**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**March 9, 2020**

Special Session 8:30am

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 a special session with Bob Johnson, President; Dan Saylor, Vice President; Terry Phillippe, Secretary, Jason Baxter, Deputy Surveyor; Steve Sherwood, Director of Storm Water; and Jennifer Curry, Recording Secretary.

Present in the audience was Glen Merritt, Bill Bivins, Daryl VanWinkle, Bobby Howard, Joe Grassman.

**PLEDGE OF ALLEGIANCE:**

President Johnson opened the special session 8:30am meeting of March 9, 2020 with the Pledge of Allegiance.

**APPROVAL OF MINUTES**

President Bob Johnson: First, we have the approval of minutes for February 24, 2020.

Commissioner Dan Saylor: I make a motion to approve the February 24th minutes.

Commissioner Terry Phillippe: Second.

President Bob Johnson: All in favor 3-0

**THE ENCLAVE @ OAK GROVE- ACCUSURVEYING—BILL BIVINS**

President Bob Johnson: Next up we have The Enclave at Oak Grove, Mr. Bill Bivins. Please state your name for the record.

Bill Bivins: Bill Bivins, engineer for Ken Favor, P.O.A to represent him.

President Bob Johnson: What are we doing here Jason?

Jason Baxter: It’s on The Enclave, and Steve can better explain this.

Steve Sherwood: Still not in order, Bill there are still some things we need to cover with you, Bobby has not had a chance to look at anything because he is not at work on Friday for the streets. They were submitted Thursday afternoon, so we still have things that need to be addressed Bill.

Bill Bivins: Okay, one of the things out of this, at the present time the property drains into a ditch that runs South into a ditch on the property owned by the county, we are wanting to run the drainage through a retention basin, then propose a drain to run into the ditch on the South base of the county property that goes under Coal Mine Road into a (?) South.

Steve Sherwood: If the Board would care to see what Bill is describing, this parcel here to the South that goes down Oak Grove Road, East of Coal Mine, this is the one we purchased for the house when Coal Mine Road shifted, so he has a certain area here where there is an existing ditch that is outside his property limits if they want to discharge, one of the letters he is asking county permission to run everything that is captured in there through the retention basin and discharged the existing ditch outside of their boundary, and then it runs to this existing 18-inch corrugated metal pipe that goes into our Coal Mine roadway which is build as the relocation portion of Coal Mine Road for the Oak Grove Phase 3 federal aid project. So, one of the issues he needs to resolve is that he submit a letter asking permission to run outside his boundary and discharge to an existing ditch, which just happens to be a county owned property at this time. If we were to, in the future consider selling this property we would probably have to create an easement to contain whatever portion I think from our end that Bill is asking for permission to discharge off site.

Bill Bivins: At the present time that is where the drainage is running.

Commissioner Dan Saylor: Is that 18-inch pipe, Steve, under the road is that sufficient enough?

Steve Sherwood: Well, he is out letting the basin with a 12-inch discharge pipe, so he is supposed to retain the pre and post development conditions from this site, which we still have some drainage calculations that have to be corrected to get to that point, but yes that is the intent to cease not to discharge anything more than what runs there today.

Bill Bivins: That is what, a 12-inch pipe would not be able to release anymore than it is doing now.

Commissioner Dan Saylor: So, what happens if we get the 100-year rain that we get every 6 months?

Steve Sherwood: It comes from the emergency overflow out of this basin and goes to the same point.

Commissioner Dan Saylor: Is that a pipe then?

Steve Sherwood: No, its just a notch in the basin.

Commissioner Terry Phillippe: So, once it gets into our ditch where does it go?

Steve Sherwood: It just gets into the underground system at Oak Grove from Coal Mine. Bare mind, this is 1.7-acre development you can see the density, this is the revised set of plans, he has an approved set of plans on file, but the revisions are to accommodate two more lots?

Bill Bivins: Yes, this is going to be a 55 and over development, there is no school bus that will enter this development.

Steve Sherwood: He has made most of the changes we have asked for in the last revision, there are still some revisions that need to be covered as far as the drainage goes I cant purport for what Bobby will tell you at the next meeting at 9:30 because he has not had a chance to review these yet, and I don’t believe the APC says the primary plat is in order yet at this time.

Commissioner Dan Saylor: Is this a dry retention?

Steve Sherwood: Yes, we have asked for him to define it, it is supposed to be grass and be a dry retention basin.

Commissioner Dan Saylor: So, long term after Bill and Ken is gone what happens…

Steve Sherwood: It says here being a PUD it’s streets are private and will be maintained by the developer, and until 50% of lots have sold the owners association will maintain the streets, the same thing here on is on the retention basin. I assume that will be protected and covered in the restricted.

Bill Bivins: Yes. We would like to approve this subject today and any minor changes they might find.

President Bob Johnson: What is your feelings on this draining into our ditch?

Steve Sherwood: On the drainage issue offsite is as long as we protect the ditch in an easement if the county transfers the property or considers selling in the future, as he said it is the existing ditch where everything drains to now, I just think we have to exclude and create a drainage easement to contain it on our parcel in the future. As far as the plans, there still needs some work and I don’t think they should be approved subject to until everything is in order.

President Bob Johnson: Anything to add Mr. Bivins?

Bill Bivins: Just the fact that these buildings are going to have some solar pallets, as I understand Commissioner, Vectren is only going to allow a solar powered house in Warrick County, I don’t know where they came up with that, but we wanted to get this approved so we could capture them if the availability on their solar panels.

President Bob Johnson: Anything to add, Jason?

Jason Baxter: No, Sir.

President Bob Johnson: So, Steve your recommendation is we do not approve until all of this is cleared up?

Steve Sherwood: Well, this is the revised set of The Enclave, this is the third revision submittal that I clearly stated on the last submittal that everything should be in order one week and submitted prior to this meeting, they didn’t arrive until Thursday afternoon. So, if we approve them subject to, I don’t know what subject to is or when we would ever get it met.

Commissioner Terry Phillippe: I all seems a little bit ambiguous at this point.

President Bob Johnson: Do I have a motion?

Commissioner Terry Phillippe: I make a motion to table.

Commissioner Dan Saylor: Second.

President Bob Johnson: For two weeks? Until next meeting?

Steve Sherwood: Next meeting is March 23rd.

President Bob Johnson: I have a first and a second, all in favor? 3-0 Mr. Bivins we are going to…

Bill Bivins: Question, the Commissioner’s meeting this afternoon on the streets?

President Bob Johnson: The Commissioner meeting is at 9:30 this morning

Bill Bivins: They didn’t tell me that, they just assumed…okay thank you.

**REFUGE CHURCH-8566 TELEPHONE ROAD, NEWBURGH, IN-CASH WAGNER & ASSOCIATES- GLEN MERRITT**

President Bob Johnson: Next up we have Refuge Church, 8566 Telephone Road.

Glen Merritt: Glen Merritt with Cash Wagner and Associates, I am the engineer on the project. They are basically doing a building expansion East of the existing building, we came to site review a month, month and a half ago and the Surveyor’s office requested the detention basin so I designed a detention basin to capture the majority of the water from the existing building, gravel parking lot, and the proposed submitted plans to their office. Basically, I didn’t receive any comments, I got an email from Jennifer last week wanting a cost estimate and I submitted that to her and we are just requesting approval today.

Steve Sherwood: This is a dried basin as well?

Glen Merritt: Correct.

Steve Sherwood: Basically, he is capturing and pounding the water and releasing it at a controlled rate on their property basically at the lowest part of the property.

Glen Merritt: Correct to the road side ditch then it drains directly into Angel Ditch.

Steve Sherwood: I believe he has met the minimum requirement that Jason and I had reviewed and I think we both recommend approval.

President Bob Johnson: Jason?

Jason Baxter: Yes, Sir its good.

President Bob Johnson: Anyone want to make a motion?

Commissioner Terry Phillippe: I make a motion to approve the drainage approval for Refuge Church.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor. 3-0

**RAY’S MANOR**

President Bob Johnson: Next we have Ray’s Manor, questioning a violation of drainage easement. State your name please sir.

Daryl VanWinkle: Daryl VanWinkle, I got some copies here for you guys to see here.

Jason Baxter: I will explain this here real quick, Daryl contacted me he was at the top of the page there at the existing building, there is a highlighted portion that says 62-foot proposed lean-to, he was wanting me to come out because he was worried he was going to be inside the drainage easement there to the North. We found the property pins, measured it, he is within 8-inches of being inside the drainage easement so I thought he was good. Went to APC to get a permit and they explained to him that the existing building is in the other highlighted section going North/South and it is already in violation of building, so they were not by their rules, able to give a building permit in a building that is already in violation. If you remember, this situation, the building, pool everything was built, then the drainage easement was added after the subdivision was created.

Commissioner Terry Phillippe: So, what you are saying is we essentially put the easement under the building, the building was there first?

Jason Baxter: Yes, Sir. The addition to the proposed new construction is not in an easement, but by rule from the APC it was, I don’t know how that works out, that is the first time it has happened for me.

Steve Sherwood: Just for clarification, this “X” addition you see on the West side of the building that is a concrete patio with a rooftop, it is not a walled structure.

Commissioner Dan Saylor: Steve, did we make an improvement right out here?

Steve Sherwood: Yes, this is the Ray Hall residence. I believe, what Jason reported the drainage easement that you see running through there was done when the property was split into two lots, and at that time this roof top patio towards the pool off the west end of that building already existed.

Commissioner Dan Saylor: Yeah, that has a concrete floor in it and a roof.

Steve Sherwood: Right, and I think Bill Bivins platted this subdivision for Ray Hall. So, since the APC says this is already in violation, they wanted it to come up before anything else was done. Even though Daryl VanWinkles’s lean-to, I believe Ray Hall still owns this, even though it shows it’s not infringing the easement by 8-inches, Jason went out in the field and string line measured it, the APC was reluctant since it was already a violation on site with that building.

Commissioner Dan Saylor: My concern here with this is that the land owner here complained about drainage and that kind of thing, and if I remember right was that corner, that North East corner was that kind of flooding anyways, or was it the Southeast corner?

Steve Sherwood: This is the low point at the North West corner where everything drains too.

Commissioner Dan Saylor: Right, but he complained when we were doing these improvements up there that that water is getting down to his building.

Steve Sherwood: Right, I think he created the drainage inlet off the Southwest corner in that existing building in that easement area which ties into his then 2 6-inch pipes that lead from the road right of way….

Daryl VanWinkle: They are 8-inch pipes…him and I put those in…

Steve Sherwood: He reported in the minutes they are two 6-inch pipes, we have photographs of them.

Commissioner Dan Saylor: My only concern is that he is going to put a lean-to there obviously he is using that for storage. Daryl, is he going to concrete that or rock it?

Daryl VanWinkle: Rock it.

Commissioner Dan Saylor: And then here I got a lean-to here and the water is…

Steve Sherwood: Jason confirmed it is an active drainage easement back there along the North line.

Commissioner Dan Saylor: Yeah, because that water goes there then drains to the West if I remember right.

Daryl VanWinkle: It does, yes. He has also put, and its not drawn on there, but a catch basin well from that catch basin that was put along side the road it was put in, he has put in an 8-inch pipe from here around, around this end of the building then tied into this. So, he is no longer having water issues.

Commissioner Dan Saylor: Well, that is what we recommended that he do some additional, he said the water was getting down there and getting in his building.

Daryl VanWinkle: Right, that’s what him and I did we went from this point here, went around this way, and right over here to tie into that drainage pipe all the way down there. So, he’s not really having anymore water issues in here anymore.

Commissioner Dan Saylor: That was my only concern Daryl, he wasn’t really, I don’t know he was saying what we are doing is going to cause him more issues, I think it was more between him and his neighbor so, I mean I am okay with it. Steve are you okay with it?

Steve Sherwood: I cant answer to what Daryl just reported to you, I have not seen any other improvements drainage wise out there, but the fact is on the North side of the building the lean-to is not encroaching the existing easement is what Jason and I are saying.

Commissioner Dan Saylor: I am okay with this if Steve, you and Jason feel okay with that I mean I am good with it.

Jason Baxter: I’m good with it.

President Bob Johnson: Okay.

Commissioner Dan Saylor: Do we need a motion?

President Bob Johnson: Yes

Commissioner Dan Saylor: I make a motion to approve the drainage for Ray’s Manor.

Commissioner Terry Phillippe: I will second.

President Bob Johnson: All in favor. 3-0

Daryl VanWinkle: How long will this take to get down to APC to get a building permit on that?

President Bob Johnson: I cant answer that, Jennifer?

Jennifer Curry, Recorder Secretary: They will probably want minutes on it, and I will need to type the minutes, so maybe a couple days.

Daryl VanWinkle: Okay, thank you.

Commissioner Dan Saylor: Thanks Daryl.

**CLAIMS:**

President Bob Johnson: No Claims, any other business? Mr. Sherwood.

**STORM WATER DEPARTMENT**

Steve Sherwood: Yes, thank you Mr. President. First item I would like to report to the Board, that as you may or may not know I approached the County Council again concerning Barbi’s level certification, it is a level 3 certification that we endorsed when she was hired that we would reimburse her that money, $1,500 for maintaining, assuming she maintains and keeps her level of certification for the second time I was unanimously denied by the Council, and told to wait for the end of the job study that they would address it depending on the outcome of the job study.

Commissioner Terry Phillippe: So, Steve the question that came into my mind at that point which is going to be September/October in the year it sounds like that should be able to be approved, so at some point she will get the money that I feel like she is due.

Steve Sherwood: I am hoping that it will retroactive.

Commissioner Terry Phillippe: So, she should hopefully get that this year, that is my question.

Steve Sherwood: I don’t know, because the new job study depends on the action of the council, that may not go into effect until 2021, so I guess we will wait and see. When we are out of suggestions, I will approach the Board at a later date to see if the Board would entertain contemplating some other items I got in mind regarding that. Next item I have is the property at 5751 Brookstone Drive which is in Brookstone Section 5, here you can see on a sketch at the rear of the bottom of the lot I have got highlighted two easements which total 22-feet and you were sent a copy of this report back before the first of the year, you probably saw this picture closer up, but you can see that he built the barn in the easement and cant relieve over the ditch. I have asked Morrie to address that with the APC for being in violation and potential blockage in the easement of that. No action required by the Board at this time, we are approaching the next issue, April 1st deadline for the Combs issue for Woodfield Lot 69-70, I have asked Morrie to contact Mr. Combs because he is holding a certified check for the amount to recreate the ditch that has been silted shut due to the lack of erosion control. Next item I have, I had a request from an elderly lady in Lincoln Pointe Estates, if you recall this is a large subdivision on the South side of Lincoln, just East of Anderson Road just across from the Alcoa soccer/football field. This is a half mile ditch along the East side that the Ubelhor’s created a 0.2% sloped concrete line ditch, as you can imaging no one has been maintaining the ditch. I have been getting calls about standing water from the past several years, people have built anything you can imagine encroaching the easement, this is upwards on a 40-foot easement with 30-feet drainage with a 10-foot public utility easement that has been encroached by various property owners up and down the length of the easement. I sent one package to request that certain land owner address this with all the property owners that it is theirs to maintain as stated on the plat, there should be no encroachments in it. She is requesting me now I send a packet to every property owner that boarders that ditch asking them to do this, to take care of their own ditch. Some do, but most do not, I don’t want to get into this to create a large Storm Water Drainage Project, but that is a possibility later down the line, but all the encroachments will have to be removed, I just want to put this out there for the Board’s information because it will probably come up again in the future, unless the Board wants me to send a package to each property owner I will do so reminding them it is their ditch to maintain.

Commissioner Terry Phillippe: It is the property owner’s responsibility?

Steve Sherwood: It says right there on the plat the easement is theirs to maintain.

Commissioner Dan Saylor: Is there an HOA in that subdivision?

Steve Sherwood: I am not aware that there is one. Again, just information for the Board. On the Wyntree Villas issue with the manhole, the manhole was successfully raised, the manhole you see in the picture that I sent you was raised about 2-feet and you can the new concrete has been poured, we are going to fixing the hole that is about 40-feet East of this photograph, the section of pipe that we talked about that we think was damaged when the sewer line was put underneath of that for that facility. The current request from the President of the HOA is that he wants us to replace, at our cost, a manhole cover that is not rusty, these are cast iron, they rust, I don’t have a manhole cover in inventory that is rusty and I don’t know if I can buy one that is not rusty, but he asked that we replace it. I don’t know if the Board feels like it is a wise expenditure of funds and that I honor his request, he feels that he has been held hostage since they had to raise the manhole at their expense which I requested because we did not cover it up with a concrete patio inside a public utility easement. Which, on the plat it clearly states you are not supposed to build a patio, fence, landscaping, etc.

Commissioner Dan Saylor: So, we don’t have a manhole cover in inventory?

Steve Sherwood: Not that isn’t rusty. I can see about purchasing one, it will just be in the order in a couple hundred dollars, I just need the Boards blessing to..

President Bob Johnson: It’s going to rust.

Steve Sherwood: I understand that.

President Bob Johnson: Can you get a stainless one?

Steve Sherwood: No, he would like to paint it.

Commissioner Terry Phillippe: I would be okay with him painting it.

Commissioner Dan Saylor: I mean, there is paint out there that…

Steve Sherwood: Rust-Oleum, etc.

Commissioner Dan Saylor: I cant think of what it is, it solidifies the rust…solidifies isn’t the right word I am looking for..

Commissioner Terry Phillippe: Did they say something about the resident covering it with a rug?

Steve Sherwood: Yeah, when I was there she talked about covering it with outdoor carpet, but he has asked me twice now via email in the last 10 days when I would get this taken care of, I would just like to report to him that the Board would give him permission to paint it, but we are not going to replace it, it is cast iron and chances are I cant find anything that isn’t rusty anyhow.

Commissioner Dan Saylor: So, he stated that he wanted to paint it?

Steve Sherwood: Yes, and I told him I was fine with that, he should pressure wash it then paint it, well he pressure washed it and said it is staining that concrete before they can color the cover…

President Bob Johnson: Perhaps take it away from the concrete and wash it…

Steve Sherwood: I told him only if he does take it away he needs to protect it, cover it so no one falls in it with an appropriate type of barricade. I need to give him a certain answer.

Commissioner Dan Saylor: Paint is with Rust-Oleum.

Steve Sherwood: I will pass that on to him.

Commissioner Dan Saylor: Pass that along Steve, the manhole covers are stored outside at the supply house they are all going to be rusted.

Steve Sherwood: I have confirmed that already with the supplier. Next issue I have, again is informational, I sent out another email, Terry and I have been working with a gentleman by the name of Ken Ferry, over in Whispering Hills, Terry you recall on Greensboro Drive we damaged a tree, I have asked Matt Wissner to replace it, he was authorized and approved by this Board in November for a replacement tree, to date I don’t know if it has been done I have sent Matt Wissner an email last week asking for an update on the status, but I want to make sure it will still be done if I get the call from Mr. Ferry. Next issue I have, I believe you all saw a package I sent on 6133 Gardner Road, which we considered an illicit discharge, property owner by the name of Moe has been placed a large amount of straw and horse manure in the road right of way, along the embankment, along the trees roughly 340-lineal feet of what you see depicted in this photograph. As you know it rained quite a bit and it has leachated down the road, Bobby and I followed it to a culvert across Old Plank Road which leads down stream to a pond. I put them on notice, 30-days to rectify the situation. Last item, second to the last item we have I addressed to the Board this issue on 2166 Lakes Edge Drive in Lakeridge subdivision, I believe it is section F, if you recall the structure in this location is going bad on the long stream end into that structure this entire portion of this upstream watershed in this lake drains in outlets in what would be called the Blue Lake Estates main body of water. You can see here before you how the easement is platted, it starts on one corner of one property and then the majority ends up on the adjoining property. Here is the copies of the photos where the structure originates, this would be in the package I first handed you, just go give you some idea of the encroachments of the width of the 30-foot with of easements total the 30-feet in width that is all fenced in. There’s pools, there modular block walls, fencing, and the second set of photographs shows you the condition of the pipe, the pipe should be in a straight line, it is everything but a straight lone, horizontally and vertically. I have talked to Morrie about this at some point that pipe is going to have to be replaced and I have given one package to the property owner on one side back in October, the other property owner is going to have to be made aware of this at some point as well. This is going to become an expensive project if I can not get the original contractor developer to replace it in time. Just wanted to put that out there for the Board’s information. The only other comment I have is Joe’s put out the new Storm Water truck for bid, it will come at the next meeting on March 23rd, Joe hasn’t had any questions on that so far I don’t think. That is all that I have for the Board today.

President Bob Johnson: Mr. Grassman do you have anything?

Joe Grassman: No Mr. President I do not.

President Bob Johnson: Mr. Howard.

Bobby Howard: Nope.

President Bob Johnson: Anything else? I’d entertain a motion.

**MOTION TO ADJOURN**

Commissioner Terry Phillippe: I make a motion to adjourn.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor. 3-0