**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**April 13, 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: Ron Philo, Chis Daum

**PLEDGE OF ALLEGIANCE:**

President Bob Johnson opened the meeting of April 12, 2021 with the Pledge of Allegiance.

**APPROVAL OF MINUTES**

President Bob Johnson: First up we have the approval of minutes from the March 22, 2021 meeting.

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

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor 3-0.

**BID OPENING-POWERS DITCH RESTORATION PROJECT-SPRING 2021**

President Bob Johnson: I have a bid opening for Powers Ditch Restoration Project Spring 2021.

Morrie Doll: I have been provided with two (2) sealed envelopes with bids dated to be opened on today’s date. First is from Tom Naas Homes for “Powers Ditch Project”.

Commissioner Dan Saylor: Is Powers Ditch down along Powers Drive?

Jason Baxter: It’s just north of Tennyson.

Morrie Doll: This is for all labors and equipment and materials to clear the brush, pile it, dip the silt out and level the bottom so farmers can get over it with a disc, they are going to place all the material on the north side of the ditch and the silt on the south side of the ditch in it’s approximately 2,406-linear feet of work to be done on Powers Ditch for a lump sum bid of $14,995.00. Second sealed bid dated for today’s opening on Powers Ditch Project is from Ubelhor Tree Service, it says proposal directed to the Warrick County Surveyor for ditch restoration and it is for the lump some of $13,873.00. That is the only bids we have been provided with and I will return them to the Surveyor’s Office.

President Bob Johnson: Is that what you had in mind Jason?

Jason Baxter: Yes, Sir.

President Bob Johnson: We can make a motion and approve it as long as we can verify with Jason that the quotes are covering all the specified work that he wants done.

Jason Baxter: I had spoken to them, we had pre-bid meeting and spoke to both of them today about it, so we’re all good.

Commissioner Terry Phillippe: I make a motion to approve the low bidder that appears to be Ubelhor Tree Service.

Commissioner Dan Saylor: I will second that.

President Bob Johnson: All in favor 3-0

Commissioner Dan Saylor: So, Jason it seems like all of these are never certified claims when they are paid because the Auditor didn’t get three bids and all that stuff, so what do you have to do for her so it shows this went through a process and this Board approved that?

Jason Baxter: We send her the minutes when we send, I mean I don’t know what else to do. Jennifer sends her the minutes and everything that we got.

President Bob Johnson: How many bids did you solicit?

Jason Baxter: We sent out six (6) and two (2) were the only ones able to get, everyone is crazy busy right now.

President Bob Johnson: So, you attempted to get six (6)?

Jason Baxter: Yeah, this is the first time that I’ve had less than four (4) I think, everyone is just really busy right now and I had a timeline because the farmers need to get into the field and they need to get a jump on it.

President Bob Johnson: Okay, did that answer your questions Commissioner Saylor?

Commissioner Dan Saylor: Yes, Sir.

*Powers Ditch Restoration Project-Bid Opening*

*\*Tom Naas Homes------$14,995.00*

*\*Ubelhor Tree Service-----------$13,873.00—Awarded 3-0*

**CLAIMS:**

President Bob Johnson: Next we have claims and the total amount of $544.25.

Commissioner Dan Saylor: I make a motion to pay the claims.

Commissioner Terry Phillippe: I will second.

President Bob Johnson: All in favor 3-0. Any other business with Drainage Board?

**OTHER BUSINESS**

Steve Sherwood: We have someone in the audience I’m not sure what they are here for?

President Bob Johnson: Sir?

Ron Philo: Good Afternoon, I’m just here on behalf of (?) there is a hearing for Victoria Woods

President Bob Johnson: Not on our agenda today.

Steve Sherwood: They did not meet the advertising requirement I believe, have you talked to the Plan Commission that it’s supposed to come up in May?

Morrie Doll: It was sent to the local paper, The Standard…

Ron Philo: I just got notice from my employer the meeting was today…

Morrie Doll: The Standard missed the publication deadline, so it had to be rescheduled to the May meeting which will be the second Monday in May.

Ron Philo: Second Monday in May.

Steve Sherwood: For the record may we have your name so we have it that you came today?

Ron Philo: Ron Philo, General Manager for Victoria National Gulf Club.

Morrie Doll: Nice to meet you

President Bob Johnson: Thank you.

Steve Sherwood: Commissioner I do have a couple items for Drainage Board business.

President Bob Johnson: Okay.

Steve Sherwood: Just to report to you about the Acapulco basin, they have restored the basin it is in the Highland Pointe Sec. III they have restored it to the pool elevation per the approved plans. Jason, I believe, is still working with the people at Halston Manor on getting that basin restored I guess there is a new HOA representative that Jason has been working with.

Jason Baxter: I spoke with the contractor that is pretty sure he is going to be doing that project.

Steve Sherwood: Hopefully we will have it restored before the next winter period that way we can get those four incoming pipes drained free again. The last basin I have to report is I sent an email to the Board regarding an HOA representative Steve Evans with Woodfield Sec. II, we have information that says they have changed the pool elevation and increased it by roughly 2.5-3-feet he has spoken with Phil Baxter and I believe he was told he could come before the Board at the next meeting which is two weeks from today. Phil, is that basically the conversation that was had?

Phil Baxter: If he is ready, he is supposed to be talking to an engineer.

\**Chris Daum comes into meeting room---Mr. Daum does not go up to podium to speak, little audio is picked up from surrounding mics to dictate for minutes*\*

Chris Daum: Guess I’m the only one, huh? Is this the Drainage Board?

Jason Baxter: Are you here for Victoria? It is being rescheduled; they missed the deadline for The Standard publication.

Morrie Doll: The newspaper missed the deadline.

Chris Daum: Okay, so….

President Bob Johnson: So, it will be the second week of next month.

Morrie Doll: Second Monday at 2:30pm will be the Drainage consideration of May.

Chris Daum- Second Monday of when?

Morrie Doll: May.

Chris Daum- Okay, and where will the rest of the meeting be?

Morrie Doll: All the same.

Steve Sherwood: Just for the record, can we have you name?

Chris Daum- Chris Daum I’m actually on the water front.

Morrie Doll: You are a homeowner on the lake that is being affected?

Chris Daum- That’s right, I’m not looking at it as a negative at all I just want to know…

Morrie Doll: We’re sorry, but it was out of our control it was a mistake by the newspaper, you know the local newspaper doesn’t have an administrative office anymore? It goes to Kentucky, Owensboro or somewhere else.

Chris Daum- Yeah, I think there was some miscommunication because we were called in today and said it was back on.

Steve Sherwood: Which office did you call that gave you that information?

Commissioner Dan Saylor: Roger?

Chris Daum: Roger, yeah it was at like, 12:45pm this afternoon…

Morrie Doll: Well, we apologize that was incorrect information.

Chris Daum: Alright, well there is zero letters going out to our community, you know, most of this is being done by one person…..(*speaking away from podium, can not dictate*)

Morrie Doll: Well, the notification is supposed to go to any abutting landowner, however many that may be.

Chris Daum: One, it went to one; you need to talk to everybody and not just one person.

Morrie Doll: Yeah, I cant tell you why that is happening that way, but that is not what the ordinance requires, but again, we are sorry about that but you now have the most up to date information, the drainage portion of it will be heard the second Monday of May at 2:30pm provided Victoria, the developers, do not postpone it for some reason that is when the Government is expected to hear it.

Steve Sherwood: If you need to verify any of those times you should call the Area Planning Commission.

\**Chris Daum speaks away from podium---can not dictate*\*

Morrie Doll: The applicant, the developer is responsible and they have to submit verification that they have done that and they also have to submit a green certified mail cards showing they have done that…

Steve Sherwood: To the Area Plan Commission that shows they have sent them.

Morrie Doll: They are on the level below us if you have not stopped down there at the foot of the stairs you will see their offices in the southwest corner of the building.

Commissioner Terry Phillippe: Councilor, I don’t know the details and I cant cite it for sure, there was some sort of a snafu I believe a letter went out early that wasn’t supposed to go out early is that something…

Morrie Doll: News to me.

Commissioner Terry Phillippe: Yeah, I’m not sure exactly what the details were but….

\**Chris Daum speaks away from podium---can not dictate*\*

Morrie Doll: Well, all of that is important information, unfortunately none of it is relevant to this Board, and the only face you are going to see at the APC hearing on this matter that is the same faces you see here is me and Commissioner Johnson. I don’t get to vote, I am the Council Attorney for Drainage, but all of that will be relevant at the Area Plan Commission meeting and if you have questions the people that can answer that would be Molly and she is the Administrative Director of APC and like I said, she is one floor below us in the southwest corner of the building.

\**Chris Daum speaks away from podium---can not dictate*\*

Morrie Doll: We are the Drainage Board.

Steve Sherwood: Technically their drainage plans have to come before Drainage Board that day in May at 2:30, street plans come at 4:00 before the Board of Commissioners, and then at 6:00 the Planning Commission gets to hear the platting.

Morrie Doll: Okay, but we cant really get into it because today is not the official meeting about it, so everything you are telling us is…

\**Chris Daum speaks away from podium---can not dictate*\*

Morrie Doll: Okay.

Steve Sherwood: That’s all I have for Drainage Board Mr. President.

President Bob Johnson: Okay, moving onto Storm Water.

**STORM WATER DEPARTMENT**

Steve Sherwood: Thank you Mr. President, I have solicited six (6) bids for the Ruffian Lane Drainage Improvement Project which consists of a concrete box culvert drainage structure, of the six bidders that were solicited I had a non-mandatory pre-bid on April 5th and only three contractors showed up and I believe the three (3) bids that were returned were the same contractors, Metzger, Dieg Brothers, and Ragle Inc. I will turn them over to Morrie to open all the bids that were received in a timely manner.

Morrie Doll: The bids were all properly marked and identified as being submitted to the Storm Water Management Department, they are time stamped and date stamped to show that they were all received obviously prior to today’s meeting. The first one I am going to open is Dieg Brothers…

Steve Sherwood: They all will be lump sum bids.

Morrie Doll: Bid dated April 9, 2021 directed to Steve Sherwood, Director of Storm Water; talks about the description of work to be performed and the lump sum submitted price for this work by Dieg Brothers is $92,495.00. The second sealed bid is from Metzger Construction for the same project directed to Storm Water Department, it is dated April 12th for Ruffian Lane Box Culvert Installation Project, and it has a lump sum proposal of $48,400.00 signed by Timothy W. Metzger and has a sealed with a corporate seal. Final bid is from Ragle Inc. in Newburgh, it comes on the standard form 96 contractor bid for public works and it is dated April 12th and it is for $49,920.00 and has a break out that is typical for form 96 signed under sealed and properly dated. I will return the bids in their sealed envelopes to Steve.

Steve Sherwood: Thank you. We propose to install the structure within the next two weeks, potentially as soon as next week, probably no later than the following week depending on the contractors schedule as it was presented at the pre-bid. Box culvert has been manufactured, and is ready to be delivered and installed. If there is no questions, I will recommend the Board solicit the low bidder.

Commissioner Dan Saylor: I make a motion to approve the low bidder of Metzger Construction as long as he meets all the criteria met in the bid.

Commissioner Terry Phillippe: I will second.

President Bob Johnson: All in favor 3-0

*Ruffian Lane Box Culvert Project-Bid Opening*

*\*Dieg Brothers------$92,495.00*

*\* Metzger Construction----$48,400.00---Awarded 3-0*

*\*Ragle Inc.--------$49,920.00*

Steve Sherwood: Thank you Mr. President and the Board, with that I will continue with the rest of my business and these will be reports. Under MS4 Reports, I have been contacted by IDEM within the last few weeks regarding two different developments. Hillside Meadow Subdivision on Sharon Road I think you are all familiar with the remonstrators that were at the Planning Commission regarding that development, we were solicited with some complaints by one of the adjoining land owners IDEM basically contacted me the next day with the other complainers email and basically cut and pasted his complaints. We issued or dispatched our inspector to meet with the contractor on site and all the items were brought into compliance and I have a recent inspection dated April 5, 2021 that they are in compliance and I have not been contacted by IDEM since. The second project that IDEM contacted me about was for Victoria Woods as you can imagine from the interest of people that were here not too long ago today, the street and drainage plans have yet to be approved by the County, they do have an approved SWPPP on file they did begin without the approval of one on file. They were falsely working under one that was approved for the previous owners in 2017 for logging, of course the current owner Oakland Holdings was not the owner on that I quickly told them they could not operate under the pretenses of that permit and they filed their SWPPP the next day, which we approved it on the other side of the weekend after submittal. They are working under an approved SWPPP, but as you can see we are still having residence contacting IDEM, DNR, and other bodies, they do have an IDEM permit on file for working in a wetlands APC has a copy of that but they do not have a US Army CORP permit they said it was still pending whether they need one for the work they are doing or not I do not know, but as you know there is a lot of interest in that development and the work that is being done out there. I can report to you they are moving dirt, they are clearing trees I have been on site and have photographs as such.

Commissioner Terry Phillippe: Steve, if you would humor me for a moment I have heard that the water has dropped and I have also heard that the water has not dropped, do we know?

Steve Sherwood: I have not seen the water other than the pictures that some of the homeowners have sent, which are the same pictures being sent to me by IDEM and talking to the owner about it, Jordan Aigner representing Oakland Holdings, they said they have removed some beaver dams that have been there for quite some time and the pit has dropped accordingly 2-3-feet through the controlling structures that are there. In their opinion the water has been at the level it is at because the beavers have plugged up the outlets of the six lakes that comprise the drainage area or basically unclaimed stripper pits that this property and comes out one large 72-inch metal pipe across a future road that they are going to be replacing in the upcoming street and drainage plans.

Commissioner Terry Phillippe: Okay.

Steve Sherwood: Other MS4 items I have for the Board as you recall I had to site Magnolia Subdivision which was a Chris Combs development that we had an elicit discharge complaint that they were dumping and cleaning their concrete chutes without a concrete wash on site, they have been operating without a concrete wash since last fall and we have cited them repeatedly and it took a letter from me to finally get him to come into compliance. He did put and provide the concrete wash and the development is nearly built out but we are talking bout the east end there by the cul-de-sac and they still have some issues with cleaning up the mess and have not corrected any of the other items contrary to Mr. Combs’s email to us that he would bring the site in compliance by the end of March 29th and my inspector noted on April 1st the only thing that was performed was the concrete wash out contrary to his email. On an April 5th inspection on follow up they still cited 6 or 9 items that remain unsatisfactory condition on that site. Another Chris Combs development Williams Landing was also cited by myself with a non-compliant package that was issued on March 25th the same as the one I issued on Magnolia on March 25th, on March 30th an inspection was performed by our inspector which showed 4 of 9 items remain in an unsatisfactory state, again, contrary to Mr. Comb’s email. I received a complaint received by the Town of Newburgh put us on notice on a project going on in the County, some residents mistakenly thought it was within the Town of Newburgh, the site is at 6833 Old Stone House Drive on March 26th if you recall that is the pond that was drained and the house was demolished. I did have my inspector meet with the contractor on site, there was no SWPPP required on this site because it was less than 1-acre of development, however they were issued our standard residential erosion control booklet that we have the Building Department to give out to all residential homeowners that show basic standard erosion control or best management practices for residential construction when a SWPPP is not required. She met with them, they brought them into compliance and established a concrete wash out and other erosion control practices, again, a SWPPP was not required because it did not disturb over a 1-acre site and we responded to the complaint issue by the Town of Newburgh accordingly. That is all the information I have to report to the Board on various MS4 items. I spoke to the Board earlier and spoke with Morrie again I think it is the Board’s consensus that we did approve an Ordinance for the Storm Water Department to collect fees, I believe Morrie said one had to be done through a Commissioner’s meeting?

Morrie Doll: Only the Commissioner’s can adopt an Ordinance other than a budget, but we recommended one and the Storm Water Board recommended through the Commissioners, I didn’t go to the Commissioner’s meeting to see if it was passed. I believe Mr. Johnson and I had conversation that he thought it had passed by the County Commissioners so we should have an Ordinance sometime in 2020 authorizing that we have an account in the Auditor’s Office to hold funds that are collected by Storm Water for violations or bring something into compliance like we did with Chris Combs on Magnolia if I recall correctly.

Steve Sherwood: It was a Woodfield when we took that check for $7,500.00

Morrie Doll: Right, Woodfield. I’d have to talk to the Auditor or someone to verify the passing of the Ordinance.

Steve Sherwood: I just need to verify that we do have an Ordinance in place and if the Board would like for me to consider bringing recommendations for fines we do have a mechanism set up to do so, that is my only concern at this point. It is still the Board’s prerogative whether we issue fines for non-compliance or continued non-compliance we are getting that question from IDEM is why I bring this up.

President Bob Johnson: I think if we have habitual offenders which we fairly do in this particular instance, yeah fines are in order and that is just my opinion.

Steve Sherwood: I would be more than happy to bring these to the Board’s attention as the occur in the future, but we are getting questioned by IDEM why we are not pursuing financial penalties.

Morrie Doll: We should get the Warrick County Ordinance # either from the Auditor or from Roger and have that number available so we know exactly what we are talking about if you are going to report it to IDEM.

Steve Sherwood: That is all that I have unless the Board has any questions for me.

President Bob Johnson: Anything else? Councilor?

Morrie Doll: No, Sir.

**MOTION TO ADJOURN:**

Commissioner Terry Phillippe: Motion to adjourn.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor 3-0