**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**APRIL 23, 2018**

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; Marlin Weisheit, Secretary; Jason Baxter, Deputy Surveyor; Bobby Howard, County Highway Engineer; Morrie Doll, Attorney; and Kim Lutton, Recording Secretary.

Present in the audience was Joe Grassman, Bobby Howard, Sarah Adams, Lori Peter and Ray Hall.

**PLEDGE OF ALLEGIANCE:**

President Johnson opened the meeting of April 9, 2018 with the Pledge of Allegiance.

**APPROVAL OF MINUTES:**

President Johnson: We have the approval of the April 9, 2018 minutes.

Commissioner Weisheit: Motion to approve.

Commissioner Saylor: Second.

President Johnson: All in favor? 3-0.

**POLKBERRY CREEK / HOLD HARMLESS / TOWN OF TENNYSON:**

President Johnson: First up, we have Polkberry Creek / Hold Harmless / Town of Tennyson.

Sarah Adams: I’m Sarah Adams.

Lori Peter: Lori Peter.

Jason Baxter: The Hold Harmless for Polkberry, the water main pipe. We’re good with it.

Steve Sherwood: It’s a replacement of an existing water main on Stone Road which crosses Polkberry Creek. As soon as we get approval on the Hold Harmless, I will take the recorded copy and attach it to the working county road right-of-way permit. I alerted them that they needed to get permission from the legal drain authority to cross the creek and then we will act on our permit to working county road right-of-way for the rest of the waterline replacement in conjunction with the creek crossing.

Morrie Doll: So the question is whether the Drainage Board will give them permission to cross a regulated drain?

Steve: Yes, but it is an existing water main. This is just a replacement.

Morrie: I’ve looked at the Hold Harmless. We’ve corrected the typographical error and I’ve approved it and signed it.

President Johnson: Ok, so I guess we need a motion.

Commissioner Weisheit: I make a motion to approve.

Commissioner Saylor: Second.

President Johnson: All in favor? 3-0.

Sarah: Do you know how far we need to bore under the creek?

Steve: Standard is; you usually ask for 5-feet of cover on top of the line and protect it in some way, shape or form. Either in casing or cover it with concrete.

President Johnson: How quickly are you going to move on this?

Sarah: As quickly as possible. Before the farmers get in the field.

Morrie: How deep is the one that you’re replacing?

Sarah: It’s sticking out of the creek.

Morrie: That’s not good. Jason, what is normal? 5-feet?

Jason: I did not know actually.

Steve: Typically, in the past, it’s 4 to 5-feet of cover.

Morrie: Does this location present something unusual that would require a deviation from that?

Steve: I don’t think so but I don’t know who they hired for a contractor.

Lori: That’s us, with Quality Craft Construction.

Morrie: 5-feet with some kind of cover?

Sarah: That’s the minimum that we usually do.

Commissioner Weisheit: That would be fine with us.

President Johnson: Thank you.

**RAY HALL:**

President Johnson: Next up, we have a discussion for Ray Hall.

Ray Hall: I’m sure you guys know me already. I’m Ray Hall. Still discussing the problems with drainage on Nester Hills.

Morrie: We dealt with this in 2015.

Ray: We’ve been dealing with it since 2009. I came back here in 2009 whenever the lady behind me was damming up the ditch. You guys told me that is was a civil matter and not a county drainage matter. So I went and hired an attorney and had them send her a letter to quit damming up the ditch. I had asked questions about what I could do with this ditch and you guys said it didn’t really matter because it wasn’t a county regulated ditch. I even put the two 6-inch pipes into the 14-inch pipe and covered it up because I wanted to do improvements to my property. Then the guy across the street started complaining, saying it was backing water up on his property which it wasn’t really my pipes that were doing it, his side of the property was overgrown and it was catching leaves and everything else. At that point, you guys told me that I wasn’t supposed to do that and now it’s a county regulated ditch.

Steve: Let’s backup to your first statement; about the blocking of the ditch that you first said. That was at the north end of your property? At the very downhill end. Is that correct?

Ray: Yes.

Steve: And the problem we’re talking about, the roadside ditch, is along Nester Hill or the south end of your property. So there are two separate events we’re talking about.

Ray: Right. It’s still that drainage. It all connects. You guys say it’s a drainage that’s existed and I was arguing that it was an existing drainage right-of-way then, but you guys said no.

Morrie: The road ditch is in the county right-of-way.

Ray: It’s not really a ditch though.

Steve: It was a roadside ditch at one point.

Ray: When I had asked you guys who put that culvert in, nobody could tell me who put the culvert in.

Morrie: The one under the road?

Ray: Yes.

Morrie: Well, the county must have at some point.

Ray: The county didn’t engineer that culvert. And you guys have never maintained it. Not once.

Morrie: If it’s in our right-of-way, I bet we have.

Steve: It’s an old culvert. It’s been there before you developed the property. Is that correct?

Ray: Right. The culvert was in there and I was told by all the neighbors that were there when it happened, that Hahn Brothers put the culvert in because they were running sewer lines up through there.

Steve: It’s still a roadside culvert that goes through the roadway that the county claims to be in its right-of-way and services. The problem was created when you hooked up two 6-inch pipes.

Ray: That wasn’t when the problem was created.

Morrie: I thought the pipes weren’t supposed to be connected to the larger 15-inch culvert that goes under the road, according to the 2015 minutes.

Ray: When I came in 2009, I specifically asked you guys, “so if I wanted to stuff that culvert full of concrete, what would happen then?”. And you said “well it would be the guy across the street that would have to take civil action on me”. And that was exact wording. You guys can say you didn’t say it but that’s what happened. I had my neighbor here with me and he heard the same thing. He has since moved away. When I hooked those pipes up, it ran better than it ever has before.

Steve: What is your concern with it being opened up then?

Ray: Well right now the guy across the street keeps complaining every time it rains really hard that I’m causing the backup. Really it’s causing on his side because he won’t clean that area out which you guys have never maintained either. Everything that comes down that hill dams itself up against his side. I’ve even grabbed piles of leaves and stuff and moved it over and it washes through. It goes through those pipes like it’s supposed to. You guys are wanting to put the box on my side of the road, which is fine, you have every right to do so, but it’s not going to solve the problem. It’s going to keep continuing to either back up on his side of the road and come over the road anyway and go into that box and then go into the pipes if it’s supposed to. Or if he keeps his side cleaned out, we’re just going to have a box there. What happens is; if it does back up, it’s going to overflow onto my property and it’s going to keep washing out all of my land that I have and I just don’t see that it’s fair that all the drainage that comes down that hill ends up on my property.

Steve: Well that’s part of the reason why they want to put an open pit or a box on the north side of the road. I believe you just said it’s not a problem.

Ray: Because it’s your right to do so. If you want to put that box in, then you can put the box in. It’s your easement.

Steve: Our Stormwater Board minutes from December 14, 2015 indicate that a neighbor was here by the name of Jessie Yantzee, lives at 3088 Nester Hills. At the result of that discussion, it was decreed by the Board that they would go back and open up that connection between the two 6-inch pipes and the 15-inch pipe which is what we were getting ready to do a couple years later and that’s what precipitated your being here today as I understand it.

Ray: Right because it’s not going to solve the bigger issue.

Morrie: Do you have any engineering that supports that conclusion that it’s not going to solve a bigger issue?

Ray: Just by living there and seeing it over the years.

Morrie: So that’s a no.

Ray: Seeing how the water flows and why it’s not going to work.

Morrie: Were you represented by Bill Bivins when he was here in 2015?

Ray: Yes. He was my surveyor at the time when I was grating the subdivision there and splitting up lots.

Steve: And on that subdivision plat, it shows a 10-foot drainage easement along the common property line after it does meet prior to your building.

Morrie: You mean the one that goes north?

Steve: And, is it true that you built a patio and the roof overhangs over the 10-foot easement?

Ray: Right. And I have permits for it.

Steve: They have building permits on records but they reflect the fact that you built something across the easement and the subdivision plat specifically says not to build anything across the easement. So I’m failing to understand. When you say you had county approvals, what all approvals do you think you had that allowed this to happen? We have nothing on record that says you can work in county road right-of-way and connect two 6-inch pipes to a 15-inch pipe. Or fill in a roadside ditch.

Ray: All I’m saying is I submitted the permits and you guys approved it. So I built it.

Morrie: It seems to me the county has options here. If they want to, they can build the drop box or, if they want to, they can take the 6-inch pipes out of the right-of-way. If you think that’s what opens up the drainage.

Bobby Howard: Bobby Howard, Warrick County Engineer and Highway Superintendent. I have spoken with Mr. Hall. A different neighbor Ron Cranick had issues with the water backing up and was coming across the road is what I’ve been told. So we looked at what it would be to go ahead, as this Board had instructed the Highway Department to proceed with in 2015. We were going to move forward and look at doing that and when I spoke with Mr. Hall, he had an option to come back in here to discuss what was going to happen before I proceeded.

Morrie: Has anything changed that makes the drop, the 3 by 3, unnecessary to accommodate the drains?

Bobby: No, at this time it wasn’t a high priority for us.

Ray: Do you agree that all that stuff that comes down the hill is just water and it’s actually going to go through whatever you put there anyway?

Bobby: Our goal is to get it to go into and under the road and not over top of the road.

Ray: So you just want it to end on my property and that just floods me out every single time?

Bobby: I don’t have a choice in where the water runs.

Morrie: It’s gravity.

Ray: There is a solution to continue the ditch on that side of the road to Bell Road and that would take care of all the issues of all the water coming down the hill.

Steve: Not currently going uphill to the east through the hilltop to get to Bell Road.

Ray: You’d have to dig deep enough and put a culvert in.

Steve: Nature took the water due north, where it always had, until you built…..

Ray: It’s flooded my basement out twice now and I keep having to pay for that and it washes all my rocks out and it washes mud an inch thick into my backyard and I have to keep pressure washing that out every time it rains.

Steve: I believe that’s why there’s a drainage easement on the plat, for the water to go.

Ray: Would you guys like to see the ditch that was actually there before I even built my house? It wasn’t even a ditch. You could barely stick your hand in it.

Morrie: A natural drain?

Ray: Whatever you want to call it. It eroded over the years.

Morrie: And that’s where you’ve run the pipe?

Ray: Yes. I actually dug down deep enough. I put rock in the bottom. Then I put the perforated pipes in and then I put rock on top and landscaping fabric and then filled the dirt up on top of it. So I spent some money to try and do it right and try to make everything look clean.

Morrie: But why did you put two 6-inches in?

Ray: Because I couldn’t afford to do 14-inch. So I tried to do the best that I could.

Steve: At the time, I believe you said in 2015, the term was that you had it engineered.

Ray: I never said that.

Steve: You have pictures before you that show the pipe and the area in question.

Morrie: Do you have water running across the road?

Ray: I’ve never seen water running across the road.

Morrie: That was for Mr. Howard.

Bobby: I have not witnessed that. The neighbors on the south side of the road have claimed that it runs across the road.

Ray: May I show you some pictures of this guy’s yard once it rains?

President Johnson: Sure.

(Mr. Hall shows the Board pictures. Everyone is talking. Inaudible for transcribing.)

President Johnson: Mr. Sherwood, do you have any recommendations here?

Steve: It was the order of the Board, the Drainage Board and the Stormwater Board back in December 14, 2015, to go ahead and create that 3x3 area on the north side of the road where the 15-inch is hooked up to two 6-inch pipes. That’s the last official record we have. And it’s in the road right-of-way so it would be a Highway Department matter.

Ray: I can see why you guys think that’s the end all, be all. It’s really not going to take care of any issues.

Steve: I had offered Stormwater to go out and create that and that’s when Mr. Hall came in wanting to know what we intended to do and that precipitated this meeting. So I put everything on hold at that point.

Ray: It’s because I feel like it’s not going to help.

Steve: We staked the area, you see in the photographs, we re-staked it with wire flags recently so that’s, I’m sure, what he saw was our attempt to stake there.

President Johnson: Recommendations Mr. Howard?

Bobby: Our two options are to either go ahead and….at this point, the pipe is open. If it backs up water then water comes over the road again, then we have an issue and it’s a liability. That’s the reason why we wanted something in that box so that water would be able to exit out if it. We want to protect the road. That’s the objective that we’re looking at, is what we can do to protect the roadway from the flooding coming over the road.

Ray: How are you going to protect the roadway where it’s coming over on the corner?

Bobby: We’ll address that and we’ll probably end up doing a ditch around the front to get it to come to this culvert.

Ray: So you’re solving everyone else’s problems and just screwing me a lit bit more.

Commissioner Saylor: You’re talking about putting this box where, Bobby?

Bobby: On the side of where the 15-inch pipe outlets to…… Where the joint action is to our pipe, we’re going to open that up.

Morrie: That’s where the 15-inch pipe connects to his two 6-inch pipes.

(Everyone talking. Inaudible for transcribing.)

Commissioner Saylor: So you have two 6-inch lines that are running northerly……

Morrie: Between your out buildings and your house.

Commissioner Saylor: What’s to the west of your garage? Or this big building.

Ray: Swimming pool.

Morrie: With an overhang that’s over the easement.

Commissioner Saylor: So concrete covers those two 6-inch lines?

Ray: Yes. The way I saw it, when I put the two lots together, it’s one big lot now and there shouldn’t be an easement there.

Morrie: Well there is.

Ray: But like I said, you guys approved the permits to do the buildings. I just don’t understand why………

Bobby: Normally the Area Planning Commission doesn’t approve a pool permit in a drainage easement.

Morrie: No.

Ray: The pool is not in the drainage easement. It’s the porch overhang.

Commissioner Saylor: So to properly fix this problem, we’re going to do our part, but then it’s choked down to two 6-inch pipes which reduces the flow by 67.5%. So, when we do this……….

(Everyone is talking at the same time. Inaudible to transcribe.)

Commissioner Saylor: What’s the length of your property running north to south?

Morrie: It’s on the plat.

Ray: I just don’t think that when they put that culvert in, they ever thought there was going to be that volume of water anyway. There was never supposed to be that volume of water. And people start building and they cause even more water.

Commissioner Saylor: Would a 15-inch pipe be able to handle it?

Morrie: That’s up to Steve.

Steve: It hasn’t been hydraulically looked at with a slope. You have to account for what water you’re collecting on that half of the roadway north. The south half of the roadway runs towards the other end of the 15-inch pipe. Most of the water sheet flows off the north edge of the road down his property. In a northerly direction. You’re in the valley of two small hilltops. The reason why the 15-inch pipe was there all along.

Morrie: One to the east and one to the west.

Steve: Yes.

Morrie: What would 200-feet of 15-inch of regular pipe cost?

Steve: You can buy PVC plastic and it’s probably going to be $7 to $8 a foot plus installation plus he has to go through a concrete patio and under an overhang on the immediate west side of his pole barn and the fencing that crosses the easement, the fencing along the common property line between the pool and the buildings. So you get into a bunch of other issues. It’s not just the cost of the pipe. And then that water will get to the north end of his property and the other neighbor will probably be objecting to the velocity of the water that comes there at a concentrated flow.

Morrie: When it gets to the north end, which direction does the water flow? West?

Ray: West. I have a cleanout at the corner of the backend of our property.

Morrie: Do you want to look at this and table this for two weeks?

President Johnson: I think we need to at this point. We need to do some more research on it and see what the possibilities are.

Ray: I just want what is fair. I don’t want to take on all that water. The volume of water is even greater than 2009 because of everybody building around it and they’re dropping even more water as far as gutters and everything.

President Johnson: Lets go ahead and table this for this meeting here and maybe spend a couple weeks looking at it and see what we can do and maybe come up with some type of resolution.

Ray: That’s fine. The guy that I bought that property from, he was here with me in 2009. That water would come down there and instead of going through a ditch, it would just flow out into his property and he couldn’t mow it for weeks and that’s why he came here with me. Then when I actually put the pipes in, it dried his property up so it was helping out him and it was helping out me. Then the guy across the street was saying it was flooding him out which, like I said, it was on his side. Maybe it wasn’t going to go through the 6-inch pipes, I don’t know, but it never got there. Because if it did, it would definitely be clogged up to where no rainwater is getting through there, period. I don’t know if we could put something on his side of the road where there is like a grate or something where it won’t let all the leaves and sticks…….I’ve found bolts that come down the road because it’s just coming down there so violently and it’s carrying everything with it, trash and everything else and it ends at me.

President Johnson: Give us some time to look at it and maybe come up with a comprehensive plan and move forward from that. We meet every two weeks.

Morrie: So is it tabled until the next meeting?

Commissioner Weisheit: I make a motion to table for two weeks and give our engineers time to study it.

Commissioner Saylor: Second.

President Johnson: All in favor? 3-0.

Morrie: Mr. Hall, you understand that two weeks from today at 2:30pm, it will be considered again?

Ray: Okay.

Steve: May 13th is the next meeting so it will be three weeks.

Morrie: May 14th.

Commissioner Weisheit: Yes. May 14th. Next meeting, May 14th. I’ll amend my motion to the next meeting.

Commissioner Saylor: Second.

**CLAIMS:**

President Johnson: We have claims for $203.97.

Commissioner Weisheit: Make a motion to pay the claims.

Commissioner Saylor: Second.

President Johnson: All in favor? 3-0.

President Johnson: Other business? Mr. Sherwood, take over please.

**DEPARTMENT OF STORMWATER**

**SKID LOADER:**

Steve: Thank you, Mr. President. Under Stormwater Board Meeting Business Item #1; the skid loader specifications have been put out for bid through Joe. He will be collecting bids. I believe they come back at the May 14th meeting or one of the two May meetings.

**BASELINE SUBDIVISION:**

Steve: The second item; Baseline Subdivision; we reported last meeting, following up on Tom Newmaster, the last meeting being April 9th, he was given 30-days to submit a SWPPP. Nothing has been submitted to date although we still have about 2-weeks remaining in that 30-days.

**SHERIFF DEPARTMENT DRAIN:**

Steve: Item #3. Sheriff Department; the jail pipe running along the west edge of the jail property, the pipe runs about 100-feet off the west side of the building and runs north-south coming across State Hwy 62. The state has a 3x3 or a 4x4 concrete box culvert. It runs into a 43-inch by 27-inch corrugated, metal pipe arch about 300 lineal feet. There are multiple holes occurring on top. We did get it to drain around a video camera. It’s crushed in several places and the pipe is in very bad shape. We’re looking at a hydraulic study to replace that 300-feet at the existing slope.

Morrie: How big is it?

Steve: 43x27 which is the equivalent of a 36-inch round metal pipe. If I have to replace it with an equivalent HDPE or plastic pipe, which didn’t exist in the 90’s when we put the metal pipe in, you’re looking at just under $10,000.00 in material alone.

Commissioner Weisheit: Our guys can do that, can’t they?

Morrie: Yes.

Steve: It’s just the material. Not including any labor and there would be one “T” involved for the inlet that comes off the parking lot on the south side of the Sheriff’s building and then about 300-feet of pipe.

Morrie: And you would propose to go back with the corrugated plastic?

Steve: I would go back with the rigid plastic. HDPE, high-density polyurethane, which is what we use for the most part today.

Commissioner Weisheit: What would galvanize pipe cost?

Steve: A lot more than that.

Commissioner Weisheit: The fire this last weekend kind of concerns me with these plastic pipes.

Steve: If we could achieve a little more slope, I can probably go down to a 30-inch diameter HDPE but right now, at the present slope, it’s a 36-inch and I haven’t shot any more grade to the north to see if we can drop the grade any.

Morrie: But you have a “T” to tie into it.

Steve: It’s an upward “T” that collects the surface water coming off the parking lot in the first 50-feet of the structure. So we’re looking at just under $10,000.00 in material if we need to proceed forward. And the last report from the Sheriff is he did not have any funds to cover that.

Morrie: And it’s failing.

Commissioner Weisheit: It’s county property. I’d like to see Stormwater Department put it in if they could.

Morrie: Can we put it in, in conjunction with Highway?

Commissioner Weisheit: Highway could maybe get a Gradall over and help dig it out a little quicker couldn’t they?

Steve: We would need a larger piece of equipment. Either the Gradall or the excavator. The mini-excavator is small for this job.

Bobby: Right now we are swamped with preparing for these roads. So it’ll be a Fall project before we can get to it. I don’t know if there’s a time rush or anything on it.

President Johnson: It’s a safety hazard.

Bobby: We’re trying to get our used Gradall, that is our spare, working again. If I can do that and come up with a guy that can run that to help.

Steve: I’ve asked for the holes to be marked with posts and ribbon or something to obstruct anyone from falling into them while they’re mowing or out there on the property.

Commissioner Weisheit: Once its dug, your crew could put it in couldn’t they?

Steve: If we borrow the larger equipment, yes.

Bobby: I have two excavators going right now.

Steve: Once and excavator is freed up, it would be ideal for a track piece of equipment.

Bobby: I have a box culvert install that’s happening next. Then I’m supposed to have the excavator back on Yankeetown Road to finish that job after that. Then there will be some time that excavator should be free for a little bit.

Morrie: Do you want to put out any requests for proposals or anything to see what an outside cost would be if we provided the material?

Steve: I think being out of the roadway situation, we could probably do it most cost effectively.

Commissioner Weisheit: And don’t forget, between the two of you, if you get spare dirt, let’s try to build up for the Animal Control out there for their building.

Bobby: We have some dirt stockpiled back there.

Commissioner Weisheit: If we could get that area built up for her; get with her, she knows where she wants it and I don’t want to affect the drainage.

Morrie: Could we get a motion to approve the project, I’m going to call it the Law Enforcement Center Drain.

Commissioner Weisheit: I make a motion to approve to do that drain in-house as time permits.

Commissioner Saylor: I’ll second that.

President Johnson: All in favor? 3-0. (Phil was absent)

Steve: And for clarification, Stormwater will pay the expense of the material.

**MS4 ANNUAL REPORT:**

Steve: Last item I have; I will report to the Board that the MS4 annual report is due by April 30th. It will require the MS4 Operator’s signature, which is Marlin. I think Chris has already spoken to you.

Commissioner Weisheit: Yes. I will be available.

Steve: As soon as it is finished, we will ask for your signature and mine and I’ll get it out the door prior to the deadline.

Morrie: Next year we’ll need to designate a different MS4 Operator. Usually it’s the President.

Steve: That’s all that I have, Mr. President. Thank you.

President Johnson: Anything else?

**MOTION TO ADJOURN:**

Commissioner Saylor: I make a motion to adjourn.

Commissioner Weisheit: Second.

President Johnson: All in favor? 3-0. (Phil was absent)