**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**April 26, 2021**

Regular Session

Old Historic Courthouse

107 W. Locust St. Suite 303

Boonville, In 47601

812-897-6170

The Warrick County Drainage Board and Department of Storm Water met in regular session with Bob Johnson, President; Dan Saylor, Vice President (*conference phone*); Terry Phillippe, Secretary, Morrie Doll, Attorney; Steve Sherwood, Director of Storm Water; Phil Baxter, Surveyor; and Jennifer Curry, Recording Secretary.

Present in the audience: Joe Grassman

**PLEDGE OF ALLEGIANCE:**

President Bob Johnson opened the meeting of April 26, 2021 with the Pledge of Allegiance.

**APPROVAL OF MINUTES**

President Bob Johnson: First up we have the approval of minutes from the April 12, 2021 meeting.

Commissioner Terry Phillippe: I make a motion to approve.

President Bob Johnson: Commissioner Saylor are you going to be verbal or going to be on mute?

Commissioner Dan Saylor: I second that.

President Bob Johnson: All in favor 3-0.

**CLAIMS:**

President Bob Johnson: Next is claims for total of $19,778.04, we have Morrie’s Attorney fees, a Northern Tool & Equipment spot sprayer tank for $84.54, Ubelhor Tree Service for Powers Ditch Restoration Project at $13,873.00, ERB Equipment for a John Deere rental for Tennyson & Two Story Road for $5,720.50 for a grand total of $19,778.04.

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

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor 3-0

**OTHER BUSINESS**

President Bob Johnson: Any other Drainage Board business? Mr. Baxter?

Phil Baxter: No.

President Bob Johnson: We will move on to Storm Water, Mr. Sherwood

**STORM WATER DEPARTMENT**

Steve Sherwood: Thank you Mr. President, first item I have to report is an update on the North Green Springs Valley design project contracted with Lochmueller Group we did define the neighbors to be canvas with their questionnaire I believe you were copied a diagram that basically shows these residents within North Green Springs Valley that will be sent questionnaires. We did not feel the need to go along the ditch south of Schnucks and in between Wine Tree Village and Spring Creek Apartments because we have sufficient easements on both sides of those as you recall the drainage from basically the north west corner of 261 and Lincoln as it filters through an existing drainage ditch which only shows it as a 6-foot public utility easement on either side roughly where the creek is existing, those questionnaires will be going out this month and we will get some public input and then report back to the Board when they have something to report to the Board and then come up with a basic design and have some type of a public hearing this year. Next item to report I believe Todd Glass will be bringing up with the 4 o’clock meeting with the Commissioner’s the Ordinance for Storm Water to collect fees and fines and if Morrie has anything to add to that, basically what the Ordinance will be doing if you would have comments at this time.

Morrie Doll: Just that the Ordinance be starting considering last summer in July, I’m not sure if it is going to be the first reading or second/third reading tonight, Commissioners.

President Bob Johnson: I don’t see why we cant just…we’ve been working on it for so long I don’t see why we cant get it completed tonight.

Morrie Doll: Understood.

President Bob Johnson: Do you (Terry) agree?

Commissioner Terry Phillippe: Yeah.

President Bob Johnson: That way Steve can proceed.

Steve Sherwood: Thank you. Next issue I have is in relation to said ordinance that is yet to be adopted, hopefully tonight, Mr. Reinbrecht with Reinbrecht Homes, I have not been able to get any movement from him regarding the construction of his temporary construction entrance for Hillside Meadow Subdivision off of Sharon Road. His original SWPPP had it in the center they since amended their entrance to this location at the south east corner on March 18th as of last week has yet to build said entrance. I did send him an email on April 13th that he has not responded to in lieu of not having an ordinance to address a fee I would ask this Board would ask our Legal Council to send him a letter to that affect and some kind of strong language to get this construction entrance. If you recall, IDEM is watching this site and it is one of two sites they have expressed concern upon in Warrick County so I would at least like to show some kind type of positive movement on the MS4 enforcing it’s Storm Water Policy.

President Bob Johnson: I would agree with you Steve, I don’t like being under a microscope and I feel like we are now to some degree, so if Terry agrees and Dan agrees we can send that letter.

Morrie Doll: Commissioner, what time period would the Board like for me to give the developer to come into compliance?

President Bob Johnson: What do you deem acceptable? A couple of weeks?

Morrie Doll: At the most, I mean we have been chasing this project for a long time so, maybe a week to 10 days, it shouldn’t be weather interrupted more than likely and it ought to be a priority.

Commissioner Terry Phillippe: It’s just a construction entrance right?

Morrie Doll: Yes, 150-feet of rock.

Steve Sherwood: Yes, and 30-foot wide and 8-inches thick, he’s been noted in our inspectors compliance forms on three different occasions and twice by email from me, so we satisfied the first phase of the ordinance by verbally meeting the criteria so we have every right to proceed to the next phase of enforcement, but I think a strong letter from the Attorney would help greatly enough. I have given Morrie all the information regarding it.

President Bob Johnson: Councilor, how long with it take for us to construct that letter and send it out?

Morrie Doll: It can be done tomorrow.

President Bob Johnson: So by the 7th Steve?

Steve Sherwood: I think so.

Morrie Doll: Understood, and I will phrase this as a final written warning.

President Bob Johnson: Commissioner Saylor are you okay with that?

Commissioner Dan Saylor: Yes.

President Bob Johnson: Okay, got a consensus.

Steve Sherwood: Next item I have is, again, I would like to as Morrie for an update on the Pruitt lawsuit where we are at with that.

Morrie Doll: We took Mr. Pruitt and his sister’s depositions previously by Zoom. Council representing the County’s insurance carrier also participated and at the end of the deposition he indicated that he wanted Mr. Pruitt’s consent to dismiss his lawsuit against the County and fold it into our lawsuit against Mr. Pruitt so that the court can deal with everything in a single setting. Mr. Pruitt’s Attorney, Mr. Martin, said he was not comfortable at that time doing that and wanted some additional time to think about it and it has been crickets since them, that was March when we took the deposition. I will get into again and see what I can find out. Mr. Pruitt also apparently has been pricing from builders in the area of the cost of removing his improvements in his right-of-way.

Steve Sherwood: Correct his original area drain and his 18-inch pipe which we incorporated into our design.

Morrie Doll: Those are in our right of way, they are not on his private un-affected property and we have already constructed our drain taking that grade into consideration and tying it in, figured it’s capacity and in conjunction with our capacity so if he proceeded to remove it now it’s going to actually make our system fail. I’m going to write a letter to his Council telling him that I have heard that this is being considered and remind him that it is a public right of way and he has to have our consent to do so and we aren’t likely to give our consent to do so.

Steve Sherwood: In conjunction with that I have received a call from one of the contractors concerning this which is what brought it to the forefront and he paraphrased it by saying to the contractor that “The County will pay for this work”.

President Bob Johnson: Do you have something to add Commissioner Saylor?

Commissioner Dan Saylor: Bob, I couldn’t understand I heard mostly what Council and Steve said what was your question?

President Bob Johnson: I just wanted to know if you had something to add.

Commissioner Dan Saylor: No, I heard all of that I think I understood it that he is wanting to remove what we he has installed in our right of way he is wanting to get an estimate on removing it now?

Steve Sherwood: Correct.

Commissioner Dan Saylor: Can legal Council send a letter….

President Bob Johnson: That’s what he is going to do Dan.

Commissioner Dan Saylor: Oh, okay I understand.

Steve Sherwood: We just want to put him on notice that that is not going to fly

President Bob Johnson: Morrie is going to contact his Council and let them know that he cant do that.

Commissioner Dan Saylor: I’m good with it.

Steve Sherwood: Last item I have is I sent out a package on the Woodfield Subdivision drainage basin on the corner of Jenner and 261 we found another basin that has been “modified” and raised the pool elevation 2.5-3-feet we don’t know how long that’s been like that but I put them on notice that it was not proper and to come before the Drainage Board to discuss the history of it and their explanation is to why it’s occurred and I pointed out that it’s on the subdivision plat that you cant change the pool elevation or any of the parameters of the basin without coming before the Drainage Board and I believe that is going to happen at a future meeting according to Jennifer that I believe has spoke with him since that report was issued.

President Bob Johnson: Who would that be?

Steve Sherwood: Jennifer, do you remember the name of the gentleman?

President Bob Johnson: It’s not Mr. Blankenburger (?) is it?

Steve Sherwood: No, it’s the current President of the HOA, the name eludes me at this time, and he says he has been that for about 3 years.

President Bob Johnson: Okay.

Steve Sherwood: The final item I have is if Joe has anything for the Board?

Joe Grassman: I have nothing.

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

President Bob Johnson: Commissioner Saylor?

Commissioner Dan Saylor: I have nothing.

President Bob Johnson: Councilor?

Morrie Doll: No, Sir.

Commissioner Terry Phillippe: Nothing.

President Bob Johnson: Mr. Baxter?

Phil Baxter: Just to add, I talked to him on the phone and he said that the reason why he wants to change the outlet is during the heavy rain the sidewalk around the retaining pond gets under water, but now he has it raised about 2.5-feet it probably wouldn’t be under water if they put it back to where it should be.

President Bob Johnson: Is that it Sir?

**MOTION TO ADJOURN:**

Commissioner Terry Phillippe: I make a motion to adjourn.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor 3-0