**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**APRIL 8, 2019**

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

Present in the audience was Glenn Merritt, Greg & Medea Tatum, David Matzen, Glenn Kroeger, David Stallings, Bobby Howard, and Joe Grassman

**PLEDGE OF ALLEGIANCE:**

President Johnson opened the meeting of April 8,2019 with the Pledge of Allegiance.

**APPROVAL OF MINUTES:**

President Bob Johnson: First we have the approval of the March 25, 2019 minutes.

Commissioner Dan Saylor: I make a motion to approve the minutes.

Commissioner Terry Phillippe: I second the motion.

President Bob Johnson: All in favor. 3-0

**4200 GRIMM RD- NORTH AMERICAN ISLAMIC TRUST: ISLAMIC CENTER**

President Bob Johnson: First up we have 4200 Grimm Rd North American Islamic Trust Islamic Center, proposed building additional related drives and to discuss Hold Harmless. Please step forward and state you name please.

David Stalling: Name is David Stallings with Landmark Design.

Phil Baxter: With the addition they’re going to need to put a drive around the building and it will be on the retention pond/dam, which we have no problem with we just asked for a Hold Harmless on it. Morrie has approved and signed it.

President Bob Johnson: Mr. Sherwood do you have any concerns?

Steve Sherwood: No, he’s wanting to encroach basically the upper elevation its not going to effect the retention basin in any way, Phil and I looked at it and we agree and the Hold Harmless is just to allow him to pass a driveway through the edge of the easement.

President Bob Johnson: Okay, anything else to add?

David Stallings: No sir.

President Bob Johnson: Is there anybody here that is against it whatsoever? Take a motion.

Commissioner Dan Saylor: I make a motion to grant the permission to build the additional drives and the Hold Harmless agreement.

Commissioner Terry Phillippe: I second that motion.

President Bob Johnson: All in favor. 3-0

**DOLLAR GENERAL- NEWBURGH**

President Bob Johnson: Next up we have Dollar General Newburgh drainage approval.

Phil Baxter: This Dollar General is the corner of Sharon Road and 66 we’ve gone over everything it looks good on it, the engineer is out of town and we did want to ask him to come in because we didn’t have any questions for him it was good to go.

Commission Dan Saylor: Which corner is that going on?

Steve Sherwood: South East corner of Sharon and 66 where they are rezoning that basically took a year, it is a private development the retention is private.

Phil Baxter: Straight across from Circle S.

President Bob Johnson: Any concerns or issues? Anything to add?

Phil Baxter: We’re good with it.

Commissioner Terry Phillippe: I make a motion to approve the Dollar General plan.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor. 3-0

**PEACHWOOD OF WARRICK PLACE VII**

President Bob Johnson: Peachwood of Warrick Place VII, drainage approval.

Glenn Merritt: Hi, my name is Glenn Merritt and I am with Cash Wagner and Associates I’m the engineer on the project. We are basically just replatting some lots that have already been primaried and we are requesting no drainage improvements because the original drainage plan was approved several years ago.

Phil Baxter: He is correct.

Steve Sherwood: Yeah, the area he’s developing in is basically part of a comprehensive drainage plan previously approved for that area, everything drains to the pre approved retention basins in that platted area, and for the record that is correct Glenn?

Glenn Merritt: Yes, that is correct.

President Bob Johnson: I’d entertain the motion.

Commissioner Terry Phillippe: I make a motion to approve.

Commissioner Dan Saylor: I second.

President Bob Johnson: All in favor 3-0.

\**Voice in audience-inaudible not standing at the podium*\*

Morrie Doll: He needs to go to the podium, talk in the mic.

Commissioner Dan Saylor: Can you state your name for the record.

Greg Tatum: Greg Tatum, I never got a letter, I got this from my neighbor. You see where you know, where this cul da sac is, and I can tell you John knows where it is because he built my house. Now, why did I not receive a letter about all this?

President Bob Johnson: I cant answer that, that would be more of the APC wouldn’t it? So this is just approving the drainage sir.

Greg Tatum: Yeah, and also with all the rain we get down there as long as it doesn’t effect with how the water flows its not a problem, but if anyone changes the direction of the water then I am going to have a problem with the area I live. With all the rain that we’ve had the past 2 years, I haven’t had a problem yet.

Steve Sherwood: I’m sorry, did you state your address.

Greg Tatum: 4211 Meadowbrook Lane.

Steve Sherwood: Meadowbrook, on the opposite side of the highway?

Greg Tatum: Yes.

Glenn Merritt: I have a comment.

Commissioner Dan Saylor: Yes that’s fine.

Glenn Merritt: As far as the notice goes, as you said that is the primary plat with APC would’ve been where that notice affidavit was approved and who we were supposed to send it to, I cant tell exactly where, I know approximately where he’s talking about I just don’t know if it is directly an a jointer to our property and if it is why it would’ve been missed.

Greg Tatum: My drainage goes from across the highway into the area you guys are talking about.

Glenn Merritt: But everything from our site flows South from his property.

Greg Tatum: Yeah, is that how we did the flood plain? (speaking to another audience member)

Glenn Merritt: But yeah our drainage flows into the ditch that his drainage flows from across the highway through a big box culvert across 66 I mean everything from his site flows South to us and our flow keeps going South.

Greg Tatum: So it wont come back?

Glenn Merritt: No, like I said, we didn’t do any of the design, the design was originally approved several years ago but I mean they have detention basins and the basins are already constructed and there is no development there yet, they build the roadway and the utility infrastructure and now they’re basically just selling lots and the lot sizes that were platted originally and now they are not selling so they are want to make them smaller to make them more marketable because everybody keeps coming back and asking for the smaller lots so that’s the only reason we are here right now for the replat.

President Bob Johnson: Are you (Greg) satisfied with that answer?

Greg Tatum: As long as the water does not redirect back towards where I’m at, because we’ve had incidents where its up to the top of that…

\*voice in audience-inaudible\*

Greg Tatum: Yes, waters been to the top of that big concrete thing that goes under 66 and its got to rain a lot to do that but if the drainage is changed and I get any back flow then its going to start coming to my lot, but if he says its not…

Glenn Merritt: What we’re proposing is not going to effect his, we did the drainage BFE study for that lot when John built is, his lot is in the flood plain so we had to calculate the BFE on our own because the BFE was not on the current firm handles it was an unstudied zone, and it is a big water shed with that box culvert for the state I’m pretty sure it was designed for the 50 and the flood plain is a 100 year so I can see what he’s saying that if we get these big rain events then that box culvert will be full but he’s gonna be blocked by the highway dam if that box culvert gets blocked by the highway dam if that box culvert gets full before anything from our site is going to back up over across 66.

Greg Tatum: Right now I know John did this when he built the house, he got it high enough where I don’t have to have flood insurance. Even though I’m still in the flood zone, then I’m not in the flood plain?

Glenn Merritt: We submitted a request, and it got approved for his house.

President Bob Johnson: Okay.

Greg Tatum: Also, we petitioned, since you guys are going to build over there we petitioned for the state to move that wall down a little farther, and the thing about it is you guys have a little more pull than I have. The county would have, if we could get that wall it stops, its in front of Casey Road, if you guys could petition or help us get a petition to get that extended on down would be nice.

Steve Sherwood: The sound barrier wall is built by INDOT part of the 66 project, their lot that they build on was vacant when that project was being build onto design so that’s probably why it was never encountered to be extended by INDOT at the time, they just protected the existing homes for the design period for the highway renovation.

Greg Tatum: We contacted the State and got a case number and all that to try and get the petition where we can get it just a little further down, like I said you guys have more pull than I have.

Commissioner Dan Saylor: Have you guys spoke to Ron Bacon?

Greg Tatum: I don’t know.

Commissioner Dan Saylor: That’s a good start.

Greg Tatum: Bacon like, frying Bacon?

Commissioner Dan Saylor: Yes, he is you State Representative.

President Bob Johnson: He has more pull than we do.

Commissioner Dan Saylor: With INDOT he does, I would contact him and we can talk to him.

Greg Tatum: Okay, thanks.

President Bob Johnson: Thanks, did we approve that motion does anyone recall?

Morrie Doll: I don’t think so.

President Bob Johnson: Lets do it again just in case.

Commissioner Terry Phillippe: I make a motion to approve Peachwood.

Commissioner Dan Saylor: I will second.

President Bob Johnson: All in favor. 3-0

**IRONWOOD PUD**

President Bob Johnson: Next we have Ironwood PUD drainage approval.

Glenn Merritt: Glenn Merritt with Cash Wagner, I’m the engineer for this project I have Jeremy Mattingley here with the developer as well if you have any questions for him. We went through site review a couple weeks ago and talked to Steve, I think the drainage plan is in order we have 95 total units, it is a mix between single family residential and multi-family condominium development on the Northern end, we have a detention basin in the SW corner and along the North property line to take care of the detention requirements to meet the ordinance. Ill be happy to answer any questions you may have.

Phil Baxter: This is the corner of Lincoln and 66, NE corner.

President Bob Johnson: Mr. Sherwood?

Steve Sherwood: How we covered the information at Site Review, Surveyors office and myself they had two retention basins in it you will notice one there at the corner of the intersection and the one at the far North end of the subdivision they are contained easements that does state Warrick County is not responsible for the maintenance of these basins which is standard for the subdivisions and Ohio Township that we have approved retention basins for. The drainage structures majority of them are designed to flow at maximum capacity or 90% as per stated our ordinance of the 50 year storm, but that does meet our minimum standards so with that I believe Phil and I are both in agreement for approval as per design.

President Bob Johnson: Phil?

Phil Baxter: Yes, I agree.

Steve Sherwood: On the drainage plans.

President Bob Johnson: Any questions? I entertain a motion.

Commissioner Dan Saylor: How many lots?

Glenn Merritt: 80 total lots, but there are 15 duplex lots when I said the 95 total residents, it accounts for those.

Steve Sherwood: All those lots are on the North end is that correct?

Glenn Merritt: Correct.

Commission Dan Saylor: I make a motion to approve the Ironwood PUD.

Commissioner Terry Phillippe: I second the motion.

President Bob Johnson: All in favor. 3-0

**DAVID MATZEN- ORCHARD VIEW CONDOMINIUMS**

President Bob Johnson: Next up with have David Matzen, Orchard View condominiums retention basin levels.

David Matzen: David Matzen Orchard View Condominium Association.

Steve Sherwood: If you recall I’ve asked Mr. Matzen to attend this meeting about the issues we’ve encountered with the Orchard View condominiums PUD section 1 which is essentially the Englebrecht retention basin if you look at the back two pages of the report you have in front of you this came up a month or two ago when Morley found water in the street inlets and we’ve traced that back to we think that sighted by Mr. Morley that the retention basin holds about 3 feet of water more than what it was originally designed for and I asked Mr. Matzen just to come to this meeting to explain what he may or may not know about that.

David Matzen: Well, let me first start out by showing you a picture that I took on May 23, 2017.

\**Mr. Matzen is now standing on the platform with the Board away from podium and microphone- some audio is inaudible\**

Commissioner Dan Saylor: Are they all the same?

David Matzen: They are all the same. Now looking at that picture where’d you think the level should be? Seems to me it should be where the grid is right?

Steve Sherwood: Or the notch in the bottom of the wall.

David Matzen: Why would the notch be put in there if the grid is up above that?

Steve Sherwood: The grid could be a safety feature for opening, protecting the opening.

David Matzen: So the grid level is down about a foot, if those blocks are 6 inches.

Steve Sherwood: You agree with the current photos I sent you, that that’s been enabled since that photograph.

David Matzen: Yeah, my question is when I was here before trying to get an answer to this whole issue is who was responsible for that inlet and outlet, I never did get a clear answer. I talked to Mr. Johnson after the meeting and I emailed him and never did get an answer, the only thing I know… (inaudible)…. we are responsible for the water, and the rip rap around it, nothing goes in and nothing goes out and that’s not our responsibility. Is that correct?

Steve Sherwood: Which meeting are you referring to?

David Matzen: The one that you sent me all the notes about.

Steve Sherwood: The meeting minutes included in that package, Mr. Johnson was not the member of the board at that time.

David Matzen: Well it must’ve been on the Planning Commission?

President Bob Johnson: Yes, I am on the Planning Commission yes.

David Matzen: It was at that meeting then when I asked for some help, I got some emails that I sent to you but I never did get a response.

President Bob Johnson: I do not recall seeing an email, sir.

David Matzen: Well I have copies I can show you. Anyway, we had a meeting and that basin was constructed by Allen Holwager it was Holwager’s development ,and we met with his son Brett last summer and talked about that basin. It appeared to us that from that picture that the original level was up at the grade level, now no one can confirm that no one knows if that’s true or not I tried to get an answer on why that was down below the grade level here at the drain commission I went in there to talk to a women and she said “I’m not going to talk to you” so, I don’t know what her name was but all I’m saying is we agreed, and Mr. Holwager agreed that it looked nicer if it went back up to that level so that’s why it was raised. If it has to go back down, he will move it back down, but I’m confused about where its supposed to be. I’m not a surveyor so I cant read those instructions and I didn’t survey it to find out what levels it had.

Steve Sherwood: The minutes from the April meeting in 2017 when you were here last, I believe you met in the field with Jason Baxter, a deputy from the Surveyors Office and the issue at that time was Holwager Development where they were putting dirt or dirt was flowing into the basin.

David Matzen: Well, that and plus there’s also another exit going into the basin which I guess Holwager put in, and I don’t know if we have any say in what goes in or goes out, but apparently not.

Steve Sherwood: On the original plan from Morley, its about 12-14 years old, it has 3 incoming structures and one outgoing. Now, two of those are completely underwater and a 3rd is mostly underwater about 6-10 inches showing that I had included in the photographs but the water is backed up from one of those incoming structures all the way to 1 foot of the inlet in the street that is between the basin and 261.

David Matzen: Well, I understand that I’m just saying where is this supposed to be?

Steve Sherwood: We’re not saying you’re at fault, we just need someone to tell us the history.

David Matzen: I talked to Mr. Holwager and he is going to instruct his people to put it back..

Steve Sherwood: Put it back per the original plan?

David Matzen: For that plan, that picture right there.

Morrie Doll: Pool elevation is 418 feet.

Steve Sherwood: The original plan calls for a flared open end section and it was, I believe since modified to your picture by parties unknowns, probably the developer. Our point with the board is that we want it to get back restored to what was approved, or the drainage plan needs to be amended to something in between that all parties can live with.

David Matzen: Well we don’t know…(inaudible)….

Steve Sherwood: Well we don’t know how much water is backing up the incoming pipes, those pipes really need to drain down and be free of water, if there is water in there year round they tend to freeze, then freeze thaw and that tends to have an effect on the pipes. We’ve had several basins we’ve had faced with such an issue. I asked for you to be here, Jason could not be at this meeting, I appreciate you coming in to give us some history on it that is what we were lacking.

David Matzen: Well, you know as much as I do.

Steve Sherwood: I apologize to have you come in here, but we needed to have all of this information on the record.

David Matzen: I understand that, like I said I talked to Mr. Holwager and he said he would have his people…(inaudible)…

Steve Sherwood: Can you tell us when you spoke to Mr. Holwager that he said he would do this part?

David Matzen: A day or two ago.

Steve Sherwood: And that was Brent or Allen?

David Matzen: Brent.

Steve Sherwood: Brent, ok.

David Matzen: He was having Jeff Stemaly put it back.

Steve Sherwood: Stemaly Excavating contractor.

David Matzen: Yes, and if it doesn’t happen then I’ll keep bugging him.

Steve Sherwood: Did he give you a timeline Mr. Matzen?

David Matzen: He didn’t, I talked to him when I got your information I called him right after that and talked to him about it and said he would take care of it but I went over there the other day and looked at it and it hadn’t been changed, so ill keep looking at it and if it doesn’t then ill keep calling.

Steve Sherwood: Obviously we didn’t want to effect the solution without your participation because question of ownership of the basin was at stake.

David Matzen: That’s always our question, I guess the only thing we own is the water and the rip rap.

Steve Sherwood: Well, it appears to be included in the boundary of those lots on the Orchard View PUD section 1.

David Matzen: Well, yeah I know that, but I mean as far as being responsible for that basin we own the water and the rip rap not the coming in and going out.

Steve Sherwood: As I said in the earlier development which is for all developments in Ohio Township to have retention basins Warrick County doesn’t not maintain the retention basin which is stated on this plat as well.

David Matzen: Right which I discovered that myself, the thing I didn’t understand was did we have any responsibility for what comes in and what goes out?

Steve Sherwood: Like you said you may not have any knowledge on how this was done or by whom.

David Matzen: That’s why I took the picture so…

Steve Sherwood: I have similar pictures that show what it was like back in April of 2017 when we were out there with Mr. Jason Baxter, you, and myself.

David Matzen: Right.

Steve Sherwood: Does the Board have any questions for Mr. Matzen while he’s here or Morrie?

President Bob Johnson: Are you going to follow up on this?

Steve Sherwood: I guess we have Mr. Holwager give him some time to recommend any solutions and see if that sufficient.

President Bob Johnson: Should we touch base with Mr. Holwager?

Steve Sherwood: I can forward a letter based upon this meeting.

David Matzen: I’ve got his number, do you want that?

Steve Sherwood: I believe we have it, I know the planning commission does.

Morrie Doll: So, do we want to table this until a future meeting for review?

President Bob Johnson: Yeah I think so, want to go a couple meetings?

Steve Sherwood: I’d say for at least a month, then we will readdress it.

Commissioner Dan Saylor: I make a motion to table the Orchard View retention basin to the May 13th meeting.

Commissioner Terry Phillippe: I’ll second that motion.

President Bob Johnson: All in favor 3-0

Steve Sherwood: Mr. Matzen I appreciate your time coming in here.

President Bob Johnson: Thank you, Sir.

David Matzen: Well, I’ll tell you its been very frustrating to figure out what’s what.

Steve Sherwood: I assure you on both parties it is. Thank you, sir.

**CLAIMS**

President Bob Johnson: Next we have our claims, which is a total of $112.50

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

Commissioner Terry Phillippe: Second.

President Bob Johnson: All in favor 3-0

**OTHER BUSINESS**:

President Bob Johnson: Next we have Glenn, are you wanting to speak?

Glenn Kroeger: Just got a quick question following up from the last meeting, I’m Glenn Kroeger representing my mom Patricia Wilder, I was just wondering if the County Commissioners asked the CMK real estate people and the Highway Department, Clark Dietz, and our family to have a meeting next week.

President Bob Johnson: Are you aware of that?

Commissioner Dan Saylor: I think I saw an email.

Glenn Kroeger: I emailed you this morning, because I just got the email this morning, because it said “Warrick County Ask” that’s why to see if it was the Commissioners or who it was.

Commissioner Dan Saylor: Yeah I mean, I think we have to get a decision made here soon Glenn because if not, not only are we going to lose Federal dollars but we’re going to have to pay back money. Is that correct Bobby? So we have to get something decided here pretty quick.

Glenn Kroeger: I thought from the end of the last meeting was they were supposed to come back with another action plan that’s why I was curious. I figured they’d do it here in front of the meetings instead of an off site situation.

Commissioner Dan Saylor: Bobby do you want to address some of that?

Bobby Howard: I can address some of it, as of right now in talking with Clark Dietz since the last meeting they’ve looked at several options and locations and I think they tried to follow up on information since the last meeting and Kevin Hetrick is actually on vacation as of Friday thru the end of this week right now in regards to the detention basin the project, and he didn’t mention this at the last meeting and I’m unsure why but the need to detention on that project is because we were going to put twice the amount of flow rate that is currently leaving the site today.

Commissioner Dan Saylor: He addressed that in the email.

Bobby Howard: He did address those and he further addressed a lot of those concerns from the meeting that he didn’t address in the meeting and I think I did forward that information to the Board once I was made aware of the exact issues. My understanding is there is, with the tension is slightly reduces the release rate that we are dealing with today, but without the tension it almost doubles the amount of capacity so it gets back to somewhere around that corridor we need some type of retention or detention however the Board wants to proceed on that matter. Without that, not only will it be the liability of the increase load of volume of water that we release from the site but we also have the increased drainage structure sized down through the corridor, I think he talked about a twin 40 inch pipe would be necessary and that requires some elevations as we get into more utility relocation.

Commissioner Dan Saylor: And that’s an issue with Newburgh Sewer?

Bobby Howard: That’s an issue with Newburgh sewer and Chandler sewer, but with the new relocation any changes to the current storm plan would require further utilities to look at relocating. We’re trying to go in early and find some of those issues and I don’t think they fully explained the detail and I apologize I was absent for the last meeting so I was not able to speak to that but I have found more information since and trying to get that to you as soon as I make it available. I know we wanted to sit down and have a meeting with the property owners and discuss a little more in detail on what they’re wanting to see to see what we could work with as part of the right away negotiations and before we can proceed and come in here with a final plan they cant proceed with finalizing the plan until we’ve resolved how we want to proceed with the retention. Anything else?

Glenn Kroeger: I guess my question back on that on the retention pond, we really want to help stop the water since the ditch cant be cleaned our or trees gone and cleaned out but it can be done is retention pond needs to be down there in front of the engineering property because that would help them the more the heavier floods or rains all the time not the ones in the 100 year flood that that is based on.

Bobby Howard: Yeah they’ve looked at different scenarios in that regard they’ve gave reasoning as to why they would think in their opinion it’s the best location I mean one of those is the cost of the land but also the, all the water shed is looked at as a whole of everything that comes down from this area so retaining water on one side will still help the amount of water get away on the other ditch because we’re keeping this water from getting down there faster and that would slow down or back up the water on the drainage ditch on the location to the South and East of the current location that we are looking at. Also, this is closest to the corridor of Bell Road and looking at where we retain and catch the flow as it comes down at the base of the hill before it already flattens out helps catch some of the quicker velocity coming down the hill before it reaches the area down stream.

Steve Sherwood: If I may, could I ask Glenn Merritt to approach the podium, I’d like for him to speak on behalf of the Spring Creek development. The part you see out there constructed today as I said its still not under maintenance by the county there is a 5 acre PUD section recently submitted that will complete the balance of the property, the ditch in question does come through Spring Creek which is bounded by Spring Creek Sub on one side and Spring Creek PUD on the other for a portion of the ditch upstream of Ciholas property. If you could, just briefly for the Board explain our discussion yet that that subdivision that the PUD drainage plan submitted and what the CORE will or will not allow you to do to that ditch.

Glenn Merritt: I was called out 3 weeks ago this past Thursday when we got fairly large rain event over night by the developer John Elpers and I went to the site 9-9:30 and some 3-4 hours after the rain had stopped and the box culvert on the Ciholas driveway that goes back to that Ciholas business was at its limits, it was at the very top of that box culvert and we had over a foot water standing in our road in the development Spring Creek just to the West. The retention pond was completely underwater and the elevation of the water in the subdivision was about a foot higher than the elevation of the water in the existing ditch that Steve is talking about that is a CORE regulated drain. We have contacted the CORE because John Elpers wants to clean the ditch out, he thinks that’s the fix and I’m not certain that I totally agree with that based on what I saw that morning with that box culvert already being full, if we clean the ditch out its going to push more water to the Ciholas culvert which was already maxed out at that particular rain event. I don’t have any concrete information for what storm that was if it was a 50 or 100.

Glenn Kroeger: (Inaudible)

Glenn Merritt: Is that like time frame?

Glenn Kroeger: I don’t know time frame but that afternoon was flooded too.

Glenn Merritt: That’s the problem everything on National Weather Service, Noah, you know gives us 24 hour numbers and the numbers don’t look that bad over a that time period but we know that rain if it happened over a much shorter duration in that Ciholas box culvert I talked to Bobby and Steve last week, its fairly new you know so it should’ve been designed for the 50 year storm and if its flowing full then we at least got the 50 and if John Elpers’s son was out there at 6 and said the box culvert was over the top of the box culvert it wasn’t going over the roadway of Ciholas’s drive but it was close at that point.

Steve Sherwood: Where Cora Court dead ends now, he will be crossing the stream or ditch right upstream of the Ciholas box culvert with a zone structure to get to the 5 acre PUD we’re talking about.

Glenn Merritt: Which that PUD was approved 2-2 ½ years ago as well, but the developer has now has switched gears and instead of doing single family they want to do multi-family…

Steve Sherwood: There is a smaller pipe just upstream and that’s been there for years the field crossing, across the ditch that will be removed when your development takes effect.

Glenn Merritt: But long story short, we did contact the CORE because John wants to clean out the ditch on his property, they told us we could cut the trees off at the ground level and remove the trees, they didn’t want any heavy equipment in the ditch obviously, but you could use equipment to bring the tree stumps, well bring the trees out of the ditch and remove them but no regrading or anything along those lines. We had tried to schedule a meeting out there last week but it never materialized we had trouble getting CORE to get back with us and get a time set up and honestly I was out most of the morning with meeting in Evansville so I have not checked to see if that status has changed yet but that is a little bit of my fear cleaning that ditch out, I don’t know if that’s the fix all. I did walk South and come up by Acapulco’s new parking lot and at the South end of Ciholas and I didn’t have my rain attire and I wasn’t getting my good shoes dirty that morning and walking trips in across the field, but I could see a dam on that Ciholas ground to some extent because there was a visible drop of the water elevation and I mean its heavily wooded down through all that Ciholas ditch.

Steve Sherwood: When you say dam basically a blockage of some sort?

Glenn Merritt: There’s some sort of blockage.

Glenn Kroeger: If you look at Vann Road at the pump up station just look down and all the trees have it clogged up, you can just visually look at it and see. Two weeks ago when Marlin took the pictures for me it was flooded.

Steve Sherwood: Yes, downstream of the pump station is..

Glenn Kroeger: Just downstream of the pump station 50 feet there’s brush all in it.

Glenn Merritt: And that’s all Spring Creek right?

Steve Sherwood: Its half Spring Creek half on Springston…

Glenn Merritt: I did not walk Spring Creek either while it was raining…

Steve Sherwood: All that basically East of the Bell Road corridor.

Commissioner Dan Saylor: Glenn you said something, you made a comment that you don’t think clearing that out will fix it. In your opinion what do you think the fix is?

Glenn Merritt: I’ve struggle with that for 3 weeks, I have not come up with a solution yet because that rain happened on Thursday 3 weeks ago, but then this past Saturday, or two weeks ago, John Elpers had went out there and cut a surface overflow spillway is what we call on the SAG low points of the street which is on the North side, Steve what did you say that gentleman’s name was?

Steve Sherwood: Mr. Sisco.

Glenn Merritt: We have one going to the tension basin already to keep the water level on the street low which is 6 inches deep which is, when we get a big rain even that’s where the rain is supposed to go its not supposed to go to the houses its supposed to go into the tension basin in the roads, we do not want it to get a foot or so deep in the roads. The easy fix was to cut the surface overflow spillway to keep the water level in the road basically curved high and two Saturday’s ago we got a little different rain, it was over a longer period of time wasn’t quite as heavy and the Bell Road ditch backed up on the East side of Bell and backed up through that surface overflow from the south and was barley spilling over into the curb and the big ditch we are wanting to clean did not back up into our basin, everything was handled with that one so its.

Commissioner Dan Saylor: So the big ditch wasn’t at capacity.

Glenn Merritt: No, and I didn’t not go out there…

Commissioner Dan Saylor: So something is chocking that then.

Bobby Howard: The Bell Road ditch was at capacity.

Glenn Merritt: Correct.

Glenn Kroeger: Where at on Bell?

Bobby Howard: The roadside ditch where they cut that drain out.

Glenn Merritt: The South side of that Sisco property.

Glenn Kroeger: I drove by that on my mom’s property, and it wasn’t that heavy, I drove over there Saturday.

Glenn Merritt: This is just what I got told from the developer, I have video he did show me video of the ditch which its all low behind the ditch of Spring Creek which is just North of Cholas’s Drive its all low its all easements I think Chandler has a sewer easement back there for Ciholas and that whole thing was under water that particular day. The culvert which Ciholas has a culvert out on Bell which is a smaller, 36, it’s a smaller culvert and then he has the big box culvert 200-300 foot to the East, that culvert still had capacity out by Bell Road, but everything on the back side of Spring Creek is so low it was backing up and spreading out onto Sisco’s lot and since John cut that spillway to keep the water level and the road low it was not an advantage for this particular storm event because it started back and water up from that end so its.

Steve Sherwood: Newburgh sewer has a private easement that basically runs along and through the ditch through Spring Creek development.

Glenn Merritt: Correct, its on the West side yeah.

Steve Sherwood: Along and parallel basically follows the ditch.

Glenn Merritt: Yes, they put a mass up..

Steve Sherwood: From that pump station

Glenn Merritt: I don’t know the answer honestly, me, Bobby and Steve talked about it for a half hour or more last week to try and pick each others brain a bit because I was really surprised when 3 Saturdays ago how high the water level was in our street it was a foot higher so its pressuring up somehow in our spillway pipe that is connected to the big ditch and raising the water elevation or not letting our water out enough I just thought it was equalizing you know and spreading that water out around that big area, but it was actually a lot higher.

Steve Sherwood: To Glenn’s discussion we talked about the discussion of a possibility of a flood gate on an existing basin, there is another retention basin in the PUD that has not yet to be created, is that correct?

Glenn Merritt: That is correct, the plan that we turned in last week which we go to site review Wednesday…

Steve Sherwood: As I said this development was still under development with John Elpers.

Commissioner Dan Saylor: Where is that going to go?

Steve Sherwood: The East side of the ditch…

Morrie Doll: The five acres.

Steve Sherwood: Where the Cora Court has to go across that 5 acres into the PUD that basically hasn’t broke ground yet, it hasn’t been developed. The part between the ditch and North of what Ciholas owns.

Glenn Merritt: The big ditch that the problem runs down the East property line for 2/3 of the property then it turns to the West then splits John’s property into basically two pieces, so he did the residential single family on the North side and held off on doing anything with that PUD, we had the plan approved but he wasn’t ready to build it yet and now he’s decided to do the duplex’s it is just on the South East.

Steve Sherwood: And as you have stated, John Elpers keenly aware of the issues that have been out there.

Glenn Merritt: Correct, and he is more adamant than anyone to get something fixed so he doesn’t have a foot of water standing in his road, we just went ahead turned the plan in hoping to have some discussion here Wednesday when we come back to site review, but there’s been a lot of stuff thrown around like Steve said. With the flat gate, I would at least like to see that get put in just to see how everything reacts the next time we do get a big rain event just to see if it does any good or not. I don’t have an answer I wish I did, I would’ve told him something 3 weeks ago and it probably would’ve been well underway at this point. John says he wants to go in there and fix it, and if it’s a matter of, we have got someone in our office too that deals with the CORE and all these studies and he doesn’t necessarily want to see that ditch stripped of all trees and habitat he thinks that ditch is there for a reason, and if it has significant blockage, that’s one thing but based on what he’s said from the pictures which I have not walked the Spring Creek Ditch, but I mean if it has major blockages of trees fell over and dead and just need to be removed that is something that can be done. John will do it if that’s what I need to tell him that needs to get done but we were hoping to get a little more direction from the CORE and haven’t really gotten to that point yet. The two different rain events really threw me for a loop because that’s the whole reason he wanted to put that surface overflow in because the Bell Road ditch on the big rain event from three Saturdays ago said there was no water in it, and there was no water in it when I went out there at 9-9:30 and the box culvert was still flowing completely full and I mean I drove all the way up to Old Hickory, we just redid those spill away pipes for those two gigantic lakes on Old Hickory just South of Bell and there’s either twin 30s or twin 36 inch pipes coming out of that basin and they were flowing out of it pretty hard but its wide open all the way down to the developments just North of Vann and I mean there is no blockage or obstruction.

Steve Sherwood: You essentially have three large retention basins from Vann Road upstream to that pump station where the ditch goes from the South side of the road to the North side, you got Kingston, Eastbrooke the first basin then two in Old Hickory water front either side of Clearview drive all the way up to Oak Grove Road where the construction happening.

Glenn Merritt: I did not see anything upstream that alarmed me at all.

Glenn Kroeger: (too far from podium-inaudible)

President Bob Johnson: Thank you Glenn.

Glenn Merritt: No problem.

Glenn Kroeger: My only last question is when Clark Dietz did their study last summer and the higher bid you did the numbers on showing where we could sell the lots on Bell Road, is that information not in that original bid then? They had three options and I’m talking about the twin 48s or whatever, the twin was that not figured in at that time?

Bobby Howard: Oh for what the cost of your property would be?

Glenn Kroeger: No the cost of doing no detention.

Bobby Howard: Oh when we looked at that cost we didn’t know yet what the utilities were going to be and things downstream to be able to do that and when they were just coming back to us once they did that they said are you sure the county doesn’t want to do the detention because we’re looking at the amount of flow coming out of this development and we think its going to be a necessity and then we looked at it ourselves and decided that we thought we should proceed with the study to see how the benefit would be and that’s when they put everything together.

Glenn Kroeger: I know, but when the three choices of the two acres that’s grown to about 3 now, and the no pond, so when they put the numbers together they didn’t have

Bobby Howard: They said they have since looked at everything I don’t know what that means.

Glenn Kroeger: Okay

Bobby Howard: I really don’t.

Commissioner Dan Saylor: So, where are we at with this meeting?

Glenn Merritt: I just got the email this morning I have not talked to my brother or anybody.

Commissioner Dan Saylor: Okay

Glenn Kroeger: So whenever, I was hoping to see coming today anyways to see what was going on I got an email from the one or two buyers…(inaudible)…

Commissioner Terry Phillippe: I think that conversation just started this morning Glenn.

Glenn Kroeger: The email came out at like 4:50 this morning, so I don’t know…(inaudible)…

Bobby Howard: I talked to Clark Dietz on Thursday afternoon I asked about the possibility of setting up a meeting if he could have the buying agent contact Mr. Kroeger and then we’ll try to see when we can all meet together to discuss it.

Commissioner Dan Saylor: That meeting would be here or?

Glenn Kroeger: It said any location so I mean.

Bobby Howard: It’s not been decided.

Glenn Kroeger: (away from mic-inaudible)

Commissioner Dan Saylor: I think it should be in an office setting vs. on site.

Glenn Kroeger: Yeah last time we were just in the circle last time on the property, everything we threw out got brushed aside it seems like from then on….(inaudible)

President Bob Johnson: Anything else? Mr. Sherwood.

**STORMWATER DEPARTMENT**

Steve Sherwood: Stormwater I just have a couple pieces of information for the Board, Barbi Shelton is the employee that started today, she will be the replacement for Chris Skinner she is working with Chris to learn her position as a reminder Chris’s last day will be May 31st and we did put budget aside to cover the extra salary. Next piece of information, the Raingarden seminar that we sponsored today that was hosted by the Warrick County Soil and Water Conservation District it was held from 9-3 today at the 4-H Center, I last understood everything was going well and was a success. The last question I have is Joe is present, Joe do you have anything for the Board?

Joe Grassman: I have nothing.

Steve Sherwood: That is all I have if the Board has any questions?

President Bob Johnson: Anything else?

Commissioner Dan Saylor: I have that there was a visitor I guess that visited Chris that took some pictures, I just want to make sure that if she ever feels any threat or any issues she is to call either 911 or the security desk over there. Obviously there’s an armed sheriffs deputy over there and you know, I don’t think any employee should be subject to that intimidation or you know, so we want to make sure we reiterate that with her.

Steve Sherwood: Appreciate that, she asked me this morning if anything has transpired since her inquiry.

Commissioner Dan Saylor: I think Todd is still..

President Bob Johnson: We are working on it, nobody should have to come to work feeling threatened or feel like they could be threatened while they are doing their job and we’re not quite sure what we are going to do to correct this situation but it needs to be addressed.

Steve Sherwood: I agree, I have heard that this person since has visited the Judicial Center as well with the same statement. Thank you gentleman.

**MOTION TO ADJOURN:**

Commissioner Terry Phillippe: I motion to adjourn.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor. 4-0