**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**April 25, 2022**

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, Storm Water; Phil Baxter, Surveyor; Jason Baxter, Deputy Surveyor and Dana Upton, Recording Secretary

Present in the audience: Jorgelina Johnson, Joanna Johnson, Debbie Bennett-Stearsman, Nick Will (Lochmueller Group), Cole Johnson (Lochmueller Group), Bryan Litherland (Lochmueller Group), Bobby Howard, Dylan Barnett.

**PLEDGE OF ALLEGIANCE:**

President Bob Johnson opened the meeting of April 25, 2022 with the Pledge of Allegiance.

**APPROVAL OF MINUTES**

President Bob Johnson: First we have approval of minutes for April 11th, 2022.

Commissioner Dan Saylor: I make a motion to approve

Commissioner Terry Phillippe: I’ll second

Commissioner Dan Saylor: And I have a question about something on page 24, there is a highlighted portion in there, is that because there was some verbatim left out of it?

Dana Upton: Yes

Commissioner Dan Saylor: ok. I was just curious why that was. So, I make a motion to approve

President Bob Johnson: All in favor. 3-0

**JORGELINA JOHNSON- LINCOLN POINTE ESTATES, PHASE I, LOT 127**

President Bob Johnson: first up we have Jorgelina Johnson, Lincoln Pointe Estates, Phase I, Lot 127.

Joanna Johnson: She’s not sure what she needs to do.

President Bob Johnson: come on up.

Jorgelina Johnson: Here?

President Bob Johnson: Yes Ma’am. Please state your name for the record.

Jorgelina Johnson: I don’t hear very well so, want me to.

President Bob Johnson: You can stay up here and help her out if you’d like

Joanna Johnson: they want you to tell them your name

Jorgelina Johnson: My name is Jorgelina Johnson.

President Bob Johnson: ok, and you have a drainage and Stormwater complaint.

Jorgelina Johnson: what did he say?

Joanna Johnson: He’s asking you about your complaint.

Jorgelina Johnson: oh, ok. My complaint is since 2016 my neighbor has blocked the ditch where the water should run. I try everything. I sue her, she didn’t do anything so when she went for the hearing, she was told that she should clean and pay me. Pay some amount. So, the Judge never heard that she’s blocking the ditch on purpose. The Judge didn’t hear that, so but she claim she clean the weeds, she pulls them and then they come back. But that’s not true, so to this date, I haven’t been able and she has a son and daughter. The daughter is I think work for the Police Department and she’s very strong. I bet you she can lift more than you guys can and so she can clean the ditch if she wants to but they don’t want to do it. They do not want to do it. They refuse to do it and my grass you know, is excuse me, to hell. It’s killing my grass because it’s under water all the time. So it’s going to cost me a lot of money to fix it but I do not want to fix it because if she doesn’t unblock the ditch, it’s going to go bad again.

Joanna Johnson: Can I tell them what the Judge said?

Jorgelina Johnson: Yea.

Joanna Johnson: ok so the

Morrie Doll: What Judge?

Commissioner Dan Saylor: If you would, state your name for the record.

Joanna Johnson: Joanna Johnson. This is my mother-in-law. So what the Judge had said was, she did order, the neighbor was in contempt of court for not doing what she was supposed to do. But what the Judge had said was that she wasn’t going to court order the neighbor to have the ditch dredged with any frequency because opposing council presented an aerial view of all of the ditches that were all blocked and so, she felt like this would just lead to one neighbor suing the other neighbor which she thought that maybe it would be better for them to all get together and come up with a neighborhood solution to keep the ditch all clear so that nobody has the problem, so that was kind of what led her here. The judge recommended maybe present to you guys if there is a solution that can be found for everybody’s ditch to get clean.

Commissioner Dan Saylor: Is there an HOA in Lincoln Pointe?

Joanna Johnson: You don’t have an HOA right? They have Covenants but they don’t pay into an HOA is that right?

Jorgelina Johnson: No, we don’t pay anything we just have Covenants.

Joanna Johnson: they just have the Covenants.

Steve Sherwood: No Homeowners Association.

Joanna Johnson: No Homeowners Association?

Jorgelina Johnson: No, unfortunately.

Commissioner Dan Saylor: I think they should have one and you should be in charge of it. Matter of fact, I’d like to hire her.

Jorgelina Johnson: Now, who of you is Mr. Sherwood? Oh hi! And Mr. Baxter?

Commissioner Dan Saylor: well, there’s 2.

Jorgelina Johnson: 2 Baxter’s? Are they related?

Commissioner Dan Saylor: good luck on winning it. There’s 2

Jorgelina Johnson: So, my immediate problem is have my neighbor. Ok do you want to see the pictures?

Steve Sherwood: Hand them down to that end.

Morrie Doll: Ok, hand to that end.

Commissioner Dan Saylor: Hand them to Phil.

Jason Baxter: Yea, right here.

Jorgelina Johnson: This is since 2016. See it’s all blocked and then after the Judge. She said she was going to clean. That’s how she cleaned the ditch. So there’s no ditch.

Phil Baxter: Doesn’t look like it.

Jason Baxter: that’s supposed to be a concrete ribbon.

Morrie Doll: Is it a regulated ditch?

Jason Baxter: No.

Jorgelina Johnson: I’ve been there since 2016.

Steve Sherwood: For the Boards record, if I may. I have written Mrs. Johnson a report or a letter and some of her other neighbors since 2016 and as she is saying, it’s the truth that cleaning 1 part will not benefit it. You have to clean it all because everything drains from North to South with the exception of the Northern 300 feet or so.

Jorgelina Johnson: well, it would help me a little bit.

Steve Sherwood: It’s a very shallowed ditch and has a concrete ribbon on the bottom about 0.2 % so it’s very shallow and very easy to block up but as I pointed out in the reports, it is each neighbor’s duty to maintain their own portion of the concrete lined ditch in the platted drainage easement. So as she is saying, if one person cleans it. It really doesn’t matter unless it all gets cleaned so it can drain all the way to the South. Is that pretty much what I summarized in my reports to you Mrs. Johnson?

Jorgelina Johnson: Yea.

Commissioner Dan Saylor: This just frustrates me. This whole thing.

President Bob Johnson: Suggestions?

Commissioner Dan Saylor: Well it’s a blockage as she stated but I’ve not been able to get all of the neighbors to agree. I’ve asked them to come together as a neighborhood to approach us to do this and as you can imagine, each easement is encroached in some fashion or another. There are some neighbors that have fences that go down into the easements, some of them even have their own walking bridge.

Jorgelina Johnson: Yea, that bridge is illegal too.

Steve Sherwood: It borders, the East line of the Subdivision borders the Western line of a field that’s not been developed so as you can imagine, and it’s overgrown with trees working their way into the ditch so it states on the Plat that each neighbor or each lot owner is to maintain their own section of the easement and due to neglect it’s gotten out of hand and certain neighbors are fed up because they have a pool of water with mosquitos and other issues that they can’t get rid of.

President Bob Johnson: Ok. Anything to add? Counselor do you have anything to add here?

Morrie Doll: Well it’s not a regulated ditch so it’s, we don’t enforce Covenants. Warrick County does not enforce those Covenants. That’s not a financial burden that the County takes.

Steve Sherwood: And when the Attorney says it’s not a regulated ditch, there’s different classifications of drains in Warrick County. The larger ones like the creeks, Pigeon Creek are called regulated legal drains or regulated ditches. Platted ditches in subdivisions are not regulated by the County, that’s why the language on each Subdivision Plat that each lot owner is to take care of their portion and as you have found out the hard way, it’s not being done on a regular basis if at all.

Jorgelina Johnson: With all of this rain, the water is really getting close so immediately what I would like you guys to do is tell her to clean the ditch. To remove all of the, they did it on purpose. I went to talk to them. I told them you have to clean the ditch. So that’s what they did. They clean it all the way to the bridge and then after the bridge, they didn’t do anything and it’s still there since 2016. They know because they can see all the damage that the water is doing to my lawn. They can see it. And still they don’t. Maybe because I am Mexican. This is part discrimination too. They don’t want to do it because I’m Mexican.

Commissioner Dan Saylor: I just thought you was an American just fired up.

Jorgelina Johnson: that has a lot to do with this. That’s not the only problem that I have with them but.

Steve Sherwood: and it’s not like this is just a few lots. It’s about a half of a mile or 30 something lots in a line of lots North and South.

Jorgelina Johnson: The little, from here to the other fence, that’s what I want to do.

Steve Sherwood: Yea, I mean, I’ve seen it. I’ve walked it. But unless we clean it all, it won’t solve your problem.

Jorgelina Johnson: It will not solve the whole problem, but I wouldn’t get so much water in my yard because the water will go. I went to talk to her next door neighbors and I told them about it. They’re from Russia. So, I hope they clean it. I cannot do anything until they remove that. It doesn’t make sense for me to go talk to all the neighbors because, the main problem is here.

Commissioner Dan Saylor: Don’t we have the authority to make them move any obstructions? Yes or No Counsel?

Morrie Doll: You can impair a drainage way in a subdivision, even if it’s not a regulated drain. It’s supposed to and you know, this is the same question we face every 2 weeks in some form or fashion. We can send them a notice and tell them they’ve got, it sounds to me like it will be 30 notices.

Steve Sherwood: 30 plus.

Morrie Doll: And send them Steve’s packages where we give them the plat and point out the language in the plat that states each property owner is responsible for maintain the drain. I presume it’s in the plat.

Jorgelina Johnson: what I would suggest is that.

Joanna Johnson: He’s asking a question.

Jorgelina Johnson: Oh, I’m sorry.

Commissioner Terry Phillippe: So the neighborhood is on the Eastern side of the ditch and there is a field on the Western side of the ditch correct?

Commissioner Dan Saylor: yes

Commissioner Terry Phillippe: How bad is that?

Steve Sherwood: if we were to maintain it, on the field side, we’d have to clear out a lot of trees just to get to the

Commissioner Dan Saylor: That’s where the tree row

Commissioner Terry Phillippe: Who owns that?

Steve Sherwood: One land owner who owns the field.

Morrie Doll: Wait, I have a question though. Is this drainage way a 100 percent in the neighborhood or is it a straddle?

Steve Sherwood: No, it’s 100 percent against the Eastern line of the subdivision.

Commissioner Terry Phillippe: Ok, thank you.

Morrie Doll: It doesn’t involve

Steve Sherwood: But we’d have to clear almost a half mile of tree line. Mature trees in some cases.

Commissioner Terry Phillippe: So, to clarify and I think you just answered it but if all the neighbors did their thing on the Eastern side, there would be no problem from the Western side?

Steve Sherwood: Correct.

Commissioner Terry Phillippe: ok, that’s what I needed.

Commissioner Dan Saylor: It looks to be all vegetated so it’s all, that’s kind of the filter that’s keeping all of the mud.

Morrie Doll: But there’s encroachments?

Steve Sherwood: There are some fences and some other structures but the Eastern half of the easement along the field side has not been de-brushed or any vegetation removed. It just keeps growing closer and closer to the concrete lined portion of the ditch.

Joanna Johnson: Her neighbors specifically what has bothered her was they initially, what they presented in court was that that they put these stones, they were supposed to be like a retaining wall to try to keep them from having to dredge the ditch so much they ended up blocking the ditch instead and her neighbor presented it wasn’t intentional but yet they are still there.

Steve Sherwood: These are some of the aforementioned encroachments in the easement we discussed.

President Bob Johnson: So if we sent them a notice, this 30 homes or whatever, approximately, and it doesn’t get taken care of, what other recourse do we have? Can we go in there and remove the structures and get them out of the easement and take care of that ditch ourselves or what?

Commissioner Dan Saylor: If there’s a blockage we can.

Steve Sherwood: Normally, if we do the work, we have to send them a temporary right of entry agreement.

President Bob Johnson: Right, I understand.

Steve Sherwood: And then, to do that or as Morrie is pointing out, we could send them all a notice and give them x number of days to clean up their individual portions.

President Bob Johnson: and if they don’t?

Morrie Doll: Do you really want Warrick County to start cleaning private drains?

President Bob Johnson: No, I don’t. Nope, I want them to take care of their structures.

Morrie Doll: This is a slippery slope.

Commissioner Dan Saylor: What I want in Warrick County is when a Developer develops something that either they are responsible for or an HOA or something and what system that is in place now, is not working.

Morrie Doll: I agree.

Commissioner Dan Saylor: we deal with this every 2 weeks like you said Counselor and we’ve done nothing to fix it, so now it becomes our fault. I know it’s on record but this is what frustrates me that she is dealing with this. She has to go to Court and she got it under a judgment for her and she still can’t get the thing fixed. Something is wrong.

Jorgelina Johnson: I spent a $1,500

Morrie Doll: the problem is so many of these exist. The problem is that we are coming in years after these subdivisions were platted and developed and sold and built upon. We can’t go back and change the regulations in the plat. Now if you want to pass an Ordinance that puts some teeth in privately maintained drainage easements in Warrick County. The Commissioners, not this Board, can do that. In which you give them so many days, you give them a notice and an opportunity to correct and then if they don’t then there may be some enforcement mechanisms that the County can take.

President Bob Johnson: It should become like a nuisance.

Commissioner Dan Saylor: Well, here’s the thing. You’ve got some health concerns with mosquitos, stagnant water and that kind of thing.

Morrie Doll: Property Values

Commissioner Dan Saylor: Property Values, you know to me if everybody maintains then we don’t get to this point. We don’t get to where she has to go to Court you know, it’s just like if you mow your grass every 2 weeks. If you go out there and work on your ditch once or twice every two months then it’s just like mowing your grass.

Jorgelina Johnson: May I say something else?

Commissioner Dan Saylor: You sure can.

Jorgelina Johnson: All of or about 99% of those homes are being sold again and again so the people, the new people that buy the homes, they do not know about the ditch.

Joanna Johnson: The Covenants. They don’t get the Covenants.

Jorgelina Johnson: The Covenants. They don’t know about the ditch. So, they see a fence, they don’t care what’s behind the fence. If it doesn’t bother them, so what.

Commissioner Dan Saylor: I’ve talked to Realtors about this and they say oh they are shown the covenants in closing. I don’t believe it. And of course, I’ve closed on several pieces of property and it’s like this in a closing. You sign, you sign, you sign, and you don’t read a document. So, that’s not the answer.

President Bob Johnson: So what do we do here?

Morrie Doll: It would take a new Ordinance in Warrick County to set up a procedure to give notice and opportunity, due process to the land owners to correct the problem, in other words to compel them to follow the Covenant or the restrictive Covenant in the plat as to maintaining drainage ways and if they do not within the time limitation of the notice, that the County could enter the property for purposes of removing the obstructions and that the cost and expense would have to be charged back against the homeowners. That’s going to be the rub as to whether you can compel you to pay you back.

President Bob Johnson: Basically the same as the Nuisance Ordinance?

Morrie Doll: Yes Sir. You could also do it by redefining nuisance.

Commissioner Terry Phillippe: You just answered my question. The difference is, everybody recognizes junk cars and liter and garbage

Morrie Doll: Impairments of Drainage

President Bob Johnson: Our nuisance ordinance file or ordinance has vegetation and everything else in there too.

Commissioner Terry Phillippe: Good point

Commissioner Dan Saylor: It does have vegetation Counselor.

Morrie Doll: But you’d have to broaden it, I think to talk about the impairment of the drainage way. The rocks are not vegetation. Are the rocks the nuisance in this example?

President Bob Johnson: If it’s blocking a water way and it’s spilling into someone else’s yard.

Morrie Doll: And that is what Mrs. Johnson is alleging.

Commissioner Dan Saylor: I think anything could be classified as a nuisance. A bridge, a section of a fence.

Morrie Doll: We have a state statute to define nuisance and you’d have to take a look at that real carefully.

Commissioner Dan Saylor: well and that’s what our nuisance ordinance is built on.

Morrie Doll: I understand that.

Commissioner Dan Saylor: Which has been very effective. We’ve not lost. We are undefeated so it’s good. But maybe, is that something that you and Todd could get together with and?

Morrie Doll: We can talk about it.

Commissioner Dan Saylor: and say can we craft something that’s going to give this Board authority to do something or is that the Board of Commissioners?

President Bob Johnson: The Commissioners

Morrie Doll: It would be the Board of Commissioners. Right now, the nuisance law is enforced by the Commissioners.

Commissioner Dan Saylor: Correct.

Morrie Doll: If you’re going to broaden it, don’t confuse it and my recommendation would be leave it as to the enforcement mechanism that you already have or else separate it completely and have a whole other nuisance for water ways.

Commissioner Dan Saylor: I would like to see a separate for Water Ways.

Commissioner Terry Phillippe: Is it advisable for this lady to walk in and file a nuisance violation report today? To her, it’s a nuisance.

Morrie Doll: It is and what harm does it do?

Commissioner Dan Saylor: So, I go out and do the inspection, so number 1, I’ve been told not to go on private property, you know, so I’m looking. What do I see from the street? It’s something that I can’t see from the street. That nuisance is built on visibility and devaluing property values by what’s visible from the street and your neighbors.

President Bob Johnson: That’s why we need a separate ordinance.

Commissioner Dan Saylor: I think it needs to be separate.

President Bob Johnson: It needs a separate ordinance and it allows you to go onto an Easement of some type.

Morrie Doll: with an inspection. You’d want to be able to go on to perform an inspection of the drainage way and determine whether it has a blockage or not and then the ordinance, I mean, you’re going to have to say that you have a right to enter to remove the blockage if they fail to do so. That’s private property and you’re likely to get challenged on that.

Commissioner Terry Phillippe: That’s where this one is a little stronger and a little different because now we have a complaint we go look. This one, we would notify and go look.

Morrie Doll: I still think the complaint part is important Commissioner, I think there has to be a citizens complaint involved, otherwise, aren’t you just looking for problems?

Commissioner Terry Phillippe: I’m not saying that, you’ve got an extra step in there, a complaint, notification, inspection.

Morrie Doll: yes. But still, if you are going to perform a remedy or physically remove a blockage, you are entering a private property to do so. I guess, my wonder, I don’t know why we are approving plats today that have owner maintained maintenance on drainage ways but we are.

Jason Baxter: You mentioned the judge told you or recommended you come up in front of this Board. Did he or she have a specific thing that she was looking for?

Joanna Johnson: Well, what she had said or her first recommendation was to come here and talk to you guys and see if there could be some sort of solution because she said, like you said, the solution has to impact the entire neighborhood because like she told her, yes your immediate neighbors will be resolved but theirs is going to get backed up and it’s going to just keep getting backed up and you are just going to keep paying people to remove dirt from your ditch so she had said to come here first. Her other recommendation was what someone else said, does she want to lead an HOA. She’s 87. She doesn’t look 87 but she’s 87 and she’s like I don’t want to be a chairman of an HOA at the age of 87.

Commissioner Dan Saylor: I think she’s it, she has my vote.

Joanna Johnson: So, she was like, I don’t want to do that because the other solution was to try to get everyone on board with one another and just, it wasn’t that expensive to have the dirt removed from her ditch so they thought well what if we got this same person to remove everybody’s and everybody goes in together but even her neighbor after spending, her neighbor had to reimburse $5,000 in legal fee’s

Jason Baxter: I saw that.

Joanna Johnson: And still to this day has not been willing to spend the $150 to have the dirt removed.

Jorgelina Johnson: She has a son and a daughter that they can do it.

Joanna Johnson: Well, but still, it’s the point.

President Johnson: So, we probably need to look at that ordinance for the future but on this particular thing or this case, do we want to send out notices to all of those neighbors to clean out the ditch and see what we can get done?

Commissioner Dan Saylor: I think a notice and maybe a strong notice that

Steve Sherwood: It’s the encroachments that bother me.

Morrie Doll: But do we have jurisdiction if it’s not a regulated Drain?

Steve Sherwood: Well, it’s a blockage under Highway term things.

Morrie Doll: But it’s not a regulated drain.

Bobby Howard: Bobby Howard, Warrick County Engineer. I forwarded an email to the Attorneys and the Board to just see if they could look at that to see if possibly that gives insight to what kind of ordinance can be drafted.

Morrie Doll: But Bobby, I don’t think it has a remedy provision if I recall.

Bobby Howard: Right, I’ve not got all the way through it yet but at this point, it does define it and then there is an investigation fee and an assessment of the nuisance. I think it will talk about who is responsible for that.

Morrie Doll: My memory of that.

Bobby Howard: we could start with that I think and then

Morrie Doll: it clearly applies in a regulated drain.

Jason Baxter: What’s that number Bobby?

Morrie Doll: It may not be in an unregulated drainage easement.

Bobby Howard: IC 36-9-2-8.7. It talks about artificial conveyances so not just regulated drains. So anyway.

Morrie Doll: yea.

President Bob Johnson: Thanks Bobby.

Steve Sherwood: Thank you Bobby.

Jason Baxter: ok, thanks

Morrie Doll: My recommendation is that you are going to have to look at this. We are going to have to look at this and it’s, you could have Steve do the work now but we don’t know that that’s going to be the right work under the code. My suggestion is that you put it on the agenda for the next meeting and then meanwhile Steve and I will put our heads together and look at the procedure. Steve and I and Bobby and look at the procedures under the Warrick County Nuisance Ordinance and the State Statutes and see what we can recommend to you.

President Bob Johnson: ok

Commissioner Dan Saylor: I like that.

President Bob Johnson: We don’t have a real good answer for right now but we are going to look at it and in our next meeting in 2 weeks hopefully we will have some type of answer for what we can do going forward to help you with your issue.

Joanna Johnson to Jorgelina Johnson: They are going to work together to figure out what they can do and they’ll have a better answer in 2 weeks.

Jorgelina Johnson: ok. How do I know what day or will someone tell me?

President Bob Johnson: It’s every 2 weeks on Monday, same time.

Joanna Johnson: At 2:30.

Commissioner Dan Saylor: the 2nd and 4th Monday of every month.

Joanna Johnson: got it. Ok, I’ll put it down.

Jorgelina Johnson: ok. Thank you. Thank you for listening to me. Thank you very much.

**GREEN SPRINGS VALLEY**

President Bob Johnson: You’re up Mr. Lochmueller.

Steve Sherwood: I’ve asked Debbie Bennett-Stearsman to be here for this presentation as well because she might have some follow up on the grant process and if you guys would like to see the presentation, you might want to sit where you can see it. If you would, state your name and fire away.

Nick Will: Nick Will with Lochmueller Group. Thank you for allowing us to come in today. We are here to help present the North Green Springs Valley Subdivision Drainage Study and this study is particularly focused on the unnamed tributary to Edwards Ditch that runs through the subdivision. It’s not a complete drainage study of the subdivision. It is an older subdivision that mostly has street drainage, surface drainage, no storm sewers but all of it generally drains towards this ditch.

Morrie Doll: And this is an unregulated drain.

Nick Will: That is correct.

Steve Sherwood: And if I may interrupt. This is in response to this drainage study. We employed Lochmueller Group to look at this due to all of the public complaints we have been receiving for a needed drainage improvement in this area. It is basically starting at Lincoln Avenue and 261 following the existing drainage pattern to the legal drain by Schnucks grocery store on the East side of Bell Road.

Nick Will: These 2 are actually

Morrie Doll: part of it is regulated.

Steve Sherwood: behind Schnucks, the East/West portion is regulated.

Nick Will: The study here is highlighted. You can see it up here and it should be in the handout as well. But because the area behind Schnucks and O’Reilly’s is a regulated drain that you guys already maintain and clean out so this is just focused on basically running through the subdivisions back yards in this area. As Steve mentioned, we were asked to help put a study together for this. There have been a lot of complaints of flooding and erosion and some safety concerns. We did send out a public request for information from the property owners along the ditch and did receive several comments back and the slide that is in here, that’s how we received some of the pictures that are on here as well. In particular there’s flooding that occurs, there are 2 cross structures, 2 bridge or 3 sided bridge type structures that I think they are approximately 8 feet wide by 4 feet tall as far as the opening goes that currently flood along Birch. So, the purpose of this was to get in there and analyze what the existing conditions are, the existing drainage, big drainage issues are and come up with some proposal alternative solutions which we do have on these boards here, they are also in the handouts, I’ll just say the big difference between the alternatives is where we are replacing the structures that I mentioned under Birch. There’s 2 of them that are, we put in longer box culverts as alternatives compared to using the other types of ditch components we were looking at which was like the Modular Wall and Tied Block wall which we’ve got a picture of here. But we were just trying to look at different alternatives from a cost perspective to see if there was one that could be more economical or whatever so. I’ve got Cole Johnson here. He is the Engineer that has helped get the study together. He is going to give you a little more information on this study, some of the details for that.

Cole Johnson: Yes, like Nick said, Cole Johnson. I’m a Water Resource Engineer with Lochmueller Group. I did the hydraulic analysis on the UNT, as you can see on the screen. The red boundary there is the water shed. It’s approximately 216 acres and consists of some Commercial, some Residential bounding streets. It all feeds into the UNT and outlets at an elliptical culvert at Bell Road on the East side. This watershed, it contributes a 10 year, 50 year and 100 year flow rate. You can see there on the screen as well of 206 cfs, 336 cfs and about 400 cfs for the 100 year. So like Nick mentioned, we passed out a questionnaire to the residents that were adjacent to the channel, this questionnaire, it notified the residents of the study, located problem areas, and determined the nature frequency and severity of the drainage issues in the subdivision. We passed out 42 questionnaires in which we got 13 respondents. As you can see on the map there, flooding and erosion are heavily noted as well as overgrown areas of the channel, standing water and exposed utilities. So after discussions with Warrick County Drainage Officials, a field review, reviewing the questionnaire responses and a preliminary hydraulics, we determined that there were 3 main drainage issues. So drainage issue #1 is caused by the structures at North and East Birch being undersized. They are currently 8 foot spans and they cause flooding and overtopping of the road at both crossings.

Steve Sherwood: Just for the Boards history, this is a 1970’s era subdivision. There were no drainage plans per se.

Cole Johnson: Second drainage issue also relates to flooding. It deals with the geometry being hydraulically inadequate to convey a 10 year storm resulting in flooding on adjacent residents properties. As well, under the second drainage issue is obstructions and constrictions throughout the channel. As you can see in the pictures, there has been some pedestrian bridges built as well as different materials used to stabilize some of those banks which has constricted the channel. The third drainage issue is erosion along the channel which is caused by the existing channel geometry and the lack of maintenance. There in the picture you can see there is bank erosion, exposed tree roots, which cause for concern the slope and stability. There is exposed utilities as well as debris built up along the bottom of the channel. So Loch Group developed 2 alternatives. These alternatives are designed to service a 50 year storm. Like Nick said, the biggest difference between the 2 is in some areas where there is constructability constraints, we use a Modular Block Wall vs. an Extended Culvert so an alternative 1, it solves all 3 issues. The flooding and erosion by replacing the existing structures with a 17 foot span by 5 foot tall reinforced concrete box culvert. There will be a new channel geometry which increases capacity. That includes a Modular Block retaining wall and then in 3 spots along the channel, there will be a Vegetated Tied Block Mat that will line it which will help with efficiency of the channel as well as erosion. There on the left, that’s an example of the Vegetated Tied Block Mat and a Modular Block Wall on the right. The second alternative, also designed for a 50 year storm event, we would replace the existing structures with the upsize 17 foot span concrete box culvert and we would extend it in those same areas with the constructability constraints. We would also utilize the Vegetated Tied Block Mat at 3 sections along the channel.

Commissioner Dan Saylor: Hey, I got a question. What does River Station and then the different numbers mean?

Cole Johnson: yea, that is just an identifier of a cross section and the numbers are based on linear footage starting from Bell Road.

Commissioner Dan Saylor: Oh ok, so it’s the lineal footage out from Bell? Alright, that makes sense.

Cole Johnson: Yep.

Steve Sherwood: It’s pertinent to just this study only I believe.

Cole Johnson: Right.

Commissioner Dan Saylor: I was trying to figure out what they meant. Got it.

Cole Johnson: Just an identifier.

Commissioner Dan Saylor: Well I was trying to figure out if it had something to do with elevation and I was just like, I couldn’t figure it out. Probably a dumb question but.

Steve Sherwood: Different colors illustrate the different types of treatment to the purposed ditch too.

Nick Will: Some areas that are closer to homes and then there are some areas that open up a little bit or residents with a bigger back yard. It’s tight out there. The vegetated type block. That is something that is being used quite frequently now. Seeing some green as well has having that good protection and having concrete material as well for erosion purposes for long term.

Commissioner Dan Saylor: Nick, is that a maintenance issue though? That Vegetated Block Mat, I mean, what if trees start growing up between it. Is that an issue long term?

Nick Will: I guess as much as anything else is, it could be but it could be removed and replaced. I guess the key is to get them cleaned out first and get the rip rap out there or the wall or something else that the tree can grow through there as well but.

Steve Sherwood: It’s not any worse than item 1 on your agenda guys.

President Bob Johnson: I was thinking we should have more of those in every subdivision in every yard in Newburgh.

Steve Sherwood: And as Bryan is stating, because this is a 70’s era subdivision, there are no drainage easements per se, they are all called public utility easements which also function as a drainage easement.

Bryan Litherland: I think this next part kind of goes through an example across sections, so what the existing conditions are and then what the purposed are.

Cole Johnson: Yea, so this is River Station 2464. It’s on the East West portion there. This cross section, it’s located in a more shallow portion of the channel. We were able to get some photos that some residents submitted in that area. The water surface elevation has decreased for all of the 10 year, 50 year and 100 year event.

Nick Will: This cross section that that programming spits out but on one side it represents the edge of the homes on both sides or its represented in one of the pictures we saw as well that there was flooding occurring during potentially storm events. This is just the 10 year event.

Commissioner Dan Saylor: So guys Cole, these 2 photos here. What is that representing, maybe a 50 year storm? Do you know how much rainfall was in what time was received when these photos were taken?

Cole Johnson: Yea, we weren’t able to get a date from the land owner of when the photos were taken but when comparing it to the model, yea it was somewhere between a 10 and 50 year storm, based on water surface elevation and looking at some of the topography out there and where that water is lined up.

Commissioner Dan Saylor: so on a 100 year event which we get quite often, especially in our corridor where Bryan and I live, we’ve gotten several over the last couple of years. So, let’s say a 100 year event, where we are getting 4-5 inches of rain with maybe an hour time period, does that flood any homes?

Cole Johnson: Yea, some of the, looking at the model, there is definitely places where the elevation is high as finished floor elevations. Some of the respondents from the questionnaire had talked about you know I moved into this house in the 70’s and the first day I was there, it flooded into my garage I think she said. The man who submitted these photos, I spoke with on the phone, you know he said that there has been times where the water has been multiple inches up towards his air conditioning unit. I think you can actually see, it’s probably a different picture but it’s in the report where his air conditioning unit is located to the channel. So yea, this would be the purposed channel for both alternatives in this location. It’s a 12 foot bottom, 2 to 1 side slopes with the Tied Block Mat.

Nick Will: The water surface elevation in the channel during a 10 year event, this channel configuration.

Steve Sherwood: This would be the newly created channel, not the existing?

Cole Johnson: Yea.

Commissioner Dan Saylor: So you say a 10 foot bottom. Does that mean this bottom of this channel is 10 foot wide? Is that what this represents?

Cole Johnson: 12 foot yea.

Morrie Doll: 12 foot.

Commissioner Dan Saylor: 12 foot?

Cole Johnson: Yea, so if you notice the scale as well, you know you got a 160 feet along the bottom there with only 6 feet along the Y-axis so it’s exaggerated but that’s what that is representing. Here is the 50 year. You can see the water surface. It’s about a half foot higher than the 10 year in the existing condition. And it stays within the banks.

Steve Sherwood: So those graphics are illustrating what the existing ditch does vs what the purposed ditch would do for those specific storm events. It is illustrating that it would basically be contained with the new ditch for those storm events.

Commissioner Dan Saylor: So you are saying in a 100 year event, that this is all going to be contained within the channel?

Cole Johnson: There are spots along the channel that don’t contain it in the 100 year event.

Nick Will: This particular location in the model does state that it doesn’t but this design for the 50 year channel, the length of it but there’s location where the 100 year even would save it. And during a 100 year event, all of the locations were lowering the water surface elevation.

Steve Sherwood: As your note states at the bottom, it does not stay within the purposed channel throughout the project but there are certain places it will.

Cole Johnson: We looked at some cross sections to try to deal with the 100 year. Particularly along the bends along the channel, it gets really tight with homes and crawl spaces and stuff and there just wasn’t enough survey at the time and the channel that worked in the model was not constructible out in the field.

Nick Will: The idea was to I guess, one of the ideas or where we had surveyed at was not the constructed channel but was so large that we’d have to get into someone’s house. There are locations where there’s fences and all kinds of other buildings and stuff like that along the edge that you end up getting into with this channel.

Cole Johnson: So some of the permitting considerations. It is anticipated that the tributaire will meet the criteria to be a wattage of the United States, therefore an item 401 and U.S. Army Corps of Engineers 404 permit will be required. Within the Army Corps 404 permit, it also includes a section 106 and a section 7. The section 106 is historic properties and archeological resources. The section 7 is threatening endangered species clearance. The project will require a 401 water quality certification from IDEM so both structures at the crossings will have to be sumped 1 foot. There is, it is anticipated that construction, the land disturbance is going to be greater than 1 acre therefore, Construction Stormwater General Permit is going to be required which is previously a Rule 5. It is anticipated as well that impacts below the ordinary high water mark will be greater than 300 feet and then because of this stream mitigation will be require by the Army Corps. And IDEM. Mitigation will be required at a 1:1 per linear foot plus a 20% contingency which after the whole stretch of the channel comes out to just over a million dollars.

Steve Sherwood: That mitigation fee is on top of any actual construction.

Nick Will: This is anticipated, there’s still got to be coordination with the permitting agencies and there may be sections that can be or that we won’t need. You never know but I guess we are hedging on the higher side here hopefully, you know the potential for this to be a part of this project. We don’t want this to be a surprise down the road but based off of our experience, this could be required.

Cole Johnson: And then finally, another common permitting requirement, a Construction of Floodway will not be required by DNR because the watershed is less than 1 sq. mile. So, next is a breakdown of cost, channel mitigation there, the million dollars. The alternative 1 which is the preferred alternative, it’s anticipated to require less land or easement acquisition, be cheaper to design, bid, construct and inspect and after totaling alternative 1, it is anticipated to be $570,000 cheaper.

Nick Will: And as a summary here, the idea was to get the study completed and in front of you guys so we can start thinking about it, if you’d like to move forward with this as a potential project as well or move into the design phase but we are certainly open to any questions that you guys may have right now.

Commissioner Terry Phillippe: I think it was mentioned, but how many actual homes does it effect, was it 44 or something like that maybe?

Cole Johnson: I think it’s 33. There is a map in the report that has all of the parcels along the channel there.

Nick Will: I think one of the first things we need to do if we are going to move to that next step would be to get some additional survey, kind of get some preliminary thoughts and plans put together and then have a public hearing of sorts for the project to begin or to be able to do this work, we are going to have to get an easement to get in there to be able to construct it so I don’t know Steve was there any discussion of this being a regulated drain in the future or anything?

Steve Sherwood: We haven’t got to that point yet.

Debbie Bennett-Stearsman: How many households did you say? I didn’t catch it. Estimated.

Cole Johnson: Between 30 and 40.

Debbie Bennett-Stearsman: and is that that subdivision that you were talking about? Birch?

Cole Johnson: North Green Springs

Nick Will: North Green Springs Valley

Debbie Bennett-Stearsman: That’s the name of it? Ok.

Steve Sherwood: North Green Springs Valley

Commissioner Dan Saylor: this is north. There is a South Green Springs on the Southside of Lincoln. So this million dollars in mitigation costs, is there grant money or federal grant money to pay for this federal mitigation cost fee or? Because, that’s where it goes. It goes back to, is that right? This is federal mandated fee correct?

Cole Johnson: Yea, the In Lieu Fee program.

Nick Will: Right, which is fairly new. The In Lieu Fee program covers water way mitigation, tree mitigation, you can use those funds to build water ways, improve water ways in other locations.

Debbie Bennett-Stearsman: So one of the things they are looking at is the state revolving fund. That’s one of the reasons we talked about doing the Preliminary Engineering Report and we have scheduled a hearing for May 18th at 2 here. That’s part of the requirements of an application to State Revolving. I’m not certain that State Revolving will give grant funding. They have a lot of loan money for Stormwater but they do also have grant funding for Storm water but it’s based on rates and I think we worked on a rate. So the Stormwater rates for Warrick County are tax levies, is that right?

Morrie Doll: Collected through the property tax.

Debbie Bennett-Stearsman: Yea, and so I think Steve and I were looking at an average of what a household would pay a month.

Steve Sherwood: Our current fee is assessed at $54.00 per Residential unit per year. So you’d break that down and divide that by 12 months and what SRF looks at is that’s a normal rate per household. So they look at the post construction. So if you were to do a 4 million dollar project, how much would that drive the rate up to the homeowners? So that’s what they look at buying that gap down. I don’t know if they’ll look at just, because your rates are the whole county so I’m not certain how they are going to look at that for 30-40 homes or will it just be how it impacts those 30-40 homes or will it be all of the users on the system. So you look at all of the users, it may not impact it by a $1.00 if you raised rates to do the project and borrowed all of it. So, basically we are just going to try and see what they say but no matter what, there is going to have to be a loan taken out so the hurdle we are going to have to jump is I guess going to County Council if this goes through and ask to raise the fee’s in order to do the loan portion of whatever you apply for. And, I’m still looking at any alternatives. So, one of my questions to you that State Revolving sent back to me is they said, the Clean water looks at projects that include environmental benefits. It is the understanding, the definition of environmental benefits now includes projects that include pollutants such as sediment and road run offs contaminates. Is this doing this or this just flooding? I mean can we prove that?

Commissioner Dan Saylor: Well, all the roads drain into these right?

Bryan Litherland: Yea, but the armoring of the channel is going to reduce the erosion (cannot dictate)

Debbie Bennett-Stearsman: So, it goes further to say that is funds clean water project focusing on Stormwater Management projects submitted to SRF that involve implementing structural and non-structural measures to control runoff water resulting from precipitation, so you are doing that right, with rainwater and everything? You’re just making it flow correctly. Well, it says structural and non-structural. I know they look at recycling too, to recycle clean water. All we can do is try. I’m at that point. Follow the guidance, have the hearing, get the resolutions and everything signed and put in the application. All they can do is say no, but I think the bigger problem is going to be asking the County to raise the rates for the loan portion. Didn’t they cut them in half at one point because we weren’t using the funds?

Bobby Howard: 10%

Debbie Bennett-Stearsman: 10%? So, I don’t know how much that equates per residence but probably $.50.

Morrie Doll: I was curious

Debbie Bennett-Stearsman: So your Stormwater, does your Stormwater utility have the authority to bond or borrow?

Commissioner Dan Saylor: I think the Stormwater because of the fee has the ability to bond.

Debbie Bennett-Stearsman: so rates, I know the cities and towns do.

President Bob Johnson: I don’t know.

Morrie Doll: You do.

Debbie Bennett-Stearsman: So you’d be raising your rates to do the repayment. But all residents would have to pay for a project that really only impacted 30-40 people.

Commissioner Dan Saylor: So, I’m just trying to figure out how much it would affect each resident. One would determine how many years you’re going to do the bond for.

Debbie Bennett-Stearsman: They only do 20 years.

Commissioner Dan Saylor: So, it’s a flat 20 years?

Debbie Bennett-Stearsman: usually 2% or 2.5

Morrie Doll: And you have to factor in the Council.

Commissioner Dan Saylor: How do you do that?

Morrie Doll: That rate cut was a bargain that the County Council insisted on. They insisted that water cut its fees in exchange for the adoption of the wheel tax.

President Bob Johnson: The wheel tax.

Steve Sherwood: The wheels are taxed.

Morrie Doll: That was a bargain and I’m

Debbie Bennett-Stearsman: I mean, the smallest of communities have $4 or $5 on their Stormwater utility and they have a lot less number of people. And they borrow and they have to raise it a $1 or $2 per household to go with their grant. So I just want you to understand that’s the process if they do or when they do come back and say maybe we will throw some grant money at it, but you’re going to have to borrow no matter what. It’s not going to all be free grant funds. Whichever agency we look at.

Morrie Doll: You’re going to run into a problem I suspect with the Council.

Debbie Bennett-Stearsman: Do they have to approve the Stormwater utility?

Morrie Doll: No, well that’s a debate. Warrick County thinks they do. My opinion is they do not but the deal was made and they are going to contend hey, you are bound by that deal. We adopted the wheel tax for the betterment of everybody, we get roads, things of that sort but we wanted to lessen the burden on the property tax payers by how much?

Steve Sherwood: 10%. Last time from $60 to $54.

Debbie Bennett-Stearsman: And you don’t have much reserve left anymore?

Morrie Doll: Not left anymore.

Debbie Bennett-Stearsman: Yea, so the smart thing would be if you had several projects.

Steve Sherwood: After next Council money, we won’t have any left if I am successful at getting my additional appropriation for the Fuquay/Tanglewood project.

Morrie Doll: That will be all of our savings.

Debbie Bennett-Stearsman: So, typically they put like you’d have 4 or 5 projects. Put them together and do 1 bond and then do the rates to be able to get those and still maintain your reserve account at the same time. I don’t know the ends and outs to what you are doing but it would make sense if that’s what you did.

Steve Sherwood: It’s possible we could have multiple projects at that time, yes.

Debbie Bennett-Stearsman: Ok, well that’s the goal is to turn in an application in May. State Revolving fund is the only agency that got the infrastructure funding out of the bill. The large bill. Every dime went to them for different types of projects and they’ll disburse it over the next 4 years. So, you know their fiscal year is June 1 to May 30. They take projects in, they rank it based on need, rates, and I’m trying to think of what else. They have a process and cleaning up what water you’re cleaning up and then they line those projects up in what they call project priority listing and after they do that. Just applying does not commit you to a loan. You can pull out at any time but if you don’t get on that list, you will not be considered. So, that’s the only way you’ll know. They’ll have a preplanning meeting and at that point, they are going to ask questions that I’m asking that we will have to answer and then they’ll decide if they want to put grant money towards it or if we will give you a loan for all of it.

Steve Sherwood: The 2 projects you are getting PER’s from, from Lochmueller Group is this one and the aforementioned Tanglewood/Fuquay project.

Debbie Bennett-Stearsman: ok. That’s all I have to say about the funding. There is not much recourse for Stormwater. OCRA is the only other one and I’m not sure that this neighborhood would qualify but they would still look at the overall rates.

Commissioner Dan Saylor: So, if the rates were raised to fund maybe the increase or

Morrie Doll: Pay back the bonds.

Commissioner Dan Saylor: to pay back the bonds, then if we pay them back quicker than 20 years, so in other words, do we put these projects together and say ok we need to do a bond for 2 million dollars or whatever it is and then we raise the rates based on that number?

Debbie Bennett-Stearsman: Borrowing that.

Commissioner Dan Saylor: Borrowing that. What I have a problem with is handicapping this board for the next 20 years and they can’t because god knows what’s going to come down the pipe 5 years from now, 10 years from now.

Steve Sherwood: Bear in mind, the cost of these projects today’s dollars, what they are going to be 5 years from now.

Debbie Bennett-Stearsman: Well, May 14th, everything is going to go up after they implement the buy American, made American something. The materials are going to go up. But, so that’s why I was trying to say Dan if you borrowed or if a rate Consultant looked at borrowing to make a repayment with still funding your operation maintenance and savings at the same time. So, that if you had other projects coming up, you would have a reserve. I guess the big question is, what if you don’t do this project at all, what happens? Any of these. Is there a recourse or are we just going to have people coming like we just did saying I’m paying rates and I’m having Stormwater in my back yard?

Steve Sherwood: Yea, I mean. The do nothing alternative is just that.

Debbie Bennett-Stearsman: Yea, because I didn’t know what led you to these projects?

Morrie Doll: Yea, but how many more of these exist in Warrick County?

President Bob Johnson: A bunch.

Morrie Doll: I mean, this is just the squeaky wheel today but we are constantly being approached by homeowners in various neighborhoods, mostly Ohio Township but that’s just because most of the subdivisions are in Ohio Township complaining about drainage issues. 1970’s era subdivisions that weren’t adequately designed at the time. They were, they met the criteria at the time, but they don’t meet the rainfall we are receiving now and we are receiving more rainfall. I don’t think anybody can dispute that. We are receiving more rainfall and this is problem and if you bond, of if you have a bonded indebtedness and you raise the rates to service the bond, Commissioner is right, at that point in time you may be tying the hands of the Board to be able to do this easily another time or another time or another time. You can always attempt to refinance the bonds, borrow more money, add more projects and continue on but.

Steve Sherwood: Bear in mind, these are residential rate with our current number of parcels in the county, we continue to lose parcels with annexations. Meaning, we draw less money in with each annexation.

Morrie Doll: And close to this project. I mean, we need to know how many more of these are likely to be out there, what is a reasonable estimate of the cost of repair, and attempt to do more than one.

Commissioner Dan Saylor: Is every one of these projects going to have a 30% cost in mitigation?

Steve Sherwood: If you disturb over 1 acre.

President Bob Johnson: It’s going to be a million dollars for each one.

Debbie Bennett-Stearsman: If it’s in a wetland.

Cole Johnson: Yea, if it’s considered a water of the U.S.

Commissioner Dan Saylor: And this is considered a Water of the U.S? Was there not legislation to do away with some of that? I thought.

Steve Sherwood: It increased it. It didn’t decrease it.

Debbie Bennett-Stearsman: Even I don’t have the solution. People are paying rates and at some point they may come and say what are we paying our rates for if you are not fixing our problems? So, that’s when you say well we’ve got to raise them to fix them. We need more money to do what we are doing because we aren’t generating.

Steve Sherwood: This pretty much the whole reason why we asked and engaged them to do a study so we can see all of the issues that are going to be presented that we would have to tackle if we were to move forward.

Morrie Doll: On this subdivision.

Steve Sherwood: This particular one, yes.

Morrie Doll: But my point is Warrick County is facing dozens of these scenarios, aren’t we Bobby?

Bobby Howard: Bobby Howard, Warrick County Engineer. Former Stormwater Director and when we had looked at and I tried to do a proposal several years ago. About 14 subdivisions I think at the time was what we were looking at preliminarily and putting together a study of what needed to be done and also having a scoring matrix be looked at for scoring all of our projects and coming up with what we needed to do at that time and that died at the County Council level.

Steve Sherwood: That proposal was like for less than $100,000.00

Bobby Howard: Yea, at that time it was around $85,000 for 14 preliminary subdivision studies and now they are $40,000 a piece so.

Debbie Bennett-Stearsman: Do you have a current study of all of the areas or did you ever do one?

Bobby Howard: We have that list but only have made it through about 4 maybe of those 14.

Steve Sherwood: Frame wood was one of those studies.

Commissioner Dan Saylor: We need to call the County Council to get it fixed.

Bobby Howard: so, like I said that is something that can still be looked at. It doesn’t affect the immediate project I guess, but

Morrie Doll: this presentation Bobby has to be made to the Council.

Bobby Howard: I understand. And this is just one of several projects.

Debbie Bennett-Stearsman: But I think a plan is a good idea.

Morrie Doll: We can say it’s a great idea and we want to do this and these taxpayers deserve to have dry land with their home but unless the County Council is going to approve the funding or allow us to borrow the money and pay back the bond, it is not going to fly. Is it? This project won’t fly, let alone 14. 14 neighborhoods.

President Bob Johnson: Any questions?

Debbie Bennett-Stearsman: Do the Commissioners want to proceed with an application because you will be the one making the decision to turn an application in to State Revolving Fund.

Steve Sherwood: you have an upcoming deadline of May the 1st right?

Debbie Bennett-Stearsman: Yes, but we are not doing the hearing until after which is fine but I need the PER to do the application because I haven’t got it all done yet. But I mean, do you even want to open the can of worms and do it? You are not committed to a loan at that point. They’ll do a preplanning meeting, talk about the environmental, several things before they can tell you what type of a funding package can be put together if any in grant and or loan. Is it even worth, I don’t know. I mean, I can’t give you that answer because we just had the discussion if we can’t do one project, how are we going to the rest that need to be done?

Morrie Doll: Shouldn’t there be a meeting with the Council?

President Bob Johnson: I think we need to sit down with Council President and go forward. I think that we need to all, do you agree Terry and Dan? To me, what you are wanting to do by May 1st, I don’t see a problem with it because you are not committing to anything. But, I do think that we need to get the Council involved in this to see if they’d even consider doing something. I mean, this is going to be a very long term.

Commissioner Dan Saylor: What I don’t care for the Council is that they’ve been known to tell you something in a meeting, that yea, they’ll consider it then when it comes to a public meeting and vote, they don’t vote for. So, I think

Morrie Doll: Well, this is very informative, very impressive and very essential. This is what the Council has to see with the photographs of people’s housing flooding and then they need to be told like Bobby did there are lots of other neighborhoods in Warrick County in the same or similar circumstances and maybe there is a way to do this but it would require bonding and raising the utility rate to pay back the bonded indebtedness. What says the Council?

President Bob Johnson: That is something we need to discuss. Thank you Sir.

Debbie Bennett-Stearsman: Thank you for all the information.

**CLAIMS:**

President Bob Johnson: Claims.

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

Commissioner Terry Phillippe: I’ll second.

President Bob Johnson: All in favor 3-0

**OTHER BUSINESS:**

President Bob Johnson: Anything else on Drainage Board?

**STORM WATER DEPARTMENT**

President Bob Johnson: Mr. Sherwood, do you have anything quickly?

Steve Sherwood: Just a few informational items. Update on the Fuquay/Tanglewood improvement project. Notice will go to the paper this week and next week April 28th thru May 5th. I’ll be sending packages out of the project to the Contractors that normally work with Warrick County. The advertisement says to call Lochmueller Group for the same copy and packages that they’ll be distributing. Just an MS4 update. The new Stormwater general permit again was approved December 18th 2021 by May the 12th each individual or Storm Water Prevention Plan Project that has a current NOI, they have to apply to IDEM for a renewal or continuance of coverage. IDEM has told me that they’ve sent out notices to Engineers working in the State of Indiana as our Warrick County MS4. I am putting together an email that I will reiterate these deadlines and this information. The old Rule 5 has now died and it’s replaced by the Construction Stormwater General Permit or the acronym CSGP. Reviewing upcoming SWPPS that will be submitted to Warrick County under the new ordinance, I have been since the December 18th, 2021 deadline. Last item, IDEM came to town last week in response to a public complaint that was filed by a resident in the Pebble Creek Subdivision. They had some issues in Pebble Creek and Bell Road Apartments. I’ve been working with them and responding to the issues addressed by the IDEM Official that came to visit and we are addressing the sum items of noncompliance that he brought to our attention and I’ll have an update for you at a future meeting. That’s all the information I have to present today unless the Board has any other questions.

Commissioner Dan Saylor: Steve, you said non-compliance, by the Developers or the Builders?

Steve Sherwood: By the Builders, Developers, issues of being non-compliant with erosion control per their Stormwater pollution and prevention plan. The cleaning of streets, mud in the streets, one of which you know. The mud in Bell Road. One week prior to the Street Sweeper being out there, I cited them as being non-compliant. Send them a strong language email that they needed to clean it up or I would bring them before the Board for violations of our current Ordinance and you know that’s a process we have to go through before we can levy fines. So, I’m hoping to get that information addressed that they want here in a timely manner and I’ll be getting some information this week from the 2 developments. That’s all I have unless any other questions from the Board.

President Bob Johnson: Counselor?

Morrie Doll: No Sir.

 **MOTION TO ADJOURN:**

Commissioner Dan Saylor: I make a motion to adjourn.

Commissioner Terry Phillippe: Second.

President Bob Johnson: All in favor, 3-0