baxter, Surveyor; Jason Baxter, Deputy Surveyor; and Jennifer Curry, Recording Secretary.

Present in the audience: Joe Grassman, Mark Chamness, and Matthew Wallace

Teleconference: Larry Kuehne

**PLEDGE OF ALLEGIANCE:**

President Bob Johnson opened the meeting of February 8, 2021 with the Pledge of Allegiance.

**APPROVAL OF MINUTES**

President Bob Johnson: First we have the approval of minutes from the January 25, 2021 meeting; I will abstain since I wasn’t here.

Commissioner Dan Saylor: I make a motion to approve the January 25, 2021 minutes.

Commissioner Terry Phillippe: Second the motion.

President Bob Johnson: All in favor 3-0

**LARRY KUEHNE-WATCH COMMUNICATIONS-RUDOLPH DITCH**

President Bob Johnson: Up first we have Larry Kuehne, Watch Communications Rudolph Ditch for horizontal directional boring for Superior Ag Boonville, Hold Harmless Agreement received. Jason, do you want to elaborate on that?

Jason Baxter: Larry, are you here?

Larry Kuehne: Yes I am.

Jason Baxter: Alright, explain exactly what we are doing here.

Larry Kuehne: Okay, we have a County permit to run our fiber down Yankeetown Road so we have to cross the Rudolph Ditch, so what I am showing, do you have my print that I sent in?

Jason Baxter: Yes, Sir.

Larry Kuehne: Okay, so what we are going to be doing is boring under that ditch and I have provided a cross-section on the depth that we would be under the ditch at the center of the ditch and we would be, if the fiber was within a conduit like, the conduit goes in first and then the fiber comes through the conduit at (?).

Jason Baxter: Okay. We see everything in order here.

Commissioner Dan Saylor: Jason, is 5-foot deep enough, is that a normal SOP?

Jason Baxter: Yes, Sir.

Commissioner Dan Saylor: Okay.

Jason Baxter: Morrie has a Hold Harmless and has accepted that, I believe we are all in order here.

President Bob Johnson: Any questions, Commissioners?

Commissioner Dan Saylor: Steve, do you have any problems or issues with this?

Steve Sherwood: No, Mr. Kuehne is doing what he was instructed to do; I believe he has the proper things in order now with the County Surveyor’s Office to cross through and under the Legal Drain.

Commissioner Dan Saylor: What certification do we have that is going to be 5-feet underneath there and it’s not a foot? In a year or two down the road will we see it exposed?

Steve Sherwood: The Hold Harmless would address any of that.

Larry Kuehne: I will be definitely in contact with our contractor to make sure that happens, as a matter of fact we may even be deeper than that, at times I will have them go deeper than that if they could, but that is what I consider the minimum that is most acceptable by the Board I think.

Steve Sherwood: We met with them last week to address other issues with the permit with working County road right-of-way so, but this falls under the County Surveyor’s Legal Drain authority.

Commissioner Dan Saylor: Okay, so you’re good with it and you are good with it? I make a motion to approve the horizontal direction boring for the Rudolph Ditch and the Hold Harmless Agreement.

Commissioner Terry Phillippe: I will second the motion.

President Bob Johnson: I have a first and a second, all in favor 3-0. Is that it for this Gentleman on the telephone? Do you have any questions, Sir?

Larry Kuehne: No, I’m good. Since Steve is there, we have a much better contractor now, Steve, than we did before so I am very confident that things are going to be done the way they should be to answer to your official question about that.

Steve Sherwood: I appreciate that; Mr. Howard will address you on our remaining questions from our conference last week.

Larry Kuehne: Okay, I will send him an email asking about talking to him about that, I haven’t heard back from him yet but I am sure I will.

Steve Sherwood: I will remind him, I’m sure he is aware of it.

Larry Kuehne: Okay Steve, I understand he is a very busy man so I am patient.

President Bob Johnson: Okay, thank you.

Larry Kuehne: Gentleman, thank you very much for your consideration I appreciate it very much.

Commissioner Dan Saylor: Thank you.

**MATTHEW WALLACE-SHREWBERRY-OWENSBORO DERMATOLOGY OFFICE BUILDING-10788 STAHL ROAD NEWBURGH, IN 47630**

President Bob Johnson: Matthew Wallace with Shrewberry, Owensboro Dermatology Office building at Stahl Road in Newburgh.

Matthew Wallace: My name is Matthew Wallace with Shrewberry and Associates, I apologize I just come from the dentist so I am a little numb. This project is for a medical office building, outpatient surgery procedure center it’s pretty straight forward.

Steve Sherwood: For the record it is Lots 13 & 14 in, what was the name of the subdivision?

Matthew Wallace: Stahl Road Business Park I believe.

Steve Sherwood: This is right across from Hamilton Pointe on Stahl Road on the west side of Epworth Road and I believe the Surveyor’s Office passed on some comments, we talked about the side ditch on the east side of the property during site review you made adjustments on here to reflect that. For some reason there is a drainage ditch going on the east side of that property you can see the culvert there in the street, but the plat did not show an easement for it, cant explain it.

Matthew Wallace: Right, there is no easement there but we’ve allowed 8-feet for a future easement and the owner said they would be willing to talk to you about it, but they had not instructed me to prepare anything.

Steve Sherwood: I believe your intention per the plans is to re-grade that ditch from the southeast corner as it drains north to the northeast corner, and then erosion control blanket and grass seed, then further up your slope you have a layer of revetment rip-rap to protect your building.

Matthew Wallace: Yes.

Steve Sherwood: We would just ask that you do have that graded I believe, while it is under construction because otherwise it will be hard for us to get machinery back there again. That was my only comment for the Board, Phil or Jason anymore?

Jason Baxter: Nope, that’s it.

Commissioner Dan Saylor: Steve, what you are referring to is this the rip-rap?

Steve Sherwood: Yes, the cross hatching you see around the building, if you switch to page 2 I don’t know if you have a page 2 there is a cross-sectional drawing on the upper right hand corner that shows the property line and the flow line of ditch are fairly close to each other.

Matthew Wallace: They flow line currently kind of meanders along the property line near where the building sits, the flow line is on our property and as it goes north it kind of meanders onto the neighboring property but it is all plus or minus a foot along that property line.

Commissioner Dan Saylor: Steve, since we have 100 year rain events every three weeks here it seems like lately, is that plenty, is all that figured into this?

Steve Sherwood: Yes, the road pipe is recently new when the road was reconstructed and the trail group did their work along there.

Commissioner Dan Saylor: Where does this flow?

Steve Sherwood: It flows dead north along the side of that subdivision to the retention basin approximately 700-800-feet north of there, Jason has been back in that retention basin which exits out into the Howard-Williams Ditch which he has been doing some clearing on recently with beaver activing.

Jason Baxter: We’re just now getting done with a lot of projects right in there.

President Bob Johnson: Any other questions? I entertain a motion.

Commissioner Terry Phillippe: I make a motion to approve the plans for Matthew Wallace with Shrewberry for Owensboro Dermatology Office.

Commissioner Dan Saylor: I will second.

President Bob Johnson: All in favor 3-0

Matthew Wallace: Thank you.

Steve Sherwood: Thank you Matt.

**CLAIMS:**

President Bob Johnson: Next up we have claims, we’ve got: Tom Naas Homes for Howard-Williams Ditch beaver dam clean out, Tom Naas Homes Willow Pond Ditch second payment remaining total, SJCA Surveying and Hopf Equipment for a total of $15,952.00.

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

Commissioner Dan Saylor: I will second.

President Bob Johnson: All in favor. 3-0

**MARK CHAMNESS—CHAMNESS SURVEYING—(3 SUBDIVISIONS)**

Phil Baxter: Chamness has got the (3) three requests for “No Drainage Plans” they are all way above acreage wise, it is actually just a formality to approve it through Drainage Board. We’re good with it.

Steve Sherwood: All lots exceed 2.5-acres some of them are a lot larger than that, as Phil said it is a formality to request “No Drainage” before the Board.

Morrie Doll: They are (3) three separate subdivisions, so this would require three separate motions so there is a clear record that we considered it.

President Bob Johnson: Okay. For #1 Summer Creek Subdivision, do I have a motion?

Commissioner Dan Saylor: Sole moved.

Commissioner Terry Phillippe: Second.

President Bob Johnson: All in favor? 3-0. For #2 Grump’s Ranch Subdivision.

Commissioner Terry Phillippe: I make a motion.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor? 3-0. For #3 is Arabella Subdivision.

Commissioner Dan Saylor: Sole moved.

Commissioner Terry Phillippe: Second.

President Bob Johnson: All in favor? 3-0

**OTHER BUSINESS:**

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

**STORM WATER DEPARTMENT**

Steve Sherwood: Thank you Mr. President, first item I have today I sent the Board an email about one of our employees, Mr. Chance Mullens is requesting a 4-week unpaid leave of absence to test and take his CDL license test at his own expense and his own time off. I believe this will come before you under the Commissioner’s business tonight but we wanted to start with Storm Water Board and I would recommend to the Board to make a motion to allow him at this time to take those four weeks off, unpaid, so he may pursue his CDL it would be the proper time of the year to do so we are not in back yards yet at this time. It will give us another CDL for the Storm Water Department. I did express Morrie’s comments that it is possible that the legislation may change later this year or coming year, but he didn’t want to take that chance and go ahead and honor his commitment to hire him he would get his CDL.

Commissioner Dan Saylor: Councilor, I have a question, I guess first, Steve is he on our health insurance? What happens to his health insurance during this?

Steve Sherwood: Yes, he will get no sick days or benefits on time I believe he is still covered under health insurance which is why we have to do it this way, at least that is the way it was explained to me by Heather.

Commissioner Dan Saylor: Okay, I just wanted to make sure that was covered and wasn’t out there.

Steve Sherwood: He doesn’t lose his health insurance coverage is the way it was explained to me.

President Bob Johnson: So, it’s a leave of absence.

Steve Sherwood: It is a leave of absence; he doesn’t get any holidays or sick days and no salary payment.

Morrie Doll: Is there a start date?

Steve Sherwood: Supposed to start next Monday, February 15th and I was told in the email that he sent it should be right at 4 weeks within a day or so assuming he passes his test on the first chance.

President Bob Johnson: Okay. Any questions?

Commissioner Terry Phillippe: I don’t.

Commissioner Dan Saylor: I make a motion to approve the un-paid leave, I guess for up to 4 weeks? Should that be in the motion?

Morrie Doll: It would be the completion of the course and the test, and that would be for Mr. Chance Mullens.

Commissioner Dan Saylor: For Mr. Chance Mullens up to the completion of the CDL course.

Commissioner Terry Phillippe: I will second Dan’s motion.

President Bob Johnson: Do we want to put some type of restriction on that? What if he doesn’t pass it for about 3 months?

Morrie Doll: The thing of it is, it would be for completion of the course and him taking the test and then it has to be reconsidered it seems to be by the Board would be the motion.

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

Steve Sherwood: Thank you. Next item I have, I discussed this issue with Morrie at the conclusion of our meeting last meeting to reach Lochmueller Group to see if we can get a contract for doing the rest of the work on Tanglewood Ditch between Fuquay Road and Brownwood Court. I spoke with Mr. Will and was hoping to have a contract to bring before the Board, I don’t have one to date but I assume I will have one by the next meeting I just wanted to give the Board an update on that situation. I know there is some concern on meeting some time tables to get some work done this year, but I am not sure how much this will affect or delay any type of project that we may be able to bid out this year. I know Dan Saylor and I have had some conversations about getting some work started, I know we are still holding off on the work on Fuquay because we were wanting to talk about doing the entire Fuquay along with this segment of ditch before the CORP of Engineers and one complete project we think we have more merit with the CORP. Next item I have, I sent the Board also an email a while ago it’s probably over a month by now, if you recall the York Ridge and Stone Gate Subdivision that we have a project shelved and basically shovel ready we’ve been holding back until we got the final easement secured, we did secure it the end of last year and I would have to update the specs which shouldn’t take too much if we wanted to move this project forward and bid it out in 2021 I would like to have the permission from the Board to move forward with it and move forward with it this Spring if the Board would agree. I believe we have the money to do it, again, I talked to Mr. Saylor about concerns if we had enough money to do the Fuquay Tanglewood Project which we don’t have a final amount because we don’t know how much more the project is going to cost based on the proposal we are waiting on Lochmueller Group.

Commissioner Terry Phillippe: Just because we bid this out doesn’t mean we…

President Bob Johnson: Right, it’s not going to hurt to get some bids.

Steve Sherwood: They say in the subject to the Boards release or not so, if the Board would like me to move forward with that I can prepare some updated plans and specifications that were submitted by Matt Wallace who was here before you when he was with Clark Dietz, he is now with another company, but I have all the bid specifications and Word document where I can make whatever time numerical change is necessary.

Commissioner Terry Phillippe: Mr. Saylor, you have a better handle on these your district.

Commissioner Dan Saylor: I mean, I see no problem with moving forward with getting some bids and proposals.

Morrie Doll: So, would that be a motion?

Commissioner Dan Saylor: I make that motion Councilor.

Commissioner Terry Phillippe: I will second.

President Bob Johnson: All in favor 3-0

Steve Sherwood: Thank you I will get back with the Board on a potential bid date in the near future, I’m hoping an early bid will get us a very good price. I believe that is all I have, Joe do you have anything for Board?

Joe Grassman: I do not.

Steve Sherwood: We had talked about pursuing a little bit larger mini-excavator last couple months ago before the end of the year; I am going to start on working on getting new numbers before the Board and bring that to you in a future meeting. We will be able to turn over our smallest excavator to the Highway Department at that time. That is all I have unless the Board has any questions for me.

President Bob Johnson: Anything else?

**MOTION TO ADJOURN:**

Commissioner Dan Saylor: I make a motion to adjourn.

Commissioner Terry Phillippe: Second.

President Bob Johnson: All in favor 3-0