**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**APRIL 24, 2017**

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; Phillip H. Baxter, Surveyor; Steve Sherwood, Director of Storm Water; Morrie Doll, Attorney; and Kim Lutton, Recording Secretary.

Present in the audience was Joe Grassman, Bill Bivins and Anthony Mellado.

**PLEDGE OF ALLEGIANCE:**

President Johnson opened the meeting of April 24, 2017 with the Pledge of Allegiance.

**APPROVAL OF MINUTES:**

President Johnson: Ok, first we have approval of minutes for March 27th, 2017.

Commissioner Weisheit: I make a motion to approve the minutes.

Commissioner Saylor: Second.

President Johnson: All in favor of approving March 27th, 2017 minutes? 3-0. April 10th approval of minutes?

Commissioner Weisheit: I make a motion to approve April 10th.

Commissioner Saylor: I was absent.

President Johnson: All in favor? 2-0.

**KOEHLER DITCH / EBLE ROAD:**

President Johnson: First up we have Koehler Ditch / Eble Road / Hold Harmless / Anthony Mellado.

Anthony Mellado: Anthony Mellado with Vectren.

Phil: This is a Hold Harmless. They want to cross Koehler Ditch and Eble Road. Have you looked at the Hold Harmless?

Morrie: I haven’t seen it yet. I just have my hands on it. Looks like it’s mine. Well if it’s mine, I’m sure it’s fine.

Phil: Ok. It’s all filled out and I think it’s appropriate. I have no problem with it. And it’s in District 1.

Morrie: So what you need is a motion to approve the right for Vectren to cross?

Phil: Yes. And to approve the Hold Harmless.

President Johnson: And you’re okay with it?

Morrie: I am.

President Johnson: I’d entertain a motion.

Commissioner Weisheit: I’d make a motion to approve and to approve the Hold Harmless with Vectren for Koehler Ditch and Eble Road.

Commissioner Saylor: Second.

President Johnson: I have a motion and a second. All in favor? 3-0.

Morrie: Kim, if you’ve got that I’ll sign that bottom signature before we leave today.

Kim: Okay.

**GATEWAY PLACE NO.1 SUBDIVISION:**

President Johnson: Next up we have Gateway Place No.1 Subdivision / discussion of drainage plans / ACCU Surveying and Engineering / Bill Bivins.

Bill Bivins: Bill Bivins, these plans will be coming in front of you at the May meeting but I would like you to look at it and see what my situation is. (Gives Board a copy of the plans)

It’s a 3-lot subdivision. Lot 1 is going to have a nursing home put on it. Lot 2, I don’t know what’s going on there. I’m going to request that the drainage plans be approved subject to the individual who purchased those lots get their own drainage plan before a building permit will be allowed.

Morrie: We’ve never done that before though.

Bill: That’s the way the Grimm’s have sold the property. I wanted to know if we could do that?

Morrie: The only problem with that, from the legal point of view, would be that the horse is already out of the barn. Once you approve the subdivision, we’ve lost the ability to control the drainage situation at that location. We’ve never, in my history of representing APC, BZA or these agencies, have we ever done this before. And I’m afraid it’s a precedence, once we start that, we’ll lose the ability to have a global kind of a solution to a neighborhood problem when it comes to drainage. I think it’s a slippery slope. Once we start that bill, with all due respect, every developer in the county is going to ask for this.

Bill: If I make a bad assumption as to what is going to go there……

Morrie: It could change the drainage. But you could also come back and modify it at a later date. If you submit a drainage plan based on the assumption you now believe will be developed there and we approve them but comes back at a later time and needs to be rezoned for a different land use, that might necessitate a lessoning or strengthening of the drainage situation and dependent upon the subsequent desired use. But we could approve it based on what you know and the zoning category that applies but if we’re going to do lot by lot, this is going to get to be crazy. And the subdivision could have an enumerable number of drainage plans. How do we deal with that?

Bill: Like I said, this is a 5-acre and a 3 and 1/2 –acre lots. They’re large lots. I know the 3-acre lot, there’s not going to be anything north of the Vectren easement which is 100-foot wide.

Morrie: And it’s bordered on the south by the cut through road that runs over to the orthopedics.

Bill: Yes, they’re dedicating that road to the right-of-way.

Morrie: Well I don’t get to vote here, so it’s not my vote but my advice to the Board is that it’s a slippery slope that the Board should consider carefully.

Steve: Phil and I had the same similar comments in Site Review about what Morrie just stated. About developing sections and not developing other sections. As Bill stated, you’ve got a 5-acre parcel, a 3 ½-acre parcel and then I think the balance is around 28 and some odd acres.

Bill: Yes. There’s nothing to be built on that one.

Steve: So there’s no one-unified retention basin for the entire 38 to 40-acre parcel. To Morrie’s comments, if you start subletting this out little by little, there might not be any uniformity to it and it might lead to future problems. And as Morrie stated, we’ve not done this before.

Morrie: So you’re looking for some guidance from the Board?

Bill: Yes.

Morrie: Whether the Board will entertain such a motion or not, perhaps at the main meeting, I guess.

Bill: Yes. Something I can go back and tell the Grimm’s one way or the other.

Commissioner Weisheit: Myself, I’ve got to leave it up to the attorney and the engineer. I know it’s a prime piece of property that they’ve probably fully developed.

Morrie: It’s important to the county, there’s no doubt about it.

Commissioner Weisheit: Yes. I don’t want to hold up any…….

Morrie: But it would be a first ever. And I’m not aware of them doing this in surrounding counties either.

Commissioner Weisheit: I mean how hard would it be, Bill, to get a complete drainage present for that 37-acres or whatever that is?

Bill: I don’t think we want to do that. I think I want to do it individual. The 3 ½ and the 5-acre and the remaining just as is until they develop it further. Steve, do you see any problem with doing it like that?

Steve: In regard to the balance of the majority of acreage, you’d have to develop it for worst case scenario. Maximum amount of impermeable spaces.

Bill: Right now it’s got a residence on that.

Steve: To Morrie’s point, when they come in and do an industrial park, we assume so much percentage of the lot is going to be impermeable surface and then design accordingly. In staying with our traditional methods, that’s what we’re asking for, is that the whole parcel be developed for drainage and then how individual lots need to be derived from it, the overall drainage pattern is already established.

Morrie: And it could be modified. If there’s a less intensive use or permeable areas than anticipated.

Steve: This is the southwest corner of State Route 66 and Grimm Road.

Morrie: And if that road does get connected between Grimm and Epworth, that whole area is going to be developed.

Bill: On the 28-arcres, there are two ponds that hold water.

Morrie: Does the Board feel inclined to give Bill an indication whether you might consider it or not? Or would you rather not? No one’s asking you to vote on something that you don’t have in front of you obviously. I think he’s asking for an indication of whether or not it would be something you would entertain or not.

Commissioner Saylor: Let me give you my opinion. Bill, what I see, what Steve deals with on a daily basis is problems from drainage and water runoff and things that haven’t been done right way back when. The last thing I want to do is do something that is not right or against the advice of our council and our engineer. That’s just my opinion. I see some developers out there that try to take short cuts and these plans are put in place and they’re doing drainage and they’re not supposed to do things a certain way and they’re doing things they’re not supposed to. I’m probably going to defer to these two guys.

Commissioner Weisheit: I feel the same way. If Steve or Morrie can come up with a solution that’s going to work for the County. What do you recommend, Steve, as an engineer?

Steve: I’m not willing to break from what’s on the books and the way things have been developed already. I’m afraid that if we do something different, as Morrie states, it will open up a can of worms and get in a situation we don’t want to be in.

Morrie: Once we approve it for somebody, Bill, then we’re hard pressed to turn it down for any other developer that may come along next month or the month after or the month after. Because then we’d be arbitrarily and capricious. We did it for the Grimm’s but we didn’t approve it for the Smiths or the Jones. Even if it works wonderful on the Grimm side, it might not on the next one. The cautious, better plan, is to just not start something we haven’t approved previously. I’m not trying to be difficult. We enjoy working with you.

Bill: Steve, let me ask. You want to for the entire rather than those two individual lots?

Steve: Your subdivision represents all the acreage so that’s what Morrie and I are saying. Even though you’re leaving a 28-acre parcel, it still has to be accounted for.

Morrie: Unless you exclude it from the subdivision.

Bill: Ok. Well I’ll refer that back to the Grimm’s and we will get some plans ready before the May meeting.

**TOWNE MARKET / BELL AIR LAND, LLC:**

President Johnson: Next up we have Towne Market / Bell Air Land, LLC.

Morrie: We brought this up two weeks ago. Commissioner Saylor was out and unavailable at that hearing. Just to do a very brief summary of what I said then was, previously this is the Towne Market on 66. They came before you and asked for a variance to allow encroachment into the 75-foot from top-of-bank right-of-way adjacent to this major drainage ditch. Major in the sense that all of us have seen it to the top-of-bank on numerous occasions. We approved it to approximately 40-feet. The logic your predecessors to this Board had at that time was, that let them even up with the neighbors. Because the other businesses along 66 extended about to that length. So we gave them that. Without the benefit of a permit, they went out and concreted the full 75-feet and they also put a guardrail up which was never discussed. And they erected a gazebo. I began writing them last Fall at the request of this Board and we gave them, I wrote to them twice by certified mail to their agent in GA and we gave them until the end of March. We gave them 4-months at the Surveyor’s request. He wanted to give them ample time to be able to do it. We approved 38.7-feet encroachment and we gave them until the 24th of March to remove these illegal encroachments. We didn’t see any occurrence so on February 14th I sent them another letter saying we wrote you last Fall and we have returned receipts and we haven’t seen any progress and we’re telling you you’re running out of your deadline and if you’re not in compliance at the deadline of March I’m going to ask the Board for authority to pursue getting a court order for you to be removed from this encroachment. We’ve all seen that the gazebo has been removed but no other work appears to be forthcoming. So my question to the Board is, and this is a Drainage Board question, what steps if any do you want me to take towards trying to bring them into compliance? And what that would entail is, either writing them a third time to filing a petition in court to enforce the statute that says we have a 75-foot right-of-way and that they are encroaching even above and beyond the variance we gave them in August of 2016.

Commissioner Saylor: So they were granted a variance.

Morrie: Of 38.9-feet. My recollection it was done in August. August 24th.

Commissioner Saylor: So they didn’t pay any attention to the variance. They just went in ahead and did what they wanted.

Morrie: That would be my interpretation of the facts based upon what I’ve seen plus they built all this without a permit. They were told they had to have a permit. They came in to get a permit from the Area Planning Commission. Sherri told them that they couldn’t get a permit to go beyond the 39-feet and they said they understood, they left, and then went out and did what they’ve done. This has been on Area Plan’s Commission’s agenda too for violation. Council was even here. Was very nice, female attorney from GA. I’ve heard nothing. I’ll do whatever the Board’s wishes are. You don’t have to act today if you don’t want to if you want to ponder it for a little while, put it off another week.

Commissioner Saylor: It sounds like these guys are in violation and doesn’t give a hoot about rules and regulations.

Morrie: The owner of the property is a Warrick County native. He grew up here, went to Castle High School. I do not know the gentleman but he now lives in GA.

President Johnson: Should we send another letter?

Morrie: I’m at your disposal, I work for you.

Steve: I think the reality of the issue is, it’s going to cost him money to remove it. If we were to go in there to remove it and charge him an excessive fee to remove it might hasten his removal of it but I don’t know if that’s proper. If we give him so many more days to remove it or it will be removed for you at “x” amount of dollars.

Morrie: Let me read you that last paragraph of my February 14th letter. This was the second letter. “Accordingly I was instructed by the Drainage Board to notify Bell Air Land, LLC that the deadline for the removal of the illegally installed improvements was 4-months commencing as of November 22nd, 2016. That deadline is considered by the Board to be March 22nd, 2017. No further extensions of time will be granted to this already generous allotment. Failure of Bell Air Land, LLC to have corrected its violation by March 22nd, 2017 will result in a prompt commencement of enforcement litigation.” Now obviously I took the worst case scenario approaching the conversation of this letter because that’s what we said would occur back in November when we first wrote to them. I’m comfortable doing what you wish me to do. If you wish me to write them again, I will do so.

President Johnson: No. Based on that last letter I think that you’ve already drawn the line and it is time to move forward.

Morrie: It’s almost a month past.

Commissioner Saylor: Here’s the problem I have. You’ve already said what’s going to be done. If you write another letter, that’s kind of taking the authority away.

Morrie: I just don’t want you to think I’ve committed you to a course of action you’re uncomfortable doing. I work for you. I’ll do whatever you ask me to do.

Commissioner Saylor: What do you think? What’s your opinion?

Phil: It’s in violation.

Commissioner Saylor: Don’t you think they’ve had ample opportunity?

Phil: Yes. I have no problem with that at all. They’ve had plenty of time. I asked the Board to give them more time than I should have.

Commissioner Saylor: I hate to ding new businesses but these people are building where they’re not supposed to, no permit.

Morrie: What I’m worried about, too Commissioner, is you can see in this photograph, this is the neighbors. It ends way up here. If we don’t enforce this than I’m afraid Larry Rhodes and everybody else is going to come knocking on our door.

Phil: The measurement we gave them was to line up with the other lots.

Commissioner Weisheit: Yes, that was our reasoning at that time.

Commissioner Saylor: And I think that’s reasonable. My vote is to go ahead and proceed with legal action.

Commissioner Weisheit: I’m okay with that too.

Morrie: It would need to be a motion.

President Johnson: I’d entertain a motion to have Mr. Doll move forward with litigation.

Commissioner Saylor: So moved.

Commissioner Weisheit: Second.

President Johnson: All in favor? 3-0.

Morrie: Thank you.

**CLAIMS:**

President Johnson: Claims. We have a claim here for $185.19.

Commissioner Weisheit: Make a motion to pay the claim.

Commissioner Saylor: Second.

President Johnson: All in favor? 3-0.

**OTHER BUSINESS:**

President Johnson: Other business. Anything else?

Phil: No, that’s it.

President Johnson: Mr. Doll?

Morrie: No, sir.

President Johnson: We’ll move on to Storm Water.

**DEPARTMENT OF STORM WATER**

**DEIG BROTHERS CLAIM:**

Steve: First item I have on my business is to approve the Deig Brothers claim of $13,389.00. This was the amount of bid awarded earlier to Deig Brothers for the construction of the drainage chute in Remington Ridge development.

Commissioner Weisheit: I make a motion to pay Deig Brothers the $13,389.00.

Commissioner Saylor: Second.

President Johnson: I have a motion and a second. All in favor? 4-0.

Steve: Thank you.

**RICELAND DRAINAGE PROJECT:**

Steve: Second item I have is the Riceland Drainage Project. I believe I sent the Board, previously, an email stating that Chris Skinner and I met with Bob Dale on the site on March 29th. In that, I explained to him that we would propose a reduced scope of work in conjunction with the Magazine property that he abuts. You all should have an email of this package. You can see there in red, we were reducing the size of the berm and holding it as close to the inside of the Warrick County subdivision as possible, being Riceland Manor. This would, then, not necessitate a drainage easement from Mr. Dale. I believe he was pleased and as indicated in the letter, I sent a temporary right-of-entry agreement and in that I asked him to sign and return that to me and that would demonstrate that he was willing for us to move forward. I also have a proposed scope of work from the consultant, which is Neikirk Engineering. It was previously approved by the Board, if we were to move forward with amending these plans, for the amount of $3,500.00. I wanted to bring this back before the Board and discuss with Morrie in front of the Board that by indicating the temporary right-of-entry being signed by Mr. Dale, he is now willing for us to move forward if I go ahead with the reduced scope of work, return the plans to him showing as I’ve indicated in a sketch by the design engineer prior to bidding, we should be able to bid this out for construction. That was the first step, but let’s have discussion.

Morrie: May I ask a question? Has he signed the temporary right-of-entry?

Steve: Yes.

Morrie: Then I don’t have any objection proceeding with modification drawings. It’s the first ink we’ve seen on this project from Mr. Dale.

Steve: Correct. I would like permission from the Board to proceed with allowing the consultant to proceed with the proposal for $3,500.00 to amend the drawings as we took a proposal from him earlier this year.

Commissioner Weisheit: Which is going to be a lot smaller scale project than we originally had engineered.

Steve: That’s the second step I want to discuss with the Board. If you’d like to discuss that before you vote on the first one.

Commissioner Weisheit: I’d go ahead and make a motion to approve Neikirk Engineering for $3,500.00 to modify the plans.

Phil: Second.

President Johnson: All in favor? 4-0.

Steve: The second step, as Commissioner Weisheit was eluting to, if the water is clean or cleaner and no mud is being generated from the site, I propose we also include for the consultant in that fee then to modify and shorten the drainage project where we can simply discharge the storm water into the cul-de-sac. This would save two-thirds the cost of the project by piping it down approximately 400 lineal feet of street to get it to drain down to the nearest ditch underneath the roadway at the low point of Riceland Drive.

Morrie: The concern, and it isn’t my department, might be Highway’s. Because in the winter months if you do get warm enough in the day for it to rain but then in the evenings cool enough to freeze, you could end up with Riceland Drive being an ice skating rink. If we approve this and it happens and someone gets hurt, they could find us vicariously liable for approving a surface drain into a public street that might freeze in the winter months. That happens all over the place. We all know that. That’s just gravity plus cold weather. It’s no additional risk compared to other places. That’s my only comment, is for you to bear that in mind.

Steve: My only response to that is, the water is draining to the roadway now but more spread out in the service area and we would be bringing it in at a concentrated flow. And it would drain through the existing curb and gutter area that’s there now because the roadway is crowned, it’s not flat. If we do have issues, we can drop back to phase 2 as we originally discussed a year ago and construct the rest of the system if need be.

Morrie: It’s worth a try because it’ll save a considerable amount of money and it should fix the problem.

Commissioner Weisheit: I’m okay with it myself. Do you need a motion on that? I make a motion to do a smaller scale design and drain it to the cul-de-sac.

Phil: Second.

President Johnson: All in favor? 4-0.

Steve: Thank you.

**WATERFRONT AT OLD HICKORY:**

Steve: Last item I have; if you would look at this color schematic I placed before you prior to the start of the meeting. (Showing the Board)

Morrie: Tell me the pool elevation…..

Steve: Pool elevation does not meet the approved drainage plans. If you look at the second drawing attached behind the area. The profile view of the pipe drawn across is at the design elevation. If you look at the two red marks indicated, they indicate the actual invert elevation of the existing structure. You can see that the north side of the basin, which is the left hand side of the drawing, is up approximately 1.2-feet higher than what the basin was supposed to have a pool elevation of. These are the elevations of the existing structures you see in the photograph.

Morrie: Again, that’s bottom……..

Steve: That’s the bottom of the pipe. As you look at the right hand, you can see that the bottom of that structure is up about 0.89-feet for 9/10 of a foot higher than the design elevation. This structure that was put in was never put per the design information. So we’ve had some comments recently from the Oak Grove Phase 3 meeting that these people are a little upset about all the water that the new development of that stretch of roadway will bring to these retention basins. By putting the pipe back to the design elevation it will give us some more capacity. The reason I bring all this before you is, a year ago I wrote a letter to the president of the Lake Owner Association of Waterfront at Old Hickory, a gentleman by the name of Troy Reynolds. There’s an outlet structure at the southern end of this basin. The last lake you see on the south side of Clearview that’s been manipulated. The reason I bring this out is because we have been working case by case with retention basins that have been modified illegally. This is going to come before you in a short while. This reason I bring this up now, I’ll just summarize. We are working on the Kingston / Canterbury basin. We have a bid out for JBI. They’re going to be working on that soon. We have the Halston Manor issue. They will be coming back before us next month with some information. And then this is going to be the third basin I was going address. In the last four to six weeks I got a call from someone who lived on Eastbrooke Court who says the basin on the south side of Clearview Drive has dropped in elevation. All these people have modular blocked walls with foundations that are now exposed as the water level is dropping. Whoever apparently modified the structure, de-modified it at least temporarily. The riser that was there, there are baffles within the structure that have been removed allowing the water elevation to drop. So the water elevation is dropping and that’s not to say someone couldn’t come back in and reestablish the baffles in that and raise the water elevation back up. But in my package to Mr. Reynolds I sent a year ago, I said I cannot replace across Clearview Drive until the basin elevations have been lowered. And by the way, the outlet structure has been modified, I don’t have any approved plans showing this modification. Would you please come before the Drainage Board and tell us how this came to be? I have had no response from Mr. Reynolds to date. However, I do have a drawing before you that I created that I need to order two new box structures for those inlets. Before I do that, I need to set the elevation they ought to be constructed at because they will have an immediate impact on the lake elevations. If I put them in as per design, the lakes are going to go way down causing exposure of the rip rap and modular walls and continue to hold that elevation. If I put the inlets in at what they were constructed to, they’re going to hold the water elevation at the inverts I’ve shown you by 1.2-feet higher on the north and about 0.9-feet higher on the south side.

Morrie: So would it be a true assumption that you’re going to lower the north lake by 1.2-feet if you put them in…..

Steve: If I construct them per original design.

Morrie: And you’re going to lower the south lake…..

Steve: About 9/10ths of a foot. And I have personally taken Dan Saylor out there. I’ve had discussions with Phil and Marlin in my office. And, Bob, I haven’t had the chance to talk to you yet. If we do lower it to design information, we may upset 30 to 40 lake owners that have property around it.

Morrie: My only thought would be that we offer them the same opportunity that we offered Halston. That we send another invitation to a specific meeting to the Homeowners Association. I mean there are hundreds of houses in this subdivision. Certainly you have the right to proceed and to give Steve instructions. It would be difficult to approve the reinstallation as built because it doesn’t comply with the engineering for the drainage plans that were approved so many years ago. But you could invite them specifically back, Steve could repeat this presentation to them and ask if they want to employ an engineer to recalculate the capacity in these two detention facilities to prove that it serves its purpose “as built” as opposed to “as designed”. That’s no more or no less than we offered Halston. Or you can say hey it’s a violation, it shouldn’t have been this way and put it back the way it is. I think the one thing that you will have difficulty doing is putting it back as built. I don’t know what basis we would have to reinstall it “as built”.

Commissioner Weisheit: Wonder how much water is in there currently because it is down to the bottom of the culvert now.

Steve: Here’s the pictures from 2015. (Shows pictures from 2015 to now)

Phil: At this point, I feel we should go back to where it is right now.

Commissioner Weisheit: That’s what I’m thinking. Whether it was approved to be altered or what, we allowed it to be put in that way 30-years ago and nobody caught it.

Morrie: Are we going to impact the Oak Grove drainage on the road construction?

Steve: We have two issues here. 1. The existing pipe you see crossing Clearview was half underwater with the baffle being placed in without permission. Now that the baffle has been modified but not removed, water is draining out and the pipes are exposed. If we put the pipes in at the same elevation that they’re in right now, they could still block up the baffle and raise it so water goes back into the pipe but with the understanding that they need to maintain the pipe at their invert elevations. Pool levels need to be the same on the both sides. I don’t have any assurance from them at this point that they’re not going to remodify the baffle to hold more water if I put these in at what I consider the existing pool elevation that was supposed to be there all along.

Morrie: Which will then continue the maintenance risks for the future.

Steve: Right. And as I said, all this has happened in the last 4 to 6 weeks. Nobody knows who did what. Nobody’s saying anything.

Morrie: It’s almost as if somebody is acknowledging they shouldn’t have done what they did because they went out there and removed part of it.

Steve: I sent a letter to Mr. Reynolds a year ago saying I cannot work these structures until the water elevations drop. All of a sudden in the last 4 to 6 weeks the water elevation has dropped.

Morrie: What’s it do to this third lake?

Steve: Third lake is fine. That’s all downstream.

Morrie: And the pool elevation?

Steve: I’ve not looked into it but it’s been at the elevation of those pipes ever since it was created.

Morrie: And the effect on Oak Grove?

Steve: The basin will hold less water if the baffles are manipulated to hold the pipes at the elevation they’re at now or if I put them back that way. In other words, I have a 36-inch pipe half full of water. So it would drop a foot and a half just by maintaining it where it is if the baffle is modified to hold it at that pool elevation.

Morrie: Does the Oak Grove Road Improvement Project depend upon the drain being as it was originally approved to function properly with the new construction?

Steve: I couldn’t tell you if the Oak Grove Road Project took any retention facilities involved south of it or in Waterfront.

Morrie: Ok.

Steve: There’s no retention built into the Oak Grove Road Project. It will drain into whatever drainage system is there now. Or they will reconstruct a new drainage within the limits of the right-of-way of Oak Grove Road Project and it will drain to wherever it drains to now.

Commissioner Saylor: Steve, do you think Mr. Reynolds has notified the affected landowners of what’s going on?

Steve: I can only think that with the smell that’s being generated out there, someone should be highly upset. If not, they’re probably tolerating it at Mr. Reynold’s advice.

Commissioner Weisheit: This effects right at 20 homeowners that are right on the lake.

Steve: This is very complicated but yet it is very sensitive but I’ve not heard from anybody out there.

Commissioner Weisheit: I think whenever we put the 90-foot culvert in, it needs to be able to be out of water.

Steve: The pool elevation should be held at the existing pipe invert’s.

Commissioner Weisheit: Just from looking at it, at the existing elevation before they raised it, we should be alright. There’s plenty of retention there.

Steve: We will gain a foot and a half elevation in both lakes if we maintain the elevation of the pipes that are there currently.

Commissioner Weisheit: I’d like to see this corrected and a sign put on it that this is not to be altered.

Steve: To play Devil’s advocate, I would ask Morrie, if we do put this in the way it is constructed now, that we’re not setting ourselves up for anything.

Morrie: We are. It’s the same argument we just had with Mr. Bivins. It’s the same risk. How do we turn down Halston? How do we turn down any of the neighborhoods that would come to us?

Commissioner Weisheit: To me, we should’ve caught it 30-years ago. These people all built their houses around there.

Commissioner Saylor: Your recommendation is putting it back as it is now.

Steve: I think that would cause us the least amount of conflict.

Commissioner Saylor: As thinking about homeowners, some of these people have spent 10’s of thousands of dollars on retention walls and I don’t know if I’d want that……..I mean it’s not their fault.

Steve: That’s my point. Even though it’s been wrong for 25 or 30-years, it maintains a status quo. You can’t say we didn’t do something different than what’s already there.

Commissioner Saylor: So Morrie, are you saying this is not a good idea?

Morrie: Well, I think you’re creating a precedent that I would love to be able to argue if I represented the neighborhood of Halston. I realize it’s not 30-years ago but somebody at Halston modified that pool which raised the level of water for all those homeowners and if we know that with this subdivision and we go in a specific district to perpetrate the same violation again into the future. Even though they haven’t raised the baffle. But we are putting this culvert in at a higher elevation than it was designed to be.

Steve: It’s been a foot and a half higher all along. Now they dropped the water in the last 4 to 6 weeks. But if we put the pipe in at the same elevation that’s there and then if they try to raise the water over the invert of this pipe, then we have recourse to come back and make them fix it.

Morrie: How does that help the homeowners? I think it creates a sense of false hope in some regards because if we put it in “as built” and we say don’t mess with the baffles and they do, aren’t we going to subject this neighborhood once again to an enforcement action of some sort?

Steve: We could go right back to square one.

Morrie: The fair thing is to give the same opportunity you gave Halston.

Steve: And we could hold this issue and take no action until we resolve the Halston issue if the Board wishes to do so.

Morrie: There will be other Halstons.

Steve: We want to meet the approved drainage plans and we want to get all of our road culverts dry that drain into it.

Morrie: Maybe we need to think about this.

Commissioner Weisheit: I’d make a motion to table this and to send Troy Reynolds a letter stating that we are going to be taking it under consideration at the next meeting to possibly lower it a foot and a half and to please appear.

Morrie: I think that’s the fairest thing to do.

Commissioner Weisheit: Do we even need to make that in a motion? Or consensus?

Morrie: A consensus would work.

Commissioner Weisheit: I’ll withdrawal that motion, then, and just make that my consensus. That we do our best to let him know what we’re considering doing and we’d like for him to appear.

Morrie: If we put the culvert in at its approved elevation, we’re going to lower that north pool a foot and half. And the south a foot. I think it would be great if we could hear from the homeowners.

Commissioner Weisheit: This has been an ongoing problem for 4 or 5 years.

Morrie: We have not done a good job of inspecting new subdivision constructions as an ongoing process. Then the problems come and it falls on the tax payers of Warrick County to correct the problem that should’ve been caught at the time construction was done.

Steve: But in this case the pipe was put in at an elevation higher than what was designed and yet the water elevation was increased another foot and a half over that because of someone modifying the baffle.

Phil: If you don’t mind, I’d like for it to be the second meeting of next month. The first meeting always has a lot of business on it.

Morrie: When do you have your procedure?

Phil: Wednesday.

Morrie: Will you be attending the meetings during your recuperation or not, Phil?

Phil: Not the next one.

Steve: Bear in mind too, the second meeting in May is when Halston comes back. You might want to put this off until June.

Commissioner Weisheit: That’s okay with me.

Morrie: I think that’s a smart idea. So the consensus would be to invite him to attend the first meeting of June?

Commissioner Weisheit: Yes.

Steve: I will wright a letter to Mr. Reynolds. Do you want me to have him invite a representative group?

Commissioner Weisheit: Preferably of homes on the lake. Those directly interested.

Steve: And any basin adjoining lot owners.

**NEW TRUCK / JOE GRASSMAN:**

Steve: Last I have for you is; Does Joe have any update for us on the truck?

Joe Grassman: Latest word is that the truck went from the dealership to Clark to get the service body attached. They think it’ll take about 3-weeks from the 13th. So it’ll be the first of May maybe.

Steve: That’s all that I have, thank you.

President Johnson: I’d entertain a motion to dismiss.

Commissioner Saylor: Make a motion to adjourn.

Phil: Second.

President Johnson: All in favor? 4-0.